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PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE SEVENTY-FIRST CONGRESS

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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTY-FIRST CONGRESS
SECOND SESSION

SENATE

MONDAY, *March 3, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Simmons
Ashurst	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Sullivan
Borah	Grundy	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brock	Harris	Nye	Thomas, Okla.
Brookhart	Harrison	Oddie	Townsend
Broussard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hayden	Pine	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler
Frazier	Keyes	Shortridge	

Mr. FESS. I wish to announce that my colleague the junior Senator from Ohio [Mr. McCULLOCH] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference meeting in London, England.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

RELIEF OF FLOOD SUFFERERS

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $7,000,000, for the Department of Agriculture, fiscal year 1930, to remain available until June 30, 1931, for the purpose of making advances or loans to farmers as authorized by the joint resolution entitled "Joint resolution for the relief of farmers in the storm, flood, and/or drought-stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri," approved March 3, 1930, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a communication in the nature of a memorial from the Emerson-Steuben Mills, of Brooklyn, N. Y., signed by J. Kaufman, remonstrating against an increase in the tariff duty on crin vegetal or palm fiber, which was ordered to lie on the table.

Mr. MOSES presented a resolution adopted by the board of aldermen of the city of Nashua, N. H., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. GOULD presented a petition of sundry citizens of Lewiston, Me., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. KEYES presented a resolution adopted by the board of aldermen of the city of Nashua, N. H., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. WALSH of Massachusetts presented petitions of sundry citizens of Boston and Franklin County, Mass., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Brockton, Marshfield, Pembroke, and Rockland, in the State of Massachusetts, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was ordered to lie on the table.

He also presented a petition of 100 citizens of Holyoke, Mass., praying for the passage of Senate bill 15, providing for civil-service retirement, and House bill 162, the postal employees' longevity bill, which was referred to the Committee on Civil Service.

CRIME CONDITIONS IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, in connection with the remarks made by me on February 28, 1930, beginning on page 4456 of the CONGRESSIONAL RECORD, I ask that the newspaper clippings which I send to the desk may be printed in the RECORD. These clippings cover only three days. Is there any crime in Washington?

The VICE PRESIDENT. Without objection, the clippings will be printed in the RECORD.

The matter referred to is as follows:

[From the Washington Times, March 1, 1930]

THIEVES ACTIVE IN NORTHWEST

Thieves operating in the northwest section entered a store and four homes, making away with $150 in cash and jewelry and property valued at $1,250.

A diamond ring valued at $700 was stolen from a dresser in a third-floor room in the 3100 block N Street NW., Mary A. Lynch told police of the seventh precinct.

Ninety-three dollars was taken from the pants pocket of Emanuel Levy and $23 from the cash register by thieves who broke into his store in the 800 block Twenty-sixth Street NW.

Three rings and a bracelet, valued in excess of $440, were stolen from the apartment of Marie Simons in the 1100 block Vermont Avenue, she reported.

Allen G. Stearn, of the 3400 block Woodley Road NW., told police of the fourteenth precinct that his home was looted of table silver, candlesticks, and linen.

Cash and jewelry valued at $40 was stolen from the home of James Hall, in the 1300 block Girard Street NW.

[From the Washington Herald, March 1, 1930]

FORTY-EIGHT ARRESTED IN THREE RAIDS BY LETTERMAN—DETECTIVE WINS IN 20-MINUTE FIGHT WITH BIG POLICE DOG; SMASHES LAMP ON ITS HEAD

Forty-eight men were arrested yesterday afternoon in three spectacular downtown raids staged by members of Sergt. Oscar Letterman's liquor and gambling squad.

A 20-minute battle between a large police dog and Detective William Mostyn, ending only when the policeman smashed a heavy lamp on the dog's head, knocking the animal unconscious, enlivened a raid at 620 New York Avenue NW.

More than a score of "customers" escaped over roofs when the squad battered through two heavy doors leading to second floor rooms at 815 I Street NW., the first place visited. Twenty-one others, including John Joseph Dee, 36, of the I Street address, were captured. Dee was charged with permitting gaming and the others booked as United States witnesses.

The squad next visited 519 Thirteenth Street NW. Smashing through a heavy glass door leading to the second floor, police arrested Harry Schmidt, 31, and 15 other men who were held as witnesses. Schmidt was charged with permitting gaming. Police confiscated a wagon load of gambling equipment, including a roulette wheel and marked money.

[From the Evening Star, Washington, D. C., Saturday, March 1, 1930]

CARTER GUARDED BY SPECIAL POLICE AGAINST THREATS FOR GAMING STAND—GUARD IS PLACED OVER HOME AND DETECTIVE IS ASSIGNED TO ACCOMPANY THE PUBLIC PRINTER ABOUT CITY

A special police guard has been assigned to the home of Public Printer George H. Carter, his office in the Government Printing Office, and a detective rides with him to and from his work, it was learned to-day as the result of a series of threats which Mr. Carter has received since he inaugurated his attack on gambling in the vicinity of the Printing Office.

A series of threats, which started with an early morning telephone call which brought him out of bed yesterday, have been followed up with "threats of gunmen," Mr. Carter disclosed to-day.

COMMITTEE CONSIDERS COURSE

Meanwhile, the Robsion subcommittee of the Senate District Committee was laying plans to consider the course it would follow in handling Carter's charges that police have failed to stamp out gambling and bootlegging in the vicinity of the Government Printing Office.

At the outset the Kentucky Senator made it clear that his subcommittee would "not be used as a grand jury nor a sewer through which to pass mud and filth, blackening men's reputations."

Mr. Carter, confirming reports that he was receiving constant police protection, said the guards had been thrown about his home and office "purely on the initiative of police, because I have no fear whatsoever of people who make threats."

RECEIVES DEATH THREATS

Carter told a reporter from the Star he received a death threat to-day—the third in two days—from a "notorious gambler." In addition, Inspector William S. Shelby, chief of detectives, informed Carter of a fourth threat.

To-day's warning reached Carter through a mutual friend of the Public Printer and the gambler. Carter said the gambler sent word it would be "easy to import a gunman to get you for $5,000." The man also sent word that Carter could get $25,000 from Maryland gamblers to have gambling stopped in the District if he would hold off a few weeks.

Laughing, Carter quoted the man as having said Maryland gamblers would be glad to have Washington "closed up" so their business would increase.

Carter said he sent word to the gambler that "if he sets foot in my office I'll throw him out."

The Public Printer said he was awakened early yesterday morning by a phone call from an unidentified man. "He talked to me in the most vile language conceivable and said he was going to 'get me,'" Carter reported.

TRACED TELEPHONE CALLS

"I said nothing in reply because I was flashing for the operator in order to trace the message," Carter added. He said he learned the number of the phone used by the man who threatened him and notified police.

"Then after I left home and went to the office," Carter continued, "some man called my wife and threatened to 'get me.' This man didn't indulge in blasphemy, however. I traced that call, too, and told police about it.

Carter said Inspector Shelby called at his office yesterday and said he had decided to take the precaution of placing the Public Printer under a constant guard, because police had learned that a mechanic in a garage near the Printing Office had overheard a man say, "I'm going to get Carter." The Public Printer said the threat was made to the man's companion and was overheard by the mechanic while he was working beneath an automobile.

"I'm used to this sort of thing," Carter declared. "I received even more numerous threats in 1925 when I fired 265 employees of the Printing Office for gambling, drinking liquor, and other violations."

Carter asserted his principal interest in his fight against the police department was to keep the Government Printing Office "in its pre-eminent position as the cleanest Government office in Washington." "I'm not a reformer," he added. "I simply want fair play."

Replying to charges of police that the affidavits sworn to by four employees of his office had been drawn from them because they were in fear of losing their jobs, Carter said he had affidavits from clerks and others present when he questioned the men which would prove the police charges were false.

Shortly after it had referred the Carter correspondence to the subcommittee yesterday afternoon the Senate committee approved the Capper bill granting pay increases to the police and fire departments.

Senator JOHN M. ROBSION, Republican, of Kentucky, chairman of the subcommittee, has not had a chance yet to go over the data from Carter, but, speaking generally, he said he did not believe the subcommittee should take over the work of the grand jury or the courts by going into every individual complaint brought to the attention of Congress.

The Senator said that if the head of any department should be found not faithful to his trust, that would be a situation he thought the subcommittee should take hold of. At the same time he said he wanted to emphasize that it is also a duty to avoid besmirching the characters of honest public officials.

Senator ROBSION declared he did not want to see the subcommittee "used as a sewer through which to pass filth and mud."

"I have lived here for 12 years," said Senator ROBSION, "and I think Washington is well above the average."

The Senator pointed out that Congress is spending millions for the beautification of Washington and he believes every member of Congress is interested in seeing that the Capital is not only beautified, but kept safe and orderly. He stressed the point, however, that there are certain functions which belong to the courts and to grand juries, such as specific complaints of wrongdoing. The Senator indicated that if it could be shown that the proper agencies were not functioning as they should, he would not hesitate to go into a matter of that kind.

Although nothing definite will be decided until the chairman consults the other members of the subcommittee, he indicated the Public Printer might be called to discuss the questions he has raised.

In his letter to the Senate committee the Public Printer said he was interested in the situation because some of the employees of the Printing Office have been affected by the prevalence of gambling and bootlegging in the vicinity of the office. Senator ROBSION suggested that the head of an establishment could apply disciplinary measures to employees under him.

The police and fire pay bill, as approved by the committee, would give privates an entrance salary of $1,900, with annual increases of $100 until a maximum of $2,400 is reached. The present scale is $1,800, $1,900, and $2,100 a year. The bill also carries increases for the officers of both departments, according to their rank.

In reporting the bill from the subcommittee Senator ROBSION at first suggested adopting an amendment from the District Commissioners to raise the heads of the police and fire departments to $8,000 instead of to $8,500. The present salaries of these two officials is $5,200. After other members of the committee indicated they favored reporting the bill as introduced by Senator CAPPER, without amendment, Senator ROBSION said he had no objection, and that course was adopted.

Detective Sergt. Frank Varney, of the Policemen's Association, pointed out to the committee that in Washington the heads of the police and fire departments perform administrative duties as well as directing the actual work of their men, whereas in other cities there are police and fire commissioners as well as police and fire chiefs.

POLICEMEN TAKE 10 IN NEAR RIOT—YOUTHS IN COMMUNIST DEMONSTRATION AT SEVENTH AND P STREETS

Members of the Communist Party here engaged in a demonstration at Seventh and P Streets last night which ended in a near riot when 10 of the number were arrested by second precinct police.

All were released before midnight after posting collateral. Three were charged with speaking publicly without a permit and the others were booked on disorderly conduct charges. Police said that six of the number were under 20 years of age.

When the police intervened a youth who appeared less than 18 years old was standing on a soap box in the center of the pavement, denouncing the "bosses" of the country, who, he said, "were living a life of luxury while countless thousands go unemployed."

Shouting dramatically, he told his audience of several hundred persons, "We must band together and fight these 'bosses' unless we starve." He referred at length to a recent editorial published in a local paper, which cited unemployment conditions in the country.

The youth climaxed his speech by stating that the contents of the editorial proved the communist cause was right.

A colored speaker took his place on the soap box, uttered sounds which resembled "Uh-ah" and suddenly found himself being escorted to a waiting patrol wagon across the street.

CROWD BROKEN UP

The police arrived quietly and, working systematically, arrested both the speakers and sought to disperse the crowd, which by this time had grown to major proportions.

As the two speakers, objecting vainly made their way to the patrol wagon, an enthusiastic and youthful comrade leaped to the soap box and shouted, "That's the way they treat us when we try to get work for you folks"—and the crowd picked up his cry.

The enthusiastic one was given a seat in the patrol wagon with his comrades, and the police, brandishing night sticks threateningly, sent the crowd milling into the night. The more unruly ones were arrested. Others disappeared.

GIRL IS REARRESTED

Miss Edith Briscoe, 19 years old, arrested several weeks ago along with Miss Helen Colodny, 20-year-old Central High School student, whose charges that 300 pupils were taking active part in the Communist Party stirred educational circles, was arrested again last night.

The Briscoe girl was passing communistic literature to those in the crowd. She was charged with disorderly conduct and released after posting collateral.

Harold Briscoe, 16, the younger brother of Edith Briscoe, who gave an address in the 3500 block of Fourteenth Street; Solomon Harper, colored, 34, of Winston-Salem, N. C.; and Albert Mallin, 17, of the 1300 block of Seventh Street, were charged with speaking publicly without a permit.

Phillip Shinberg, 16, of the 1300 block of Seventh Street; John Worland, 22, of the 1300 block of Howard Street; William Snowden, 23, colored, of the 1400 block of New York Avenue; Harry Furash, 16, of the 500 block of Lamont Street; Arthur Walker, 35, of the 200 block of Bryant Street; and William Phillips, 17, of the 3400 block of Dent Place, were charged with disorderly conduct. All will appear in police court.

Literature given out at the demonstration announced that a mass protest meeting against the lynching of colored persons in the South will be held at Odd Fellows Hall, 1606 M Street, Friday night, beginning at 8.15 o'clock. Charles Alexander, billed as director of the International Labor Defense, is scheduled to talk.

THREE FINED $10 EACH

Judge Gus A. Schuldt, in police court, fined Mallin, Snowden, and Worland $10 each for disorderly conduct. Police said that the communists had spoken loudly and boisterously in an attempt to prevent the arrest of other members of the organization. Phillips was released, as it was said he did not become unruly.

Edith Briscoe was charged with assault for attacking Policeman Clarence P. Wood, and held under $100 bond for a jury trial by Judge John P. McMahon in the United States branch.

Phillips's hilarity after his release led to his dismissal from the court room. Other members of the group were warned by the court.

The charges of speaking without a permit against Mallin, Harold Brown, and Solomon Harper, colored, were continued until March 15, when charges made out against members of the band after a demonstration on Pennsylvania Avenue several weeks ago will be reviewed.

Judge Schuldt, discussing the young communists off the bench to-day, declared he was not in favor of making martyrs of them by sending them to jail. "They are publicity seekers and only wish to be made martyrs," Judge Schuldt said.

Harold Briscoe, Philip Shinberg, and Harry Furash were held for juvenile-court action, as they are only 16 years old.

SHOT IN STREET CHASE—BEATS BOY; TRIES TO SLASH OFFICER WITH GLASS AFTER 3-MILE DASH—HITS TWO WOMEN WHEN THEY ARE SAID TO HAVE RESISTED ROBBERY ATTEMPT IN APARTMENT HOUSE.

Attacking all who crossed his path, a young colored man ran amuck in the northwest section this morning and was only halted when shot down by a policeman after a wild flight of 3 miles.

Charles F. Dixon, 23 years old, colored night elevator operator at Cathedral Mansions South, started on his journey across the city after, it is charged, he attempted to rob Mrs. Cora Simpson, 53-year-old resident manager of the apartment where he is employed, and Mrs. Nettie Rogers, 23 years old, telephone operator. His flight ended at Eleventh and Fairmont Streets when he attempted to attack Park Policeman Grover Shumaker and was shot three times.

POLICEMAN HURT AS SMOKE SCREEN CAUSES SMASH-UP—SUSPECTED BOOTLEGGER RELEASES CLOUD JUST AS AUTO HITS DEPRESSION—PURSUER THROWN HIGH IN AIR AS CAR UPSETS—WRECK ENDS MILE-A-MINUTE RACE AT PENNSYLVANIA AVENUE AND MINNESOTA AVENUE INTERSECTION

Plunging at 60 miles an hour into a dense smoke screen thrown off by a suspected bootleg car, Policeman Lyman L. Leich, of the eleventh precinct, was badly cut and bruised early to-day when the police car he was driving struck a depression in the road at Pennnsylvania and Minnesota Avenues and turned over twice.

He was picked up unconscious by a man who had witnessed the accident and taken to Gallinger Hospital, where Dr. Roy Burgess said he was suffering from severe cuts on the face and body and a possible fractured rib. Leich regained consciousness at the hospital.

CLOTHES TORN OFF

So violently was the policeman hurled from the automobile as it turned over that his trousers were ripped off and his overcoat and uniform cap torn to shreds.

Leich told Lieut. Sidney J. Marks that he was cruising on Anacostia Road at 6.30 this morning when a large car, which he believed to be loaded with whisky, passed him. He said that he gave chase and followed the car at a mile-a-minute speed until reaching the hollow near Pennsylvania Avenue.

In the depression, where smoke hangs to the road, Leich said, the suspected bootlegger opened his screen, blinding him.

He lost control of the police car, he said, when it struck the depression in the roadway at Pennsylvania Avenue, and before he could straighten it out the machine had skidded into Minnesota Avenue and turned over.

TOSSED HIGH IN AIR

An eyewitness said Leich was tossed high into the air as the machine, which was badly damaged, turned over the first time.

The policeman, who is 41 years old, lives at 2312 Minnesota Avenue. The accident was witnessed by Lawrence Bowie, 2346 Q Street SE.

PROBATION ON SUSPENDED SENTENCE IS ALLOWED—MRS. DELORES BLAIR HOFFMAN GIVEN 18 MONTHS ON LIQUOR ACCUSATION

Probation on a suspended sentence of 18 months was granted to-day by Justice Peyton Gordon to Mrs. Delores Blair Hoffman, wife of "Dr." Louis W. Hoffman, the physiotherapist, who is serving a term of 30 years in the penitentiary for the death of Eleanore Lehman. She had entered a plea of guilty to a charge of transporting and possessing liquor following her arrest October 24 at Bladensburg Road and South Dakota Avenue. The automobile in which she was riding contained 70 half-gallon jars of alleged liquor, it was stated. Attorney Michael J. Lane appeared for the woman, who had no previous record.

THIEVES STEAL $100

Sawing their way through the rear door of Joseph Maxwell's book store and branch post office at 2018 Georgia Avenue, thieves last night entered the store and stole $100 from the cash register and an undetermined amount of postage stamps.

THIEF GRABS MONEY IN BOX OFFICE AND FLEES FROM THEATER

Reaching his hand through the hole in the ticket window at the Metropolitan Theater on crowded F Street late this afternoon, a thief slipped a handful of money and ran, making a get-away.

The cashier, who had several substantial piles of bills at a safer place beneath the counter, said that the man "stuck his hand through the window and took some of my money." She would not estimate how much was taken.

SOUNDING OF BURGLAR ALARM BRINGS POLICE AND EXCITEMENT

A burglar alarm sounding from 1640 Rhode Island Avenue, formerly the residence of Charles S. Dewey, former Assistant Secretary of the Treasury, created excitement in the neighborhood this afternoon as two men or boys ran from a rear alley at the approach of a police patrol wagon. One of the rear windows on the ground floor of the house, which has been standing vacant a long time, was found lowered about 6 inches. All the windows, however, are heavily barred. Police believe whoever was attempting to get inside were frightened away when they heard the whistle blown. The house is protected by the Mutual District Messenger Co. Frank Carroll, an agent, was the first to reach the scene.

TWO ARE CONVICTED ON WIVES' CHARGES—SHOWALTER AND KARLA SENTENCED TO 90 DAYS IN JAIL ON STATUTORY CHARGES

John B. Showalter, of the Showalter Realty Co., and Robert W. Karla, 3400 block of Sixteenth Street, arrested several months ago, were both sentenced to serve 90 days in jail to-day when they pleaded guilty to statutory charges before Judge Isaac R. Hitt in police court.

The complainants, Mrs. Catharine Karla and Mrs. Madeline Showalter, recently filed suits for absolute divorce in the District supreme court, citing the arrests of their respective husbands. The men were also charged with threats against their wives by police of the tenth precinct, but this charge was later nolle prossed at court.

Both men were arrested in a raid by the tenth precinct on November 5 in an apartment house on Fourteenth Street near Fairmont. The corespondents named in the divorce suits, Virginia Gann and Gladys Jenkins, were also apprehended and locked up at the precinct. Statutory charges against them were nolle prossed at court.

Policemen J. W. Pritchett and H. F. Cornwell, of the tenth precinct, and Detective S. F. Gravely composed the raiding party.

GROCERY HOLDUP NETS BANDITS $29—WOMAN'S APARTMENT IS ROBBED OF $435 IN JEWELRY BY "JIMMY" BURGLAR

Two armed men early to-day held up Frank Charles, alone in his grocery at 55 Florida Avenue and escaped with $29 from the cash register. The intruders, both colored, came in shortly after midnight and one of them backed the grocer into a rear room while the other rifled the cash register.

Jewelry valued at $435, including a diamond ring, platinum wedding ring, brooch, and bracelet, was stolen yesterday afternoon from the apartment of Marie Simons, at 1104 Vermont Avenue, by a burglar, who jimmied the door and ransacked the premises.

The second call within the week was paid by a burglar yesterday who used a duplicate key to admit himself to the home of James M. Hall, at 1308 Girard Street, and then made off with jewelry worth $70, Mr. Hall reported.

A similar means of entry was employed on the previous visit, Monday, when $34 was stolen.

[From the Washington Post, Sunday, March 2, 1930]

ROVER AND PRATT PLAN PADLOCKING CAMPAIGN—POLICE SURVEY CHECKS PREMISES IN CITY WHERE LIQUOR AND GAMBLING VIOLATIONS OCCUR WITH "PROFESSIONAL FREQUENCY"

Maj. Henry G. Pratt, superintendent of police, and United States District Attorney Leo A. Rover have joined hands in a movement to add to the pressure of the law upon violators of the prohibition and gambling laws.

A more stringent padlock law may be asked as a result of the study which is being made of police activities and their results in court, it was said, but neither Major Pratt nor Mr. Rover would discuss this phase of the investigation now being made.

The determination of Mr. Rover to force owners of properties to be responsible for the occupants was publicly announced some time ago, when he gave warning that he intended to launch a vigorous campaign to padlock every premise in which there was conducted an illegal liquor or gambling business.

At the request of Mr. Rover, Major Pratt has made a survey of every precinct in the city to ascertain the spots where these violations have occurred with professional frequency.

In line with this policy, attention has been centered by the police chief and the district attorney on the spots about the city where are located the professional violators of the liquor and gambling laws. No attention has been paid in the survey to misdemeanors, except in so far as pertains to "disorderly houses" or places of vice.

The record of arrests and raids by the police department have been compiled and transmitted to the district attorney according to location of premises. Behind the collection of the statistics is the belief that however lukewarm the average citizen may be toward violations of the gambling and liquor laws, the question of enforcement assumes much more importance immediately it threatens to affect his pocketbook as an owner of real estate.

That is the weapon which Mr. Rover and Major Pratt intend to use in the battle of the police and the district attorney's office against such law violators.

Statistics which have been compiled by the police department show that in the period from September 16, 1929, to February 1, 1930, there have been 730 different establishments raided by the police for felonies; that is, violations of these laws for which liability is a penitentiary sentence. Some of these premises have been raided as many as thirteen, sixteen, or more times by the police.

Of this total 548 premises have been raided for violations of the liquor laws. The total also includes arrests for gambling.

These figures are being studied by Mr. Rover, it is understood, with a view to launching an enlarged padlock campaign against those premises which show up bad on the police and court records.

Whether or not the present law is broadened, it is the purpose of the district attorney and the police chief to seek to close definitely those places in which there have been repeated violations of the gambling or liquor laws.

POLICE CAR IS STOLEN FROM HEADQUARTERS—DETECTIVE LOOKS IN VAIN FOR AUTO TAKEN FROM PARKING SPACE NEAR CHIEF'S OFFICE; GENERAL ALARM IS SOUNDED

It's getting so a body just can't feel safe anywhere these days.

One might be pardoned for supposing that the detective bureau would be immune from depredations of racketeers, but Headquarters Detective David G. Fletcher, pawnshop inspector, doesn't believe it.

He and his chauffeur, Police Driver Albert D. "Moon" Mullins, set out at 10 o'clock yesterday morning to make an inspection of the city's secondhand shops in quest of stolen merchandise.

The police car they were to use was parked outside the District Building on Fourteenth Street. It was an old 1924 Buick touring car, bearing license plate No. 4434, and had been standing there since Driver Mullins reached the District Building to report for duty.

The men walked out the building and looked at the spot where the car should have stood, but the vacant space that greeted their eyes was matched by the vacant looks that spread over the faces of the two policemen.

"Maybe," said Detective Fletcher, after he recovered his best sleuthing composure, "it's there, but we just can't see it, or something."

"Maybe," agreed Driver Mullins, and the two stepped down off the curb, hoping against hope to crack their shins against the fender of the invisible car. Nothing happened, though, and the two were forced to admit that something seemed to be wrong.

Realizing that they were not getting anywhere standing there wondering, the detective climbed into another police car and went on his round of the secondhand stores, while the driver went back inside to break the sad news to Inspector William S. Shelby, chief of the detective bureau.

The quest of the "hock" shops, however, revealed no trace of the police car, and last night 1,300 policemen were still scouring the city in search of the missing automobile.

Why the thief, who apparently had more nerve than brains, should have bothered to take an old 1924 police car when Fire Chief Watson's new red touring car, with a brass bell and siren and red headlights 'n everything on it stood near by is still a mystery.

When Maj. Henry G. Pratt, superintendent of police, heard about the loss he instructed Inspector Shelby to issue orders to all chauffeurs of the department that they will be held responsible for their cars and must remain in or within sight of the automobiles they drive on duty.

FIVE MEN ARRESTED IN GAMBLING RAIDS—ALL CHARGED WITH PERMITTING GAMING; 30 ARE BOOKED AS WITNESSES—THREE PLACES ENTERED

Charges of permitting gaming were placed against five men arrested in three raids by police in the northwest section yesterday, 30 persons being booked as witnesses in one foray and 30 others found in another establishment being unmolested.

In a raid on a Fifteenth Street residence near H Street about 2.30 o'clock in the afternoon, First Precinct Detectives H. G. Wanamaker, A. D. Mansfield, R. B. Carroll, and Policeman S. David arrested Edward J. Goldburg, 25 years old, of Seventh Street near L Street NW.; Mack J. Cenar, 23 years old, of Allison Street near Eighth Street NW.; and Martin Colburn, 23 years old, of L Street near Sixth Street NW. They were released on $100 bond each. Police also reported seizure of a large quantity of gambling paraphernalia.

The same squad a short time later battered down four doors in a Ninth Street house near B Street to arrest Carroll P. Nuckels, 31 years old, of the Metropolitan Hotel. Police reported that the man threw a quantity of racing and numbers slips into a safe upon their entrance, and that they hammered at the iron vault for an hour and a half before opening it. He was released on $2,000 bond. Thirty persons reported found there were listed as witnesses.

Invading a pool room on Fourteenth Street NW., near V Street, yesterday afternoon, members of Sergeant Letterman's squad arrested Joseph Coffen, 36 years old, alleged proprietor, on an accusation of accepting bets on the horse races.

Sergeant Letterman, with Detectives Richard J. Cox and James Mostyn, reported they found approximately 30 persons gathered in the pool room when they entered.

POLICEMAN MAY DIE IN RUM-CHASE CRASH—CITY-WIDE SEARCH IS MADE FOR OCCUPANTS OF CAR HE PURSUED—FALSE MARKER USED

While Patrolman Lyman L. Leich, 43, of eleventh precinct, lay near death at Gallinger Hospital as the result of injuries suffered in pursuing a rum-running automobile early yesterday, police were searching the city last night for the occupants of the car, who escaped.

Blinded by dense clouds of a smoke screen from the pursued car while racing at a mile-a-minute speed, the patrolman lost control of the police roadster he was driving on Minnesota Avenue SE, near Pennsylvania Avenue, when the vehicle raced over a depression in the roadway.

The roadster turned over three times, pinning Mr. Leich beneath the wreckage. A passing motorist extricated him from the wreckage, drove him to the hospital, and notified police.

He was able to give Lieut. Sidney J. Marks, of the eleventh precinct, an account of the chase, from his cot in the hospital before lapsing into unconsciousness. Police were given the license number of the bootleg car and found that the tags were "dead."

The patrolman suffered internal injuries and severe cuts and bruises about the head and entire body. He is married and resides at 2312 Minnesota avenue SE.

[From the Washington Herald, Monday, March 3, 1930]

IRON PIPE USED TO CRUSH HEAD OF MAN LURED TO FARM ROAD—GIRL AND THREE MALE COMPANIONS HUNTED AFTER HARRY MELTON, FATHER OF FOUR, IS ATTACKED

Lured into a narrow winding road on the farm of George Lanhardt, near Hyattsville, Md., shortly before dawn yesterday, Harry M. Melton, 38, of 726 Tuckerman Street NW., the father of four small children, was beaten over the head with an iron pipe, stripped of his overcoat, and robbed of a small amount of money. He is dying at Emergency Hospital.

Melton, furloughed Saturday by the Carry Ice Cream Co., had obtained a job as driver for a privately owned taxicab, and had nearly completed his first night's work when attacked.

WOMAN IS SOUGHT

Three men and a young woman, who are believed to have hailed Melton's cab shortly after they abandoned their own automobile late Saturday night, are being sought by Maryland and Washington police for questioning.

Left to die on the lonely road, Melton staggered nearly half a mile to the home of W. J. Stevens, in Hyattsville. Awakened by Melton's moans and his taps on the front door, Stevens admitted him just before the taxi driver fell unconscious.

Stevens drove him to Emergency Hospital. Melton had a compound fracture of the skull and numerous lacerations on face and head. He was operated upon in an effort to save his life, but physicians hold little hope for his recovery.

Leonard Carrington, of 310 East Capitol Street, his employer, in a search of the cab yesterday, found clews which may result in the arrest of Melton's assailants.

Carrington found a piece of material believed to have been torn from a man's vest; Melton's manifest, which showed his last recorded call was made about 12.30 a. m. yesterday from a house in 2600 block University Place NW., and a fern and broken pot.

REBUFFED AS QUESTIONER

Carrington told detectives he called at the University Place address and that persons there with whom he talked disclaimed any knowledge of the affair. He told detectives, however, the torn part of cloth he discovered in the cab closely resembled that in a vest he saw hanging on a wall rack.

The clews were turned over to police.

Constable Gasch and H. G. Machen, sergeant of Prince Georges county police, found a bloodstained 2-foot iron pipe on the rear seat of Melton's cab, parked about 400 yards from the scene of the attack.

John White, 36-year-old colored tenant on the Lanhardt farm, was the only witness to the attack.

White told police Melton's assailants pounded on his door shortly before 5 a. m. yesterday. Poking his head out of a second-flood bedroom window, White told officers he saw three men, with hats pulled over their faces and bundled in overcoats, grouped around his door.

One of the men asked to see Vincent Powers. Powers used to live with White. When told Powers had not lived there for more than a year, the men walked away.

White watched the men walk toward the highway. A hundred yards away they stopped, and a moment later two of them began beating Melton. White said he was certain Melton was not one of the group who came to his house.

White said he dressed to go to Melton's aid, but that the victim had recovered sufficiently from the attack to stagger away. He then notified county officers through Lanhardt.

Police believe Melton's assailants, after running up a meter bill of $9.75, left Melton in his cab with their female companion and went to White's house. When they did not return immediately, police believe Melton became apprehensive over his fare and started up the road after his passengers. The attack and robbery is believed to have occurred when Melton accosted the men on their return.

Police believe they will round up Melton's assailants within 24 hours. They feel confident they are known in and around Hyattsville. White said he could not identify them because he couldn't see their faces.

Melton, who has been living at the Tuckerman Street address for about a year, has a wife and four children, two girls and two boys, the oldest of whom is 10 and the youngest 2.

SIX HELD IN ATTACK ON DELIVERY DRIVER

Three men and three women, all of Washington, were held at Marlboro, Md., last night in an attack at Clinton, Md., yesterday upon Charles Craig, 19, 1100 block of C Street SE.

Craig told police he was driving a newspaper delivery truck when a large touring car forced him to stop. Three men searched through the papers in the truck. Craig objected and was struck in the face with a wrench. Craig said one man started his machine and drove it against the side of a garage, demolishing it.

The men were charged with assault, taking an automobile without the owner's consent, and disorderly conduct. The women were charged with disorderly conduct.

The six gave the following names and addresses: Mrs. Agnes Fink, 300 block C Street NW.; Margaret Stone, 600 block of F Street NW.; Doris Kobelin, 600 block of Maryland Avenue NE.; Richard Keithley, 1800 block Seventeenth Street SE.; Roy Garby, Naval Hospital; and Edward Fink, 300 block of C Street NW.

MAN WHO RAN AMUCK HELD SANE

Physicians at Gallinger Hospital declared last night that the giant negro who ran amuck Saturday morning apparently was sane and would recover from the two bullet wounds inflicted by a park policeman. One charge of assault with intent to rob and one of assault was placed against the man by detectives. He was booked as Charles F. Dickerson, 24, of the 2700 block of Eleventh Street NW.

Mrs. Carrie W. Simpson, 53, manager of Cathedral Mansions South, where Dickerson was employed as an elevator operator, was listed as the complainant against him on the assault with intent to rob charge. She was counting money when the negro attacked her.

Mrs. Nettie Rogers, 23, telephone operator, is the complainant on the assault charge.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2224) to change the name of Iowa Circle in the city of Washington to Logan Circle (Rept. No. 235); and

A bill (S. 3215) to amend section 3 of the act of Congress approved February 18, 1929, entitled "An act to amend the laws relating to assessments and taxes in the District of Columbia, and for other purposes" (Rept. No. 236).

Mr. CAPPER also, from the Committee on Claims, to which was referred the bill (S. 2467) for the relief of William Hensley, reported it with an amendment and submitted a report (No. 238) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 304) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan, reported it with an amendment and submitted a report (No. 237) thereon.

Mr. NORRIS, from the Committee on the Judiciary, to which was referred the bill (H. R. 5260) to amend section 366 of the Revised Statutes, reported it without amendment and submitted a report (No. 239) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4289) to approve Act No. 55 of the session laws of 1929 of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii" (Rept. No. 240);

A bill (H. R. 7830) to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900 (Rept. No. 241);

A bill (H. R. 7984) to approve Act No. 29 of the session laws of 1929 of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai" (Rept. No. 242); and

A bill (H. R. 8294) to amend the act of Congress approved June 28, 1921 (42 Stats. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii" (Rept. No. 243).

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 857) for the relief of Gilbert Peterson, reported it without amendment and submitted a report (No. 244) thereon.

THE CONTROL, CONSERVATION, AND UTILIZATION OF THE FLOOD WATERS OF THE MISSISSIPPI BASIN

Mr. RANSDELL, from the Committee on Printing, reported a resolution (S. Res. 222), as follows:

Resolved, That the manuscript entitled "The Control, Conservation, and Utilization of the Flood Waters of the Mississippi Basin," prepared for the National Flood Commission by the Research Service (Inc.), of Washington, D. C., be printed as a Senate document.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. SMOOT, from the Committee on Finance, reported the nomination of John C. McBride, of Juneau, Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

CHANGES OF REFERENCE

On motion of Mr. McMASTER, the joint resolution (S. J. Res. 148) for the relief of the distressed and starving people of China was taken from the table and referred to the Committee on Agriculture and Forestry.

On motion of Mr. HARRIS, the Committee on Agriculture and Forestry was discharged from the further consideration of the bill (S. 3783) for the relief of the State of Georgia for damage to and destruction of roads and bridges by floods in 1929, and it was referred to the Committee on Post Offices and Post Roads.

PROPOSED RELIEF OF UNEMPLOYMENT SITUATION—CHANGE OF REFERENCE

Mr. JONES. Mr. President, on Saturday last the joint resolution (S. J. Res. 149) authorizing the appropriation of $50,000,000 for the relief of unemployed persons in the United

States was referred to the Committee on Appropriations. I think that committee has no jurisdiction over a matter of this kind. I therefore ask that the Committee on Appropriations be discharged from the further consideration of the joint resolution and that it may be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

A bill (S. 3786) granting an increase of pension to Catherine M. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3787) for the relief of William Ray Taplin; to the Committee on Military Affairs.

By Mr. GOULD (by request):

A bill (S. 3788) to permit the admission, as nonquota immigrants, of certain alien wives and children of United States citizens; to the Committee on Immigration.

By Mr. STEIWER:

A bill (S. 3789) granting a pension to Thomas E. Cain (with accompanying papers); and

A bill (S. 3790) granting an increase of pension to Margaret McElroy (with accompanying papers); to the Committee on Pensions.

A bill (S. 3791) for the relief of William H. Nightingale; to the Committee on Military Affairs.

A bill (S. 3792) for the relief of the American Bonding Co. of Baltimore; and

A bill (S. 3793) for the relief of certain employees of the Forest Service, Department of Agriculture; to the Committee on Claims.

By Mr. HASTINGS:

A bill (S. 3794) for the relief of George W. Leader (with accompanying papers); to the Committee on Military Affairs.

By Mr. HATFIELD:

A bill (S. 3795) granting a pension to Elza Wright (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 3796) granting a pension to Lucy L. Hamm Vaughan (with accompanying papers);

A bill (S. 3797) granting an increase of pension to Demarious Harris (with accompanying papers); and

A bill (S. 3798) granting an increase of pension to Mary C. Morris (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3799) for the relief of Herbert L. Lee; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3800) granting a pension to Birdie Springsteen; to the Committee on Pensions.

A bill (S. 3801) for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 3802) granting a pension to Agnes Shinolt (with accompanying papers); to the Committee on Pensions.

By Mr. ROBSION of Kentucky:

A bill (S. 3803) granting a pension to James R. Clark; and

A bill (S. 3804) granting a pension to Pheba Witman; to the Committee on Pensions.

By Mr. ALLEN:

A bill (S. 3805) for the relief of James K. Cubbison (with accompanying papers); to the Committee on Finance.

By Mr. PHIPPS:

A bill (S. 3806) granting a pension to Andrew J. Dorak (with accompanying papers); to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 3807) for the relief of Surg. Condie Knox Winn, United States Navy; to the Committee on Naval Affairs.

By Mr. STECK:

A bill (S. 3808) granting a pension to John Feiereisen (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3809) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the Oklahoma State Board of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 3810) to provide for the commemoration of the termination of the war between the States at Appomattox Courthouse, Virginia; to the Committee on Military Affairs.

A bill (S. 3811) to provide a southern approach to the Arlington Memorial Bridge, and for other purposes; to the Committee on the Library.

By Mr. ROBINSON of Indiana:

A bill (S. 3812) granting an increase of pension to Sarah E. Kiplinger (with accompanying papers); to the Committee on Pensions.

By Mr. GOLDSBOROUGH:

A joint resolution (S. J. Res. 150) for examination and survey as to the probable cost of improving and widening the present Lincoln Highway feeder route between the District of Columbia and Gettysburg, Pa., with the ultimate objective of its designation as a national memorial boulevard; to the Committee on Agriculture and Forestry.

HOSPITAL AT SOLDIERS' HOME, TOGUS, ME.

Mr. BROCK submitted an amendment intended to be proposed by him to the bill (H. R. 6338) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me., which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

AIRPORTS, NATIONAL CAPITAL

Mr. BINGHAM, from the Joint Commission on Airports, submitted, pursuant to law, a report on airport facilities for the National Capital, which was ordered to be printed as a document and to be printed in the RECORD, as follows:

[Senate Document No. 93, Seventy-first Congress, second session]

AIRPORTS, NATIONAL CAPITAL

Report of the Joint Commission on Airports, Congress of the United States, pursuant to Public Resolution No. 106, Seventieth Congress, to establish a joint commission on airports

The Joint Commission on Airports, created under authority of Public Resolution 106, Seventieth Congress, approved March 4, 1929, presents the following report:

Organizing at once upon the approval of the resolution, the commission immediately began its study of the problem in hand with the view of formulating recommendations to Congress for providing the National Capital and the District of Columbia with suitable airport facilities. The commission unanimously took the position that these facilities should be not only sufficient for present and anticipated needs so as to serve Washington's maximum aviation requirements, but should also ultimately be of an extent and completeness to reflect a creditable leadership on the part of the Capital in the development of this science. The commission readily recognized the prospective strategic importance of Washington as a focal point for far-flung air lines, and the board was keenly alive to the fact that as prompt action as possible on its part was essential in view of the phenomenally rapid growth of aviation and the desirability of putting the Nation's Capital on the airways map with the least possible delay by the establishment of an adequate commercial airport.

In its quest for expert opinion and advice bearing on its problem the commission not only consulted with officials of various governmental departments concerned, including the government of the District of Columbia and the National Capital Park and Planning Commission, but proceeded in April, 1929, to conduct a series of public hearings which brought together a notable coterie of foremost airport engineers and aeronautical experts and noted Government and air mail flyers. Their testimony was embodied in a volume of nearly 200 pages, constituting a valuable compendium of information on the subject of municipal airports.

Among the outstanding features of this evidence, stressed by substantially all of the experts, and emphasized particularly by Colonel Lindbergh, was the fundamental principle that the relative success of an airport is dependent to a large extent upon its proximity to and accessibility from the center of the municipality which it serves. "One of the most important things in relation to the modern airport," said Colonel Lindbergh, "is its distance from the city. If it requires an hour or an hour and a half or more to go from the airport to Washington, and vice versa, that takes away to a large extent any advantage from flying from a city such as New York or Philadelphia to the Capital, inasmuch as the time required to go to and from the airport adds so much to the flying time that there is very little advantage over rail travel. * * * I think distance from the city would be of primary importance."

The joint commission early found itself confronted with no inconsiderable undertaking in making a survey of suggested sites for an airport in the vicinity of the Capital. These sites numbered more than a score, many of them presenting advantages of one kind or another, but comparatively few of them obviously suited to the needs of the Capital, as measured by the various factors entering into the equation. These included distance from the civic and business center of the city, accessibility by highways and means of overland transportation, contour of ground, drainage, atmospheric conditions, prevailing wind directions, cost of land, and probable expense of grading

and development, etc. The commission addressed itself to this task earnestly and painstakingly with technical and engineering assistance, and studied the problem from all angles.

Out of the mass of information assembled from the statements of leading aviators and engineers and the studies conducted by the commission there emerged the conviction on the part of that body that the Capital City's airport needs embraced a comprehensive plan that would provide, in the final picture, a close-in landing field and port, as a loading and unloading terminal, and one or more auxiliary and larger ports somewhat further removed, where facilities for maintenance, services, overhauling, and storage could be had. With these requirements in mind, the range of possibilities was considerably narrowed.

Salient advantages for the speedy development of a municipal airport seemed to rest in property situated immediately to the southward of the Highway Bridge, on the Virginia side of the Potomac River, embracing two flying fields known as Washington Airport and Hoover Field. These are virtually adjoining tracts, being separated only by Military Road, a highway leading from the bridge terminus to Arlington and Alexandria. Adjacent to Hoover Field on the west is the Agricultural Department experimental farm, a considerable portion of whose land is reasonably level, while to the northward of the property bearing the President's name lies Columbia Island in the Potomac separated from the mainland by a narrow and shallow strip of water.

The acquirement of the two privately owned properties, when thrown together and augmented by a portion of the farm lands and a part of the island, both Government owned, it was found by the commission would provide a tract of some 280 acres. Furthermore, it was learned that both the flying fields in question could be purchased from their owners on what appeared to be reasonable terms. It was recognized by the commission that these tracts were already operated as flying fields and that, therefore, their further and unified development as a municipal airport would be a relatively simple undertaking compared with the task of putting virgin lands to such uses. As an additional feature the fact that these fields are within 15 minutes of the business and hotel center of Washington carried a further and potent argument in their behalf.

In the process of developing these properties it would be necessary to reroute a portion of Military Highway, so that there would be no dividing line between the fields, a change that would add very materially to the acreage of the tract. A comparatively small amount of filling would be required also between Columbia Island and the mainland.

These improvements made and the entire area thrown into one tract, airplane runway facilities half a mile in length in the direction of the stronger winds, and four-fifths of a mile in the direction of the lighter winds could readily be provided.

During all of its deliberations the joint commission has not been unmindful of the airport possibilities latent in that tract bordering on the Potomac known as Gravelly Point, located about one-half mile below Highway Bridge on the Virginia side. In the consideration of this possible site, however, the commission was forced to take into account the evidence given by Army engineers to the effect that if Gravelly Point were developed only through the normal rate of filling with material dredged from the river channel it would take 40 years to provide land for an airport that might be available to the next generation.

Testimony from engineering experts showed that if the Gravelly Point tract were already filled to-day it would require at least five years before the fill would settle sufficiently to warrant the construction of concrete runways, or warrant a proper development of grass. Nevertheless, the commission believes that Gravelly Point possesses highly encouraging possibilities for the future in the Capital airport problem, and its gradual development is favored, to the end that the future growth of commercial air transportation at the National Capital may be amply provided for.

In considering any property bordering on the Potomac River for airport purposes the factor of atmospheric and weather conditions, particularly fog, although not a controlling element, must be reckoned with and duly weighed. It is believed that in view of the occasional, though relatively infrequent occurrence of fog in sufficient volume to render hazardous the use of the suggested tract for airport purposes, additional property situated at a materially higher altitude and some distance from tidewater, although as convenient as possible to the center of the city, should be acquired and developed as an auxiliary airport.

In view of the foregoing observations and having given careful consideration to all of the manifold elements entering into the problem of providing timely and adequate airport facilities for the Nation's Capital, the joint commission recommends the following steps to that end, namely:

1. The passage by Congress of legislation similar to the Cramton bill (H. R. 26, 71st Cong.) providing for a loan by the United States Government to the District of Columbia for airport development purposes of $2,500,000, without interest, to extend over a period of 10 years, and to be paid back by the District of Columbia in 10 annual installments of $250,000 each.

2. The acquisition under the most advantageous terms obtainable, by the National Capital Park and Planning Commission, for immediate development of the properties situated at or near the southern terminus of the Highway Bridge known as Washington Airport and Hoover Field, as best suited to the immediate airport needs of the Capital.

3. The passage of legislation providing for a change in the location and routing of that part of the highway known as Military Road, lying between Washington Airport and Hoover Field, so as to afford uninterrupted continuity of these lands for airport use.

4. The passage of legislation permitting the government of the District of Columbia to use such portion of the so-called Agricultural Experimental Farm lands lying east of the railroad tracks and adjacent to Hoover Field as may be required for municipal airport purposes.

5. That the full control and management of the airport proposed to be thus established be vested in the government of the District of Columbia.

6. The gradual development of the tract known as Gravelly Point.

7. The acquirement by the National Capital Park and Planning Commission of a site situated on high land, as near as possible to the center of the city, for development as an auxiliary airport to be available for use whenever weather and atmospheric conditions render inadvisable the operation of aircraft at the main municipal airport.

AMENDMENT OF AIR MAIL ACT

Mr. MOSES asked and obtained leave to have printed in the RECORD an article from the Los Angeles (Calif.) Times of Febuary 25, 1930, entitled "The Watres Bill," which is as follows:

THE WATRES BILL

The Watres bill to amend the air mail act is an administration measure. It is the result of careful investigation conducted under the Direction of Postmaster General Brown to devise a more satisfactory sort of air mail contract, one that will be fairer to the Government and reduce the average cost of air mail carriage, but will at the same time extend and stabilize the air transport industry. The objects are believed to be accomplished by substituting space rates for pound rates in the air mail contracts, and the new contracts will be similar in this respect, if the bill passes, to the railway mail contracts.

The new measure is fairer to the contractor because he is not required to gamble on the amount of mail to be carried. Under the present contracts the airplane must fly whether it carries 1 pound or 1,000 pounds; under the new he will be paid for space on a mileage basis and will receive a fixed revenue.

The bill also provides that mailable matter of any description may be sent by air mail, letting in parcel post and second and third class matter.

The Watres bill was introduced in the House of Representatives the 4th instant by Congressman WATRES, of Pennsylvania, chairman of the subcommittee on air mail contracts, and with the indorsement both of the Post Office Department and the leading air-transport operators it is believed that it stands an excellent chance of enactment. Certainly the public interest will be served by such a measure, which will permit a wide extension of air mail service and speed up the Postal Service generally.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, in which it requested the concurrence of the Senate.

COMMUNISTS IN THE UNITED STATES

Mr. TRAMMELL. Mr. President, in yesterday's Washington Post appeared a very timely editorial in regard to the activities of the communists in America. I desire to have the editorial printed in the RECORD, if I may have permission.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the Washington (D. C.) Post, Sunday, March 2, 1930]

COMMUNISTS AT WORK

Communist agents directed from Moscow are doing their best to stir up disorders in the United States. They are taking advantage of the unemployment situation in certain cities to foment violence by idle men. March 6 has been named as the date when concerted subversive movements are to be made in many parts of the country.

The connection between the commercial agency known as the Amtorg and the directing heads of the communist agitation has been long suspected and is now said to be demonstrated. Lacking a Soviet embassy through which to direct its conspiracies, the communist international works through other channels. Evidence collected in several cities on both coasts and in Chicago proves beyond question that organized communism, acting under carefully concocted plans prepared in Moscow, is established in the United States. The insane objective is the overthrow of the Government and the setting up of a replica of the Soviet Government. The fact that such a scheme is crazy does not prevent it from being an increasing danger. Many Americans are misled by the propaganda, and in case of riot are likely to lose their lives. The Moscow conspirators hope to capitalise the loss of life by arousing resentment against the police, with a view to still bloodier clashes between the mob and the forces of law and order.

How is it that communists come into the United States in violation of law? Why are they not deported? The Immigration Bureau is shorthanded and is denied sufficient funds with which to search out and deport criminal aliens, but it does seem that the bureau could be more effective in excluding communists at the ports. The law is clear. It should be rigidly enforced.

INDUSTRIAL CONDITIONS IN THE SOUTH

Mr. TRAMMELL. Mr. President, I have here an editorial from the Florida Times-Union entitled "Doctor Klein on 'New Industrial South,'" which I wish to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Florida Times-Union, February 27, 1930]

DOCTOR KLEIN ON "NEW INDUSTRIAL SOUTH"

Dr. Julius Klein, Assistant Secretary in the United States Department of Commerce, came all the way from Washington to Jacksonville to tell those attending the International Naval Stores Conference, held in this city in the early days of this week, of the importance of the naval-stores industry in this section of the country. More than that, Doctor Klein, through the medium of the radio, told millions of people in the United States and in several foreign countries what the naval-stores industry amounts to and the place it occupies in the commercial and economic spheres of human activity, his address in Jacksonville having been broadcast through about 50 stations in this country and abroad.

When a man like Doctor Klein puts aside the duties of his important office to go a long distance for the purpose of participating in a conference, such as was being held in this city, in which the great naval-stores industry was the subject of consideration, then it must be believed that such a conference is very important. And so it is. Doctor Klein, by knowledge and experience, is eminently qualified to participate in a conference of such vast importance as is this International Naval Stores Conference. In a very admirable address, which he delivered here Tuesday night, and which was broadcast throughout a large portion of the world, Doctor Klein brought home to the people of this section of the country, with great force and power, the importance of the new era into which "the new industrial South" is entering.

This was the subject of Doctor Klein's address—The New Industrial South. Here is being made, as Doctor Klein expressed it, "an economic advance—as fundamental as it is striking." This economic advance, the speaker said, "is in evidence everywhere." To this evidence Doctor Klein called attention in specific detail, not forgetting to call attention also, to the development and industrial growth of the South as shown by the records of the distant past. And now, as Doctor Klein says, "What we have witnessed in recent years has been a magnificent flowering and fruition from seeds that were planted long ago."

Doctor Klein reviewed briefly many facts in connection with the "new industrial blossoming, * * * in which the South may take the keenest pride. All these things show conclusively," said Doctor Klein, "that new and powerful forces are driving forward throughout the South. Novel ideas, breadth of vision, practical capacity, a realistic grasp of essential facts and needs—these admirable qualities are everywhere apparent," said Doctor Klein, as he continued to paint a glowing picture of "the new industrial South."

Doctor Klein's address was published in full in this newspaper yesterday morning. It merits most careful reading by every southerner, and by everyone who has any interest whatever in this new industrial development that is taking place in the South. It will be impossible to do justice to Doctor Klein's very thoughtful and very aspiring address in all its detail, but it is in order to call special attention to what Doctor Klein said with reference to long-ago established industries in the South, like that of the naval-stores industry, for instance, and to the new industries that are springing up in the Southern States. "The great naval-stores industry, whose sound advancement has been the concern of this present conference, is not one of these newer industries of the South," said Doctor Klein, "but we note with lively interest the new developments that have arisen in connection with it," and then he traced the growth of this great industry from early colonial days up to and including the present time.

"Georgia and Florida," Doctor Klein said, "are the foremost producing States, furnishing about 77 per cent of the total [of naval stores], with Alabama, Mississippi, Louisiana, and Texas supplying the remainder." And then Doctor Klein followed with a reference to "The new thought which is making a really new industry of naval stores," mentioning "the tung-oil industry of Florida, which," he said, "possesses a truly romantic aspect." Briefly, Doctor Klein told of the tung oil that is produced in China and for which manufacturers and others in this country must depend for their tung-oil supplies, now being used in such a great variety of ways, all of them important. Doctor Klein said that he was convinced that the future of this tung-oil development "is extremely bright."

Doctor Klein referred to other new and important industrial developments in the South, including the manufacturing of insulating wallboard from "bagasse," the refuse from sugarcane; to the "immense deposits of phosphate rock which are being mined in increasing quantities"; to the chemical developments that are going forward, and to the "wonderful forest possibilities" as are clearly indicated in the new South. Reforestation, also, was referred to and commended. Foreign trade, Doctor Klein said, "is rich in promise" for the States of the South.

In concluding his interesting and very informative address, Doctor Klein said:

"Possessed of the vigor and adaptability of youth, the commercial and industrial interests of the new South may look forward with confidence to a continuation of the remarkable development that has taken place in recent years. The South is earnest and resolute. It has the attributes necessary to the attainments of the goals that it is setting for itself.

"The resourcefulness of youth, as manifested in this new South, means ambition, initiative, eager aspiration. Those are assuredly admirable qualities—but the youthful-minded southern business men to-day must not fail to guard against the possible 'defects of their virtues.' When one is plunging ardently ahead—striving to hew new paths through individual action—he may at times lose sight of the inescapable need for teamwork, for collaboration, for a recognition of the fact of interdependence.

* * * * * * *

"Those of us who know the record of the South feel sure that the essential analysis will not be lacking. The new South will accomplish the coordination that is indispensable. It is bringing to its problems intelligence of the highest type. It is vigilant and alert. It is showing a penetrating comprehension of the conditions of the modern world."

HOUSE BILL REFERRED

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was read twice by its title and referred to the Committee on Commerce.

PRESIDENT HOOVER'S FIRST YEAR

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the St. Clairsville (Ohio) Gazette, entitled "President Hoover's First Year."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Clairsville (Ohio) Gazette]

PRESIDENT HOOVER'S FIRST YEAR

President Herbert Hoover will complete his first year as Chief Executive of the Nation next Monday, and we may expect to hear some strong efforts being made to show he has proven a success. We are also assured that from his own party there will be criticism, and others that will refuse to comment. From the Old Guard, from big business, from concentrated wealth, from trusts, and mergers it will be pointed out that President Hoover has accomplished more than was expected, more than any other man could have achieved, and only by his being a "superman" was he able to effect such wonderful accomplishments. It will be told how grateful the Nation should be for having such an able man at its head; it will be said the leaders chose wisely when they selected him as a candidate, and no words will be missing in the praise that will come from this class.

We have, according to conservative estimates, 110,000,000 people in the United States, and of this number less than 10,000,000 control and possess about 80 per cent of the wealth of the Nation. Of this 10,000,000, or a little over 9 per cent, there is less than 1,000,000 that possess the greater part of the 80 per cent of the wealth. Of this minority, there is no question but that President Hoover has their indorsement, as he has not done one single act to injure them.

Where does President Hoover stand with the 100,000,000 souls that possess but 20 per cent of the wealth of the Nation? Do they indorse his first year's work? Have they found his campaign pledge of wonderful prosperity for everyone to be true, and are they enjoying prosperity? In this group are the farmers; and while a so-called farm relief act has been enacted, it has not yet brought relief, and it remains to be seen if it will save this great industry.

Mills, factories, and mines are idle; the small business man is very much discouraged, and business is far below normal the Nation over. Millions of people are out of work, many suffering, but still there is issued each week from Washington, from the Hoover administration, that prosperity is being enjoyed. Will this group so seriously affected indorse the first year?

There are but two outstanding things in this one year—the enactment of a farm relief measure, that has yet to prove if it is to be of value; second, the naval conference in London, that is now marking time and its outcome unknown. He has named 13 commissions in his one year; he has failed to hold his party in line, with such Senators as BORAH and BROOKHART, who labored for his election and did more than any others to hold the West in line, have broken with the President, and with them have taken several other prominent Republican Senators, on the grounds that he has not kept faith with them.

The one year of his administration has shown the Capital City to be infested with an organization called lobbyists that have tried to dictate all legislation. This organization is more than lobbyists, it is a combination of wealth whose representatives assert the Republican Party by agreement owes them certain special privileges in legislation. The investigation of this group has been found to be mighty close to the White House and is no longer denied as being on friendly terms with the Republican National Committee. It is a scandal second only to the oil scandal under Harding and Coolidge. The question is, Do the people of the Nation, minus this 10,000,000, indorse this condition?

Except of the farm-relief legislation, there is not a single pledge of the Republican platform that has been carried out. Prosperity has failed and in its place a panic, although President Hoover and his party are in complete control of every branch of the Government. Even the "noble experiment" has in the past year become a scandal and a stench that is demoralizing, to say the least. Excuses may be made, there may be some valid ones, but there stands the campaign promises, sworn to be carried out, which the people believed, but are unfulfilled, and the responsibility is upon those who made the promises and they are being weighed in the balance and found wanting.

ADDRESS BY MILO RENO, PRESIDENT OF THE IOWA FARMERS' UNION

Mr. BROOKHART. Mr. President, I ask leave to have published in the RECORD a radio address by Milo Reno, president of the Iowa Farmers' Union, on the subject of Agricultural Relief.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AGRICULTURAL RELIEF

I bring greetings from the Iowa Farmers' Union to the men and women who toil in the fields of the United States to produce the food and raw material necessary for the comforts of all our people.

I have addressed many thousands of farmers in the Corn Belt States during the years I have served as president of the Iowa Farmers' Union, but I have never before had the opportunity of speaking directly to that great body of American citizens—the farmers of the Nation. Let me pause here, before I enter upon the subject of my address, to say a word of appreciation, on behalf of the National Farmers' Union, to the National Broadcasting Co. for enabling us to broadcast this program.

That it will reach every farmer interested in his occupation is evidenced by the inquiries that we have received from the wheat farmers in the West, the meat producers of the Corn Belt States, and the sunny South that produces our cotton, and from way over on the southeast Atlantic Coast, in North Carolina, there are a group of negro farmers who are listening in, interested, determined to do their part in solving agriculture's problem. I congratulate them.

In the campaign of 1928 there was but one real economic question considered by both parties and both candidates—equality for agriculture.

While it is true this economic question of agricultural relief was submerged by other controversies, that really had no place in the campaign, both parties and both candidates expressed themselves as to the seriousness of the agricultural problem and proposed remedies to correct the situation.

The party and candidate that went down to defeat in the election are of no concern in solving this economic problem. Having been defeated, their responsibility ended.

The candidate and party that was successful must assume the responsibility of their preelection pledges not only as to the importance of the issue involved but as to its solution.

The successful candidate for the presidency, Herbert Hoover, in his St. Louis speech, recognized the unparalleled prosperity of the industrial and commercial world, and also recognized the insurmountable handicaps under which agriculture was struggling. In that speech he said, "There has never been a national campaign into which so large a discussion of the agricultural problem has entered as in this campaign. That is as it should be. It is the most urgent economic problem in our Nation to-day. It must be solved if we are to bring equality of opportunity and assurance of complete stability of prosperity to all of our people."

After admitting the farm problem is of more importance than any other confronting the Nation he proceeded to outline what he considered to be the ideal condition for American agriculture, and he very frankly and wisely stated that "The whole foundation and hope of our Nation is the maintained individualism of our people. Farming is, and must continue to be, an individualistic business of small units and independent ownership. The farmer is the outstanding example of the economically free individual. He is one of our solid materials of national character." President Hoover closed this splendid statement, as follows: "No solution that makes for consolidation into large farms and mechanized production can fit into our national hopes and ideals."

The solution of the farmer's problem was treated with equal frankness. "Adequate tariff is essential," the President said, "if we would assure relief to the farm. The first and most complete necessity is that the American farmer have the American market. That can be assured to him solely through the protective tariff." In fact, the President, after discussing the many handicaps of agriculture, gave his plan for a Farm Board, charging the board with the duty of placing agriculture on an economic equality with industry and labor, and promised the American farmer that if the regular session of Congress was not able to solve the problem that "he would immediately call a special session in order that they might speedily arrive at a determination of the question before the next harvest."

The statement of the President is clear and concise as to the causes for agricultural depression and for their solution. He left no room for conjecture as to what he considered the ideal condition for American agriculture. He left no doubt as to his intention that if the regular session in December failed to solve the problem that he would immediately convene an extra session to enact necessary legislation to fulfill his pledges to the American farmer, namely, economic equality with other groups of society—a solution that would absolutely stabilize American agriculture and preserve to future generations his ideal agriculture, as stated before: "Farming is and must continue to be an individualistic business of small units and independent ownership."

The regular session failed to enact the legislation necessary to redeem the President's pledge to the American farmer. The President called an extra session, as he promised, which provided for the creation of a Farm Board, as he had promised, with almost unlimited funds at its command, as he had promised, with authority and power to fulfill the pledge made by the President of the United States to the American farmer, and this Farm Board appointed by the President is perhaps more in the public eye to-day than any other American institution.

People are mildly interested in military preparedness, they are mildly interested in the prohibition question, and many others of minor importance, but every man, woman, and child in the United States—whether on the farm or in the towns and cities—are vitally interested in the future program of the Farm Board. The procuring of human food is to-day, and always has been, the basic industry of the world. The life of the people of the entire world depends upon the efficient production and intelligent distribution of food products.

The farmer and all other groups of society have a right to expect the fulfillment of the President's pledges. He has fulfilled a part of his pledges. He has called an extra session, approved a legislative measure that authorized the creation of his board, and provided them with ample funds for the purpose of redeeming his pledge. In his selection of a chairman of this board he perhaps selected the man best qualified by experience and achievement in the United States to redeem his pledge to American agriculture.

We have the right to analyze and measure every step taken by this board. As American citizens I feel that we have not the right to interfere or obstruct its successful operation unless it endangers instead of corrects.

The American farmer has always performed the service that society required of him, and abundantly. In the 160 years of our national existence the people of this Nation have never been threatened with a serious food shortage, yet we find agriculture bankrupt while other groups of society are enjoying unparalleled prosperity.

Instead of the American farmer of small units being maintained, great powerful combinations are absorbing the small farms and destroying an individualism the President declared to be ideal. In my own State of Iowa, the queen of all agricultural States, foreclosures are increasing and the individual farmer is being supplanted by corporations that, if permitted to continue their program of absorption, will eventually have a monopoly of the food supply of the Nation; even as they have monopolized steel, credit, oil, and the water power of the Nation.

In the Industrial Commission's report it is stated that it would require $5,000,000,000 added to the farmers' income to make agriculture a going concern. That can mean but one thing—that the American farmer, while producing an abundance of food to sustain life in the other groups of society, produced this food at $5,000,000,000 less than production costs, if the farmer and his family were given the same consideration as unskilled laborers.

The Department of Agriculture's report upon the operation of 11,851 farms, with an average of 284 acres, all farmer-owned and farmer-operated, showed an annual income of $1,334. In estimating this annual income the department did not take into account the very items that are of most importance in determining cost of production on an American farm. They did not allow the farmer any return on his capital investment in land. They allowed him neither interest nor depreciation on his investment in equipment, no depreciation on farm buildings and improvements, made no provision for taxes on the farm, no provision for insurance, and did not even concede to him the wages paid a Mexican section hand, and a very conservative estimate of these items would show an operating loss on the average farm of $2,000.

The loss sustained by the farmers who owned and operated these farms abundantly justifies the statement of the Industrial Trade Commission that it would require $5,000,000,000 annually added to the farmers' income to make agriculture a going concern.

It seems to me that if the President's Farm Board is sincere in its efforts to place agriculture on an economic equality with other groups the very first declaration that it should have made was that that

group of society engaged in the basic industry of this Nation is entitled to and must have production costs for the service that they render.

This is not revolutionary. It is simply carrying out for American agriculture the same program that the successful business institutions of the Nation have long since adopted. Any other program than this is the merest subterfuge, simply a gesture for political purposes.

The Farm Board is clothed with sufficient power and has at its command sufficient funds to accomplish this for the American farmer. It is only a question of sincerity of purpose.

If the Farm Board sincerely desires to carry out the pledges of the President, there is no one who will dispute its ability to do so. The Farm Board's duty is plain: Agriculture must be stabilized and placed permanently on an economic equality with industry; the farmer, himself, through his cooperative organizations, must control the marketing institutions necessary for intelligent distribution; agriculture must not become bureaucized; independent ownership and operation of small units must be maintained.

On the other hand, the Farm Board, with the unlimited authority that has been conferred upon it and with the resources of the richest nation of the world at its command, can become just as destructive to American agriculture as we know it and love it and hope to preserve it as it can be corrective.

Permit me to interpose a word here—the great danger to the Federal Farm Board is that it may deteriorate into a bureaucracy with all the sinister evils that go with bureaucratic administration. The great hope of the American farmer for a fair deal from the Farm Board is Alexander Legge, the chairman. I have made this statement repeatedly in public addresses and I wish to repeat it here: "If Alexander Legge will give of his ability to the American farmer as he has given it to the International Harvester Co. as its president, and put into operation the same economic program for agriculture that he so successfully did for business, namely, the right to fix and obtain a price sufficient to cover production costs. By controlling the surplus he obtained for his company the American price determined by an American standard of wages, and any loss sustained in disposing of the surplus was absorbed in the price the American consumer had to pay. The farmers of this Nation may well look forward to the future with optimism."

The agitation that has been carried on for the last eight years, and has finally resulted in an effort to relieve the economic distress of the American farmer, is due wholly and entirely to the farm organizations.

The Farmers' Union, that I have the honor to represent, has taken its full part in educating the general public to the merits of the farmers' demands, and, if the Farm Board refuses to recognize the farm groups, who have fought agriculture's battles for the last eight years, and arrogantly determines to eliminate them—should they be successful—no amount of efforts or accomplishment along other lines can repair the damage. Whatever the marketing system adopted in the future, the farmer must maintain his educational organization, through which he can speak, and for his organization to be of service to him to defend his rights and maintain them, must be nonpartisan, nonsectarian, must have the courage of its convictions. It must be educational, taking to its members the truth upon all public questions. It must be free from State or local subsidies, owing allegiance to no group or faction, intimidated by no political machine—however powerful—having for its supreme objective the maintaining of the independent farm home as an integral factor in our economic structure.

The Farmers' Union hopes to be able to cooperate to the fullest extent in the marketing programs of the Farm Board, but in doing so I assure you that it will adhere to the resolution adopted by our organization at Kansas City July 24, 1929, demanding that the field now occupied by our cooperatives shall not be disturbed, and that they be recognized as marketing units.

THE CATAWBA INDIANS OF SOUTH CAROLINA (S. DOC. NO. 92)

Mr. BLEASE. Mr. President, at my request a short history of the Catawba Indians of South Carolina, published in pamphlet form in 1896, was printed in the CONGRESSIONAL RECORD, February 26, 1930, page 4255. I do not know of another copy of this particular history and did not know of it until a few days ago when it was furnished to me by Mr. T. O. Flowers, the Indian agent for South Carolina.

When governor of my State, I advised the adoption of the Catawba Indians as wards of the Government in order that they might be cared for as are Indians in other sections of the United States.

Several requests have been made of me for this sketch, including one from the librarian of the Government Indian Office in this city. In view of these requests, and its historical importance, I ask that it be printed as a Senate public document.

The VICE PRESIDENT. Without objection, it is so ordered.

UNEMPLOYMENT IN THE UNITED STATES

Mr. WAGNER. I offer no apologies for taking the time of the Senate to call upon my colleagues for a sober consideration of current unemployment conditions. No one in responsible office can read the reports published in the daily press without forming the unshakable conviction that no other item of governmental business approaches in importance the one that I have just broached. The situation we face, Mr. President, is doubly serious because it is accompanied by all the pain of an acute attack, and is at the same time characterized by all the symptoms of a chronic ailment. It is not partisanship which prompts me to call attention to this condition. I am moved by the belief that it is necessary to be candid with the facts in order to impress upon the Congress of the United States the urgency of action.

I have in my hand a letter written to the New York Times by the well-known author, Mr. Ernest Poole, in which he describes a visit among the unemployed in New York. It is a long time since I have read anything as dismal.

> Several thousand men and boys—

He says—

> are sleeping on the floors of missions and speak-easies near by.

Here is a news clipping from the New York Times of several days ago, which reports:

> Fifteen hundred jobless, hungry men in Bowery bread line.

The municipal lodging houses are overflowing. A river barge, used by day as a freight carrier, has been pressed into service as a shelter for the homeless. Demands upon relief organizations have mounted beyond those of any year in over a decade.

From Cleveland come reports of desperate men en masse demanding work. Clashes between idle men and police are reported from Chicago. Los Angeles contributes news of demonstrations by the unemployed. From ocean to ocean in millions of homes the same human tragedy is being performed; a tragedy of three acts—idleness, poverty, and charity.

I want to emphasize that this long and sad procession of weary men in search of work is passing before our very eyes in this land of plenty, in the administration of Herbert Hoover, heralded as the special dispenser of prosperity.

The Bureau of Labor Statistics reported that 1 per cent of the wage earners employed in factories were fired in October; 3 per cent more were fired in November; 3 per cent more in December; almost 2 per cent in January. But that does not tell the complete story. That would indicate the firing of 9 per cent of the men and women on the pay rolls. The more significant fact is that the total amount paid out in wages declined fully 15 per cent in the same few months.

According to data assembled in 40 cities, 19 per cent of the union members were idle in January. Secretary Lamont reports that the amount of building contracts awarded in January, 1930, were $86,000,000 below that of January, 1929, in spite of the President's business conference.

These are challenging facts. They demand an answer. What answer does the administration offer? "Delay in the tariff hits business." This story emanated from the White House and was featured in almost every newspaper in the country on the 19th of February. I would spend little time on such artificial attempts at myth making if they were harmless. But they are not harmless because they divert attention from the real, substantial, and permanent causes of unemployment—causes which can and ought to be eradicated.

Not a shred of evidence has been submitted to show that the tariff debate has caused business to halt or to pause. We are not living under a system of free trade from which our manufacturers are about to be rescued by a tariff measure for which they are impatiently waiting. Under existing law domestic producers supply 96 per cent of the domestic market. There has been no serious attempt to reduce rates below those in the existing law. How then can tariff discussion possibly affect more than a minute fraction of American business? President Hoover must be aware of this fact. He himself stated it in his message to Congress. He said:

> It is not as if we were setting up a new basis of protective duties. We did that seven years ago.

In truth, Harding had unemployment without the intervention of a tariff debate. Coolidge had his unemployment which certainly was not caused by tariff debate. And so has President Hoover. To blame it on the tariff delay is an unadorned act of tawdry politics.

In this connection there is another question which ought to be answered. Who is responsible for the tariff delay? Where, precisely, does the fault lie? What, exactly, has the President contributed to expedite the tariff discussion? The several sermonettes from the White House did not help or quicken the action of the Senate with respect to a single one of the 20,000 items in the tariff bill.

There are, after all, only a few indisputable facts on the basis of which judgment must be passed. The Republican Party dur-

ing the last campaign made a pledge of tariff revision. On the strength of that pledge it carried the election. The President's party is in control of each House of Congress. It is obviously in control of the Ways and Means Committee of the House and the Senate Finance Committee which drafted the tariff bill. The responsibility of that party to the country to carry out its campaign promise was written plain and large. But what happened? The Republican Party was incapable of writing a tariff bill that would meet with the approval of its own members. The Republican leadership in Congress was incapable of bringing about a redemption of the party pledge.

When this breakdown occurred in the Republican Party the President did not come forward and exercise the leadership which was the prerogative of his office. He did not take hold of the reins of party direction and guide a united party back to the performance of its campaign pledges. Instead he was undecided; he was undetermined; he vacillated; he permitted the West to believe that he was counted among the insurgents, while in the East he gave comfort to the Old Guard. Meanwhile he drifted and permitted every tide and every wind of popular fancy to shift his course; and when a dangerous shoal was in sight that intrepid captain gave the gallant command, "Come, let us breakfast together!"

Now let me return to unemployment.

In the spring of 1928 the Senate, at my instance, agreed to a resolution calling upon the Secretary of Labor to report the number of persons unemployed in the United States at that time. Secretary Davis responded. In explicit language he said:

> By the most careful computation methods available Commissioner Stewart finds that the actual number now out of work is 1,874,050.

Speaking during the campaign in Newark, President Hoover repeated the information handed him by Mr. Davis. He said:

> An accurate survey of the Department of Labor shows that * * * 1,800,000 employees were out of work.

Directly after Mr. Davis's report was filed I called attention to the patent fact that Commissioner Stewart had made no such statement. The charge of indulging in partisan politics was freely thrown at me at that time. Since then we have had an investigation of unemployment conducted by the Committee on Education and Labor, under the chairmanship of Senator COUZENS. Commissioner Stewart was one of the witnesses. Let me read a portion of his testimony:

> The CHAIRMAN. Before you leave, when you responded to Senator WAGNER'S resolution with respect to the number of the unemployed——
>
> Mr. STEWART. No; I said the shrinkage in employment. I did not say the number of unemployed.
>
> The CHAIRMAN. You did not wait until I had finished the question. It was generally reported that you stated that a certain number were unemployed.
>
> Mr. STEWART. I did not.
>
> The CHAIRMAN. The press got that report, and there was agitation as to the accuracy of the statement.
>
> Mr. STEWART. I never made a statement as to the unemployed.
>
> The CHAIRMAN. Did you estimate the unemployed in response to the Wagner resolution?
>
> Mr. STEWART. No. I estimated the shrinkage in the employment.

Now, Mr. President, that is the record.

Can it be that Mr. Davis did not know the meaning of Commissioner Stewart's report? Is it possible that our Secretary of Labor did not know the difference between the number of workers discharged during a particular time and the number unemployed during the same period? Is it conceivable that the Secretary of Labor did not himself know that his department had no statistics of unemployment? Or was the public deliberately misled in an effort to score a political advantage by minimizing the gravity of the unemployment conditions then existing?

Which alternative is the true one is comparatively unimportant. Both are inexcusable. What concerns me particularly is that the impression was created and widespread that the Government had statistics of unemployment and the machinery of collecting them, when, in fact, it had neither.

Within the past few weeks political use was again made of unemployment. When the President issued the very encouraging news that on the 6th of January employment had turned the corner and was on its way upward, those, who like the industrial commissioner of New York took issue with the accuracy of that statement were charged with playing politics. But the final figures of the Department of Labor itself show that if politics were played, only the administration was engaged at the game. It is worth analyzing for a moment the actual figures submitted by the Department of Labor. The week ending January 6, was alleged to show an improvement over the week ending December 30. The week ending January 13, was alleged to show an improvement over the week ending January 6. Every succeeding week in January was alleged to be an improvement upon the preceding one. The total of these advances was in excess of the amount of decline reported for December. Yet, miracle of miracles, the report of the department for January showed a decline in employment over December of almost 2 per cent, and a decline in the amount of wages paid out to employees of 4½ per cent.

Not only has there been a decline in January both in employment and in wages but the decline has been more severe than the average decline for January in past years.

Again, the particular and grievous fault that I find with this sort of political manipulation of unemployment figures is that the country is led to believe that the President has the means of knowing how many men are unemployed at a particular time and has precise methods of determining from day to day the level of employment, when as a matter of fact, he has neither the figures nor the means of securing them.

The fact ought to be definitely and finally established.

First. In 1921 President Harding held a conference on unemployment. I quote from its report as follows:

> The first step in meeting the emergency of unemployment intelligently is to know its extent and character, yet this conference finds itself without the data even for an accurate estimate of the number out of work; nor is this the first occasion when public conferences have been embarrassed by lack of such necessary facts.

Second. In the course of the investigation of unemployment by the Committee on Education and Labor Commissioner Stewart, of the Bureau of Labor Statistics, was one of the witnesses. He testified as follows:

> I never made a statement as to the unemployed. I have no means, any more than estimating the unemployed.

Third. Mr. Daniel Willard is a railroad president. He is reported by the New York Times of May 5, 1929, as follows:

> One of the points he makes with great force is the need of more accurate and comprehensive statistics on the subject [of unemployment].

Fourth. Mr. William A. Berridge is an economist of the Metropolitan Life Insurance Co. His testimony appears in the reported hearings of the Committee on Education and Labor, as follows:

> Question 1. Is there, in your opinion, any trustworthy data on the extent of unemployment in the United States?
>
> Answer. Neither on the total volume of unemployment, nor on its distribution among industries, nor on its geographical distribution, nor on its duration, is there any direct evidence worthy of serious consideration.

Fifth. The report of the Committee on Education and Labor, of which the Senator from Michigan was the chairman, reads:

> We have absolutely no figures as to the number of persons unemployed at any definite time.

Finally, I shall quote President Hoover in his campaign address in Newark. He said:

> The Department of Labor should be authorized to undertake the collection of regular statistics upon seasonal and other unemployment. We must have this fundamental information.

Mr. President, we have not the information. The President agrees that we must have it. Why, then, does not the Government secure it?

I am glad to say that as a result of the resolution introduced by me in the Senate in the Seventieth Congress the work of the Bureau of Labor Statistics has been substantially extended and as a result of my proposal of last year, in which Senator COUZENS cooperated, we were able to secure a census for unemployment in connection with our next census of population. With all that we are still a long, long way from anything approaching comprehensive statistical reports on unemployment conditions, as they vary from month to month.

No attempt has been made to correlate unemployment statistics with our natural growth in population. Mr. Davis estimates that 2,000,000 boys and girls come of working age each year. No attempt has been made to correlate employment figures with foreign immigration. No attempt has been made to correlate employment figures with the internal tides of emigration from farm to city and city to farm. Numbers alone are not sufficient, Mr. President. We need to have a vast amount of more precise information about our unemployed. Who are they? Where are they? What kind of work can they do? What are the particular causes that may be responsible for their loss of employment? We have hardly scratched the surface in the preparation of such indispensable informational material.

Much has been said during the past few years concerning technological unemployment. How much do we really know about it? That men are being displaced by machines is, of course, obvious. But we know nothing of the extent of the displacement. We know nothing of the rate of displacement. We know nothing of the trend of displacement.

The Department of Commerce, through Mr. Klein, says the displaced men are absorbed in other industries. However, independent students of the subject have come to the conclusion that over a period of years we have suffered a net loss in employment and a net increase in unemployment because machines are displacing men more rapidly than new jobs are created for the displaced men. Herein lies the real problem. It is not a problem that concerns the temporary inconvenience of a number of families, though that would be serious enough. It is not alone the problem of finding employment for some particular individuals. Our problem transcends all these. The very safety of our whole economic system is in issue. We are facing a process that is daily creating unemployment, yet we know nothing of its nature or its methods. We have no information of the displacing process or of the reabsorbing process.

In these unknown figures concealed like a butterfly in its chrysalis lie hidden the germs of the future—the possibility of greater well being, of widespread satisfaction, or the possibility of poverty, disaster, and rebellion. We need apply to no veiled oracle to discover what is in store. We need no crystal gazer to foretell or forebode the future. Modern science has given us the glass through which to peer reasonably into the oncoming events even as we can foretell whether wind or rain or storm or flood is approaching. Why do we not use it?

I have heard the so-called "do-nothing" statesmen say that this problem is not new; that it will solve itself. We shall adjust ourselves to the new order. Present-day events, they say, are but a repetition of those experienced when the factory system was installed in the eighteenth century. What is the lesson of that very history to which these gentlemen refer? What was the result of that self-adjustment, of that faith in a let-alone, do-nothing creed? Hunger and demoralization, slums and deprivation, war and rebellion. That was the price of self-adjustment. And who paid it? At first the unknown soldiers of the industrial struggle, the fighters upon whose sweat our present-day industrial greatness is reared. They were the first to pay the penalties, but in the long run no one escaped. No, not the mightiest. Out of the discontent and dissatisfaction and striving of those workers a new order of things was born. There was revolution in France. There was revolution in America. In Germany rebellion followed rebellion. There was political upheaval in England and Italy. A new leadership came to the front, inspired by new ideals, answering new and popular responses.

Now that the wheel of time has completed its turn and we face once again that selfsame conflict between man and machine, on which side shall we throw the great weight and immeasurable power of organized government? We might forgive the statesmanship of the eighteenth century. It did not know any better. But what apology can we offer? What extenuating circumstances can we plead if we again permit mankind to be broken on the rack of poverty and unemployment?

There may be among us a number of extreme individualists who regard the problem of unemployment as one to be solved by the workingman himself. "He must work out his own destiny," is the high-sounding phrase in which is concealed an unwillingness to solve the problem. We must consider, however, that the fate of these workingmen and women determines the destiny of the Nation, a destiny which we must work out.

This year has proved no exception in providing the usual number of fair-weather prophets who come forward with the assurance that the spring will bring relief. What I said two years ago in this very Chamber still holds true:

> Suppose that the change of seasons will bring an improvement, will provide few or many jobs, can we chain the spring to our streets and detain it there forever? Will not the winter again follow the summer in relentless continuity, and then what shall we say to the cold, the hungry, the unsheltered? Shall we repeat the mocking refrain, "Spring will bring improvement"?

The only factual study of technological unemployment that has come to my attention is the one made by the Brookings Institution. Seven hundred and fifty-four persons displaced by machinery were questioned. Approximately 50 per cent had not yet found new jobs after months of idleness. Where new jobs had been found and the so-called absorption process completed, the results of the study show that it worked exceedingly slowly and exceedingly poorly.

This, of course, is a very minute sample. But it affords no ground for comfort, no ground for complacency, no cause for smugness or self-congratulation. It indicates that we can not with safety continue the hit-and-miss method. It makes clear that these displaced men and women, fired through no fault of their own, must become our special care and concern.

The same ignorance that prevails with respect to the technologically unemployed envelops the problem of the men of past middle age. In principle their economic problem is no different from that of other unemployed. Were there no overflow there would be no discrimination against these men. But their personal situation is usually such as to make their difficulty particularly acute. Yet we have no idea of the extent of this hardship.

The two forms of unemployment that I have mentioned are comparatively recent in origin, but it is not their novelty which is responsible for our ignorance and inaction. We know just as little and have done just as little about seasonal unemployment. We have done just as little about the idleness which arises out of the periodic alternation of boom and depression in the business cycle.

For two years there have been pending in this body a set of bills aimed at these difficulties. The bills provide for more and better information, voluntary cooperation with the States in maintaining clearing houses of jobs and men in search of work; stabilization of business through the use of the long-range plan and the proper timing of the construction of public works.

These proposals are not in the realm of the fantastic. They have been found economically sound. They have been pronounced politically feasible.

In his Newark address during the campaign President Hoover said:

> While the judicious arrangement of Government construction work can aid in wiping out the unemployment caused by seasonal variations in business activity, the Federal Government can do more. The Department of Labor should be authorized to undertake the collection of regular statistics upon seasonal and other unemployment. We must have this fundamental information for further attack upon this problem from the further solution of which will come still greater stability and prosperity in the world of employer and employee.

Those were fine words.

This is not all the President has said. In the fall of 1928 he sent Governor Brewster to convey his ideas to the conference of governors. A program of action was there unfolded which was largely identical in aim and method with the proposal contained in the bills I had already introduced in the Senate. What has become of that program? Why has not even the first step been taken to put this stabilizing plan into effect?

We have none of this "fundamental information." We have no stabilization machinery. We have no system of employment exchanges. And we have heard nothing further from the President in regard thereto.

Those who have in recent months confused the President's business conference with the long-range plan of public construction are making a serious mistake. The two projects are entirely dissimilar. Planned construction can only be the product of information. The conference is frequently the bubble of emotion. The plan is the child of foresight and forethought; the conference is usually the offspring of apprehension. The plan operates in time of prosperity to prepare for periods of slackness and inactivity. The conference is usually the hysterical accompaniment of panic. The plan is conceived of sound economics and contributes to the elimination of waste. The conference is all too frequently the latter-day version of a revival meeting. The plan proceeds noiselessly, calmly, and efficiently. The conference is accompanied by the blare of trumpets and the screaming of headlines.

The final distinction is that the plan works, and the conference does not; for it has been amply demonstrated that we can not continue to have "prosperity by proclamation" or employment by exhortation. The recent conference will be justified only if it proves to be the springboard to a permanent plan.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WAGNER. I yield.

Mr. WALSH of Massachusetts. The Senator has just referred to the factor in this matter which I think is creating the most dissatisfaction. I find among people interested in this problem, and people who are out of employment, not so much a hostility to the failure of the administration to provide relief; I think they appreciate the many difficulties in the way of giving relief. But what I do find is strong, bitter antagonism, which I can not understand the administration allowing itself to be a party to, even from the standpoint of selfish political interests, a resentment because of the denial of the real facts and the promulgation of proclamations of prosperity which are in contradic-

tion to the real, existing conditions in the country. I inquire of the Senator if he has not found great resentment to the administration's attempt to deny the facts, or to divert public attention from them; and, secondly to the complete apparent lack of sympathy with the unemployment problem. In other words, if there were an admission of the actual conditions and an expression of sympathy the public would feel less concern and better understand the difficulties of giving immediate relief; but where there is denial of facts and an absence of sympathy, the hostility among those interested in this problem and who sincerely desire a remedy is growing with great intensity, to the disadvantage of the present administration.

Mr. WAGNER. I agree with that. A further and an even more inexcusable attitude is that the administration has made no effort to itself father or to support legislation which will afford precise information as to these hardships and as to their extent and nature, as to where the men are who are out of work, as to the kind of work they have been doing, without which precise information this difficulty can never be permanently solved; and it can be solved.

Mr. WALSH of Massachusetts. The Senator is exactly right. The administration presents the appearance of running away from the problem, of avoiding it.

Mr. WAGNER. Yes.

Mr. WALSH of Massachusetts. Of shunting it to one side, hoping that in some miraculous way there will be found a solution. The complete failure to recognize the existence of the problem, to express a kind, sympathetic word to those who are suffering, seems to me to be indefensible.

Mr. WAGNER. Mr. President, I was going to say to the Senator that what to my mind is another inexcusable attitude on the part of the administration is that of leading the country to believe that they have precise information and statistics as to all these different kinds of unemployment, like seasonal, cyclical, technological, or old-age unemployment; whereas as a matter of fact, they have no knowledge as to the existence of those kinds of unemployment at all and refuse to father any kind of legislation which would give them the machinery to enable them to secure that precise information.

Mr. President, we must get at this problem and work at its solution in the light of the danger to the whole economic structure that we have erected in the event that we fail. We are living in an age of plenty. We have the power to produce. Our men and women are willing to work and produce. Will that great power and that great will be forged into widespread prosperity and happiness, or will they be corrupted into unemployment, poverty, and want?

Mr. President, though I speak with earnestness of men and machines, of work and wages, it is not because I am obsessed with a materialism which obscures the finer qualities of human life. I believe there is room for idealism in the consideration of these things. I believe that if we can create out of our immense productivity a measure of plenty for all our citizens and a fair measure of leisure, we shall have provided the soil for the growth of bigger and fuller lives, capable of the richest spiritual development. That is the goal and final aim of these efforts. In the way of their realization lies unemployment—an obstacle which we can, if we will, surmount. We shall surmount it as soon as we take literally to heart that involuntary idleness is just as offensive, just as wasteful, just as demoralizing as involuntary servitude. We have abolished the one. Let us now eradicate the other.

Mr. FESS. Mr. President, I will not take the time to-day to make any comment on what the Senator from New York [Mr. WAGNER] has said, but I shall do so to-morrow.

Mr. WALSH of Massachusetts. Mr. President, in connection with the subject under discussion, I ask that some newspaper clippings which I have collected, showing the extent of unemployment and presenting helpful suggestions, be printed in the RECORD in connection with the speech of the Senator from New York.

There being no objection, the clippings were ordered to be printed in the RECORD, as follows:

CURES RECOMMENDED FOR UNEMPLOYMENT

Seven recommendations for the minimising or preventing of unemployment on a large scale in the United States were made recently by the Senate Committee on Education and Labor. The recommendations were:

1. Private industry should recognize the responsibility it has to stabilize employment within its industry.

2. Insurance against unemployment should be confined to the industry itself as much as possible. If there is any public insurance plan developed it should be worked out by the State legislatures.

3. The States and municipalities should be responsible for building efficient unemployment exchanges.

4. The existing United States Employment Service should be reorganized.

5. Efforts should be made to provide an efficient system for obtaining statistics of unemployment.

6. The Government should adopt legislation without delay which would provide a system of planning public works so that they would form a reserve against unemployment in times of depression. State, municipal, and other public agencies should do likewise.

7. The Federal or State Governments or private industry should give consideration to the matter of establishing a system of old-age pensions for superannuated employees.

[From the Boston Post, January 25, 1930]

HUNDREDS SEEK JOBS IN BOSTON—SITUATION IS THE WORST IN YEARS, SAYS DIRECTOR

The employment situation in Boston is at the lowest ebb it has been in the last 25 years, at least, and the solution of the problem rests with Mayor Curley and him alone, John J. Shields, newly appointed director of the municipal employment bureau at Haymarket Square, said yesterday.

TOTAL IDLE LARGE

It is impossible to give an accurate estimate of the total number of unemployed in the city, he said, but the number is certainly large. Twice as many are out of work now as were in 1927, when 80,000 men were said to be without jobs.

Last week, 754 new men, and about 300 new women were registered with the city bureau as job seekers, and about an equal number will apply this week, whereas the average weekly registration is about 200 at this time of year, under normal conditions.

In the building trades alone, 13,000 are estimated to be unemployed. The figure applies only to mechanics living in Boston, Mr. Shields added. A picture of conditions may be had daily at the overseers of the public welfare, on Chardon Street, where yesterday 600 men worked chopping wood in order to get relief in the shape of a grocery order. Usually, there are only about 30 men so engaged, although the number sometimes ranges as high as 60 in the wintertime, under normal conditions.

The lack of snow has added to the unemployment burden, too, he stated. Ordinarily, snow removal provides labor for a large number of men, but this year there has been almost no snow, and consequently little relief has come from this source.

Business and mercantile houses generally throughout the city are either laying off employees, cutting them down on hours of pay, or asking employees to take short vacations without pay at the present time, according to reports from three or four men who go out on the streets of the city daily investigating for the bureau, he said.

But, he added, there is hope of alleviating conditions if Mayor Curley's program for extensive building should be adopted and work commences at once. That would relieve the building-trade situation directly, would provide ample employment for day laborers, and would help out in other lines of employment indirectly.

[From the New York World, February 8, 1930]

CUT WORK TO SAVE JOBS, STATE URGES—PROPOSAL IS PART OF ROOSEVELT PLAN FOR UNEMPLOYMENT RELIEF—FARMERS ASKED TO HELP—GOVERNOR VISITS ALBANY BUREAU—FAVORS 8-HOUR DAY LAW

(From the World's Bureau. Special dispatch to the World)

ALBANY, February 7.—Governor Roosevelt to-day revealed that he had developed a 3-point program for relief of unemployment in the State. Definite steps, either under way or about to be taken, include:

1. Miss Frances Perkins, State industrial commissioner, is laying before employers recommendations that, if necessary, it would be better to reduce employment for all workers rather than to eliminate any jobs.

2. The agricultural advisory commission studying farm relief is to be directed to urge farmers to hire as many workers as possible for the spring planting season.

3. There are to be added to the State industrial commission pay roll 100 additional employees to investigate labor conditions with a view to discovering means to improve them.

That the governor may have other and more comprehensive plans in mind also was indicated.

ADDRESSES JOB SEEKERS

He disclosed a personal interest in the situation by driving to the State employment bureau in Albany this morning, where he spoke briefly to 100 men he found there seeking jobs. He discussed the situation in the Albany employment bureau later with Daniel A. Hausmann, superintendent.

Upon his return to the Capitol, the executive indicated that with the arrival of spring he is hopeful that the slack will be taken up through a natural pick-up of labor conditions as well as through steps being taken by the State.

In his brief address to the men at the Albany employment bureau, the governor announced that a determined drive would be made to pass an 8-hour day law during the present session of the legislature on the theory that it will help in providing additional jobs.

"Every possible effort is being made to pass an 8-hour working-day law," he said. "If these efforts are successful, then instead of one man working 12 or even 10 hours a day there will be employment for another man as well.

"In addition, efforts are being made to arouse interest and aid from the farmers. In securing jobs for the unemployed during the spring and summer months, there are a number of farms in this vicinity where additional labor may be used at that time.

"More than 100 additional employees are being added to the State labor bureau to investigate labor conditions and arrive at some method of improvement."

TO EXAMINE WEEKLY REPORTS

The governor is reported to be making personal examinations of the weekly employment reports compiled by the State labor officials.

If the steps already outlined do not bring swift improvement, it is believed the executive will inaugurate other action.

The governor expressed the belief that the building program which President Hoover urged throughout the country and which is being pushed on the greatest scale in the history of New York State already has shown results.

A still greater salutary effect is seen by the executive as the building program in the State expands with the coming of spring and summer.

[Editorial from the Washington Daily News, February 10, 1930]

UNEMPLOYMENT

What is the administration going to do about unemployment?

Senator LA FOLLETTE and others are making serious charges against the accuracy of the Government's employment figures and the adequacy of its remedial policy. Such charges deserve a reply, which doubtless will be forthcoming from the administration. This is not the sort of thing that can be ignored successfully.

There is no disagreement regarding the essential soundness of the business and credit structure.

But there is wide disagreement concerning the extent of the temporary depression and the numbers of unemployed. There is equally wide disagreement as to whether "the corner has been turned."

In such circumstances the country has a right to look to the Federal Government for facts and for guidance. The official answer of the administration is that there was a slight depression early in the winter, but that the tide changed some time in December and that the improvement has been so rapid as to make conditions almost normal again.

Is that true?

Certainly it is not true of many communities, whose unemployment lines are longer now than in December or January. It is not true of the American Federation of Labor trades. And it is not true in New York State, where labor figures refute the claims of the Federal Government. New York State employment statistics are generally accepted as the most reliable in the country, and that State's industrial condition usually has been found to reflect conditions in other States.

There are also signs of lower wages, along with decreased employment. "With weekly earnings smaller than 12 months ago and household expenses no lower, it becomes increasingly difficult to maintain the accustomed standard of living," according to statistical findings just issued by the Labor Bureau (Inc.). It adds that unless the trend of wage changes downward during each of the last three months is reversed, "we are in for a great deal of trouble."

President Hoover foresaw the dangers of just such a situation, and three months ago called industry into conference to prevent it. The keystone of the Hoover program was "no wage reductions." He argued rightly that wage reductions would destroy the consumers' purchasing power and thus prolong the industrial depression in a vicious circle.

Unfortunately not all industry has kept its pledge to maintain the wage level. If the incomplete figures are to be believed, wage cuts and lay offs have been occurring in many industries and many parts of the country. Meanwhile the farmer is hit by a fall in the price of his major crops.

These conditions have not been brought about by so-called "calamity howling." On the contrary, they have developed in spite of a general and determined optimism.

The program adopted last autumn for the stabilization of prosperity has not produced results as complete as desired. It may be necessary for the administration to assume leadership again.

[From the Washington Post, February 15, 1930]

LESS UNEMPLOYMENT

The report of Secretary of Labor Davis that employment is now taking an upward trend is gratifying to everyone. Authorities have disagreed as to how serious the unemployment has been this winter. No figures will be available, but the Department of Labor refers to a "tremendous idleness" during January. Conditions have been particularly serious in New York, due apparently to an influx of workers from the country as much as from reduced activity. Winter always brings a certain amount of seasonal unemployment, but the level has been below normal this year.

Reports to the Department of Labor indicate that employment will be back to normal within the next two or three months. The concerted efforts of industry and labor to avert what might have been a serious economic depression could not prevent a slight sag, but it appears that the country will be normally busy much sooner than would have been possible without their voluntary cooperation.

With the opening of spring a new era of industrial and building activity will begin. The stock market is gradually recovering from its shakedown. Credit is plentiful. Confidence that was shaken by the stock market collapse has been restored, and many projects that were held up because of uncertainty during the early winter months may now go ahead. Already some of the basic industries, including steel and automobiles, have begun to expand to their former level of output.

Unemployment due to more extensive use of machinery continues to be a problem, though in the minds of most economists it is but temporary. New energies absorb the extra workers, and wages remain high. The soundness of the economic structure in the United States has been demonstrated by the recovery from what might have been a disastrous period of depression. There is every reason to believe that that recovery will be complete and that the year 1930 will be prosperous.

[From the Boston American, February 13, 1930]

PLAN WORK FOR POOR OF LYNN

Rev. Francis W. Maley, pastor of St. Joseph's Catholic Church of Lynn, laid to-day before Mayor J. Fred Manning a $500,000 plan of relief for the poor and unemployed.

The priest's plan would have 500 business men of the city contribute $1,000 each to a fund, this fund to be started with a donation by the priest himself.

He would have a committee appointed by the mayor to devise a plan whereby the half million dollars would be devoted in some way to industry that would furnish year-round employment to those now unable to find work.

Father Maley's visit to the mayor followed a move of the Lynn school department to have free crackers and milk furnished at school lunch hours to children too poor to purchase it themselves.

The school department, at the suggestion of Mayor Manning, has made arrangements with the Junior Red Cross, which has funds for such purposes, to furnish the crackers and milk.

CLINTON MILLS MAY LIQUIDATE—STOCKHOLDERS TO MEET IN BOSTON NEXT FRIDAY—ADDITIONAL CAPITAL, ONLY ALTERNATIVE, IS UNLIKELY—INDEBTEDNESS GROWING, THE DIRECTORS EXPLAIN

(Special Dispatch to the Gazette)

CLINTON, February 14.—Stockholders of the Lancaster Mills will have their annual meeting in Boston next Friday to consider either raising additional capital or complete liquidation of the firm's assets. It is intimated that liquidation is the most likely step to be taken.

The Lancaster Mills have been one of the backbones of Clinton industry. During the World War and afterwards about 2,000 hands were employed, but at present only about 300 are retained. The mills' property here is taxed at about $1,500,000.

The preferred and common stockholders to-day received from the directors a letter setting forth the company's condition and announcing the annual meeting.

On August 13, 1928, the company voted to sell its idle machinery and real estate. About $12,000 was received for the machinery and $291,000 for the real estate. From this and other sources the note indebtedness of $2,000,000 was reduced to $1,450,000 at the end of 1929. However, it has increased $100,000 since.

It is pointed out that the mills' machinery is adapted for the manufacture of ginghams, and as these are out of style and as the company found no substitute, the indebtedness is growing constantly.

In 1929 the loss was $404,000 after all charges, including depreciation. The losses in recent years have reduced the working capital to $180,000 at the end of 1929, and the decrease has continued during the present year.

"Under these circumstances," the letter to the stockholders says, "and faced with continual textile depression, it is apparent that the company is without working capital to continue even at its present limited operations.

"The directors have studied other possible means of financing the company but believe that for the company to continue manufacturing operations would be an unwarranted risk. If the stockholders do not wish to try to raise new capital, authorization of voluntary or orderly liquidation appears the only course to adopt, to avoid the danger that before long a more rigid liquidation might be forced on the company."

The letter was sent out by the board of directors, Robert R. West, treasurer. Mr. West submitted his resignation this week to take a new post in a West Virginia mill.

CLOSES DEPARTMENT OF WIRE ACTIVITY

The Wickwire-Spencer Steel Co. has abandoned its ornamental wire department, the reason being that the competition in this field has



become so active as to make the line unprofitable. The department has been located at the Clinton works, where it moved from Worcester some years ago. When running full it employed about 35 hands. The company recently closed its wire goods department, selling the business to the Washburn Co. of Worcester, which is consolidating it into its factory on Union Street.

[From the Boston Post, February 16, 1930]

SHORTAGE OF JOBS BIG DISGRACE—UNEMPLOYMENT IN THE UNITED STATES ASSAILED BY FATHER CORRIGAN

"In a country with our resources unemployment on the present scale is indefensible. It is the result of industry individually organized on a hit-and-miss basis. The solution lies along the line of industry functionally organized with human needs the guidepost rather than mere profits," said the Rev. Jones I. Corrigan, S. J., of Boston College, speaking yesterday afternoon before 800 members of the League of Catholic Women in the assembly hall of Emmanuel College, in the Fenway, on the subject of Economic Loss and Waste.

UP TO INDUSTRY TO ACT

"In self-defense industry should take a keen interest in unemployment. Not talk but action is needed. Men, women, and children are hungry. Where is our industrial leadership in the crisis? Where is business leadership? The talk about prosperity begins to look foolish with four or five million men unemployed.

"The widespread suffering and distress from unemployment in America to-day is a tragic indictment of our industrial order. Unless industry takes the matter in hand, unemployment insurance is a piece of social legislation that is sure to come. The immediate effect of the insurance would be to prod industry into an awakened activity to keep the wheels of industry turning. This would be a big advance, because any cutting down of idleness is economic gain as well as a social benefit.

"Unemployment in this country can be greatly reduced if industry and Government will attack the problem as they have other problems," said Father Corrigan.

"Far more than 50 per cent of it could be eliminated. It is decidedly profitable to industry itself to attack the unemployment problem. A fund in each industry to prevent unemployment is one of the simplest and most effective means to combat the evil."

ALLEN IN PLEA FOR JOBLESS—GOVERNOR URGES CITIES AND TOWNS TO SPEED UP WORK

In a letter to mayors and boards of selectmen, Governor Allen yesterday renewed his recommendation that public works be speeded up as much as possible for the purpose of taking care of the unemployment situation, particularly to stop the rush of unemployed to the larger communities and thus adding to the seriousness of the problem generally.

EMPLOYMENT OFFICES

The governor pointed out that opening of public employment offices in each community has been found very helpful, and he urges each municipality to do everything possible to take care of its own problem of unemployment. In the carrying out of improvements and public works the governor suggests each community employ as many of its own citizens as can be used, with preference given to those with dependents.

The governor said the Commonwealth at the present time is advancing its public works as rapidly as possible, so as to take up slack employment, and the department of public works, the department of conservation, and the metropolitan district commission will undertake immediately a program of forestry, tree trimming, and clean-up work in the parks and elsewhere, which will provide work for a considerable number of men throughout the State.

"I have been assured by the highway division of the department of public works," the governor said, "that road construction will be pushed forward as rapidly as possible, and in fact the whole State program of public works, involving an expenditure of $25,000,000, will be advanced as rapidly as conditions permit.

"The fullest cooperation of the cities and towns throughout the State in conjunction with the advancement of public works will be thoroughly appreciated and will contribute materially in maintaining employment throughout Massachusetts."

[From the Boston Post, February 19, 1930]

FORTY-ONE-MILLION-DOLLAR PROGRAM FOR BOSTON—CURLEY ASKS GOVERNOR TO HELP SECURE AUTHORITY

Public improvements costing over $41,000,000 were outlined last night by Mayor Curley in a communication to Governor Allen as Boston's contribution to President Hoover's program for the promotion of industrial prosperity and the relief of unemployment.

ASK ALLEN'S AID

Stating that he had already made available $7,510,000 for public improvements, which will be started in a month after the necessary advertising for bids, the mayor appealed to the governor to use his "friendly intercession" with the legislature to adopt legislation permitting the city to proceed with other needed developments costing $34,000,000.

The mayor estimated that there are 70,000 unemployed men and women in Greater Boston, and asserted that the municipal program, supplemented by private developments, "would aid materially in providing relief for the families of those who to-day seek opportunity for livelihood with extremely bleak prospect of success."

Among the moneys made available by the mayor for improvements to be started within a month are $1,000,000 for hospital additions, $1,000,000 for sewerage works, $1,000,000 for the Charles Street widening, $1,210,000 for the Center Street widening in West Roxbury, $750,000 for strandway improvements, $450,000 for building additions at the Boston Sanatorium, $350,000 for a new ferryboat, $350,000 for a new fire boat, $330,000 for airport improvements, $275,000 for East Boston courthouse additions, $200,000 for a new police boat, $200,000 for two new branch libraries, $160,000 for Brighton courthouse additions, $70,000 for a city hospital medical pavilion, $65,000 for tercentenary memorials, $60,000 for Muddy River and West End Park improvements, and $40,000 for improvements at the Webster Avenue Playground, North End.

NEW SCHOOL BUILDINGS

New school buildings at a cost of $5,000,000 will also be started soon under a plan to be drawn up by the new commission on school buildings, in conference with the mayor and the school committee.

The improvements for which the mayor has requested the aid of the governor in securing authorization from the legislature to float loans necessary to pay for them include $10,000,000 for permanent street construction throughout the city, particularly in the new residential areas; $2,000,000 for the widening of Dorchester Avenue and Summer and L Streets, South Boston; $1,000,000 for the construction of a strandway along the Bayswater front of East Boston; and $16,000,000 for the construction of either a vehicular tunnel or bridge from the down-town business center to East Boston.

[From the Washington (D. C.) News, February 21, 1930]

UNEMPLOYED IN CITY OVERTAXING CHARITY GROUPS, IS REPORT—PRUNING OF CHEST BUDGET AND INFLUX OF LABORERS FROM OTHER CITIES AGGRAVATING SITUATION

Unemployment in the city is overtaxing the charity organizations according to the reports of five groups which minister to the jobless. These groups, the Salvation Army, the Associated Charities, the Jewish Welfare Federation, the Catholic Charities, and the Travelers' Aid Society, have stated that they are having great difficulty in caring for all the cases of need arising from unemployment.

The situation is aggravated by unemployed persons from other cities who, attracted by the large Government building program, flock here expecting to find work.

Since the pruning of the Community Chest budget, the situation is grave and will grow worse unless steps are taken either to keep nonresidents in need of work away from Washington or provide some means of taking care of the destitute, representatives of the groups say.

[From the American Federation of Labor Official Information and Publicity Service]

JANUARY 31, 1930.

The following statement concerning unemployment during the first two weeks in January, 1930, was issued to-day by William Green, president of the American Federation of Labor:

"Unemployment increased in January according to reports from trade unions to the American Federation of Labor. The figures show 19 per cent of union members unemployed in the first two weeks of January, a substantial increase over December when 16 per cent were out of work. The figure for January is the highest percentage of unemployment since the federation began collecting statistics in 1927. In January, 1928, when unemployment reached serious proportions and caused public concern in many cities, the federation figures showed 18 per cent of the membership out of work, as compared to 19 per cent this year.

"This report covers 640,000 members in 24 cities. A large variety of trades are included: Building trades; transportation, including street-car employees, railway shop crafts, trucks, delivery, and taxicab drivers, sailors and shipping trades; service trades, including hotel and restaurant workers and barbers; professions, including musicians; Government employees; manufacturing industries, including printing, metal trades, clothing, and food industries; and a number of others.

"The federation report thus covers a different group of wage earners from the report of the Bureau of Labor Statistics, except for overlapping in a small group of manufacturing. It indicates that there is a large field where employment conditions are not yet improving and where there may be acute suffering unless industrial recovery comes soon.

"The highest percentage of unemployed is in the building trades, where 38 per cent were unemployed. This is a higher figure than in January, 1928, when 36 per cent were unemployed, and substantially higher than January, 1929, when 30 per cent were out of work. It also shows an increase since December when 32 per cent were unemployed. In metal trades, 14 per cent were out of work compared to 8 per cent in January, 1929, and 11 per cent in December; in printing the percentages are: January, 1930, 5 per cent; January, 1929, 4 per cent; December, 1929, 4 per cent; in all other trades, January, 1930, 11 per cent; December, 1929, 10 per cent.

"Unemployment is especially high also among musicians, who have been thrown out of work by the increasing use of radio and Vitaphone. In sea and lake port towns, large numbers of sailors and longshoremen are out of work; and the total unemployment is increased by seasonal industries, which, in some cases, are in worse condition than usual this year; clothing workers, bakery workers, hotel and restaurant employees, railway repair workers, and others. Truck drivers and deliverymen also report a large percentage out of work in most cities.

"The workers' organizations are giving all possible relief to members out of work. Many pay unemployment benefits; nearly all have some means of helping members find work—either an employment bureau or an officer who makes it his special business to keep in touch with vacancies. Many have relief funds for those in distress. Union agreements often provide for equal division of work among wage earners in an individual shop so that none are laid off. The higher union wage scale also makes it possible in many cases to lay aside savings against an emergency such as this.

"By helping members to tide over this difficult time of unemployment, unions keep many thousands from becoming a public charge. Appeals for charity from union families are rare. Stores and retail dealers also feel the effect of sustained buying power when unions keep members from running up debts in times of unemployment. The union is a real force for recovery."

TOO OLD AT 45—NEW RULE OF SOME EMPLOYERS IN NEW HAMPSHIRE

John S. B. Davie, labor commissioner of the State of New Hampshire, who by no stretch of the imagination can be classed as "radical," joins the ranks of those who see a national menace in the growing habit of employers to close the door of employment to all over 45.

Commissioner Davie does not say there are such employers in Chicago or St. Louis; he finds them right at home.

"There are employers and factory managers in New Hampshire who have given orders that persons who have passed the age of 45 are not to be given employment. These orders are issued in spite of the fact, easily demonstrated, that there are many men and women over 45 years of age in the industries of New Hampshire who are giving service no younger person could duplicate."

On the eve of a special session of the legislature called for the one purpose of passing an income tax, the Davie warning may give New Hampshire something to think about.

Granting the unmarried an exemption of no more than $1,200, and allowing the family man only $2,000, the income tax New Hampshire managers have in mind would reach everyone who takes his living from a weekly pay envelope containing more than $25.

Such a law is an out-and-out appeal for "farm" support. A majority of New Hampshire lawmakers are farmers. Few farmers keep books. Most of them may claim, with truth, that their net incomes do not reach taxable proportions.

The New Hampshire constitution places a 15-day limit on special sessions of the legislature. The special session to be held this month might well devote a day or two to the task of discovering the persons or organizations strong enough to put over an income tax, in spite of the fact that the proposal has been rejected—in the form of proposed amendments to the constitution—no fewer than three times.

[Editorial from the Washington Daily News, February 28, 1930]

THE RIGHT TO WORK

The communist unemployment demonstrations in half a dozen cities from coast to coast are not dangerous. The unemployment situation behind the demonstrations is dangerous.

No amount of police clubbing of communists is going to solve the unemployment problem. The communists are infinitesimal in numbers and influence in this country. They could be wiped out tomorrow—as so many conservatives hope they may be—and the political, social, and industrial conditions of the country would not be altered a particle.

There is something at once sinister and pathetic in the idea of some American officials that it is a crime to mention the word unemployment. They are like the people who would fight an epidemic by denying its existence.

Agitators do not cause unemployment. Unemployment causes agitators. Why shouldn't it? The right to work is inalienable.

If a man can not find work and if his family is hungry, what do we expect him to do? Make a speech on the blessings of prosperity?

If the unemployed do no more than parade to a city hall and plead for help, a city is lucky. The police should be glad that the weak and hungry are expressing their protest in such a harmless manner.

The trouble with us in America is that we have been self-righteous about our national prosperity for so long we now can not think straight and feel straight on the subject. We are acting as though a man out of work is a leper or a criminal.

The great army of unemployed to-day are not criminals. If anything criminal is involved it is the system which has created them.

The working people of this country were not made for our industrial system. The system was made for them. And, unless our system can provide steady work and a good living for the rank and file of the people, it is a rotten system which some day will fall of its own weight.

With all our talk about American efficiency, what are we doing to prevent this endless cycle of unemployment which swings back to mock our Government and curse our workers periodically? In the hard times of 1921 a national commission was appointed so that the tragedy would not happen again. But even the mild recommendations of that commission have never been acted upon.

For years these mild recommendations for Federal employment exchanges and statistics, and provision for spreading construction work over lean years, have been before Congress. But there has been no action, because the White House, the Congress, the chambers of commerce, the boosters, and the well fed have been hostile or indifferent.

Meanwhile every year the unemployment problem grows more serious as the advance of machines scraps human labor. At our recent peak of prosperity the unemployed numbered from one and a half to three millions. And now, during the temporary industrial recession, no man knows whether the number is four millions or six or seven.

We can not know the facts because we are the only great industrial nation in the world which fails to gather Federal unemployment statistics. To-day we can only guess at the truth from the reliable New York State figures, which show that this winter is the worst—except 1921—in 15 years.

We believe American conditions are fundamentally sound, that the potentialities of prosperity for all the people are greater in this land than in any other. But no prosperity is strong enough to withstand the creeping disease of unemployment unless the political and industrial leaders fight that disease honestly, intelligently, and courageously.

With the coming of spring we are passing out of the worst part of the depression. But depression will come again and again, next winter or the following, unless we face and begin to conquer this industrial blight.

Indifference in this hour is treason.

The millions of men walking the streets to-day have a right to jobs. They should demonstrate. They should agitate. They should endeavor to awaken the Government to its responsibility.

Mr. WALSH of Massachusetts. Mr. President, I ask that there be printed in the RECORD a very able discussion of unemployment, entitled "Unemployment—What Can Be Done about It?" by Dr. John A. Ryan, a professor of the Catholic University here in Washington, and a man who has made an extensive study of social questions.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT—WHAT CAN BE DONE ABOUT IT?

I. PARTIALLY EFFECTIVE REMEDIES

During the early months of 1928 the considerable increase in the number of idle workingmen occasioned a pretty widespread discussion of unemployment. Several debates about it took place in the United States Senate. The number of unemployed was put at 4,000,000 by Senator WAGNER and others, while the protagonists of Republican prosperity asserted that this estimate was at least 100 per cent too high. Some of the latter cleverly misrepresented a statement given to the Senate by the Commissioner of Labor Statistics. According to the commissioner, the number of persons at work in 1928 was 1,874,000 less than in 1925. By the official exponents of prosperity this was set forth as the total number of the unemployed. Such use of the commissioner's statement could be justified only on the assumption that in 1925 there was absolutely no unemployment, an assumption which was not frankly made by any of Senator WAGNER's opponents.

The practical outcome of the Senate discussion was a resolution adopted May 3, 1928, providing for "an analysis and appraisal of reports of unemployment and systems for prevention and relief thereof." In conformity with this resolution the Senate Committee on Education and Labor, under the chairmanship of Mr. COUZENS, held 12 hearings in the months of December, 1928, and January and February, 1929. Business men, industrial engineers, personnel managers, college professors, and Government officials were heard at length. On March 1, 1929, the committee made its report, which has since been published by the Government Printing Office in a volume of 530 octavo pages, entitled "Unemployment in the United States."

In addition to a transcript of the testimony referred to above the report presents several interesting and important memoranda describing legislation against unemployment in foreign countries, proposed legislation in the United States, and provisions obtaining in several American industries for unemployment insurance. There is also a long summary of the testimony at the end of the volume by Dr. Isador Lubin and 13 pages of comment at the beginning by the Senate committee.

These preliminary pages will naturally attract more attention than any other part of the report, since they embody the conclusions reached by the men who conducted the hearings. The most definite recommendation made by the committee is that the Bureau of the Census should make a count of the number of the unemployed when it takes the decennial census of 1930. This suggestion has already been adopted by the bureau, and we are now assured for the first time of fairly accurate knowledge concerning the number of wage earners out of employment.

Less confident and clear-cut is the language of the committee concerning employment exchanges. However, it does declare that "efficient public exchanges should replace private exchanges"; that the United States Employment Service should be reorganized sufficiently to supervise and coordinate the operations of exchanges conducted by the States and municipalities. What the committee says about the United States Employment Service recalls a statement in the bishops' program of social reconstruction: "It is the obvious duty of Congress to continue and strengthen this important institution." Unfortunately, Congress did not recognize this duty in the months following the war. As a matter of fact, it almost crippled the Federal Employment Service. Now one of its own committees realizes that this course was unwise. On the other hand, the limitations of public employment exchanges ought to be kept steadily in mind. They can do no more than decrease slightly the volume of unemployment. Very few employers are compelled even in these days of so-called prosperity to cease or even greatly to curtail their business activities because of inability to find employees promptly. There are too many other ways of making their wants known. And, obviously, employment bureaus can not increase the number of jobs. What they can do is to reduce the cost and trouble of finding employment and employees and enable both employer and employee sometimes to make better and more intelligent selections.

In the third place the committee recommends at some length stabilization of seasonal employment, quoting the estimate by Sam Lewisohn that the saving possible in this field amounts to $2,000,000,000 annually. Several of the witnesses at the hearings described the success which had attended their efforts to regularize their own businesses. The best-known illustrations of seasonal industries are the building and clothing trades. "Stabilization" describes the process of reducing the number of employed and the amount of production during the busy season of the year, and increasing both during the dull season. Undoubtedly this arrangement is superior in many respects to unbalanced seasonal operation, but its benefits can easily be exaggerated. It does not, except possibly indirectly, increase the total of employment in any industry. All that it does is to distribute the amount of employment and production more evenly throughout the year. Indeed, it reduces the total number of persons who find some employment in the industry, inasmuch as it lessens the demand for labor during the so-called peak or busy season. Of course, this disadvantage to a small number of part-time workers is more than offset by the benefits of that more steady employment which the arrangement brings to the majority. Steadier operation of the plant likewise benefits the employer since it reduces operating costs. In the words of Henry S. Dennison before the committee:

"It is very expensive for management to run a plant full time for 8 months and slack time for 4, or partly for 10 and not at all for 2, as a good many do, for when a plant is shut down, overhead expenses continue to go on."

If the employer should pass on these gains to the consumer in the form of lower prices, he could increase somewhat the demand for his product and, therefore, the number of persons employed. However, none of the exponents of stabilization that appeared before the committee mentioned this possible outcome.

The "prosperity reserve" likewise receives strong indorsement from the committee. This is a recently invented bit of jargon to describe the proposal of concentrating and increasing public works in a time of industrial depression. Undoubtedly it would counteract considerably the forces making for depression if it were carefully organized and carried out in sufficient volume. The administrative difficulties are, however, very considerable. As commonly set forth, the scheme implies not only an increase of public works in dull times but a slackening of them in very busy times. How are the legislators and other public officials to determine when prosperity is so great as to justify a retrenchment of public expenditures for roads, buildings, et cetera? For several years now we have had loud, positive, and authoritative assurances that we are in the midst of great prosperity. Suppose Congress should decide next winter to withhold all appropriations for new Federal projects, and suppose that the States, counties, cities, and towns should adopt the same policy. The net effect upon employment would be grave, indeed, for the vast majority of public employees thus displaced would not be able to find work in private industries. Only when the public authorities are preventing private employers from obtaining men and materials which they urgently need would the slackening of public works be attended by no diminution in the aggregate volume of employment. And it is questionable whether the average legislative body could determine the existence of this condition with sufficient accuracy or sufficient promptness, or discontinue the retrenchment policy soon enough. Let us assume, however, that the condition exists and is wisely dealt with. The workers engaged in public construction could readily find employment in nonpublic industries. There would be no increase in unemployment. When the depression arrived all the men formerly upon public works would resume operations in that field, together with the additional number required to carry on the public activities which had been neglected during the time of great prosperity. The latter group would represent a net increase in the volume of employment. In the absence of the "prosperity reserve" arrangement they would not be employed at all.

Such is the theory of the scheme. Its possible good effects would be offset to some extent by its evil influence in exaggerating business activity during a prosperous period, thereby causing excessive expansion and inevitably increasing the depth of the succeeding depression. However, the diminution of public works is no necessary part of a rational project of this sort. The Jones bill, which was introduced in the Senate during the last Congress, merely provides for doubling the amount of money expended by the Federal Government on public works during the year immediately following "a 10 per cent fall in the volume of all construction contracts for a 3-month period, as compared with the average of the same period for the three preceding years." Whether or not the relatively meager appropriation of $150,000,000 would suffice to hold in check the forces making for depression, it would at least mean a net increase in the number of men who could find employment. That part of the theory which assumes that public works should be retrenched by an equal degree during the first succeeding period of great prosperity had better be thrown overboard entirely. In that case, the much-vaunted "prosperity reserve" would be merely a device for increasing public works when private employment is unusually slack. As such, it is not a new thing under the sun. Many governments, both national and local, have striven to increase the amount of public works in dull times. The only thing new in the proposal, as it is now agitated, is the provision for previous planning and wider use. If it is to produce any considerable number of good results, it should be frankly recognized as committing governments to a very large increase in the amount of public works to be constructed during any period of years which includes a business depression.

In accordance with the immense amount of testimony and information offered at the hearings the committee recommends unemployment insurance. But it clearly prefers voluntary and private plans to compulsory and public plans. It rejects "the systems of unemployment insurance now in vogue under foreign governments," and declares that interference by the Federal Government in this field "is not necessary nor advisable at this time." However, it does admit by implication the possible value of public insurance, inasmuch as it declares that the study of this problem should be left to the State legislatures. Undoubtedly, the committee is right in preferring State to national unemployment insurance, but its faith in the possibilities of voluntary and private effort in this field is scarcely justified by experience or by the probabilities.

Finally, the committee gives a qualified indorsement to old-age pensions in the statement that further consideration might well be given to the necessity and advisability of establishing them, "either through private industry, through the States, or through the Federal Government."

On their face all six of the foregoing recommendations aim at preventing or reducing the hardships of unemployment. A Federal census of the unemployed would stimulate constructive action and give valuable guidance by providing adequate information. A comprehensive system of employment exchanges would reduce costs and hardships, and in some degree would lessen the time spent by some wage earners in search of work. Stabilization of seasonal employment would only indirectly and very slightly reduce the total amount of unemployment during any given year. The "prosperity reserve," with the amendment suggested above, could be so organized as to reduce very considerably the amount of unemployment in periods of depression. Unemployment insurance would relieve an enormous amount of human suffering and it ought to be adopted in every industry. Legislative action, as contemplated in the Huber bill, which nearly became a law in Wisconsin a few years ago, indicates the only adequate method. Both public and private insurance plans could be so organized as to restrict the volume of a depression, by discouraging and preventing overexpansion of plants during especially prosperous periods. From the nature of the case, old-age pensions would not reduce unemployment. They would greatly mitigate its hardships, particularly in our country at the present time when the age limit for employment has been so considerably lowered. If men can not find jobs after the age of 45 or 50, the number of those who may be called the "economically aged" becomes greatly enlarged and the need for old-age pensions greatly intensified.

Although these measures do not seem capable of increasing in any considerable degree the average amount of employment, their beneficent possibilities in other relations are enormous. Their good effects can be

comprehensively indicated in the statement that thousands of Americans would have larger and steadier incomes, and would in greater or less degree be relieved from the fear of want and many other demoralizing influences associated with insufficient employment.

II. CHRONIC UNEMPLOYMENT

It is a curious irony that the Senate committee failed utterly to suggest any specific method for dealing with the precise kind of unemployment which provoked its appointment. The committee observes correctly that "the causes or the types of unemployment might be divided into three classes—cyclical, seasonal, and technological." The outstanding remedy for the first type is, of course, the "prosperity reserve"; for the second, stabilization; but neither of these touches the third type. To it the committee devotes only two or three short paragraphs and in these it exhibits no adequate comprehension of the phenomenon:

"Technological unemployment covers that vast field where, through one device or another and chiefly through a machine supplanting a human, skilled workers have found that their trade no longer exists and that their skill is no longer needed."

As a matter of fact, the skilled workers who are displaced by new and improved machinery and other forms of efficiency merely constitute a spectacular form of the evil. They are probably a small proportion of the total number of workers who are thrown out of employment by mechanical and technical progress.

Only one member of the committee, Senator Tyson, of Tennessee, showed that he had envisaged the problem. Here are the terms in which he formulated it while the committee was listening to Henry S. Dennison:

"Assuming that the present hours of labor were to continue and full-time employment given to everybody, don't you think that the country would be overstocked in a very short time? * * * The pig-iron industry is now depressed very badly. The textile business is very badly depressed. The coal business is very badly depressed. The woolen business is very badly depressed. Everybody knows that there is overproduction. Now, then, how are you going to remedy that—by continuing to produce?"

Although Mr. Dennison is one of the most enlightened, humane, and progressive employers in the United States, his answer to these questions was wholly inadequate. It amounted simply to an act of faith that since the men displaced by machines in years gone by had always found other employment eventually the same thing will presumably happen in the present situation. At a later hearing Senator Tyson returned to this subject, saying:

"If we are to keep taking people into our industry and keep them employed, we shall have to employ them for shorter periods each day. * * * I believe if we had 70 hours of work each week as we had several generations ago and people worked every day with the present amount of machinery, we would have 10,000,000 out of work instead of 4,000,000, because with the machine process individuals have become much more efficient than they ever were before."

Among the other witnesses at the hearings only President Green, of the American Federation of Labor, Mr. Sam A. Lewisohn, and Prof. John R. Commons had anything to say about technological unemployment. None of them professed to be able to offer a remedy except Mr. Lewisohn, who mentioned stabilization and public labor exchanges. Obviously, both of these suggestions are futile. Professor Commons cited a striking example of displacement of men by machines in the clothing trade. One firm was able to reduce its force of cutters from 600 to 250. Of the 350 thus rendered superfluous, 200 quit voluntarily and the remaining 150 received from the unemployment insurance fund of the industry $500 each as a sort of "separation allowance." It is probable that no system of voluntary unemployment insurance could take care of all the displaced workers at such a cost. Moreover, an allowance of $500 is often an insufficient provision for a man who may find employment only after several months, and then, perhaps, at a considerably lower rate of pay.

Recent Economic Changes, which is the title of the report of the committee appointed and headed by Mr. Hoover to study that subject, gives considerable attention to this new kind of unemployment. It states:

"Unemployment can arise as a result of industrial efficiency as well as inefficiency. In the latter case we have seasonal or intermittent unemployment; in the former case what has come to be known as "technological unemployment" resulting from the introduction of new machinery and processes. * * * This is a serious aspect of unemployment;

Following are some of the striking indications of the vast increase which has taken place in productive efficiency since the year 1919: The average per capita production in all industries increased 39 per cent between 1919 and 1925; the per capita increase in factories was 25 per cent between 1920 and 1927; but the number of workers in the factories was 1,250,000 less in 1928 than in 1923, while the number employed on railroads decreased 150,000. According to the Industrial Review of the Year (July, 1928–July, 1929) issued by the Federal Council of Churches, "there were 2,300,000 fewer persons employed in farming, manufacturing, railroading, and mining in 1928 than in 1920." About a year and a half ago the New York Journal of Commerce declared:

"We are so accustomed to associate unemployment with prostrate industry, closed factories, and universal profound depression that it is hard to revise our ideas and grasp the fact that we must also grapple with an unemployment problem that is the direct outcome of prosperity."

The association of prosperity with great unemployment and the responsibility of the former for the latter are no longer doubted by competent students. One might, indeed, raise the question whether such a condition can properly be called prosperity. An affirmative answer would seem to be justified if the term be defined as a condition of industry in which the total production is above the average of any preceding period and in which the incomes of a very large proportion of the wage earners are likewise above preceding averages.

"There is nothing new about these problems," says Recent Economic Changes. This is an indubitable fact. The substitution of machines for men and the displacement of workers by improved productive processes have been going on steadily since the beginning of the industrial revolution. Not the problem itself of finding employment for the disemployed, but the magnitude of it is the thing that is new. As shown by the figures quoted above, the process of substitution and displacement has been considerably more rapid in recent years than in any former period. Hence the necessity of what the report calls "an accelerated rate of readjustment." Up to the present the rate has not been adequately "accelerated." In spite of the new occupations that have arisen, mostly as an incident of the general process of invention and mechanization, in hotels, garages, moving-picture houses, advertising, selling, bootlegging, road construction, and in factories turning out automobiles, radios, phonographs, electric supplies, silk goods, cigarettes, etc., unemployment has increased and the average worker has been more than ever out of work. An investigation recently made by the Institute of Economics of the Brookings Institution revealed the fact that the newer industries are not absorbing the jobless as fast as is usually believed. Some 800 displaced workers were studied in three industrial centers. More than one-half of those who succeeded in finding new jobs had been idle for more than three months, while of those still unemployed, about one-half had been out of work for the same length of time. After a rapid survey of the situation, Stuart Chase, in his recent book, Men and Machines, puts down this summary judgment:

"I am seriously afraid that accelerating unemployment is here; that the park bench is destined to grow longer. The advertisers may be able to stimulate new wants that will take care of some of the displaced men, but who is to stimulate the purchasing power that will absorb the commodities new and old?"

The outlook would not be so discouraging if we could be certain that the invention of new machines and improved methods would soon come to an end or suffer a considerable slowing down. But there are no definite grounds upon which to base any such expectation. Indeed, some authorities think that these improvements will increase rather than decrease. Writing at the beginning of the present year, Dr. William Leiserson forecast the promise of the American industry to its wage earners throughout 1929 in this sentence:

"Those who are employed shall earn more than ever before; but fewer shall be called to work and more shall be unemployed."

There is much evidence to show that this prediction has been fulfilled and there are not a few indications that it will continue to be fulfilled for a considerable period after January 1, 1930. Doctor Leiserson gives the reason why employers permit high wages to coexist with large numbers of men out of work. They have discovered "that it is cheaper to pay higher wages to a smaller number of efficient workers than lower wages to a larger number of less efficient. Industry is therefore concentrating its work in the hands of a smaller number of employees. The younger, the more accurate, and capable workers are taught and stimulated by incentive wage payment plans to produce and to earn more, while the older, the slower, and the less efficient workers are weeded out to swell the ranks of the unemployed."

In view of the magnitude and persistence of this new kind of unemployment, it might well be called "chronic." This word has not, indeed, the scientific implications of "technological," but it has a much greater practical value. "Technological" tends to "take the curse off" the evil condition which it describes; "chronic" is much more suggestive and much more likely to convey the thought that "something ought to be done about it."

How great is the number of those unemployed at present? No one knows. No one is in possession of facts which would justify any estimate that would rise above the dignity of a guess. However, there is no law against guessing; therefore I would put the number at about 3,000,000. Whether the approximately correct number is 3,000,000 or 2,000,000, which was the estimate of a well-informed business man, it is sufficiently great to form a very urgent problem.

The fundamental cause of the evil is, of course, our old friend "overproduction," or, more precisely speaking, a general and constant capacity for overproduction. It is most pronounced in agriculture, coal

mining, textiles, the boot and shoe industries, and is becoming rather pronounced in the building trades. It is manifested not only by idle men and idle productive instruments, but in the greatly increased costs of selling goods, in the prevalence of "high-power salesmanship," and in the enormous outlay for advertising. Perhaps the last-mentioned phenomenon is the most conspicuous indication. The proper end of advertising is to supply information, but probably not more than 10 per cent of the "information" currently thrust upon the public is genuine. By far the greater part represents an attempt to persuade the consumers that Brown's product is better than that of Jones. Most of the real information that purchasers need could be obtained from a classified telephone directory, from the classified notices in the newspapers, and from trade journals. Another large part of advertising is intended to arouse in the minds of the public a consciousness of needs that they do not now feel. This statement is not to be construed as a condemnation of all that sort of advertising, but merely to emphasize the fact that goods can not be sold as fast as they can be produced. Hence we have a vast overcapacity to produce and a constant danger that this capacity will be converted into action. The other and more disagreeable side of the picture is widespread unemployment of both the machines and men.

To be sure, traditional and theoretical economics assure us that general overproduction is impossible. A supply of any kind of goods, we are told, is a demand for other goods. In so far as that formula is true it has no practical meaning; in so far as it means anything practical it is untrue. Every supply of goods is, of course, a potential demand. It constitutes a power to call for some other kind of goods. But it is not necessarily an actual demand for any kind of goods now existing. For example, the owner of a textile mill does not care to exchange his surplus product for the surplus produced by a farmer. The latter may, indeed, want more clothing, but the former does not want more food. Possibly he would like to exchange his surplus for a high-priced automobile, but the producer of the automobile does not want more textile goods. Similar statements can truthfully be made concerning the producers of surplus coal and shoes and a great many other products that are turned out faster than they can be sold. When two persons have a surplus of goods on their hands only one may desire the products of the other, or neither may desire what the other has to offer. This situation may be general throughout the greater part of industry. All of those having an excess do, indeed, possess the power to obtain some of the other surplus products, but not all desire these surpluses, while those persons who feel a desire for the excessive stocks are without the purchasing power. Owing to this divorce between the desire and the power to consume, it is quite possible that surpluses may exist simultaneously in practically all of the great industries.

At the present time and during the recent past the excess has taken the form of productive capacity rather than stocks of goods. But the effect upon employment differs only in degree between the one case and the other. Recent Economic Changes suggests an eventual remedy. "Wants are almost insatiable; there are new wants which will make way endlessly for newer wants as fast as they are satisfied." As a general proposition this is true. Without any change in the present distribution of consuming power all of the workers might find employment supplying actual and potential wants if only the latter and the means of supplying them could be developed fast enough. Twenty-five years ago the automobile was generally unknown. Since then hundreds of thousands of workers have found the means of a livelihood in this industry. To be sure, a great part of the purchasing power expended upon this commodity would have been exchanged for other goods if the automobile had not been invented; nevertheless, a great part of the money would not have been spent at all, since its possessors did not desire any other kind of actually known goods. If other inventions as appealing as the automobile should appear next year, undoubtedly they would attract sufficient actual purchasing power to put all idle men and women at work. Of course, these hypothetical commodities would fall under the head of luxuries. Scales of wages need not rise; the total purchasing power in the hands of the working classes need not increase except with the increasing employment; all the workers would be employed in making goods to supply the new wants which had been developed in the possessors of surplus consuming power—that is, the rich and the well-to-do.

However, this picture has two vital defects. In the first place, it is quite unlikely that the requisite new commodities will be invented. More fundamental is the objection that this would be an undesirable kind of industrial society. The people of our age, even the wealthy, would not be benefited by new luxuries, and the masses ought not to be required to provide superfluous goods for the few while they themselves are unable to obtain a reasonable amount of necessaries and comforts.

III. FIRST REMEDY—HIGHER WAGES

Indirectly and by implication, Recent Economic Changes suggests a more acceptable remedy for the kind of unemployment which is now puzzling students of the problem. It indorses "the principle of high wages and low costs as a policy of enlightened industrial practice in a period of stationary cost of living—the recognition of wage earners as the great domestic market." As expressed by Ernest G. Draper at the hearings before the Senate committee—

"Workers are consumers as well as producers, and to increase the purchasing power of consumers is desirable, not only for the worker himself but for industry and society as a whole."

A considerable proportion of business men have, since the war, become converts to this doctrine. Men who have to produce goods in competition with their fellows have always striven for low costs in order that they might sell at low prices. Until quite recently the great majority have believed that one means of obtaining low production costs was low wages. According to the new theory, it is still desirable to sell the largest possible quantity of goods at the lowest prices and with the lowest production costs, but it is not desirable nor necessary to obtain low costs through low wages. If goods can be manufactured in sufficient quantity, the production cost can be low; but in order to sell all these goods even at low prices, purchasing power must be widely distributed. Money to buy the goods must exist in the hands not merely of a few well-to-do, but of the masses. The workers must have high wages in order to make their demands for goods effective. Increased power to consume must be extended to the only class that possesses in large measure the unsatisfied desire to consume.

This policy would provide the most humane and the most easily available remedy for the persistent overproduction and underconsumption that afflicts our industrial system. Instead of seeking to arouse new wants in the jaded appetites of the rich and well-to-do, why not supply the proper and reasonable wants of the toiling masses? Instead of striving to invent new luxuries and create new industries to satisfy wants that are as yet unknown and unfelt, why not provide an effective volume of demand for goods which are already known and desired, which can be produced by industries already established, but now languishing for lack of an adequate market? The masses desire and could use vastly more than they now obtain of the standard necessities and comforts—food, clothing, housing, hospitals and medical service, education, recreation, and amusements. We already have the workers and the productive equipment to provide all these goods in vastly increased quantities. The magnitude of the latent demand for them may be appreciated when we reflect that probably the majority of employees, even in the United States, do not obtain adequate living wages. Would not a generous increase in the remuneration of our underpaid toilers be the most direct and the most obvious way to eliminate the evil of idle machines and idle men?

No intelligent student of our economic system doubts the capacity of our industries to satisfy in reasonable measure all these wants for the majority, and to provide a considerable surplus for the economically powerful minority. The extent to which our national production might be increased is not fully indicated by our unused equipment, our unemployed workers, and the vast expansion of productive power that is obtainable without any new mechanical inventions. George Soule, in the Useful Art of Economics, says:

"In view of the vast array of preventable wastes, it is probably not an exaggeration to say that the national income might be doubled simply by eliminating them, even if inventions and knowledge of better techniques for production should cease to advance to-day."

Not more productive power but a rational organization of existing power is what we need in order to provide all our people with the material means of well-being and thereby to abolish chronic unemployment.

The better organization that has just been outlined immediately provokes the ancient and facile objection that such a large increase in wages would involve such an increase in production costs as to frustrate the object sought, and that the higher cost of production would cause such a rise in prices that there would be little or no increase in the average demand for goods and for labor. To this objection the obvious answer is that not all the additional outlay for wages would be reflected in prices. The more extensive use and more steady operation of the plant would offset either partially or wholly the higher wage costs. The increased costs, be they great or little, would be defrayed only in part by the wage earners, inasmuch as they are not the only consumers of the goods affected by the increase. In general it should be noted that if this objection were always heeded, it would prevent any increase in wages for any reason whatsoever. Happily, it has not been heeded universally. Dr. Wesley C. Mitchell, who directed the study of recent economic changes, tells us that—

"American prosperity in 1922–1927 in nonagricultural lines would have been decidedly greater had the 6,000,000 American farmers been flourishing."

Paraphrasing this statement, we observe that American prosperity would have been decidedly greater during the same period had the 10,000,000 or more underpaid American laborers been receiving adequate wages. The economic factors and implications are exactly the same in the two cases. Indeed, Recent Economic Changes gives some measure of indorsement to the doctrine and proposal here advocated when it declares that one of the 10 outstanding developments in our industrial history since 1920 has been "the recognition of wage earners as the great domestic market." It is too bad that the committee did not ex-

plicitly accept the implications of this recognized fact. Instead of using language which tended to exaggerate the increase which has taken place in wages, it ought to have frankly pointed out that further increases are necessary before a large proportion of the working classes will have satisfactory incomes, and before their effective demand will be sufficiently enlarged to furnish an adequate market for the products of our industries.

The real difficulties confronting the proposal for a better organization of our distributive system, for a better combination of the desire to consume with the power to consume, have to do with the methods for obtaining the requisite increase in wages. While the individual employer may accept the doctrine that high wages and high purchasing power in the hands of labor are good and necessary for industry as a whole, he realizes, or thinks, that relatively low wages would be more profitable in his own business. He believes that this is true at least so long as his competitors fail to adopt the policy of high wages. To meet this difficulty, the only immediately adequate measure would be minimum wage scales fixed by law. Owing to the unfavorable decision of the Supreme Court in the District of Columbia Minimum Wage case, to say nothing of two or three other obstacles, this most important reform is, and for many years to come will remain, impossible of attainment in the United States. The only practical methods now available are increased organization of labor and the economic, social, and ethical education of the masters of industry and all other influential groups in our population. While neither of these methods is likely to produce beneficial results rapidly, they have both proved their effectiveness by experience. After all, solid and permanent progress comes slowly in every department of social life.

The foregoing argument has taken no notice of the thesis upheld in several publications by Foster and Catchings. It is that overproduction, underconsumption, and general unemployment come about because industry does not put sufficient money into the hands of the consumers to pay for all the goods produced. This theory has not been considered for two reasons. First, in so far as it deals with the flow of money and credit, it is too difficult either to prove or to refute. In the second place, these authors admit, nay assert, that a great increase in general consuming power could be obtained through a general advance in wages. For example, in a pamphlet reprinted from the Century Magazine, July, 1929, these sentences occur:

"Adequate consumption, therefore, does more than anything else to sustain employment. And nothing more is needed to achieve the right rate of consumption than the right flow of money to consumers. Now, the largest part of this flow, and the part that is most promptly spent, is the stream of wages. Nothing, therefore, can go so far toward sustaining trade and employment as increasing the weekly pay roll of the country fast enough, and not too fast."

Hence, the first and obvious requisite is to raise wages somehow, with some kind of money. If that measure should fail to increase consuming power sufficiently to take all the goods off the market and keep industry going, the time would then be at hand to consider the problem of increasing consumers' credit. The money phase of the problem, the question how to bring about the right flow of money to the consumers, will then be much more urgent than it is to-day.

Since the foregoing paragraphs were written, the crash in the stock market has occurred, and President Hoover has conducted a series of conferences with leading industrialists in the endeavor to prevent a grave business depression. One of the policies adopted at these meetings was that of maintaining the present levels of wages. This is a frank recognition of the consuming power of the wage earners as a factor in preventing unemployment. Henry Ford has gone beyond this negative policy, and decreed a substantial increase in the remuneration of all his employees. Undoubtedly the efforts of the conferences would be more effective if other powerful concerns had followed his example.

The other important policy adopted by the participants in the conferences was that of increasing new construction and the purchase of materials and equipment. In so far as the proposed new construction contemplates an addition to the previously determined expenditures for public buildings, it exemplifies the device of the "prosperity reserve." The same is true of new construction in private industry which will provide services rather than goods. For example, some railroad replacements and improvements and some extension of electric-power facilities are undoubtedly warranted by the needs of the plants and the potential demands of the consumers. But the expansion of manufacturing concerns does not seem to be wise, nor is it likely to take place to any important extent. Indeed, the increase in construction, both public and private, directly resulting from the White House conferences will not be considerable. When added to the construction which had already been contemplated, it will probably not make the total for 1930 as great as the total for 1929. Nevertheless, President Hoover deserves unstinted praise for calling the conferences, even though their effect may turn out to have been mainly psychological, i. e., preventive of an unnecessary decline in business confidence. Their beneficent results would be much larger if the President could have induced some of the other great industrialists to follow the lead of Henry Ford in the matter of wage increases.

IV. SECOND REMEDY—REDUCED WORKING TIME

While higher wages for the majority of the laboring class is the primary and direct solution of the problem of chronic or technological unemployment, it is not the only solution. There is an important secondary remedy which would reinforce higher wages and promote a better social order than that which results from the development of new wants. This secondary remedy is a shorter workday or a shorter work week, or both. The shorter workday is sometimes advocated on the ground that it results in as large a production per capita as a longer day. In any industry where this would happen, the shorter workday would obviously fail to reduce unemployment. What is needed is increased demand for labor, not the ability of labor to turn out more goods in a given number of hours. We should frankly realize that the problem is not one of more productive power but of better distribution of purchasing power. With a shorter workday or work week, a given demand for goods would require more laborers, thus decreasing unemployment.

Two situations may be conceived. In the first, labor has shorter hours while the machinery and plants are operated full time; in the second, the plant and the employees are active during a shorter day or a smaller number of days per week. The choice between these methods in any industry should be determined by the amount of demand for its products. At present the building trades in some cities are on a 5-day week basis because there is not sufficient demand to require operation for six days. On the other hand, the Ford automobile factory is busy six days in the week, although none of the employees works more than five. This arrangement can easily be substituted for the first whenever the demand warrants the larger use of machinery and plant. Full time for machinery and reduced time for the workers is evidently the more desirable arrangement, for it means not only more workers employed but a more economical use of capital. For example, a plant might be operated for 12 hours a day, 6 days in the week, and yet employ no laborer for more than 6 hours per day or 5 days per week.

The immediate effect of each of these arrangements would be to increase employment. Increased employment would increase the total amount of wages received, not only because more workers would be employed but because the greater demand for labor would keep wage rates above what they would have been in the absence of increased employment. The increased wages would provide increased purchasing power for the products of many industries, thereby extending further the demand for labor. The order of events would be directly contrary to that set in motion when men are thrown out of work.

The objection that the same or higher wages could be paid for producing a smaller or the same amount of goods has been dealt with in a preceding paragraph. After all, wages are the money equivalent of goods; if the goods can be produced, their wage equivalent will be potentially available. No competent person doubts that our industries are capable of producing the required volume of goods. The only difficulty is to get into operation the process of converting the goods into wages. The shorter work period for labor seems to provide an effective method.

Indeed, the movement toward this goal is already well under way. The average working time per week per employee in factories decreased 15 per cent between 1900 and 1923. In the last two years considerable progress has been made toward the introduction of the 5-day week. President Green of the American Federation of Labor recently estimated the number of men who have obtained the 5-day week at 500,000. These workers are found chiefly in the building trades, the printing trades, foundries and machine shops, the clothing industries, and the automobile industry. In all probability the movement can be extended more rapidly than the movement for higher wages to the underpaid.

As stated in a previous paragraph, the shorter work period "would promote a better social order than that which results from the development of new wants." On the one hand, it would provide the laboring classes with greater leisure and thus make possible the development of a higher intellectual and moral life; on the other hand, it would tend to retard the invention of new luxuries. To be sure, the increased leisure would not immediately be all utilized for intellectual and moral improvement. In all probability the greater part of it would, for a considerable time, be spent uselessly, if not foolishly. However, that is not an argument against the proposal. Men must first get leisure before they can learn to use it wisely. The latter is a problem of education, which we have no right to assume is insoluble. The shorter work period would check or retard the production of new luxuries, because the workers' increased demand for necessities and comforts would tend to keep capital fully employed in industries that are already established. Since production is justified only as a means to rational and beneficial consumption, it ought to be so organized as to yield the maximum of the good life for all. The elementary necessities and comforts and the material conditions of reasonable leisure and progressive mental and moral development ought to be placed within the reach of all the people, while the supply of useless and harmful luxuries should be kept down to a minimum. Of course, a shorter work period would not entirely prevent the production of luxuries. A vast amount of them would still be demanded by the possessors of unusually large purchasing power. The quantity turned out, however, and the proportion of pro-

ductive energy thus engaged would be considerably reduced, while the proportion of productive power used to meet the rational needs of the masses would be considerably greater than is the case in our present arrangements. This would be an immense gain for the good life.

Unfortunately, certain statements in Recent Economic Changes tend to indorse the contrary doctrine. By suggestion and by implication they convey the idea that national prosperity and national welfare are dependent upon the indefinite expansion of human wants and the indefinite multiplication of luxuries. In the following section of an editorial by George Russell in the Irish Statesman this construction is unhesitatingly put upon the committee's language:

"There is an interesting passage in the report of the committee on recent economic changes, of which President Hoover is chairman. It speaks of the reaching out for luxuries which make possible the expansion of new industries and says that the United States has only touched the fringes of its potentialities. Wants, it declares, are insatiable, and one want satisfied makes room for another, and economically there is a boundless field for development. The report seems to suggest that material prosperity is largely based on the limitless desires of humanity for pleasure and luxury, that no great prosperity can be based merely upon the satisfaction of the primary needs for food, shelter, and clothing. It suggests that if people are encouraged to have extravagant desires for luxury they will work for these and multitudes of people will be given employment, while the Spartan country will always be poor, however virtuous its people may be."

For the sake of the intellectual, not to say the moral, reputations of the committee on recent economic changes, let us hope that this interpretation and inference will turn out to have been unforeseen and unintended, however necessarily it may follow according to the strict processes of logic. Charity constrains us to give the committee the benefit of the doubt. Charity constrains us to assume that on account of their great appreciation of our recent industrial progress and their preoccupation with "prosperity," the members of the committee failed to perceive the false and disagreeable implications of their loose talk about "insatiable wants." Let us charitably assume that they did not mean to say that genuine prosperity "is largely based on the limitless desires of humanity for pleasure and luxury." Let us charitably assume that they had no intention of identifying this conception of prosperity with industrial sanity, social well being, or desirable human life. Moreover, we will charitably assume that they are not so lacking in economic knowledge or in the capacity for straight economic thinking as to suppose that our industries can be kept going at a reasonable rate or for a reasonable period of time per week only on condition that the multitude shall continue to work 8 or 10 hours per day in order to satisfy the "extravagant desires for luxury" felt by the economically powerful minority. Let us charitably assume that the members of the committee merely overlooked the fact that the productive capacity of our men and machines could all be utilized to a reasonable extent in turning out goods for the satisfaction of wants already known and felt, particularly the elementary and rational wants of the majority.

In their preoccupation with a conception of prosperity which logically implies a belief in production for its own sake, the members of the committee are in line with our baneful tradition of Puritan industrial ethics. Describing this ethical discipline as it was taking final shape at the end of the seventeeth century, R. H. Tawney writes in Religion and the Rise of Capitalism:

"The worship of production and ever greater production—the slavish drudgery of the millionaire and his unhappy servants—was to be hallowed by the precepts of the same compelling creed."

Nevertheless, one of the two underlying principles of the Puritan ethics of work and production has been incontinently rejected by the committee as by all American industrialists. George O'Brien says, in The Economic Effects of the Reformation:

"The desire for ever-increasing production, which is a feature of the capitalist spirit, was encouraged not only by the Puritan conception of the fulfillment of the vocation but also by the other branch of Puritan ascetic teaching, namely, the observance of strict frugality and austerity."

Instead of urging men to strive for greater production through "frugality and austerity," the committee points to the inexhaustible spring of "almost insatiable wants." Whether this new emphasis upon limitless consumption is more rational, or less, than the traditional maxims of frugality and saving, it constitutes at any rate eloquent testimony to the capacity of our industries for overproduction.

The program suggested by Stuart Chase is more in harmony with humanity and reason than the suggestions of the committee on recent economic changes. It is quoted here, not necessarily as correct in detail but as indicating the right approach and method:

"Let me recapitulate. Machinery saves labor in a given process; 1 man replaces 10. A certain number of these men are needed to build and service the new machine, but some of them are permanently displaced. Now, if the articles called for remain the same, and the financial system remains the same, sooner or later half the workers (let us say) in the country can produce what once required the labor of all the workers. The other half are on the park bench. But, as an alternative, all can continue to work for half as many hours in the day; or all can combine to work a full day and produce twice as much. None of these clean-cut alternatives has, of course, been taken. The ideal result would be something in the nature of hours reduced a third, and output of sound necessities and comforts increased two-thirds. This would end hard work and poverty forever. Instead hours have fallen a little, output has increased considerably, but the present financial control neither releases sufficient purchasing power to enlarge output as far as the machine is readily capable of enlarging it unhindered, nor promotes the kind of output which necessarily makes for the good life." (Men and Machines.)

The most reassuring and the most significant truths that emerge from an objective study of American conditions to-day are these: In the United States, at least, the prosperity of the industrial system is consistent with and dependent upon the welfare of the toiling masses. Industrial well-being and the principles of justice can be practically harmonized. The doctrine of the living wage and all the other humane doctrines taught by Pope Leo XIII in his encyclical, On the Condition of Labor, can no longer be stigmatized as visionary by any intelligent student of our industrial achievements and potentialities. To establish universal living wages and to abolish all excessive labor, as regards persons, quality, and hours, would be the most direct, prompt, and effective means of meeting the menace of chronic unemployment and of insuring prosperity for our industries. The thing can be accomplished if only the masters of industry and of politics will devote to the problem a small part of the energies that they habitually spend in making and selling goods and in pursuing profits.

Although Unemployment in the United States provides no adequate guidance along this line for either industrialists or statesmen, it contains one paragraph which gives full recognition to the urgency of the problem and the obligation of society to solve the problem. The following paragraph expresses the views of the Senators themselves who conducted the hearings:

"It may as well be remembered that society is going to provide an opportunity for man to sustain himself, or is going to have to sustain man. Society is going to provide opportunity for man to pay his own way, or is going to pay for him. Society may as well make every effort to do the job constructively, because no society can be strong in which its members are encouraged or forced to adopt the position or place of those seeking charity."

LONDON NAVAL CONFERENCE

Mr. GEORGE. Mr. President, I do not offer the letter for the RECORD, because it contains certain personal references, but I do desire to quote from a letter written me by Dr. D. P. McGeachy, of Atlanta, Ga., with reference to the Naval Conference in London. In the letter he makes this statement:

I believe that I represent thousands of thinking people when I say that we are deeply concerned about the naval conference in London. I sincerely hope that every effort will be exerted to bring good out of this conference.

Just now the news is rather discouraging, but we believe that intelligent people should simply intensify their efforts and that we should determine on success for the conference at any cost. A failure in London just now would certainly have very serious consequences. The prevention of another war like the recent world struggle is an ideal toward which our strength should be turned. And I believe that the people will follow the Senate in doing all that can be done for a real reduction of naval expenditure.

I wish to add just this word, that in my judgment the withdrawal of our conferees from the conference in London would be most disappointing to the hopes of mankind, and I believe that the well-nigh unanimous sentiment of the American people is in thorough accord with the declarations made by the senior Senator from Idaho [Mr. BORAH] Saturday evening when he expressed full confidence in our delegates at London, and the utmost hope in the successful outcome of their efforts.

Mr. SWANSON. Mr. President, I fully concur in the statement just made. I think it would be a great misfortune, and very far-reaching, for our delegates to withdraw from the conference at this time. Our delegates went to London with the positive purpose of obtaining parity between the naval strength of the United States and that of any other nation; and also with the purpose of securing some reduction in naval armaments. The two ideas were emphasized.

The delegates made an offer of parity and reduction according to their views. I think it would be a most serious mistake for our conferees not to continue at the conference until there is a successful conclusion, or until the attempt to attain those two ends is found to be utterly impossible of accomplishment.

The conference has not taken any longer than had been anticipated. Everyone knew that difficulties would be encountered. Everyone knew the trouble that would be met in obtaining parity and in obtaining reduction.

For our delegates to the conference now to leave would be a most serious mistake, and it would not be in accordance with

the purposes for which they were sent, the wishes of the American people, or, I am satisfied, the desires of the Senate.

It will be a difficult task. We have confidence in our delegates. I am satisfied that if they can not obtain parity and a reasonable reduction they will do the best that can be done under the circumstances. When they enter into an agreement, it will be for the Senate to determine whether it approves or disapproves that agreement. If the treaty entered into is not such that the Senate can approve it, it can either reject it or amend it.

But it does seem to me that the last to quit the conference ought to be the delegates from the United States. I hope they will continue there and do all they can to achieve the purpose for which they were sent—parity and a reduction of naval armaments. I would look with a great deal of disappointment upon the situation if the delegates at this time should leave or suggest to the President that their mission is hopeless. I hope our delegates will continue to do all they can to obtain parity and a reduction of naval armaments.

Mr. McKELLAR. Mr. President, I desire to have printed in the RECORD, in answer to the statement of the Senator from Virginia [Mr. SWANSON], an editorial which appeared in this morning's Washington Post on the subject which he has been discussing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post, Monday, March 3, 1930]

THE FARCE OF LONDON

The collapsible governments represented at the London Naval Conference are hoping to resume their plans for increasing their respective navies, now that André Tardieu has formed a new cabinet. He must obtain a vote of confidence this week. The solid opposition of the radical-socialist bloc, which rankles under the defeat administered to it a few days ago by M. Tardieu, may defeat Tardieu in turn. But presumably he will try again in that event. He is the strongest figure in France, and France must have a government.

Whether Tardieu or another appears for France, the French program is fixed. That nation has decided to build a submarine force capable of preventing the British fleet from blockading France or cutting its communications with the colonies. The security of communications long enjoyed by Great Britain is now to be obtained by France.

The French program makes it necessary for Italy to reserve freedom of action in building naval defenses. Italy has not been restive under British domination of the Mediterranean, partly because Britain is too much occupied in other regions to bother with Mediterranean politics. But Italy will not remain idle while France builds a naval force which unless counterbalanced by a strong Italian fleet would encourage Franco-Yugoslav pretensions in the Adriatic and bring about war.

Nothing is more clearly foreshadowed than an increase of French and Italian naval forces following the London conference. Any agreement reached must include this increase. The refusal of other powers to concede greater naval strength to France and Italy would merely make an agreement impossible; but France and Italy will go ahead with naval building just the same.

No political bargain can be arranged at London which would serve as a substitute for increased Franco-Italian naval defense. Great Britain, so long as she persists in the determination to possess twice the naval power of France, can not buy off France with any political concession. The United States has no political sop to throw to France. The American delegation will waste its time if it tries to work out a political bargain that would induce France to forego the building of a counter British submarine fleet. The Senate will not cooperate to save the face of the American delegation by approving any treaty that commits the United States to foreign political obligations—and nothing less than such a commitment would be acceptable to France. If the United States would agree to become its war ally, France, of course, would be willing to reduce its program of naval defense.

Japan is not interested in France and Italian naval expansion and will not offer anything valuable as a substitute. Japan merely wants a little increased naval defense of its own. Any agreement reached in London will inevitably include concessions to Japan.

The hope of Anglo-American naval parity based upon reduction of tonnage has disappeared. Parity can now be reached only by increased American building, not by British scrapping. Few well-informed Americans ever had any faith in Ramsay MacDonald's gushing assurance to the Senate—"Parity? Take it, in full measure, full to overflowing." He could not make this assurance good, even if he wished to do so. Now, the American delegation is told that it may catch up in parity if it builds British-type cruisers, but Britain makes no promises. It reserves the right to build still more cruisers unless France abandons its ambition to be independent of British control of the seas. America can build or lag behind, as it pleases.

So the London conference simmers down to this proposition: That an agreement must be made providing for the general increase of the world's great navies. The agreement must be sugar-coated with "humane" rules governing submarines, and high-sounding references to "economy" and vague future naval reduction. The peoples must be fooled, if possible, into believing that the London conference has promoted international confidence and good will; something actually proving the intention of the nations to renounce war, as they have solemnly pledged themselves to do. But whether the agreement is to be successful in fooling the people or not, it must provide for the increase of navies. That is the one objective of the four delegations that are conferring now with the Americans in London.

It is too much to expect that the Americans will have the moral courage to refuse to agree to the increase of navies. "The conference must be a success." Success will consist in bringing home "some kind of a treaty." So a conference called to reduce the world's navies must bring forth an agreement to increase those navies. The farce must be played through to the drop of the curtain.

Mr. McKELLAR. Mr. President, I also ask permission to insert another article, which is entitled "Plea for Navy Cut Cabled United States Envoys."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLEA FOR NAVY CUT CABLED UNITED STATES ENVOYS—FOREIGN POLICY ASSOCIATION ASKS ACTUAL REDUCTION, NOT LIMITATION—NOTABLES SIGN PETITION

NEW YORK, March 2.—The Foreign Policy Association to-night cabled the American delegates at the London Naval Conference an "appeal for reduction, not mere limitation of armaments." The message was signed by 1,200 prominent men and women, who, the association said, authorized their signatures within 72 hours.

The message said:

"Upon the reconvening of the naval conference, we the undersigned reiterate the hope that the remaining negotiations be conducted in full remembrance of the fact that all of the powers at London have agreed in the pact of Paris to renounce war in favor of settling disputes by peaceful means."

The message said the signers based their "expectations" on President Hoover's Armistice Day speech in which he declared, "We will reduce our naval strength in proportion to any other. Having said that, it only remains for the others to say how low they will go. It can not be too low for us."

"This policy of reduction," the cablegram said, "has had and continues to have the overwhelming indorsement and support of the American people. We protest against any possibility that this policy of reduction may be abandoned."

The 1,200 signers urged steps looking toward the utilization of the principle of joint conference in the event of disputes which might lead to war, and pledged their support for the conclusion of "such agreements as embody the principles of reduction and conference and at the same time meet the justly aroused expectations of the entire world."

Among the signers were 206 college presidents and the governors of 8 States.

The signers included: Govs. John C. Phillips, of Arizona; C. C. Young, of California; H. C. Baldridge, of Idaho; George H. Dern, of Utah; Henry H. Horton, of Tennessee; John Garland Pollard, of Virginia; Flem D. Sampson, of Kentucky; and Theodore Christianson, of Minnesota; former Gov. Robert P. Bass, of New Hampshire; Jane Addams; Robert E. Swain, president of Stanford University; Horace D. Taft; Gardner Cowles, publisher of the Des Moines Register; William Allen White; Robert M. Hutchins, president of the University of Chicago; Arthur S. Pease, president of Amherst College; Alexander G. Ruthven, president of the University of Michigan; Chief Justice Lew L. Calloway, of the Montana State Supreme Court; Nicholas Murray Butler, president of Columbia University; Zona Gale; and Alexander Meiklejohn.

PROPOSED INVESTIGATION OF FEDERAL FARM BOARD

Mr. NYE. Mr. President, during the last week the cooperative organizations among the farm people were rejoicing over what they concluded was the show of good will being made manifest by the Federal Farm Board. During the week all Senators from the wheat States were being flooded with telegrams and letters from organizations, elevator companies, and individuals who were not affiliated with the set-up which had been afforded by the Federal Farm Board for the marketing of wheat, protesting against a ruling of the Farm Board, which ruling was nothing more and nothing less than a determination that under the farm marketing act they must confine whatever means of credit were at their disposal to cooperative organizations alone.

These protests led to a meeting on Saturday at Chicago of the Farm Board with the cooperative heads and the officers of the Farmers National Grain Corporation. If the telephone calls and the telegrams of this morning are indicative at all of the reaction to that meeting held in Chicago, then I am inclined to believe that whatever faith and whatever confidence

was made manifest in the Farm Board by the cooperatives last week has quite vanished. As indicative of what the attitude of the cooperatives was during last week, I desire to read a telegram dated Thursday, February 27, and addressed to me from St. Paul, Minn., as follows:

ST. PAUL, MINN., *February 27, 1930.*

Senator GERALD P. NYE,
Senate Office Building:

No justification for any protests from elevator companies. Chairman Legge's policy is 100 per cent sound. Wheat pool and ourselves qualified to meet the situation in every respect in the interest of the farmers. We have sent a telegram to every farmer's elevator in the Northwest advising them how they can qualify for an investment of $10 to receive all of the advantages of the Government price on Government grades. Also have advised them how farmers having storage tickets in any elevator can procure Government loans at Government prices. Under present Farm Board program the producers and producers' cooperative associations receive great advantages over the private grain trade. We are on the air daily over six radio stations covering Minnesota, the Dakotas, and Montana advising farmers of these advantages and how to procure them. Chairman Legge has proven himself a champion for the farmers and an American statesman and is deserving of the support of every Member of Congress to help him carry out this present policy in meeting the grain situation. Am sending you confirmation of this wire and all circulars which we are sending to elevators and farmers all over the Northwest. The farmers' union of the Northwest will appreciate your placing this wire in the CONGRESSIONAL RECORD and giving it every support possible. Farmers' elevators are showing approval by flooding us with wire applications for stock.

FARMERS UNION TERMINAL ASSOCIATION,
M. W. THATCHER, *General Manager.*

Mr. President, as I have said, the protests which are coming from the cooperative agencies this morning lead me to believe that a large part of that confidence which existed last week was destroyed in some manner or other by the conference held in Chicago on Saturday last. No matter what that situation may be, no matter how meritorious might be an inquiry into what happened there, I think the Senate itself is intensely interested in knowing precisely what is the program of the Farm Board, precisely what is the outlook, precisely how the Farm Board is utilizing the marketing act itself, and in a general way to secure a better picture of what might be obtained and what might be expected under that act as it is being administered.

Because that is the case, I send to the desk a resolution which I ask to have read. I am in hopes there is going to be no objection to it. In the event of objection to its immediate consideration, I shall have to give notice of an intent on to-morrow to take considerable time of the Senate in offering support for the resolution.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 221), as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized to conduct an investigation for the purpose of determining (1) whether the Federal Farm Board has been fairly interpreting the agricultural marketing act and carrying out the purposes thereof; (2) whether the so-called "grain trade" of America has conspired to destroy the purpose and effectiveness of such act and to embarrass the Federal Farm Board in the administration thereof, or has instigated such programs in the grain market of the world as would tend to depress the world market for American agricultural products and to reflect such depression upon the domestic market for agricultural products for the purpose of discrediting the Federal Farm Board; and (3) whether the so-called "grain trade" has been aided in its activities above referred to by banking or credit institutions or other interests in any way associated with such institutions. The committee shall report to the Senate as soon as practicable the result of its investigations, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, (1) is authorized and directed to subpœna immediately the directors and other officers of the Farmers' National Grain Corporation to testify concerning their knowledge of the general grain marketing situation and the administration of the agricultural marketing act; and (2) is further authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants and to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent to introduce the resolution. Is there objection?

Mr. HARRISON, Mr. FESS, and Mr. JOHNSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield; and if so, to whom?

Mr. NYE. I yield first to the Senator from Mississippi.

Mr. HARRISON. I understood from the reading of the resolution that the Senator would direct the Committee on Agriculture and Forestry of the Senate to investigate whether or not the Farm Board is carrying out the purposes of the act. That is it in general terms, as I understand?

Mr. NYE. The Senator is correct.

Mr. HARRISON. Then in two or three other paragraphs he specifies particularly things to be done with respect to grain. I wanted to call to the attention of the Senator that fact and ask why it is that something specific is not included touching cotton? Cotton has had a decline just as great in proportion, if not greater, than wheat or grain, and, while I am in thorough sympathy with the purposes of the Senator, I would not like to see one commodity magnified over the other, because, as the Senator will recall, when the act passed the Congress and became a law there was a provision written into it—unanimously agreed to also by the House and by the Senate—giving the Farm Board the power to take part of its funds and to write insurance against price declines on cotton and on wheat too, so far as that is concerned. I understand they have taken no steps whatever touching that provision of the law but I feel sure that if some such step had been taken some assistance would have been rendered.

Mr. NYE. I have no objection to the resolution being so amended as to provide for a study of both grain and cotton.

Mr. HARRISON. I hope the Senator will amend his resolution to that effect.

Mr. NYE. I will do so.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from California?

Mr. NYE. I yield.

Mr. JOHNSON. In another line than that suggested by the Senator from Mississippi—in fact, in some other lines than that suggested by him and that suggested by the Senator from North Dakota—I am interested as well; but I thought as I heard the resolution read that the first clause of it gave general power to the investigating committee to go into every matter concerning the administration of the farm relief act. May I ask that the clerk read again the first provision of the resolution and then let us see how we may consider it?

Mr. HARRISON. I think the Senator is correct.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk read as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized to conduct an investigation for the purpose of determining (1) whether the Federal Farm Board has been fairly interpreting the agricultural marketing act and carrying out the purposes thereof.

Mr. JOHNSON. My impression was that under that provision all matters concerning the administration of the act might be gone into and every commodity in relation to the Farm Board might be investigated. Am I not right?

Mr. HARRISON. I think that is perhaps true, and that is what I stated in the beginning of my remarks; but I dislike to see one particular commodity placed in a different category from cotton, because cotton is just as important as grain in the matter of a decline in price, and I hoped that the Senator from South Dakota would add cotton to his resolution.

Mr. NYE. I shall gladly do so. I think I understand thoroughly the viewpoint of the Senator from Mississippi. In drafting the resolution I was bound to have the matter of grain in mind because the forces in opposition to the farm relief act seemed to have centered quite largely their activities there in these immediate days.

The PRESIDENT pro tempore. The Chair understands the Senator from North Dakota to withdraw the resolution for the time being for the purpose of modification.

Mr. NYE. No, Mr. President; let it be modified.

Mr. MCNARY and Mr. FESS addressed the Chair.

Mr. NYE. I yield to the Senator from Oregon.

Mr. MCNARY. Mr. President, in the first place, I think it is premature to ask for a modification now; and, secondly, I will

say, in answer to the Senator from Mississippi, that I have no doubt the first paragraph of the resolution embraces all he has in mind; namely, it provides for both his suggestions, one of which is in reference to insurance against price declines. It also covers all phases of cotton.

The point evidently which the able Senator from North Dakota has in mind is to accentuate the action which was taken by the National Grain Corporation at a meeting on Saturday, concerning the value that ought to be placed on wheat for purposes of extending credit. That is the reason it is specifically mentioned and stands out as one of the questions which ought to be considered in connection with the activities of an organization which is only an instrument in an attempt to administer the law.

As chairman of the Committee on Agriculture and Forestry, if the resolution shall be referred to that committee, I appreciate that the first clause embraces all the activities of the board, contemplated or now under way, as to agricultural products, including cotton, with the situation as to which I am more or less conversant.

Mr. JOHNSON. And every other commodity.

Mr. McNARY. Certainly. I do not see any necessity for any modification of the resolution.

Mr. NYE. In view of the statement of the Senator from Oregon, will the Senator from Mississippi insist upon a modification of the resolution?

Mr. HARRISON. Mr. President, I merely wanted to bring the suggestion to the attention of the Senate. I would prefer to see cotton placed upon the same basis as grain. The chairman of the committee says, however, that an investigation as to the cotton situation will be had in the event the resolution is passed, and, of course, that is all I want. I want to know why this board does not do something with reference to the provisions which are written in the law?

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent out of order to submit the resolution. Is there objection?

Mr. OVERMAN. Mr. President, I heartily favor the resolution, but under the law does it not have to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

The PRESIDENT pro tempore. The resolution, even if unanimous consent is given for its introduction at this time, will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FESS. That is why I rose.

The PRESIDENT pro tempore. The question now is whether unanimous consent shall be given for the introduction of the resolution out of order. Is there objection?

Mr. FESS. Mr. President, that does not mean consent is given to consideration of the resolution, does it?

The PRESIDENT pro tempore. No. The resolution can not be considered immediately under any circumstances. Under the statute it has to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FESS. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. NYE. I yield to the Senator from Ohio.

Mr. FESS. The Committee to Audit and Control the Contingent Expenses of the Senate has no authority to go into the merits of any resolution; all it can do is to allow or disallow the item of expense required. I am going to ask the Senator from North Dakota to let the resolution go first to the Committee on Agriculture and Forestry, and if that committee shall recommend it—and I assume that it will, because it is friendly to the propositions involved—then the Committee to Audit and Control the Contingent Expenses of the Senate will have authority immediately to act when the resolution shall come before us.

Mr. NYE. Mr. President, I have no objection at all to that course being followed. I have every confidence in what the Committee on Agriculture and Forestry will do in connection with the consideration of a resolution of the kind I have submitted; but I do object to any delay in its consideration, because it seems to me the time is here when the Senate must give consideration to this problem lest the program which we spent months in effecting here last summer shall be wrecked completely.

Mr. FESS. The Senator will recognize that the request I am making is the usual request. When a measure of this kind, involving a principle, must go to the Committee to Audit and Control the Contingent Expenses of the Senate we have always asked that it first go to the committee which would have charge of it originally if it were legislation. I can not assume that there will be very much delay in the consideration of the resolution. The chairman of the committee is here, and all the members of the committee as a rule are in the Capitol. It seems from what the chairman has said that there will be no opposition to it, and I can not imagine the course I have suggested will involve very much delay, and it will enable us to maintain our regular practice here with reference to measures such as this.

Mr. McKELLAR. Mr. President, will the Senator from North Dakota yield to me?

Mr. NYE. I will yield in a moment. I should like to inquire of the Senator from Oregon, the chairman of the Committee on Agriculture and Forestry, if any delay would be occasioned if the request of the Senator from Ohio were to be granted?

Mr. McNARY. Mr. President, the Senator from Ohio is not making a mere request; what he suggests is the uniform practice of this body—that the committee having general jurisdiction first acts, and, then, if they report favorably the measure goes to the Committee to Audit and Control the Contingent Expenses of the Senate, and it determines whether the necessary funds shall be authorized to carry out the purpose of the resolution. If the resolution is referred to the Committee on Agriculture and Forestry, I shall call the committee together tomorrow morning, Tuesday, at 10 o'clock. There is a regular meeting on Wednesday.

Mr. McKELLAR. Mr. President, that answers the question I wanted to ask.

Mr. WHEELER. Mr. President, will the Senator yield to me just a moment?

Mr. NYE. I yield to the Senator from Montana.

Mr. WHEELER. I was going to ask the chairman of the Committee on Agriculture and Forestry if it is not within the power of the committee, without this resolution, to call the members of the Farm Board before it and inquire of them as to why they have not carried out the provision referred to? Without the necessity of adopting a resolution, would not the Committee on Agriculture and Forestry have that power?

Mr. McNARY. I suppose it could resolve itself into a grand jury and make general inquiries, but it is not the practice; it does not always comport with good taste and propriety. Usually such matters are brought directly to the attention of the committee by a resolution which sets out the particular reasons why a particular thing should be done. I should much prefer to have it done in that way rather than simply to start out fishing on our own account.

Mr. NYE. Mr. President, with the statement of the Senator from Oregon before us, I have no objection to the request of the Senator from Ohio.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. NYE. I yield.

Mr. BROOKHART. I have no objection to the proceedings suggested, but I want to call the attention of the chairman of the committee to the fact that the investigation should be broadened so as to include corn and oats and livestock, and also the question of why the board has not organized stabilizing corporations to take care of those commodities.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent, out of order, to introduce a resolution. Is there objection? The Chair hears none, and the resolution, having been read for the information of the Senate, will be referred to the Committee on Agriculture and Forestry.

INVESTIGATION OF OIL SITUATION IN MONTANA

Mr. LA FOLLETTE obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield.

Mr. WHEELER. On Saturday last I submitted Senate Resolution 220 and asked for its immediate consideration. It was a resolution proposing to request the Attorney General "to make an investigation of the corporations and associations engaged in the business of selling oil and gasoline in the State of Montana for the purpose of determining whether any such corporations or associations are fixing prices or engaged in other practices in violation of the Federal antitrust laws."

At that time the Senator from Ohio [Mr. FESS] objected to the consideration of the resolution and asked that it go over. I understand that the Senator from Ohio has not now any objection to the resolution, and I ask for its immediate consideration. I do not think it will lead to any discussion whatsoever.

Mr. SMOOT. Let the resolution be read, Mr. President.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. 220), as follows:

Resolved, That the Attorney General of the United States be, and he is hereby, requested to make an investigation of the corporations and associations engaged in the business of selling oil and gasoline in the State of Montana, for the purpose of determining whether any such corporations or associations are fixing prices or engaged in other practices in violation of the Federal antitrust laws.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the resolution be taken from the table and immediately considered. Is there objection?

Mr. JONES. Mr. President, may I ask that the clerk read the first sentence or two of the resolution?

The PRESIDENT pro tempore. The Chief Clerk will read, as requested.

The Chief Clerk read as follows:

Resolved, That the Attorney General of the United States be, and he is hereby, requested to make an investigation of the corporations and associations engaged in the business of selling oil and gasoline in the State of Montana——

Mr. JONES. That is sufficient.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

UNEMPLOYMENT AND ALLEGED COMMUNIST ACTIVITIES

Mr. LA FOLLETTE. Mr. President, I do not desire further to delay the consideration of the unfinished business, but I wish to address myself to the subject discussed in the very able address made by the Senator from New York [Mr. WAGNER] on the subject of unemployment. The Senator from New York has been a student of this question and has introduced several bills of far-reaching significance and of great importance, which merit more consideration from the committees of the Senate and from the Senate itself than they have thus far received.

I was very much impressed with the statement of the Senator from New York; but there is an immediate aspect of the unemployment situation which he did not touch upon. I refer, Mr. President, to attempts which have been made during the past few days to divert attention from the problem of unemployment in the United States by starting another "red" scare. It is reminiscent of the days of Attorney Generals Palmer and Daugherty. Senators will remember that during the régimes of those two Attorneys General whenever there was any pressing problem of economic importance, whenever there was any question raised as to difficulties between capital and labor, we had a statement emanating from the Department of Justice that the United States was about to be overwhelmed by activities of the communists and the "reds."

The press dispatches recently carried the statement from Chicago to the effect that the Department of Justice agents there have been staging a series of raids upon communist meetings, and that the agents were in possession of information that the communists in the United States planned unemployment demonstrations on the 6th of March.

I am glad to say, Mr. President, that informally the Department of Justice, through the press, has denied that it is in possession of any such information; but Mr. Matthew Woll, acting president of the Civic Federation and also a vice president of the American Federation of Labor, has circularized Members of Congress with a translation of an article printed by an alleged communist newspaper in New York City to the effect that a large communist demonstration is planned in the United States on the 6th of March and that it is being financed with money from Moscow. Apparently, the Department of Justice is not in possession of the same information as is the acting president of the Civic Federation.

Mr. President, it is a grave injustice to the millions of American men and women who are, through no fault of their own, thrown out of employment and are asking for an opportunity to earn their daily bread, to drag across this trail the red herring of another "red" baiting campaign.

Mr. President, every intelligent man and woman in the United States knows that to-day the communists in this country are absolutely negligible not only in numbers but in influence. It is quite natural that those misguided individuals, anxious to find an opportunity to carry forward their propaganda, should avail themselves of a situation of this character, where a great many men and women are in desperate circumstances.

But, Mr. President, it is also perfectly obvious that a campaign is being carried on to attempt to paint as "reds" the honest American men and women who are seeking employment in this industrial crisis, and I for one protest against those tactics.

The organized labor movement of America has maintained practically a united front against the activities of the communists; but if you want to break down the solid front of American labor against the importunings of communist agents and against the effectiveness of communist propaganda, the surest way to do it is to brand as "reds" the men and women who are seeking employment in this country, and to break up the quiet, orderly demonstrations of these honest American men and women with blows from the billy clubs of police.

Mr. President, this problem of unemployment, as so well and ably set forth by the Senator from New York [Mr. WAGNER], is a serious economic problem. It can not be solved by hysterics or by "red" alarms. It is a problem which must have serious consideration; and it is a problem which must receive constructive solution.

In spite of the denial made by the Department of Justice that it has no information concerning any so-called "red" plans for unemployment demonstrations on the 6th of March, I notice that the police, particularly in Chicago, are continuing their raids upon these alleged communist headquarters; and it seems to me perfectly evident that the purpose of that campaign is to give the impression to the great body of American people that all those who are unemployed are communists and "reds," and therefore that their pleas are not worthy of serious consideration. We have been given this talk about prosperity so long that apparently a great many people in the United States have come to the conclusion that it is something of a crime for a man or woman to be out of employment in the United States and asking for a job.

I believe that the time has come when we should stop a "hush! hush!" ostrichlike policy toward the present economic situation in the United States. We have tried the methods of the psychologists referred to by the Senator from Michigan [Mr. COUZENS] when the tax reduction joint resolution was under consideration. We have attempted to wave aside this problem by "sunshine" statements and by denial of its existence. The time has come when we should face the problem, and, to the best of our ability, solve it in a constructive and a calm manner.

When the stock-market crash occurred the President of the United States called in the leaders of business and industry in this country. They had conferences at the White House. They issued statements concerning their development program. They also issued certain statements concerning their policy toward labor, which was to be a policy of not reducing wages. Evidence is coming to me that those pledges are not being kept; that wages are being reduced in the United States; that men and women are being laid off in great numbers, and that those who are retained upon the pay roll are being afforded only part-time employment.

One can call up the Department of Agriculture and get a statement almost down to the minute as to the hog, sheep, or cow population in the United States. One can find out from the Department of Commerce how many toothpicks were made in the United States during the past year. We know how many locomotives were made. You can get statistical information about practically every problem concerning the major industries of the United States; but you can not get any accurate information concerning this great, pressing human problem of unemployment.

As chairman of President Harding's unemployment conference, the present President of the United States, then Secretary of Commerce, reported that there were no accurate statistics upon unemployment. The very comprehensive investigation conducted by the able senior Senator from Michigan [Mr. COUZENS], when chairman of the Committee on Education and Labor, reported to the Senate that there were no accurate figures upon unemployment. The Senator from New York [Mr. WAGNER] has had pending in this Chamber for many, many, many months bills providing for the gathering of accurate current unemployment statistics. The least we can do in this situation, immediately, is to provide for the gathering of accurate unemployment statistics, so that we may know what problem confronts us—how much of this unemployment is seasonal, how much of it is psychical, how much of it is technological, as the economists call it; or, in other words, how much of it is produced by the tremendous development of the mechanization of industry which has taken place since the war.

Mr. President, we might just as well face the fact that so far as technological unemployment is concerned, that problem is growing apace in the United States; and unless an intelligent survey is made of this situation, and unless we study and work out a constructive program for its solution, we shall have within a few years' time a permanent problem of unemployment in this country which will compare with the terrific problem which Great Britain has had to deal with since the war.

I was told the other day that a certain steel plant had recently installed machinery which did the work of 40 men. I was told also that a certain glass factory had recently installed a machine which would do the work of 35 or 40 men. Let us recognize that mechanization of industry is going on at a terrific rate in this country. I am not protesting against it. Do not misunderstand me. I am not criticizing it. I believe that our industries should be efficient; and be it said to the credit of the American Federation of Labor, they are not opposing this mechanization of industry. But while this mechanization of industry is going on are we, like the ostrich, going to bury our heads in the sand, and refuse to recognize that it is creating a great human problem, and one which in many of its aspects is a most appealing problem?

Mr. President, there is something wrong with an economic condition which does not afford to the honest men and women in the United States who want to work an opportunity to do that work and to earn their daily bread.

We are in the same situation, so far as the present unemployment problem is concerned, in which we were in 1921, and again in 1927. We have the wildest kind of statements concerning how many men and women are out of work. We should pass immediately the bill introduced by the Senator from New York [Mr. WAGNER], providing for the gathering of accurate statistics on unemployment.

The President of the United States carries a large measure of responsibility in this situation. I recognize that this problem is a very serious and complex one. Nevertheless, the industrial leaders who were present at these conferences which were held at the White House following the stock-market crash did make certain statements to the public as to what would be their policy concerning labor. The President of the United States, of course, has no means of forcing those industrial leaders to live up to those promises if they are not being kept; but at least in justice to the several millions of men and women who are out of work the President of the United States should ascertain whether the letter and the spirit of those promises made to American laboring men and women are being kept. And if those pledges are not being kept the President should fix responsibility publically upon those who are violating them.

In conclusion, Mr. President, I should like to say that I hope the Federal Government, the State governments, and the governments of our municipalities will not fall into the error of attempting to meet this serious situation by starting another "red" baiting campaign, and by clubbing the men and women who are endeavoring to draw attention to their plight by orderly demonstrations. A most serious situation may develop if such methods are employed. Inevitably, if the endeavor of the men and women who are out of work in the United States is met by force and by an unintelligent attitude toward their plight, it will create a feeling of discontent among the men and women who are now out of employment.

The leaders of the open-shop movement in America recognize that this handful of misguided communists in the United States have no influence, and that their numbers are negligible.

I quote from the annual report of the open-shop committee of the National Association of Manufacturers for the fiscal year ended August 31, 1928. After summarizing the record, this report declares:

> In view of this record we are in full accord with the following statement by President Edgerton, of the National Association of Manufacturers:
>
> "The real menace to our American institutions does not come from the relatively small number of communists who make a great deal of noise but from that organization which proclaims its right to speak for labor and which places itself above all public regulation."

It will be seen, Mr. President, that Mr. Edgerton, in making that statement, recognized that the influence and the numbers of these communists in the United States were negligible. He makes his attack upon the American Federation of Labor, that serving his purpose, but, nevertheless, it is significant that the president of the National Association of Manufacturers should declare a fact which, as I said before, practically every intelligent person in the United States recognizes, that the influence of this handful of communists is infinitesimal.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. HEBERT in the chair). Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I yield.

Mr. WAGNER. I was going to ask the Senator if he could suggest any other way in which men and women who are hungry, jobless, and destitute can call public attention to their misfortune except by some sort of a mass meeting, particularly if the Government is indifferent to their problem?

Mr. LA FOLLETTE. Exactly; in the present situation, when the Federal Government has no accurate statistics concerning unemployment, and when we are engaged in what, so to speak, might be termed a "guessing contest" concerning the number of unemployed in this country, there is no other way for men and women who are out of work to draw attention to their plight except by orderly mass meetings and demonstrations.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON of Indiana. I have been very much interested in what the Senator has said. I came into the Chamber late, and therefore missed some of his earlier remarks.

I am wondering, however, in the event the situation is all as bad as the Senator from Wisconsin suggests it may be, whether he has a plan, whether he has some constructive suggestion for improving the situation; whether, even if statistics bear out the contention he has made, he himself has thought through a constructive program; and if so, whether he has introduced any bill to remedy the present situation.

Mr. LA FOLLETTE. Mr. President, I will be glad to answer the Senator's question. In the first place, I stated that we never could get an intelligent treatment of this problem until we knew what the problem was.

Mr. ROBINSON of Indiana. I am assuming that if the Senator says it he means he knows what the problem is.

Mr. LA FOLLETTE. I will answer the Senator's question, if he will just be patient.

In the first place, we can not solve this problem until we know what it is. We have no way of knowing, may I say to the junior Senator from Indiana, how much unemployment there is in the United States, how much seasonal unemployment, how much periodic unemployment, and how much technological unemployment due to the mechanization of industry exists in this country to-day.

As I stated before, Secretary of Commerce Hoover, as chairman of President Harding's unemployment conference, reported that we had no accurate statistics concerning this problem, and at that time there were the wildest sort of discrepancies between so-called estimates concerning the number of people who were out of work. To-day we are in the same situation. In other words, eight years have gone by, and even the mild recommendations made by Secretary of Commerce Hoover, as chairman of President Harding's unemployment conference, have not been enacted into law.

The junior Senator from New York has had pending in this body for, I think, upwards of two years a bill providing for the gathering of accurate unemployment statistics, and he has been unable to secure a report from a committee controlled by the Republican majority of the Senate, or a consideration of that measure on its merits.

Mr. JOHNSON. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield.

Mr. JOHNSON. Let me correct one misapprehension of the Senator in that regard. Very recently the Commerce Committee changed its personnel. Immediately upon becoming chairman of that committee I told the Senator from New York, whose bill was then pending before the committee, that I was wholly sympathetic with it, and suggested to him that he begin his activities, or come before the committee, in order that the bill might be acted upon. The Senator from New York, I presume in the multiplicity of his engagements and because of his activities here upon the tariff bill, has not seen fit to avail himself of that opportunity.

I may say to the Senator from New York now that on Thursday the committee will meet again. I am sympathetic with his measure, and I would be very glad if he would come before the Committee on Commerce and have that measure before the committee on Thursday.

Mr. WAGNER. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. WAGNER. I refresh the Senator's recollection to this extent, that the Senator stated to me that he would appoint a subcommittee, and that what I should do would be immediately to secure a hearing before that subcommittee. The Senator did say to me that he was entirely sympathetic with my proposal.

Mr. JOHNSON. Yes; and if the Senator will come before the Commerce Committee on Thursday we will take up his bill. I will be delighted, if it be the sort of measure I believe it to be—though I have not gone into the technical phases of the bill—to endeavor to have it reported to the Senate. I wanted to state that in justice to the Committee on Commerce.

Mr. LA FOLLETTE. Mr. President, if anything I have said was an unjust criticism of the manner in which the Commerce

Committee has handled this matter since the meeting of Congress in December, I am very glad to be corrected about it; but that was the case when the bill of the Senator from New York was pending before the Committee on Education and Labor of the Senate.

I return to the interrogatory of the junior Senator from Indiana. First of all, we must know what this problem is. In the second place, the Senator from Washington [Mr. JONES] introduced what was known as the prosperity reserve bill, a bill providing for the speeding up of the development of public works during times of depression. That bill, it was understood, was an administration measure, but it has been impossible even to get that proposition passed through the Congress.

Mr. ROBINSON of Indiana. Mr. President, is that the bill the Senator has in mind that will alleviate the present condition? What I am trying to find out from the Senator, and what I have not learned thus far, is what he proposes to do about it. His statement is that millions of men and women are out of employment. Assuming that to be true, for the sake of the argument, what does the Senator propose constructively to do to cure the situation? I am wondering if the Jones bill he has just mentioned is the cure he has in mind.

Mr. LA FOLLETTE. Mr. President——

Mr. ROBINSON of Indiana. Just one word more, and then I will try not to interrupt the Senator.

I understand the Senator to blame the President of the United States for the situation. I say to the Senator that it is the responsibility of Congress, of the Members of the Senate and of the House, to initiate legislation, and I say that the President of the United States is supposed to be the Executive of the United States, to execute the laws after Congress enacts them. Therefore it is up to the Senator from Wisconsin, to the Senator from Indiana, and the Senators from the other States of the Union, if this situation is so bad as is suggested by the Senator from Wisconsin, to initiate legislation to cure it. I hope the Senator has some legislation of that kind in mind.

Mr. JOHNSON. Mr. President, may I say to the Senator from Wisconsin there is no evil which exists, so far as I have been able to discern from utterances which have come from the White House. I have read, and read with the utmost interest, aye, with an enthusiasm which I could not adequately describe, the statements of gentlemen who came here from various parts of the United States—multimillionaires—who told us that there was nothing but prosperity in the country, that everything was all right; and the men who had lost their all in the stock market walked the streets afterwards with their heads high, perfectly confident in the assurances that were given in Washington that they were all right, that they were entirely mistaken when they had thought they had lost their fortunes.

Mr. LA FOLLETTE. Mr. President, I would like to have just a moment in my own right now.

In the first place, I have not said that there were millions of men and women out of work.

Mr. ROBINSON of Indiana. I understood the Senator from Wisconsin to say that.

Mr. LA FOLLETTE. I do not know how many men and women in the United States are out of work. I say that estimates are that there are several million men and women out of work.

In the second place, I have not said that this problem was the sole responsibility of the President, but I have said that in view of his calling these conferences of the business leaders of the Nation following the stock-market crash; and in view of certain pledges which those business leaders made in the presence and under the ægis of the President of the United States, he bears a certain responsibility to the workers to insist that those pledges be fulfilled.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. In just a moment I will.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LA FOLLETTE. The President of the United States, when chairman of President Harding's unemployment conference, made certain recommendations concerning this important question. In the second place, the Jones prosperity reserve bill was introduced, and it was announced that it had the approval of the President. Yet there has been no activity upon the part of the Republican leaders as I have been able to ascertain to secure the passage of that measure.

I stated before the junior Senator from Indiana came into the Chamber that this is a very serious and a very complex problem. I believe that serious consideration should be given by the Congress to the able report made by the Committee on Education and Labor, and there has been no serious consideration given to that report. May I say that their investigation was one of the most carefully conducted and one of the most informing investigations which has been conducted by any committee of the Congress upon this subject.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. In just a moment. The only recommendation which has been made by the President of the United States in his several messages to Congress concerning the unemployment problem is for the enlargement of the United States Employment Service. This is a proposition which almost any person would be willing to support. But in a situation of unemployment, when men and women are out of work, the enlargement and the development of the United States Employment Service will not remedy the situation.

When the stock market crash came the President of the United States initiated a tax refund and reduction which amounted to $160,000,000. It was for the purpose of reassuring business in the country and pegging the stock market. It was also stated authoritatively that if any business recession occured expenditures for public works would be tremendously increased and that the Government of the United States would endeavor to take care of the depression by an expansion of its public-works program. Only recently, however, we were informed through the press by the President that the tax cut of $160,000,000 threatened a deficit in the Treasury and that appropriations must be cut to the Budget estimate. If the danger of that Tresaury deficit is realized and if the expansion program can not be carried out in its entirety, then I say that the responsibility rests upon the Executive, because he initiated and asked for the passage of the tax refund and reduction of $160,000,000.

I agree with the Senator from Indiana [Mr. ROBINSON], however, that this is a joint responsibility. I am not endeavoring to place the sole responsibility upon the Executive. I think Congress has been derelict in its duty in failing to take up the recommendations made first by President Harding's unemployment conference; and second, the recommendations made by the Committee on Education and Labor, of which the senior Senator from Michigan was then chairman. But I do say, and this is the point that I desire to make, that we can not solve this problem of unemployment by starting another "red" scare in the United States. We can not solve the problem by hysteria and by a "red" alarm. If the attempt is made to solve it in that manner, the situation will only be aggravated. I am appealing for a calm and a constructive solution of the problem of unemployment.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I yield.

Mr. VANDENBERG. I understand that one of the Senator's prime criticisms is that the Jones prosperity reserve bill was not passed, and I quite share his viewpoint toward that bill, as he knows. But I want to ask him whether or not the Elliott-Keyes public buildings bill, which is here in the Senate waiting for Senate action, will not realize more public works than the Jones prosperity reserve bill would have realized even if we had enacted it into law?

Mr. LA FOLLETTE. I do not agree with the Senator about that, because if we had passed the Jones prosperity reserve bill the authorizations would have been provided and there would not have been anything left to do except to make the appropriation.

Mr. VANDENBERG. Nothing is left now except for the Senate to attend to its business and clear the track and pass the bill.

Mr. LA FOLLETTE. That might be true, but nevertheless I say that it is a strange thing that the Congress, controlled by the Republican organization, should have failed to enact the prosperity reserve bill. If that had been done, we would have been in a different situation so far as the inauguration of an expanded public-works program is concerned.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON of Indiana. I would observe that if there has been any dereliction it has been on the part of Congress and not on the part of the President. I would suggest further that surely the Senator from Wisconsin has some other constructive measure in mind besides this one when he talks about the bad conditions that exist. Has not the Senator himself some constructive plan for curing the situation? That is what I would like to know. It is easy to criticize; it is difficult to construct. It is easy to destroy; it is difficult to build up. But I want to know what the Senator proposes to do about it. Here is the

Senate. Over at the other end of the Capitol is the other body. We are prepared for action. We should do something, I gather from what the Senator said. That being true, what does the Senator propose that we should do, and let us get about it?

Mr. LA FOLLETTE. I propose, first of all, that we should find out what the problem is, because I say that we can not propose a constructive and far-reaching solution for it until we know what the problem is.

Mr. ROBINSON of Indiana. But assuming that it is as bad as the Senator said it is, the quicker we do something the better. Has the Senator something to do? What is his plan? Then let us all fall to and assist the Senator in correcting the situation.

Mr. LA FOLLETTE. Mr. President, the Senator from Indiana points out a very important phase of the question. When we are in an era of inflation, when we have comparative prosperity, we can not get any attention to this question. That is evidenced by the fate of the bills introduced by the Senator from New York [Mr. WAGNER], by the fate of the recommendations made by Secretary of Commerce Hoover as chairman of the Harding unemployment conference in 1921, and also by the fate of the recommendations made in the report by the then chairman of the Committee on Education and Labor, the Senator from Michigan. As was pointed out by the Senator from New York [Mr. WAGNER], we are in another critical situation, and we are trying to cure it by the conference method instead of the program method.

What I am appealing for in the first place is that we shall enact legislation so that we may know what the problem is. The Senator from Indiana said let us assume that it is as bad as I say it is. I have said that I do not know how serious the situation is. It is not a question of how many men and women are out of work at any particular time. It also, as I pointed out before, involves the question of seasonal unemployment, of cyclical unemployment, and of unemployment due to business depression, and of unemployment due to the mechanization of industry, which is creating an army of permanent unemployed in the United States.

Mr. GLASS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. LA FOLLETTE. I yield.

Mr. GLASS. I might suggest to the distinguished Senator from Wisconsin that the way to solve this question is the same way we have solved other problems since this Congress met, and that is by appointing a commission to investigate and handle it. Why not?

Mr. ROBINSON of Indiana. Mr. President, if the Senator from Wisconsin will yield to me I will answer that question.

Mr. LA FOLLETTE. I will say to the Senator from Virginia that so far as I am personally concerned I am not opposed to the appointment of commissions when they are appointed for the purpose of doing a legitimate piece of work. I am, however, opposed to commissions when they are appointed for the purpose of playing the old Army game of "passing the buck" and delaying the consideration of important pieces of legislation and of important governmental problems.

In conclusion, Mr. President, I hope that the appeal which the Senator from New York [Mr. WAGNER] made for the consideration of these various pieces of legislation will fall upon receptive ears in the Senate and in the House of Representatives as well.

I also hope, Mr. President, that authorities will not aggravate the situation by starting another "red" baiting campaign in the United States.

Mr. COUZENS. Mr. President, it seems to me appropriate at this time, as long as we have spent two hours discussing the distress of the unemployed, to bring to the attention of the chairman of the Finance Committee and other members of the committee and of the Congress a bill which was introduced by the Senator from Iowa [Mr. BROOKHART] in May last with respect to the condition of World War veterans. We may lack statistics as to the extent of the unemployment among the veterans, but it is safe to say that there are hundreds of thousands of veterans in distress. They are, perhaps, no more in distress than the other unemployed, but I submit that the Congress owes a greater obligation to them than even to the other unemployed, great as this may be.

In May of last year the Senator from Iowa introduced a bill providing for the payment of the bonus which was granted by the Congress to the World War veterans. I think the bill needs some modification with respect to limitations as to the relief that should be given to the veterans in the way of discharging our obligations to them at this time.

The bill was pending before the Finance Committee when in its magnanimity it granted $160,000,000 of tax refund to those who did not need it. However, when the Senator from North Carolina [Mr. SIMMONS] and the Senator from Mississippi [Mr. HARRISON] and the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. REED] and some of the Members of the House get before the great Secretary of the Treasury, of course, they are overawed by his greatness and submit immediately to his recommendations. They immediately submitted a recommendation that we refund taxes to those who had already paid them and who did not need a refund, and immediately we rushed through the Congress a bill refunding taxes as a Christmas gift to those who did not need it.

While all this was going on there were over 3,000,000 known unemployed in the United States. It is true, as the Senator from Wisconsin [Mr. LA FOLLETTE] said, that we do not know the exact figures, but from the highest administrative authority I have received word that there are some 3,100,000 known unemployed, and I submit that when that many known unemployed exist there are probably many more unknown, because there is no way of ascertaining the exact number of unemployed. We do know, however, to some extent how far it goes.

Instead of refunding this money to those best able to pay, we should have provided, and we can now, even if we have to repeal the joint resolution refunding the taxes, provide for the payment of the bonuses to the veterans who are in distress. It does not follow that every bonus has to be paid at this time. Congress can help the situation by making adequate appropriations now to be paid out through the Veterans' Bureau to the World War veterans who are unemployed.

I remember when I was commissioner of police of Detroit during the time the boys were marching off to war; the whole populace stood on the street curbs and cheered and the bands played. There was not a man, woman, or child who did not stand on the curb and say "Go to it, boys. Let us fight for democracy. When you come back there will be nothing too good for you. The world will be yours. Everything you want you shall have." I think in many respects the Nation has been generous in providing certain facilities and certain relief for the veterans; yet we do not seem to be able to remedy the unusual situation which now exists.

I commend the chairman of the Finance Committee [Mr. SMOOT] and the Congress to the immediate consideration of the bill introduced by the Senator from Iowa [Mr. BROOKHART] so that adequate appropriations may be made for the payment of bonuses already granted to the World War veterans who are unemployed and in distress.

Mr. SMOOT. Mr. President, two and one-fourth hours have passed this morning, and not a word about the tariff bill. The Senator from Indiana [Mr. ROBINSON] asked what we shall do to help the situation. Allow me to suggest to the Senate that the best thing we can do now is to pass the tariff bill and get it out of the way, so that other legislation may be considered and acted upon by the Senate.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield.

Mr. COUZENS. Instead of criticizing those of us who are interested in the unemployment situation——

Mr. SMOOT. I have not done that.

Mr. COUZENS. I submit that if the Senator will go through the RECORD for the last three or four months he will find that he has consumed hours and hours and hours in irrelevant discussion for the maintenance of high tariff rates which are entirely unjustified.

Mr. SMOOT. Mr. President, in that connection I send to the desk and ask that it may be printed in the RECORD the result of an examination of the CONGRESSIONAL RECORD from September 4, 1929, the date on which the pending tariff bill was reported to the Senate by the Finance Committee, to February 25, 1930. That examination discloses approximately 2,638 pages containing the actual debate on the tariff bill. Of this total, the space in the RECORD is divided approximately as follows:

Democrats, 1,108 pages.

Republicans, 791½ pages.

Insurgents, 738½ pages.

The official reporters of the Senate state that each page in the CONGRESSIONAL RECORD represents approximately 12 minutes of debate. Thus expressed, the relative amount of time consumed by each group during the period mentioned is set forth in the statement, which I ask to be printed entire in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement entire is as follows:

An examination of the CONGRESSIONAL RECORD from September 4, 1929, the date the pending tariff bill (H. R. 2667) was reported to the

Senate by the Finance Committee, to February 25, 1930, discloses that approximately 2,638 pages contain the actual debate on the tariff bill.

Of this total, the space is divided approximately as follows:

	Pages
Democrats	1,108
Republicans	791½
Insurgents	738½

The official reporters of the Senate state that each page of the CONGRESSIONAL RECORD represents approximately 12 minutes of debate. Thus expressed, the relative amount of time consumed by each group during the period above mentioned is as follows:

Democrats, 221 hours, or 42 per cent.

Republicans, 158 hours, or 30 per cent.

Insurgents, 148 hours, or 28 per cent.

Mr. SMOOT. Mr. President, I take it for granted that the Senator from Michigan has criticized me for the time I have spent on the floor of the Senate in defending the tariff bill. I am chairman of the Finance Committee, I was instructed by that committee to report the bill, I have tried to defend it in the best way I could, and I have taken just as little time as I could. That is all I care to say about that matter.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield.

Mr. COUZENS. I should like to ask the Senator if he will insert in the RECORD the names of the insurgents to whom he referred? I should like to know what Senators are included in the list of the insurgents who consumed 738 pages of the RECORD.

Mr. SMOOT. I can have that information supplied. I can give the Senator the names.

Mr. COUZENS. I should like to have them, because I should like to know who they are.

Mr. SMOOT. I will be glad to furnish that information to the Senator.

Mr. SHORTRIDGE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state his parliamentary inquiry.

Mr. SHORTRIDGE. I should like to know when, if ever, we are going to take up the tariff bill?

Mr. BLACK. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Chair does not feel called upon to make a decision on that question. The Senator from Alabama has the floor.

Mr. WALSH of Montana. Mr. President——

Mr. BLACK. Mr. President, I wish to place a letter in the RECORD and have it read.

Mr. SMOOT. I object; I am going to try to proceed with the tariff bill, if I can.

Mr. BLACK. I have the floor, and I will proceed in my own time.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. Mr. President——

Mr. BLACK. I yield to the Senator from Montana.

Mr. WALSH of Montana. Before we pass from the statement put in the RECORD by the Senator from Utah, I wish to observe that it is quite to be expected that there would be a greater amount of discussion of proposed tariff rates by the Democrats, so called, than by Republicans. This bill originated with the Republican majority in the House, without any opportunity to discuss it there by the Democrats; it came here, and it was revised by the Republican majority in the Finance Committee, so that the Republican view of the matter had an opportunity to express itself both in the action of the House and the action of the Finance Committee. The first opportunity the Democrats had really to say anything about the matter was when the bill came upon the floor. So it is really to be expected that a greater amount of time would be consumed in the expression of the views of the Democrats in respect to this matter than by the Republicans.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BLACK. I should prefer to proceed, but I yield to the Senator for a moment.

Mr. GLASS. I wish to call the attention of the Senate to the fact that the Democrats did not consume more time than the Republicans, but very much less. The Democrats have taken up 1,108 pages of the CONGRESSIONAL RECORD and the Republicans 1,530 pages, unless the Senator from Utah means to exclude from the Republican Party all the Senators whom he designates as insurgents. Is that the purpose of the Senator?

Mr. SMOOT. The purpose was to indicate the time consumed by the so-called coalition in connection with——

Mr. BLACK. I do not yield to the Senator from Utah.

Mr. SHORTRIDGE. Mr. President, will the Senator permit a suggestion?

Mr. BLACK. I should like first to use about five minutes of the Democratic time.

Mr. SHORTRIDGE. I merely wish to make a suggestion. Under the unanimous-consent agreement——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. I yield for a question.

Mr. SHORTRIDGE. Certainly. Under the unanimous-consent agreement entered into several days ago an amendment, deeply affecting the Senator's State as other States, was to be taken up immediately after the vote on the proposed oil amendment. For various reasons the consideration of the amendment pending has been delayed. I hope we can take it up early to-day.

RESTRICTION OF IMMIGRATION

Mr. BLACK. Mr. President, I think I know what the amendment is to which the Senator refers. If there had been no objection raised to the inserting in the RECORD of the letter to which I have referred, it would have been placed in the RECORD or could have been read 10 minutes ago, and those who are so exceedingly anxious to proceed with the tariff bill could have proceeded. However, since objection has been raised I shall read the letter.

The PRESIDING OFFICER. Is there objection to the Senator inserting the letter in the RECORD?

Mr. BLACK. Mr. President, I have the floor, and if there is any objection to my reading the letter, I shall talk.

The PRESIDING OFFICER. Is there objection?

Mr. BLACK. Mr. President, no one has a right to object to my reading a letter in my own time.

The PRESIDING OFFICER. The Chair understood the Senator to inquire whether there was any objection to inserting the letter in the RECORD.

Mr. BLACK. I am not asking for such permission; I am going to read the letter. The question has been asked as to what are the remedies for unemployment. The letter I desire to read is from a gentleman who suggests one. If those who were so anxious to increase the price of sugar to the consumers of this country will listen to this letter, and will appreciate the situation of distress which they have brought about by insisting upon defeating measures prohibiting immigration from Mexico, I think they will aid in bringing about some relief to the unemployment situation. The letter is from Detroit, Mich., is dated February 22, 1930, and it is addressed to me. It reads as follows:

EAST DETROIT, MICH., *February 22, 1930.*

Senator HUGO BLACK,
Washington, D. C.

DEAR SENATOR: I notice from press reports that a bill on immigration will be submitted to Congress and Senate next Tuesday, the 25th inst., and hope that you can see your way clear to support the bill.

This country is in a terrible condition. There are over 125,000 men in Detroit alone out of work, and have been for six months. The city is doing all it can for them, but still there is real suffering among the people.

I am 56 years old and am a close observer. I have mixed and mingled with the people, and I know from personal experience that there is real suffering among the people.

If something is not done to reduce the quota of immigrants to this country, God only can help us. Indeed it's serious.

I believe Canada and Mexico should have some restrictions, but, of course, not so heavy as other countries.

There are hundreds of Canadians working in Detroit every day, and there are thousands of Detroit taxpayers out of work.

We people are helpless, the only hope for relief is through you and other Members of the Senate and Congress.

* * * * * * *

Trusting that you will consider very seriously this bill, and that you can see your way clear to support it,

I am, yours very truly,

MARTIN FLOWERS, *P. O. Box 402.*

I want to call the attention of the Senate to the fact that although there have been numerous bills pending in this body for the restriction of immigration, they have not received favorable consideration. I want to call further attention to the fact that reams and reams of paper have been used in sending propaganda to Senators by the growers of sugar seeking to create the impression that sugar can not be successfully grown in America if we restrict immigration from Mexico.

I call the attention of those who have sought to burden the consumers of this Nation with an unfair price for sugar to the fact that one of the reasons the people of this country will not tolerate it is that the sugar producers insist that sugar can not be raised without importing Mexicans in order to raise it.

I say if that industry is dependent upon the importation of foreign labor, instead of using American labor, then it should not be fostered by a tariff. If it is a hothouse industry, and one that can only be aided and be carried on by permitting the work to be done by keeping open the doors to foreign immigration, to take the employment that should be given to Americans, then the Senate and the House of Representatives are right in keeping the doors shut.

I desire to have the letter which I have read referred to the Committee on Immigration. While I heartily approve the suggestion made by the Senator from New York [Mr. WAGNER] and the other suggestions with reference to unemployment, which every man who is not blind knows exists in this country to-day, I want also to suggest that one of the methods of relief for unemployment is to stop bringing in more mouths to be fed with jobs that are not now sufficient to go around for the people who are in this country.

The PRESIDING OFFICER. The letter presented by the Senator from Alabama will be referred to the Committee on Immigration.

UNEMPLOYMENT AND ALLEGED COMMUNIST ACTIVITIES

Mr. BROOKHART. Mr. President, before we proceed with the tariff bill, I desire to take a few moments. I have no apologies for taking the time, for I think I have consumed as little time in connection with the consideration of the tariff bill as has any Member of the Senate. I wish to say a few words about the "red" propaganda that is springing up to camouflage and cover up the unemployment situation. I wish to give the Senate a specific instance as to how that propaganda is manufactured.

A subcommittee of the Committee on Post Offices and Post Roads of the Senate has been investigating patronage in the Southern States. Down in Mississippi there was a man named Perry Howard, a colored man, who was national committeeman of the Republican Party; he was the referee who dispensed the patronage of that State. Before anybody could get an appointment to office he had to have the O. K. of Perry Howard.

The subcommittee found that he had deposited some $31,000 over and above his salary; he was an assistant attorney general of the United States also, at a salary of $6,000, as I recall, but over and above that in 18 months he deposited some $31,000. Then his clerk deposited some $14,000 more, nearly all of that $14,000 being in bills. That looked bad, especially as it came about the time appointments were being made for United States marshals and for post offices.

Then his colored brethren in the Pullman labor organization of the United States got into some trouble with the Pullman Co. They attempted to get better wages. We found that included in the $31,000 was a fee of some $4,000 that Mr. Perry Howard received from the Pullman Co. to fight the members of his own race. This is the way he fought them: He put out inspired statements to the effect that the organization of Pullman employees, who were asking for higher wages, was a communist organization and was supported from Moscow, and because of that fact was not entitled to consideration.

Of course, finally the boys in the Pullman organization, with our assistance, succeeded in driving him out of the Department of Justice. He was suspended and finally forced to resign. That, however, is a concrete example of the way communist propaganda is poured out over the United States. There is nothing in it worth while, as the Senator from Wisconsin showed from the reports of leading industrialists in the country; but every individual who wants to cover up labor's calamities or who wants to discredit them in any way does so by calling their activities the work of communists.

Now, Mr. President, just a word about the soldier situation.

Since introducing the last of the bills to which the Senator from Michigan [Mr. COUZENS] referred, I have received from the Veterans' Bureau the exact figures, showing that there are 7,000 soldiers in the hospitals of the United States disabled so that they are entitled to hospitalization who are not drawing any compensation, for the reason that they do not have the technical medical proof to connect their diseases with their war service.

I visited the tubercular hospital at Tupper Lake, up in New York. It is the newest and latest of hospitals—a fine, magnificent hospital, so far as that goes. I found that there are about 350 inmates there at this time, and that 212 of them are not drawing compensation. I went in and talked with a soldier perhaps dying with tuberculosis. He happened to be a single man, and he was drawing his $100 a month compensation because he had the technical medical proof that his tuberculosis was caused by the war. In the next bed, however, I talked to another soldier in worse condition. There hung a picture of his wife and four children, dependent on charity, with nothing to sustain them; and he was not drawing one cent of compensation from the Government, although he was in worse condition than the other soldier and drew no compensation because he did not have the technical medical proof that would connect his tuberculosis with the service.

Mr. President, those soldiers answered the call of the Government when they were needed for the life of the Government itself. Those soldiers are entitled to the support of the Government when they need that support for the life of themselves and their families. I have had this matter up for a long time. I am sorry the Republican leader, the Senator from Indiana [Mr. WATSON], is not here. He promised me that he would get through a resolution amending the rules and creating a Veterans' Committee, so that we could get these bills out and acted upon; but it has not been done. Nothing of the kind has happened.

As for the other suggestion of the Senator from Michigan, it certainly is a valuable suggestion—that we pay the bonus now to these unemployed soldiers who need it at this time.

The 7,000 disabled in the hospitals are only a small percentage of those that are disabled in the United States; and the unemployed amount to a good many thousand more, without any doubt. We could do those things. They would help a little.

In answer to the junior Senator from Michigan [Mr. VANDENBERG], I will say that on Saturday I offered a further resolution to appropriate $50,000,000 more to relieve all the acute cases of unemployment. That would be a temporary relief, at least; and if the Senator from Indiana [Mr. ROBINSON] were here I would give him some definite ideas that I have worked out, and that are pending in bills before the various committees of the Senate, to relieve permanently this condition of unemployment.

I think the economic crime of the ages, the economic crime of our country, is that when it comes to unemployment the profiteers of the country sit back and hold on to their profits, discharge their labor, and leave them to carry the burden of every industrial calamity that strikes our country.

Mr. WHEELER obtained the floor.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Michigan?

Mr. WHEELER. I yield to the Senator from Michigan for a question.

Mr. VANDENBERG. I just want to submit some figures. It will take me but a moment, if the Senator will yield.

Mr. WHEELER. I yield.

Mr. VANDENBERG. In the course of my colloquy with the senior Senator from Wisconsin [Mr. LA FOLLETTE] this morning in respect to unemployment, I suggested that the pending Keyes-Elliott public buildings bill means vastly more in reality, if the Senate would only attend to business and pass it, than possibly could have been brought to the advantage of the unemployment situation by the Jones prosperity reserve bill.

The Jones bill——

Mr. WHEELER. Mr. President, I am perfectly willing to yield for the purpose of having the Senator submit some figures, but I do not want to yield for a speech.

Mr. VANDENBERG. Just a brief statement. I beg the Senator's pardon.

The Jones bill would have provided $150,000,000 to be released for public works in certain unemployment emergencies. The Keyes-Elliott bill, which has been on the Senate Calendar since January 31 waiting for Senate action, will release $230,000,000. I submit that we can do more for unemployment to-day by passing this measure which awaits our action than by mourning over some prior failure to pass some prior bill.

I repeat that I believed, and still believe, in the stabilization of employment so far as possible through reserve programs for deferred public works. I shall support the same type of legislation whenever I get the chance.

But, Mr. President, the Jones bill, to which the Senator from Wisconsin so feelingly referred, could only have released an ultimate expenditure of $150,000,000 in various types of public improvements. The Keyes-Elliott bill, which is now on the Senate Calendar, will release an ultimate total of $230,000,000 in just one branch of public work, namely, in public buildings. It will be spent just as rapidly as the much lesser sum could have been spent under the Jones bill. It will do much more for contemporary unemployment.

This has no bearing on the merits of the Jones bill, which I again indorse; but it has decided bearing on the criticism offered by my able friend the senior Senator from Wisconsin

against the Republican administration for its failure to pass the Jones bill. This failure, by the way, preceded the inauguration of President Hoover.

I make the point that the Keyes-Elliott bill, which the Senate has a chance to pass, is far more important to alleviate unemployment than the Jones prosperity reserve bill, which a previous Senate declined to pass. I make the point that the Keyes-Elliott bill—already approved by the House—has been on the Senate Calendar awaiting Senate action since January 31. I make the point that this and kindred practical legislation to aid employment is already knocking at the Senate's door—and knocking thus far in vain. I therefore make the point that the Senate will contribute more to national employment by less oratory and more legislation; by less challenge to the President and more attention to its own business.

Mr. WHEELER. Mr. President, I am glad to have the statement of the Senator from Michigan.

I realize that the President of the United States is not wholly to blame for the situation that confronts the country with reference to unemployment; but I do want to call attention to the fact that every time we have had unemployment when a Democratic President has been in power the Republican orators and Members on the other side have always laid the blame on the Democratic President and the Democratic administration. They have always gone out on the hustings and said, "Give us a high tariff and we will stop this unemployment, and conditions will be prosperous." But here, upon this occasion, we have more unemployed in this country than at any time that I have ever known of in my life.

Mr. President, I am glad to have this matter called to the attention of the country; and notwithstanding the fact that there has been some criticism because of the amount of time that has been expended this morning in calling attention to the unemployment that exists, I think this body could not do any better than to devote some of its time to discussing this situation.

First of all, we have been here for something like a year discussing one of the most sordid pieces of legislation ever presented to a legislative body. I say that advisedly. The majority party have come here and have thrown down the bars, and every individual who is seeking some special favor has been rapping at the doors of the Congress of the United States asking that he be permitted to reach his hands into the public coffers or to ask for some special favor of the Government of the United States in the way of a higher tax upon the people of this country. We have had individuals and corporations coming here asking for increased tariffs in the name of labor. That is the familiar cry, the familiar plea from the other side of the Chamber, "We want this higher tariff because of the necessities of labor." Yet, Mr. President, if we analyze the facts we find that the industries paying the lowest wages are invariably getting the highest tariff protection.

Take the cotton industry; take the rayon industry. Both of them are are getting enormously high tariffs and at the same time paying miserable, miserable wages; and, if you please, we find the cotton manufacturers moving their plants into States where they can get cheap labor and work the laboring men long hours.

Mr. President, I was perfectly shocked when I picked up the New York Times this morning and read this statement by Matthew Woll, the letter that he sent out to Members of Congress and to commercial bodies. He makes the statement here, according to the New York Times, that William Z. Foster, communist candidate for President in 1908, is returning, or has returned, from Russia with $1,250,000 for the purpose of carrying on propaganda in this country.

If that statement is correct—and it ought not to go unchallenged—that Mr. Foster has brought back to this country $1,250,000 for the purposes that have been stated by Matthew Woll, then the Department of Justice ought to investigate the matter immediately. For my own part, I can not conceive of the Soviet Government—which to-day, according to all reports, is practically bankrupt, or at least is in a deplorable economic situation—turning over $1,250,000 to William Z. Foster for the purpose of carrying on propaganda of that kind in the United States. If that statement is not true, then Matthew Woll ought to be called to account. As vice president of the American Federation of Labor, he ought to be ashamed of spreading that kind of propaganda throughout the United States for the purpose of arousing the American people to the danger of a great "red" revolution, and practically charging, if you please, that all of the unemployed in the United States are under the domination and influence of Foster and the little handful of communists in this country unless he has the facts to back it up.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WHEELER. I do.

Mr. HEFLIN. I suggest to the Senator that it would be a good idea to request the Senator from Arkansas [Mr. CARAWAY], the chairman of the lobby investigating committee, to summon this gentleman down here.

Mr. WHEELER. Matthew Woll?

Mr. HEFLIN. Yes; Matthew Woll.

Mr. WHEELER. It might not be a bad suggestion; but, of course, it should be remembered also that while Matthew Woll is giving out this statement, he is likewise engaged in circularizing the Members of Congress in the interest of the manufacturers of this country to get a high tariff upon everything that the consumers of America use. It might be well to summon Matthew Woll to find out upon whose pay roll Mr. Flynn has been, and to find out where Mr. Woll has gotten his money to carry on this propaganda, and whether Mr. Flynn is receiving any money from the Republican National Committee at the present time, or has received such money in times gone by.

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WHEELER. Yes.

Mr. WAGNER. Does not the Senator think there is something to the suggestion that this red herring is dragged across the trail primarily to divert public attention from the existence of the economic depression to-day?

Mr. WHEELER. I do not believe there is any question of doubt about it. I might say to the Senator from New York and to the other Members of the Senate that I had some experience, while I was United States district attorney, with this matter of communists. I recall distinctly one investigation that I carried on. I found, to my amazement, that the leading communists and the head of the communist movement in one of the industrial centers in my home city were on the pay roll, if you please, of the Thiel Detective Agency and of the Pinkerton Detective Agency. A Pinkerton detective agent and a Thiel detective agent were the leaders of the communist movement in that city at that time; and I have no doubt but that if we would go ahead and carry out the investigation in accordance with the resolution which I introduced to investigate these detective agencies in the United States, we would find that a large portion of the leaders of this so-called communist organization are on the pay roll of the dectective agencies of the United States, and that they are there for the purpose of stirring up trouble for the American manufacturer in many instances. Sometimes they are in his employ, but generally they are being used for the purpose of discrediting organized labor throughout the United States.

Let me say that I am surprised that Mr. Woll should lend himself to a thing of this kind, and try to frighten the American people and to draw a red herring across the trail, as he apparently is trying to do in this article that he is sending out.

Some time ago I received a communication from a gentleman in Montana telling me that this propaganda was going to be started from one end of the country to the other.

Mr. Jung, of a detective agency in the city of Chicago, was one of the heads of this propaganda organization, and he was not only going to work with the idea of discrediting labor throughout the United States but he wanted to get as much information as he could with reference to the activity of the "progressive" Senators down here in the Senate of the United States for the purpose of including them, charging them also with being tied up in some way with the communist movement throughout the United States.

I want to call the attention of the Senator from New York to a deplorable situation in his own city. I picked up the New York American this morning, and I found that the police of the great democratic city of New York are using their clubs, and clubbing the workingmen who are out of employment in that city, and I understand that while this great amount of unemployment exists in the city of New York, the commissioner of police has been for some time down in Miami, or at some other place in Florida, hobnobbing with some of the millionaires who are sojourning down there for their health after the stock-market break. Not only are the police of the city of New York resorting to this practice of going out and clubbing these men who are protesting because of the fact that they can not get employment but the same thing is going on in many of the other cities throughout the United States. I am indeed glad to learn that the Department of Justice, under the present Attorney General, is not going to be a party to that sort of thing.

I think the Attorney General is to be commended for his attitude.

The question has been asked as to what should be done, and it is said that the President has not anything to do about it at all, but that it is a matter for the Congress of the United States. Let me call attention to the fact that when the stock market broke in New York, when a lot of people lost their market money in Wall Street, the President did not wait for the Congress to act. He came to the Congress of the United States and asked that we relieve the great taxpayers of the country of the payment of $160,000,000 in taxes. When there was a Wall Street panic he called into conference all of the great leaders of the country and tried to talk to them about their problems, but we have not heard of him coming to the Congress of the United States and asking that the Congress appropriate any money to take care of the unemployed of this country.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WAGNER. I would like to call the Senator's attention to the fact that, although this much-heralded conference was called, and the newspaper headlines announced the great achievement through the resolutions passed at the conference, in the month of January building construction in the United States was $86,000,000 less than in January a year ago. That was right after the conference, immediately after the promises were made.

Mr. WHEELER. As I said on the floor of the Senate last Saturday, my understanding is that a great many of the men who came down to that conference with the President of the United States immediately went back to their homes and laid off some men in addition to those they had already laid off. So that as far as taking care of the unemployed of the country is concerned, the conference that was had by the President at the White House with the leaders did nothing at all, and apparently the only result of it was that the President came to Congress and got the Congress to relieve the big taxpayers of the payment of $160,000,000.

I am wondering how much of that $160,000,000 the workers of this country will see, how much of that $160,000,000 is going to be used by these people for the relief of unemployment in this country.

Mr. President, of course, the President of the United States should not be held responsible for the unemployment in the country, but he should share, and the party in power should share, some of the responsibility. We have been here a year talking about this tariff bill, which, as I said a moment ago, is one of the most sordid bills that has ever been presented to a legislative body, and yet when we get up here for a few moments in the Congress of the United States to talk about the relief of unemployment, we are criticized for doing so, and we are told that we are consuming too much time, and that we ought to stop and let the tariff bill be passed without any interruption. Let the workers of the country go hungry; let the workers of the country meet and be clubbed by the policemen; let them take the working girls and the working women and drag them through the streets, as was done in New York, where two great big policemen dragged a little girl through the streets and had her picture taken. Yet the Congress of the United States must be silent in order that we may pass a bill to further enrich the manufacturers of the country and the selfish interests of the country. That, of course, is the program of the administration and of the party in power. Nothing must be said of unemployment; we must only try to relieve the rich and enrich them further.

Mr. President, I am glad to see this question debated upon the floor of the Senate, and I want to serve notice now that unless the administration does something to relieve the unemployment in this country, they will hear a great deal more discussion upon the floor of the Senate with reference to the matter.

Mr. WAGNER. Mr. President, will the Senator yield again?

Mr. WHEELER. I yield.

Mr. WAGNER. With respect to the attitude of the President, the Senator will remember that on January 6 the President made a statement, which was reported in the newspaper columns all over the country, that "we have turned the corner; unemployment is on the decline, and we are moving forward." Yet at the end of that very month, January, although the statistics are very inadequate, the statistics of the Department of Labor show that the falling off of employment was greater in January, 1930, than in the month of December of last year, and greater in the month of January of this year than in January of the previous year; in fact, greater than in the month of January in any year since 1921.

Mr. WHEELER. I am very grateful to the Senator for presenting those facts.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDING OFFICER. The clerk will report the next amendment.

Mr. DILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Simmons
Ashurst	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Sullivan
Borah	Grundy	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brock	Harris	Nye	Thomas, Okla.
Brookhart	Harrison	Oddie	Townsend
Broussard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hayden	Pine	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler
Frazier	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. SHORTRIDGE. Mr. President, for the information of Senators present I ask that the clerk report the pending amendment.

The VICE PRESIDENT. Let the amendment be again reported.

The LEGISLATIVE CLERK. On page 146, after line 8, insert a new paragraph, as follows:

PAR. 781. Cotton having a staple of 1⅛ inches or more in length, 7 cents per pound.

Mr. SHORTRIDGE. I crave the attention of the Senate to the consideration of this item, this suggested proposed amendment, taking cotton thus described from the free list and giving it what I consider adequate protection. I realize that Senators have many duties to perform and are called from the Chamber. I also realize that the discussion has become wearisome and hence we are not disposed to listen. I promise, however, that if they will do me the courtesy not to interrupt me I shall not long detain the Senate in presenting certain facts and suggesting certain conclusions which I venture to think fully justify the protection which the amendment proposes.

Lest I forget, permit me to say to Senators present that I am not speaking and shall not speak or argue for or on behalf of any one State. What I shall say is in behalf of and I think for the benefit of many of the great States of our Union, and wherein I shall fail to present the cause I trust that other Senators better qualified will supply what in me is lacking. As I look into the faces of certain Senators I feel like some poor subaltern or humble foot soldier talking of war in the presence of Hannibal. I know there are Senators now present who are far better qualified to discuss this question than I am. But I cheerfully go forward in the hope that I can suggest some facts and conditions which call for protection of this great agricultural product.

I shall not take up the time of the Senate in enlarging upon the importance of the great cotton industry in our country, what it has been, what it is, and what it may be. It would be an idle waste of time, and while it might betray some industry on my part, the time consumed may be better employed in looking to the present immediate condition of the industry and the proposed remedy.

But I will say that the industry, which for brevity I speak of as the cotton industry, affects not only great States of the Southland, but of the Southwest and the far West, for we raise this agricultural product from the Atlantic to the Pacific. Not Mississippi, not Texas, not New Mexico, not Arizona, not California, alone, are interested, but other great States—Missouri, Arkansas, Oklahoma, and many of the other southern and southwestern States. They are all interested, and I undertake to say, and I am warranted in saying to the Senate, that each and every one of the cotton-growing States is in favor of this amendment. I shall point out somewhat in detail their position in a few moments.

To clarify, to make plain what this amendment applies to, when we speak of long-staple cotton permit me to explain in a

word what is long-staple cotton. For brevity, and that the amendment may be understood by Senators present and by gentlemen yonder in the press gallery, some of whom have not understood and have unconsciously misstated the fact, there are two classes of cotton of various lengths of fiber, which may be classed in two categories: First, cotton of a fiber length of less than 1⅛ inches; and, second, cotton of a fiber length of 1⅛ and more inches. It is this second type which is mentioned in this amendment and is understood to be long-staple cotton. To the end that all may understand I repeat that this amendment applies to cotton with a fiber length of 1⅛ inches and more. As to that type of cotton we are asking a protective tariff of 7 cents on the imported article.

I am prompted to explain the scope of this amendment because I read in a newspaper an article written by a very intelligent and certainly a very courteous reporter that cotton had always been on the free list—an error shared in perhaps by a great many people. But cotton has not always been on the free list, as I shall point out in a moment. I wish Senators to understand at the outset—those who are now present and those who may come in—that this amendment deals with cotton of a fiber length of 1⅛ inches and more—long-staple cotton.

It has been suggested—and, indeed, many favor the proposition—that there should be a graduated increasing duty on imported cotton beginning at 1⅛ inches in length and increasing to 1⅝ inches or longer. But upon reflection and study it has been considered wise to suggest a flat rate of 7 cents on 1⅛ inches and longer fiber cotton. I repeat that there are those who proposed a graduated duty on imported cotton which took on this form: That cotton shorter than 1⅛ inches should bear a duty of 6 cents a pound; cotton of 1⅛ inches, 7 cents; and then on upward until cotton of 1⅝ inches length should carry a duty of 24 cents a pound. After study and after examination it was deemed wise not to submit such a proposed amendment, but to limit the tariff asked to a flat rate of 7 cents, beginning with cotton at 1⅛ inches in fiber length, and apply that rate to all lengths of cotton longer than 1⅛ inches.

It may be asked of me, Why is cotton of this type, long-staple cotton, entitled to consideration, or rather, why is it entitled to a protective-tariff rate, or entitled to any tariff protection, assuming, as I do, that a tariff will give protection? Mr. President, we produce a domestic cotton of a fiber length less than 1⅛ inches far in excess of domestic demands and hence we export vast quantities of that type of cotton. The price, it may be regretted, is fixed abroad. In other words, we export millions of bales of cotton, but it is what may be called short-staple cotton or cotton of a fiber length of less than 1⅛ inches. But as to long-staple cotton the condition is just the reverse. We import long-staple cotton and in vast quantities, and those quantities are increasing. It is imported from cheap-labor countries, chiefly Egypt; to a considerable extent from Peru—from cheap-labor countries with which the American farmer of Mississippi or of Alabama or of Texas or of California can not compete, and for reasons which are manifest. We produce a vast amount of cotton in America, but not so very much of the long-staple cotton with which and as to which we are brought into competition with the foreign cheap-labor producer.

Mr. President, I hold in my hand a table showing the production of long-staple cotton in the United States. I shall not take the time of the Senate to do more than refer to it, asking permission that it may be incorporated in my remarks.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it is so ordered.

The table is as follows:

Raw cotton: Long staple—Domestic production by staple lengths, principal producing States, crop of 1928

(Running bales)

Producing States	Long staple					
	Upland			American Egyptian		Total long staple
	1⅛ and 1 9/32	1 5/16 and 1 7/32	1¼ and over	Less than 1⅛	1⅛ and over	
Alabama	564	130	20			714
Arizona	3,895	24		26,476	1,834	32,229
Arkansas	70,179	17,923	2,254			90,356
California	10,763		9			10,772
Florida	87	43	7			137
Georgia	1,356	546	137			2,039
Louisiana	26,913	7,867	676			35,456
Mississippi	255,019	110,080	20,962			386,061
Missouri	1,675	413	30			2,118
New Mexico	5,652					5,652
North Carolina	5,010	2,211	395			7,616

Raw cotton: Long staple—Domestic production by staple lengths, principal producing States, crop of 1928—Continued

Producing States	Long staple					
	Upland			American Egyptian		Total long staple
	1⅛ and 1 9/32	1 5/16 and 1 7/32	1¼ and over	Less than 1⅛	1⅛ and over	
Oklahoma	10,436	1,876	60			12,372
South Carolina	23,418	9,589	2,484			35,491
Tennessee	1,459	572	51			2,082
Texas	29,109	5,961	502			35,572
Virginia						
All other	938	672	249			1,859
Total	446,473	167,907	27,836	26,476	1,834	660,526

Mr. SHORTRIDGE. My attention naturally is directed to California, where we produce some 10,772 bales of cotton of 1⅛-inch fiber length.

But what is that amount compared to what is produced in the great State of Mississippi? That fertile State produced in 1928 more than 386,061 bales of long-staple cotton.

Referring further to this table, the great State of Arkansas produces this long-staple cotton to the extent of 90,356 bales. That was the production in 1928, and my information is that the crop of 1929 will equal, and to some extent exceed, that of the preceding year.

The imperial and historic State of Texas produced of this type of cotton in the year named, 1928, 35,572 bales. Let me remind the Senate what a great cotton-producing State is the State of Texas. She is big enough for an empire, and it is up to her whether or no she will always remain as one State; I trust in God she will, but it is for her to determine whether or no she shall divide herself up into four States of the Union, which, of course, would give her a greater representation in the Senate. The State of Texas, in whose soil my brother sleeps the long sleep, and for which State I have an affectionate regard, produced 4,901,883 bales in one year.

Nor should I overlook Alabama, which has soil and climate and people and energy and ability to raise long-staple cotton if it shall be given the protection it needs and must have; and I am sure that the learned Senator from Alabama [Mr. HEFLIN] who does me the honor to listen, will corroborate my statement that if appropriate protection is given to long-staple cotton, the soil, the climate, the people, the energy, and the industry of that great State will turn to and develop the raising of long-staple cotton, which yields, of course, a better price than the short type now raised in that State.

I think I have stated, Mr. President, that we produced in this country in all of this type of cotton 660,526 bales during the year 1928, and the table to which I have referred gives the details showing the amount named.

It is this type of cotton which has to meet competition, and that competition comes, as I have stated, from Egypt. That competition will be more serious during the years to come because of what is going on in Egypt, the bringing under control of vast areas of cotton land to be irrigated, and the enterprises to be carried on by great, gigantic English capital. The fertility of the soil there is such and the climate is such and the labor price is such and the production per acre of cotton is such that no American cotton raiser of this type of cotton can compete with the Egyptian. Hence, if there ever was a case where the doctrine, the philosophy, the theory of a protective tariff applies, it is here, and it should be applied to this product of agriculture.

Mr. VANDENBERG. Mr. President, will the Senator permit me to ask him a question for my information?

Mr. SHORTRIDGE. Yes; certainly.

Mr. VANDENBERG. Was this commodity canvassed by the Senate Finance Committee?

Mr. SHORTRIDGE. In a measure, yes.

Mr. VANDENBERG. And was it not the committee's conclusion that there should be no tariff levied upon it?

Mr. SHORTRIDGE. As the bill indicates, the Finance Committee reported it with this type of cotton on the free list; but I will perhaps come to that in a moment. How some Senators on the committee stood may not be entirely proper for me to state; but my views may be inferred, for I have endeavored to make it plain by voice and by vote that I believe in the doctrine of protection, just as the early Democratic statesman believed in it, and just as many present great Democratic statesmen believe in it to-day. I use the word "Democrat"; I use the word "Republican"; but upon a proposition such as this I

forget partisanship. I know indeed that the man serves his party best who serves his country best. If there was not one pound of cotton raised in California, not one pound, I should stand here and take the position I do, because to me there is no chasm between us; there is no dividing line.

With me North Carolina, where my grandfather was born, or Alabama, where my name is not unknown, or in Tennessee, one of whose beautiful ladies my brother captured for life, or in Texas, where he sleeps—those States are to me dear and their interests and the welfare of their people are just as precious in my contemplation as is the welfare of California. Of course, I plead for my State to-day, but I digress to say that it is not alone because we raise cotton in California that I am urging this amendment, which might well have been offered and urged by others. It so came about that I offered the amendment and had it laid before the Senate, and I am urging its adoption in behalf of California and all the cotton-growing States.

I alluded to the Egyptian cotton industry. It is a fact which may be of interest to the Senate and to those outside this Chamber who are deeply concerned with this product that the average yield per acre in Egypt, according to the Tariff Commission's report, is 395 pounds per acre, whereas in the United States thus far the average yield is but 153 pounds. In California, I am happy to say, the average yield has been very great compared to that in certain other States. It has been and is some three hundred and seventy-odd pounds per acre. That is due to the fact that much of our cotton land is irrigated and the soil is virgin; and, with irrigation, the sunlight, intelligent development, and the selection of seed of the highest grade or quality, there has been brought about this high yield. However, the average yield in Egypt is 395 pounds per acre, whereas in our country it is 153 pounds. The point, therefore, is—and it fortifies what has been suggested as touching our ability to compete—that the Egyptian raises more cotton at, of course, a far less cost than we can raise it. Hence, the fierce and destructive competition between them and us.

Raw cotton is imported into the United States, although that fact is not generally known. In 1928 we imported 344,000 bales of cotton of an average weight of 500 pounds. In the first nine months of 1929 we imported 457,804 bales; but note this: Of the 457,804 bales of imported cotton, some coming from China, some coming from Peru, some from Mexico, some from Egypt—of this sum total of 457,804 bales, 315,225 bales were of the long-staple variety.

The mere statement of that fact is, perhaps, altogether sufficient. I call these statistics to the attention of Senators in order to further emphasize the fact that the American raisers of long-staple cotton are brought into competition with the imported article; in other words, of the 457,804 bales, the total imports, 315,225 bales were of the long-staple variety, which would be affected by the amendment pending before us were it adopted. Of all the long-staple cotton that is consumed in America, fully one-third or more—in some years more than one-third, approaching closely to one-half—comes from abroad, and, of course, affects the price which the cotton grower gets for his product.

I hold in my hand a table showing the imports of cotton, including long staple, from the year 1919 down to and including the first nine months of the year 1929, showing the number of bales and the values, which I ask may be incorporated in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Raw cotton, United States imports by producing countries for crop years 1918–19 to 1928–29

Crop year ended July 31—	Total	Produced in—					
		Egypt	Mexico	China	Peru	India	All other
1918–19	201,585	100,008	54,434	10,871	25,230	2,893	8,151
1919–20	700,214	485,004	65,343	57,185	63,426	14,358	14,898
1920–21	226,341	87,168	88,155	14,722	22,597	8,489	5,210
1921–22	363,465	233,729	53,637	15,563	38,753	10,348	11,435
1922–23	469,954	329,335	45,679	50,239	21,186	22,124	1,391
1923–24	292,288	164,152	27,062	45,118	19,928	34,419	1,609
1924–25	313,328	190,313	44,384	33,703	13,389	28,147	3,392
1925–26	325,511	238,620	23,553	22,452	16,637	22,143	2,106
1926–27	400,983	231,767	93,272	33,466	20,877	18,892	2,709
1927–28	338,226	201,856	22,843	62,888	23,319	25,663	1,657
1928–29	457,808	297,750	52,009	34,862	15,636	53,260	4,291

Mr. SHORTRIDGE. I have stated that our imports come mainly from Egypt, Mexico, China, Peru, and India; but over and over again I say, because of some things I have read in some quarters, that our chief competitors are Egypt and Peru.

The amounts imported from the countries are set out in the table just referred to.

I have a vast amount of detailed information touching this industry, but I do not purpose wearying the Senate or delaying it by going into the details of statistics; nor is it necessary to do so.

A Member of the House, Mr. WHITTINGTON, of Mississippi, recently delivered an address on this subject which will be found in the January 25 number of the CONGRESSIONAL RECORD. I should be proud indeed if I were the author of that address. I invite the attention of Senators to it. He, coming from the great cotton State of Mississippi, furnishes us with much authoritative, detailed information; and I am happy to say that he and his people are heartily back of the pending amendment.

Mr. VANDENBERG. Mr. President, may I ask the Senator one question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Michigan?

Mr. SHORTRIDGE. Yes.

Mr. VANDENBERG. Is it the Senator's judgment that if this duty were put upon long-staple cotton it would be necessary to return through the bill and adjust compensatory rates on any other products?

Mr. SHORTRIDGE. Mr. President, I want to answer the Senator frankly. I do not think it will be necessary, for reasons which I shall hereafter suggest; but, if it shall be necessary, be it so. Senators will understand my position. For reasons which I shall briefly state, in view of the increase of the duties upon all the articles into the making of which long-staple cotton enters, I do with great sincerity believe that the suggested tariff on long-staple cotton will not unjustly cast any burden upon the manufacturers of tires, or of thread, or of the various textiles which use cotton in their manufacture.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from California further yield to the Senator from Michigan?

Mr. SHORTRIDGE. I do.

Mr. VANDENBERG. The commodities which the Senator has just mentioned are the type of commodities upon which compensatory duties would be necessary if any are necessary?

Mr. SHORTRIDGE. Yes; and, of course, anticipating what I shall hereafter say, assuming that the cotton grower would receive the full additional suggested rate, and that it would add just so much to the price of the article to be purchased by the tiremaker or the threadmaker—assuming all that, I shall still contend that the rates already afforded those manufactured articles are such as not to call now for any additional so-called compensatory duties.

Mr. President, there is a notion prevailing among fairly intelligent and well-informed people that cotton has always been on the free list. Such is not the case. It was, indeed, on the free list in the first tariff bill, signed by George Washington on July 4, 1789; but the very next year, in 1790, in the second tariff bill, cotton was put upon the protected list, and carried a rate of 3 cents a pound. After Washington came Adams, and then the great Thomas Jefferson, and after him Madison and Monroe.

The tariff of 3 cents a pound under the act of 1790 continued in force until the act of 1816. Cotton bore the same rate under that act which was in force until 1842. In that year the great economist and great statesman, Walker, was here in the Senate. The Walker tariff bill carried a duty of 3 cents a pound on all grades of cotton, and that rate was in force until 1862. Senators who are familiar with the history of our country know that Walker submitted a report on tariff and related subjects which has been compared favorably with that of Alexander Hamilton. Of course I would not have wholly agreed, perhaps, with Senator Walker; but I dwell a moment upon the act of 1842 to impress upon Senators on the other side of the Chamber, and friends on this side, that cotton was on the protected list from 1790 down to and including 1842 at 3 cents a pound.

In 1862, during the tragic and unhappy condition that then existed in our country, cotton still remained on the protected list at one-half cent a pound. In 1864, however, for reasons which must have been persuasive and conclusive, the rate was raised to 2 cents a pound. Then what happened in 1865? All cotton was placed on the protected list at 5 cents a pound. Under legislation of 1866, perhaps due to changing conditions,

the rate was 3 cents a pound; and cotton continued through the years a protected agricultural product at 3 cents a pound up to 1883, when conditions were such, or the complexion of Congress was such, as to take it off the protected list and place it upon the free list.

But what happened in May, 1921? The emergency tariff act of May, 1921, placed long-staple cotton on the protected list at 7 cents a pound, and there it should have remained, and there it should be now placed.

I do not know that erroneous information spread throughout the country is reflected back into this Chamber and affects the actions of Senators, but for the information of the country the disseminators of news should remind the people that cotton has not always been on the free list; that it was protected during the administrations of Washington, and Jefferson, and Madison, and Monroe, and on down through the years; and that as late as 1921, in the emergency tariff act, it was given a protection of 7 cents a pound, all that I ask now; and if there was emergency then, there is emergency now.

What was the effect of putting this cotton on the protected list? The official figures show that the imports from Egypt immediately dropped off, and the figures show that from 485,004 bales of cotton imported from Egypt in 1920 there were but 87,108 bales imported in 1921. When the duty was removed—as, unwisely, it was—immediately imports increased, and are continuing, and will continue unless we apply what I think is the wise doctrine of protecting this industry.

Reiteration and emphasis, I realize, do not add to a fact. A fact is a fact; a truth is a truth, however feebly or energetically expressed; but there are some things that perhaps should be impressed upon the thoughtful minds of thoughtful Senators.

One of these facts, I repeat, is this, that cotton was protected up to 1883. During the early administrations, then during the Democratic administrations, during the Republican administrations, on down through the century, cotton was on the protected list, where every cotton-growing State to-day is asking that it again be placed. I have hundreds of letters and telegrams from practically every cotton-growing State urging this amendment. Some go further, as I have suggested. Many of them suggested a graduated rate, but it was thought wise to ask for the flat rate of 7 cents on all cotton of 1⅛ inch or longer fiber.

I hold in my hand here a speech made by Representative DOUGLAS of Arizona, a very thoughtful and instructive address. He calls attention to all these matters, and particularly he invites attention to the fact that when the emergency tariff act was in effect, the imports of Egyptian cotton fell, and that when the protection expired, the importations began immediately to increase. He sets forth the figures showing the imports of Egyptian cotton for the last 10 years. I will ask that that portion of his remarks be incorporated in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

While the emergency tariff act of 1921 was in effect the imports of Egyptian cotton fell from 485,000 bales in 1920 to 87,000 bales in 1921.

The following gives imports from Egypt for the decade from 1919 to 1928:

IMPORTS OF EGYPTIAN COTTON FOR LAST 10 YEARS

Department of Commerce figures, in 500-pound bales, for fiscal year ending July 31:

1928	201,856
1927	231,767
1926	238,620
1925	190,313
1924	164,152
1923	329,335
1922	233,729
1921	87,168
1920	485,004
1919	100,006
Total	2,261,950

The marked decline in 1921 is significant. The marked increase since the removal of the emergency tariff is equally significant.

Mr. SHORTRIDGE. Mr. President, I will trespass upon the patience of the Senate a moment longer, inviting attention to this industry as it affects California. I hold in my hand a statement furnished by the department showing the acreage and production of cotton in California from the year 1919 down to and including the year 1928, which I ask to have incorporated in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Acreage and production of cotton in California, 1919–1928

ACREAGE (PICKED)

Year	San Joaquin Valley	Riverside County	Imperial County	Total, California
1919	5,500	19,500	60,000	85,000
1920	21,000	25,000	104,000	150,000
1921	3,500	14,000	37,500	55,000
1922	2,500	16,000	48,500	67,000
1923	9,000	21,200	52,800	83,000
1924	37,800	25,000	66,200	129,000
1925	96,600	23,340	48,600	[1] 172,000
1926	108,300	23,100	26,300	[2] 162,000
1927	79,800	22,600	23,600	[3] 128,000
1928	151,900	24,400	32,300	[4] 218,000

PRODUCTION (500 POUNDS GROSS BALES)

1919	2,788	15,885	27,926	46,599
1920	9,302	18,257	39,124	66,683
1921	1,791	10,460	13,745	25,996
1922	1,575	8,005	11,513	21,093
1923	9,189	17,196	27,988	54,373
1924	38,621	15,469	26,389	77,479
1925	79,440	18,733	22,614	[1] 121,795
1926	98,631	17,441	13,756	[2] 130,590
1927	69,106	13,120	8,317	[3] 91,103
1928	140,094	13,472	15,542	[4] 172,230

[1] 1925: 3,500 acres of cotton were harvested in the Sacramento Valley, with a production of 1,000 bales (500 pounds gross), which are included in the totals of the above table.

[2] 1926: 3,300 acres of cotton were harvested in the Sacramento Valley, with a production of 762 bales (500 pounds gross), which are included in the totals in the above table.

[3] 1927: 2,000 acres of cotton were harvested in the Sacramento Valley with a production of 560 bales (500 pounds gross), which are included in the totals in the above table.

[4] 1928: 9,500 acres of cotton were harvested in the Sacramento Valley, with a production of 3,122 bales (500 pounds gross), which are included in the totals in the above table.

Mr. SHORTRIDGE. Mr. President, I merely point out to the Senate that in 1919 the total production in California was 85,000 bales, and that production had increased to 172,230 bales in 1928.

In 1910, when we commenced raising cotton in California, 9,000 acres were planted, which yielded 6,300 bales. In 1928 we devoted 210,000 acres to this product and produced 172,430 bales. Of that total of 172,430 bales, 10,772 were bales of long-staple cotton, and just as Mississippi, just as any or all of the Southern and Southwestern States desire, so California desires to raise long-staple cotton, which carries a premium, which yields a better price, and in order that we may turn our attention to the cultivation, the raising, the producing of this higher-grade, higher-priced type of cotton, called here, for brevity, long-staple cotton, which is brought into competition with the foreign, this relief, this encouragement, this protection is asked by way of 7 cents a pound tariff duty.

I pass over many details, Mr. President, and inquire, who is appealing for this protection? Perhaps I have indicated that already, but I may be permitted to advise the Senate that not California alone is appealing to us. Even if it were California alone, I should ask for this protection. But in California not only the cotton growers, but chambers of commerce, business men, bankers, farm bureaus, and other organizations, newspapers with unanimity, merchants of every type, engaged in all branches of merchandizing, all our industrial life in California, are united in favor of this proposition, and what I say is true in every one of the cotton-growing States, as I am sure other Senators will corroborate.

I hold in my hand telegrams from these several groups of our people. I do not wish to burden the RECORD with having them all incorporated, but if agreeable, I would ask to have incorporated one or two of each group as indicative of the import of them all.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CORCORAN, CALIF., *May 28, 1929.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

I have seen the effect of the removal of the 7-cent tariff on staple cotton and now, as a grower of cotton in the great State of California, realize more than ever the necessity of restoration of this tariff and urge you to do all within your power to bring this about.

GEORGE M. DICK.

Mr. SHORTRIDGE. Telegrams of like import have come to me from many California cotton growers, among them the following:

C. W. Fancher, H. Peterson, John Roland, A. P. Howe, E. R. McClellan, Forrest Howes, Leonard A. Dibble, J. H. Smith, R. C. Slaybaugh, T. M. Boyd, C. F. Burns, A. R. Van Antwerp, Erwin E. Cooper, B. F. Gilbert, Henry Anderson, Ray G. Wallace, E. W. Caddell, C. D. Clute, P. M. Howes, E. Jones, John Jones, E. E. Johnston, W. J. Hotchkiss Ranch, D. M. Biancucci, A. M. Falioner, Ernest Northcote, W. S. Allen, B. E. Lester, John Stone, Paul P. Butler, Bruce E. Denaiels, G. McAbee, John Stevenson, J. N. Stark, and W. A. Swall.

Also the following telegram:

DELANO, CALIF.

Hon. SAMUEL M. SHORTRIDGE,
United States Senator, Washington, D. C.:

The Delano Chamber of Commerce, representing one of the largest cotton-growing districts in the San Joaquin Valley, recommend sufficient tariff be placed on import long-staple cotton to protect the home-grown products. Your support solicited.

Thanking you for past favors in support of agriculture,

Most sincerely yours,

DELANO CHAMBER OF COMMERCE,
W. S. ALLEN, *President.*
J. M. BOWHAY, *Secretary.*

Like telegrams have reached me from the Corcoran, the Tulare, and other chambers of commerce.

Also, the following:

HANFORD, CALIF., *May 28, 1929.*

Senator SAMUEL M. SHORTRIDGE:

We are told removal 7-cent emergency tariff on staple cotton in 1922 has materially injured growers. Cotton industry in San Joaquin Valley and State assuming large proportions, and urge your influence in restoring said tariff.

FIRST NATIONAL BANK.

Many telegrams and letters to the same effect have come to me from other banking houses and organizations, among which are California-Arizona-New Mexico Cotton Association, California Cotton Mills Co., American Legion Post 346, Kings County, Central Committee, First National Bank of Hanford, and Tulare County Republican Central Committee.

I have also received the following telegrams:

BERKELEY, CALIF., *February 5, 1930.*

Senator SAMUEL M. SHORTRIDGE,
Senate Office Building:

Cotton-growing counties urge that you do everything possible to secure 7-cent tariff on long-staple cotton. All other counties join in this request as all farmers affected by prosperity of our cotton growers and need acreage to continue in cotton.

ALEX JOHNSON,
Secretary California Farm Bureau Federation.

FIREBAUGH, CALIF., *June 1, 1929.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

In the interest of the cotton growers of this section we trust that you will support the 7-cent tariff on long-staple cotton, and do what you can to bring about the passage of this bill.

ALBERT MYER,
Commander American Legion Post 345.

The Board of Trade of Hanford, the Kings County Farm Bureau, the Kern County Farm Bureau, the Farm Bureau of Colusa County, the Tulare County Farm Bureau, and many other farm organizations urge the adoption of this amendment.

Not only from California but from many other States come to me earnest requests that this agricultural product be given adequate tariff protection.

Mr. President, I do not wish much longer to detain the Senate, but I pause to say that many of these telegrams and these letters and these resolutions set forth the argument in favor of this tariff far better than I have been able to present it. They put their finger upon perhaps the fundamental, controlling fact, namely, the cost of raising this type of cotton here and the cost of raising it in Peru and in Egypt and other foreign countries. I take it that those are the controling, outstanding facts.

They also impress us with the desirability of increasing in the United States the production of this higher grade of cotton.

Mr. RANSDELL. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. With pleasure.

Mr. RANSDELL. I have not had the pleasure of hearing all of the Senator's address. Has he produced evidence to show how much of this long-staple cotton is now imported into this country?

Mr. SHORTRIDGE. Yes, Senator.

Mr. RANSDELL. About how much is imported?

Mr. SHORTRIDGE. I have given that information with accuracy.

Mr. RANSDELL. It is not necessary to repeat it, then. It was several hundred thousand bales?

Mr. SHORTRIDGE. Yes.

Mr. RANSDELL. How much cotton in the United States would receive the benefit of this duty if we merely continued to produce the same quantity we are now producing and did not increase the production of that quality of cotton?

Mr. SHORTRIDGE. Let me repeat, in answer to the Senator's question, as to the cotton imported. The total amount of imported cotton, including all types——

Mr. RANSDELL. That is, short staple and long staple?

Mr. SHORTRIDGE. Short staple and long staple; the amount was 457,804 bales.

Mr. RANSDELL. What year?

Mr. SHORTRIDGE. 1928. It was substantially the same, I am told, for last year, though increasing. Of that amount, 315,225 bales were of the long-staple variety, and, as the Senator knows, my amendment and our thought is applied to the long-staple variety.

Practically all of that comes from the two countries, Egypt and Peru, the greater percentage, of course, from Egypt. As I have suggested, we can not raise that type of cotton in the United States and compete with the foreign article. Therefore, answering the Senator, my contention is, and the contention of all who have studied the problem is, that this will be a substantial, direct benefit to the raisers of long-staple cotton, for reasons which need not be repeated.

Mr. RANSDELL. I think there is no doubt about the truth of the Senator's statement. I am anxious to know whether the Senator has figures showing how much cotton is now produced in the United States, which would come under the description of "long staple." The Senator said about 10,000 bales in his own State.

Mr. SHORTRIDGE. I gave that information in a detailed statement a moment ago, and can turn to it. It shows exactly the amount of long-staple cotton produced in the United States, State by State. If necessary I will give the exact figures again before the discussion is over.

Mr. RANSDELL. A considerable quantity is already produced in this country.

Mr. SHORTRIDGE. Yes.

Mr. RANSDELL. I will ask the Senator if it is not important for the United States to try to produce a greater percentage, not necessarily of the long-staple cotton, but of a much better cotton than we are now producing?

Mr. SHORTRIDGE. I have indicated that that would be wise.

Mr. RANSDELL. Has there not been a deterioration in the grades of cotton we are producing in the United States?

Mr. SHORTRIDGE. I fear that is so.

Mr. RANSDELL. I know it is urged—whether it is true or not I do not know—that foreign countries are producing a little better cotton than they were producing years ago, and that our cotton to some extent has deteriorated. I can not state whether that is true or not, but it is said to be true.

Mr. SHORTRIDGE. We are endeavoring—and when I say "we," I know California is, I know Arizona is, I know New Mexico is, and I venture to say Texas and other States are—we are endeavoring to improve the quality as well as increase the quantity of the higher and better grade cotton by the selection of seed, by the cultivation, and in many sections by irrigation.

Mr. RANSDELL. Does the Senator know any reason why the agriculturists in the United States should not produce just as fine cotton as is produced in Egypt or Peru or anywhere else on earth?

Mr. SHORTRIDGE. I make answer by saying—and it is not pride, it is not patriotism, it is not American egotism, it is my dispassionate opinion—that we can raise as fine cotton in the United States as can be raised anywhere on God's earth.

Mr. RANSDELL. Provided we have the same aid from Government or from nature which those countries enjoy. They have cheaper labor, I take it, than we have.

Mr. SHORTRIDGE. Certainly.

Mr. RANSDELL. They have advantageous conditions in regard to costs of production which we do not enjoy.

Mr. SHORTRIDGE. Certainly.

Mr. RANSDELL. And the Senator's amendment is an attempt to put us on terms of parity with them?

Mr. SHORTRIDGE. Yes.

Mr. RANSDELL. That is the whole purpose of the amendment?

Mr. SHORTRIDGE. That is the whole purpose of my amendment.

Mr. RANSDELL. That is in strict accordance with the policies of both political parties?

Mr. SHORTRIDGE. Yes; beyond question.

Mr. RANSDELL. And it is in aid of agriculture, for which this bill is supposed to be passed.

Mr. SHORTRIDGE. Beyond any question.

The sun showers down his gold and the moon flings down her silver in the United States as generously as they do in Egypt or in Peru.

Our soil is as rich, our climatic conditions are as good, and all we need is to be protected from competition such as the Senator suggests. I said before, and I repeat, that if there be an item in the tariff bill which calls for a protective tariff rate, that item is now before us.

But the Senator from Louisiana asked me a question as to our production. We raised here, according to statistics, some 660,526 bales of long-staple cotton in 1928, but we can increase the acreage, we can increase the output, and we seek to do so by being adequately protected.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Louisiana?

Mr. SHORTRIDGE. With pleasure.

Mr. RANSDELL. If I may be permitted, we can change the variety of much of the cotton that is now short staple and make it long staple, without increasing acreage.

Mr. SHORTRIDGE. Unquestionably.

Mr. HEFLIN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Alabama?

Mr. SHORTRIDGE. With pleasure.

Mr. HEFLIN. I was called from the Chamber a moment ago and did not hear the Senator's response to the Senator from Louisiana about the sources from which this cotton is coming. The long-staple cotton, I understood the Senator, comes from Peru and Egypt. From what countries does the short-staple cotton come?

Mr. SHORTRIDGE. I think the greater percentage of the short-staple cotton imported to-day comes from China.

Mr. HEFLIN. Some of it comes from India, does it not?

Mr. SHORTRIDGE. Yes, also; but as suggested, and I think it should never be lost sight of, our great competitor is Egypt and to a lesser degree Peru. We have authoritative information as to prices of labor in those two countries. I shall not trouble the Senate to go into details or seek to prove what I must assume every Senator fully realizes.

Arizona, New Mexico, Texas, Mississippi, Arkansas, and all the other Southern and Southwestern States, I have said and I repeat again and yet again, are deeply interested. It is not a political question. It is not a partisanship question. It is a question of what will be of aid to our respective States, and therefore I speak with a certain frankness and certainly with freedom and kindliness of feeling. I have only to repeat myself, however, that I believe and I am quoting a former President when I say that I serve my party best when I serve my country best. I do not think of partisanship when I am favoring a tariff on this article for the benefit of Mississippi.

I have called attention to the address made by Mr. WHITTINGTON, of Mississippi, which was published in the RECORD of January 25. It is a very, very instructive and, to my mind, conclusive argument in favor of the proposition which I am advancing. I may with propriety call attention to a letter from a prominent citizen of Parksville, S. C., in which the writer urges the adoption of the amendment. He is good enough to say:

> I will be glad to support in every way possible the proposed Shortridge amendment of 7 cents per pound on 1⅛-inch long-fiber cotton.

Mr. President, I hope it will de deemed proper for me to invite the attention of the Senate to the action of the legislature of a great State represented in this body by two great Senators. I premise by saying that I am quite sure it was not necessary for the legislature of that State to urge their Senators to take the action advised, but the legislature deemed it proper to express themselves and I assume that they voiced the sentiment of that State and of other States. It is House Concurrent Resolution No. 14 adopted by the legislature of the State of Mississippi. The resolution, among other things, recites:

> Whereas the overwhelming sentiment of the Nation is for a protective tariff on all commodities, whether manufactured products or raw materials; and
>
> Whereas two state-wide cotton-growers' conventions have within the past few years without a dissenting vote adopted resolution favoring a tariff on cotton; and
>
> Whereas it is the opinion of all thoughtful business men of the cotton-growing States and of a majority of the citizens of such States, in view of the purpose of all the other States of the Union, to secure a tariff upon agricultural products that it is imperative that the cotton-growing States protect themselves by securing an adequate tariff on cotton; and
>
> Whereas there is a tariff levied—

And I call the attention of my friends to this point—

> Whereas there is a tariff levied on all manufactured articles consumed by the cotton growers while cotton is on the free list, which makes an unjust discrimination against the cotton growers; and
>
> whereas it is the sense of the legislature of the State of Mississippi that it is necessary to protect the southern cotton growers and the business interests of the cotton-growing States of the South that a strong tariff be placed on all cotton, short staple and long staple, imported into the United States of America and on all American cotton which may have been shipped out of the United States and reimported into this country.

With those "whereases," which are statements of fact and conclusions, with those clear statements by thoughtful men, without a dissenting vote in either the House of Representatives or the Senate of the State of Mississippi, they conclude as follows:

> *Therefore, be it resolved by the House of Representatives of the State of Mississippi (the Senate concurring therein)*, That the Senators and Representatives in Congress from the State of Mississippi be and they are hereby requested to use their best efforts to secure a strong tariff upon all foreign-raised cotton and upon all American cotton shipped out of this country which may be reimported into this country.

That resolution was adopted as late as January 17, 1930, by the house of representatives, the speaker of the house, I observe, being Hon. Thomas L. Bailey, and it was passed by the senate of that State on January 23, 1930, Hon. Bidwell Adams, I observe, being president of the senate. But yesterday that great State spoke and it speaks to-day the opinion and the views of every cotton-growing State in the Union.

Here I might rest the case and here I am inclined to rest it by merely suggesting that if there be argument advanced that because of this tariff on long-staple imported cotton there should be a reconsideration of the rates on imported articles in the making of which here in America this type of cotton is used, then I hold myself ready to argue and I think persuade and convince that there is no necessity whatever to reform or reframe or reduce the rates which have been thus far agreed upon here in the Senate. I allude, of course, to the so-called compensatory duties or compensatory rates. As Senators know, every article manufactured in America which uses long-staple cotton has been protected as against a rival imported article. If that argument is advanced in opposition to this amendment I trust that I or others will be amply able to meet and answer it.

So, Mr. President, perfectly conscious that I have not presented the matter with any great force, for the moment I am willing to submit the amendment to the consideration of the Senate. I assume that other Senators will desire to speak and I am sure they can supply what in me is lacking to fortify and strengthen the position I have taken.

Mr. HEFLIN. Mr. President, there is very little more to be said; the Senator from California has so thoroughly discussed the subject. I am in hearty agreement with him in what he has said. I propose to vote for his amendment. I propose to offer an amendment to his amendment to include short-staple cotton, so as to make his amendment read as follows:

> PAR. 781. Cotton having staple of 1⅛ inches or more in length, 7 cents per pound; having a staple of less than 1⅛ inches, 4 cents per pound.

And on page 255, line 12, strike out "cotton and cotton waste" and insert in lieu thereof "cotton waste."

I wonder if the Senator from California would not accept my amendment to his amendment

Mr. SHORTRIDGE. Mr. President, I have given some thought to the suggestion. I think perhaps we had better dispose of the pending amendment and then have the Senator offer his amendment.

Mr. HEFLIN. Very well. I am ready to vote on the amendment of the Senator from California.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California [Mr. SHORTRIDGE].

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. Mr. President, I wish merely to say that if the Senate shall agree to this amendment I shall then have to offer amendments clear through the cotton schedule providing for compensatory duties.

Mr. HAYDEN. Mr. President, I did not hear the remark just made by the Senator from Utah.

Mr. SMOOT. I stated that if this amendment were agreed to we should then have to provide compensatory duties upon articles embraced in the schedule, which would include yarn, thread, and cloth.

Mr. SHORTRIDGE. We shall attend to that proposition later.

Mr. HARRISON. Mr. President, if the Senator from Utah will yield, let me suggest that we take a vote now? Then we may later discuss the question of compensatory duties. That is another proposition.

Mr. SMOOT. I know it is another proposition, but I merely wanted to say what I have, because I did not wish it to be understood that this would be the only vote that would have to be taken.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The ayes seem to have it.

Mr. HEBERT. Mr. President, I desire to have a yea and nay on the amendment; but, first, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McKellar	Smoot
Ashurst	Glass	McMaster	Steck
Barkley	Glenn	McNary	Steiwer
Bingham	Goff	Metcalf	Stephens
Black	Goldsborough	Moses	Sullivan
Blaine	Greene	Norbeck	Swanson
Blease	Grundy	Norris	Thomas, Idaho
Bratton	Hale	Nye	Thomas, Okla.
Brock	Harris	Oddie	Townsend
Brookhart	Harrison	Overman	Trammell
Broussard	Hastings	Patterson	Tydings
Capper	Hatfield	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Connally	Hayden	Pittman	Walcott
Copeland	Hebert	Ransdell	Walsh, Mass.
Couzens	Heflin	Robinson, Ind.	Walsh, Mont.
Cutting	Johnson	Robsion, Ky.	Waterman
Dale	Jones	Schall	Watson
Dill	Kean	Sheppard	Wheeler
Fess	Keyes	Shortridge	
Fletcher	La Follette	Simmons	
Frazier	McCulloch	Smith	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The question is on the amendment proposed by the Senator from California [Mr. SHORTRIDGE].

Mr. HEBERT. Mr. President, I was not present during the discussion of the amendment proposed by the Senator from California, so I rise especially to say that, from the information which comes to me, the amendment, if adopted, will not effectuate the purpose the Senator has in mind. I am told by men who have given a life's study to the cotton-textile industry, and, incidentally, to the question of raw cotton, that the imposition of a duty upon cotton imported from abroad will not change the consumption of it in this country; that, notwithstanding a duty should be imposed upon it, an equal amount will still have to be imported here, in order to meet the demands of the manufacturers who need the imported cotton for their particular products.

This question was pretty thoroughly discussed, Mr. President, in the hearings before the Committee on Ways and Means of the House of Representatives as well as before the Committee on Finance in the Senate. I have before me a copy of the statement of a former Member of this body, Hon. Henry F. Lippitt, who has been engaged in the cotton-textile industry for practically all his life, and I wish to quote briefly from it. Among other things, he said:

> The real point at which this proposed duty is aimed is to exclude the 165,000 bales of "uppers" now imported, with the expectation that American staple cotton will be used in their place and that, thereby, its price will be materially raised. This result is unlikely. It might happen if there was an American market for all the staple cotton grown in this country, but that is not the case and would not be even if a demand could be created to replace the 165,000 bales proposed to be excluded.

Again, in the course of his argument, ex-Senator Lippitt said:

> If, therefore, all of these 165,000 imported bales were shut out and replaced by American staples, it would still leave the substantial quantity of 150,000 bales or so to be exported. These 150,000 bales would have to compete abroad with an Egyptian supply that had been increased by the 165,000 bales excluded from America. The result would be that the world relations of supply and demand would not be changed by the operation of this duty and, therefore, it is not probable that there would be any increase in the domestic price even if the increased demand here for the American staple equaled the full amount of Egyptian cotton excluded.

I am informed, Mr. President, that if this amendment were to prevail it would merely increase the cost of the products of some of our manufacturers, and they would have to pay greater prices for the cotton which they use, and, in turn, naturally would expect—and I should say, would be entitled to have—a compensatory duty upon the cloth which they produce from those importations.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from California?

Mr. HEBERT. I yield.

Mr. SHORTRIDGE. I understand the Senator to state that Mr. Lippitt says there are 165,000 bales of long-staple cotton imported. Is that correct?

Mr. HEBERT. I read from his argument to the effect that that quantity of long-staple "uppers" is imported.

Mr. SHORTRIDGE. He is right just to this extent: Instead of being 165,000 bales there were last year imported 315,225 bales of long-staple cotton, which information I get from the report of the Tariff Commission.

Mr. HEBERT. I think, Mr. President, that a distinction should be made as to the length of staple of the cotton that is imported and whether it is upland.

Mr. SHORTRIDGE. My amendment applies to 1⅛-inch length of fiber.

Mr. HEBERT. From the best information I have been able to obtain, Mr. President, I doubt that the Senator's amendment, if adopted, will effectuate its purpose, but I am convinced that it will increase the price of the finished product to the citizens of this country, because our manufacturers will have to pay more for their raw material, and it will, to all intents and purposes, create an embargo against the importation of these materials which are essential, as I understand, for the needs of some of our cotton manufacturers.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. HEBERT. I yield.

Mr. DILL. Do I understand the Senator to claim that we can not produce the necessary long-staple cotton in this country?

Mr. HEBERT. Mr. President, it is my understanding that for certain purposes the American-grown long-staple cotton is not what is required by our manufacturers.

Mr. DILL. Is it a very large part of the long-staple cotton necessary for those purposes that the domestic-grown article will not supply?

Mr. HEBERT. No; it is relatively a small quantity, but, then again, the total importations of long-staple cotton into this country, as I understand, are only about 1 per cent of the cotton that is used here.

Mr. DILL. Not of the long staple?

Mr. HEBERT. No; of the entire cotton consumption of this country.

Mr. DILL. I will say to the Senator that I have no interest whatever in this item, except as a matter of protection to the cotton producers. I am under the impression in this case, as in others, that the producer should be given protection; everybody else is getting it, except certain lumber producers.

Mr. HEBERT. Mr. President, I do not want to be placed in the position of opposing a tariff upon the products of this country. I have favored protection for American industry, and I shall continue to do so. I merely wish to make the observation that the imposition of a duty in this instance will not change the imports into this country if the information which comes to me be correct.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. HEBERT. I yield to the Senator from Georgia.

Mr. HARRIS. Let me say to the Senator from Rhode Island that the people of my State, and other Southeastern States, are very much interested in what is called sea-island cotton, which is a long-staple cotton, and in the agricultural appropriation bill for this year there is authorized an appropriation of $20,000,000, of which I was the author, to aid in the effort to restore the sea-island cotton industry.

It will be remembered that during recent years the boll weevil destroyed this industry in the southeast part of the country. Now we are trying to have it reestablished, so as to give employment to our people, and so as to have long-staple cotton pro-

duced in this country, and not have to send abroad for many thousand bales of this cotton which is absolutely necessary for our industries.

The sea-island cotton was more profitable to the growers than the short-staple cotton, and it meant a great deal to the prosperity of our section. Our farmers need all the help we can give them.

Mr. HEBERT. Mr. President, I am told that certain of our industries can not make use of the long-staple cotton produced in this country, and have to use the foreign-grown long-staple cotton. The reason for that is because the staple of the imported cotton has a certain softness and silkiness which is required, for example, in the production of sewing threads and in the production of threads that are used in the manufacture of laces and similar products. I am relying upon the information that comes to me; and so I am led to make these observations for the consideration of the Senate.

Mr. HAYDEN. Mr. President, I should like to detain the Senate for about five minutes, if I may, before the vote is taken, in order to state the case as I see it in favor of the amendment offered by the Senator from California [Mr. SHORTRIDGE].

We have in the United States the capacity to consume approximately a million bales of cotton having a staple of an inch and an eighth and longer. There is produced in this country between 650,000 and 700,000 bales of that type of cotton, and we import annually about 300,000 bales from Egypt and Peru.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. HAYDEN. I yield.

Mr. SMITH. Did I understand the Senator to say cotton of a staple an inch and an eighth in length?

Mr. HAYDEN. And longer.

Mr. SMITH. The class of cotton we import is of a staple different from an inch and an eighth, because we are producing in this country several million bales of cotton that is an inch and an eighth in length. The cotton to which the Senator refers is the class of cotton the parent of which was Egyptian cotton planted in his State and in California.

Mr. HAYDEN. I am also referring to American upland cotton, grown principally in the Delta region of the Mississippi Valley, of which the figures furnished me by the Department of Agriculture show that last year there were produced 632,200 bales. I am adding to that about 28,000 or 30,000 bales of American Egyptian or Pima cotton grown in Arizona. That is the total American production of cotton having a staple of an inch and an eighth or longer. Then we import, as reported last year, 296,000 or practically 300,000 bales of Egyptian cotton. So, all together the American market each year uses approximately a million bales of that kind of long-staple cotton.

If it is true that the American production is less than the American consumption, then this proposed tariff of 7 cents per pound should be effective, or partly effective, toward allowing the growers of this kind of cotton to obtain a better price for it.

To put a tariff on all cotton, to my mind, would be practically the same as putting a tariff on all wheat. It did not benefit all kinds of wheat; but it has been shown to the Senate that the United States does not produce enough wheat carrying a high content of protein. Since we do not produce enough of that kind of wheat in this country to supply the American demand, the price of that kind of hard wheat was affected by the tariff. Instead of levying a tariff on all wheat, if Congress wanted to make a wheat tariff effective, we would apply it only to wheat which has a high protein content; and it is the same way with cotton. Congress can differentiate between long-staple and short-staple cotton just as we can differentiate between wheats carrying or not carrying a high protein content.

In this case, therefore, if we do not produce in this country more than about three-fourths of what we need of long-staple cotton, the tariff should be effective.

The only question, then, that is raised by the chairman of the committee and the Senator from Rhode Island [Mr. HEBERT] is, if we impose an import duty of 7 cents per pound, is whether it is necessary to levy compensatory duties throughout the bill to make up to the manufacturer what this extra cost of his raw material might be?

My contention is that excessive duties on all manufactures of long-staple cotton are already contained in the bill, and that if we were to attempt to levy a compensatory duty it would be so small that it could hardly be calculated.

Take the case of thread. It is disputed as to whether American Pima cotton can be used in the manufacture of thread. The Department of Agriculture says it can be. Some manufacturers say they can not use it. Whether that is true or not, I do not know; but I do know that if Congress should add 7 cents a pound to the cost of the cotton used in a spool of thread, it would affect the cost of that spool of thread by only 0.058 of a cent, which is so small that the rate of no kind of a compensatory duty could be calculated or levied upon it.

Mr. GEORGE. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. HAYDEN. I yield.

Mr. GEORGE. The average ad valorem on thread under the present tariff act is 20.19 per cent, but under the Senate bill it is 25 per cent; so there has been an increase, anyway. And I call the Senator's attention further to the fact that while there is no increase in the duty of cotton yarns, by reason of the rebracketing of the yarn schedule there will be an actual increase in the amount of duty paid in dollars and cents. So there has been a slight reduction in the yarn and in the thread paragraphs.

Mr. HAYDEN. The other place where this cotton is used is in cord tires for automobiles. I should like to inquire of the Senator from Georgia what the rates are on tires.

Mr. GEORGE. There is an ample duty on them. There was no actual increase in the duty; but the duty was retained at the present rate, notwithstanding the House desired some increase.

Mr. HAYDEN. It is my understanding that about 4 pounds of long-staple cotton are used to make the ordinary automobile tire; and if the duty were fully effective at the rate of 7 cents a pound it would add 28 cents to the cost of a tire that retails for $20. That is all there is to this compensatory suggestion, so far as I can see.

Mr. SMITH. Mr. President, may I ask the Senator how much of the American production of 1⅛-inch staple cotton was exported?

Mr. HAYDEN. There are no satisfactory figures. The only way that the exports could be calculated at all is to deduct from the production of 1928 the consumption of 1928, which shows a difference of about 94,000 bales. Either those 94,000 bales were carried over into the next season and not used because of the Egyptian importations or they were exported.

Mr. SMITH. How much of the American Egyptian cotton was exported?

Mr. HAYDEN. The only figures I have are for the past year—about 3,500 bales out of a production of about 28,000.

Mr. SMITH. So that we exported even some of the American Egyptian cotton?

Mr. HAYDEN. I understand that that was done for the reason that the cotton cooperatives in Arizona which produce this American Egyptian cotton became convinced that they were not receiving a fair deal from the New England spinners, and so they proceeded to sell some of their cotton abroad, which brought them, in that instance, a more satisfactory price. This was done so that the mills of New England might understand that they did not have complete control of the market. It was for trade reasons that it was done. Normally, all of the Pima or American Egyptian cotton produced in this country has been sold to and used by the American cotton mills. Over 60,000 bales a year have been thus produced and consumed.

The manufacturers say they can not use American long-staple cotton. We hear that talk particularly with respect to automobile tires, for which it is said that it is necessary to import Egyptian cotton. Look at the statistics of importations of Egyptian cotton as presented by the Senator from California. They average three or four hundred thousand bales a year. Everybody knows that there are twice as many automobiles in the United States now as there were when Egyptian cotton was first imported for that purpose. Automobiles have to have tires. The tires have to be made partly of cotton. It is just obvious common sense to say that they must use American cotton to make the automobiles tires, and do not use Egyptian cotton to do it. If that were not true, the importations of Egyptian cotton would have doubled, along with the doubling of the manufacture of tires.

It seems to me we have a perfectly simple case here. If we want to benefit the American farmer, if he is entitled to the same ratio and degree of protection as the manufacturer, this is the time and the place to do it.

I hope that the amendment offered by the Senator from California will prevail.

Mr. TRAMMELL. Mr. President, I want to join with those advocating this amendment.

In my State up to a few years ago we grew rather extensively this Egyptian or long-staple cotton, but on account of the competition during the last 10 years it has been largely driven from the market. We feel that with proper protection we can restore that industry in Florida, and this is true of many States throughout the Union. If this can be done, with its restoration a great many farmers in the belts where this cotton can be produced will retire from the production of short-staple cotton and engage in

the production of long-staple cotton, so in that way it will indirectly benefit the situation as far as the short-staple cotton producer is concerned.

This country could easily produce all the long-staple cotton that is consumed in America if our farmers were only given an opportunity. I know that the farmers in Florida are very eager to have the protection proposed by the Senator from California, or protection in an amount something like that. I hope, therefore, the amendment will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from California [Mr. SHORTRIDGE].

Mr. HEBERT and Mr. COUZENS called for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. GEORGE. Mr. President, have we reached the administrative provisions of the bill?

The VICE PRESIDENT. Not yet. We are still on the free list. Are there further amendments to the free list?

Mr. GEORGE. Mr. President, I observe that the Senator from North Carolina [Mr. SIMMONS] is in the Chamber. I understood it to be the purpose of the Senator from North Carolina to offer an amendment before we leave the free list.

Mr. SIMMONS. On what subject?

Mr. GEORGE. I understood that the Senator probably desired to offer an amendment on cigarette leaves or paper.

Mr. FLETCHER. Mr. President, if there is no other amendment to be offered, I wish to submit one.

On page 272, line 19, I move to strike out paragraph 1791, reading:

> Turpentine, gum and spirits of, and rosin.

If that amendment is agreed to, I propose then to offer another amendment, on page 34, after line 7, to insert the following:

> PAR. 90½. Turpentine, gum and spirits of, and rosin, 10 per cent ad valorem.

The VICE PRESIDENT. The first amendment offered by the Senator from Florida will be stated.

The CHIEF CLERK. On page 272, line 19, it is proposed to strike out paragraph 1791, reading as follows:

> Turpentine, gum and spirits of, and rosin.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the senior Senator from Florida.

Mr. SMOOT. Mr. President, that amendment takes turpentine, gum and spirits of, and rosin off the free list and makes them dutiable. I think the turpentine, gum and spirits of turpentine, have been on the free list ever since the first tariff act.

Mr. FLETCHER. Mr. President, I think the Senator is mistaken about that. Some of the items have been on the free list, but I think the act of 1922 first put turpentine and some of those products on the free list. I realize that the imports of these commodities are not very excessive, but there are some imports, some of the material coming in from Mexico and some from France, and some of the gum from Germany. The industry is not in a prosperous condition now. The exports are very considerable, I grant, and have been for some years. Probably 45 per cent of the domestic production is exported. But I see no reason why we should not take these commodities off the free list, and if that should be agreed to—and it is a matter, anyhow, I want to have go to conference—then I would offer to put a duty of only 10 per cent ad valorem on. That is the second amendment. That is the only duty I would ask, 10 per cent.

Mr. SMOOT. Mr. President, our exports are ever so much greater than our imports. Our imports amount to hardly anything at all. Our exports in 1928 were 12,507,098 gallons. I can not see why these articles should be made dutiable. I would like to accommodate the Senator, but I do not see any justification for the amendment.

Mr. FLETCHER. Will not the Senator allow it to go to conference?

Mr. SMOOT. If we did that, we would have to go back and put them in their proper place, and put a duty upon them. If there were any reason whatever for the amendment, the Senator knows I would not be standing here and asking that this amendment not be agreed to, but really this is one of the items which I think presents very little justification for a duty. I hope the Senator will not press the amendment.

Mr. FLETCHER. I read from page 2630 of the Summary of Tariff Information, where it is said:

> Imports of spirits of turpentine have amounted to about 1 per cent of domestic production in recent years and originate chiefly in Mexico.

Further down it says that Germany was the principal country from which turpentine gum was imported, and then it gives the statistics about the imports.

Mr. SMOOT. It states:

> From 75 to 80 per cent of our exports of turpentine are shipped to Europe, principally to the United Kingdom and Germany.

In other words, we ship a greater part to England and Germany of all of our exports of turpentine and rosin. The figures are such that I do not believe we could justify this amendment, either as to rosin or turpentine. I hope the Senator will not ask for the amendment. I dislike to ask for a vote, but I wish he would not press the amendment.

Mr. FLETCHER. I do not think it is necessary to argue the question at very great length. We can not differ much about the facts. The statistics are all before us. I felt that it was time to take these commodities off the free list, particularly gum, and if that amendment is agreed to, I will submit a small ad valorem duty. But I am not going to argue the matter.

Mr. SIMMONS. Mr. President, what duty does the Senator from Florida suggest?

Mr. FLETCHER. Ten per cent ad valorem.

Mr. SIMMONS. I can see no reason why there should not be a moderate duty upon this product. It is very largely a product of the farm. Of course, it is not a very important item, but turpentine is produced as a crop. One man cultivates so many boxes, as they are called. The pine tree is boxed so that the turpentine runs into the box, and it is a farm product, just like any other product raised on a farm. The turpentine is cultivated under contract. The imports are small. My understanding is, though I have not looked at the statistics, that the imports are setting in. Anyway, I find that the people who are interested in turpentine, in naval stores, in my section of the country, are very much alarmed at the competition which is threatened to their industry. I do not see any reason why the Senator from Utah should be setting his face so hard against a small duty. It is asked for by the farmers.

Mr. FLETCHER. Referring to the imports of rosin, in 1919 the duty on rosin was 10 per cent, and in 1922 it was made free of duty. In 1919, 1920, and 1921 there was a duty of 10 per cent. The quantity imported in 1919 was 96,044 pounds, 25,008 pounds in 1921, in 1922 it went on the free list, and in 1928 there were imported 2,087,000 pounds, coming largely from France. That is the situation with reference to the rosin.

Mr. SMOOT. But the production of rosin in 1928 was 1,035,906,500 pounds. The importations do not amount to anything at all in comparison with the production.

Mr. SIMMONS. What was the amount of the imports the Senator from Florida just read?

Mr. FLETCHER. Two million pounds in 1928.

Mr. SMOOT. In comparison with a production of 1,035,000,000 pounds. It is about 0.01 of 1 per cent.

Mr. SIMMONS. Suppose we take a vote on the Senator's amendment.

Mr. TRAMMELL. Mr. President, I think the statistics offered by my colleague show the rapidity with which the importations have increased. Of course, 2,000,000 pounds in comparison with a billion of production is a small percentage, but it does forcefully convey the fact that there is a country from which these imports are coming, and that the importations are rapidly increasing.

Mr. SMOOT. I want to call attention to the latest figures. The imports are decreasing. In 1925 there were imported 7,083,382 pounds. In 1926 the imports amounted to 10,557,096 pounds. In 1927 they had dropped to 5,513,494 pounds, and in 1928 they had dropped to 2,087,601 pounds. The imports in that year were about one-fifth of what they were in 1926. So the importations have dropped immensely, and the production has immensely increased.

Mr. TRAMMELL. I was not aware of those figures. Of course, our producers feel that there is rather serious potential competition and that they should have a little protection. We are asking for a duty of only 10 per cent.

Mr. FLETCHER. The importations of spirits of turpentine in 1928 amounted to 342,528 gallons. That seems to be considerably on the increase.

Mr. SMOOT. That was an increase of 27,000 gallons over the year before.

Mr. FLETCHER. In 1919 the imports amounted to only 1,662 gallons.

Mr. SMOOT. That is correct.

Mr. FLETCHER. That has gone out up to 342,528 gallons. So that it seems that the importations of spirits of turpentine have increased quite considerably and the importations of the rosin and the gum amount to a considerable quantity.

Mr. SMOOT. We transferred pitch and tar from the free list to the dutiable list and gave them a duty of a cent a pound.

Mr. FLETCHER. I recall that.

Mr. SMOOT. That has already been done.

Mr. FLETCHER. That is made from the stumps, not from the live trees. These materials all come, as the Senator from North Carolina has said, by boxing the pine trees, and the gum is run into the boxes and then into stills, and we get the spirits of turpentine and the rosin as the result of the distillation. It is a great industry. I think Florida, perhaps, produces more naval stores than any other State. Our people feel that there is considerable depression in that industry. They claim that if there were a slight duty on these commodities and they were taken from the free list they could get some relief. I submit the matter without taking up further time. I hope the Senate will vote in favor of my amendment, and that the matter may go to conference.

The PRESIDING OFFICER (Mr. NORRIS in the chair). The question is on agreeing to the amendment offered by the senior Senator from Florida [Mr. FLETCHER], which will be reported.

The CHIEF CLERK. The Senator from Florida offers the following amendment: On page 272, in line 19, to strike out the word "turpentine, gum and spirits of, and rosin," and also on page 34, after line 7, to insert the words:

Turpentine, gum and spirits of, and rosin, 10 per cent ad valorem.

On a division, the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, a few moments ago a very important amendment was adopted in the Senate, the request for the yeas and nays having been declared to be not sufficiently seconded.

This amendment affecting long-staple cotton involves a question of changing the compensatories all through the cotton schedule, and I therefore believe that the country is entitled to know what Senators are responsible for the adoption of that duty.

I ask unanimous consent for a reconsideration of the vote by which the amendment of the junior Senator from California [Mr. SHORTRIDGE] was agreed to, and I then shall suggest the absence of a quorum and request a record vote.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Montana. The Senator is not dependent upon unanimous consent. There being no record vote, he is entitled to make a motion to reconsider the vote.

Mr. FLETCHER. Mr. President, will not the Senator let us finish this item of turpentine before he proceeds with that?

Mr. LA FOLLETTE. No, Mr. President; I would like to have this disposed of before we go any further.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will press the matter.

Mr. LA FOLLETTE. I move to reconsider the vote by which the amendment of the junior Senator from California was adopted.

Mr. DILL. Mr. President, will the Senator yield for a question or statement?

Mr. LA FOLLETTE. I will yield for a question.

Mr. DILL. I want to call attention to the fact that in the argument which was made here it was claimed that the compensatory duties were not necessary. The argument was made to the effect that no change was necessary in the other rates. That was not substantially contradicted.

Mr. LA FOLLETTE. I understood the chairman of the Finance Committee to make a statement diametrically opposite to the one just made by the Senator from Washington, but it is not my purpose to reargue the question. I do feel that the country is entitled to a record vote upon this important question, and having made my motion I now suggest the absence of a quorum.

Mr. HARRISON. Mr. President, will the Senator withhold the suggestion for a moment?

Mr. LA FOLLETTE. I think we should have a quorum here if the Senator desires to discuss the matter.

Mr. WALSH of Massachusetts. Mr. President, will not the Senator from California agree that the vote be reconsidered?

Mr. SHORTRIDGE. Mr. President, it is not with me to consent or fail to consent. If it is necessary to have compensatory duties or to reconsider them, that will come next properly. The adoption of the amendment will not prevent that being done.

Mr. LA FOLLETTE. I understand that. It is inevitable, the amendment having been adopted, and I therefore want a record vote upon the question before the Senate proceeds to carry out the inevitable consequence of its action taken here a few moments ago.

Mr. HARRISON. Mr. President, will the Senator now permit me to ask him a question, and withhold his point of no quorum for that purpose?

Mr. LA FOLLETTE. I withhold the point of no quorum temporarily and yield to the Senator from Mississippi.

Mr. HARRISON. I am sorry the Senator was not on the floor when the matter was discussed. I heard the Senator from Utah, the chairman of the Finance Committee, in the beginning make the statement that the adoption of the amendment called for compensatory duties, but it was shown, I think very fairly, by the very able speech of the distinguished Senator from California [Mr. SHORTRIDGE], as well as the speech of the junior Senator from Arizona [Mr. HAYDEN], that it would not be necessary to increase any compensatory duty or to add any duty of that kind, for this reason——

Mr. LA FOLLETTE. That might be done in conference.

Mr. HARRISON. The rates could not go any higher in conference on the various propositions than the Senate or the House had gone on those rates. It was shown, for instance, that on sewing thread, one of the things into the manufacture of which the long-staple cotton goes, there is carried on the average a 5 per cent ad valorem increase over present rates. It was shown that on cotton cloth of the finer qualities, in some instances, the rate is increased 12½ per cent over the present law. It was shown that on tire fabrics, while the House decreased the rate from 25 to 17 per cent ad valorem, the Senate committee had restored the 25 per cent rate. It would not be necessary to increase those rates if the rate of 7 cents a pound on long-staple cotton were adopted.

The Senator from California [Mr. SHORTRIDGE] and certain organizations requested a 24-cent duty on long-staple cotton. That was discarded after some discussion. Some of us would not stand for it at all. Personally, I would not agree to go higher than 7 cents a pound. It was shown there were 900,000 pounds of this particular kind of cotton produced in the United States and 400,000 pounds annually imported, thus making a very clear case.

There were two votes taken upon the amendment. A vote was taken one time on a division which was not quite announced because some one raised the point of no quorum. The matter was discussed again and then we took another vote on it. I submit the Senator ought not to insist on it; but, of course, I shall make no objection if he does insist upon a record vote.

The PRESIDING OFFICER. Let the Chair state the question. The Senator from Wisconsin [Mr. LA FOLLETTE] moves that the vote by which the amendment offered by the Senator from California [Mr. SHORTRIDGE] was agreed to shall be reconsidered, and that is the question now before the Senate.

Mr. VANDENBERG. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. Certainly.

Mr. VANDENBERG. In further justification of the motion now submitted by the Senator from Wisconsin I desire to say that at least two of us were on our feet trying to suggest the absence of a quorum when the Chair announced that the motion was carried.

Mr. HEBERT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I yield.

Mr. HEBERT. I wish to say further that I was one of those who was calling for a quorum when the Chair announced his decision. Further, I made the statement that if the tax were imposed upon cotton coming here from abroad, justice would require that there be a compensatory duty upon goods produced from that cotton here.

Mr. HARRISON. Yes; the Senator made that statement.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to reargue the question or to get into any controversy concerning the votes. I will say, however, since the Senator from Mississippi addressed his statement to me in the nature of a question, that with all due respect to the speeches made by the Senator from California and the others mentioned by the Senator from Mississippi, it is my information that it will be necessary to amend the compensatory rates in the cotton schedule affecting those products which are made from long-staple cotton.

Having made my motion, I now insist upon my point of no quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McCulloch	Simmons
Ashurst	Glass	McKellar	Smith
Barkley	Glenn	McMaster	Smoot
Bingham	Goff	McNary	Steck
Black	Goldsborough	Metcalf	Steiwer
Blaine	Greene	Moses	Stephens
Bratton	Grundy	Norbeck	Sullivan
Brock	Hale	Norris	Swanson
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Robsion, Ky.	Waterman
Fess	Kean	Schall	Watson
Fletcher	Keyes	Sheppard	Wheeler
Frazier	La Follette	Shortridge	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. WALSH of Massachusetts. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, I ask unanimous consent that we vote direct on the adoption of the amendment of the Senator from California and not on the question of reconsideration of the vote by which the amendment was agreed to. I ask unanimous consent that the vote by which the amendment of the Senator from California was agreed to may be reconsidered.

The VICE PRESIDENT. Is there objection to the reconsideration of the vote by which the amendment of the Senator from California was agreed to? The Chair hears none, and it is so ordered. The question now is on the amendment proposed by the Senator from California.

Mr. McKELLAR. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I ask that the amendment be reported.

The VICE PRESIDENT. The clerk will report the amendment for the information of the Senate.

The CHIEF CLERK. On page 146, after line 8, insert a new paragraph, as follows:

PAR. 781. Cotton having a staple of 1⅛ inches or more in length, 7 cents per pound.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BARKLEY (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. BAIRD]. Not knowing how he would vote, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the junior Senator from South Carolina [Mr. BLEASE] and vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I am advised, however, if he were present he would vote as I shall vote. I therefore am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 49, nays 33, as follows:

YEAS—49

Allen	Fletcher	McKellar	Shortridge
Ashurst	Frazier	McMaster	Steck
Black	George	McNary	Steiwer
Bratton	Glenn	Norbeck	Stephens
Brock	Harris	Nye	Sullivan
Brookhart	Harrison	Oddie	Thomas, Okla.
Broussard	Hatfield	Phipps	Trammell
Capper	Hawes	Pine	Waterman
Caraway	Hayden	Pittman	Watson
Connally	Heflin	Ransdell	Wheeler
Cutting	Johnson	Robinson, Ind.	
Dill	Jones	Schall	
Fess	McCulloch	Sheppard	

NAYS—33

Bingham	Grundy	Norris	Tydings
Blaine	Hale	Overman	Vandenberg
Copeland	Hastings	Patterson	Wagner
Couzens	Hebert	Robsion, Ky.	Walcott
Dale	Kean	Simmons	Walsh, Mass.
Glass	Keyes	Smith	Walsh, Mont.
Goff	La Follette	Smoot	
Goldsborough	Metcalf	Swanson	
Greene	Moses	Townsend	

NOT VOTING—14

Baird	Deneen	Kendrick	Shipstead
Barkley	Gillett	King	Thomas, Idaho
Blease	Gould	Reed	
Borah	Howell	Robinson, Ark.	

So Mr. SHORTRIDGE's amendment was agreed to.

The VICE PRESIDENT. Schedule 17 is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. CONNALLY. Mr. President, I have an amendment pending to paragraph 1606, page 245.

The VICE PRESIDENT. The amendment of the Senator from Texas will be stated.

The CHIEF CLERK. In paragraph 1606, on page 245, line 10, after the word "country," it is proposed to strike out the remainder of the line; and in line 11 to strike out all down to and including the word "only"; and in line 13 to strike out the word "eight" and insert the word "three."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. CONNALLY. Mr. President, I should like to inquire of the Senator from Utah [Mr. SMOOT], in view of our conference on this matter, if he can not accept the amendment?

Mr. SMOOT. I should like to have the Senator from Texas make a short statement as to just what the amendment is intended to accomplish before we take a vote on it.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Montana?

Mr. CONNALLY. I yield.

Mr. WALSH of Montana. I should like to inquire how this amendment differs from the amendment that has heretofore been voted on dealing with the same subject.

Mr. CONNALLY. I will say to the Senator that we did not reach a vote on the amendment. We had the amendment up, but the unanimous-consent agreement prevented a vote on it at that time.

Mr. WALSH of Montana. Am I to understand that it is the same as the amendment which has heretofore been tendered?

Mr. CONNALLY. It is the same amendment which I offered some days ago.

Mr. President, under the existing law, in paragraph 1606 it is provided that horses, mules, cattle, and other livestock may be carried from the United States into a foreign country and returned within eight months duty free when they are carried into another country for temporary pasturage or where they stray into another country. By this amendment I propose to limit that period to three months instead of eight months, to eliminate the temporary pasturage feature, and to limit the privilege to cases in which animals stray across the border into a foreign country.

In the case of cattle along the Mexican border this provision of the existing law has been greatly abused. Ranchmen who own ranches both in Texas and in Mexico are in the habit of having their cattle carried into Mexico, pasturing and conditioning them there, and then bringing them back into the United States free of duty. The livestock associations and others interested have requested that this amendment be offered in order to limit to three months the period within which cattle may be brought back and that the privilege may be extended only when livestock stray across the border. I ask the Senate to adopt the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I see no particular objection to the amendment. Its object, of course, is as the Senator from Texas [Mr. CONNALLY] has just stated.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY].

The amendment was agreed to.

The VICE PRESIDENT. Schedule 17 is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. COPELAND and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from New York.

Mr. COPELAND. I yield to the Senator from Utah.

Mr. SMOOT. There are some corrections which I desire to make, but I can do so after the Senator from New York shall have concluded his remarks.

Mr. COPELAND. Mr. President, a few days ago, on motion of the Senator from Texas, vegetable oil, cake, and cake meal were taken from the free list and taxed at 0.3 of a cent a pound. I wish to make a similar motion with respect to fish scrap and meat, now covered by paragraph 1780 of the free list.

The VICE PRESIDENT. Will the Senator state his amendment?

Mr. COPELAND. Just a moment, Mr. President. The first line of paragraph 1780, page 271, reads:

Tankage, fish scrap, fish meal, cod liver oil cake, meal—

And so forth.

My motion is that fish scrap and fish meal be made dutiable at 0.3 of a cent per pound, just as vegetable oil was made dutiable at a like rate.

Mr. GEORGE. Mr. President, will the Senator suffer an interruption?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I yield.

Mr. GEORGE. Let me call the Senator's attention to the fact that fish scrap and fish meal are used extensively in the manufacture of commercial fertilizer, and the policy of the Congress as heretofore declared and as repeated and emphasized during this session is to put substances used chiefly in the making of fertilizers upon the free list.

The Senator will note that the fish scrap referred to is that which is unfit for human consumption. I hope the Senator will not press his amendment to put it upon the dutiable list.

Mr. COPELAND. Does not the Senator from Georgia recognize that we should do exactly the same with this animal oil, cake, and meal that we have done with vegetable oil, cake, and meal?

Mr. GEORGE. Mr. President, I was addressing myself to fish scrap and calling the Senator's attention to the fact that fish scrap is used exclusively in the manufacture of fertilizers, and the cake meal to which he refers is not used, as I recall, in fertilizer. Cottonseed meal, of course, is used in the making of commercial fertilizer, but the others are used for chicken feed and other feeds.

Mr. COPELAND. Fish meal is used for the same purpose, is it not?

Mr. GEORGE. Fish meal is used as a feed for poultry, as I understand.

Mr. COPELAND. Is fish-scrap meal used in that way?

Mr. GEORGE. Yes, as I understand; and fish-scrap meal is used in the same way, but also it is used as a source of one of the principal elements of commercial fertilizer.

Mr. COPELAND. Mr. President, according to the Summary of Tariff Information, fish meal and fish scrap are manufactured from fresh fish by cooking it, by extracting the oil, if any is present, and draining or drying. Green scrap and acidulated scrap are used for fertilizer.

The fish meal to which I refer, and which is covered by the paragraph referred to, is used for poultry and animal feed, as well of course for fertilizer, as the Senator has said; but it does seem to me that these two products, which have been interchangeable in their use, should be treated in exactly the same way. I have no disposition to continue the discussion, but that is my feeling about it. I see no reason why they should not be treated alike.

Mr. WALSH of Massachusetts. Mr. President, we have been unable to hear the able argument of the Senator from New York, and we have not even been able to hear his motion. May it be stated from the desk?

The VICE PRESIDENT. Let the Senate be in order, and let the amendment again be stated.

Mr. COPELAND. I have offered an amendment taking from the free list fish scrap and fish meal, now in paragraph 1780 of the free list, and putting it at the appropriate place in the bill, and giving it a rate of 0.3 of 1 cent per pound.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that this material is unfit for human consumption and only goes into fertilizer. Why should we take it off the free list and put it on the dutiable list, when all that it is used for is fertilizer purposes, and everything else in the bill that goes into fertilizer is on the free list? I do not think we ought to take this material off the free list.

Mr. COPELAND. The Senator is mistaken about its being used exclusively for fertilizer. It is also used as a poultry feed; and I take it that that, of course, will defeat the project.

Mr. SMOOT. This material is unfit for human consumption. I do not know whether any of it is used for poultry feed or not.

Mr. COPELAND. It is unfit for human consumption; yes. Is vegetable-oil poultry feed used as a human food? No.

Mr. WALSH of Massachusetts. What is the value per pound of this fish scrap?

Mr. SMOOT. Even if it is used for feeding poultry, I do not see why it should be taken from the free list and made to pay a duty.

Mr. COPELAND. Why did we take the corresponding vegetable product from the free list? Because it is a farm product?

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield to the Senator.

Mr. WALSH of Massachusetts. What is the value of this fish scrap? Will the Senator from Utah inform us?

Mr. SMOOT. I will tell the Senator exactly what it is.

Mr. COPELAND. We produced of it last year 90,000 tons, of a value of something over $4,000,000.

Mr. SMITH. How much was imported?

Mr. COPELAND. We imported 12,000 tons.

Mr. WALSH of Massachusetts. What is the Senator's duty of 0.3 of a cent a pound in ad valorem terms? It represents about 120 per cent, does it not?

Mr. SMOOT. It is more than that. There are only 68,495 tons, of the value of $3,700,834. That would be approximately $60 a ton.

Mr. WALSH of Massachusetts. And the duty is to be 0.3 of a cent per pound?

Mr. COPELAND. It sells at about $50 per ton. That is the price of it—$50 per ton.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I do.

Mr. GEORGE. The price varies, of course; but I should say the average price of fish scrap would run around $45 to $50 a ton.

Mr. SMOOT. I am speaking of the importations.

Mr. GEORGE. It depends entirely upon the amount of ammonia, or the ammonia content, when it is used as a source of ammonia in fertilizer; and the fish scrap unfit for human use is used almost exclusively in making commercial fertilizer. The fish meal is used for the same purpose and as a poultry feed.

Mr. COPELAND. And for other animals?

Mr. GEORGE. Mainly for poultry feed.

Mr. COPELAND. It is valued at about 2½ cents a pound; and I am asking the same rate as vegetable product, 0.3 of 1 cent per pound. A great deal can be brought in from the Alaskan fisheries and from the New England fisheries; and it is a product of tremendous interest to the Senator from Massachusetts because of the fishery industry of his State.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. If the Senator will allow me, there is no ingredient that enters into the composition of what is known as commercial fertilizer that is of as much importance to the planters of the country as fish scrap. There are three sources of ammonia which by practical experiment have proven themselves superior to any other—blood, fish scrap, and tankage. These three are the most satisfactory forms of ammonia or nitrogen that can be used in the composition of fertilizer; and, beginning a comparatively few years ago, this ingredient has been used in increasing quantities. To such an extent is it now used that there are trawlers going up and down the Atlantic coast catching fish for the purpose of using them in the composition of fertilizer. I do not know any greater imposition that could be placed on those who are trying to farm than to add this tax to their present almost unlimited source of ammoniated or nitrogenous form of fertilizer.

Mr. COPELAND. Mr. President, in answer to what the Senator from South Carolina has said I desire to quote from the Summary of Tariff Information:

As the imports of fish meal are used mainly on the Pacific coast for feeding, they compete principally with the Pacific coast production of fish meal and with similar protein materials used for the same purpose.

Apparently the cost of transportation is an important factor in determining the distribution of fish meal, because almost all of the Atlantic coast production is sold locally and almost all of the Pacific-coast production is sold along the Pacific coast. Relatively small quantities of fish meal are sold in the mid-West because of the large production in that area of animal tankage.

There is practically no competition between the domestic and imported fish meal and fish scrap intended for use as fertilizer.

But the fish meal that is used for poultry feeding is a matter of concern to those who live on the Pacific coast, because there can be brought in from our Alaskan fisheries quantities of this fish scrap which now comes from Japan.

I have no desire to continue the discussion, except to say that it seems to me eminently unfair to take from the free list the corresponding vegetable product and make it dutiable at 0.3 of 1 cent per pound and deny exactly the same protection to fish meal.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. SIMMONS. May I ask the Senator if he will not allow me to take up another matter at this time? I do not think it will take long. I make the request because I can not stay here for these night sessions.

Mr. LA FOLLETTE. I withdraw my amendment, Mr. President, and yield the floor.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his amendment. The Senator from North Carolina is recognized.

Mr. SIMMONS. Mr. President, on page 239 I move to strike out, in paragraph 1552, beginning in line 15, the words "cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Carolina.

Mr. SIMMONS. Mr. President, this amendment covers what may be called and is generally called bobbin paper. It is used extensively and almost entirely for wrapping cigarettes.

None of this paper used in wrapping cigarettes is to-day produced in the United States. During the years just following the war, and probably beginning a little before that time, several factories engaged in making paper in this country attempted to make this particular paper. One of the larger tobacco companies—the British-American, I think is the name of it—spent considerable money in an effort to encourage and establish the manufacture of this paper in this country. They were unsuccessful. Their investment was lost. The two factories that at one time made this paper have ceased to make it, so I am advised not only by the users of this paper but by the representatives of the department. But when they did make this paper, they made only a very small quantity of it. I think the total output of 1927 of one of the factories was $156,000 worth and that of the other factory $192,000 worth.

I think it is indisputable that there is not any of this paper made in America at this time. It is imported. It is a peculiar character of paper. It is necessary for this use that the paper should have a certain burning quality and a freedom from certain odors that attach to burning paper as a rule.

This paper is produced almost entirely in France. The duty imposes a burden upon the cigarette business in this country amounting to something like $3,000,000 a year. There is no industry to be protected by the 60 per cent duty which is proposed in the bill to be levied on this product. The only possible purpose and effect of it will be revenue. The question, therefore, arises whether, under all the circumstances accompanying the tobacco industry, and especially the cigarette industry, this additional burden should be placed upon that industry.

Last year the Government received in taxes from tobacco something over $500,000,000, or from that single industry nearly as much revenue as it derived from the taxes on all articles taxed at the customhouse. Six hundred million dollars is about the amount we receive in custom revenues in this country, and the amount the Government realized last year from this one industry amounted to over $500,000,000.

Of that large amount last year the cigarette industry paid $449,000,000 into the Federal Treasury, and of that $449,000,000, the industries located in the State of North Carolina paid $226,000,000. In other words, industries of the State of North Carolina paid more than one-half the entire amount of the money the Government received from the manufacture of cigarettes. The industry in the State of North Carolina paid 51 per cent of all the tobacco taxes paid in this country. The State of North Carolina is the largest single producer of the raw material of this product.

It is said that this tax upon cigarettes and tobacco is passed on to the consumer. For a long time the tobacco farmers of my State were misled into believing that contention, but they have changed their minds about it. They have seen that this tax so loads down the industry that in order to sell their products at a reasonable profit, the manufacturers of tobacco are compelled not only to pass this tax on to the consumer but to pass it on to the farmer in the lessened price which they pay for the raw material which they purchase from him.

I have a letter here from the representatives of one of the largest tobacco manufacturers of the United States in which he says that that result in inevitable. The tobacco farmers of my State, in their communications with me, have insisted that the time has arrived when the industry in which that State and the farmers of that State are so largely interested must come to Congress and demand, in the interest of their industry, that these tax burdens be taken off the industry.

The tobacco farmers of my section of the country are in the worst condition they have ever experienced. They have not gotten the cost of production for their crops for the last two or three years, and they believe in their hearts and in their minds that these high taxes are one of the causes.

Mr. President, the tobacco industry is paying the same tax to-day that it paid during the period of the war, when we had to raise $8,000,000,000 of taxes in one year in order to carry on and finance that great struggle. Every other industry has been relieved. The only tax that has been reduced upon tobacco is upon the 5-cent cigar, and the result of taking off a part of the internal-revenue tax levied on the 5-cent cigar was an enormous increase in the sale in this country and the demand in this country for a cigar of that price, because as a result of the tax reduction it has improved in quality and therefore the volume of sales has likewise increased.

Under those circumstances, with this industry burdened as it is, with every other industry in this country relieved from the high and excessive taxes imposed during the war, is it just to impose a tax upon the cigarette paper which wraps our tobacco when not a pound of that paper is produced in this country?

Ordinarily, except where we think it is a proper subject for revenue tax, we do not tax products in this country through the tariff unless there are importations. In this case there are no importations, absolutely none, and this is a case where an industry is pressed down by a tax that is unnecessary, and which tax affects the farmer directly.

I do not think any Senator in this body will dispute the proposition that if we impose these heavy taxes on cigarettes, amounting to $449,000,000, the manufacturers of those cigarettes will pass all the tax the trade will bear on to the consumer, and will pass the balance of it back to the farmer. Hence, I am asking this forbearance to-day because the farmers of my State are demanding it. We had a conference here some time ago between the tobacco growers and the tobacco buyers of the United States, and in that conference this very question was raised. There were probably 150 farmers here, and the demand was peremptory that this industry be relieved from these excessive taxes.

I earnestly hope the Senate will eliminate the tax and let this product go on the free list.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the senior Senator from North Carolina [Mr. SIMMONS].

The amendment was agreed to.

Mr. SIMMONS. Now, Mr. President, I desire to offer an amendment placing these articles upon the free list.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 253, after line 5, to insert the following:

PAR. —. Cigarette books, cigarette-book covers, cigarette paper in all forms except cork paper.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, now that the vote has been taken on the other amendment, and the Chair has declared that the amendment has been agreed to, necessarily we shall have to adopt this amendment, but when this matter gets into the Senate I want another vote on it. I do not see any reason whatever for putting this cigarette paper on the free list. If there is anybody in the United States who is making a profit upon the business he is doing, it is the cigarette people.

Mr. SIMMONS. Making a large part of it out of the farmer in this country.

Mr. SMOOT. The farmer has nothing to do with paper.

Mr. SIMMONS. He has everything to do with it.

Mr. SMOOT. The farmer does not produce any paper at all, and there is none of this paper produced in the United States. The cigarette people can pay that little duty upon cigarette paper, and their profits will not be interfered with at all.

Mr. OVERMAN. Mr. President, I did not know the Senator was attempting to pass a revenue tariff bill. I thought this was a protective tariff bill, but the Senator is proposing to raise revenue, and then to pass the tax on to the people, when there is no protection needed on this article, because there is none of this paper made here.

Mr. SMOOT. There never will be if it is on the free list.

Mr. SIMMONS. Mr. President, it has been on the dutiable list heretofore.

Mr. SMOOT. That is what I have said.

Mr. SIMMONS. And still, while it was on the dutiable list, none of this paper was produced in this country.

Mr. SMOOT. Cigarettes will not be sold for a single one one-thousandth of a cent less.

Mr. SIMMONS. The Senator knows better than the farmer who raises the raw material out of which the cigarettes are made.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Massachusetts. Mr. President, I can not refrain from saying that, from my study of the paper schedule, I have found the facts to be substantially as set forth by the senior Senator from North Carolina [Mr. SIMMONS], and it seems to me this is a paper item which could very properly be put upon the free list.

Mr. SMOOT. I do not dispute any statement made by the Senator from North Carolina. There is one little factory here. I do not know how long it can live, perhaps not very much longer.

That is not the question I had in mind. We are trying to take care of a concern here that is making money not by the single million or by the five millions but by the tens and even hundreds of millions. Now it is proposed to take off a little duty on cigarette paper to help that octopus, and I hardly think it is right.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

On a division, the amendment was rejected.

Mr. SIMMONS. I did not understand the statement of the Chair. I ask for the yeas and nays.

The VICE PRESIDENT. The request comes too late.

Mr. SIMMONS. Very well. I will take up the matter again when the bill reaches the Senate.

Mr. LA FOLLETTE. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be reported.

The LEGISLATIVE CLERK. On page 247, in lines 8 and 9, strike out the words "iron or steel drums" and insert in lieu thereof "drums of iron, steel, or other metal."

Mr. SMOOT. Mr. President, that amendment ought to be adopted. It is a clarification and takes in metal drums as well as those made of iron or steel.

The amendment was agreed to.

Mr. LA FOLLETTE. I now offer the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 273, in line 25, after the word "effects," insert the following:

> And in the case of any individual returning from abroad, all professional books, implements, instruments, and tools of trade, occupation, or employment.

So as to make the proviso read:

> *Provided further*, That in case of residents of the United States returning from abroad, all wearing apparel, personal and household effects, and in the case of any individual returning from abroad, all professional books, implements, instruments, and tools of trade, occupation, or employment, taken by them out of the United States to foreign countries, shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury.

Mr. LA FOLLETTE. The object of the amendment is to prevent the reimposition of a duty upon scientific instruments and paraphernalia which are taken abroad by engineers and other scientists from the United States for the purpose of carrying on their investigating work in other countries. If a piece of scientific apparatus is imported by an engineer, for instance, and a duty paid on it and he goes abroad, say to Canada, to conduct an investigation of some mining property and then returns to the United States, it is now necessary for him to pay a duty upon that implement or apparatus again. Therefore it seems to me, in view of the fact that we make provision for practically all other effects, such as wearing apparel and personal and household articles, that it is only fair that a provision should be made permitting scientists and others who go abroad to bring back their effects as provided in the amendment, which are used for scientific or other professional purposes.

Mr. SMOOT. I have no objection to the amendment.

Mr. COPELAND. Mr. President, I want to be clear about what the Senator has in mind.

Mr. SMOOT. I think the Senator from Wisconsin stated the case just as it is. For instance, a surveying instrument comes into the United States. It pays its duty and a professional man buys it. He lives in the State of New York and is called over to Canada for the purpose of surveying or some special work. He takes to Canada that identical instrument which he purchased and upon which the duty has been paid. The amendment provides that in that case, returning to the United States with that instrument, he shall pay no duty upon it. That is all there is to it.

Mr. COPELAND. I suppose the context makes it clear that it is as stated in the bill?

Mr. SMOOT. Yes; in paragraph 1799.

Mr. COPELAND. It is a very meritorious amendment, and I hope it will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 274, lines 24 and 25, strike out the words "lumber, planed on one or more sides and tongued and grooved" and insert in lieu thereof "articles or any of the articles enumerated in paragraph 1805"; also, on page 275, where it occurs in lines 3, 13, and 17, strike out the word "lumber" and insert in lieu thereof the word "articles."

Mr. HAYDEN. Mr. President, on last Thursday evening, February 27, I hastily offered an amendment striking out, in line 25, page 274, the words "planed on one or more sides and tongued and grooved." My intention in offering the amendment was to make the proviso appearing on that page and on page 275 apply to all lumber. There was a dispute as to whether my amendment would accomplish my purpose, and it was suggested by the chairman of the Finance Committee that the matter go over. I have since talked with the experts from the Tariff Commission and therefore offer this amendment as a substitute for the amendment which was then pending.

Mr. SMOOT. Mr. President, as I understand the Senator's amendment—I did not hear it read nor have I seen it before—he desires to strike out the last word on line 24, page 274, and the words in line 25, as follows:

> Lumber, planed on one or more sides and tongued and grooved.

Mr. HAYDEN. Yes.

Mr. SMOOT. It includes those, as I interpret it, and then the countervailing duty would apply to all of paragraph 1804.

Mr. HAYDEN. Not only that, but also paragraph 1805. I also wish to insert in lieu of the word "lumber" the word "articles." That would apply to everything in paragraph 1804, or any articles enumerated in paragraph 1805.

The object I have in view is to do for all lumber now on the free list enumerated in paragraph 1804 and on posts, railroad ties, and telephone, trolley, electric light and telephone poles of cedar or other woods mentioned in paragraph 1805, what the bill now seeks to accomplish with respect to flooring only. It is my understanding that this provision relates solely to flooring and was placed in the bill at the instance of the maple flooring manufacturers of Michigan and Wisconsin. They asked that such a provision be included in the bill so that in the event Canada imposed a duty on flooring the President may remonstrate with the Canadians, and if they do not take off that duty then he may impose an equivalent duty.

It seems to me if it is fair and right and just to do that for the flooring manufacturers, it should be done for all manufactures of lumber. My reason for offering the amendment is that the Mexican Government is now preparing a new tariff bill designed to impose a duty on mine timber produced in the United States and sent to Mexico. At the same time the Mexican lumber interests propose to take advantage of the free American market for their high-grade timber.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Michigan?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. Do I correctly understand the Senator that the amendment does not affect the status of flooring in any respect?

Mr. HAYDEN. No; but it puts all other materials enumerated in paragraphs 1804 and 1805 on the same status as flooring. I want to treat them all alike.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. JONES. Does the Senator think that in line 3, page 275, if the Senator strikes out "lumber" and inserts "articles," so

it reads "which imposes a duty upon such articles exported from the United States," that it would answer the purpose, or does he think it would be better to have it read "which imposes a duty upon any of such articles," and so forth? There are a good many different articles enumerated.

Mr. HAYDEN. I believe the Senator is correct. I think in the three places where the word "lumber" appears, instead of just inserting the word "articles" it ought to be "any of such articles."

Mr. JONES. Yes; I think so.

Mr. HAYDEN. I modify my amendment to that effect.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. JONES. That would apply in lines 13 and 17?

Mr. HAYDEN. Yes.

Mr. WALSH of Massachusetts. Mr. President, is the Senator seeking by his amendment to put lumber and telephone poles and posts, which are now on the free list, on the dutiable list under certain circumstances?

Mr. HAYDEN. If any country—and primarily my amendment applies to Canada and Mexico—imposes a duty on any of the articles enumerated in these two paragraphs of the free list, the President of the United States is directed to negotiate with them and have them remove the duty. If the foreign country will not remove the duty the President is then authorized, in his discretion, to impose a similar duty so long as that Canadian or Mexican or other foreign duty remains in effect.

Mr. WALSH of Massachusetts. If we followed that policy, we would have no protective tariff duty in the bill at all. The practice of levying duties upon imports in other countries or goods shipped out of the United States is a very common one. The Senator is seeking to levy a duty upon lumber and telephone poles and railroad ties when they come into this country from Mexico or Canada because Canada and Mexico happen to have a duty on some one or more of those articles.

Mr. HAYDEN. It would apply only to the identical article.

Mr. WALSH of Massachusetts. It seems to me, if that is true, that I want a duty on boots and shoes. Nearly every country in the world has a duty on boots and shoes. Therefore I want to have a like provision placed in the bill, that the President shall have authority to levy a duty if some other country has a duty on boots and shoes. We can not construct a tariff bill upon that theory. It is inconceivable that we should seek to balance our tariff upon statutes enacted by other countries. It is an entirely different state of facts and circumstances that exist in foreign countries, and those countries might well feel justified in applying such a duty where we would not be able to justify it at all.

Mr. JONES. Mr. President, will the Senator yield again?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. Certainly.

Mr. JONES. I think I should make a correction in what I suggested a moment ago. The expert calls my attention to the language a little more particularly after the word "provided." In line 3 it should read "duty on any such article." I understand the clerk has it that way, so I modify my suggestion.

Mr. HAYDEN. Would that be true of line 13 and line 17 also?

Mr. JONES. Yes; the same, "any such article."

Mr. HAYDEN. Then let the amendment be modified accordingly to conform with the last suggestion made by the Senator from Washington.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. HAYDEN. Certainly.

Mr. WALSH of Massachusetts. The Senator's amendment is really seeking to nullify the action of the Senate the other day in refusing to put a duty upon lumber and telephone poles and telegraph poles and railroad ties. The effect of the amendment will be to prevent the levying of a duty under certain circumstances and to nullify the whole vote and discussion that we had the other day.

Mr. HAYDEN. I do not look at it that way. It seems to me as a matter of common sense that if Canada and Mexico—and those are the two countries that are most immediately concerned—are seeking to have the advantage of a free market in the United States for all their timber products, they should extend the same privilege to the American producers of lumber. I think they have so much more to gain than to lose by following that policy that if we establish this principle we will have a better and more equitable tariff situation existing between the several countries.

Mr. WALSH of Massachusetts. Those countries are lumber countries; one of their chief raw products is lumber; that is not the situation in this country. Our forests are rapidly being depleted, and we have got to go out in the world and seek timber for telephone poles, railroad ties, and other things. Other countries might well seek to protect their lumber by imposing duties upon what we attempt to export to them, but we want lumber with which to build up our own country; we want to conserve our depleted and diminishing forests by importing lumber, poles, and ties.

Mr. HAYDEN. The Senator concedes the fact, though, that Canada is a greater producer of lumber than is the United States, and therefore——

Mr. WALSH of Massachusetts. I certainly do not concede that; but I do concede that Canada exports more lumber to the United States than we export to Canada. Our production of lumber is tremendous.

Mr. HAYDEN. But not for export.

Mr. WALSH of Massachusetts. We export to the world more lumber than Canada sends to us, but we do not export as much to Canada as she send to us.

Mr. HAYDEN. I am referring to the trade between the two countries.

Mr. WALSH of Massachusetts. We export some southern lumber as far away as China, Japan, and South America.

Mr. HAYDEN. But this applies to specific countries when those countries levy a tariff rate; and it follows, therefore, that if Canada ships more lumber generally into the United States than the United States ships to Canada, it is to Canada's advantage to have free trade in lumber between the two countries. That is what I am seeking to accomplish, and I think that will be the net result of my amendment.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. HAYDEN. I yield.

Mr. BARKLEY. While the Senator says his amendment is designed to apply to Canada and Mexico, as a matter of fact it applies to all countries which levy a duty upon similar products from the United States. Last week when we had under consideration the amendment offered by the Senator from Washington [Mr. JONES], his colleague from Washington [Mr. DILL] read a long list of nations that levy a tariff on lumber products coming from the United States and all other countries. Therefore, if the amendment is adopted, it will apply to all countries, although it may apply to Canada and Mexico more particularly. Has the Senator looked into the question of the constitutionality of such a provision?

Mr. HAYDEN. There is a straight countervailing duty on coal in this bill.

Mr. BARKLEY. I understand that.

Mr. HAYDEN. That is not even left to the option of the President; but if any country levies a duty on coal automatically that duty is applicable to any coal imported into the United States from such country.

Mr. BARKLEY. I have not looked into the question as to whether that provision has been declared to be constitutional under the provision that taxes shall be uniform throughout the United States, but I am wondering how we can have a duty on articles coming from Mexico at one figure and another duty on similar articles coming from Canada and from all other countries, at another figure, so that we could have no uniformity of taxation, and would have a different rate levied on an identical article coming from a half dozen or more countries.

Mr. HAYDEN. The countervailing duty on coal is in the existing law, and nobody has raised any such question. If Congress can provide, whenever a country levies a duty on coal, that any coal imported from that country to the United States shall automatically bear the same rate of duty, certainly it can enact the more modest provision in this instance that the President may make a protest before proclaiming any such duty.

Mr. BARKLEY. If Congress can do that, it certainly is not done under the taxing power, which is the power on which tariff bills are based.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. HAYDEN. I yield.

Mr. WALSH of Montana. It occurs to me that we have not sufficient information to act on this proposal. We ought to know before we adopt a provision of the kind such as that suggested by the Senator from Arizona about what the effect of it will be; what countries do impose duties and how high are those duties; and, accordingly, how much of a duty are we thus going to impose upon the importations of lumber from various other countries.



I recall very distinctly that when this matter was under consideration by the Senate it was said that at least on some of the articles mentioned in this particular paragraph Canada imposed quite a substantial duty. That was all debated; that was all discussed in connection with the vote taken last week. A portion of the argument in favor of imposing the duty that was asked for on lumber was that Canada, from which country our importations come largely, imposes a duty upon the exportations of lumber from this country into Canada. Really, then, the proposal of the Senator from Arizona now in substance, whatever may be its language, is in the nature of a reconsideration of the vote taken last week.

Mr. HAYDEN. If the Senator will permit me if he will look in the CONGRESSIONAL RECORD of last Thursday he will find that the Senator from Washington placed in the RECORD the various rates of duty imposed by various countries on lumber. He will find also that I placed in the RECORD the Mexican rates. At page 4412 the Senator will find the table which was put in the RECORD by the Senator from Washington [Mr. DILL] showing the Canadian rates applying to only a few classes of lumber.

Mr. WALSH of Montana. Will the Senator give us those?

Mr. HAYDEN. The first is sawn boards, planks, and deals, planed or dressed on one or both sides, when the edges thereof are joined or tongued and grooved, 25 per cent ad valorem.

Manufactures of wood not specified, 25 per cent ad valorem.

Moldings——

Mr. WALSH of Montana. Lumber which is planed on one side and grooved is now taken care of in the bill as it stands. Omitting that, will the Senator give us the rates upon other particular commodities embraced in paragraph 1804? For instance, logs, what duty does Canada impose on logs?

Mr. HAYDEN. Canada does not impose any duty on logs, and, therefore, there would not be any countervailing duty provided.

Mr. WALSH of Montana. Take the next item:

> Timber, round, unmanufactured, hewn, sided or squared otherwise than by sawing.

Mr. HAYDEN. Canada imposes no duty on that character of lumber.

Mr. WALSH of Montana. Very well; take pulp woods.

Mr. HAYDEN. Canada imposes no duty on them.

Mr. WALSH of Montana. Take round timber used for spars or in building wharves.

Mr. HAYDEN. No duty is imposed upon them by Canada.

Mr. WALSH of Montana. Take firewood, handle bolts, shingle bolts.

Mr. HAYDEN. I think it would be shorter for me to read to the Senator the articles on which Canada does not impose a duty.

Mr. WALSH of Montana. What they do is a matter of no concern so long as there is no duty upon the commodity.

Mr. BARKLEY. But, Mr. President, if the Senator will yield there—the Canadian Government might levy a duty at any time.

Mr. WALSH of Montana. Of course; but I want to find out the situation. In the first place, what we will be confronted with immediately, what the immediate effect will be. The next item is—

> Gun blocks for gun stocks, rough, hewn, or sawed or planed on one side.

Mr. HAYDEN. Canada imposes no duty on that kind of lumber.

Mr. WALSH of Montana. Take—

> Sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved.

Mr. HAYDEN. On that character of lumber 25 per cent ad valorem is the Canadian rate.

Mr. WALSH of Montana. That is taken care of, however, in the bill as it now stands.

Mr. HAYDEN. Yes.

Mr. WALSH of Montana. Very well. Now take—

> Clapboards, laths, ship timber.

Mr. HAYDEN. On that character of lumber Canada imposes no duty.

Mr. WALSH of Montana. Then the Senator is simply looking to the future, and whatever duty Canada may impose in the future—it might be 50 per cent—the President declaring that situation of affairs, and the country insisting upon a 50 per cent duty, automatically a 50 per cent duty would be imposed upon the importation of the same commodity into this country.

Mr. HAYDEN. Mr. President, the point I want to make is this: So long as Canada has upon her statute books duties first upon flooring of 25 per cent; second, upon manufactures of wood, 25 per cent; third, upon moldings of wood, plain or gilded, or otherwise manufactured, 25 per cent; upon show cases of all kinds and metal parts thereof, 35 per cent; and even upon coffins and caskets made of wood the rate is 25 per cent—if those rates apply against the United States, the United States should make the same rates applicable against Canada.

Now, as to Mexico——

Mr. WALSH of Montana. And if Canada should double those rates, of course ours would be doubled.

Mr. HAYDEN. Yes. The ultimate effect would be, in my judgment, inasmuch as the Canadian exportations of lumber to the United States are so heavy that Canada will remove these duties and we will have free trade between the two countries, which will be fair to both countries.

Mr. WALSH of Montana. Let me ask the Senator why does he pick out lumber? There are a vast number of items on the free list; for instance, as suggested by the Senator from Massachusetts, boots and shoes. What is the difference between lumber and other commodities upon the free list? Why should we pick out lumber and impose countervailing duties upon its importation?

Mr. HAYDEN. The Senator should present that question to the Ways and Means Committee of the House and the Finance Committee of the Senate. I found such a provision in the bill, and I can not see why, if we are going to do this very thing with respect to flooring, we should not apply it to all lumber. Either that or this entire proviso should be stricken from the bill. There is a rank discrimination in favor of flooring and against all other lumber. I want to remove that discrimination either by having the same rule apply to all lumber or by striking out the provision now appearing in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arizona.

Mr. SMITH. Mr. President, I should like to ask the Senator from Arizona a question. I did not pay particular attention to the argument for retaining a duty on flooring. Would not the Senator come nearer to the purpose the Senate has in view by offering an amendment to the bill to put that commodity on the free list as well as the others?

Mr. HAYDEN. That may be accomplished by striking out the entire proviso.

Mr. SMITH. It seems to me the vote of the Senate when we had the lumber schedule under consideration was on the ground to which the Senator from Massachusetts has called attention, that, in view of the rapid depletion of our forests and our disappearing lumber supply, with the attendant evils of soil erosion, the overflow of our streams, and the destruction of farm lands, it was folly on our part to impose a duty on the very product that we were trying to reproduce and conserve.

In place of trying to offset what we have already done by an amendment involving the possibility of a countervailing duty, it seems to me it would be more in accord with the purposes of the Senate to move to put them all on the same footing, namely, on the free list.

Mr. HAYDEN. I find myself confronted with this situation: In Mexico a tariff is about to be imposed upon pine, fir, and spruce lumber, sawn or dressed in boards or beams, of $3.36 per thousand; on common lumber, $1.87 per thousand; on round or common timbers more than 15 centimeters in diameter, 6 cents, and on similar timbers up to 15 centimeters in diameter, 14 cents—those are mine timbers—on flooring, ceiling, and so forth, $14.94 per thousand; and on wooden posts more than 15 centimeters in diameter, 1 cent, up to and including 15 centimeters, and if more than that, 3 cents.

That affects the market for the mine timbers produced in the Southwest and sent into Mexico. The Mexican lumber interests are trying to induce the Mexican Government to impose higher rates to interfere with the business that has been developed by reason of the proximity of the two countries; yet those same Mexican lumber interests want to take advantage of the free market in the United States, to ship their higher grade timber into this country.

It is true that one group of Americans are competing against another in Mexico in the sense that certain Americans have gone into Mexico and have invested their money in the lumber business and other Americans have gone into Mexico and invested their money in the mining business. Those engaged in the lumber business are trying to use the Government of Mexico to penalize those engaged in the mining industry in that country; I believe that if we had a provision in this bill for a countervailing duty, Mexico would not impose these high duties and there would remain, as there ought to be, free trade in lumber between the two countries.

Mr. SMITH. Mr. President, if the Senator will allow me, it seems to me that after the action of the Senate, based as it was

upon our desire to conserve our forests and our timber, it does not concern us what action other countries may take as to duties. What we are trying to do is to save our timber supply, and the imposition of a duty by a neighboring country strengthens our position, rather than weakens it, because they can ship their lumber in here but make it difficult for us to ship ours to them. We took the duty off for the purpose of encouraging the importation of lumber from other countries and in order to conserve and to save our own forests. It is not a question of injustice or unfairness; we simply do not care to enlarge our exports or to encourage any further destruction or use of our present forests. So it seems to me it does not concern us what duty any country may see fit to place on lumber.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona [Mr. HAYDEN]. [Putting the question.] By the sound the noes seem to have it.

Mr. JONES. Mr. President, I desire to interrupt before the Vice President announces the result.

The VICE PRESIDENT. The result has not been announced.

Mr. JONES. Then I suggest the absence of a quorum,

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Barkley	Glass	McCulloch	Smith
Bingham	Glenn	McKellar	Smoot
Black	Goff	McMaster	Steck
Blaine	Goldsborough	McNary	Steiwer
Blease	Gould	Metcalf	Stephens
Borah	Grundy	Norbeck	Sullivan
Bratton	Hale	Norris	Swanson
Brock	Harris	Nye	Thomas, Idaho
Brookhart	Harrison	Oddie	Townsend
Broussard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER (Mr. GOFF in the chair). Eighty-two Senators having answered to their names, a quorum is present.

Mr. WALSH of Massachusetts. Mr. President, before the vote is taken upon this matter I desire to point out its seriousness.

The amendment seeks to provide a countervailing duty on various forms and kinds of lumber and poles—telephone poles and telegraph poles—and railroad ties between this country and Canada and Mexico.

We do $38,000,000 worth of lumber business with Canada. She buys $22,000,000 worth of lumber and wood products from us. This amendment will suspend this business in the air. This amendment will leave the business interests of this country uncertain as to whether we have or have not and how much of a duty upon these various wood products. A large number of furniture manufacturers throughout the country import from Canada various kinds of lumber which they can not get in this country. Farm implements and automobile bodies are made from one particular class of lumber that comes from Canada alone. It is not produced in this country; and in all this business and all our relations with these countries the matter of wood or wood products is to be subjected to factors, waiting for a presidential proclamation! Let us put them on the dutiable list or keep them on the free list, but not let it be contingent upon something that may happen in the future. Let us not unstabilize all the manufacturers of wood.

That is all I care to say, to call attention to the serious character of this countervailing duty proposal.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WALSH of Massachusetts. I do.

Mr. DILL. I desire to call the Senator's attention to the fact that this amendment simply gives the President authority to negotiate about the matter, and gives him authority to issue a proclamation. It simply gives the President the power to do it without the recommendation of the Tariff Commission, which ordinarily is made first.

Mr. WALSH of Massachusetts. Does it not hold up in the air the lumber and wood-products business until another country may repeal or modify or change its duties on these products from time to time? And will not our duties and our business relations with these countries be dependent upon some action taken by other countries in the future?

Mr. DILL. Only in case the President saw fit to do that.

Let me remind the Senator further that nobody knows what the Russian menace may become. Here is a method whereby, if the Russian menace develops, it can be met, because the power is in the President. If there is no tariff on lumber, no Tariff Commission can make a recommendation for an increase in the duty on lumber. This amendment would give to the President the power to protect the country against any menace that may develop, and issue a proclamation to meet it.

Mr. WALSH of Massachusetts. All right, Mr. President. Now, let us be frank and honest about it. Let us really treat every industry and every commodity alike. Let us put a general countervailing proposition in this bill, and end this tariff bill right here and now. Let us put a general countervailing proposition in it; boots and shoes and leather, in which my State is particularly interested, would benefit by such a general provision in this bill. If it is going in as to lumber, it ought to go in as to all other things. It ought not to go in as to any of them, however, because it is a wrong principle and a wrong theory upon which to proceed. It is serious and dangerous to the business interests of the country.

Mr. LA FOLLETTE. Mr. President, I should like to suggest to the Senator from Massachusetts that perhaps a quicker way to get at this proposition would be to strike out the free-list schedule altogether, and put all the products under the dutiable list.

Mr. WALSH of Massachusetts. Exactly. That would be the result of a general amendment such as the Senator has suggested.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachussets yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I yield to the Senator from Utah.

Mr. SMOOT. I desire to call the Senator's attention to the paragraph covering the same subject in the law of 1922. I am not going to read it all:

> And until such duty is removed there shall be levied, collected, and paid upon such lumber, when imported directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to the duty imposed by such country, dependency, province, or other subdivision of government upon such lumber imported from the United States.

That is the existing law, Mr. President. I think the wording of the House went no further as to principle, but specifically stated the items, enumerating them, rather than giving the President the authority to declare them.

Mr. WALSH of Massachusetts. But the Senator's amendment includes other items than those named in this paragraph. He seeks to include the items in another paragraph. He seeks to broaden it by including the item in paragraph 1805—"posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods." In other words, he is radically changing the existing law and indirectly placing a duty on lumber that we voted against a few days ago.

I hope the amendment will be defeated.

Mr. NORRIS obtained the floor.

Mr. BRATTON. Mr. President, I desire to ask the Senator from Massachusetts a question if the Senator from Nebraska will yield to me.

Mr. NORRIS. I have no objection, if the Senator wants to do so. I yield for that purpose.

Mr. BRATTON. I thank the Senator.

Paragraph 1804 does contain a countervailing duty as to flooring. Why should that system apply as to flooring and not apply as to other types of lumber?

Mr. WALSH of Massachusetts. I do not think it should apply to flooring.

Mr. BRATTON. So the Senator thinks the entire proviso should be stricken out?

Mr. WALSH of Massachusetts. I think so.

Mr. BRATTON. It seems to me it is wholly inconsistent to let it apply to flooring and not let it apply to other materials.

Mr. WALSH of Massachusetts. The Senator and I are in accord in that view.

Mr. NORRIS. Mr. President, I think something ought to be said about the danger of Russia overrunning us for some reason or other.

The other day the Senator from Oregon [Mr. STEIWER] had a great deal to say about the dangers coming to the United States on account of Russia sending over a lot of Bolshevik lumber and lumber materials and logs, and so forth; and we hear it to-day. Nobody knows what this great Russian bugaboo is going to do. It may drive us all into the ocean.

The argument made by the Senator from Oregon was a very peculiar argument. Coming from that source, it ought to be noted.

The reason why Russia was going to be able to drive us off the face of the earth, and wipe all our manufacturing establishments off into the sea, was because she would produce lumber so much cheaper, and transport it in Government-owned ships. The Government is doing the whole thing. The Government is cutting the lumber; the Government is sawing it up; the Government is hauling it to the seaport; it is shipped in Government ships; everybody is on the Government pay roll, and we are scared to death about it. Yet we have been listening here for the last 15 years to denunciations of a few of us who thought that municipalities ought to own their electric-light plants and their waterworks, because it was always said, "You get into that dreadful inertia. There is no private initiative. The Government never turns its hand to anything without increasing the expense. Efficiency is driven away." And now we are scared to death of government ownership of lumber!

Why, Mr. President, how can we think for a moment that there is any danger in the government doing these things? A government, mind you, has no private initiative. Government ownership, the decaying hand of the government, is going to drive our bright minds and our private initiative into the Pacific Ocean. It is a terrible calamity.

I wonder if we are properly frightened at this government-ownership proposition; and I wonder if we are going to be led now to vote for a tariff to protect private initiative against government ownership. I wonder.

Mr. JONES. Mr. President, just a word.

It was suggested a moment ago that this proposal was directly opposite from the proposition submitted the other day. I think it is entirely different. The proposition the other day was to put a tariff on lumber no matter what the action of the other country might be. This proposes that if, for instance, Canada should take its tariff off we would let its lumber come in free of duty, even though it might be produced at a cost of four dollars and odd cents per thousand cheaper than ours, that there would be no tariff upon that coming in. In other words, this cheap lumber will come into this market and compete with us on the same basis, and entirely upon the same basis, as at the present time.

I think the other plan is very materially different from what is proposed here, which simply is that if Canada wants her lumber to come into the United States free of duty, all she has to do is to take the tariff off of the lumber going into that country. And very little of our lumber goes into Canada.

Mr. BARKLEY. Mr. President, I want to say just a word before a vote is taken on this amendment.

It strikes me as hardly fair to ask Congress to legislate on a subject like lumber so as to make the legislation dependent upon the action of any other country. Canada does not need our lumber; we do need Canada's lumber. So that whatever tariff we levy ought to be based upon our own situation and not as a matter of retaliation against some country which levies a tariff on an article they do not need to import. The same thing is true as to Mexico.

It seems to me it is unwise to open up the whole subject because of any local situation which exists on a border, because this amendment applies to all countries, without regard to whether they are in the Western Hemisphere or anywhere else in the world.

In the next place, I do not like the idea of countervailing duties, because they do not make for uniformity of taxation. The same article will be coming in from Canada bearing one duty and coming in from Mexico bearing another duty, and from every other country which ships lumber into this country we will have a different duty levied on it. It strikes me that that is calculated to work unfairly toward the people who live in a section where the highest duty would be levied on an article.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HAYDEN. If the Senator will turn to page 253 of the bill he will find under "Coal" this provision:

Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

And the articles mentioned in the paragraph are:

Coal, anthracite, semianthracite, bituminous, semibituminous, culm, slack, and shale; coke; composition used for fuel in which coal or coal dust is the component material of chief value, whether in briquets or other form.

I take it from what the Senator says that he is not only opposed to the adoption of my amendment but that he will also favor striking this provision out of the bill.

Mr. BARKLEY. What I say about countervailing duties and their unfairness may depend on conditions existing at the time. I am not willing to vote here to extend the field of these countervailing duties, regardless of their merits or what Congress has done heretofore, or what may be in this bill now, and I think the effect of the Senator's amendment would be to extend that practice.

I think also the effect might be to nullify precisely what we did last week in regard to the lumber schedule.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DILL. The difference is that the law now provides a countervailing duty against coal, and this simply gives the President authority to negotiate to determine whether or not he will announce it.

Mr. BARKLEY. I understand; but if he negotiates and fails to bring about a provision in the statute of the foreign country lifting this duty from American importations, then he is under a moral if not a legal obligation to put into effect the same duty levied in the foreign country, and if the foreign country wishes to double its duty, or to treble it, then he, of course, must follow suit and levy the same tariff.

Mr. DILL. But we have a countervailing duty on coal. Why would the Senator limit it to coal?

Mr. BARKLEY. That is largely inoperative now; and besides the Senate has already eliminated these countervailing duties. Very little coal is coming in.

Mr. DILL. It would come in in great quantities if it were not for the duty.

Mr. BARKLEY. I am not governed by local conditions in my attitude toward a tariff. If I were, my votes would have been considerably different from what they have been up to now. It would be impossible to tell how high or how low a duty might be. You would have a different duty in every port of entry under this provision, because of the different character of the articles covered by it.

Mr. DILL. You would have different duties from different countries, and you have that situation in regard to coal now, and you have it with regard to calcium now.

Mr. BARKLEY. That is not operative now.

Mr. DILL. It is operative.

Mr. BARKLEY. I do not agree with the Senator.

Mr. DILL. In my State, along the Canadian border, it is operative all the time.

Mr. BARKLEY. Under this amendment it will be possible for the President, by presidential proclamation, to fix duties even higher than those attempted last week in the amendment offered by the Senator from Washington of $2 a thousand feet, board measure, in the amendment which we defeated, and for that reason I do not feel at liberty to take the chance. However much I like to vote for any amendment offered by my friend, the Senator from Arizona, I do not feel at liberty to take the chance in voting to nullify what we did here last week in the defeat of the amendment to which I have referred, and even go further and do worse, because under this amendment the President might fix the tariff even higher than the figure fixed in the amendment offered by the Senator from Washington last week.

Mr. SHEPPARD. Mr. President, I want to ask the Senator from Kentucky or the Senator from Arizona if either of them can tell us why the President has not put into operation the present countervailing duty on lumber.

Mr. BARKLEY. I am not able to answer. I do not even know whether there has been any negotiation in regard to it.

Mr. HAYDEN. My information comes from the Tariff Commission that this provision, which is in the bill, was inserted at the instance of the maple-flooring manufacturers of Michigan and Wisconsin. Whether the President of the United States has ever taken the matter up with Canada or not I do not know. All I know is that I found what appeared to me to be a discrimination in favor of flooring and as against all other lumber, and I wanted to remove that discrimination, which I believe my amendment would do.

Mr. SHEPPARD. The Senator referred to the bill. The bill merely repeats the provisions of existing law. The act of 1922 contains provision for a countervailing duty on lumber, and I would like to know why the President has not put it into operation.

Mr. STEIWER. Mr. President, in answer to the question just asked by the Senator from Texas, the weakness of the present law is that the language limits the retaliatory right of this country to just one kind or possibly two kinds of lumber—that is, lumber that is planed on one side and tongued and

grooved; in other words, the existing law includes flooring and ceiling. I can not conceive that it covers anything else.

There is not a very great amount of that particular material brought into this country, and there was no adequate reason why the President should have entered into negotiations under that law.

The effect of the amendment offered by the Senator from Arizona is to take away that narrow restriction and broaden the retaliatory provisions, so that the President may, where he finds discrimination against American products, enter into negotiations and make the proclamation that the law permits.

Mr. BARKLEY. Mr. President, I should like to inquire whether these tariffs against which this amendment is aimed are levied as a matter of discrimination against the United States, or are they levied on importations from all countries? We keep hearing the expression "discrimination against the United States." Do Canada and Mexico levy a tariff specifically on products coming from the United States and no other country, or do they levy a general tariff law, fixing rates upon commodities coming from all countries?

Mr. STEIWER. I hold in my hand the Canadian act, and I find that with respect to certain kinds of lumber—so far as that is concerned, with respect to all other commodities—they have three kinds of tariff, a British preferential tariff, an intermediate tariff, and a general tariff. The countries of the British possessions come under the first, and take the lowest rate.

Mr. BARKLEY. Is that the Canadian law?

Mr. STEIWER. Yes. Certain other countries of the world come under the second or intermediate tariff. Our country, which has been accepting from Canada over a billion and a half feet of lumber for a number of years, comes under the application of the third or general tariff, which is the highest tariff rate under the Canadian law.

Mr. BARKLEY. But we are in the same category with all other countries coming under that general tariff?

Mr. STEIWER. With only two or three countries in the world.

Mr. BARKLEY. With reference to the countervailing duty, of course, there is a difference, I think, in the situation where a country has a surplus and desires to send that surplus to a foreign country and finds that that foreign country is discriminating against the exportation of the surplus; and a condition where a country does not have a surplus, as we do not have a surplus of lumber. If we had a surplus of lumber in the United States, regardless of the surplus which may exist in any community—taking the country as a whole, if we had a surplus, and were seeking a market in the countries of the world for that surplus, and they discriminated against the importation of that product from our country into their countries, I would then say that purely as a matter of retaliation it would be proper to levy a countervailing duty. But that situation does not exist as to lumber. We do not have a surplus, do not have enough for our own needs, and therefore are importing lumber from other countries. It so happens that Canada and Mexico are near to us. As I see it, to use an old expression, we should not cut off our nose to spite our face, and retaliate against Mexico and Canada on a product where we have an insufficiency for our own needs, based upon any duty they might levy upon the importation of a product from our country into their country of which they themselves have a surplus and do not need to import.

Mr. STEIWER. If I might make a brief answer to the Senator's suggestion before I yield to my friend the Senator from Washington——

Mr. DILL. I just wanted to interject this, that when my friend from Kentucky says there is not a surplus of lumber the Senator is not informed.

Mr. BARKLEY. For the United States as a whole there is not a surplus.

Mr. DILL. There is a surplus. The timber is dying because it can not be used.

Mr. STEIWER. If the Senator from Kentucky had paid a little closer attention to the argument made upon the floor the other day, he would have noted that there is actually a surplus.

Mr. BARKLEY. I suppose one might say that if we wanted to cut all our timber down and saw it into lumber there would be a surplus of lumber, but taking the needs of the country over a period of years, there can not now be said to be a surplus of timber and lumber in the United States. Otherwise, why has the Government taken measures to restrict the destruction of our forests? Why not wipe out all laws for conservation and let everybody go in and cut down all that fine timber?

Mr. STEIWER. I wish there were not a surplus. Under my own conception of the proper handling of the lumber question there would not be a surplus. I would be willing to forego the foreign market and limit our lumber cut to our domestic needs, a situation which, I think, would be most helpful in this country, but unfortunately there is a surplus. Our importations are less than 5 per cent of our total cut. Our exports are over 8 per cent of our total cut. There is a surplus by reason of the fact that in order to provide the amount of lumber necessary for the local market of certain classes it is necessary to saw up more logs than otherwise would be necessary, therefore there is cast upon our market each year in certain of the grades more lumber than we can use. It is an unfortunate condition.

It would be far better if the American producers of lumber could have the American market and would cut only sufficient to answer the requirements of the American market. But the fact of the matter is that economic pressure upon our timber people, with the necessity for forced cutting in order to get money for liquidation—for the payment of taxes and the payment of interest and overhead generally is so compelling that we do actually cut more timber than we use, and we are on the world market now seeking an outlet for these certain grades of timber.

Our Canadian friends deny us their market. They take our market, to the extent of a billion and one-half board feet, but they deny us their market. This is not just an idle theory. This is a trade fact well recognized by the people who have studied the lumber situation. When times are good up on the Canadian prairies, when their crops are bountiful and prices favorable, the Canadians enjoy their own market themselves, but they do not permit us to participate in that favorable market, except by payment of a 25 per cent ad valorem duty. They take it for themselves, and then when times become less good in their own area they dump the surplus down in the prairie States of the United States, and so far as that is concerned in very many other places.

I do not want to get into an extended discussion concerning the matter. I merely rose to explain briefly my view of the nature and purpose of the amendment itself and to state what I thought to be sound reason why it should be adopted. The suggestions made by my friend the Senator from Kentucky [Mr. BARKLEY] rather tend to raise the whole question of the lumber tariff, which I hope we will not have to debate over again here to-night. I most earnestly feel that a better condition would be brought to our people if we could be put on a reciprocal parity with Mexico and with Canada and be given an opportunity to dispose of our surplus lines of wood products whenever the economic situation creates that surplus just as we permit Canada to do in our country.

I can assure Senators there is nothing we can do for the lumber industry that would be so helpful in avoiding waste of our natural resources as enacting a law that will increase a little the total returns of the industry. The timber that is cut now is largely a forced cut. It is a necessity for liquidation. It is no violation of confidence to say that I have gone to the mills and have asked the lumbermen why it is that their production runs on a certain basis, why it is that they are cutting in the way they do. They take a pencil and a piece of paper and say "Our taxes are so much. Our mortgage is so much and the interest is so much. We have to keep together the skeleton of our organization, our office organization, our foremen in the woods, and our superintendents, and that creates an overhead of so much. With the present market prices it takes a certain number of board feet to enable us to liquidate those obligations." There is no other way they can make liquidation.

Undoubtedly, Mr. President, if we could somewhat fortify this industry by a little increase in economic level they would decrease their cut because, as a matter of fact, most of them are conservationists, most of them do not want to make the cut they are now making. Most of them are selling at so narrow a margin of profit and, in some cases, really at a loss, and they prefer not to cut. If we could give the industry just a little aid it would develop, as I have said, that most of them are real conservationists. They do not want to destroy the timber. They live in the hope that they will some day realize more for it if they can keep it.

To get back to the amendment proposed by the Senator, I do not feel that its adoption or rejection is a matter of gravest importance to the lumber industry, but I do feel that its adoption will open up a field. It will either compel our neighbors to take off their tariff or else it will give our products protection against their products. It will do one or the other, and in either case it will be helpful. If it opens up the field, as I assume it would, because I think our neighbors to the north and south would probably amend their laws to meet the situation, it would merely mean that as to those grades and kinds of lumber of which we have a surplus in any event we would have a little broader market in which to dispose of that surplus and a little

better condition for our producers and for the laboring people engaged in the industry.

Mr. PITTMAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. STEIWER. I yield.

Mr. PITTMAN. I would like to ask the Senator a question. The Senator does not, I assume, question the propriety of Canada granting a preferential rate to Great Britain?

Mr. STEIWER. I do not question the propriety of it or the right to do it; but if that kind of tariff arrangement is had, it certainly operates to the disadvantage of our own people.

Mr. PITTMAN. Undoubtedly. But as far as Canada and Great Britain are concerned, there is somewhat the same relation as that which exists between the United States and the Philippine Islands.

Mr. STEIWER. That is true.

Mr. PITTMAN. Now, how many countries have the benefit of the intermediate duty?

Mr. STEIWER. I can not answer that question exactly. There is a considerable number. I have seen the list.

Mr. PITTMAN. Are those rates granted to the countries under the intermediate rates much lower than those granted under the third rate, which the United States has to pay?

Mr. STEIWER. Appreciably lower. I do not know what the Senator means by the phrase "much lower." Against our rate of 25 per cent on certain manufactures of wood the intermediate rate is 22½ per cent. It is enough lower to give to the other countries an advantage in the market.

Mr. LA FOLLETTE. Mr. President, I certainly hope the amendment now before the Senate will be defeated. It involves in large measure the same question that was debated at great length when the amendment offered by the Senator from Washington [Mr. JONES] relating to a duty on lumber was under consideration. The effort is now made to secure by indirection a tariff duty on certain lumber products which could not be obtained directly. It sounds very plausible that because some other country imposes a duty against a commodity produced in the United States we should therefore impose a like duty against the products of that country. As suggested by the Senator from Massachusetts [Mr. WALSH], if we are to legislate upon that theory, certainly all efforts to frame a scientific tariff must be abandoned. The economic considerations upon which the Canadian people impose a duty may justify the imposition by that country of a duty upon certain woods and lumber products, but those same arguments can not be made so far as the imposition of a like duty upon the same commodity is concerned in this country.

I realize there are certain Senators interested in a duty upon flooring, but let us examine the situation. If the amendment is adopted and Canada does not yield to the diplomatic negotiations and the duty is not repealed which they now impose upon flooring, then a 25 per cent duty will be imposed upon flooring imported into the United States. There is not a Senator who would rise in his place and attempt to justify an amendment to this bill proposing a 25 per cent ad valorem duty upon flooring. As a matter of fact, the provision in the bill on flooring was stricken out, and it provided for a much lower duty than 25 per cent.

If the articles contained in this paragraph are entitled to a duty, then the duty should be proposed in the form of an amendment and Senators should offer facts and arguments to justify the imposition of such a duty by this Government. This attempt should not be made to secure by indirection duties which can not be secured by presenting the propositions upon their merits.

I wish to point out that all of the countervailing duties, as I understand it, contained in the bill have been stricken out by the Senate. That was done for two reasons: First, because it is considered by those who have made a study of the question of the tariff that countervailing duties are unscientific in their character. In the second place, a request has come from the State Department because the provisions for countervailing duties now carried in the 1922 law have caused the Department of State difficulties and friction with other countries.

It is true that Senators have discussed the question of duties which are imposed by Canada and Mexico on the articles in these two paragraphs; but, as has already been pointed out, there are other countries which impose duties upon lumber and wood products. To adopt this amendment will create a confused condition in the trade, because those engaged in it will have no information at what moment a duty may be made necessary upon some of these numerous commodities by the action of some other country with which we have trade relations.

I sincerely hope that in the consideration of the amendment Senators will realize the implications which are involved in it. Let us not impose by indirection duties upon lumber and wood products which could not be obtained if the proposition were presented directly to the Senate upon its merits.

Mr. DILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Certainly.

Mr. DILL. I want to call the Senator's attention to the fact that while the countervailing duties were stricken out, the Senator from Utah [Mr. SMOOT] has stated that he would have the matter reopened and recommend that they be kept in the bill. It is hardly fair to say that the countervailing duties are all out of the bill.

Mr. LA FOLLETTE. They were stricken out by action of the Finance Committee itself, and the Senate confirmed that action. I am aware of the fact that the Senator from Utah has called a meeting of the committee with the object in mind of reversing that sound policy and reintroducing into the bill all of the countervailing duties that prevail in the existing law, but even so that action has not yet been taken by the Senate and it remains for the Senate to decide whether it will take that backward step or not, even if the Finance Committee recommends it.

Mr SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. The Senator is mistaken about the committee striking out the amendment covering countervailing duties. I received a letter from the State Department after the bill was reported to the Senate, asking that they be stricken out, and I asked the Senate then to strike them out, and that was done without a word of discussion, at the request of the State Department. Following that, I suppose probably a dozen Senators came to me and said that they hardly thought that was fair and wanted to have another vote upon it. Immediately next day I gave notice to the Senate that when the bill reached the Senate I would ask for a reconsideration of these particular provisions, four or five in number. That is the history of it. Not only that, but I will say to the Senator that I have a number of letters now, even after that statement was made, from the State Department, and I have called a meeting of the Finance Committee for to-morrow morning. I want the committee to be advised of just what the letters from the State Department contain. After the committee hears the letters, then I would like the committee to say what they want us to do.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I will yield in just a minute. I am glad to have the correction made by the Senator from Utah, but nevertheless the fact remains that the State Department has requested the elimination of these countervailing duties, and the Senate has responded to that request. Until the Senate itself reverses that position, I assume that it is the position of the Senate. Now I yield to the Senator from Ohio.

Mr. FESS. The Senator from Utah stated that when that was done there was not a word said about it. The Senator from Utah overlooked the fact, however, that I raised the question at the time that we took the vote, asking him why this action was to be taken, and I stated then that the State Department had asked for it because the existing condition created a great deal of confusion.

Mr. SMOOT. I think the Senator is right. When I recall the facts, I now remember that the Senator from Ohio did say what he has just stated, but that was all that was then said.

Mr. LA FOLLETTE. I ask for the yeas and nays upon the amendment.

Mr. WALSH of Montana. At this hour so many Senators are out of the Chamber at dinner, that I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Sheppard
Ashurst	Frazier	McCulloch	Shortridge
Barkley	Goff	McKellar	Smoot
Black	Goldsborough	McMaster	Steck
Blaine	Grundy	McNary	Steiwer
Borah	Hale	Metcalf	Sullivan
Bratton	Harris	Norbeck	Swanson
Brock	Harrison	Norris	Thomas, Idaho
Brookhart	Hastings	Nye	Townsend
Broussard	Hatfield	Oddie	Trammell
Capper	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Cutting	Howell	Ransdell	Waterman
Dale	Jones	Robinson, Ind.	Watson
Dill	Kean	Robsion, Ky.	Wheeler
Fess	Keyes	Schall	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Arizona [Mr. HAYDEN].

Mr. JONES. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when Mr. BINGHAM's name was called). I have been requested to announce that the Senator from Connecticut [Mr. BINGHAM] is unavoidably detained from the Chamber. He has a general pair with the junior Senator from Virginia [Mr. GLASS]. If the Senator from Connecticut were present and permitted to vote, he would vote "yea."

The roll call was concluded.

Mr. McMASTER. I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the Senator from Maryland [Mr. TYDINGS] and vote "nay."

Mr. WATSON (after having voted in the affirmative). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I am unable to obtain a transfer, and, in his absence, I withdraw my vote.

Mr. STECK (after having voted in the negative). I have a pair with the senior Senator from New Hampshire [Mr. MOSES], but I understand he has not voted. I transfer that pair to the Senator from Georgia [Mr. GEORGE] and will permit my vote to stand.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Illinois [Mr. GLENN] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 34, nays 35, as follows:

YEAS—34

Ashurst	Hastings	Patterson	Steiwer
Broussard	Hatfield	Phipps	Sullivan
Dill	Hayden	Pine	Thomas, Idaho
Fess	Hebert	Pittman	Townsend
Fletcher	Jones	Ransdell	Trammell
Goff	Kean	Robsion, Ky.	Vandenberg
Goldsborough	McCulloch	Sheppard	Waterman
Grundy	McNary	Shortridge	
Hale	Oddie	Smoot	

NAYS—35

Allen	Connally	Heflin	Nye
Barkley	Copeland	Howell	Schall
Black	Couzens	Keyes	Steck
Blaine	Cutting	La Follette	Swanson
Borah	Dale	McKellar	Wagner
Bratton	Frazier	McMaster	Walsh, Mass.
Brock	Harris	Metcalf	Walsh, Mont.
Brookhart	Harrison	Norbeck	Wheeler
Capper	Hawes	Norris	

NOT VOTING—27

Baird	Glass	Moses	Smith
Bingham	Glenn	Overman	Stephens
Blease	Gould	Reed	Thomas, Okla.
Caraway	Greene	Robinson, Ark.	Tydings
Deneen	Johnson	Robinson, Ind.	Walcott
George	Kendrick	Shipstead	Watson
Gillett	King	Simmons	

So Mr. HAYDEN's amendment was rejected.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from New York offers an amendment, which will be stated.

The CHIEF CLERK. On page 269, after line 8, it is proposed to insert the following new paragraph:

PAR. —. Spices and spice seeds: (1) Cassia, cassia buds, and cassia vera; cloves, clove stems; cinnamon and cinnamon chips; ginger root, not preserved or candied; mace; nutmegs; black or white pepper; and pimento (allspice); all the foregoing, if unground;

(2) anise; caraway; cardamom; coriander; cummin; and fennel.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York.

Mr. WAGNER. Mr. President, this amendment simply carries forward an amendment which has already been adopted by the Senate—I think without a dissenting vote—putting certain enumerated spices upon the free list, because it was manifest that none of these spices are produced in this country, and they had been put on the dutiable list only for revenue purposes. The Senate has already agreed to take them off the dutiable list, and now I am simply following up its action.

Mr. SMOOT. Mr. President, this amendment is simply to carry out the former action of the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, before the result is announced I desire to ask whether the amendment includes vanilla beans?

Mr. SMOOT. No; it does not.

Mr. McKELLAR. I ask the Senator from New York whether he will not include vanilla beans?

Mr. SMOOT. I should not want to have that done. I suggest to the Senator that he wait until the bill gets into the Senate.

The VICE PRESIDENT. The Chair has already declared the result.

Mr. WAGNER. I hope the Senator will offer a separate amendment on that subject if he desires to do so.

Mr. McKELLAR. I offer an amendment, then, to put vanilla beans upon the free list. The amendment of the Senator from New York has been agreed to. This is a separate amendment.

Mr. WAGNER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. WAGNER. I should like to know whether the amendment I offered has been adopted.

The VICE PRESIDENT. The amendment was declared to have carried.

Mr. McKELLAR. The Senator's amendment has been agreed to; and now I am offering another amendment to put vanilla beans on the free list.

Mr. SMOOT. If we put vanilla beans on the free list, we certainly ought to put tonka beans on the free list, too.

Mr. McKELLAR. I do not know about that; but vanilla beans are not raised in this country. They come from abroad. They are used in exactly the same way that these spices are used, and ought to be in the same category. Such is my amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee, which will be stated.

The CHIEF CLERK. The Senator from Tennessee offers the following amendment as a new paragraph:

PAR. —. Vanilla beans.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, vanilla beans have always been dutiable at 30 cents a pound. It is true they are not produced in the United States. They are used for making vanilla extract. I do not see why they should go on the free list.

Mr. McKELLAR. They are used in manufacturing these extracts; that is true; but why should we put a tariff on them at all? It is not to protect anything that is produced in this country. They all come from abroad. They are not produced in this country, and they ought to come in free.

Mr. SMOOT. Of course, if we take the beans off the dutiable list and put them on the free list, the duty on vanilla extract will have to be decreased.

Mr. McKELLAR. I have no objection to that. My amendment relates to the vanilla beans.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee.

On a division, the amendment was rejected.

Mr. McKELLAR. Mr. President, I will offer the amendment again when the bill is in the Senate; and I give notice right now that I am going to have a roll call on it.

Mr. SMOOT. I have not any objection.

Mr. WALSH of Massachusetts. Mr. President, I offer the amendment which I send to the desk.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield to the Senator from New York.

Mr. COPELAND. I think it is a pity that the amendment offered by the Senator from Tennessee was not agreed to.

The other day, as I understand, we put mustard seed on the dutiable list. This was done on the theory that because the wild

mustard grows in America it could be used for the purpose of making prepared mustard, which is not the case at all.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. WALSH of Massachusetts. I do.

Mr. WALSH of Montana. The Senator from New York is quite in error about that. The wild mustard, of course is a noxious and pestiferous weed; but the growth in this country of the mustard out of which the condiment is prepared is a new venture, and it is entitled to consideration as such. I think that was a very wise provision.

I quite agree with the Senator, though, with respect to the matter before us. I can see no reason at all why vanilla beans should not be on the free list. They are not produced in this country at all.

Mr. SMOOT. They are raising some mustard seed in New England. California has been producing over 4,000,000 pounds of mustard seed for the last 20 years or more. I can not see why it should be on the free list.

Mr. COPELAND. I regret that I have not my documents here.

The VICE PRESIDENT. Notice has been given that the amendment will be reoffered in the Senate.

Mr. COPELAND. If the Senator from Massachusetts will yield a moment, I would like to say that it is a great mistake from the standpoint of those who buy mustard—and tremendous quantities of it are used on every table and in every farmhouse in America—to place a tariff upon mustard seed. This will mean a material increase in the cost of prepared mustard; and the quantity of American mustard seed which is used in the preparation of prepared mustard is infinitesimal. I think that both vanilla beans and mustard seed should be upon the free list, and when the times comes I shall be glad to vote to place them there.

Mr. McKELLAR. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH of Massachusetts. I yield.

Mr. McKELLAR. Just one moment. As I understand, all of these extracts have a tariff on the manufactured article. Every one of the manufactured articles has a duty on it, and the manufacturers should be allowed to have their raw product absolutely free, it seems to me; and there ought not to be a tariff on them.

Mr. WALSH of Massachusetts. Mr. President, my amendment is to paragraph 1716, on page 261. It strikes out of line 25 the period, and adds the words "in sheets, rolls, laps, or bales," so that paragraph 1716 will read:

Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached in sheets, rolls, laps, or bales.

Mr. President, this is a very important amendment. Wood pulp comes into this country in bales, rolls, and sheets, and is sold to our paper manufacturers. It comes in free of duty. There has grown up on the St. John River a practice of sending wood pulp in liquid form through pipes under the river into the United States, so that one manufacturer of paper located on the border has the advantage over all the other manufacturers of paper by getting his wood pulp under the river across the boundary line into this country free of duty and ready to be manufactured into paper. The other mills must reconvert the pulp bales and rolls into liquid pulp in order to make paper. Liquid wood pulp as well as wood pulp in sheets is free of duty. The result is that that one manufacturer has the advantage of $7 to $8 a ton in the manufacture of paper over the 102 paper manufacturers in this country who have to ship their pulp in sheets, it being impossible to transport it to distances in a liquid state. This one border mill gets its pulp in the most perfect condition to make paper.

The amendment which I seek to have incorporated in the bill would exclude liquid pulp from being imported free of duty, would subject it, in another paragraph and section, to a duty of 10 per cent, and permit the wood pulp that is imported in sheets to come in free.

Unless this practice is stopped all the paper mills of the country may be forced to go to the border and run pipe lines across the border into the border States and destroy the manufacturing of paper in every other part of the country. It will be impossible to build a paper mill anywhere else, because they will be able to get this wood pulp in liquid form as they are now getting it in one case and going to get it in other locations now being considered. It is proposed now to do the same thing at the Soo, Sault Ste. Marie.

This situation automatically established a differential of $7 to $8 per ton advantage over the paper mills not so fortunately located.

In my own State there are 48 paper mills. There are paper mills in every other State of the Union; and this is a very serious disadvantage to them. This border mill gets its raw material in a better state for paper making. It is a question if it is not an infringement of treaty rights between the States; but this material being on the free list, there is probably no violation of any international right. So the question arises now whether we will take this liquid pulp that comes in pipes from Canada to the mill upon this side and place a duty on it so as to protect the other mills, or whether we will allow all our paper industries to move to the border and have pipe lines run across the border and manufacture paper there.

Let me tell you how serious this situation is. The wood pulp that comes in in the form of sheets, after it comes here, has to be transformed back to a liquid state; so the American paper manufacturer who buys the wood pulp in sheets is at a great disadvantage compared to the one who purchases it in Canada in liquid form. The one who buys it in sheets has to have it transported over to the mills here, and then put back into liquid form. The result is that the American who builds his mills along the Canadian border and puts in his pipe line, gets his wood pulp in liquid form and makes paper immediately therefrom and has an advantage of $7 or $8 a ton. So, it seems to me that that situation should be remedied, and it can be remedied by providing that the duty-free product shall be the wood pulp which is bleached in sheets, rolls, laps, or bales, and, inferentially, provide for a duty on wood pulp in the liquid form at 10 per cent.

Mr. HALE. Mr. President, I can not understand the reasoning of the Senator, as to why this one particular mill, which pumps its pulp in, should be put out of commission. All of these exceptions the Senator is putting in would come in under the free list, would they not?

Mr. WALSH of Massachusetts. Of course, the Senator is in a delicate political position. I am not seeking to put this mill out of commission. I am trying, however, to prevent this one mill from putting 102 other paper mills out of commission.

Mr. HALE. No, I am not in a delicate position.

Mr. WALSH of Massachusetts. Yes; the Senator is. He has to choose between one mill in his State and against other mills in his State. It so happens that the one mill in his State which gets this liquid pulp is a mill owned by Canadian interests, but there are other paper mills in the Senator's State suffering as a result of the evasion I have pointed out, to the extent of a disadvantage of $7 or $8, and I suggest that the Senator inquire from those other paper mills in his State as to what they think about the matter.

Mr. HALE. I am not in the least influenced by that. It seems to me that all wood pulp, however produced, should be on the free list if wood pulp is to come in on the free list. It does not make any difference whether it is pumped in or comes in in sheets. If one is on the free list, the other should be on the free list. I think it is only fair to the people who have this mill that they should have the same privilege that others have.

Mr. WALSH of Massachusetts. Let me read one statement before the Senator from Maine defeats this amendment:

Already Fraser Companies (Ltd.), operating pulp mills, located in Canada, with an output of more than 400 tons daily of mechanical and chemical pulp, has availed itself of the loophole above mentioned, which exists by reason of the Canadian embargo on pulp wood and the American tariff on book paper.

That is another important thing. If this Canadian concern stayed in Canada and made its paper there, instead of locating in Maine, they would have to pay a duty upon the paper when it comes into the United States, and now they avoid paying a duty upon the paper.

Mr. ASHURST. Mr. President, is there any other State than Maine which receives its pulp sluiced through a conduit under the river?

Mr. WALSH of Massachusetts. No other State. No liquid pulp can be transported and therefore this company has an advantage that is destructive to other mills. Of course, other paper mills will resort to the same methods.

Mr. HALE. Why the pulp that comes in in that way should be taxed any more than in any other form, I fail to see.

Mr. WALSH of Massachusetts. I read further:

Their Edmundston pulp plant is located on the St. John River opposite the most northerly point of the Maine boundary, and on the opposite side of the river in the State of Maine a new company organized under the name of Fraser Paper (Ltd.), has established a paper mill.

They avoid the paper duty by doing that. They just take their liquid pulp, run it through a pipe, make the paper over the boundary line, and escape all paper duties, putting every other paper mill in the country at a very serious disadvantage.

The pulp of Fraser Companies (Ltd.), was formerly sold in dry rolls as a standard article of commerce, and mostly in the United States markets; but now the pulp mills on the Canadian side and the new paper mill on the American side are connected by pipe lines and liquid pulp is pumped from the one mill to the other. Each of these pipe lines are about 5,000 feet long buried in the ground, except for that part which is suspended on the International Highway Bridge.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. COPELAND. Is the Senator worried about what those pipe lines may be used for other than pulp? Is he anxious to leave them free for other uses?

Mr. WALSH of Massachusetts. I am afraid if they were used for the purpose the Senator indicates we probably would have some treaty complications.

Mr. COPELAND. I want to ask the Senator, seriously, what is the difference between mechanical and chemical wood pulp?

Mr. WALSH of Massachusetts. Mechanical wood pulp is the wood pulp which has not been treated chemically, and chemical wood pulp is the wood pulp treated chemically.

Mr. COPELAND. Would they be interfered with by the adoption of the Senator's amendment?

Mr. WALSH of Massachusetts. No; they would not. The only way wood pulp can be transported is in sheets or rolls. The water is squeezed out of the pulp, it is hardened and put in rolls and transported to our paper mills, and then returned to the water spigot before being made into paper.

Mr. HALE. Mr. President, where is the work performed on wood pulp that is brought into this country in rolls or sheets? Is not that work done outside of this country?

Mr. WALSH of Massachusetts. It is all done out of the country.

Mr. HALE. And less work is done on the liquid pulp made outside of the country, is it not?

Mr. WALSH of Massachusetts. Yes; I should say less work was done on that. But the work done in Canada to put pulp in condition for transportation has to be undone when the other mills purchase their pulp in sheets.

Mr. HALE. So the Senator's amendment is in the nature of protection to Canadian or other foreign labor?

Mr. WALSH of Massachusetts. My amendment seeks to prevent wood owned by the Canadian company, which is capable of being and is made into pulp, from being made into liquid pulp and carried in a pipe under the river into the United States and made into paper in competition with the 150 other paper manufacturers without bearing the duty levied upon paper.

Mr. BARKLEY. Mr. President, does the Senator say that this water or liquid is squeezed out of the pulp in Canada?

Mr. WALSH of Massachusetts. Yes.

Mr. BARKLEY. And then pumped through a pipe into the United States under the river?

Mr. WALSH of Massachusetts. Yes.

Mr. BARKLEY. Then is it hardened after it gets into this country?

Mr. WALSH of Massachusetts. No; it does not have to be hardened, but when brought into the other mills hardened, it has to be returned to the liquid form.

Mr. BARKLEY. Where is it hardened when it comes into other mills; is it hardened in Canada?

Mr. WALSH of Massachusetts. It can not be shipped otherwise. You can not ship liquid pulp in a freight car by train, but you can ship it by pipes across the border, and this means that all our paper mills will go along the border.

Mr. BARKLEY. It might be shipped in tank cars, I suppose.

Mr. SMOOT. No; in the case of this liquid pulp there is 99 per cent water and 1 per cent pulp.

Mr. BARKLEY. What becomes of the water after it gets into the United States?

Mr. SMOOT. They just take the 1 per cent out.

Mr. BARKLEY. It is watered stock when it comes here, and it is dehydrated and becomes pulp.

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. This amendment is in the interest of the one hundred and forty-odd manufacturers of paper in this country, and if we want to do what they think is fair for them and prevent the injustices under which they are now suffering, we will adopt this amendment. Otherwise, we will say to them that they had better do likewise, go and get the Canadian pulp, and get a pipe line from Canada.

Mr. SMOOT. Mr. President, this is the first time in the history of tariff making that the less-manufactured article bears a higher duty than the manufactured article, or partly manufactured article.

Mr. WALSH of Massachusetts. The Senator appreciates the disadvantage. It is ruinous, unfair, and if continued and it expands means all paper mills must go to the border and obtain liquid pulp in pipe lines.

Mr. SMOOT. I have had the best attorneys of the United States call on me for the last year on this very matter.

Mr. WALSH of Massachusetts. The Senator knows that the American paper manufacturers are as a unit in favor of this amendment.

Mr. HALE. What does the Senator mean by "as a unit"?

Mr. WALSH of Massachusetts. Except this Canadian concern, of course, they are not anxious to surrender their powerful advantage.

Mr. HALE. Mr. President, if a duty should be put on in this way, on the liquid pulp which comes in, that would probably lead later on to a general duty on wood pulp, and probably a duty on paper, would it not?

Mr. WALSH of Massachusetts. There is a duty on paper now, of course. That is what these people avoid.

Mr. HALE. On certain kinds of paper only.

Mr. WALSH of Massachusetts. But this liquid pulp importation is a very serious disadvantage, seven or eight dollars a ton, to the 102 other paper mills.

Mr. HALE. Clearly this would put this particular mill out of commission.

Mr. WALSH of Massachusetts. To answer the remark of the Senator from Maine, the mill in Maine would not go out of business. They would simply get their pulp in bales, the same as the other paper mills.

Mr. COPELAND. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I yield to the Senator from New York.

Mr. COPELAND. We have large paper mills in my State, the Mohawk Paper Makers, at Cohoes, the Carthage Pulp & Board Co., at Carthage; the Mumford Paper Mills, at Mumford; the Robert Sair Co., of New York City; and the Defiance Paper Co., of Niagara Falls. They all use pulp from Canada. I assume from what the Senator says that they get it in sheets.

Mr. WALSH of Massachusetts. Absolutely.

Mr. COPELAND. And that this factory is the only one that has the advantage of a pipe line, and that is quite an advantage in these days, since they can pump it direct. What does the Senator propose?

Mr. WALSH of Massachusetts. They have the advantage of two things—first, of getting liquid pulp without having it put into sheets. After it is put into sheets it has to be converted back into the liquid state. This plant in Maine with the pipe line has that advantage. Secondly, they have the advantage, instead of building their paper factory in Canada, of building their factory on this side and escaping the duties upon paper.

Mr. COPELAND. What does the Senator propose?

Mr. WALSH of Massachusetts. I propose to limit the importations of wood pulp on the free list to those that come in in sheets. I ask the Senator from Utah what his attitude is toward this amendment. I am only concerned in the interest of the paper industry. I have no personal interest.

Mr. SMOOT. It is a radical change from any tariff legislation that was ever proposed, I think, in any country. I will say to the Senator that the representatives of the paper mills from Wisconsin and Michigan and most all the Central States which have paper mills have been in my office time and time again with their attorneys, and I told them I did not know how on earth the matter could be taken care of.

Mr. WALSH of Massachusetts. They have found a way through this amendment, if the Senator wants to help them.

Mr. SMOOT. It is a radical change from a protective tariff.

Mr. WALSH of Massachusetts. It is limiting the privilege of bringing in goods duty free.

Mr. SMOOT. I admit this, that 90 per cent of the wood pulp which comes into the United States to-day from Canada comes in in the form covered by the amendment. I did not think it was that much, but it is. It comes in in this form.

Mr. WALSH of Massachusetts. In the form covered by my amendment?

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. Exactly.

Mr. SMOOT. Are we going to say that a raw material shall be taxed 10 per cent and that the article made from it shall be duty free? That is a different proposition from anything we have ever had.

Mr. WALSH of Massachusetts. It is possible for minerals when first mined to require certain processes of elimination of all other products which may be embodied in the minerals before they are shipped into this country without a duty.

Mr. SMOOT. They can ship without duty in that form, and then the article made from it would carry a duty. This is just

the reverse. I will say to the Senator that it is the only way it can be reached.

Mr. WALSH of Massachusetts. The Senator says there is an injustice being done to the other paper manufacturers, but because there is some condition about this liquid happening to be in a state that has not gone through the process that pulp in bales has gone through we can not adopt the amendment. That is his theory.

Mr. SMOOT. It is a change from all tariff practices, all tariff ideas, and it is now for the Senate to say whether they want to do it or not. What the Senator has stated is absolutely correct; there is no doubt about that.

Mr. WALSH of Massachusetts. It really gets down to whether we want the paper mills to go up along the St. John or St. Lawrence River, or wherever there happens to be on the other side some timber which may be made into pulp.

Mr. SMOOT. I think we had better have a vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

On a division, the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I shall duly notify the American paper industry where to locate.

Mr. HAWES. Mr. President, I send to the desk an amendment which I offer.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Missouri.

The LEGISLATIVE CLERK. On page 432, strike out lines 1 to 10, inclusive, and insert the following——

Mr. SMOOT. Mr. President, that relates to an administrative feature, and the free list is under consideration now under the unanimous-consent agreement. When the bill gets into the Senate the Senator can offer his amendment.

Mr. HAWES. I brought this matter up once before and discussed it at some length. My understanding at that time was that it should be brought up in the Committee of the Whole before the bill was reported to the Senate.

Mr. SMOOT. Not if I understand the amendment.

The PRESIDING OFFICER. The Chair will state that the amendment is not in order at this time.

Mr. HAWES. Let the amendment stand as offered.

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. COPELAND. Mr. President, I wish to make reference to paragraph 1812, page 279. I am sorry the junior Senator from Michigan [Mr. VANDENBERG] is not here at the moment. He was greatly interested in this subject, as it relates to antiques. I want to ask the Senator from Utah why we made the amendment in line 8? By the way, would this be a proper amendment now to consider?

Mr. SMOOT. It would not.

Mr. COPELAND. I realized that as I spoke, so I shall bring it up at a later time.

The PRESIDING OFFICER. Has the Senator from New York any other amendment?

Mr. COPELAND. I want to ask the Senator from Utah about free diamonds. Of course, I know that the amendment was adopted to prevent smuggling; but would not the same end have been served if a very small duty had been left on diamonds?

Mr. SMOOT. There is a small duty.

Mr. COPELAND. On diamonds? Paragraph 1668 is the paragraph to which I refer.

Mr. SMOOT. Rough diamonds are free, but cut diamonds carry a duty of 10 per cent. This is the theory of the duty on cut diamonds. All smugglers of diamonds into the United States are paid about 6 per cent of the value of the diamonds they smuggle. That is the general percentage paid. When they were paid 20 per cent, there was something in it for the merchant who desired smuggled diamonds brought into the United States. The committee decided that it was very much better to have a 10 per cent duty, and then it would not pay.

Mr. COPELAND. But is that the rate?

Mr. SMOOT. Yes; that is the rate we have recommended on cut diamonds.

Mr. COPELAND. I am referring to paragraph 1668, page 256. The old number was paragraph 1667, diamonds in rough or uncut.

Mr. SMOOT. They are on the free list. We just moved them out of the other paragraph and put them here on the free list.

Mr. COPELAND. This is the criticism which comes to me. Should this paragraph become a law, it will place the American importer of these diamonds at a great disadvantage because the foreign sellers will be in a position to send consignments of stones to ultimate American buyers who may retain them as they desire and return to the foreign sellers, together with a check for the stone selected. There would be no charge upon the income tax upon the foreign seller and no advantage except the one mentioned by the Senator in regard to smuggling, which I fully recognize. But would not the same purpose be served if we placed a very low rate, say, 2 or 3 per cent, upon such diamonds?

Mr. SMOOT. The department thought not, and so did the committee.

The PRESIDING OFFICER. Will the Senator from New York permit the Chair to state that the amendment would not be in order at this time?

Mr. COPELAND. Will the Senator from Utah oblige me by giving thought to the question of whether this small rate might not be adequate?

Mr. SMOOT. Yes; when the bill gets into the Senate we will consider it.

Mr. HATFIELD. Mr. President, I wish to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 252, line 7, strike out the words "acetate or chloride," and insert "chloride;" and also on page 7, line 2, after the word "pound" where it occurs the second time, insert "calcium acetate, crude, 2½ cents per pound."

Mr. HATFIELD. Mr. President, the wood-chemical industry of our Nation is an industry that is to-day supplying 95 per cent of the hardwood charcoal and 85 per cent of the acetate of lime consumed and one that has until recently furnished all the methanol used in our country.

Previous to the late war we were able to supply not only the requirements of our own country for the above products, but exported large quantities of methanol and acetate of lime. The rapid development of the chemical industry of Europe since the war has changed this situation and to-day great chemical cartels of Europe are in alliance with their wood-chemical manufacturers whose surplus products are being exported to the United States in increasing quantities.

A statement taken from the tariff summary shows that the exports in 1923 were 21,951,287 pounds. The imports in 1929 were 24,583,610 pounds, and our exports for 1929 amounted only to 101,198 pounds, showing the depreciation. I might say for the information of the Senate that these products are made from sawdust, waste wood taken from the lumber mills of our country. The States which are interested in these duties are Tennessee, Kentucky, West Virginia, Mississippi, Pennsylvania, New York, Michigan, and Wisconsin. The products that are produced by the distillation of wood and sawdust are represented in acetate of lime, methanol, and charcoal. The acetate of lime is made by taking the lime, mixing it with the distillate taken from the wood, and then later if treated with sulphuric acid, results in the formation of acetic acid. The acetic acid is the main product of the chemical production from this industry in the country at the present time. The acetic acid is used in the manufacture of silks and the rayon products.

Unless something is done, according to the record disclosed by the Tariff Commission, the industry will soon go out of business in America. The synthetic products that are being sold in the markets here from Germany in synthetic acetic acid are rapidly taking the American trade, because of the inability of the American industry to compete with synthetic products shipped here from Europe. The industry is largely an agricultural one, belonging to rural sections of the State where these industries are located, and is one which directly affects the farmers of the country by giving them an opportunity to sell their wood, their sawdust and waste from the mill which otherwise would decay and become worthless. The imports justify a transfer of this product to the dutiable list. I hope it will be the pleasure of this body to protect the industry. Unless it is protected it will, in my judgment, fail altogether.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. HATFIELD. I yield.

Mr. VANDENBERG. I rise merely to concur in the last statement the Senator from West Virginia made. The State of Michigan has had considerable experience with this product and with its production. The undisputable evidence is that unless it can be taken from the free list and adequately protected, the domestic production is going to disappear entirely. I rise simply to concur in the Senator's statement and in his presentation of it.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New York?

Mr. HATFIELD. I yield.

Mr. COPELAND. I think the Senator is right. We have here a product which is put into an airtight chamber—that is, wood refuse—and out of it comes charcoal, methanol or wood alcohol, and acetate of lime. Methanol is taxed at 18 cents a gallon. It is made by exactly the same process as the acetate of lime, and at the same rate, 18 cents a gallon, would be 2¼ cents a pound on the solid lime. If methanol should be taxed and is taxed at 18 cents a pound, it is perfectly clear to me that acetate of lime should be given the same protection, which would be 2¼ cents a pound. I agree fully with what the Senator says. It is a matter of concern to every State in the Union where hardwood lumber is found and is a means of salvaging that waste material.

Mr. SMOOT. Mr. President, I would like to say to the Senator that his amendment calls for 2¼ cents per pound.

The National Wood Chemical Association brings this to the attention of the committee and asks for a duty of 1½ cents per pound. They figure out just why they ought to have 1½ cents. Their statement also shows that in 1925 there were imported 4,973,475 pounds, and in 1929 there were imported 24,658,843 pounds. As to the exports, the situation was just the opposite. In 1925 we exported 22,038,213 pounds, and in 1929 the exports dropped to 101,198 pounds. Of course, the mere showing is enough to demonstrate that they need a protection; and the association in its request made of the Finance Committee asked that the article be taken off the free list and given a duty of 1½ cents a pound.

Mr. HATFIELD. Mr. President, I might say to the Senator from Utah that the reason the American producer can not compete with the European producer is largely because acetic acid is made in Europe synthetically; there it is a by-product; and any price which may be obtained for it represents a saving so far as their ledgers are concerned.

Mr. COPELAND. Mr. President, will the Senator from West Virginia yield to me?

Mr. HATFIELD. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, apparently the only question is the question of the rate per pound. I desire to say to the Senator from Utah that methanol at 18 cents a gallon would be 4½ cents a quart and 2¼ cents a pint, and a pint is a pound the world around; so that the rate to correspond with the methanol rate should be 2¼ cents a pound. I do not know why they reach the conclusion that the rate should be 1½ cents; but they ought to know with what they are satisfied.

Mr. SMOOT. They state:

> In our opinion, a duty of 1½ cents a pound will afford necessary protection. We respectfully request that this rate be established.

Mr. COPELAND. Mr. President, will the Senator from Utah accept that rate?

Mr. SMOOT. This paper is signed "Monta C. Burt, president National Wood Chemical Association."

Mr. HATFIELD. Will the chairman of the committee accept that rate?

Mr. SMOOT. I think we ought to accept it.

Mr. HATFIELD. Will the chairman of the committee approve of the rate of 1½ cents a pound?

Mr. SMOOT. Yes; I think that rate ought to be accepted, and I am perfectly willing to accept it and let it go to conference.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on agreeing to the amendment.

Mr. SMOOT. The amendment provides a rate of 2¼ cents a pound. Is the Senator going to modify the amendment?

Mr. HATFIELD. I will accept the modification suggested by the chairman of the Committee on Finance.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. FLETCHER. As I understand the modification makes the rate 1½ cents a pound?

Mr. HATFIELD. It makes it 1½ cents a pound.

Mr. FLETCHER. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. FLETCHER. I offer an amendment, on page 482, to strike out lines 24, 25, and 26.

Mr. SMOOT. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 482, it is proposed to strike out lines 24, 25, and 26, as follows:

> (4) Section 2804 of the Revised Statutes, as amended (relating to limitations on importation packages of cigars).

Mr. SMOOT. Under unanimous consent are we only acting on items on the free list?

The PRESIDING OFFICER. The Chair will state that the amendment is not now in order under the unanimous-consent agreement.

Mr. FLETCHER. I had not understood about there being such a unanimous-consent agreement; that was evidently entered into when I was absent. Are we now confined to the free list?

Mr. SMOOT. We are still considering items on the free list.

Mr. FLETCHER. And no other amendment?

Mr. SMOOT. I do not know whether there are any other amendments or not to be offered to the free list.

Mr. FLETCHER. Is the Senator going on with the free list until that shall be finished?

Mr. SMOOT. I desire that we shall continue with the free list until it shall be finished.

Mr. FLETCHER. I withdraw the amendment. I was not aware of the existence of the unanimous-consent agreement referred to.

The PRESIDING OFFICER. Are there further amendments to be proposed to the free list?

Mr. COPELAND. Mr. President, I have what I regard as a very important amendment. It relates to creosote. That article is now on the free list. I desire to point out what is the situation in that industry.

The VICE PRESIDENT. Has the Senator sent his amendment to the desk?

Mr. COPELAND. I have the amendment, but it is complicated, and, if the Chair will bear with me, I will state my case and then present the amendment. My amendment involves taking certain items from the free list and then adding rather an extensive amendment to the body of the bill.

Creosote is made from coal tar and is very largely made in Great Britain and Germany.

Mr. WALSH of Massachusetts. It is a preservative of wood.

Mr. COPELAND. It is a preservative of wood. It is made abroad and sold so cheaply in America that there is almost no sale for our domestic creosote. It does not pay our people to distill the coal tar to make the creosote.

The reason why it is made so extensively in Europe is because of the high price of coal, particularly in England, where the coal may be $20 or $25 a ton. So all the coal dust that is produced by the handling of the coal is made into briquettes. Therefore there is a demand for coal tar there which we do not have. On that account the creosote becomes a cheap by-product of the distillation of the remaining quantities of coal tar.

In our country coal is so cheap that there is not that particular use for the coal tar. Consequently, most of the coal tar is burned in the furnaces.

We imported year before last nearly 96,000,000 gallons of creosote. Our domestic production was 97,000,000 gallons; in other words, we imported practically the same amount of creosote that we produced in the United States. While we were importing that tremendous quantity of creosote, we were burning in the furnaces 323,000,000 gallons of tar, from which this valuable chemical could be made.

We had a very interesting debate here the other day about oil and the importance of having a sale for oil. If we could make use of the coal tar which we now burn under the furnaces, there would be a demand for oil to replace it to the extent of about 323,000,000 gallons. Stated in another way, if we did not burn this tar under the furnaces there would be a demand for 323,000,000 gallons of crude oil. If we did not burn this tar, we could make use of that much more oil and could make use of the tar for making creosote. That quantity of tar would make something over 100,000,000 gallons of creosote, which is practically the amount we import into this country.

So much for the situation as regards the possibilities of production and the advantage to our country of using the tar. Creosote is used in creosoting or preserving timber and almost all of that timber is in the form of crossties, piles, poles, cross arms, and construction timber.

Now, I want to point out that the amendments which I shall present do not involve creosote used on the western plains for dipping or disinfecting cattle.

The amendments have been carefully drawn by the legislative counsel, and I trust they will receive the attention and favorable consideration of the Senate. I am proposing a 20 per cent ad valorem duty and a specific duty of 3 cents per gallon.

Mr. WALSH of Massachusetts. Does the Senator from New York know what is the attitude of the committee toward the amendment?

Mr. COPELAND. I should like to ask what is the attitude of the Senator from Utah regarding this amendment.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to the fact that if we put a duty upon creosote every farmer's fence post, every telegraph pole, every tie, every barn—I could enumerate many other things, but those are the principal ones—would be affected by it.

Mr. COPELAND. Let me say in reply, before the Senator goes further, if he will permit me, that out of the timber creosoted, amounting to a total of 230,000,000 cubic feet, only 6,000,000 cubic feet, or one-fortieth of the amount of timber creosoted, is such timber as the Senator has just mentioned.

Mr. SMOOT. But the amendment would affect all the creosoted timber that is used for the purposes I have mentioned. Then, great quantities of the material are used for disinfecting purposes. I have not the figures as to the quantity so used, but I can get them and put them in the RECORD.

Mr. COPELAND. Let me call the Senator's attention to the fact that I have excepted material used for disinfecting purposes; and that is not involved.

Mr. SMOOT. Then, how could the provision be administered; how could the officials of the Government tell whether an importation would go into a disinfecting preparation or would be used for creosoting a tie? It could not be done.

Mr. COPELAND. I want to call attention to the prices. In the United States during the last two or three years creosote oil sold at a price of from 13½ cents to 14½ cents per gallon. At present the creosote-oil price in Europe is approximately 8 cents; transportation charges to Atlantic and Gulf ports are one-half of 1 cent to 1½ cents. In other words, the foreign creosote oil is sold here at a profit of 5 cents a gallon. That is to say, it can be brought in, all the charges paid, and sold at a profit of 5 cents a gallon. If we were to have the rate I propose placed upon it, it would increase the cost of the foreign article from 8 cents a gallon to about 12 cents a gallon.

The present price is about 14½ cents. That is, the foreign article brought in would still be under the price at which the article is now sold in this country.

Mr. SMOOT. Mr. President, among the items for which this product is used is the treating of wood, the wood-preserving industry. That industry in 1929 used, according to the Forest Service, a record total of 220,478,409 gallons. I do not know of an article in the whole bill where the protests were any stronger against an increase of duty upon creosote.

Mr. COPELAND. Of course, and where do the protests come from? They come from the railroads, the telephone lines, the telegraph lines. That is where they come from.

Mr. SMOOT. Oh, no; Mr. President.

Mr. COPELAND. They are the ones who buy the creosote. All you have to do is look at the figures to know that that is the fact.

Mr. SMOOT. They buy great quantities of it. There is not any doubt about that.

Mr. COPELAND. Let me point out that of 230,000,000 cubic feet creosoted last year, 116,000,000 cubic feet represented crossties. One-half of the total amount of creosoted timber was in the form of crossties. Piling amounted to 13,000,000 cubic feet; telephone poles, 63,000,000 cubic feet; cross arms, 1,205,000 cubic feet; and construction timbers, 17,000,000 cubic feet.

The railroads are the ones who are finding most fault about this. In the large quantities they buy creosote there will be a demand here for our American creosote. It can be made at a price that will make it possible for the railroads to creosote their articles with American creosote without any suffering on their part.

I am very confident that it means a whole lot to our country to increase the possible sales of crude oil by 300,000,000 gallons. The sale of soft coal, the operation of our soft-coal mines, now distressed, and the development of an industry of vital interest to every community in our country are involved in this amendment. The possibilities of making creosote are widespread, reaching into every State.

I hope that the Senator in charge of the bill will look kindly upon this amendment and permit us to accept it. I send forward the amendment. It is so complicated that I should like to have this assurance from the Senator from Utah before I take the time of the Senate to go into the details regarding it. It involves a dozen changes, all worked out by the Legislative Drafting Bureau and the chemical experts who know about these things.

What is the attitude of the Senator?

Mr. SMOOT. I could not agree to put any duty upon creosote without a vote of the Senate.

Mr. COPELAND. Well, let us have a vote of the Senate.

Mr. SMOOT. I am willing to have a vote of the Senate. If the Senator desires, I will suggest the absence of a quorum and we will have a vote.

Mr. COPELAND. All right. Would the Senator be willing to take it to conference?

Mr. SMOOT. I do not want to do that, Mr. President, because I know that the conferees of the House would not agree to it.

Mr. COPELAND. Very well.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Goldsborough	McMaster	Smith
Barkley	Grundy	McNary	Smoot
Black	Hale	Metcalf	Steck
Blaine	Harris	Norbeck	Stephens
Borah	Harrison	Norris	Sullivan
Bratton	Hastings	Nye	Swanson
Brookhart	Hatfield	Oddie	Thomas, Idaho
Broussard	Hawes	Overman	Townsend
Capper	Hayden	Patterson	Trammell
Connally	Hebert	Phipps	Tydings
Copeland	Heflin	Pine	Vandenberg
Couzens	Johnson	Pittman	Walsh, Mass.
Dale	Jones	Robinson, Ind.	Walsh, Mont.
Fess	Kean	Robsion, Ky.	Waterman
Fletcher	Keyes	Schall	Watson
Frazier	La Follette	Sheppard	Wheeler
George	McCulloch	Shortridge	
Goff	McKellar	Simmons	

The VICE PRESIDENT. Seventy Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from New York, which will be stated.

The LEGISLATIVE CLERK. On page 253, line 20, after "centum," insert "and more than 15 per centum."

On page 253, line 25, after "centigrade," insert "and more than 65° C."

On page 253, line 25, strike out all after "xylene," down to and including "oil," on page 254, line 1.

On page 254, line 3, strike out all after "water-gas tar," down to and including "pitches" in line 8 and insert:

All tar acids and tar-acid oils containing 50 per cent or more of tar acids by volume and not provided for in paragraph 27 or 28.

On page 254, line 11, strike out "or 28" and insert ", 28, or 99."

On page 35, after line 2, insert:

PAR. 99. Dead or creosote oil; anthracene, and anthracene oil, containing 15 per cent or less of anthracene; naphthalene and naphthalene oil, which after the removal of all the water present has a solidifying point of 65° or below; all distillates (not provided for in paragraphs 27, 28, or 1651) of coal tar, blast-furnace tar, oil-gas tar, or water-gas tar; all mixtures (including solutions) of any of the foregoing; all mixtures (including solutions) of any of the foregoing with any tar or tars or mixtures thereof or pitches therefrom; and all mixtures (including solutions) of any of the foregoing with petroleum or its distillates or residues; all the foregoing, 20 per cent ad valorem and 3 cents per gallon.

On page 11, line 6, after "paragraph," insert "99 or."
On page 11, line 8, after "paragraph," insert "99 or."
On page 11, line 18, after "28," insert ", 99,".
On page 12, line 7, after "paragraph," insert "99 or."
On page 13, line 20, after "27," insert ", 99,".
On page 14, line 1, after "27," insert ", 99,".
On page 17, line 8, after "28," insert "99,".
On page 17, line 10, after "28," insert "99,".

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

The VICE PRESIDENT. The schedule is still before the Senate as in Committee of the Whole and open to amendment.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Wisconsin offers the following amendment:

On page 267, after line 24, insert the following new paragraph:

"PAR. —. Scientific instruments, apparatus, and devices of a kind not offered for sale in the United States by domestic preducers, and imported for research purposes by any college or university, and not for sale, subject to such rules and regulations as the Secretary of the Treasury shall prescribe."

Mr. LA FOLLETTE. Mr. President, I can state very briefly the purpose of this amendment.

The objective of the amendment is to permit colleges and universities in the United States to import, free of duty, instruments, paraphernalia, and apparatus intended to be used for research purposes, and not for sale, when articles of a similar kind are not offered for sale in the United States. In other words, as the amendment is now drawn it would not affect any

of the scientific instruments which are offered for sale in commercial quantities in the United States manufactured by domestic producers, but it would relieve colleges and universities of the necessity of paying a high duty upon instruments and scientific apparatus intended to be used for research purposes which are not manufactured in this country in commercial quantities.

The purpose of the amendment is so obvious, and it seems to me that its merit is so clear, that I do not desire to take any further time of the Senate in discussing it.

Mr. COPELAND. Mr. President, I desire to be clear about what the Senator has in mind, and what the real significance of the amendment may be. Do I understand that it does not apply to any instrument which is made in the United States, or which might be purchased here?

Mr. LA FOLLETTE. I could not say that it would not apply to any instrument which might be produced in this country; but, as the amendment is now drawn, a college or university desiring to import certain scientific instruments could not import them free of duty under this amendment if they are offered for sale in the United States in commercial quantities.

Mr. COPELAND. Suppose a university desired to purchase a dozen microscopes. Could they go to Zeiss, in Germany, and buy those microscopes, and import them without duty?

Mr. LA FOLLETTE. I am not familiar with microscopes, but I assume that they are produced in the United States. The microscope is a very common article.

Mr. COPELAND. Yes.

Mr. LA FOLLETTE. Under my amendment as it has been modified since I originally had it printed and ordered to lie on the table, they could not import those foreign-made microscopes free of duty if microscopes were manufactured in the United States in commercial quantities.

Mr. COPELAND. Just what does the Senator mean by "in commercial quantities"? There are scientific instruments which are made on order which are not in popular demand, but which could be made, an instrument which could be made in an instrument house in the United States. Suppose that some instruments were made in Berlin or Vienna, perhaps not in commercial quantities, as the Senator says, but instruments which are kept in stock over there but which could be made here. Would it mean that the Senator would permit the university to bring in that article from abroad, even though it might be made here—an instrument of equal scientific worth?

Mr. LA FOLLETTE. Mr. President, the language of the amendment, I believe, is plain, and I think the terminology would not be difficult to interpret. If the instrument is offered for sale in the United States, it would not come within the purview of this amendment. If, however, it were some special piece of apparatus which could possibly be made in the United States, but which is not offered for sale in the United States, a university desiring to import such an article from a foreign country could do so without paying a duty upon it. The Senator sees, of course, that the objective of my amendment is to relieve the universities and colleges, where they are importing these articles for purely scientific research purposes, and not for sale, from having to pay a high duty upon instruments or apparatus of a scientific character which is not offered for sale in the United States.

Mr. COPELAND. Mr. President, if I understand the Senator and the purpose of his amendment, I think I have no objection to it, but I want to be clear about it. Did the Senator originally intend to permit the importation of any scientific instrument by universities without the payment of a tax?

Mr. LA FOLLETTE. The amendment as it was originally introduced and printed and ordered to lie on the table did provide that any instrument imported for research or scientific purposes by a college or university should come in free of duty, but I have discovered that a great many Senators have objections to the amendment in that form, and therefore I have modified it to meet those objections.

Mr. FESS. Mr. President, will the Senator permit a question?

Mr. LA FOLLETTE. I gladly yield to the Senator from Ohio.

Mr. FESS. As I heard the amendment read, I interpreted it to cover the case where a college or university is compelled to buy a foreign product because it can not get it here.

Mr. LA FOLLETTE. Mr. President, I want to be perfectly frank about it. For instance, suppose the University of Ohio wanted to buy a certain very delicate scientific instrument for research purposes. If they did not find that it was manufactured in the United States and was not offered for sale here, they could go abroad, where the article was manufactured, and import it free of duty. But the Senator from New York raised the question as to whether it would apply to instruments which could be made here. I do intend that it should apply to apparatus which is not manufactured and offered for sale in the United States, because it does not seem to me that we should penalize the research in our colleges and universities in order to give an opportunity to certain manufacturers to make at very great expense a special piece of apparatus, when it may be purchased abroad, where it is manufactured for sale.

Mr. SMOOT. Mr. President, I want to call attention to the wording of the act of 1913, and then tell the Senate what result followed. Paragraph 573 of the act of 1913 provided as follows:

PAR. 573. Philosophical and scientific apparatus, utensils, instruments, and preparations, including bottles and boxes containing the same, specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any State or public library, and not for sale, and articles solely for experimental purposes, when imported by any society or institution of the character herein described, subject to such regulations as the Secretary of the Treasury shall prescribe.

Mr. LA FOLLETTE. Mr. President, the Senator does not contend that my amendment is on all fours with that provision?

Mr. SMOOT. I wanted to call the Senate's attention to the difference, and also the result that followed this provision.

Under this paragraph the universities of the United States imported scientific apparatus and sold them to the students. A little over half of all the importations into the United States came in under that paragraph free of duty, and in checking the matter up the Government found that they came in and were sold direct to the students, or were sold direct to somebody who was interested in that particular class of instruments.

I do think that the amendment of the Senator from Wisconsin is a great improvement over the provision of the act of 1913. Of course, the original amendment, as the Senator had it printed, never would have done at all, because the same thing would have happened under that that happened under the act of 1913, and perhaps would have gone further.

I think this could be construed to mean just exactly what the Senator and perhaps every Senator in the Chamber would agree to; that is, that scientific instruments, apparatus, and devices of a kind not offered for sale in the United States by domestic producers and imported for research purposes by any college or university might be sold subject to the rules and regulations the Secretary of the Treasury might prescribe.

Perhaps the Secretary could provide rules and regulations which would obviate the very things which did occur under the act of 1913. I am quite sure that the Senator would not want that to happen again under any amendment.

What I say to the Senator is that if this can not be evaded, I am in full sympathy with the amendment. I am perfectly willing that it shall go to conference, and then I shall ask the Treasury Department to examine it carefully, and if the department feels that this wording is sufficient to guard against what happened under the 1913 act, I shall insist that it be agreed to in conference. But if there is any doubt about its administration I think the Senator would not object if I yielded on the item.

Mr. LA FOLLETTE. Mr. President, of course, I believe that the Senator will do his best to see that the amendment and the intent of the amendment are carried out in the conference report.

Inasmuch as the Senator has referred to the 1913 act, I would like to point out that this amendment is much more limited than the 1913 provision. This is limited to colleges and universities, in the first place, whereas the provision mentioned by the Senator includes all sorts of societies and organizations. The Treasury will be dealing with very responsible individuals when they are dealing with the heads of colleges and universities in this country.

I have sufficient confidence in the personnel of those educational institutions to believe they would faithfully live up to the regulations which were prescribed by the Secretary of the Treasury for the carrying out of this provision.

In the second place, it seems to me, it would not be at all difficult for the Treasury Department to promulgate rules and regulations which, if honestly lived up to, would prevent any violation of the intent of the provision.

Mr. SMOOT. That is why I say to the Senator that I think perhaps the Secretary of the Treasury, being authorized to make rules and regulations, could overcome just what happened under the 1913 act.

Mr. COPELAND. Mr. President, I am sure the Senator from Wisconsin will not take it amiss if I suggest a little change in the language. In his amendment it is provided:

Scientific instruments, apparatus, and devices of a kind not offered for sale in the United States.

We have two microscopes, one the Bausch-Lomb, made in the United States, and one, the Zeiss, made in Germany. This might be interpreted, where it says "of a kind not offered for sale," to mean that they might not offer the Zeiss, a particular "kind," for sale, but that is not what the Senator has in mind.

Mr. LA FOLLETTE. Mr. President, the Senator must assume that the law will have a reasonable interpretation and a reasonable enforcement, and the provision gives to the Secretary of the Treasury full authority for the promulgation of rules and regulations under which importations are to be made under this provision. Therefore the Senator certainly must assume that the Treasury Department will promulgate rules and regulations which are reasonable in character, and if those rules and regulations are reasonable in character, such an evasion of the intent of the provision as the Senator suggests could not take place.

Mr. COPELAND. Mr. President, would the Senator consider this language?—

A scientific instrument or piece of apparatus intended for a specific scientific use, and not offered for sale?

That would cover what he has in mind.

Mr. LA FOLLETTE. Mr. President, it would seem to me that it would be much better for the amendment to express the general intent of the Congress, and then permit the Secretary of the Treasury to issue rules and regulations which would carry out that intent. If the Senate attempts now to write haphazard phraseology on the floor of the Senate, we will simply get into a mystic maze which even the conference committee will not be able to unravel.

Mr. COPELAND. That will not be the only thing the conference committee will have to unravel.

Mr. LA FOLLETTE. If the Senator will permit me, this amendment was drawn in collaboration with the legislative counsel, and I believe that if the Senator will permit it to go to conference, in view of the statement made by the Senator from Utah, we certainly can feel amply protected that this amendment will not be contained in the conference report unless first of all the Treasury Department approves the phraseology, and, in the second place, informs the Senator from Utah that it believes the amendment is workable in character.

I think that with that statement standing on the RECORD at the time the amendment is under consideration, the Senator from New York may feel assured that the violations of the intent of this paragraph which he now fears will not take place.

Mr. COPELAND. Mr. President, my purpose in speaking at all was to bring out the discussion which we have had, to make clear exactly what the Senator has in his mind. I could not have supported the amendment as it was first presented, before the Senator modified it this evening. But with the explanation which has been made, and with the understanding we have that, if a specific instrument used for a particular purpose can be found in the United States, one shall not be looked for in some remote part of the world, I have no objection. That, he assures me, is exactly what the Senator has in mind. That being the case, I am perfectly willing to have the amendment adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The VICE PRESIDENT. The schedule is still in Committee of the Whole and open to amendment. There being no further amendment——

Mr. LA FOLLETTE. Mr. President, I suggest that before the bill is reported to the Senate we should have a quorum present.

The VICE PRESIDENT. The administrative features of the bill are still open to amendment in Committee of the Whole. If there be no further amendment to be offered to Schedule 17, the administrative features are now in Committee of the Whole and open to amendment.

Mr. FLETCHER. Mr. President, the amendment I suggested a moment ago is in order.

The VICE PRESIDENT. The Senator from Florida offers the amendment which the Secretary will report.

The LEGISLATIVE CLERK. On page 482 strike out lines 24, 25, and 26 in the following language:

(4) Section 2804 of the Revised Statutes, as amended (relating to limitations on importation packages of cigars).

Mr. FLETCHER. That has reference to the provision in the bill as passed by the House which repeals——

Mr. SMOOT. Mr. President, we have already had up the administrative features and amendments thereto.

Mr. FLETCHER. This is under a separate section. It refers to repeals.

Mr. SMOOT. Yes; I know what it refers to.

Mr. FLETCHER. It is not a committee amendment. It is a provision in the House text which I am seeking to strike out.

Mr. SMOOT. I see it is not an amendment which has been acted upon by the Senate. It is an amendment to subsection (4) of paragraph 647 as passed by the House and also as reported to the Senate.

The VICE PRESIDENT. The amendment is in order. The Senator from Florida is recognized.

Mr. FLETCHER. Mr. President, section 2804 of the Revised Statutes has been in effect since July 28, 1866. Nearly 70 years ago that statute was written upon the statute books of the United States and it has been in force and effect ever since. Now it is proposed to repeal it. The House provision in the bill would repeal that section of the Revised Statutes which was enacted in July 1866. The effect of the repeal would be to do away with the requirement of the law which has been in effect all these years and about which we have heard no complaint until recently. The mail-order houses have taken it up and they wish to abolish it. It provides that manufactured cigars may not be imported into the United States in boxes containing more than 500 and in packages containing less than 3,000.

If the provision is repealed it will enable the importation of cigars from foreign countries in any sort of packages or any sort of boxes. A box of 25 cigars or 50 or 100 cigars could come in separately and distinctly. That, of course, means a direct drive on the box trade of the cigar manufacturers of the United States.

There is one cigar factory in Tampa making clear Havana cigars. There are various other factories in New York, Pennsylvania, Massachusetts, and other parts of the country, certainly in Key West and perhaps in Miami, Jacksonville, and Tampa, all manufacturing clear Havana cigars. Havana tobacco is imported into the United States from that choice belt where the finest tobacco in the world is grown, and nowhere else in that region in Cuba not far from Habana.

That identical tobacco is imported into the United States and purchased here by the cigar factories and manufactured into clear Havana cigars. The Government has gone so far as to provide Government inspectors, who inspect the tobacco when it comes in and follow it all the way through to the manufactured product, so that they are prepared to certify that the cigars contained in these boxes are made from clear Havana tobacco imported into the United States. There is no chance therefore for any fraud or any imposition, even if there was any disposition on the part of the manufacturers to impose upon the purchaser alleged Havana cigars that are not in reality Havana cigars. They are made here in bond.

The tobacco comes in bond. It is followed by the Government inspectors into the manufactured product, and then it is certified as having been made as represented of clear Havana tobacco. So we have in this country manufacturers of cigars who make as fine cigars as can be made in the world, out of as fine tobacco as can be produced in the world, and sold, of course, largely to the box trade; that is, they are ordinarily sold in boxes.

If the provision under discussion remains in the bill, people who have been accustomed to buying their Havana cigars manufactured in the United States, especially those who have a sort of hallucination that they can only get the choicest things to be had from some foreign country, will buy by the box of 25, 50, or 100 in the competing market of Habana. There is a large number of Americans manufacturing Havana cigars in Habana. They would like to have this section repealed, because they could then ship their cigars here in packages of less than 3,000, but it would seriously interfere, in my judgment—and I am saying this not so much at the instance of Tampa manufacturers as on my own responsibility—with the box trade of the cigar manufacturers in the United States. People would order their cigars by the box from Habana, whereas now they can only get them by taking packages of 3,000 cigars. That would take away from the American manufacturer the box trade to a large extent. In Key West and Tampa, especially, there are manufacturers in Florida of the clear Havana goods manufactured in bond and certified by Government inspectors, handmade by the most skillful labor under the choicest conditions of manufacture.

They are engaged in the industry and if we keep this provision in the bill we are going to take that trade away from the American manufacturers and pass it on to Habana. I think that is not right. We think we have had this statute on the books all these years and it has been giving satisfaction, and now,

very largely because Americans have gone to Habana and opened up factories of their own down there with local labor instead of employing American labor, and are manufacturing cigars there, they would like to have their cigars come in here and take this market.

There may be other reasons for it. The parcels-post business, the mail-order houses and people of that kind may want to have this done. But I am looking at it from the standpoint of our manufacturers. There is one cigar-manufacturing plant in Tampa that pays to the Government of the United States over $460,000 in customs duties, in stamp taxes, income tax, and so forth. They pay to the Government out of their pockets $460,000 every year. Is it worth while to have some regard for that industry? One factory does that, and there are other factories engaged in the industry in Tampa as well. Another factory pays over $300,000, and another one over $200,000 into the Treasury of the United States every year. Is it worth while to have some regard for their interests or shall we take care of the manufacturer in Habana of Cuba and say that we are going to change this law which has been in effect for over 60 years, and that we are going to allow them to ship into the United States their manufactured products, contrary to all policies which have prevailed in the past, at their own will and in any size package they may see fit to put up?

That is the whole story. I am not going to take the time to elaborate on it. I say it will take away from the American manufacturers of clear Havana goods the box trade to a very large extent and pass that trade on to Habana. I do not think it is fair; I do not think it is just; I do not believe it is considerate treatment of Americans who have invested their money and property in these plants and are paying American wages and are paying to the United States Government these large amounts of revenue every year, through the customhouse and through the special stamp tax and otherwise. I think the Senate, in view of these circumstances and out of a desire to treat fairly American institutions and American manufacturers, ought to agree with me that the provision of the bill ought to be stricken out and the statute left as it has been for all these years.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida.

Mr. SMOOT. Mr. President, the House bill repeals section 2804 of the Revised Statutes, which provides that cigars may not be imported in packages containing less than 3,000. Incidentally, through a ruling of the Treasury Department, the section has been construed to apply to cigarettes. The Senate committee concur in the repeal of the section. Because of the peculiar economic conditions the provision operates as a discrimination against the Republic of Cuba almost exclusively, although it is general in its application. This restriction has for years been the obstacle to the conclusion of a permanent parcel-post convention with Cuba. The Cuban Government, pursuant to the option contained therein, has abrogated the temporary parcel-post agreement negotiated November 2, 1925, and the postal as well as the customs revenues have been seriously affected by this action. The exchange of parcel post between the United States and Cuba should be restored, and it is believed that removal of this limitation will hasten that action.

This is based on a statement that was prepared by the Treasury Department and presented to the Finance Committee, and upon this statement, I will say to the Senate, was based on the action of the Finance Committee in refusing disagreement to the section as adopted by the House.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. WATSON. Does the Senator think this practice is really inimical to the cigar interests of Florida? Is it injurious or is it not?

Mr. SMOOT. The existing law contains the provision that cigars may not be imported in packages containing less than 3,000. Three thousand cigars weigh more than the alloted weight which may be carried by airplane. The Cuban Government has taken the matter up with the Government of the United States, but of course our Government can not do anything until the law is changed.

Mr. WATSON. Certainly not.

Mr. SMOOT. It is only a question of policy. As to what the Senator said in relation to competition, if we agree to the provision reported by the committee, I am quite sure that there will be no more cigars imported into the United States than are imported at present. Based upon the request of the Post Office Department and upon the statement that came to the committee, if this section of the Revised Statute shall be repealed, then we will have a parcels-post convention agreed to by Cuba and the United States. I do not know that I can say anything more about it.

Mr. FESS. Mr. President, I want to ask the Senator whether the provision in the bill is not in accord with the recommendation of the Postmaster General? He spoke to me about some provision having destroyed the parcels-post business with Cuba.

Mr. SMOOT. This is the matter he had in mind, I suppose, because that has been the position taken by the Postmaster General. I think it is a question for the Senate to decide whether it wants to repeal section 2804 of the Revised Statutes or not. I merely make the statement to the Senate as to what the effect will be because of the fact that the department called it to the attention of the Finance Committee and virtually made a statement similar to the one I have made.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. McKELLAR. I offer an amendment, which I ask the clerk to read, and I call the attention of the Senator from Utah to it.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill it is proposed to insert, as a separate section, the following:

> The Secretary of Commerce is hereby directed to cause to be collected for the several customs districts statistics showing the movement of commerce through the ports in such districts in such manner as will indicate whether industries enjoying high protection under the tariff laws of the United States are utilizing American vessels to the greatest possible extent or are preferring foreign vessels, and to submit a report thereon annually to Congress.

Mr. McKELLAR. Mr. President, I understood the Senator would have no objection to that amendment.

Mr. SMOOT. I wish the Senator would allow it to go over until to-morrow. I thought I had a report upon it, but I have not received it.

Mr. McKELLAR. Very well, that will be satisfactory to me, but I hope the Senator will accept the amendment.

Mr. SMOOT. The Senator can offer it when the bill reaches the Senate.

Mr. GEORGE. Mr. President, some time ago I proposed an amendment and had it printed, which I now wish to modify. On page 309, after the period in line 9, the amendment proposes the addition of the following sentence:

> In designating the chairman, commissioners of different political parties shall be designated alternately.

I wish to modify the amendment by inserting, after the word "chairman," the words "and the vice chairman," so that the amendment will read:

> In designating the chairman and the vice chairman, commissioners of different political parties shall be designated alternately.

The Senator will recall, as of course by reference it may be seen, that under section 330, subsection (c)—

> The President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission.

I wish by the amendment which I have proposed to require that the chairman and vice chairman of the commission shall be designated alternately between the political parties.

Mr. SMOOT. Does not the wording in subsection (*c*) provide for what the Senator desires? It reads:

> The President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission.

Mr. GEORGE. Yes.

Mr. SMOOT. What change does the Senator want to make in that provision?

Mr. GEORGE. I am proposing that the President be required to alternate between the two political parties. Section 330 as the Finance Committee has reported it and, indeed, under the present law, not more than three of the commissioners shall be members of the same political party, and in making the appointment the members of different political parties shall be appointed alternately as nearly as may be practicable.

I am proposing that in designating the chairman and vice chairman of the commission the appointments shall be made alternately between the members of the two political parties represented on the commission.

Mr. SMOOT. Mr. President, I have no objection to the amendment being agreed to at this time.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. COPELAND. I offer the amendment which I send forward to the desk.

The PRESIDING OFFICER. The Senator from New York offers the amendment, which will be stated.

The LEGISLATIVE CLERK. In paragraph 461, on page 364, after line 7, it is proposed to insert the following as a new section:

(b) If articles named under Title II of this act, loaded in railroad freight cars and imported from a contiguous foreign country, are subjected to inspection as provided in this section, all expense incident to the movement of the car to and from the place of inspection, unloading and reloading of the car, or expense otherwise made necessary by the inspection, shall be paid from funds appropriated for the administration of this act: *Provided*, That the inspection disclosed no evidence of an intention to evade the customs laws of the United States, or of a purpose to introduce articles the admission of which is punishable by law.

Mr. SMOOT. If I caught correctly from the reading the meaning of that amendment, it would provide that the Government of the United States shall pay the cost of the inspection, but nearly all the cases of the character referred to by the Senator's amendment are cases where the parties are undertaking to smuggle goods into the United States, and in those cases they ought to pay and the Government ought to make them pay the expense of the inspection.

Mr. COPELAND. Mr. President, the amendment provides for that. I wish to call attention to the fact that my amendment was introduced at the request of the New England Traffic League, of Boston, the Detroit Board of Commerce, the Shippers' Conference of Greater New York, the Merchants Association of New York, and a great number of chambers of commerce.

This is what is happening: Until 1928, whenever a carload of pulpwood or other cargo from Canada was stopped, the car put on a siding, and held for an inspection, unless something contraband was found the Government paid the expense. By a ruling of the customs officials in 1928 it was determined that the shippers should pay the cost.

This is what happens under the present ruling: A trainload of pulpwood comes down from Canada, crosses over at Buffalo or somewhere else. If the customs officials are suspicious that there may be liquor aboard, they take out of the train three or four cars, perhaps a half a dozen cars, and hold them upon the siding. They then open the cars, overhaul the contents, and then charge the cost against the shipper. It costs the shipper about $27.

It can be seen that if there are four or five carloads held up, at $27 each, all the profits of the business are gone. There can be no doubt in the world of the right of the Government to make the search; nobody questions that. There is no doubt of the power of the Government to make the charge against the shipper. But it certainly is an unfair thing for men engaged in legitimate business to be held up in this way, inconvenienced, and then charged for the entire cost of the inspection.

At the suggestion of the Senator from Georgia [Mr. GEORGE] and the Senator from Montana [Mr. WALSH], I added a proviso at the end of the amendment, that in the event any contraband or something which ought not to be brought into the country should be found in the car, then the charge should be made against the shipper. He would be liable, too, to the legal penalty that would follow.

As I have said, the New England Traffic League, the Detroit Chamber of Commerce, and other commercial bodies have asked for this amendment. I am sure the Senator from Utah will be glad to accept the suggestion.

Mr. SMOOT. No; Mr. President, I do not think I can do so. The right which the Government has is not now abused in any way, shape, or form. An inspection is never made unless there is strong suspicion of fraud, and when we take into consideration the countless entries of merchandise coming into the United States the investigations or inspections to which the Senator from New York has referred are so infinitesimal that they are hardly worthy of consideration; but when entries come in under circumstances which would lead the department to believe that there is fraud, then an inspection is made, but not until then.

Mr. COPELAND. The Senator knows I am not seeking to have the shipper under circumstances where evidence of fraud is discovered relieved of the expense. But suppose there is merely a suspicion that liquor is hidden in the car, or some other contraband—diamonds or something else—and on examination it is found that the customs officials were wrong about it, why should not the Government pay the expense the same now as it always did up to April, 1928?

Mr. SMOOT. In other cases when the officials of the Government make an investigation on suspicion and find that there is no necessity of arrest, although the party himself is inconvenienced or otherwise put to expense the Government does not pay it.

Mr. COPELAND. I am going to give the figures exactly to show what it costs the shipper. The charge imposed by the Customs Service is $4.50 a car for each movement. Taking a car out of a train, putting it on the siding, and moving it from the siding back to the train costs $4.50 for each movement, or $9 per car for the total movement to and from the place of inspection. To this is added $1 per ton for loading and reloading the contents of the car. This aggregates $27 for a car. This is charged against an innocent shipper on the mere suspicion that there is contraband in the car. That is not right.

Mr. SMOOT. The Government has very seldom been wrong; in nearly all the cases where there has been an inspection ordered the result has shown that the Government was right.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield.

Mr. COUZENS. If that is true, it can not cost the Government much money, can it?

Mr. SMOOT. No, it will not cost the Government much money, I will admit that; it is the principle of the thing. I do not think that we ought to give notice here to the Treasury Department that there is a sentiment in Congress that they have gone too far and are making too many investigations, and they had better let up on them. If such an intimation is given out, great quantities of merchandise may come in in connection with the importation of which there is really fraud. I do not think that the Government ought to let up on such investigations as they have been making. As I understand, and as has been reported to me, there have been very few cases in the history of the department where the department was suspicious of fraud when fraud was not proven.

Mr. COPELAND. Mr. President, this Government is not going to lose a penny. It is not fair to legitimate merchants and manufacturers to have their cars taken off on a siding, unloaded and reloaded, and put back on the train at an expense of $27, just on the suspicion that there might be liquor or contraband of some sort in the cars.

If there is found liquor, if the inspector is right and his suspicion is well founded, all right, then the charge is laid against the shipper. He pays, too, the penalty for his violation of the law. Certainly the innocent shipper ought not to be imposed upon and caused to pay these extraordinary sums merely because of a suspicion in the mind of the collector.

Mr. SMOOT. There are very few innocent shippers that have ever been inconvenienced under this law. I think that in not more than one in a hundred instances where an inspection is ordered is the shipper proven to be innocent.

Mr. COPELAND. Does the Senator believe that the New England Traffic League, representing the leading shippers of New England, the Shippers Conference of Greater New York, and the Detroit Board of Commerce, as well as other bodies in my city and State, are made up of a lot of crooks who are trying to bring in liquor? They are not; they are engaged in the legitimate transaction of business. It is not right for our Government to impose upon them this unnecessary expense.

Mr. SMOOT. Nobody who is engaged in legitimate business need have any fear of the Government making a charge or conducting an investigation. If the Senate wants to agree to the amendment, well and good; let us vote on it.

Mr. COPELAND. Certainly these men are in no fear of the Government, so far as going to jail is concerned, but they are suffering from the unjust imposition of $27 a car and are paying thousands of dollars into the Treasury of the United States in consequence.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. HAWES. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 432 it is proposed to strike out lines 1 to 10, inclusive, and in lieu thereof to insert:

SEC. 552. Importation and immediate transportation: Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States, may, under such rules and regulations as the Secretary of the Treasury may prescribe, be transported in bond, by a bonded carrier, without entry or appraisement, to any other port of entry, there to be entered in accordance with the provisions of this act. No entry paper, manifest, or other similar document shall be required to be filed by the importer or consignee in connection with such transportation.

Mr. HAWES. Mr. President, I do not desire to take the time of the Senate in discussing this amendment unless there is some objection to it.

Mr. SMOOT. I can not accept the amendment, Mr. President.

Mr. HAWES. Very well.

The amendment I have proposed relates to the transportation of imported goods from the seaboard port to the interior port where the importer makes the necessary entries to release the goods from the Customs Service.

Under the law as it now stands the importer is compelled to file at the port of arrival what is known as an immediate transportation entry. This entry is authorized under section 552 of the tariff act, which authorizes the Secretary of the Treasury to prescribe regulations for the movement of goods without appraisement to the interior ports.

The regulation promulgated under this provision reads as follows:

> Any merchandise other than explosives and prohibited articles imported at any port of entry for immediate transportation without appraisement to any other port of entry designated by the consignee or his agent, to be transported by such bonded carrier as may be designated by either. The entry for immediate transportation without appraisement should be made in accordance with the present practice.

The act upon which this regulation is based was passed in 1880, when there were practically no importations to the interior ports of the country. Since that time, however, shipments to the interior ports have increased manyfold, but the law has not been changed to meet the changed conditions, with the result that the same practice is in use to-day, so far as I have been able to learn, as was adopted at that time.

The result is that it works a hardship and injustice upon the importers located in the interior, and makes a discrimination against them in the matter of the payment of brokers' fees and other charges.

Under the law and the regulations as they now exist, an importer having goods sent to him at St. Louis, for example, is compelled to file with the customs authorities in New York, or other seaboard port, what is called an immediate transportation entry and manifest, which is nothing more than a brief description of the goods and a designation of the final port of destination and the carrier over which it shall be forwarded.

Prior to the war, a uniform charge of something like $1.40 was made for this service by the customs broker at the port of arrival. Since that time, however, the charge has been gradually increasing, and the brokers are now making additional charges, and padding legitimate charges, until the cost of the filing of this paper sometimes exceeds the value of the article imported.

It will be recalled that a year or two ago the Senate authorized an investigation to determine the reasons for the diversion of commerce destined for the United States through Canadian ports. So far as I have been able to ascertain, the matter under discussion was not given consideration, because the resolution specifically referred to railroad rates, grain-inspection regulations, and preferential customs regulations.

However, the report of that investigation shows that in 1928 $142,569,000 worth of imports to this country came through Canadian ports. This increase has been more or less gradual since 1921, according to that report.

I have communications from a number of business houses in St. Louis, and from brokers there, which explain a part of this diversion; and I have no doubt that these represent the experience of others who do business in the interior part of the country. When we consider that we have 250 cities which are designated as interior ports of entry you will appreciate the enormous amount of goods diverted.

I quote first from a letter of Ely & Walker Dry Goods Co., of St. Louis, who do a large import business. The president of that concern says:

> The evil of clearing charges at outer ports is one which has been saddled upon the interior importer long enough. * * * You may not be aware of the fact that over one-half of the European import freight destined for interior points comes through Canada because of the efficient and inexpensive clearing arrangements at the ports of Montreal, Quebec, and St. Johns.

The same citizen again writes:

ELY & WALKER DRY GOODS CO.,
St. Louis, Mo., November 2, 1929.

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR SENATOR HAWES: From a memorandum given me by our foreign department, I quote below facts which you requested in yours of October 30:

The Canadian ports of Montreal, Quebec, and St. Johns provide unloading from shipside to railroad cars. The loading cost is absorbed by the railroad company, and the only charge to the interior importer is a nominal $1.50 for immediate transportation entry per shipment. In other words, the clearing charge on a shipment of 50 cases to any of these ports would be only $1.50.

Compare this with clearing through New York City, where a broker must be retained to go to the steamship dock, locate your 50 cases, arrange immediate transportation entry, arrange to transport by truck or lighter to railroad cars, and tend to the inland bill of lading issuance. For this service his bill will average about $1.25 per case, making a total charge on a 50-case lot of about $62.50—some are more reasonable than others.

Under the Canadian plan, shipment moves by rail within two days of steamer's dock. Under the New York City plan, it sometimes takes 10 days, and the average would be about 5.

These advantages of the Canadian ports have not assisted our American steamship lines to get import business, for if sailing time, sailing frequency, and rates are the same, the importer is obliged to consider the saving in handling charges and in time through the Canadian ports. The exception to this comparison probably would be the port of Baltimore, where the railroads have an unloading arrangement very similar to Canadian ports. However, Baltimore is not at present favored with frequent fast incoming sailings to compare with the Canadian ports.

We trust that the above will be of assistance to you, and with our best wishes,

Yours very sincerely,

C. M. LAWSON, *President.*

On November 29, 1929, the chairman of the foreign trade bureau of the St. Louis Chamber of Commerce wrote me, as follows:

> As you doubtless are aware, an increased number of shipments destined for inland ports of the United States are coming through the port of Montreal and over the Canadian railways, inasmuch as the Canadian Government has attacked this problem and has now arrangements whereby goods destined for inland ports can move with expedition through the seaboard point in bond to the inland port not only quickly but without the numerous charges and delays which characterize similar shipments coming to New York but destined for inland ports.

Wilfred Schade & Co., who are customs brokers, give the following information:

> At the present time, upon issuing shipping directions, we are using the Canadian routes on 90 per cent of shipping intrusted to us, 10 per cent we are using the New Orleans route, this to take advantage of the barge line and on glass shipments to take advantage of a special rail rate on this commodity that only applies in southern classification territory all shipments via New Orleans in which time is not an element.
>
> At present we are handling the largest single account on imports through this port, this account paying about one-fourth of the total duties paid. This one account paid for carriage from Montreal-St. Louis during the year $15,000. Of this the United States rails were paid one-third. For the ocean carriage to Montreal $9,000 was paid, all of which went to a foreign-owned steamship line.
>
> If this account had been handled via New York on upward of 3,000 cases there would have been paid for cartage in New York not less than $5,000; another $5,000 would have been paid for various charges such as messenger, forwarding, I. T. fees, all this being saved the importer by handling via Canada, and also there was no delay to any shipment in getting the merchandise away from the port of disembarkation.
>
> In addition to the above account, we paid for various other accounts an additional $10,000 for rail and ocean also via Canadian ports.

Another letter from the foreign trade bureau of the St. Louis Chamber of Commerce gives the following interesting information:

> A survey made among 25 of our larger importers developed the fact that some of them are bringing in over 80 per cent of their imports through Montreal, others 25 and 50 per cent, and some others state that they use New York only because it is necessary in the handling of their particular products.
>
> Under the present arrangement, when a shipment arrives from any foreign country in the port of New York or other North Atlantic ports it is necessary to employ a customs broker or other agent to make the I. T. (immediate transportation) entry, arrange for the transfer of the merchandise from shipside to the railroad, etc. The charges made by these agents vary from a few dollars on upward, there being no standard fee set for this service.

These examples explain to a large extent the diversion of freight bound for the United States through Canadian ports.

In addition, the interior importers are subjected to many unjust charges for the small service of filling out a little blank.

I have in my possession photostat copies of bills for this service which are very illuminating.



For instance, I have bills from a certain New York broker for forwarding from New York to St. Louis three packages of furs, which arrived on the same ship, were handled by the same broker, and presumably by the same truckman, although consigned to different persons in St. Louis.

The bills show a charge of $5 in each instance for the filing of the immediate transportation entry; $1 for bonds in two of the cases, and $2 in the other; $1.20 for storage on two of the packages, and $2.50 on the other. In each instance there was a charge of $1.35 for cartage, although these three little packages were hauled to the same railroad by the same truckman, at the same time.

In other words, upon the three packages, valued at $78.20, $74, and $102, the handling charges made by the broker, aside from the cartage, were $7.20, $7.20, and $9.50, respectively.

I have copy of a bill for forwarding of 20 cases of chemicals by another New York broker, which shows a charge of $3 for immediate transportation entry fee and $5 for customs entry fee; $11.02 for cartage, $2 for customs blanks and notary fee, recalls for permits; $2 for warehouse bond, and $26 for bill of lading bond.

If these packages could move in bond to the customs house in St. Louis without the interference of the broker at the port of arrival, all these unnecessary charges could be avoided.

Again, I have the original bills for like services performed by another New York broker for the forwarding of a shipment of books of a schoolgirl who was returning from abroad.

I shall not insert in the record the bills; but I wish to read a letter from Wilfred Schade & Co., of St. Louis, which describes the procedure in that case and compares it with what happens to a shipment when it comes through Canada:

WILFRED SCHADE & CO.,
St. Louis, Mo., January 7, 1929.

MY DEAR SENATOR: Procedure in force at the present time in moving shipments routed in bond to an interior port.

In order that the matter of handling import shipments may be clearly understood by you, I am inclosing herewith two sample shipments, one routed via New York and one routed through Canada.

Shipment via New York of one case books steamship *Ile de France* * * * this shipment belonged to Miss Martha Pettus, a young girl who had been in school in France for about a year. In sending these books to St. Louis, Miss Pettus directed the forwarding agent in Paris to ship them to Mr. Edward K. Love, care of our office in St. Louis. I am giving you these details so that you will understand why shipment is consigned to another than the owner. Miss Pettus advised the Paris forwarding agent to send the case direct to St. Louis, this under the present regulations of the immediate transportation act could not be done in shipping via an American seaport, hence the shipment was relayed by the Paris agent to a customs broker in New York. On arrival at New York of this shipment, the New York agent had to prepare the immediate transportation entry and a bonded manifest, the entry and manifest simply gives the steamer and the marks to identify the shipment. There is no figuring done whatsoever as to duties, if any. As the papers must carry some value, it is customary to place a value under $100 on the immediate transportation entry. After the immediate transportation entry and the bonded manifest are made up, the broker in New York lodges these papers with the collector of customs there. As the bonded manifest shows the routing from New York to destination, it is now complete to be given by the collector's office to a customs inspector. The inspector goes to the pier at which the steamer docks and hands the cartman, who is bonded to the Treasury Department, the manifest, and sees that the cartman gets the right shipment. The cartman then drays the shipment to the railroad designated on the bonded manifest and gives the shipment and the manifest to the railroad for moving the shipment to destination.

Now, bear this in mind: The customs broker makes up these two papers—the immediate transportation entry and the bonded manifest—and takes these papers over to the customhouse. For this service he makes certain charges. In the case of the shipment noted the following were made:

Making customs entry, the I. T. entry, $3; special messenger to take these papers over to the customhouse—generally across the street, $1; making the bonded manifest, $1; cartage from steamer pier to railroad depot; this cartage charge is based on a contract the bonded cartman has with the Treasury Department, and I understand that it now is 12 cents to 20 cents, depending on where the steamer docks, with a minimum of 50 cents per case; the custom broker raises this to $2. Freight carriage to New York from abroad; in but exceptional instances does the custom broker charge the same amount the steamer charges, but raises these carriage charges to an amount that he thinks will pass muster; in the particular case in question the actual charges were $7.92, this amount being raised to $11.92 or overage of $4, giving us a total charge for the shipment via an American seaport of $11; against this the broker has to pay the cartman, say, 50 cents, so that the actual cost on this shipment valued at $50 was $10.50.

Shipment from abroad via a Canadian port:

The method in effect of moving a shipment from abroad via a Canadian port to an interior port in the United States is as follows: The Canadian Pacific or the Canadian National Railroad makes up an inward foreign manifest giving the details as to marks, etc., to identify shipment showing routing to destination, then takes this inward foreign manifest to the United States consul, say, at Montreal; the consul gives the manifest a number and certifies to the same; for this certifying the consul charges $1.50 per manifest; this charge is carried forward against the shipment and is paid at destination. (My papers do not give you the actual freight bill to cover the shipment I have used as an example, but it does give you the one covering a shipment routed the same way and coming on the same steamer but at a later date.)

I think that these two samples on shipments to St. Louis will give you an idea as to why so many importers are using the Canadian route.

While on the subject may I emphasize: Take the shipment I used as an example: The carriage charge from abroad to Montreal was $250; the freight charges Montreal to St. Louis were $377.27; out of the latter amount the Wabash Railroad, an American railroad, received one-third, or $125.45, leaving over $500 to Canadian interests.

Yours, etc.

W. SCHADE.

The purpose of this amendment is to eliminate the discrimination which now exists against importers who desire to make their customs entries through the inland ports. It will eliminate the employment of a broker at the point of arrival and another at the port of entry.

Its effect will be the elimination of delays at outer ports, permitting the goods to go forward to destination automatically.

This will relieve the congestion at the seaboard ports; it will avoid the sending of goods to the general order warehouse; it will eliminate the unnecessary expense to importers because of the necessity of employing two brokers; and interior ports will gain in collection of import duties.

It will cause to be diverted back to United States ports millions of dollars in shipments now moving by way of Canadian ports on Canadian vessels and on Canadian rails.

I ask to have printed in the RECORD, without reading, several others letters relating to this subject.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WILFRED SCHADE & CO.,
St. Louis, Mo., January 13, 1930.

MY DEAR SENATOR: Immediate transportation act of 1880.

Illustration in regard to lack of documents at outer seaport of the United States.

Within the last few days a shipment consisting of 116 bags wood shavings used in the manufacture of vinegar, imported by the F. A. Kaufmann Manufacturing Co., of St. Louis, from Germany, exported via Rotterdam, Holland. This shipment came forward under bankers' draft, being consigned to "Order," notify F. A. Kaufmann Manufacturing Co., St. Louis, on a through bill of lading from Rotterdam, via New Orleans to St. Louis.

As the through bill of lading was attached to a draft, to protect the foreign shippers, made against the importer, F. A. Kaufmann Manufacturing Co., St. Louis, the papers had to be sent direct to a bank in St. Louis so that the draft could be paid, this before any papers attached to said draft were released by the bank in St. Louis. In due time the draft arrived with the papers, and on presentation to the importers here was promptly paid. However, in the meantime the vessel carrying the shipment arrived in New Orleans, and according to the immediate transportation act regulations applying to seaports in the United States, the papers attached to the draft had to be sent down to the seaport before the shipment could be moved for transit to destination shown on the through bill of lading.

On the 10th of this month we received advices from the Mississippi Warrior Service, St. Louis, that the shipment had arrived in New Orleans, and as they were a party to the through lading, the shipment could not be entered for transportation to destination, shown on the lading, until the bill of lading covering the shipment was presented to customs at New Orleans. See copy of wire received by the St. Louis office of the Mississippi Warrior Service, attached hereto. Immediately on receipt of this advice, and in order to prevent this shipment of 116 bags from being placed in a warehouse at New Orleans, we transmitted the bill of lading to the general agent of the Mississippi Warrior Service at New Orleans. See our letter copy herewith.

Now to sum up: The Treasury Department has an arrangement in force via the Canadian seaports that any shipment destined for an interior port in the United States, that no papers need be filed with an entry that will allow a shipment to move from, say, Montreal, Quebec, Halifax, the St. Johns, to an interior port in the United States, simply

a description of the shipment on an inward transportation entry, duly certified to by the United States consul located at any of these Canadian ports.

From this you will see that while a shipment though consigned to order may be handled via a Canadian port without papers, the same procedure does not apply to our own seaports, thereby giving to shipments via a Canadian port an advantage that is not enjoyed by our own ports.

For this reason the banks are so interested in getting the immediate transportation act so amended that the handling of the papers at banks in the interior ports are not put to a disadvantage.

Now, in this particular shipment noted in this letter, had not prompt attention been paid to the matter of getting certain papers down to the port of New Orleans, this shipment would have been placed in a general order warehouse—bonded—at New Orleans and the cost of putting the shipment into this warehouse and the storage for one month and the cost of taking the same shipment out of the warehouse would have been assessed against the shipment.

I am very glad to be able to send you this data as it is a very vital element, showing that something should be done to at least place the seaports on our own borders on a parity with Canadian ports.

With kind regards, beg to remain,

Yours very truly,

W. SCHADE.

Hon. H. B. HAWES,
Washington, D. C.

ST. LOUIS CHAMBER OF COMMERCE,
St. Louis, Mo., December 20, 1929.

Hon. HARRY B. HAWES,
Senator from Missouri, Washington, D. C.

DEAR SENATOR HAWES: With further reference to the difficulties encountered by St. Louis importers in bringing merchandise through American Atlantic ports, we are pleased to attach hereto a resolution passed by the board of directors of the chamber of commerce commending you on your work and offering their full cooperation.

You will be interested in the information resulting from a questionnaire sent out to 25 of the larger importers in the St. Louis district. In practically every case the replies received indicated that where Canada was given preference over American ports, it was due principally to the excessive charges in making the immediate transportation entry, the delays in handling the shipments, and the heavy charges for cartage from the wharves to railroads.

Some of our largest importers bring in only 15 to 25 per cent of their products through New York and Baltimore, and the balance of it through Montreal, where the only charge is $1.50 to cover the entry fee. For your information, we are quoting from several of the answers to the questionnaire received.

One importer advises that they get deliveries from 6 to 10 days quicker via Montreal. The immediate transportation papers at Montreal cost $1.50 as against a $3 to $5 average at any of the American ports.

Another reports bringing in only 25 per cent of the total imports through American ports. They have barred New York as an entry port entirely because of the excessive charges.

Still another reports that 40 per cent of their imports come via Montreal because of the smaller charges and better handling facilities, with less damage and claims.

Another reports they use the port of New York on all imports, but only because it is necessary to keep a warehouse stock. If this could be avoided, they would bring all merchandise in by way of Montreal.

The above will give you a fairly complete outline of the attitude of many of the St. Louis importers on the matter of routing of shipments. As we accumulate further data that we believe will be of value to you, we will take the liberty of passing it on to you.

Yours very truly,

W. F. GEPHART,
Chairman Foreign Trade Bureau,
St. Louis Chamber of Commerce.

RESOLUTION IN REGARD TO PLACING ST. LOUIS AND OTHER INLAND PORTS MORE NEARLY ON A PARITY WITH ATLANTIC ENTRY PORTS, PASSED BY THE BOARD OF DIRECTORS OF THE ST. LOUIS CHAMBER OF COMMERCE

Whereas the importation of commodities to St. Louis through New York and other Atlantic ports is subjected to delays and numerous charges under the present system of handling goods at these ports; and

Whereas an increasing volume of these goods, both in less than carload shipments and carload lots, is moving through Canadian ports and over Canadian railways to inland ports of the United States, because of the greater expedition and lower charge at Canadian ports; and

Whereas a splendid effort is being made in the Senate seeking to correct this situation through appropriate legislation: Therefore be it

Resolved, That the St. Louis Chamber of Commerce approves this legislation, urges its passage, and hereby offers its fullest cooperation in the continuing effort to correct this situation until St. Louis and other inland ports are placed more nearly on a parity with seaboard entry ports.

WILFRED SCHADE & CO.,
St. Louis, Mo., December 5, 1929.

MY DEAR SENATOR: Immediate transportation act of 1880 * * *.

Have delayed writing you in re to the amendment to the I T act, as was informed that the chamber of commerce here was to have a meeting to discuss the matter which you have so kindly undertaken to sponsor.

Last Tuesday afternoon the meeting was held in one of the committee rooms at the chamber, there was only a small gathering with Doctor Gephart, of the First National Bank, in the chair. After discussing the matter pro and con, Doctor Gephart suggested that as he understood the matter, the trunk-line railroads would be interested and he thought that a later meeting with some of the heads of the railroads present might be advisable.

He also suggested that ammunition be supplied him so that when putting up the matter to the railroads he would be in a position to show them that considerable import shipments were now being shipped through Canadian ports to the detriment of the United States owned rails. It developed that Stix, Baer & Fuller were at present routing about 75 per cent of their import shipments via Canadian ports. Famous Barr about the same, our account showed about 90 per cent. I am inclosing a letter copy of one written to Doctor Gephart.

As I believe that anything seeable is worth more that just talking about, am inclosing herewith photos of accounts of recent dating, showing in detail what the forwarders in the East are doing to import shipments destined for the interior, they may be of use to you to demonstrate what it's all about.

The other evening in talking with Mr. W. H. Danforth, president of the Ralston-Purina Co., who are importers and who understand what you are trying to do for the importers, he requested me to find out from you if you would like him to line up the Senator from Kansas, this Senator, Mr. Danforth tells me, goes abroad and he thinks would know something of the hardships that interior importers are now under; so, if you desire, let me know and I will pass the word on to Mr. Danforth to enlist his help.

I also suggested to Doctor Gephart that the chamber of commerce here to take up with other chambers of commerce at the various ports in the interior to enlist their aid in the movement.

Will keep you advised of the situation here from time to time, and I want to take this opportunity to thank you sincerely for standing back of this matter so strongly.

With kind regards, beg to remain, yours very truly,

W. SCHADE.

Hon. H. B. HAWES,
Washington.

ST. LOUIS, MO., *October 22, 1929.*

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR MR. HAWES: Please accept our thanks for your letter of October 19, and the clipping from the CONGRESSIONAL RECORD.

We surely agree with you in everything you said in regard to the brokerage fees which are to be paid at the ports of debarkation of our merchandise. It is a useless fee and puts a burden on the importers who happen to live in the inland cities.

Thanking you again, we remain cordially yours,

STIX, BAER & FULLER CO.,
JOHN S. MEYER,
Manager Foreign Department.

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
St. Louis, Mo., October 29, 1929.

Hon. HARRY B. HAWES,
United States Senator, Washington, D. C.

DEAR SENATOR HAWES: I am in my office to-day for the first time in 10 days, having had a touch of the "flu," otherwise your letter of October 19 would have been answered more promptly.

I appreciate immensely your bringing this matter to my attention. I have never understood why our importers in St. Louis have to pay brokers in New York and also St. Louis, and if I can assist you in any way to get an amendment which will eliminate this practice I will be very much pleased to do so. I will write to all the importers here and endeavor to get their support and am sure they will be glad to give it and to write the necessary letters to their Senators and their Congressmen.

If you have any other suggestions in the matter let me have them.

Sincerely,

SOPHIE MCCORD.

ST. LOUIS, *November 19, 1929.*

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

SIR: We note you have introduced a bill in the Senate, which would do away with the paying of brokerage fees at the outer port.

We never could see why we had to pay two brokerage fees just because we happen to do business in an inland port, and sure would be interested in having this petty charge at the outer port done away with.

Wishing you success in having the above bill passed, we remain,

Very truly yours,

RICE STIX DRY GOODS CO.,
F. J. HEITMAN, *Import Department.*

ELY & WALKER DRY GOODS CO.,
St. Louis, October 24, 1929.

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR SENATOR HAWES: We appreciate your thoughtfulness in forwarding to us with your letter of October 19 an extract from the CONGRESSIONAL RECORD covering a discussion of brokerage fees in connection with the proposed tariff bill.

The evil of clearing charges at outer ports is one which has been saddled upon the interior importer long enough, and you are to be commended on your efforts to simplify the handling of inbound merchandise to eliminate this expense. You may not be aware of the fact that over one-half of the European import freight destined for interior points comes through Canada because of the efficient and inexpensive clearing arrangements at the ports of Montreal, Quebec, and St. Johns.

Yours very sincerely,

C. M. LAWSON, *President.*

ST. LOUIS, *October 22, 1929.*

Hon. HARRY B. HAWES,
Washington, D. C.

MY DEAR SENATOR HAWES: I desire to acknowledge your letter of October 19 inclosing a printed copy of the colloquy which took place in the Senate a few days ago. I congratulate you on your position in the matter.

It is almost unbelievable to me that any representative group of legislators could possibly ask the importer to pay a duty at the port of entry and an additional duty at the port where the package is received.

I sincerely hope you will be successful in your efforts to have only one port of entry.

Very sincerely yours,

I. F. BOYD.

DETROIT BOARD OF COMMERCE,
Detroit, Mich., May 17, 1929.

Hon. HARRY B. HAWES,
Senate Office Building, Washington, D. C.

DEAR SENATOR: We have noted with some concern that the House Ways and Means Committee in its report H. R. 2667, has failed to incorporate in its recommendations a change in section 552 of the tariff act, such as proposed in your bill S. 822. For your ready reference there is attached a copy of the statement which we prepared and filed with the Committee on Ways and Means, under date of February 22, indicating to you our interest in this phase of the administrative section of the act.

Under the circumstances we would appreciate advice from you whether it will be your purpose to follow through on this matter and endeavor to get the provision incorporated in the tariff legislation at this session.

Yours very truly,

L. G. MACOMBER, *Director.*

IMMEDIATE TRANSPORTATION OF IMPORTED MERCHANDISE TO INTERIOR PORTS OF ENTRY

DETROIT BOARD OF COMMERCE,
Detroit, Mich., February 22, 1929.

To the Committee on Ways and Means of the House of Representatives:

The Board of Commerce, after study by its foreign trade committee and approval by its board of directors, urges the enactment of legislation to amend section 552 of the tariff act of 1922, governing the immediate transportation of imported merchandise from the first port of entry into the United States to destinations in the interior. House bill 5539, introduced in the House of Representatives December 5, 1927, by Representative DYER, and Senate bill S. 822 introduced December 6, in the Senate by Senator HAWES, proposes legislation in accordance with our views. To support our position, the following reasons are submitted:

The present customs requirement places at a disadvantage interior importers of the United States, requiring them to employ some one to act for them at the seaboard for the purpose of entering goods for immediate transportation to be finally cleared at a customs port at or near the location of the importer, causing expense and delay greater than that borne by the importer located at the seaboard.

That this condition on imported goods destined to a border city such as Detroit places American ports at a disadvantage in favor of Canadian ports because goods arriving from abroad through a Canadian port and traveling thence by rail over Canadian rail lines, crossing the border at Detroit or any other point, are subject only to one entry requirement, whereas if the same goods are imported through American seaports and thence by American rail lines to Detroit for the final clearance of customs in Detroit, two entry requirements operate in connection with the handling of the shipment.

In the handling of similar transactions by the Canadian customs, no such double entry requirement is made an obligation of the owner of the goods. The authority under which goods arriving at a Canadian border point from a foreign country, destined to an interior point in Canada is a very simple provision under which the Customs Division, Department of National Revenue for Canada acts. This is embodied in an Order in Council dated March 19, 1883, paragraph 4 of which reads, as follows:

"All goods received at frontier ports, to be forwarded under bond to other ports in Canada, shall be forwarded to the points of destination under manifest."

Acting under this provision the Canadian customs officers at the border port of entry simply manifest goods destined to an interior port to the customs officer at the interior port, and the rail carrier is bonded to insure the transportation and safe delivery of the manifested goods to the customs officer at the interior point.

The Canadian procedure is not only much simpler but the United States importer is required to assume the expense of preparing the customs entry and manifest, whereas the Canadian importer is not. This expense does not result in revenue to the United States but accrues to an agency that must be employed by the owner of the goods if he is not in a position to perform the work himself.

Respectfully submitted.

L. G. MACOMBER, *Director.*

PORT TRIBUTE IN NEW YORK

The discrimination to which the Chamber of Commerce's Foreign Trade Bureau directed attention at its late meeting is an old one. Protests, though coming far apart, have been more than a few since before the war, but the handicap has not been mitigated.

On goods shipped via New York for export, it is possible to obtain a through bill of lading that renders unnecessary attention to any other formalities until the consignment is on shipboard. No similar convenient, money-saving plan prevails as to imports. A shipment from abroad arriving at New York must be duly entered, must have the services of customhouse brokers and perhaps an agent and must be reconsigned by rail to St. Louis, with payment of heavy fees that often make up a considerable percentage of the value of small imports.

Nothing as intricate and costly prevails at Montreal. There, an import on being landed from a vessel is forwarded as a matter of course, by rail across the border in bond, with little of red tape or fees.

The unnecessary tribute New York levies on foreign trade, especially on imports, has for years been a cause of complaint. That, as long as outgoing goods have a free course, impediments imposed on goods coming from abroad are a minor matter, may even be a benefit as tending to keep money at home, has been the view of some, but is a mistaken view. Many things will be, must be, purchased abroad and the principal effect of port tolls of various kinds levied by New York is to add to the prices, already increased by high tariffs, which the interior consumer must pay.

The task of the foreign trade bureau and Senator HAWES in laboring for a change will be much simplified by a plan just announced by Irvin T. Bush, of the great Bush Terminal Co. in New York. A sort of incorporation of forwarding agencies, the Bush Service Corporation, will make possible a through bill of lading under which a St. Louis shipment going abroad will be intrusted to responsible hands from the moment it leaves this city until it arrives at its foreign destination, whether a seaboard or interior town.

This will facilitate exports and an important part of the plan is that it is to be a 2-way service, Mr. Bush says. The transit of imports will be "equally accelerated" under a bill of lading operating from the bonded shipment's point of origin in foreign parts to St. Louis.

A movement for the use by interior shippers of ports other than New York has made progress, but with the great number of vessel lines centering in New York and the daily arrival there of steamships, transit through that city is often more convenient and speedier. If legal formalities afford excuse for New York exactions, the local foreign trade bureau and Mr. HAWES will engage in a worthy cause in seeking to abolish the tribute forever by removing all foundation for it.

Until repeal or amendment can be brought about the Bush plan apparently will enable such legal requirements as exist to be complied with conveniently and at the very minimum of cost.

Mr. HAWES. The Government does not get the benefit of these fees. The shipper is compelled to pay them. The broker is the only beneficiary; and in addition to his being the only beneficiary there is long delay—unnecessary delay. I can read the cost to the inland shipper, showing what it amounts to. I

have here exhibits in the form of waybills. We have tried to stop the practice; and now we are asking for this amendment so that the Treasury Department and the customs officials in the city of New York may have their attention attracted to this matter, and this practice may be abandoned.

I have heard no complaints from New Orleans or from Boston or from the Pacific coast. The one place from which complaints come is the city of New York. It seems to me that where the Government of the United States creates an inland port, creates the office of customs commissioner, and provides an appraiser, the goods should move freely from their point of origin to their point of destination without being controlled in their transportation by some broker in New York.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. HAWES. I yield.

Mr. NORRIS. I do not quite understand what the Senator means when he says a shipment made from Europe to St. Louis can not leave New York, where it lands, until the consignee at St. Louis pays a broker in New York a commission. In substance that is the statement of the Senator.

Mr. HAWES. That is correct, Mr. President.

Mr. NORRIS. What excuse is given? What law is there, and what is the object in paying the commission man in New York a fee?

Mr. HAWES. The excuse is that the shipment leaving a boat must be routed in some way to the city of St. Louis, so a broker is provided there to direct its passage.

Mr. NORRIS. Does the Senator mean the goods, the merchandise?

Mr. HAWES. The merchandise.

Mr. NORRIS. Who selects the broker?

Mr. HAWES. He usually selects himself, so far as I can ascertain.

Mr. NORRIS. What authority of law is there for a man to do that?

Mr. HAWES. There is no authority of law that I know of.

Mr. NORRIS. I do not yet understand just exactly why such a procedure is indulged in. What is claimed on the other side? What is the defense for the procedure?

Mr. HAWES. That is what I should like to know from the chairman of the committee.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. HAWES. I yield.

Mr. SMITH. Under the law, does not the Secretary of the Treasury designate someone to receive these goods at the port of entry and see them routed or directed to their final port of destination? Does not the law provide for that?

Mr. HAWES. No; it does not. This is merely a practice that has grown up there. Instead of the United States Government or the clerks in the customhouse forwarding this freight, it is necessary for the consignee in St. Louis to write to a brokerage firm in New York and arrange with them to make this transfer from the boat to a railroad or an express company, and they charge a fee for it, as I have already explained, and stated the amount of some of the fees.

Mr. SMITH. Let me understand. Does that mean that though the goods are routed from the point of origin to the point of destination, it is taken as though they were to arrive in New York, and there must be accounted for as to customs duties? Where are the duties collected?

Mr. HAWES. The duties are collected in St. Louis; but a charge is made for the services of a broker in New York, and then a second brokerage is paid for in St. Louis and in all these inland cities.

Mr. SMOOT. Mr. President, whom does the Senator want to take charge of the goods?

Mr. HAWES. I want the Government to take charge of them.

Mr. SMOOT. As soon as the goods are taken off the boat and landed on the pier, the steamship company that brings in the goods is through. It can not be held responsible.

Mr. SMITH. Is not a Government agent supposed to take charge of them?

Mr. SMOOT. Has the Government agent any right to say what train they shall go on? Does the Government agent say what transportation company shall take them from the landing wharf to the railroad? Who is going to do it? Who is going to be responsible?

Mr. McMASTER and Mr. PHIPPS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missouri yield; and if so, to whom?

Mr. HAWES. I yield to the Senator from South Dakota.

Mr. McMASTER. Suppose the goods were consigned from Europe to St. Louis, and the purchaser in St. Louis had given instructions as to how they should direct the goods going down to New York over a certain railway system, for example, to St. Louis. Then, would those goods have to be intercepted and attended to by a broker in New York?

Mr. HAWES. That is my understanding.

Mr. McMASTER. I wish some one would explain the procedure.

Mr. SMOOT. I will tell the Senator just what they do. In a case like that cited by the Senator, when those goods are landed on the wharf at New York, who is responsible for them? The boat which brought them over is not. Somebody has to be responsible for those goods. They have to be transferred from the wharf to some railroad. Who is going to do it?

Mr. McMASTER. Then I understand that the responsibility of the steamship company accepting goods directed to St. Louis, to be transported over a certain railroad to St. Louis, ceases when they land the goods?

Mr. SMOOT. Just as soon as they land at the port of New York, and not only that, no one is authorized, unless he is authorized by the consignee, to move those goods. The brokers are the only ones who can move them from the wharf to a railroad.

Mr. PHIPPS. Mr. President, will the Senator from Missouri yield?

Mr. HAWES. I yield.

Mr. PHIPPS. We have a port of entry in the city of Denver, and I have had more or less experience with shipments there. When goods are bought in Europe and routed by the shipper through to Denver, the steamship line is cautioned in advance that Denver is a port of entry and that that shipment is not to be interfered with in the city of New York. The transportation agents route the shipment through to Denver, and New York has nothing to do with it. The transportation agents in New York have the documents, they have copies of the entries, copies of the declarations, and yet a broker interferes, and, without doing a hand's turn, sends in his bill for services, which the consignee must pay.

Mr. SMOOT. What are those services?

Mr. PHIPPS. The services are never rendered. There are no services. It is simply a graft that has grown up through years in New York. Those brokers are kept informed by some agent of the steamship companies, or perhaps by agents of the Government, that certain shipments are manifested on a particular boat for certain destinations, and they simply dip in, get a copy of the manifest, if they can, and render their bill for services.

Salt Lake City may not be a port of entry, but if it is, and the Senator has imported articles, I know he has paid duplicate brokers' fees right along on everything he has imported. It is a bad practice, and this is the way to head it off and cure it.

Mr. SMOOT. Who pays the transportation charges from the dock to the railroad?

Mr. HAWES. The consignee.

Mr. PHIPPS. The consignee pays them.

Mr. SMOOT. He pays them only through his broker.

Mr. PHIPPS. I beg the Senator's pardon.

Mr. SMOOT. How does he pay them?

Mr. PHIPPS. He pays them to the transportation company, which sends him a bill. In other words, if I am buying for delivery in Denver, all charges are paid through. If I am buying for delivery in London, I am billed by the transportation company for all charges, including transfer charges at New York City, and the broker's fee is entirely an outside matter. That has been my experience over and over again. I do not know what the Senator's may have been.

Mr. SMOOT. I am talking about what the Government pays as to goods that are shipped through to St. Louis.

Mr. PHIPPS. What the Government pays it ought to be recompensed for, but when a broker does nothing and sends you a bill he has no right to collect it.

Mr. SMOOT. The Government to-day does not designate the road over which the goods are to go.

Mr. PHIPPS. Of course not.

Mr. SMOOT. The Government to-day does not provide for transportation to the railroad.

Mr. PHIPPS. No one claims that it does.

Mr. SMOOT. Somebody has been there to attend to it.

Mr. PHIPPS. The shipper has his transfer agent, who arranges with the transportation company for delivery at destination. Whether the charges are paid by the consignee in advance or whether they are collected at destination is no matter; the Government has nothing to do with it. But we want to get rid of that practice, and the purpose of the Senator's amend-

ment is to wipe out an abuse that has crept in through years of use and abuse, and it should be stopped.

Mr. SMITH. Mr. President, I would like to ask the Senator from Colorado who appoints this broker?

Mr. PHIPPS. He appoints himself, as far as anyone can find out. I have contested their claims at times, and I have been told by the customs officers that the claim must be paid.

Mr. COUZENS. Mr. President, will the Senator from Missouri yield?

Mr. HAWES. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator from Utah is very much disturbed about the transportation from the boat to the cars. The situation is no different, and need be no different, from the transportation from rail to boats in domestic business. It is perfectly absurd to say that there is any difference between having goods transported on a through bill of lading from an ocean steamship and having goods shipped from a car coming in on the railroad at Detroit and transferred to the Detroit and Cleveland steamship line. There is not a bit of difference in the world if the goods are manifested and billed properly. Just as the Senator from Colorado said, it is merely a graft by a set of brokers in New York who collect a fee for doing something when they do not have to do it under any circumstances.

Mr. SMOOT. All I know is that the steamship company will not pay the railroad charges. The steamship company will not assume any responsibility for the goods after they are delivered on the dock at the port of entry, and somebody has to make arrangements that they shall be transferred from the dock to the railroad, and he is often called a broker.

Mr. COUZENS. Mr. President, the steamship company will certainly take care of the goods until it gets a signed release.

Mr. SMOOT. That is, when they are on the dock.

Mr. COUZENS. If somebody is not there to sign for them, they will see that they are delivered to the transportation company. If goods are shipped from Chicago to Detroit and then by the D. & C. Line to Buffalo, who looks after them at Buffalo? Is there a middleman there to collect the brokerage charge at Buffalo because a shipment is sent from Detroit to New York by Buffalo? What is the difference? The only difference is that we have allowed this custom to grow up for 50 years. There is absolutely no excuse for it. The situation with respect to international traffic can be handled as it is handled in the matter of interior traffic when it goes by boat and rail.

Mr. SMOOT. Whenever goods are landed at the port of entry, the broker, or the transfer man, or whatever you call him, has to sign a receipt for the goods to the steamship company, and he does that, and the steamship company is through with the goods as far as the steamship company is concerned.

I do not care, if the Senator wants his amendment put in. Let it go to conference.

Mr. HAWES. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. HAWES].

The amendment was agreed to.

Mr. HEBERT. Mr. President, I call up my amendment to paragraph 902.

Mr. SMOOT. That can not be done now. We are on the administrative features.

The VICE PRESIDENT. The vote by which the first amendment in that paragraph was agreed to was reconsidered so that the Senator from Rhode Island may offer an amendment. The clerk will state the amendment.

The CHIEF CLERK. On February 21 the Senator from Rhode Island moved that the vote by which the amendment in paragraph 902, page 151, line 19, was agreed to should be reconsidered, and the motion was agreed to, the vote was reconsidered, and the Senator from Rhode Island offered as a substitute for the numerals "30" the numerals "37," so that it would read:

Cotton sewing thread, 37 per cent ad valorem.

Mr. HEBERT. Mr. President, I would like to perfect my amendment.

The VICE PRESIDENT. The Senator has that privilege.

Mr. HEBERT. I offer the amendment in the form in which I send it to the desk.

The VICE PRESIDENT. This is a substitute for the section?

Mr. HEBERT. Yes.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. In lieu of the House text and the committee amendments on page 151, lines 19 to 23, both inclusive, the Senator from Rhode Island proposes the following in paragraph 902:

PAR. 902. Cotton sewing thread, one-half of 1 cent per hundred yards; crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding 840 yards, one-half of 1 cent per hundred yards: *Provided*, That none of the foregoing shall pay a less rate of duty than 20 nor more than 35 per cent ad valorem. In no case shall the duty be assessed on a less number of yards than is marked on the goods as imported.

Mr. HEBERT. Mr. President, what has just been read is the existing law affecting this particular item; in other words, the law of 1922.

It will be observed that while the duty provided in this amendment is somewhat more specific, yet it is lower than that which I proposed in my original amendment.

At the time we had this amendment up for discussion before the Senator from Georgia [Mr. GEORGE] desired to give it his attention, and for that reason it was passed over temporarily. I may say that I have since conferred with the Senator from Georgia, and it is my understanding that the amendment as now presented is satisfactory to him.

Mr. SMOOT. Mr. President, I have no objection to the amendment. Taking the whole paragraph together, the duties are a little less than the rates of duty provided for in the amendments as the Senate agreed upon them.

Mr. GEORGE. It is a further reduction.

Mr. SMOOT. It is just a slight reduction. I suppose the duties on certain items falling within the paragraph are better arranged.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I send to the desk the following perfecting amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The CHIEF CLERK. On page 441, line 9, to strike out "loss, theft, injury," and insert in lieu thereof "injury."

The amendment was agreed to.

Mr. SMOOT. The next clarifying amendment to be called to my attention by the Treasury Department is on page 485, line 11, to strike out "1929" and insert in lieu thereof "1930."

The amendment was agreed to.

Mr. SMOOT. It will be 1930 before the bill passes, so that we had better make it "tariff act of 1930."

Mr. NORRIS. We may have to change that again.

Mr. SMOOT. On page 441, line 11, I move to strike out all after the word "importation," through the word "customs" in line 14.

The amendment was agreed to.

Mr. SMOOT. There is one other amendment to be made in two places, simply to insert a hyphen. It makes a difference, however.

The VICE PRESIDENT. The Secretary will report.

The CHIEF CLERK. On page 167, line 14, strike out "plain woven" and insert "plain-woven."

The amendment was agreed to.

Mr. NORRIS. What is the difference?

Mr. SMOOT. As it was, we had the words "plain woven," and the amendment is to put a hyphen between those words.

Mr. NORRIS. Was there a comma between them?

Mr. SMOOT. No; there was no comma.

The next amendment I propose is on line 19, page 206, where we have the words "fish scale," to insert a hyphen between the words "fish" and "scale."

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, on page 129, line 20, I move to strike out "1" and insert "3."

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 129, line 20, to strike out "1 cent" and insert "3 cents," so as to read:

(4) herring and mackerel, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each, 3 cents per pound net weight.

Mr. WALSH of Massachusetts. Is that in order at this time?

Mr. JONES. I think so. The Chair said the bill was still as in Committee of the Whole and open to amendment.

Mr. WALSH of Massachusetts. I supposed we were taking the bill up schedule by schedule. I have not any file on the fish schedule with me, or the file on any other of the schedules.

Mr. JONES. I am perfectly willing to let it go in that way.

Mr. WALSH of Massachusetts. I wish the Senator would do so. There is information which I have on the subject which is not available now.

Mr. JONES. Very well.

The VICE PRESIDENT. Does the Senator withdraw the amendment for the time being?

Mr. JONES. I am glad to do so.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. WALSH of Massachusetts. Mr. President, to-day the Senate adopted an amendment putting a substantial duty on long-staple cotton. I want to ask unanimous consent to offer, when the bill is in the Senate, such compensatory duties as may be found to be necessary in view of the action on that matter. I simply want to reserve the right to do so.

The VICE PRESIDENT. Unanimous consent is not required. The Senator can offer the amendment in the Senate without obtaining unanimous consent for that purpose.

Mr. WALSH of Massachusetts. It is new subject matter, and I think unanimous consent would be required.

The VICE PRESIDENT. Not when the bill is in the Senate.

Mr. SMOOT. I have already prepared an amendment providing an ad valorem equivalent, and I will submit it to the Senator in the morning.

Mr. WALSH of Massachusetts. I shall be very glad if the Senator will do so.

Mr. SMITH. Mr. President, can the Senator indicate what would be the additional compensatory duty?

Mr. SMOOT. Yes; I can figure it out to 0.01 of a cent.

Mr. SMITH. Has the Senator that rate now?

Mr. SMOOT. Yes.

Mr. SMITH. About how much will it be?

Mr. SMOOT. It will increase it about 10 cents a pound.

Mr. SMITH. Let me get that clear now. I have asked the Senator what will be the additional duty in the form of compensatory duty required on cotton goods made from long-staple cotton under the imposition of the 7 cents per pound duty on long-staple cotton adopted by the Senate to-day.

Mr. SMOOT. The actual figure is 9.98 cents per pound; in other words, 10 cents a pound.

Mr. WALSH of Massachusetts. Is that on yarns or cloth?

Mr. SMOOT. It is on all there is in the paragraph.

Mr. WALSH of Massachusetts. We will have to increase the duties on all commodities 10 cents?

Mr. SMOOT. I can read the amendment to the Senator.

Mr. WALSH of Massachusetts. I wish the Senator would do so.

Mr. SMOOT. It reads as follows:

PAR. 924. All the articles enumerated or described in this schedule shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length.

Mr. WALSH of Massachusetts. At the proper time the Senator will present that amendment?

Mr. SMOOT. Yes. That is the only way to cover the situation as I see it.

Mr. DILL. Mr. President, is the Senator going to take that up now? If so, we ought to have the Senator from California [Mr. SHORTRIDGE] here.

Mr. SMOOT. I am not going to take it up now.

Mr. DILL. He contended to-day that it was entirely unnecessary to have compensatory duties.

Mr. SMOOT. I think that is a mistake.

Mr. NORRIS. Mr. President, of course the Senators who obtained the adoption of the amendment, by their very forceful argument convinced a majority of the Senate that a compensatory duty would not be necessary. The Senate was convinced of that, I presume, when it voted upon the amendment. I take it that the Senators who advocated the amendment and convinced the Senate that no compensatory duties would be necessary will certainly be ready to convince the Senate by the same kind of logic that the amendment proposed by the Senator from Utah is entirely unnecessary and that we will therefore be called upon by the same Senators to vote down this amendment; otherwise it would put them in the attitude here of obtaining something by misrepresentation. If it is discovered that the compensatory duties are necessary and that those Senators were wrong in their argument, of course they will say so and ask for a reconsideration of the vote by which the other amendment was agreed to, and then ask the Senate to vote it down.

Mr. WALSH of Massachusetts. Mr. President, from whom did the Senator from Utah get his information as to the ad valorem rate?

Mr. SMOOT. From the Tariff Commission.

Mr. WALSH of Massachusetts. They said that the compensatory rate stated by the Senator would have to be levied in order to recompense the manufacturers of cotton goods who import?

Mr. SMOOT. Yes; 9.98 cents.

Mr. WHEELER. Does the Senator contend that the figures on cotton manufactured goods show the difference in the cost of production here and abroad?

Mr. SMOOT. I have the report of the Tariff Commission on nearly all the articles.

Mr. HARRISON. Mr. President, as I understand the Senator, even the Senator himself only proposes a compensatory duty on cotton, not all cotton, but on cotton of 1⅛ inches or more in length.

Mr. SMOOT. That is all, 1⅛ inches or more in length. All cotton that is in the goods that is less than that in length does not carry any compensatory duty at all.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator whether practically it is possible to determine in any fabric the amount of long-staple cotton as distinguished from the ordinary standard grade?

Mr. SMOOT. Of course it is, in a piece of cloth. It is very easily determined.

Mr. SMITH. I doubt it.

Mr. SMOOT. I have not any doubt of it.

Mr. WALSH of Montana. It would seem to me that it is a very doubtful question.

Mr. SMOOT. Oh, no; it can be done. It would have to be done even if we had a compensatory duty on each particular product named in all the paragraphs of the schedule.

Mr. WALSH of Montana. But there is levied a specific duty or an ad valorem duty upon cotton goods, no matter whether the staple is long or short.

Mr. SMOOT. That is true, and therefore these fall in every paragraph in which the goods fall.

Mr. WALSH of Montana. I understood the Senator to say that under the bill as it now stands it becomes necessary to distinguish between the long-staple cotton in the goods and the ordinary grade of cotton in the goods.

Mr. SMOOT. Yes; and that can be distinguished very easily.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. There is no question as to this bill, so far as cotton sewing thread is concerned of long fibers, carrying an approximate increase of 5 per cent ad valorem upon the present rate of duty?

Mr. SMOOT. That is true.

Mr. HARRISON. Is it not true also, so far as cotton yarns are concerned of the greater lengths, the finer grades, the ad valorem increase is 12½ per cent in some instances?

Mr. SMOOT. In some of them there is no increase whatever over the present law.

Mr. HARRISON. If the Senator will confer with his experts on cotton, he will ascertain that on the finer fabrics in the long yarns and on cotton cloths the rate goes as high as 12½ per cent over the present law.

Mr. SMOOT. I have a full list here of all the grades of yarns and the yarns within the cloth.

Mr. SMITH. Mr. President, may I ask the Senator from Utah this question? If it be true as the Senator from Mississippi has indicated, and granting for the sake of argument that these increases have been put in the present law, nevertheless, they were based upon free cotton?

Mr. SMOOT. Certainly.

Mr. SMITH. Now when we add 7 cents a pound on the little handful of 362,000 bales which we import, then on all the cotton goods we will have a protective duty of an additional 10 cents a pound based on the added cost of the raw material?

Mr. SMOOT. Goods into which the long-staple cotton enters.

Mr. SMITH. I am not taking for granted that the Senator can do what he said he can do as to differentiating between 1-inch and 1⅛-inch cotton. I have never seen it done.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, the Senate placed ammonium sulphate on the free list last Friday night. I send to the desk the following amendment and ask its adoption. It is striking out ammonium sulphate as found in paragraph 7.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, line 5, strike out "ammonium sulphate, one-fourth of 1 cent per pound."

The amendment was agreed to.

Mr. JONES. Mr. President, the Senator from Massachusetts [Mr. WALSH] would like to have passed over until to-morrow the amendment which I proposed a short time since. If I can offer it when the bill gets into the Senate I am perfectly willing to have that done.

The VICE PRESIDENT. The Senator may offer it when the bill is in the Senate.

Mr. COUZENS. Mr. President, I send to the desk an amendment. I was first informed I must wait until the bill got into the Senate before I could offer it, but I am now informed that it can be taken up at this time.

Mr. SIMMONS. Mr. President, I wish to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SIMMONS. Where a vote has been taken as in Committee of the Whole, will it be necessary to reserve another vote upon the matter in the Senate?

The VICE PRESIDENT. If the amendment was agreed to, it will be necessary.

Mr. SIMMONS. But if the amendment was not agreed to?

The VICE PRESIDENT. A separate vote need not be reserved if the amendment was not agreed to. The amendment may be renewed in the Senate if it was not agreed to as in Committee of the Whole.

Mr. SIMMONS. Then I desire now to reserve the right to offer again the amendment which I offered to-day to put certain paper upon the free list.

The VICE PRESIDENT. It is not necessary to do so where the amendment was offered and rejected. The Senator is at liberty to offer the amendment again when the bill is in the Senate and he does not have to reserve the right.

Mr. SIMMONS. That is the parliamentary inquiry I wished to make.

The VICE PRESIDENT. Let the amendment submitted by the Senator from Michigan [Mr. COUZENS] be reported.

The CHIEF CLERK. On page 120, line 22, after the word "valorem," insert a comma and the words "wood moldings and carvings to be used in architectural and furniture decoration, 40 per cent ad valorem."

Mr. COUZENS. Mr. President, this is an amendment to paragraph 411, to include these articles under the rate of 40 per cent ad valorem, which is the rate that was agreed to in the paragraph covering the other articles mentioned there. It appears that the woodworkers or carvers are not protected in these architectural designs for moldings. The amendment is for the benefit of the woodworkers who are suffering from importations of these articles from other countries. The designs are used in the furniture business and should carry the same rate as furniture.

Mr. WALSH of Massachusetts. What is the present rate of duty?

Mr. COUZENS. Forty per cent.

Mr. WALSH of Massachusetts. The Senator seeks to fix the rate at what figure?

Mr. COUZENS. At 40 per cent.

Mr. WALSH of Massachusetts. What rate did the House fix?

Mr. COUZENS. At 40 per cent.

Mr. WALSH of Massachusetts. At what figure did the Senate Finance Committee leave it?

Mr. COUZENS. At 40 per cent. My amendment does not propose any change in rate. It is merely to include certain articles in the rate.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. METCALF. Mr. President, I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. Let the amendment be read.

The CHIEF CLERK. On page 201, line 2, after "thousand," insert "; tubes wholly or in chief value of paper, commonly used for holding yarn or thread, if parallel, 5 cents per pound and 25 per cent ad valorem; if tapered, 10 cents per pound and 35 per cent ad valorem."

Mr. METCALF. Mr. President, there is a continuous growing importation of these goods, which compete very much with our local products, so much so that it is very difficult for the manufacturers in this country to compete with them at all. I am unable to state the amount now imported, as the products are not in a separate item.

Mr. GEORGE. Mr. President, may we have the amendment read again?

The VICE PRESIDENT. The amendment will be read again for the information of the Senate.

The Chief Clerk again read Mr. METCALF's amendment.

Mr. GEORGE. Mr. President, I should like to ask the Senator from Rhode Island what is the present duty on these products?

Mr. METCALF. The duty on the tapered, in paragraph 1413, is 35 per cent ad valorem.

Mr. GEORGE. I do not think the Senator ought to ask the Senate to make these increases in duty without furnishing any information as to what the increases amount to and what the imports are, but merely upon vague generalities.

Mr. METCALF. I will say to the Senator it is now impossible to get the figures as to exports, as they have not as yet been separated.

Mr. GEORGE. What is the present rate which the Senator wishes to increase?

Mr. METCALF. It is 35 per cent.

Mr. GEORGE. How much does the Senator wish to increase it?

Mr. METCALF. I wish to change it so that the items will be separated, providing on the tapered tubes a duty of 10 cents per pound and 35 per cent ad valorem, and on the parallel 5 cents per pound and 25 per cent ad valorem. The increase is 10 cents a pound on the tapered and 5 cents on the parallel.

Mr. COUZENS. If the Senator will yield, let me inquire what is the total ad valorem rate?

Mr. GEORGE. Mr. President, 10 cents per pound does not mean very much unless the Senator gives us the ad valorem equivalent.

Mr. SMOOT. I think I can give the figures to the Senator.

Mr. METCALF. Very well.

Mr. SMOOT. As nearly as I have figured it out, the total rate would be about 45 per cent ad valorem.

Mr. METCALF. It is merely a slight increase.

Mr. NORRIS. Does the Senator mean that both the specific and ad valorem rates amount to 45 per cent?

Mr. METCALF. Both rates together amount to about 45 per cent.

Mr. LA FOLLETTE. Mr. President, I should like to know on just what basis the Senator from Utah figures that out?

Mr. SMOOT. They are worth about 15 cents a pound.

Mr. LA FOLLETTE. From 15 cents to 30 cents.

Mr. SMOOT. I am speaking now of the first bracket in which a duty is proposed of 5 cents a pound and 25 per cent ad valorem. On the tapered tubes the duty proposed is 10 cents per pound and 35 per cent ad valorem.

Mr. LA FOLLETTE. What is the ad valorem equivalent of that?

Mr. SMOOT. According to the price——

Mr. NORRIS. What is the value—15 cents a pound?

Mr. SMOOT. The article in the first bracket has a value of——

Mr. NORRIS. Of 15 cents. If we increase the duty by 10 cents a pound——

Mr. SMOOT. No; it is the article in the second bracket upon which it is proposed to levy a duty of 10 cents a pound.

Mr. NORRIS. What is the value of the article in the first bracket?

Mr. SMOOT. The duty on that, in addition to the ad valorem, is 5 cents a pound.

Mr. NORRIS. It is now proposed to increase it to 10 cents a pound?

Mr. SMOOT. No; there are two items in the paragraph. On the parallel tubes the specific duty proposed is 5 cents a pound, and on the tapered tubes it is 10 cents a pound.

Mr. NORRIS. Take the first one. On the value of the item in the first bracket what is the ad valorem?

Mr. SMOOT. The ad valorem would be between 45 and 50 per cent.

Mr. NORRIS. That is just the increase, but in order to get the total duty there would have to be added to that the 25 per cent ad valorem duty.

Mr. SMOOT. No; I am referring to both duties—the compound duty.

Mr. NORRIS. Let us see as to that. If the value is 5 cents a pound—is that right?

Mr. SMOOT. The amendment reads:

> Tubes, wholly or in chief value of paper, commonly used for holding yarn or thread, if parallel, 5 cents per pound and 25 per cent ad valorem.

Of course, they may run from 5 to 7 cents a pound; but if we take 7 cents a pound——

Mr. NORRIS. Suppose the specific duty is 5 cents a pound and the value runs from 5 cents to 7 cents, that would be 5 cents on an article worth from 5 to 7 cents, which would be a very high duty.

Mr. METCALF. The only increase is the specific rate of 5 cents a pound. The whole duty would only be about 40 or 45 per cent ad valorem.

Mr. NORRIS. The Senator proposes to add to the present duty a specific rate of 5 cents a pound.

Mr. SMOOT. In addition to the 25 per cent ad valorem that is on the first bracket.

Mr. NORRIS. It is 25 per cent ad valorem under existing law, is it not?

Mr. SMOOT. It is 35 under existing law.

Mr. NORRIS. The ad valorem rate has been lowered?

Mr. SMOOT. Yes. I think the equivalent ad valorem will run about 47 per cent.

Mr. METCALF. The increase is very slight.

Mr. JONES. Mr. President, I understood that these articles have a value of 7 cents a pound.

Mr. SMOOT. The value runs all the way from 15 cents a pound to 22 cents a pound, we will say an average of 20 cents a pound, and 5 cents a pound on that would be 25 per cent ad valorem.

Mr. JONES. That is true; on a value of 20 cents a pound, 5 cents would be one-fourth of that or 25 per cent.

Mr. SMOOT. Then, in addition, there is a rate of 35 per cent ad valorem.

Mr. JONES. The Senator does not know on just what value that is based?

Mr. SMOOT. It must be based on a value of about 22 cents.

Mr. NORRIS. That would make the rate 50 per cent.

Mr. SMOOT. No; it would not make it that much.

Mr. GEORGE. Mr. President, I do not think the Senate ought to adopt a rate like this with no more information in regard to it. I really think the Senator from Rhode Island ought temporarily to withdraw the amendment. As a matter of fact, if these articles are now made dutiable under his amendment at 5 cents apiece and 25 per cent ad valorem, we will have a rate of duty not far from 68½ per cent ad valorem, and we will have practically the same rate on the tubes tapered, without any showing as to the cost of producing or as to imports or any real intelligible showing as to the actual increase in the rate of duty. I do not think the Senator ought to ask the Senate to vote on this amendment at this time.

Mr. METCALF. Very well, I will let it go over and ask that it may be considered later.

Mr. GEORGE. I hope the Senator will let it go over temporarily.

Mr. COUZENS. Mr. President, I desire to draw the attention of the Senator from Utah to paragraph 922.

The VICE PRESIDENT. Does the Senator from Rhode Island withdraw his amendment for the present?

Mr. METCALF. I withdraw it for the present.

Mr. HEFLIN. If the Senator will permit me for just a moment——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. COUZENS. Yes.

Mr. HEFLIN. I should like to suggest to the Senator from Rhode Island that he can offer his amendment when the bill goes into the Senate, just as I am going to do in the case of another amendment because of the parliamentary situation which exists.

Mr. COUZENS. Mr. President, on page 160, paragraph 922, there seems to be a confusion with respect to the rags used for paper-making purposes and those used for wiping purposes. In a statement on the floor of the Senate on November 19, the Senator described these rags in a manner which seems to have been misunderstood or to have been inaccurate. I have taken it up with the Senator, and I understood he was going to propose an amendment.

Mr. SMOOT. I will say to the Senator, I have taken up the question involved with the department, and they are trying to draft a provision that will differentiate between wiping rags and rags used for paper making. I am told that it is one of the most difficult tasks that has ever been presented to the Treasury Department to designate the two classes of rags so that they may be differentiated.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. COUZENS. I yield.

Mr. WATSON. Did we not have this question up before the committee, and was it not referred to the experts, and is not this just what they worked out?

Mr. SMOOT. No.

Mr. WATSON. That is the way I remember it.

Mr. COUZENS. It was not worked out at all.

Mr. WATSON. At least they pretended to work it out.

Mr. COUZENS. What I want to ask the Senator is, does he propose to offer an amendment at some time; because I want this matter clarified before we get through?

Mr. SMOOT. As soon as the bill gets into the Senate and the wording is submitted to me, I am going to offer an amendment which I hope will clear up the matter in such a way that there will be no question about it, if it is possible to do so; but I do not think that wording can be provided that will clarify the provision so that there will be absolutely no question about it. However, we are going to see if we can not make it better than the provision in the present law and better than the provision in the pending bill.

Mr. COUZENS. I want to say to the Senator unless he does propose an amendment to segregate the rags that appear in paragraph 922 and those on the free list in paragraph 1751, I am going to propose to strike out paragraph 922 entirely, which will eliminate the 3 cents duty.

Mr. SMOOT. I will say to the Senator, I am just advised that the proposed wording was mailed to me this afternoon, and will reach me to-morrow morning.

Mr. COUZENS. And the Senator will see that the amendment is offered?

Mr. SMOOT. If it is at my office to-morrow morning—and I have no doubt that it will be—I will then bring it over here.

Mr. COUZENS. And the Senator will see that at some time the amendment is offered so that it will not be forgotten?

Mr. SMOOT. Yes; and I will also submit it to the Senator.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. GEORGE. Mr. President, some time ago I presented an amendment to section 906 in the form of a proviso. For the time being I will not press that amendment, unless the Senator from Utah is willing to accept it and let it go to conference. I really think it ought to be accepted and go to conference, in view of the amendment offered by the Senator from Idaho [Mr. THOMAS] to the wool schedule, because there is a confusion now that ought to be clarified, and if this amendment were accepted, it seems to me, the whole matter then would be in conference and clarification of the language could be effected. The Senator will recall that my proviso was, in substance, this: Following section 906, which makes cotton cloth containing any part of wool dutiable at 60 per cent ad valorem, the proviso is that if the cloth contains not more than 15 per cent of wool and is of a value of not more than 25 cents a pound, which would exclude all but the very cheapest grade of lining cloth, then it shall be dutiable not at the ad valorem rate of 60 per cent but the cotton rate of 40 per cent. I think the Senator ought to accept the amendment, and when he gets the bill into conference he will find it helpful to enable the conferees to clarify the language. It will not interfere with any other provisions of the bill.

Mr. SMOOT. We can not very well get through with amendments to the bill to-night.

Mr. GEORGE. Oh, no.

Mr. SMOOT. We can not get the bill into the Senate to-night.

Mr. GEORGE. I thought we might get it into the Senate to-night.

Mr. SMOOT. There are a number of Senators who have asked me to let it go over until to-morrow, on account of one or two amendments which they desire to offer, and if there is not any other amendment to be offered to-night, I would rather take a recess now.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be printed and lie on the table.

Mr. BARKLEY. Mr. President, when we voted on the tariff on cement in schedule 2 we struck out the words "or cement clinker." In the amendment which the Senator offered to the free list, to comply with that, I think he left out the words "or cement clinker." I wonder if he ought not to correct that now, so that when the bill gets into the Senate the amendment will be complete?

Mr. SMOOT. I will ask the clerk to read the amendment as it was adopted.

The VICE PRESIDENT. Upon what page is the amendment?

Mr. BARKLEY. On page 252, in the amendment which has been inserted at line 21, after the word "cement," wherever it appears in that paragraph I was going to suggest that the words "or cement clinker" be inserted.

Mr. SMOOT. That ought to have been done.

The VICE PRESIDENT. Will the Senator send his amendment to the desk?

Mr. BARKLEY. It is an amendment to an amendment which has been agreed to by the Senate. When it was inserted in the free list I did not have the language, but it will be sufficient if after the word "cement" in the amendment wherever it appears the words "or cement clinker" be inserted.

Mr. SMOOT. That is right.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The VICE PRESIDENT. Will the Senator send his amendment to the desk?

Mr. BARKLEY. This is an amendment to the amendment agreed to by the Senate when it inserted cement in the free

list. I have not the language; but it will be sufficient if, after the word "cement" in that amendment, wherever it appears, the words "or cement clinker" are inserted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRIS. Mr. President, I give notice that I reserve the right, when the bill comes into the Senate, to offer an amendment with regard to jute.

The VICE PRESIDENT. That is not necessary. The Senator has that right.

Mr. NORRIS. Mr. President, I have an amendment which has been printed and on the desk for quite a long time. I had it printed early, because it was a new provision of a tariff bill, and I wanted as many Senators as possible to read it and see it and think about it.

I should prefer not to debate the amendment to-night. I think probably it will lead to considerable debate; but I am perfectly willing that it should be offered and be pending, and I will make just a few remarks in explanation of it, so that Senators can in the meantime think about it, and debate it in the morning, if that is agreeable to the Senator from Utah.

Mr. SMOOT. Does the Senator from Nebraska desire to speak on it to-night?

Mr. NORRIS. Just briefly. I do not want to do that if other Senators have other amendments they want to dispose of to-night.

Mr. SMOOT. I know of two amendments that are ready to be taken up to-night.

Mr. NORRIS. Then I send to the desk the amendment, which I offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Nebraska offers the following amendment:

At the end of the bill insert the following:

(1) That in effectuating the purpose of this act to encourage domestic industries, etc., by the imposition of duties upon imports from other countries, it is also the purpose to protect domestic purchasers and consumers against the exaction of excessive or artificial prices in respect to any and all the articles, commodities, and things subject to such duties by the maintenance of full conditions of unrestrained competition among domestic producers and distributors. That in order to assure the maintenance of such conditions of competition any citizen of the United States or the people's counsel established in this act shall be entitled to file a complaint in the Court of Customs alleging that such conditions of competition do not prevail with respect to the production, distribution, or sale of any such dutiable article or commodity and setting forth the facts and circumstances supporting the allegations in such complaint, which shall be verified by the oath of the complainant or others.

(2) Upon the filing of such complaint the said Court of Customs shall have jurisdiction to hear and determine the truth and merit of such complaint and shall immediately cause public notice to be given by publication in the Treasury Decisions of the Department of the Treasury and the Commerce Reports of the Department of Commerce to all persons and corporations or associations concerned in the domestic production, distribution, or sale of such article that it will hold a hearing on the questions of fact and law contained in such complaint upon a day to be named therein when relevant testimony and argument may be offered to determine whether such full conditions of domestic competition prevail and to what extent if any price-fixing agreements or practices, or production-limiting agreements or practices obtain in the production, distribution, or sale of such article or commodity—and following such testimony and hearing the said court shall report its findings to the President.

(3) That upon the receipt of such findings if it be shown thereby that the full conditions of competition contemplated by this act do not prevail with respect to the dutiable article, commodity, or thing described in such complaint then it shall be the duty of the President within one month to issue a proclamation suspending the imposition and collection of the duty or duties levied in this act upon such article, commodity, or thing and declaring such duty or duties inoperative until and unless it shall be established before such court, and such court shall make findings to the effect, that the full conditions of competition aforesaid do prevail and shall report such findings to the President who shall then proclaim a cessation of the suspension of such duty or duties.

(4) The said court shall be governed by the preponderance of the evidence in making its findings and shall have power to make reasonable rules and regulations to govern its procedure in such cases: *Provided*, That nothing herein and no proceeding brought hereunder shall be held to weaken or otherwise adversely affect the laws of the United States applicable to conspiracies in restraint of trade or the enforcement thereof.

Mr. NORRIS. Mr. President, let me say, briefly, that I think it is quite apparent that the object of this amendment is to preserve competition and prevent monopoly, agreements, and so forth, on the part of the manufacturers or the distributors of any of the articles that are given protection under the bill. In other words, one of the objects of the bill is to sustain and improve the condition of the manufacturers and distributors of goods; and another one ought to be—this amendment specifically states that it is one of the objects of this legislation—to keep up competition.

It is well known that sometimes, behind the high tariff wall, monopoly forms, agreements are made, competition is killed, competition is dead, and the consumers are required to pay an exorbitant and unreasonable price for the goods.

I do not know that this has been attempted before. I am not sure that in every case the language is what it ought to be. I am simply trying, as I believe every Senator is anxious to do, to preserve competition and to prevent monopoly.

It is true that we have other laws and other tribunals. We have the antitrust laws. We have the Federal Trade Commission, whose duty it is to look into these things. None of them, however, has any power to suspend a duty that makes a tariff wall so high that behind it these things can occur. This amendment does not repeal any antitrust law or any law giving to the Federal Trade Commission the power that it possesses with reference to unfair competition, and so forth; but it adds another remedy.

If the Court of Customs finds that behind the tariff wall a monopoly has grown up, that an illegal agreement has been made, and thus competition has been killed, the court simply reports that fact to the President of the United States. Then the President issues a proclamation suspending the duties that have enabled this bad condition to exist; and until competition is reestablished, and this court so certifies, these duties are abolished. When a condition of competition is again brought about, another proclamation is issued that permits the rates of duty provided in the bill to become effective.

Senators will remember that in one of the administrative provisions of this bill we have provided for a people's counsel. Heretofore there has not been any one, as those of us thought who were in favor of a people's counsel, to appear in behalf of the people before the Tariff Commission. We have now put into this bill an amendment which provides for such a counsel, whose duty it shall be to protect the consumers of the country before the Tariff Commission, so that they will always be represented in that tribunal by an attorney. This amendment gives to that counsel in particular, and incidentally to any citizen of the United States, the right to make a complaint, verified on oath, setting before the Court of Customs the fact that competition has ceased by virtue of illegal agreements or combinations or monopolies formed on account of the tariff levied on some specific article.

As far as I am able to see, I can find no objection to the proposal. It seems to me that it fills out a link here that ought to be filled out; that there ought to be some way that would give relief against a tariff that has enabled a monopoly to be formed by eliminating the very cause of the monopoly—something that now under our law can not be done.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I do.

Mr. WALSH of Massachusetts. The Senator is seeking to prevent exorbitant prices being charged to American purchasers of foreign goods. Is that correct?

Mr. NORRIS. Yes; that is one of the principal objects of the amendment. Of course it must appear that those unreasonable prices come about from the elimination of competition.

Mr. WALSH of Massachusetts. The Senator seeks to set up some governmental machinery that will tend to control the levying of exorbitant charges upon Americans who purchase imported goods?

Mr. NORRIS. Yes.

Mr. WALSH of Massachusetts. I hope the Senator will press his amendment.

Mr. HEBERT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I yield.

Mr. HEBERT. I did not so understand the amendment of the Senator as it was read. I was about to propound a question as to whether his amendment should not include a provision to reach the importers who charge what have been represented here as unconscionable prices for goods imported.

Mr. NORRIS. I will say to the Senator that I have an amendment of that kind.

Mr. HEBERT. Precisely. The amendment which has just been read, as I understand, does not cover that subject.

Mr. NORRIS. Not directly. The way I think it would bring about the effect suggested by the Senator from Massachusetts is that it would prevent combination and monopoly by virtue of a particular tariff on a particular article; and if the competition were restored it would logically follow, I think, that exorbitant prices could not be charged, so that it would have that effect

Mr. HEBERT. Mr. President, will the Senator yield further?

Mr. NORRIS. I yield further; yes.

Mr. HEBERT. As I listened to the reading of the amendment, it seemed to me that it affected domestic articles rather than imported articles, and, in fact, did not reach imported articles.

Mr. NORRIS. It does affect domestic articles.

Mr. HEBERT. And it does not reach imported articles?

Mr. NORRIS. It reaches any kind of an article. If the tariff is so high, for instance, that it results in an embargo up to a certain point, so high that it would keep out all imported articles, let us say, unless the price charged here was away above a reasonable one, and behind that protective wall a monopoly by virtue of an illegal agreement between the manufacturers of the domestic articles would raise the price, then the law would become operative upon the showing of those facts and an adjudication to that effect by this court.

Mr. HEBERT. Against the domestic producers?

Mr. NORRIS. Against the tariff. In other words, the judgment would be that the President should issue his proclamation to remove the tariff.

Mr. HEBERT. Which would affect domestic manufacturers and producers?

Mr. NORRIS. Which would affect domestic manufacturers and producers; and it would continue to be removed until competition had been restored.

Mr. HEBERT. And, in effect, would permit the importation of goods free of duty?

Mr. NORRIS. It would; the object of that being to bring about competition. That importation of foreign goods free of duty would continue, then, until the same court found that competition had been restored.

Mr. KEAN and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from New Jersey.

Mr. KEAN. I should like to ask whether the Senator thinks it fair that the President should take off this duty and give the trade to a monopoly abroad?

Suppose there is a monopoly in both countries; does the Senator think it would be fair to throw American labor out of a job in order to aid a foreign monopoly?

Mr. NORRIS. The effect of the amendment would be temporary if these illegal agreements were made to accomplish that very thing. It would only last, however, as long as those illegal agreements lasted. In other words, here are some American manufacturers behind a tariff wall that is built so high that it enables them to form a monopoly by an illegal agreement and charge an exorbitant price to the consumers. The object is to break down that monopoly, and it is broken down by virtue of taking away the tariff protection under which it was built up. It stays down until competition is restored.

If the American manufacturers do not want to have foreign competition, all they have to do is to refuse to enter into illegal agreements and price-fixing arrangements with others who are engaged in the same business. It is in their hands; it is under their control.

Mr. KEAN. Suppose the tariff is so low on those goods that they come in, and that then the foreigners charge an enormous price, make an unconscionable profit, as in the cases which we have had exhibited here during the tariff debate?

Mr. NORRIS. If the tariff is low, combination is not going to be made. They can not make an illegal agreement that will raise a price very high unless they have a high tariff wall through which they can make the agreement.

On the other hand, does the Senator object to saying to the American manufacturer, "Here is a tariff to protect you. Within the limits of this duty we are going to protect you from foreign importations; but if you make an agreement between yourselves, an illegal agreement, by which you fix the price, by which you kill competition, then we are going to take down that tariff wall, and we are going to keep it down as long as you are guilty of that kind of illegal conduct."

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. SWANSON. I want to make a suggestion to the Senator from Nebraska. His amendment to the flexible provision of the tariff bill is wise, it has my complete and full approval, and, as I understand the amendment, the Tariff Commission is directed to investigate with regard to all the rates.

Mr. NORRIS. The investigation is to be made by the Court of Customs Appeals.

Mr. SWANSON. The Senator's amendment is to the flexible provision of the tariff. They are to report to Congress, and Congress will determine what rates shall be fixed. As I understand this amendment, the Customs Court is to determine whether there is a monopoly or not. It is tried before the Customs Court, and when the Customs Court finds that fact, the protection is withdrawn from that article.

Mr. NORRIS. Yes.

Mr. SWANSON. It is put on the free list.

Mr. NORRIS. Yes.

Mr. SWANSON. We will not have a vote to-night, and I would like to have the Senator consider if it would not be wiser for him to pursue this course in his amendment, which is wise, and which ought to be enacted into law under certain conditions, namely, to direct the Tariff Commission to ascertain the facts covered by his amendment and let them report to Congress. I believe we would get speedy action. Action would be left to Congress. I believe that would be more effective and more in accord with the other provisions contained in this tariff bill and adopted by the Senate in connection with the flexible provision.

It seems to me the better course to pursue would be to have the Tariff Commission ascertain whether such conditions as those at which the Senator aims existed in connection with the customs duties. After they ascertain those facts, they can report to Congress, and Congress might think the duties ought to be reduced, or that the article ought to be on the free list. Why is it not wiser to leave it to Congress than to the court? I would like to have the Senator between now and to-morrow, when this provision will come up, consider whether that is not the most effective way to accomplish what he desires, rather than try to reach the relief through the Customs Court. My experience is that courts take years and years to decide matters.

I would like to have the Senator consider that thought, and see if that is not the most effective way to accomplish what he desires. I do not want to argue the matter to-night. I am simply making the suggestion to him.

Mr. NORRIS. Mr. President, of course the Senator's suggestion may be a wise one; in fact, I wanted to bring out criticisms and suggestions, and to have Senators think about it, because I realize we are taking a new step when we legislate on the matter at all.

At first blush, however, I doubt the wisdom of providing that the report shall be made to Congress. It may be better, instead of having a trial before the court, to have the investigations made by the Tariff Commission; but my idea was that it would go into a tribunal which would treat it like any other lawsuit, and we would get an adjudication, without any possibility of any party matters or partisanship or different theories of tariff being taken into consideration. I do not believe it would be wise, as I look at it now, for them to report to Congress, because that would result in too much delay.

Mr. SWANSON. If the Senator will permit me, the same complaint was made against a revision of the tariff under the flexible provision, but the Senator very wisely and ably eliminated that complaint by providing that the commission should report a specific rate, and then, when that rate was reported to Congress, it should not be amended by including other rates.

Mr. NORRIS. Yes.

Mr. SWANSON. It seemed to me when I heard the Senator's splendid speech and the discussion, that that method would be effective, that it would be prompt, and would get rid of the evil complained of and proven; and it appears to me that the same principle, if applied to these conditions, would be more effective.

Mr. NORRIS. The Senator may be right, of course.

Mr. SWANSON. I would like to have the Senator think of it. I know it is necessary to have a specific statute defining what monopoly is, defining the conditions which will sustain a charge of monopoly, because a court simply interprets the law; Congress can not delegate its power of making the law; it must make it specific. Unless we had a law guiding the Interstate Commerce Commission, they could not fix rates.

I believe if the Senator would take his amendment and modify it and make it a part of the flexible provision which the Senate

has passed, and leave as he has it that splendid amendment, the flexible provision, which impressed me very profoundly when I heard it discussed, he would make it possible to get rid of all delay; I believe he would solve the problem through a provision wise, quick, prompt, and effective.

I have not thought of the matter except in a desultory way to-night, but I would like to have the Senator consider the proposition to offer his amendment to the flexible provision of the tariff, and have the law operate that way instead of leaving the matter to the Customs Court. I am satisfied that he would find it more effective than if he should leave it to the court.

LEGISLATIVE SITUATION IN CONGRESS

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD an article from the Sacramento (Calif.) Bee of Tuesday, February 25, 1930, entitled "Hoover to Blame for the Legislative Jam."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento (Calif.) Bee of Tuesday, February 25, 1930]

HOOVER TO BLAME FOR THE LEGISLATIVE JAM

President Hoover has been holding a number of consultations with regular Republican leaders with respect to the legislative situation in Congress.

These have been getting considerable space in the newspapers. And the purpose of them seems to be, if possible, to convince the country that the progressive Republicans and the Democrats, who control the Senate, to the embarrassment and chagrin of the Republican regulars, are doing a very ill service in not forthwith and without debate accepting the rates fixed in the House tariff bill.

This same sort of dishonest propaganda was attempted last fall during the stock-market collapse when a New York banker made the ridiculous statement that if the Senate had passed the tariff bill the collapse would not have occurred.

If the present situation is not to the liking of President Hoover, he has only himself to blame.

Neither in his campaign speeches nor in the Republican platform was there any pledge that a general revision of the tariff was to be undertaken by his administration.

There was no general demand that it should receive the attention of the special session of Congress except that some further protection should be extended to certain restricted agricultural products.

But the President not only permitted, but he encouraged the Republican machine in the House to reopen the whole subject. And when that machine prepared and put through a bill which contained more indefensible increases, more bounties to the great trusts and syndicates, and more shameful raids on the pocketbooks of the American consumer than any previous tariff bill in American history he lifted not so much as a single whisper or a little finger in protest.

The Republican progressives in the Senate refused to swallow this outrageous holdup of the American citizenry.

And, with the aid of the Democrats, they have rewritten the bill in the interests of the farmer and the citizenry generally.

Its rates remain sensibly protective.

But they no longer smack of brigandage.

Mr. Mellon and his Aluminum Trust and many other like greedy grabbers of tariff favors have had their noses peeled and their eyes more or less blackened; but the public generally is not weeping any tears for them, even although the White House itself has been made unhappy thereby.

Instead, therefore, of deserving censures the Republican progressives merit the warmest praise.

They have saved their party, too, from the stigma of betraying the people once more into the hands of their exploiters.

DEATH OF REPRESENTATIVE JAMES ANTHONY HUGHES

A message from the House of Representatives by Mr. Chaffee, one of its clerks, communicated to the Senate the intelligence of the death of Hon. JAMES ANTHONY HUGHES, late a Representative from the State of West Virginia, and transmitted the resolutions of the House thereon.

Mr. GOFF. Mr. President, I ask that the resolutions of the House be laid before the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Chief Clerk read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 3, 1930.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES ANTHONY HUGHES, a Representative from the State of West Virginia.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. GOFF. Mr. President, words mean so little in the hour of sorrow—and all because they are so inadequate—and yet in the stress and pathos of life, when the heart is bruised and the soul is crushed, and the hand reaches out into the hush and the shadow, the fact that friends and colleagues feel and sympathize, because they, too, have suffered, will be a consolation and a comfort to the family of Mr. HUGHES. Many Members of the Senate served for years with the deceased in the House of Representatives. They know that he was always a man of charm and courage, and that he will be remembered always for his splendid fortitude and his unselfish, manly character. Therefore, Mr. President, I offer the following resolutions, and request that they be read by the clerk and considered by the Senate.

The resolutions (S. Res. 223) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES ANTHONY HUGHES, late a Representative from the State of West Virginia.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock a. m. to-morrow.

Thereupon the Senate (at 10 o'clock p. m.) took a recess until to-morrow, Tuesday, March 4, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

MONDAY, *March 3, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God be merciful unto us and bless us; and cause His face to shine upon us, that Thy way may be known upon the earth, Thy saving grace among all nations. Let the people praise Thee, O God; let all the people praise Thee. O let the nations be glad and sing for joy; for Thou shalt judge the people righteously and govern the nations upon earth. Let the people praise Thee, O God; let all the people praise Thee. Then shall the earth yield her increase; and God, even our own God, shall bless us. God shall bless us; and all the ends of the earth shall fear Him. Again, our Heavenly Father, our flag is at half-mast. Again the shadows of death have fallen across our pathway. Graciously remember those who are in mourning, and may they hear the voice coming down through the skies saying, "Learn of me; for I am meek and lowly in heart; and ye shall find rest unto your souls." Amen.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna in Dorchester County to a point in Wicomico County.

SPECIAL ORDERS FOR TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the special orders made for to-morrow go over until Thursday and be in order on that day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the special orders for to-morrow be in order on Thursday next. Is there objection?

Mr. GARNER. Reserving the right to object, is the gentleman going to substitute some day for this?

Mr. TILSON. I am trying to clear to-morrow for to-day's business.

Mr. STAFFORD. Reserving the right to object, what order will the address of the gentleman from New York [Mr. SIROVICH] take? Are the addresses of to-morrow to follow his address on Thursday?

Mr. TILSON. I will incorporate in my request that the special orders for to-morrow be in order on Thursday to follow the address of the gentleman from New York [Mr. SIROVICH].

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

POSTPONEMENT OF BUSINESS TO-DAY UNTIL TO-MORROW

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that the business in order to-day be in order to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the business for to-day be in order to-morrow. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GARBER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and incorporate therein resolutions and declarations of policy on the flood control conference recently held in McCook, Nebr.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. UNDERHILL. Reserving the right to object, who are these resolutions by?

Mr. GARBER of Oklahoma. Resolutions from the Nine States Conference held at McCook, Nebr.

Mr. UNDERHILL. Well, Mr. Speaker, there is a place in the RECORD for such resolutions, and I object.

LEAVE TO ADDRESS THE HOUSE

Mr. WALKER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes after the disposition of business on the Speaker's table on next Friday on the question of the tobacco tax.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House on next Friday for 45 minutes, following the remarks of the gentleman from Kentucky, on the question of the congestion in the Federal courts because of prohibition.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of veterans' relief.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, in connection with my request, I have received a great many communications, appeals, and petitions from ex-service men, and I ask unanimous consent to quote from those communications. I do not want to burden the RECORD, but I ask unanimous consent that I may insert those quotations.

Mr. UNDERHILL. Reserving the right to object, I think the gentleman should state how much material he proposes to insert.

Mr. RANKIN. I would like to insert the names of the veterans, the widows, and the other people who have appealed to me.

Mr. SNELL. Well, Mr. Speaker, I object.

Mr. RANKIN. Then, Mr. Speaker, I ask unanimous consent that I may quote from those petitions in leaving off the names.

Mr. UNDERHILL. We all recognize the interest the gentleman has in veterans' legislation. If we inserted in the RECORD all of our letters, telegrams, and extraneous matter of that sort, we would fill the RECORD up, and I feel obliged to object.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GARNER. I do not know that I am in sympathy with the particular thing that the gentleman from Mississippi [Mr. RANKIN] is doing, but if the gentleman from Massachusetts will look at the RECORD of last Friday, he will see that 10 pages were used by a Member of another body to insert statements from newspapers and everything else. It seems that no Member of this body can have the opportunity to present his views in the way in which he wants to, but that in another body a Member may encumber the RECORD with anywhere from 10 to 100 pages of extraneous matter, without any objection from anyone.

Mr. UNDERHILL. And may I say that it is an outrage upon the public and the taxpayers of this country to do so?

Mr. GARNER. And some one ought to take the responsibility of trying to keep out such extraneous matter in another body. The Joint Committee on Printing has that power.

Mr. UNDERHILL. And they ought to exercise it.

Mr. GARNER. It looks as if the gentleman ought to bring pressure to bear upon the members of his own party.

Mr. RANKIN. Mr. Speaker, while I would prefer to put in the names of these disabled men, their mothers, and so forth, if the gentleman from Massachusetts objects to it, of course, I shall have to withhold those names, but in quoting from these communications all I expect to do is to quote sufficient to show the trend, and all of the quotations that I shall make will probably not cover one page of the CONGRESSIONAL RECORD.

Mr. UNDERHILL. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' RELIEF

Mr. RANKIN. Mr. Speaker, under the leave just granted me to extend my remarks in the RECORD on the subject of soldiers' relief and to quote from letters, appeals, and petitions sent me, imploring Congress to do justice to our uncompensated disabled veterans of the World War, I desire to first call the attention of the House to the parliamentary situation.

Early in the session I introduced my bill, H. R. 7825, to extend the presumptive period for tubercular veterans and those suffering from other chronic constitutional diseases to January 1, 1930. To my surprise, opposition to this measure developed in the committee. We called for a hearing. It was granted, but instead of calling witnesses in favor of the bill they called the witnesses opposing it, and when the time came to hear those favoring the measure the administration's forces on the committee sidetracked my bill and took up what is known as the Johnson bill, which has been reported and numbered 10381.

Had it not been for our fight on the Rankin bill (H. R. 7825), even the Johnson bill would never have been reported, and I seriously doubt if it would ever have been taken up in the committee. The Johnson bill brings the presumptive period for diseases other than tuberculosis up to January 1, 1925, but does not extend the presumptive period for tuberculosis.

We are not opposing the main provisions of that bill. It is good as far as it goes, but it does not go far enough.

Therefore we have a petition on the Speaker's desk which Members are signing to bring the Rankin bill out of the committee in order that it may be considered by the House. That bill meets with the approval of the veterans throughout the country. It also meets with the approval of the American people.

If any of you doubt that, get a copy of it and send it home and ask any civic organization to take it up and discuss it, and nine times out of ten you will receive a reply giving it hearty support.

It has been intimated that the service organizations are not behind it. That is a mistake. The Disabled American Veterans, which is an organization composed exclusively of disabled veterans of the World War, are 100 per cent for it. Their representative, Hon. Thomas Kirby, who has labored for the disabled ex-service men day in and day out ever since I have been a Member of Congress, has given the measure his whole-hearted support from the very beginning. A short time ago Hon. William J. Murphy, national commander of the Disabled American Veterans, came to Washington and gave it his unqualified indorsement. He had just gone the rounds of the veterans' hospitals of the country and knew the conditions first hand. He not only indorsed this measure then, but everywhere he has been since he left Washington he has raised his voice in support of it.

It has been intimated that the American Legion is against the bill. That is not true. There may be a few leaders temporarily in power who have withheld their indorsement, but the rank and file of the American Legion from one end of the country to the other are whole-heartedly behind it, as I will show before I conclude these remarks. While some of the would-be leaders are talking about taxing the profits of the next war, the rank and file believe, as I do, that we should tax some of the profits of the last war, if necessary, in order to get money to care for our uncompensated disabled veterans of that conflict who are now disabled and whose wives and children are in want.

Rumors have been circulated around the Capitol that this bill would cost hundreds of millions of dollars annually. How absurd!

According to the testimony of the Director of the Veterans' Bureau, it would not cost more than $44,000,000 for the first year, and I seriously doubt if it would cost that amount. But

even if it does, this Congress has just given back to the large income taxpayers of the country one hundred and ninety millions of dollars on their taxes for last year, and the President indicated in his message to Congress, if I remember correctly, that he hoped to make a similar reduction every year from now on.

Hundreds of millions of dollars have already been appropriated by the present Congress that could have been better applied to compensating our disabled veterans. Nothing would do more, in my opinion, to insure the future peace of mankind, than to let those who have made money out of the war, coining their millions out of the blood and tears of the suffering men, women, and children of the world, understand that those profits in the future are going to be taxed to take care of the disabled victims of the conflict. I for one am ready now to tax the profits of the last war in order to get money to take care of those who offered their lives in the defense of their country and who are now unable to defend themselves.

Of course, I know that these men can be hospitalized under the present law if there is room in the hospitals for them, but in the first place there is not room for all of them. Besides, they can not afford to leave their wives and children without the necessities of life.

It is estimated that these uncompensated disabled veterans are dying at the rate of 50 a day. We began hearings on the Rankin bill, I believe, on the 22d of January, 40 days ago. Since that time approximately 2,000 of these unfortunate boys have passed away, if the estimate to which I have referred is anything like correct.

Of course, when one dies we erect a monument to his memory, and if there is an outfit convenient we give him a military funeral—fire a few rifles over his remains, frighten his children, and remind his wife of the ingratitude of republics.

Under the Johnson bill we would also give a flag with which to drape his coffin.

Why the necessity for this legislation? Because many thousands of our worthiest soldiers who tried to carry on after the war closed, and who finally broke down, find that they were too late in making their application.

I will just cite a few of the hundreds of cases that are on my table now.

I have in my hand a letter from a soldier boy in Pennsylvania, which was sent to me by an officer of the American Legion of that State.

By the way, while I am on that subject, I desire to say that the American Legion of the State of Pennsylvania has indorsed this Rankin bill.

But the letter to which I refer is from a poor boy who has been denied compensation on the ground that his disability, that of a nervous breakdown, was not service connected. In reply to that he says:

I laid in the mud in the German prison camp, not even a board to lay on, and the food, if you would like to call it that, was of middlings and rotten cabbage and nettles and weeds, and maggots crawling around your wounds, and the stink was worse than on the battle field. Then my condition ain't due to service. I could write a book on it.

He seems to have recovered from his wounds, but the horrible experience through which he passed gradually wore his nerves, until to-day he is a total wreck; but he is denied compensation on the ground that his disability is not service connected. Of course, his service record does not show treatment, for he was in a German prison at the time.

I have here a letter from a disabled veteran from the State of Florida, who tells me that he is 41 years old, married, and wholly dependent upon his daughter for support.

In other words—

He says—

I exist by the grace of charity.

He enlisted on April 7, 1917, the day after the war was declared, and was honorably discharged on October 19, 1919. He was a member of the crew on active duty and a survivor of the ill-fated U. S. S. *San Diego*—armored cruiser—

Sunk by mine off the coast of Fire Island July 19, 1918.

In speaking of his experience he says:

I received no physical injuries other than shock and exposure, as we were in the water for three and one-half hours.

He came home and attempted to carry on until 1925, when he suffered a breakdown and became partially paralyzed. He is now a hopeless invalid, and the bureau informs him that he is shut out because of the limitation of the law.

I have before me the case and picture of a young man in a wheel chair. He writes me from Chicago, Ill., and I presume he is a citizen of that State. He asks me to show this picture to Congressmen and ask them if they would like to see a son of theirs in that condition, and as he expressed it—

Not getting any compensation for the hell and fighting that I had to go through; also having a service-connected case, but having the grit and will power to stick it out and keep on going.

He tells me that he had developed trench feet and abdominal adhesions, but yet he did not complain except to first aid only, and then went back to the line again and joined his outfit. With that same patriotic determination he seems to have attempted to overcome his disabilities after the war closed to keep from calling on his Government for assistance. When he finally broke down and was compelled to do so, he found that he had passed the time limit of 1925 and was told that he was too late.

I have also before me a letter from California from a man who tells me that he is now 53 years old. He is a hopeless invalid, lying in a veterans' hospital without compensation, and thus separated from his family because of his inability to exist without the assistance of the Government. He is told that his claim came too late, or that his breakdown came too late.

Here is one of the disabled veterans from the State of Georgia suffering from tuberculosis, who tells me that he tried to carry on until after 1925 when he broke down and was compelled to go to the hospital and was told then that his application came too late.

I know some will say that he might have offered proof to show that he had this disability before the close of 1925, but the Veterans' Bureau has refused to accept even the evidence of physicians unless they were backed up by a clinical examination.

Here is a case, Mr. Speaker, of a poor tuberculosis victim in Fort Harrison, Mont. He enlisted in the United States Army in August, 1913, and served on the Mexican border five months prior to our entry in the World War. He then went overseas and served 18 months, sailing for France in October, 1917. Nine months of that time he spent in the trenches in all engagements in which his division participated. After the armistice he served on the Rhine. He was cited for bravery in action by both the French and American Armies for carrying a message under shell fire during which time he was under gas five hours. He was decorated with the distinguished-service cross and was awarded the croix de guerre. He returned to the United States and was discharged in May, 1919. He is a married man with a wife and a small child. He broke down with tuberculosis after the time limit of 1925 expired and is now told that he can not receive a dollar of compensation, because he can not prove that his disability is service connected.

I could pile these cases so high that it would take a volume, almost, of the CONGRESSIONAL RECORD to contain them all, but I am only citing a few that come under my personal observation at this moment in order that the Members of the House and those who read this RECORD may know that we who are waging this fight are engaged in a worthy cause.

With thousands of similar cases before the eyes of the country, some in practically every community in the United States, is it any wonder that the American people, and especially the ex-service men, are behind this bill that would take care of these uncompensated disabled men?

I have here a petition which seems to be about 20 or 25 feet long appealing to Congress to pass this bill. This petition comes from Outwood, Ky., and at first glance I see on it names of men from Pennsylvania, Mississippi, Maryland, Ohio, Alabama, Indiana, and I am sure if I went on down the list I would find men from every State in the Union. That is but one of the many petitions.

I see here a petition containing about 400 names, all from one district in New Jersey. Their petition states that—

Most earnestly request and urge your support of Rankin bill, H. R. 7825.

Here are 72 other petitions to Congress in favor of this bill. I wish I could read them into the RECORD with the thousands of names they contain. These are all in addition to the ones mentioned in my previous remarks and the ones inserted in the RECORD some time ago. They not only cover every State but they cover every congressional district. Many of them contain this expression, "A feeble effort reaching out from a sick bed." Many of them have this inscription:

Leave your frolic for a moment. Or rather, as you hear the martial air of the band, the blare of the bugle, the lilt of the song, the gay serenade of the singer, may those melodies commingle with these other lesser noises, the moan of the disabled, the cough of the tubercular, the groan of the utterly spent, of the men who are sick unto death. May these far less harmonious sounds rise in a mighty voice to speak

for us; and may it, through you, thunder our cry on the ears of the Nation, that those living may still live on, that the dying may be brought back to life.

I find several petitions here signed by war mothers alone appealing to Congress to pass this legislation before any more of these disabled boys go uncompensated to their graves. They have not forgotten those trying days of the World War when they were called upon to give their most precious earthly possessions to their country, and now when these boys are disabled and in need of help they can not understand why their Government is reluctant to respond to their needs.

I have in my hand a telegram signed by the Uncompensated Disabled Veterans of the World War at Fort Bayard, N. Mex., in which they say:

We, the Uncompensated Disabled Veterans of the World War, have for the past several years pleaded with you for greatly needed relief through just and undiscriminating legislation. The Rankin bill now before the Veterans' Committee is the only constructive measure under contemplation. We most respectfully request your whole-hearted support of this bill * * *. To you this may be merely a question of dollars and cents; to us it is a matter of life and death * * *.

This is typical of the messages pouring in from every section of the country. It would be impossible for me to even mention the thousands of letters, telegrams, and so forth, that have come to me appealing for this legislation.

Mr. Speaker, this is not a gesture. This is not even what might be termed a wave of popular feeling; but it is a rising tide of public sentiment which Congress can not afford to ignore.

I trust that every Member of the House will sign the petition now on the Speaker's desk to bring this measure to the floor of the House, for if we can ever get a vote of the membership of this body it will pass by an overwhelming majority.

These disabled boys did their duty when their country called for their service; let us in turn perform our duty toward them now.

ELECTION TO COMMITTEES

Mr. TILSON. Mr. Speaker, I send to the desk the following resolution, which I ask to have read.

The Clerk read as follows:

House Resolution 175

Resolved, That CHARLES FINLEY, of Kentucky, be, and he is hereby, elected a member of the following standing committees of the House, to-wit: Elections No. 3; Mines and Mining.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE LATE REPRESENTATIVE JAMES A. HUGHES

Mr. BACHMANN. Mr. Speaker, it is with deep regret that I inform the House of the death of our friend and colleague, Hon. JAMES A. HUGHES, Member of Congress from the fourth congressional district of the State of West Virginia, who passed away yesterday. I send to the Clerk's desk the following resolution and ask for its immediate adoption.

The SPEAKER. The gentleman from West Virginia offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 176

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES ANTHONY HUGHES, a Representative from the State of West Virginia.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee.

The Clerk read as follows:

Hon. HENRY ALLEN COOPER, of Wisconsin; Hon. GILBERT N. HAUGEN, of Iowa; Hon. WILLIAM H. STAFFORD, of Wisconsin; Hon. JAMES P. GLYNN, of Connecticut; Hon. B. CARROLL REECE, of Tennessee; Hon. CARL G. BACHMANN, of West Virginia; Hon. FRANK L. BOWMAN, of West Virginia; Hon. THOMAS A. JENKINS, of Ohio; Hon. KATHERINE G. LANGLEY, of Kentucky; Hon. JOHN M. WOLVERTON, of West Virginia; Hon. ELVA R. KENDALL, of Kentucky; Hon. HUGH I. SHOTT, of West Virginia; Hon. JOHN J. MCSWAIN, of South Carolina; Hon. LISTER HILL, of Alabama; Hon. JOE L. SMITH, of West Virginia.

The SPEAKER. The Clerk will continue the reading of the resolution.

The Clerk read as follows:

Resolved, That, as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 15 minutes p. m.), in accordance with the resolution heretofore agreed to, the House adjourned until to-morrow, Tuesday, March 4, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 4, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(1.30 p. m.)

Navy Department appropriation bill.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To permit the admission as nonquota immigrants of certain alien wives and children of United States citizens (H. R. 2404).

To admit to the United States Chinese wives of certain American citizens (H. R. 5654).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right to homestead entry," approved February 14, 1920, as amended January 21, 1922 (H. J. Res. 181).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposed legislation concerning Muscle Shoals.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To prevent professional prize fighting and to authorize amateur boxing in the District of Columbia (H. R. 9182).

EXECUTIVE COMMUNICATIONS, ETC.

354. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting draft of a bill for the relief of Frank M. Grover was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the United States Fuel Administration (Rept. No. 808). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HALE: Committee on Naval Affairs. H. R. 348. A bill to place Norman A. Ross on the retired list of the Navy; with

amendment (Rept. No. 809). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 752. A bill for the relief of Wesley B. Johnson; with amendment (Rept. No. 810). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 816. A bill for the relief of Lieut. Commander Cornelius Dugan (retired); without amendment (Rept. No. 811). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 851. A bill for the relief of Richard Kirchhoff; without amendment (Rept. No. 812). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 1155. A bill for the relief of Eugene A. Dubrule; with amendment (Rept. No. 813). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 2335. A bill providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant on the retired list of the Navy; with amendment (Rept. No. 814). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 2626. A bill for the relief of George Joseph Boydell; with amendment (Rept. No. 815). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 2793. A bill granting six months' pay to Lucy B. Knox; without amendment (Rept. No. 816). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 2951. A bill granting six months' pay to Frank J. Hale; without amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 2984. A bill granting six months' pay to Mary A. Bourgeois; with amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 3175. A bill to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy; without amendment (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 5213. A bill for the relief of Grant R. Kelsey, alias Vincent J. Moran; without amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 5824. A bill for the relief of George Campbell Armstrong; with amendment (Rept. No. 821). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 6693. A bill for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired; without amendment (Rept. No. 822). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7103) granting a pension to Maggie Clark; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10399) granting a pension to Maria E. Browne; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 10449) to authorize the erection of a Veterans' Bureau hospital in the State of Nevada, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. DICKINSON: A bill (H. R. 10450) to authorize the taking over and paying compensation for the Thayer West Point Hotel building located and situated on the grounds of the West Point Military Academy, and for other purposes; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 10451) to amend section 4(a) of the immigration act of 1924 as amended by Public Resolution No. 61, Seventieth Congress; to the Committee on Immigration and Naturalization.

By Mr. SIROVICH: A bill (H. R. 10452) to create in the Treasury Department a bureau of narcotics, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD: A resolution (H. Res. 177) for the consideration of Senate Joint Resolution 3 proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHASE: A bill (H. R. 10453) granting an increase of pension to Harriet Roach; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 10454) granting an increase of pension to Isaac A. Chandler; to the Committee on Pensions.

Also, a bill (H. R. 10455) granting a pension to James M. Sanders; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 10456) granting a pension to Videlia Zehring; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 10457) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; to the Committee on Indian Affairs.

By Mr. HULL of Wisconsin: A bill (H. R. 10458) granting a pension to George W. Bryant; to the Committee on Pensions.

By Mr. FRANK M. RAMEY: A bill (H. R. 10459) granting a pension to Sarah Jane White; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 10460) granting a pension to Fannie McKinzie; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5236. By Mr. BOHN: Petition of citizens of Grand Marais, Alger County, Mich., in favor of speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5237. By Mr. BRUNNER: Petition of the Women's Republican Club of Astoria, indorsing the La Follette-O'Connell Saturday half-holiday measure and urging Congress for early and favorable enactment of same; to the Committee on the Post Office and Post Roads.

5238. Also, petition of Sons of the Revolution in the State of New York, heartily indorsing the principle of military training in Reserve Officers' Training Corps and citizens' military training camps and in high schools with Government aid; to the Committee on Military Affairs.

5239. By Mr. CAMPBELL of Iowa: Petition of 71 citizens of Sioux City, Woodbury County, Iowa, urging the speedy consideration and passage of House bill 2562 and Senate bill 476 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5240. By Mr. CHALMERS: Statement from P. W. James, Toledo, Ohio, relative to independent domestic business; to the Committee on Interstate and Foreign Commerce.

5241. By Mr. CHRISTOPHERSON: Petition of citizens of Hudson, S. Dak., asking passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5242. By Mr. DEROUEN: Petition of citizens of Beauregard Parish, La., asking that Congress endeavor to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5243. By Mr. DOWELL: Petition of citizens of Polk County, Iowa, regarding increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

5244. By Mr. DUNBAR: Petition of Edward G. Goodbub and many prominent citizens of New Albany, Ind., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5245. By Mr. FITZPATRICK: Petition signed by various residents of Bronx County, New York City, N. Y., urging the passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5246. By Mr. GARBER of Oklahoma: Petition of citizens of Kay County, Ponca City, Okla., urging passage of House bill 2562 providing for increased rates of pension to men who served in Spanish War; to the Committee on Pensions.

5247. Also, petition of William Kurtz Post, No. 976, American Legion, United States Veterans' Bureau Hospital, Castle Point, N. Y., urging support of Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5248. Also, petition of C. E. Taylor, of Taylor Pharmacy, Ponca City, Okla., in regard to the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5249. Also, petition of board of directors, Chamber of Commerce, of Lawton, Okla., urging support of legislation embodying recommendations of interdepartment board for increases in compensation paid officers and men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Geodetic Survey; to the Committee on Military Affairs.

5250. Also, petition of citizens of Ponca City, Okla., urging support of House bill 9233; to the Committee on the Judiciary.

5251. By Mr. HALL of Illinois: Petition of G. H. Copeland and 16 other residents of Stanford, McLean County, Ill., advocating an increase of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5252. By Mr. HESS: Petition of various citizens of Cincinnati, Ohio, urging the passage of House bill 8976; to the Committee on Pensions.

5253. By Mr. HULL of Wisconsin: Memorial of the Common Council of the City of Green Bay, Wis., memorializing Congress of the United States to enact House Joint Resolution 167 directing the President of the United States to proclaim October 11 of each year as General Pulaski memorial day; to the Committee on the Judiciary.

5254. Also, petition of Wisconsin Vocation Guidance Association favoring House bill 7138 and Senate bill 3340; to the Committee on Education.

5255. Also, petition of the international council representing the membership of the Amalgamated Lithographers of America, urging Congress for the passage of House bill 2562 and Senate bill 476 granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5256. By Mr. IRWIN: Petition of John W. Kelly and other citizens of East St. Louis, Ill., urging the enactment of Senate bill 476 and House bill 2562 in the Seventy-first Congress; to the Committee on Pensions.

5257. By Mr. JOHNSON of Texas: Petition of Thomas McSweeney, commander Herbert F. Watson Chapter, D. A. V. W. W.; Chester Borden, commander Avery W. Putnam Post, A. L.; and Louis Richards, chairman Uncompensated Veterans' committee, of Rutland Heights, Mass., indorsing Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5258. Also, petition of R. F. Keefe, commander Disabled American Veterans, and Edward Saunders, president Uncompensated Veterans, Sunmount, N. Y., indorsing Rankin bill; to the Committee on World War Veterans' Legislation.

5259. Also, petition of Hinds Welch, American Legion; Frederick Villio, Veterans of Foreign Wars; Albert Moriarty, Disabled American Veterans; and James Foy, Uncompensated Disabled Veterans, of Fort Bayard, N. Mex., indorsing Rankin bill; to the Committee on World War Veterans' Legislation.

5260. Also, petition of 600 inmates of veterans' hospital at Oteen, N. C., indorsing Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5261. By Mr. JOHNSTON of Missouri: Petition of sundry citizens of Salem, Dent County, Mo., praying for the passage of legislation granting increased pensions to Spanish War veterans; to the Committee on Pensions.

5262. By Mr. KEARNS: Petition of Preston Swiney and 54 other residents of Scioto County in the sixth congressional district of Ohio, requesting an early consideration of House bill 2562 to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

5263. By Mr. LANKFORD of Georgia: Petition of 100 citizens of Adell and Cook County, urging early enactment of legislation to increase pensions paid to Spanish War veterans and widows of veterans; to the Committee on Pensions.

5264. By Mr. LINDSAY: Petition of Local 251, National Federation of Post Office Clerks, Brooklyn, N. Y., with a membership of 900, urging support of the new Lehlbach retirement bill for postal employees; to the Committee on the Civil Service.

5265. Also, petition of Navy Yard Retirement Association, New York, urging support of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

5266. By Mr. O'CONNELL of New York: Petition of the Ladies Auxiliary to the Coachmen's Union League Society (Inc.), of New York City, favoring the passage of the La Follette-O'Connell bill, H. R. 167, for Saturday half holidays for postal employees; to the Committee on the Post Office and Post Roads.

5267. Also, petition of Herbert F. Watson Chapter No. 12, Disabled American Veterans of the World War, United States Veterans' Hospital No. 89, Rutland Heights, Mass., favoring the passage of the Rankin bill; to the Committee on World War Veterans' Legislation.

5268. By Mr. SPEAKS: Petition signed by 89 citizens of Columbus, Ohio, urging favorable action on Senate bill 476 and House bill 2562 proposing increased pension rates for veterans of the Spanish War; to the Committee on Pensions.

5269. Also, petition signed by 85 citizens of Columbus, urging favorable action on Senate bill 476 and House bill 2562; to the Committee on Pensions.

5270. By Mr. THATCHER: Petition signed by S. E. Nichols and others, of the fifth Kentucky district, in support of the bill to increase Spanish War veterans' pensions; to the Committee on Pensions.

5271. By Mr. WHITLEY: Petition of citizens of Rochester, N. Y., urging passage of legislation to provide increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

SENATE

TUESDAY, *March 4, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler

Mr. SHEPPARD. The junior Senator from South Carolina [Mr. BLEASE] is unavoidably detained on imperative business. This announcement may stand for the day.

The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE HUGHES

The VICE PRESIDENT. Pursuant to Senate Resolution 223, as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the late Representative JAMES ANTHONY HUGHES, of West Virginia, the Chair appoints the senior Senator from West Virginia [Mr. GOFF], the junior Senator from West Virginia [Mr. HATFIELD], the Senator from Indiana [Mr. WATSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Ohio [Mr. FESS].

CRITICISM OF CONDITIONS IN NEW YORK

The VICE PRESIDENT. The Chair appoints the Senator from New Hampshire [Mr. MOSES], the Senator from Nevada [Mr. PITTMAN], and the Senator from North Dakota [Mr. FRAZIER] a committee authorized by the motion of the Senator from Mississippi [Mr. HARRISON] to consider and report to the Senate on the point made by the Senator from New York [Mr. COPELAND] on the question as to whether or not the letter inserted in the CONGRESSIONAL RECORD by unanimous consent by



the Senator from Alabama [Mr. HEFLIN] on February 6, 1930, is in violation of paragraph 3 of Rule XIX of the Standing Rules of the Senate.

GEORGE WASHINGTON BICENTENNIAL COMMISSION (S. DOC. NO. 97)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the George Washington Bicentennial Commission, fiscal year 1930, in the sum of $20,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COOPERATIVE AND GENERAL INVESTIGATION, BUREAU OF RECLAMATION (S. DOC. NO. 96)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, fiscal year 1930, for cooperative and general investigations, amounting to $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC SCHOOLS, PUBLIC BUILDINGS AND GROUNDS, DISTRICT OF COLUMBIA (S. DOC. NO. 98)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for public schools and public buildings and grounds in the District of Columbia, fiscal year 1930, amounting to $113,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS

Mr. MOSES presented a petition of sundry citizens of Tilton, N. H., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. KEYES presented a petition of sundry citizens of Hanover, N. H., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. SULLIVAN presented a resolution adopted by the Star Valley Commercial Club, of Afton, Wyo., favoring the making of larger appropriations for the further development of the national forests through road construction, which was referred to the Committee on Agriculture and Forestry.

Mr. BROOKHART presented petitions of sundry citizens of Des Moines, Carson, Marshalltown, Boone, and Dows, all in the State of Iowa, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of Spokane, Wash., praying for the passage of the so-called Capper-Robsion bill, to establish a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Tekoa, Wash., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented the petition of Fred T. Lawrence, of San Miguel, Bulacan, P. I., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

REPORT OF THE CLAIMS COMMITTEE

Mr. GLENN, from the Committee on Claims, to which was referred the bill (S. 1264) for the relief of Joliet National Bank, Commercial Trust & Savings Bank, and H. William, John J., Edward F., and Ellen C. Sharpe, reported it with amendments and submitted a report (No. 245) thereon.

ADDITIONAL AMENDMENTS REPORTED TO PENSION BILLS

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported an additional amendment to the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, which was ordered to be printed.

He also, from the same committee, reported additional amendments to the bill (H. R. 7960) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which were ordered to be printed.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. WATERMAN, from the Committee on the Judiciary, reported the nomination of Charles Hanratty, of Delaware, to be United States marshal, district of Delaware, to succeed Walter S. Money, whose term expired December 21, 1929, which was placed on the Executive Calendar.

Mr. GEORGE, from the Committee on Finance, reported the nomination of Marion O. Dunning, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga., which was placed on the Executive Calendar.

Mr. SMOOT, from the Committee on Finance, reported the nomination of Collins B. Allen, of Salem, N. J., to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3813) granting an increase of pension to Susanna A. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 3814) granting a pension to Elizabeth Perry (with an accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3815) granting a pension to Harley E. Busby (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3816) for the relief of Dr. Robert B. Walker; to the Committee on Finance.

HUNTERS ISLAND TRACT

Mr. SCHALL submitted the following resolution (S. Res. 224), which was referred to the Committee on Public Lands and Surveys:

Whereas an extensive tract of approximately 1,000,000 acres, known as Hunters Island, lying on the northern international boundary midway between Lake Superior and Lake of the Woods, appears to be according to recent surveys by United States engineers, not an island but a peninsula of the United States and attached by a high divide to the State of Minnesota; and

Whereas in the original treaty of peace, 1783, won by the ambassadors of General Washington in the American Revolution, His Britannic Majesty Prince George III relinquished to the United States as sovereign proprietor all territory between Lake Superior and Lake of the Woods below the "water communication" between the same; and

Whereas the said "water communication" along said boundary now appears to be north of Hunters Island, both according to the map of Major Long in 1823 on file in Government archives and the recent engineering report of the International Joint Commission in 1930; and

Whereas this so-called Hunters Island tract appears to be of great economic value in water powers, lumber, and pulpwood, and possible mineral wealth, and the area thereof approximately appears to be ten times that of the Virgin Islands for which the United States in 1917 paid Denmark $25,000,000: Therefore be it

Resolved, That the Public Lands Committee is hereby instructed to assemble and report to the Senate at as early a date as practicable the boundary treaties, maps and plats, and pertinent historic and survey data relative to the title and national sovereignty of said Hunters Island tract, for the information of the Congress and the American people.

EXECUTIVE MESSAGES AND APPROVALS

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On February 25, 1930:

S. 544. An act authorizing receivers of national banking associations to compromise shareholders' liability.

On March 3, 1930:

S. J. Res. 117. Joint resolution for the relief of farmers in the storm, flood, and/or drought stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri;

S. 3197. An act granting the consent of Congress to the Morgan's Louisiana & Texas Railroad & Steamship Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Intracoastal Canal;

S. 3297. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River ap-

proximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

S. 3405. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.

On March 4, 1930:

S. 875. An act authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.

AWARDS OF MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY (S. DOC. NO. 95)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed agreement and exchange of notes with Germany for the complete and final discharge of the obligations of that Government to the United States with respect to the awards made by the Mixed Claims Commission, United States and Germany, and for the costs of this Government's army of occupation.

The plan of settlement has my approval, and I recommend that the Congress enact the necessary legislation authorizing it.

HERBERT HOOVER.

THE WHITE HOUSE, *March 4, 1930.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate Executive messages from the President of the United States, which were referred to the appropriate committees.

AFFAIRS IN RUSSIA

Mr. TRAMMELL. Mr. President, I present two clippings from the Star of Washington, D. C., relative to affairs in Russia, which I ask leave to have published in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, of March 3, 1930]

ESCAPING PEASANTS KILLED ON BORDERS—POLISH GUARDS REPORT MANY FLEEING RUSSIANS ARE SLAIN BY SOVIET MILITARY FORCES

WARSAW, POLAND, March 3.—Polish border guards on the Russian frontier report that many Russian peasants escaping from the soviet rule have been killed recently by Russian guards while attempting to cross into Poland. The Russian guards were said to be using machine guns in the effort to check the flight of the peasants, which has reached large proportions.

A group of 12 Russians, who arrived in Poland yesterday, said they numbered 20 when they started, but that 8 of their band were killed by Russian guards along the frontier.

In spite of the danger the movement of peasants to Poland is said here to be increasing.

The Polish press is urging the Government to appeal to the League of Nations for relief, because the unemployment situation is already bad in Poland.

Most of the Russian peasants seem to be leaving because of the violent enforcement of the communist farm-collectivization scheme.

STALIN CALLS A HALT

In its development during the course of 12½ years Russian bolshevism has been marked with occasional opportunism. Lenin, for example, finding that the extreme Marxian principles of complete mutuality of ownership and endeavor in the organization and conduct of the state would not work, modified the practice in a series of recessions. By some observers of the Russian experiment in state communism this was regarded as a change of heart, a real recession from the Marxian policy. It was, however, only an expedient to fit the ideals to the possibilities of performance, with no real change of heart or mind. In short, Lenin simply postponed the application of the hundred per cent principles of complete communism until a later occasion, which did not arrive for him, as he was overtaken by death before Russia could pass through the first stage of reorganization.

Now Stalin, who is in effect Lenin's successor as the dictator of Russia, though he holds no commissarship in the state but is the secretary general of the Communist Party, adopts the Lenin policy of postponement, in the face of failure to work out a hundred per cent application of the extreme principle of collectivism. He admonishes the communists that they must slacken their campaign for the complete sovietization of agricultural lands. Under the title of "Dizziness From Success" Stalin, in an article printed in all the newspapers of Moscow, warns that collectivism can not be pushed further at present, because of the danger of arousing the peasantry to active rebellion. Calling the result already accomplished, in the inclusion of more than 50 per cent of the peasant holdings, "the greatest tour de force in the whole history of the Bolshevist Party," Stalin says that this success is producing a dangerous spirit of glorification and overconfidence. Communists must go more slowly in forcing the peasants to the collectives, or common farms.

To show that this is not a change of heart but merely a temporary change of policy, for the sake of expediency, it is but necessary to look back a few weeks. In a speech at Moscow December 29 Stalin declared, "We can now afford to liquidate the rich peasantry as a class." He added that in 1927 when Trotsky urged an immediate drive against the kulaks—richer peasants—it would have been impossible to carry out such a program, owing to the immense quantity of food materials raised by these farmers. But now, with the communal farms producing nearly five times as much grain as in 1927, "we can afford to do away with kulakism." He urged the expulsion of a million kulak families if they continued to resist the Government's cooperative farming program.

Again, on January 21, in an article in the official Government journal, Pravda, Stalin declared that land and property should—and would—be absolutely taken away from the richer peasants. "Without such measures," he wrote, "all our talk about liquidation of kulakism will remain just foolish talk, the benefit of which will accrue only to the right wingers."

Now, Stalin says that the warfare against the kulaks must cease. There has been no change of heart or of mind in respect to principle or ultimate policy. It is simply a case of opportunism. Eventually the kulak must go, if soviet rule under communist guidance is to prevail in Russia. He must go at the point of the bayonet, if needs be. Already there is a heavy migration across to Poland. And, strangely enough, in the light of the "expulsion" statement by Stalin in December, Russian guards are attempting to stem this tide. Many of the kulaks seeking refuge in Poland have been slain before crossing the border. One party of 12 Russians reached haven to tell of the death of 8 comrades along the frontier.

So it is well to view the new Stalin declaration as simply another characteristic bolshevik gesture of postponement, of adjustment, without permanent change of policy or principle or eventual purpose.

RADIO COMMUNICATION SERVICE

Mr. DILL. Mr. President, I have an editorial here from the Washington Herald entitled "Morgan Arranges Radio Sale with Morgan; $85,000,000 Water Seeps In." This is an editorial written about the proposal to sell the Radio Communications Service, valued at $15,000,000, for $100,000,000, if we will repeal a certain part of the radio law. It quotes certain parts of cables exchanged between the parties concerned. I should like to have it printed in the RECORD.

I also ask to have printed in the RECORD an article from the Baltimore Sun of February 9, 1930, written by Newton Aiken, relating to the ownership of the ether.

The VICE PRESIDENT. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Herald, March 4, 1930]

MORGAN ARRANGES RADIO SALE WITH MORGAN; $85,000,000 WATER SEEPS IN

An interesting spectacle of J. P. Morgan selling to J. P. Morgan was unveiled when the Senate Interstate Commerce Committee made public the correspondence through which the Radio Corporation of America "tentatively" sold its $15,000,000 investment in oversea communications services to the International Telephone & Telegraph Co. for $100,000,000.

The sale was tentative, because it was illegal under the present radio act, which forbids such unions of competing cable and radio companies. Now they are lobbying in Congress to get the law changed.

You see, Morgan sort of runs both the Radio Corporation and the International Telephone & Telegraph Co., and also to a large extent the United States Government.

When the dickering was proceeding for the purchase of the Radio Corporation of America, it was carried on in cables between the house of Morgan in New York and J. P. Morgan, Thomas W. Lamont, and Dean Jay, Morgan partners, sojourning in Paris.

They were in Paris with Owen D. Young, head of Radio Corporation.

Young and Lamont were there "unofficially" representing America at the reparations conference, at which they framed the Bank of International Settlements, financial department of the League of Nations and, incidentally, a device that is expected to eventually "mobilize" America's gold for the benefit of the world, and bring about cancellation of Europe's war debts to us.

International Telephone & Telegraph had cables to South America. It wanted to get radio service to Europe and Asia. It was blocked by Radio Corporation's exclusive long-term contracts with England, France, Germany, Italy, Holland, Sweden, Japan, Poland, and some South American countries.

R. C. A., of course, maintained these services and had these exclusive landing contracts only because it possessed radio wave lengths assigned by the Federal Government.

Morgan in New York cabled to Lamont International Telegraph's first offer: 150,000 shares of I. T. & T. stock, then worth $210 a share and expected to be worth $250 a share after the merger. It was a cool $37,500,000 for $15,000,000 of Radio Corporation property.

Young cabled back through Lamont that Radio Corporation would take no less than 400,000 shares ($100,000,000). Lamont added that "all of us, including J. P. Morgan, hope that Behn (president of I. T. & T.) will consider this suggestion most carefully."

Behn was afraid. He didn't see how he could justify himself before his stockholders and the public by issuing $100,000,000 of stock for a $15,000,000 property, and he said so in his cable via Morgan's:

"The International could not justify such a value, which must be certified and filed with the secretary of state in Maryland in order to issue the shares.

"The net physical value of the Radio Communications is probably not in excess of $15,000,000, with yearly earnings, say, of $1,500,000."

But Young and the main Morgan partners in Paris held out. Behn offered 300,000 shares. They refused. They cabled, reminding him of their exclusive contracts which shut him off from most of the world. They darkly hinted that Radio Corporation might go extensively into South American radio business in competition with International's cables.

Behn capitulated and consented to pay the 400,000 shares worth $100,000,000, about seven times the value of the property to be acquired. The men in Paris cabled agreement, and J. P. Morgan "joined in congratulations." Owen D. Young cabled:

"Now we must all take off our coats and work like one man to make this thing a rousing success."

The first move "to make this thing a rousing success" was for them all—except the Morgan partners—to troop to Washington and demand that Congress change the radio act so as to legalize the contract and the merger.

Young went down, and after him General Harbord and David Sarnoff, his right and left bowers. Behn appeared and publicly defended the $100,000,000 purchase price which privately he had declared was outrageous and unjustifiable.

Owen D. Young wrapped the flag around him and said that the country would be in the hands of the British radio monopoly unless Congress allowed the proposed merger in order to form a strong American unit for defense. Young got away with it until Newcomb Carlton, president of Western Union, told the Senate committee:

"The British merger doesn't present the slightest menace to anyone. Right now the Western Union and the Radio Corporation of America hold the British merger in the hollow of their hand."

So Mr. Young wasn't doing it all for patriotism but in order to get $100,000,000 for a $15,000,000 property. What the Morgans were going to get out of it doesn't appear, but they generally take care of themselves. What the public was to get out of it was the stock watering of a public utility at the rate of 7 for 1.

And, of course, commissions and courts would come along and "validate" the $100,000,000 "investment," and the public would have to pay 8 per cent a year on it—$8,000,000 a year—which is something over 50 per cent on the $15,000,000 that the property was worth.

All for the sacred cause of patriotism, as Mr. Young said.

THE ETHER BECOMES A NO MAN'S LAND—AN INTRICATE PROBLEM IN OWNERSHIP FOR THE COURTS TO DECIDE

By Newton Aiken

Analogies are never wholly accurate and the one about to be suggested here is probably no exception to the general rule. Nevertheless, for the sake of the argument, let us suppose:

First, that the art of navigating ships on the sea has just been discovered.

Second, that the capacity of the sea to accommodate vessels is so limited that only a few hundred can be afloat at the same time.

Third, that because of this limitation a great scramble for the privilege of operating ships is under way and that a number of maritime enterprises first in the field are claiming a vested interest in the ocean on the ground of priority.

In the light of our traditional conception of the sea as a free highway of commerce open to all comers these suppositions appear ridiculous. Yet a situation similar to that here outlined with reference to the ocean actually exists at the present time with respect to another great medium of commerce—the ether. For the art of communication by wireless is a comparatively recent discovery; in the present state of scientific knowledge the channels of communication by wireless are limited in number so that only a few stations can be on the ether at the same time; and a great scramble for broadcasting privileges is under way, and at least two broadcasting stations, aggrieved by the regulatory decisions of the Federal Radio Commission, have ventured to set up claims to a property right in the ether. The validity of such claims remains for the moment undecided, but the mere fact of their assertion suggests the possibility that a great structure of vested interests may soon be set up in the ether. And the recent Supreme Court decision in the General Electric (WGY) case raises the question of whether there is not complete confusion ahead.

The possibility of the air's monopoly being claimed by private interests is highly disquieting to a large group whose members insist that radio ought to be developed solely in the interest of the public—that is, in the interest of the persons who own radio receiving sets and derive entertainment from broadcasting programs. For the interest of the public it is contended that the Government as the surrogate of the public must have absolute command over the channels of radiocommunication. In other words, if the ether is to achieve its possibilities as a medium of communication, it must remain as free from private ownership as the sea, which could never have served the ends of transportation had individuals been able to establish a property right in its use.

The freedom of the ether depends, in the opinion of this group, upon the supremacy of the regulatory power of the Federal Government. And the validation of property rights in the ether in derogation of this regulatory power would make it necessary, in the opinion of Senator CLARENCE C. DILL, one of the authors of the radio act of 1927, to adopt a constitutional amendment to protect the public interest by affirming in unequivocal language the right of the Federal Government to dispose of the channels of radio communication and to regulate their use.

In strict accuracy the issue is not who owns the ether, although that is the form in which the question is usually phrased. The ether is too intangible, too lacking in substance, to become the subject of ownership. The ether is defined as an all-pervasive medium, filling all space and capable of transmitting electrical vibrations and light waves from place to place. But while this definition is generally accepted it is nothing more than a hypothesis, a conception of scientists, designed to explain certain physical phenomena that can be accounted for in no other way. It is manifest that no claims of ownership can be asserted in something that has only a hypothetical existence, and such claims are not in strictest accuracy put forward.

The real question is whether the use of the ether in broadcasting, or in some other form of wireless communication, over a long period of time confers upon the user a vested interest or any rights comparable to those which the courts are accustomed to protect, even against the regulatory powers of the Government, where property is concerned.

Even this question must be sharply limited in its application. For instance, it is agreed in every quarter that those who have begun to use the ether for wireless communication since the passage of the radio act have acquired no property rights because of such usage, for the radio act specifically provides that licenses granted under its provisions "shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies or wave lengths designated in the license beyond the terms thereof." And the act further declares that its purpose is to provide for the use of the channels of radio communication, but "not the ownership thereof."

These provisions, it is generally admitted, serve as an effectual bar to the assertion of a property interest in the use of the ether on the part of those who have begun to broadcast since the act took effect. But as to the many stations that were on the ether before the passage of the act the question is different.

Prior to 1927 there had been no assertion of the regulatory powers of the United States as against wireless communications stations. No statutory barriers to the erection of property rights through the use of the ether had been created. Did the appropriation of the channels of radio communication and their usage during this earlier period endow the stations then on the air with rights of which the Federal Government can not by legislation deprive them?

Sensing the importance of this question, the framers of radio legislation in 1926 and 1927 undertook to guard against the dangers to which it seemed to point. They pushed through Congress a joint resolution, approved by the President on December 8, 1926, which was intended to estop operators of broadcasting stations from claiming a vested interest in the use of the ether. The resolution required all applicants for broadcasting licenses to waive "any claim or right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof."

Following up this requirement in the radio act itself, Congress inserted a requirement that all applicants for license sign waivers of "any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same by license or otherwise."

It would seem at first glance that these requirements would effectually estop all claims to a vested interest in the use of the ether arising from usage prior to the enactment of these two measures. But the fifth amendment to the Federal Constitution provides that no person shall "be deprived of life, liberty, or property without due process of law." Do the requirements as to waiver of rights accruing prior to the passage of the joint resolution of December 8, 1926, and

of the radio act constitute a deprivation of private property without due process of law such as the fifth amendment was designed to prevent?

This issue, fundamental to radio jurisprudence and frequently discussed in Congress, is now about to reach the Supreme Court of the United States for a decision. A case involving this issue in the most direct fashion has recently been certified to the Supreme Court from the Circuit Court of Appeals for the Seventh Circuit, and is now on the docket for argument in the regular order of procedure.

The case arose from General Order No. 40, promulgated by the Federal Radio Commission on August 30, 1928, in which the Radio Commission undertook to redistribute the channels of radio communication available for broadcasting among the various stations. The purpose of the redistribution was to give each of the five radio zones into which the country had been divided an equal share of the frequencies and of the power employed for broadcasting purpose. Such an equalization had been ordered by Congress in the radio act, and in effecting it the commission was merely undertaking to carry out the law.

In making the equalization, the commission found it necessary to deprive some of the numerous stations that had been established in the thickly populated areas around New York and Chicago of the privileges they had formerly enjoyed. WBAL in Baltimore, too, was forced to a half-time basis of operation which it is now trying to escape. The commission undertook this deprivation in order to bestow greater privileges on stations in other zones that had previously enjoyed but few radio stations of high power.

Among the stations near Chicago to suffer as a result of this change was WCRW, which had been owned and operated from 1912 on by Clinton R. White. The commission reduced the power of WCRW from 500 to 100 watts and required a division of time with two other stations. WCRW had previously enjoyed the privilege of full-time operation.

Mr. White protested the order and sought an injunction in the United States district court at Chicago to prevent the United States attorney at Chicago from enforcing the penal provisions of the radio act against him. He contended that through long usage prior to the passage of the radio act he had acquired a property right which entitled his station to a full-time position on the broadcasting band and to the use of 500-watts power. The application for an injunction was denied in the district court.

A case arising in similar circumstances and involving, among numerous other issues, the same fundamental question, came before the Supreme Court a few weeks ago on appeal from the Court of Appeals of the District of Columbia. In that case, which involved the rights of WGY, owned by the General Electric Co., at Schenectady, the court found that it did not have jurisdiction. It threw the case out on the jurisdictional question without undertaking a consideration of the question of property rights in the ether. In the opinion of competent lawyers, there is no way for the court to escape consideration of this question in the WCRW case.

While it may seem desirable in the public interest that the regulatory powers of the Federal Government be upheld, it is to be remembered that the broadcasting stations have invested large sums in construction and equipment and that such investments may be wiped out in whole or in part by rulings which keep the stations idle for a considerable period each day. The cost of station WCRW, a 500-watt station, was probably not very great. But the record in the WGY case indicates that the General Electric Co. had spent a million and a half dollars in the creation of that huge 50,000-watt station. Even where much smaller sums are involved, it may happen that a station represents the entire capital of an individual or a firm. In such circumstances it is not easy to disregard altogether the plea of the broadcasting stations that the power to regulate should not include the power to destroy.

This plea does, to be sure, lose some of its force when it is recalled that the regulatory power of the Federal Government covers not merely the stations that may be aggrieved by regulatory decisions but an entire industry as well. In order to safeguard the whole industry and insure for it a well-rounded development, it may easily become necessary to prune away a few excrescences in particular localities. Destruction of a few stations may be required in order to prevent destruction of the industry in its entirety. Still, destruction of any property is not a procedure upon which our American system of jurisprudence looks with favor.

Broadcasting stations contend that in this respect their position is comparable to that of water companies, which having laid pipes and tapped certain sources of water, acquire a better right to the use of the water than other companies that may later enter the field. Again they compare a broadcasting station to a city transportation company. Once a company has invested its capital in tracks, power houses, and rolling stock in a certain city, it acquires a claim to the use of the city's streets superior to that which may be asserted on behalf of any other concern. The law would not permit a city to eject one traction company in order to give the use of the streets to another.

Quite a different comparison is used by those who oppose any vested right in the ether to define the position of the broadcasting stations. To this group a station occupies a designated frequency on the broadcasting band in exactly the same manner as a fruit vendor occupies a space at the curb in a municipal market. The fruit vendor's license may be repeatedly renewed and he may build up a large patronage through long occupancy of the same location, but he does not acquire a vested interest in the position he is allowed to use. On the contrary he continues there on municipal sufferance and may suffer the termination of his license whenever the public interest may require. According to Louis G. Caldwell, formerly counsel for the Radio Commission and the author of this analogy, the broadcasting station is on the ether on public sufferance and must be prepared without complaint to surrender its license whenever a public regulatory agency deems such a surrender necessary to the public good.

The latter comparison gains in conviction from the fact that prior to the enactment of the radio law and the joint resolution of December 8, 1926, Mr. Hoover, who as Secretary of Commerce had supervision over radio matters, refused to issue station licenses for a longer period than three months. In other words, he kept licensees on a temporary footing entirely comparable to that on which the fruit vendor is placed in the municipal market. While the legal effect of this procedure, in the absence of statutory sanctions, remains to be determined, from the practical standpoint it seems highly persuasive.

PRESIDENT HOOVER'S ADMINISTRATION

Mr. FESS. Mr. President, one year ago to-day Herbert Hoover was inaugurated President of the United States. He came to that office with almost universal recognition as the best equipped from the standpoint of experience and business of any man who has ever been a candidate for that high position. There was much expected of him because of his world-wide experience in the field of relief, in organization, and his ability for effective service as had been demonstrated in eight years at the head of the Department of Commerce. Up to the time he had entered upon the field of activity of the Department of Commerce his work had not had any attachment to Government affairs from the standpoint of a building program. I think that no one will question his remarkable achievement during eight years in bringing that department from one of little recognition to one of greatest recognition. As it stands to-day, although the youngest of governmental departments, it is now one of the greatest.

Mr. Hoover inherited some problems difficult of solution. During the campaign, wisely or otherwise, he pledged himself to call a special session to deal with those problems. On the 15th day of April last Congress met in special session. It heard the message of the President on farm relief and with reference to tariff revision. Immediately the matter of farm relief was taken up by those who recognized the difficulty of its solution. It had been before us for eight years. Everyone recognized its complications. Promises had been made that we would put agriculture on a parity with industry, so far as legislation could do it.

On the 15th day of June, exactly two months after the special session met, the President signed the farm relief bill. He took his time in the appointment of the Federal Farm Board; he literally combed the United States in order to find men peculiarly fitted to handle the various problems coming under the administration of the board. I think it will be conceded that no better board could have been selected. The President did what is very rare in inducing men who command great possibilities of leadership in private industry to sacrifice for the time being their individual opportunities in the business world and to enter the public service.

When the Farm Relief Board was appointed the President did what we expected him to do. He notified the board that it had the problem before it; that it had the authority the Congress had given it, with ample funds, to handle the market situation; and that he would depend upon it well and faithfully to perform the difficult task. In other words, he appointed the board and gave it authority to do the job.

The Farm Relief Board is laboring with a tremendous problem. If it can not be solved by that board, I can not imagine an aggregation of men who can solve it. We kept the pledge of farm relief. That legislation was supported not only by one side of this Chamber but by both sides of the Chamber, and it seemed to receive the approval of the Congress without reference to party. Two months after the special session met the pledge as to farm relief was kept, and I sincerely hope it will be the attitude of this body and of the other body not to throw obstacles in the way of the Farm Relief Board in its efforts to administer the law under the authority granted by it. There is too much of a disposition in the body, I think, to fault the board because it does not do what it has not authority to do. On the other hand, there is some disposition to interfere in what it is doing, which is not wise, as I see it.

Coincident with the establishment of the Farm Relief Board, the question of tariff revision was taken up. As we all know,

that was the second major problem dealt with by the House of Representatives. The tariff bill came to the Senate some time in the latter part of May. It was referred to the Finance Committee on the 29th of May. The Finance Committee asked that it be undisturbed in its deliberations and hearings by constant calls for quorums, and, in response to that request, the Senate took a recess from June 19 until August 19 to give the Finance Committee an opportunity to work out the problem and to report to the Senate.

Before the recess we took the time to pass the reapportionment bill, which had waited for 10 years. We also took time to pass the census bill, and, as everyone will recall, we also took the time to end the confusion with France over the French debt. I regard the settlement of the French debt as major. I do not regard the enactment of the apportionment bill so much so, because the passage of that measure was inevitable, anyway. Its enactment was in pursuance of the Constitution, and the measure had to be passed at some time. Its passage had merely been delayed.

The same thing could truly be said with reference to the census bill. However, the settlement of the French debt should be regarded as the working out of a major problem. Those who claim that there was not anything to do except merely to bring the measure up and vote on it fail to comprehend the seriousness of the situation that faced us from December 15, 1922, when we made our first adjustment with Great Britain. From that time until action last June we were unable to reach an adjustment with the French Government on the debt situation. That is known to everyone. The manner in which the settlement was effected reflects great credit upon the President of the United States.

The Committee on Finance after spending months working over the tariff bill reported it to the Senate on September 4, 1929, exactly six months ago to-day. Since that time the Senate has been considering the bill without interruption; it has been meeting in the forenoon and running late in the afternoon, and sometimes holding evening sessions, the only break being the short period of the Christmas holiday recess. With that exception we have been working on the bill continuously from September 4 up to this hour.

There has been an immense amount of adverse criticism throughout the country by leaders in business and by many public-spirited organizations. They do not understand the processes of tariff legislation. Mr. President, I frankly state that I have not known any period when there was so little waste of time and so small an amount of extraneous matter dragged into a discussion as during the last six months which have been devoted to the consideration of the tariff bill. The question of unemployment, which was considered yesterday, and on which we spent three hours, is hardly to be regarded as extraneous. It is a subject that may properly be discussed in connection with the tariff question; and I would not count that in the category of extraneous discussion. On a few occasions subjects have been brought forth for discussion in the Senate that could just as well have been avoided, I presume, but, taking it as a whole, the time which has been consumed during the past six months to the day in the discussion of the tariff question has been pertinently consumed.

I have been asked from time to time by those outside the Senate how this body can engage in a tariff discussion which seems to be unending. That is easily understood, Mr. President. I look behind me and I see now sitting in the rear of the Chamber something like a dozen men, connected with the Tariff Commission, who are experts on questions affecting tariff rates. They are almost a part and parcel of the legislation which is now pending. Never before during the consideration of any tariff bill has such a thing happened. This bill is built upon data, and the men to whom I have referred from the Tariff Commission are invited here to furnish information as to their findings and as to facts. Every Senator who speaks authoritatively as a member of the committee in discussing pro or con the various features of the bill has by his side a prompter as to the data. It is not conceivable that any one man could carry in his mind all the information that is necessary to have in the consideration of a tariff bill; it would be silly to think so; I do not think any just criticism can be lodged on that basis. If one wants to know why there has been so much time consumed, the answer is found in the great mass of data that has been supplied, the mere reading of which would consume an enormous amount of time.

So, I state that, while we have been considering the tariff bill for six months, and while there has been serious adverse criticism of the assumed delay, that criticism is hardly justified. We shall be able to tell very soon when the bill passes from the Committee of the Whole into the Senate whether there is any disposition to delay. It can then be determined whether the bill will be opened up again, as may be done under the rules, if the Senate is inclined so to do. I myself do not believe that will be done. There will be some major issues presented again in the Senate; but, so far as I can see—and I want the country to understand this—there is no desire or disposition unduly to delay sending the tariff bill to conference from this body, and what delay may ensue will be difficult to avoid. If the suggestion of the Senator from Utah, the chairman of the committee in charge of the bill, had been agreed to to allow the controlling group in the Senate to say what provisions and rates they wanted in the bill, and had the bill gone to conference in that form, of course, that would have saved considerable time; but it would hardly have been consideration on that high plane that a bill of this character should receive.

Mr. President, there has also been some criticism—and I think it is unjust criticism—against the President for not interfering in the pending legislation on the tariff during its consideration by the Senate. It has been stated that he has taken a position—the flexible provision—and therefore he ought to take the full responsibility. No one who will think seriously about the matter of legislation will agree that that statement is justified. If some new principle is being inaugurated, such, for example, as the flexible provision, the President may properly say something about it. Whether it be politic to do so or whether such action on his part would be subject to criticism I am not here to say. There is, however, a very keen sense of the proper functions and fields of activity of the three departments of the Government, respectively, and sometimes the legislative department resents any suggestion from the Executive. However, I hardly think such resentment is justifiable in a case where a new principle is being enunciated. But because the President has spoken as to a new principle that is being proclaimed in the bill, it has been stated that he ought to tell us just what he wants in the case of individual tariff rates. Mr. President, that is an unfair statement and one which nobody will seriously make. There are 20,000 items in this bill, and on those items there is no unanimity of opinion; as to them we ourselves can not agree; and to contend that the Executive, who has only partial legislative powers, namely, those involved in signing or vetoing bills and in giving information to the legislative body, should say to us what this rate shall be or what that rate shall be is silly, for, in the first place, he can not do it, and, in the second place, it is not his function to do it.

What the rates shall be is not a matter that the President under any circumstances could afford, even were it possible, to interfere with. While I have talked with the President on various subjects, the question of rates has never come up in the discussion when I have said anything to him about the legislation here. In other words, it is not his function; and if he should go beyond the realm of the Executive and indicate to us what he wanted done, the very people who are criticizing him for not doing it would be the most bitter in their indictment of what he was doing that they would say he should not do and that I would say he should not do. So this sniping against the President because he does not do what he should not do in the matter of interfering in rates here has no foundation; and I am sure, when we think about it, we will all agree that that is the case.

Mr. President, the delay in connection with the tariff is inevitable. If we can speed it up, it will have to be the result of our action, and not that of anyone else. The delay has had a bad effect. Nobody is going to blink at that. I stated the other day that uncertainty is the worst enemy of sustained industry and sustained employment. A great statesman, once a Member of this body, one of the country's greatest orators, laughingly remarked at one time in reference to legislation on the money question, "Whenever you tamper with the money issue it is like playing with the business end of a wasp; you will get stung." So I might state what is known to every Senator here—that whenever we tinker with the tariff it is bound to unsettle business. If it is tinkering on lowering the tariff, the interference will be much greater than if it is on raising the tariff.

I made that statement some days ago when some of my friends thought it was not sound; but I insist that if there is a trend, the end of which can not now be determined, toward a downward revision, it is inevitable that business will slow down until the rates are established. That is largely the difficulty in the uncertainty of business to-day.

Only yesterday I was called out of the Chamber by one of the leading business men of Ohio, representing large employment. He said, "When are you going to get the tariff bill out?" He said, "It is really important, because business is not good. Business is slowing down"; and he was quite anxious that we should come to something definite. I am not criticizing the Senate for not doing it, for we are doing the best we can; but I do state what certainly is true, that until there is something

definite as to what these rates are to be business is going to be timid. Hence, the importance of as quick and expeditious final action on this measure as it is possible for us to take.

When we think of what has been accomplished in the year, naturally a legislator always refers to it in the language of legislative accomplishment; that is, we would say, "The farm bill is out of the way. The tariff bill is far on its way to final action. The reapportionment bill is out of the way. The census bill is out of the way. The hospitalization of the veterans, involving the expenditure of $15,000,000 additional money, is out of the way. The settlement of the French debt is out of the way. The reduction of taxes to the amount of $160,000,000 is out of the way."

We speak of the accomplishments of the year in the language of legislation, but we overlook the fact that legislation has had the right of way outside of the tariff bill for only two months of the year; that we, by unanimous consent here, are backing the chairman of the Finance Committee in excluding everything in legislation until this tariff bill is out of the way. When we speak of legislative accomplishment in 12 months we must understand that only 2 of the 12 months have been open to general legislation; and among the things that have been accomplished were the farm bill, which is a difficult subject, and the French debt settlement, which is of great significance in its results.

There are other things in addition to the legislative program, and that is something that I want the Senate and the country to realize.

The function of the Executive is only partially legislative. His primary function is to enforce and administer the laws. He has only a secondary legislative function. He can sign bills or veto them. He can recommend what we shall do. He makes appointments in accordance with law, and so forth; but when we comprehend what the Executive can do and has done outside of legislation it becomes a stupendous accomplishment. His functions are diplomatic. They are administrative. They are social. I do not mean society; I mean bettering the conditions of society. They are economic. In these particular realms the President will always keep within the limits of law; but he can administer without calling for additional legislation if the situation will permit it, as it has done in this case.

The diplomatic accomplishments of the President in the 12 months have been of a high order. Before he was inaugurated he journeyed through South America, visiting the countries where his business had taken him before he became identified with the Government, having been in almost every country of the world before. On this occasion as the Executive elect, he made this trip. I think it was a wise course for him to take. He has created a good feeling in Pan Americanism that never had existed as it exists to-day. There is an understanding and a good will toward the Executive that has not existed in my time toward the Executive of our country. His participation, and its fruition, in the Tacna-Arica problem—the subject of 50 years of controversy—was a real accomplishment, performed largely through personal contact.

His effort to throttle revolution in Mexico by a quick response to the Mexican Executive was quietly done; it did not appear on the front pages of the newspapers, and not much has been said about it. The visit of the Executive of Mexico, following that, has created a relationship between the United States and Mexico the like of which had not existed before, and we are hopeful that it may continue. The President's gradual withdrawal of unneeded marines in Nicaragua, his announcing a policy of noninterference as far as possible with other governments, his appointment of a Haitian commission to study our real relationship, what it is and what it should be, with that island country, are all steps in the same direction.

I listened the other day to the criticism of my good friend from Tennessee [Mr. MCKELLAR] of the President's attitude in appointing this commission, in which the Senator said that the President had no such authority, and that the Senate had cut out every vestige of reference to a commission. My friend from Tennessee is not on the Foreign Relations Committee. If he had been a member of that committee, where this matter was fully discussed, he would have found that this was regarded as a matter for the Executive, and that he had ample authority to do it without any further authorization. When members of that committee asked the best lawyers on the committee whether in their minds there was any doubt of the President's authority, it was stated without hesitation that the President did have authority. The desire of the Senate was to allow the President to be unhindered in a solution of a problem that was regarded as his own. He has appointed a commission the personnel of which ranks well with any that could be appointed; and they are trying impartially to secure the facts upon which we can legislate, if legislation is essential.

Why anyone who has any regard for our public welfare and the honor of this Nation should cry out against the head of the Nation for taking the essential step to get impartial data upon which we can announce a policy, I do not understand, unless it be prompted by a partisan desire or a personal enmity. I can hardly think that the latter exists anywhere in this body. I do think the former exists; and I am not going to criticize anyone for embracing the opportunity of making an issue, especially if he is in dire need of an issue.

I do not think I have a right to call that into question. The minority always has but one function; that is, to oppose what the majority is proposing, and hold the majority responsible. So when minorities assail the administration, even if it appears to be purely partisan, there is an understanding of it, and I do not think we are justified in severely criticizing it. We may call attention to it, but should not go further than that.

The President has attempted to find the facts upon which a very sensitive policy must be settled, namely, how far can the Government go in its attempt to stabilize unstable conditions in some of these countries? That is a question on which there is not a united opinion, and we need all the data we can get to guide us in a proper policy.

I am not ready to say that we should withdraw from Haiti. I have been afraid of the operation of the Monroe doctrine. The same thing applies to Nicaragua. Yet I have great sympathy with those who say we should not interfere with any particular government any particular country might want to establish. At the same time, we must respect our duty to our own citizens to protect them wherever they are if they have a right to be there.

This is a great problem, and the President is taking the only legitimate course we can safely pursue unless we abandon the policy. And yet he is criticized for doing that very thing.

Mr. President, the result of this effort on the part of the President has been a better feeling between us and Pan-America than has existed for a generation, and his suggestion that in the new countries of South and Central America there will be road-building campaigns somewhat similar to our own, with the trade which would follow, resulting in the development of those new countries, with the new capital that is sure to go there, will not only tremendously increase the commercial relationship between all the Americas, but it is bound to lead to a better feeling between us and those countries. Is not that an achievement that is worth while? I know of none greater.

Mr. President, bringing about peace in the world, a most difficult undertaking, the effort toward which invites adverse criticism as well as commendation, is another problem the President has been working on. The keynote of the President's inaugural address was peace in the world. The keynote of his message to Congress last December—the leading note—was proper foreign relations.

The President of the United States, in charge of the diplomatic relations of the Government, has taken a high stand, not only for the honor of the United States but for our leadership in securing peace in the world. He approved the aim of the Kellogg pact and felt that something should be done to give it life, to prevent it being a dead letter, and when difficulty arose out in China between a portion of Russia and China, this Government spoke. It spoke through our Secretary of State. It announced that both of those countries were signatories to the Kellogg peace pact, and they were reminded of their obligation. It is true that one of them did not like it and came back with rather a fierce reply, but the world recognized that the voice of the United States had spoken and that we had lived up to our obligation in that controversy.

The President took the matter up with Gibson, our minister to Belgium, and informed Europe that this Government was ready, in spite of the failure of the Geneva conference of 1927, to renew our efforts to adjust the armaments of the world in the interest of peace. That was an unexpected announcement. It created a lot of suspicion. But out of the statement of Gibson that the United States was ready to consider the question of parity, to complete the work unfinished in the Washington conference of 1921 and 1922, came the conversations of General Dawes with the Prime Minister of Great Britain, and along about the 18th of June General Dawes made his great address at the Pilgrim Society dinner, which was an announcement to the world of our willingness to reopen our efforts to secure parity in the interest of peace.

From that came the visit of Mr. MacDonald, and to my surprise, after MacDonald had been received here with open arms and lauded to the skies, with not a word of adverse criticism, now we hear the statement frequently made, not by persons on the Foreign Relations Committee but by those who have their own information as well as their own emotions, that the visit was a mistake, and calling even for the withdrawal of our delegates at the naval conference.

The conference between MacDonald and the President of the United States was unique, the only one of its kind in history, so far as we were concerned. I think such conferences have been more or less common in Europe, but it was unique so far as we were concerned. It was heralded everywhere as an omen of great promise.

The outcome was the conference at London. That conference opened on the 20th of January. This body is highly honored by its representation in that conference. The President exercised his usual good judgment in the selection of the personnel of the delegation of the United States to the conference.

There has been a good deal of concern about how far the conference might go, especially with reference to our involution in European affairs. I think we need have no fear so long as two distinguished United States Senators who can speak the language of this body are present. No one on either side of this Chamber would question the political integrity or the sound thinking of the Democratic leader, the senior Senator from Arkansas [Mr. ROBINSON], who, although he was in favor of the United States entering the League of Nations, would certainly guard the rights of the country without reference to any predilection on any preceding issue.

His colleague, the senior Senator from Pennsylvania [Mr. REED], is not only a thinker, but has the courage that is necessary in discussing these questions with the leaders of Europe. Then, with these are associated the best minds that can be found in the country.

I do not think there is any justification for the suspicion that that conference will do any harm to the interests of the United States, but, on the other hand, if there is a possibility of securing parity and reduction in armaments, this conference is likely to do it. I say that for this reason: MacDonald speaks the language of officials in Europe, and he agrees to parity. Neither the President of the United States nor the people would ever yield to anything less than parity.

The question that is to be thought out is as to whether there could be reduction. I hope there may be. There is some fear that there will not be. There is a desire on the part of the countries which are involved to have an agreement as to equality of ability on the sea, but nobody on either side of this aisle is justified in a criticism of the administration or its efforts to secure parity, even though we fail to secure it, for it is not an easy problem. If we were content to limit ourselves to light ships, it would be an easy problem, but the United States has only 5 or 6 naval stations, widely separated, while Britain has more than 50 naval stations, located everywhere over the civilized seas, so we must demand the large cruiser. England demands the small cruiser. A small cruiser could not serve America because of our geographical situation. The small cruiser can serve Britain, and the large one would be a needless expense.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FESS. Just let me finish this statement.

While Britain demands the 6,000-ton cruiser with 6-inch guns, because that is all that is necessary, with her many naval stations located so closely together, we demand the 10,000-ton cruiser and the 10 or 8 inch gun, because the smaller cruiser would not serve our purpose, as anyone must see.

It once was objected, as every Senator here will recall, when trans-Atlantic steamship transportation was being undertaken, "It is impossible, on account of the simple fact that you can not build a ship big enough to carry the necessary coal to fuel it across the ocean." It was said to be a physical impossibility.

Mr. President, how many 10,000-ton cruisers with 10-inch guns would balance a certain number of small cruisers with 6-inch guns? Would three 10,000-ton cruisers with 8-inch guns be equal to 5, 6, or 7 smaller cruisers with 4 or 5 inch guns? That is not a problem of simple arithmetic; that is a problem difficult to work out, and while nations are wedded to the principle of parity, just what constitutes parity is the problem they are battling to settle. It seems to me that nations are agreed in policy if they could only express it in terms. It shows the will to do it.

Great Britain has a background of policy that she has been building up for 200 years, putting her in such a position that to-day a great freighter flying the British flag could not be found anywhere on the civilized seas with her bunkers filled with coal that she could not speed to a British coaling station before her coal was exhausted. That is the policy of 200 years of British naval supremacy. If the British Government is willing to consider the abandonment of a policy of 200 years of background, and to the extent that a conservative ministry has been turned out in favor of a labor ministry who are in favor of it, I beg the Senate to show a little patience, to wait some time to see whether a result can be worked out. I do not think it is our position, justifiable in the slightest degree, to be sniping at the conference, to call for the return of our delegates. The only thing that can be done in that way is harm. I can not see any good to come from it at all.

Mr. President, the President started out, in renewing the efforts for the peace of the world, to make effective the pact known as the Kellogg peace pact. There is extant a series of utterances both from himself and through representatives leading up to the London conference. He had a conference with the head of the British Government. As a result of that conference the London gathering is now at work. It has a very difficult problem to solve. What is to be the outcome of it? Never in America's history has there been such a feeling toward the United States as to-day because of these efforts and the President's part in readjusting the German reparation situation. It has settled into the common conscience of Americans that if we can lead in this great problem for the peace of the world we ought to do it.

I am hopeful that the conference may be able to see its way clear not to break. I do not think that the recent overthrow of the French Government necessarily means that the conference is going to be broken. I have also in mind the small margin for the British Government in its test the other day, where a change of 4 votes would have put MacDonald out. I think that an adverse vote was withheld because of the desire of the British to further the peace of the world.

At least, the President ought not to be interfered with—within his province, of course, and he has gone not beyond his province—in this great effort to build into the world a will to peace, for it is conceded that if two nations which might get into war would will not to get into war they would not go to war. There is nothing operative in the world to-day that equals public opinion. Public opinion is based upon the good will that is expressed by the interests of the public. If President Hoover can push this progress toward peace to the point where a conviction is built in the interest of peace, we will have peace. I hope the Senate will be patient while these men are working over there on this tremendous problem so stupendous in its possibilities.

Mr. President, I have mentioned only a few things in reference to the President's foreign policy. I had intended to say something about the President's administrative functions. I will do this much only in that respect. The President has demonstrated a high capacity in the choice of men for public office. An unprecedented number of men of successful experience in business and professions have been drawn into the public service. It is possible to say without qualification that the personnel of the Federal Government is stronger to-day than it has ever been before. The President has adopted a new plan. When he sends a nomination to this body he usually follows the practice of publishing the names of those who indorse the nominee, so as to enable the public and the Congress to know the influence, if there is any influence, back of the appointment or the nomination. I think that is a splendid innovation and, while it may embarrass sometimes those whom we call pure politicians, it is in the interest of the public service and I think will be commended by all the country.

His administrative reorganization has been undertaken and strong progress made in many of the important Government bureaus with a view to a reduction of expenditures but at the same time an increase in the efficiency of the service.

The President has initiated an enlarged program for the development of the Mid West, especially the waterways. This creates opposition. There has always been on the part of the great railroads a fear of the development of water transportation. The President has never hesitated on that score. His address upon the completion of the canalization of the Ohio River might be regarded as a classic on water development. In speaking of the completion of the Mississippi waterway, in which the Ohio River is only one branch, he pointed out the tremendous possibilities for increased efficiency and lowering of costs on the part of the people who will be served in that territory. Of course, when we think about the program, the canalization of the Ohio River which is now completed, the improvement of the Missouri River, the improvement of those upper and lower tributaries to the Mississippi River, we realize it would involve an enormous outlay and people are staggered at its magnitude. Yet the President has always taken the position that each improvement will prove itself financially and become a self-supporting enterprise. There will be some opposition to the President's policy on that score, but he has been urging it during the first year of his administration.

The President has also shown a very sympathetic attitude toward the building of our merchant marine and is attempting to administer the White-Jones law in the interest of the upbuild-

ing of a merchant marine. I believe that he is right on that point. If we can not build a merchant marine upon private enterprise—and I am not ready to say that we can not—but if we can not, I think that the merchant marine is sufficiently important that we ought not to abandon it even though the Government must assist in doing it.

These are some of the phases of the President's administrative functions that do not reflect themselves in legislation.

Mr. President, on the question of the social betterment of the country the President has been somewhat criticized just exactly as President Roosevelt was criticized. While I was not in Congress in the Roosevelt days I very accutely recall how his first message was bitterly criticized by our dear beloved and lamented friend, Uncle Joe Cannon. I remember that he said it touched every subject from this to that—I am not using his expressions—meaning that Roosevelt talked about things that were not the subject of legislation, because he talked about the humanizing of legislation.

Mr. President, I have always held that Colonel Roosevelt announced a program that grew out of Republican policies. With most of his program I agreed. I never agreed with his recall of judicial decisions and recall of judges. I think that was fatal, but otherwise I supported him.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. FESS. I yield.

Mr. JOHNSON. The Senator was speaking of the legislative program announced by President Roosevelt. The recall of judicial decisions and the recall of judges were never announced as a legislative program. That was a matter that was touched upon in the campaign of 1912, but not through any message to Congress whatsoever.

Mr. FESS. The Senator is right.

Mr. WATSON. Mr. President, if the Senator will yield——

Mr. FESS. Certainly.

Mr. WATSON. I think the first announcement made by Colonel Roosevelt in an authoritative way, and I am sure the Senator will agree with me, was the speech he made at Columbus, Ohio.

Mr. JOHNSON. Exactly. I happen to know that is the fact. The first statement he made was at Columbus, Ohio, just preceding the presidential campaign in 1912.

Mr. FESS. The Senator is correct about that. I was vice president of that convention, which was addressed at one time by the distinguished senior Senator from California [Mr. JOHNSON] upon our invitation and also, in turn, by Colonel Roosevelt upon our invitation. It was in that convention that Colonel Roosevelt announced what I regarded as a program. My seat mate in that convention was the present Postmaster General, and we had a good deal of debate in the convention over the utterances of the distinguished colonel. I could not follow Mr. Brown, who was entirely captivated by the announcement of the colonel and became, as Senators know, his Ohio manager.

Mr. President, I have always held that there was a refusal on the part of Republicans to recognize that the program announced by Roosevelt grew largely out of the Republican policy of a protective tariff. We were taking care of industry without looking sharply to the results as they affected human beings. Most of that program has been written into law.

I meant to say that the present President has a very keen response to anything tending to the betterment of humanity. Among other things is the famous conference which he called on child welfare. It is made up of the best talent that could be found in the United States. It is also a conference covering almost every phase of human betterment. The medical service was headed by one of the country's greatest physicians, Dr. Samuel McC. Hammill, of Philadelphia; public health service and administration, headed by the Surgeon General at Washington; education and training, headed by F. J. Kelly, of Moscow, Idaho; the handicapped, prevention, maintenance, protection, and so on, headed by C. C. Carstens, of New York. The field of social betterment as outlined in this program will probably afford a basis of future action or recommendation at some time by the President.

Another indication of his interest in a better social order is his effort to bring about better law enforcement. Mr. President, that has been another subject that has given me considerable mental concern—the growth of crime in the United States, which the enemies of prohibition are trying to impute to the prohibition law. Of course, there is nothing at all to that allegation; and I might as well say here and now, as well as at some future time, that anyone who thinks that the eighteenth amendment to the Constitution will ever be modified has no conception of how moral reform moves.

If anybody thinks that the present agitation is going to lead to the breakdown of the Volstead Act he has no conception of what civilization means once it is aroused. There will be changes in the Volstead law, but the changes will be in the interest of its better enforcement. If we have difficulty in the cities, which we shall have, that will finally be taken care of by education and public sentiment and not by legislation. What I am concerned about is the ease with which friends of prohibition are doing what I think is a detriment to the cause. I have been importuned in this Chamber by persons who seem to think that what we ought to do is to scuttle the movement for prohibition. I say now that suggestions of that kind do more harm to prohibition than do all the wets in the country, because when the morale of a great movement is broken down, especially when all the big newspapers are against it, when everything that is said on behalf of the wets is flashed on the front page of the press and no matter what is said or done on the part of prohibition enforcement is not news, it becomes a difficult problem for us to work out. However, I say to the Senate what the Senate already knows, that the country is stronger for prohibition to-day than it was last year, and it will be stronger next year than it is this year. Movements of reform on a moral basis do not go backward. There will be a reaction of a temporary nature which the newspapers and the wet leadership can effect momentarily, but the subsequent reaction will be tremendous. Now, mark my words. I am speaking of what will take place.

The President has taken the one sound view of the situation. He appointed the finest type of minds in America, a type that is not propagandist, a type that is neither pro nor con. He selected from my State, which is one of the strongest prohibition States in the Union, Newton D. Baker, ex-Secretary of War under President Wilson; a man who is not a propagandist either way, who, I think, has not voted for prohibition, but a man of whom I said to the President, "The announcement of this man's name will immediately command respect throughout my State." He also appointed Judge Kenyon. While the views of Judge Kenyon are well known, he is the type of man who will do his own thinking upon a basis of the facts. The President also appointed Ada L. Comstock. There was some criticism of his appointment of the chairman of the commission. I had no criticism to make.

That commission, the finest in its ability that is available, made a survey and submitted a partial report and recommendations to the President, and he, in turn, sent his recommendations here. The recommendations comprehended seven points: A reorganization in toto of the whole Prohibition Unit, with a relief to the judges, and a greater assurance of expeditious decision of prohibition cases. What did we do? I do not need to say what we have done. We did not follow the recommendations.

Mr. President, in the face of those facts, where is the man who is justified in criticizing the President for what we refuse to do? He has outlined a course. He can not say to Congress, "You must or you must not do this." We would resent that immediately, and we should rightfully resent it. This crime wave is one of the big problems awaiting legislative action.

Mr. President, the executive function, outside of participation in legislative responsibilities, is not confined to diplomacy, administration of law, and the social betterment of the country; it extends to the economic field. There is no doubt in the mind of anyone here as to the clear grasp which the President has of economic problems. I doubt whether there is an individual in Europe or in America who has a greater grasp of such problems. He has announced a new formula, namely, a gradual decrease in the cost of an article, the article at the same time gradually increasing in value, made by highly paid labor, and sold at a reasonable margin of profit. That is a new formula in industry which was outlined by the present President when he was Secretary of Commerce.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. FESS. I repeat, that formula involves a gradual reduction of price, a gradual increase in the value of the article, made by highly paid labor, and put on the market at a reasonable profit.

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I should prefer not to yield at this time.

Mr. WHEELER. The question which I wanted to ask has been answered. I merely wanted the Senator to repeat the new formula, as I did not catch it when he first made the statement.

Mr. FESS. Mr. President, the automobile that is put on the market this year is cheaper than the similar car which was marketed last year, yet it is a better car and was made by labor, the wages of which were not reduced. That will have a somewhat bad effect, perhaps, because the process involves an increase in production by decreasing the amount of labor required.

If 25 per cent more product can be put on the market by 10 per cent less labor, that condition reflects itself in a lower cost; and that is being done; but it does have a technological effect upon labor. What is to be the outcome?

The invention of the frigidaire is putting out of commission the iceman. The time will come when almost every home that can afford to buy ice in the summer will have a frigidaire, and then the iceman who goes about peddling his ice will find no market. Such inventions displace a certain amount of labor and, we are told, in some quarters for that reason are subjects of condemnation.

Mr. President, for nine years there has been an effort to prevent what heretofore have been regarded as inevitable, namely, cycles in the business world, a depression following years when there was a high level of business activity. We have always looked upon such a condition as inevitable. It was felt that unregulated production, piling up merchandise on the shelves beyond the power of the people to consume it, and a consequent lack of ability to sell is bound to slow down business or to close down business establishments until the inventories are disposed of. Such slowing down, it had long been thought, portended the beginning of a cycle of depression. We have always looked upon that condition as inevitable, and said, "Oh, it is too bad; we are sorry; but it can not be helped." The present President as Secretary of Commerce, in conference frequently with the leaders of business, recognizing collective leadership, undertook some seven years ago to deal with that problem, and then announced that such cycles of business depression are not inevitable and need not occur if producers will only yield to management and not produce beyond the needs of the public. His idea was this: Increase the wages within limits and base a sound economic system not on low wages in the interest of profit but on high wages in the interest of purchasing power, and if purchasing power be maintained prosperity likewise will be maintained. By holding production within the limits of consumption, measured by the highest purchasing power we can maintain, cycles of business depression will be avoided. That was a major problem of the Secretary of Commerce while he was at the head of that great department; and he has undertaken to carry it into effect as the President of the United States.

Mr. President, I do not know whether or not it is possible to prevent these cycles. I spoke of that subject only a few weeks ago in this Chamber. I have always feared that unregulated production would outrun consumption; and if we ever get to the point where we are producing away beyond what can be consumed, we shall have brought about that result. I have thought a good deal about the battle that the Farm Board is up against right now because of the surplus—not the surplus of this year but the surplus of a hang over from last year. It is calling to the producer of wheat not to market his wheat now, for the reason that it will break the market; and yet, with the enormous surplus that can not be disposed of, for which no buyer can be found, a serious problem is going to accumulate. I have sympathy with the board that is now battling with that particular problem. If we could limit that surplus it would be easy, but we can not.

On the question of manufacturing, where labor is employed, the question is whether we can limit production within the power of consumption. It can be done there a good deal better than it can be done on the farm; so the problem of industry will not be as difficult as the problem of the farm growing out of a surplus.

I have not a firm belief that we can avoid cycles in business, where a high level will be followed by a depression. If it can be done, we have the leadership in the White House that will do it; for the President of the United States has not only been working on the problem for eight years, but he has been educating the public and the leadership of business along that line for eight years.

We had plenty of money. Money was fluid. There were great opportunities for speculation. Securities began to reach the skies. Money was leaving the country banks to be invested in New York because it could command a high rate of interest. Notice was given to the bankers not to permit their money either to go to New York, thus denying local industry its needed capital, nor to charge local industry an additional rate because they could get it in New York. This high scale of buying, due to the fluidity of capital and the amount of money in circulation in the hands of purchasers, created in New York a condition not unlike that created in Florida not long ago; and what we can not understand is why people saw it and did not know that the inevitable was bound to come. They did not, however. The man who had bought and made much in paper profits wanted to buy still more, and the orgy continued. When, finally, uncertainty began to develop, the question came as to what was to be the outcome of industry. The bottom went out of the stock market just as certainly as the bottom went out of the flurry in California, in the Klondike, in Florida. When it started, Mr. President, that was the crisis; for, with the heavy buying on the market, who could tell whether some of the heavy buyers were not involving some great bank? Suppose the word had come to Washington that in the midst of this flurry one depositor withdrew $500,000 from a bank at one time. Suppose the withdrawal of that amount had led others to do likewise. There was not a bank in New York that could have stood it; and if one had gone, they are so articulated that nobody could have told how many would have gone.

Why? Was it because business was unsound? Certainly not. Every factor of sound business that existed in 1928 existed in 1929; and every factor of sound business in 1929 exists today. But if a run had been made upon any one of the major banks of New York, nobody could have told how many would have gone, just as the run on the Knickerbocker Trust Co. in other days precipitated others.

That was a serious moment, Mr. President, when it was known that there was a crisis impending, not because business was not sound, because the unemployment was only the usual unemployment in other years at the same time. It was not that. It was fright. It was lack of confidence. Anybody who knows anything about the banking business knows that all the deposits in a bank can not safely be withdrawn at once. It was on that occasion that we, inclined to criticize, took comfort that we had in the White House the quiet force that knew the situation. He was not an unlearned, inexperienced man, who had to learn his A B C's in matters of business. He grasped the situation immediately; and without making any fuss about it steps were taken to restore confidence.

Now, note, Mr. President and Senators, the steps always preceding a depression:

First, retrenchment on the part of employers.

Second, pay off loans as quickly as possible, and stop.

Third, not only lay off labor but reduce wages.

That is always inevitable in an unregulated depression following a high level. Business says, "We dare not go on. We must retrench. We must keep our outgo within our income"; and business stops. When it stops, it can not be started the next day. It will take two years before it can be gotten on its feet. Instead of laying off men, reducing wages, and retrenching everywhere, with interest rates ascending and banking becoming tighter, the Federal Reserve Board took the step of reducing interest rates. That was to make banking easier. That was to relieve what might be dangerous. Instead of laying off men, the President called the railroad heads here, laid the matter before them, asked them not to retrench on their expenditures, but to enlarge upon their expansions, and they agreed to do it. Then he called labor leaders here and announced to them that he had the promise of business leaders that wages would not be cut, that there would be no retrenchment, that expansion would go on, and asked labor leaders if they would not agree to cooperate, and not demand increased wages; and let it be said forever to the honor of high-type labor leadership that they agreed.

Mr. President, there was for the first time in the history of the world a political leader at the head of the Government, guiding private industry through a maze of crises in the interest of prosperity and the employment of labor.

Then the President called together the key business men outside of transportation, and asked them to cooperate. Then he called a conference of the governors, and asked them to cooperate; and in but a few days we had the forces of capital and labor and the leadership of industry battling against what was always regarded an inevitable crisis following a high level of business activity.

That action was pretty generally applauded throughout the land, Mr. President. I never shall forget, as I sat in the chair presiding over this body when some things were being said in this forum, the words of the senior Senator from Mississippi [Mr. HARRISON] as he suggested, not in language in which I am now speaking, that it was not wise to rock the boat at that time. I never shall forget the words of the senior Senator from North Carolina [Mr. SIMMONS] and the words of the junior Senator from Massachusetts [Mr. WALSH]. This side of the Chamber was quiet. Some of those on the other side of the Chamber, I thought, were unguarded in what they were saying; but there were some golden utterances that came from the leadership that is not of the party to which the President belongs.

Mr. President, I regard the handling by the present President of the economic forces that were playing toward disaster as the most outstanding single economic accomplishment in the history of government of which I have any knowledge.

I am going to conclude by reading a brief editorial from the World's Work, the publication that was given life and great prestige by our much lamented and beloved Walter Page.

After the editor of this nonpartisan publication, giving an appraisal of Mr. Hoover in his first year, had spoken frankly of these accomplishments, he closed with this paragraph:

> This is the record for 10 months of 1929 and 2 of 1930, a more detailed account of which appears on page 61. Mr. Hoover enters his second year with much accomplished, more waiting to be done, a wealth of fresh ideas, and certainly the high hope of the country for his continued good health and good fortune.

I bespeak these words to be the words of every Senator here, whether he agrees with Mr. Hoover or not.

Mr. HARRISON. Mr. President, I want to congratulate the Senator from Ohio on his audacity and nerve in speaking explanations of the "mischievements" of the administration during the past one year. It takes a great deal of enthusiasm, an overabundance of Republicanism, for one to rise in this body following what we have experienced in this Chamber, in this country, and at the White House during the last year, and to speak in a laudatory strain of it.

If the failure to solve big and pressing problems is an achievement, then this administration for the past one year has been a success.

If disgusting the farmers of the land is an achievement, then this administration for the past one year has been a success.

If dissatisfying labor and causing to be initiated and administered for labor in this country policies with which they do not agree is an achievement, then this administration for the past one year has been a success.

If inability to maintain confidence in industry and business is an achievement, then this administration has been a success.

It is peculiarly appropriate that to-day, one year following the induction of President Hoover into the White House, whose record the distinguished Senator from Ohio now glorifies, the so-called achievements of the administration should be presented to the American people and to this body by the Senator from Ohio, because if there was one man in public life next to President Hoover who throttled adequate legislation for the farmers of the country when the McNary-Haugen bill was presented to this body for consideration and passage it was the Senator from Ohio. He did more, next to President Hoover's man Friday, Congressman FORT, to pass the present farm law, which is now being administered by this Farm Board, than any man in public life.

I do not suppose there is another Senator sitting here who would have the temerity to claim that the administration of that law as it has been administered has done anything of benefit to American agriculture. We unanimously wrote into the law, as was called to the attention of the Senate the other day, a provision providing for insurance against price decline in the farmer's product, giving the Farm Board power to put the law into operation, and, although cotton and wheat has steadily gone down—in the case of cotton 5 cents and more in the last few months, and in the case of wheat proportionately as much—this board, some of the members of which have been in constant conference with the President of the United States, has failed to put that insurance provision into operation. What nerve does it take for one to speak in laudatory terms of that work as an achievement?

If indecision upon the part of a President is an achievement, then President Hoover's first year is a great success. But the Senator from Ohio can not make labor, which is now out of employment in such numbers, make the farmers of the country, who are receiving practically nothing for their products, or the business men of this country, who have seen their stocks steadily decline during this administration, believe that it is a success.

I had a letter from the Senator's own State the other day. The gentleman who wrote the letter told me of an incident which occurred out in the agricultural regions of Ohio. He said he showed a motion picture, exhibiting to groups of farmers present the pictures of various Presidents. Then he took a secret ballot to ascertain from them the most popular President in their opinion, and out of all the Republicans who voted in that little rural community in the Senator's State the man whom the Senator now lauds received 1 vote.

Mr. CARAWAY. I venture to say he was the postmaster.

Mr. HARRISON. He probably was the postmaster, or perhaps was some kindred to the Senator from Ohio. So, Mr. President, with the feeling upon the part of the farmers of Ohio, and of labor, as indicated by the incident which happened in the city of Cleveland in Ohio, which the Senator, as well as all of us, read of, only recently he can not fool anyone into believing that this administration's first year has been a success.

Mr. HALE. Mr. President, the Senator from Ohio has made a very able and interesting speech on the achievements of the administration, and I want to congratulate him upon it. I was called out of the Chamber while the Senator was speaking about the American position at the London conference, but I have talked with a Senator who was in the Chamber, who told me that the Senator made substantially the following statement:

> We insist upon and there is accorded us parity. We demand cruisers of 10,000 tons, with 8-inch guns, while Britain is content with cruisers of lesser tonnage, with 6-inch guns. The one question is to reach parity of so many 10,000 ton 8-inch gun cruisers for a navy of equal strength composed of cruisers of lesser tonnage, with 6-inch guns.

I would like to ask the Senator whether that is substantially what he said?

Mr. FESS. Substantially, except that the quotation seems to indicate that I said that that was the only problem, as if I had said that was the one question. One of the questions was how many of the large cruisers it would take to balance so many of the small.

Mr. HALE. I was simply alluding to the cruiser part of the statement. I think the Senator has very well expressed the American position.

THE FEDERAL POWER COMMISSION

Mr. WHEELER. Mr. President, I have listened with a great deal of interest to the most interesting and amusing and illogical speech of the Senator from Ohio. I agree with him that the President of the United States has many new formulas for the purpose of running the Government of the United States. I desire this morning to call attention for a short time to one of the new formulas which the President of the United States seems to be putting into operation with reference to power. I want to call attention to some very interesting facts which were developed before the Committee on Interstate Commerce of the Senate just recently in one of its hearings.

It should be recalled that the Federal water power act was approved on June 10, 1920. It created a Federal Power Commission to consist of three Cabinet officers—the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture—without additional compensation.

Second, the act provided for the appointment of an executive secretary, whose salary was to be paid by the commission direct.

An appropriation was made for that purpose, and for traveling and miscellaneous expenses of the commission. No appropriation was made for the personnel excepting for the salary of the executive secretary.

Third, it was provided in the act that the commission might request the President to detail an officer from the United States Engineer Corps to serve the commission as an engineer officer, his duties to be prescribed by the commission.

A further provision was made that the work of the commission should be performed by and through the Department of War, the Department of the Interior, and the Department of Agriculture, and their engineering, technical, clerical, and other personnel, except as might be otherwise provided by law.

Upon the organization of the commission there was detailed from the Engineer Corps of the Army one Col. William Kelly as chief engineer and Maj. H. S. Dennison as assistant chief engineer for the commission. Those engineers served about four years, about as long as the regulations of the Army would permit.

When their time was up, Colonel Kelly resigned from the Army and accepted a position with the National Electric Light Association as director of engineering, or with some such title. Major Dennison was relieved before Colonel Kelly and was assigned to duty at New Orleans with some board having to do with the Mississippi River, and his place was taken by Major Edgerton, who acted as Colonel Kelly's assistant for several months, when Edgerton became Chief of Engineers.

After serving for a time with the National Electric Light Association, Colonel Kelly was appointed to a position or an office with the Niagara Falls Power Co., and Major Dennison took his place with the National Electric Light Association. These gentlemen occupy these positions to-day, except that Colonel Kelly now holds a high executive office in several large corporations associated with the Niagara Falls Power Co.

Mr. President, with that preliminary statement as to the duties of the commission, I want to invite the attention of the Senate to the fact that the Power Commission as it is created is composed of the Secretary of the Interior, the Secretary of

War, and the Secretary of Agriculture, who pass upon applications for permits which the great power companies make for the power sites which constitute one of the most valuable natural resources in the country. During all of this time, ever since 1920, when the commission was created, it has been called upon to grant or to deny permits to the great electrical companies which are seeking those permits. It has been called upon to pass upon questions of valuation of some of the electric-light companies. It has been called upon in many other instances to pass upon questions which are of vital interest to the electric-light companies and the electrical companies generally throughout the United States.

I am wondering what the Senate of the United States would think if, as a matter of fact, it should be found that the members of the Interstate Commerce Commission, created by the Government of the United States for the purpose of protecting the people of the country against what they felt were unjust exactions by the railroads, were honorary presidents of an organization which is being financed by the railroads of the country. I am wondering what the Congress of the United States would say if they found that the secretary of the Interstate Commerce Commission, who has to deal directly with granting or refusing favors to the railroads, was having his expenses paid to Europe by an organization that is being financed by the railroads of the country. I am wondering, too, what the Congress of the United States of America would say and what the public generally would think if the members of the Tariff Commission belonged to some organization that was being financed by those who are seeking special favors at the hands of the Tariff Commission. I am wondering what the people of the country would think if the secretary of the Tariff Commission was accepting money for a trip to Europe from an organization which was being financed by the tariff barons. Likewise, I might go on and ask what the people of the country would think if every department of our Government had in it secretaries whose trips to Europe and whose vacations were paid for by those who were seeking special favors at the hands of their department.

Mr. President, I may be very sensitive about this matter, but I was rather shocked the other day when before the Interstate Commerce Committee of the Senate, Mr. Merrill, a former secretary of the Federal Power Commission, brazenly told us that while he was secretary of the commission he went out and organized a world power conference; that this world power conference was financed almost entirely by the National Electric Light Association, by the Guaranty Trust Co., and by the Electric Bond & Share Co.; that while he was secretary of the Power Commission he was also the head of the world conference, which was receiving its money from the Electric Light Association and the great electrical trusts of the country. For fear that I might be misquoted with reference to the matter I desire to read some portions of his testimony. He is speaking now of the representation in the world power conference:

Mr. MERRILL. In the Department of Commerce are the Bureau of the Census, the Bureau of Foreign and Domestic Commerce, the Bureau of Mines, and the Bureau of Standards. In the Department of the Interior are the Geological Survey and the Reclamation Service. In the Department of Agriculture there is the Forest Service. In regard to this Federal Power Commission it is represented——

The CHAIRMAN. By whom?

Mr. MERRILL. By its executive secretary. The next group are individual members. And out of that group of individual members each 100 members has one representative on the council. The final group is a group of contributing members. Those are the corporations. They have their representatives on the council.

The CHAIRMAN. Who promoted this organization?

Mr. MERRILL. I was largely responsible for it. It started in 1923. I have been chairman of the organization committee since it was created in August, 1923. But it has been up to date a voluntary organization.

The CHAIRMAN. Is it incorporated?

Mr. MERRILL. It is not.

The CHAIRMAN. Do you not have a chairman of your board of directors?

Mr. MERRILL. I am the chairman of the board of directors.

The CHAIRMAN. And you vote them all I suppose.

Mr. MERRILL. What was that?

The CHAIRMAN. You vote all the directors?

Mr. MERRILL. I do not.

Senator DILL. Do they have a paid official, or I mean did they have one before you took over the work?

Mr. MERRILL. No.

The CHAIRMAN. Who did the work, then?

Mr. MERRILL. I did the majority of it.

The CHAIRMAN. Voluntarily?

Mr. MERRILL. Yes.

Senator WHEELER. Where did you get your money from?

Mr. MERRILL. Through the dues of our members.

Senator WHEELER. From these corporations?

Mr. MERRILL. No; well, let me go back and explain that: It was organized originally to take part in the London conference of 1924. We had about 300 members, who paid dues of $10 per annum. There was no expectation at that time of doing more than take part in the London conference, and so certain guaranties were made by people interested in order to pay the expense of attending the conference at London. I think something like $25,000 was raised.

Senator WHEELER. Who put that money up?

Mr. MERRILL. These same groups that put up the guaranty at the present time. I do not know the names on the list because I never saw it. But when we came back——

Senator WHEELER (interposing). Did you go over as a member?

Mr. MERRILL. Yes. I went to the London conference as the chairman of the American committee.

The CHAIRMAN. And who paid your expenses?

Mr. MERRILL. My expenses were paid in part by the United States and in part by the committee. I went over as a delegate of the United States as well.

Senator WHEELER. You went over as a delegate representing the United States Government?

Mr. MERRILL. Yes, sir.

Senator WHEELER. Under what authority?

Mr. MERRILL. Under the authority of the Comptroller General that my expenses could be properly paid—no, I will correct that. That was not in 1924. That was not until 1926.

Senator WHEELER. You say that was in 1926?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And the Comptroller General approved your expense account?

Mr. MERRILL. Yes, sir.

Senator WHEELER. For a part of it, and a part of it was put up by these organizations?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And the money of the organization was put up by the power companies?

Mr. MERRILL. I say, Senator WHEELER, I do not know. I presume that it was. It was put up by the power, manufacturing, and industrial groups. But who they were I do not know, because I never saw the list.

Senator WHEELER. Wasn't there a question in your mind as to whether or not you should accept or permit these organizations to put up any money, particularly the electrical companies, for the purpose of paying your expenses when you were a representative of the United States Government and the executive secretary of the Federal Power Commission?

Mr. MERRILL. Not when we were dealing with organization, the purpose which this meeting was.

Senator WHEELER. It never occurred to you that there was anything wrong?

Mr. MERRILL. No; and I do not think that it occurred to anybody else. And I might go one step further and say that the honorary chairman of our organization at that time was Secretary Hoover, of the Department of Commerce.

Senator WHEELER. It never occurred to him that there was anything wrong about it?

Mr. MERRILL. Evidently not. And three other members of the Cabinet were honorary members of the committee. At the present time the honorary chairman of the American section is Secretary Lamont, and honorary members are the three members of the Federal Power Commission.

At this point I want to call attention to just who are the members of the American World Power Conference Committee. I find in the list, which has been furnished me, that the honorary chairman of the organization is the Hon. Robert P. Lamont, Secretary of Commerce. The honorary vice chairmen are the Hon. Patrick J. Hurley, Secretary of War, member of the Federal Power Commission, Washington, D. C.; Hon. A. M. Hyde, Secretary of Agriculture, member of the Federal Power Commission, Washington, D. C.; Mr. Owen D. Young, chairman of the board of the General Electric Co., 120 Broadway, New York City; Mr. A. W. Robertson, chairman of the board of the Westinghouse Electric Co., 150 Broadway, New York City; Mr. Matthew S. Sloan, president of the National Electric Light Association, 420 Lexington Avenue, New York City; Mr. Sidney Z. Mitchell, chairman of the board of the Electric Bond & Share Co., 2 Rector Street, New York City; Mr. Samuel Insull, president of the Commonwealth Edison Co., 72 West Adams Street, Chicago; Mr. George B. Cortelyou, president of the Consolidated Gas Co., 4 Irving Place, New York City; Mr. James H. McGraw, chairman of the board of the McGraw-Hill Publishing Co., Tenth Avenue at Thirty-sixth Street, New York City.

The next gentleman on the list is Mr. Charles Piez, president of the American Society of Chemical Engineers, 910 South Michigan Avenue, Chicago; Mr. William H. Bassett, first vice presi-

dent of the American Institute of Mining and Metallurgical Engineers, 33 West Thirty-ninth Street, New York City; Mr. John F. Coleman, president of the American Society of Civil Engineers, 228 Hibernia Building, New Orleans.

The executive officers are Mr. O. C. Merrill, chairman, Edmonds Building, Washington, D. C.; Mr. Henry J. Pierce, vice president, 2 Rector Street, New York City; Mr. H. M. Addinsell, treasurer; member of the firm of Harris Forbes & Co., 56 William Street, New York City; Miss M. Waters, assistant to the chairman, Edmonds Building, Washington, D. C.

The members of the board are: Mr. O. C. Merrill, chairman, Washington, D. C.; Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City; Mr. H. M. Addinsell, treasurer; Mr. Paul S. Clapp, managing director, National Electric Light Association, 420 Lexington Avenue, New York City; and others. The council consists of practically the same members. I ask unanimous consent that at this point the list to which I have referred may be inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The list is as follows:

AMERICAN COMMITTEE WORLD POWER CONFERENCE

Hon. Robert P. Lamont, Secretary of Commerce, Washington, D. C., honorary chairman.

Hon. Patrick J. Hurley, Secretary of War; member Federal Power Commission, Washington, D. C., honorary vice chairman.

Hon. A. M. Hyde, Secretary of Agriculture, member Federal Power Commission, Washington, D. C.

Mr. Owen D. Young, chairman of the board, General Electric Co., 120 Broadway, New York City, N. Y.

Mr. A. W. Robertson, chairman of the board, Westinghouse Electric Co., 150 Broadway, New York City.

Mr. Matthew S. Sloan, president National Electric Light Association, 420 Lexington Avenue, New York City.

Mr. Sidney Z. Mitchell, chairman of the board, Electric Bond & Share Co., 2 Rector Street, New York City.

Mr. Samuel Insull, president Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill.

Mr. George B. Cortelyou, president Consolidated Gas Co., 4 Irving Place, New York City.

Mr. James H. McGraw, chairman of the board, McGraw-Hill Publishing Co., Tenth Avenue at Thirty-sixth Street, New York City.

Mr. Charles Piez, president American Society of Mechanical Engineers, 910 South Michigan Avenue, Chicago, Ill.

Mr. William H. Bassett, first vice president American Institute of Mining and Metallurgical Engineers, 33 West Thirty-ninth Street, New York City.

Mr. John F. Coleman, president American Society of Civil Engineers, 228 Hibernia Building, New Orleans, La.

EXECUTIVE OFFICERS

Mr. O. C. Merrill, chairman Edmonds Building, 917 Fifteenth Street NW., Washington, D. C.

Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City.

Mr. H. M. Addinsell, treasurer, member of firm, Harris Forbes & Co., 56 William Street, New York City.

Miss M. T. Waters, assistant to chairman, Edmonds Building, 917 Fifteenth Street NW., Washington, D. C.

BOARD

Mr. O. C. Merrill, chairman, Washington, D. C.

Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City.

Mr. H. M. Addinsell, treasurer, member of firm, Harris Forbes & Co., 56 William Street, New York City.

Mr. Paul S. Clapp, managing director, National Electric Light Association, 420 Lexington Avenue, New York City.

Col. Hugh L. Cooper, consulting engineer, 101 Park Avenue, New York City.

Maj. Alexander Forward, managing director, American Gas Association, 420 Lexington Avenue, New York City.

Dr. Elwood Mead, Commissioner of Reclamation, United States Bureau of Reclamation, Washington, D. C.

Mr. Calvin W. Rice, secretary, American Society of Mechanical Engineers, 29 West Thirty-ninth Street, New York City.

Mr. David B. Rushmore, Fifth Avenue at Fifty-fourth Street, New York City.

Dr. George Otis Smith, director United States Geological Survey, Washington, D. C.

Mr. Scott Turner, director United States Bureau of Mines, Washington, D. C.

COUNCIL

Mr. O. C. Merrill, chairman, Washington, D. C.

Mr. Henry J. Pierce, vice chairman, New York City, representing American Electrochemical Society.

Mr. H. M. Addinsell, treasurer, New York City.

Mr. C. E. Bockus, president Clinchfield Coal Corporation, 75 West Street, New York City, representing National Coal Association.

Mr. F. E. Bonner, executive secretary Federal Power Commission, Washington, D. C., representing Federal Power Commission.

Dr. L. J. Briggs, chief division of mechanics and sound, representing Bureau of Standards, United States Department of Commerce.

Mr. Paul S. Clapp, managing director National Electric Light Association, representing National Electric Light Association.

Col. Hugh L. Cooper, consulting engineer.

Maj. Alexander Forward, managing editor American Gas Association, representing American Gas Association.

Lieut. Gen. Edgar Jadwin, representing Corps of Engineers, United States War Department.

Mr. M. T. Jones, chief division of electrical equipment, representing Bureau of Foreign and Domestic Commerce.

Dr. Elwood Mead, Commissioner of Reclamation, representing Bureau of Reclamation, United States Department of the Interior.

Mr. T. W. Norcross, chief engineer United States Forest Service, representing Forest Service, United States Department of Agriculture.

Mr. George A. Orrek, consulting engineer, 52 Vanderbilt Avenue, New York City, representing American Institute of Consulting Engineers.

Mr. H. deB. Parsons, 26 Beaver Street, New York City, representing American Society of Civil Engineers, power division.

Mr. Calvin W. Rice, secretary American Society of Mechanical Engineers, representing American Society of Mechanical Engineers.

Mr. David B. Rushmore, representing American Institute of Mining and Metallurgical Engineers.

Dr. George Otis Smith, Director United States Geological Survey, representing Geological Survey, United States Department of Interior.

Mr. W. M. Steuart, Director Bureau of the Census, representing Bureau of the Census, United States Department of Commerce.

Mr. Scott Turner, Director United States Bureau of Mines, representing Bureau of Mines, United States Department of Commerce.

Mr. WHEELER. I want to call attention to the fact, Mr. President, that here we have the heads of all the great electrical companies in the United States of America. They are the leading men who have been contributing money to fight legislation in the Congress, for instance, in the case of Muscle Shoals; it is the same group of men who have fought every forward-looking piece of legislation for the control of the Electrical Trust and the Power Trust from one end of the country to the other; it is the same group of men who have come before the Federal Power Commission seeking favors in the way of permits for power sites; it is the group of men who, as the lobby committee has shown, have been furnishing money to the lobbyists in Washington to try to stop legislation. We find them, Mr. President, belonging to an organization of which the members of the Federal Power Commission are honorary members.

We find, further, that the money for the organization is being put up by the National Electric Light Association, which is the lobby committee for all the electric-light concerns and for the Power Trust in the country. But let me read further, Mr. President:

Senator DILL. And it is financed by this National Electric Light Association primarily?

He is referring to the world conference, the names of the executive officers, of which I have just inserted in the RECORD, and of which four members of the President's Cabinet are honorary vice presidents.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Montana yield to his colleague?

Mr. WHEELER. Yes.

Mr. WALSH of Montana. Will the Senator tell us what is the ostensible purpose of this organization?

Mr. WHEELER. It was not quite clear to the members of the committee, to me, at least, and to some other members of the committee, what the purpose of the organization was, but Mr. Merrill said, in substance, that the purpose of it was to have some kind of a world organization that would exchange views with reference to power and the development of power in various countries and ascertain whether or not power development was feasible in some of the newer countries where power has not been developed.

Mr. WALSH of Montana. Has the organization put out any literature which would indicate the scope of its operations?

Mr. WHEELER. Their only piece of literature, I think, is the one piece of literature which was handed to the committee, but I did not read it through when it was handed to the committee. It was more or less general, however, in its nature.

Mr. WALSH of Montana. The Senator from Montana says the organization is financed by the National Electric Light Association?

Mr. WHEELER. Mr. Merrill said that a few members put in $10 apiece, but that the great bulk of the funds was guaranteed by the National Electric Light Association and was paid

in by the Electric Bond & Share Co., and, I think, he said the Guaranty Trust Co.

I quote further from Mr. Merrill's testimony:

Senator DILL. And it is financed by this National Electric Light Association primarily?

Mr. MERRILL. The financing at the present time is guaranteed by them, but it will be distributed out among all these groups.

In other words, the organization is financed by the National Electric Light Association, I take it, but it will be extended to all of the power companies and electric light companies which are a part and parcel of the National Electric Light Association.

Senator DILL. Does anybody else get a salary besides you?

Mr. MERRILL. Yes, sir; the members of my staff.

Senator TYDINGS. Will the Government pay any part of it?

Mr. MERRILL. No, sir.

Senator TYDINGS. You say it is to be distributed among all the groups?

Mr. MERRILL. I mean among the individuals and this contributing membership group, plus the Government memberships.

Senator WHEELER. The people who put up the money are the National Electric Light Association and Electric Bond & Share Co. and the Guaranty Trust Co., and who else, so that we may have all of it?

Mr. MERRILL. The ones I expect it will be distributed amongst will be organizations like the National Electric Light Association, and probably——

Senator WHEELER (interposing). Oh, do not let us have the probabilities but the facts.

Mr. MERRILL. Well, I say at the present time the National Electric Light Association is guaranteeing the financing and is at the present time paying the expenses for the electrical industry.

Senator WHEELER. And they have been all the time?

Mr. MERRILL. Since the 1st of July, 1929.

Senator WHEELER. Who paid it before that time?

Mr. MERRILL. The expense up to that time was paid out of money left over from the original financing made in 1923, because the expense has been very small.

Senator WHEELER. And who put up that money?

Mr. MERRILL. I have said that I do not know who they were individually, but I assume that they were the American and foreign power companies, banking organizations, and organizations interested in foreign commerce, like the General Electric and the Westinghouse, and so on.

Senator PITTMAN. Why do you assume that?

Mr. MERRILL. Because those are the groups that it was the intention should finance it then.

In other words, Mr. President, Mr. Merrill, while he was acting as secretary for the Federal Power Commission, while he was passing upon permits and passing upon the regulations affecting the power companies and the financing of power companies, if he were carrying out his duties under the act, went out among these electrical companies and the power interests all over the country and said to them, "We want you to put up money to finance a world conference." The strange thing about it, one that I can not understand, is, that Mr. Hoover, who was then Secretary of Commerce, permitted himself to be used as the president of the organization. His name, of course, carried great weight, for when they saw that Mr. Hoover was president of the organization and that Mr. Work and the Secretary of War were permitting their names to be used, of course, the power interests were only too glad to put up the money for this organization.

I am not charging that Mr. Merrill was influenced in his opinions in this respect, but, Mr. President, I say that it was shocking to me, as it was shocking I am sure to practically every member of the committee who listened to his testimony when he brazenly sat there and said, "Yes; they were collecting the money; they were financing the organization," and yet those very interests were appearing before him, perhaps the next day, asking permits from the Government for great power sites, asking that there be given to them under the regulations of the Government the vast natural resources of this country.

I received a letter only yesterday—I have not it with me this morning—from the editor of the Louisville Times. He said, in substance, that probably explains why Mr. Merrill was campaigning actively and making speeches in favor of a power company in his section of the country while he was at the same time executive secretary of the commission. Mr. President, it may also explain a great many other things that have been going on in the city of Washington with reference to the great electrical companies and power interests. It may explain further why it was in the last election in my home State the power interests lined up almost to a man in voting for the present President of the United States.

I want to call attention to the fact that in one or two precincts where the power interests concededly and admittedly dominate the voters, the voters cast their ballots, 18 for the Republican candidate for President and 1 for the Democratic candidate for President; in another place the vote was almost unanimous in favor of the Republican candidate, while at the same time they cast practically all their votes for the Democratic candidate for governor. That shows how completely, if you please, the power interests control the votes in that particular section.

Mr. President, I now read further from the testimony:

Mr. MERRILL. I have said that I do not know who they were individually, but I assume that they were American and foreign power companies, * * *.

Senator PITTMAN. * * * I asked you why you presumed it, because you have said that was the intention, that they should do it.

Mr. MERRILL. I say, that is the intention of the organization as it exists to-day.

* * * * * * *

Senator WHEELER. Who was on the finance committee?

Mr. MERRILL. Mr. H. M. Addinsell, Mr. Henry J. Pierce—

And if my recollection serves me correctly, Mr. Pierce was one of those who was mixed up in one of the lobbies for the power interests here in Washington.

Mr. John W. Lieb, who was then vice president of the New York Edison Co.

Senator DILL (interposing). This man Henry J. Pierce is the same man who has been paid, according to the accounts filed by different companies, considerable sums for his work in Washington?

Mr. MERRILL. It is the same man; yes, sir.

Senator DILL. For Electric Bond & Share and other affiliated companies?

Mr. MERRILL. I know nothing about that, but it is the same man.

Senator PITTMAN. Did you ever have a conference with the finance committee?

Mr. MERRILL. No, sir.

* * * * * * *

Senator PITTMAN. And you knew they were getting money to pay this expense?

Mr. MERRILL. Yes, sir.

Senator PITTMAN. And you knew the purpose of it?

Mr. MERRILL. I say, I assume that.

Senator KEAN. Mr. Lee was originally a New York Edison Co. man?

Mr. MERRILL. Yes, sir.

Senator WHEELER. When did Mr. Hoover become a member of that American committee?

Mr. MERRILL. When it was originally organized, in 1923.

Senator WHEELER. Did he know where the money was being raised?

Mr. MERRILL. I presume so.

Senator WHEELER. What other Cabinet members were members of the American committee of the World Power Conference?

Mr. MERRILL. The three members of the Federal Power Commission.

Senator WHEELER. Who were they at that time?

Mr. MERRILL. At that time they would have been Secretary Weeks, Secretary Wallace, and Secretary Work.

Senator WHEELER. When was it that you became the executive secretary or the head of it?

Mr. MERRILL. Do you mean permanently?

Senator WHEELER. Yes.

Mr. MERRILL. The 1st of July, 1929.

Senator WHEELER. What members of the Cabinet are members of it at the present time?

Mr. MERRILL. The Secretary of Commerce and the three members of the Federal Power Commission, one as the honorary chairman and the other three are honorary vice chairmen.

Senator WHEELER. Do you mean to say that Secretary Wilbur is now an honorary vice chairman?

Mr. MERRILL. Do you mean of the American committee of the World Power Conference?

Senator WHEELER. Yes.

Mr. MERRILL. Yes, sir.

Senator WHEELER. And that the Secretary of War is an honorary member?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And that the Secretary of Agriculture is an honorary member?

Mr. MERRILL. Yes, sir. And Secretary Lamont is the honorary chairman.

Senator WHEELER. Do they understand that this money is being put up by Electric Bond & Share Co., the National Electric Light Association, and so on?

Mr. MERRILL. I assume that they do.

Senator TYDINGS. Do any of them receive any compensation?

Mr. MERRILL. No, sir.

Senator TYDINGS. Who else receives compensation besides you?

Mr. MERRILL. The members of my staff.

* * * * * * *

Senator TYDINGS. Did you have a talk with Secretary Hoover at the time that this thing came into being?

Mr. MERRILL. Do you mean back in 1923?

Senator TYDINGS. Yes.

Mr. MERRILL. Yes.

Senator WHEELER. Did he recommend that it be formed?

Mr. MERRILL. Yes; that is my recollection.

Senator WHEELER. Did he recommend you to any groups that you know of as the proper man to head this organization?

Mr. MERRILL. I do not know.

Senator WHEELER. Did he indicate to you that he would do so?

Mr. MERRILL. I think my recollection is that Secretary Hoover was brought in as honorary chairman after the organization had been created.

Senator WHEELER. Did you learn that he was requested to designate any man to take charge of this organization?

Mr. MERRILL. What was that?

Senator WHEELER. Did he indicate that some one had asked him to designate a good man to take charge of this work?

Mr. MERRILL. No; he had nothing whatever to do with that part of it.

* * * * * * *

Senator WHEELER. Who was the first person that approached you in reference to the formation of this committee?

Mr. MERRILL. The representatives of the committee in Great Britain, who started the organization in the first place.

Then he goes on:

The CHAIRMAN. And who is Mr. Pierce?

Mr. MERRILL. He is the vice chairman of our American committee.

The CHAIRMAN. What is his occupation outside of that?

Mr. MERRILL. He is engaged in financial matters at the present time.

The CHAIRMAN. He is engaged in what?

Mr. MERRILL. In financial dealings.

The CHAIRMAN. With whom?

Senator WHEELER. Yes; with what power interests is he connected?

Mr. MERRILL. I am not sure that he is connected with any particular power group at the present time. But he has been associated, of course, with Electric Bond & Share, and he was and still is the president of the Washington Navigation & Development Co.

Senator WHEELER. And Mr. Paul Clapp is what?

Mr. MERRILL. Executive director of the American Electric Light Association.

It should be recalled, of course, that Mr. Paul Clapp, executive director of the National Electric Light Association, and one of the organizers of this conference, was for several years special assistant to Secretary of Commerce Hoover in charge of power and waterways development. He left the department directly to become the real head of the National Electric Light Association, about which so much has been said in the Federal Trade Commission hearings.

Senator WHEELER. And he was one of the active members in the organization of this matter, this whole work?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And he was one of the men who came to you and wanted you to take charge of this particular work?

Mr. MERRILL. Yes, sir.

Senator WHEELER. Now, likewise, he was one of the men who has been instrumental in raising money for the organization?

Mr. MERRILL. You are quite right about that.

Senator WHEELER. And almost since its inception he has been very active in the organization, has he not?

Mr. MERRILL. No; Mr. Clapp was not particularly active in the organization until Mr. Lieb, who represented the National Electric Light Association, dropped out.

And, of course, when Mr. Lieb dropped out and passed away, Mr. Paul Clapp became the head of the National Electric Light Association, and he immediately became very busy in this organization.

Senator WHEELER. I just wanted to ask you this, Mr. Merrill: You suggested that you had numerous applications from the Electric Bond & Share Co. and had granted certain permits to them while you were the executive secretary of the Federal Power Commission. Is that right?

Mr. MERRILL. Yes.

Senator WHEELER. And that likewise you had had application from a great many other power companies while you were the executive secretary of the Federal Power Commission?

Mr. MERRILL. Yes.

Senator WHEELER. And that a good many were granted?

Mr. MERRILL. Yes.

Senator WHEELER. And these people you knew, I mean, Electric Bond & Share, were contributing to your organization, as well as others, didn't you know that?

Mr. MERRILL. Well, let me get that clear before you if you will.

Senator WHEELER. All right. Go ahead.

Mr. MERRILL. There were contributions made originally, as I have stated, to finance the meeting of 1924 in London. The amount raised for that purpose exceeded the actual expenses of that particular meeting. The treasurer of the American committee offered to return pro rata the difference or to hold it in the treasury as a means of paying current expenses. I think there was about—well, possibly $10,000 left over, and no other money was raised at any time from then until after the permanent organization was created.

So they raised this money first from the Electric Bond & Share Co., from the National Electric, and others, to pay for this trip to London, notwithstanding the fact that Mr. Merrill went there as a delegate from the United States Government, and notwithstanding the fact that the Government of the United States paid part if not all of his legitimate expenses to that conference.

Senator WHEELER. What I am trying to get at is this: The Electric Bond & Share Co. and other power interests, who have business before the Federal Power Commission down here in Washington, are contributing to an organization of which the executive secretary of the Power Commission is a member, and of which also the three members of the President's Cabinet who compose the Federal Power Commission are likewise members.

Mr. MERRILL. That is correct; yes. But in respect of the other question it should be understood that the original financing was for the meeting only in London, and there was no intention at that time at all to create an organization. There were, however, moneys left over from that original financing and which was used to keep temporary organization going until the permanent organization was created on the 1st of last July.

Senator PITTMAN. Did you expect a permanent organization to be created?

Mr. MERRILL. No.

Senator WHEELER. And you could see nothing wrong in permitting these electrical companies, like Electric Bond & Share, to contribute to your expense when you went to the London meeting, notwithstanding the fact that you and rest of the members of the Federal Power Commission had to pass upon their applications which were pending before them?

Mr. MERRILL. Not at all. It never influenced my action in any way at any time, and never was a matter that was so much as mentioned, of course, by anybody at any time.

Senator WHEELER. Oh, of course. Mr. Hoover, you say, knew that the Electric Bond & Share and these other companies were contributing to that work?

Mr. MERRILL. I do not know whether he did or not. He knew, I suppose, that somebody had to finance it. I do not know whether that matter was or was not discussed with him. It certainly was not discussed with him by me.

Senator WHEELER. Well, I think perhaps we can more readily understand why the power companies have so much influence in Washington, by reason of their putting up money for an organization to which Cabinet members and the executive secretary of the Federal Power Commission belong.

Now, Mr. President, I want to say this: I do not want to be misunderstood in the matter. I do not think that Doctor Wilbur would be influenced by his membership upon this commission. I have a very high regard for his integrity and his honesty; but I do say that the members of the Power Commission ought to be like Cæsar's wife. They ought to be above suspicion; and it seems to me that no members of the Cabinet ought to be upon a commission that is being financed by the Electrical Trust of the country when at the same time they have to pass upon questions of fact and questions of law in which the power interests of the country are directly affected.

We criticized Mr. Fall—the Senate severely condemned him—when he gave to his old friend, Doheny, who loaned him $100,000, certain permits. Some of us said it was a direct bribery; but, assuming that it was not an intentional bribery, assuming that it was only a loan of $100,000, we condemned it, and the country condemned it because of the fact, they said, that Fall was accepting favors from Doheny, when the next day or in a short time he was to pass upon, if you please, permits which Mr. Doheny was requesting from the Department of the Interior. The only difference between this incident and the Fall incident is that the electric light and power interests pay their money into an organization. After they pay their money into the organization, the organization finances the secretary of the Power Commission, who passed upon their permits. It financed in part his trip to London on one occasion, and on another occasion financed his trip to some other place in Europe.

Senator PITTMAN. Let me ask one other question right there: Mr. Merrill, you say this money that was left over was used for another purpose. How was it used?

Mr. MERRILL. It was used in part in my expense of attendance on subsequent meetings. It was used in part for incidental office expenses, for postage, and probably four or five thousand dollars of it was still left over when we organized.

Mr. President, as I said a moment ago, here is his own testimony, brazenly given before the committee, that this great Power Trust paid his expenses on a second trip to Europe. We find that these Army officers who were assigned up there by the Power Commission, after remaining there three or four years, were immediately taken over by the great power interests of the country; and now they come down here, appearing before members of the Power Commission and working with Army officers some of whom were inferior in rank to them while they were in the Army. Then we find that the testimony before the committee was to the effect that Mr. Russell—who was taken from the Railroad Commission and was brought over to the Federal Power Commission—before he had actually taken his oath of office, before he had actually received his appointment, was called upon by Mr. Bonner and asked to come over to the office of the Federal Power Commission, being told that Mr. Bonner wanted him to meet with some of the power interests over there. When Mr. Russell got over there he met Mr. Leighton, who has been not only an engineer but a lobbyist for the power interests. Mr. Leighton began to criticize one of the office force, the accountant, Mr. King; and he said to Mr. Russell in substance, "You are the man to control Mr. King. You are the man who ought to be able to tell him how to run these accounts of his, and not to bother the power companies so much. Tell him not to be too meticulous." Then, Mr. President, they asked him if he would not see another group of the power interests later on in the summer.

In other words, Mr. Russell says that what they wanted to do was to tell him how to run his office; and when he protested, when he wrote opinions for the Power Commission striking out of their accounts some false and fictitious items, what happened? When he appeared up there before the commission in a hearing with reference to the Flathead power site, he was told by the secretary of the Power Commission to keep away from the hearing; and it was only after Senators appealed to the Secretary of the Interior that Mr. Russell was requested and permitted to go back into that hearing at all. He was told that he was asking questions that he had no right to ask when he was asking questions which he felt pertained to the public interest of the country.

Then, Mr. President, when the chairman of the Committee on Indian Affairs wrote the commission a letter asking for a public document with reference to the proceedings going on in one of the power applications, the Secretary of War sent Mr. Russell down to the chairman of the Committee on Indian Affairs with an injunction of secrecy as to the document, and that it should not be given out to the public.

Mr. President, the scandal in the last administration was oil. I want to say right here and now that unless some of these things are stopped that are going on down in the Federal Power Commission, the scandal of this administration will be power. The four members of the Cabinet ought to get out of this organization. They ought to resign as vice presidents and presidents of an organization which is being financed by the Electric Bond & Share Co. and the National Electric Light Association. The executive secretary of the Power Commission ought to resign from membership in an organization that is being financed by the National Electric Light Association.

Oh, I know what their answer will be. They will say, "But this organization is for the purpose of promoting trade among foreign governments. It has not anything to do with the matter of power in this country." But, Mr. President, when the secretary of the commission, as did Mr. Merrill, takes money, accepts favors from this organization, when they pay for his trips abroad, who is there in this body that is going to say that it is not, perhaps unconsciously if not consciously, going to affect the decisions on matters which come before him while he is sitting in judgment upon their applications?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I yield.

Mr. NORRIS. The Senator says that the executive secretary—I presume he refers to Mr. Bonner——

Mr. WHEELER. I refer to Mr. Bonner.

Mr. NORRIS. The Senator says that he ought to resign from his position in this world-wide organization.

Mr. WHEELER. Yes.

Mr. NORRIS. Does not the Senator think that he ought to resign from the Federal Power Commission, and that if he does not the Federal Power Commission ought to remove him?

Mr. WHEELER. That is my judgment about the matter, Mr. President. My experience with Mr. Bonner has been such that I could come to no other conclusion.

I have wanted to be entirely fair with him, I wanted to feel that he was mistaken in judgment in the many things he has done down there. But it should be recalled that when Mr. Russell came there, he said to him, in substance, "You are not dealing now with the power interests. You are not dealing with the same kind of crooks you have been dealing with," referring to the railroads of the country.

It should be borne in mind that the minute Mr. Russell crossed swords with Mr. Bonner down there the thing happened which always happens when somebody gets in the way of the power interests, or in the way of one of these bureaucracies here. They immediately sent out to Montana and tried to check up and find out whom he owed, what indebtedness he owed to different men and different people out there.

Then Mr. Bonner came before the committee and used that as an excuse why he ought to be fired, not that he was not doing his duty down at the commission, not that he was not competent in his work, but trying to prejudice the minds of the committee, trying to prejudice the mind of everybody who had anything to do about whether he should remain or not, trying to inject the question of whether or not Mr. Russell had been in debt and was unable to pay. I do not know anything about his financial situation, but I do say that it was a shameful performance upon the part of the executive secretary of the commission.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WHEELER. I yield.

Mr. PITTMAN. The evidence so far discloses that Mr. Merrill was the secretary of the Federal Water Power Commission, which consisted of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture; that he was the real active force on that commission; that he organized this power association in 1922, organized it in the United States to help support delegates to the meeting in London. That apparently was the only purpose at that time. But as soon as that meeting was over they found that $10,000 had been raised by the power companies, which had not been used, and then they proposed to leave it subject practically to Mr. Merrill's disposition, and the testimony shows that he used that money in three separate trips, as late as 1928; that he supported his executive force with it, and that he went out of office recently, the same organization existing, and became the chairman of this organization.

Mr. WHEELER. He went out of office after organizing it, and getting the National Electric Light Association, the Power Trust, to finance it; he went out and became the head of that organization at a salary of $15,000 a year.

Mr. PITTMAN. While he was executive secretary, I think in 1928, when great complaint had been made that while a lot of permits had been issued, they had not checked up sufficiently on their valuations and their expenditures under them; they went to Congress with a bill to appropriate money to employ some more help, auditors, and so forth, and to sustain that, Mr. Merrill prepared a report, and in that report he showed that there were corporations which had carried as investment property that was actually abandoned and destroyed. He showed in that report that companies had watered their stock. In other words, he showed that there was a terrible condition existing among these permittees, but that they were helpless to remedy that without further assistants.

Mr. WHEELER. That is correct.

Mr. PITTMAN. That report was approved, according to his testimony, read and approved by these three Secretaries who constituted the Federal Power Commission. After it was approved, the testimony showed that he gave a copy of the report to just one reporter, that was the representative of the McGraw Publishing Co. Is not that correct?

Mr. WHEELER. The McGraw-Hill Co.

Mr. PITTMAN. The McGraw-Hill Publishing Co., which is the publishing company which represents these power interests; and that it slipped out of the pocket, apparently, of this reporter, and another representative of the McGraw Co. picked it up.

Mr. WHEELER. It went out of the hands of Mr. Wooten, I understand, who was the newspaper man, and slipped into the hands of another representative of the McGraw-Hill Co. The McGraw-Hill Co. turned it over to the Niagara Falls Power Co., and the Niagara Falls Power Co., according to the testimony of Mr. Merrill, brought pressure to bear upon the Federal Power Commission, and got them to delete all of the portion the Senator has called attention to, so that the Congress

of the United States never got the information which Mr. Merrill himself said they ought to get in order that they could get a clear picture, so that the commission could get sufficient funds with which to carry on the work of the Power Commission.

Mr. PITTMAN. Did not Mr. Merrill testify that the members of the Federal Power Commission had called him in and asked him to delete and take out of that report these exposures of the Niagara Power Co.?

Mr. WALSH of Montana. Mr. President, who was it that ordered the deletion of the matter?

Mr. WHEELER. The members of the Federal Power Commission.

Mr. PITTMAN. In 1928.

Mr. WHEELER. In 1928.

Mr. PITTMAN. The Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior in 1928 ordered that these facts with regard to the Niagara and other power companies be taken out of the report, and not submitted to the Congress; and it was done.

Mr. WALSH of Montana. Mr. President, is the matter thus deleted now available?

Mr. PITTMAN. The matter that was deleted was submitted to the committee the other day, verified by Mr. Merrill, and Mr. Merrill testified that he told these three Secretaries on the commission that it was better to have it come out then than to have it dragged out afterwards.

Mr. WHEELER. In order that there may not be any question about it I will take the time of the Senate to read that portion of the testimony. It is as follows:

The CHAIRMAN. While on that point I should like to ask you why this information was deleted from the final report that you filed with the Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. MERRILL. All right. I should like to precede that with the story of what led up to the report as such. We had, as I have already explained to you, year after year attempted to get legislation from Congress——

The CHAIRMAN (interposing). You specified all that in reading the letter. You do not need to repeat that now.

Mr. MERRILL. All right. I finally in 1928, when the time was coming up to present this bill, went to the members of the commission and told them that we had been endeavoring to get legislation; that the cry continually in Congress was: This is all a bluff. This is just the commission, or it is just Merrill, trying to get his bureau expanded for its own or his own particular benefit. There isn't any reason why the commission can not do this work. It has the authority to do it.

I stated to the commission that I believed the time had come when the commission should cease to talk in generalities and put some facts on the boards. And I recommended that it be done. I prepared a report that contained this material which I understand has been presented to you. It was later approved by the commission. It was sent to Congress. It had been the practice among newspaper men in Washington that material given out ahead of time is always held in confidence until its release date arrives. I had been in the practice of giving out advance material to the representatives of the press in the city of Washington, with perfect confidence that it would not be abused. Accordingly, as was my constant practice, when this report had been mimeographed and was ready for use, and prior to its submission to Congress, I gave it to a representative in Washington of the McGraw-Hill Co.

Now, the story as I learn it, is that when the gentleman to whom I gave it was going up to the Capitol in connection with a hearing he had this report which I had given him on the seat of the taxicab. Another representative of the company there picked it up and glanced through it. He saw some things in it that interested him. He went back to New York and reported what the report contained to the representative of the Niagara Falls Power Co. They came down to Washington and came to me, and wanted me to withdraw it. I refused to withdraw it. Then they wanted me to modify it. They went to the Secretary of War, and the Secretary of War called me up on the telephone about it. I told him I thought it ought to go through. He refused to withdraw it.

Subsequently, on the plea that if this information got out it would cause a lot of trouble and would bring opposition to the legislation then pending in Congress, which was this commission's bill, the commission decided, over my objection, to strike out the specific references in there, and sent the report in in the form in which it went to the Committee on Interstate and Foreign Commerce of the House of Representatives.

Senator WHEELER. So that as a matter of fact it was stricken out by the commission at the request of the Niagara Falls Power Co.?

Mr. MERRILL. That is quite right.

So, Mr. President, here was a matter which even Merrill felt Congress ought to know about.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. NORRIS. I think it ought to be said in all fairness that Mr. Merrill is entitled to a great deal of credit for his action in this matter.

Mr. WHEELER. I agree with the Senator—with reference to this particular matter.

Mr. NORRIS. Yes. I wanted to ask the Senator a question. The Niagara Power Co., at whose instance this Federal Power Commission, consisting of the three members of the Cabinet, overrode the executive secretary and took these things out of the report to which the power companies objected was one of the companies, as I understand it, which had been padding its valuation, and this report showed up the illegal things they had done by way of increasing the valuation of their properties, so that they would have a larger base upon which to reckon rates and also have a higher value in case the Government undertook to recapture the property at the end of the lease. Is that right?

Mr. WHEELER. That was the charge, in substance, made by Mr. Merrill in these items. He claimed that they had included in their items for recapture purposes many items which had no place in there.

Of course, I am not familiar with what the facts are, but that was Mr. Bonner's claim, and he said that was one of the reasons why that ought to go in there, to show Congress what problems the commission had to deal with, and that was what was stricken and deleted from the report.

Mr. BROOKHART. Mr. President, the Senator said "Mr. Bonner's claim." It was Mr. Merrill's claim.

Mr. WHEELER. Mr. Merrill's claim.

Mr. BROOKHART. That claim is apparently well founded in every detail.

Mr. NORRIS. The point I wanted the Senator to make clear was that the company which seemed to have so much influence—enough influence with the Power Commission to have its report withdrawn and deleted—was one of the companies which was shown up by this report to be doing these illegal things.

Mr. WHEELER. Exactly.

Mr. NORRIS. And Mr. Merrill was pleading with Congress to get an additional appropriation so that he would have help enough to stop that kind of business in the future.

Mr. WHEELER. That is exactly correct.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WAGNER. The claim is that pressure had been exerted by this company. Was there any evidence to disclose the identity of the individual who, on behalf of the company, used that pressure?

Mr. WHEELER. My recollection is that it was Mr. Kelly, who was formerly in the Army—Col. William Kelly, who was chief engineer for the Federal Power Commission, and who afterwards went with the Niagara Falls Power Co. My information is that he was the man who exerted the pressure with the Federal Power Commission, and it is easy to understand that. He had been the chief engineer for the commission, he had been in the Army, and he had been working with the three members of the Power Commission.

My information is that he came down to Washington and interviewed them, and acting for and in behalf of the Niagara Falls Power Co., he was successful in having that portion of it deleted. That matter still remains undecided by the commission up to this time. Mr. Russell, the attorney, testified that he had taken up the matter and tried to get the commission to pass upon it, but each time Mr. Bonner had refused to do anything and kept putting it off and delaying it.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. Certainly.

Mr. NORRIS. I do not have the items with me, but I think perhaps the Senator from Montana is familiar with them. While he is talking about padding the record so that the value of the base rate can be increased and raised higher by fictitious and unlawful amounts, I would like to call his attention to the fact that the practice of the Niagara Falls Power Co. and the other power companies is not an exception to the rule, but in the Senator's own State the Montana Power Co. have notoriously pursued the same course. If the Senator has the items I wish he would give the Senate an itemized account of some of the instances where the Montana Power Co. put all kinds of water into their value, amounting to many thousands of dollars.

Mr. WHEELER. I have not the figures, but I have seen them. What I have seen with reference to them is in an



opinion that was written by Mr. Russell. Mr. Russell, the solicitor for the commission, wrote an opinion for the commission recommending striking from the items of the Montana Power Co. several thousand dollars. I do not recall the exact time or the exact figures. I have not the figures at hand. I think the chairman of the Committee on Indian Affairs has that account. That is the account and the report which the Secretary of War, when he turned it over to the chairman of the Committee on Indian Affairs, said should be held in confidence and not be made public, notwithstanding the fact that in my judgment it is a public document like every other report that is filed by any other power company before the Federal Power Commission.

The Federal Power Commission has these reports filed down there and after they are filed by the power companies, in support of huge claims for watered stock and for the purpose of manipulating their stocks so they can recover more from the Government in the event the Government seeks to recapture the properties, they are all held by the commission as private documents. Those are the things about which the companies are complaining, because the accountant down there, Mr. King, is too meticulous about them. He has been investigating them too closely. So Mr. Leighton and Mr. Bonner called in Mr. Russell and said, "You must control Mr. King, the accountant, in this matter."

I recall some things stated in the Montana Power Co.'s file that was stricken out by Mr. Russell. There were items, for instance, of a contribution of $25 to the Jews, $20 to the Knights of Columbus, and another contribution to the Methodists. They were taking them all in, but they were donations to different organizations, and it was claimed in their report, so Mr. Russell stated, as a part of the money that they should recover from the Government in the event that the Government took over the power sites.

Mr. NORRIS. They made larger contributions than $25. They contributed to all the religious organizations and fraternal organizations. The Boy Scouts, I think, got some. It was all charged up as a part of the necessary expenses in the development of this power. I remember one item was a payment for a powwow with the Indians, amounting to several hundred dollars. They had to get the consent of the Indians for some move they wanted to make, so they held a powwow, as they called it, and that was one of the items included.

Mr. WHEELER. That is correct. Not only that, but if the Senators knows anything about the situation he knows they wanted to get the Indians upon the reservation to grant this permit, because the power site there on the Flathead Indian Reservation belonged to the Indians. They wanted to get the consent of the Indians, so that they donated money to the Indian powwow. They put some of the Indians upon their pay roll. Other Indians went out and circulated petitions to send to the Department of the Interior. That is all very true. Mr. Russell wrote an opinion suggesting that all these items should be stricken out. The power interests, however, as I understand it, claimed that these were not put in as Mr. Russell suggested, but I am not sure about that. Mr. Russell claims that they were put in and claimed that they should be stricken out.

While speaking about the Flathead power site, let me say to the Senator from Nebraska that, of course, that matter has been pending here a long time. The commission has held hearings. Members of the Cabinet, at the suggestion of my colleague and myself, held a public hearing with reference to it. I expect that they will pass upon it in the very near future. However, the Montana Power Co. controls most of the newspapers in my State. When I say the Montana Power Co., I mean the same financial group that controls the company and likewise controls the banks and newspapers and everything else. They have been complaining bitterly in their newspapers, saying they would like to put a spark under the Montana delegation in Congress so we would go down and tell the Power Commission to turn this property over to the Montana Power Co., regardless of price, regardless of conditions or anything else. They just want it turned over to them, and so they are pleading in the editorial columns of their newspapers for the poor, downtrodden farmers of the valleys out there, pleading for the Indians, and condemning my colleague and myself and the Members of the House from Montana because of the fact that we will not go down and make or try to make the Power Commission turn this power site over to them.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. WHEELER. Certainly.

Mr. BROOKHART. Is it not also true that they have permits for undeveloped power, some 200,000 horsepower?

Mr. WHEELER. I could not answer that question.

Mr. BROOKHART. It is some large amount.

Mr. WHEELER. I do not know.

Mr. WALSH of Montana. Mr. President, I think the Senator from Iowa is in error about that. I am very sure that the Montana Power Co. has no permit from the Federal Power Commission or from the Government. They do, as a matter of fact, own other power sites in the State of Montana.

But, Mr. President, I rose, with the permission of my colleague, to say a word with respect to the secrecy with which documents filed in connection with applications for permits before the Power Commission are treated. I was astounded to learn that one of the applicants for a permit for a power site was denied an opportunity to inspect certain documents filed in connection with the application of a rival applicant. I had always supposed that every document filed with this commission was a public document open to the inspection of everybody. I had quite a session with the executive secretary, Mr. Bonner, and another member of the force one day. My attention was called to some rule that had been adopted some time back, prior at least to his association with the commission, which seemed to justify that course. I do not mean that the rule was justifiable, but the rule seemed to justify the secrecy which was being observed.

I have forgotten the name of the gentleman who came with Mr. Bonner to talk with me, but I must do him the credit to say that he agreed with me that there was no justification for the rule. I subsequently talked with the Secretary of the Interior about the matter, and he likewise agreed that the rule ought not to be observed. It is said, however, in behalf of this practice that an applicant for a permit would ordinarily spend a large amount of money in sending facts, and particularly engineering data and that kind of thing, in support of his application, and that if this became a public document it would be available for the use of a rival applicant.

But that seems to me no reason at all for secrecy in these matters. There is no reason why the rival applicant ought not to have an opportunity to see anything that is offered in support of the application of his rival because he might very easily demonstrate the error of the facts and figures that are thus submitted to the commission for its consideration, an error which it would never know except as thus pointed out to it. Anyway, it looked as though this incident would result in a correction of that abuse, at least in the proceedings of the commission.

Mr. WHEELER. Coming back for a moment to the Montana Power Co. and the situation there, I, of course, appreciate, as I said a moment ago, that they own practically all of the newspapers in Montana regardless of whether they are Democratic or Republican. They are nonpartisan, so far as their newspapers are concerned. They set about, I assume from their editorial, to try to intimidate the Montana delegation in Congress so that we would go down to the Power Commission and tell the Power Commission that these properties ought to be turned over to the power company regardless of terms or anything else. So far as I am concerned, I have never taken any dictation from them and I have never been intimidated by them. I do not intend to take any dictation from them or to be intimidated by them at any time in the future.

Ever since I have been in Washington I have been amazed at the way the Power Commission has been dominated and controlled by the great power interests of the country. It is perfectly amazing, when we get the picture correctly, to see how engineer after engineer who has been with the Power Commission is immediately taken away and goes with some of the power companies, and then comes down here representing them as a lobbyist before the Power Commission. Mr. Leighton, formerly with the commission, is now a lobbyist for the Electric Bond & Share Co. I have quite a list of former employees of the Government and of the Army and of the Power Commission, who are now engaged in this work. I wondered why it was that there was such a close relationship and why it was that anything said to the secretary of the Power Commission was immediately reported back to the companies themselves. The facts which we have brought out before the committee might explain some of those things.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I yield.

Mr. NORRIS. Is the Senator familiar with what was disclosed before the House committee, where it was shown that one of the Army engineers, while he was holding a position in the Army as an engineer, was at the identical time drawing a salary from a power company?

Mr. WHEELER. No; I did not know they had gone quite as far as that.

Mr. NORRIS. Yes; he admitted it in his own testimony that is a part of the public record.

Mr. WHEELER. I did not know they had gone quite as far as that, but surely when Mr. Merrill was accepting money from the power companies to pay his expenses in 1926 to Switzerland and again when he let them pay a part of his expenses to London, it seems to me that came very close at least to being a violation of the law. Certainly it was a violation of everything that was decent, so far as his dealings with the power companies were concerned.

Mr. Merrill, when he was questioned with reference to this money, at one time said the money was coming from the electric company and then, again, he said that he was not sure about it.

Mr. MERRILL. I do not know it, but I believe they did, and I say I do not know because I have never seen the list.

Senator WHEELER. Didn't they tell you they did it?

Mr. MERRILL. No, sir.

Senator WHEELER. Didn't the organization tell you that they were getting money from them?

Mr. MERRILL. I knew they were going to have to put up money for it, certainly.

Senator WHEELER. And you knew that they were putting up some money, didn't you?

Mr. MERRILL. Well, I did not know it as a fact; no.

Senator WHEELER. Yes; you did not see them put it up.

Mr. MERRILL. But I am morally certain that they did.

Senator WHEELER. Yes; that is it. You are morally certain that they did.

Mr. Merrill finally said:

Mr. MERRILL. I have no doubt of it. I did not mean to express any doubt, but there is a distinction between not having a doubt about a matter and still in actually knowing about a thing.

So, Mr. President, the testimony runs all through. Of what use is it to set up commissions here in Washington to protect the Government and people of the United States against the Power Trust; of what use is it to try to set up an Interstate Commerce Commission, if you please, to regulate railroad rates; of what use is it to create a commission for the purpose of guarding the public interest, if those commissions are either going to be filled up with directors and lawyers and bondholders and stockholders of the very interests against which we are trying to protect the people, or if the Congress of the United States is going to permit the commissioners themselves to become part and parcel of an outside organization that is being financed by the Electric Trust or by the railroads or to have a secretary whose expenses are being paid by the Power Trust or the railroad interests?

Mr. President, I wondered when I heard Mr. Merrill's statement as to how he had gotten this money and had organized this concern, and how the members of the Cabinet had become part and parcel of it, whether I was supersensitive about it; whether or not perhaps there was anything wrong about it after all, and if I was not alone in being shocked. I think, however, every member of that committee who heard that testimony, whether he was a Democrat or a Republican, and every newspaper man in the press gallery who heard it, was likewise shocked; yet, Mr. President, apparently the members of the Cabinet and apparently Mr. Hoover saw nothing wrong about it, because one can not read the testimony of Mr. Merrill without being convinced that Mr. Hoover, when he loaned his name to be used as the president of the conference, knew of and sanctioned the money being put up by those great electrical companies. I can not conceive of its influencing him in his opinion, but, nevertheless, I can not conceive of how he could believe that the secretary of the Power Commission could have his expenses paid over to London and Switzerland and then come back and do justice by the public when he had to pass upon power permits.

I repeat what I have previously said. This may be the new way of doing business; this may be the idea under which our Government is going to be run in the future; this may be, as the Senator from Ohio [Mr. FESS] stated, the new formula under which the President of the United States is going to operate during the next three years; but if that be the new formula, if that be the way he is going to operate during the next three years, if this is a part and parcel of his formula and the way he is going to conduct the Government's business, if the members of the Cabinet are going to become members of these organizations, I want to say that it will be only three years that he will serve in the capacity in which he is now serving, for I do not believe that the people of the country are in accord with any such formula as that for the running of this Government of ours.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WHEELER. I yield.

Mr. CARAWAY. I judge from what I heard of the Senator's speech that the new formula was merely the revamping of the old one, that one was going to get less for what he sold and pay more for what he bought; that is what he kept on announcing to the farmers; and they realize that has been the formula for a great number of years.

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks the paragraphs which were deleted from the report made by Mr. Merrill as secretary of the Federal Power Commission to the Committee on Interstate and Foreign Commerce of the House of Representatives. These were deleted by the Power Commission at the request of the Niagara Falls Power Co., according to the testimony of Mr. Merrill.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

26. A case which illustrates some of the problems involved in valuations is that of the Niagara Falls Power Co. This company was given, on March 2, 1921, a license covering four existing power plants in the Niagara River at Niagara Falls, hydraulic plants No. 2 and No. 3, with its extension, and Niagara plants Nos. 1 and 2, having an aggregate installation of 312,450 horsepower. The license also gave authority for the construction of a further extension to hydraulic plant No. 3 to develop an additional 210,000 horsepower. The license provided that "the fair value of the completed parts of the project as of the date of this license shall be determined as early as practicable in the manner prescribed in the act, and the licensee hereby agrees to accept for the purpose of this license and of any provisions of the act the fair value so determined, whether arrived at by mutual agreement or as a result of proceedings in or final adjudication by the courts."

27. The records of the Niagara Falls Power Co. have been examined from time to time by the accountants of the commission and a report of such examination was made by one of the accountants in January, 1927. The report could not be completed because access to certain records of the constituent companies was refused. The examination disclosed that considerable property which had been abandoned and demolished was still carried in whole or in part in the plant investment account; that many large amounts in connection with new construction appeared to have been erroneously charged to property investment; and that many millions of dollars carried in the plant investment account did not represent actual investment either by the company or by its predecessors.

28. The Niagara Falls Power Co. was formed by the consolidation in 1918 of a former corporation by the same name, of Hydraulic Power Co., and of Cliff Electrical Distributing Co. The last-named company had been organized on March 16, 1909, and there had been transferred to it that part of the property of Niagara Falls Hydraulic Power & Manufacturing Co. which was used in generating and distributing electric energy for use in public service. The Public Service Commission of the State of New York had been created in 1907 with authority over accounts, rates, services, and securities of public utility corporations. It was, presumably, for the purpose of avoiding supervision by that commission over the major parts of its operations that such transfer was made by Niagara Falls Hydraulic Power & Manufacturing Co. The transferred properties appear to have been carried on the books of the transferor for approximately $422,000. The transferee paid for the properties $500,000 in bonds and $250,000 in stocks, or $328,000 in excess of book costs to the transferor, an increase of 78 per cent.

29. In 1910 the stockholders of Niagara Falls Hydraulic Power & Manufacturing Co. organized Hydraulic Power Co. of Niagara Falls and transferred to the latter company the properties and business of the former. At the time of the transfer the fixed capital account of the original company stood at $3,973,716.65. The new company issued its capital stock in the amount of $12,000,000 in payment for the property and business transferred. The new corporation set up on its books under the caption "Purchased property," as an asset item, $15,771,208.90, or nearly $12,000,000 in excess of the amount carried in the fixed capital account of its predecessor. This transaction and that connected with the organization of Cliff Electrical Distributing Co. added $12,123,964 to investment accounts which prior to transfer had aggregated $4,395,245, an increase of 282 per cent.

30. Niagara River Hydraulic Tunnel, Power & Sewer Co. was incorporated in 1886 by special act of the State legislature. By order of the supreme court the name of the corporation was changed in November, 1889, to the Niagara Falls Power Co. On April 1, 1890, in pursuance of a preliminary contract of the preceding year, a formal contract was executed with Cataract Construction Co. for the acquisition of property and for the construction of a power plant for the Niagara Falls Power Co. There are differences of opinion as to what relation, if any, other than contractual, existed between the power company and the construction company. The contract provided for a "profit" to the construction company variously stated as from 25 to 33⅓ per cent. The report of the examiners of the New York Public Service Commission shows that the power company paid to the construction company a total of $9,892,239, of which $6,887,225 was for "land and rights" and for

"other capital property." The remainder consisted of $1,189,864 for "construction overhead," or 17.3 per cent of the total direct cost, and $1,815,150 for "profit," or 26.4 per cent of such cost. The aggregate of the inflations of capital account previously mentioned plus the "profit" paid to Cataract Construction Co. amounts to approximately $14,000,000 out of the aggregate property investment account of $34,500,000 existing at the time of the consolidation. The latter figure was, after the consolidation, entered on the books of the new company, the Niagara Falls Power Co., as an undistributed item representing the company's property investment as of the date of consolidation.

31. Since the commission has never been in a position to prosecute this case to a conclusion, there has never been a formal proceeding to determine the "fair value" of the Niagara Falls project, and the company has never filed a formal statement of its claims. It did, however, transmit to the commission through the district engineer at Buffalo an inventory and appraisal as of the date of the license, March 2, 1921, of the project property in existence at the date of the consolidation in 1918, made by American Appraisal Co., of Milwaukee, at the request of the company. It is understood that this constitutes the company's claim for fair value. The appraisal shows—

Tangible fixed capital (that is, lands, structures, and equipment)	$31,190,974
Intangible property	5,762,143
Overhead costs	8,718,334
Water and rights	32,000,000
An aggregate of	77,671,451

This aggregate represents what appears to be the claim for "fair value" of the property which was transferred on the books at the time of the consolidation at $34,500,000, and which appears to have represented not more than $20,500,000 of actual investment.

32. Adjustments made up to December 31, 1925, in the accounts of the properties transferred for the $34,500,000 make that item $31,620,983, or very nearly the same as the "tangible fixed capital" in the tabulation above. Increase over costs for the purpose of determining "value" for which the appraisal stands sponsor is, therefore, approximately the sum total of the three new items, "intangible property," "overhead costs," and "water rights," or $46,000,000, and is in addition to the $14,000,000 of similar inflation appearing in the $34,500,000. To the total of $77,671,451 the appraisal adds "charges for new construction" of $27,465,125, making a grand total of $105,136,577. In the total for new construction there are included many questionable items, and there has been failure to give appropriate credit for properties abandoned.

33. The wide divergence between actual investment, which is the general basis recognized by the Federal water power act, and claims for "fair value" under the provisions of section 23 of the act in circumstances where that section applies, as that divergence is illustrated in many of the valuation cases before the commission, must inevitably lead to a judicial interpretation of the term "fair value" as used in the act—to a determination of whether this term is to be given a meaning independent of, or in harmony with, other provisions of the act.

34. The commission can not with its present force undertake to carry these cases to a conclusion. To do so without technical preparation and without experienced legal assistance would be foolishly to risk scores of millions of dollars, for the amounts finally determined in these proceedings will be the amounts which the United States would be required to pay if it ever exercised its option to purchase at the termination of a license. They are likewise the amounts which would serve as the rate base if the commission ever exercised its authority of rate regulation. The settlement of this class of cases and of other similar cases to be later discussed is, from the standpoint of the public interest, one of the most important features of the administration of the Federal water power act.

* * * * * * *

46. An example of claims for interest during the prelicense period is afforded in the case of the Chelan Electric Co., Washington, to which license for a power project at the outlet of Chelan Lake was issued on May 8, 1926. It appears that the company in 1907 acquired the properties of a former company which has a small power plant and which also supplied domestic water in the town of Chelan Falls, and that during the year prior to such acquisition one J. T. McChesney expended some $262,200 for lands and rights looking to a larger development which might supply energy for Great Northern Railway Co. In connection with this transaction Chelan Electric Co. issued stock at par value of $500,000. This stock was purchased by the railway company at a price sufficient to pay for McChesney's expenditures. From time to time thereafter Great Northern Railway Co. made cash advances to Chelan Electric Co., these advances aggregating $858,992. Shortly after the issuance of license the Washington Water Power Co. appears to have acquired for $1,500,000 the interests of Great Northern Railway Co. in Chelan Electric Co. In the claims of prelicense costs the Washington Water Power Co., acting for Chelan Electric Co., includes only compound interest to May 7, 1926, at 6 per cent on the advances of the railway company, such interest amounting to $342,499, but also $516,600 as compound interest at the same rate from the latter part of 1907 to May 7, 1926, on the $262,200 paid by Great Northern Railway Co. for the $500,000 par value of stock of Chelan Electric Co. The total of interest thus claimed, $859,000, is 78 per cent of the total claimed to have been actually paid for all the properties purchased by or on behalf of Chelan Electric Co. up to the date of the license. No evidence has been presented to show that the $516,600 of additional interest has been paid, or is intended to be paid. There have been many other cases where accrued but unpaid interest charges comprise a very substantial part of alleged prelicense costs.

47. An example of claims of "prelicense costs" is afforded in the Conowingo project on the Susquehanna River in Maryland and Pennsylvania, license for which was issued on February 20, 1926. The project had been under way in one form or another for over 40 years. Involved in the final development were four corporations, two organized in Maryland and two in Pennsylvania. One corporation from each State became a licensee and the other two were made parties to the license. Accompanying the application for license was claim for some $9,000,000 of "prelicense costs." Since many months would be required to examine the accounts and reach decision upon the costs, and since it was desirable that construction be not delayed until decision could be reached, the commission authorized issuance of license subject to the following condition, which condition was incorporated in the license:

"(e) The costs of said project up to date of issuance of license shall be fixed jointly by the Public Service Commission of Pennsylvania, the Public Service Commission of Maryland, and the Federal Power Commission; it being understood, however, that if said bodies shall not unanimously agree on said cost, then the Federal Power Commission and the Public Service Commission of Maryland shall fix said cost of properties within the State of Maryland, and the Federal Power Commission and the Public Service Commission of Pennsylvania shall fix said cost of properties within the State of Pennsylvania, and that the sum of said findings shall constitute the cost of said properties to the date of the license; and it being further understood that if said agreement shall not be reached within six months, then the Federal Power Commission shall fix an amount which, in its opinion, represents said cost; and that no amounts in excess of the total so fixed shall be entered upon the capital accounts of the licensees as representing the cost of the project to said date."

48. Subsequent to issuance of license and through cooperation between the Federal Power Commission and the Public Service Commissions of Maryland and Pennsylvania a joint auditing committee was formed consisting of one accountant from the Federal Power Commission and one each from the two State commissions. This committee spent six months in examining the involved records of the various corporations which at one time or another had made expenditures now claimed as prelicense costs. In a joint report filed with the three commissions on September 18, 1926, the committee reported that of a total of $7,246,832.07 appearing on the books of the various corporations as costs of the project, $3,090,253.14 appeared to be actual legitimate project costs, $3,443,708.35 appeared not to be a proper charge to the project, and the balance of $712,870.58 was doubtful and should be included in the project costs only if supported by affirmative evidence. This report was submitted to the licensees for comment, and on November 1, 1926, they filed with the commission an itemized claim of prelicense costs of $7,308,527.12. Of this total, $2,223,797.72 represented "property acquired" (lands, flowage rights, securities of other corporations, etc.); $347,906.31, payment for services of Bertron, Griscom & Co., bankers; $888,013.12, preliminary engineering investigations; $598,498.39, legal services and expenses; $98,733.54, "other fees and expenses"; and $2,145,191.68, interest. The balance of $1,006,386.36 was claimed as the "value" of the Class B stock of one of the licensees—securities which appear to have little or no value. Of the total claimed, only 30 per cent represents original cost of property.

49. To reach final determination of prelicense costs a joint hearing of representatives of the three commissions was called in Washington on February 16, 1927, at which attorneys of the licensees appeared, raised technical objections to the hearing, and asked for postponement. The meeting was adjourned to consider the objections raised. In view of the fact that millions of dollars are at issue and that action in the courts may be necessary not only with relation to prelicense costs but also on account of what appears to be violation of the commission's order on security issues, it has been deemed inadvisable to prosecute this matter further until the commission can be equipped to handle it in the manner which the amounts at issue demand.

50. As an example of inflation of fixed capital accounts through charges for construction, as well as through prelicense costs, may be cited the Clarion River project of Clarion River Power Co., of Pennsylvania. From such information as has been secured the history of this case is as follows: The company was organized in 1912 by one J. R. Paull, who, having apparently failed to obtain the necessary financial backing, sold about 1919 a controlling interest in the corporation to H. D. Walbridge & Co., New York bankers. Walbridge & Co. at that time controlled certain public-utility companies in Pennsylvania, a realty company, and a construction company known as General Con-

struction Corporation. License for the project was issued by the commission on October 13, 1922. Construction was financed by the issuance of $5,347,000 of bonds and $4,518,000 of stocks. Securities of the corporation at par appear to have been paid to General Construction Corporation for the construction of the project, to J. R. Paull for services and expenses in promoting the corporation, and to H. D. Walbridge & Co. for expenditures made and services rendered. Book costs of the Clarion River development show a total of $11,032,816.57.

The expenditures on actual construction work appear to be approximately $4,360,000. To this is added a supervision fee of $400,000 paid to an engineering firm employed by General Construction Corporation; reservoir lands, $153,000; interest, $754,000; and other miscellaneous items, making a total of $5,773,000. To this amount, which probably represents the maximum of actual legitimate construction costs, is added $451,000, par value of stock issued to J. R. Paull for promotion and for preliminary investigations; $2,214,000, par value of stock issued to H. D. Walbridge & Co. for "services"; and $2,595,000, General Construction Corporation for "services and expenses." Of the total charged for "services" of H. D. Walbridge & Co., $1,119,900 is for engineering services and exploration work, a part in connection with two other projected developments; $200,000 is a fee for securing the construction contract with General Construction Corporation, which Walbridge & Co. controlled; $300,000 is a fee for securing from Penn Public Service Corporation, which Walbridge & Co. controlled, a contract to purchase the output of the plant when constructed; $200,000 is a fee for securing a contract with the same company to guarantee payment of principal and interest on Clarion River Power Co.'s bonds; and $294,100 is for expenses in connection with issuance of securities. The payments to General Construction Corporation consist primarily of a fee of $2,550,000, paid likewise in securities, for "general engineering and supervision," or more than 50 per cent of the actual cost of construction, this being in addition to the above-named fee of $400,000 paid for "supervision" to an engineering firm employed by General Construction Corporation. The book costs of this project are probably inflated by not less than $4,000,000, and possibly by much more. Vouchers and other original records in support of less than $5,000,000 of total book costs have been furnished for inspection. More than $6,000,000 of alleged cost is represented merely by entries on the books and is supported by evidence of expenditure or cost. Original records necessary for determining costs are supposed to be in possession of H. D. Walbridge & Co., but access to them has been refused. The commission has examined such books and records of the licensee as have been made available for inspection. The licensee corporation is now controlled by Associated Gas & Electric Co., a holding company. Further action is dependent upon securing means to prosecute such cases of apparently flagrant lack of compliance with the law.

51. Not all licensees, of course, make claims of the character above illustrated; but since under the Federal water power act actual cost is the basis of accounting, of rate regulation, of security issues, and of recapture, every licensee endeavors to enter in its fixed capital accounts every possible dollar, in the hope that the commission will authorize the entry, or will not be in a position to check the entries, or, if later they are found improper, will be unable to eliminate them.

THE PERMANENT COURT OF INTERNATIONAL JUSTICE—ADDRESS BY HON. CHARLES S. DENEEN

Mr. FESS. Mr. President, last night in the city of Marshall, Ill., our colleague, Senator CHARLES S. DENEEN, made an eloquent and informative speech on the World Court. I ask unanimous consent to print the address in the RECORD at this point, and that it may be referred to the Foreign Relations Committee.

There being no objection, the address was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SPEECH OF UNITED STATES SENATOR CHARLES S. DENEEN, OF ILLINOIS, ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE, DELIVERED AT MARSHALL, ILL., MARCH 3, 1930

An effort has been made by Mrs. MCCORMICK in this primary campaign to make the Permanent Court of International Justice, popularly known as the World Court, an issue therein. I think, therefore, that the Republicans of our State will be interested in having a restatement of the development and the character of the World Court and the attitude of the Republican Party and its great leaders toward it.

THE SUPREME COURT OF THE UNITED STATES

For more than half a century the United States has taken not only an active but the leading part in the judicial settlement of international disputes. The popular support in the United States for the idea of an international court is probably due in large part to the existence in this country of the Supreme Court of the United States, which, in the course of its long and distinguished history, has frequently had occasion to pass upon differences between the sovereign States of the Union. The American people have thus seen for more than 140 years the practical application of legal principles in controversies arising between sovereign States.

As far back as 1872 the well-known American jurist, David Dudley Field, wrote an "Outline of an International Court."

President McKinley stated in his first inaugural address in 1897 that the leading feature of our American policy throughout our entire history has been, "An insistence on the adjustment of judicial difficulties by judicial methods rather than by force of arms."

THE FIRST HAGUE PEACE CONFERENCE

President McKinley and John Hay, his Secretary of State, instructed the American delegates to the First Hague Peace Conference, in 1899, to act upon "the long-continued and widespread interest among the people of the United States in the establishment of an international court."

THE SECOND HAGUE PEACE CONFERENCE

President Roosevelt and Elihu Root, his Secretary of State, in 1907, instructed the American delegates to the Second Hague Peace Conference to work for the development of the Permanent Court of Arbitration—which had been set up at the Hague conference in 1899—into a tribunal composed "of judges who are judicial officials and nothing else, who are paid adequate salaries and have no other obligation, and are devoting their entire time to the trial and decision of international cases by judicial methods and under a sense of judicial responsibility."

The earnest efforts of the American delegates to improve upon the Permanent Court of Arbitration did not meet with success, and though the conference agreed upon a general plan for a new Permanent Court of Arbitral Justice, no agreement could be reached on the methods of choosing the judges.

FAILURE TO RECONCILE LARGE AND SMALL STATES

The problem which confronted the nations at that time was the same problem which confronted the thirteen sovereign Colonies when they strove to organize the United States of America. The larger states demanded greater representation in the legislative department of the government than the smaller states. The smaller states demanded equal representation in the legislative department of the Government. The American Colonies solved the problem by giving equal representation to all States in the United States Senate and representation according to population in the House of Representatives.

But the nations at the Second Hague Peace Conference failed to reconcile their differences in the matter of the selecting of the judges for the court, the smaller nations demanding equal representation in the court, the larger nations demanding representation according to their power and standing.

THE PEACE CONFERENCE

The peace conference which sat in 1919 devoted its energies to the organization of the covenant of the League of Nations and made no effort to agree upon a plan for a Permanent Court of International Justice. The conference did, however, agree upon article 14 of the covenant of the League of Nations, which is:

"The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly."

At the second session of the League of Nations the council invited a group of distinguished jurists to form a plan for the new international court, and this commission had a representative from each of the following nations: Japan, Spain, Belgium, Brazil, Norway, France, Great Britain, Italy, and the United States.

This commission met at The Hague from June 16 to July 24, 1920. The difficulty which had prevented the establishment of the World Court in 1907 was solved by the suggestion of the American member, Mr. Elihu Root, based upon the precedent in the creation of our own Constitution by the thirteen sovereign Colonies.

RELATION OF WORLD COURT TO LEAGUE OF NATIONS

The only reference to the World Court in the covenant of the League of Nations is that contained in article 14 already mentioned. The constitution of the court, which outlines its organization, competence, and jurisdiction, is contained in a so-called statute of the court which was framed by the committee of jurists above-mentioned independently of the League of Nations. This statute provides that:

"The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the national groups in the Court of Arbitration."

The Court of Arbitration referred to is The Hague court established in 1899 and which is composed of 43 member nations. If we add to the foregoing provision of the statute of the court that the league defrays the cost of the court in a special budget and that it may request the court to give an advisory opinion, referred to it by the council or assembly of the league, we have exhausted the contacts of the League of Nations with the Permanent Court of International Justice.

On the other hand, the league is powerless to affect the conduct of the court in the following matters. The court frames its own rules of procedure and determines, of its own free will, whether it will entertain a

request for an advisory opinion in pursuance of article 14 of the covenant. As may be recalled, the court denied the request for an advisory opinion in the famous Eastern Carelia case when Russia refused to appear as a party before the court. Moreover, the court decides for itself whether it has jurisdiction to hear parties appearing before it and whether the evidence submitted by them is sufficient in the cases submitted. The court is obviously untrammeled by the league or any political or other agency in its free and impartial consideration of cases submitted to it for adjudication.

Within a nation, no matter how strictly the principle of judicial independence is safeguarded, there is always an ultimate power in the sovereign state to remove judges. That power is not possessed by the League of Nations in regard to the court. Again, the legislative body enacts laws which are binding upon its national tribunals, but the league has no such power in regard to the international court. Finally, the sovereign power in the state which created its courts can alter their nature and functions or abolish them altogether, whereas the League of Nations has no power whatever to modify the statute (which is its constitution) of the Permanent Court of International Justice. In fact, this can be done only by the signatory nations in signing a new treaty. It may fairly be stated that except for the election of the judges the court could exist and function as an international institution if the league disappeared; and in this connection it should be remembered that the statute of the court, which alone gives it legal existence and determines its powers, was brought into operation by the direct act of the individual signatory nations. The statute of the court is an independent treaty and has been signed by 54 nations, and has been ratified by the following 42 nations:

Abyssinia, Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The league has no part in the actual proceedings of the court, and neither the covenant of the league nor the statute of the court provides machinery whereby the league can enforce the judgments of the court.

THE JUDGES OF THE WORLD COURT

The Permanent Court of International Justice is composed of a body of independent judges, elected regardless of their nationality. The court consists of 15 members, 11 judges and 4 deputy judges. The court sits at The Hague permanently. There is a provision of the statute of the court that the electors should bear in mind that the whole body should represent the main forms of civilization and the principal legal systems of the world. There is a provision that not more than one national of the nations which signed the statute of the court shall be a member of the court at one time.

There is also a provision that each contesting party shall have the right to have one of its own nationals take part as a member of the court. This enables each party to know fully what was discussed by the judges, how they arrived at their decision, and to correct any misapprehension of the customs or laws of the national of which he is a part. This provision avoids secrecy, suspicion, and misunderstanding. The merits of the case as they appeared to the judges are thus fully known to the contesting parties.

THE WEAKNESS OF THE COURT OF ARBITRATION

The Permanent Court of Arbitration, which was set up at The Hague conference in 1899, consists of a panel of judges, four of whom are elected by each member nation. The number of judges in the panel is 147. It does not sit permanently, but must be set up whenever a case to be presented to it arises, and the arbitrators in each case must be chosen from the judges in the panel. In case of a failure to agree as to the composition of the court, each party appoints two arbitrators, of whom only one can be its national. These arbitrators together choose an umpire. In case of their disagreement, this choice is entrusted to a third nation selected by agreement between the two parties. Valuable as has been the Permanent Court of Arbitration at The Hague, it is not really a court but only a list of names from which the parties in each case select and constitute a court. Moreover, since in disputes to be decided by arbitration, the arbitrators are selected by the parties on each occasion, and are in most cases different individuals acting as arbitrators; there is no continuity in the administration of justice. Long delays may arise in the creation of this so-called tribunal, and when it is at last assembled it is but at best a body of arbitrators unknown to each other, forced to formulate its own rules of procedure, and unable to rely for guidance on its own precedents.

The Chief Justice of the United States, Charles Evans Hughes, who formerly sat as a member of the World Court, well said the other day in his speech in New York before the Association of the Bar of the City of New York, that "the judicial settlement of international disputes can not be adequately secured by mere sporadic occasional efforts."

HOW WORLD COURT JUDGES ARE SELECTED

The judges of the Permanent Court of International Justice are elected from jurists nominated by the national groups in the Court of Arbitration (established at The Hague in 1899). This list of candidates so nominated is then presented separately to the council and to the Assembly of the League of Nations, which vote independently upon the candidates presented. To elect a judge it is necessary that he receive a majority in the council and in the assembly. Should the United States become a member of the World Court, it would, for the purpose of the election of the judges, have a vote in the council and in the assembly of the league. The judges hold office for nine years, and under the new rules of the court are not authorized to engage in any business or profession.

INTERNATIONAL LAW AND THE WORLD COURT

It has been suggested by some that before setting up a world court an attempt should be made to codify the law which it is intended to apply. Such a procedure would be directly contrary to the manner in which our own common law was gradually evolved by the courts—a process which should be followed by the World Court in the field of international law. The two sources at the present day of international law are customs and treaties, and it should be the function of an international court to study the former and to interpret the latter, thus gradually building up a common law among the nations similar in structure to the common law which is the basis of our own legal system.

Chief Justice Charles Evans Hughes has defined international law as follows:

"It is the body of principles and rules which civilized states consider as binding upon them in their mutual relations. It rests upon the consent of sovereign states."

At present the United States is a party to some 600 treaties and less formal agreements with other countries. About 80 of these are general conventions, often, in effect, great international statutes to which many countries are parties. This situation raises an important problem of interpretation. Just as the great expansion of State and Federal enactments has made more important than ever before the functions of our national courts, so the multiplication of treaties, a necessary incident to expanding international life, has created a need for a World Court to interpret them, and in doing so to establish precedents for future guidance. Herein lies one of the most valuable features of the Permanent Court of International Justice; a consistent and uniform policy and practice in the interpretation of treaties can hardly be developed through special arbitral tribunals which sit for the hearing of a case and then cease to exist. But the World Court, like the Supreme Court of the United States, is developing precedents which insure reasonable precision and guidance.

KELLOGG TREATY RENOUNCING WAR

The court's usefulness will undoubtedly increase as nations become more and more convinced of the utter futility of resolving disputes by force of arms.

Fifty-seven nations of the world have by the execution of the Kellogg treaty agreed, among other things, on the following articles:

"ARTICLE 1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"ART. 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means."

The Senate ratified the Kellogg treaty by a vote of 85 to 1 on January 15, 1929. The United States having taken a leading part in the formulation of the Kellogg treaty (the Paris pact), it becomes imperative that it should consider the very best procedure whereby it may submit disputes to which it is a party to the most competent and trustworthy international judicial body.

Mr. Root said in his instructions to the American delegates to the second Hague peace conference of 1907:

"If there can be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration."

The United States must determine whether it will act with the rest of the world or whether it will hold aloof and turn against the very embodiment of its own ideals. In favoring the entrance of the United States into the World Court Chief Justice Hughes said:

"In supporting the World Court in the manner proposed we lose nothing that we could otherwise preserve; we take no serious risks that we could otherwise avoid; we enhance rather than impair our ultimate security; and we heighten the mutual confidence which rests on demonstrated respect for the essential institutions of international justice."

HARDING INDORSES WORLD COURT

In his message of February 24, 1923, to the Senate President Harding suggested that the United States become a member of the World Court, which had been set up as a result of the deliberations of the committee of international jurists.

COOLIDGE FAVORS WORLD COURT

President Coolidge, in his first message to Congress on December 6, 1923, and in later speeches, expressed himself strongly in favor of American adherence to the new International Court.

HOUSE OF REPRESENTATIVES FOR WORLD COURT

On March 3, 1925, a resolution was passed by the House of Representatives stating that it desired "to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol esablishing the same," and expressing its readiness to participate in the enactment of such legislation as would necessarily follow such approval. The vote by the delegation from Illinois at that time was as follows:

Members voting for the resolution: Morton D. Hull, Adolph J. Sabath (Democrat), Frank R. Reid, Charles E. Fuller, William E. Hull, Frank Funk, William P. Holaday, Henry T. Rainey (Democrat), J. Earl Major (Democrat), William W. Arnold (Democrat), Thomas S. Williams, Everett E. Denison, Henry R. Rathbone, Carl R. Chindblom, Allen F. Moore. Total, 15.

Members voting against the resolution: Edward J. King. Total, 1.

Members not voting: Martin B. Madden, Elliott W. Sproul, Thomas A. Doyle (Democrat), M. Alfred Michaelson, Stanley H. Kunz (Democrat), Fred S. Britten, Richard Yates, James R. Buckley, John C. McKenzie, Edward E. Miller. Total, 10.

REPUBLICAN PARTY INDORSES WORLD COURT

Moreover, the Republican Party has consistently favored in its platforms adherence to the World Court. In 1912 the Republican Party in its national platform said:

"Together with peaceful and orderly development at home the Republican Party earnestly favors all measures for the establishment and protection of the peace of the world, and for the development of closer relations between the various nations of the earth. It believes most earnestly in the peaceful settlement of international disputes and in the reference of all controversies between nations to an international court of justice."

In 1916 the national Republican platform declared that:

"The Republican Party believes that a firm, consistent, and courageous foreign policy, always maintained by Republican Presidents in accordance with American traditions, is the best, as it is the only true way to preserve peace and restore to us our rightful place among nations. We believe in the peaceful settlement of international disputes, and favor the establishment of a World Court for that purpose."

In 1924, after the establishment of the World Court, the national Republican platform stated:

"The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step, we indorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge."

The recommendation to which the above plank in the Republican national platform refers was made by President Coolidge on December 6, 1923, and is a follows:

"Pending before the Senate is a proposal that this Government give its support to the Permanent Court of International Justice, which is a new and somewhat different plan. This is not a partisan question. It should not assume an artificial importance. The court is merely a convenient instrument of adjustment to which we could go, but to which we could not be brought. It should be discussed with entire candor, not by a political but by a judicial method, without pressure and without prejudice. Partisanship has no place in our foreign relations. As I wish to see a court established, and as the proposal presents the only practical plan on which many nations have ever agreed, though it may not meet every desire, I, therefore, commend it to the favorable consideration of the Senate, with the proposed reservations clearly indicating our refusal to adhere to the League of Nations."

In 1928 the Republican national platform reaffirmed its indorsement of the Permanent Court of International Justice, as follows:

"We approve the foreign policies of the administration of President Coolidge. We believe they express the will of the American people in working actively to build up cordial international understanding that will make world peace a permanent reality."

SENATE FAVORS COURT WITH RESERVATIONS

The United States Senate, out of abundant caution, added five reservations to the statute of the Court of International Justice and then consented on January 27, 1926, to the adherence of our country to the court by a vote of 76 to 17. These reservations are as follows:

"1. That membership in the court shall involve no legal relation with the League of Nations or the assumption of any obligations under the treaty of Versailles.

"2. That the United States shall participate in the election of judges.

"3. That the United States shall pay a fair share of the expenses of the court as determined by the Congress of the United States.

"4. That at any time the United States may withdraw from the court.

"5. That the court shall not render any advisory opinion except publicly after due notice to all States adhering to the court and to all interested parties and after public hearing or opportunity for hearing given to any State concerned, and that the court shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest. The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated through an exchange of notes their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to said protocol.

"*Resolved further, as a part of this act of ratification,* That the United States approve the protocol and statute hereinabove mentioned with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and resolved further that adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

SENATE FOLLOWS RESERVATIONS OF FIRST HAGUE CONFERENCE

It is interesting to note that in the report of the delegation to the first international peace conference at The Hague in 1899, of which we became a party to the convention, the American delegates made the following statement in their report to the President:

"In order, however, to make assurance doubly sure and to leave no doubt whatever of the meaning of the convention, affecting the United States of America, the commission made the following declaration in the full session of the conference held July 25 (1899):

"'The delegation of the United States of America, in signing the convention regulating the adjustment of international differences as proposed by the International Peace Conference makes the following declaration:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or international administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.'"

CONSENT OF UNITED STATES NECESSARY FOR JURISDICTION

It will be observed that the World Court under no circumstances assumes jurisdiction over the United States in any case in which the latter refuses to submit to its jurisdiction. The United States can only be a party before the court by its own full consent. And may it further be stated that no amendment to the statute of the World Court can be made without the consent of the United States. It will be readily seen that, while the United States is not a member of the World Court, there is nothing to prevent the World Court now from giving an advisory opinion on questions in which the United States might consider itself to have an interest.

MRS. MCCORMICK FAVORS A WORLD COURT

May I devote a moment to the principal contention made by one of my opponents? Mrs. MCCORMICK in her speeches, so far as I have received reports, has asserted that the World Court is an annex to the League of Nations and then has proceeded to devote considerable attention to the League of Nations. The League of Nations is not an issue in this campaign. The Republican Party in its national platforms and the Republican Presidents in their messages to the Congress have expressed the views of the party in that regard. I am against the United States entering the League of Nations, so that issue can not be injected into this campaign. Mrs. MCCORMICK has, however, expressed herself upon "a world court" in the following letter:

[Candidate for the Republican Nomination for Congressman at large from Illinois, RUTH HANNA MCCORMICK (Mrs. Medill McCormick)]

BYRON, ILL., *January 30, 1928.*

Mr. RUDOLPH WITTE,
Mendota, Ill.

MY DEAR MR. WITTE: Thank you for sending in my petition.

I have not discussed the World Court in my speeches, but, in speaking about national affairs and international policy I have discussed the outlawry of war program and referred to the position taken by the French in answer to our request that they sign a treaty with us for the outlawry of war and say they can not do it on account of the covenant of the League of Nations. The outlawry of war program calls for a World Court, and this sort of a court I do support. I was against America's joining the so-called World Court or League of Nations World Court.

Does this answer your question?

Very sincerely yours,

(Signed) RUTH HANNA MCCORMICK.

I call the attention of the Republican voters of Illinois to the statement in the letter of Mrs. McCORMICK as follows: "The outlawry of war program calls for a World Court, and this sort of a court I do support. I was against America's joining the so-called World Court or League of Nations World Court. Does this answer your question?"

For my part, I do not think that the Republican voters of Illinois will consider that her explanation does answer the question. The United States has signed the Kellogg treaty condemning recourse to war for the solution of international controversies and renouncing it as an instrument of national policy in our relations with other states, as stated heretofore. As Mrs. McCORMICK states that the outlawry of war (Kellogg treaty) called for "a World Court" I think it is fair to the Republican voters of our State that she outline the kind of "a World Court" which she would favor, and indicate the likelihood of the adoption of a new world court. Does she think that any of the nations of the present World Court had in mind, in signing the Kellogg treaty, the creation of a new World Court to which differences on the application of international law could be referred for decision?

Would Mrs. McCORMICK decline to permit the 54 nations which are members of the League of Nations, and which have signed the Kellogg treaty, to enter a new World Court unless they withdrew their membership from the league? Would she decline to permit the 42 nations which are signatory of the Permanent Court of International Justice (the existing World Court) to enter the new World Court until they had withdrawn their membership in the Permanent Court of International Justice? As Russia, Mexico, Turkey, and a few small countries are the only nations not members of the Permanent Court of International Justice, except the United States, would she limit membership in a new World Court to these nations? Would she change the method of electing judges and grant to each nation equal power in their election? If she would not do so, what sort of an organization would she have created which would reconcile the differences and claims of the large nations and the small ones in electing the judges? What would be the jurisdiction of the new World Court and who would define it? What assurance can she give to the Republican voters of Illinois that any nation in the Permanent Court of International Justice would adhere to a new World Court as suggested in her letter?

If Mrs. McCORMICK feels that her opinion as to international law and its administration through an international court should be set up against the attitude of the Republican Party and its leaders, I submit that she should not be content with the mere statement that she favors "a World Court" and opposes the existing World Court but that she should outline in some detail the structure, character, membership, and conditions of membership and the administration of the new World Court which she so briefly suggests.

To the suggestion that while this country is committed to the idea of an international court it should join some other tribunal than the Permanent Court of International Justice it may be said that this would mean that the present 42 signatory nations of the World Court would have to give up a world institution which has been in existence for over 8 years, which has rendered 16 judgments in controverted cases and also delivered 16 advisory opinions; and, which has set up a body of precedents unknown heretofore in the history of international relations. It is difficult, however, to understand how such a mythical court to which Mrs. McCORMICK refers in her letter would differ from the present World Court itself. The membership would be the same, and the machinery for electing its judges would have to be copied from the present structure of the league, since this is the only method that has proved acceptable to the great and the small nations of the world. These nations, members of the new court, would still belong to the League of Nations. The machinery of the League of Nations is therefore used only as a matter of convenience and the League of Nations has no other functions in this regard with the World Court than any independent organization would have which might be set up for electing the judges, the payment of their salaries, the expenses of the court and the requesting of advisory opinions on interpretation of treaties among them. It is enough to state the proposition to show its futility.

THE LEAGUE OF NATIONS NOT AN ISSUE

I will submit to any fair-minded Republican voter that the League of Nations is not an issue in our Republican primary. I submit further that the Permanent Court of International Justice with the reservations passed by the Senate is in no wise connected with the League of Nations, except in matters relating to its administrative features, and this to the extent only that it is necessary to have an agency through which the World Court may be set in operation.

THE COURT CREATES ITS OWN PROCEDURE

May I add further that the League of Nations does not provide for the methods to be pursued by the World Court in its investigations, but, on the contrary, article 38 of the Statute of the Permanent Court of International Justice sets forth exactly the methods which can not be changed without the consent of the United States should we adhere to the World Court. Article 38 is as follows:

"The court shall apply:

"1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

"2. International custom as evidence of a general practice accepted as law.

"3. The general principles of law recognized by civilized nations.

"4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law. The provision shall not prejudice the power of the court to decide a case ex aequo et bono if the parties agree thereto."

Article 59 referred to above is as follows:

"The decision of the court has no binding force except between the parties and in respect of that particular case."

COURT HAS NO POWER TO ENFORCE ITS DECISIONS

There is no way to enforce the decisions of the World Court except through the sense of moral obligation. There is no other way to enforce an award by the Hague Court of Arbitration. There is no way to enforce agreements reached through diplomacy except through moral obligations. Each nation is sovereign, and there is no superstate.

The Permanent Court of International Justice is not a substitute for other methods of settling disputes or conflicts among the nations which are members of the court. These nations may refer their disputes to the Permanent Court of Arbitration at The Hague (established in 1899), or they may settle their disputes and conflicts through diplomatic negotiations or by any other pacific means. But the Permanent Court of International Justice is the last and the greatest international organization and represents the main forms of civilization and the principal legal systems of the world. It creates a body of international law to guide the nations of the world in settling their disputes and conflicts through "pacific means." (Kellogg treaty, art. 2.)

I have endeavored to state as clearly and as briefly as the facts would permit the development and the nature of the Permanent Court of International Justice, and the attitude of the Republican Party and its great leaders toward it.

THE ROOT FORMULA

The first four reservations made by the Senate of the United States were acceptable to the other signatory nations to the statute of the World Court, but the fifth reservation was not acceptable to all, because, as alleged, it gave to the United States a veto power upon the other 54 signatory nations, in reference to an advisory opinion.

Mr. Elihu Root suggested a formula to the signatory nations to the statute of the World Court, and which they have signed, providing, as to the fifth reservation, for an exchange of views between the United States and the members of the council or assembly of the league as to whether an interest of the United States is affected; that any proceeding shall be stayed for a period sufficient to enable such an exchange of views between the council or the assembly and the United States on the matter at issue; that the objections of the United States shall have the same force and effect as attaches to a vote against asking for the advisory opinion granted to a member of the League of Nations in the council or in the assembly; that, if after such exchange of views there shall appear that no agreement can be reached and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in article 8 thereof shall follow naturally without any imputation of unfriendliness or unwillingness to cooperate generally for peace and good will; that the United States may at any time notify the secretary general of the League of Nations that it withdraws its adherence to the World Court and that the secretary general shall immediately communicate this notification to all the other states signatory to the World Court; and that in such a case the present protocol of the World Court shall cease to be in force respecting our country as from the receipt by the secretary-general of the notification of the United States.

On the other hand, each of the other signatory countries may at any time notify the secretary-general of the League of Nations that it desires to withdraw its acceptance of the special conditions attached by the United States to its adherence to the protocol of December 16, 1920, and means are provided for the withdrawal of such states as set forth in article 8.

President Hoover, in his message to the Seventy-first Congress, December 3, 1929, in referring to the statute of the World Court, said:

"In January, 1926, the Senate gave its consent to adherence to the Court of International Justice with certain reservations. In September of this year the statute establishing the court has, by the action of the nations signatory, been amended to meet the Senate's reservations and to go even beyond those reservations to make clear that the court is a true international court of justice. I believe it will be clear to everyone that no controversy or question in which this country has or claims an interest can be passed on by the court without our consent at the time the question rises. The doubt about advisory opinions has been completely safeguarded. Our adherence to the international court is, as now constituted, not the slightest step toward entry into the League of Nations. As I have before indicated, I shall direct that our signature be affixed to the protocol of adherence and shall submit it for approval of the Senate with a special message at some time when it is convenient to deal with it."

The so-called Root formula will in due course be submitted to the Senate and referred to the Committee on Foreign Relations. It is impossible now to determine or foresee how the issues will be presented to the Senate. The Root formula may be modified by the Committee on Foreign Relations of the Senate, as was the statute of the Permanent Court of International Justice by the same committee in January, 1926, by annexing to it the five reservations to which I have referred.

I voted for the reservations attached by the Senate to the statute of the World Court and have not changed my views in reference thereto. The whole debate will turn upon whether the Root formula in any way weakens the fifth reservation or removes the safeguards which it was deemed advisable by the Senate to create.

May I add that our country is in no different situation than any of the 42 nations which have ratified the statute of the World Court. Not one of the countries in ratifying the statute relinquished its sovereignty or any of its policies or traditions which are attributes of its national life. None of them has asked the United States so to do. Where all nations are striving for the same end and where no nation is required to sacrifice anything to achieve that end, it would seem reasonable to hope that an amendment to the statute of the World Court could be agreed upon which would state accurately the things upon which all the nations, in fact, do agree. An international court created to administer international law should rest upon the firm foundation of equality of right among the nations which are members thereof and the method of providing and securing that equality of right, in so far as our country is concerned, "will be hammered out on the anvil of debate" in the United States Senate. In becoming a member of the World Court the United States will protect its traditional policies of not intruding upon, or interfering with, or entangling itself with the political questions or policies of internal administration of any foreign state, nor will it relinquish its traditional attitude toward purely American questions, nor surrender any of its sovereign rights, policies, or traditions.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, I am going temporarily to withdraw the amendment at the request of the Senator from Utah [Mr. SMOOT], who wants to clean up quite a large number of amendments of various kinds to the pending bill. So I have agreed with the Senator from Utah, since my amendment will probably consume considerable time and require considerable debate, to withdraw it until he has an opportunity to clean up the amendments of less importance that will take less time. Before I do that I want to modify my amendment in one or two respects.

I refer in the amendment on page 2 to the Court of Customs. That is a mistake. There is no such court, and I want to make it read "United States Customs Court," which is the proper legal name. So I want to change the amendment in line 3, on page 2, by striking out the words "Court of" and inserting the words "United States," and after the word "Customs," inserting the word "Court"; and in line 10 to strike out the first two words of the line "of customs."

Mr. President, with the understanding I have with the Senator from Utah, I temporarily withdraw the amendment.

Mr. NORBECK. Mr. President, if it is order at this time, I wish to call up an amendment which was offered by me on the 6th of January to section 527 of the pending bill. It relates to the importation of certain wild animals and birds. The amendment merely requires shipments from other countries to be accompanied by proper permits which have been secured beforehand; that is, the American representative shall certify that such permit has been granted; so that the legality of the shipment will be determined in advance. I do not think there will be any objection to the amendment at all, but I desire to perfect it at this time by inserting after line 21 two of the subdivisions which were in the House bill, namely, subsections 2 and 3.

The VICE PRESIDENT. The modified amendment offered by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. On page 429, after line 11, it is proposed to insert the following:

SEC. 527. Importation of certain wild animals and birds: Whenever the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or export of any mammal or bird, alive or dead, or restrict the export of any part or product thereof, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall be imported into the United States after the expiration of 90 days after the enactment of this act, unless accompanied by a certificate of the United States consul for the consular district in which is located the port or place from which such export was made, setting forth that such mammal or bird or part or product thereof has been duly acquired and shipped in accordance with the laws or regulations of such country, dependency, province, or other subdivision of government.

Forfeiture: Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding paragraph shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

Nothing in this section shall apply to—

(1) Articles the importation of which is prohibited under the provisions of this act or of section 241 of the Criminal Code or of any other law;

(2) Scientific or educational purposes: Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Certain migratory game birds: Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

Mr. SMOOT. Mr. President, the amendment is the same as the House provision, as I understand.

Mr. NORBECK. I am adding two of the subsections that are in the House bill in order to harmonize the amendment with that provision.

Mr. SMOOT. The committee has already agreed to strike out that provision.

Mr. NORBECK. The Finance Committee reported in favor of striking it out; I am well aware of that; and that is the reason I am offering the amendment.

Mr. SMOOT. The Senate agreed to the amendment reported by the committee.

The VICE PRESIDENT. The amendment of the Senator from South Dakota would not be in order at this time without reconsidering the vote whereby the Senate committee amendment was agreed to.

Mr. SMOOT. Mr. President, we might just as well act on the amendment now, and I ask unanimous consent that the Senator from South Dakota may offer his amendment at this time.

The VICE PRESIDENT. Without objection, the vote whereby the committee amendment, beginning in line 12, page 429, was agreed to will be reconsidered, and the Senator from South Dakota is recognized to offer his amendment. The question now is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. SMOOT. Mr. President, let me ask the Senator would it not be just as well to disagree to the committee amendment?

Mr. NORBECK. No; the amendment I am now offering will clarify the provisions. The conference committee, in the event my amendment shall be agreed to, will have the whole matter in hand; and if they think the House provision is better, they can adopt it, but I think the amendment I have offered is clearer than the House provision which was stricken out.

Mr. SMOOT. I will simply make a statement as to the attitude of the department, and then the Senate may act on the amendment. The department says:

> The provision partakes of the nature of an attempt to enforce the laws of foreign countries in respect of matters of their internal policy. While it may not be proper to encourage violations of foreign laws, it would seem to be beyond the proper purpose of a tariff bill to adopt the amendment proposed by the House bill.

Mr. NORBECK. What department sent that communication?

Mr. SMOOT. It came from the Treasury Department.

Mr. NORBECK. Under what date?

Mr. SMOOT. The statement is from the report they have sent to me on the bill.

Mr. NORBECK. On the bill; yes; but I think the Senator has a more recent communication from the Treasury Department on the matter which will clarify it.

Mr. SMOOT. I wanted the RECORD to be clear, Mr. President. I will say to the Senator I have no objection to the amendment going in; and in the meantime, of course, we will take it up with the Treasury Department.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. McNARY. Mr. President, we are about to return to the discussion of the tariff bill. I am advised that there are a number of Senators who desire to be on the floor; and I suggest the absence of a quorum.

Mr. SMOOT. Just a moment, Mr. President.

Mr. McNARY. I withhold the suggestion for a moment.

Mr. SMOOT. On page 263, I move to strike out line 18. That is the oil-cake paragraph. We put a duty upon it in paragraph 730, and this is simply carrying out that action.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, will the Senator from Oregon withhold his point for just a moment?

Mr. McNARY. Yes.

Mr. VANDENBERG. I must leave the Chamber, and I desire to offer an amendment about which I think there will be no controversy.

Mr. McNARY. Very well.

The VICE PRESIDENT. The Senator from Michigan proposes an amendment, which will be stated.

Mr. HARRISON. Mr. President, before the Senator from Michigan offers the amendment, I will say that I do not know anything about it——

Mr. VANDENBERG. This is an amendment that has been agreed upon with the Senator from Massachusetts [Mr. WALSH].

Mr. HARRISON. A lot of Senators thought perhaps this other discussion was going on for some time, and they did not know that these amendments would be offered. It seems to me we ought to have a quorum present before they are acted upon.

Mr. VANDENBERG. I asked the Senator from Oregon to yield to enable me to present an amendment about which there is no controversy. I should like to have this amendment disposed of before the quorum call is made.

The VICE PRESIDENT. Let the amendment be stated.

The LEGISLATIVE CLERK. In paragraph 404, page 118, line 25, after the word "valorem" the second time it appears, it is proposed to insert the words—

And, in addition thereto, on birch and alder plywood, 10 per cent ad valorem.

Mr. VANDENBERG. Mr. President, when this subject was under consideration before I offered an amendment with a substantially larger duty involved. The Senator from Massachusetts [Mr. WALSH], who was in charge of the wood scshedule for the minority, himself suggested the amendment which I now offer. Because of the parliamentary situation it could not then be considered, but the matter has since been discussed with the Senator from Massachusetts in detail and he is entirely agreeable to this amendment. I think there is no disagreement as to the importance and necessity of it, and unless there are some questions regarding it I will submit the matter to a vote.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. McNARY. Mr. President, I renew my suggestion of the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President, I offer an amendment to which I invite the attention of the Senator from Utah. It is on page 119, paragraph 407.

Mr. SMOOT. That is the amendment which the Senator submitted in relation to barrel shooks and staves?

Mr McKELLAR. Yes.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 119, line 13, it is proposed to strike out all after the word "that," down to and including the word "shooks" in line 19, and insert the following:

Fruit-box shooks and fruit-barrel staves of the growth or manufacture of the United States, when exported and reimported in complete form, filled with fruit, shall be subject to duty at half the rate imposed on similar boxes or barrels of entirely foreign growth and manufacture; but proof of the identity of such shooks and staves——

Mr. SMOOT. This is simply a rewording of the provision as submitted by the department. I rather think it is a little better than the House provision; and I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I ask reconsideration of paragraph 206, page 37, and send two amendments to the desk.

The VICE PRESIDENT. Let the first amendment be stated.

The LEGISLATIVE CLERK. On page 37, line 25, in lieu of the word "one-twentieth," inserted by the amendment of the Senate Committee on Finance, it is proposed to insert "one-tenth."

Mr. SMOOT. That is the rate provided by the House. In order to have the Senate consider it, the Senator will have to ask unanimous consent for reconsideration.

The VICE PRESIDENT. Is there objection to reconsideration?

Mr. GEORGE. Mr. President, we are so close to the consideration of the bill in the Senate that I think I shall object. I will say to the Senator from Kansas that I would not do so if he would be delayed longer than perhaps a few minutes.

Mr. ALLEN. I shall not take more than two minutes to explain the purport of the amendment.

Mr. GEORGE. I think we ought to wait until the bill gets into the Senate.

Mr. BARKLEY. Mr. President, the consideration of this amendment will take more than two minutes.

Mr. GEORGE. I understand that it will lead to some debate. I think we might wait until we get into the Senate with the bill. Then, of course, the amendment will be in order.

Mr. ALLEN. Very well. I withdraw the amendment.

The VICE PRESIDENT. The Senator from Kansas withdraws his amendment. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I have no amendment to offer; but since it looks now as if we will get the bill out of the Committee of the Whole and into the Senate to-day, I desire to ask the Senator in charge of the bill if we can not agree that to-morrow, on the convening of the Senate, sugar can be taken up for consideration?

Mr. SMOOT. I should like very much to take it up just as soon as the bill gets into the Senate.

Mr. HARRISON. That is satisfactory.

I ask unanimous consent that to-morrow, on the convening of the Senate, the first item to be taken up for consideration shall be the sugar item.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Why not make it just as soon as the bill reaches the Senate?

Mr. HARRISON. For the reason that some Senators may not be here. It is a very important item. It would not delay matters very much to have it go over until to-morrow. Not many Senators thought we would probably get the bill out of the Committee of the Whole and into the Senate to-day.

Mr. SMOOT. I thought perhaps we might go on with the bill in the Senate to-day.

Mr. HARRISON. If the Senator prefers, I will ask unanimous consent to fix a time for voting on sugar, to vote on his amendment at a certain definite time to-morrow—1 o'clock, 2 o'clock, or what not.

Mr. BROUSSARD. Mr. President, I should object to that.

The VICE PRESIDENT. The Senator from Louisiana objects.

Mr. SMOOT. The Senator from Louisiana does not object to taking it up?

Mr. BROUSSARD. No; I object to fixing a time to vote to-morrow.

Mr. SMOOT. The Senator from Louisiana does not want to fix a time to vote. I am perfectly willing, then, to agree to the request of the Senator from Mississippi that we take up the sugar item the first thing to-morrow.

Mr. HARRISON. I renew my request for unanimous consent.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. TRAMMELL. Mr. President, does the Senator think that if we arrange to take up this subject to-morrow that will possibly cause a delay in the final disposition of the bill, in view of the fact that this afternoon or this evening we may run out of anything to do, and will have to recess early, and thus lose two or three or four hours?

Mr. HARRISON. Oh, no. On the contrary, I think it will expedite the disposition of the bill.

Mr. TRAMMELL. If the result would be to cause delay I should object to the request, because I think we ought to try to get rid of the bill, and not have any long recesses until we do get rid of it.

Mr. SMOOT. What I should like is to have the Senator modify his request so as to take up the sugar item as soon as the bill reaches the Senate. I assure the Senator that so far as I am concerned I do not want to make a long speech in regard to the matter.

Mr. HARRISON. I do not expect to take very much time, either; but I thought it might expedite matters to take up the subject to-morrow. If, in the meantime, the bill should get into the Senate to-day, we can take up some other amendments and get through with them.

Mr. SMOOT. I do not think it will take very long. Let us take that up just as soon as we get the bill into the Senate.

Mr. SIMMONS. Mr. President, I doubt very seriously whether the Senator from Utah will be able to have the Senate finish the consideration of the bill as in Committee of the Whole to-day.

Mr. SMOOT. That may be; I am only saying that if we do, then we can take up the sugar item.

Mr. SIMMONS. If the Senator will make it conditional, I have no objection to it. I am perfectly willing that the sugar item should be taken up first when the bill gets into the Senate, but I think it would be rather hazardous for the Senator from Utah to agree to take it up to-morrow, because I doubt very much whether we will finish with the bill as in Committee of the Whole to-day.

Mr. SMOOT. Then we would not take it up to-morrow. I would like to have the Senator from Mississippi modify his request, so as to ask that just as soon as the bill reaches the Senate we will take up the item of sugar for consideration.

Mr. SIMMONS. I have no objection to that.

Mr. SMOOT. Whether it be to-day, or to-morrow, or whenever it reaches the Senate.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BARKLEY. When the bill gets into the Senate, what will be the order of procedure? Will we take the bill up schedule by schedule for amendment, or will anyone have the right to offer an amendment to any part of the bill at any time during the consideration of the bill in the Senate?

The VICE PRESIDENT. The usual practice is, as soon as a bill reaches the Senate, to concur in all the amendments that have been made as in Committee of the Whole which are not objected to and reserved, and then to submit a list of those upon which a separate vote has been requested, and take a vote upon them. Of course, the whole matter is in the hands of the Senate.

Mr. SMOOT. Certainly.

Mr. BARKLEY. That relates to amendments which have been agreed to as in Committee of the Whole, but what course will be pursued relative to any amendment which a Senator may desire to offer from the floor, independent of any amendment agreed to as in Committee of the Whole?

The VICE PRESIDENT. The amendments proposed will be taken up as they are offered by individual Senators, unless some other order is made by the Senate.

Mr. COPELAND. Mr. President, I wish there might be an agreement that we would take up the bill schedule by schedule. There are certain to be a number of amendments offered, and those interested in any schedule to be taken up can have their material on hand. It is a great undertaking to keep everything on one's desk covering 16 or 17 schedules.

Mr. DILL. Mr. President, why do we not wait until the bill gets into the Senate?

Mr. SMOOT. I would like to have the unanimous consent, if the Senator will modify his request.

Mr. HARRISON. I modify my request accordingly. I ask unanimous consent that when the bill gets out of the Committee of the Whole the first item to be considered in the Senate shall be the sugar schedule.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. Mr. President, I presume this action will not be taken as a precedent. I think it is very wise to fix a time for considering the item of sugar, and I think it is very well to begin with sugar, but I do not believe it would be wise to establish a precedent, and every day have some amendment singled out for first consideration. After the bill gets into the Senate, and after we have concluded the consideration of the sugar item, I shall insist that Senators are entitled to have their amendments considered when they get recognition and offer them.

Mr. SMOOT. That is right.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. FRAZIER. Mr. President, I offer an amendment, on page 133, to strike out "10 per cent," in line 14, and to insert in lieu thereof "one-half cent per pound." This relates to the screenings of wheat and flaxseed.

Mr. HARRISON. Let us have the amendment reported.

The VICE PRESIDENT. The amendment will be reported.

The LEGISLATIVE CLERK. On page 133, paragraph 731, line 14, strike out "10 per cent ad valorem" and insert in lieu thereof "one-half cent per pound," so as to read:

PAR. 731. Screenings, scalpings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground or ground, one-half cent per pound.

Mr. SMOOT. Mr. President, the Senator from North Dakota spoke to me in relation to this matter. It is only carrying out the policy in relation to protection for the farmer on the products he sells in this country, and I have no objection to it.

Mr. HARRISON. I understand the Senator makes the rate a half a cent a pound?

Mr. SMOOT. That is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. HARRISON. I understood the senior Senator from Nebraska [Mr. NORRIS] temporarily withdrew his amendment, but that he desired to offer it while the bill is still in Committee of the Whole.

Mr. SMOOT. I do not think it will make any difference if the Senator will ask unanimous consent that he may offer it in the Senate.

Mr. HARRISON. I do not see the Senator from Nebraska in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, one of the representatives of the Tariff Commission has just brought to my attention what he thinks will, if not rectified, result in the impossibility of administering certain wool rates. He suggests that on page 170, line 14, after the word "as" we add the words "or in their natural condition"; then to insert a comma after the word "animal," in line 14; to strike out lines 15 and 16 and to add the words "and not cleansed other than by shaking, willowing, or burr picking."

The object of the amendment, as stated by the members of the Tariff Commission, is that if those words are not added, the question of carbonizing will be involved, and it may be that shaking, willowing, or burr picking only would be considered, and that the question of carbonizing would not be taken into consideration. The amendment is merely to clarify the language for administration, making no difference in the rates whatever.

Mr. DILL. Mr. President, what is the matter with the language as it is?

Mr. SMOOT. I have just stated that if the amendment I have suggested is not made, there would be a question whether certain types of wool would not come in free of duty. It is only to clarify the language, so that in the administration there would be no question as to the duty to be imposed.

Mr. DILL. How would wool be carbonized if it was in its natural condition?

Mr. SMOOT. It is not carbonizing that takes place in its natural condition. It is shaking, willowing, or burr picking. The wool can be shaken and everything shaken out of it, and it is still in its natural condition. Unless the amendment is accepted, every fleece of wool may come in here free, because they will say it has been shaken before it was shipped and therefore should come in free.

Mr. GEORGE. Mr. President, I want to ask the Senator if there is any intent or purpose to change any rate whatsoever in the wool schedule?

Mr. SMOOT. None whatever. The question involved in the proposed amendment is that the commission is fearful that under the wording, unless it is changed as I have suggested in the amendment, the operation of just shaking the wool and shaking out some little dirt may throw that wool into the free list. They say that in order to make it safe they want the wording which I have proposed.

Mr. GEORGE. That is the only purpose?

Mr. SMOOT. That is the only purpose.

Mr. GEORGE. No change in language is to be construed as having any other purpose?

Mr. SMOOT. None whatever.

Mr. WALSH of Montana. I understand security comes from the use of the expression "in their natural condition."

Mr. SMOOT. Yes.

Mr. WALSH of Montana. And it is intended to indicate that, although it is shaken or the burrs picked, it would still be in the natural condition?

Mr. SMOOT. Yes; that is all there is to it.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. GEORGE. Mr. President, if I may have the attention of the Senator from Utah [Mr. SMOOT], before the bill is reported to the Senate, I should like to insist upon the amendment which I suggested when we were considering Schedule 10, found on page 164, paragraph 1009, line 16, restoring "4½" in lieu of "4," and, in line 18, striking out "36 inches" and insert "24 inches."

Mr. SMOOT. As I remember it, that is restoring existing law.

Mr. GEORGE. That is all.

Mr. SMOOT. It would throw a great number of items falling under paragraph 1009 at 55 per cent into paragraph 1010 at 40 per cent.

Mr. GEORGE. It would throw some into paragraph 1010, some into paragraph 1008, and would leave some in paragraph 1009.

I would like to remind the Senator that if he will recur to the history of this section, he will see that it was inserted in the act of 1922 solely for the purpose of affording protection to what was called the linen kitchen crashes. It was not intended to raise the duty to 55 per cent upon so-called shirting linen, but it was intended to increase the duty upon the one particular kind of goods to 55 per cent. Therefore, the description or limitation was placed in it with reference to the thread and also with reference to the weight, and it was provided that it should weigh not less than 4½ ounces and not more than 12 ounces per square yard, and exceeding 12 inches but not exceeding 36 inches in width. These limitations made the highest rate apply to the kitchen crashes or linen crashes, and at the same time it was intended to keep it from applying to shirting and other cloths.

If the Senator should insist upon leaving the language as it now stands, he will have coming into this country articles of wearing apparel under paragraph 1017 at 35 per cent ad valorem, and he will destroy practically the manufacturers of these products, because it will be cheaper to import them in the finished state than it will be to pay the 55 per cent ad valorem duty upon the cloths and then manufacture them, so the American manufacturer will have to cease making them.

I am aware of the fact that it was stated before the committee that certain knicker crashes might be made if the 4½ was placed at 4, but the Senator knows that knicker crashes consist of an almost infinite variety of cloths and, the whole principle in American manufacture running to long production or mass production, the American manufacturers in making knicker crashes can hardly hope to content themselves or to produce profitably such a highly specialized cloth as the knicker fabrics. The result will be that by the change of these words we will throw the French and Belgian wearing apparel under this high duty of 55 per cent.

Mr. SMOOT. Taking all three of the paragraphs into consideration and reducing them to an ad valorem equivalent, there would be a slight increase of about 1 per cent over existing law. That is the way it works out, provided the Senator's amendment should be adopted. There is a little more than that under the provision as reported to the Senate.

Mr. GEORGE. It is not so much a rate of duty, but it is what seems to me to be a poor adjustment. That is the reason why I suggested the amendment.

Mr. SMOOT. I will accept the amendment and let it go to conference and we will work it out in detail.

Mr. GEORGE. That is all I ask because in conference the Senator can look into it more carefully and he will see that there ought to be a change made there.

Mr. SMOOT. Of course, if we agree to 4½ in this place, then we ought also to have 4½ in line 19 on page 165, where it reads:

> Plain woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than 4 ounces per square yard, 35 per cent ad valorem.

They ought to be the same. If we adopt the 4½ ounces as the Senator proposes in paragraph 1009, we ought to make it 4½ ounces in line 19, paragraph 1011.

Mr. GEORGE. I presume the Senator is correct in that, though I do not know. I think it might be changed and the whole matter taken into conference.

Mr. SMOOT. That will be satisfactory to me.

Mr. GEORGE. That would involve a change in line 19 from 36 inches to 24 inches.

The VICE PRESIDENT. Is there objection to considering the proposed amendments en bloc? The Chair hears none, and, without objection, the amendments are agreed to.

Mr. GEORGE. Mr. President, fabrics falling under subparagraph (b), page 164, according to my information are not really produced in the United States. If that be true subparagraph (b) ought to be stricken out. I am informed that woven fabrics such as are commonly used for padding and interlining in clothing, wholly or in chief value of flax or hemp, are not made in the United States.

Mr. SMOOT. That is true.

Mr. GEORGE. I move that subparagraph (b) be stricken from the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia to strike out subparagraph (b) of paragraph 1009, page 164.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I was instructed by the Finance Committee this morning to offer certain amendments relating to the countervailing duties provided for in the bill. I do not know but that we ought to have a quorum called, but I think we probably have as many Senators present now as we could have at any time even though we called a quorum. Therefore, by instruction of the Finance Committee, I wish to offer the following amendments. I send the first one to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 187, line 16, strike out all after the word "valorem," down to and including the word "paper," in line 17, page 188, as follows:

> *Provided*, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, or wood pulp, or wood for use in the manufacture of wood pulp, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such prohibition, restriction, export duty, or other export charge, and if it is not removed he may, by proclamation, declare such failure of negotiations, setting forth the facts. Thereupon, and until such prohibition, restriction, export duty, or other export charge is removed, there shall be imposed upon printing paper provided for in this paragraph, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of 10 per cent ad valorem and in addition thereto an amount equal to the highest export duty or other export charge imposed by such country, dependency, province, or other

subdivision of government, upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Massachusetts. Mr. President, I understand the committee voted to remove all countervailing duties in the bill?

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. So when the Senate gets through with the bill there will be no such duties left?

Mr. SMOOT. That is true.

Mr. DILL. Mr. President, I think there ought to be a quorum present. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Stepwer
Blaine	Gould	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hastings	Overman	Trammell
Caraway	Hatfield	Patterson	Tydings
Connally	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Dale	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Waterman
Fess	Jones	Schall	Watson
Fletcher	Kean	Sheppard	Wheeler

The PRESIDING OFFICER (Mr. JONES in the chair). Eighty-eight Senators having answered to their names, a quorum is present.

Mr. HEBERT. Mr. President, I offer an amendment.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. HEBERT. I beg pardon. I did not realize that fact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. HEBERT. Mr. President——

Mr. SMOOT. I will ask the Senator to allow me to present one or two similar amendments along the same line.

Mr. HEBERT. Very well.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 274, line 23, it is proposed to strike out all after the word "for" down to and including the word "States," in line 18, on page 275.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the amendment on page 252 has already been agreed to. I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the amendment referred to by the Senator from Utah was agreed to is reconsidered.

Mr. SMOOT. I send to the desk an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Utah offers an amendment to the amendment, which will be stated.

The LEGISLATIVE CLERK. In the amendment on page 252, after line 21, putting cement on the free list, it is proposed to strike out the proviso.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DILL. Mr. President, I will ask to what the amendment refers?

Mr. SMOOT. It refers to cement.

Mr. DILL. Where is the provision with reference to coal?

Mr. SMOOT. That is already out, but if the Senator desires to reserve a separate vote on it in the Senate, he had better do so now.

Mr. DILL. I certainly do. I want to reserve that right. I also want to reserve the right to have a separate vote on the lumber item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment on page 252.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I ask unanimous consent that the letters addressed to the chairman of the Finance Committee by the State Department outlining reasons why the countervailing duties should be eliminated from the bill be printed in the RECORD at this point. I was going to read the letters, but I did not bring them with me when I came to the Senate Chamber this morning. I desire them, however, to be printed in the RECORD, so that the Senate may understand exactly why the committee took the action it has taken.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D. C., September 4, 1929.

The Hon. REED SMOOT,
Chairman Finance Committee, United States Senate.

MY DEAR SENATOR: Your letter of August 27 regarding certain provisions of the pending tariff bill deemed contrary to existing treaties of the United States has been received.

There appears to have been no formal protests by foreign governments respecting the particular contingent duty provisos tentatively retained by the majority members of the Senate Finance Committee in paragraphs 1402, 1641, 1650, and 1687 of the pending bill. However, the inconsistency of provisos of this character and the most-favored-nation clause of treaties has on several occasions been informally commented upon by representatives of foreign governments.

May I suggest that the absence of formal protests would not, of course, relieve this Government of the obligation faithfully to execute the provisions of its treaties. Moreover, there is no assurance that if these provisos are reenacted and discriminating duties are applied thereunder to products of countries entitled by treaty to most-favored-nation treatment, formal protests would not later be received.

No protests appear to have been received regarding the provisions of 812 of the pending bill.

With reference to contingent duty provisos of the kind above referred to there are certain aspects of the matter to which you may wish to give further consideration. The policy represented by such provisos tends to place this Government in an inconsistent position in its relations with foreign countries on tariff matters. The provisos in question do not apparently have in view protecting the domestic producers of the products affected from foreign competition in the American market, but are apparently designed to facilitate the exportation of such products by bringing pressure to bear on foreign governments to reduce their duties thereon.

Our success in protecting American foreign trade from discriminatory treatment abroad depends on the extent to which we succeed in making precisely the opposite tariff principally prevail, namely, that the tariff being solely a domestic matter a country may impose whatever level of nondiscriminatory duties it deems necessary for the protection of domestic producers and standards of living without affording foreign countries any ground for complaint or justification for discriminations against its trade.

Opposing tariff theories are gaining considerable support abroad, and departures from our declared policy on tariff matters thus assume particular importance at this time. The principle embodied in the provisos in question has recently received considerable attention abroad, and was recently given prominence in the French and German press.

You may wish to consider whether the gains to American producers of the products covered by the provisos in question are sufficient to offset the disadvantages arising from the inconsistent position in which they tend to place this Government and their tendency to hamper this department's efforts on behalf of American exporters generally.

Sincerely yours,

W. R. CASTLE, Jr.

DEPARTMENT OF STATE,
Washington, D. C., February 4, 1930.

The Hon. REED SMOOT,
United States Senate.

MY DEAR SENATOR SMOOT: I note in the CONGRESSIONAL RECORD that consideration is being given to restoring certain of the so-called countervailing duty provisos in paragraph 1650 and certain other paragraphs of the tariff bill.

For reasons heretofore stated it seems highly desirable to this department that the provisos in question be eliminated. If, however, the Senate should deem their restoration essential, it is suggested that the objections thereto from the standpoint of our international relations could in large part be removed by making their application discretionary with the President, as in the case of the provisos in paragraphs 1301 and 1700 of the present law. It would thus be possible to avoid their application in cases in which treaty violations would result or in other circumstances in which such action would embarrass negotiations with foreign governments, such as occurred a few years ago during important tariff negotiations with France.

If, however, it is considered necessary to retain any of these provisos in their mandatory form, I trust that consideration will be given at least to adding to any such proviso a stipulation to the effect that it shall not operate to impair the treaty rights of any foreign country.

It is understood that the provisos in question were devised primarily with reference to our trade with Canada, and since we have no treaty with Canada guaranteeing most-favored-nation treatment in customs matters such a stipulation would not prevent their operation in so far as our trade with that country is concerned. While a stipulation of the kind referred to would only partially meet the difficulties occasioned by the provisos in question, it would at least afford evidence of an intention on the part of this Government to carry out if and when the occasion arises the obligations accepted in its treaties.

Sincerely yours,

J. P. COTTON, *Acting Secretary.*

Mr. HEBERT obtained the floor.

Mr. GLASS. Mr. President, I want to understand the gist of the statement just made by the Senator from Utah. Does the Senator mean that a Senator must give in detail every vote that he wants taken in the Senate?

Mr. SMOOT. No; that is not what I asked. I asked that a letter received from the State Department——

Mr. GLASS. I understand about the letter, but the Senator, responding to some inquiry by the Senator from Washington [Mr. DILL] a while ago, took the position, as I understood him, that in order to obtain a separate vote in the Senate after the bill shall have passed from the Committee of the Whole a Senator will have now to give notice in detail.

Mr. SMOOT. The amendment referred to by the Senator from Washington has already been stricken out as in Committee of the Whole and the Senator from Washington said that he desired to reserve the right to have a separate vote upon that amendment in the Senate. Of course, there is no objection to that at all, and when the bill is in the Senate the Senator from Washington may make a statement as to why he thinks the action of the Senate was wrong.

Mr. GLASS. The Senator means the action of the committee?

Mr. SMOOT. No; the action of the Senate; the Senate has already acted upon the amendment the Senator from Washington has in mind, and there is no amendment offered, because the Senate has already taken action upon it.

Mr. GLASS. I did not know that the bill had gone into the Senate.

Mr. SMOOT. It has not. The Senator from Washington only called attention to the fact that he wanted a separate vote when the bill shall be in the Senate.

Mr. GLASS. What I want to ask the Senator from Utah is whether it is necessary, in detail, to reserve the right in order to obtain a separate vote on any of the provisions of the bill when the bill shall be in the Senate.

Mr. SMOOT. I do not know that it is absolutely necessary, but that custom has been followed in this body.

Mr. GLASS. If that be so, any Senator may give notice that he is going to reserve the right to have a separate vote on every provision in this bill?

Mr. SMOOT. I think he could do that.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I yield.

Mr. BARKLEY. Is it not conceded that when the bill gets into the Senate the Chair asks if the amendments made as in Committee of the Whole shall be voted on en bloc, and then any Senator can reserve the right to have a separate vote on any amendment which has been agreed to in which he may be interested?

Mr. SMOOT. That is true.

Mr. BARKLEY. He does not have to do that while the bill is being considered as in Committee of the Whole?

Mr. SMOOT. That is not necessary; but, as I say, it has been the custom of this body to do it, and the Senator from Washington is only following the custom.

Mr. DILL. Mr. President, as I understand, a Senator can make a reservation while the bill is being considered as in Committee of the Whole, and it is not necessary to make it again when the bill is in the Senate. I want it made clear in the RECORD that I am reserving the right to have a separate vote on the coal countervailing duty and the lumber countervailing duty.

The PRESIDING OFFICER. The Chair will state that the usual practice is after a bill shall have been reported to the Senate for the Chair to ask if a separate vote is requested on any amendment, and if such request is made it is granted, and the remaining amendments are concurred in en bloc.

Mr. GOFF. Mr. President, I should like to ask the Senator from Utah what, if any, action has been taken or can now be taken with reference to the countervailing duty on coal between the United States and Canada?

Mr. SMOOT. Action on that item can only be taken by unanimous consent.

Mr. GOFF. When the bill reaches the Senate, then, of course, it is subject to amendment?

Mr. SMOOT. Certainly.

Mr. GOFF. Do I understand there is objection at this time to unanimous consent to consider merely the countervailing duty to which I refer, inasmuch as consideration at this time has been given to all the other items affecting countervailing duties?

Mr. SMOOT. No Senator has asked for such unanimous consent. I do not know whether there would be objection or not.

Mr. GOFF. Then, Mr. President, I am going now to ask unanimous consent for a reconsideration of the countervailing duty on coal between the United States and Canada.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I yield.

Mr. BARKLEY. I understand the situation to which the Senator from West Virginia has called attention, but what will be gained by taking up the matter to which he refers now, as in Committee of the Whole, when all these questions may have to be taken up when the bill gets into the Senate?

Mr. GOFF. The only point that will be gained would be that they would be considered all together.

Mr. BARKLEY. No; not at all——

Mr. GOFF. The Senator from Utah has made certain reports which have eliminated, in the light of the action of the Committee on Finance, the right to have the countervailing duties on other articles of commerce between the United States and Canada and other countries; and, inasmuch as those matters are before the Senate, it seems to me an opportune time to take up the very relevant question of the countervailing duty on coal between the United States and Canada; inasmuch as Canada is imposing a duty of 50 cents a ton on all coal that passes from the United States into Canada.

Mr. BARKLEY. I understand that the Senate has heretofore eliminated all countervailing duties except the two or three referred to by the Senator from Utah a while ago. Now, the Senator from Washington [Mr. DILL] has already reserved the right to have a separate vote on the coal and lumber countervailing duties when the bill gets into the Senate. It is simply a matter of procedure; but I was wondering what is to be gained by taking that up now when it may have to be taken up also when we get into the Senate?

Mr. GOFF. The only thing that is to be gained is to accomplish it. That may possibly be a concrete answer to the question which the Senator asked; but if there is objection——

Mr. BARKLEY. I am not going to object, because I am interested in the very same thing; but I do not see what we gain by singling that out at this particular time when we will have again to consider it when the bill gets into the Senate.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Florida?

Mr. HEBERT. I yield.

Mr. TRAMMELL. I think the question raised by the Senator from West Virginia could be taken up when the other similar questions are considered and discussed in the Senate, but there is no use taking two bites at the cherry and kill that much more time; so, in the interest of expediting the business of the Senate, I object.

Mr. GOFF. It might take two bites to make an impression on the Senator from Florida.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Virginia?

Mr. HEBERT. I yield.

Mr. SWANSON. Mr. President, when the bill is reported to the Senate it certainly ought to lie over long enough to have a memorandum made of the items upon which there is a desire to have a separate vote in the Senate. It has been customary when the bill shall be reported to the Senate for the Chair to say that all amendments made as in Committee of the Whole, unless reserved, are concurred in.

The VICE PRESIDENT. The Chair will state that such a list has been made, and any Senator who desires to reserve an amendment on which he wishes a separate vote may make the request and it will be placed on the list.

Mr. SWANSON. The Senator from West Virginia desires, as I understand, that the amendment regarding the countervailing duty on coal be reserved for a separate vote in the Senate. Is that true?

Mr. GOFF. That is true.

Mr. SWANSON. As I understand the ruling of the Chair, that is sufficient notice to prevent that item from being concurred in without such a vote when the bill is in the Senate. It is not necessary, however, to make the reservation now; it can be made when the bill gets into the Senate.

Mr. SMOOT. The amendment has already been reserved for a separate vote.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. HEBERT. I yield.

Mr. JONES. Mr. President, I merely wish to say a word with reference to the question of countervailing duties. I have no objection to it being considered in the Senate, but I do want to call attention to the situation which exists. I know the Senator from Utah has acted in perfect good faith, but when I called attention to this proposition previously I was assured that the countervailing provision would be restored. Otherwise I would have insisted upon a reconsideration of it at that time. I understand that the Finance Committee comes in now with a recommendation that it be left out. I think that is hardly fair; I do not think it is treating those of us who are interested in the coal countervailing duty provision exactly right.

As I have said, I am satisfied the Senator from Utah has been acting in perfect good faith all the time, but the provision was stricken out while a good many of us were away. It was referred to, it is true, by the Senator from Ohio [Mr. FESS] and the mere statement was made that it was recommended to be eliminated because of a letter from the Secretary of State; but there was no further discussion until. I think it was the next day, when I called attention to the matter and objected to it; and was assured by the Senator from Utah that that provision would go back in the bill along with the other countervailing provisions. With this statement, I am perfectly willing, of course, to take the matter up when the bill gets into the Senate and have it there disposed of.

Mr. HEBERT. Mr. President, I offer the amendment which I send to the desk, and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 407, between lines 9 and 10, it is proposed to insert the following section:

SEC. 510. Inspection of exporter's books: If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped, or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped, or consigned by such person. If such failure continues for a period of one year from the date of such instructions, the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

Mr. HEBERT. Mr. President, this amendment proposes to restore the language of the existing law.

The VICE PRESIDENT. May the Chair state that this is really a substitute for section 511; and the proper course would be to move to strike out section 511 and insert this language?

Mr. HEBERT. It is an addition to section 510.

The VICE PRESIDENT. The Chair is advised that it is practically the same as section 511.

Mr. SMOOT. As the Senator suggests, it is the existing law.

Mr. HEBERT. It is the existing law.

Mr. SMOOT. The only reason why the House struck it out, so far as I know, is that it caused friction and protest until the Treasury Department decided that the best thing to do would be to strike it out. That is the reason why it was stricken out. It led to ill feeling.

Mr. HEBERT. Mr. President, in lieu of that provision another provision was inserted by the House in the bill, at page 340, entitled "Finality of appraiser's decision." That was stricken out by the Senate, so that there is nothing of this kind left in the bill at the present time.

The Senate struck out the House provision fixing a definite way in which the decisions of appraisers were to be determined, and then struck out the provision contained in the amendment which I have offered. When the Senate Committee on Finance struck out this provision they did not restore the existing law, as I consider should have been done; and so, under a foreign-valuation law, there is no way in which its provisions may be administered except to authorize the United States collectors or their accredited representatives to examine the books of exporters in order to arrive at the facts. I am credibly informed that this provision is absolutely essential to the enforcement of the law in all its provisions.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. WALSH of Montana. I desire to inquire of the Senator from Rhode Island whether his amendment is not entirely identical with section 511?

Mr. HEBERT. If the amendment were to be read over for the information of the Senator from Montana, I think he would realize that it is not identical.

Mr. WALSH of Montana. It covers the same subject matter?

Mr. HEBERT. It does relate to the same subject matter; but it affects exporters and authorizes officials of the American Government to examine exporters' books.

Mr. WALSH of Montana. Exporters' books?

Mr. HEBERT. Yes; exporters' books.

Mr. WALSH of Montana. I dare say that would be advisable; but will the Senator explain to us why an exporter's books should be inquired into?

Mr. HEBERT. Let me read the amendment for the information of the Senator:

Inspection of exporters' books.

This is the existing law, I may say:

If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States——

Mr. WALSH of Montana. Exported to the United States?

Mr. HEBERT. Exported to the United States—

fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector—

And so forth, to expose his books——

Mr. WALSH of Montana. Section 511 relates to those who import into the United States.

Mr. HEBERT. Exactly; but it does not authorize the United States to require exporters domiciled abroad to submit to an examination of their books of account in order to verify the cost of the goods that are imported into this country.

Mr. GLASS. Mr. President, that means that no one can export any goods whatsoever to this country unless the agents of this Government are permitted to examine the books and papers and determine the nature of the business.

Mr. HEBERT. Mr. President, it does not mean that at all. It means that where there is any question about the value of goods imported into this country, and the officials of this Government raise the question or are in doubt about the proper valuation of the goods imported, then a representative of this Government may investigate the cost of those items by an examination of the accounts of the exporter.

Mr. GLASS. Suppose the people exporting goods decline to permit the agents of the Government to examine their books?

Mr. HEBERT. Then it is provided as a penalty that they may not ship those goods into this country.

Mr. GLASS. That, I can conceive, might amount to an embargo. If I were a foreign exporter, I would see the United States Government hanged before it should come and pry into my books.

Mr. GEORGE. I express the hope that the Senate will not hastily commit itself to the extraordinary provision which the Senator from Rhode Island [Mr. HEBERT] is proposing. If it be scrutinized carefully, it will be seen that under the amendment an ordinary collector of customs might go into any foreign country and demand of any citizen of that country his books, his records, in order that an American citizen who had purchased merchandise from the manufacturer and exporter in a foreign country might have them admitted.

Why, Mr. President, I presume that if such a law as that were passed with reference to the American business man he would resent it deeply. I presume that he would not tolerate it for a moment.

Here is a manufacturer, let us say, in Great Britain or in Germany. An American citizen buys goods from this manufacturer, who not only makes his goods but who sells them for domestic consumption, and who sends them out into the trade and commerce of the world. The American citizen buys from him. The American citizen can not have his goods come in at the port unless and until a collector of customs is permitted to demand of this citizen of a sister sovereign nation the complete surrender of his books, his correspondence, and of his accounts! Not even a court order is required.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. I do.

Mr. GLASS. May not the Senator readily conceive of a case of this sort under the provisions of the proposed amendment: That an American manufacturer, desiring to ascertain in detail the business methods of a European manufacturer and exporter, might purchase a given amount of his goods and himself raise the issue as to the cost of those goods, and then have this Government send its sniping and snooping agents into the establishment of this European manufacturer and get the details and the nature of his business?

Mr. GEORGE. Undoubtedly he could, Mr. President. Undoubtedly exactly what the Senator from Virginia asserts could be done. Of course, the whole purpose of the amendment is to set up an embargo.

Mr. GLASS. Why, of course it is.

Mr. GEORGE. The House committee and the Finance Committee originally conceived of this opportunity to raise an absolute embargo against all importations; and they were thwarted in their effort by the determined resistance of Senators on the other side of this aisle and on this side of the aisle. This is but another step in that direction.

Why, I stood here for two days and argued against the provision in section 526 which would make it impossible for an American citizen to import into the United States merchandise manufactured in a foreign country on which he had placed his trade-mark; and the regulars voted it down. Now the State Department is compelled to appeal to the Senate on the ground that we were about to violate our treaty agreement—and the Senator from Utah [Mr. SMOOT] wished to put the appeal of the State Department in the RECORD a while ago—that we were about to violate our solemn treaty in our willingness to turn over the writing of the tariff to the selfish people who would put up these embargoes.

Think of this proposition! We are proposing by provision in our customs laws to stop goods at the border, and to say to the manufacturer and the importer in foreign countries from whom the goods were bought, "Unless your books and your trade secrets are thrown open to a collector of customs, without an order of court, we will not let your goods come in"; and the Senator who proposes it belongs to the party that session after session of Congress has contended that not even the income-tax returns of an American citizen should be exposed to public inspection. We had by a majority vote to compel the Treasury Department to unlock the returns of our manufacturers when we wanted to know whether they were entitled to impose additional taxes upon the American citizen; and we had to do it over the opposition of the party on the other side of the aisle; that is, the regulars on the other side of the aisle.

Here it is proposed to treat other nations and their citizens, regardless of treaty stipulations, as if they were not entitled to decent consideration. The foreign manufacturer, seller, or shipper is not to be given the opportunity to furnish the information to our minor officers through the channels of his own government.

Mr. President, the Senator is seeking, under this amendment, to apply what any open-minded man must concede to be a very drastic and harsh remedy, which we have seen fit to apply to importers, to people residing within or coming within the jurisdiction of our country, to the manufacturers, merchants, and shippers of foreign countries.

It seems to me the Senate ought to reject this amendment promptly, and it seems to me that if paragraph 526 is violative of the true intent and spirit of our treaties with other nations, certainly such legislation as this is an affront to other peoples.

Mr. President, inasmuch as this amendment is not printed, or, if printed, I have been unable to find a copy of it, I ask that the clerk may read the amendment again.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 407, between lines 9 and 10, insert:

SEC. 510. Inspection of exporter's books: If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped, or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped, or consigned by such person. If such failure continues for a period of one year from the date of such instructions, the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Rhode Island [Mr. HEBERT].

Mr. GLASS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I am compelled to withhold my vote. Were I permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. METCALF (after having voted in the affirmative). Has the senior Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with the senior Senator from Maryland, and, not knowing how he would vote, I withdraw my vote.

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Arizona [Mr. ASHURST], and vote "nay."

Mr. MCKELLAR (after having voted in the negative). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], and in his absence I withdraw my vote.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 30, nays 42, as follows:

YEAS—30

Allen	Grundy	Moses	Thomas, Idaho
Baird	Hale	Oddie	Trammell
Broussard	Hastings	Patterson	Vandenberg
Dale	Hatfield	Phipps	Walcott
Fess	Hebert	Robsion, Ky.	Waterman
Goff	Jones	Smoot	Watson
Goldsborough	Kean	Steiwer	
Greene	McNary	Sullivan	

NAYS—42

Barkley	Couzens	Howell	Smith
Black	Cutting	La Follette	Steck
Blaine	Dill	McMaster	Stephens
Borah	Fletcher	Norbeck	Swanson
Bratton	Frazier	Norris	Thomas, Okla.
Brock	George	Nye	Wagner
Brookhart	Harris	Overman	Walsh, Mass.
Capper	Harrison	Ransdell	Walsh, Mont.
Caraway	Hawes	Schall	Wheeler
Connally	Hayden	Sheppard	
Copeland	Heflin	Simmons	

NOT VOTING—24

Ashurst	Glenn	McCulloch	Robinson, Ark.
Bingham	Gould	McKellar	Robinson, Ind.
Blease	Johnson	Metcalf	Shipstead
Deneen	Kendrick	Pine	Shortridge
Gillett	Keyes	Pittman	Townsend
Glass	King	Reed	Tydings

So Mr. HEBERT's amendment was rejected.

Mr. SMOOT. Mr. President, on page 234, line 13, after the word "graphophones," I move to insert the word "dictaphones." In line 11 in the same paragraph the word "dictaphones" was inserted by the Senate, and therefore that word ought to be inserted where I have suggested.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 234, line 13, after the word "graphophones," insert the word "dictaphones."

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there are no further amendments to be offered the bill will be reported to the Senate.

Mr. SMOOT. Mr. President, I agreed that I would call for a quorum before the bill left the Committee of the Whole and went into the Senate. Therefore I suggest the absence of a quorum.

Mr. SMITH. Mr. President, before the roll is called may I ask the Senator from Utah if this winds up the work on the bill as in Committee of the Whole?

Mr. SMOOT. It is all of which I have any knowledge.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Baird	George	McKellar	Smoot
Barkley	Glass	McMaster	Steck
Black	Goff	McNary	Steiwer
Blaine	Goldsborough	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Hebert	Robinson, Ind.	Walsh, Mont.
Cutting	Heflin	Robsion, Ky.	Waterman
Dale	Howell	Schall	Watson
Dill	Johnson	Sheppard	Wheeler
Fess	Jones	Shortridge	
Fletcher	Kean	Simmons	
Frazier	La Follette	Smith	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be offered as in Committee of the Whole the bill will be reported to the Senate.

Mr. BAIRD. Mr. President, I wish to offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 241, after line 14, insert the following new paragraph:

PAR. —. Manufactures of fibers of leather or of fibers of hides or skins, in the form of rods, tubes, strips, bands, or sheets, 50 per cent ad valorem; if laminated, glazed, coated, lined, printed, grained, embossed, decorated, or ornamented in any manner, 55 per cent ad valorem; manufactures of any of the foregoing, 55 per cent ad valorem.

Mr. BAIRD. Mr. President, this is a new industry in the United States located in New Jersey. Those interested in it have made an initial expenditure of $3,000,000 and they contemplate this year a program of expenditure to the extent of about $2,000,000 more in the production of this new commodity. It is an industry using American labor and tends to conserve leather waste, which is made into a useful product by a new process. If given this protection, I am quite sure it will mean the building up of a new industry in this country, making a useful article, and give work to American labor.

Mr. BORAH. Mr. President, I should like to ask the Senator from Utah what facts he has upon which he bases the amendment.

Mr. SMOOT. Mr. President, this is a new industry in the United States, if not in the world. They buy up scrap leather wherever they can get it and of every kind. It is then worked into fancy leather such as the samples which I hold in my hand. There is no provision in the present law to cover the commodity. Undoubtedly it falls in the basket clause, where, I think, it would bear a duty of 25 per cent ad valorem. The industry is just beginning to develop. It takes this waste leather and similar articles which are perfectly useless and makes them into a useful product. That is the story and all that I know about it.

Mr. BORAH. Has the Senator any facts as to the cost of production?

Mr. SMOOT. No; none whatever. The Senator from New Jersey may know something about it, but the Tariff Commission does not.

Mr. KEAN. Mr. President, in New Jersey some of our people have started this new industry. They are taking a waste product, comprised of the trimmings of leather and trimmings from hides from shoe factories, and so forth, and are making this waste product into a brand-new product, and have created a new industry. It has more leather in it per pound than the ordinary leather, because it has no interstices such as are between the layers of leather. It is a farm product and we are here to help the farmer. American labor is employed in its manufacture. We are here to do anything. I understand, that will help the working men of the United States. The protection of this industry and its building up will enable this industry to employ a considerable number of men. The industry has brought about an increase in the price of waste leather until it is now something like 18 cents a pound, whereas it used to be sold for practically nothing.

Mr. BORAH. I should like to ask the Senator from New Jersey if there is any competition anywhere?

Mr. KEAN. There is competition from Europe, where they are just starting some factories for the manufacture of a similar product. Of course, these people in New Jersey have to pay a much higher wage per day than is paid for labor in Europe. That is the kind of competition which they have to meet.

Mr. BORAH. From what countries does the competition come?

Mr. KEAN. From Italy.

Mr. WALSH of Montana. Mr. President, I understood the Senator from Utah to say that this is a unique industry, the only one in the world.

Mr. SMOOT. I said the only one in the United States.

Mr. WALSH of Montana. The Senator said in the United States and perhaps in the world. If that is the case, I was wondering upon what principle a protective duty should be imposed.

Mr. HARRISON. May I ask the Senator from Utah if he is willing to accept the amendment?

Mr. SMOOT. I have not given it any special study. I do know that it is a new industry in the United States. They are taking scraps of leather that have never been used to any advantage heretofore and are making this useful product.

Mr. HARRISON. If the Senator will permit me, I did not think he displayed his usual enthusiasm in discussing the amendment. It struck me a little strange that he did not oppose it as vigorously as he has some other amendments, with sugar coming on so immediately in the future.

Mr. SMOOT. That has nothing to do with the question now before us.

Mr. HARRISON. Of course not, but to me it seemed a little strange.

Mr. SMOOT. Perhaps when I display a little more enthusiasm it is because I know a little more about the subject than I do about this one. I am frank to admit that all I know about it is that it is a new industry, a new product, and it is made in the United States.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what, if any, duty is levied on this product now?

Mr. SMOOT. I presume it is an article that falls in the basket clause, which carries a rate of 25 per cent.

Mr. WALSH of Massachusetts. I have heard that as a substitute for leather it can not be used in the manufacture of shoes, but it can be used for bags and many other commodities. This product is made from scraps that are picked up in shoe factories and by some chemical process made into this imitation leather. I inquire if it is not to a certain degree a substitute for leather, and leather being on the free list we would be in the position of having the real genuine article of leather not dutiable and this imitation of leather dutiable. Has the Senator considered that aspect of the question?

Mr. SMOOT. No. Of course, being a new industry and in competition with the cheap labor of Italy, it appealed to me. I do not think it interferes to any extent with the leather industry. I thought that at least we ought to encourage the industry which is taking a worthless product and making it into a product that is useful.

Mr. WALSH of Massachusetts. The industry has been helpful in providing an avenue for the disposition of leather waste and cuttings. To that extent it has been rather helpful to the leather industry and the boot and shoe industry. I suggest that the matter might well be taken up when we finally reach the leather item in the bill.

Mr. BRATTON. Mr. President, will the chairman of the Finance Committee tell us to what extent this commodity is imported into the United States?

Mr. SMOOT. I do not think it has ever been kept separate and distinct. We have no figures now to show just how much of the particular item may be manufactured or imported or anything about it.

Mr. BRATTON. What is the rate now?

Mr. SMOOT. I suppose it would fall in the basket clause, and that would be about 25 per cent.

Mr. BRATTON. What is the rate proposed?

Mr. SMOOT. As I heard the amendment read, it provides 50 per cent.

Mr. BRATTON. Then the Senator is asking an increase of 100 per cent in this duty, with virtually no facts on which the Senate can act intelligently. We do not know the amount of importations, the value of the imports, but the industry is a new one, and so we are asked to go into the realm of speculation in the imposition of a 100 per cent increase in the duty.

Mr. SMOOT. We do know that the competitor of the American manufacturer is the manufacturer of Italy, and there is no country in the world that has cheaper labor than has Italy. That is an item which should be taken into consideration. I can not tell the Senator, nor can the Tariff Commission tell the Senator, how much of this commodity has been imported into



the United States. It is such a new product that the information is not at hand.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. BRATTON. I yield the floor.

The VICE PRESIDENT. The Senator from Virginia is recognized.

Mr. GLASS. Mr. President, I am a little astonished at the lack of discernment in the Senate in regard to this particular proposition. It is purely symbolic. Alexander Hamilton, as we all know, established the protective system as the cure-all for infant industries, and at last we have discovered an infant industry. It is the industry of the manufacture of imitation leather, and in order to keep the Grand Old Party to its symbolic principle by all means let us protect this one infant industry.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. COPELAND. Mr. President, I desire to ask the Senator from New Jersey is it possible that the making of this product will afford a sale for the scrap leather from the shoe factories?

Mr. BAIRD. That is quite true.

Mr. COPELAND. And that it will in that sense help the shoe industry?

Mr. BAIRD. That is also quite true.

Mr. COPELAND. I have seen the article itself. It seems to me that for certain uses it would be most desirable. Of course, I am not prepared to say what the rate should be, but I think the industry should be encouraged.

Mr. LA FOLLETTE obtained the floor.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. If the Senator from Wisconsin will yield to me, I desire to ask the Senator from New Jersey to what extent the production of this article would interfere with the sale and use of real leather?

Mr. BAIRD. It can not be used in shoes or for any other purpose other than as a substitute.

Mr. BARKLEY. But it can be used as a substitute for leather?

Mr. BAIRD. It may be so used.

Mr. BARKLEY. In other words, it occupies the same relationship to the leather industry that shoddy occupies as to the woolen industry?

Mr. BAIRD. Yes.

Mr. LA FOLLETTE. Mr. President, no facts are given to the Senate to justify the adoption of the pending amendment. All the facts that have been presented in behalf of the amendment, as I get them, are, first, that this is a new industry and its product is a substitute for leather; secondly, that it employs a number of men, but the number is not stated; and, in the third place, it is claimed that the industry has provided a market for a waste product.

It seems to me, however, Mr. President, that the most important fact in the situation has not been presented to the Senate, namely, that this infant industry has grown up under existing law; that men have gone into the business and invested their money in it, knowing full well that their product was to be protected under the basket clause at 25 per cent ad valorem. They are now engaged in the business; they have built it up; it is successful, according to their own statements. Now, in the closing hours of the consideration of the tariff bill as in Committee of the Whole, is the Senate going to adopt a 100 per cent increase in the duty upon the commodity upon such a statement of facts as is presented in support of the amendment? I sincerely trust that it will not do so.

Mr. WALSH of Massachusetts. Mr. President, I call attention to the further fact that leather, with which this commodity competes, is on the free list, and this substitute for leather has the benefit of a duty of 25 per cent. It does not seem to me that an increase of 100 per cent in duty is justified in view of that fact.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I yield.

Mr. GLASS. But does not the Senator observe that there is the element of farm relief in this proposition? The substitute leather comes in competition with the real hide that is taken from the animal; and, therefore, what is proposed contains a large measure of farm relief.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and is open to amendment.

Mr. BARKLEY. Mr. President, there are a couple of matters which I think ought to be cleaned up before the bill leaves the Committee of the Whole. They merely involve corrections. When we had under consideration Schedule 2, on page 48, section 221, certain language in the Senate committee amendment at the bottom of the page was stricken out in order to take cylinder, crown, and sheet glass out of the provisions of the amendment. Since the adoption of the amendment, I find that a type of glass that is used really as plate glass is brought into this country, ground and polished, except that in one corner a portion on the edge is left rough, strip, unground or unpolished, enables the article to be imported at a rate lower than the plate-glass rate, although after the glass arrives in this country that narrow strip is cut off and the material is used as plate glass. It really is plate glass. I conferred with the drafting service for the purpose of offering the amendment to correct that situation. I send the amendment to the desk, and ask unanimous consent to reconsider the vote by which the amendment on page 48 was agreed to, in order that I may offer my amendment as a correction of that situation.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the amendment referred to was agreed to? The Chair hears none, and the vote is reconsidered.

Mr. BARKLEY. I now offer my amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 48, it is proposed to strike out all after the word "pound," in line 20, down to and including the word "glass," in line 2, on page 49; on page 49, after line 17, to insert:

(d) Rolled, cylinder, crown, and sheet glass, not plate glass, if ground wholly or in part (whether or not polished) otherwise than for the purpose of ornamentation, or if one-eighth of 1 inch or more in thickness and obscured by coloring prior to solidification, shall be subject to the duties provided in subparagraph (a) or (b) of this paragraph; if any of the foregoing is subjected to any of the processes specified in paragraph 224, the additional duty provided therein shall apply.

On page 50, line 8, after the word "plate," to insert the word "rolled";

On page 50, lines 10 and 11, to strike out "obscured in any manner except by grinding"; and

On page 50, line 13, after the word "colored," to insert in parentheses "except glass not plate glass not less than one-eighth of 1 inch in thickness, when obscured by coloring prior to solidification."

Mr. BARKLEY. All of these amendments are offered to effectuate the purpose I have indicated, and I ask that they all may be voted on as a whole.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I hope that will be done.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. SMOOT. Mr. President, I think the amendment offered by the Senator from Kentucky carries out the idea the committee had in mind, and I think it ought to be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to, and the amendments en bloc are agreed to.

Mr. WALSH of Montana. Mr. President, I wish to suggest to the Senator from Kentucky that his amendment on page 48 is an amendment to an amendment.

Mr. BARKLEY. I understand that.

Mr. SMOOT. The vote whereby that amendment was agreed to has been reconsidered.

Mr. BARKLEY. I obtained unanimous consent to reconsider the vote by which that amendment was agreed to. So now the amendment as amended will have to be agreed to.

Mr. SMOOT. That has already been done.

The VICE PRESIDENT. The amendment as amended has been agreed to.

Mr. WALSH of Montana. Yes; but having reconsidered the vote by which the committee amendment was adopted, an amendment has been proposed to it, and has been agreed to, and now it seems to me the question is on agreeing to the amendment as amended.

The VICE PRESIDENT. The Chair announced, "Without objection, the amendment as amended is agreed to."

Mr. WALSH of Montana. Mr. President, that will hardly make the record straight, because the amendment embraces two or three items that are not amendments to amendments at all, but are amendments to the text.

Mr. SMOOT. They have all been agreed to.

Mr. WALSH of Montana. Very well.

Mr. BARKLEY. Mr. President, when we had under consideration the item of sodium in paragraph 82, on page 32, lines 4 and 5 were stricken out and baking soda and borax were put on the free list. At the same time in lines 6, 7, and 8 the words "carbonate, calcined, or soda ash, hydrated, or sal soda, monohydrated, one-fourth of 1 cent per pound" were likewise stricken out, and transferred to the free list. Upon further investigation I wish to ask unanimous consent to reconsider the vote by which that amendment was adopted for the purpose of withdrawing the amendment.

Mr. SMOOT. I trust the Senator will also request at the same time to reconsider the vote by which the same item was transferred to the free list. That will clear it all up at once.

Mr. BARKLEY. The request also includes the elimination of the item referred to from the free list.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is upon the amendment offered by the Senator from Kentucky.

Mr. BARKLEY. Mr. President, what I desired to do upon obtaining unanimous consent to reconsider the vote was to withdraw the amendment which I had previously offered. I wish to withdraw the amendment on page 32, lines 6, 7, and 8, embracing the language which I read.

The VICE PRESIDENT. Without objection, the amendment is withdrawn.

Mr. BARKLEY. I ask also that the same language be stricken out in the free list where it was inserted in pursuance of a previous vote of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered. The Chair understood that the Senator from Tennessee [Mr. McKELLAR] has an amendment which went over until to-day.

Mr. ASHURST. Mr. President, I have no amendment to offer, but before the bill is reported to the Senate—I do not suppose that I would be required to do so under the rules but out of common fairness—I shall ask for a separate vote in the Senate——

The VICE PRESIDENT. The question will be submitted to the Senate in a few moments as to the reservation of amendments.

Mr. McKELLAR. Mr. President, I will submit the amendment to which the Chair has referred when the bill is in the Senate. It can be done just as well then, and, at the request of the Senator from Utah, I will do that.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and is open to amendment

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. HARRISON. When the bill goes out of the Committee of the Whole into the Senate can an amendment be offered in the Senate even though it was not offered while the bill was being considered as in Committee of the Whole?

The VICE PRESIDENT. Any Senator may offer such an amendment.

Mr. HARRISON. Does a Senator have to ask for a separate vote before the bill gets out of the Committee of the Whole or can he wait until the bill gets into the Senate?

The VICE PRESIDENT. He can wait until the bill shall have been reported to the Senate, at which time the question will be submitted as to whether there are further amendments to be reserved for a separate vote.

The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Sundry amendments, which will be stated, have been reserved for a separate vote.

The Chief Clerk read as follows:

AMENDMENTS RESERVED FOR SEPARATE VOTE IN THE SENATE

Paragraph 16, page 7, line 1, carbide (Mr. KING).
Paragraph 19, page 7, line 12, casein (Mr. HOWELL and Mr. BLAINE).
Paragraph 52, page 23, line 20, camphor (Mr. Edge).
Paragraph 54, page 24, line 14, olive oil (Mr. KING).
Paragraph 83, page 32, line 24, sulphide (Mr. KING).
Paragraph 83, page 33, line 1, sulphite (Mr. KING).
Paragraph 207, page 38, line 16, silica (Mr. PITTMAN).
Paragraph 211, page 40, line 19, painted earthenware (Mr. GOFF).
Paragraph 218 (c), page 45, line 12, illuminating art (Mr. SMOOT).
Paragraph 221, page 48, line 6, rolled glass (Mr. COPELAND).
Paragraph 301, page 56, line 19, chromium (Mr. WALSH of Montana).
Paragraph 305, page 62, lines 6 and 7, tungsten (Mr. WALSH of Montana).
Paragraph 305, page 62, lines 23 and 24, chromium (Mr. WALSH of Montana).
Paragraph 319, page 72, line 7, iron cylinders (Mr. COPELAND).
Paragraphs 501 and 502, sugar, molasses (Mr. SMOOT).
Paragraph 601, page 123, line 8, wrapper tobacco.
Paragraph 736, page 134, lines 12, 14, and 17; and page 135, line 8, berries, "frozen, without sugar" (Mr. SMOOT).

Mr. HARRISON. Mr. President, did the clerk say "cherries, frozen, without sugar"? [Laughter.]

The VICE PRESIDENT. No; "berries, frozen, without sugar."

Mr. SMOOT. Mr. President, to ease the feelings of the Senator from Mississippi I desire to say that the only request in regard to berries was to make an amendment so that the provision would be perfectly understood.

The VICE PRESIDENT. The clerk will resume the reading of the list of amendments reserved for separate votes.

The Chief Clerk read as follows:

Paragraph 751, page 138, line 1, flowers, bulbs (Mr. HARRISON).
Paragraph 781, page 146, line 8, long-staple cotton.
Paragraph 1405, page 192, line 14, paper, coated (Mr. WALSH of Massachusetts).
Paragraphs 1530–1531, page 225, hides (Mr. ODDIE).
Paragraph 1650, page 253, line 8, coal (Mr. JONES).

ADMINISTRATIVE PROVISIONS

Section 305, page 286, line 10, immoral articles (Mr. SMOOT).
Section 484 (h), page 379, line 4, entry of merchandise.
Section 484 (j), page 380, line 14, release of merchandise.
Section 584, page 447, line 12, opium (Mr. HOWELL).

The VICE PRESIDENT. Are there further amendments to be reserved for separate votes in the Senate?

Mr. ASHURST. Mr. President, as I construe the rules I am not required to make the reservation or give notice; but out of fairness to the opposing parties I believe I should make the following reservations:

On page 142, paragraph 767, peas in their natural state.
On page 143, paragraph 770, tomatoes in their natural state.
On page 143, paragraph 772, peppers in their natural state.

Mr. DILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. DILL. If the amendments not reserved for separate votes are concurred in, will it then be in order for a Senator to offer an amendment changing an amendment that has been concurred in?

The VICE PRESIDENT. Not without a reconsideration.

Mr. DILL. Let me illustrate it so that it will be clear. I do not want any mistake about this matter.

Suppose that the tariff on wheat has been changed, we will say, from 30 to 40 cents a bushel, and 40 cents is agreed to. Then if, in the Senate, I should want to offer an amendment for 35 cents, would that be in order?

The VICE PRESIDENT. The Senator would have a right to offer that amendment.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Tennessee will state it.

Mr. McKELLAR. I should like to know if this bill is going to be printed as it has come out of the Committee of the Whole, or will it go along just in the same shape that it is in now?

The VICE PRESIDENT. There is no order for a reprint. That would depend upon the Senate.

Mr. SMOOT. There is no necessity of it.

Mr. BROUSSARD. Mr. President, when we considered section 301 I had two amendments relative to the Philippine Islands. At that time I made reservations for a separate vote in the Senate. I wish to note that reservation now.

The VICE PRESIDENT. The amendment was rejected. It may be offered in the Senate without reservation.

Mr. HAYDEN. Mr. President, I wish to reserve a separate vote on the amendment on anhydrous sulphate, page 32, paragraph 82. That, I believe, is the only change made in Committee of the Whole.

The VICE PRESIDENT. The Senator reserves the right to a separate vote.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Utah if the bill can not be printed with the amendments that have been agreed to. I do not see how it is possible to keep up accurately with what has been done with only one copy, possibly, of the bill as it has been agreed to.

I hope the Senator will have a reprint of the bill with the amendments that have been agreed to, so that we can all understand it. It is possible that members of the committee might understand it, but for other Senators to keep up with what has been done is impossible unless there is a reprint.

I hope, therefore, the Senator will agree that a reprint may be made for the benefit of the Senate.

Mr. SMOOT. I had hoped we would pass the bill before that could be done.

Mr. McKELLAR. It could be done by to-morrow morning; and the bill is not going to be passed for two or three days at any rate.

Mr. SMOOT. It can not be done short of two or three days. Not only that, but if the bill comes up here to-morrow morning reprinted as it stands to-night, by to-morrow evening it will be entirely changed. We will have the amendments all over here.

Mr. McKELLAR. It may or may not. It seems to me we ought to know what is in it.

The VICE PRESIDENT. Are there other amendments reserved for separate votes in the Senate?

Mr. BLAINE. Mr. President, I desire to ask for a separate vote on the amendment adopted on page 241, paragraph 1556.

Mr. WALSH of Massachusetts. Mr. President, I desire to reserve the right for separate votes on paragraphs 1530, 1807, and 1510.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state it.

Mr. FESS. Quite a number of Senators here are confused about the order. They desire to know whether any new amendments they may desire to offer will have to be announced before the bill gets out of the Committee of the Whole.

The VICE PRESIDENT. No; they may be offered from the floor just the same as they were offered in Committee of the Whole.

Mr. FESS. And the only reason why we are asking for these separate votes is that all the amendments on which there is not a separate vote will be concurred in en bloc?

The VICE PRESIDENT. That is the object.

Are there any further reservations? If not, the question is on concurring in the amendments made as in Committee of the Whole, other than those reserved. Without objection, they will be concurred in.

The bill is now in the Senate and open to amendment; and, under the agreement, the sugar amendment is now before the Senate.

Mr. SIMMONS. Mr. President, I understood the Chair to rule on yesterday that where an amendment was offered in Committee of the Whole, and defeated, it was not necessary to give notice in order to secure a separate vote on that amendment when the bill reaches the Senate.

The VICE PRESIDENT. Where the amendment was defeated?

Mr. SIMMONS. Yes.

The VICE PRESIDENT. It is not necessary. It may be offered in the Senate.

Mr. HARRISON. Mr. President, I understood the Chair to announce that those amendments that had been agreed to in Committee of the Whole, and had not been reserved in this list, were concurred in.

The VICE PRESIDENT. The Chair made that announcement.

Mr. HARRISON. It may be that there are some Senators not present who have not reserved the right to have separate votes in the Senate. I do not know. I understood that a reservation was made on sugar and molasses. An amendment was adopted on maple sugar, and I presume that was included.

The VICE PRESIDENT. Sugar and molasses are reserved.

Mr. HARRISON. The sugar item included also maple sugar?

Mr. SMOOT. No; it did not. The Senator had better reserve that.

Mr. HARRISON. Then I reserve the right to a separate vote on maple sugar.

The VICE PRESIDENT. Without objection, that reservation will be added.

Mr. GOFF. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from West Virginia will state it.

Mr. GOFF. Suppose there has been no reservation made under the procedure now before the Senate and a Senator desires to offer an amendment in the Senate. There is no reason, as I understand the Chair's ruling, why that can not be done.

The VICE PRESIDENT. None.

Mr. FESS. Mr. President, that raises the question which has been asked here. Suppose that some Member wants to amend one of the amendments we have concurred in en bloc and we have already acted upon it. Would that be open to amendment?

The VICE PRESIDENT. Will the Senator restate his question? Let the Senate be in order, so that Senators may be heard and so that the officers of the Senate may hear what is being said.

Mr. FESS. We have concurred in all the amendments except those which were reserved for separate votes. The question is, If a Senator desires to amend one of those amendments that we have concurred in, would it be in order?

The VICE PRESIDENT. It would have to be reconsidered.

Mr. BROOKHART. Mr. President, would it be in order to offer something additional, without changing the amendment that was adopted?

The VICE PRESIDENT. If any amendments are to be proposed to committee amendments, they should be reserved.

Mr. ASHURST. Mr. President, if the Chair will pardon me, I am the last person here to obtrude my views as to the rules; but undoubtedly it is the rule and law of the Senate that when a bill reaches the Senate it may be treated de novo. Any amendment may be offered by any Senator at any place.

The VICE PRESIDENT. The Chair has so stated.

Mr. ASHURST. I beg the Chair's pardon.

The VICE PRESIDENT. The Chair has so stated. The question raised was where an amendment had been made as in Committee of the Whole and then concurred in en bloc a few moments ago. That makes a final action upon that matter in the Senate.

Mr. SWANSON. Mr. President, I understand the Chair to rule that, where amendments have been concurred in en bloc, the only way one of those amendments can be changed is to move to reconsider, which, under the rule, must be done within three days; and if we do reconsider, the matter is entirely open as if it had not been adopted en bloc.

The VICE PRESIDENT. That opens the amendment.

Mr. SWANSON. Consequently, there is not any trouble about any Senator who has a majority; for he can move during the next three days to reconsider any amendment that has been concurred in, as I understand, and if that motion is agreed to the matter comes up as an entirely new proposition. Is that correct?

The VICE PRESIDENT. The Senator is right.

Mr. BROOKHART. Mr. President, in order to avoid confusion, then, I ask unanimous consent to reconsider and permission to offer an amendment to paragraph 502, blackstrap molasses.

The VICE PRESIDENT. Paragraph 502 has been reserved.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. VANDENBERG. If a committee amendment in some paragraph has been stricken from the bill, does the concurrence of the Senate in the amendments made as in Committee of the Whole preclude offering an amendment to that particular paragraph?

The VICE PRESIDENT. It does not, if a separate vote was reserved.

Mr. VANDENBERG. No separate vote was reserved in the case I have in mind.

The VICE PRESIDENT. Then the vote by which the amendment was rejected would have to be reconsidered.

Mr. VANDENBERG. I ask unanimous consent to have the vote by which the amendment in paragraph 401, relating to hardwood flooring, be added to the list for a separate vote.

The VICE PRESIDENT. It will be added.

Mr. SIMMONS. Mr. President, where, in Committee of the Whole, an amendment has been made to one item in a paragraph, will it be in order to move a substitute for the whole paragraph without reserving the right?

The VICE PRESIDENT. If it embraces House text, which has not been amended, then the right would not have to be reserved.

Mr. SIMMONS. The illustration I have in mind simply changes the rates provided as to one item in a paragraph carrying a number of items. Does the fact that an amendment has been adopted to those items make it necessary for me to give notice that I shall ask a vote in the Senate upon a motion to substitute other rates on other items in that paragraph?

The VICE PRESIDENT. It does not.

Mr. McKELLAR. Mr. President, in answer to the Senator from Michigan the Chair made a ruling a moment ago, and I want to know if it applies to the case found on page 192, relating to plain basic paper. In that case the amendment of the committee was disagreed to, and I proposed to offer an amendment, when the bill was in Committee of the Whole, and it was said it would have to be offered after the bill got into the

Senate. I want to know if I have to reserve any right, or what is necessary to be done in order to offer the amendment when the bill is in the Senate.

The VICE PRESIDENT. A vote has been reserved on one amendment in that paragraph, and the Senator should reserve the right on the amendment to which he refers.

Mr. McKELLAR. I reserve the right to offer the amendment to that paragraph.

Mr. BARKLEY. Mr. President, I raise a question upon the point on which the Chair has just passed. Where the Senate committee offered an amendment to the text of the bill, which amendment was disagreed to, that leaves the text of the bill just as it passed the House, as if no amendment had been offered by the committee. I raise the question that, without regard to the action taken as in Committee of the Whole in rejecting the committee amendment, a Senator could offer an amendment without any reservation, because the language is still as it was in the House.

The VICE PRESIDENT. The action of the Senate as in Committee of the Whole is tantamount to keeping the House text as it was when the bill originally came to the Senate.

Mr. BARKLEY. Yes, but is not an amendment in order to the House text when the text comes into the Senate unchanged?

The VICE PRESIDENT. The action of the Senate as in Committee of the Whole was to keep it in, and therefore the vote would have to be reconsidered.

Mr. NORRIS. Mr. President, may I suggest to the Chair, in the case put by the Senator from Kentucky, that the amendment was defeated. There is no reservation necessary. It was just the same as though it was never offered.

The VICE PRESIDENT. It is equivalent to keeping the House text as it was when the bill came to the Senate.

Mr. NORRIS. But that would be true of any amendment that was defeated, and a reservation could not be made as to such an amendment. There is not any amendment. It has been rejected as in Committee of the Whole. The result is it is just the same, when the bill gets into the Senate, as though that amendment had never been offered, and the fact that it is a committee amendment does not give it any preference over any other amendment.

Mr. THOMAS of Oklahoma. Mr. President, in Committee of the Whole I offered a substitute paragraph for paragraph 1532, on gloves. The substitute was adopted. Some exceptions were taken to the form of my amendment. I asked the experts of the Tariff Commission to redraft the paragraph and make such suggestions as would embody the necessary changes, carrying the same rates, however. The Tariff Commission has complied with my request.

I desire to propound the following parliamentary inquiry: Is a reservation necessary for me now to ask that some time before we complete consideration of the bill I may have the right to offer that as a substitute for my original amendment?

The VICE PRESIDENT. The Senator should reserve a separate vote on his amendment, and then offer the amendment.

Mr. THOMAS of Oklahoma. I now do that.

Mr. THOMAS of Idaho. Mr. President, I ask unanimous consent to reserve the amendment in paragraph 73, on litharge and red lead.

Mr. HARRISON. Mr. President, I reserve the right for another vote on white lead. That is in the same paragraph.

Mr. GOFF. Mr. President, at this time I want to reserve the right to offer an amendment in sections 211 and 212, relating to pottery; in sections 219 and 222, relating to glass; and in section 74, relating to red lead.

The VICE PRESIDENT. The reservations will be made.

Mr. KEAN. Mr. President, I ask unanimous consent to reserve the right to move a substitute on page 37, subsection (b).

Mr. BLAINE. Mr. President, I understand that on page 180, at the end of Schedule 11, the wool schedule, the junior Senator from Idaho [Mr. THOMAS] offered as an amendment a new section providing for rates on fabrics containing 15 per cent in weight of wool. I desire to reserve a vote upon that amendment.

The VICE PRESIDENT. It will be reserved. Are there other reservations?

Mr. WAGNER. I desire to reserve the right to substitute a new section in place of section 641.

Mr. WALSH of Massachusetts. I would like to have the right to reserve a vote on the amendment in paragraph 1105 and paragraph 743.

Mr. SIMMONS. Mr. President, I wish to reserve the right to a separate vote on paragraph 208 and to offer a substitute.

Mr. JONES. Mr. President, I had to be out of the Chamber until a moment ago. I want to ask if a reservation has been made for a vote on the coal countervailing amendment.

The VICE PRESIDENT. It has been made.

Mr. SMOOT. Mr. President, in behalf of the senior Senator from Vermont [Mr. GREENE], I ask a reservation on the rate of duty upon spring clothespins.

Mr. GRUNDY. Mr. President, I desire to reserve a separate vote on paragraph 374, page 107, aluminum products.

Mr. LA FOLLETTE. Mr. President, I desire to reserve a separate vote upon paragraph 385, page 112.

The VICE PRESIDENT. Are there further reservations?

Mr. SIMMONS. Mr. President, I wish to add to the reservation I asked a few minutes ago a reservation to offer a separate amendment in paragraph 1552.

Mr. SWANSON. Mr. President, what we are now doing illustrates one of the main causes of delay in the Senate in connection with obtaining the passage of legislation. We have been here for six months discussing a bill as in Committee of the Whole. We have offered amendments, we have discussed some of them for days and weeks, and have taken yea-and-nay votes. The questions have been discussed fully and completely. We have had the right to demand roll calls.

Now, we have witnessed the amusing spectacle that every issue, possibly everything that has been fought over for six months, is again to be gone over, the same old round, the same roll calls, the same discussions, if Senators wish that, that course shall be followed.

I have insisted for a long time, and I simply want to take this occasion to repeat, that as the Senate membership is larger than it used to be, this method of considering measures in Committee of the Whole and then going back and considering them in the Senate in the same way, with the same roll calls and the same discussion, is simply a waste of time.

In the House of Representatives and in Parliament matters are considered in committee of the whole because it takes only a hundred to make a quorum, and there are no roll calls. Then the measures are submitted to the House and votes are taken.

We ought to some extent to modify the method of considering measures in Committee of the Whole and have a different consideration in Committee of the Whole from what we have in the Senate. The present method simply means the double consideration of every item.

I think in connection with this bill everything has been reserved, there will be the same old round, the same old discussions, the same old roll calls. In the House of Representatives roll calls are not had in Committee of the Whole. Measures are discussed more fully. This spectacle shows the necessity for some amendment of the rules to prevent repeated votes and repeated consideration.

I hope the Committee on Rules will devise a method to get rid of this procedure, the folly of which is indicated in this case.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. FESS. The suggestion of the Senator is very pertinent. In the House of Representatives, while there are no roll calls, no record votes, in Committee of the Whole they do consider every phase of a measure, and then when they get the legislation into the House there is only one motion permitted, a motion to recommit, and that ends the matter.

Mr. SWANSON. There is no necessity for considering a bill in Committee of the Whole and then considering it in the Senate. A motion for reconsideration can be made as to anything within three days, under the rules of the Senate. But we simply go over the same old ground month in and month out.

The VICE PRESIDENT. Again the Chair asks, Are there any further reservations?

Mr. KEAN. Mr. President, I ask unanimous consent to reserve the right to a vote on the amendment found on page 208, line 9.

Mr. GRUNDY. Mr. President, I also want to make a reservation on page 110, paragraph 382, line 6, aluminum foils.

Mr. GLASS. Mr. President, I wonder if it would not save time if I would just notify the Chair that I reserve the right to offer an amendment to every provision of the bill.

Mr. LA FOLLETTE. Mr. President, I desire to reserve paragraph 1402 and paragraph 1413.

The VICE PRESIDENT. Are there any further reservations? If not, the Chair again announces that all amendments made as in Committee of the Whole, except those reserved, are concurred in.

The bill is now in the Senate, and the amendment on sugar is before the Senate.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. I was out of the Chamber while this discussion was going on. I was attending a meeting of the Committee on the District of Columbia involving a very important subject. Am I to understand that a Member of the Senate is

debarred from offering an amendment proposing to change any provision adopted by the Senate as in Committee of the Whole?

The VICE PRESIDENT. Unless the matter is reserved in the Senate for a vote. Reservations have been made, as announced by the Chair. However, if the Senator from New York wants to make a reservation he should make it now, although the announcement has been made three different times that no further reservations were in order.

Mr. COPELAND. I have certain paragraphs which I desire to present for consideration at some time. Should I at this time give the numbers of those paragraphs?

The VICE PRESIDENT. If the matter relates to the original House text, the Senator does not have to give notice. If it relates to a Senate amendment, the Senator must give notice.

Mr. COPELAND. Then I think I should give notice that I reserve the right to offer amendments to paragraphs 69, 205, 211, 212, 218, 231, 301, 319, 376, 389, 394, 411, 503, 743, 770, 909, 1114, 1122, 1306, 1501, 1527, 1529, 1530, 1537, 1545, and I venture to say there may be others, but these are the only ones of which I have a memorandum at this time.

Mr. SWANSON. Mr. President, can the Chair inform us what amendments have not been reserved? I think that is the easiest way to understand the situation.

The VICE PRESIDENT. That would be utterly impossible. The Chair simply announces again that all amendments made as in Committee of the Whole, not reserved, are concurred in.

Mr. SMOOT. Mr. President, I was foolish enough to announce to the papers that I thought I would be able to secure the passage of the bill by to-morrow night. I now withdraw any such announcement.

Mr. NORRIS. Mr. President, I call the Senator's attention to the fact that he has no right to make that withdrawal, since the bill is in the Senate, without having given notice while the bill was in Committee of the Whole.

Mr. HARRISON. Mr. President, has the Senator from Utah offered his amendment?

Mr. SMOOT. No; I have not yet offered it. I am going to offer it now. I move, on page 121, Schedule 5, paragraph 501, line 12, to strike out "1.24" and insert "1.7125," and in line 15 to strike out "0.046" and insert "0.0375," so that the paragraph would read:

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscopic test 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion.

That is the way the paragraph will read if the amendment which I have just offered shall be agreed to.

Mr. HARRISON. Mr. President, it is now after 5 o'clock. This is probably one of the most important matters to come before the Senate. Will not the Senator from Utah agree to take a recess now if we can agree upon a certain time to-morrow definitely to vote upon the proposition?

Mr. SMOOT. If the Senator had asked me that before the spectacle that has just taken place in the Senate, I would have agreed willingly, but I do not see how we are going to get through the bill if we take up all the amendments and consider them again.

Mr. HARRISON. The Senator knows there are innumerable reservations which have been made where there will not be a roll call and that we will get along pretty rapidly with the matter; but this is one important vote, and it seems to me we would save time by agreeing to vote to-morrow at a definite time and taking a recess very shortly.

Mr. SMOOT. Could we not agree, then, that we lay this amendment aside until to-morrow morning and take up some other amendments to which there is no particular objection?

Mr. HARRISON. That is perfectly satisfactory to me.

Mr. SMOOT. However, I did want to go on with sugar to-night, as we agreed. If there is no objection on the part of other Senators to taking up some of the other items as to which there will be no prolonged debate, I have no particular objection.

Mr. TRAMMELL. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Certainly.

Mr. TRAMMELL. I think we are about four or five days ahead in the progress we have made on the tariff bill as the result of having held night sessions. I do not understand why, when we have been making such splendid progress, Senators can not work for two or three more nights and try to get through with the bill.

Mr. SMOOT. I did not expect to take a recess at this time.

Mr. TRAMMELL. It is all right to carry over the sugar proposition, but we ought to go ahead at this time with something else.

Mr. SMOOT. I do not want to take a recess before 10 o'clock to-night.

Mr. TRAMMELL. I believe if we had not been holding night sessions, we would have been at least five days behind where we are now.

Mr. SMOOT. Oh, more than that. I would like to ask the Senator from Louisiana [Mr. BROUSSARD] what are his views on the subject.

Mr. BROUSSARD. Mr. President, I would be glad to have the sugar matter taken up to-morrow morning. I think we might save time if it can go over until then, but I would not care to agree to fix any special time for voting.

Mr. SMOOT. That has not been requested.

Mr. BROUSSARD. It was suggested.

Mr. HARRISON. That is immaterial. If it is desired to begin the consideration of the sugar item when we convene to-morrow without fixing a specific time to vote, it is agreeable to me, or if we can agree to vote at 5 o'clock to-morrow let us fix it that way.

Mr. SMOOT. When we recess to-night at 10 o'clock I expect to ask that we shall recess until 11 o'clock to-morrow morning. It would then be understood that whatever unanimous-consent agreement we may enter into at this time to take up other items, that promptly upon the convening of the Senate or as soon as a quorum is obtained we will begin the consideration of the sugar item and continue its consideration until a vote is had upon it.

Mr. SMITH. Why should we not begin consideration of the sugar schedule now? What reason is there for not doing it now?

Mr. SMOOT. I have not any objection to that.

Mr. GLASS. Mr. President, if we are going to have the old speeches repeated, why not let them begin right now so that when we come here to-morrow morning at 11 o'clock we can begin with something else?

Mr. SMOOT. So far as I am concerned, there will be no old speech delivered.

Mr. NORRIS. Mr. President, I should like to ask the Chair a question.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. NORRIS. Not just now. I want to ask the Chair a question to see if we can get a proper understanding of what we are trying to do. As I understood it, the Senator from Utah [Mr. SMOOT] has reserved a separate vote on the amendment relating to the sugar schedule. Now, it appears that he has offered an amendment. Is that the same amendment that we voted on in Committee of the Whole?

Mr. SMOOT. No.

Mr. NORRIS. Then we are not taking it up. We have reserved here a separate vote on sugar and instead of that vote coming before the Senate, the Senator from Utah offers an amendment.

The VICE PRESIDENT. The question is upon concurring in the amendment made as in Committee of the Whole, to which the Senator from Utah has proposed an amendment.

Mr. NORRIS. The Senator is proposing an amendment to the amendment?

The VICE PRESIDENT. Yes.

Mr. NORRIS. Oh, very well.

Mr. HARRISON. Mr. President, I ask unanimous consent that to-morrow, upon the reconvening of the Senate, we take up the amendment offered by the Senator from Utah and continue its consideration until a final vote is taken upon it.

The VICE PRESIDENT. Is there objection?

Mr. NORRIS. Mr. President, there are a good many Senators who, I presume, are expecting to debate briefly some of the other amendments. We have had a unanimous-consent agreement that we would take up the sugar schedule first. Some Senators have said to me that they are not prepared to go on with some of the other amendments because of the unanimous-consent agreement which we have about sugar.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, was there objection to my unanimous-consent request?

The VICE PRESIDENT. Will the Senate state his unanimous-consent request again?

Mr. HARRISON. I ask unanimous consent that on the reconvening of the Senate to-morrow morning at 11 o'clock we proceed to the consideration of the amendment offered by the

Senator from Utah [Mr. SMOOT] and continue its consideration until a final vote is had upon it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. McNARY. Mr. President, there is a great deal of substance in what was stated by the Senator from Nebraska [Mr. NORRIS]. I personally know of several Senators who have left this evening, arranging pairs, upon the theory that the question under discussion would be that which is covered by the unanimous-consent agreement this afternoon, sugar. Personally I am willing to postpone discussion of the sugar problem this evening and take it up to-morrow, provided there is assurance that we will have something to engage the attention of the Senate this evening until 10 o'clock that can be considered in fairness to other Members of the Senate who have not been notified of a change in the program.

Mr. SMOOT. I would not want to take advantage of any Senator who may have left the Chamber. I would not think of doing such a thing.

Mr. McNARY. I appreciate that.

Mr. SMOOT. If there is any question about it I myself would object to the unanimous-consent agreement.

Mr. McNARY. Two Senators, who have left the Chamber and told me of their pairs, would probably be interested in other items. They went away following the unanimous-consent agreement obtained by the Senator from Utah that there would be discussion, after the bill was in the Senate, on the amendment of the Senator from Utah increasing the duty on sugar. I do not believe it is fair, after this agreement was entered into early in the day, now to abandon it and start on something else.

Mr. HARRISON. Mr. President, I do not think the most optimistic believed we would get the bill out of the Committee of the Whole until late this evening. I have submitted my unanimous-consent request in the belief that it will save time. I think we should go along on some other matters to which there will be no objection. There can not be a vote to-night on the sugar question. I have no disposition to fritter away any time on it. I am perfectly willing to fix a time to-morrow to vote, and I am quite sure if we make this arrangement we will save time and get along much more rapidly.

Mr. McNARY. Mr. President, I am not interested in whether there is going to be a vote on the sugar duty this evening or not. I want to see this matter proceed as agreed to earlier to-day in fairness to all the Members of the Senate. The only fair thing to do is to go ahead as agreed on or why was the agreement made? In view of that situation, knowing personally that some Senators have left relying upon the understanding which was reached, I shall object to any change in the program.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, there is not any use of the Senate getting into such a frame of mind that any Senator will charge any of us with trying to cause delay. For many months Senators on this side of the aisle have tried to cooperate in expediting the pending legislation; we are still disposed to do that; but there can not possibly be a vote upon this amendment to-night. I say that for a very good reason, as one who is very much opposed to the amendment, but I know that, through dickering around here, the amendment at this time would be agreed to by at least four votes. I think there ought to be a frank discussion on the amendment to-morrow; I am willing for a vote to be taken then; but I do not propose that by some sleight-of-hand performance immediately the bill gets into the Senate an amendment that has not even been printed shall be voted on. The amendment is technical in its terms, and must be examined by experts. I dare say there is not a Senator upon this floor who could now read and understand it, unless, perhaps, it be my friend the Senator from Louisiana [Mr. BROUSSARD]. This is a technical proposition; I desire to look into the amendment; I want to analyze it; I want to analyze it with the aid of experts, and also to discuss it briefly to-morrow; I think that will be the disposition of other Senators; and I am willing, then, that a vote be taken on it.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. HARRISON. I yield.

Mr. McNARY. I recall very vividly that this is a proposal which was made on yesterday by the distinguished Senator from Mississippi, and is carried into effect to-day. The Senator agreed to it; in fact, he initiated the idea.

Mr. HARRISON. It was to-day that it was agreed to.

Mr. McNARY. It was agreed to to-day, but yesterday an attempt was made by the Senator from Mississippi to have an understanding that we should take up the consideration of the sugar duty to-day, immediately following the transit of the bill from the Committee of the Whole into the Senate. I am advocating the very thing which the Senator himself initiated.

Mr. HARRISON. But when the subject was brought up no Senator believed that we would get a vote on sugar to-night; indeed, it was stated to the Senate by the Senator from Nebraska [Mr. NORRIS] that he had an important amendment which at that time was pending, which would require a good deal of discussion.

Mr. NORRIS. And there were many other amendments pending.

Mr. HARRISON. So I did not at any time believe that we would vote upon the amendment to-night.

Mr. McNARY. I am willing to do this: Let the discussion proceed, and if it shall exhaust the subject to-night, then let us recess until to-morrow, and then vote. I am not caring about a vote to-night.

Mr. HARRISON. Did not the Senator observe just a moment ago that not even the Senator from Utah [Mr. SMOOT]—who thinks that he has the votes in the hollow of his hand, who can look around and see some Senators who voted against increasing this duty previously who he thinks are going to vote for it now—was not going to make a speech but was going to allow the vote to come immediately?

Mr. SMOOT. No.

Mr. HARRISON. And I am forced to keep the floor and to speak, which I will do, if it be necessary, in order to prevent the vote coming at this time.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from Nebraska.

Mr. SMOOT. Mr. President, will the Senator from Nebraska yield to me for just a moment?

Mr. NORRIS. Let me say just a word. What the Senator from Mississippi said about my amendment is true. I can well understand how Senators may be disappointed by the action that I took in withdrawing it after consultation with the Senator from Utah. I agreed to accommodate him, but stated that I would offer the amendment in the Senate later. That has put us forward by all the time that would have been devoted to the discussion of the amendment. So I think there is some reason in the suggestion of the Senator from Mississippi. The Senator from Utah realizes the situation as well as I do. Innocently, perhaps, I have been the partial cause of the existing situation, and so has the Senator from Utah, because of our understanding about my amendment. If the Senate wants to change the program, I will take up the amendment now and we will debate it, or, if a unanimous-consent agreement is entered into, something else may be taken up. I do not want to waste any time.

Mr. SMOOT. Mr. President, I wish merely to say a word to the Senator from Mississippi. I want the Senate to understand that I would rather lose the proposed rate upon sugar than to be accused of undertaking to do anything but what a gentleman ought to do. I resent the statement of the Senator from Mississippi——

Mr. HARRISON. Does not the Senator think he has the votes in hand now?

Mr. SMOOT. I do not know whether we have or not.

Mr. HARRISON. The Senator from Utah has been celebrating to-day, I think, his one hundred eighteenth anniversary in the United States Senate, and he knows how things go on here. He would not want a vote to come on his amendment if he did not think it would be carried to-night.

Mr. SMOOT. Certainly I would; there is not any question about that. If there are sufficient votes to defeat the amendment, of course, the amendment will be lost, and the Senator from Utah can not help it; and if there are sufficient votes to carry it, I would be perfectly satisfied, as the Senator from Mississippi would be if there were sufficient votes to defeat it. We can not change that situation.

Mr. WALSH of Montana. Mr. President, the Senator from Louisiana [Mr. BROUSSARD], who, as everyone knows, is very deeply interested in the sugar schedule, has suggested that this matter go over until to-morrow; the Senator from Mississippi [Mr. HARRISON], who, as everybody understands, is very stoutly against the increased duty, asked that the matter go over until to-morrow——

Mr. SMOOT. And I agreed to that.

Mr. WALSH of Montana. And the Senator from Utah [Mr. SMOOT], who tenders the amendment, says that it is entirely agreeable to him that the matter shall go over until to-morrow. Yet there is very much of justice in what is said by the Senator

from Oregon [Mr. McNARY] that, perhaps, some Senators have left—doubtless they have—expecting that the sugar duty would be the subject of sole consideration for the remainder of the day at least. It would, perhaps, be unjust to dispose of any matters in which they are interested in their absence; yet I think the Senator from Oregon will appreciate that if any question should arise in which any of the absent Senators are particularly interested the Senate would cheerfully let that question go over until to-morrow. Moreover, if, perchance, it should so happen that a particular item in which any absent Senator is interested should be acted upon, there is no doubt in the world that to-morrow the Senate would consent to a reconsideration upon a statement of that condition of affairs being made. So I rather appeal to the Senator from Oregon to withdraw his objection to the request for unanimous consent made by the Senator from Mississippi, and let us proceed this evening with matters that probably will not give rise to very much debate, and the probabilities are that we will be able to dispose of a good share of them.

Mr. McNARY. Mr. President, I am not concerned at what hour the vote shall be taken on the amendment offered by the Senator from Utah. My course is clear in that respect. I want to see that all the Members of the Senate are apprised of the business before the Senate. I made the suggestion a moment ago, which I think was eminently fair, that, starting in at this time, those interested in the sugar schedule should argue the question this evening, and when the debate is at an end at 8 o'clock or half past 8 or 9, then let the amendment go over and to-morrow, without further debate, vote on it.

Mr. WALSH of Montana. Let me remark that the Senator ignores the fact that both the proponents and opponents of the particular amendment ask that it go over until to-morrow.

Mr. McNARY. That was earlier in the day.

Mr. WALSH of Montana. I appreciate that.

Mr. McNARY. The distinguished Senator from Utah and the Senator from Mississippi agreed upon this proposition.

Mr. WALSH of Montana. That is quite right.

Mr. McNARY. Why not carry out the agreement which they made which has been broadcasted to every Member of the Senate? That is the reason why I object at this late hour to changing the program. I am not changing my position.

Mr. WALSH of Montana. Let the Senator from Oregon recall also that the Senator from Nebraska at the close of the session last night tendered an amendment which would obviously give rise to considerable debate. He said in that connection that he wanted to make a few remarks, and would take it up again in the morning. That amendment was practically pending; it was, indeed, pending at that time, and would be likely to take up the best portion of the day, as it was understood at that time. In that situation of affairs, of course the understanding that the sugar amendment was to be taken up as soon as the bill was reported to the Senate contemplated the delay attendant upon the consideration of that very important amendment along with others.

Mr. McNARY. I think my proposition is fair to all the Members of this body. I am not pressing for a vote at this time; I do not want anyone to have advantage over another, and if the debate shall end this evening I will be the first to consent to a vote to-morrow. I stand on that fair proposal, and shall object to changing the program.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. McNARY. I am glad to yield.

Mr. HARRISON. Will the Senator agree to a vote, say, at 1 o'clock to-morrow on this amendment?

Mr. McNARY. If we will go forward with the debate and exhaust it by 1 o'clock, I will gladly cooperate with the Senator in asking for a vote to-morrow at that hour, provided we go on now and stay with the subject matter during the evening.

Mr. HARRISON. I ask unanimous consent that the vote on this amendment be taken at 1 o'clock to-morrow.

Mr. BROUSSARD. I object.

The VICE PRESIDENT. The Senator from Louisiana objects.

Mr. SHORTRIDGE. Mr. President, in order that the unanimous-consent agreement entered into, and insisted upon, I think with great propriety, by the Senator from Oregon, may be carried out and all Senators may be present and not now be forced to engage in a discussion concerning matters which they did not think would come up, and in order to save time and possibly to prevent violence, I propose a unanimous-consent agreement that we take a recess until to-morrow at 11 o'clock.

Mr. SMOOT. I object to that.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. I object.

Mr. SHORTRIDGE. I have made the suggestion, and the Senate having refused, therefore I sit down.

Mr. SWANSON. Mr. President, I have sent for the RECORD to ascertain what the exact unanimous-consent agreement was. It is as follows:

> Mr. HARRISON. I modify my request accordingly. I ask unanimous consent that when the bill gets out of the Committee of the Whole the first item to be considered in the Senate shall be the sugar schedule.

There is no unanimous-consent agreement that we shall do anything but proceed first with the consideration of the sugar schedule, not that it shall be considered until concluded. If we shall consider it for five minutes we will have complied with the terms of the unanimous-consent agreement.

I do not see why a motion can not be made such as was made when we first began the consideration of this bill and the Senate had the power to control it, namely, that the further consideration of this amendment be deferred until 11 o'clock to-morrow. I ask if that would be in order, and I request the Chair to read the unanimous-consent agreement. It simply provides that the sugar schedule shall be first considered, but not that it shall be considered until disposed of.

The VICE PRESIDENT. The Chair thinks that such a motion would be in order.

Mr. McNARY. Mr. President, a parliamentary inquiry. My attention was distracted. I should like to know what is the proposal made by the Senator from Virginia?

Mr. SWANSON. My contention is that the unanimous-consent agreement asked for by the Senator from Mississippi was simply that we should proceed immediately after the bill was reported to the Senate with the consideration of the sugar schedule. There was no agreement that it should be considered until disposed of. I doubt whether we could have gotten such a unanimous-consent agreement. My contention is that if we consider the sugar schedule for five minutes or one minute, a motion is then in order that its further consideration be postponed until 11 o'clock to-morrow morning, and the Chair, I understand, has ruled that under the unanimous-consent agreement such a motion is in order.

Mr. McNARY. Mr. President, has the Chair ruled on the question? I do not care to discuss a proposal which has passed into history.

The VICE PRESIDENT. The Chair held that a motion to postpone until to-morrow would be in order.

Mr. McNARY. Mr. President, I do not want to delay the Senate in discussing a parliamentary proposition which has been passed upon by the Chair, but the unbroken rule has always been that when unanimous consent is entered into, debate continues until final disposition of the proposal.

Mr. SWANSON. It never has.

Mr. McNARY. But if a majority of the Senate wants to postpone action until 11 o'clock to-morrow that is entirely agreeable to the Senator from Oregon, because he always goes with the majority.

Mr. SWANSON. Mr. President, the agreement says the sugar schedule shall be first considered. That may mean 5 minutes or it may mean 10 minutes, or it may mean until disposed of. We can not add to a unanimous-consent agreement; and the Chair has properly ruled that the motion is in order, because the agreement was to consider the sugar schedule first. That is all that was contained in the agreement.

I move that the further consideration of the sugar schedule be postponed until 11 o'clock to-morrow morning.

Mr. McNARY. Mr. President, while I think the Chair has committed a great parliamentary error in holding as he has, and has thus destroyed the purpose of the unanimous-consent agreement, I appeal to the Senator from Virginia that it would not be fair to those who have left here this evening, believing that we were to consider the sugar schedule, to overturn the agreement that was entered into in good faith and substitute another plan of procedure.

Mr. SWANSON. It does not overturn an agreement entered into in good faith. The agreement said that the sugar schedule should be first considered. It would have been impossible to get a unanimous-consent agreement that it should be held before the Senate until disposed of. We might consider it a month, two months, or three months. Let us carry out the unanimous-consent agreement as made. The unanimous-consent agreement was that the sugar schedule should come up first for consideration—not for disposition; not for a vote. It has come up first for consideration. Now, a motion is in order to postpone it until 11 o'clock to-morrow. The agreement has been complied with.

Mr. ASHURST (and other Senators). Question!

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

Mr. McNARY. Mr. President, just a moment.

The VICE PRESIDENT. The Senator from Oregon.

Mr. McNARY. The Senator is making a very skillful argument, but I think it attacks the good faith of the action of this body earlier in the day. Of course, it has been the practice, when unanimous-consent agreements were entered into, that the particular subject matter remained before the Senate until finally disposed of.

Mr. SWANSON. It never has been.

Mr. McNARY. Mr. President, I decline to yield. That is the orderly procedure that always guides deliberative bodies—that the matter remains before the body until finally disposed of. Any other procedure would be unmethodical and not calculated to bring about the best results.

When this agreement was entered into between the Senator from Mississippi and the Senator from Utah every Member of this body believed that when we took up the discussion of the sugar question we would not abandon the Senator's amendment until a final vote was taken. That has been the uniform practice. It is a sensible procedure and plan for sensible men. Anything to the contrary would be childish and foolish.

So, Mr. President, in view of the very unusual ruling of the Chair, which violates all the principles of parliamentary law—about that I have no doubt—the Senator from Virginia attempts to thwart the practice by a unique and novel motion, which, if agreed to—I shall abide by the majority action, of course—breaks faith with every Member who was present in the Senate when this agreement was entered into. If it is the desire of the Senate to break faith in regard to an agreement, very well. I shall oppose it, however.

Mr. HARRISON. Mr. President, I merely desire to state that if this motion prevails, I shall ask unanimous consent when we reconvene at 11 o'clock to-morrow that we vote at 2 o'clock to-morrow, and that the time be divided equally between the proponents and the opponents of the measure.

Mr. SMOOT. Mr. President, I have no objection to that.

Mr. HARRISON. I shall not oppose this motion. Then we can get together on fixing a time.

Mr. SMOOT. Mr. President, I think the Senator from Oregon [Mr. McNARY] is absolutely right. I do not think there is any question but that every Senator who was here when the unanimous-consent agreement was requested believed that we were going on, just as soon as the bill got into the Senate, with the sugar schedule, and would continue its consideration until it was disposed of.

Mr. BORAH obtained the floor.

Mr. SMOOT. I think the Senator from Oregon is right.

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. SMOOT. I thought I had the floor.

Mr. BORAH. The Senator has had the floor all the afternoon.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. BORAH. I was going to ask, if we put aside this particular item, are we going to take up these other matters and consider them during the evening? If we do, I am sure in one instance it will be a surprise to a Senator who has gone away. I do not suppose that anybody expected we would vote on sugar this evening; but certainly Senators did not expect that we would take up other matters until sugar was disposed of.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. President, I was not in the Senate Chamber when the unanimous-consent agreement was made. I do not know what was the understanding of the Senator from Utah [Mr. SMOOT] and the Senator from Mississippi [Mr. HARRISON]; but I do know that the unanimous-consent agreement is simply to take up the sugar schedule for consideration, and no further. I doubt whether the Senator could have gotten any further agreement.

Mr. SMITH. Mr. President, it seems to me no time will be lost, and faith will be kept, if we take a recess now until either 10 or 11 o'clock to-morrow morning. We would then keep faith with those who have gone away expecting us to discuss the sugar schedule. Now that we can not reach that agreement, we will not lose much time by the course suggested. We will keep faith with those who have gone away with the understanding that we were to discuss the sugar schedule, and I do not think any time will be saved by our trying to adjust this matter.

I move, Mr. President, that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. A motion to take a recess is not debatable. [Putting the question.] The Chair is in doubt.

Mr. ASHURST and Mr. SMITH called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. BROOKHART. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. BROOKHART. I want to know what the motion is. Until what time is it proposed that we recess?

The VICE PRESIDENT. The motion is to take a recess until 11 o'clock to-morrow morning. The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. GLENN (when his name was called). I have a special pair with the Senator from South Carolina [Mr. BLEASE]. Not knowing how he would vote on this matter, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. Being unable to get a transfer, I can not vote. If at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. GOULD (after having voted in the negative). I transfer my pair with the Senator from Utah [Mr. KING] to the Senator from Vermont [Mr. GREENE] and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from New Mexico [Mr. CUTTING];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 31, nays 42, as follows:

YEAS—31

Barkley	Fletcher	Jones	Swanson
Blaine	Frazier	La Follette	Thomas, Okla.
Borah	George	McMaster	Tydings
Brock	Harris	Norbeck	Wagner
Brookhart	Harrison	Norris	Walsh, Mass.
Caraway	Hawes	Sheppard	Walsh, Mont.
Connally	Hayden	Shortridge	Wheeler
Copeland	Howell	Smith	

NAYS—42

Allen	Goff	McCulloch	Schall
Ashurst	Goldsborough	McNary	Smoot
Baird	Gould	Metcalf	Steiwer
Black	Grundy	Nye	Sullivan
Bratton	Hale	Oddie	Thomas, Idaho
Broussard	Hastings	Patterson	Trammell
Capper	Hatfield	Phipps	Vandenberg
Cousens	Hebert	Pine	Waterman
Dale	Johnson	Ransdell	Watson
Dill	Kean	Robinson, Ind.	
Fess	Keyes	Robsion, Ky.	

NOT VOTING—23

Bingham	Glenn	Moses	Simmons
Blease	Greene	Overman	Steck
Cutting	Heflin	Pittman	Stephens
Deneen	Kendrick	Reed	Townsend
Gillett	King	Robinson, Ark.	Walcott
Glass	McKellar	Shipstead	

So the Senate refused to take a recess.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. In the Committee of the Whole, was not the amendment that was agreed to in this paragraph offered by the Senator from Mississippi?

The VICE PRESIDENT. That is the understanding of the Chair.

Mr. NORRIS. Why is it that that amendment is not before the Senate, instead of an amendment offered by the Senator from Utah?

The VICE PRESIDENT. The amendment of the Senator from Utah is a substitute for the amendment proposed by the Senator from Mississippi.

Mr. NORRIS. I did not understand that he offered it in that way. I distinctly remember his referring to the numerals that are in the bill.

The VICE PRESIDENT. The amendment strikes out one set of numerals.

Mr. NORRIS. Those numerals were not in the bill as it came from the Committee of the Whole. The figures in the real bill, as amended as in Committee of the Whole, are those given by the Senator from Mississippi in his amendment. If the ruling of the Chair be correct, then the Senator's amendment is an amendment in the third degree, and is not in order.

The VICE PRESIDENT. In Committee of the Whole the Senate struck out "1.54" and inserted "1.24."

Mr. SMOOT. That was all there was to it.

The VICE PRESIDENT. Now, the amendment of the Senator from Utah is to strike out "1.24."

Mr. NORRIS. The Finance Committee brought in an amendment. The Senator from Mississippi moved an amendment to that amendment. His amendment was agreed to. Now the Senator from Utah makes a motion to amend the amendment of the Senator from Mississippi, which in itself is an amendment to a committee amendment, which is an amendment to the House text. It seems to me that if that is true, it is in the third degree, and not in order.

The VICE PRESIDENT. The Chair will hold the amendment in order.

Mr. WATSON. Mr. President, in order to keep faith all around and not disappoint anybody, and in order to give ample time for the consideration of this question, I ask unanimous consent that the Senate now take a recess until 11 o'clock to-morrow morning, coupled with the further agreement to take a vote on this question at not later than 3 o'clock in the afternoon, thus giving four hours of debate, two hours of which I would ask to be under the control of the Senator from Utah and two hours under the control of the Senator from Mississippi.

The VICE PRESIDENT. Is there objection?

Mr. DILL and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. The Senator from Washington.

Mr. DILL. Reserving the right to object, I want to know why we took a vote a while ago, if there is to be a different understanding now?

Mr. WATSON. I do not think there was an understanding about the time when the vote was to be taken.

Mr. SMITH. An understanding will not be reached.

Mr. WATSON. The Senator from Utah was quite anxious that a time be fixed for the vote. The question is on his amendment.

The VICE PRESIDENT. Is there objection?

Mr. DILL and Mr. SMITH. I object.

The VICE PRESIDENT. Objection is made, and the question is on the motion of the Senator from Virginia.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PHIPPS. Mr. President, let the motion be stated.

The VICE PRESIDENT. The motion is to defer further consideration of the pending amendment until 11 o'clock to-morrow morning.

Mr. BARKLEY. I offer an amendment to that motion, that a vote upon the question be taken at not later than 3 o'clock to-morrow.

The VICE PRESIDENT. The time for a final vote can not be fixed by a motion.

Mr. TRAMMELL. Mr. President, I think the adoption of this proposal would merely mean that we should not carry on the business of the Senate to-night in considering any further phase of the tariff bill. Every Senator was put on notice this morning, at the request of the Senator from Mississippi, that the sugar schedule would be taken up first and considered. There is no snap judgment being taken on anybody, and I would like to see the Senate proceed with its business and go ahead with the night session instead of shilly-shallying around adopting every change possible, trying to avoid having a night session. That is what it means.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I withhold my vote.

Mr. GOULD (when his name was called). I transfer my pair with the junior Senator from Utah [Mr. KING] to the senior Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement of my pair as on the previous vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from New Mexico [Mr. CUTTING];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK].

The result was announced—yeas 24, nays 49, as follows:

YEAS—24

Barkley	George	Norbeck	Thomas, Okla.
Black	Harris	Norris	Tydings
Blaine	Harrison	Sheppard	Wagner
Brock	Hawes	Simmons	Walsh, Mass.
Caraway	Hayden	Smith	Walsh, Mont.
Copeland	McMaster	Swanson	Wheeler

NAYS—49

Allen	Frazier	Kean	Robsion, Ky.
Ashurst	Goff	Keyes	Schall
Baird	Goldsborough	La Follette	Smoot
Borah	Gould	McCulloch	Steiwer
Brookhart	Grundy	McNary	Sullivan
Broussard	Hale	Metcalf	Thomas, Idaho
Capper	Hastings	Nye	Trammell
Connally	Hatfield	Oddie	Vandenberg
Couzens	Hebert	Patterson	Waterman
Dale	Heflin	Phipps	Watson
Dill	Howell	Pine	
Fess	Johnson	Ransdell	
Fletcher	Jones	Robinson, Ind.	

NOT VOTING—23

Bingham	Glass	Moses	Shortridge
Blease	Glenn	Overman	Steck
Bratton	Greene	Pittman	Stephens
Cutting	Kendrick	Reed	Townsend
Deneen	King	Robinson, Ark.	Walcott
Gillett	McKellar	Shipstead	

So the Senate refused to postpone the consideration of the sugar schedule until to-morrow.

Mr. BLACK. Mr. President, what is the parliamentary situation with reference to Senate Finance Committee amendments which were adopted as in Committee of the Whole?

The VICE PRESIDENT. The first step is to concur in the amendments made as in Committee of the Whole, and the Senator from Utah proposes an amendment.

Mr. BLACK. I do not mean with reference to this particular change. I refer to other amendments made by the Senate Finance Committee, and which were adopted by the Senate as in Committee of the Whole.

The VICE PRESIDENT. A separate vote may be had in the Senate, provided a reservation was made before the bill went into the Senate.

Mr. BLACK. I had understood yesterday afternoon, from a ruling by the Chair, that it was not necessary to have a separate reservation.

I ask unanimous consent to reserve a separate vote, and for the privilege of offering an amendment to paragraph 1517, line 2, page 212, which was a Senate Finance Committee amendment fixing a 30 per cent ad valorem rate on empty shells.

The VICE PRESIDENT. Is that an amendment to the House text, or to a Senate committee amendment?

Mr. BLACK. The House text provided a 40 per cent ad valorem rate, the Senate Finance Committee reduced it to 30 per cent, and I desire to reduce it still further by another amendment.

The VICE PRESIDENT. The Chair will see that the Senator is put down for a reservation, as he was absent.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of to-day's business the Senate shall take a recess until to-morrow morning at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Utah to the amendment made as in Committee of the Whole. [Putting the question.]

Mr. WALSH of Montana. Mr. President, I do not want to discuss this amendment particularly, but I supposed we would hear something from the mover of the amendment, or from some one else who had something to say about it. If no one

cares to speak in support of the motion, however, I am prepared to go on.

Mr. GLASS. I suggest that the amendment be read from the desk. I do not know what it is.

The VICE PRESIDENT. Does the Senator from Montana yield to have the amendment read?

Mr. WALSH of Montana. I yield.

The VICE PRESIDENT. Let the Senate be in order, and the amendment will be read.

The LEGISLATIVE CLERK. The Senator from Utah proposes the following substitute for paragraph 501:

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscopic test, 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion.

Mr. WALSH of Montana. Mr. President, I trespass upon the patience of the Senate at this time to say something upon the general subject because by reason of a slight indisposition an opportunity was denied me to express my views with respect to the duty on sugar when the bill was in Committee of the Whole, and when that provision of the bill was under consideration.

The debate has proceeded, so far as I have had an opportunity to listen to it, upon the assumption upon the part of those urging an increase in the duty on sugar that unless it should be granted the beet-sugar industry would be destroyed. If I were able to accept that view, however I may have entertained some previous notions about the matter, I should be disposed to go a long way and overlook any preconceived notions upon the subject in order to help it out, for I realize that it is an industry which in the very highest degree deserves nurture and cultivation. Its value is beyond dispute in my judgment. It is an industry of transcendent importance to my State. The Great Western Sugar Co., the principal producer of beet sugar in the United States, is an owner and operator of a great factory at Billings, Mont., one of the largest owned and operated by that company and one of the largest in the United States. Its annual output aggregates over 30,000 tons of sugar. It has been in successful operation now for nearly a quarter of a century. There are likewise three other sugar factories in Montana, much smaller and of very much more recent origin.

The Great Western Sugar Co. is, as stated, the largest producer of beet sugar in the United States. Statements have been made to the effect that it produces 58 per cent of all of the beet sugar produced in the United States. I have definite and positive information, given by one of the higher officers of the association before the so-called lobby committee, that its production at least is in excess of 50 per cent of all of the beet sugar produced in the United States.

That company has had a most successful experience. It was organized in the year 1906, taking over a considerable number of sugar factories theretofore operating, and exchanging for the properties thus taken over its capital stock. It was organized with an authorized capital of $20,000,000, afterwards fixed at $15,000,000, of preferred stock and $15,000,000 of common stock. Practically all of this but about $1,000,000 in capitalization was issued prior to the year 1923, soon after its organization, and the remainder issued at that time.

I have before me a schedule showing the dividends which it has paid since it was organized. It has regularly paid on its preferred stock 7 per cent from the date of its organization except for a few years when the rate was a little less than that. It has paid regular dividends upon its preferred stock without interruption since its organization in 1906 totaling $23,521,750. For the first four years of its existence it paid no dividends upon its common stock, but since that time, since 1910, it has paid dividends regularly, aggregating during that time $60,850,660, or a total in dividends of $84,372,410.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. I think there is a mistake in that figure. It was acknowledged before the committee. The man who prepared that document admitted himself that it was an error.

Mr. WALSH of Montana. The table was prepared, it is true, by an organization which opposes the increase in the duty on sugar. The very document I hold in my hand, however, was presented to Mr. Petrikin, president of the Great Western Sugar Co., when he was a witness before the lobby committee and he admitted that the figures were correct, so I am obliged to accept them upon the statement of the president of the company.

Mr. SMOOT. Before the Finance Committee, when the matter was called to the attention of the committee, it was admitted that there was a mistake of some $35,000,000.

Mr. WALSH of Montana. No, I am very sure the Senator is not correct about it.

Mr. SMOOT. I can place the figures in the RECORD later.

Mr. WALSH of Montana. I ask that this table of dividends paid by the Great Western Sugar Co. may be incorporated in the RECORD, and I add, as heretofore stated, that Mr. Petrikin, the president of the company, being interrogated about it, said the figures were correct.

The PRESIDING OFFICER. Without objection the table will be printed in the RECORD as requested.

The table is as follows:

Fiscal year ending Feb. 28—	Total dividends paid during year	Common dividends	Preferred dividends
1906	$954,100	----------	$954,100
1907	954,100	----------	954,100
1908	954,100	----------	954,100
1909	954,100	----------	954,100
1910	1,085,900	$131,800	954,100
1911	1,481,300	527,200	954,100
1912	1,481,300	527,200	954,100
1913	1,481,300	527,200	954,100
1914	1,481,300	527,200	954,100
1915	1,481,300	527,200	954,100
1916	1,639,460	685,360	954,100
1917	1,741,600	787,500	954,100
1918	8,154,100	7,200,000	954,100
1919	8,004,100	7,050,000	954,100
1920	8,004,100	7,050,000	954,100
1921	8,004,100	7,050,000	954,100
1922	1,854,100	900,000	954,100
1923	1,602,050	600,000	1,002,050
1924	3,450,000	2,400,000	1,050,000
1925	5,850,000	4,800,000	1,050,000
1926	5,850,000	4,800,000	1,050,000
1927	5,850,000	4,800,000	1,050,000
1928	5,970,000	4,920,000	1,050,000
1929	6,090,000	5,040,000	1,050,000
Total	84,372,410	60,850,660	23,521,750

Mr. WALSH of Montana. It will be noted that no dividends were paid on the common stock for the first four years of the existence of the company, but taking the aggregate of the dividends paid upon the common stock, $60,850,660, it will be found that, including the four years during which it paid no dividends upon its common stock, there was paid an average of $2,535,444, or about 17 per cent annually upon its common stock; in other words, $60,850,660 divided by 25 years, the entire period covered since the organization of the company, gives a result of $2,535,444 annually, or practically 17 per cent. That is 17 per cent upon a capitalization of $15,000,000, although all of the stock was not issued until 1923—that is to say, about $1,000,000 worth of it were issued at that time.

But that is not the whole story, bear in mind. In addition to paying the sixty-odd million dollars of dividends upon its common stock it laid by a surplus of $35,773,324. That is upon the authority of the Great Western Sugar Co. itself contained in a document which probably was placed in the hands of every Member of the Senate. I have it before me headed "United States Beet Sugar Association, 1180 National Press Building, Washington, D. C. Phone, Franklin 6864. On the Great Western, May 9, 1929." The document is signed by Harry A. Austin, the secretary of the United States Beet Sugar Association. The document is intended to controvert the idea that the Great Western Sugar Co. has been making inordinate profits upon its investment and it maintains that in computing all the profits which were made the computation should be made not on the basis of $30,000,000 of its capital stock, but on its present assets of some $64,000,000.

Thus it is shown in the document to which I have referred that in the fiscal year ended February 28, 1927, it had net assets of $66,517,056; for the year ended February 29, 1928, it had $64,077,624 of assets; and for the year ended February 28, 1929, it had $65,773,324 in assets. That is to say, Mr. President, beginning in 1906 with assets, so far as the assets were represented by the capital stock, of $30,000,000 it now has $65,000,000 of assets. In other words, in addition to paying the regular 7 per cent dividends upon its preferred stock and 17 per cent average upon its common stock, it laid by $35,773,324 more, which, presumably, is invested in other properties, in new factories, either bought or constructed.

That is to say, for the 25-year period, having laid by this surplus of thirty-five million-odd dollars, it laid by on an average a surplus of $1,490,555 annually, so that its total net earnings figured upon that basis—that is to say, its average divi-

dends and its average surplus laid by—its average net earnings have been $4,025,999, or 26.8 per cent on its capitalization. In other words, its annual earnings going into dividends and surplus amounted to 26.8 per cent.

But even that is not the whole story. The fact about the matter is that it never did have an investment of $30,000,000. Its total investment was not to exceed $15,000,000. In other words, the common stock, in plain language, was pure water. It issued its stock in exchange, as I have heretofore said, for properties of companies then operating, giving a certain amount of preferred stock and a certain amount of common stock.

The facts in relation to that matter were all drawn out in the testimony in what is known as the Sugar-Trust case, an action brought by the Government of the United States to dissolve the Sugar Trust, the testimony being taken in the year 1912, and Mr. C. S. Morey, then the president of the Great Western Sugar Co., testifying to the original investment made by that company.

The Eaton Sugar Co. was acquired, its capitalization being $750,000, in exchange for 6,500 shares of preferred and 6,500 shares of the common stock of the Great Western Co.

The Greeley Sugar Co. was acquired, its capitalization being $750,000, for 7,000 shares of preferred and 7,000 shares of common stock of the Great Western Co.

The Longmont Sugar Co. was acquired, its capitalization being $1,000,000, for 10,000 shares of preferred and 10,000 shares of common stock of the Great Western Co.

The Fort Collins-Colorado Sugar Co. was acquired, its capitalization being $1,250,000, for 12,500 shares of preferred and 12,500 shares of common stock of the Great Western Co.

The Great Western Sugar Co. (Loveland, Colo.), having a capitalization of $1,000,000, was acquired for 10,000 shares of preferred and 10,000 shares of common stock of the Great Western Co.

The Billings Sugar Co., of my State, capitalized at $1,250,000, was acquired for 12,500 shares of common stock and 12,500 shares of preferred stock of the Great Western Co.

The Sterling Sugar Co., capitalized at $900,000, was acquired for 9,730 shares of preferred stock and 9,730 shares of common stock of the Great Western Co.

The Morgan County Construction Co.—Fort Morgan and Brush factories—capitalized at $1,400,000, was acquired for 14,000 shares of common stock and 14,000 shares of preferred stock of the Great Western Co.

The Agricultural Investment Co., having a capital of $1,500,000, was acquired for 15,000 shares of common and 15,000 shares of preferred stock of the Great Western Co.

The Windsor Sugar Co., having a capitalization of $750,000, was acquired for 7,500 shares of preferred and 7,500 shares of common stock of the Great Western Co.

That is the ordinary way in which such combinations are effected, the preferred stock representing the actual value of the property taken over and the common stock being given as a bonus. That that was the case in the instance under consideration is clearly apparent from the testimony of Mr. Morey given in the case to which I have referred. I quote from his testimony as follows:

[Testimony of Chester S. Morey, president of the Great Western Sugar Co. of Colorado; examined by Mr. Knapp, assistant to United States district attorney at New York City, May 21, 1912, before Wilson S. Brice, special examiner, page 379]

Q. And for the $1,250,000 of the par value stock of the Fort Collins (Colo.) Sugar Co. the Great Western Co. issued $2,500,000, didn't it?—A. Preferred and common stock?

Q. Yes.—A. The preferred stock is all I considered worth anything.

Q. Just answer my question, please.—A. Yes, sir; preferred and common.

Q. So you did get two for one for stock?—A. Of a kind.

Q. But you did not consider the common worth anything?—A. I did not; speculative.

And on page 393:

Q. What was the Agricultural Investment Co., Mr. Morey; and what did it have to do with the formation of the Great Western Sugar Co. of New Jersey?—A. It was a company there that loaned out money at times. That is about all I know about it. It was an eastern corporation.

I quote now from page 394:

Q. Why did you issue $3,000,000 in stock in payment of a debt of $1,500,000?—A. I did not object to that, because I felt that issuing of a million and a half of preferred stock and a million and a half of common stock was no more than if we issued a million and a half of one stock, and no division of it. It canceled the debt. I considered at that time that the value of the common stock was entirely speculative.

Q. But the preferred stock you thought was worth par?—A. I thought that ought to be safe.

Observe, Mr. President, that he does not assert that even the preferred stock represented the actual value of the property taken over, but he thought it would be safe to regard the property as worth that much.

Q. When you say it was speculative, what do you mean by that?—A. I mean if the company made a success—a great success—then that stock would become valuable, but it all depended upon the success in the future.

Q. Do you consider it worth anything at that time?—A. I didn't have a very high opinion of it myself.

Q. You thought that it was worth practically nothing at that time?—A. I did.

Q. Didn't you know at that time that Mr. Havemeyer, or didn't you believe at that time that Mr. Havemeyer had an interest in the Agricultural Investment Co.?—A. I think I did.

Q. And that was the reason why you gave the company a million and a half of common stock, was it not?—A. No; I would not say it was because Mr. Havemeyer had an interest in it. It seemed to me it was equally fair to give a million and a half of each stock there as it was to give two shares of stock in payment of the factory.

Q. Because you believed the factories and the property turned over by the six companies, including the good will and everything else, were worth the amount of the preferred stock?—A. Yes, sir.

Q. And that the common stock was simply thrown in?—A. Yes, sir.

So, Mr. President, we are in no doubt about the proposition that the $15,000,000 preferred stock represented really the actual investment in this enterprise. Therefore, instead of figuring the earnings on the basis of $30,000,000, as I have heretofore figured them, we must, as a matter of fact, figure the earnings upon the basis of not more than $15,000,000. Figuring up on that basis we have the following results:

Dividends which it has paid, $84,372,410; surplus, $35,773,324; total, $120,145,734.

The total sum, divided by $15,000,000 capital stock, makes practically an annual return of an even $5,000,000 upon an investment of $15,000,000; in other words, it has made 33⅓ per cent on its investment from the time it started.

Mr. President, bear in mind I find no fault with this; indeed, I am proud that this company has done so well, and I take considerable pride in the fact that the Billings factory in the State of Montana has contributed so abundantly to the extraordinary profits made by the company; but when the company comes before the Congress of the United States asking for an increase in the duties which have heretofore been imposed and by reason of which, in part at least, it has made these extraordinary profits, I feel that we ought to scan the request with particular caution.

I want to call attention to another thing. It has been suggested, however, that, while the company has made profits in the past, it has been paying its dividends in recent years out of unusual profits which it made during the war time. That claim does not seem to be sustained by the figures.

In 1911 it paid dividends on its common stock of $5, in 1912 it paid $5, in 1913 it paid $5, in 1914 it paid $5, in 1915 it paid $5, in 1916 it paid $6.50, in 1917 it paid $7.46, in 1918 it paid $68.28, in 1919 it paid $66.86, in 1921 it paid $66.86—bear in mind on the basis of hundred-dollar shares. The last four years that I have given represented the dividends which the company paid during the flush war period. That period being over, the dividends then dropped, and in 1922 the company paid but $8.53, and in 1923 but $5.69; but under the operation apparently of the duty imposed by the act of 1922 and the reviving condition of industry throughout the country, it paid in 1924 $22.76, in 1925 it paid $45.53, in 1926 it paid $45.53, in 1927 it paid $45.53, in 1928 it paid $46.66, and in 1929 it paid $47.80.

Mr. NORRIS. Mr. President, the dividend payments to which the Senator refers represent payments on hundred-dollar shares, do they not?

Mr. WALSH of Montana. Yes; on hundred-dollar shares. So, it will be observed, Mr. President, that if the company had carried over an unusual surplus by reason of profits it made during the war, it would of course have kept up its dividends in 1922 and 1923 to figures higher than those given here; in other words, it would have distributed the surplus over the lean years.

Likewise, it will be observed that during the last year, 1929, it paid a higher rate than it had paid prior thereto. That suggests that there are some statements made in another document put out by the Great Western Co. which do not seem to conform quite to the facts. I have here before me a copy of the testimony of Mr. Lippitt, general manager of the Great Western Sugar Co. before the subcommittee of the Finance Committee, from which I read as follows:

Capitalization: The shareholders of the Great Western number about 9,000, one-third of them owning preferred stock. Upon the formation of the company capital stock to the amount of $20,000,000 was issued to be used in taking over the companies then operating in the territory. The $20,000,000 was represented by 100,000 shares of preferred and 100,000 shares of common, all stock selling at a par value of $100. In 1906, the year after its formation, the Great Western increased its capitalization to $30,000,000 by the issuance of further stock and the capitalization of accumulated earnings. No stock ever was sold for less than par, nor were common shares ever given as bonus with preferred.

I have stated what the actual facts are about the matter.

In recent years the common stock has been split up, so that to-day each share represents only one-twelfth of the original common share.

But I call attention to another paragraph of this testimony given by Mr. Lippitt, as follows:

In two of the last three years the company did not earn its dividends on common stock.

It will be borne in mind that the dividends in the last three years have been at the rate of $45.53 a share, $46.66 a share, and $47.80 a share. It may be that the company did not earn all of the dividends that it paid in those three years.

In two of the last three years the company did not earn its dividends on common stock. In the fiscal years ended February 28, 1927, and February 29, 1928, respectively, the Great Western paid nearly 50 per cent of its common-stock dividends out of surplus. Sugar prices in the last three years, it should be observed, were materially higher than at present.

Observe:

In the fiscal years ended February 28, 1927, and February 29, 1928, respectively, the Great Western paid nearly 50 per cent of its common-stock dividends out of surplus.

I have here, Mr. President, the report of the Great Western Sugar Co. for the past year, which I ask may be incorporated in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. WALSH of Montana. I read from the last page thereof, as follows.

Mr. McMASTER. Mr. President, is this the statement published by the company itself?

Mr. WALSH of Montana. This is the company's own pamphlet, showing its condition for the year ended February 28, 1929; the report for the year ended February 28, 1930, not being available to me, of course.

Profits from operations	$10,548,000.47
Interest earned—bank deposits, loans, etc	199,876.77
Total	10,747,877.24
Less:	
Interest on money borrowed	190,500.80
Depreciation of plants and railroad	1,706,776.54
Federal income taxes	1,064,900.02
Total deductions of	2,962,177.36
Net income (all companies)	7,785,699.88

If we are correct, then, in assuming that the actual investment of the Great Western Sugar Co. has been $15,000,000, its profits for the last year have aggregated practically 50 per cent.

If we shall consider, however, that its actual investment is $30,000,000, the actual earning on its common stock amounts to about 45 per cent. That is to say, take 7 per cent of $15,000,000, $1,050,000, for dividends upon its preferred stock; deduct that from the $7,785,699.88, and the balance goes to the common stock of $15,000,000, making 45 per cent. This, Mr. President, is confirmed as well by the income-tax report of the Great Western Sugar Co., which shows that for the year 1928 its profits amounted, according to its books, to $3,530,000; for 1927, to $3,365,713.27; and for 1926, to $6,424,142. The returns for the year 1929 show exactly the amount given by the annual report—$7,785,699.88.

Mr. President, I can not admit that the correct way to figure the profits of the Great Western Sugar Co. is to take its present total assets and figure how much its returns have been for recent years on its total assets, because its assets over and above the $30,000,000 simply represent what it made and set aside over and above 17 per cent annually figured upon a basis of $30,000,000, or 33⅓ per cent, figured upon a basis of $15,000,000 of investment.

That would be justifiable only if they had turned all their earnings into new properties or had contented themselves with very meager dividends—less than a reasonable return on the investment. But what went into surplus was the excess above a fair return, on which they may not justly claim returns through added duties. In other words, Mr. President, this company, from indisputable testimony from its own officers, has been highly successful under the present and past tariffs; and, again, I repeat that I find no fault with that. These people are engaged in a legitimate business, and, so far as I know, they are carrying it on in a perfectly legitimate manner. I have no fault at all to find about that; but when they come here asking for increased duty we may justly scan with every caution their transactions in the past.

Mr. President, as I have stated heretofore, there are three other factories in the State of Montana. They are new; they are struggling institutions. They can show no such profits as the Great Western. The largest of these, at Sidney, Mont., has an output perhaps not greater than about one-third of the output of the Billings factory. Its output is about 10,000 tons a year. Two other factories in the State of Montana have been removed from the Utah-Idaho country to the State of Montana; but it will be borne in mind that those three factories have been established within the last five years by men of great experience in the business, the factory at Sidney being owned by the Holy Sugar Co., which operates extensively through the Rocky Mountains territory. The factory at Chinook was moved there, as I say, from the Utah-Idaho territory by the Utah-Idaho Co., long in the business. The factory at Missoula was removed from the same territory. It is owned by the Amalgamated Co., equally in the business for a long time.

Those three factories were established in the State of Montana under the duty prescribed by the act of 1922; and it is reasonable to assume that when they were established those people, who know the business—know it from A to Z—calculated and computed what they would be likely to make upon their investment under the existing tariff. Bear in mind, too, that when they were established no one contemplated an increase in the duty on sugar.

Worse than that, Mr. President, when they were established there had been a determination by the Tariff Commission that $1.23 represented the entire difference between the cost of producing sugar in this country and elsewhere. There had been pending before the commission since 1922 an application under the flexible provisions of the tariff law to reduce the duty. In the face of the application to reduce the tariff and in the face of the finding by the Tariff Commission, which under all ordinary circumstances would operate for a reduction of the tariff materially from the present level of $1.76, these three factories were established; and I need some demonstration that these people, who calculated on the basis of that situation and invested their money, were all wrong about it and that they now need some further tariff in order to operate.

Mr. President, I have no doubt that the sugar factories in the Utah-Idaho territory are in a rather depressed condition; but it is due to the fact that they have been troubled down there with the fly hopper, which preys upon the beet plants, and has very seriously affected the returns there; and these factories have been moved from that territory farther north into the Montana territory, where, fortunately, up to the present time at least, we have not been thus afflicted. Whether the colder nights that we have in Montana than they have in the more southern territory account for the failure of the fly to do any damage to us or whether it is due to the fact that it has not yet reached our territory, we fortunately have not been troubled with it as they have there. So the trouble with the Utah-Idaho factories is not the lack of an adequate tariff. It is due to other circumstances and conditions to which I have adverted.

Mr. President, I should like to see the farmers in the State of Montana who contribute such an abundant supply of beets to the Billings factory, and these other farmers in the tegritory which supplies the other factories in the State of Montana, get more than they do for their beets. I think the Great Western might very easily and very appropriately have been more liberal, considering the showing that they have made, in the prices that they have offered the farmers who supply the beets to that factory. I would like to see them get a better price for their beets; but I can not overlook the fact that I represent 600,000 people who live in the State of Montana, and it is my duty, and I should be recreant to my trust if I did not consider their interests as well as the interests of the farmers who raise beets.

Mr. President, what does this mean to the State of Montana? If the duty of $1.76 a hundred exacted under the present law is effective, what amount would the people of Montana, 600,000 of them, pay in the way of a duty on sugar?

The consumption of sugar by the people of the United States has been increasing enormously during the last 50 years, and

principally during the last 20 years, so that now the total consumption of sugar in the Nation amounts to something over 100 pounds per individual; that is to say, the total amount of sugar used for all purposes in the United States divided by the population will give a quotient of about 100 pounds.

So that we must figure that every man, woman, and child in the State of Montana pays for 100 pounds of sugar annually. In other words, by reason of the duty, if the duty is effective, they pay $1.76 apiece, and six hundred thousand and odd of them pay $1,161,000.

Mr. SMOOT. The Senator does not think the duty is effective, does he?

Mr. WALSH of Montana. I am going to talk now about the increase of 24 cents in the duty which is proposed by the amendment of the Senator from Utah. No doubt the Senator believes that will be effective.

Mr. SMOOT. It will be effective as far as the other is effective, as to the quantity, but it will not change one whit the price of candy or the price of sugar on the table.

Mr. WALSH of Montana. I know; the Senator has heretofore argued that the duty on sugar does not increase the price of it at all.

Mr. SMOOT. I do not say that, and never have said it. I have said it does not increase the price of a certain class of sugar used for certain purposes, and it does not, no matter whether it is 10 cents or 2 cents, if you go and buy it at 5 cents a pound or 10 cents a pound.

Mr. WALSH of Montana. I do not care to argue that proposition. We had it up the other day in the case of oil. We were told that a duty of a dollar a barrel on crude oil would not be reflected at all in the price of gasoline, because the price of gasoline does not follow the price of crude oil at all.

In other words, the refiners of the United States would be called upon, on account of the proposed duty, to pay an additional $900,000,000 for the crude oil which they handle in their refineries, but they would not ask the people of the United States to reimburse them that $900,000,000. Gentlemen may argue that to some minds, but mine, I say, is closed. I can not believe that the Standard Oil and the Gulf Refining Co. and the Dutch Shell, and the other companies engaged in the commercial production and marketing of gasoline, are going to pay $900,000,000 more for their crude oil and not make the consumers of gasoline in the United States pay for it.

The 24-cent increase proposed now by the Senator from Utah, of course, is going to increase the price of sugar by 24 cents a hundred. There is no possible escape from that conclusion, as it seems to me, regardless of whether the $1.76 duty is reflected in the price or not.

What does that mean to the 600,000 people of the State of Montana? I figure on a basis of 110 pounds for each individual, because that is more nearly accurate than 100 pounds. It would mean a tax upon the people of the State of Montana, for the purpose of maintaining these factories, of $158,400 a year. If those factories in the State of Montana should come to the legislature and ask that the people of the State tax themselves to the extent of $158,400 for the purpose of maintaining those factories, I wonder what answer would be made. No one can doubt what the answer would be.

Mr. President, I am not solicitous at all about convincing anybody about the soundness of the argument I make. The facts can not be disputed. About the conclusions arrived at, I am not solicitous that anybody should be influenced in any way by anything I may say, and, of course, I know that nobody will be. I have merely risen to explain the reasons why I am unable to vote for this duty so much desired by the beet growers in the State of Montana.

Mr. SMOOT. Mr. President, when I spoke on the subject of sugar I quoted the low price that Cuban sugars were offered for in New York, $1.98 a hundred. Last week Cuban sugar fell to $1.54. It was never so low in the history of the world.

Mr. WALSH of Montana. Wheat prices have gone down, too; so have cotton prices.

Mr. SMOOT. The Senator now is saying that the $1.76 costs the American people so much money. The whole sugar industry is demoralized. If the controlling interest in Cuban sugar—and I might name the National City Bank—has its way, it is going to destroy the industry in the United States, and when the industry is destroyed, then you will see what the American people will pay.

Mr. WALSH of Montana. I had in mind the opening argument of the Senator from Utah upon this matter, which started out upon the proposition that unless we impose this duty, the beet-sugar industry will be destroyed. So I started out to demonstrate that, at least, the Great Western is well buttressed.

Mr. SMOOT. Since I made that statement, three sugar plants have gone into the hands of receivers.

Mr. WALSH of Montana. I can tell the Senator banks that have gone into the hands of receivers since that time, banks in my State, and all over the country.

In 1920 we had a slump in all manner of products, the price of sugar dropped with all the rest, the price of wheat dropped, the price of beef dropped, everything dropped. There is again another drop, affecting all classes of agricultural commodities. Sugar goes down the same as the rest do. But let me remark, however low the price of unrefined sugar may be in the city of New York to-day, whatever unrefined sugar comes in, whatever may be the price, $1.60, or $1.54, or $1.58, whatever it may be, the importer must add $1.76 before he undertakes to refine it at all. No one can escape from that conclusion. Accordingly, the domestic producer has the $1.58, and he has on top of that $1.76 more.

Mr. SMOOT. Of course, nobody is disputing the fact that the tariff on sugar is effective even when it is as low as it is to-day.

Mr. WALSH of Montana. Undoubtedly, and the domestic producer will get the importing price plus the tariff.

Mr. SMOOT. That is exactly the situation, but this is the question, do we want that industry in the United States? If we do, then we have to protect it so that it can live against conditions existing now in Cuba.

Mr. WALSH of Montana. I agree with the Senator; and at least the Great Western has shown no difficulty about existing.

Mr. SMOOT. Under certain conditions, but I do not think the Great Western will make a single dollar this year.

Mr. WALSH of Montana. That is speculation.

Mr. SMOOT. I do not think it is speculation, and I will tell the Senator why. First, thousands and tens of thousands of tons of beets froze in the ground for the first time, I suppose, in the history of the company.

Mr. NORRIS. Mr. President, I know a farmer whose wheat was all destroyed by hail.

Mr. WALSH of Montana. Yes, Mr. President, but I do not think that in fixing tariffs we can take into consideration these adventitious conditions.

Mr. SMOOT. I am not asking the Senator to do so, but the Senator remarked about the industry being prosperous in the past. It is true they have been, although I went to the Senator and asked about the report he produced, and I say now to the Senator that that $156,000,000 is too large by $42,000,000.

Mr. WALSH of Montana. I am very glad the Senator has corrected that.

Mr. SMOOT. That is what I had in mind.

Mr. WALSH of Montana. Then the Senator misspoke himself. I was not using the calculation of this gentleman at all. I was making my own calculations.

Mr. SMOOT. Oh, well, that makes a difference.

Mr. WALSH of Montana. I gave my own figures, based on the dividends. The Senator challenged the schedule of dividends I put in.

Mr. SMOOT. No; I challenged the statement made by the Senator as to the amount they made as reported by this gentleman, who stated a figure $42,000,000 in excess of what it should have been.

Mr. WALSH of Montana. I have not given any computation of the gentleman representing the Cuban sugar people at all.

Mr. SMOOT. Did not the Senator say that the president of the company was asked whether those figures were correct?

Mr. WALSH of Montana. No; he was asked whether the figures in this schedule were correct, the schedule of dividends which I have put in the RECORD.

Mr. SMOOT. I misunderstood the Senator.

Mr. WALSH of Montana. The Senator obviously misunderstood me.

Mr. SMOOT. I did; because I felt the Senator was referring to the other.

Mr. WALSH of Montana. The gentleman made some computations of his own, but I do not undertake to say whether they are correct or not correct. I gave the actual dividends paid by the Great Western Sugar Co., and from those I made my own computations.

Mr. SMOOT. I have no quarrel with the Senator in regard to that.

Mr. WALSH of Montana. I felt sure the Senator would not have.

Mr. SMOOT. Certainly not.

Mr. WALSH of Montana. Anyway, I repeat, I merely desired to state my own position with respect to this matter. I could not, under these circumstances, think of taking a dollar out

of the pockets of the farmers of the State of Montana who raise wheat or raise cattle, or the miners who work in the mines in Butte, for the purpose of swelling these very satisfactory profits which have been made by the Great Western Sugar Co. Those farmers and miners have no one to represent them except their representatives upon this floor and upon the floor of the other House. The sugar factories have had here a powerful lobby advocating their cause, and nobody blames them for that. They have contributed very liberally to the $200,000 which has been raised by the interests advocating this increase in the duty, and they are here with representatives and with literature to establish their case. Unless we upon this floor speak in the interest of the general consumer of sugar in the State of Montana, his voice is not heard at all.

I felt that my duty would not be done unless I laid these facts before the Senate and indicated the reason why I can not support this amendment.

EXHIBIT A

THE GREAT WESTERN SUGAR CO. ANNUAL REPORT, FEBRUARY 28, 1929

General offices: Sugar Building, Denver, Colo.

Location of factories: Eaton, Greeley, Windsor, Fort Collins, Loveland, Longmont, Brighton, Fort Lupton, Johnstown, Ovid, Sterling, Brush, Fort Morgan, Colo.; Scottsbluff, Gering, Bayard, Minatare, Mitchell, Lyman, Nebr.; Billings, Mont.; Lovell, Wyo.

Board of directors: Charles Boettcher, Denver, Colo.; Claude K. Boettcher, Denver, Colo.; Arthur O. Choate, New York, N. Y.; M. W. Gano, Denver, Colo.; E. R. Griffin, Denver, Colo.; Horace Havemeyer, New York, N. Y.; Gerald Hughes, Denver, Colo.; W. D. Lippitt, Denver, Colo.; R. K. Marsh, Denver, Colo.; John W. Morey, Denver, Colo.; Edwin Morrison, Denver, Colo.; W. L. Petrikin, Denver, Colo.; Fred H. Roberts, Denver, Colo.; M. D. Thatcher, Pueblo, Colo.; B. A. Tompkins, New York, N. Y.

Executive committee: W. L. Petrikin, chairman; W. D. Lippitt, Charles Boettcher; M. D. Thatcher; E. R. Griffin.

Officers: W. L. Petrikin, president; W. D. Lippitt, first vice president and general manager; Charles Boettcher, second vice president; B. A. Tompkins, third vice president; M. D. Thatcher, treasurer; S. P. Saunders, secretary, auditor, and assistant treasurer; Caldwell Martin, general counsel.

Transfer agents: J. G. Kisler, E. F. Shepard, office of the company, Sugar Building, Denver, Colo.; Bankers Trust Co., New York, N. Y.

Registrars: The International Trust Co., Denver, Colo.; the Chase National Bank, New York, N. Y.

DENVER, COLO., *April 8, 1929.*

To the Stockholders of the Great Western Sugar Co.:

Herewith is submitted the combined financial statement of the Great Western Sugar Co. and its subsidiary companies for the fiscal year ending February 28, 1929.

The 1928 beet crop was purchased under a contract which provided for a guaranteed minimum price of $7 a ton in the Colorado and Nebraska districts and $7.50 a ton in the Montana and northern Wyoming districts, a reduction of $1 a ton in the initial payment as compared with the previous season's prices. The contract further provided, as has been customary in recent years, for participation by growers in returns above the guaranteed minimum, dependent upon sugar content of the crop and prices realized in marketing the sugar.

The lower initial payment made necessary by unfavorable sugar-market prospects resulted in the planting of a somewhat smaller acreage than in the preceding year. Under favorable growing conditions, however, the yield was above normal both as to quantity and in sugar content. The production of granulated sugar for the year, including the output of the Johnstown refinery, was 10,080,363 bags of 100 pounds each, a decrease from the previous year of only 4 per cent, as compared with a decrease of 14½ per cent in acreage planted to the crop.

Sugar-market levels are now considerably below those a year ago, and in fact lower than for many years. Prospects for the immediate future are not particularly encouraging, and until production and consumption are brought more nearly into equilibrium there is little reason to expect a material advance in prices. Our present stock of sugar is being marketed at an approximately uniform monthly rate in the territory from Chicago westward to the Rocky Mountains, and it is the plan and expectation that it will be disposed of by the time new sugars from the current crop are available.

The domestic producers of sugar, both cane and beet, are seeking to bring about a reasonable increase of import duties on sugar from foreign countries, as well as to have restored some restriction upon duty-free importation of sugar from the Philippine Islands. The special session of Congress convening on April 15 will consider a revision of the existing tariff bill. We are encouraged to feel that some additional tariff protection will be given to the domestic industry, although it is unlikely to become effective in time to influence selling prices of any substantial part of the crop produced the past season.

In keeping with the company's policy of expanding manufacturing capacity as rapidly as sound development of tonnage warrants, announcement has recently been made of our intention to commence construction of a plant at Wheatland, Wyo., for completion prior to the 1930 manufacturing campaign. The Wheatland territory is located about midway between the Colorado and Nebraska districts of the company, and we have been carrying on there for a number of years a development program, which has resulted in the successful establishment of beet growing. With the completion of this mill, the company will have 22 producing plants, including the molasses refinery at Johnstown, Colo.

The current season's beet crop is being contracted upon the same price and terms as last year's, and prospects are that plantings in our various districts will aggregate about 300,000 acres, an increase of a little less than 20 per cent over last year's acreage. Climatic conditions have so far been very favorable, and the winter precipitation assures a normal supply of water for irrigation.

Respectfully submitted.

W. L. PETRIKIN, *President.*

The Great Western Sugar Co. and subsidiary companies—Consolidated balance sheet February 28, 1929

ASSETS

Plants, railroad, real estate, and equipment		$41,102,140.27
Investments (stocks)		4,000.00
Cash on hand and in banks		5,275,758.12
Notes receivable		97,585.11
Accounts receivable		2,863,807.97
Refined sugar and by-products on hand		23,989,125.69
Beet seed and supplies on hand		3,553,355.46
Prepaid expenses		925,117.17
		77,810,889.79

LIABILITIES

Capital stock (authorized and issued)		30,000,000.00
Preferred (150,000 shares, $100 par)	$15,000,000.00	
Common (1,800,000 shares, no par)	15,000,000.00	
General taxes, pay roll, and accounts payable		1,053,893.35
Accrued Federal income taxes		1,063,907.96
Reserve for deferred manufacturing cost		400,000.00
Reserve for depreciation		9,519,764.81
Surplus:		
Balance Feb. 29, 1928	$34,077,623.79	
Add net income for fiscal year ended Feb. 28, 1929	7,785,699.88	
	41,863,323.67	
Less dividends paid during year	6,090,000.00	
		35,773,323.67
		77,810,889.79

The Great Western Sugar Co. and subsidiary companies—Consolidated income statement, fiscal year ended February 28, 1929

Profits from operations	$10,548,000.47	
Interest earned—bank deposits, loans, etc	199,876.77	
		$10,747,877.24
Less—		
Interest on money borrowed	190,500.80	
Depreciation of plants and railroad	1,706,776.54	
Federal income taxes	1,064,900.02	
		2,962,177.36
Net income (all companies)		7,785,699.88

I have examined the books and accounts of the Great Western Sugar Co. and of the subsidiary companies and verified the cash, the loans, and securities owned.

The foregoing consolidated balance sheet and income statement agree with the books, and I hereby certify that in my opinion they show correctly the results of the year and the true financial condition of the company and its subsidiaries as of February 28, 1929.

WM. E. HUMPHREYS,
Certified Public Accountant.

DENVER, *April 8, 1929.*

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Heflin	Schall
Ashurst	Fess	Jones	Sheppard
Barkley	Fletcher	Keyes	Smith
Bingham	Frazier	La Follette	Smoot
Black	George	McKellar	Steck
Blaine	Goldsborough	McNary	Steiwer
Bratton	Gould	Norris	Swanson
Brock	Grundy	Oddie	Trammell
Brookhart	Hale	Phipps	Vandenberg
Broussard	Harris	Pine	Walsh, Mont.
Capper	Harrison	Pittman	Watson
Connally	Hawes	Ransdell	Wheeler
Copeland	Hebert	Robinson, Ind.	

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

Mr. WATSON. Mr. President, I ask unanimous consent that the Senate now recess until 11 o'clock to-morrow morning and that at not later than 3 o'clock to-morrow a vote be taken on the sugar amendment; that during the time from 11 o'clock to-morrow morning until 3 o'clock to-morrow afternoon one half of the time shall be controlled by the Senator from Utah [Mr. SMOOT] and the other half by the Senator from Mississippi [Mr. HARRISON].

Mr. HEFLIN. Mr. President, will the Senator withhold that request for a moment to enable me to offer a resolution?

Mr. WATSON. Will not the Senator withhold it until to-morrow?

Mr. NORRIS. Mr. President, I think the Senator ought not provide that the Senator from Utah and the Senator from Mississippi control the time. I have no objection to an agreement that one half the time shall be alloted to those who favor the amendment and the other half to those who oppose it.

Mr. WATSON. Very well; I amend my unanimous-consent request accordingly.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the Senate do now recess, the recess being under the order previously entered, until 11 o'clock to-morrow morning; that at not later than 3 o'clock to-morrow a vote be taken on the sugar amendment; and that the time between 11 o'clock to-morrow morning and 3 o'clock to-morrow afternoon be divided one-half to those who favor the amendment and one-half to those who oppose it.

Mr. HEFLIN. Mr. President, as I understand the request of the Senator from Indiana it is that we should now recess. I will ask him to withhold the request until I may offer a resolution and have it read and considered. If I can not get immediate action, I shall let it go over until later.

Mr. WATSON. Very well; I withhold the request for the moment.

REPORT ON UNSPINNABLE COTTON

Mr. HEFLIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 225), as follows:

Whereas it is alleged that there is a considerable quantity of very low-grade cotton and damaged cotton which has been rejected for spinning purposes, and that said cotton is being accumulated and kept from year to year for the purpose of counting it in the cotton supply in the United States; and

Whereas such a practice, if true, is not only unfair and harmful to the cotton producers of the United States, but unfair and misleading to the public because it is counted as a part of the spinnable cotton supply; and

Whereas this unspinnable, low-grade, and damaged cotton should be eliminated from the amount of spinnable cotton carried in the Government reports: Therefore be it

Resolved, That the Bureau of the Census is hereby requested to ascertain through its gin reporters and other agents in the service the number of bales of the kind of cotton designated in the preamble of this resolution as unspinnable, low-grade, and damaged cotton and report same to the Senate.

Mr. WATSON. I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Indiana? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered (by unanimous consent), That at not later than 3 o'clock p. m. on to-morrow (March 5, 1930) the Senate proceed to vote upon the pending amendment of the Senator from Utah [Mr. SMOOT] to the sugar schedule, the time from 11 o'clock a. m. to 3 o'clock p. m. to be equally divided between the proponents and the opponents of the amendment.

The VICE PRESIDENT. Under the order just agreed to the Senate will now stand in recess until 11 o'clock to-morrow morning.

Thereupon the Senate (at 7 o'clock and 12 minutes p. m.) took a recess until to-morrow, Wednesday, March 5, 1930, at 11 o'clock a. m.

LIST OF AMENDMENTS ON H. R. 2667 RESERVED FOR SEPARATE VOTES

Par.	Page	Line	Subject	Senator
1	2	12	Formic acid	Glenn.
16	7	1	Calcium carbide	King.
19	7	12	Casein	Howell Blaine.
31	17	18, 19	Cellulose acetate	Copeland.
52	23	20	Camphor, synthetic	Harrison.
54	24	14	Olive oil	King.
69	29	16, 17	Ultramarine blues	Copeland.
73	30	5, 6	Litharge	Thomas, Idaho.
73	30	6	Red lead	Do. Goff.
80	31	22	Sodium, potassium	Copeland.
82	32	8	Sodium chlorate	Steiwer.
82	32	22	Anhydrous sodium sulphate	Hayden.
83	32	24	Sodium sulphide	King.
83	33	1	Sodium sulphite	Do.
205(a)	37	5	Gypsum	Copeland.
206	37	25	Pumice stone	Allen.
206	38	1	do	Do.
207	38	16	Silica	Pittman.
208	38, 39	.....	Mica	Simmons.
211	40	.....	Pottery	Goff.
212	42	.....		Do.
218	44–47	.....	Glassware	Copeland.
218(c)	45	12	Illuminating articles	Smoot.
219	47	.....	Window glass	Goff.
221	48	6	Rolled glass	Copeland.
222	49	647	Plate glass	Patterson.
222	49	.....	Plate glass	Goff. Glenn.
301	56	.....	Pig iron, hammer scale, etc	Copeland.
301	56	3	Pig iron	Grundy.
301	56	19	Chromium	Walsh, Montana.
304	61	16–18	Hollow drilled steel	Glenn.
305	62	6, 7	Tungsten	Walsh, Montana.
305	62	23, 24	Chromium	Do.
317	70	.....	Galvanized wire and fencing	Copeland.
319	72	7	Iron cylinders	Do.
339	78	16, 17	Aluminum utensils	Glenn.
369	103	19	Automobiles	Copeland.
372	106	25	Brush machines	Goldsborough.
374	107	.....	Aluminum	Grundy, Glenn.
376	108	.....	Antimony	Copeland.
382	110	.....	Aluminum foil	Grundy, Glenn.
385	112	.....	Tinsel wire	La Follette.
394	115	.....	Zinc ores	Copeland.
401	118	4	Maple and birch lumber	Vandenberg.
403	118	.....	Cabinet woods	Copeland.
404	118	.....	Wood veneers	Do.
411	120	.....	Spring clothespins	Greene.
501	.....	.....	Sugar	Smoot.
502	.....	.....	Molasses	Do.
503	122	6, 7	Maple sugar and sirup	Harrison. Copeland.
601	123	3	Wrapper tobacco	
710	127	.....	Cheese	Copeland.
713	127	25	Egg yolks	Goldsborough.
713	127	.....	Eggs	Copeland.
736	134	12, 14,	Berries	Smoot.
737	134, 135	8, 17	Cherries	Do.
743	146	.....	Lemons	Walsh, Massachusetts. Copeland.
751	138	1	Flowers, bulbs	Harrison.
755	139	13, 14 1 15	Brazil nuts	Smoot.
759	140	4	Nuts	Do.
766	142	10	Mushrooms	Hastings.
767	142	17	Green peas	Ashurst.
770	143	1–3	Tomatoes	Do. Kean. Copeland.
772	143	6	Peppers	Ashurst.
777	144	21	Broomcorn	Glenn.
779	145	15	Mustard	Goldsborough. Copeland.
781	146	8	Long-staple cotton	
806(b)	147	24	Fruit juice	Smoot.
1001	160	.....	Crin vegetal	Copeland.
1114	177	.....	Knit goods	Do.
1122	180	21	Wool fabrics	Smoot. Blaine. Copeland.
1301	183	8	Rayon yarn	George.
1306	185	.....	Woven fabrics of rayon	Copeland.
1402	188	.....	Paper board	La Follette.
	189	.....	Pulpboard	
1405	192	14	Plain basic paper, sensitized paper	McKellar. Walsh, Massachusetts.
1413	200	.....	Paper board, pulpboard	La Follette.
1501	201	.....	Asbestos products	Copeland.
1511	208	9	Cork insulation	Kean.
1513	208	.....	Toys	Cutting.
	209			
1517	212	2	Cartridge shells	Black.
1527	219	.....	Jewelry	Copeland.
	220			
1529	222	.....	Laces	Do.
1530c	226	7	Kid leather	Hastings.
1530	225	.....	Hides and leather	Oddie. Copeland.
1531				Walsh, Massachusetts.
1532	229	.....	Gloves	Thomas, Oklahoma.
	230			

[1] Committee amendment.

LIST OF AMENDMENTS RESERVED, ETC.—continued

Par.	Page	Line	Subject	Senator
1537	231	17	Chip roping	Copeland.
1545	235	11	Sponges	Do.
1547	235		Antiques	Do.
1554	241	1	Umbrellas	Goldsborough.
1556	241	9	Beeswax	Blaine. Copeland. Vandenberg.
1643	252	21	Portland cement	Kean. Copeland.
1650	253	8	Coal	Jones.
1804	274	23	Countervailing duty on lumber	Grundy.
1811	279	2	Works of art	Kean.
1812	279	7	do	Copeland.
305	286	10	Immoral articles	Smoot.
484h	379	4	Entry of merchandise	
484j	380	14	Release of merchandise	
526	427		American trade-marks and patents	Smoot.
527	429	12	Wild animals and birds	Do.
584	447	12	Opium	Howell.

NOMINATIONS

Executive nominations received by the Senate March 4 (legislative day of January 6), 1930

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

John N. Willys, of Ohio, to be ambassador extraordinary and plenipotentiary of the United States of America to Poland.

UNITED STATES ATTORNEY

Charles B. Kennamer, of Alabama, to be United States attorney, northern district of Alabama. (He is now serving in this office under an appointment which expired February 16, 1930.)

UNITED STATES MARSHAL

Edgar C. Geddie, of North Carolina, to be United States marshal, eastern district of North Carolina, to succeed Rippon W. Ward, whose term expired February 16, 1930.

PROMOTION IN THE NAVY

Capt. Walton R. Sexton to be a rear admiral in the Navy from the 31st day of March, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 4, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, at whose footstool the morning stars sing together and in whom there is perfect love and harmony forevermore, Thy providence hast brought us to another day. How much more intelligently and bravely we can serve our fellow men with Thy truth to guide us and Thy Spirit to inspire us. O bestow upon us the mercy of these blessings. Life's limitations would be bitter, indeed, had we not the assurance that this is God's earth, and it bears testimony of His presence and His goodness. Blessed Father, as we live, make us eager to love and follow Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 223

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES ANTHONY HUGHES, late a Representative from the State of West Virginia.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock a. m. to-morrow.

The message also announced that pursuant to the foregoing resolution the Vice President had appointed Mr. GOFF, Mr. HATFIELD, Mr. WATSON, Mr. HARRISON, Mr. BARKLEY, and Mr. FESS members of the committee on the part of the Senate to attend the funeral of the deceased.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 18, 1930:

H. R. 2824. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Fort Donelson, Tenn.," approved March 26, 1928.

On February 19, 1930:

H. J. Res. 207. Joint resolution authorizing an appropriation to defray the expenses of participation by the Government of the United States in the Inter-American Congress of Rectors, Deans, and Educators in General to be held at Habana, Cuba, on February 20, 1930;

H. R. 7497. An act to amend the act entitled "An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania," approved February 16, 1928, and to extend the times for commencing and completing the construction of the bridge authorized thereby;

H. R. 7635. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.; and

H. R. 7637. An act to extend the time for constructing a bridge across the Santa Rosa Sound, Fla.

On February 20, 1930:

H. J. Res. 252. Joint resolution making an additional appropriation for maintenance of the Senate Office Building.

On February 21, 1930:

H. R. 5401. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate free highway bridges across Bayou Bartholomew at or near each of the following-named points in Morehouse Parish, La.: Coras Bluff, Knox Ferry, Bonners Ferry, and Parkers Ferry.

On February 26, 1930:

H. R. 1018. An act to provide for the establishment of a Coast Guard station at or near Grand Island, Mich.

On March 3, 1930:

H. R. 5415. An act to legalize a bridge across the Choctawhatchee River between Hartford and Bellwood, Ala.;

H. R. 5573. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 7260. An act authorizing Oscar Baertch, Christ Buhmann, Fred Reiter, and John W. Shaffer, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 7631. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at Presidio, Tex.; and

H. R. 7828. An act granting the consent of Congress to the State of Montana or the county of Richland, or both of them, to construct, maintain, and operate a free highway bridge across the Yellowstone River at or near Sidney, Mont.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that on Friday, after the fulfillment of the various orders for that day, I may address the House for 15 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that on Friday, at the conclusion of the address of the gentleman from West Virginia [Mr. BACHMANN], he may address the House for 15 minutes. Is there objection?

There was no objection.

ADDRESS BY DR. JULIUS KLEIN, ASSISTANT SECRETARY OF COMMERCE

Mr. MCMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered by Dr. Julius Klein, Assistant Secretary of Commerce, on The Industrial South.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MCMILLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address by Dr. Julius Klein, Assistant Secretary of Commerce, delivered at the International Naval Stores Conference, under the auspices of the Pine Institute of America, Jacksonville, Fla., 10 to 10.30 p. m. February 25, 1930; broadcast through the courtesy of the Columbia Broadcasting System:





THE NEW INDUSTRIAL SOUTH

In the new industrial South we are witnessing a display of extraordinary energy, skill, and determination. An economic advance—as fundamental as it is striking—is in evidence everywhere. The activities of the South have ramified amazingly. Manifold new interests are being vigorously developed. All sorts of splendidly successful productive efforts have sprung up in recent years. And certain of these, as we are gratified to see, are of an absolutely novel character, promising to make a vital contribution to our American economic life throughout the coming years.

The industrialization of the South proceeds apace. The industries become more diverse. The scope of activity is constantly widening. All this is thoroughly admirable from the standpoint of southern economic interests, because in diversification lies the greatest assurance of security and progress.

The value of southern manufactures and the wages paid in southern factories have more than tripled in less than 20 years.

When I speak of the economic progress of the South, I include the States of Maryland, West Virginia, Missouri, and Oklahoma, in addition to the so-called Old South. On this basis one notes—with gratification and a degree of astonishment—that the manufactured products of the South were valued in 1927 (the last census year) at $10,371,000,000. This is a little more than twice the value of the output of southern crops and livestock. I mention this not by any means in criticism of the great farm staple industries of the South, but simply to correct the impression that the South is economically lopsided through overdependence upon cotton and tobacco. Such an assumption is, of course, merely uninformed nonsense.

Southern economists are coming to appreciate more and more clearly the desirable ratios and relationships between agriculture and industry, and are working ever more zealously to bring about a proper balance and equilibrium between those two great interests. It is through such balanced economy that stability is most effectively established.

In considering this vital subject we must never make the mistake of inferring that the industrial growth of the South is entirely a post-war development—even if by "war" we should mean the war of '61 to '65. I have some interesting figures on the production of pig iron, which show that during the period from 1840 to 1860 the South was supplying about one-fourth of the Nation's total of that commodity—most of the southern share coming from Kentucky and Tennessee. In 1856, which was a good sample year, the South produced more than 86,000 tons out of the Nation's total of 348,000. Southern industrial enterprises of all kinds numbered nearly 25,000 in 1860, with an aggregate capital of $175,000,000. Railway development, shipping, and finance in the Southern States prior to 1860 showed up splendidly in comparison with the other sections of the country.

The requisite ability and aptitude were there. The industrial spirit existed. The necessary experience was being gained. What we have witnessed in recent years has been a magnificent flowering and fruition from seeds that were planted long ago.

The variety of that new industrial blossoming is something in which the South may take the keenest pride. Fifty-six per cent of all the cotton goods manufactured in this country, according to the census of 1927, were produced in the Southern States. Yet the $910,000,000 worth of southern cotton goods in that year represented less than 10 per cent of the total value of manufactures in the South. It is needless to speak in detail of the lumber and timber products manufactured, the furniture industry, the iron and steel works and rolling mills, the tobacco manufacturing, and the great number of miscellaneous industrial activities which range from paper boxes to electric machinery and from coffee roasting to the manufacture of mattresses and bedsprings. The two industrial developments that strike the business analyst most forcefully are, of course, the rise in the South of that new giant of the textile group, the rayon industry, and the expansion of iron and steel activities.

All these things show conclusively that new and powerful forces are driving forward throughout the South. Novel ideas, breadth of vision, practical capacity, a realistic grasp of essential facts and needs—these admirable qualities are everywhere apparent.

One vital factor to be borne in mind is the rôle that will be played in the great future of southern industry by electric power, transmitted over long distances. This will mean inevitably a progressive decentralization of hitherto highly concentrated industries. We shall doubtless see industries spreading more and more to the small towns, the "open spaces." One finds in the South remarkable opportunities for developments of this character.

Bearing upon this point some of you doubtless have heard of an experimental interconnection of electric transmission lines running from New Orleans to Kansas City, which was successfully operated for eight hours by a group of public-utility companies serving the States of Louisiana, Texas, Oklahoma, Arkansas, Kansas, and Missouri. In this experiment more than a thousand southern towns and cities were linked together, and the entire system was operated as a single unit. Engineers are studying the technical results of those power exchanges, determining the savings effected and the engineering features that apply to intercommunication. Such efforts are surely big with promise for the economic future of the South.

In the new industries that are springing up in the Southern States we find an evolution comparable to that which we are witnessing in the Pacific Coast States—a region which was once concerned almost wholly with agriculture, stock raising, and mining, but which is now making truly amazing progress in manufacturing industry. The South and the West—those are the two sections of our country which, more than any others, are experiencing this transformation and swift material rise.

The great naval-stores industry, whose sound advancement has been the concern of this present conference, is not one of these newer industries of the South; but we note with lively interest the new developments that have arisen in connection with it. This, of course, is one of the oldest industries in this country, dating back to the earliest colonial days. It is historic, picturesque, deeply rooted, rich in tradition. It illustrates most admirably the capacity of the southern people to maintain productive effort with vigor and tenacity, and to modify or enhance it as changing conditions require.

It is fascinating to turn our thoughts back to those old days when it was customary for vessels coming from Europe with supplies for the Colonies to return home bearing a cargo of naval stores to be used in building and outfitting sailing ships. The pine timber was used in building the hulls of the ships, and it was utilized, too, as masts and spars. The pine pitch was used in calking the seams of the ships, and the turpentine was used in painting the vessels. Originally, there was very little use for rosin, but to-day this item proves more important than the others. And to-day the strictly naval uses for all these products are (I need hardly say) overshadowed by their utilization in other ways.

From 1840 to 1860 the Carolinas supplied about 90 per cent of the total domestic naval-stores production. By 1890 both those States had experienced a large decline in output on account of deforestation, and a southward and westward migration of the industry began. At the present time, as the representation at this meeting testifies, Georgia and Florida are the foremost producing States, furnishing about 77 per cent of the total, with Alabama, Mississippi, Louisiana, and Texas supplying the remainder.

We have good reason to be proud of the fact that the United States is the world's greatest manufacturer of naval stores, accounting for about two-thirds of the whole, as against one-fifth for France, the country next in rank.

It is needless for me to emphasize the importance of this naval-stores industry, which in the crop year 1928 turned out products worth approximately $40,000,000, having 1,150 operating establishments and more than 40,000 persons engaged in the work. This industry produced, in that twelvemonth, more than 35,000,000 gallons of turpentine and more than 2,500,000 barrels of rosin of 500 pounds each. Our United States exports of naval stores in 1929 attained a high value of nearly $30,000,000, surpassing the 1928 figure by 18 per cent. To Great Britain, to Germany, to the Netherlands, to Argentina, to Japan, to Soviet Russia, and to many other countries go these important and characteristic products of the South.

The new thought which is making a really new industry of "naval stores" is typical of the new South. I mentioned the rise of wholly novel endeavors in this region. Such a one is the tung-oil industry of Florida, which possesses a truly romantic aspect. For many centuries the Chinese have gathered the nuts from the tung trees, crushing them and expressing the oil through laborious processes. "China wood oil," it is sometimes called, and the United States is importing more than 100,000,000 pounds of it per year. For it we are paying our Chinese friends more than $1,000,000 a month.

But now groves of tung trees have been established in our own South and are to-day beginning to come into actual production. Tests of the yield indicate that the product is superior in quality to the imported grade. Reasons advanced for the high quality of the oil obtained are the scientific care in the cultivation and fertilization of the trees and the modern methods employed for extraction of the oil—another tribute to southern enterprise.

I am convinced that the future of this development is extremely bright. Thus, through the initiative and foresight of the new South, the Nation may be relieved of dependence upon a foreign source of supply of this raw material which is essential in the manufacture of paints and varnishes, oilcloth and linoleum, which is also used in considerable quantities for lining brake bands of automobiles. This oil possesses the extremely valuable attribute of imparting rapid drying and waterproofing properties to materials.

When this new industry reaches the point where the output of tung oil is able to meet the demands for consumption, we may reasonably expect that industries which are consumers of the commodity will spring up and flourish in the Southern States. Such industries are enjoying exceptional prosperity in the United States to-day, and it seems likely that additional productive capacity will be required. As the essential materials are produced in the South, the factor of ready

accessibility may be expected to bring about the establishment of new plants in these States.

We hear, too, of projects involving the manufacture of insulating wallboard from "bagasse," the refuse from sugar-cane, and that may mean the reclamation, for the growing of the cane, of great areas of southern swamp-land that are now virtually useless.

In the South we find, also, immense deposits of phosphate rock which are being mined in increasing quantities. When we bear in mind that such rock is processed to make finished fertilizer, and that the fertilizer industry promises (in the not distant future) to be one of our greatest, we can discern here a factor of the utmost value to the South.

As most people are aware, chemical developments are the basis for much of our contemporary progress and success. The chemical industry, in fact, is basic to all industry. And the State of West Virginia, the State of Alabama, and other States in the South already have chemical developments of great magnitude and truly national importance. The atmospheric nitrogen industry promises to be a distinctive development of the South.

I am naturally gratified at the expressions of appreciation, on the part of the naval-stores industry, of the services which our Chemical Division in the Department of Commerce has been endeavoring to render—successfully, I feel. The chief of that division, having been actually engaged in the business of merchandising naval stores—among other things—before joining the department, is intimately familiar with the problems of the industry. The extremely close relationship that has existed between the department and the industry has been a source of pleasure to us, and has resulted, I believe, in mutual helpfulness of a substantial character.

Let us look briefly at another outstanding example of the southern advance. What the western States of the new South have accomplished, and are now accomplishing, in petroleum production is well known to the Nation. But that advance becomes particularly striking, I believe, when we compare present-day conditions with what was being done 30 or more years ago. In the decade of the nineties the entire United States averaged a yearly production of only 55,000,000 barrels of petroleum. In 1928 the two States of Texas and Oklahoma produced more than 500,000,000 barrels. In other words, these two States gave us ten times as much oil as all of the 48 States, taken together, were producing 30 years ago.

It is in such progress as this—of which countless other examples might be cited with the utmost ease—that we find the power and purpose of the new South. It is things like these that are bringing about the great increase in southern wealth, of which I may take a single example in the Piedmont Carolinas. In a 20-year period, I learn, the wealth of that region has increased no less than 660 per cent. That, it goes without saying, is by no means a solitary example.

Wonderful forest possibilities in the new South are clearly indicated, I think, in the recent annual report of the director of the Southern Forest Experiment Station. A total of 190,000,000 acres in the South are classed by him as actual or potential forest land, and he expresses the conviction that, under full production and managed for continuous growth, the forest lands of the South could provide at least one-third of the wood requirements of the entire United States.

I find certain experts advocating very strongly the planting of trees on such submarginal lands of the South as are being abandoned for purposes of agricultural production.

Reforestation is a vital problem in the development of the South; and turpentine and rosin, as the most important products of the pine tree, will play a leading rôle.

In foreign trade the future of the Southern States is rich in promise—and the present-day achievement is more remarkable than many persons realize. Considering the tonnage of our commerce in the fiscal year 1929, we find that more than one-third of all our exports and 27 per cent of our imports passed through southern ports. Toward those ports there is an unmistakable tendency for our Latin American trade to gravitate in increasing measure.

There is every evidence, in fact, that the South is on the eve of a great expansion of her foreign trade—not so much along the old lines of passive raw-material distribution but rather through increased sales of those fabricated wares to which so much attention is being directed in the South to-day. In the multitude of necessary raw materials, in the abundance of water power and fuel, in proximity to seaboard facilities, to rapidly expanding markets, and to sea lanes that lead to other export fields of vast potentiality the South enjoys a combination of advantages of genuinely compelling power.

In the near-by Latin American countries, especially, there should be a fertile field for augmented southern trade. The purchasing power and productive capacity of the Caribbean countries are already very great and are certain to grow. Any temporary depression in certain regions to-day can not blind us to that fact.

Exports from the South to-day to all parts of the world are of an amazing diversity. Those persons who have enjoyed the winter sports at St. Moritz and at other Swiss resorts have probably never realized that a large proportion of the skis originated in Memphis. This is, of course, only a minor instance of a major tendency.

Possessed of the vigor and adaptability of youth, the commercial and industrial interests of the new South may look forward with confidence to a continuation of the remarkable development that has taken place in recent years. The South is earnest and resolute. It has the attributes necessary to the attainment of the goals that it is setting for itself.

The resourcefulness of youth, as manifested in this new South, means ambition, initiative, eager aspiration. Those are assuredly admirable qualities—but the youthful-minded southern business men to-day must not fail to guard against the possible "defects of their virtues." When one is plunging ardently ahead, striving to hew new paths through individual action, he may at times lose sight of the inescapable need for teamwork, for collaboration, for a recognition of the fact of interdependence.

Yet enduring business success to-day is reached only through these more solid, less spectacular means. The "gregariousness" of American business men is one of their greatest assets. An impulse to remain aloof, to "go it alone," may be perhaps a sign of intrepid self-confidence—or it may mean merely that a man is either too impetuous or too dull.

Cooperation is the key to commercial achievement. I emphasized not long ago the tremendous value of vigorous regional cooperative effort within the several sections of our Nation. I want to reiterate to-night my profound conviction that very great benefits may be generated in that way.

The Department of Commerce believes in the regional economic idea. Consequently, it has carried out a survey of the States to the southeast and is doing comparable work to-day in the Gulf Southwest and elsewhere in the country. You have been good enough to say that such work has been helpful.

The States, the cities, the rural districts, of a region have a great deal in common. In many vital respects their interests are identical. Therefore, much may be accomplished through concentrated cooperation for the building up of the distinctive interests of an area.

That principle is strictly pertinent to the economic advance of the new South. And it applies not only thus broadly but also, in a more restricted sense, to harmonious action among firms and individuals engaged in related effort. I would not be considered as implying that trade-association activity is lagging in the South—such is surely not the case. I hope most earnestly that the South will not fail to carry this basic idea of cooperation to its full and logical application in every sphere. In the Pine Institute of America, and in similar organizations, it has found a most excellent expression and embodiment.

The business men of the South will do well, perhaps, to shun a too impatient haste in the enhancement of their already great commercial triumphs. They will, I feel certain, not lose sight of the fact that permanent and cumulative business well-being can be grounded only in knowledge. Facts are forces of incalculable power. Adequate market research, sound market analysis, are peculiarly vital in the case of industries that are developing so rapidly as those of the new South. Such study pays rich dividends—everywhere and always.

Those of us who know the record of the South feel sure that the essential analyses will not be lacking. The new South will accomplish the coordination that is indispensable. It is bringing to its problems intelligence of the highest type. It is vigilant and alert. It is showing a penetrating comprehension of the conditions of the modern world.

QUIBBLING ABOUT DISABILITIES OF WORLD WAR VETERANS

Mr. HALSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of disabilities of World War veterans.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALSEY. Mr. Speaker, Congress should take quick action to relieve the many thousand World War veterans now in suffering and distress. Either the present laws providing for their compensation are vitally defective or the Veterans' Bureau is moribund with red tape and technical interpretations of laws enacted by Congress for their relief that are both trivial and unworthy of consideration.

It is the strong desire of the American people, and it is the will of Congress that all World War veterans now broken in health, diseased, and crippled, be given physical and financial relief without bureaucratic denial or delay.

It is unfair, it is unjust, it is contrary to the spirit and purpose of the laws enacted for their benefit that many worthy and disabled veterans should be denied relief with the old familiar objection, "Disability not service connected" or "Per cent of disability does not warrant any compensation." It appears a bureaucratic system of rules and regulations has grown up based on harsh and literal interpretations of the laws en-

acted by Congress for the veterans' benefit that defeat the object such legislation sought to accomplish—relief and compensation for the gassed and shell-shocked, the diseased and wounded veterans of the greatest war of all time.

In my judgment, Mr. Speaker, the Veterans' Bureau should be less of a stickler for rigid adherence to the letter of the law as set forth by its legal department, and give more consideration to the debt this Government owes to the flower of its young manhood who at its call followed the flag across the seas to die if need be, while many safe at home reaped a golden harvest.

There is to-day just and widespread complaint among the veterans that many of their comrades are neglected and in grievous distress because they can not prove with legal evidence to the satisfaction of some board that tuberculosis or other disease, or their disability in some other form, is service connected.

If this attitude of the Veterans' Bureau is due to laws already enacted then those laws should be speedily amended with more liberal provisions.

If, however, these conditions are due to the exercise of mistaken bureaucratic authority, improvement might be obtained by abolishing the Veterans' Bureau and transferring its work to the Bureau of Pensions for a more just and equitable administration.

THE NECESSITY OF PUTTING A DUTY ON TAPIOCA IN ORDER TO PROTECT THE PRICE OF THE CORN OF THE AMERICAN FARMER

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent that the order permitting me to address the House be vacated and that I be permitted to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order permitting him to address the House to-day be vacated and that he may extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Mr. Speaker, I assume the gentleman's request refers to the order permitting him to make his remarks on Thursday.

The SPEAKER. The original order was for to-day and that was postponed until Thursday. This vacates both orders. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, I desire to once more lift my voice in this House in behalf of the American farmer.

My special reason for making this speech at this time is to bring before the Congress of the United States the importance of considering a duty on tapioca. If this commodity is allowed to remain on the free list, as it is at the present time, the corn farmer will in time lose the greatest cash market he now has for the sale of his corn.

The amount of corn used to-day by the Corn Products Co. is estimated to be 40 per cent of the cash corn of the country. If you take this market away from your farmer constituent and give it to a foreign country, how will you be able to go back home, look him square in the eyes, and say you have passed this tariff bill for his relief?

The battle between starch, produced in tropical climates by the manihot or cassava plant, commonly known in commerce as cassava starch, tapioca starch, or tapioca, and starch produced from American corn is of long standing. This conflict has attained proportions of importance in comparatively recent years. The importations of tapioca and sago—another tropical starch—amounted to about 54,000,000 pounds in 1921, and reached the enormous sum of about 180,000,000 pounds in 1929. This is equivalent to the importation of about 6,000,000 bushels of corn in the form of starch.

The present duty on corn—15 cents per bushel—has been increased in the new Smoot-Hawley bill to 25 cents per bushel. Under the present tariff tapioca and sago starches are on the free list. The Smoot-Hawley bill, as reported by the Committees on Ways and Means of the House and Finance of the Senate, not only retains tapioca and sago on the free list but adds thereto arrowroot starch, another tropical starch.

Since starch is the principal and most valuable constituent of corn as well as potatoes, and because all starches from whatever source derived are highly competitive both for food and industrial purposes, it is quite evident to all intelligent people that a duty on corn and potatoes is a vain and futile gesture if the tropical starches referred to are permitted to enter this country free of import duties.

The plant from which tapioca starch is obtained develops a potatolike tuber containing a high percentage of starch. An acre of land in Java, under unfavorable conditions of location and cultivation, will produce 7,280 pounds of tubers. From these, inefficient manufacturing processes yield 30 per cent starch, or 2,184 pounds of starch from 1 acre of land.

A yield of 30 bushels of corn per acre is higher than the average for the United States. The best, most improved factory processes produce 34 pounds of commercial starch from a bushel of corn, or 1,020 pounds per acre—less than one-half of that obtained in Java under conditions known to be considerably below the average.

Nor is this by any means all of the advantage in favor of Java. There are several other important factors which must be added to superior productivity. The best land in Java is devoted to sugar, rice, and coffee. Usually the less valuable land is allotted to tapioca. This land costs about $30 an acre as against $150 to $200 per acre in our Corn Belt. Labor in Java ranges from 12 to 25 cents per day, as against $1.50 to $2 per day in the Corn Belt. Under these enormous differences of productivity, land values, and wages, what chance has the American farmer to compete with the tropical producer of tapioca?

Bear in mind that from the chemical standpoint starch is starch, no matter from what source derived. Tapioca starch can be used as a crude material for making food products, sugar, and sirup with equal facility as cornstarch, and can be used and is used for the same industrial purposes—textiles, paper, plywood, adhesives.

If American agriculture is denied protection in respect to starch, competition will force the removal of the corn-products industries from the Corn Belt to the seaboard and destroy the most valuable market which American corn now enjoys. It should be emphasized that the corn-products industry now consumes about 40 per cent of the cash corn of the country. Destroy this demand for corn and the result will be the greatest disaster which could befall the corn grower. Do not lose sight of the fact that the corn and cornstarch consuming industries can find relief by importing foreign starch whenever it is advantageous to do so, and can locate plants at the most economical points on the seaboard. The farmer has no such redress. He is absolutely helpless. He can not transport his land and is already in difficulty in regard to remunerative markets. Import duties on all starches will be of direct benefit to American agriculture. If agriculture is to enjoy the benefits of protection, all starches must be subject to import duties.

There was a time when all of the distilleries that made the alcohol of the country were situated in the Corn Belt, and the alcohol was made from corn, but they have been removed to the Atlantic coast and are now making the alcohol of blackstrap molasses, imported from Cuba, thus depriving the farmer of the sale of 40,000,000 bushels of corn yearly.

If something is not written into this tariff bill for the protection of the cornstarch industry I am convinced that we will see the corn-products plants following the alcohol plants to the east coast, where they will be in cheap communication with the low-prices foreign products and this substantial market on American corn lost forever to the American farmer.

If this goes on, I predict that the time will come when no one will recollect that starch was made from corn. More than that, the great Corn Products Co., located at Pekin, Ill., will feel this loss of a great portion of their business, and, in time, those who now make their living by working in this great plant may find it necessary to look for positions in some other direction.

I tell you, my colleagues, protection for the manufacturers that use the products of the farm will be of more service to this country than any other legislation that can be passed. Unfortunately there seems to be a disposition by some Members of the House and Senate to destroy the manufacturers that create a market for the farmers' products.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS

The first business in order on the Consent Calendar was the bill (H. R. 4813) extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, on a prior occasion, when this bill was taken up, I moved that it be passed over in order that I might have opportunity to study the enabling act authorizing the disposition of these lands. I have made inquiry and I want to ask the gentleman from South Dakota [Mr. WILLIAMSON] whether under the purview of this bill the lands will be offered to homestead entry at the former appraised value fixed by the department?

Mr. WILLIAMSON. That is a question entirely within the discretion of the Secretary of the Interior. My own impression

is that before these lands are entered they will be reappraised. It is possible that they could be entered under the old appraisement, but it is more probable that a new appraisement will be made.

Mr. STAFFORD. The bill provides that the land shall be restored to homestead entry upon the terms and conditions specified in the original act. I would certainly object to the bill if these lands were to be opened to homestead entry at the nominal price of $1.25. Can the gentleman give that assurance under the act and under the bill itself?

Mr. WILLIAMSON. Yes; I think I can give that assurance.

Mr. STAFFORD. I think there should be some change in the date fixed in this bill as to its effective date. I think the date should be some time in September.

Mr. WILLIAMSON. I think it should be the 1st day of August.

Mr. STAFFORD. The gentleman thinks it will be passed by the other body within that time so that sufficient notice could be given?

Mr. WILLIAMSON. Yes; I think so.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of an objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the period provided by law for the filing of homestead entries upon that portion of the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota described in the act of May 29, 1908 (35 Stat. 460), be, and is hereby, extended for a period of five years from and after the 1st day of March, 1930, upon the terms and conditions specified in said acts and acts amendatory thereof.

With a committee amendment as follows:

Strike out all after line 3 down to and including line 10 and insert the following: "That the lands within the Cheyenne River and that portion of the Standing Rock Indian Reservation in the States of South Dakota and North Dakota described in the act of May 29, 1908 (35 Stat. 460), and opened to homestead entry on May 2, 1910, which are now or may hereafter become vacant, be restored to homestead entry for a period of five years from and after the 1st day of March, 1930, upon the terms and conditions specified in said act and acts amendatory thereof."

Mr. STAFFORD. I offer an amendment to the committee amendment: Line 7, page 2, strike out "March" and substitute "August."

The SPEAKER. The gentleman from Wisconsin offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 2, line 7, strike out the word "March" and insert the word "August."

The amendment to the committee amendment was agreed to.

Mr. WILLIAMSON. I offer another amendment to the committee amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON to the committee amendment: Page 2, at the end of line 9, insert "*Provided*, That the proceeds from such entries shall be subject to disbursement for the benefit of the Indians upon such reservations in the discretion of the Secretary of the Interior: *Provided further*, That all lands not entered or disposed of during the period herein provided for, or that may revert to the Government for any cause, shall return to their former status as tribal lands and be subject to allotment in the manner and as provided by law."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT M'KINLEY, PORTLAND, ME.

The next business on the Consent Calendar was the bill (H. R. 707) to authorize an appropriation for construction at Fort McKinley, Portland, Me.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, may I inquire if the Committee on Appropriations and the Committee on Military Affairs of the House have straightened out their differences in the matter of fixing appropriations in authorization bills of this kind?

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes; certainly.

Mr. BARBOUR. I will state that since this bill was last before the House for consideration, members of the Subcommittee on Appropriations for the War Department have met with certain members of the Committee on Military Affairs, and the matter has been thoroughly discussed, and I believe an understanding has been reached with regard to these appropriations. The substance of the understanding is that on bills authorizing construction projects the Committee on Military Affairs will require detailed plans and specifications, with information as to the cost of all of the things that go into the construction of the buildings before reporting an authorization bill. Where several buildings are to be constructed at a post they will give consideration to making a lump-sum appropriation for all of the buildings at such post, instead of indicating the amount that will be authorized for each particular building.

Mr. LAGUARDIA. If the gentleman from California will permit, the first half of his understanding, I think, is very satisfactory, because if any legislative committee has all of the facts concerning new construction, then it can recommend appropriations intelligently. As to the second half of this understanding, permit me to suggest that we have had that experience before, where we have had an appropriation for erecting buildings at a military post, and the experience in the past has been that too much money has been spent on certain buildings before the program was completed. So I would recommend to the gentleman from California to consider very carefully the feasibility of going back to the old system of lump-sum appropriations for a given post rather than holding them to appropriations for each building but based upon proper specifications and sufficient information.

Mr. BARBOUR. I will state to the gentleman from New York that the first half of my statement would also apply to the second half, that detailed plans and specifications would be required for each of the buildings and then a lump-sum authorized for all of the buildings at the posts. That would allow a certain amount of leeway and avoid the situation which I understand now exists at Mitchel Field in New York, where a specified amount has been authorized for each building and they are unable to get bids for any of the buildings within the amounts that are authorized. Therefore they have no buildings and they can not go ahead with any of them.

Mr. LAGUARDIA. And that has resulted in the very condition I have been complaining about.

Mr. BARBOUR. I think it has.

Mr. LAGUARDIA. I shall not object.

Mr. SPEAKS. If the gentleman will permit, would it not be a better plan to delay these building activities until some definite plan for Army posts could be decided upon?

Mr. LAGUARDIA. I understood that was done. You have a building program, and then you have your priority list, and it was my understanding we are proceeding in accordance with that program.

Mr. SPEAKS. That is not my understanding. When the building proposal was originally introduced and discussed on the floor I objected to it on the ground that before action was taken we should make a survey of the United States and determine where posts should be located and provide for them instead of expending huge sums in the construction of posts for which there is no necessity and which in no sense add to national defense or serve a military purpose. My suggestion was that we should first decide upon the proper distribution of troops and then proceed with the construction of necessary quarters.

Mr. LAGUARDIA. The gentleman and I agree on that, that we should have a few large military centers, but the sentiment of the House is overwhelmingly against us.

Mr. SPEAKS. There is absolutely no justification for continuing the old logrolling method of securing appropriations for needless Army posts, with their unnecessary overhead expense.

Mr. LAGUARDIA. That is a matter which is entirely up to Congress, and Congress has to decide.

Mr. SPEAKS. I am presenting it to Congress now with the hope that we may accomplish something in the way of improvement.

Mr. LAGUARDIA. But the Congress has decided overwhelmingly against us in the matter of a building program for the War Department.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 for the construction of barracks at Fort McKinley, Portland, Me.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONFIRMING THE TITLE OF THE STATE OF MINNESOTA AND ITS GRANTEES TO CERTAIN LANDS PATENTED TO IT BY THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I do not intend to object, because I have no objection to this bill myself—but the gentleman from Michigan, my colleague [Mr. CRAMTON], is in Florida on business connected with the Appropriations Committee and has asked me to ask unanimous consent that this bill be passed over without prejudice. I have talked to some extent with the gentleman from Minnesota [Mr. SELVIG]. I make that request, that it be passed over without prejudice at this time.

Mr. SELVIG. Mr. Speaker, I have no objection.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

MAXWELL FIELD, ALA.

The next business on the Consent Calendar was the bill (H. R. 7244) to authorize appropriations for construction at Maxwell Field, Ala., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

FORT M'ARTHUR, CALIF.

The next business on the Consent Calendar was the bill (H. R. 2366) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Los Angeles, Calif., by suitable instrument, an easement for a right of way over a certain portion of the military reservation at Fort McArthur, Calif., to be designated by the Secretary of War, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States. Said road is described as follows:

Beginning at a point in the southerly line of said lot 13, block 5, distant thereon east 22.04 feet from the southwesterly corner of said lot 13, block 5, said point being also a point in the northerly line of Thirty-sixth Street; thence west along said southerly line of said lot 13, block 5, and along the westerly prolongation thereof a distance of 78.84 feet to a point; thence northeasterly along a curve concave to the southeast, tangent at its point of beginning to a line bearing north 21° 21′ 30″ east and having a radius of 192.20 feet, a distance of 104.47 feet, measured along the arc of said curve to a point; thence northerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 267.87 feet, a distance of 490.90 feet, measured along the arc of said curve to a point; thence northwesterly along a curve concave to the northeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 192.20 feet, a distance of 115.10 feet, measured along the arc of said curve to a point in the westerly prolongation of the northerly line of lot 1, block 4, Rena Harbor Heights tract, hereinbefore mentioned, distant thereon west 60.40 feet from the northwesterly corner of said lot 1, block 4; thence east along said last-mentioned westerly prolongation and along said northerly line of lot 1, block 4, said last-mentioned northerly line being also the southerly line of Thirty-fourth Street, a distance of 76.14 feet to a point; thence southeasterly along a curve concave to the northeast, tangent at its point of beginning to a line bearing south 29° 24′ 20″ east and having a radius of 122.20 feet, a distance of 64.88 feet, measured along the arc of said curve to a point; thence southerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 300 feet, a distance of 626.51 feet, measured along the arc of said curve to a point; thence southwesterly along a curve concave to the southeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 122.20 feet, a distance of 53.07 feet, measured along the arc of said curve to the point of beginning.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHARLES MARION RUSSELL STATUE

The next business on the Consent Calendar was the concurrent resolution (H. Con. Res. 1) providing for the acceptance of a statue of Charles Marion Russell, presented by the State of Montana.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Charles Marion Russell, presented by the State of Montana, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of the Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious and distinguished as an artist in the depicting on canvas of the early life of the West.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Montana.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution at this point.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. The interest of Montana people in the memorials at the Nation's Capital has been intensified by the decision to place in Statuary Hall at Washington the figure of Charles M. Russell as representative of our State. When his statue is erected in that historic hall it will grace distinguished company, and we of Montana, his friends and neighbors, will be pleased to know something of those who in bronze and marble will be his neighbors throughout the ages.

It was on July 2, 1864, that an act of Congress was approved authorizing the President to invite—

Each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historical renown or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall for the purposes herein indicated.

It was under this provision that the Legislature of Montana in session in January, 1929, and under a bill presented by Representative Sid Willis, of Cascade County, designated Charlie Russell for this hall of eternal fame. It was a fitting thing to do, for if any man epitomized the old Montana within his soul it was Charles M. Russell. Out of that soul and through his finger tips and brushes there poured that old Montana to live upon his canvasses. What he saw he preserved and made the heritage of us all. He has come thus by the trails of circumstance to the threshold of a new abiding place. He who knew the welcome of camp fire, cabin, tepee, and the homes of simple and sincere friends will find a welcome among the Nation's great.

The Statuary Hall is an historic and an interesting place, and after telling briefly of it I will introduce to you its occupants. I feel that I know many of them well because every day of my work in Washington when the House is in session I pass back and forth through the Hall and among them from my office, which is in the Capitol, to the present Hall of the House.

The old Hall of the House of Representatives was in the south wing of the old Capitol, completed in 1811. The corner stone of the original building had been laid by Washington in 1793. From 1811 until December 16, 1857, when the present House Chamber was occupied, that Hall was the meeting place of the House of Representatives.

In 1810 the third census had shown that our population had increased to 7,240,000. There were 17 States in the Union.

James Madison was President. In 1811, John C. Calhoun, of South Carolina, took his seat as a Member of the House. Henry Clay was chosen Speaker. Their voices were potent in that Hall of memories. There John Quincy Adams was chosen President of the United States in 1825 by vote of the House in contest with Crawford, of Georgia, Henry Clay, and Andrew Jackson, and it was at a spot there, now marked by a bronze plate, that he died in 1848 as a Member of the House.

It was in that Hall that Lincoln served a term. It was the meeting place of the House during administrations from Monroe to James Buchanan, and its history includes the stirring events of the wars of 1812 and with Mexico. It saw the expansion of a Nation up to the culminating events before the Civil War. It is a room of such beauty and distinction that when Mr. Morrill, of Vermont, advanced his measure in 1864 to make it a hall of fame he said of it:

> Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—
>
> Nature formed but one,
> And broke the die in molding—
>
> its democratic simplicity and grandeur of style; and its wealth of association with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.
>
> It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past—civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspirations and new incentives—
>
> To scorn delights and live laborious days—
>
> and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.
>
> The suffrages of no State will fail to be honestly and fairly bestowed, for no local shams will be intruded where the judgment of the world is sure to be challenged, and where partisanship loses its current value. We may reasonably expect that the State contributions, without charge to the National Government, will speedily furnish here in the Capitol of the Nation a collection of statuary that will reflect honor upon the illustrious dead, upon the Republic found to be neither ungrateful to its distinguished sons nor unmindful of its obligations; and, incidentally, it may be hoped, there will be brought forth worthy monuments to the genius of the artists of the country who will vie with each other for distinction in the execution of the various works which may be required.

Who, then, are the present occupants with whom Charlie Russell will be neighbor throughout the years to come? Although there are now 48 States, but 32 of them have yet chosen sons or daughters of such distinction as to abide there, and of that 32, 6 have as yet placed only 1.

First of all, Rhode Island, in 1870, placed her statue of Nathanael Greene, of Revolutionary renown, and two years later Roger Williams, who preached religious liberty in Colonial days of intolerance.

Connecticut came next with Jonathan Trumbull and Roger Sherman in 1872. New York chose George Clinton and Robert R. Livingston in 1873. Thus the response was under way, until to-day heroes of war and peace, leaders of thought, and seekers after truth and duty are represented there from Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

Among them stand such figures as Washington, Garfield, Cass, Shields, Webster, Stark, Marquette, Benton, Carroll of Carrollton, Ingalls, Sam Houston, Austin, Lew Wallace, Calhoun, Jackson, and Clay. Robert Fulton sits there studying his steamboat. Sequoyah, of half Indian blood and leader of his race, has his place, and alone of women but forever guiding forward, Frances E. Willard, chosen by Illinois.

The list is long and I aim but to give you an impression of the company Charlie Russell will have when Montana has provided its fund and placed there his figure among the rest. He will find kindred spirits in Sam Houston, and Austin, of Texas, and Sequoyah, of Oklahoma, but he whose art led him to stand before presidents and kings will be at home also with all the rest.

The concurrent resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FORT LEWIS, WASH.

The next business on the Consent Calendar was the bill (H. R. 3311) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, under the general statutes, particularly the act of July 2, 1917, this legislation is not necessary, and if the department can justify before the Committee on Appropriations the necessity of this sewer the appropriation can be made.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. STAFFORD. This is a bill reported from the Committee on Military Affairs; in addition to that, in the committee we gave thorough consideration to the measure; in addition to that the last Secretary of War and the present Secretary of War have set forth the legal necessity for the passage of such legislation for the benefit of the Government. I did not grasp the remarks of the gentleman as to some general authorization of law——

Mr. LAGUARDIA. That is my understanding, and I do not believe the gentleman from Minnesota wants to encumber the books with unnecessary legislation.

Mr. STAFFORD. That is true, but I can not appreciate why the former Secretary of War and the present Secretary of War would have stated this legislation is needed if there is general authorization of law. I ask the gentleman to permit the bill to be passed over without prejudice so I may consider his objection.

Mr. LAGUARDIA. That is perfectly satisfactory, and I will ask the gentleman to take note of the act of July 2, 1917.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

ROBERT M. LA FOLLETTE STATUE

The next business on the Consent Calendar was the concurrent resolution (H. Con. Res. 6) accepting the statue of the late Senator Robert M. La Follette, of Wisconsin, to be placed in Statuary Hall.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. STAFFORD. Mr. Speaker, far be it from me to raise objection to the acceptance of the statue of that eminent statesman, former Senator Robert M. La Follette. I am raising objection, however, to the action of the Committee on the Library. The distinguished chairman of that committee, who is present, or the clerk, must have been immersed in the dusty lore of the past, because a similar measure from the Senate passed the House on May 14. Therefore, Mr. Speaker, I move to have this resolution lie on the table. There is no necessity for it.

Mr. HASTINGS. Has it passed both Houses?

Mr. STAFFORD. Senate Concurrent Resolution No. 4 passed this House on May 14, of last year.

Mr. HASTINGS. Without amendment?

Mr. STAFFORD. The identical provision. The Senate resolution passed this House and because both Houses have agreed to it it requires no further action by anyone.

Mr. DYER. And the statue is now in place.

Mr. LUCE. Mr. Speaker, I have no recollection of the exact facts, but it seems to me that this may be an illustration of a practice that occasionally proves to be unfortunate. It happens from time to time that when a measure more or less perfunctory in nature comes over from the Senate, some interested Member of the House, anxious to have speedy action, assuming that the matter will not raise any controversy, secures unanimous consent for its immediate consideration so that it never reaches the House committee concerned nor the printed calendar. Ordinarily this does no harm, but once in a while it may produce embarrassment.

The SPEAKER. Is there objection to the bill being laid upon the table?

There was no objection.

ANNEX TO THE LIBRARY OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 8372) to provide for the construction and equipment of an annex to the Library of Congress.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LUCE. Mr. Speaker, after this matter was placed upon the Consent Calendar it was suggested that because it was of such importance in and of itself, and because in connection with it the work of the Library might profitably be discussed somewhat, it would be well to have the matter dignified with a separate discussion, to be secured by having the bill laid before the House under a rule. In accordance therewith a rule has been asked and presumably will in due time be considered by the Committee on Rules. Therefore, I object—without prejudice, of course—to the present consideration of the bill.

Mr. LAGUARDIA. I would like to make a suggestion to the gentleman. The bill does not contain the usual clause providing for the approval of the Fine Arts Commission, and I should like to discuss that when it is considered by the House. We may not always have the artistic gentleman from Massachusetts at the head of the Library Committee, although I hope we will.

Mr. COLLINS. Will the gentleman yield? I was wondering why it provides that the funds are to be disbursed by the disbursing officer of the Department of the Interior.

Mr. LUCE. The gentleman is asking a question that mystifies me as much as it does him. The provision follows long practice in transactions pertaining to the functions coming under the administrative jurisdiction of the Committee on the Library. I am not aware that there is any logic in it. In the dark ages when neither the gentleman nor I were Members of the House this practice seems to have been established.

The SPEAKER. Objection is heard.

ASSISTANT COMMISSIONER OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, I wonder if the gentleman from New York [Mr. REED] is present, or any other member of the Education Committee?

Mr. PATTERSON. I do not see the gentleman from New York present.

Mr. HOOPER. Is the gentleman from Alabama a member of the committee?

Mr. PATTERSON. I am.

Mr. HOOPER. I see that there is no increase in the bill in the amount appropriated for salaries. How is the assistant to be taken care of?

Mr. PATTERSON. There are already sufficient funds to take care of him for the present.

Mr. LAGUARDIA. But that would be only for one year.

Mr. PATTERSON. The Commissioner of Education was before the committee.

Mr. HOOPER. I have no objection to that, but the bill is not limited in time as to the continuance in office of this assistant commissioner of education. I am wondering what arrangement, if any, is to be made to take care of his salary, if there is to be one?

Mr. O'CONNELL of New York. Mr. Speaker, there is no information connected with the report that tells us anything at all. I am going to object to this anyway.

Mr. PATTERSON. Would the gentleman withhold his objection so that I may ask unanimous consent that it be passed over without prejudice until the gentleman from New York [Mr. REED] is here?

Mr. O'CONNELL of New York. Certainly.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, until the gentleman from New York is here.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS SHENANDOAH RIVER, CLARKE COUNTY, VA.

The next business on the Consent Calendar was the bill (H. R. 8287) granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to maintain and operate, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a bridge and approaches thereto already constructed across the Shenandoah River at Berrys Ferry, Clarke County, Va., which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said act of March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS ROCK RIVER, PROPHETSTOWN, ILL.

The next business on the Consent Calendar was the bill (H. R. 8705) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Prophetstown, Ill., in section 28, township 20 north, range 5 east, fourth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 4, insert "free highway."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS PECATONICA RIVER, FREEPORT, ILL.

The next business on the Consent Calendar was the bill (H. R. 8706) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River at or near Freeport, Ill.

The Clerk read the title of the bill.

There was no objection to the consideration of the bill.

The SPEAKER. Without objection, the Clerk will report the the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the bridge now being constructed across the Pecatonica River at Freeport, Ill., by the State of Illinois, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to legalize a bridge across the Pecatonica River at Freeport, Ill."

WORLD'S POULTRY CONGRESS

The next business on the Consent Calendar was House Joint Resolution 210, to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

The Clerk read the title to the joint resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will my distinguished colleague from New York [Mr.

FISH], who is the expert on foreign affairs of the House, tell us the purpose of this poultry congress in England, and what benefit the United States is expected to derive from it, if any?

Mr. FISH. Mr. Speaker, the poultry industry, I will say to my colleague from the greater city of New York, which he represents with such distinction, is one of the major agricultural industries of the United States. It has a farm sale value of over $1,000,000,000 annually. It has more value, in other words, than wheat, fruit, or other farm commodities which we have discussed so much at length in the House of Representatives. We produce one-third of the entire poultry and egg supply in the world. The Fourth World's Poultry Conference to be held in London, England, next June will have poultry exhibits from practically every nation, and we hope to enlarge our trade by sending an exhibit and accredited delegates there to show what we can produce in the way of poultry in the United States.

Mr. LAGUARDIA. As a matter of fact, we do not export any poultry, do we, at the present time?

Mr. FISH. Oh, yes; we export a considerable amount of poultry to South and Central America and to other parts of the world. The main purpose of the resolution is to increase our commerce in poultry and to learn the methods used in other countries concerning the problems of production, distribution, and marketing of poultry products.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. JENKINS. And it is a fact also, is it not, that the Agricultural Department is very much in favor of this measure?

Mr. FISH. Very much in favor of it, and the Budget Bureau has recommended it.

Mr. LAGUARDIA. Mr. Speaker, I am not going to object; but the gentleman from Ohio [Mr. JENKINS] suggests that the Department of Agriculture is in favor of this. Does the gentleman from New York know of any appropriation ever suggested in this House that the Department of Agriculture was not in favor of it?

Mr. FISH. I do not want the gentleman to blame me, because I did not raise that point, although I do know that Mr. R. W. Dunlap, the Acting Secretary of Agriculture, believes it important that the United States be suitably represented by accredited delegates.

Mr. GREENWOOD. Mr. Speaker, how many delegates ordinarily attend these conferences?

Mr. FISH. That is in the discretion of the President, limited by the $15,000 authorized to be appropriated in this resolution. I rather imagine that the President will appoint 20 or 30 delegates from throughout the United States. Poultry, as the gentleman knows, goes into every barnyard in the United States, and therefore in every State, and we want to have the entire United States represented. With an appropriation of $15,000, if you gave each delegate $1,000 for his expenses back and forth, that would provide for only 15 delegates; but I rather believe that the policy to be pursued will be to appoint 20 or 30 delegates, and let them pay part of their own expenses.

Mr. GREENWOOD. I am seeking this information to know whether the thing is broad enough to have delegates from all parts of the United States?

Mr. FISH. I believe it is the purpose of the Department of Agriculture to take as many delegates as possible.

Mr. LAGUARDIA. Will the gentleman approve of a proposed amendment suggested by the gentlewoman from California [Mrs. KAHN]?

Mr. FISH. I would be glad to approve of anything the gentlewoman from California suggests, though I hope she will not jeopardize this resolution at this time.

Mr. O'CONNELL of New York. Quite a number of delegates go there without any expense to the Government at all. They pay their own way.

Mr. FISH. Very probably the largest number will pay their own way.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That an appropriation is authorized of $15,000 for the expenses of official delegates of the United States to the World's Fourth Poultry Congress, to be held in England in 1930, in addition to funds heretofore appropriated for the purpose of a United States Government exhibit at such congress (45 Stat. L. 1635).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ADULTERATED OR MISBRANDED FOODS, DRUGS, ETC.

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to say just a word.

Mr. STAFFORD. Will the gentleman withhold for a moment?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. I would like to submit the question whether this bill is not of such importance that it should not be considered on the Unanimous Consent Calendar? A companion bill on the Consent Calendar also seeks to amend section 8 of the pure food act, being No. 176 on the Consent Calendar, and it covers the same subject matter, so that I think this bill with the other one should be considered under the general rules of the House. They should not be on the Consent Calendar. Bills of the importance of this bill should receive careful consideration.

Mr. MAPES. The gentleman will realize the difficulty of bringing up legislation that is not on the Consent Calendar. This legislation is not of great relative importance and it is approved by the Department of Agriculture.

Mr. STAFFORD. Well, we are not pressed with legislation, and the Committee on Agriculture will shortly have the case under Calendar Wednesday. The two bills I refer to ought not to be on the Consent Calendar. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. MAPES. I hope the gentleman will not press that request. There is nothing complicated about this bill.

Mr. STAFFORD. There is another bill from the same committee amending section 8 of the pure food and drugs act. This is not the time to amend the pure food act on the Consent Calendar, in my opinion.

Mr. MAPES. The other bill has nothing to do with this bill. This bill relates to the contents of the container and the other to the container itself.

Mr. KETCHAM. May I also add my request to that of my colleague from Michigan?

Mr. STAFFORD. In view of the congested state of legislation in the Senate does the gentleman think that the postponement of this bill for two weeks will defer its ultimate enactment into law?

Mr. KETCHAM. I think it will.

Mr. STAFFORD. I think not.

Mr. KETCHAM. This bill has been under consideration in the House committee for months. It is important not only to the consumers but to the manufacturers.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that this bill be passed over without prejudice?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BATTLE OF THE MONONGAHELA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 171) providing for the observance and commemoration of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela, and establishing a commission to be known as the United States Battle of the Monongahela Commission.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, it seems to me that we are having an epidemic of expeditions and commissions and conferences. If we can not give consideration to bills relating to the health of the public and having to do with commodities and containers, it seems to me that this bill should receive the very careful attention of the House.

Mr. KELLY. This bill does not provide for anything except recognition by the United States of an event of great importance in the history of the Nation.

Mr. LAGUARDIA. I remember distinctly one of the gentleman's colleagues from Pennsylvania not now in the House coming before us to get recognition of the world's fair or sesquicen-

tennial in Philadelphia. Before we got through with it, it cost us several million dollars, which were squandered.

Mr. KELLY. Not a penny from the United States Treasury will be asked in connection with this celebration by the people in western Pennsylvania. The purpose is simply to have the recognition by the Government of the importance of the anniversary.

Mr. LAGUARDIA. And is this a forerunner to have that battle ground turned into a park?

Mr. TEMPLE. No; the building is in the midst of a business center and the land could not possibly be turned into a park.

Mr. LAGUARDIA. Is there any assurance that there will be no request for an appropriation to carry out the celebration?

Mr. KELLY. Yes. Every assurance.

Mr. CAMPBELL of Pennsylvania. A similar bill went through for the purpose of celebrating the settlement of the Wyoming Valley. There was no expense incident to that and there will be none in this case. We simply want the recognition of the Government.

Mr. KELLY. It is expected to have honored guests, including the governors of a number of States, come to the city of Braddock and celebrate the event.

Mr. LAGUARDIA. Then I understand the gentleman from Pennsylvania to assure us that not one penny will be asked?

Mr. KELLY. I give the gentleman that assurance.

Mr. TEMPLE. There is no doubt about it.

Mr. LAGUARDIA. With that assurance, I will withdraw my objection; but if not, there would be resistance.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there is hereby established a commission to be known as the Battle of the Monongahela Commission (hereinafter referred to as the commission) and to be composed of five commissioners as follows: One person to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives by the Speaker of the House of Representatives. Any vacancy in the office of a commissioner shall be filled in the same manner as the original appointment. The commissioners shall serve without compensation therefor from the United States. The commission shall select a chairman from among its members.

SEC. 2. The commission is authorized to arrange, in cooperation with any organization or society without cost to the United States, an appropriate observance and commemoration to take place in the month of July, 1930, of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela, referred to as "Braddock's Defeat," and to participate on behalf of the United States, in such manner as it deems advisable, in any other observance or celebration of such anniversary which may be held in the United States during the year 1930.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PILGRIMAGE TO WAR CEMETERIES IN EUROPE

The next business on the Consent Calendar was the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, and I will say to the gentlewoman from California that I do not intend to object, I would like to ask a question about this bill. I see it is stated in the report on the bill that the in loco parentis amendment, so called, will enable about 400 additional women to make the trip to Europe. I would like to ask the gentlewoman from California if there has been any plan evolved that the lady knows of, which will assist in determining the rights of these mothers to be considered as in loco parentis. In other words, is there some test that will be applied, some proof that will have to be offered to the Government before they are accepted, or what is the arrangement?

Mrs. KAHN. Absolutely. This will be in the hands of Major General Cheatham, and he is taking the utmost care to safeguard this measure, to find out just exactly what the applicants' claims are, and demanding positive proof. The bill originally interpreted in loco parentis in the same terms as the veterans' bill. That would be for a year, but they thought then that there might be a large group of women who were not entitled to go, but who would claim that they had acted in loco parentis; but the War Department is demanding absolute proof of the fact that these women served actually in loco parentis for five years before the boy was 18 years of age.

Mr. HOOPER. Then I understand from the gentlewoman from California that there have already been applications to the extent of about 400 made by people in this position, from which this estimate is made?

Mrs. KAHN. Yes.

Mr. COLLINS. Reserving the right to object, I see you are going to take certain of these mothers out to sea and show them the place in the sea where their sons were buried?

Mrs. KAHN. No; I hardly think we have the exact latitude and longitude for that, but I think the gentleman knows there are a large number of these cemetery chapels that are being erected, in which will be inscribed the names of the boys who died at sea, and it is the object to take the mothers to these memorial chapels.

Mr. COLLINS. Why take them to Europe when they are buried at sea? Why not erect a chapel in New York or elsewhere and take them there?

Mrs. KAHN. But the chapels are being erected at each one of these cemeteries, and the names inscribed therein of each one of these boys who died at sea.

Mr. COLLINS. I know they are being erected, but why erect them in France?

Mrs. KAHN. And in Belgium and England.

Mr. COLLINS. So that we will have an excuse to send somebody to these countries. But I was just wondering what good it would do a mother to go to France to see a cemetery in France, when her son was buried at sea.

Mrs. KAHN. She will see there a monument containing the inscription, which has been erected by the Government to the honor of her son who was buried at sea.

Mr. COLLINS. As I understand it, these chapels are not finished.

Mrs. KAHN. They will be finished, probably not by the time of the first of the pilgrimage, but long before the last. They anticipate most of them will be finished by that time.

Mr. COLLINS. You can show them a building that is being erected, and that is all you can do.

Mrs. KAHN. I imagine they will not go until the latter part of the pilgrimage.

Mr. COLLINS. Another thought about this sort of legislation: If a boy is buried in Arlington, why not send his mother from California or elsewhere to Arlington to see his grave at Arlington?

Mrs. KAHN. That is beside the question.

Mr. COLLINS. It is not beside the question. They are being sent to France to see the graves over there.

Mrs. KAHN. Did the gentleman vote for the original bill?

Mr. COLLINS. No; and if the original bill was on the calendar to-day I would object to it.

I ask unanimous consent at this point to put in the RECORD a letter regarding this character of legislation.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by inserting the letter to which he has referred.

Mr. COLLINS. At this point in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The letter referred to follows:

I have been reading a good deal about the plan to send the gold-star mothers to France to visit the graves of their sons.

As a gold-star mother, I thought this was a beautiful thing at first, but after a little reflection I think quite differently, and I want to let you know why I feel as I do.

One thing that has changed my feeling is the way I have heard a number of other gold-star mothers talk. Mrs. ——— and Mrs. ——— were at my house last night and they didn't talk about much but the trip. I know they loved their sons as much as I loved my boy. I reckon it's natural for them to want to take the trip and to see the graves of their sons, but it doesn't seem right for the Government to spend millions of dollars in this way when the money can be expended on us in ways that will help us so much more. When I spoke my mind, Mrs. ——— got mad and said the Government owed her this trip, but Mrs. ——— said she reckoned I was right and that anyhow it would just make her sad to see her boy's grave in a foreign land and then to know she never would see it again. That is just how I feel, and I believe thousands of gold-star mothers feel the same way.

I gave my son gladly to my country. He was my only son, and I loved him dearly. It was hard enough to lose him once, and I don't want to lose him a second time. That is what I would have to do if I went over to see his grave and then left him there.

Besides, it would make me fight the war all over again in my heart, and I don't want to do that. I am afraid it might make me bitter against my own Government, too, to realize that my boy's death didn't do any good after all. It didn't make the world safe for democracy and it wasn't a war to end war after all. It just brought misery to millions of people and left the nations still hating each other and preparing for another war. The very countries that fought side by side are now quarreling and getting ready for another war. From

what I read I see that every country is spending more money on armies than they did before the war that took my son from me. They don't seem to be able to agree even to cut down their big war navies or reduce their armies. Anybody who reads and thinks knows this, and I know how it would make me feel to go over there and see the graves of our American boys and to feel that all the misery they went through before dying didn't bring peace after all.

Five years after my son was killed, his wife died and left their two young children to me. I have to work hard to support and educate them. Even if I did want to go to France on the Government's money I could not afford to give up my job, and there are thousands of other gold-star mothers who are in the same situation. Wouldn't it be a much more beautiful and helpful thing for the Government to do something special for those of us who can't go when it is giving this trip to those who can afford the time. Many of us can't even afford to buy the clothes we would need for such a trip. I don't want to ask any special favors of the Government, but it would be a Godsend to thousands of mothers to have the money that would go to them if they made the trip. It would help to clothe and feed and educate the children whose fathers were killed by the war.

Maybe I ought not to write like this, but I can't help it when I think of my dead son and the two little children he has left me to care for. I'll go on caring for my boy's children and praying that before they are grown the nations will learn to settle their quarrels in some better way.

Mr. O'CONNELL of New York. Mr. Speaker, reserving the right to object, may I say that I took a great interest in the passage of the original bill which provided for the sending abroad of widows and mothers whose sons are buried in foreign soil. That pilgrimage was intended to permit those women to visit the known graves where their sons or husbands are interred. It was not intended as a pleasure trip. It is a pilgrimage, and I can not see—although I can not object to this bill, but I am inclined to do so—why we should send these women over there with no specific grave to visit. This present amending bill is intended, as I understand it, for the widows and mothers of boys who were buried at sea. Is that true?

Mrs. KAHN. Yes.

Mr. COLLINS. Mr. Speaker, further reserving the right to object, how many Army officers are going on these trips?

Mrs. KAHN. I have no idea. The arrangements are entirely in the hands of the Quartermaster General.

Mr. COLLINS. Does the lady from California know how much this legislation is going to cost?

Mrs. KAHN. The whole trip?

Mr. COLLINS. Yes.

Mrs. KAHN. I understand about $8,000,000.

Mr. COLLINS. Does not the lady from California understand it is going to cost around $15,000,000?

Mrs. KAHN. No; I understand it is going to cost somewhere in the neighborhood of $8,000,000.

Mr. COLLINS. As I understand, it is going to cost $15,000,000.

Mr. O'CONNELL of New York. Does that mean this particular bill?

Mrs. KAHN. No; the whole pilgrimage.

Mr. O'CONNELL of New York. The original bill provides for 6,300 women and the cost is to be $5,300,000. That was the original bill. Now, what this new legislation is to cost, of course, I am in no position to estimate.

Mrs. KAHN. I have not the exact figures, but from the testimony given before the committee I understood it was to cost somewhere in the neighborhood of $8,000,000.

Mr. COLLINS. Can the lady state why it is provided that only officers of the War Department are selected to go?

Mrs. KAHN. I think that is not so. I have no idea what the arrangements are. They are entirely in the hands of the Quartermaster Department. I understand that women in the nature of nurses and attendants are going, but I have no absolute knowledge as to the details of the plan. That is entirely in the hands of the Secretary of War, under the authority turned over to him by the Congress.

Mr. COLLINS. You had no hearings on this?

Mrs. KAHN. Surely we had hearings.

Mr. COLLINS. But you were unable to find out any of this information?

Mrs. KAHN. Well, it may not have been requested at the hearings, and those questions may not have been asked. General Cheatham appeared before the committee and gave information; the Secretary of War appeared and gave certain information; we had other witnesses who appeared and gave certain information; and a number of Members of Congress appeared in respect to various provisions in the bill and gave information. The hearings are at the disposal of the gentleman, if he desires to read them.

Mr. LANKFORD of Virginia. Mr. Speaker, I do not intend to object, because I am heartily in favor of this action, but I want to say that the war mothers over the country are behind this bill. The fact is that these boys are not buried on domestic soil; they are all outside of the United States, and in making this pilgrimage these mothers and widows may pass over the very track that some of these boys took in going abroad. These mothers will go over the very spot, perhaps, where their sons were lost, and will be possibly as near their remains as many who were blown to pieces on the other side. This will be a great relief to the mothers whose sons were lost at sea. I think there is a great deal of merit in this bill, and I know that the war mothers of the country are behind it. There is a great deal of sentiment in the country for a bill of this kind, which will permit these widows and mothers to visit the places where their boys were lost, either on land or sea. I am heartily in favor of this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," be, and is hereby, amended to authorize the Secretary of War to arrange for pilgrimages to cemeteries in Europe by mothers and widows of those members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, wherein death and burial of the member occurred at sea or wherein the death of the member occurred overseas but place of interment is unknown, the same as is provided in the cases of mothers and widows of members of said forces whose remains are now interred in known cemeteries, at the expense of the United States and under the conditions set forth in section 2 of said act.

SEC. 2. That paragraph (b) of section 2 be, and is hereby, amended to consist of only the following, to wit: "Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage."

With the following committee amendments:

Page 2, line 6, after the word "occurred" insert the words "at sea or."

Page 2, line 6, after the word "but," insert the word "whose."

Page 2, line 7, after the word "the" where it occurs the second time, strike out the word "cases" and insert the word "case."

Page 2, line 9, strike out the words "known cemeteries" and insert the words "identified graves in cemeteries in Europe."

Page 2, line 15, after the word "pilgrimage," insert the words "at Government expense."

Page 2, after line 16, insert a new section, as follows:

"SEC. 3. That paragraph (a), section 4, be amended to read as follows: 'The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for a period of not less than five years at any time prior to the soldier, sailor, or marine becoming 18 years of age.'"

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BLACKFEET HIGHWAY, MONT.

The next business on the Consent Calendar was the bill (H. R. 4021) to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. This is the first instance in this Congress where the rule is to be applied as to three objections being required after having been once objected to. What has been the practice in former Congresses under this rule, which was adopted seven years ago, with respect to requiring three objections? Is it necessary for three Members to object at once, or can they reserve the right to object?

The SPEAKER pro tempore. They must immediately object. Is there objection?

Mr. COLLINS, Mr. BUSBY, and Mr. DOXEY objected.

BRIDGE ACROSS THE MISSOURI RIVER AT BOONVILLE, MO.

The next business on the Consent Calendar was the bill (S. 2668) granting the consent of Congress to the Missouri-Kansas-Texas Railroad Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Missouri-Kansas-Texas Railroad Co., a corporation organized and existing under the laws of the State of Missouri, its successors and assigns, to contruct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at Boonville, Mo., in lieu of and in substitution for the present bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, except as otherwise herein provided.

SEC. 2. When the new bridge and approaches thereto are completed and put in operation the old or existing bridge shall be removed by said Missouri-Kansas-Texas Railroad Co. within a reasonable time to be fixed by the Secretary of War and in a manner satisfactory to the district engineer of the engineer department at large in charge of the district within which said bridge is located.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Missouri-Kansas-Texas Railroad Co., its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REVETMENT WALL AT FORT MOULTRIE, S. C.

The next business on the Consent Calendar was the bill (H. R. 9154) to provide for the construction of a revetment wall at Fort Moultrie, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of the bill a question. I notice there has been a change in the bill from 2,500 feet to 2,400 feet, a reduction of 100 feet in the length of the revetment wall without any commensurate reduction in the proposed appropriation.

Mr. McMILLAN. Mr. Speaker, that is purely a typographical error on the part of the secretary in preparing the bill. It should be 2,400 feet instead of 2,500 feet.

Mr. LAGUARDIA. What I want to inquire is whether you need legislation to repair this bulkhead?

Mr. McMILLAN. That is it exactly. This is from the War Department. The War Department prepared the estimate and it has been approved by the Budget.

Mr. LAGUARDIA. I am not talking about the estimate, but do you need legislation? It is a repair job on an existing bulkhead, is it not?

Mr. McMILLAN. Yes; the old bulkhead there was built between 1900 and 1906, and it is the opinion of the department that new legislation is necessary.

Mr. LAGUARDIA. What does the gentleman from Wisconsin [Mr. STAFFORD] say about that?

Mr. STAFFORD. I wish to direct attention, as the gentleman from South Carolina can also do, to the report of the Secretary of War, which states, "There are no applicable provisions of existing law on this subject," which shows the necessity for this legislation.

Mr. LAGUARDIA. The Secretary of War stated the same thing with respect to a bill which was just objected to.

Mr. STAFFORD. I will be pleased to go over the existing law with the gentleman as to that bill, and I believe I will be able to show to his complete satisfaction that there is need of this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to provide, by contract or otherwise, for the construction of a revetment wall 2,500 feet long along the north shore of Sullivans Island, at Fort Moultrie, in the State of South Carolina, so as to prevent the shore from washing away at that point. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With the following committee amendment:

In line 5, strike out the word "five" and insert the word "four."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CUSTER NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, and I do not intend to object, I am a member of the committee that reported the bill, and I approve of the bill. But I have received an urgent request from my colleague, Mr. CRAMTON, to have the bill passed over without prejudice. In doing so I realize that it is a matter of some embarrassment to my good friend the gentleman from Montana [Mr. LEAVITT], but under the circumstances I have no option. I therefore ask unanimous consent that it be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STATE OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 47) for the relief of the State of New York.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I would like to ask the author of the bill a question. This transaction took place back in 1921. I would like to ask why there has been so much delay in presenting the matter?

Mr. LAGUARDIA. That is not much delay; we usually get them 20 or 25 years later.

Mr. O'CONNELL of New York. I think they have made pretty fair progress. [Laughter.]

Mr. JENKINS. I do not agree with the gentleman. I see that both gentlemen are from New York, and the money is to be spent in New York.

Mr. LAGUARDIA. It is already spent.

Mr. O'CONNELL of New York. We frequently pass bills here 50 or 60 years after the transaction took place. This bill has had the approval of the Secretary of War and the Director of the Budget.

Mr. LAGUARDIA. What happened was simply this: The Government took over the quarantine station and afterwards at the earnest request of the Government the State of New York built a delousing plant for the Government.

Mr. GREENWOOD. Does the United States Health Department still occupy it?

Mr. LAGUARDIA. Yes; this is on Hoffmans Island in the harbor of New York.

Mr. GREENWOOD. Has the State ever been compensated for it?

Mr. LAGUARDIA. Of course not.

Mr. GREENWOOD. They were compensated for the land and this is mainly for the building?

Mr. LAGUARDIA. This is for a delousing plant. There was a scare of typhus fever, and at the request of the Government the State of New York put up this building.

Mr. GREENWOOD. Was it not necessary to protect the health of the State of New York?

Mr. LAGUARDIA. Typhus germs do not recognize any State boundaries.

Mr. GREENWOOD. But the State had built it for its own protection?

Mr. LAGUARDIA. No; not at all. The building was built at the request of the Government.

Mr. GREENWOOD. How did the State of New York come to build it if the Government took it over?

Mr. LAGUARDIA. It was built in the process of the transfer.

Mr. GREENWOOD. And there was no compensation for the land or the building?

Mr. LAGUARDIA. I am not talking about the land.

Mr. JENKINS. Is it not true that the Government paid $1,395,000, of which the delousing plant is merely a part?

Mr. LAGUARDIA. The title to the property—the transfer—was not effected until March 1, 1921, and just about that time there was a typhus scare, and at the request of the Government the State of New York built this delousing plant to take care of a threatened epidemic.

Mr. GREENWOOD. Did not the State of New York build it for their own protection, and did not they receive the benefit of it?

Mr. LAGUARDIA. No; the ships are examined and quarantined, and if it is found clear of any contagious disease all the passengers go ashore. It is necessary to the Public Health Service and it is not a State quarantine.

Mr. GREENWOOD. I do not understand why the State constructed the building, if the United States had taken it over.

Mr. LAGUARDIA. We had a quarantine station there before we had a Public Health Service.

Mr. GREENWOOD. The United States takes this over, and then an additional building was constructed. How does it happen that the State constructed that building, after the United States had taken it over?

Mr. LAGUARDIA. It was in the transitory period.

Mr. JENKINS. Did the United States Government get the benefit of this improvement?

Mr. LAGUARDIA. Oh, absolutely.

Mr. JENKINS. Can there be any question about that?

Mr. LAGUARDIA. Oh, no.

Mr. JENKINS. I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of New York the sum of $55,917.68, being the amount expended by the said State of New York for the construction of a delousing station on Hoffmans Island, New York Harbor, which was thereafter transferred to the Public Health Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I say to the gentleman from Tennessee [Mr. ESLICK] that I have no intention to object, but I am in the same situation in respect to this bill that I was in in respect to the last one which I referred to a few moments ago. The gentleman from Michigan [Mr. CRAMTON] has asked that I ask unanimous consent that this go over without prejudice, and retain its place on the calendar. I am sorry to trouble the gentleman at this time about it, as I have no objection to the bill myself. I do make that request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice, to retain its place on the calendar. Is there objection?

There was no objection.

CONFEDERATE STOCKADE CEMETERY, SANDUSKY BAY, OHIO

The next business on the Consent Calendar was the bill (H. R. 3313) to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, is there any difference in this proposed legislation from the usual legislation with reference to cemeteries of this kind?

Mr. STAFFORD. Mr. Speaker, this legislation is necessitated by virtue of the fact that the Daughters of the Confederacy have been caring for it until now. It is the policy of the Government to take over the care of these cemeteries where Confederate soldiers are buried. We have a number of instances of cemeteries in the North where Confederates are buried, where the Government of the United States takes care of them. The only obligation on the part of the Government will be a few hundred dollars a year.

Mr. JENKINS. As I understand it, there is no obligation upon the part of the Government in taking over this project, but the only obligation will be in the maintenance of it?

Mr. STAFFORD. That is all; only $350 per year in upkeep.

Mr. LAGUARDIA. Mr. Speaker, the act of March 9, 1906, chapter 631, Thirty-fourth Statutes, page 56, entitled—

An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes—

was omitted from the code as temporary legislation. It contains, however, a provision for the "care" of the "burial grounds" which would have in it a suggestion of permanency except for the fact that the chapter after enumerating the various acts to be done by the Secretary of War thereunder, including the care of the burial grounds, provides as follows:

The said work to be completed within two years, at the end of which a report of the same shall be made to Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, free of cost to the United States, the tract of land situated on Johnstons Island, Sandusky Bay, Ohio, known as Confederate Stockade Cemetery, containing the remains of Confederate prisoners of war: *Provided*, That this cemetery shall be maintained by the United States in the same manner as other Confederate burial plats acquired under the provisions of the act of March 9, 1906 (34 Stats., p. 56).

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Line 11, after the word "statutes," insert "chapter 631."

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment. I do not see that there is any need to designate the specific chapter when the bill carries the exact page of the statutes, where the provisions of the act are located.

Mr. LAGUARDIA. There are hardly two editions that have the same page numbers. I worked a long time on Sunday. I did not have the right edition and could not find it until I got the original edition, and by having the chapter number you can find it right away.

Mr. STAFFORD. The gentleman is doing this for the benefit of some conscientious objectors of the Senate?

Mr. LAGUARDIA. Or for the benefit of anyone who wants to refer to the bill.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RESTORATION OF FORT M'HENRY, MD.

The next business on the Consent Calendar was the bill (H. R. 8162) to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I rise to inquire if the gentleman feels that this is the proper way to amend a statute? It is all very well on the floor of the House to send up an amendment that after a certain word in a certain line to insert something, but when the bill is printed, when it leaves the House, the amendment appears there. Here we have a statute. This becomes an act after it is passed, and it will read that the third paragraph of the act entitled so and so is amended by striking out 650 feet and inserting in lieu thereof 680 feet. It seems to me that that is not a careful way to legislate.

Mr. STAFFORD. The gentleman, by reason of his great research of the statutes of the past, knows that from time to

time we have a revision, and that in that revision codifications take place, and I suppose that in due time the original act will be amended, after this bill is passed, substituting 680 feet for 650 feet.

Mr. LAGUARDIA. That may not appear for several years. Does the gentleman feel that this is a good method of legislating?

Mr. STAFFORD. I think the phrasing of this bill is very clear. It describes the act which is sought to be amended; instead of cumbering the statutes with reenacting the original description by metes and bounds, we merely say that the number "650," as it occurs in the present place, shall be stricken out and "680" substituted in lieu thereof.

Mr. LAGUARDIA. It is a very poor and sloppy and careless way of enacting legislation.

Mr. STAFFORD. I take exception to the word "sloppy." I say in all seriousness that this is a good way to amend the bill.

Mr. LAGUARDIA. It is a very poor way, in my opinion. In all seriousness, suppose the gentleman was looking up a law, to find a statute amended in various scattered places. If this bill were properly drawn he would not have to do that in looking it up at a later date.

Mr. STAFFORD. When the gentleman from New York gets into the governor's chair in the State of New York, as I hope he may some day, I hope he will have the statutes of his State annotated in that way when legislation is enacted. In Wisconsin our statutes are codified after each session of the legislature.

Mr. LAGUARDIA. The Committee on Military Affairs brings out a lot of these bills drawn in the War Department. They are not drawn in the committee, and I am not reflecting on the committee, but the War Department draws up many bills amending the statutes in this way.

Mr. STAFFORD. To please the sensibilities of the gentleman from New York, I will say we will take his observations into consideration in the future.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. HOOPER. I yield to the gentleman from New York.

Mr. O'CONNELL of New York. This should be made to read properly.

Mr. HOOPER. Mr. Speaker, I shall not object, but I would like to ask the lady from California [Mrs. KAHN] in good faith if it would not be more dignified and less rhetorical to strike out the word "immortal" in the title and body of the bill? In my judgment, it is mere rhetoric.

Mrs. KAHN. I will say to the gentleman that it is not my bill. It was prepared by the Committee on Military Affairs.

Mr. HOOPER. It may appear to be a trifle, but it seems to me it is in bad taste from a legislative standpoint. I will move an amendment after the reading of the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the third paragraph of the act entitled "An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925, is amended by striking out "650 feet" and inserting in lieu thereof "680 feet."

Mr. LAGUARDIA. Mr. Speaker, I have an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Strike out everything after the enacting clause and insert in lieu thereof the following: "That the third paragraph of the act entitled 'An act to repeal and reenact chapter 100, 1914, Public No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes,' approved March 3, 1925, be, and the same hereby is, amended to read as follows:

"'That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided*, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present ground of the fort and extending south 63° 30'' east, 680 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring by purchase or condemnation, any of the land of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond; the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further*, That the Secretary of War may in case of a national emergency close the said military reservation and use it for any and all military purposes during the period of emergency, and for such period of time thereafter as the public needs may require: *And provided further*, That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war, and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary, not exceeding $50,000, for use by the Secretary of War in the restoration of said Fort McHenry reservation and for other purposes consistent with this act.'

Mr. HOOPER. Mr. Speaker, I move to strike out the last word of the amendment.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOOPER. A few moments ago I rose to question the lady from California [Mrs. KAHN] about the use of the word "immortal." I have been informed since that it is very likely that the original bill contained the word "immortal," and, therefore, to change it to-day would be something I would not care to advocate. All I wanted to do in calling it to the attention of the lady from California was to point out the practice that has become quite common of making stump speeches in the titles and text of bills by the use of high-flown adjectives. I will not offer an amendment.

Mr. STAFFORD. Mr. Speaker, I ask for recognition in opposition of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Speaker, I do not challenge the good intentions of the gentleman from New York [Mr. LAGUARDIA] in offering this amendment, but I do question seriously, when we have up for consideration a bill amending a bill in a minor particular—merely amending, as in this case, by changing 650 feet to 680 feet—whether we should encumber the permanent statutes by reenacting the law as provided by the amendment offered by the gentleman from New York. I have listened to the argument he advanced. What does he propose to do? He proposes to embody anew the entire statute in the permanent statutes solely for the purpose of substituting 680 feet for 650 feet, because there is need of increasing the amount of land over there by 30 feet. It is the purpose of the gentleman from New York to reenact the entire former lengthy measure.

I question very seriously whether this is good legislation. It is expensive to encumber the records in this way. If we pass this bill as reported from the committee, just directing attention to the fact that the number of feet, 650, shall be increased to 680 feet, anybody who reads it will be able to locate and get the purpose of it, but to reenact the original bill as proposed means an expense, and, I think, an unnecessary expense, to the Government. I do not think it should be adopted as the policy of this House.

Mr. LAGUARDIA. Mr. Speaker, what the gentleman from Wisconsin says is correct in stating the facts on this particular bill. The bill before us provides that at a certain place in a certain statute a figure should be stricken out and another figure put in. I repeat that is the system and the only way you can amend a bill from the floor of the House. But when you pass a bill it becomes law, and you have a series of laws, referring to other sections and making reference to amendments; and the modern way and the intelligent way to amend is to restate your entire section, so that anyone reading the amendment will have before him the law as it exists without the necessity of referring back and finding the lines. There are no two editions of law books that carry the same lines, and by referring to pages and sections it makes it extremely difficult. It does not make much difference in this bill, but I say the committees ought

to prepare their amendments so that anyone reading an act will have the section before him and be able to read it as it is amended in its entirety.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. STAFFORD. The committee has done that in his report. It shows the numbers by amendment, simply substituting 680 in one instance for 650.

Mr. LAGUARDIA. Yes; but how will that look when it gets in the statute?

Mr. STAFFORD. A person who is reading the statute will refer back to the original enactment.

Mrs. KAHN. Would you apply the same rule if there was an amendment to the interstate commerce act or the transportation act or the revenue act?

Mr. LAGUARDIA. To the section.

Mrs. KAHN. To rewrite the entire bill?

Mr. LAGUARDIA. Oh, no; just the section. You have to rewrite the section. It is done by almost every committee.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ERECTION OF RESIDENCE AT NATIONAL HOME FOR LEPERS

The next business on the Consent Calendar was the bill (S. 1487) authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL of New York. Mr. Speaker, this is a highly meritorious bill, and I want to compliment the chairman of the Committee on Buildings and Grounds and the members of that committee for bringing this legislation before the House. The people engaged in that work down there are doing a wonderful Christian work. We all remember Father Damien, and the Protestant and Catholic nuns that surrounded him among the lepers in the island colonies. I feel that we should not let a bill of this kind go by without paying our compliments to the committee for bringing legislation of this kind before the House. I hope it is but the beginning of similar bills that we will receive from that committee, legislation that will tend to make easier and more comfortable the lives of the men and women who have dedicated their lives to the unfortunate wards of the Government in the various leper colonies. They are doing a great, a humane work and the Congress should help in the manner indicated in bills similar to the one we are about to enact.

Mr. O'CONNOR of Louisiana. Does not the gentleman think he should say something about the humanitarian conduct of the Louisianians who permitted that leper colony to be built there, when apparently from the situation that existed, as I remember it, no other locality in the United States would have welcomed or tolerated such a home or asylum as exists at Carville.

Mr. O'CONNELL of New York. I defer to my distinguished friend from Louisiana for that.

Mr. O'CONNOR of Louisiana. I can only add that the expressions of my good friend and colleague from New York [Mr. O'CONNELL] will be as gratifying to Senator RANSDELL, the author of the bill under consideration, as they are to myself, for as my friend Mr. O'CONNELL knows I took a small part in creating the sentiment in behalf of the unfortunates that have his sympathy, which led to the construction of the National Leprosarium. I may say, in concluding these few remarks, that the sentiment so finely expressed by my friend Mr. O'CONNELL is entirely characteristic of his attitude toward all legislation which tends to ameliorate the condition of the poor, the unfortunate, or the afflicted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and at his discretion to permit the erection of other buildings which may in the future be donated to promote the welfare of patients and personnel: *Provided*, That such building shall be located where designated by the Surgeon General of the Public Health Service and without expense to the United States, and that the plans and specifications therefor shall be subject to the approval of the Supervising Architect of the Treasury Department: *Provided further*, That such buildings when completed shall be the property of the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CITY OF WALTHAM, MASS.

The next business on the Consent Calendar was the bill (H. R. 2161) to convey to the city of Waltham, Mass., certain Government land for street purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to offer an amendment at the end of the bill to read:

That the deed or instrument of conveyance shall recite such limitation and reversionary right.

In all these reservations it is now customary to write that reservation into the deed, in order that anyone who may take title subsequent thereto may take with notice. With that reservation I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey, by the usual quitclaim deed, to the city of Waltham, Mass., for street purposes and no other, that portion of the present post-office site in said city, 3 feet in width along the Moody Street frontage and enough land to round the corner between this 3-foot line and the northerly line of Pine Street by a curve with a 20-foot radius.

With the following committee amendment:

Page 1, line 10, after the word "radius," insert a colon and add the following:

"*Provided*, That the land conveyed shall be used for street purposes and no other, to be cared for and maintained as are other public streets in said city, and in the event that the premises shall cease to be so used for street purposes, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: On page 2, in line 5, strike out the period and insert the following: "And the deed or instrument of conveyance shall recite such limitation and reversionary right."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE BUILDING AT SYRACUSE, N. Y.

The next business on the Consent Calendar was the bill (H. R. 7768) to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I can not see why there should be any objection to this bill at all, but I notice that at the last session of the Congress it failed of passage, and I am curious to know whether it failed of passage because it was not reached or failed for any other reason.

Mr. HANCOCK. It was not reached.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell the old post office and courthouse building and site at Syracuse, N. Y., at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CITY OF TRENTON, N. J.

The next business on the Consent Calendar was the bill (H. R. 8918) authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I have the same amendment to offer, providing that the limitation and reversionary right shall be recited in the deed of conveyance.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I would like to inquire of the gentleman from New Jersey, the author of the bill, whether this donation will substantially reduce the remaining tract of land. I notice it is a 25-foot rectangular tract.

Mr. EATON of New Jersey. No. The Federal building stands at the corner of State and Montgomery Streets. When they widened Montgomery Street, under license from the Federal Government, they took off 25 feet for the use of the street and they have used it for 11 years. We are going to sell the old building and the old site and erect a new post office on a new site. This will permit the use of Montgomery Street and it is much needed by the city.

Mr. STAFFORD. It will not impair the value of the remaining portion of the property?

Mr. EATON of New Jersey. No; it will improve it

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Trenton, N. J., title to all that land of the Federal building site in that city situate on the northeast corner of East State Street and North Montgomery Street fronting 25 feet 10 inches on the north side of East State Street and extending in a northerly direction the same width along North Montgomery Street for a distance of 143 feet to Postoffice Alley, and now used as a part of North Montgomery Street under license granted by the Treasury on August 8, 1919.

With the following committee amendment:

On page 2, line 4, after the figures "1919," insert a colon and the following:

"*Provided*, That the land conveyed shall be used for street purposes and no other, to be cared for and maintained as are other public streets in said city, and in the event that the premises shall cease to be so used for street purposes, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States."

Mr. LaGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA to the committee amendment: On page 2, line 10, strike out the period and insert the following: "And the deed shall recite such limitation and reversionary right."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BLACKFEET TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 9407), to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask a question of some one about this bill. I notice in the report of the Secretary of the Treasury he uses this language:

It is therefore recommended that the existing legislation be amended so as to authorize the Secretary of the Treasury to accept title to the larger tract of land.

I wonder what he refers to when he mentions a larger tract of land?

Mr. LEAVITT. Mr. Speaker, the two tracts of land referred to are involved in the securing of a site for a customs office at the Canadian boundary; also to be used for immigration purposes. One of them has an area of 20 acres and the other has an area of 42.95 acres. They are contiguous, but the larger tract of 42.95 acres has to be acquired under a previous law that reserves the mineral rights below the surface to the Blackfeet Tribe of Indians. The smaller tract of 20 acres can be acquired without coming under that law, so that no reservation is necessary.

Mr. JENKINS. Do I understand that when the 20 acres were acquired the 40 acres were also acquired?

Mr. LEAVITT. It is now in process of being acquired. The 20-acre tract has been acquired without any restrictions, because no restrictions could possibly be placed on it. The tract of 42.95 acres is in process of being acquired, but requires this act to authorize the Government to accept title and leave the ownership of the mineral which may lie under it in the Blackfeet Tribe of Indians.

Mr. JENKINS. Then this is legislation to perfect the title in the Government?

Mr. LEAVITT. That is it exactly.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved May 29, 1928, is hereby amended so as to authorize the Secretary of the Treasury to accept title to a tract of land containing approximately 42.95 acres, being a portion of the proposed inspection station at Babb-Piegan, Mont., subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians provided for in the act of Congress approved June 30, 1919 (41 Stats. 17).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 8) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CENTRAL BUREAU OF THE INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 14) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an annual sum of $50 as a contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SAMUEL RICHARDSON

The next business on the Consent Calendar was the bill (H. R. 1970) authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States marines.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and not intending to object, may I say to the gentleman from Pennsylvania I think this ought to be paid, but I want to ask the gentleman why it is that nine years have now elapsed with no action being taken? Has the bill been up before?

Mr. PORTER. The bill has been up before, and I may say for the information of the Congress there are a number of these claims that have been neglected. Quite recently the Foreign Affairs Committee appointed a subcommittee to assemble all the claims of citizens of foreign countries and to pass upon them. This one is quite old, and we thought the House would pass it on the Consent Calendar without waiting for the other claims.

Mr. HOOPER. I think the gentleman is quite right. May I ask this further question: Was this an accidental death or was this British subject involved in any way in any military activity?

Mr. PORTER. No; there was no fault attaching to the British subject.

Mr. HOOPER. I think the bill should pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the British Government, as an act of grace and without reference to the question of liability therefor, the sum of $1,000 as full indemnity for the death of Samuel Richardson, a British subject, alleged to have been killed by United States marines at Consuelo, Dominican Republic, on November 1, 1921, as set forth in the message of the President of December 13, 1927, printed as Senate Document No. 21, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of the bill or some member of the committee to explain the merits of the bill and whether or not this is really necessary. In the consideration of these measures heretofore I notice that some one has usually taken it upon himself to give us the opinion of the distinguished former Chief Justice, Mr. Taft, and I have wondered if he has given any opinion on this matter.

Mr. DYER. Mr. Speaker, I will state to the gentleman that former Chief Justice Taft was at the head of a committee of the judiciary created for the purpose of recommending additional judges, and it is stated in the report that this committee recommended an additional judge.

In addition to this, Mr. Speaker, the report shows a great increase in the work in the judicial district of Minnesota.

Mr. JENKINS. May I ask the gentleman from Missouri whether he conducted the hearings on this bill or was present at the hearings?

Mr. DYER. I was present and the gentleman from Minnesota [Mr. CLAGUE] and the gentleman from Minnesota [Mr. KNUTSON] both appeared before the committee.

Mr. JENKINS. I will say to the gentleman that if the gentleman from Missouri and the gentleman from Minnesota [Mr. CLAGUE] are in favor of this bill, I shall not interpose any objection.

Mr. GREENWOOD. I want to inquire of the gentleman from Minnesota the population of the State of Minnesota.

Mr. CLAGUE. At the present time about two and a half million.

Mr. GREENWOOD. And you now have three Federal judges.

Mr. CLAGUE. We have three Federal judges in that State, but one of them for nearly two years has been able to do only a very small amount of work. I will state to the gentleman the amount of work done during the past year and this was really done by two of them, because the third one was able to do very little work and probably did not sit more than 30 days during the entire year, and probably will be able to work only a part of the time. There were 3,053 cases terminated during the year ending June 30, 1929, and there were still pending 2,401 cases. You understand we are on the border and we have hundreds of immigration cases. We also have the Great Lakes with a large number of admiralty cases.

Mr. GREENWOOD. I wanted to get this information because it seemed you had more Federal judges, according to population, than most of the other States.

Mr. CLAGUE. The Attorney General has informed us that situated as we are we have more cases than any other State in the Union according to our population.

Now, in the present situation, we have cases that will probably not be reached for two years.

Mr. DYER. If the gentleman will permit, I will say that the conference of judges was headed by Chief Justice Taft, and that conference recommended an additional judge for Minnesota; one of the present judges, Judge Molyneaux, is now ill. When the conference made that recommendation there were three judges on the bench in Minnesota. One of them is now incapacitated for work. The Judiciary Committee felt, in view of the situation in Minnesota, the recommendation of the conference of judges, as well as the representatives of that State, that we should have provided for two additional judges instead of one.

Mr. GREENWOOD. Is not the large amount and congestion of the docket due to the fact that one of the judges is ill?

Mr. DYER. Only partly.

Mr. GREENWOOD. We have over 3,000,000 population, and we have but two judges, and you have only between two and three millions, and you are asking for four judges.

Mr. KNUTSON. The gentleman must remember that the calendar of Minnesota is badly congested.

Mr. GREENWOOD. That is perhaps because your judges do only half of the work.

Mr. CLAGUE. Oh, no; there were 2,401 cases pending on the calendar July 1, 1929.

Mr. GREENWOOD. When this judge who is ill retires he will be replaced by another?

Mr. CLAGUE. No; as to the judge now ill, the law provides that when he retires his position is terminated; he will not be replaced.

Mr. GREENWOOD. And if he dies or retires you will have three judges, if this bill goes through?

Mr. CLAGUE. Yes.

Mr. GREENWOOD. Very well; in view of the explanation, I will not object.

Mr. STAFFORD. Mr. Speaker, may I ask whether in the consideration of the bill authorizing an extra judge for Minnesota the committee considered the matter of apportioning the State into districts? I was rather amazed when I read the report to find that in six years the number of judges in Minnesota have been increased by two. Wisconsin then had two, and we still have two. Minnesota then had one. I realize the exigent condition by reason of the incapacitation of one of the judges, but I want to inquire specially whether any consideration has been given to dividing the State up into districts?

Mr. CLAGUE. Our judges felt that they could accomplish much more work by having one district—it makes less expense.

Mr. STAFFORD. I question whether they dispatch as much business under that arrangement. There is pending at the present time before the Judiciary Committee a bill for an additional judge for the State of Wisconsin, but it is seriously mooted in my State whether it would not be better to divide the State into three districts instead of two so as to give the litigants nearness to the court in the consideration of their cases.

Mr. CLAGUE. The gentleman will understand that there are six different places in the State of Minnesota where the Federal court is held, so that the people are not inconvenienced.

Mr. STAFFORD. I can not conceive of conditions in an agricultural State like Minnesota as compared to an industrial State like Indiana, or a semi-industrial State like Wisconsin—why Minnesota should have four judges and these other States only have two judges.

Mr. DYER. This will only give the State of Minnesota three judges. When Judge Molyneaux retires there will be no successor appointed.

Mr. STAFFORD. I take issue with the distinguished ranking member of the Judiciary Committee, that when Judge Molyneaux retires there will be a vacancy, and no other judge appointed.

Mr. KNUTSON. The act creating Judge Molyneaux's position provided that when Judge Molyneaux retired the vacancy should not be filled.

Mr. STAFFORD. What is the need for this language in the last sentence of the bill?—

A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

Is not there general authorization for that when we create this additional judgeship?

Mr. DYER. We passed an act some time ago providing that when certain vacancies occur in district judges no successors were to be appointed without authorization of Congress.



Mr. JENKINS. In other words, the bill providing for the appointment of Judge Molyneaux did not carry the sentence just read by the gentleman from Wisconsin?

Mr. DYER. No.

Mr. STAFFORD. What is the present age of Judge Molyneaux?

Mr. KNUTSON. He is away up in the sixties.

Mr. STAFFORD. And is eligible for retirement at 70?

Mr. KNUTSON. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge of the District Court of the United States for the district of Minnesota, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

SEC. 2. This act shall take effect from and after its approval.

With the following committee amendment:

Line 3, page 1, strike out "is" and insert "be, and he is hereby,"

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAKING STAR-SPANGLED BANNER NATIONAL ANTHEM

The next business on the Consent Calendar was the bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

Mr. DYER. Mr. Speaker, will the gentleman withhold his objection?

Mr. COLLINS. I reserve the objection.

Mr. DYER. So that the gentleman from Maryland [Mr. LINTHICUM] may have an opportunity to explain the purpose of the legislation.

Mr. COLLINS. I do not mind the gentleman from Maryland putting a statement into the RECORD.

Mr. LINTHICUM. Mr. Speaker, I hope not only to put a statement in the RECORD, but also that I may give some reasons why the gentleman should not object.

Mr. COLLINS. I shall be very glad to hear the gentleman.

Mr. LINTHICUM. We had considerable hearings on this question, and over those hearings the gentleman from Missouri [Mr. DYER] presided. We produced at that time the signatures of 5,000,000 people in the United States favoring this bill. We also produced resolutions and letters from 150 different organizations, all of which are mentioned in the addenda of the report. We also produced letters and telegrams from 25 governors of the United States asking that the bill be enacted into law.

Mr. DYER. And the gold-star mothers, if the gentleman will permit, are unanimous in recommending the bill.

Mr. LINTHICUM. Yes; and also the Daughters of the Revolution and the Sons of the Revolution, and every patriotic organization in the country. In order to have the resolution the same as the regulations of the Army and Navy it has been amended, and the amendment makes it conform exactly to the phraseology of the promulgations of the Army and Navy in their regulations. This has been recommended by the Army and the Navy and approved by the President of the United States. I spent a very considerable time on the matter, and I would like to have the gentleman let the bill go through.

Mr. DYER. I do not see why the gentleman from Mississippi should have any objection. I take it the gentleman from Mississippi has read the report?

Mr. COLLINS. Yes.

Mr. DYER. The language used in this bill is the language promulgated and approved by President Wilson in 1916, and is used in the official orders by the Army and the Navy. Does the gentleman have objection to the language of the bill?

Mr. COLLINS. I have quite a number of objections to the bill.

Mr. DYER. Could the gentleman correct it by amendment?

Mr. COLLINS. No; he could not correct it by amendment.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

INQUIRIES CONCERNING REGISTERED AND OTHER MAIL

The next business on the Consent Calendar was the bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. KELLY. Mr. Speaker, will the gentleman withhold his objection?

Mr. LAGUARDIA. I reserve the objection, but if we are going to make a charge every time anyone goes to the Post Office to inquire about the late delivery of a parcel or of a money order, it is something which I think is quite out of the question.

Mr. KELLY. Mr. Speaker, the gentleman does not understand the bill. This is a provision for the purpose of endeavoring to get only a proper charge for services which are rendered by the Post Office Department and which are not now compensated. It is the purpose of the Post Office Committee of the House to endeavor to meet the necessity for increasing postal revenues in proper ways. The Post Office Department has joined in recommending this bill as one of those proper methods.

Patrons now have the privilege of getting return cards on this type of mail by the payment of a fee, and where they refuse to do that and go to the Post Office Department and make inquiries which are still more expensive, we think it proper that they should pay for the inquiry.

Mr. LAGUARDIA. The gentleman stated that I did not read the bill and that I did not understand the bill.

Mr. KELLY. I feel certain the gentleman does not fully understand.

Mr. LAGUARDIA. The gentleman stated that when an inquiry is made concerning the delivery of a letter or money order a charge is to be made?

Mr. KELLY. Yes.

Mr. LAGUARDIA. That is what I said.

Mr. KELLY. The gentleman thinks that probably some captious inquiry would be charged for or an injustice would be done patrons. That is not the case.

Mr. LAGUARDIA. You are going to charge for a bona fide inquiry, not a captious inquiry?

Mr. KELLY. Where an inquiry is made which otherwise would be covered by a 3-cent fee. This will have the effect of reducing the expense of the Post Office Department. I think the gentleman from New York ought to join with us in trying to do that, where it may properly be done.

Mr. GREENWOOD. It seems to me that while there might be some justification for the fee, the amount of it should not be left wide open. I think there should be an amendment to limit the fee to 5 cents.

Mr. KELLY. The gentleman from New York told me the other day that he would object to the consideration of this bill unless some fee was prescribed. I took the matter up and I agreed to offer this amendment, to strike out the language, "such fees as he may prescribe for such services" and insert in lieu thereof "a fee not to exceed 5 cents for such inquiry, to be paid by postage stamps prefixed."

Mr. LAGUARDIA. In other words, if a person mails a registered letter or a money order or insured matter, and does not receive a reply, and it is not delivered——

Mr. KELLY. And does not ask for the card——

Mr. LAGUARDIA. And then goes to the post office and says, "Last week I mailed a letter; I would like to know something about it," and he gets no answer even if he pays the fee.

Mr. KELLY. If he pays the fee, the information will come back to him. If he does not pay the fee, he should not expect to receive the information.

Mr. JENKINS. Of course, the post office or the clerk could not tell the gentleman in the case he referred to. He would have to make an inquiry in writing, and he would be charged a fee.

Mr. KELLY. Yes. Under the international provisions we have such an arrangement, and a certain fee is fixed for inquiries regarding international mail.

Mr. LAGUARDIA. That is because you have to pay foreign postage.

Mr. KELLY. If it is found that there is delay in the mail and it is due to any fault on the part of the Post Office Department the fee is returned. In a case where there is no fault on the Postal Service the fee would not be returned to the inquirer.

Mr. DYER. There are a number of bills here requiring a number of things to be done and authorizing the department to make charges. I think it is quite an innovation to take up

matters of that kind on the Consent Calendar without the chance here to consider them. I am sure the Committee on the Post Office and Post Roads can get a day to take up bills of this kind when we would have an opportunity to consider them fully. I do not like to make objection to any bills that the gentleman from Pennsylvania or his committee reports, but I do not think we should place such bills on this calendar—bills which involve added expense to the business interests of the country, to increase the cost of the Postal Service, which is a service which the public gets a great benefit from.

Mr. KELLY. I hope the Post Office Committee will soon have measures on the calendar of greater importance than this. For instance, there is a loss to-day of $10,000,000 in the money-order service, and some $7,000,000 in the registry service. That should be remedied to a great extent.

Mr. DYER. We also have a loss on the operation of the Army and Navy.

Mr. KELLY. This is a small matter, in comparison with other losses. The recommendations of the Postmaster General and of the department are very urgent that this bill be passed.

Mr. LAGUARDIA. The Post Office Department is one department of the Government that comes in close contact with the people, more so than any other department, and I think it would be unwise to make the service odious by charging a fee every time a man puts in a registered letter and desires to be notified that it has been received.

Mr. KELLY. The sender pays a certain fee at the time and gets full value. I hope the gentleman will not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the next bill.

ADDITIONAL RECEIPT OF CERTIFICATE OF MAILING

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make a point of order on the bill on the ground that the report accompanying the bill does not conform to the Ramseyer rule showing in the proper manner the statute to be amended. There should be brackets inserted containing the proper citations.

Mr. KELLY. The committee undertook to comply with the Ramseyer rule in the form of its report, and endeavored to bring the legislation under the rule. At the bottom of the first page of the report we printed the text of the bill that we are amending. This bill is simply the addition of a general extension. I think that conforms to the rule.

Mr. GREENWOOD. Mr. Speaker, I am going to have to object to this bill on the same ground as the other, that the Postmaster General will charge a fee. I do not think such a measure affecting the Postal Service should be enacted by unanimous consent.

Mr. LAGUARDIA. Will the gentleman kindly withhold his objection? I would like to get a ruling, because we are trying to get this Ramseyer rule properly interpreted.

Mr. KELLY. The Speaker will note that this bill is simply an extension to include additional receipts and certificates of mailing for certain classes of mail. The report carries the legislation of February 14, 1929. This is an extension of that law, and, of course, you could not strike out and add in italics when a general extension is involved, as covered in the report.

Mr. WILLIAMSON. You should have added it in italics.

The SPEAKER pro tempore (Mr. MAPES). Does the gentleman from New York press his point of order?

Mr. LAGUARDIA. Yes, Mr. Speaker.

The SPEAKER pro tempore. It seems to the present occupant of the chair upon a hasty examination of the report that it fails to comply with the rule, which requires the report to contain—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

Mr. KELLY. How would the Speaker suggest you could use italics in such a case as this?

Mr. LAGUARDIA. Just put it in.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry. This is rather a new proposition. If the Speaker sustains the point of order, what is the effect of the ruling? Will the bill be recommitted to the committee reporting it?

Mr. LAGUARDIA. A supplementary and amended report could be supplied by the committee, I think, without it losing its place on the calendar.

Mr. CRISP. I do not think this has ever been ruled upon since the rule was placed in the rule book. I have talked privately to the Speaker about the matter, and I therefore directed the inquiry, to ask what would be the effect of sustaining a point of order under the Ramseyer rule. What would become of the bill, whether the report was subject to be amended on the floor or whether the bill would be recommitted to the committee reporting it?

The SPEAKER pro tempore. The gentleman from Georgia, I think, will recall that the Speaker has interpreted this rule in one or two respects since it was adopted, but the present occupant of the chair does not recall that the Speaker has ever ruled on the point raised by the gentleman from Georgia. In the absence of such a ruling by the Speaker, the present occupant of the chair hesitates to express his opinion on the question while occupying the chair temporarily only.

Mr. LAGUARDIA. My only purpose in making the point of order was to get an interpretation of the rule, which is so important, and, having such a high regard for the present incumbent of the chair as a parliamentary authority I did not hesitate to do it, because I know we would get a learned opinion.

The SPEAKER pro tempore. The Chair would not ordinarily hesitate to give his opinion about it, but the gentleman will realize that it is an important matter and the question which the gentleman from Georgia raises is a question which the present occupant of the chair does not think the Speaker has ever ruled upon, and in the absence of such a ruling he hesitates to pass upon the question.

Mr. LAGUARDIA. If there is the slightest embarrassment to the Chair, I will be pleased to withdraw the point of order and ask that the bill be passed without prejudice, so that I may raise the point of order when the Speaker is in the chair.

The SPEAKER pro tempore. That would be satisfactory to the present occupant of the chair.

Mr. LAGUARDIA. I ask unanimous consent to withdraw the point of order and to have the bill passed over without prejudice.

The SPEAKER pro tempore. With objection, it is so ordered.

There was no objection.

DISPOSAL OF UNDELIVERED MAIL

The next business on the Consent Calendar was the bill (H. R. 8650) to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Pennsylvania if this bill does not impose a duty upon the Postmaster General and if his failure to sell perishable goods would not subject the Government to liability for such failure?

Mr. KELLY. We do not believe so, Mr. Speaker. At the present time there is a system in vogue by which, when shippers of collect-on-delivery mail find they can not for some reason or other deliver it, and it is perishable material, they send word to the postmaster and it is then abandoned. If it is abandoned, it is sold at the best terms possible and the money is turned into postal receipts. However, when it is not abandoned and the material is perishable, the postmaster endeavors to sell it if that can be done before it is entirely destroyed. When he sells it the money received is remitted to the mailer, whatever the amount may be.

This bill would undertake to recognize the present unsatisfactory situation, and where it is necessary to sell perishable goods charge a reasonable fee for such service.

Mr. LAGUARDIA. What does the gentleman think of this, to insert not to exceed 10 per cent?

Mr. KELLY. I think that would be satisfactory to all concerned.

Mr. LAGUARDIA. That would not be excessive.

Mr. KELLY. However, I think there should be a provision that it should not be in excess of 10 per cent and not less than

15 cents. If the bill is considered, I shall suggest an amendment of that kind.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe, undeliverable parcels containing perishable matter may be sold and the amount realized, less a reasonable fee to be fixed by the Postmaster General, shall be remitted to the sender or other rightful owner.

SEC. 2. The Postmaster General may fix reasonable fees for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those originally stipulated at the time of mailing.

Mr. KELLY. Mr. Speaker, I suggest the following amendment: In line 5, after the word "less" strike out the words following up to and including the word "General" and insert in lieu thereof the following:

A commission of 10 per cent, but in no case less than 15 cents.

So it will read:

Perishable matter may be sold and the amount realized, less a commission of 10 per cent, but in no case less than 15 cents, shall be remitted to the sender or other rightful owner.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 5, after the word "less" strike out the words "a reasonable fee to be fixed by the Postmaster General" and insert in lieu thereof: "A commission of 10 per cent, but in no case less than 15 cents."

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. Do I understand that these sums are to be remitted where the senders are known? I assume that, but suppose the sender is unknown. What becomes of the amount of the sale?

Mr. KELLY. It is treated then as abandoned mail and the entire proceeds go into postal receipts.

Mr. STAFFORD. Then there is authorization to sell perishable merchandise where the sender or owner is not known?

Mr. KELLY. That is right.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KELLY. Mr. Speaker, I offer an amendment to section 2. On page 2, line 1, after the word "may," strike out the words "fix reasonable fees" and insert in lieu thereof the following: "charge a fee of 10 cents."

The SPEAKER pro tempore. The Chair will call the gentleman's attention to the fact that the bill has already been passed.

Mr. KELLY. Then, Mr. Speaker, I ask unanimous consent that that action be vacated and that we return to section 2.

The SPEAKER pro tempore. Without objection, the procedure by which the bill was engrossed, read a third time, and passed will be vacated.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 2, line 1, after the word "may," strike out the words "fix reasonable fees" and insert in lieu thereof the words "charge a fee of 10 cents."

Mr. LAGUARDIA. Mr. Speaker, I offer a substitute to the amendment offered by the gentleman from Pennsylvania [Mr. KELLY] to strike out section 2, and on that I ask to be recognized.

Mr. STAFFORD. Mr. Speaker, a point of order. Where a perfecting amendment is under consideration in the House and has not been adopted, can a substitute amendment be acted upon until the perfecting amendment is disposed of?

The SPEAKER pro tempore. The Chair sustains the point of order.

The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, strike out all of section 2.

Mr. LAGUARDIA. Mr. Speaker, I want to inquire of the gentleman from Pennsylvania whether a similar charge is being made by the express companies.

Mr. KELLY. I do not know that express companies have cases where the charge is changed after the time of sending the parcel by express. This section applies to where collect-on-delivery mail is sent and then, for some reason, the sender decides to order its delivery under different terms than agreed in the beginning. This means an entire change of the records in the Postal Service and should be paid for. I do not believe the express companies have a similar provision.

Mr. LAGUARDIA. Does the gentleman mean that if a shipper makes a shipment by express he can not change the charge to the addressee?

Mr. KELLY. I do not know about that procedure.

Mr. LAGUARDIA. The gentleman knows the tendency on the part of some to hamper as much as they can our parcel-post system. John Wanamaker once said there were four reasons in this country why we could not establish a parcel-post system, and they were the American Express, the Wells-Fargo Express, the Adams Express, and the United States Express. It took us a generation to enact a law creating our parcel-post system, and from my short service on the Post Office Committee I remember there was a constant drive there to increase rates, to do everything possible to hamper the success of the parcel-post service, and I am wondering if this will conflict with the competition which the Post Office has to meet from the express companies.

Mr. KELLY. No; on the contrary, I think this will be of benefit to the parcel-post system, because this is a reasonable provision by which the mailer of these parcels, where it is C. O. D.—and this only applies to collect-on-delivery mail—where such a sender desires to change the addressee or desires to change the amount to be collected, he may do so, and that is certainly an advantage to the parcel-post system. I do not believe any mailer can object to a fair charge.

Mr. STAFFORD. Will the gentleman yield.

Mr. KELLY. I yield to the gentleman from Wisconsin, if I have the floor.

Mr. STAFFORD. Is the proposed amendment providing a 10-cent charge recommended by the department?

Mr. KELLY. I presented the statement that the gentleman from New York had made to me last week, that provision should be made for a specific charge, and the post-office officials agreed that a 10-cent fee or charge would be reasonable and stated they were for it.

Mr. STAFFORD. I can conceive of a case where a parcel has been dispatched and the sender wishes to dispatch it to some different point where the fee would be much in excess of 10 cents and would not in any wise be commensurate with the additional postage or the additional charge required for that service, where this 10-cent fee would be virtually an honorarium to the sender. Suppose one of the large mail-order houses in Chicago dispatches a piece of merchandise by parcel post to some place in Wisconsin and then decides to send it on to the Pacific coast.

Mr. KELLY. That, of course, would not apply here.

Mr. STAFFORD. Does he only have to pay 10 cents extra for that additional service?

Mr. KELLY. That would not apply.

Mr. STAFFORD. What is the instant case the gentleman has in mind?

Mr. KELLY. A mail-order house sends out a C. O. D. package. They have on it a certain amount which must be collected by the Post Office Department. For some reason or other they change that amount and send word to the postmaster that the amount is only one-half. This means a change in the records and a 10-cent charge will perhaps cover it. On the other hand, if John Smith, to whom the parcel is addressed, has died, the sender may send word to deliver that parcel to some one else at the same office, or at some address not beyond the delivery zone of that office, and a 10-cent fee would pay all the cost in such a case.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. EATON of Colorado. Will the gentleman from Pennsylvania yield for one further question? Will not the amendment as the gentleman has written it make a fee of 10 cents in lieu

of all other charges the applicable fee when a new amount is put on the C. O. D. package?

Mr. KELLY. There are no other charges, so this is a new fee where the terms are changed with respect to C. O. D. deliveries.

Mr. EATON of Colorado. No fee for returning the money?

Mr. KELLY. No.

Mr. STAFFORD. Mr. Speaker, before the enacting stage is passed, I wish to have the gentleman consider whether the title should be amended. It is rather cumbersome in phraseology and is very extensive. It is almost as elaborate as the enacting provisions of the bill.

Mr. KELLY. It explains the bill and was drafted, I will say to the gentleman, in the Post Office Department.

Mr. STAFFORD. Whoever drafted it is rather verbose in his phraseology and has very little acquaintance with the way to draft measures.

Mr. KELLY. However, it does explain the bill, and I ask for a vote.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DEMURRAGE CHARGES ON UNDELIVERED C. O. D. PARCELS

The next business on the Consent Calendar was the bill (H. R. 1234) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman if this is not too wide a discretion given to the Postmaster General? So, that when we have a Postmaster General opposed to the Parcel Post System, he may destroy it. Will the gentleman object to an amendment inserting in place of the "reasonable time," "not to exceed 15 days"?

Mr. KELLY. Mr. Speaker, this bill is to deal with a recognized abuse under the present system. At the present time there are men who receive in the post office large shipments and allow them to remain in the post office until they can dispose of them one unit at a time. The result is that the goods occupy a great deal of valuable space in the post office. Sometimes a man will order 30 cases of eggs, and then, as he sells them one at a time, he comes to the post office, pays the charges and takes out that one case. The other 29 cases remain in the post office and occupy valuable space. We undertake to say that after a reasonable time he shall pay demurrage.

Now, I am inclined to agree with the gentleman from New York, and I so informed the Post Office Department, and therefore suggest that in lieu of the "reasonable time" the words "after 15 days," and so forth. I will offer that as an amendment if the bill is considered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe any collect-on-delivery parcel which the addressee fails to remove from the post office within such reasonable time as may be prescribed by the Postmaster General may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery, and a reasonable demurrage charge may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period.

With the following committee amendment:

Page 1, line 9, after the word "delivery," strike out the comma and insert a semicolon.

The committee amendment was agreed to.

Mr. KELLY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. KELLY: On page 1 line 5, after the word "within," strike out the words "such reasonable time as may be prescribed by the Postmaster General" and insert "15 days from the first attempt to deliver or the first notice of arrival at the office of the addressee."

Mr. DYER. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. DYER. Suppose the packages or parcels are sent to some place and the addressee can not be ascertained, then what?

Mr. KELLY. They are returned to the sender.

Mr. DYER. Within what time?

Mr. KELLY. According to the time printed on the package, which is usually 30 days. But if the addressee can not be found, they are returned immediately, if return postage is paid.

Mr. DYER. During the time they are held in the post office will the sender have to pay demurrage?

Mr. KELLY. After the 15-day period he will have to pay.

Mr. DYER. Suppose a man shipped goods and they are not delivered and have to be returned, will the sender, through no fault of his, have to be taxed for the demurrage?

Mr. KELLY. No; he will be notified when it is learned that the package can not be delivered. If he elects to let it remain more than 15 days after the notice, he will have to pay.

Mr. McSWAIN. Mr. Speaker, has the amendment of the gentleman from Pennsylvania been agreed to?

The SPEAKER pro tempore. It has not.

Mr. McSWAIN. I would like to ask the gentleman whether or not his 15 days mentioned in his amendment should not be a minimum?

Mr. KELLY. After the 15-day period and the notification card——

Mr. McSWAIN. I know that is the gentleman's intention, but you leave the word "within" there, so it means if the conditions are not complied with within the 15 days? The postmaster may prescribe a regulation of 1 day or 2 days or 3 days.

Mr. KELLY. No. The gentleman confuses the words ahead of that. If the addressee fails to remove the parcel within 15 days, then the demurrage charge starts to run, after the 15 days.

Mr. WILLIAMSON. Mr. Speaker, may we have the amendment again reported?

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 5, after the word "within," strike out the words "such reasonable time as may be prescribed by the Postmaster General," and insert "15 days from the first attempt to deliver or the first notice of arrival at the office of address."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLY. Mr. Speaker, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 9, after the article "a," strike out the word "reasonable," and after the word "charge," at the end of line 9, insert the words "of not exceeding 10 cents per day."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. STAFFORD. Where there is an interminable delay in the removal of a parcel, what authority has the Government to dispose of it. The sender of that parcel may allow it to remain interminably if a charge is made. Is there not authority under existing law that grants the Post Office Department the right to dispose of it, or is this 10 cents per day going to run on for eternity?

Mr. KELLY. In the matter of perishable products, as I have just stated, they can be sold, but in the matter of other goods there is no provision unless the sender refuses to act.

Mr. STAFFORD. So that the warehouse of the post office is to be cumbered up with these parcels which have not been removed, after the value of them has been eaten up by the demurrage charge of 10 cents per day?

Mr. KELLY. At the present time they remain there and nobody can collect anything. We propose now if they stay there after 15 days to make a demurrage charge of 10 cents a day.

Mr. STAFFORD. But I am presuming a case where the sender does not want to take the parcel because of the demurrage charge. What authority is there in the Post Office Department to dispose of it for the demurrage fee?

Mr. KELLY. That again goes back to the sender. The sender is responsible, and we presume that it can be collected.

Mr. STAFFORD. Does the gentleman presuppose that an action would be begun by the department to collect this fee from the sender who may live hundreds of miles away? Has the department considered the right that should be given them to dispose of packages after a certain length of time when these demurrage charges have accumulated and remain unpaid?

Mr. KELLY. I should be glad to take that up with the department. This particular bill provides only for the charges beyond the 15-day period.

Mr. STAFFORD. There should be some authority in the Government to dispose of packages from the sender where the demurrage charges, after a reasonable time, are not paid.

Mr. COCHRAN of Missouri. And for the first 15 days there will be no charge whatsoever?

Mr. KELLY. No. But after 15 days have elapsed a charge of not to exceed 10 cents a day will be made. There are provisions

now where certain parcel post, second-class matter, newspapers, magazines, after an attempt has been made to send them back to the sender, and the sender refuses to pay, are destroyed.

Mr. STAFFORD. I am referring to merchandise, valuable merchandise, perhaps.

Mr. KELLY. That applies in the same way.

Mr. STAFFORD. Merchandise that may be sent by farmers—eggs, butter, and the like—which become stale. Are they going to emit their fumes for the benefit of the postal employees under this 10 cents a day demurrage charge without the privilege of disposing of them if not called for?

Mr. KELLY. No; the sender is notified that those goods are there, and he can send the postage for them, or they will be destroyed.

Mr. LAGUARDIA. There is a provision in the law now to dispose of abandoned goods, and that answers the inquiry of the gentleman from Wisconsin.

Mr. KELLY. Absolutely.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. PATTERSON. Does not the gentleman think that this 10 cents a day charge on an ordinary package is excessive?

Mr. KELLY. It is "not to exceed 10 cents" a day. There may be a charge based on value.

Mr. PATTERSON. Yes; but you leave it entirely in the discretion of somebody to fix the charge, and it might be fixed at 10 cents. Many of these little packages fail to be delivered because of sickness or something of that sort, and it seems to me that it is an undue burden to have this charge as high as 10 cents a day. I hope the gentleman will not insist upon its being 10 cents. Why not make it 5 cents?

Mr. KELLY. It is "not exceeding" 10 cents. We must give some leeway because of the different values of goods involved. I hope the gentleman will agree with me that it might be made 1 cent or 5 cents or 10 cents.

Mr. PATTERSON. I agree with the gentleman, and I would be exceedingly loath to object to anything the gentleman asks; but it seems to me that 10 cents is excessively high for lots of little packages. Lots of times there may not be more than a pound of matter lying there in the post office. It might be valuable to some particular person, and then to make him pay a charge of 10 cents a day it seems to me is excessive.

Mr. KELLY. But some of these values run up into hundreds of dollars. I think we can trust the Postmaster General on this. This must be a matter of leeway to some extent.

Mr. STAFFORD. Undoubtedly the Postmaster General will make regulations fixed on the value and the size of the parcel.

Mr. PATTERSON. I should like to see it limited by legislation here.

Mr. KELLY. We should fix the maximum fee.

Mr. STAFFORD. We have to grant him some leeway in the administration of this. Not exceeding 10 cents a day it seems to me is a proper safeguard.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DEFACING STAMPS ON POSTAL CARDS

The next business on the Consent Calendar was the bill (H. R. 7395) to extend to Government postal cards the provision for defacing the stamps on Government stamped envelopes by mailers.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, I would like to ask the author of this bill or the gentleman from Pennsylvania [Mr. KELLY] if there is not a mistake in the bill? There seems to be a serious repetition there. The report says that the bill was passed in 1925 by Congress providing for the cancellation of Government stamped envelopes. The bill seems to provide for the extension of that privilege to postage stamps on postal cards. Is so, why?

Mr. KELLY. This is simply an extension of the right now held by these permit holders to deface stamps on the postal cards as well as Government stamped envelopes.

Mr. JENKINS. Was that the decision of the committee—to insert this phraseology and not reenact the whole bill?

Mr. KELLY. Yes.

Mr. STAFFORD. As to the question raised by the gentleman from Ohio [Mr. JENKINS], do I understand that in order to have this permit granted if the merchant wishes it to apply to postal cards he has also to have permission which now applies to stamped paper?

Mr. KELLY. No.

Mr. STAFFORD. The phraseology of the bill would so indicate.

The bill says:

To issue a permit to persons using Government stamped envelopes and Government postal cards to deface the postage stamps thereon.

And so forth. I understand the purpose of this bill is to grant the same privilege to a person who wishes to have the stamps on postal cards effaced as is now granted to persons on embossed envelopes, and yet the wording of this provision would indicate that the permit must extend to both. I do not object to a person having a permit for the use of stamped envelopes and postal cards. I do not know whether the gentleman has any experience in obtaining a permit to efface stamps on stamped envelopes. This is for the benefit of the business interests of the country. A large business establishment may wish it only for postal cards, and not for stamped envelopes, a privilege which is already granted under existing law. Why not amend by striking out the words "in connection with"? Under the phraseology of this bill you grant a permit for the use of the mails for both purposes, postage stamps and postal cards. It is conjunctive and not disjunctive.

Mr. KELLY. The gentleman is somewhat meticulous.

Mr. STAFFORD. I may be critical or hypercritical, but not meticulous as to phraseology.

Mr. KELLY. The purpose of this measure is to give an added service to the business interests of the country. We have allowed permit holders to deface the stamps on Government stamped envelopes. That is a satisfactory service. Now they wish to have the same right as to postal cards. There is no reason why they should not deface the stamps on postal cards in the same manner as those on stamped envelopes.

Mr. STAFFORD. I think we should pass this over. There are others here that have the same view that I have as to the effect of the phraseology.

Mr. McSWAIN. Mr. Speaker, I will offer this amendment: On line 5, after the words "persons using Government postal cards," so that the words "persons using" will qualify both "postal cards" and "envelopes" and thus show that there are two classes dealt with.

Mr. KELLY. I will accept that amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized, under such regulations as he may prescribe, to issue a permit to persons using Government-stamped envelopes and Government postal cards to deface the postage stamps thereon in connection with the placing on the envelopes and postal cards of the name of the post office and State of mailing, together with such other indicia as may be prescribed.

Mr. McSWAIN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 1, line 5, after the word "and," insert the words "to the person using."

The amendment was agreed to.

Mr. PATTERSON. Mr. Speaker, I want to ask the gentleman from Pennsylvania this question: I understand this is not to extend the permit system. A lot of small post offices are complaining about the permit system that is used by the big business houses and mail-order houses, and I understand the small post offices do not get compensation for that. It discriminates against the small post offices. This does not affect the cancellation at small post offices, does it?

Mr. KELLY. It has nothing to do with extending the permit system in itself.

Mr. PATTERSON. They will get the benefit of the cancellations just the same as if I went to a post office and bought stamps?

Mr. KELLY. In a fourth-class office; yes. Fourth-class postmasters are paid on the cancellations.

Mr. PATTERSON. The third-class post office has a great deal to do with the income of the post office. That does not affect the third or the second class, either.

Mr. KELLY. He gets credit for the sale of stamps. That is a part of the receipts on which his salary is based.

Mr. PATTERSON. And he does not get this cancellation?

Mr. KELLY. The first, second, and third class postmasters have no compensation based on cancellation.

Mr. PATTERSON. When they sell stamped envelopes do they get credit for those?

Mr. KELLY. These are Government stamped envelopes and, of course, add to the receipts where sold.

Mr. PATTERSON. Yes. They have to buy them somewhere.

Mr. BRIGGS. Does this have any relation to the practice which I understand obtains to some extent of a number of organizations of large business using a central station for purchasing and then canceling the stamps in one city of a State, and mailing the letters out to various post offices in the State which are given the burden of handling and distributing such mail without any showing in their returns of compensatory sales of postage for the handling of that business, thereby crediting the postal benefits to one central office in the State?

Mr. KELLY. No. This bill has no reference to that. All that this bill will do will be to save the Postal Service the expense of actually canceling the Government post cards which otherwise will be canceled in the private-permit machines.

Mr. BRIGGS. It is my understanding that a great many post offices in the United States are transacting a great deal of business, but there is no showing in their postal receipts. They are handling a much greater volume of business, but at the same time it looks as though their business is declining, by reason of no increase in postal receipts. I want to know if the Post Office Committee is dealing with that situation so as to correct it as far as can be, or at least, not encourage legislation which will promote it?

Mr. KELLY. The Post Office Committee is going into that matter in an effort to do justice to those offices that are doing a great deal of service which does not appear in the receipts.

Mr. BRIGGS. I saw an example of that the other day. They were handling a vast amount of work and their postal receipts were declining simply because business houses bought postage some place else and used a post office elsewhere for the carriage of that mail.

Mr. O'CONNELL of New York. I was going to say to my friend from Texas that this increasing expense or lack of receipts is not a thing to be charged to the employees, because they are not getting any more than they are entitled to.

Mr. BRIGGS. I understand that. They will never get any more either if the situation referred to is not abated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSFER OF THE CHEBOYGAN LIGHTHOUSE RESERVATION, MICH.

The next business on the Consent Calendar was the bill (S. 846) to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I note in a communication from the Commissioner of Lighthouses, he states that the Fourteen Foot Shoal will be completed about May 31, 1930. Does the gentleman anticipate that this bill will not pass the Senate by this time?

Mr. MERRITT. No. I do not anticipate that the Secretary will make the transfer until he is through with it. It is only permissive. It does not compel him to make it.

Mr. LAGUARDIA. You have that in mind?

Mr. MERRITT. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the State of Michigan, subject to the conditions hereinafter provided, all lands embraced within the Cheboygan Lighthouse Reservation, Mich., described as follows:

Beginning at a point in the west boundary of lot 1, section 22, township 38 north, range 1 west, which is due west and 1,320 feet distant from the quarter corner between sections 22 and 23, township 38 north, range 1 west; thence north 1° 25′ west, 664 feet to a stake; thence continuing north 1° 25′ west, 20 feet more or less to the shore of Lake Huron; thence westerly and southwesterly along the shore of Lake Huron to its intersection with a line through the point of beginning and bearing south 88° 35′ west from same; thence north 88° 35′ east, 90 feet more or less to a stake; thence continuing north 88° 35′ east, 2,686 feet to the point of beginning, containing in all 41.13 acres, more or less.

SEC. 2. The lands herein authorized to be conveyed shall be used by the State of Michigan solely for public-park purposes, subject to the right of the United States to have access to such lands at all times for the purpose of maintaining a telephone cable across such lands. The deed executed by the Secretary of Commerce under the provisions of section 1 of this act shall contain the express condition that if the State of Michigan shall cease at any time to use such lands for public-park purposes, or shall at any time use such lands or permit their use for any purpose not contemplated by this act, or shall attempt to alienate them, they shall revert to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TOLL OR FREE BRIDGES ACROSS MISSOURI RIVER

The next business on the Consent Calendar was the bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. DENISON. This bill ought to be passed over. There is no objection to it, but I ask that it may be passed over to-day in order that I may have an opportunity to confer with Senator HOWELL in regard to it.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS THE LITTLE CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 8970) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and thirty-fourth Street, between sections 31 and 32, township 37 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

On page 1, in line 4, after the word "a" insert "free highway."

On page 2, line 1, after the word "meridian," insert "in Cook County, Ill."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON HALSTED STREET, IN COOK COUNTY, ILL.

The next business on the Consent Calendar was the bill (H. R. 8971), granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to widen, maintain, and operate the existing highway bridge and approaches thereto across the Little Calumet River, at a point on Halsted Street, near One hundred and forty-fifth Street, in section 8, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, after the word "meridian," insert "in Cook County, Ill."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON ASHLAND AVENUE

The next business on the Consent Calendar was the bill (H. R. 8972) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and fortieth Street, in section 6, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, after the word "meridian," insert the words "in Cook County, Ill."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE WEST BRANCH OF THE DELAWARE RIVER

The next business on the Consent Calendar was the bill (H. R. 9038) granting the consent of Congress to the State of New York to reconstruct, maintain, and operate a free highway bridge across the West Branch of the Delaware River at or near Beerston, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of New York to reconstruct, maintain, and operate a free highway bridge and approaches thereto across the west branch of the Delaware River at a point suitable to the interests of navigation at or near Beeraton, Delaware County, N. Y., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out the word "reconstruct" and insert in lieu thereof the word "construct."

In line 6, strike out the words "west branch of the."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE NANTICOKE RIVER

The next business on the Consent Calendar was the bill (H. R. 9141), to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, to a point in Wicomico County.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bill 3193 be considered in lieu of the House bill, they being substantially alike.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that Senate bill 3193 be considered in lieu of House bill 9141. Is there objection?

There was no objection.

The Clerk read the Senate bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, and its successors and assigns, to construct, maintain, and operate a highway bridge across the Nanticoke River at a point suitable to the interests of navigation, at Vienna, in Dorchester County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

House Bill 9141 was laid on the table.

BRIDGE ACROSS THE ROANOKE RIVER

The next business on the Consent Calendar was the bill (H. R. 9180) granting the consent of Congress to the North Carolina State Highway Commission to construct, maintain, and operate a free highway bridge across the Roanoke River, at or near Weldon, N. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the North Carolina State highway commission to construct, maintain, and operate a free highway bridge across the Roanoke River at a point suitable to the interests of navigation, at or near Weldon, N. C., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the bridge now being constructed across the Roanoke River at Weldon, N. C., by the State of North Carolina, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before construction is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

WHITE HOUSE POLICE FORCE

The next business on the Consent Calendar was the bill (H. R. 9437) to authorize a necessary increase in the White House police force.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported in that the report accompanying the bill does not comply with the Ramseyer rule in showing the changes in existing law.

Mr. ELLIOTT. I will say to the gentleman there has been filed a supplemental report on the bill.

Mr. LAGUARDIA. On the assurance of the gentleman there is a supplementary report, I will withdraw the point of order; but reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman to the first section, which provides that the members of such force shall possess the privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia. This is all right, but then it says:

And such additional privileges, power, and duties as the Chief of the Secret Service Division may prescribe.

Now, he may prescribe privileges and duties, but I do not believe the Chief of the Secret Service has authority to enlarge the powers of the police, and I would suggest the striking out of the word "powers."

Mr. ELLIOTT. I have no objection to striking out the word "powers" at that place in the bill.

Mr. COLLINS. Mr. Speaker, reserving the right to object, do I understand the gentleman to mean he is willing to strike out the word "powers"?

Mr. LAGUARDIA. Where it appears the second time.

Mr. COLLINS. I understand where it is. I have it marked here. One other question. As I understand it, the total number of privates will be 43?

Mr. ELLIOTT. I think so. It is stated in the bill.

Mr. COLLINS. There is no limit stated in the bill. Five hundred privates could be added under the terms of the bill. Forty-three is indicated as the necessary number; so why not limit the number to 43.

Mr. ELLIOTT. That is what they have there now.

Mr. COLLINS. I understand that. Would not the gentleman be willing to accept an amendment inserting "not exceeding 43 in number" after the word "necessary"?

Mr. ELLIOTT. I have no objection to that. That takes care of what they have there and what they say is necessary.

Mr. LAGUARDIA. May I ask the gentleman from Indiana the advisability of putting this police force under the jurisdiction of the Treasury Department? The Secret Service referred to here is in the Treasury Department.

Mr. ELLIOTT. The Secret Service has the job of protecting the President all the time and they want control of the whole business—guarding the residence and guarding the President.

Mr. O'CONNELL of New York. Mr. Speaker, I reserve the right to object until somebody, perhaps, will be able to tell me the number of police that are involved in this legislation.

Mr. ELLIOTT. Forty-three privates.

Mr. O'CONNELL of New York. Forty-three in addition to the number now on duty?

Mr. ELLIOTT. No; all together. They have them on duty there now.

Mr. O'CONNELL of New York. May I ask the distinguished chairman of the Committee on Public Buildings and Grounds, for whom I have a very warm affection, if these new policemen are to take care of some of these new commissions that are being appointed?

Mr. ELLIOTT. No; as I understand, about a year ago Chief Moran, of the Secret Service, was brought in to work over this police force at the White House and to determine what was necessary. He did this and put on these extra policemen under an Executive order of the President. It is necessary now to enact this bill to take care of the matter.

Mr. O'CONNELL of New York. In order to obtain the appropriation?

Mr. ELLIOTT. Yes; that is the idea.

Mr. O'CONNELL of New York. What will be the total number of police under this bill for the White House alone?

Mr. ELLIOTT. Forty-three privates.

Mr. O'CONNELL of New York. And how many officers?

Mr. ELLIOTT. That is stated in the bill. They have them all on duty at this time, and they were all put on at the recommendation of the Secret Service.

Mr. O'CONNELL of New York. We can not throw too many safeguards around the person of the President. Then, too, these additions to the White House guard will in a measure ease up the unemployment in the Capital City.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922, is amended to read as follows:

"That there is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the White House police. Such force shall be under the control and direct supervision of the Chief of the Secret Service Division. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges, powers, and duties as the Chief of the Secret Service Division may prescribe."

SEC. 2. Subdivision (a) of section 2 of such act of September 14, 1922, is amended to read as follows:

"SEC. 2. (a) That the White House police force shall consist of one captain with grade corresponding to that of captain (Metropolitan police), one lieutenant with grade corresponding to that of lieutenant (Metropolitan police), three sergeants with grade corresponding to that of sergeant (Metropolitan police); and of such number of privates, with grade corresponding to that of private, class 3 (Metropolitan police), as may be necessary. Members of the White House police shall be appointed from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

SEC. 3. Subdivision (c) of section 3 of such act of September 14, 1922, is amended to read as follows:

"(c) Any member of the White House police force appointed thereto from the Metropolitan police force or the United States park police force may be transferred to the organization of which he was a member at the time of such appointment."

SEC. 4. Section 7 of such act of September 14, 1922, is amended to read as follows:

"SEC. 7. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment: Page 2, line 4, strike out the word "powers."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, in line 4, strike out the word "powers."

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 2, line 16, after the word "necessary," insert "but not exceeding 43 in number."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STUDY, INVESTIGATION, AND SURVEY OF THE SECOND MANASSAS BATTLE FIELD

The next business on the Consent Calendar was the bill (H. R. 1408) to provide for the study, investigation, and survey, for commemorative purposes, of the Bull Run and Second Manassas battle fields in the State of Virginia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made studies, investigations, and surveys of the Bull Run and Second Manassas battle fields in the State of Virginia, for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle fields and other adjacent points of historical and military interest, in accordance with the classification set forth in Senate Document No. 187, Seventieth Congress, second session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, investigations, and surveys, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,600, or so much thereof as may be necessary, to be expended for the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STUDY, INVESTIGATION, AND SURVEY FOR COMMEMORATIVE PURPOSES OF THE BATTLE FIELD OF CHALMETTE, LA.

The next business on the Consent Calendar was the bill (H. R. 6618) to provide for the study, investigation, and survey for commemorative purposes, of the battlefield of Chalmette, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I do not quite understand the necessity of this survey in view of the language contained in the report. From the language of the report I conclude that the surveys have been made.

Mr. O'CONNOR of Louisiana. No; the surveys are to be made in pursuance of the mandate in the bill, which required the surveys so that the battle fields might be properly classified and marked. The classifications the gentleman undoubtedly refers to were prepared by the War Department after a preliminary examination, and the report thereon calls for the survey, which is the purpose of this bill.

Mr. JENKINS. The report states something to the effect that these surveys have already been made and put in class A–1.

Mr. O'CONNOR of Louisiana. There was a survey of this battle field made several years ago pursuant to a bill I had passed for the purpose of ascertaining the feasibility of establishing a national park on that historic area where was fought the Battle of New Orleans. But that was merely a survey of the ground

on which the actual engagement was fought on January 8, 1815. Chalmette Field was transferred by the State of Louisiana to the United States Government years ago. This bill is for the purpose of making a study and survey of that battle field in order to ascertain where markers, and so forth, should be placed.

Mr. McSWAIN. The survey referred to in Senate Document 187 was a study of the battle field merely for historical purposes. Nobody ever went on the ground with a tapeline and for the purpose of locating different organizations on the battle field. This classification of the battle field was merely for historical purposes.

Mr. JENKINS. This will involve $300 for the survey?

Mr. McSWAIN. Exactly.

Mr. JENKINS. Then some one will come forward when they want to locate certain monuments?

Mr. McSWAIN. Yes; and it will then be up to Congress to say what it will do.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made a study, investigation, and survey of the battle field of Chalmette, in the State of Louisiana, for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle field and other adjacent points of historical and military interests, in accordance with the classification set forth in House Report No. 1071, Sixty-ninth Congress, first session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the study, investigation, and survey, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300, or so much thereof as may be necessary, to be expended for the purposes of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SEPARATION OF INSURANCE FROM THE FRATERNAL ACTIVITIES IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7701) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the Superintendent of Insurance of the District of Columbia.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, this bill is very far reaching and I am not ready to pass upon it to-day.

Mr. WINGO. Mr. Speaker, let me say that, while this is not my bill, I am quite familiar with it. The only necessity for coming to Congress is that the Knights of Pythias was chartered by a special act of Congress. This will enable them to separate the insurance from the fraternal activities, if they so desire. The amendment of the committee overcomes every possible objection. Even if they do make the change and the superintendent of the District of Columbia approves it, they still have to comply with the laws of every State in the Union, including the District of Columbia. It does not give them any special privilege. The act would apply to every similar corporation, but I do not know of but one other and that is a colored organization, and they would not care to divide their activities.

Mr. LaGUARDIA. Has the gentleman any knowledge of a company organized in the District of Columbia whose funds have been held up in the courts for the last eight or nine years?

Mr. WINGO. I do not; but that has nothing to do with this.

Mr. LaGUARDIA. It would not have anything particularly to do with this.

Mr. WINGO. No; because all that this does is this: The original charter to the Knights of Pythias having been granted by special act of Congress, before their supreme governing body can separate their insurance from their fraternal activities, they have to get an amendment to their charter. After they make that proposed amendment, then they have still to get the approval of the insurance commissioner of the District of Columbia, and in addition to that, they will have to go into every State and comply with the requirements of the laws the same as every other mutual insurance company.

Mr. LaGUARDIA. Would the gentleman have any objection to having this go over without prejudice?

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GREENWOOD. Heretofore they have issued insurance policies only to members of the organization?

Mr. WINGO. That is true.

Mr. GREENWOOD. Will this permit them to go into the general insurance business and write policies generally without the policyholder being a member of the organization?

Mr. WINGO. Certainly. A man will not have to belong to the Knights of Pythias in order to take out an insurance policy.

Mr. FORT. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. FORT. If this bill passes, will not this organization become the only life-insurance company in the United States enjoying a national charter by special act of Congress?

Mr. WINGO. It already has that.

Mr. FORT. Not as a general-insurance company.

Mr. WINGO. Yes; they write insurance under the present charter.

Mr. FORT. I will join in the request of the gentleman from New York [Mr. LaGUARDIA] to have this bill go over without prejudice. I have seen the bill for the first time to-day and would like to study it a little further.

Mr. UNDERHILL. I think it better go over without prejudice.

Mr. WINGO. After the two hearings in which all of the insurance people appeared and went into the matter? I do not know of any opposition left to it after you adopt the amendment of the committee.

Mr. FORT. I would like to see the report of the hearings.

Mr. WINGO. Of course the bill is on the Calendar for Consent. It is not my bill. It is the bill of the gentleman from Indiana, but in view of the requests that have been made, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PACTS BETWEEN COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Nebraska [Mr. SIMMONS] who is in Florida at this time on Appropriations Committee work asked me to ask unanimous consent that this bill be passed over without prejudice. I make that request in his behalf.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

FLOOD RELIEF IN ALABAMA

Mr. ALMON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2093) for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929. I do that as an emergency measure. It is evident that the bill can not be reached on the calendar this afternoon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I have examined this bill, and I think a very serious precedent would be established by the adoption of it.

The SPEAKER. The Clerk will report the bill in full.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,660,000 for the relief of the State of Alabama, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Alabama through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by

the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of Alabama shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this act, not to exceed 2½ per cent may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures, and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this act.

With the following committee amendment:

Page 3, line 2, after the word "act" insert "*Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Alabama, or the necessary relocation of such roads and bridges."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. What is the exigent occasion which demands giving the State of Alabama preferential consideration in the matter of road building to the extent of $1,660,000? I notice in the report that in some prior Congress, perhaps the last, we adopted similar legislation so far as the States of New Hampshire, Vermont, and Kentucky are concerned. There have been many floods in Wisconsin which have destroyed roads, and yet that State has not appealed to the National Government to have a preferential gratuity extended to it, and I suppose that condition exists in other States. We have been rather generous to the South in the way of relief occasioned by floods. Why should we make special appropriation of $1,660,000 to the State of Alabama?

Mr. ALMON. This was a very unprecedented flood. It went 16 feet above the high-water mark and washed away Federal roads and bridges, and they are there now without them. It is an emergency. Mr. McDonald, the director of roads, said that it is a stronger case than the cases of New Hampshire, Vermont, or Kentucky.

Mr. STAFFORD. There have been floods in Indiana. I see the gentleman from Indiana [Mr. GREENWOOD] is rising, and I suppose he is going to call attention to wreckage occasioned by the flood on the Wabash.

Mr. GREENWOOD. I would like to do that, but I want to make inquiry whether this money is to be expended on roads entirely by Federal aid?

Mr. ALMON. Yes; on the 7 per cent system of Federal roads, and to make it plain and positive we have put an amendment in the bill requiring it to be expended on Federal-aid roads.

It is a very great emergency, and I hope the bill will not be objected to.

Mr. STAFFORD. Does this money come from the national road fund?

Mr. HILL of Alabama. Yes. It is exhausted.

Mr. STAFFORD. It is all wrong. Every State in the Union might come here with such a demand if you establish the precedent. I would like to ask the gentleman from Iowa [Mr. DOWELL], the chairman of the Committee on Roads, as to how many other States this legislation might be applied to by reason of recent floods?

Mr. DOWELL. There is nobody who can answer that question at this time. It all depends on the future.

Mr. STAFFORD. How many States could apply for this aid by reason of past floods?

Mr. DOWELL. Perhaps there are one or two connected with this same flood that have not made application, but everybody connected with this particular flood has been taken care of, but not as provided in this bill. They were in the Federal-aid system. In those other cases they were not. The Committee in recommending this bill, concluded that under no circumstances would they go beyond the Federal-aid system, and they provided in this bill an amendment excluding projects outside the Federal-aid system.

Mr. STAFFORD. Under the Federal-aid system any State needing sufficient funds can get that aid?

Mr. DOWELL. Not now. If that were so, it was long before this system was established.

Mr. STEAGALL. It is not contemplated that this kind of relief will be granted in all cases of floods, but only in cases where the floods are unprecedented. This is the strongest case of any that has been presented.

Mr. STAFFORD. I never knew of a man advocating a bill who could not make that kind of a remark.

Mr. HILL of Alabama. A former chairman of the Committee on Roads testified to that.

Mr. STAFFORD. I do not think this State should be picked out to receive such aid.

Mr. HILL of Alabama. This aid has been granted to other States with respect to purely Government-aided roads. This is limited to Government-aid roads.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PALMER. Mr. Speaker, I understand this money goes only to those States that are under the Federal highway system.

Mr. DOWELL. This flood, as the gentleman well knows, was an extraordinary case of destruction, and under other circumstances I think no bills would be brought here. But those others were brought here and they went away beyond the Federal-aid system, and in this case the committee limited it to the Federal-aid system, and it is recommended by the Department of Agriculture.

Mr. STAFFORD. Oh, the Department of Agriculture recommends anything that puts its hands into the Federal Treasury.

Mr. DOWELL. But they investigated this matter especially.

Mr. LAGUARDIA. Does this money pay for the entire cost of rebuilding?

Mr. DOWELL. It is the only one.

Mr. STAFFORD. We can have the assurance of the gentleman that in the future the gentleman will not report any bills except in case of extraordinary floods?

Mr. DOWELL. Yes.

Mr. STAFFORD. I am told that this bill is going to pass anyway under suspension of the rule. What is the use of objecting to these bills when the order of the day is to spend money?

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AGRICULTURAL EXTENSION WORK

Mr. CRISP. Mr. Speaker, I ask unanimous consent to take up out of order the bill (S. 3030) No. 208 on the calendar. It is a State bill affecting the State of Georgia, and I think it covers an emergency.

The SPEAKER. The gentleman states that it is his opinion that an emergency is involved?

Mr. CRISP. Yes. Unless we pass this bill the State of Georgia can not receive the benefit of the Capper-Ketcham bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

S. 3030

A bill to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928.

Be it enacted, etc., That the provisions for payment of the installments of the appropriation authorized by the act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (45 Stats. L. 711), be made upon the assent of the governors of the several States, duly certified to the Secretary of the Treasury, is hereby extended until January 1, 1932.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I am impressed on reading this bill with the fact that the funds in this bill go to Federal aid in agricultural extension work. Am I correct?

Mr. CRISP. If the gentleman will yield, I will explain the bill to him to his entire satisfaction.

Mr. STAFFORD. I understand that 80 per cent goes to the State of Georgia.

Mr. CRISP. The Congress in 1928 passed an act permitting the 48 States of the Union to receive $20,000 increase from Federal funds to assist the State agricultural colleges to pay for the county agents. The act required the States to consent to the

increase by act of their legislatures. The Georgia Legislature meets every two years, and the session is limited to 50 days. The Georgia Legislature met last summer and passed the necessary appropriation to match the Federal fund increase of the $20,000. The senate of the legislature also passed a bill assenting to the Federal act, but in the jam in the closing days of the legislature the house failed to pass the senate bill. This frequently happens in legislative bodies.

Therefore the State can not receive this additional $20,000. Forty-seven of the States—all of the States except Georgia—have assented to it and received the $20,000 increase. When this bill was considered in the committee, the gentleman from Michigan [Mr. KETCHAM] asked me if the governor of the State would agree to assent to it and would assure him that the next session of the legislature would approve it. I was not authorized to act, and I wired the governor, and the governor wired that the State would assent and that appropriations had been made to match it. Our legislature will not meet again until next summer, 1931. This bill simply extends the time when Georgia by legislative enactment may consent to it, to put her on a parity with the other States; and with the governor now assenting, they get the $20,000 increase as other States until the legislature meets.

Mr. STAFFORD. Before considering this bill and the report I thought it was meritorious, but I was amazed, I was surprised if not amazed, that in the dispensing of Federal funds the National Government is spending 80 per cent for the salaries of the Federal agents now working in the various States where this fund is dispensed. The National Government is undertaking the work that preferentially belongs to the State itself.

Mr. KETCHAM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KETCHAM. I think the gentleman is under a misapprehension. For every dollar that is expended of Federal funds $2.43 is expended on the average by the various States, but of the fund that does go to the State 80 per cent must actually be spent in work by county agricultural agents and not in useless overhead expense. So that the provision for 80 per cent is a desirable feature of this bill. It does not mean that 80 per cent of the total amount of money that goes to the maintenance of these county agricultural agents comes from the Federal Government; $2.43 comes from the States concerned as against $1 that comes from the Federal Government.

Mr. STAFFORD. I may have been in error. I have no objection to the bill, because Georgia is singled out and should be granted an extension of time.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXTENSION OF TIME FOR FILING APPLICATIONS UNDER WORLD WAR ADJUSTED COMPENSATION ACT

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9804) to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivisions (b) and (c) of section 302, section 311, and subdivision (b) of section 604 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, secs. 612, 621, and 664), are amended, to take effect as of December 31, 1929, by striking out "January 2, 1930," wherever it appears in such subdivisions and section, and inserting in lieu thereof "January 2, 1935."

SEC. 2. Section 602 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 662), is amended, to take effect as of December 31, 1929, by striking out "before January 3, 1930," wherever it appears in such section, and inserting in lieu thereof "on or before January 2, 1935."

SEC. 3. Subdivision (b) of section 312 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 622), is amended, to take effect as of May 29, 1928, to read as follows:

"(b) If in the case of any such individual who is a veteran it appears that his application was not made and filed prior to the beginning of such 7-year period, or that although entitled to receive adjusted service pay he did not receive it prior to the beginning of such 7-year period, then (if such 7-year period began on or before January 2, 1935) his dependents who have made and filed application before the expiration of one year after the date of the expiration of such 7-year period or on or before January 2, 1935, whichever is the later date, shall be entitled to receive the amount of his adjusted service credit in accordance with the provisions of Title VI."

SEC. 4. This act shall not invalidate any payments made or applications received, before the enactment of this act, under the World War adjusted compensation act, as amended. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such act, as amended. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under Title VI of such act, as amended (except sec. 608), exceed the adjusted service credit of the veteran.

SEC. 5. If, prior to the date of the enactment of this act, the Secretary of War or the Secretary of the Navy, as the case may be, have made certification under section 303 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 613), on an application bearing the identified fingerprints, but lacking the proved signature of a veteran now deceased, such application and certification shall be held and considered to have been legally made, and any adjusted service certificate issued to the veteran upon such certification shall be held to have been validly issued and shall be valid.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. I am not.

The SPEAKER. Does any gentleman opposed to the bill desire to demand a second? If not, the Chair will recognize the gentleman from Wisconsin.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Oregon is entitled to 20 minutes and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. HAWLEY. Mr. Speaker and gentlemen, this bill proposes to do three things. The first is to extend the time within which veterans of the World War may apply for adjusted compensation. When the legislation was originally enacted a 4-year period was provided for the purpose of securing as many applications as possible within a reasonable time in order to determine what the extent of the Government's obligation might be under the law. Later the time in which applications could be made was extended for a period of two years. Such extension expired on January 2 of this year.

There are approximately 450,000 veterans who have not yet applied. Following the expiration of the first extension there were received 25,512 applications from veterans, which were necessarily rejected because they were received too late. This bill, in the first paragraph, proposes to extend the period five additional years; that is, to January 2, 1935. This extension of time begins with December 31, 1929, in order to validate the applications that were received too late under the first extension.

The second part of the bill provides an amendment to the existing law in disappearance cases. Under the existing law, if a soldier is absent and not heard from for a period of seven years he is deemed to be dead, for the purposes of this legislation. Under the law the application must be made by the dependents before the expiration of the 7-year period. A great many wives and mothers do not like to presume that the husband or son is dead, and they have delayed making application until the 7-year period has fully run, and now are debarred. This bill proposes that dependents who have made and filed applications before the expiration of one year after the date of such 7-year period or on or before January 2, 1935, whichever is the later date, shall be entitled to receive the adjusted service credit.

The third proposal deals with a small number of certificates that were issued by the Veterans' Bureau upon certification from the departments, when fingerprints only were impressed on the application and the veteran's signature nowhere appears. These applications having been certified by the departments the bureau issued certificates. I understand that in some cases loans have been made on them.

This provision of the bill removes any possible doubt as to the validity of the certificates already issued but does not apply to any future applications which may have only fingerprints on them, for the reason that fingerprints can be put on after a person is dead.

Unless there are some questions, I think I have stated briefly the purposes of the bill.

Mr. COLLIER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. COLLIER. I just wish to state that this bill has the unanimous report of the committee, and the minority joins with the majority members.

Mr. WINGO. Will the gentleman yield?

Mr. HAWLEY. I yield with pleasure.

Mr. WINGO. With reference to the widow of a man who has disappeared and has not been heard of for seven years, as I understand, this bill gives her one year within which to file?

Mr. HAWLEY. One year after the expiration of the 7-year period, or on or before January 2, 1935; whichever is the later date.

Mr. WINGO. Why do you make that one year and then make it five years as to these others?

Mr. HAWLEY. The five years are for the veterans who have not yet applied, who are widely disseminated throughout the country, and probably many of them never heard of the proposal. The director of the bureau stated that on the morning after the expiration of the period, on January 2 of this year, he received a telephone message from some one asking about it, saying he had never heard of it. Some of the veterans are abroad. This will give time for them to apply.

Now, in the case of the widow or other dependent of a man who has been absent for seven years, they have one year after the 7-year period has run, or until January 2, 1935, in which to apply for the adjusted-service credit.

Mr. WINGO. I have in mind a case where I presented the findings of the probate court to the effect that the man was legally dead, having been absent for seven years, but, as I recall, the department said the widow's application was made too late, although she had made the application in fact before the time expired, but we were quibbling along for nearly two years in satisfying the department the man was legally dead under the laws of the State of Arkansas, he having been absent for more than seven years. They admitted that seven years was the correct standard, but a determination of when the seven years started was the trouble in this case, as I recall, though I am not sure. That matter was finally adjudicated by the probate court, which is the proper court in my State.

Now, notwithstanding the fact she had made the application and had been corresponding with the department trying to meet its demands for over a year, when finally the department was satisfied about that, they came back and said that the time had expired and she would have to file a new application; and stated that if she did that it would do her no good because the time limit had expired. Will this bill take care of that kind of case?

Mr. HAWLEY. This will give them a year after the expiration of the 7-year period of presumptive death, or until January 2, 1935, whichever is the later date.

Mr. WINGO. Then I will have to start all over again. It took me over a year to satisfy the department before, and I am afraid if my experience with the department in the future will be what it has been in the past, that will not be sufficient time. In this case my recollection is we were over a year satisfying the department the man had been absent seven years.

Mr. CRISP. Will the gentleman yield?

Mr. WINGO. And it is already eight years since he disappeared.

Mr. HAWLEY. If the gentleman will read paragraph (b)—is that what the gentleman from Georgia was going to call attention to?

Mr. CRISP. The bill provides that they can file it within one year or prior to January 2, 1935.

Mr. WINGO. Here is what I have in mind. Let us assume—although on reflection I think possibly the eight years would not be out for a couple of months—but let us assume the finding of the probate court is that the man disappeared eight years before this act becomes effective, will that beneficiary be barred?

Mr. CRISP. No.

Mr. HAWLEY. This is the situation. The bill provides that—

> His dependents who have made and filed application before the expiration of one year after the date of the expiration of such 7-year period or on or before January 2, 1935, whichever is the later date.

Mr. WINGO. I think that will take care of the case.

Mr. STAFFORD. Mr. Speaker, as I have stated, I am not opposed to the bill and I do not intend to use very much of the time; but the gentleman from Alabama [Mr. PATTERSON], has asked me to yield him a few minutes of time and I, therefore, yield the gentleman two minutes.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, I am glad to have an opportunity to vote for this bill. I believe it is a meritorious bill and I do not see how anyone can raise any objection, because, obviously, it is a good measure. However, I should be glad to go along with the gentleman from Mississippi and remove all restrictions as to time limit.

As stated by the gentleman from Oregon, there are about 500,000 of our soldiers who failed to apply for this adjusted compensation within the time specified. Recognizing this and having some inquiries relative to the matter right after the 2d day of January, I introduced early in January a similar bill to the first section of the gentleman's bill extending the time until January 2, 1935.

I am happy to support this legislation. I was also notified by some members of the Veterans' Bureau that they would be pleased to have some such legislation passed. I want to congratulate the gentleman from Oregon and his committee on bringing in such valuable legislation, because there is no reason why these veterans and their widows and dependents should be deprived of this right. As has been stated, many of them never heard of this provision before.

Mr. PATTERSON. I wish to say further under leave granted me to extend my remarks that I feel that we should remedy several features of the existing law which I deem unfair and discriminatory. As has been stated, I think that we should not deal with the veteran as though we were making him a donation, but that this is really his and belongs to him and we should see that he has it. I also think that his dependents should be extended to cover disabled brothers and sisters. I, for one, do not believe we can be too liberal with the disabled soldier and his widow or orphans. And I recognize that the time is here when we must extend and broaden all these benefits.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, of course we are not opposing this legislation, and we are denied a chance to amend it. But I want to call the attention of the House now, as I have done in the past, to the fact that we are attempting to treat these ex-service men as if they were wards of Congress.

If you contend that this is a bonus, something we are giving these men, then we are pursuing the proper policy; but those of us who believe it is adjusted compensation hold to the theory that we have no right to limit the time within which these men should make application. I would not only extend it five years, but I would take off the limitation entirely in order that these men may have the same right to apply for this compensation as they would for any other money the Government owed them.

Not only that, Mr. Speaker, but as I pointed out when this legislation was first passed, you are hedging these men about with limitations that ought to be removed. In the first place, if a man dies and leaves a father, mother, wife, or child they can draw his adjusted compensation, but if an ex-service man dies and leaves helpless brothers or sisters dependent on him for the bread of life, they can not draw a single dollar of this compensation under the present law.

You call it adjusted compensation and legislate it a bonus whenever you say that a man can not draw this for any of his family except those specified by those who framed the legislation.

Under the present law an ex-service man may become impoverished by disease to where it is necessary for him to have money in his last illness to pay his doctor's bills, to pay a nurse, or to pay for the necessities of life, or even to take care of his burial expenses when he passes away. If you had this proviso eliminated from the law so this would go to him or his estate, under the laws of descent and distribution of the State in which he lived, he would at least have this amount of credit that would help him in those dire straits, to which, unfortunately, many of our dying ex-service men are forced to-day.

Now, I call attention to this because these limitations ought to be removed. I went before the Ways and Means Committee and insisted on it there, and when this bill gets over to the Senate I shall insist that the Senate remove these limitations, which in effect say to the ex-service men that this is a gratuity we are giving them and that we have the right to regulate it. It is not a gratuity; it is not a bonus; it is an adjusted compensation—pay for his services during the war. He has a right to do as he pleases with it; he has a right when he passes away to have that compensation go to his estate or to those entitled to receive what property he owns, under the law of descent and distribution of the State in which he lives.

Now I yield to the gentleman from Alabama.

Mr. PATTERSON. I think the gentleman is entirely right, and I would be glad to vote for it. I would be glad to vote to have the restrictions entirely taken off, but this is some help.

Mr. RANKIN. Of course this helps. But with the same amount of effort we could have wiped out the limitation and have stopped saying to the boys, "You are the wards of Congress." We could have stopped saying, "This is a bonus; this is a gratuity, and we shall regulate it," and could have said to them, as the American people intended to say to them, "This

is adjusted compensation which the Government owes you and you have a right to use it as you please." [Applause.]

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and gentlemen, I agree with the remarks made by my colleague the gentleman from Mississippi [Mr. RANKIN]. We went before the Ways and Means Committee and asked that there be no limit on the time for service men to apply for adjusted compensation, or the so-called bonus. Of course, we are going to vote for this. I am going to vote for it. There are 400,000 of these veterans. One member of the committee asked why they had not applied before. I answered him by saying that you can go into any Congressman's district and ask the first 10 people you meet who their Congressman is and they will not know. I have asked it of people on the train who their Congressman was and they did not know. Now, if they do not know that, how in the world do you expect them to know what acts are passed by Congress?

Mrs. ROGERS. Will the gentleman yield?

Mr. CONNERY. I will be glad to yield?

Mrs. ROGERS. Early in December I introduced a somewhat similar bill because I knew that many veterans had not applied for adjusted compensation. Is it not a fact that some of these veterans have not applied because at the time they were not in any financial need and have not wished to ask assistance of the Government unless it were a necessity?

Mr. CONNERY. Yes. The lady from Massachusetts is absolutely right and has brought out a very important fact. Now I want to call attention to the fact that a few days ago I made some remarks on the floor asking Congress to pay the soldiers' bonus in cash now. I have received letters from all over the country from people stating that they favor that proposition and saying that there are thousands in the United States now who could use $200, $300, or $600 or even $40. I refer now to ex-service men and their families. They are in dire need, and I believe that Congress should wake up to the fact and pay the soldiers the bonus in cash now and not wait 15 years until thousands of these men will be dead. Their families are in need, and now is the time to pay them the money.

Mr. RANKIN. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. RANKIN. As a matter of fact it would not cost the Government any more money to take up these certificates and pay them now than it will to go on the way we are doing and ultimately pay them off. In the long run it would be as cheap to pay them off now as it would be to pay them later.

Mr. CONNERY. It would be cheaper because the expense is going on all the time. It would save much of the administrative expense of the Veterans' Bureau and War Department on the adjusted compensation. I think Congress can do something now to help the unemployed—there are thousands of these men out of work that need the money. I believe that this adjusted compensation should be paid in cash now. [Applause].

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I ask this two minutes in order to make an inquiry of the chairman of the committee to determine whether or not I am correct in my understanding of this bill. Does not the Government of the United States have the complete military record of each of these ex-service men?

Mr. HAWLEY. I think so.

Mr. HASTINGS. The Government has a record of when these men enlisted, and when they were discharged. From that can not the Government compute the amount due to each soldier under existing law?

Mr. HAWLEY. Yes; under the original act.

Mr. HASTINGS. Then why does not the Government of the United States do that, and then institute its own search for these ex-service men and give them their certificates?

Mr. HAWLEY. It has never been the province of the Government to do that. In the matter of pensions the Government requires the application from the pensioner.

Mr. HASTINGS. This is different. It seems to me this is an amount as additional compensation that under the law goes to these ex-service men or their dependents as a matter of course upon their application, and upon proof of the time they served.

Mr. HAWLEY. But the veterans have dispersed to the four winds of heaven. The Government does not have the post-office address of more than a small fraction, and never had their post-office address after the bill was passed.

Mr. HASTINGS. This bill extends the time from January 2, 1930, to January 2, 1935, within which ex-service men or their dependents may file application for adjusted compensation benefits.

The amount is due each ex-service man or his dependents.

The Government has the military record of each soldier, and if I were permitted to offer an amendment I would offer one directing that some Government official file at once such an application for each ex-service man, ascertain from the records the amount due, which, of course, can be done, because the military record will show the date of enlistment and date of discharge, and hence the amount due each ex-service man could be ascertained; and then I would have the Government institute a vigorous search for each ex-service man, if alive, or for his dependents if dead, and when found deliver the certificate.

Why should such an amendment not be adopted? The amount is due each ex-service man under existing law, but I can not offer such an amendment, because this bill is brought up under a suspension of the rules, which I criticized at length on February 18, 1930.

Of course, I am going to vote for this bill because it is a step in the right direction. It extends the time five years within which to file application, but the time should be indefinitely extended, or, rather, the Government, before the expiration of the extended time, should itself file the application, determine the amount due, and then vigorously institute search either for the ex-service man or his dependents, and then deliver the adjusted-service certificate to the party found entitled to it. There should be comprehensive legislation on the entire subject; but, of course, the committee reporting this bill has jurisdiction only over certain phases of it.

The SPEAKER. The time of the gentleman from Oklahoma has expired. The question is on the motion of the gentleman from Oregon to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days within which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPKINS. Mr. Speaker, the World War adjusted compensation act granted to each veteran of the World War an adjusted-service certificate of a value proportionate to the length of service of each veteran. The total value of the certificate was arrived at as follows:

(a) For each day of service in the United States, $1.

(b) For each day of service out of the United States, $1.25.

Under the present law the last date for filing application for this certificate was January 3, 1930. Over four and one-fourth million veterans were eligible to receive these certificates. Up to January 1, 1930, the last date on which applications may be filed under the present law, over 400,000 veterans had not filed claims. During the 30 days following the expiration of the time allowed for filing, hundreds of valid and worthy applications have been received in Washington.

Every veteran who is entitled to receive this certificate should be given one, and I sincerely hope the Members of the House will see fit to adopt this amendment to-day.

On January 7, 1930, I introduced an amendment to the act extending the date to January 3, 1932. I am most happy to see that the committee has been so liberal as to recommend that this date be extended to January 3, 1935. The committee is fully justified in placing this date so far in the future. A man is either entitled to this certificate or he is not, and the date of filing the application should have very little bearing in the matter.

Mr. HARE. Mr. Speaker, I am sure that the chairman of the committee [Mr. HAWLEY] has explained in detail the provisions of this bill (H. R. 9804), and I am sure also that there is little or no opposition to its passage. As I understand, its primary object is to amend the World War adjusted compensation act so as to extend the time within which World War veterans or their relatives entitled to any benefit thereunder may file application for adjusted-service compensation or other benefits provided for by the original act. The time limit is extended to January 1, 1935, but in my opinion there should be no limitation to the time within which interested persons should be required to file their claims, because it has been my understanding that the benefits provided for under the adjusted compenstion act do not amount to a mere gift or bonus to the World War veterans, but a recognition of the fact that the Government had not paid such veterans sufficient salary while in the service, and the act was therefore passed with the idea of making proper adjustment as to salaries.

If this is a proper interpretation of the law, there is still due these veterans from the Government a part of the salary earned while in the service, and the soldier or his interested relatives should have the right at any time to file a claim for this adjusted compensation, because it is, in effect, a recognized debt that the Government owes the soldier, and there should be no statute of limitation fixing a time limit in which to file claims.

I regret, therefore, that the bill is brought into the House under a parliamentary situation which will not permit an amendment to this effect, because I am sure there are others who would like to see the law amended so as to eliminate the limitation of time within which these claims may be filed. However, I shall be very glad to support the bill, because it extends the time for five years and will give thousands of soldiers who may have never heard of this legislation, an opportunity to file their claims under the original act.

As a matter of fact, I think that since the Government has recognized its obligations to the veterans in that they are entitled to additional pay, they should be paid in full and not be paid with a promissory note, as is being done with the adjusted-service certificate. In this connection I want to say that I am in favor of H. R. 3490, introduced some time ago by Representative HUDDLESTON, of Alabama, the first section of the bill being as follows:

Be it enacted, etc., That notwithstanding any provision of the World War adjusted compensation act, as amended, the Secretary of the Treasury is authorized and directed to pay, under such rules and regulations as he may prescribe, to any veteran making application therefor, and upon receipt of his adjusted-service certificate properly indorsed, an amount equal to the face value of the certificate.

I trust that the Ways and Means Committee will give due consideration to this bill and report favorably before the close of this session, because the Government can afford to pay it now as well as later, and it seems to me an opportune time, for there are thousands of soldiers now without employment, and the distribution of these funds would have a tendency to stabilize business and obviate suffering on the part of many veterans and their families.

And, Mr. Speaker, while I am discussing pending legislation pertaining to World War veterans or their dependents, I want to say that I am also in favor of H. R. 7825, which provides specifically that the presumptive date of certain service-connected disabilities should be extended from January 1, 1925, to January 1, 1930, for under the existing regulations of the Veterans' Bureau there are thousands of veterans who are not only suffering but actually dying with tuberculosis and are unable to show for lack of records that they were afflicted with this dreaded disease prior to January 1, 1925. They know from their own feelings, and in many cases their physicians know, they had tuberculosis prior to that time, but simply because the attending physician did not make a clinical record at the time the diagnosis was made the bureau, under its regulations, will not consider the evidence submitted and therefore deny service connection. Several cases from my district have been brought to my attention where examinations made by representatives of the bureau show active tuberculosis in 1925, and they have every reason to believe and know that the disability existed prior to January 1, 1925, but simply because the veteran has no written records or because the physician did not make a microscopic examination and record all of the physical findings upon which he based his diagnosis the bureau holds that there is no proof of service connection, and the veteran therefore is not entitled to compensation.

In many small towns and rural districts physicians do not have equipment for making microscopic examinations and it has never been their custom to make a written record of the symptoms found, still they all know when they find a decidedly active case of tuberculosis, yet an affidavit from such physician saying that he is positive that such a veteran had tuberculosis at such a date will not be considered as evidence unless there is incorporated in the affidavit a copy of the records made at the time the diagnosis was made. I have already appeared before the committee in behalf of this bill and I certainly trust that favorable consideration will be given to same so that the thousands of known sufferers among the veterans will be given the compensation to which they are entitled.

I am also in favor of amendment requiring the Veterans' Bureau to pay the statutory award to any veteran who has been previously examined by representatives of the Veterans' Bureau and declared as a result of such examination that such veteran was suffering with chronic or active tuberculosis, but which now may be temporarily arrested.

Mr. JOHNSON of Texas. Mr. Speaker, of course, I am going to vote for this bill (H. R. 9804), as will doubtless the entire membership of the House.

Under existing law the time for filing applications for World War adjusted compensation expired on January 2, 1930, and this bill will extend the time for filing such applications five years, or until January 2, 1935.

The original act, granting such compensation and known as the World War adjusted comenpsation act, was passed by the Sixty-eighth Congress. President Coolidge having vetoed same, the bill was passed over his veto by the House on May 17, 1924, and by the Senate on May 19, 1924.

In the hearings had on the bill now under consideration before the Ways and Means Committee, on February 6, 1930, Maj. F. G. Munson, of the War Department, stated that since January 2, 1930, the War Department had received 20,496 applications which could not be considered because they were filed too late. Mr. E. Henkel, chief clerk in the Bureau of Navigation, stated that the Navy Department had received, since midnight of January 2, 1930, 3,283 applications; and Troy A. Nubson, chief of personnel administration division, Marine Corps, stated that his department received 301 applications, which arrived too late for filing under existing law.

A great many were misled as to the time when these could be filed. Certain broadcasting and other news agencies stated that if the applications were in the mail by midnight of January 2, 1930, they would be within time, whereas the law provided that such applications would have to be filed and in possession of the governmental departments before midnight of that date.

My chief objection to this bill is that it does not extend the time indefinitely for filing these applications. I introduced, on January 6, 1930, H. R. 7999, which would amend existing law by extending the time for filing applications for benefits under this act indefinitely.

The gentleman from Oregon [Mr. HAWLEY], who is chairman of the Ways and Means Committee, introduced H. R. 9102, which extended the time for filing to March 31, 1931, and the hearing was had on his bill. Other Members filed bills extending the time for varying periods, and I am glad that the committee saw proper to extend the time four years beyond that which was contemplated by the bill upon which the hearings were had. I regret, however, that the committee did not see proper to report a bill extending the time indefinitely, as I think it would have been the best solution of this problem and would have guaranteed fair treatment to all who are entitled to benefits under this act.

In the hearings on this bill Hon. John Thomas Taylor, vice chairman of the national legislative committee of the American Legion, and a number of other witnesses strongly supported an amendment to existing law, whereby the time would be extended indefinitely, as provided in my bill.

Unfortunately, this bill is brought up under suspension of the rules, so that no amendment can be offered. If such were not the case, I think the House would undoubtedly adopt an amendment extending the time for filing indefinitely.

I introduced another bill which would amend existing law by a provision that if the veteran died while in the service and before being discharged, dependency of the father or mother should be presumed and no proof of dependency required.

However, the bill being considered under suspension of the rules, no amendment can be offered to the bill, it is incumbent upon those of us who believe in liberal legislation for World War veterans to support the measure as presented to the House.

Mr. PRITCHARD. Mr. Speaker, I am glad to support this bill extending the time in which the ex-service men and their dependents may make application for adjusted compensation. I would like to see the time limit altogether removed. I am voting for this measure solely because it is a step in the right direction.

Justice is eternal. It is not hedged about by time limits. If it was right to compensate the veterans heretofore, it is right to do so now and hereafter regardless of the time the soldier or sailor applies for relief. Some of the courts of the land consider it wrong to plead the statute of limitations. Certainly the United States Government, with potential wealth that staggers the imagination, should not do so.

The granting of compensation was not a gift, but rather a feeble effort on the part of the Government to place those who bore the brunt of battle a little nearer on a basis of equality with those who, during the same period, were engaged in profitable occupations. It was an attempt by the Government to do justice to the veterans of the World War by supplementing their dollar a day pittance with additional compensation.

We should do away altogether with the statute of limitations and pay off and discharge in full the ex-service men's adjusted-compensation certificates. And furthermore we should do it now. Holy Writ admonishes us not to withhold that which is due another.

Mr. IGOE. Mr. Speaker, the bill (H. R. 9804) to amend the World War adjusted compensation act, to extend the time within which World War veterans or their dependents entitled to benefits thereunder may file application for adjusted service compensation, the provisions of which have just been fully explained by the chairman of the committee, has my full sympathy and support. In fact, I am very sorry the committee did not see its way clear to go a step farther and eliminate entirely the time limit in which the beneficiaries must file application for these benefits. However, I shall vote for the bill in its present form, fully cognizant of the fact it will give thousands of ex-service men who have either been unaware of this legislation, or who have failed to accept the opportunity afforded them thereunder, additional time in which to file their claims under the original act.

Believing as I do that the granting of compensation was not a gift but an effort on the part of the Government to place those who sacrificed their all to answer their country's call in time of need on an equality with those, who, during the same period, were engaged in more profitable enterprises, I look forward, and I hope the day is not very distant when the Congress will discharge its full obligation to the veterans of the World War and enact legislation that will permit the Secretary of the Treasury to pay to the veterans the face value of their adjusted compensation certificates without their having to wait a period of 20 years, as provided in the original act, before they become redeemable. Bills of this character are now awaiting action by the various committees of the House and I shall be very glad to join with the other Members who favor such legislation in a movement to urge prompt consideration of such pending measures in order that the Government's debt to these veterans may be satisfied in full without further unnecessary delay.

And, Mr. Speaker, while on the subject of pending legislation for World War veterans and their dependents permit me to state I have received innumerable telegrams and letters from disabled noncompensated ex-service men urging me to support the Rankin bill (H. R. 7825) to extend the presumptive period of tubercular veterans and those suffering from other chronic constitutional diseases to January 1, 1930. This is one of the most important bills to come before this House, and I hope the Republican members of the steering committee in charge of all legislation permitted to be considered by this body will not allow the sidetracking of this bill, as has been threatened, thereby giving those of us who are unequivocally in favor of it an opportunity to voice our views.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, the bill just passed, which I supported, extends the time for the filing of applications under the adjusted compensation act. The act is commonly referred to as the bonus act.

Had the bill been open to amendment I would have asked the House to provide for payment of the face value of the certificate where the veteran was shown to be totally and permanently disabled and produced evidence showing indigent circumstances.

Further, I do not think it just that when a veteran who has failed to file an application dies his widow and children or dependent father or mother should be deprived of the amount they would have received had the veteran himself filed his application. As the law stands now, where the veteran has not filed an application and dies, the dependents can only receive $1 a day for every day served in this country and $1.25 for every day's service abroad less the $60 bonus paid at time of discharge. You place a penalty upon the dependents because the veteran did not file an application, although his death occurred during the time limit.

Had the situation permitted I would also have offered an amendment providing for payment of 25 per cent of the face value of the certificate now. I have introduced a bill containing such a provision.

There is in the Treasury Department $635,106,616.71, or was on January 31, 1930, available in the adjusted compensation fund. Hundreds of thousands of veterans are out of employment in indigent circumstances, and the payment of this money now would mean much to them as well as to the country. It would help stabilize conditions generally and would not be a drain upon the Treasury. I include in my remarks a letter I have received from General Hines in reference to this fund. The letter follows:

UNITED STATES VETERANS' BUREAU,
Washington.

Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

MY DEAR MR. COCHRAN: In reply to your letter requesting certain data relative to adjusted compensation, you are advised as follows:

1. As of January 31, 1930, there was a total of $635,106,616.71 available in the adjusted service certificate fund.

2. Congress has appropriated $112,000,000 annually for the past several years to be added to the adjusted service certificate fund. However, it is estimated that an additional appropriation will be necessary in future years in order to provide sufficient funds to meet the certificates at their maturity.

3. The total value of all certificates issued as of January 31, 1930, is $3,484,934,886. The value of certificates that may be issued as the result of legislation extending the time limit for filing can not be determined until the applications are finally acted upon.

4. The amount paid out during the fiscal year 1929 because of the death of certificate holders is $19,744,738.

5. The amount that must be paid on certificates already issued is covered in item 3 above.

Very truly yours,

FRANK T. HINES, *Director.*

I have asked the chairman of the Ways and Means Committee to secure an expression from the Treasury Department on my bill, and I hope it will be favorable.

PINE RIDGE INDIANS, SOUTH DAKOTA

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

The next business on the Consent Calendar was the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. CRAMTON] asked me to ask unanimous consent that this bill be passed over without prejudice, and I make that request.

The SPEAKER. Is there objection?

There was no objection.

CIVIL-SERVICE RETIREMENT

Mr. LEHLBACH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the bill (S. 15) as amended, which the Clerk will report.

Without objection, the Clerk will omit the stricken-through lines and read the amendment.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, be, and the same is hereby, amended as follows:

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided,* That city, rural, and village letter carriers, post-office clerks, sea-post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks, mechanics and laborers in navy yards, and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further,* That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further,* That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation for the last 10 years of his service as a mechanic: *Provided further,* That the term "mechanics," as used in this act, shall include all employees in the Government Printing Office

whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

All employees to whom this act applies, who would be eligible for retirement from the service upon attaining the age of 70 years, 65 years, or 62 years, as the case may be, shall, after attaining the age of 68 years, 63 years, and 60 years, respectively, and having rendered at least 30 years' service, computed as provided in section 5 of this act, be eligible for retirement on an annuity as provided in section 4 of this act. Retirement under the provisions of this paragraph shall be at the option of the employee; but if such option is not exercised prior to the date upon which the employee would otherwise be eligible for retirement from the service, the provisions of this act with respect to automatic separation from the service shall apply.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section, and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date; and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this act, shall be employed again in any position within the purview of this act.

EMPLOYEES TO WHOM THIS ACT SHALL APPLY

SEC. 3. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, of the United States Soldiers' Home, of the National Home for Disabled Volunteer Soldiers, of the State Department without the continental limits of the United States who are United States citizens and not within the Foreign Service as defined in the act of May 24, 1924, and of the Indian Service at large whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

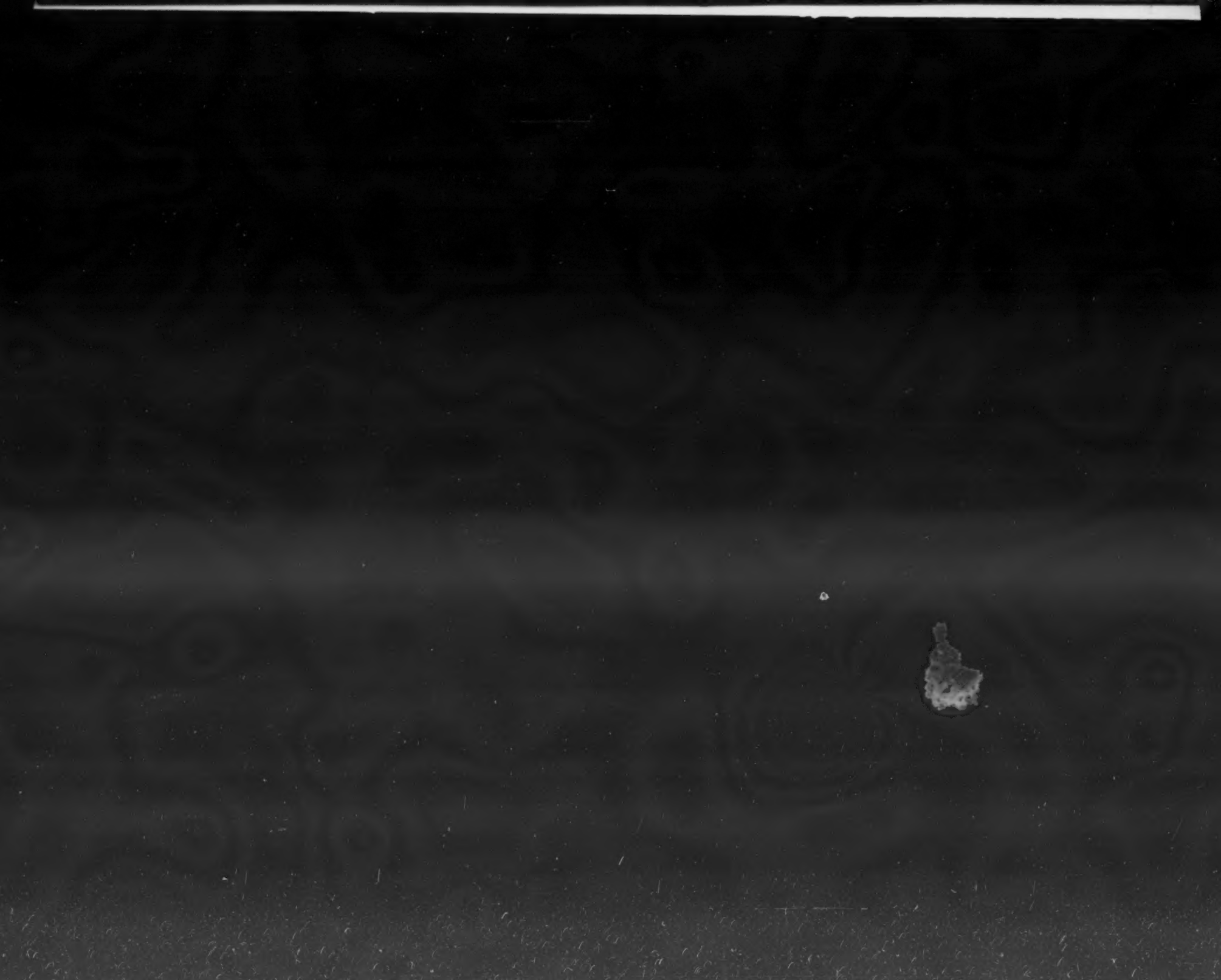
METHOD OF COMPUTING ANNUITIES

SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be a life annuity, terminable upon the death of the annuitant and shall be composed of: (1) A sum equal to $30 for each year of service not exceeding 30: *Provided*, That such portion of the annuity shall not exceed the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee; and (2) the amount of annuity purchasable with the sum to the credit of the employee's individual account as provided in section 12 (a) hereof, according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries: *Provided*, That the total annuity paid shall in no case be less than an amount equal to the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding 30 years, and divided by 40: *And provided further*, That any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be returned. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.



In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than five years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which he retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding ninety days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 12 (a) hereof, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 (b) hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 (b) hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid, as he or she may elect, either—

(a) The total amount of his deductions with interest thereon; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Any employee who has served for a period of not less than 15 years and who is 45 years of age or over and less than 55 years and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may upon reaching the age of 55 years elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has received a refund from the "civil-service retirement and disability fund," such employee shall be required to return the amount so received with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also 3½ per cent of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. The amount so deposited, less $1 for each month, or major fraction thereof, of service after the effective date of this act, shall be credited to the employee's individual account, as provided in section 12 (a) hereof. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

DEDUCTIONS AND DONATIONS

SEC. 10. Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be

a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENT AND ACCOUNTS

SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

RETURNS OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 12. (a) Under such regulations as may be prescribed by the Secretary of the Interior, after consultation with the heads of the executive departments and with the approval of the President, the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" created by the act of May 22, 1920, covering service during the period from August 1, 1920, to the effective date of this act, shall be credited, together with interest at 4 per cent per annum compounded on June 30 of each year, to an individual account of such employee; and the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" covering service from and after the effective date of this act, less the sum of $1 per month or major fraction thereof, shall similarly be credited, together with interest at 4 per cent per annum, compounded on June 30 of each year, to such individual account.

(b) In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the amount credited to his individual account shall be returned to such employee: *Provided*, That when any employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, the total amount of his deductions with interest thereon shall be paid to such employee: *And provided further*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

(c) The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

(d) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 4 hereof an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor, unless the annuitant shall have elected to receive an increased annuity as provided in section 4 hereof.

(e) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid to the legal representatives of such employee.

(f) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

(g) If the amount of accrued annuity or of refund due a former employee who is legally incompetent does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

SEC. 14. Employees who have gone from employment within the purview of this act to other employment under the Government and have returned to a position under the purview of this act shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 19. This act shall take effect on the first day of the second month next after its approval.

The SPEAKER. Is a second demanded?

Mr. JEFFERS. Mr. Speaker, I demand a second.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New Jersey for 20 minutes and the gentleman from Alabama for 20 minutes.

Mr. LEHLBACH. Mr. Speaker, the retirement system for the classified civil service of the Federal Government was inaugurated in 1920, and has been in operation for 10 years. From time to time amendments have been offered to the retirement act, liberalizing it, but without interfering with the fundamental structure of the system. S. 15 as it passed the Senate contained two provisions. The first was the allowing of an optional retirement after 30 years of service, two years earlier than the ages fixed in the act itself, namely, 70, 65, and 62 for various groups of employees; that after 30 years of service such groups might retire at the option at 60, 63, and 68 years, respectively. The other provision of S. 15 was to increase the annuities by amending the method of computing them. The method carried in the Dale bill was to multiply the number of years of service, not exceeding 30, by the average annual salary, not exceeding $1,600, and dividing the product by 40, which would give a maximum annuity of $1,200, and for 30 years of service it would give annuities in amount three-quarters of the active pay, and decreasing annuities proportionate to the lessening of the length of service. Both these features are retained in the committee amendment. The optional retirement feature is carried exactly as in the Dale bill, and the provision for computing annuities, the maximum provision, is carried in this bill as the minimum annuity payable. That is, wherever under the proposed computation of annuities under the amendment the annuity would not be equal to the annuity as figured by the Dale bill, the Dale bill annuity automatically becomes the annuity which is paid.

There have been through the 10 years serious criticisms of the act on various grounds. Principally, that it works injustice in that the benefits are not at all commensurate with the contributions of the employees, and in certain instances worked upon the employee a penalty in that the sum of his contributions, plus their earnings at the time of retirement, is worth more money than the annuity actually paid him at that time. For that reason a new method of computing annuities is proposed. The contributions at the present time of every employee within the provisions of the system are 3½ per cent of the salary. Under the new bill this contribution remains exactly the same. Under the existing system that money just went into a general pot, without any segregation or without being earmarked in any way. Under the proposed system there is taken from that 3½ per cent contribution of each employee $1 monthly, which is deposited in the retirement and disability fund without earmarks as belonging to the fund, and the remainder of an employee's contribution is credited to an account set up in the fund in his name exactly as a credit is set up in a bank when he deposits money. Should an employee die before reaching retirement, there is returned to his estate not only the amount to his credit in the fund, but also the $1 that has gone into the general fund, plus the interest thereon, so that every penny an employee has contributed, in the event of his death before enjoying retirement benefits, is returned to his estate. If an employee is involuntarily separated from the service through no fault of his own, by reduction in force or by abandonment of some activity of the Government, in that event likewise every penny that he has contributed to the fund is returned to him.

In the event that he of his own choice leaves the retirement system by separating himself from Government employ, or if for cause he is separated, the $1 a month remains in the fund and the rest of the 3½ per cent contributions which are credited to him in the fund, together with interest thereon, compounded at 4 per cent annually, are returned to him. The annuity to be paid is $30 for every year of service not exceeding 30, and that is what we call the basic annuity. This comes from the money generally in the fund and appropriations. Inasmuch as he must have a minimum of 15 years of service before retirement, the basic annuity is necessarily not less than $450 annually, and there are very many persons now on the retired rolls who are getting considerably less than that.

Mr. ABERNETHY. Mr. Speaker, will the genteman yield?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. That is the class that I am largely interested in. What has the gentleman done about that—these old fellows that started out with rural mail who used to drive a horse instead of an automobile. Will the gentleman explain that?

Mr. LEHLBACH. Every single person on the retirement roll at the present time who has been retired in the past gets a substantial increase in his annuity under the provisions of this bill.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield there?

Mr. LEHLBACH. Yes.

Mr. WOODRUFF. Does the gentleman mean to apply that remark to every employee in the Post Office Department who comes under the provisions of this bill?

Mr. LEHLBACH. If he was retired in the past and is now on the retired roll.

Mr. WOODRUFF. I have in mind a man in my home city who was doing janitor work in the post office there. He is getting retirement pay.

Mr. LEHLBACH. He will get a substantial increase. Then there is paid a further annuity in addition to the basic annuity. It is whatever annuity the contributions to the credit of an employee, plus their accumulations, will buy. This is added to the basic annuity. Manifestly this additional annuity does not cost the Government a penny, and makes certain that everybody gets every bit of benefit for which he has paid, and it does not in any way interfere with the contributions or annuities of any other employee. It is simply a man getting what he had paid for.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. RAMSEYER. The gentleman is probably accurate in the statement he has made, but there is nothing concrete about his statement or in the report. To illustrate, take the case of employees having 30 years' service, one getting $1,600 per annum and another $3,000 and another $4,000. Can the gentleman tell the House what these differently paid employees would get under the bill?

Mr. LEHLBACH. The man who gets $1,600 a year, after he retires after 30-years' service will get a basic annuity of $900, which the Government takes out of the general retirement fund. In addition thereto he gets the value of his 3½ per cent contributions, plus the earnings of those contributions at the time of his retirement. I have not the tables before me.

Mr. RAMSEYER. Why has not the gentleman the tables here so that he can answer?

Mr. LEHLBACH. It is simple enough for anybody to figure it out for himself. I can not take 20 minutes in doing examples in arithmetic for the benefit of the gentleman from Iowa.

Mr. RAMSEYER. If the gentleman has not the time, why did he ask the Speaker to suspend the rules and pass the bill so that he could not take the time?

Mr. LEHLBACH. Because the way to secure legislation is to pass bills.

Mr. RAMSEYER. The gentleman can not answer the questions in arithmetic.

Mr. LEHLBACH. The man getting $3,000 a year will get his basic annuity of $900 and will get the value of his accumulations. The man who gets $1,600 a year will get the basic annuity of $900 and whatever his contributions will buy for him.

There are some other benefits in the new bill not contained in other proposals. The age of retirement for mechanics and laborers in the navy yards has been reduced to 60 years. There have been covered into the system the employees of United States Soldiers' Home, the National Home for Disabled Volunteer Soldiers, the clerical employees of the State Department abroad, and the Indian Service.

And here is an important change that is not found in any other bill than the one under consideration, and that is this: That the act provides that if a person is under total disability and has had 15 years of service he may retire on an annuity during the period of his disability just as when he reaches retirement age. This act lessens the 15 years' minimum service under which he can take advantage of this disability provision to service for 5 years. Anyone who has been in the Government service for 5 years may be retired for disability instead of only after he has had 15 years' service.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. LEHLBACH. Yes.

Mr. MOORE of Virginia. Has anything been done with a view to taking care of continuous per diem employees who heretofore have not been given the benefit of retirement?

Mr. LEHLBACH. The committee gave careful and grave consideration of that matter and took considerable time to discuss and debate the question, and the question has been discussed with the authorities of the District of Columbia, and the committee is firmly of the opinion that all permanent per diem employees are within the provisions of the retirement act at the present time. The exclusion of any such results from a tortured construction of the act and maladministration, over which the committee has no control—a construction that should not have been made.

Mr. MOORE of Virginia. I agree with the gentleman fully and am glad to hear that expression from him.

Mr. LEHLBACH. Reverting to the question by the gentleman from Iowa, I did not intend to show any impatience, but the basic annuities are constant regardless of salary. Three and one-half per cent of $1,600, less $12, is $44 annually; $44 annually at compound interest for a period of 30 years would amount to something like $3,000.

Mr. RAMSEYER. That is the retirement pay—$3,000?

Mr. LEHLBACH. No. I say the accumulations to the credit of the employee over a period of 30 years would be in the neighborhood of $3,000. While I have not the table here and had not anticipated figuring out the annuities at various rates of pay, you can take your American experience tables or any annuity value tables and ascertain what, at the age of 70, $3,000 will buy in annuity, and whatever that is, that is what the man gets in addition to his basic annuity. It is a question of buying in addition to what the Government provides, whatever annuity a man's own money that has been saved in the retirement fund and is credited to his name will buy.

I must reserve the balance of my time. I have used eight minutes and have only two minutes remaining.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LEHLBACH. No. I must reserve the balance of my time.

Mr. RAMSEYER. The gentleman had no time to begin with.

Mr. JEFFERS. Mr. Speaker, I yield myself four minutes.

The Dale bill, S. 15, which we all understand as such, as the House knows, passed during the last Congress in both branches of the Congress. Now, in this Congress the Dale bill passed in the Senate and came over to the House committee. If we pass the Dale bill in the House we will have good amendments to existing law in line with existing policy, which all can understand.

We held a meeting of the Civil Service Committee on the 15th of January on the Dale bill, S. 15, and then it was over a month before we heard anything at all about retirement legislation. Then, in the middle of February or thereafter, comes this new Lehlbach proposal—an entirely new scheme, a departure from existing policy, something which is complicated and intricate, a scheme involving a division of the contribution, something on the line of the so-called old-time tontine system of insurance, which, by the way, is now barred in a great many of the States of the Union. We held some hearings on this new Lehlbach bill. The delegations representing the employees all over the country, through their central group here, known as the joint conference, appeared here, and all of the witnesses connected with this joint conference unanimously opposed the principles involved in this new bill, and did so in no uncertain terms. They stated that they did not like it; they said they were afraid of it, as they did not know what it was—and I may say that they do not know yet all that it may mean—they feared that some of its provisions would prove dangerous and unfair to all that great class of employees receiving comparatively low or moderate salaries. They implored us, as their friends, to stand firm against this new Lehlbach plan and to report out the Dale bill, S. 15, which they did understand and which they considered far more acceptable to them. I only wish those hearings were printed and available now for you all to read, but they have not as yet been printed and we can not have the benefit of them at this time.

Since those hearings were held some amendments have been made to the new Lehlbach plan, but the departures from present policy remain in the bill, and these representatives of the employees, this joint conference here, changed front and agreed to indorse this new proposition, being informed, so they say, that if they did not come across and say they would take this new plan they might not get anything. They still knock this new plan, and admit they don't like it, and state that it is not what they want, yet they have yielded under pressure, or, we may say, under that sort of duress. The only excuse they have given us, when asking us to change around now and support this new bill in the face of their entreaties to us when they appeared before the committee during the hearings, is, "If you don't vote now for this, we are afraid we will not get a bill." It appears to me that they have shown the white feather in that respect to an amazing degree. I have fought with them, and fought for them all through the hearings, and I still stand on the same principles for which we fought together then, and, so far as I am concerned, I am not going to take it lying down even if they do seem willing to take it that way now.

Mr. RAMSEYER. Will the gentleman yield?

Mr. JEFFERS. Yes; gladly.

Mr. RAMSEYER. The question now before the House is not whether we are for or against the bill. The question is on the suspension of the rules, and whether we want to pass the bill without opportunity for amendment or debate. If the suspension of rules motion is voted down, the Rules Committee will give us a rule under which we can have ample time to explain and debate this bill, and if the majority so wills to amend the bill.

Mr. JEFFERS. Absolutely.

Mr. RAMSEYER. And that is the orderly procedure.

Mr. JEFFERS. That is exactly my position on the matter at the present time.

Let us not agree to jam this bill through here now without debate or opportunity to amend it; let us vote down this motion whereby all rules may be suspended and this bill passed by such steam-roller methods, and have it brought in here properly and in orderly fashion so that we can have full discussion and adequate debate, and so that remedial amendments may be offered, and so that we may have a better understanding of the provisions of this new insurance plan involved in this bill.

Since the meeting of the committee on last Wednesday, at which time this bill was reported out, I have had telegrams from the boys back home and they are still urging that we support the Dale bill, S. 15, and I am standing pat with them. Here is one wire dated February 28, which was Friday, and another one dated March 1, which was Saturday last:

ANNISTON, ALA., *February 28, 1930.*

Hon. LAMAR JEFFERS, M. C.,
Washington, D. C.

Respectfully urge you to support Dale bill, S. 15.

J. T. COLEMAN, *Secretary.*

SELMA, ALA., *March 1, 1930.*

Hon. LAMAR JEFFERS,
Representative Fourth District Alabama:

Selma Branch National Federation of Post Office Clerks No. 447 unanimously request your loyalty and support to Dale-Lehlbach bill, S. 15. Will you kindly file report favoring measure accepting our appreciation and assurance of our best wishes.

W. E. DAVIS, *Secretary and Treasurer.*

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Speaker, I yield myself two additional minutes.

I appeal to the House to vote down this motion now to suspend the rules, and then we can have this matter brought up in orderly fashion. We can report out of the committee the Dale bill and pass that amendment to the existing law, which we can all understand, and then let this new insurance scheme be thoroughly studied by the House Civil Service Committee and the Senate Civil Service Committee.

Then in the future, if necessary, there will be plenty of time to bring out some new idea along this line if it is found to be desirable after thorough study. But for the present let us pass something we can understand, the Dale bill, S. 15, and we can only hope to do that by voting down this motion to suspend the rules now. This new proposal should not, in my judgment, be jammed through here now in this manner.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. JEFFERS. Mr. Speaker, I yield such time to the gentleman from Virginia [Mr. MOORE] as he may desire.

Mr. MOORE of Virginia. Mr. Speaker, as there is another body which will deal with the subject, I shall support this bill as the best measure obtainable in the House, even though it is brought forward under a rule which prevents amendments being offered, as, for example, to sections 4 and 12, some of the features of which many regard as undesirable.

The bill, in my opinion, should also be amended so as to give per diem employees of the District of Columbia, of whom there are more than 300, the same right to retirement allowances enjoyed by Federal per diem employees. It may be argued that such right is accorded the former class by what seems to me and others a pretty plain provision of the existing law, but, nevertheless, the District Commissioners have construed that provision otherwise, and accordingly the District employees are denied an advantage which there is no sound reason for withholding from them.

It might also be wise to include an amendment extending the permissive age limit to those who are engaged in scientific or highly technical work, and who can not easily be replaced, as, for example, some of the staff of the Smithsonian Institution.

Speaking more generally of conditions in the Government service, I would like to draw the attention of the Committee on the Civil Service to the present discriminations in the matter of annual leaves of absence and sick leave. They are very flagrant, and, although they have been the subject of frequent discussion, they have never been corrected and will not be unless and until the committee exerts itself in that direction. I introduced a bill in a previous Congress providing that employees of the Agricultural Department serving at Maryland and Virginia stations just outside of the District of Columbia should receive the same leave of 30 days granted employees of the Agricultural Department serving within the District of Columbia and doing precisely the same kind of work. The bill was referred to the Committee on Agriculture, which gave it sympathetic consideration but apparently reached the conclusion that such discriminations pervade the entire field and should be dealt with not piecemeal, but comprehensively, and this is certainly a task for the committee of which the distinguished gentleman from New Jersey [Mr. LEHLBACH] is chairman.

I wish to refer to one other matter: A few years ago the Personnel Classification Board was created and entrusted with duties which I then believed and now believe should be entrusted to the Civil Service Commission, and my recollection is that the gentleman from New Jersey originally entertained that view. The Civil Service Commission has the duty of determining who are eligible for employment by the Government and certifies to the various departments the names of those who should be employed. Having that responsibility, in my opinion it should have the responsibility which is devolved by the present law on the Classification Board. It should be enabled to follow up its selection of the persons employed by supervising their allocation to the various grades and determining whether their promotion or retention is justified by the record which they make in the actual performance of their work. The present system, with two agencies functioning, is not a duplication of activities, but it involves a wholly unnecessary maintenance of two activities when one would suffice. The change would make for coherence. It would be to the interest not only of employees but of the Government itself and avoid much of the criticism and complaint which is now so prevalent, and a great deal of which is well grounded.

There is constantly talk about diminishing the number of governmental bureaus and agencies, and the opportunity to take a step of that character is thus presented and should receive the serious consideration of those who, like myself, have confidence in the long-established Civil Service Commission.

Because of the terms of the rule requiring the bill to be voted up or down without modification, it would now be useless to suggest any modification except that modification will be possible in the Senate, which, by a curious historical reversal, has become the body in which any measure can be fully debated and liberally dealt with, whereas in the beginning of the Government freedom of debate and amendment characterized proceedings of the House, and the Senate functioned behind closed doors and in a rather autocratic fashion. Since the House and perhaps because of its size, has been forced to a position in which the business of legislation to a large extent rests with those who lead the majority, I am one of those who hope that the Senate will never abandon its present methods of procedure, however objectionable they may now and then seem in specific cases. [Applause.]

Mr. JEFFERS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. RAMSPECK]. [Applause.]

Mr. RAMSPECK. Mr. Speaker, the people of the United States believe in fair play. They will not tolerate anything less.

The proposal to suspend the rules and pass this measure with only 40 minutes of debate, with no opportunity for offering and discussing amendments, is not fair play.

This measure vitally affects the lives and happiness of 400,000 civil-service employees. It will cost the Government many millions of dollars, just how many no one can now say, but the proponents of the bill admit that it increases the cost at least $16,000,000.

There are many objectionable features in the bill, some of which I will point out in the extension of my remarks. I have not sufficient time to do so now.

This body has plenty of time for a reasonable debate on this measure. It would not delay final action on the bill to bring in a special rule allowing reasonable debate. We are well up with our program for this session. There is no necessity for limiting debate in this matter to 40 minutes.

The only logical conclusion to be reached is that the proponents of the measure are afraid to have the light of discussion focused upon the bill. They are unwilling to permit a fair discussion of its contents.

I am appealing to the fair-minded members of the majority party to vote against this motion to suspend the rules and cut off debate. Let us bring it out in the open and consider the matter on its merits.

No more flagrant case of "steam-roller" tactics ever occurred during the "iron-handed" rule of the late Speaker Cannon, than this. It should be remembered that in 1910 the people of the United States rebuked that policy of "gag rule" by removing the Republican Party from power in this House.

I urge you to vote in the interest of a fair opportunity to discuss this measure. Let us give the rights of these employees proper consideration. Let us uphold the doctrine of fair play.

Are you going to swallow this bill whole, without a chance to discuss it, merely because the presidential whip has been cracked over your heads?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SCHAFER of Wisconsin. Did not the Civil Service Committee of the House carefully consider the provisions of this bill and by a large majority report out the bill in the shape in which it is now before us?

Mr. RAMSPECK. They considered it in a 3-day hearing, and those hearings have not yet been printed.

Mr. SCHAFER of Wisconsin. What was the vote in the committee in reporting out this bill?

Mr. RAMSPECK. I can not discuss that with the gentleman, but the bill was reported by the committee, of course.

Are you going to ignore the protests of the thousands of employees who are opposed to this bill? Their representatives have agreed to it only under duress. They were "held up" and forced to agree under threat of no legislation if they refused.

Will not you exercise your right to think for yourself instead of blindly following the orders of a few powerful leaders?

Your people sent you here to represent them. They expect you to stand for fair play, for free speech, and they will never approve the "gag-rule" tactics which this motion invokes.

Mr. Speaker, when the House Committee on the Civil Service was organized in December, the first order of business was H. R. 1815, an amendment to the present law on retirement, which was identical with the Senate bill, No. 15. The Senate bill was passed in that body on January 6, and the House committee, therefore, undertook its consideration in preference to the House bill, and hearings were held on January 15.

In the course of such hearings the chairman of the House committee made the following statement:

> This occurs to the Chair, and I would not be surprised if the committee would follow a procedure something like this. At this time we are glad to have the opportunity to hear suggestions concerning various amendments, such as have been pointed out here, to the retirement act. It is possible that the committee may conclude to report S. 15 substantially as it is and then go to work on a bill and incorporate in a sort of omnibus bill these various administrative changes, as largely they are, and report such a bill at a later date, so that the bill that carries with it a substantial increase of expense and the bill that makes for these changes and corrections and these administrative reforms, which do not tend to run into money, can be considered separately. (P. 68 of hearings.)

The statement of the Chair met with my approval, and I feel sure that every member of the committee was in accord with that view. I so expressed myself at the time, as will appear on page 70 of the hearings.

During the hearings representatives of all of the employee organizations appeared and asked that S. 15 be immediately reported and passed without substantial amendment. When the committee adjourned it was the consensus of opinion that such would occur.

However, the chairman of the committee called no further meeting for several weeks and, having in the interim talked with the President, introduced H. R. 9679, a bill which entirely changed the system and principle of the law on retirement. This bill immediately met with strenuous opposition from more than 85 per cent of the employees under the purview of the legislation.

About 10 days ago hearings were held upon H. R. 9679, lasting for three days. Although it was stated that the President preferred this bill, a vast majority of the employees were bitterly opposed to it, and it became so apparent that the committee was unfavorable that the author of the bill, the chair-

man of our committee, announced that he would withdraw it. Within a few hours after such announcement the President made the following statement favorable to H. R. 9679:

There has been a good deal of discussion about the Dale bill for liberalization of the civil service employees' retirement act.

I have been anxious to secure a proper readjustment of the civil-service retirement funds, and my attention has been called to certain injustices in the Dale bill by the various departments of the Government. The plan in the Dale bill presents the same difficulties to me that it presented to my predecessor. That is, the great injustice to those employees who, as the result of faithful and capable service, gradually rise over their years of service by promotion into higher average salaries.

They are badly penalized under that arrangement, and the penalties are so large that it would be better for those employees if they took the 3½ per cent they now contribute to the retirement fund and deposited it in a savings bank. In other words, the Government contributes nothing and actually penalizes them for their industry and faithfulness by taking part of their savings. The Lehlbach plan puts no penalties upon the lower grades; in fact, some of them are actually improved. The Lehlbach plan would require something more from the Public Treasury.

I am not concerned with any one plan so long as it takes into consideration the proper proportion to the contributions of the employees.

But I think the Government should be willing to meet this increase. The annuities should be in proportion to the contributions made by the Government employees. I think it is desirable to make that clear to the employees.

It is quite significant that in the same paper in which this statement was quoted, appeared a statement from the President refusing to express any opinion as to the tariff on the ground that it was a matter of legislation and he would therefore not express himself until the Congress had acted. It is further significant that no opposition to the Dale bill was suggested until about the time former President Coolidge started his swing around the country. It will be remembered that Mr. Coolidge gave a pocket veto to the Dale bill in the Seventieth Congress. Can it be that some one suggested to the Republican leaders that it might be bad politics to put Mr. Hoover in the predicament of having to approve a bill which was not approved by Mr. Coolidge? It is common gossip in Capitol circles that the activities of Mr. Coolidge recently have made the President rather nervous.

After the President's statement was made the leaders of the House immediately came forward and said that should the committee report the Dale bill it would not be permitted to reach the floor of the House.

Thus was the stage set for "holding up" the representatives of the employees and forcing them to agree to the pending bill. They were bluntly told to take the Lehlbach bill or nothing.

It is my contention that the statement of the President left open the possibility of meeting his entire objection to the Dale bill (S. 15) by a simple amendment. I therefore offered a motion in the committee providing for a subcommittee to draft a bill to provide minimum annuities of $450 per annum, maximum annuities of $1,500, with no deductions from that part of salaries in excess of $3,000. This plan would have retained the principle of the present law and would have met the wishes of the President. This plan was rejected, the majority party members, with one exception, voting against the plan, and the minority members all supporting it.

Although the bill now before the House has had removed from it many of the objectional features contained in its original draft (H. R. 9679), it is still almost entirely in the interest of the higher paid employees. It makes the employees pay a part of the Federal Government's contribution by deducting from each employee's contribution $1 per month. The bill originally contained a forfeiture provision in case of the death of an employee during service or of an annuitant after retirement. The language of the bill now says that the annuity is "terminable upon death," and I very much fear that the Comptroller General may, by construction of the conflicting language, rule that the forfeiture provision shall prevail.

This bill is wrong in principle. The employee should not be forced to contribute anything toward that part of the cost to be paid by the Government. It provides for annuities as high as $3,600 per year, which will, I fear, have a tendency to create in the public mind opposition not only to the retirement legislation but also to the higher salaries now being paid Government employees. Such an annuity is almost twice the average annual wage received by working people in this country.

While it is true that the representatives of the employees affected by this legislation have agreed to this bill, they have done so under duress. They were told by the leaders of the majority party that they must do so or no legislation would be enacted for their benefit. They do not like it; they prefer the Dale bill (S. 15) or the substitute plan to which I have referred, providing for retention of the principle of the present law, with a minimum annuity of $450, a maximum of $1,500, with no deductions on parts of salaries in excess of $3,000.

It is unfortunate that the leaders of the majority should have seen fit to force upon these 400,000 Federal employees a system of retirement to which they are opposed, a system which favors those that need help less than any others, a system which will cost the Government at least $16,000,000 more than the present law, most of which inures to the benefit of a very small proportion of those coming under the law.

The present law was enacted in 1920 with the purpose that one half of the cost would be borne by the Government and the other half by the employees. The original plan was in the interest of the great mass of employees. It has been most successful, for without including any funds contributed from the Federal Treasury, the retirement fund has grown to a hundred million dollars. The present bill, while greatly increasing the cost of retirement to the Government, actually forces the employees to contribute a larger percentage of the funds eventually paid to them. The original draft of this bill would, in my opinion, have placed the entire cost upon the employees.

That the Government intended in the beginning to pay one-half of the cost is evidenced by the statement of Senator Sterling, page 4290, CONGRESSIONAL RECORD for February 19, 1925, as follows:

I think I have made the statement again and again that ultimately the payments on the part of the employees and on the part of the Government would be a 50-50 proposition.

It seems to me, Mr. Speaker, that it would have been much fairer to these 400,000 employees if the leaders of the majority party in the House had not insisted upon using a "steam roller" in this matter; if they had brought in a special rule permitting a reasonable time for debate, with a reasonable opportunity for the Members of this body to have been informed as to the merits of this controversy; and with reasonable opportunity for the offering of amendments so that this proposed legislation might be perfected. It is my sincere hope that the Senate conferees on this measure will insist upon such changes as will give a square deal to the great rank and file of employees affected by this matter, such changes as will cause the Government to bear its just proportion of the cost and will eliminate the tontine system which this bill establishes. There is no justice in forcing the employees to pay a part of the Government's share of the cost of retirement.

Under the present organization of the Congress, the Senate alone is the hope of the masses and in this case, if the masses of the Federal employees are to be made safe as to retirement, we must look to that body. This legislation is almost exclusively in the interest of those employees who need it the least. It is a shame that the great bulk of the employees have been bulldozed and forced to accept something they do not want through the steam-roller tactics of the leaders of the majority in this House.

If the majority leaders had been willing to heed the cry of the great majority of the affected employees a bill in their interest, so amended as to eliminate the objection of the President but retaining the present simple system and its equitable provisions, would now be the law.

Mr. Speaker, the pending bill is in fact the Lehlbach bill, with certain amendments which were forced into it by the determined fight made by the Democratic members of the committee. It has some good features, but without further amendment, which is impossible under suspension of the rules, I can not support it.

In its present form the pending bill is objectionable to me for the following reasons:

First. Because the annuities are uncertain. What a retired employee will receive depends upon the decision of a board of actuaries. The bill should provide for certain fixed annuities. When the power to legislate is delegated to others by Congress the results are not always those intended. We are all familiar with what happened under the Welch bill.

Second. This bill excludes the bonus from the basic salary. This is a discrimination against the rank and file of employees.

Third. In cases where an annuity to a disabled employee is discontinued under section 6 of the pending bill and his deductions, not consumed by payments made to him, are returned, no allowance is made for the $1 per month. Such employee should

receive back all deductions not consumed, including the $1 per month.

Fourth. In cases of involuntary separation from the service, under section 7, an employee must attain the age of 55 and must have served 15 years before he can receive back all of his deductions. Such employees as are removed from the service ought to be repaid all deductions.

Fifth. I am unalterably opposed to the tontine provision. No part of the deductions from an employee's salary should be taken by the Government. It should all be credited to his account for the purpose of buying annuities.

Sixth. When a retired employee dies all of his deductions not consumed by annuity payments should be paid to his heirs. The bill does not provide for the return of any part of the $1 per month.

Seventh. The words "terminable upon the death of the annuitant," appearing in section 4 of this bill, should be stricken out. These words conflict with the other provisions of the bill relating to the return of deductions in certain cases. They provide a loophole whereby the Comptroller General might rule so as to provide for the forfeiture provisions originally contained in the Lehlbach bill.

Eighth. The principle of the bill is wrong. It is a compulsory-insurance annuity system with the tontine plan, which many States have outlawed. It is contrary to the policy of equal treatment for all classes. It provides such high annuities to a favored few that it will tend to create public sentiment against the plan of retirement. It is being forced upon the rank and file of employees, without giving them or the Members of this body a chance to discuss its provisions. It is being railroaded under a suspension of the rules, thus preventing discussion or amendment, by the autocratic will of the majority, controlled as they are by a small group; a group who wield the party lash at the dictation of the President.

The 400,000 employees whose rights are so vitally concerned, have one remedy. That is the ballot box. In November they will have the only opportunity now left to them to express their wishes in this matter. I have no doubt that they will then express their disapproval of this utter disregard of their interests by the Republican machine that operates this body with an iron hand. By returning the Democratic Party to power in the House, and in that way only, can the masses get relief.

My heart goes out in sympathy to the rank and file of the civil-service employees; to the great body of carriers and clerks in the city, rural, and railway mail service, those who toil in snow, sleet, and rain; those who work at top speed as the trains thunder through the night.

It is upon these who, under the pending bill, must wait many, many years for any benefit that the autocratic, the power-drunk Republican majority has shut the door. In their face you have thrown this objectionable act, saying take this or we will give you nothing.

If they follow the biblical doctrine of "an eye for an eye," many of you will remain at home when the next Congress convenes. In your places will come men with sympathy for the desires and rights of the great rank and file, men who believe in equal rights for all classes; not men who care only for those who already are enjoying great privileges. [Applause.]

Mr. JEFFERS. Mr. Speaker, I yield four minutes to the gentleman from Arkansas [Mr. FULLER]. [Applause.]

Mr. FULLER. In 1920 the first retirement law for civil-service employees became effective, whereby the employees paid 2½ per cent of their salaries into the retirement fund. In 1926 the law was amended to provide for the payment of 3½ per cent into the retirement fund, and provided for a maximum annuity of $1,000 per year. The last Congress passed the Dale-Lehlbach bill, increasing the annuity to $1,200 a year, which was pocket vetoed by President Coolidge. The various organizations of civil-service employees, in their conventions assembled, have recommended the passage of this same measure. This request is reasonable and just, and the money in the retirement fund would justify such a law. The Dale bill, S. 15, the same as the one passed last session, passed the Senate and is now pending in the House. This bill was considered by the Civil Service Committee of the House, and all the heads and representatives of the various branches of the civil service came before the committee and asked that this bill be passed without amendment; they were unanimous in their request. Later the Lehlbach bill was introduced in the House, and hearings had upon the same. After these hearings were completed a notice of an interview with LEHLBACH appeared in the papers in which he stated on account of the opposition to his bill he would withdraw it. Simultaneously there appeared in the papers notice of an interview with our President stating the Dale bill was not acceptable to him for the same objections entertained by President Coolidge, as the Dale bill did not make provisions for enough annuity for those who draw high salaries, since they paid more into the fund.

It developed in the hearing that this bill was not drawn by its author, Congressman LEHLBACH, but at the instance of the President of the United States by the Efficiency Bureau, and in all probability Mr. McReynolds, the actuary and main witness before the committee arguing for its approval.

The joint conference on retirement, representing at least 300,000 of the 400,000 civil-service employees, appeared before the committee and vigorously opposed the provisions of the Lehlbach bill. This joint conference and the committee were told the Republican majority in the House would grant no rule for consideration of the Dale bill, and the President would veto it if passed; that it was the Lehlbach bill or nothing. As a result, some amendments to this bill were agreed to and, against their will, some of the members of the joint conference reluctantly asked for its passage.

The strong majority of the House now seek to have this measure considered as the Dale Senate bill No. 15 by striking out all of the Dale bill after the enacting clause, inserting in lieu thereof this entire new measure. Thus the Senate is kept from considering the bill on its merits and the matter is left to be considered and settled in conference wholly by its friends, a high-handed steam-roller procedure, with no opportunity for discussion on either floor of Congress. It is not the same horse of a different color and compares with the Dale bill only as a mule to a horse.

The proponents of this pending bill, which should really be called the Hoover bill, are those drawing high salaries as officials, or representatives of this group. They were led by Luther C. Steward, not in the Government service, but as national president of the Federal Employees' Union, less than 10 per cent of those in the service, and consisting of the higher paid officials. You will recall how, under his same leadership, Congress recently passed the increased salary pay for the civil-service employees, believing it meant a gradual increase for all ranks. When this law was construed by the higher efficient officials it was found Congress did not pass the law as represented and desired, but those who drew high salaries were given higher salaries, in many instances being over $1,000 increases, while the lower paid employees scarcely got the crumbs which fell from this large bread basket.

This bill is obnoxious and objectionable to the overwhelming majority of the civil-service employees and is drawn with the sole object and purpose of benefiting those who draw large salaries ranging from four to nine thousand per year. It requires a sacrifice on behalf of 95 per cent of the employees for the special benefit of 5 per cent.

Under the operation of the present law there is now over $145,000,000 in the retirement fund, and by the 1st of July, 1930, it will amount to $175,000,000, and it is conceded even by the actuary who drew the Lehlbach bill by July 1, 1935, it will amount to $250,000,000. All this has accumulated from the 3½ per cent, with the exception of approximately $39,000,000 contributed by the Government. If this fund were left alone and the annuity increased to $1,200 per year, it would practically take care of all future retirement without the Government being required to pay much, if any. Under the terms and provisions of the pending Lehlbach bill all of this fund is confiscated, taken entirely out of the fund and credited to the various employees in proportion to the amount they have paid since 1920. They are required to pay 3½ per cent of their salaries, but deducted from this will be $1 per month from each employee, which will amount to approximately $5,000,000 annually, and this amount the Government gets and is all it gets in return for paying future annuities.

Those retiring get a basic annuity of $900 a year, plus the annuity which the balance of their 3½ per cent to their credit will purchase. No one reaps any real benefit from this law, notwithstanding their deduction of 3½ per cent of their salary, except on the 30-year retirement. Approximately 30,000 quit the service each year, who have paid $12 annually into this fund amounting to approximately $5,000,000 every year, which they can not take with them when they leave the service. In this respect the law is retroactive and contrary to the present law. It is confiscation of a vested right. It is deemed necessary, however, in order to give higher annuities to the high-paid officials.

A dollar a month deduction from the 3½ per cent total deduction means it is only 4 per cent of the $6,000 salary, 16 per cent of the $2,000, and 30 per cent of the $1,200 salary. The overwhelming number of those in the service draw salaries in the neighborhood of $1,500 to $2,100 per year.

The following table shows approximately the annuities under the Lehlbach bill and under the Dale bill:

Approximate annuities under H. R. 9679 after 30 or more years of service to employees who entered prior to August 1, 1920

Year of retirement	Average salary during contributing period							
	[1] $1,080	[1] $1,500	$2,000	$2,500	$3,000	$4,000	$5,000	$6,000
Retired at age 58 aggregate retirement age (disability):								
1930	$810	$1,125	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,200	1,219
1940	810	1,125	1,200	1,200	1,200	1,230	1,303	1,386
1945	810	1,125	1,200	1,200	1,234	1,352	1,471	1,589
1950	810	1,125	1,200	1,271	1,352	1,514	1,675	1,837
1955	833	1,175	1,282	1,389	1,496	1,710	1,924	2,138
1960	886	1,255	1,394	1,533	1,671	1,949	2,227	2,504
Retired at age 63 (62 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,219	1,274
1940	810	1,125	1,200	1,200	1,200	1,275	1,373	1,470
1945	810	1,125	1,200	1,222	1,292	1,431	1,570	1,709
1950	814	1,146	1,241	1,336	1,431	1,620	1,810	1,999
1955	865	1,223	1,349	1,474	1,600	1,851	2,102	2,353
1960	928	1,316	1,479	1,642	1,805	2,131	2,457	2,783
Retired at age 68 (65 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,278	1,352
1940	810	1,125	1,200	1,200	1,235	1,353	1,471	1,590
1945	810	1,125	1,205	1,289	1,373	1,542	1,710	1,878
1950	849	1,197	1,312	1,427	1,541	1,771	2,000	2,229
1955	911	1,290	1,442	1,594	1,746	2,049	2,353	2,656
1960	986	1,404	1,601	1,798	1,994	2,388	2,782	3,176
Retired at age 73 (70 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,213
1935	810	1,125	1,200	1,200	1,200	1,263	1,356	1,450
1940	810	1,125	1,200	1,236	1,308	1,451	1,595	1,738
1945	831	1,169	1,271	1,373	1,475	1,680	1,884	2,089
1950	893	1,262	1,401	1,540	1,680	1,958	2,237	2,516
1955	968	1,375	1,559	1,744	1,928	2,297	2,666	3,035
1960	1,059	1,512	1,751	1,991	2,230	2,709	3,188	3,667
Dale bill	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200

[1] Assuming that the average salaries during the 5 years of service next preceding retirement are $1,080 and $1,500, respectively. (The final salaries would, of course, generally exceed the average for the entire contributing period.)

The mail group, numbering approximately 275,000, drawing salaries around $2,000 per year, get no benefit or increase under this bill until 1955, at a time when most of them will be out of the service; and it will be noticed that those who draw higher salaries begin to reap the benefit in 1935. Some small benefits accrue to the $2,100 group in 1945.

Those members of the group known as charwomen and servants cleaning the Government buildings and the lower-paid laborers, principally colored, in the extremely low-salary group, drawing salaries of $1,080 per year, small in number as compared with the vast membership, receive special benefit under this bill, and if they are able to live through the 30-year period can retire on an annuity as large as their salaries.

The argument of the proponents of the bill that it will be economy on behalf of the Government to get rid of the superannuated and those who are not efficient because of disabilities is not tenable. Those who do the real work and draw salaries in the neighborhood of $2,000 per year will not receive as much upon retirement as they would by holding their positions and will, therefore, continue in the service; but the higher officials who are not required to do real labor will be held on as long as possible on the ground they are more efficient than the younger men. Those in the service who are needing real aid and assistance are not provided for; those who are sick and really not able to work, but who are not totally disabled and can not afford to retire on the annuity provided herein, and who will not be able to hold out to the end of the 30-year period when they will reap the benefits contemplated by this measure. They, of course, are not influential, being mostly employees in the truest sense of the word.

Officials who draw $4,500 a year pay annually into the fund $157; the $5,000 official, $175; the $6,000 official, $210; the $7,500 official, $262.50; and the $9,000 official, $315. Under the Dale bill, if he does not take up all of his credits in annuities after retirement and before his death, his estate gets all the remaining portion of his contribution, plus 4 per cent interest compounded annually. He therefore has no right to complain. With such salaries as these they should be able to retire and live in comfort on their savings and the $1,200 a year annuity. Yet he is the man whom the President says is not treated equitably under the Dale bill, and is required to pay more for the benefits he receives than other members of the civil service. He ought to be grateful and proud that he is able by means of this civil-service system to be promoted to an official position and draw a higher salary than other members.

The Lehlbach bill is based upon the tontine system known in insurance as a gamble. It originated centuries ago with an Italian, by which persons could contribute to a jack pot, conditioned that it would go to the estate of the first to die. It is a gambling method resorted to by the Government for the purpose of accumulating a big pension fund for its high-paid officials. In the greatest insurance contest ever held in the courts of this country, in which Chief Justice Hughes was the leading counsel, this system was exposed and denounced in the State of New York, where it is not now permitted to be operated, as in other States of this Union.

This bill, if enacted into law, I fear, will bring the civil service and the retirement system into disrepute. Every member of the Civil Service Committee of the House is in favor of a more liberal retirement system, and as a member of this committee and as a Member of Congress I am a friend to this system and the retirement plan. I am in favor of the laborer and the poor being taken care of, but I will not support a measure that has for its sole object the benefit of the strong, high-paid officials of the system, to the detriment and injury of the rank and file.

We of the committee who opposed this tontine system endeavored to amend the bill to provide for a $450 minimum and a $1,500 maximum annuity, with a provision that the 3½ per cent should not be collected on salaries over $3,000. We thought this latter provision would satisfy the high officials and at the same time meet the objections of the President.

The men in the shipyards, who do real labor, the post-office clerks, city and rural carriers, and railway-mail clerks, being in the $2,000-a-year group, are opposed to the terms and provisions of this bill, realizing if they live long enough to reap the benefits of the retirement, the trifle increase over the provisions of the Dale bill will be infinitesimal compared with the sacrifice caused by the confiscation of their contribution, if required to retire earlier. I realize that the proponents of this measure are sending word back home to our constituents that the Lehlbach bill is better than the Dale bill, and to urge their Congressmen to support it. As a result, many of you are receiving such messages from those who are not informed as to the real merits of the Lehlbach bill.

In the last nine years under the present policy of retirement, the Government has contributed less than $40,000,000 to the retirement fund. If the annuity were increased to $1,200 a year as in the Dale plan, and the retirement fund left intact, the Government would be required to pay very little, if any, more than it has been paying; but under this bill, conceded by its friends, it will require the Government to pay at least $37,000,000 per year, and in my opinion it will require at least $50,000,000 to take care of these large annuities. It has always been the policy and argument of the friends of the civil service, if necessary, the Government should pay 50 per cent of the retirement annuity, but under the terms and provisions of this bill it far exceeds 50 per cent, the fondest hope or expectation of the great membership of this system, and will have a tendency to injure the service, especially when so many are unemployed and breadlines are being formed daily in our large cities.

In the same issue of the paper which carried the President's statement as to what he demanded and exacted for retirement

in order to meet with his approval was another statement in regard to his attitude on the tariff, in which his friends fresh from the famous breakfast lecture stated the President thought it was none of his business to tell Congress what laws it should or should not pass, as that was another branch of government. Yet while he did so in this instance, after his pet bill was certain of overwhelming defeat before the committee due to the opposition of the employees and Congressman LEHLBACH announced its withdrawal, I know of no reason why we should criticize our Chief Executive for his attitude, as he may not know the life of the rank and file of the vast majority of the civil-service employees, his life having been spent during the last 12 years in Washington associated with the higher paid officials of this system.

For the first time in the history of Federal legislation our Chief Executive and Members of this House are seeking to pass a measure granting a greater pension and annuity to employees than desired by a vast majority of the organization. Methinks it comes in poor grace in view of the fact the aged poor of this country while clamoring for a pension law or some form of relief from their suffering and distress can not even have a day in court. It is all the more distressing when we consider there are thousands upon thousands of deserving World War veterans suffering untold agonies and going to an early grave who for technical and frivolous reasons under existing conditions can not service connect their disabilities and are drawing no compensation.

The higher paid members of the civil service are not really employees but officials. Those who draw from five to nine thousand per year in salaries have a better position than Congressmen, and are not required to retire until they have reached the age of 74. It is true they are paying more into the fund under the present law than those who draw smaller salaries, but no law can be passed which meets all conditions. They owe it to the service which has made them what they are to do more to help the weak, the poor, and depressed. The man who draws six thousand per year is not entitled to be retired at the termination of his service on a pension or annuity of $3,667 as this bill provides, which is just an example of a pension being granted these officials. The history and policy of every nation has been to take care of the unfortunate, poor, and helpless who could not take care of themselves. It has been the policy of our Government to reward and take care of those in their declining years who have gone forth and fought the Nation's battles and carried its flag to victory and glory.

To-day we are paying a pension in the neighborhood of $72 per month to the Union soldiers of the Civil War and are granting a pension of $30 to $40 per month to their widows, and many of them are not able to live upon this, and this recently enacted pension law was due to the recommendation, foresight, and wisdom of one of the greatest Presidents this Nation has ever had, a Democrat at that, the immortal Woodrow Wilson. We hear of no recommendation from the administration forces, or its Chief Executive, nor new bills being drawn at his instance for relief of these, the Spanish-American War veterans, and little, if any, for the veterans of the recent World War. These higher-paid Federal officials with whom our most worthy President has associated during all his political life, and who are the real cause of this present bill, are the exception to all past legislation. As an organization, they know not what it is to obey the command to go over the top, through barbed-wire entanglements, across No Man's Land in the face of liquid fire. They have never carried the flag of their country to victory, to sustain the honor, dignity, and the Constitution of their country, and it is not fair that they should be so singularly honored, especially over the war veterans, the poor and distressed of this Nation.

In my opinion, the granting of such an unreasonable retirement pension to these employees will bring the civil service into disrepute all over this Nation, and you can not tell me that the rank and file of the people of this country, who make the wheels of commerce turn, and who are the real producers, will not resent the payment of a pension which is twice as much as they make for their daily toil. As a result men will come to this Congress in the future who will be utterly opposed to the Government giving $50,000,000 a year to take care of this retirement fund. Already some of the retired members of the civil service are lobbying with the committee seeking a provision in the present law to the extent that their widows and members of their families will draw the pension after their death.

A vote for this bill will haunt Members to their political grave. Higher-paid officials who are demanding this legislation, in total disregard of their great obligation to the civil-service system, must have been in the mind of that great delineator of character when he sent thundering down through the ages that memorable reference of Brutus to the haughty and ambitious Cæsar.

> 'Tis common proof
> That lowliness is young ambition's ladder,
> Whereto the climber-upward turns his face;
> But when he once obtains the upmost round,
> He then unto the ladder turns his back,
> Looks into the clouds, scorning the base degrees
> By which he did ascend.

Mr. JEFFERS. Mr. Speaker, I yield myself one minute and in that time I will yield to the gentleman from South Carolina [Mr. HARE] who desired to ask me a question.

Mr. HARE. Mr. Speaker, I was very much interested in the statement the gentleman from Alabama made in regard to postponement of action on this bill. I want to know whether the gentleman has any assurance that if this proposal is voted down a bill will be brought to this House for consideration.

Mr. JEFFERS. My dear friend, that is up to the administration. In my opinion they would be bound to bring out some suitable legislation for the consideration of this House during this session. The pressure for it would be too great for them to refuse to do so; that is my idea about it.

Mr. HARE. Has not the administration indicated up to this time that it would not do that?

Mr. JEFFERS. I do not know anything about that.

Mr. HARE. I just wanted the information because I wanted to know how to vote on this motion. [Laughter and applause.]

Mr. JEFFERS. Mr. Speaker, I yield the remaining time to the gentleman from Massachusetts [Mr. MCCORMACK]. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I was very much interested in the statement made by the gentleman from New Jersey [Mr. LEHLBACH] that the way to enact legislation is to pass bills. As a general proposition, I agree with him; but I do not agree that the way to enact legislation is to pass bills through the suppression of opportunity for debate on the part of Members and also through preventing the membership of any legislative body from offering any amendment which they feel is germane to a pending bill and which might improve, perfect, or liberalize it.

Personally, I agree with the general principles and purposes of this bill, and I have many feelings in common with the gentleman who introduced it. I have the greatest feeling of admiration and respect for the gentleman from New Jersey [Mr. LEHLBACH] who introduced the bill and who has worked so hard for its passage.

However, I am sorry to be denied the opportunity of presenting an amendment relating to the tontine provisions of this bill.

It must be borne in mind that this is a representative Government and the Congress of the United States is the legislative body through which the people of this great country speak, act, and function from a governmental angle. As their Representatives we should be afforded reasonable opportunity to discuss and to offer amendments upon legislation that is being acted upon.

In my opinion, Mr. Speaker, after studying the history of the rule which permits suspension of the rules, its primary purpose was to apply to such bills reported by a committee with reference to which there was practically a unanimity of opinion, or to such bills as were of an emergency character and with reference to which there were only one or two Members, or a very small part of the membership of this body, in opposition. It was never intended, so far as I can determine from my investigation, that this rule should apply to legislation in general. I refer to this briefly in order that my views might be understood on the growing tendency to use the motion to suspend rules far beyond the intent and purport of the rule itself.

However, the best wishes of the Federal employees are uppermost in my mind, and I am willing to sacrifice my personal views to a procedure, even unusual, that will bring early relief by the immediate passage of the pending bill.

As I have previously stated, I agree with the general purposes of the bill. I feel that those employees who contribute 3½ per cent of a four or five or six thousand dollar salary should receive proper annuity considerations. I am in accord with that general principle, and I am also in accord with the view that all employees should receive a proper annuity when they reach the retirement age, and that a minimum retirement annuity should be provided for, if not now, at an early date. I would like to see as a part of our retirement law provisions for a widows' annuity. This could be provided for without any expense to the Government, by allowing an employee to accept a lower annuity,

and thereby provide for his widow so long as she remained unmarried. It would be optional with the employee.

The original Lehlbach bill possessed what I considered to be two very bad features. The first one was the so-called tontine system. That feature is still a part of the present bill, although in modified form, and, as modified, is beneficial to those in the Federal service.

The other feature that appeared to me as being objectionable was the so-called "forfeiture clause," which applied to persons retired. In substance, it provided that if a person who was retired died before he or she received in annuity payments an amount equal to their total deductions, with interest, the difference was forfeited unless the annuitant elected to receive a lesser annuity than he would have ordinarily received.

This meant that if, for example, the total deductions from an employee's salary, with interest, at time of retirement, amounted to $5,000, and he did not elect to receive a lesser annuity, and lived a month after retirement, his widow, children, heirs, or estate received nothing, and the difference went into the general fund. Such a provision constituted a marked departure from the present law, and the inequities of such are self-evident without further argument on my part. The public hearings disclosed the meaning and dangers of this provision and was strongly opposed by the representatives of the various organizations. Fortunately it was stricken out in committee, and it is not a part of the present bill. That provision was one of the main objections that I had to the original Lehlbach bill.

The pending bill is a radical departure from the present Federal retirement law. Its purpose is the enactment of legislation that will be fair and equitable to all salaried grades of employees or officials covered by the act. Under existing law the maximum annuity is $1,000 with no minimum provisions. One person receives as low as $34 each year, and several thousand receive less than $400 annuity each year. No person connected with the service can receive more than $1,000 each year. In view of the fact that the same percentage of deduction—3½ per cent—is made from the salaries of all persons, irrespective as to salary received, and that the deductions, with interest, purchase the annuities paid, it seems only fair that at some time changes should be made to existing law, provided, however, the provisions of the Dale bill were either preserved or improved upon, and also that a minimum annuity was established. This bill reasonably accomplishes that purpose, although it contains the tontine plan, to which I have already referred.

While this bill was pending in committee a situation developed which endangered the passage of any legislation during this session. It presented a practical problem to the members of the committee. So far as I could observe, the committee was unanimous on the passage of liberalizing legislation. Members justifiably were of the opinion that if the Dale bill was reported it might never receive the consideration of the House, and other members felt that if the Lehlbach bill was reported, even as modified, the Senate, in view of its being practically a new bill, would insist upon its appropriate committee considering it; in which event the probability of any kind of legislation being enacted was remote. The latter situation is still present. At the public hearings the representatives of practically all of the organizations of Federal employees, with one exception, felt that the best course to pursue was to report the Dale bill and later give consideration to the Lehlbach bill. They were anxious to secure some kind of legislation this session, and I agreed with them in this view. Furthermore, they opposed as strongly as they could the tontine system and forfeiture clause that I have already referred to—the only position that they could properly take in justice to the members of their organizations. While the supervisors and higher-salaried employees from my district were anxious to secure legislation that they are reasonably entitled to, and which I feel they are entitled to receive, I am particularly pleased with the position that they took when both bills were in committee. They requested me to take no action or course which might endanger the passage of any legislation this session.

However, events over which few persons had control happened, and in view of the forfeiture clause being removed from the bill and the tontine plan modified, the present bill was reported, with the support of all representatives of all organizations. I sincerely trust that the efforts of the committee and the representatives of the organizations will not be fruitless and that the hopes and expectations of the thousands of employees affected will not result in disappointment.

As both bills will probably go to conference, the question of whether or not the Dale bill or the Lehlbach bill, or a compromise of both, will become a law will undoubtedly depend upon the action of the conferees.

The tontine plan proposed in the original Lehlbach bill created a particular fund to be established by a monthly contribution of $1 from each employee within the retirement law, to be taken from the 3½ per cent deductions made from their salary. If an employee was separated from service before retirement his contributions to this fund were forfeited, and to this there were no exceptions. As a result of the evidence presented at the public hearings, and the opposition of practically all of the representatives of Federal organizations, an amendment was made exempting those persons who died in service before retirement; and another amendment, as was reported in the newspapers, upon my motion, was adopted exempting those employees involuntarily separated from service. However, it is well for Federal employees to realize and appreciate the meaning of the present bill and its effect so far as this feature is concerned. It must be borne in mind that the contributions to the tontine fund are not in proportion to salary received. In other words, an employee receiving $1,000 per annum has $35 deducted from his salary for retirement purposes, and from this sum is taken $12 each year and placed into the so-called tontine fund, constituting 33⅓ of his total deductions, leaving $23 for his individual account.

An employee receiving $2,000 per year contributes to the tontine fund about 16 per cent of his salary deductions, $3,000 a year a little over 11 per cent, and the higher the salary the smaller the percentage of contribution to the tontine fund. And when the $6,000 salary grade is reached the contribution is a little less than 6 per cent. Personally, I consider the tontine plan unwise and unnecessary. It seemed to me that if the tontine scheme was to be incorporated as a part of our retirement legislation it should be more equitable. However, that is a matter that can be best taken care of in conference, in view of the fact that no opportunity is permitted to offer amendments in the House. Such an equitable provision would undoubtedly receive the support of all Federal employees. Furthermore, rather than endanger the passage of any retirement legislation, it would be much better to allow that part of the bill to remain therein, not only by the House but by the conferees, and the situation, if necessary or advisable, could be taken care of by legislation in some future Congress.

I am of that school that believes in giving to those in the Federal service every possible consideration with reference to salary, working hours and conditions, and adequate retirement annuities. In view of the limited time remaining, I will conclude by expressing the hope that by the passage of the pending bill by the House the Senate will take such action as will assure immediate consideration and relief; if the Senate sends the bill to conference and the House adopts the same procedure, that the conferees will report to their respective branches recommendations of legislation which will give to the rank and file of the Federal employees the greatest amount of benefits obtainable under the circumstances. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LEHLBACH. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, there was not much difficulty in the committee with the bill we reported. We were assured that the employees' organization, represented by the joint legislative committee, were in favor of the bill as we reported it out, and there has been no evidence presented here to-day to the contrary. As I recollect it, the bill was reported out 14 to 4. There was so much unanimity that the opponents did not avail themselves of the privilege of a roll call, although asked if they wanted one. We were assured that President Hoover was in favor of this bill and would have vetoed the Dale bill; even as Coolidge did. We were assured that Senator DALE is in favor of this bill as we reported it out. [Applause.]

I am much gratified that we are going to get retirement legislation this session. This Lehlbach bill has had such vicissitudes and has been contested with such heat and so intense an interest that at times it looked as if no legislation would be passed at all.

But legislation of this sort can only come from compromise, and this Lehlbach bill is just frankly that—a compromise measure. It is not perfect, but it is the most perfect bill which can be obtained at this stage. Moreover, it is a bill that can be remedied and amended and perfected later on. It is a good basis for future legislation.

Some retirement legislation is conceded on all sides to be necessary. I made the motion in the Civil Service Committee before the Christmas holidays to make retirement legislation the first order of business and that motion carried.

The committee has stuck faithfully to consideration of retirement legislation until this bill is the result.

It carries an expenditure of about $16,000,000 and favorably affects or relieves about 410,000 Federal employees. It is a boon to nearly 5,000 Federal employees in Michigan.

What every human being craves is security. That is the first aim in life; security from danger, security from hunger, thirst,

the extreme cold and the extreme heat, from violence and injury and untimely death, from disease and war and poverty; and from old age and failing faculties and unemployment.

This bill aims to provide in a fair measure security from unemployment in old age for Federal employees who have given the best years of their lives in Federal jobs—to men and women who have been honest and faithful and efficient.

The United States Government should have been the leader in this movement but it has been a laggard. My city of Detroit has been speedier and more generous in meeting the requirements for its city employees in retirement annuity and pension legislation.

Many great corporations of the country, charged often with considering the almighty dollar alone, have been pioneers and generous ones in this field. They have not demanded a percentage of their salaries from their faithful employees and have granted a pension instead of requiring an annuity.

This bill will increase efficiency because of its justice. The superannuated employee will be gotten off the Federal pay roll more easily and give a place to a younger and more efficient employee. Every worker will do better work for a just employer than for an unjust one or a niggardly one.

We have stricken from the bill harsh provisions of the "tontine" plan. We can strike out in conference or in later legislation any further objectionable features of the "tontine" plan.

Former President Coolidge vetoed the Dale-Lehlbach bill because it was not just to the higher-salaried employees. President Hoover is quoted as saying he would veto the bill if this defect were not remedied.

Personally I always fought for this principle: Just treatment for the higher salaried and supervising employees and officials of the Federal service, as well as for the lower ones.

I was in the Federal administrative service myself for nine and one-half years. I know the merits of the higher classes. Many have come up from the ranks, as a matter of fact, practically all of them have.

As they got higher wages because of their splendid services, they adopted a higher standard of living for themselves, their wives, children, and other dependents. All Americans do, and the general attitude in Detroit, if not in the United States as a whole, is not to begrudge a higher standard of living and this, irrespective of race, religion, and previous condition of servitude.

In some centers, and in Detroit, workers do not have to force higher wages, better hours, and improved working conditions from their employers who are running the great factories and business offices in that city. These boons are freely granted. A man who rises in the world there is not a subject of envy, but is generously acclaimed and congratulated.

He is recognized as being entitled to his place in the sun.

The attitude should be emulated by Members of this House and the Senate. Let none of us vote or work against this bill because it includes the higher salaried employee. The bill would have been vetoed if it had not.

We had the same quarrel over low and high classes when my committee considered the question of raising the salaries of Federal employees as we did in the last session of Congress.

It was largely a question of comparative treatment again. I spoke and fought for all Federal employees as a whole, low and high.

I reflected the Detroit attitude in that fight for higher salaries as I do in this one for more generous retirement legislation.

Mr. LEHLBACH. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Speaker, the opposition to the Lehlbach bill seems to have arisen because the gentleman from New Jersey [Mr. LEHLBACH] could not do a sum in mental arithmetic while he had other things in his mind which he believed would interest this House.

In my district—the city of Denver—we have over 2,300 Federal employees working in fifty odd departments under 129 heads and principal subordinates. They have been as much interested as any group of Federal employees in the entire country. In my State of Colorado we have over 1,000 more faithful employees of Uncle Sam. They all remember some of the statements made by or on behalf of the actuaries in 1920, and then again in 1926. What if some figures were wrong then and have been changed? What if some of the present predictions of the accumulations will have to be changed?

Many of these employees are organized into groups. They have kept in close touch with the recent hearings here. Copies of the bill before this House were sent to them as soon as available last week, and to-day their replies were received.

The following organized groups of employees and retired employees in Denver now indorse the bill before us and request its passage:

Retired Federal Employees, by G. N. Burghardt, president.

Night shift, Denver post-office employees, by Clifford R. Selby, chairman.

Central committee, Federal Employees, M. F. Cannon, president.

National Federation of Federal Employees, Local No. 322, J. C. Gaskin, secretary; and

Denver Local, No. 102, George N. Spencer, secretary.

Also Federal Employees Union 234, National Federation of Federal Employees, J. J. Buck, secretary, which has a large membership in Pueblo and southwestern Colorado, exclusive of postal employees and the Woman's Auxiliary to National Federation of Post Office Clerks, by Mary E. Hodgins, national secretary, whose office is in Denver.

They are all a long way from Washington. They have sat at home content that the members of the committee would carefully decide the various questions which gave rise to the recent controversies. They are as deeply interested in the action of this House to-day as any who are sitting in the galleries listening to this debate. They believe in the bill now submitted for our consideration, and on their behalf I ask you to vote "aye" on the present motion to suspend the rules and pass this bill.

Mr. LEHLBACH. Mr. Speaker, I am going to take the remaining 30 seconds to say that there is not in the United States any responsible spokesman for a group of Federal employees anywhere who is not anxious to have this bill passed now.

The SPEAKER. All time has expired, and the question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill as amended.

Mr. JEFFERS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All in favor of taking the yeas and nays will rise and stand until counted. [After counting.] Thirty-four Members have arisen; not a sufficient number. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill as amended.

Mr. JEFFERS. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Does the gentleman insist that the Chair shall count?

Mr. JEFFERS. No, Mr. Speaker; I withdraw that and ask for a division.

The House divided, and there were 235 ayes and 17 noes.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DISCHARGE OF OBLIGATIONS OF GERMANY TO THE UNITED STATES (S. DOC. NO. 95)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with accompanying papers referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed agreement and exchange of notes with Germany for the complete and final discharge of the obligations of that Government to the United States with respect to the awards made by the Mixed Claims Commission, United States and Germany, and for the costs of this Government's army of occupation.

The plan of settlement has my approval and I recommend that the Congress enact the necessary legislation authorizing it.

HERBERT HOOVER.

THE WHITE HOUSE, *March 4, 1930.*

THE AMERICAN MERCHANT MARINE

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the American merchant marine and incorporate therein a letter and reply on the subject from the Postmaster General.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I voted to pass H. R. 9592, amending section 407, of the merchant marine act of 1928. Inasmuch as the time for the debate on the bill and an expression in regard to its practicability was very limited we who are not members of the Committee on the Merchant Marine and Fisheries felt that we should not take up any of the time that ought probably be allowed the members of that committee. I, therefore, at this time remark that which I intended to say when the bill was under consideration but which I did not make then for the reasons assigned above.

I have not always felt in accord with the policies of the United States Shipping Board, and felt constrained on one occasion at least to frankly state my criticism of a course to which they had given their full assent and approval. I have reference to the sea service bureau, whose activities from my

standpoint can not be construed in any other light than that of an open hostility to the collective bargaining principle established years ago by men whose patriotism could not be questioned, and whose love of this country was evidenced by them and their children whenever the bugle sounded for their appearance on the battle line. That policy of collective bargaining has had the indorsement of the ablest men that this world has ever produced. Among them and foremost in the ranks of the notables of all times we find Pope Leo XIII, whose encyclical, On the Condition of Labor, would have immortalized him in the realm of letters and secured for him an everlasting place in the niche of fame, had not his wisdom as a Pontiff rendered him immortal. Our own Theodore Roosevelt, and that matchless statesman, Woodrow Wilson, who in the night of despair foresaw the glories of the coming day, the peerless leader whose vision carried him to the fringe of the millennium and whose hands bore aloft even unto his dying day the torch which will throw a light across all of the ages; that will echo his cry for a happier and a better world than one of bloodshed, rapacity, and colossal robbery called war; these giant figures whose shadow will always remain shadows across the sky line of history gave their sanction to collective bargaining; and strange indeed it is that a great branch of our Government like the Shipping Board can tolerate a service that has the temerity to inferentially or otherwise question the validity and the Americanism of that doctrine which is as fundamentally near democracy as any other policy which could be expressed. But there is no such thing as a perfect institution or a perfect thing in the universe.

No man and no set of men can possibly possess the infallible touchstone of truth. Just as some days must be dark and dreary to every man and woman who have to journey through existence, so, too, must every man and woman, and every set of men, and every group of women make mistakes, and indirectly stand for that which they would individually oppose.

I have every confidence in that board, individually, and insolido, jointly and severally, as the legalists say. I know that my distinguished namesake Mr. T. V. O'Connor, chairman of that board, was appointed to that position years ago by the lamented President Harding, at a time when he felt that the office should seek the man and not the man the office. For President Harding knew that Mr. O'Connor did not seek the office, did not want it, and only accepted it because his friend President Harding earnestly requested him to accept it. I know that President Coolidge kept Mr. O'Connor on the Shipping Board because he felt that he was the right man in the right place, and the newspapers but recently carried the news to the country that when Mr. O'Connor desired to resign, President Hoover refused to accept that resignation and asked Mr. O'Connor to remain as chairman of the Shipping Board. The test of an institution is its ability to withstand the constant stroke of time. The test of an individual is his courage, his honesty of purpose, his integrity and the spirit that makes him stand up undaunted in the face of criticism, just and unjust, that may be flung his way.

Mr. O'Connor has served his country and the great laboring classes from whom he sprung, faithfully, patriotically, and loyally. He has worked to make the merchant marine a great asset to the United States, and I am convinced that he has done so. The passage of the bill under consideration will enable the postmaster and the Shipping Board put into operation more certainly than ever before the policy which will make for an enlargement of our merchant marine, its growth through replacement of new vessels, the development of all of our ports and the upbuilding of a sea spirit in the minds of many of our ambitious young men. It will make for activity in our ship-building plants, and as a proof of my statement I wish to insert herein a letter which I have received from W. Irving Glover, Acting Postmaster General, Post Office Department, in response to a letter which I wrote the Postmaster General, and which makes my letter, without reproducing it, as clear as Mr. Irving's letter is self-explanatory.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 3, 1930.

Hon. JAMES O'CONNOR,
House of Representatives.

MY DEAR MR. O'CONNOR: It is a pleasure to furnish you with the information requested in your courteous letter of March 1, with regard to the method of entering into ocean-mail contracts under section 407 of the merchant marine act if it should be amended as proposed in the bill H. R. 9592, which has just passed the House of Representatives.

The present procedure is, after the reciprocal certifications between the Post Office Department and the Shipping Board required by the act, to issue an advertisement stating fully the requirements for present operation and future construction or reconstruction of vessels, and bids must be submitted which are responsive to these requirements. All of the provisions of the advertisement are then included in the formal contract which is submitted to the accepted bidder, who is required to give an adequate bond to insure full performance.

Postmaster General Brown has announced the policy of making no contracts (or, in exceptional cases, for a period of not more than five years) unless the building of new ships is required. Under contracts which have already been let or which are now pending, the department has required, or will require, the building of 42 new ships in addition to a number which are to be reconditioned or rebuilt. They range from 13-knot vessels of 5,000 tons to mammoth ships of a minimum of 28 knots and 45,000 tons. The keels of several of the ships required have already been laid and one has actually been completed and placed in service. A copy of our latest advertisement is inclosed, together with a copy of the proposal form on which bids are submitted. The provisions of the advertisement are, as before stated, included in the formal contract on each route.

If section 407 of the merchant marine act should be amended as proposed in H. R. 9592, the provisions of the contract would be practically the same as at present, except that no advertisement would be issued in certain cases, as provided therein.

If I can be of further service to you in this connection, please command me.

Very truly yours,

W. IRVING GLOVER,
Acting Postmaster General.

Mr. Glover's letter is, in a measure, amplified by a statement issued by the Post Office Department, the full text of which follows:

In an interview to-day Assistant Postmaster General W. Irving Glover, in charge of foreign mails of the Post Office Department, and chairman of the interdepartmental subcommittee on ocean mail contracts, was enthusiastic over the awards made yesterday by Postmaster General Brown to the four bidding companies whose bids were opened on February 25, these awards being made to the Colombian Steamship Co., the Panama Mail Steamship Co., and the United States Lines.

It shows that this administration, and especially the Post Office Department, stands ready to take every advantage offered to it to carry out the terms of the Jones-White bill, as laid down by the Congress, and will go far toward doing its part to restore the American flag on the "seven seas." No longer, says Mr. Glover, will the citizen returning from abroad have to await his coming into New York Harbor or the Golden Gate to see the Stars and Stripes, but it will be viewed as it flies from the staff of the American merchant ship which will be in the ports of the world and the lanes of the seas.

LABOR TO BE EMPLOYED

By the stroke of the pen Mr. Glover said to-day the Postmaster General had given the "go sign" to the American shipbuilding yards to get busy and keep busy for the next five years at least, for in the awards that the Postmaster General has already made 66,000 tons of new building had been called for at a cost of nearly $30,000,000, and an additional amount of nearly $10,000,000 for rebuilt or reconditioned ships called for in the four contracts.

One can just visualize what these contracts means to the employment of labor in the shipbuilding industry; it means the employment, literally, of thousands of men for a period of years and goes a great ways in being one of the most helpful items in the program which President Hoover has laid down to take up the slack of the unemployed; this, together with the extensive building program of Federal buildings and post offices throughout the country, is one of the most impressive moves of the administration to keep the wheels of industry and trade going at high speed.

OTHER CONTRACTS PLANNED

Mr. Glover further stated that within the next few days he believed that he would be able to recommend to Postmaster General Brown additional contracts which would carry further new building requirements of at least 125,000 tons. In other words, the Post Office Department is "steaming" ahead in the awarding of contracts which will carry out the intent and will of the Congress as laid down by the Jones-White bill.

These advertisements and awards are the result of many hearings held by the subcommittee since last June, and it was at these hearings and meetings that the recommendations were issued to the parent committee on ocean-mail contracts that made it possible to award these various contracts and thus bring about the vast building contracts soon to be entered into between the steamship companies and the shipbuilders.

Mr. Glover further stated that on Tuesday a hearing would be held before him, same being given the Consolidated Navigation Co., of Baltimore, Md., one of the bidders on route No. 46—Baltimore to Hamburg—whose bid is believed not to be responsive to the advertisement.

THE DALE-LEHLBACH RETIREMENT BILL

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill that has just passed.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, under leave granted Members to extend remarks on the passage of the Dale-Lehlbach bill on March 4, I wish to say that although I have stood for and supported since being in Congress liberal retirement provisions for our civil-service employees and am so constituted that I would favor any fair and just liberalizing of this law when the public interest is safeguarded, I regret deeply that the leaders of the House sought to bring this bill up under suspension of the rules where we could not fully discuss the bill and offer amendments which would improve the bill and make of it a better bill, as I understand would be the intent of the majority of the Members of this House.

Everyone recognizes that there have been some serious weaknesses in our retirement law, and as for me, I have been ready to support any law which would strengthen these conditions and make them more in the interest of those thousands of faithful men and women who give their lives and their work in season and out of season, through all kinds of weather and conditions—of course, with the public interest always duly guarded. Therefore, as I said, even though I could not get all that I hoped for and feel that these employees are entitled to under this bill and the conditions under which it passed, yet I should always be glad to do what I could to work toward that end even though we do not get all we hope for. The time may come when this law will have to be further amended to be in harmony with modern conditions—changing some of the points in the law which might have easily been changed by amendment in the House should it have been passed under different conditions. In closing may I say that I sincerely hope that in conference this bill will be improved and made a better bill.

Mr. Speaker, the day has come, in my judgment, when we must give more heed to those who toil and work either with their physical strength or mental strength to see that they get justice. There is no question that Congress has from time to time passed legislation to protect manufacturers and others, and we must begin to give due consideration to the large class of workers in not only Government but in other fields. The great mass of our citizens belong to what we are pleased to call laborers, tradesmen, small business, professions, farmers, clerks, civil-service workers, and, as some one has been pleased to call them, a lot of other plain people; and all of these do the work of our country and support this structure of Government, and we must protect these people and give more consideration to their interest in the future. I hope at some time in the near future to further address the House along this line; that is, representation fair and just for all.

Mr. IGOE. Mr. Speaker and Members of the House, under leave granted to Members of the House to extend remarks on the Dale-Lehlbach retirement bill for civil-service employees, I desire to state I am not opposed to the principle of the bill offered for consideration of the House, for, since becoming a Member of this body I have always actively supported legislation that would inure to the benefit of the postal employees and other governmental workers, a vast number of whom comprise the populace of my congressional district.

I am in full accord with the movement to liberalize the retirement provisions for those loyal and faithful employees who give the best years of their life to serving the public interests, and I should be most unjust to my constituency were I to sit idly by without interposing an objection to the procedure adopted for the consideration of this measure.

Liberalization of the retirement law for the employees of the Government is one of the most important subjects considered in this House in a number of years, and I deeply regret the members of the steering committee have deemed it advisable to consider this measure under suspension of the rules with only 40 minutes' debate, without an opportunity for offering amendments. This procedure, to my mind, is very unfair. I had hoped that when this bill was reported in the House for consideration general debate would be in order so that those of us who disagreed with some of the objectionable features, and who were in favor of more liberalization, would be afforded a fair opportunity to present our views.

Even though this opportunity has been denied us, and we have been unable to obtain all that we had hoped for, through the adoption of this procedure, I shall be glad to continue my efforts in the direction that the best interests of these employees may be served.

In conclusion, Mr. Speaker, permit me to say I voted for the bill in its present form, fearful of the fact that if a further liberalization measure should be presented to the President at this time he would veto it.

THE MOVEMENT OF POPULATION BETWEEN CANADA AND THE UNITED STATES

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the movement of population between Canada and the United States, and to include some official statistics.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, an analysis of the statistics of the movement of population for permanent residence between the United States and Canada since 1920 is important in view of pending legislation to restrict Canadian immigration. The figures of immigration to Canada from the United States are derived from the Canadian Department of Immigration, and those of immigration to the United States from Canada are derived from the United States Bureau of Immigration. The official Canadian statistics are important because our Government does not keep accurate figures of American citizens who emigrate to Canada.

TABLE I.—MOVEMENT OF POPULATION SINCE 1920, TAKING INTO ACCOUNT STATISTICS OF IMMIGRATON ALONE

This table does not give as accurate a view as Table II of the total movement between the two countries. The figure of "returning Canadians" used in Table II was, however, not recorded before 1925. The figures here employed cover the migration of persons who have lived for at least one year in Canada or in the United States, as the case may be, before moving for permanent residence to the other country. The figures are for fiscal years, those in column 1 being for our fiscal year ending June 30, and those in column 2 being for the Canadian fiscal year ending March 31. Our figures before 1925 include immigration from Newfoundland, for which separate statistics were not kept until that year—1929.

Year	Migrated to United States from Canada	Migrated from United States to Canada	Net loss to Canada
1920	90,025	49,656	40,469
1921	72,317	48,059	24,258
1922	46,810	29,345	17,465
1923	117,011	22,007	95,004
1924	200,690	20,521	180,169
1925	100,895	15,818	85,077
1926	91,019	18,778	72,241
1927	81,506	21,025	60,481
1928	73,154	25,007	48,147
1929	64,440	30,560	33,880

TABLE II.—MOVEMENT OF POPULATION SINCE 1924, TAKING INTO ACCOUNT "RETURNING CANADIANS" AS WELL AS IMMIGRANTS

In 1924 the Canadian Department of Immigration began to record the number of Canadian citizens who returned to live in Canada after having taken up their permanent residence in the United States. Probably the fairest picture which can be drawn from official statistics of the balance between the two countries is given by adding these figures to those given in Table I of immigration from the United States to Canada. The persons who make up the totals of "returning Canadians" had presumably left Canada permanently and on their departure they were recorded as immigrants to the United States; on their return to Canada it is therefore legitimate to reckon them in the balance, together with immigrants to Canada. While no comparable figure exists covering United States citizens who have returned to the United States after settling in Canada, it is certain that this movement is now very small compared with the movement of "returning Canadians."

Year	Migrated to United States from Canada	Migrated from United States to Canada	Returning Canadians	Net loss to Canada
1925	100,895	15,818	43,775	41,302
1926	91,019	18,778	47,221	26,020
1927	81,506	21,025	56,957	3,524
1928	73,154	25,007	39,887	8,260
1929	64,440	30,560	33,798	82

TABLE III.—THE MOVEMENT TO THE UNITED STATES OF NATIVE-BORN CANADIANS SINCE 1925

The immigration act of 1924 imposed a numerical limitation, or quota, on the immigration to the United States of all persons not born in the Western Hemisphere. Canadians born in Great Britain or on the European Continent could migrate to the United States only by securing visas from the quota of their country of birth. In consequence the act encouraged the immigration of native-born Canadians; the rapid decline since 1926 is, therefore, specially significant. The table below, of course, does not show the whole balance between the two countries; it only reveals that Canada is now getting back from the United States a larger number of people of all classes than the number of native born alone who are emigrating.

Year	Canadian-born emigrated to United States	Per cent of total emigration to United States	Immigrants from United States and returning Canadians	Loss (−) or gain (+) to Canada
1926	82,462	90.6	65,999	−16,463
1927	70,136	86	77,982	+7,846
1928	54,704	74.8	64,894	+10,190
1929	49,009	76	64,358	+15,353

TABLE IV.—EMIGRATION FROM CANADA TO THE UNITED STATES SINCE 1921 BY RACIAL ORIGIN

This table divides the annual totals of emigration from Canada to the United States since 1921 under the three heads of British, French, and other races. Its chief value is to show the amount of French-Canadian emigration from Canada. The heading "British" here includes Irish, as well as English, Scottish, and Welsh. The heading "Other races" is made up almost entirely of persons of continental European origin, except for a small number—192 in 1929—of African, Asiatic, or Spanish-American descent. The figures before 1925 include Newfoundland.

Year	British	French	Other races	Total
1921	41,060	15,906	15,351	72,317
1922	27,909	9,625	9,276	46,810
1923	69,028	30,438	17,545	117,011
1924	123,783	43,959	32,948	200,690
1925	65,461	19,261	16,173	100,895
1926	61,985	18,612	10,421	91,019
1927	55,369	15,710	10,427	81,506
1928	48,476	14,227	10,451	73,154
1929	40,461	13,266	10,773	64,440

TABLE V.—THE NUMBER OF PERSONS WHO HAVE EMIGRATED MORE THAN ONCE FROM CANADA TO THE UNITED STATES

Month	Migrated to United States from Canada	Number who had previously lived in United States	Per cent
1929			
July	5,760	950	16.5
August	7,408	2,008	27.1
September	9,302	1,282	13.8
October	7,301	1,281	17.5
Total	29,771	5,541	18.6

On July 1, 1929, the United States Immigration Service began for the first time to record the number of immigrants entering the country who had previously lived in the United States and were returning again as immigrants after an absence of one year at least. The result throws an interesting light on the character of the movement of population from Canada to the United States, since it reveals that during the four months for which statistics are available 18.6 per cent of the immigrants from Canada had previously emigrated to the United States, had then gone back to Canada, and were once more moving to the United States. There seems no reason to suppose that the result during these months is not typical. On this assumption it would seem that almost one-fifth of the immigrants from Canada appear more than once in the United States immigration statistics.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WAINWRIGHT, for Tuesday and Wednesday of this week, on account of attendance at a funeral.

To Mr. CULLEN, for the balance of the week, on account of death in family.

To Mr. BRIGHAM, indefinitely, on account of illness.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 5 o'clock and 16 minutes p. m.), the House adjourned until to-morrow, Wednesday, March 5, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 5, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.

(2 p. m.)

Navy Department appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposed legislation concerning Muscle Shoals.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Relating to the carriage of goods by sea (H. R. 3830).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To define fruit jams, fruit preserves, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended (H. R. 9760).

EXECUTIVE COMMUNICATIONS, ETC.

355. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriations for the District of Columbia for the fiscal year 1931, amounting to $684,300 (H. Doc. No. 310), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9931. A bill granting the consent of Congress to Berks County, State of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Schuylkill River; with amendment (Rept. No. 835). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 9988. A bill granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.; without amendment (Rept. No. 836). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 9989. A bill granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.; without amendment (Rept. No. 837). Referred to the House Calendar.

Mr. FITZGERALD: Committee on Revision of the Laws. H. R. 10198. A bill to repeal obsolete statutes and to improve the United States Code; without amendment (Rept. No. 838). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the executive departments (Rept. No. 839). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 830. A bill for the relief of Frank Woodey; without amendment (Rept. No. 823). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 5611. A bill for the relief of William H. Behling; with amendment (Rept. No. 824). Referred to the Committee of the Whole House.

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 7219. A bill for the relief of Drinkard B. Milner; without amendment (Rept. No. 825). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 669. A bill for the relief of Seth J. Harris; with amendment (Rept. No. 826). Referred to the Committee of the Whole House.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 917. A bill for the relief of John Panza and Rose Panza; without amendment (Rept. No. 827). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 936. A bill for the relief of Glen D. Tolman; without amendment (Rept. No. 828). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 1546. A bill for the relief of Thomas Seltzer; with amendment (Rept. No. 829). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 1699. A bill for the relief of Theresa M. Shea; with amendment (Rept. No. 830). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1888. A bill for the relief of Rose Lea Comstock; without amendment (Rept. No. 831). Referred to the Committee of the Whole House.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 2175. A bill for the relief of the Great Western Coal Mines Co.; without amendment (Rept. No. 832). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2432. A bill for the relief of J. A. Lemire; with amendment (Rept. No. 833). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 7484. A bill for the relief of Edward R. Egan; without amendment (Rept. No. 834). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 3935. A bill for the relief of Eugenia A. Helston; without amendment (Rept. No. 840). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 10461) authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER of Oklahoma: A bill (H. R. 10462) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the Oklahoma State Board of Agriculture; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10463) to authorize the erection of an addition to the Veterans' Bureau hospital at Perry Point, Md., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. HAUGEN: A bill (H. R. 10464) to facilitate and simplify national-forest administration; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 10465) to define and delimit citizenship, to establish a uniform system for the naturalization of aliens throughout the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KNUTSON: A bill (H. R. 10466) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10467) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Pikeville, Pike County, Ky., as may be necessary for the location of a Federal court building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10468) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Paintsville, Johnson County, Ky., as may be necessary for the location of a Federal court building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. McLEOD: A bill (H. R. 10469) to grant emergency relief to certain World War veterans by providing for immediate payment of the face value of adjusted-service certificates; to the Committee on Ways and Means.

By Mr. SHOTT of West Virginia: A bill (H. R. 10470) to amend section 19 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, as amended; to the Committee on the District of Columbia.

By Mrs. LANGLEY: A bill (H. R. 10471) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Hazard, Perry County, Ky., as may be necessary for the location of a Federal court building in said city and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. WINGO: A bill (H. R. 10472) to amend section 7 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. WHITE: A bill (H. R. 10473) to amend the radio act of 1927, approved February 23, 1927, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mrs. OLDFIELD: A bill (H. R. 10474) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: A bill (H. R. 10475) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development; to the Committee on Irrigation and Reclamation.

By Mr. McLEOD: A bill (H. R. 10476) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEAVITT (by departmental request): A bill (H. R. 10477) to permanentaly set aside certain public lands in Utah as an addition to the Western Navajo Indian Reservation; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 10478) to amend the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 10479) to amend section 1440, Revised Statutes, as amended by the act of March 2, 1929, Public, No. 920; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 10480) to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States Army of occupation; to the Committee on Ways and Means.

By Mr. McFADDEN: A resolution (H. Res. 178) to provide for the expenses of the Committee on Banking and Currency in carrying out the provision of House Resolution 141; to the Committee on Accounts.

By Mr. JOHNSON of Washington: A resolution (H. Res. 179) to provide quota limitations for certain countries of the Western Hemisphere, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of the State of Rhode Island urging the use of Westerly granite in the construction of Federal buildings and particularly in the post-office buildings to be erected at Pawtucket and Woonsocket, R. I.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 10481) for the relief of Roland Morgan; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 10482) granting an increase of pension to Susan Lavelle; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10483) granting an increase of pension to Sarah Horney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10484) granting an increase of pension to Hannah A. McColly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10485) granting an increase of pension to Lucy Clark; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 10486) granting an increase in pension to Lydia Robertson; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 10487) granting a pension to Thomas Henry Shanley; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 10488) for the relief of Etta Cluff; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 10489) granting an increase of pension to Mallie E. Roberts; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 10490) for the relief of Flossie R. Blair; to the Committee on Claims.

Also, a bill (H. R. 10491) for the relief of Edwin F. Reid; to the Committee on Military Affairs.

By Mr. DRIVER: A bill (H. R. 10492) for the relief of Drainage District No. 17 of Mississippi County, Ark.; to the Committee on Flood Control.

Also, a bill (H. R. 10493) for the relief of Drainage District No. 7 of Poinsett County, Ark.; to the Committee on Flood Control.

By Mr. ENGLEBRIGHT: A bill (H. R. 10494) granting an increase of pension to Eva A. Smith, to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 10495) granting a pension to Dora M. Hull; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 10496) granting a pension to Ella Moodey; to the Committee on Invalid Pensions.

By Mr. HALSEY: A bill (H. R. 10497) granting an increase of pension to Annie E. Box; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 10498) granting a pension to Charles W. Ammann; to the Committee on Pensions.

By Mr. HOOPER: A bill (H. R. 10499) for the relief of J. H. McLaughlin; to the Committee on Claims.

By Mr. HOPKINS: A bill (H. R. 10500) granting an increase of pension to Mary E. Walker; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 10501) granting a pension to Sarah Lucetta Kidder; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 10502) granting a pension to Ella Ann Alexander; to the Committee on Pensions.

Also, a bill (H. R. 10503) for the relief of the Portland Electric Power Co.; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 10504) granting a pension to Granville Pearl Cornett; to the Committee on Pensions.

By Mr. LEE of Texas: A bill (H. R. 10505) granting a pension to G. C. Musgrove; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 10506) for the relief of Carl F. Castleberry; to the Committee on Claims.

By Mr. MENGES: A bill (H. R. 10507) granting a pension to Carrie R. Pine; to the Committee on Pensions.

By Mr. MONTET: A bill (H. R. 10508) providing for the examination and preliminary survey of that composite stream extending a distance of approximately 25 miles from the Intracoastal Canal as it traverses section 48, township 17 south, range 19 east, parish of La Fourche, La., down to Lake Chien, in the parish of Terrebonne, State of Louisiana; to the Committee on Rivers and Harbors.

By Mr. MOORE of Kentucky: A bill (H. R. 10509) granting a pension to William R. Speck; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10510) granting an increase of pension to Alice P. George; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 10511) for the relief of the Lakeside Country Club; to the Committee on Claims.

By Mr. FRANK M. RAMEY: A bill (H. R. 10512) granting a pension to Agnes M. Sexton; to the Committee on Pensions.

By Mr. RAMSPECK: A bill (H. R. 10513) for the relief of Ralph LaVern Walker; to the Committee on Claims.

Also, a bill (H. R. 10514) granting an increase of pension to Leo Pope Ott; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 10515) to ratify certain leases with the Seneca Nation of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 10516) granting an increase of pension to Emma W. Miller; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10517) granting an increase of pension to Missouri C. Burlingame; to the Committee on Invalid Pensions.

By Mr. SIMMS: A bill (H. R. 10518) granting a pension to Albert D. Pontius; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10519) granting an increase of pension to Annabell Keller; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 10520) for the relief of Lottie W. McCeskill; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 10521) authorizing the President of the United States to posthumously present in the name of Congress a congressional medal of honor to Lieut. Joseph F. Wehner; to the Committee on Military Affairs.

By Mr. UNDERWOOD. A bill (H. R. 10522) granting a pension to Katie B. Johnston; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 10523) granting an increase of pension to Virginia C. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5272. By Mr. AYRES: Petition of citizens of McPherson, Kans., urging action on House bill 8976 for the relief of veterans, widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

5273. By Mr. BACON: Petition of the Sons of the Revolution in the State of New York indorsing the principle of military training in the Reserve Officers' Training Corps, citizens' military training camps, and in high schools with Government aid; to the Committee on Military Affairs.

5274. Also, petition of 586 citizens of Baldwin, Long Island, N. Y., in opposition to the Robsion-Capper bill; to the Committee on Education.

5275. By Mr. BLOOM: Petition of citizens of Washington, D. C., opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

5276. By Mr. BOLTON: Petition of citizens of Perry and Painesville, Ohio, urging favorable action on bills providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5277. Also, petition of certain residents of Cuyahoga County, Ohio, urging increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5278. By Mr. BOWMAN: Petition of constituents of the second congressional district of West Virginia, urging passage of a bill providing increased rates of pension for Spanish War veterans and widows of veterans; to the Committee on Pensions.

5279. By Mr. BOYLAN: Resolution adopted at a meeting of the board of managers of the Sons of the Revolution in the State of New York, New York City, N. Y., February 24, 1930, indorsing the principle of military training in Reserve Officers' Training Corps and citizens' military training camps and in the high schools; to the Committee on Military Affairs.

5280. By Mr. CAMPBELL of Iowa: Petition of 98 citizens of Woodbury County, Iowa, urging an increase in pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

5281. By Mr. CHRISTOPHERSON: Petition of 40 citizens of Spencer, S. Dak., asking for passage of House bill 2562; to the Committee on Pensions.

5282. By Mr. COOPER of Wisconsin: Petition of residents of Rock County, Wis., urging the passage of a bill to increase pensions of Spanish War veterans; to the Committee on Pensions.

5283. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., for speedy consideration and passage of House bill 2562; to the Committee on Pensions.





5284. By Mr. DAVENPORT: Petition of the common council of the city of Utica, N. Y., requesting due consideration of proposed legislation providing for increase of compensation to veterans of the war with Spain, the Philippine insurrection, and China relief expedition; to the Committee on Pensions.

5285. Also, petition of the common council of the city of Utica, N. Y., favoring the enactment of legislation providing that October 11 be made a national holiday in honor of Brig. Gen. Casimir Pulaski, hero of the Revolutionary War; to the Committee on the Judiciary.

5286. By Mr. DENISON: Petition of various citizens of Duquoin, Perry County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5287. By Mr. DRANE: Petition of citizens of Wildwood, Fla., in support of House bill 2562; to the Committee on Pensions.

5288. By Mr. HILL of Washington: Petition of E. P. Hensinger and 21 other residents of Spokane, Wash., and vicinity, urging prompt consideration and action on Senate bill 476 and House bill 2562 providing for increased pension rates to Spanish War veterans; to the Committee on Pensions.

5289. By Mr. HOCH: Petition of various citizens of Marion County, Kans., urging the speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased pensions to Spanish-American War veterans; to the Committee on Pensions.

5290. Also, petition of citizens of Olpe, Kans., and vicinity, urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5291. Also, petition of various citizens of Olpe, Kans., urging speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5292. By Mr. JOHNSON of Texas: Petition of Mrs. A. J. Hole, first vice president, State Officers Woman's Auxiliary, Texas Federation of Post Office Clerks, Houston, Tex., indorsing House bill 6603 and Senate bill 2540; to the Committee on the Post Office and Post Roads.

5293. By Mr. KEMP: Petition favoring the Capper-Robsion education bill, submitted by residents of the city of Ponchatoula, La.; to the Committee on Education.

5294. By Mr. KENDALL of Kentucky: Petition of citizens of Denton, Carter County, Ky., in which they urge that immediate action be taken to bring to a vote House bill 2562 and Senate bill 476, and they respectfully urge their passage; to the Committee on Pensions.

5295. By Mr. KORELL: Petition of residents of Multnomah County, advocating the passage of House bill 8976; to the Committee on Pensions.

5296. By Mr. KVALE: Petition of 71 residents of Osakis, Minn., urging speedy passage of House bill 2562; to the Committee on Pensions.

5297. By Mr. LINDSAY: Petition of Polish National Alliance, of Brooklyn, N. Y., declaring it to be the consideration and interest of all Americans of Polish extraction that House Joint Resolution 167 authorizing the President to proclaim October 11 of each year as General Pulaski memorial day be favorably acted upon at once; to the Committee on the Judiciary.

5298. By Mr. McCLINTOCK of Ohio: Petition of the council of the village of Dennison, Ohio, in favor of legislation granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

5299. Also, petition of the council of the village of Uhrichsville, Ohio, in favor of legislation granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

5300. By Mr. MOORE of Kentucky: Petition of citizens of Graham, Muhlenberg County, Ky., urging passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5301. By Mr. MURPHY: Petition of Walter W. Sandrus, of Leesville, Ohio, and 50 other residents of that village, asking for the passage of the Spanish War pension bill; to the Committee on Pensions.

5302. By Mr. O'CONNELL of Rhode Island: Resolution of the city council of Woonsocket, R. I., urging immediate construction of the proposed addition to the Woonsocket post office; to the Committee on Public Buildings and Grounds.

5303. By Mr. PARKS: Petition of citizens of Hope and Waldo, Ark., urging the passage of House bill 2562 granting a pension to Spanish-American War veterans; to the Committee on Pensions.

5304. By Mr. RANSLEY: Petition of citizens of Philadelphia, Pa., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5305. By Mr. ROBINSON: Petition of City Clerk G. A. Triggs and 26 other citizens of Clarion, Iowa, requesting and urging the passage of the Robsion-Capper free public school bill, H. R. 10 and S. 1586; to the Committee on Education.

5306. By Mrs. ROGERS: Petition of Ishmael E. Park and other residents of Lowell, Mass., urging Congress to grant further relief to the Spanish War veterans; to the Committee on Pensions.

5307. Also, petition of Arthur E. Sears and other residents of Ashby, Mass., urging Congress to grant further relief to the Spanish War veterans; to the Committee on Pensions.

5308. By Mr. SIMMONS: Petition of 75 citizens of Sutherland, Nebr., asking for speedy consideration and passage of pending bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5309. By Mr. SIMMS: Petition of citizens of Farmington, N. Mex., asking support of Civil War pension bill; to the Committee on Invalid Pensions.

5310. By Mr. SLOAN: Petition of Edward Pracheil and 30 others, for Seventy-first Congress bills, S. 476 and H. R. 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5311. By Mr. SWING: Petition of A. J. Johnston and 40 other residents of Anaheim, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5312. Also, petition of Hartie A. Skillin and 68 residents of San Diego, Calif., urging the adoption of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5313. By Mr. THATCHER: Petition signed by Joseph H. Varble and others, of Louisville, in support of increased pension legislation for Spanish War veterans; to the Committee on Pensions.

SENATE

WEDNESDAY, *March 5, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goldsborough	McMaster	Steck
Black	Gould	McNary	Steiwer
Blaine	Greene	Metcalf	Stephens
Borah	Grundy	Moses	Sullivan
Bratton	Hale	Norbeck	Swanson
Brock	Harris	Norris	Thomas, Idaho
Brookhart	Harrison	Nye	Thomas, Okla.
Broussard	Hastings	Oddie	Townsend
Capper	Hatfield	Overman	Trammell
Caraway	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pine	Wagner
Couzens	Heflin	Pittman	Walcott
Cutting	Howell	Ransdell	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Robsion, Ky.	Waterman
Fess	Kean	Schall	Watson
Fletcher	Keyes	Sheppard	Wheeler

Mr. SHEPPARD. The junior Senator from South Carolina [Mr. BLEASE] is unavoidably detained on imperative business. This announcement may stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

EXPRESSION OF THANKS BY THE PRESIDENT OF MEXICO

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of State, transmitting diplomatic correspondence with the American chargé d'affaires ad interim at Mexico City, informing the department that His Excellency Pascual Ortiz Rubio, President of the Republic of Mexico, had requested that his profound thanks be tendered to the Senate of the United States for so signal a proof of friendship and

sympathy as contained in its resolution relative to his attempted assassination, which, with the accompanying correspondence, was referred to the Committee on Foreign Relations.

REPORT OF AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate the report of the American War Mothers for 1927–1929, which was referred to the Committee on Military Affairs.

PETITIONS

Mr. BLAINE presented a resolution adopted by the Common Council of the City of Milwaukee, Wis., favoring the amendment of the Volstead Act so as "to permit the manufacture and sale of beer containing 3 or more per cent of alcohol, so as to relieve the present unemployment situation," which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Common Council of the City of Milwaukee, Wis., favoring the passage of legislation securing a more comprehensive and dependable governmental analysis of labor conditions, especially with regard to unemployment, and for the stabilization of employment, and the granting of unemployment relief by means of insurance where no other relief is possible, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Common Council of the City of Milwaukee, Wis., favoring the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

REPORT OF THE DISTRICT COMMITTEE

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3248) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia, reported it with an amendment and submitted a report (No. 247) thereon.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. SIMMONS, from the Committee on Finance, reported the nomination of Fannie Sutton Faison, of Faison, N. C., to be collector of customs for customs collection district No. 15, with headquarters at Wilmington, N. C., to fill an existing vacancy, which was placed on the Executive Calendar.

TESTIMONY BEFORE INTERNATIONAL TRIBUNALS

Mr. WALSH of Montana. Mr. President, I am directed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 2828) authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt, and I submit a report (No. 246) thereon.

Being a matter of some urgency, I ask unanimous consent for the immediate consideration of the bill. It provides for the taking of depositions or evidence by an international tribunal or commission appointed to adjudicate any international matter relative to any issue pending before them. It gives them power to administer oaths and to subpœna witnesses and have records produced; and if a witness should fail to appear or to respond to a subpœna, there is a provision for punishment for contempt, as provided by the laws of the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That whenever any claim in which the United States or any of its nationals is interested is pending before an international tribunal or commission, established pursuant to an agreement between the United States and any foreign government or governments, each member of such tribunal or commission, or the clerk or a secretary thereof, shall have authority to administer oaths in all proceedings before the tribunal or commission; and every person knowingly and willfully swearing or affirming falsely in any such proceedings, whether held within or outside the United States, its territories or possessions, shall be deemed guilty of perjury and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense, when committed in its courts of justice.

SEC. 2. Any such international tribunal or commission shall have power to require by subpœna the attendance and the testimony of witnesses and the production of documentary evidence relating to any matter pending before it. Any member of the tribunal or commission may sign subpœnas.

SEC. 3. Any failure to attend as a witness or to testify as a witness or to produce documentary evidence in an appropriate case may be regarded as a contempt of the authority of the tribunal or commission and shall be punishable in any court of the United States in the same manner as is provided by the laws of the United States for that offense when committed in its courts of justice.

SEC. 4. To afford such international tribunal or commission needed facilities for the disposition of cases pending therein said tribunal or commission is authorized and empowered to appoint competent persons, to be named as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the tribunal or commission and make report of the findings in the case to the tribunal or commission. Any such commissioner shall proceed under such rules and regulations as may be promulgated by the tribunal or commission and such orders as the tribunal or commission may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings, administer oaths, examine witnesses, and receive evidence. Either party to the proceeding before the tribunal or commission may appear before the commissioner by attorney, produce evidence, and examine witnesses. Subpœnas for witnesses or for the production of testimony before the commissioner may issue out of the tribunal or commission by the clerk thereof and shall be served by a United States marshal in any judicial district in which they are directed. Subpœnas issued by such tribunal or commission requiring the attendance of witnesses in order to be examined before any person commissioned to take testimony therein shall have the same force as if issued from a district court and compliance therewith shall be compelled under such rules and orders as the tribunal or commission shall establish. Any person appointed as commissioner may be removed at the pleasure of the tribunal or commission by which he is appointed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3817) to facilitate and simplify national forest administration; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 3818) to provide for the establishment of a light vessel at Grays Harbor, in the State of Washington; to the Committee on Commerce.

By Mr. GRUNDY:

A bill (S. 3819) for the relief of the city of Philadelphia; to the Committee on Claims.

By Mr. BROCK:

A bill (S. 3820) to extend the times for commencing and completing the construction of certain bridges in the State of Tennessee; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 3821) conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and enter judgment on the claim of Peter Mulock (with accompanying papers); to the Committee on Claims.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 9979, the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page —, line —, insert the following:

"Inter-American Highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service, and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described, to remain available until expended (public resolution, Mar. 4, 1929, vol. 45, p. 1697), $50,000."

AMENDMENTS TO THE TARIFF BILL

Mr. CUTTING submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

Paragraph 1510, on page 206, line 16, strike out all after the figures "1510" down to and including the word "valorem" in line 21 and insert "buttons commonly known as agate buttons, 15 per cent ad valorem."

Paragraph 1513, on page 209, line 25, strike out all beginning with the word "*Provided*" where it occurs the second time and ending with the word "paragraph" on page 210, line 6.

Paragraph 1552, on page 239, line 3, strike out all after the word "valorem," down through the end of line 6, and insert "pipe bowls, commercially known as stummels," and on page 239, line 12, strike out the comma and "5 cents each and 60 per cent ad valorem."

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. VANDENBERG. Mr. President, before I proceed I desire to say that inasmuch as we now have limitation upon the debate I shall yield for no interruption, because otherwise it would be unfair to those who are to follow me. I am not going to cover any of the old ground or thresh any of the old straw. I am simply going to present to the Senate some of the new and vital considerations which have arisen since the last and fatal vote was taken in this body upon the question of a sugar tariff.

Inasmuch as there seems to be some misunderstanding in the body as to the exact purport of the pending amendment submitted by the Senator from Utah [Mr. SMOOT], I want to make a very simple and plain explanation to begin with as to the precise meaning of the pending proposal.

The rate as against Cuban sugar which was voted by the House of Representatives is 2.40. The rate recommended by the Senate Finance Committee was 2.20. The existing law is 1.76, and the rate stands at that point now as a result of the prior action of the Senate in adopting the amendment offered by the Senator from Mississippi [Mr. HARRISON]. The pending amendment offered by the senior Senator from Utah [Mr. SMOOT] proposes a rate of 2. In other words, the pending increase would be but 55 per cent of the prior increase recommended to the Senate by its own Finance Committee and it would be but 37 per cent of the increase voted by the House.

Mr. President, in my judgment—and I think the facts warrant the statement, this is the last chance the Senate has to save the domestic sugar industry. More than that, it is the last chance the Senate has to save a tremendously valuable crop to agriculture. Still more than that, it is the last chance the Senate has to provide the American consuming public with an insurance policy against the inevitable price gouge and price extortion which is the result when we are at the despotic mercy of foreign sugar.

The proposal submitted at the present moment is insufficient in the measure of protection which it proposes, but it does permit the Senate to register encouragement to this vital but anæmic industry and it does permit a partial aid which will facilitate the rejuvenation of the sugar industry and the sugar crop.

Mr. President, the flat, fundamental, and controlling question must be this: Is aid needed? So far as the sugar industry of the Central West is concerned, there is no need to consult income-tax returns; there is no need to probe metaphysics in order to determine whether or not aid is needed in order to save the life of this industry. We confront a condition, not a theory.

When the Senate last voted to decline to aid this domestic industry it voted six beet-sugar factories in Michigan, Ohio, and Indiana into the hands of receivers. On February 20 last the Continental Sugar Co. and the Holland-St. Louis Sugar Co. went into the hands of receivers. Senators may not be interested in the fate of those sugar factories as factories; in fact, I am not submitting this appeal primarily on the basis of its industrial importance; but I call the attention of the Senate to the fact that those six sugar factories which have passed into the hands of receivers, I may say as a direct result of the action of the Senate in connection with sugar tariff, involve the following fateful agricultural elements:

The plant at Holland, Mich., serves 5,600 acres of sugar beets; the plant at St. Louis, Mich., serves 6,300 acres of sugar beets; the plant at Blissfield, Mich., serves 10,000 acres of sugar beets; the plant at Fremont, Ohio, serves 7,200 acres of sugar beets; the plant at Findlay, Ohio, serves 8,100 acres of sugar beets; the plant at Decatur, Ind., serves 10,000 acres of sugar beets. This is a total of 47,200 acres.

Mr. FESS. Mr. President, will the Senator from Michigan yield to me?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. VANDENBERG. I prefer not to yield, if the Senator will excuse me, because if I should yield to him I should be compelled to yield to everyone, and my time is limited. So I prefer that the Senator shall speak in his own time.

Mr. President, the crop value of the acreage involved in these receiverships is $3,225,000 to the farmers of that area, and there is no way that the sugar-beet culture can proceed unless these factories are maintained in operation. Of course, they will attempt to maintain themselves in operation under a receivership, but the end is inevitable unless Congress is prepared to extend the same economic life insurance to this industry and to this commodity that it does to others.

I can not help but feel that if we who are sitting here in the name of farm relief have a real and complete concern about the thing we are undertaking to do we can not be blind to the agrarian implications of what thus has happened in this great sugar center of the country.

Mr. President, what has happened specifically and tragically to these six plants and to these thousands of acres of sugar beets and to these farmers is only typical of the contemporary jeopardy in almost all kindred directions. Much prejudicial emphasis has been put here in the Senate upon what will happen if we shall increase the tariff on sugar. I think we had better pause and inquire what will happen if we do not increase the duty on sugar. I have told the Senate about the specific difficulty which the Senate's prior action voted upon six sugar plants. There is another Michigan plant at Menominee, one of the largest. It is still temporarily solvent, but what does its manager say? He says this:

> We are not confirming any contracts with our farmers until we know what Congress will do. If no increased tariff is granted, we will cancel all contracts with farmers and shut down.

I have canvassed the matter with him in great detail. This is not an idle gesture that he makes; he confronts the realities; and I submit that we, too, should confront the realities. It is an ugly shame to do otherwise. It is expedient politics to do otherwise—and nothing else.

Here are statements, Mr. President, from the operators of three other beet-sugar communities in the State of Michigan. All of them point to the same inevitable net result if the answer by this body shall be that the sugar industry must die. Without taking the time to read this particular testimony, I ask that it may be printed in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

W. H. Wallace, president of the Michigan Sugar Co., operating eight factories, said:

"The low price of sugar prevailing for the last few years has put all the Michigan companies on a non-dividend-paying basis, and has exhausted their working capital. At present prices very few plants, if any, will operate in Michigan or Ohio this year. The present low price is also a great hindrance in contracting acreage, and renders it difficult to finance our operations."

Cancellation of contracts with beet farmers was predicted by George W. McCormick, president of the Menominee River Sugar Co., unless tariff relief is granted. He said:

"The losses sustained by beet-sugar companies operating in the upper peninsula of Michigan and Wisconsin in the last three years, due to low and declining prices for sugar, have sadly depleted their working capital. Unless Congress gives early relief in the form of an increased tariff the banks will refuse to finance these companies for the coming crop, and all contracts with farmers for beets will be canceled, and none of the five factories in this territory will operate in 1930."

Officials of the Columbia Sugar Co., operating three factories in Michigan and Ohio, summarized conditions as follows:

"The beet-sugar industry of Michigan and Ohio is in a deplorable condition. Substantial losses have been sustained over a period of four years. All companies are operating on borrowed capital, and surpluses are a thing of the past. We are hanging on by our teeth hoping for some kind of a break that will keep us afloat. A bad feature of the situation is that the farmers are becoming discouraged and doubt the companies' ability to survive and fulfill their contracts or meet their obligations. It is to be regretted that certain Sen-

ators who doubt the seriousness of the situation can not visit this section to get first-hand information from our farmers and employees."

Mr. VANDENBERG. Mr. President, we have heard a great deal to the effect that this proposed increase in the tariff on sugar can be of no adequate benefit to agriculture. Here is direct proof to the contrary. I hold in my hand one of the contracts which were used this winter in signing up sugar-beet acreage in northern Michigan, and I understand that it is typical of the contracts that are used elsewhere. This contract is based upon a fundamental price of $7.50 per ton of sugar beets, but it also includes within itself a guaranty to the sugar-beet farmer that he shall share in all the profits that may accrue from an accentuated price for sugar. That is the farmer's first guaranty, that if we can put new life in the sugar industry the farmer himself will primarily profit. But that is not all; there is a rider in this contract, and this is the way it reads:

A bonus of 50 cents per ton additional will be paid for all beets delivered under the terms of this contract, provided that the tariff bill of 1929 now pending in Congress is passed and becomes a law on or before March 15, carrying an increase in duty of 44 cents or more per hundred pounds on 96 per cent raw sugar imported from Cuba.

There is the unassailable proof that the operator of the beet-sugar factory, at least in my area of America, shares his prosperity with the farmer, and is willing to write a warranty into his contract that he shall get his share. I doubt if there is another agricultural commodity covered by this tariff bill as to which so direct and specific a showing can be made of the farmer's share in the net result. Unfortunately, he also has to share the grief—when this Senate errs.

Mr. President, with all respect for the very interesting and subtle philosophy which my distinguished friend the senior Senator from Mississippi always presents to the Senate when he is leading the attack upon the sugar tariff, I submit that one who is searching for the realities needs somewhat to debunk these Mississippi mathematics. I recall the solicitude with which my able friend crossed the aisle a few weeks ago and presented his noisy challenge to Senators upon this side of the Chamber. I can not believe that his solicitude was real, because, of course, he would be delighted to have the political complexion of Congress changed in a saccharine debacle if that could be the net result; but he particularly emphasized, constantly and with reiteration, what he claims the proposed tariff on sugar will cost the American people. I want now to pursue that argument for just a moment.

In the first place, it is incontrovertible that all of the increased tariff upon sugar can not be passed on to the public. If there is any doubt about the accuracy of that statement, I refer to the exhibits made by the so-called "pop lobby" itself as an evidence that all such calculations are empty and prejudicial and unfounded. The "pop lobby" states in words of one syllable that it can not pass this burden on to the ultimate consumer, and that is the reason, says the "pop lobby," why we should not vote the increased duty. In the same circular, the circular which the distinguished Senator from Massachusetts placed in the RECORD—in the same circular, which the "pop lobby" sends to the Senate in furtherance of its assault upon an increased sugar tariff, it says in one column that the proposed rate on sugar should be defeated because all of it goes to the public in an increased burden, and it simultaneously says in the second column that the increase should be defeated because all the burden can not be passed on to the public. Both statements can not be true. It is about as fine and complete a demonstration of some of the sophistry upon which the opposition to a sugar tariff is based that I could hope to see.

Of course, the "pop" manufacturers of America, typical of those who use sugar in processing, can not pass the burden on to the public. Why not? Because the sugar rate even as previously proposed would add only eleven five-hundredths of a cent to the cost of a bottle of pop if the whole rate should become effective. In other words, the soft-drink industry would confront the staggering burden of 1 penny upon 46 bottles of pop. You can not make a crisis out of that. It is ridiculous to try to build up a body of rational opposition to an adequate sugar tariff upon any such flimsy pretext. Rather, Mr. President, let the pop industry remember 1920, when it paid $25 a bag for sugar after the domestic sugar production was exhausted—an extra penny upon every bottle, instead of a penny upon 46 bottles. Instead of blindly bombarding Congress with its propaganda for a low sugar tariff, let it contemplate its slavery to Cuba and to Wall Street if it is not protected against price extortion and price gouging by a healthy domestic sugar industry. That is the thing for the pop industry to keep its eye on. At this moment the pop industry is penny wise and pound foolish.

This morning I think every Senator finds upon his desk a very interesting and comprehensive and not inexpensive book put out by the pop lobby; and the price of that book would pay all the increase which the Senator from Utah now proposes on the pop industry's sugar for many and many and many a day.

We have heard a great deal, particularly from my able friend the Senator from Mississippi [Mr. HARRISON], about how, when we vote for a sugar tariff, we are voting a tremendous tax upon the American people. I want to say again that that is an absolutely false conclusion. We had better put first things first when we are considering this problem, because if we fail to do so the net result of the death of the domestic sugar industry will be to put a tax upon the American people, many, many times more than any possible burden that could result from a legitimate and rational protection of the domestic industry. This is not a matter of speculation. It is a matter of history.

Let us go back to 1920 for just a moment. We do not have to speculate upon what happens when the domestic sugar production has ceased. There need be no guesswork about the measure of the burden that the American people have to suffer when they are totally at the mercy of Wall Street and of Cuba. Let us go back to 1920 and see what actually happened under precisely the circumstances which will exist again if the domestic sugar competition fails to survive, and if foreign sugar importers have us by the throat.

From May 27 to August 12, 1920, refined sugar sold at wholesale at 22½ cents a pound in the United States. Retail prices went as high as 30 and 35 cents a pound. The general average wholesale price for the year was 15.69 cents per pound. The average wholesale price from 1921 to 1929 was only 6.15 cents per pound. In other words, the 1920 price for the year was 9.5 cents per pound above the average price of sugar in the United States for the past decade; and this is conservative arithmetic, because at one point in 1920 the prices of sugar were skyrocketing at such a speed that not even the official statisticians could keep track of it and give the country dependable arithmetic.

Now, let us translate this into the type of intimate arithmetic in which my good friend, the Senator from Mississippi, likes to indulge when he is discussing sugar tariffs, but let us be more accurate in submitting the realities.

The extra price paid for sugar by the American people in 1920, on a conservative basis—the extra price which they paid in one year when domestic competition had ceased—was $869,000,000. In other words, in one year the American people paid almost sixteen times the hypothetical $54,000,000 which we so often heard in previous debate would have been the increased price upon the American public if we had adopted the other amendment upon sugar proposed by the Senator from Utah [Mr. SMOOT].

If that $54,000,000 figure was correct—and we will take it to be correct merely for the sake of the argument—then the present proposal will cost but $29,000,000; and that will be the figure which my friend from Mississippi will use when next he wades across the aisle to undertake to scare Republican Senators with his monitory finger and his reverberating anathema. Twenty-nine million dollars—all right; that is only one-thirtieth of the price gouge that the American people suffered in one year when the domestic sugar industry disappeared; and this latter figure is the precise measure of what the American people will have to pay again and again and again if we permit domestic sugar to go out of business. Indeed, if retail sugar prices in 1920 were consulted, the price of American subservience to alien sugar would exceed a billion dollars annually.

We know by experience what happens when foreigners control the American sugar bowl. We do not have to guess about it. Why, they are talking right now about a foreign cartel to control the price of sugar—control it to us as well as to others.

My friend from Mississippi, who leads the opposition to an adequate sugar tariff, does not seem to be afraid of a foreign cartel in sugar; but when the Senate was considering synthetic camphor—a commodity in which the Senator from Mississippi has a different type of interest—my friend, the Senator from Mississippi, interrupted the Senator from West Virginia [Mr. HATFIELD] with tears in his eyes to inquire what in the world will happen to us if we do not have and protect a domestic industry in synthetic camphor, and there happens to be a foreign cartel organized against us. He was pathetically worried lest a cartel in synthetic camphor should throttle the American people; but he is not worried a bit about a cartel in sugar, which can do more to us in one month than a synthetic-camphor cartel could do to us in 50 years. I do not understand his method of thinking. We had, indeed, better begin thinking in terms of foreign cartels, and measure our real exposure.

Furthermore, we are put upon warning as to the utterly vicious and ruthless methods which foreign sugar interests, frequently speaking through our own American sugar barons on Wall Street, are willing to invoke in order to control the sugar situation in the United States. There is not a blacker page in the hearings of the lobby committee than the page which carries the testimony disclosing the lengths to which the foreign sugar interests were willing to go in order to throttle sugar production in the United States. Why, we read about how they were proposing to use the Masonic fraternity, for instance, against all the first principles of Masonic fraternity. We read how they were proposing to capitalize Rotary clubs; but that is not all. We read something else. Here is the front page of the Baltimore Sun for December 14, 1929; and the headline says:

CARAWAY offers evidence to show Lakin stirred up Latin America against the United States.

Think of it! Willing even to debauch our international relations and undermine our Pan American friendships in order to capture and control the domestic American sugar bowl.

That is just a snapshot of the lengths to which the foreign sugar interests, underwritten by Wall Street, are willing to go in order to throttle domestic sugar. If they are willing to go that far in a mere tariff war, how far would they not be willing to go in inflicting their price tyranny upon the American sugar bowl if the Senate permits them to have a free right-of-way without any check or competition from a healthy, wholesome domestic industry?

Why, Mr. President, the contemplation to me is absolutely ridiculous. My friend the Senator from Mississippi, wading over here on this side of the aisle, in solemn and ominous tones, asked the Senator from New Jersey if he realized that the rate which was impending upon sugar would cost New Jersey $1,725,000 a year. I do not know whether it would or not, Mr. President, but I do know that New Jersey paid $25,963,000 in 1920 as its share of the tribute that we had to yield up to foreign sugar when we did not have a domestic competition to hold it down.

The Senator from Mississippi comes over to the Senator from Ohio [Mr. FESS], and he says, with an ominous forefinger, "Do you realize that you are about to vote a tax of $3,100,000 upon the people of your State?" I do not know whether that is correct or not; but I do know that Ohio paid $47,300,000 in cold, provable cash in 1920 as its share of the increased price when there was no domestic sugar industry to hold down the foreign gouge.

The Senator from Mississippi says, "I will not quote any figures about Kansas, because apparently the Senators from Kansas are all right on this proposition." I wish he had quoted some figures from Kansas. At any rate, here are some figures from Kansas. Kansas paid $14,500,000 in 1920 as its share of the extra sugar gouge when there was not any domestic industry to keep down the price.

I shall not take the time of the Senate to call the roll of all these States, but the arithmetic is here; and in every instance the insurance policy which can be purchased to-day at comparatively trivial cost is nothing compared to the cost which will be inflicted upon the American people in every State in the Union if the Senate declines to keep the domestic industry alive.

I ask that this table be printed in the RECORD at this point in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Increased cost of sugar to American consumers in 1920, when they were at the mercy of the Cuban sugar industry

States	Population 1920	Pounds of sugar consumed	9.5 cents per pound [1]
Alabama	2,348,174	203,351,868	$19,318,427
Arizona	334,162	28,938,429	2,749,151
Arkansas	1,752,204	151,740,866	14,415,382
California	3,426,861	296,766,163	28,192,785
Colorado	939,629	81,371,871	7,730,328
Connecticut	1,380,631	119,562,645	11,358,451
Delaware	223,003	19,312,060	1,834,646
District of Columbia	437,571	37,893,649	3,599,897
Florida	968,470	83,869,502	7,967,603
Georgia	2,895,832	250,779,051	23,824,010
Idaho	431,866	37,399,596	3,552,962
Illinois	6,485,280	561,625,248	53,354,399
Indiana	2,930,390	253,771,774	24,108,319
Iowa	2,404,021	208,188,219	19,777,881
Kansas	1,769,257	153,217,656	14,555,677
Kentucky	2,416,630	209,280,158	19,881,615
Louisiana	1,798,509	155,750,879	14,796,331
Maine	768,014	66,510,012	6,318,451
Maryland	1,449,661	125,540,643	11,926,361
Massachusetts	3,852,356	333,614,030	31,693,333

[1] Increase in 1920 price of granulated sugar above the average price for the 9 succeeding years.

Increased cost of sugar to American consumers in 1920, when they were at the mercy of the Cuban sugar industry—Continued

States	Population 1920	Pounds of sugar consumed	9.5 cents per pound
Michigan	3,668,412	317,684,479	$30,180,026
Minnesota	2,387,125	206,735,025	19,638,877
Mississippi	1,790,618	155,067,519	14,731,414
Missouri	3,404,055	294,791,163	28,005,160
Montana	548,889	47,533,787	4,515,710
Nebraska	1,296,372	112,265,815	10,665,252
Nevada	77,407	6,703,446	636,927
New Hampshire	443,083	38,370,988	3,645,244
New Jersey	3,155,900	273,300,940	25,963,589
New Mexico	366,350	31,725,910	3,013,961
New York	10,385,227	899,360,658	85,439,263
North Carolina	2,559,123	221,620,052	21,053,905
North Dakota	646,872	56,019,115	5,321,816
Ohio	5,759,394	498,763,520	47,382,534
Oklahoma	2,028,283	175,649,308	16,686,684
Oregon	783,389	67,841,487	6,444,941
Pennsylvania	8,720,017	755,153,472	71,739,580
Rhode Island	604,397	52,340,780	4,972,374
South Carolina	1,683,724	145,810,498	13,851,997
South Dakota	636,547	55,124,970	5,236,872
Tennessee	2,337,885	202,460,841	19,233,780
Texas	4,663,228	403,835,545	38,364,377
Utah	449,396	38,917,694	3,697,181
Vermont	352,428	30,520,265	2,899,425
Virginia	2,309,187	199,975,594	18,997,681
Washington	1,358,621	117,656,579	11,177,375
West Virginia	1,463,701	126,756,507	12,041,868
Wisconsin	2,632,067	227,937,002	21,654,015
Wyoming	194,402	16,835,213	1,599,345
Total	105,710,620	9,155,232,491	869,747,082

Mr. VANDENBERG. Mr. President, just one or two points more.

Sugar is the cheapest commodity that the American people have a chance to buy to-day. In my judgment, this tariff will help to keep it cheap. Perhaps the fact that it is cheap is the reason why South Carolina picks it out as the target for special State taxation. It is rather an astounding contemplation that the Senators from South Carolina are opposed to a Federal tariff upon sugar because of what they say will be the awful burden that it will inflict upon the American sugar bowl, when back home they are voting twice as big a tariff upon the American sugar bowl without any fear whatever as to the net result upon the ultimate consumer.

Here is the Greenville News, Greenville, S. C., February 7, 1930:

The committee has recommended and has received tentative approval by the general committee of the tax of 1 cent per pound on sugar, which is calculated to raise about $700,000. Just in South Carolina, $700,000 for State purposes. There is no cry about gouging or extortion. South Carolina taxes the American sugar bowl without any domestic compensation whatever.

The reason why they do it, I repeat, is because sugar is the cheapest staple commodity that is available in the United States to-day. They would better vote for a reasonable tariff on sugar in the Nation in order to keep it cheap, so that they can tax it.

Not only is it the cheapest commodity but here is a significant fact. In the United States sugar has a less tariff protection than in almost any other country on the globe. The Senate is familiar with the figures. I do not propose to go into them, but I want to ask why we should believe that the American sugar farmer can survive under conditions not inflicted upon any other farmers on earth.

I also want to know why it is any more our responsibility to keep a market open for Cuban sugar than it is the responsibility of some of the rest of Pan America, like Brazil, for instance, where the duty is 17.61 cents as compared with the duty of 2 cents which is now being proposed here in the Senate. The duty in Salvador is 15.876; in Peru it is 9.428; in Guatemala it is 4.902; in Cost Rica it is 3.773. And so it goes.

Mr. President, in conclusion, there has been a great deal of talk around here the last few days about so-called vote swapping, and there has been a studied effort to make any change of attitude obnoxious. But a changed vote, under altered circumstances—and I remind the Senate that this pending amendment is a different amendment, and I remind the Senate also that it is now perfectly apparent that a bounty will not be voted upon sugar—a changed vote under altered circumstances does not rightly deserve any such self-serving opprobrium.

Even the genial and distinguished Senator from Mississippi [Mr. HARRISON], who leads this battle to kill the domestic sugar industry, has been known spectacularly to change his mind. On June 2, 1922, he said:

When the effort was made to place a tariff on long-staple cotton, a commodity that is produced quite largely in my State, one county in

my State producing more than any other county in the United States, I would not vote for it because I thought it wrong in principle.

But this week my friend from Mississippi voted for a very heavy duty upon long-staple cotton. Perhaps this is no parallel, because it took him eight years to surrender what in 1922 was a principle with him. Certainly I do not criticize, but I point out that circumstances may alter cases, even with my friend the Senator from Mississippi.

He said another thing that same day in 1922:

So far as I know, I never voted for protection in my life, and I shall never do so.

Mr. President, he is still consistent so far as sugar is concerned; but a protectionist Senate, elected on a protectionist platform, is utterly inconsistent if it listens to him when he asks us to sound the death knell for sugar beets and beet sugar, and sugarcane and cane sugar, in the United States. This vote will be the Senate's decision upon the economic life of agriculture and industry in these respects.

In a word, Mr. President, we are about to determine, with finality, I may say, the economic fate of 97,000 sugarcane farmers in 8 States, and 100,000 sugar-beet farmers in 19 States, a total of 197,000 farmers in 27 States. Without an adequate sugar tariff, this farm tariff bill is a travesty. Without an adequate sugar tariff, the American housewife will find herself at the mercy of whatever burdensome price foreign sugar tyrants care to inflict upon her. We are voting for or against America.

Mr. WALSH of Montana. Mr. President, the eloquent Senator from Michigan [Mr. VANDENBERG] introduced his pertinent remarks on the pending amendment with the same assumption as that made by the Senator from Utah, namely, that unless this duty is imposed upon the importations of sugar the beet-sugar industry is destroyed, it passes out of existence.

No effort has been made to controvert the figures that were given last night concerning the enormous profits that have been made by the largest company engaged in the business. But a horrible example is held up to the Senate of the United States about what happened before when a monopoly of the American market was secured by the foreign producers of sugar. What is the fact about the matter? When was this time that the American sugar factories were driven out of business by foreign importations? When did they close up because of these importations?

Mr. President, the production of beet sugar in the United States in 1922 summed up 1,021,000 tons. It had been running very high, as a matter of course, during the last years of the war and the years immediately following, because of the extraordinarily high prices of sugar at that time. The price of 22 cents a pound for sugar at wholesale was not due, by any means whatever, to any cessation of operations by the American factories. That condition arose by reason of the high prices which attended the war. Everybody understands that situation perfectly well. By reason of those high prices the factories in the United States continued to produce beet sugar in very considerable quantities until 1922, mounting up, as I have said, to 1,021,000 tons.

Then, however, the price of sugar fell, with the prices of all other commodities, and the beet-sugar factories were unable to pay the price for beets which they had been paying, and they reduced the price of beets, and as a consequence in 1923 the total production was only 690,000 tons; in 1924 it was 882,000 tons. Then the price began rising, and in 1925 the production amounted to 1,091,000 tons; in 1926 it amounted to 901,000 tons, in 1927 to 987,000 tons, in 1928 to 1,081,000 tons, and in 1929 to 1,040,000 tons, greater even than it was in 1922.

Observe in 1920 the beet-sugar factories of the United States paid on an average $11.63 a ton for their beets, but in 1921 they dropped to $6.35, and that accounts for the fall in production. The farmers could not and would not raise beets at the price that was offered in 1921. In 1922 the price began to rise, and the average was $7.91; in 1923 it was $8.91, in 1924 it was $7.91, in 1925 it was $6.39, and so on.

It will be observed that the production of beet sugar is in regular proportion to the price the factories have paid for the beets.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. I want to call the Senator's attention to the fact that during the war the Government fixed the price which should be paid for beets, and not only that but the Government fixed the price at which sugar should be sold. Therefore all of the local sugar was sold, and Cuba and other foreign countries took advantage of that and raised the price to the American people, just as the Senator from Michigan has said.

Mr. WALSH of Montana. Mr. President, as a matter of course, the war conditions raised the price of sugar everywhere.

Mr. SMOOT. But the sugar manufacturers in the United States did not make any money out of the manufacture of sugar during the war.

Mr. WALSH of Montana. All sugar produced in Cuba was available in the United States, just the same as all sugar produced in the United States was. We did not use up all of our domestic sugar, and then begin to import from Cuba. The importations went on just exactly the same, and if the price was raised to 22 cents it was as much to the profit of the domestic producer as it was to the profit of the Cuban producer.

Mr. SMOOT. That is where the Senator is wrong. The price of sugar was regulated, and sugar could not be sold by the local people because of the fact that the price of beets was regulated, and the price of sugar was regulated.

Mr. WALSH of Montana. Yes; and the price of Cuban sugar could not possibly rise above the price of the domestic sugar.

Mr. SMOOT. Cuba held her sugar until the domestic sugar was out of the way, and then she raised her price to 30 cents a pound in some instances.

Mr. WALSH of Montana. Give us the importations. Here are the facts. The price of sugar in 1920, the average price for the year, was $11.33. In 1921 it dropped to $3.45; in 1922 it was $2.97. Then it began to climb, and in 1923 it was $5.24, in 1924 it was $4.18, in 1925 it was $2.56, in 1926 it was $2.56, in 1927 it was $2.95, and in 1928 it was $2.45. So the production of beets and the production of beet sugar respond to the price of sugar in the market.

It is idle to contend that there is any condition existing which indicates either the destruction in the future of the beet-sugar industry if the tariff shall remain as it is, or any conditions indicating that theretofore the high price of sugar was in any sense due to any cessation of production in the United States.

Mr. BROUSSARD. Many Senators in open argument and privately have expressed the opinion that 1.76 cents per pound duty on sugar is not sufficient, and therefore they only voted for the Harrison amendment because of the argument used that the Philippines were capable of large expansion and that a vote to increase the duty would merely act as a stimulant for increased production of sugar in the Philippines. In order that these Senators may have accurate knowledge before the next vote is taken I invite their attention to the fact that I have an amendment pending which is in the nature of an additional provision to paragraph 501, and which is intended to limit to 600,000 tons the quantity of sugar that may be imported from the Philippines free of duty. Under the act repealed in 1913 the limit was 300,000 tons. I do not propose at this time to discuss this feature of the matter, but I shall show that the limitation of 300,000 tons placed in 1909 was at the request of the Philippine government and representatives themselves as expressed on the floor of the House by the two Commissioners representing the Philippine Islands in the House of Representatives at that time. I do not care to go further into that discussion, as the amendment to which I have referred will be presented immediately after the disposition of the amendment offered by the Senator from Utah [Mr. SMOOT] now before us. I shall then discuss it, not at length, but more extensively.

I sympathize with those who believe that we should have taken a vote without further debate. I know that those who are not representing a constituency directly interested in the question believe that they have heard enough discussion and would like to vote without further debate; but the industry means so much to the people of my State that the responsibility which rests upon me requires that I say something not by way of repetition but for the purpose of submitting additional reasons why the Senate should reverse its action on the Harrison amendment.

This seems to be made necessary in view of the fact that when the Harrison amendment was debated and after the time was agreed upon to take a vote, the proponents of the amendment managed to secure the floor and on the last day of the debate and up to the last minute the entire time was occupied in advancing arguments in favor of the Harrison amendment, which we had no opportunity to rebut. For instance, every speaker on that day figured that we would impose an additional tax of $54,000,000 upon the American consumers if we adopted the $2.20 rate proposed by the Finance Committee. For the sake of meeting that argument, as it was presented as relating to the amendment now before us, I invite attention to

the fact that the amendment submitted by the Senator from Utah is 20 cents a hundred pounds less, so that the $54,000,000 would have to be reduced if that same argument is to be urged upon the Senate to-day.

Mr. President, I submitted for the RECORD, and made the statement a number of times in colloquies with Senators who were presenting arguments in favor of the Harrison amendment, that the quantity of sugar consumed as sugar in the United States is 30 pounds per capita. That statement has not been challenged, because the only authorities of the Government which have investigated the matter are agreed upon the proposition. If that is true—and, of course, I attempted to show that it is true—and that the entire duty is not effective all the time, but if it were effective all the time, then in order to meet that argument I wish to invite attention to the fact that the increase proposed under the amendment over the existing rate is 0.24 of 1 per cent per pound. Multiplying that by 30 pounds per capita consumption, we find that the individual, if he paid the entire tax, would pay 7.2 cents per annum. A family of five would pay an additional tax of 36 cents per year. There is no other way to figure it. I previously submitted these figures based on 2.20 as compared to 1.76, and I do not think anybody could dispute them.

I have not accounted for every pound of the sugar, but I have secured the data which shows and accounts for practically all of it. We have much of it manufactured here, and then the duty is refunded, because it is manufactured in bond and shipped out of the country again.

The same list of these manufactured products shows that the sugar accounted for in the exports is merely a bagatelle compared to what we consume here in foodstuffs where the price of sugar plays no part at all. But to the contrary it will be found, by comparing the tariff rates which our friendly enemies here have adopted, that practically every commodity mixed with sugar has a larger duty or sells at a higher price by the pound. By purchasing the sugar at 5 cents a pound and mixing it with a 15-cent product, such as several of the commodities containing products of that price, the percentage of sugar content is sold to the public at the rate of 15 cents a pound when it costs them only 5 cents a pound.

Mr. President, I wish to discuss briefly the question of the effectiveness of the rate. Our friends on this side of the aisle who are having trouble with cotton and those on the other side of the Chamber who are having trouble with wheat have been made to realize recently that although the Farm Board are fully authorized to act in the premises and have been granted unlimited powers and a bank account of half a billion dollars, they have not been able to effect an increase in the price of wheat or the price of cotton. That is because they are world commodities, consumed by every nation in the world, and naturally the law which applies to them is the law of supply and demand.

So it is with sugar. Sugar is a product universally used. Its price is fixed by the law of supply and demand. When we make that statement and show that the rate is not always effective, or effective at all times, we are asked why we want a rate if it is not effective. The answer is very plain. We want a rate that will be effective, and can only be effective when there is an overproduction in the world. Sugar is a world commodity, and whenever there is an overproduction the demand is not sufficient to consume the production, and therefore the price falls. It is under such circumstances, which are well illustrated just at this time when sugar is selling now at the lowest it has ever sold in the entire history of the world because of overproduction, that the rate can be effective and can protect us and tide us over, as it were, until conditions balance again and the law of supply and demand resumes its application and the price of sugar is again fixed, not upon the tariff but upon such a basis, in the way of an increased price, as the world demand and the supply will justify.

We know—at any rate anyone who has studied the history of tariff legislation as applied to sugar knows—that, strange to say, almost invariably when the rate has been raised it was because of an oversupply of sugar. It was the oversupply that created the demand for an increased rate and until that supply was consumed or exhausted or brought down to normal, although the rate was increased, the price of sugar continued to drop. So it is whenever, under any tariff adopted by the Government, we have reduced the rate, sugar has almost invariably increased in price responding to the same law of supply and demand. I shall submit for the RECORD statistics to establish that fact, showing the conditions before and after the passage of each tariff act by the Congress. [See Exhibit A.]

Mr. President, we are not only confronted with an overproduction of sugar at this time, but we are also confronted with a situation throughout the world where we find that the United States has the smallest tariff rate of any nation as applied to sugar. The result is that Cuba, being so close to us and being a tropical country well suited for the production of sugar, have increased their production several times since their treaty with us. It is also true, in addition to the fact that we have the lowest tariff rate of any nation in the world, that they have a preferential of 20 per cent in their favor. The result is that they do not make any effort to sell their sugar to anyone but the United States, and if we are to continue the existing rate it is almost an assured fact now that most of our producers will go out of business.

Sugar has never been cheaper than it is now. Sugar is an agricultural product. I wish to reiterate what has been said in response to the remarks made by the Senator from Montana [Mr. WALSH] that the factories did not pay the price to the beet growers. I happen to know that the contract of the beet growers and the contract of the sugarcane growers in my State and the adjoining States which produce some little sugarcane, is on a cooperative basis; that the price is never fixed, but is determined by the price of sugar at the time of delivery or on an average taken during the week of delivery, so that if the price of sugar goes down then necessarily the price of the beets and the sugarcane must follow, since that is the basis upon which such figures have been agreed to both by the producer and by the factory as an equitable division of whatever profits are to be made or a division of whatever losses may be sustained.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. BROUSSARD. I yield.

Mr. PHIPPS. I merely wish to ask the Senator if it is not his understanding that these contracts almost invariably, I think invariably, fix a minimum price which the farmer is to receive for his sugar beets, which is not affected by any drop in the price of sugar itself?

Mr. BROUSSARD. That is true. I mean that the grower is not deprived of any loss under that figure if the price does not go above it, but he does not lose when it falls below the minimum price, which is an insurance to him and has been found necessary to induce him to go to the expense of growing a crop for the factory.

Mr. President, I have here a copy of the bill which has been introduced in the General Assembly of the State of South Carolina and which was referred to by the Senator from Michigan [Mr. VANDENBERG]. I should like to have permission to have it inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

(The bill referred to appears at the end of Mr. BROUSSARD'S remarks as Exhibit B.)

Mr. BROUSSARD. Mr. President, I want all Senators to be made acquainted with the first section of this bill, which reads as follows:

SECTION 1. That every person, firm, or corporation doing domestic or intrastate business within this State and engaged in the business of selling, purchasing, refining, using, shipping, or distributing, for the purpose of sale, and/or use in the manufacture of any commodity for the purpose of sale within this State, any sugar for the purpose of carrying on such business, shall be subject to the payment of a license tax which shall be measured by and graduated in accordance with the sales of such person, firm, or corporation within the State of South Carolina, except as may be hereinafter otherwise provided.

It is a lengthy bill and I do not care to read it all, but desire to state that it imposes a tax upon sugar brought in and sold in South Carolina. My only purpose in referring to it is to show that, although it is said that the price of sugar would be increased by imposing the proposed tax, notwithstanding the tariff now imposed upon sugar, sugar is so cheap that the Legislature of South Carolina sees fit to resort to the imposition of a tax upon it, and I am informed the State expects to realize $700,000 a year therefrom.

Mr. President, it has been apparent to many of us for the last six or eight months that the Cuban producers were dumping sugar here. In other words, with a difference in cost of the production between Cuba and the United States of $1.43, as contended by our opponents, then it is inconceivable how the Cubans can send their sugar here, pay the freight and insurance and a duty of $1.76, and sell it in the market at New York for three dollars and fifty-odd cents, as was recently done.

I will tell Senators how it is done. The Cuban producers of sugar have, of course, a motive in doing this, even to the extent of temporarily losing money, in order to accomplish their pur-

pose, which is to put the domestic sugar industry out of business.

I have here, Mr. President, a copy of the American Labor Banner of date February 15, 1930, which indicates how the Cuban sugar producers can reduce the price of sugar in Cuba. I will read an extract from the article, which is written by William E. Walling, a well-known author, who is writing for this publication. He visited Cuba for the purpose of securing information upon which to base a series of articles which he is writing. He states:

CUBAN WAGES DOWN TO LOWEST POINT

Nowhere within the United States or near its borders are wages so low as in Cuba. Yet the Cuban Government uses all its crushing dictatorial power, first, to prevent effective and free organization of labor and then to lower wages by law.

For many years Cuba has had a law forbidding the payment of labor by company checks and the compulsory trading at company stores. In December, Dictator Machado had this law, known as the Arteaga Act, repealed and payment by tickets and company-store checks is now in full vogue for a large part of the hundreds of thousands of workers engaged, since January 15, in harvesting the enormous sugar crop.

More than half of Cuba's workers rely for practically their entire annual income on the three months' sugar harvest. A large part of these receive only 60 or 70 cents a day, the wage having gone down year by year, while few, indeed, any longer receive as much as a dollar. Only a few years ago $1.25 was the ordinary wage.

Since President Machado, the National City Bank, and all the chief Cuban and American interests are either plantation owners or otherwise interested in sugar, any lowering of sugar wages means an immense sum of cash in their pockets. But it also means not only the dragging down of all Cuban labor but a death blow to the purchasing power of the people and to the prosperity of the island.

Mr. President, I do not wish to consume unduly the time of the Senate, as other Senators wish to speak, and so I will ask that the entire article may be inserted in the RECORD. I wish merely to emphasize the statement of the writer of the article that the Cuban producers are paying as low as 60 cents a day to men engaged in harvesting sugarcane.

The PRESIDING OFFICER. Without objection, the article referred to by the Senator from Louisiana will be printed in the RECORD.

The article is as follows:

[From the American Labor Banner, Washington, D. C., February 15, 1930]

HOW MACHADO PLAYS REORGANIZED UNIONS LIKE WHIPLASHES; PAY UNDER $100 YEARLY—TYRANT TRIES TO SHOW "ALLIANCE" WITH UNITED STATES LABOR—PAY OF WORKERS POUNDED DOWN BY LAW FOR BENEFIT OF CANE-OWNING DICTATOR AND FRIENDS; CASH WAGE LAW REPEALED, WITH RETURN OF ANCIENT ABUSES

(In this second article of his series, Mr. Walling shows with pitiless strokes the terrible abuses under which Cuban workers suffer. He shows how the whole power of government is thrown against the masses, opening the way to the most cruel exploitation. Unions, as they are called, are used by the tyrant to create a false impression. As staff correspondent for this newspaper and International Labor News Service, Mr. Walling, noted author and economist, is ripping the lid once more off the rottenness of the Cuban scandal.)

By William English Walling

In its meeting held in October in Toronto, directly after the convention, the executive council of the American Federation of Labor decided to postpone the convention of the Pan-American Federation of Labor which had been called to meet in Habana on the 6th of January.

The reasons assigned for this postponement by President Green were that the officers of the American Federation of Labor were to be very much occupied in January with the new campaign of organization in the Southern States; that there was no pressing need for holding the Pan-American convention this year, and that "reports received from some of the countries of South and Central America as to economic and other conditions suggest the desirability of postponing the Habana convention with the hope that in the near future conditions will have changed."

CONCLUDED RESOLUTION AIMED AT CUBANS

The Cuban Government and the labor organizations supporting it paid attention only to the last of these explanations. In view of the resolution that had been passed at Toronto favoring investigation of the Cuban Government by the United States Senate, they concluded that Cuba itself was one of the countries referred to and that conditions there were one of the chief causes leading to the postponement of the Habana convention.

The resolution passed unanimously at Toronto gave the approval of the American Federation of Labor to the proposed Senate investigation of the report that "there is neither safety of life nor freedom of speech nor freedom of assemblage, of movement, of the press, or of organization" under the Machado government.

SEEK FOR ILLUSION OF MACHADO-AMERICAN FEDERATION OF LABOR BOND

The telegrams sent by the pro-Machado unions were quoted in the previous article. But these were only the opening guns in a vigorous campaign carried on by these unions and the Government to line up the American Federation of Labor as having accepted the views of the pro-Machado unions—in view of the fact that they, and they alone, are members of the Pan American Federation of Labor, or at least to make it appear in Cuba that the American Federation of Labor and the pro-Machado unions were in complete harmony and agreement.

This object the Machado government and its supporters sought to accomplish by a whole series of false reports published not only in Cuba but actually sent out from Habana to the United States.

For example, on January 14 the Associated Press cabled from Habana that "a delegation from the American Federation of Labor is expected here in time to participate in the meetings" of the Cuban Maritime Workers' Congress, an organization which was inaugurated in Habana on January 14 and 16. Another previous Associated Press dispatch said that the American Federation of Labor had agreed to send "two observers."

CONVENTION HAND IN HAND WITH DICTATOR

The present writer, who was at this time at St. Petersburg, Fla., to report the meetings of the executive council of the American Federation of Labor, was told by President Green that there was "not one word of truth" in this report. This writer thereupon took the first steamer for Habana, arriving there on January 15, when the Cuban Maritime Workers' Congress was in session, to see if anybody was present who was claimed as a representative of American labor. No such person was present. But every effort was made to convince the Cuban public that this congress, while 10,000 per cent pro-Machado, was also hand in glove with the American Federation of Labor.

Indeed, the convention was so thick with the Government as to be amusing to an American spectator. I quote the Habana press:

"On the platform Mr. Miguel Guerra, president of this first congress, had on his right Gen. Eugenio Mobinet, Secretary of Agriculture, who represented the President of the Republic, and on his left Mr. Rafael Martinez Ortiz, Secretary of State." There followed the names of several other high Government officials.

REPORT TO MACHADO GETS HIS "O. K." STAMP

One of the chief resolutions passed protested at length against the "campaigns of calumny" against the President carried on "in the name of labor," and declared "the adhesion of the congress to the work of the Government." After the congress, its secretary, Mr. Juan Arevalo, "visited the President to present to him the conclusions reached by the congress."

"Mr. Arevalo informed the reporters that the President had expressed himself as well satisfied with the work of the congress and in complete sympathy with its resolutions"—as he might well be.

At the same time the congress declared itself in complete sympathy with the American Federation of Labor. Possibly this declaration was more deeply felt than its "adhesion" to Machado, which may have been a matter of tactics, yielding temporarily to superior force. But what impressed the Cuban public was to see Machado and the American Federation of Labor so closely linked together during the proceedings. And it was clearly the object of the pro-Machado element to create this impression.

The congress declared its "adhesion to the principles of the Pan-American Federation of Labor and of the International Federation of Trades Unions of Amsterdam."

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Since President Machado, the National City Bank, and all the chief Cuban and American interests are either plantation owners or otherwise interested in sugar, any lowering of sugar wages means an immense sum of cash in their pockets. But it also means not only the dragging down

of all Cuban labor, but a deathblow to the purchasing power of the people and to the prosperity of the island.

ABUSES UPON ABUSES; FIRES IN CANE FIELDS

Yet this is exactly what Machado has done with his repeal of the Arteaga Act. Not only are the workers required to spend a percentage, usually 60 per cent, at the company stores, but their pay checks are discounted, etc.

There is no use recounting these evils. Most of the American States abolished the pay check and truck or company store system half a century ago.

But when labor has no rights it has no power—and when it has no power it is invariably reduced to a serf's income and invariably receives a serf's treatment. Cuban unskilled labor accordingly lives in the most wretched conditions. Their labor often extends to 14 hours. They rarely have 100 days' employment at the sugar harvest and almost none through the rest of the year. That is, the great bulk of them have an annual income of less than $100. And now this has been reduced—materially reduced—by the reintroduction of company-check payment, abolished in Cuba itself many years ago.

Sugarcane, after a dry spell, is highly inflammable. Already half a dozen plantations were burning when I was in Habana. Sometimes such fires destroy a very large part of the crop and are the beginning of popular movements of revolt. It will not be surprising if some of the large companies suffer very serious damage from such causes during the present sugar harvest.

Mr. BROUSSARD. Mr. President, I do not care to trespass upon the time of other Senators who I know wish to say a few words in support of the amendment of the Senator from Utah. I am satisfied that the Senate, if consistent with its own action on the pending bill, will adopt the 2-cent rate proposed in the amendment. Its adoption will mean no hardship upon the American consumers of sugar, or, should there be an additional price, it would be so small as to be almost nothing compared to what they are paying for all other commodities that enter into family use on the table. Sugar will still be the lowest priced, the cheapest, and the best food that can be bought for two or three times the money which is now paid for it.

EXHIBIT A

EFFECT OF TARIFF CHANGES ON THE PRICE OF SUGAR

The oft-repeated statement that the full amount of any increase or decrease in the United States tariff rate on imported raw sugar is reflected in the domestic wholesale price of refined is in error.

Analysis of the New York quotations of raw and refined sugar for the past 30 years shows that whenever the United States duty on sugar has been increased the Cuban producers have lowered their prices of raws and American refiners have reduced their margin between raw and refined; and whenever the duty has been reduced the Cuban producers have raised their price of raws and American refiners have increased their margin between raw and refined. As a result but a minor portion of any increase or decrease in the duty is reflected in the domestic price of refined sugar.

To exclude crop and seasonal changes which affect the price of sugar regardless of tariff changes the quotations have been confined to two months preceding and two months succeeding tariff changes.

The Wilson tariff and the price of sugar

	New York in bond price of raw sugar per 100 pounds	United States duty per 100 pounds	New York duty-paid price of raw sugar per 100 pounds	Refiners' margin	New York wholesale price of granulated sugar per 100 pounds
June 28, 1894	$3.125	.....	$3.125	$0.855	$3.98
July 5, 1894 [1]	3.125	.....	3.125	.855	3.98
July 12, 1894	3.180	.....	3.180	.800	3.98
July 19, 1894	3.125	.....	3.125	1.105	4.23
July 26, 1894	3.125	.....	3.125	1.105	4.23
Aug. 2, 1894	3.125	.....	3.125	1.225	4.35
Aug. 9, 1894	3.375	.....	3.375	1.095	4.47
Aug. 16, 1894	3.500	.....	3.500	.970	4.47
Aug. 23, 1894	3.750	.....	3.750	.850	4.60
Average	3.27	.....	3.27	.984	4.25
Aug. 30, 1894 [1]	2.680	1.07	3.750	.97	4.72
Sept. 6, 1894	2.680	1.07	3.750	.97	4.72
Sept. 13, 1894	2.680	1.07	3.750	.97	4.72
Sept. 20, 1894	2.680	1.07	3.750	.79	4.54
Sept. 27, 1894	2.680	1.07	3.750	.66	4.41
Oct. 4, 1894	2.680	1.07	3.750	.60	4.35
Oct. 11, 1894	2.680	1.07	3.750	.60	4.35
Oct. 18, 1894	2.500	1.00	3.500	.85	4.35
Oct. 25, 1894	2.500	1.00	3.500	.85	4.35
Average	2.64	1.056	3.694	.81	4.50

[1] Aug. 28, 1894, Wilson bill effective, imposing duty of 40 per cent ad valorem amounting to $1.056; absorbed by Cuban producers and American refiners 80.6 cents or 76.3 per cent of entire duty.

The Dingley tariff and the price of sugar

	New York in bond price of raw sugar per 100 pounds	United States duty per 100 pounds	New York duty-paid price of raw sugar per 100 pounds	Refiners' margin	New York wholesale price of granulated sugar per 100 pounds
May 27, 1897	$2.321	$0.929	$3.250	$0.980	$4.230
June 3, 1897	2.364	.946	3.310	.920	4.230
June 10, 1897	2.500	1.000	3.500	.970	4.470
June 17, 1897	2.500	1.000	3.500	.970	4.470
June 24, 1897	2.500	1.000	3.500	.970	4.470
July 1, 1897	2.500	1.000	3.500	.970	4.470
July 8, 1897	2.500	1.000	3.500	1.090	4.590
July 15, 1897	2.589	1.036	3.625	.965	4.590
July 22, 1897	2.589	1.036	3.625	1.035	4.660
Average	2.485	.994	3.478	.986	4.460
July 29, 1897 [1]	$2.065	$1.685	$3.750	$0.970	$4.720
Aug. 5, 1897	2.065	1.685	3.750	.970	4.720
Aug. 12, 1897	2.065	1.685	3.750	.970	4.720
Aug. 19, 1897	2.065	1.685	3.750	.970	4.720
Aug. 26, 1897	2.065	1.685	3.750	.970	4.720
Sept. 2, 1897	2.065	1.685	3.750	.970	4.720
Sept. 9, 1897	2.190	1.685	3.875	.945	4.820
Sept. 16, 1897	2.190	1.685	3.875	.945	4.820
Sept. 23, 1897	2.255	1.685	3.940	.880	4.820
Average	2.114	1.685	3.798	.954	4.750

[1] July 24, 1897, Dingley bill effective, increasing duty 69.1 cents; absorbed by Cuban producers and American refiners 40.3 cents or 58.3 per cent of entire increase.

Cuban reciprocity treaty and the price of sugar

	New York in bond price of raw sugar per 100 pounds	United States duty per 100 pounds	New York duty-paid price of raw sugar per 100 pounds	Refiners' margin	New York wholesale price of granulated sugar per 100 pounds
Oct. 15, 1903	$2.190	$1.685	$3.875	$0.675	$4.550
Oct. 22, 1903	2.190	1.685	3.875	.675	4.550
Oct. 29, 1903	2.190	1.685	3.875	.625	4.500
Nov. 5, 1903	2.125	1.685	3.810	.690	4.500
Nov. 12, 1903	2.125	1.685	3.810	.690	4.500
Nov. 19, 1903	2.065	1.685	3.750	.700	4.450
Nov. 27, 1903	2.065	1.685	3.750	.610	4.360
Dec. 3, 1903	2.005	1.685	3.690	.670	4.360
Dec. 10, 1903	1.940	1.685	3.625	.735	4.360
Dec. 17, 1903	1.940	1.685	3.625	.735	4.360
Dec. 24, 1903	1.875	1.685	3.560	.800	4.360
Average	2.064	1.685	3.749	.691	4.44
Dec. 31, 1903 [1]	2.122	1.348	3.470	.840	4.310
Jan. 4, 1904	2.122	1.348	3.470	.840	4.360
Jan. 7, 1904	2.122	1.348	3.470	.840	4.360
Jan. 14, 1903	2.002	1.348	3.350	1.010	4.360
Jan. 21, 1904	1.962	1.348	3.310	1.050	4.360
Jan. 28, 1904	1.962	1.348	3.310	1.050	4.260
Feb. 4, 1904	2.002	1.348	3.350	.910	4.260
Feb. 11, 1904	2.002	1.348	3.350	.910	4.260
Feb. 18, 1904	2.002	1.348	3.350	.910	4.260
Feb. 25, 1904	2.027	1.348	3.375	.885	4.260
Average	2.033	1.348	3.380	.925	4.31

[1] Dec. 27, 1903, Cuban reciprocity treaty effective, reducing duty 33.7 cents; appropriated by American refiners, 20.7 cents, or 61.4 per cent of entire reduction.

The Underwood tariff and the price of sugar

	New York in bond price of raw sugar per 100 pounds	United States duty per 100 pounds	New York duty-paid price of raw sugar per 100 pounds	Refiners' margin	New York wholesale price of granulated sugar per 100 pounds
Jan. 2, 1914	$1.882	$1.348	$3.230	$0.690	$3.920
Jan. 8, 1914	1.882	1.348	3.236	.690	3.920
Jan. 15, 1914	1.942	1.348	3.290	.630	3.920
Jan. 22, 1914	2.007	1.348	3.355	.565	3.920
Jan. 29, 1914	2.132	1.348	3.480	.440	3.920
Feb. 5, 1914	2.132	1.348	3.480	.440	3.920
Feb. 11, 1914	2.132	1.348	3.480	.440	3.920
Feb. 19, 1914	2.072	1.348	3.420	.500	3.920
Feb. 26, 1914	2.042	1.348	3.390	.530	3.920
Average	2.025	1.348	3.37	.658	3.920
Mar. 5, 1914 [1]	2.000	1.01	3.010	.910	3.920
Mar. 12, 1914	1.949	1.01	2.959	.872	3.822
Mar. 19, 1914	2.000	1.01	3.010	.763	3.773
Mar. 26, 1914	1.940	1.01	2.950	.823	3.773
Apr. 2, 1914	1.940	1.01	2.950	.823	3.773

[1] Mar. 1, 1914, Underwood bill effective, reducing duty 33.7 cents; appropriated by American refiners, 18.2 cents, or 54 per cent of entire reduction.

The Underwood tariff and the price of sugar—Continued

	New York in bond price of raw sugar per 100 pounds	United States duty per 100 pounds	New York duty-paid price of raw sugar per 100 pounds	Refiners' margin	New York wholesale price of granulated sugar per 100 pounds
Apr. 8, 1914	$1.910	$1.01	$2.950	$0.755	$3.675
Apr. 16, 1914	1.970	1.01	2.980	.695	3.675
Apr. 23, 1914	2.000	1.01	3.010	.725	3.735
Apr. 30, 1914	2.030	1.01	3.040	.695	3.735
Average	1.970	1.01	2.980	.785	3.765

EXHIBIT B

House bill 1466. Introduced by Ways and Means Committee. Calendar No. 1466

IN THE HOUSE OF REPRESENTATIVES.

(Read the first time February 25, 1930)

A bill to raise revenue for the support of the State government by imposing a tax on the sale of sugar

Be it enacted by the General Assembly of the State of South Carolina, That every person, firm, or corporation doing domestic or intrastate business within this State and engaged in the business of selling, purchasing, consigning, using, shipping, or distributing, for the purpose of sale, and/or use in the manufacture of any commodity for the purpose of sale within this State, any sugar for the purpose of carrying on any such business, shall be subject to the payment of a license tax which shall be measured by and graduated in accordance with the sales of such person, firm, or corporation within the State of South Carolina, except as may be hereinafter otherwise provided:

On all sugar a license tax of 1 cent per pound avoirdupois to be paid by the person, firm, or corporation first receiving the sugar in this State.

SEC. 2. Every person, firm, or corporation subject to this tax shall, between the 1st and 10th days of each month, make a true and correct return to the South Carolina Tax Commission in such form as it may prescribe, showing the amount of sugar received and the amount sold during the previous month and remit the tax therewith. That in case of failure to make a true and correct return to the South Carolina Tax Commission the tax commission shall make the same upon such information as it may be able to obtain, assess the tax due thereon, and add a penalty of 50 per cent; and in any case of failure to pay the tax the South Carolina Tax Commission shall add a penalty of 50 per cent, whereupon the South Carolina Tax Commission shall mail notice of the amount of taxes and penalties to the party failing to make such return or to pay the tax, and if the taxes and penalties are not paid within 10 days after mailing such notice, execution shall be issued in the manner and with the force provided hereinafter in section 3.

SEC. 3. (a) If any license taxes or penalties imposed by this act remain due and unpaid for a period of 10 days, the tax commission shall issue a warrant of execution directed to the sheriff of the county of the State commanding him to levy upon and sell the real and personal property of the taxpayer found within this county for the payment of the amount thereof with penalties and the costs of executing the warrant, and to return such warrant to the tax commission and to pay it the money collected by virtue thereof. Upon receipt of such warrant the sheriff shall file with the clerk of court of his county a copy thereof, and thereupon the clerk of court shall enter in the abstract of judgments the name of the taxpayer mentioned in the warrant, and in the proper columns the amount of tax with penalties and costs, for which the warrant is issued, and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against property upon judgments of a court of record and shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner. The taxes and penalties imposed by this act shall be deemed a debt owing to the State by the party against whom the same shall be charged and shall be a lien upon all property of the party against whom the same shall be charged, but such lien shall be valid, so as to affect the rights of purchasers for value, mortgages, or judgments, or other lien creditors, only from the time when the warrant is entered upon the transcript of judgment in the county, in the case of real estate, where the real estate is situate, and, in case of personal property (where the taxpayer resides, if the taxpayer be a nonresident, in the county where the personal property is situate): *Provided, however*, That any license taxes or penalties imposed hereunder shall be a first preferred tax lien upon any and all of the personal property of the taxpayer used, or to be used, in said business.

It is hereby declared to be the intent and purpose of this act to impose the tax herein provided on sugar upon the person, firm, or corporation making the first sale within this State, or the person, firm, or corporation first receiving the sugar within this State.

(b) Every such person, firm, or corporation shall keep a record, or records, showing the value and the gross receipts derived from engaging in any business taxable under this section, and such record shall, at all times, be subject to inspection by any agent of the South Carolina Tax Commission: *Provided*, That in case of any person, firm, or corporation engaging in a temporary, transient, or itinerant business which is taxable under the provisions of this act the entire tax shall be paid upon demand by the South Carolina Tax Commission, or any duly authorized agent thereof, and in case the tax is not paid upon demand, all penalties provided for by this act shall immediately apply. If any person, firm, or corporation required under the provisions of this section to keep any record, book, or papers shall fail to keep such true and correct records, books, or papers, either or all, or shall fail or refuse to submit the same for inspection of the South Carolina Tax Commission, or its duly authorized agents, or shall willfully make a false or fraudulent return, in each such event such person, firm, or corporation shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than $50 nor more than $2,000, or imprisonment of not less than 30 days nor more than 12 months, or both, in the discretion of the court: *Provided*, That the license tax herein provided shall not apply in case any sugar is sold to the United States Government for Army, Navy, or marine purposes, and which shall be shipped from a point within the State to a place which has been lawfully ceded to the United States Government for Navy, Army, or marine purposes.

SEC. 4. In case any person or corporation is liable for the payment of any tax under the provisions of this act and has not paid the same, and it is made to appear that such person or corporation is insolvent, or that the strict enforcement of the payment of the tax would probably render the taxpayer insolvent; then, in such case, the tax commission may settle and compromise such tax as may be for the best practical interest of the State and as may, under all circumstances, be just to the taxpayer.

SEC. 5. That administration of this act is vested in the South Caroline Tax Commission, which shall prescribe rules and regulations pertinent to the enforcement of this act. It shall have power to enter upon the premises of any taxpayer and examine, or cause to be examined, by any agent or representative, designated by it for that purpose, any books, papers, records, memoranda, etc., and/or commodities bearing upon the amounts of taxes payable, and to secure any other information directly or indirectly concerned in the enforcement of this act.

SEC. 6. That the license tax or taxes imposed by this act shall be in addition to all other licenses and taxes levied by law, as a condition precedent to engaging in any business, or doing any act taxable thereunder.

SEC. 7. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. No caption of any section, or set of sections, shall in any way affect the interpretation of this act or any part thereof: *Provided*, That the collection of the license taxes imposed under the provisions of this act shall not be stayed or prevented by any injunction, writ, or order issued by any court or judge thereon. In all cases in which any license or tax is required to be paid hereunder by any person, firm, or corporation, and the tax commission shall claim the payment of the taxes so assessed, or shall take any step or proceedings to collect the same, the person, firm, or corporation against whom such license taxes are charged, or against whom such step or proceedings shall be taken, shall, if he conceives the same to be unjust or illegal for any reason, pay the said taxes notwithstanding, under protest, in such funds and moneys as the South Carolina Tax Commission shall be authorized to receive, and upon such payment being made, said South Carolina Tax Commission shall make proper note that the same was paid under protest and notify the State treasurer that such taxes were paid under protest; that the person, firm, or corporation so paying said license taxes may at any time within 30 days after making such payment, but not afterwards, bring an action against the said South Carolina Tax Commission for the recovery thereof in any court of competent jurisdiction and/or in proper cases in the Federal courts and if it be determined in said action that such taxes were wrongfully and illegally collected for any reason owing to the merits, then the court before which the case is tried shall certify of record that the same were wrongfully collected and ordered to be returned with interest thereon at the rate of 4 per cent per annum. Whereupon the South Carolina Tax Commission shall issue its warrant upon the State treasurer for refunding the taxes and interest so paid, which shall be paid in preference to other claims against the treasury.

SEC. 9. That the South Carolina Tax Commission may, in its discretion, compromise any criminal or civil action arising under the provisions of this act, either before or after prosecution commenced. The South Carolina Tax Commission may, upon good cause shown, remit any penalties accruing under this act, in whole or in part.

SEC. 10. That this act shall take effect immediately upon its approval by the governor.

Mr. PHIPPS. Mr. President, on account of the limited time, my remarks will be very brief. The subject has been very thoroughly covered and the statistics have already been presented for the RECORD at least once. So I do not care to present figures to any extent.

Initially I want to say that I have never personally held one dollar's worth of interest in any sugar-producing company in the United States. Naturally I was attracted by the prospect of the sugar business when I made my residence in Colorado in 1902. However, the sugar-beet industry at that time was in its infancy. Factories had been installed in several places, but they had not been successful, and so I allowed the matter to drift for a time.

Then along about 1911, or 1912 perhaps, when the Great Western Co. had succeeded in bringing together several factories in order to effectuate economies in operation, and had taken those factories into its organization, although a majority of them had been unsuccessful, I happened to be very closely associated with Mr. Chester S. Morey, who was president of the Great Western Co., and who was desirous of having me interest myself in the industry. I went into the subject very exhaustively, and my investigation convinced me that not even the Great Western Sugar Co., with all its factories and facilities, could carry on a profitable business manufacturing sugar from beets unless tariff protection was afforded. At that time we were threatened with the removal of the tariff on sugar; in fact, the act of 1912, as I recall, provided for a gradual reduction in the duty, and the duty reached a point of 1 cent a pound in 1915 or earlier, and in 1916, as I recall, the remainder of the duty, 1 cent per pound, was to be taken off under the provisions of the original act. However, the administration then in power, which was Democratic, upon second thought decided it would be unwise to remove that duty, so the duty of 1 cent per pound was retained. But even with that duty, Mr. President, and with the farmers receiving only from $5 to $5.50 a ton for their beets, the Great Western Co. was practically the only company that could carry on at a profit, and it could do so only on account of its methods of operation and the economies effected by it. The smaller companies were not successful.

I could point out to you, Mr. President, one factory at Lamar, Colo., which was operated for a few years and then closed down, never to reopen. There was another factory at Rocky Ford, Colo., which moved to Sheridan, Wyo. Another factory later constructed at Monte Vista, Colo., also moved to Wyoming. Why? Not because of the character of the soil, not on account of a lack of ability to secure the beets necessary to run the mill, but because of management. That is a consideration that enters largely into the problem. Given similar conditions, one set of men may make a success of the business, while others, with the same advantages, may absolutely fail.

The Senator from Montana [Mr. WALSH] referred last night to factories within his State and he dwelt upon the prosperity of the Great Western Sugar Co., but why were three factories belonging to other companies moved from other States and located in Montana? It was not because the soil of Utah is unsuited to the cultivation of beets; it was not because the climate of Utah is not adapted to beet culture, for that State has all the advantages at least that will be found in the State of Montana in connection with the raising of sugar beets.

Mr. President, it so happened that I was interested, I think in the year 1904, by the enterprise of Sir William Van Horn, who projected the railway line from Habana, Cuba, to Santiago, Cuba. I took an interest in the enterprise. Incidently, to develop their business, the Cuba company, which was the holding company, acquired sugar factories and leased sugar lands. I took my proportion of the securities that were issued in order to pay for the factories and for the lands which were afterwards acquired. I still hold those interests; so that in passing to-day upon the question involved in the amendment of the Senator from Utah to raise the tariff on sugar, so long as I shall be voting against what might be the interest of the company in which I am concerned in Cuba, I feel entirely free to vote for the amendment of the Senator from Utah.

Mr. President, I have referred to the fact that in the early nineteen hundreds, up to 1912 and through 1914 and 1915, the farmers were receiving from $5 to $5.50 per ton for sugar beets. Conditions since then have changed. It requires at least $8 a ton to recompense the farmer to the same extent that $5 per ton would have recompensed him in those earlier days, because of the additional cost to him of labor.

The sugar-beet industry is one of the most desirable in which the farmer in territory suitable for the cultivation of sugar beets can engage. It does not stand by itself alone. The side lines involved are of great importance. In addition to giving employment to the farmer and to the mill employees, the beet-growing industry affords feed for cattle and sheep. They feed upon the lands where the beets are raised. The tops of the beets are left on the ground and the cattle feed on them. The beet pulp, after it comes from the mill, the sugar largely extracted in so far as it can be, is fed to the stock; but that is insufficient, that is not enough food to sustain them, and a variety is desirable as well. So the available food which is largely used is alfalfa. There we have a home market for the alfalfa which the farmer raises and which, by the way, is a crop that enriches the soil. By having rotation of crops, sugar beets, alfalfa, and other products, the farmer secures the very best possible result in his agricultural operations.

Taking a section that I well know, where the first successful sugar mill in Colorado was started—the Loveland district—I can recall that in 1902 or 1904 land in that immediate neighborhood with water rights could have been acquired at anywhere around $40 to $60 per acre; say an average of $50 per acre. To-day that land is reasonably worth $400 per acre. Had it not been for the sugar mill being located there, it never would have increased in value to anything like that extent.

Of course, that section is available for raising potatoes. Even wheat is grown to advantage, and other crops can be raised successfully; but the one crop that is best for the farmer is the sugar-beet crop. When he plants his acreage he is assured that his crop has been sold. Under the contract he makes, he knows that he will get at least so much per ton as a minimum, the price having ranged from $7 to $8 within the last three or four years. Over and above that he is assured that if the factory succeeds in disposing of its sugar at a figure above a price agreed upon, the additional revenue will be reduced to figures, and the farmer will benefit to the extent of one-half of that additional profit.

Mr. President, I feel that a rate of 2 cents per pound is really too low. I favored the rate of $2.20. I think it should have been adopted. I feel entirely free to vote for the amendment now before the Senate.

Mr. HARRISON. Mr. President, may I ask how much time has been consumed?

The PRESIDING OFFICER. The proponents of the amendment have consumed 76 minutes and have 38 minutes left. The opponents have an hour and 48 minutes left.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goldsborough	McMaster	Steck
Black	Gould	McNary	Steiwer
Blaine	Greene	Metcalf	Stephens
Borah	Grundy	Moses	Sullivan
Bratton	Hale	Norbeck	Swanson
Brock	Harris	Norris	Thomas, Idaho
Brookhart	Harrison	Nye	Townsend
Broussard	Hastings	Oddie	Trammell
Capper	Hatfield	Overman	Tydings
Caraway	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pine	Walcott
Couzens	Heflin	Pittman	Walsh, Mass.
Cutting	Howell	Ransdell	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Keyes	Sheppard	

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. CARAWAY. Mr. President, I am aware that no argument, no information available or that might be produced, is to be effective in the vote that is pending. The fate of this bill was settled by a trade, an agreement, in which my information is—and I think it is accurate—that eight Senators have agreed to change their votes upon this rate, and vote for sugar in return for votes that are to be hereafter cast for other duties that are pending.

That being true, argument is wasted; because when a matter becomes a matter of trade, of consideration, of bargain and sale, whatever the facts may be, the result has been fixed.

I have been a defender of the honor of the Senate. I have resented it when people have accused it of being an inferior body, as having degenerated from the old Senate; but, so far as I know, no other Senate has so deliberately entered into a trade that is to cost the American people millions and millions of dollars as that which is to be recorded in the vote that is pending on the proposed rate on sugar.

I desire to call the roll of the Senators who voted for the so-called Harrison amendment. Eight of those Senators, it is

alleged, have agreed to change their vote, and they are changing them because of other considerations than reason. That is manifest because they agreed to change their votes before a single thing had been said upon the floor of the Senate touching the reconsideration of this rate. So the reason that brought conviction to them—if I may be permitted to call it that—was something that did not transpire upon the floor of the Senate, and has nothing to do with the facts with reference to this proposed rate.

Every Senator is the keeper of his own honor. He must be the judge of what is compatible with his sense of propriety, and he must answer to the people who sent him here. If he believes that his vote is a private thing, that it belongs to him like the clothes that he wears, that he has a right to traffic in it like anything else that belongs to him; if that is his conception of his duty, he will cast his vote accordingly. I venture the assertion, and I do it in no spirit of harshness, that the Senator who changes his vote on the pending amendment will not live long enough to explain to his constituency and to the American people and to the Senate the reasons that impelled him to do it. He will not attempt to do so on the floor of the Senate. He is going to trust that time will be kind to him and people will forget. I shall be much mistaken if he does not find that in that he is mistaken.

These are the Senators who voted for the amendment:

Allen, Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Dill, George, Gillett, Glass, Goff, Harris, Harrison, Hawes, Hayden, Heflin, Jones, Keyes, La Follette, McKellar, McMaster, Metcalf, Norbeck, Norris, Overman, Pine, Robinson of Indiana, Robsion of Kentucky, Schall, Sheppard, Shipstead, Simmons, Smith, Steck, Swanson, Thomas of Oklahoma, Trammell, Tydings, Wagner, Walsh of Massachusetts, and Wheeler.

The information is that eight out of that list have changed their views or rather are going to change their votes. That change was made before any new procedure had taken place. It was made by something that did not happen in the discussion of this bill.

Mr. President, I have not argued tariff rates; I have been very much engaged in another matter which has taken me out of the Senate for a good deal of the time, and I regret it. In fact, this is the first speech I have made upon this question.

There has been a very extensive lobby here on the sugar question. It has spent money freely. It has used every device known to human ingenuity to effect results.

The proponents of an increase in tariff have maintained here for years a lobby, which has expended nearly $100,000 a year. It increased its activities when it became known that there was to be a tariff bill written at the special session called preceding this session. It employed high-pressure publicity as well as other methods. It was lavishly supplied with money, and spent it freely. On the other side the people representing the interests in Cuba raised and expended nearly $100,000 in opposition to an increase. This sum was about one-fifth of what was spent in favor of the increased duties.

Both maintained a system of espionage. They invaded every channel of influence they could reach. They peddled the name of the President, as if he were a commodity that might be bought and sold.

The Cuban interests paid $75,000, or agreed to do so, for an attorney, whose sole recommendation, as far as I was able to judge from what I saw of him, was that at one time he had been the attorney for the Sugar Equalization Board and had entrée to the White House and knew Mr. Hoover, at one time or another having done some little trifling thing for him.

The President of Cuba maintained an active lobby here in Washington, working through the ambassador of Cuba. The Canadians put up money to influence this legislation. It seemed to have been thought by people living abroad that legislation was to be sold, and they wanted to buy it.

Both sides acted upon the assumption that somewhere in this body sat Senators who could be reached by influence, and they levied a tribute upon every man who produced a pound of sugar to raise a fund to corrupt the streams of legislation. They said in one instance that they were giving information, in another that they were checking up what the other folks were doing, but all of them agreed that if they did not put up money and maintain an expensive organization here in Washington legislation harmful to their industry would be enacted by Congress.

I have been contemptuous of the influence of lobbyists. I have looked upon them as parasites who fattened upon the credulity of those away from Washington, but, after all, if after the Senate has solemnly recorded its judgment and without any additional information, without any argument, without any new facts, lobbyists can come here and form a combination and rewrite this tariff bill on all the more important schedules, I shall revise my opinion of the effectiveness of a lobby, because if this bill is rewritten as to sugar and oil and lumber and hides, it will be the result of a trade; it will not be the result of arguments; because if that happens, the trade has been made without any additional information, and a lobby is recording its effectiveness. Therefore I want to say that I shall reverse my opinion of the effectiveness of lobbying if these changes are made.

The pitiful thing about it is not the amount it costs, it is not the unearned profits which go into the pockets of the beet-sugar growers and refiners of the United States, who talk about American standards of labor when they employ the cheapest labor which can be imported from Mexico—men and women and children, but principally women and children, who crawl upon their knees like slaves and get a wage that will hardly sustain their existence. They are the laborers. The fight is not for American standards of labor. We unearthed information showing that the sugar people did not dare appeal to the American Federation of Labor for help, because they knew that the American Federation of Labor could not approve the labor conditions under which beet sugar is produced. It is a peonage system. Therefore, let nobody vote for this amendment under the belief that the beet-sugar people are endeavoring to maintain American standards of wages, because that is not true; it is not meant to be true. It is to put profits into the pockets of people who own sugar refineries and sugar stock, who have received an unrighteous profit.

Mr. President, I am conscious of the fact, as I said before, that there is no use arguing with somebody who has made a trade, who has given his solemn word that, regardless of the facts, he is to support this rate in return for support of other rates. The agreement did not take place upon the floor of the Senate, and the reasons for changing did not take place here.

I regret it. As I have said before, from the very bottom of my heart I have resented the statements of those who have attacked the Senate, its dignity, and its honor. I have resented it every time a Member of this body has risen and deplored the decadence of the Senate. I have said—and, so help me almighty God, I believed it when I said it—that in comparison with Senates that have gone before this Senate has no occasion to be ashamed. But I shall have no feeling that will impel me to defend the honor of the Senate again if that takes place which we have been told will take place; and we will know when the vote on this amendment is recorded.

We will need no explanation. None will be necessary, and none could explain. When the roll is called we will know whether legislation is written on the floor of the Senate because the facts warrant the votes or whether it is made by trades taking place outside of the Senate, because here there is no chance to be mistaken. The vote was recorded, and before any additional argument had been made, and when no additional facts were available, a change took place. I have nothing more to say.

Mr. BINGHAM. Mr. President, I rise to say a few words in behalf of 1,500,000 American citizens who have no representative of this body but are deeply concerned in this particular matter. In the island of Porto Rico there are more than 1,500,000 American citizens. Although it is almost impossible to believe under our history, none of those citizens are represented in the Congress except by a Commissioner in the House, who has no vote, and they are represented by no one in the Senate.

Those people have suffered tremendously, due to a most disastrous hurricane, and the Congress has been liberal in helping them by granting them nearly $8,000,000 of relief, or about one-tenth of the most conservative estimate of the loss through the hurricane.

I have been talking with Mr. Brown, the head of the Bureau of Efficiency, who has recently come back from Porto Rico, and who made a very careful study of conditions there. It is his opinion that the loss due to the hurricane two years ago was at least $80,000,000, if not $100,000,000. Congress has agreed to lend the planters about $6,000,000 and has given the island outright about $2,000,000 to help along.

This particular measure increasing the duty on sugar is one which affects them very seriously. When the matter first came before the Senate I voted in favor of an increased tariff on sugar, largely in order to help the people of that island, who have no representative here on this floor, although I had not received a single letter or telegram from anybody in my State advocating such a duty. In fact, as is well known, I have received hundreds of letters and telegrams protesting against any increase in the duty on sugar. Connecticut does not produce sugar beets or sugar cane. The industries which use large amounts of sugar, of course, are objecting to an increase in

this duty, and every citizen of my State uses sugar, and an increase in duty would increase the cost of his breakfast table less than 50 cents during the course of a year.

Mr. President, in order to emphasize the situation in Porto Rico I should like to read a telegram received by the Secretary of War on January 17 from the Governor of Porto Rico, in which he said:

Refusal of Senate to agree to raise in sugar tariff, as advocated by House, creates a most serious situation on our island. All of our sugar companies are still suffering from the results of cyclone. All were operating at a loss last year. If we do not obtain increase in price, which we expected would result from the increased tariff, 31 of our sugar companies will probably go into the hands of receivers by July 1. The worst aspect of this is that these are the small Porto Rican owned companies. The large companies with foreign capital behind them can probably pull through, but every last one of our small local companies will go to the wall. I do not have to point out to you that this will mean a desperate situation not only in the banks but in our labor condition, for it will throw literally thousands of our people out of work. I can not exaggerate the gravity of the condition that would result.

Mr. President, we did not have that information when the matter was brought up in the Senate before. Although I visited Porto Rico just after the hurricane, and was as instrumental as possible in securing the relief for them, I did not appreciate how seriously the smaller sugar plantations were affected.

A letter from the Governor of Porto Rico to General Parker, Chief of the Bureau of Insular Affairs, contains further information in regard to this matter in connection with the cablegram which I have just read. The governor said, under date of January 17:

DEAR GENERAL PARKER: I cabled you to-day on the sugar tariff. My cable was in no way an exaggeration of existing conditions. If the tariff on raw sugar is not raised, Porto Rico is going to be in desperate case. Roughly speaking, our situation is as follows:

There are four large foreign-owned sugar corporations which produce each year 385,000 tons of sugar. That represents about 50 per cent of our production. The balance consists of the combined production of a number of smaller mills, the largest of which turns out 31,000 tons. We have made a careful survey of these smaller mills with reference to their financial situation. We have consulted with well-known bankers on the matter. Doctor Chardon—

He is the commissioner of agriculture and one of the best agricultural commissioners in the Western Hemisphere—

and Mr. Domenech have studied personally their individual and general conditions. Our opinion now is that of these smaller mills 31 will go into the hands of receivers in July next if the tariff on raw sugar is not raised.

I hope, Mr. President, that any Senator within the sound of my voice who hears that statement and realizes the truth of it and the suffering that is going to result if this amendment is not adopted will not be afraid to change his vote if necessary merely because of statements that have been made on the floor and in other places with regard to the meaning of such a change of votes. Surely the needs of a large number of American citizens who are dependent upon us to relieve their suffering ought to have weight in encouraging him to give them relief if it can be done at such a small expense to the average American consumer.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. BINGHAM. I am glad to yield to my friend from Virginia.

Mr. GLASS. Will the Senator say that he has presented these facts and these arguments to any Senator who is alleged to have changed his vote?

Mr. BINGHAM. No. I am presenting them now for the first time to the Senate and calling Senators' attention to the facts that have been received from the governor recently.

Mr. GLASS. Exactly; but if as alleged by the Senator from Arkansas [Mr. CARAWAY] there has been a trade and Senators have swapped off their votes, why should the Senator from Connecticut be appealing to Senators of that sort?

Mr. BINGHAM. Mr. President, I did not hear all of the speech of the Senator from Arkansas, but only the latter part of it. I am not aware of any Senators having "swapped off their votes" or made any "trade." I presume that Senators who vote this afternoon with regard to a tariff on sugar will vote their convictions, as the Senator from Virginia will do and as I propose to do.

Mr. GLASS. That I hope may be true, but the Senator is appealing to nobody who voted against the amendment on the previous occasion, but only Senators who have already bartered off their votes are amenable to an appeal of that sort.

Mr. BINGHAM. I never have accused any Senator of having bargained off his vote and I think too highly of my colleagues to believe that they are going to indulge in trades of that kind, even though I may differ with friends on the other side of the aisle who believe that whenever anyone changes his vote it is in consequence of some kind of a trade or bargain. If one changes one's mind in regard to a public matter, one is sure to be accused on this floor of either having been influenced by some trade or having been influenced by political reasons. I have been subject to the same thing myself by being accused of changing my attitude on the Monroe doctrine for political reasons. The fact that it was changed by the history of the Great War is never accepted by those who desire to call me to account for having changed my mind.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Kentucky?

Mr. BINGHAM. I yield.

Mr. BARKLEY. The Senator in that regard, at least, had enough respect for the Senate to offer his reasons for changing his views. But up to date that course has not been followed with reference to anyone who will change his vote on this matter.

Mr. BINGHAM. As I understand it, and the Senator will correct me if I am not in accord with the facts, the vote which we are to have at 3 o'clock is a vote on a new proposition which has not before been submitted to the Senate, and is not a vote over again on the same thing on which we voted before. Therefore, if I may have the attention of the Senator from Kentucky, I do not understand what he means by changing one's vote on the amendment. As I understand it, no one has had an opportunity to vote on this particular amendment before.

Mr. President, reverting to the letter from the Governor of Porto Rico, I continue reading:

Our opinion now is that of these smaller mills, 31 will go into the hands of receivers in July next if the tariff on raw sugar is not raised. These 31 mills are divided as follows: 4 are financed with foreign capital, 27 are Porto Rican concerns owned by Porto Ricans.

To phrase it differently, it is our belief now, based on careful investigation, that every Porto Rican-owned mill will be put into the hands of a receiver by next July unless the House stands firm and the tariff on raw sugar is raised.

The condition outlined above has been brought about by a series of misfortunes, among which the cyclone holds a prominent place. None of the mills made money last year. All lost money. As a result, all have had to draw on their capital in order to operate. The small mills have small capital and it is exhausted. Every last one of them is heavily mortgaged.

In reciting the above condition it is hardly necessary to amplify on what the effect would be of such a catastrophe. You know what the situation of our banks is. If these 31 mills failed, I think it is almost certain that bank failures would follow in their train. Should our credit system, which is in such a precarious position, receive a blow of this sort, it is difficult to know how far the consequence would go. About 25,000 of our laborers who are now getting the scanty pay that meagerly supports them from these mills would be out of work. There is nowhere else they could turn for aid.

We have four principal agricultural crops on the island—sugar, tobacco, fruit, and coffee. The cyclone ruined our coffee. This year our crop will be negligible. Heavy rains have damaged our tobacco crop by 30 per cent, in the opinion of our department of agriculture.

Therefore, the failure to pass an increased tariff on raw sugar would at this time spell disaster for our rehabilitation plans for the island of Porto Rico.

Would you mind giving a copy of this letter to my brother-in-law, Nick Longworth, and to Don Felix Cordova Davila?

Yours very sincerely,

THEODORE ROOSEVELT.

Brig. Gen. F. LEJ. PARKER, United States Army,
Chief of Bureau of Insular Affairs,
War Department, Washington, D. C.

Mr. President, I am sure that the good people of the United States, although naturally objecting to any increase in the cost of living, when they learn that thousands of their fellow citizens in Porto Rico will be affected very seriously unless they, the citizens on the mainland, are willing to pay a few cents more per year for the sugar they use, will not then seriously object to the increase in the tariff on sugar, and I hope most emphatically that the amendment which has been offered by the senior Senator from Utah will be adopted by the Senate.

Mr. HOWELL. Mr. President, the proposal of the distinguished Senator from Utah [Mr. SMOOT] provides for an added

duty of 0.24 of 1 cent per pound on sugar, or $4.80 a ton. Assuming the consumption of sugar at the present time to be that of 1928, when this country was consuming 6,200,000 tons, it is evident that the annual increase in the Nation's sugar bill resulting from the adoption of the amendment would be approximately $30,000,000. It has been insisted, and, I think, not without justification, that none of the tariffs, where effective 100 per cent, are merely effective 100 per cent, but that pyramiding results. In connection with the proposed increase it has been estimated that pyramiding will add about $5,000,000 a year. That would go to the wholesaler and the retailer. As a consequence it is really proposed to increase the annual sugar bill of the country $35,000,000.

What is the purpose of this increase? It is to aid the continental farmer in the United States producing beets and sugarcane. Therefore very properly the question arises, How much of the $35,000,000 will reach the farmer? This is not difficult to determine. About $5,000,000 will go to wholesalers and retailers of sugar.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I yield.

Mr. SMOOT. It costs just as much for the wholesaler and retailer to distribute the sugar, whether it is 5 cents a pound or whether it is 6 cents a pound. That cost is stationary, no matter what the price of sugar may be. For instance, I have taken from the New York Times of to-day the quotations on sugar. Raw sugar sold yesterday at $1.53. Think of that, $1.53! When I spoke before on the sugar question I quoted from the New York Times, and at that time sugar was quoted at $1.99. In other words, since I made my speech previously on sugar the price has dropped 46 cents a hundred below what it was at that time.

So far as distribution is concerned, the retailer never makes any money. I had delivered to the door of my house yesterday 10 pounds of sugar for 51 cents. Is there any other commodity in the world as cheap? I know of none. I am calling attention to the fact that so far as distribution cost is concerned it cost just as much whether the price is 5 or 6 or 7 cents, or whatever it may be.

Mr. HOWELL. Mr. President, I realize that should be true, but when we came to boots and shoes one of the great arguments used in that connection was that we must necessarily add at least 50 per cent to whatever the proposed tariff on hides might add to the cost of boots and shoes. It was held and argued on the floor of the Senate in connection with sugar in a previous debate that this pyramiding was sure to follow, and it does ultimately follow if a tariff increase persists over a period of time. However that may be, I have simply called attention to the fact that it is probable that the cost to the American consumer as a result of the adoption of this amendment would not only be the amount of sugar used in this country multiplied by 0.24 of 1 per cent per pound but in addition thereto the cost of distribution, which has been called pyramiding. This is estimated at $5,000,000.

But aside from that, what of the remaining $30,000,000? There is no question about that being added to the sugar bill of this country.

Of this sum $13,000,000 will go to the Treasury of the United States because of added duties collected upon sugar from Cuba and elsewhere; and the Treasury does not need $13,000,000 from this source. The sum of $11,000,000 will go to the Philippine Islands, to Porto Rico, to the Virgin Islands, and to Hawaii, and less than $6,000,000 of the $30,000,000 will go to the continental producers and manufacturers of sugar. Every dollar of that, less than $6,000,000, will be paid to the manufacturers of sugar, and, as a consequence, the farmers producing beets and cane will probably not get more than $2,000,000; yet it is the farmer whom we are aiming to aid by such legislation.

In short, out of every dollar of the increased sugar bill that will result not more than 7 cents will reach the producers of beets and cane. As a matter of fact, instead of this measure being for the benefit and in the interest of the continental producers of sugarcane and beets, if enacted, it will really be in the interest of our island possessions. Certainly one not informed as to the situation would assume such to be the case, because they are to get $11,000,000 of the $30,000,000, and our farmers at home will get but $2,000,000.

However, Mr. President, there is not the least doubt in the world that the sugar industry in continental United States is in distress and is entitled to consideration, to aid, and to assistance. We ought to do something for the sugar producers in continental United States if we want to perpetuate our domestic sugar industry. It is our duty to do it, and we ought to do it as a matter of selfishness, because it is the only thing that will protect us against extortionate sugar charges. This tariff method, however, is the most inefficient way of aiding the producers of cane and beets in this country.

Moreover, not only do these producers need assistance but they need more assistance than twenty-four one-hundredths of a cent a pound; they need forty-four one-hundredths of a cent a pound, at least; but, as we only produce 1,200,000 tons of the 6,200,000 tons of sugar we consume in this country, if we would aid the producers of this 1,200,000 tons directly we could give them forty-four one-hundredths of a cent a pound at a cost of but $10,600,000, instead of saddling an added sales tax upon the people, in connection with sugar, that will total in the neighborhood of $35,000,000, and then only afford twenty-four one-hundredths of a cent a pound to the domestic producers.

In short, we can directly aid the sugar producers by affording them a bounty of forty-four one-hundredths of a cent per pound at a cost to the American people of but $10,600,000, whereas by the method proposed we shall aid them by little more than half of forty-four one-hundredths of a cent a pound at a cost of $35,000,000 Which method should appeal to us as business men and as the directors of this great Nation? Therefore, to carry out such a proposal, Mr. President, I offer as a substitute for the amendment of the Senator from Utah [Mr. SMOOT] the amendment which I send to the desk.

The VICE PRESIDENT. Let the amendment be stated.

The LEGISLATIVE CLERK. On page 121, between lines 21 and 22, it is proposed to insert the following:

(a) Subject to the limitations hereinafter specified, there shall be paid by the Federal Farm Board, out of the proceeds of issues of customs warrants, allowances upon sugar produced by domestic manufacturers from sugar beets or sugarcane grown within the continental United States. The rates of such allowances shall be determined by the Federal Farm Board but shall not be in excess of the following rates: For each pound of sugar testing by the polariscope above 88 sugar degrees and not above 90 sugar degrees, 0.365 cent, and for each additional sugar degree shown by the polariscope test, 0.0075 of 1 cent additional, and fractions of a degree in proportion. After making the deduction provided for in subdivision (b), 90 per cent of the remainder of the allowance upon any sugar shall be paid to the grower of the sugar beets or sugarcane from which the sugar is produced, and 10 per cent of the remainder of the allowance shall be paid to the manufacturer producing the sugar.

(b) Whenever hereafter and for the crop year of 1929 the Federal Farm Board determines that the growers of sugar beets or sugarcane are entitled to Federal aid for any crop year, the board shall from time to time call upon the Secretary of the Treasury to issue customs warrants in amounts sufficient to meet allowances payable under this paragraph. Customs warrants so issued shall be sold from time to time by the Federal Farm Board. If any customs warrants so issued to meet allowances payable upon sugar produced from sugar beets or sugarcane of any crop year are sold by the Federal Farm Board for less than par value, the amount of the difference between the par value and the amount for which such warrants are sold shall be deducted from the allowances to be paid upon such sugar in accordance with such regulations as the Federal Farm Board shall provide. In the event that customs warrants are issued as herein provided, claims for allowances upon any quantity of sugar are authorized to be filed at any time within six months after the production of the sugar, and shall be paid promptly by the Federal Farm Board.

(c) Title to customs warrants shall be transferable by delivery. A customs warrant when presented by the bearer thereof within one year from the date of issuance shall be legal tender at its par value for payment of duties on imports. The Secretary of the Treasury shall prepare and issue such warrants whenever requested by the Federal Farm Board. Customs warrants shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended (U. S. C., title 18, sec. 261).

(d) No allowance shall be paid upon any sugar which has at any time been imported into the continental United States or upon which an allowance has previously been paid under this paragraph.

(e) No manufacturer shall be eligible to receive any allowance upon sugar produced from sugar beets or sugarcane of any crop year unless such manufacturer files with the Federal Farm Board prior to July 1 of such year, except in the case of the crop year of 1929, a notice of an intention to claim the benefits of this paragraph. Such notice shall be in such form, and shall be filed for the crop year of 1929, as the Federal Farm Board shall by regulation prescribe, and shall include an estimate of the amount of sugar proposed to be produced by the manufacturer from sugar beets and sugarcane of such crop year. No allowance shall be paid to any manufacturer upon sugar produced from sugar beets or sugarcane of any crop year unless the manufacturer produces at least 2,000 pounds of sugar from sugar beets and sugarcane of such crop year.

(f) No allowance shall be paid to any person unless he files claim therefor and maintains books, records, accounts, and memoranda necessary for the purposes of this paragraph, in such form and manner as the Federal Farm Board shall by regulation prescribe, nor unless such person permits the examination of and produces such books, accounts, records, and memoranda in accordance with such regulations as the Federal Farm Board shall prescribe.

(g) Any transaction of the Treasury Department in issuing or receiving customs warrants or of the Federal Farm Board in paying allowances under this paragraph shall be final and conclusive upon all officers of the Government, except that all such transactions shall be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination shall be for the sole purpose of making a report to the Congress and to the Secretary of the Treasury of expenditures in violation of law, together with such recommendations with respect thereto as the Comptroller General deems advisable.

(h) Any person who knowingly or without the exercise of due diligence makes any statement or representation that is false in any substantial particular with respect to any claim of himself or any other person under this paragraph, or who knowingly receives any allowance under this paragraph to which he is not entitled, or who knowingly files a claim for any such allowance shall, upon conviction thereof, be subject to a fine of not more than $1,000.

(i) The proceeds from the sale of all customs warrants shall be covered into a special fund to be administered by the Federal Farm Board for the purpose of paying allowances as provided in this paragraph.

The VICE PRESIDENT. The Chair will state to the Senator from Nebraska that his amendment is not in order as a substitute for the amendment proposed by the Senator from Utah, but would be in order as an independent amendment.

Mr. HOWELL. Mr. President, I hope there will be no objection made to the consideration of the amendment at this time. It proposes to accomplish relief for the sugar industry of this country in one way, whereas the amendment of the Senator from Utah proposes to afford relief in another way. It seems to me that, as a matter of reason, the amendment should be in order, because it is merely another method of accomplishing the same purpose that is intended to be accomplished by the amendment of the Senator from Utah. Therefore, I hope the Senate will be afforded an opportunity of voting upon the amendment before a final vote shall be taken upon the amendment of the Senator from Utah.

Mr. BORAH. Mr. President, if the amendment of the Senator from Nebraska be admissible as an independent amendment, separate and apart from the amendment offered by the Senator from Utah, would it be permissible to have a vote upon it now?

The VICE PRESIDENT. It would be by unanimous consent. The unanimous-consent order is that at 3 o'clock there shall be a vote on the amendment proposed by the Senator from Utah; but by unanimous consent a vote could be had upon the amendment proposed by the Senator from Nebraska at any time before 3 o'clock.

Mr. HOWELL. I ask unanimous consent that my amendment may first be disposed of.

The VICE PRESIDENT. Is there objection to voting upon the amendment proposed by the Senator from Nebraska?

Mr. HARRISON. Mr. President, I do not want to object to the request, and I would not object to unanimous consent that it be submitted, notwithstanding the rules of the Senate, as a substitute for the amendment offered by the Senator from Utah; but I know that one or two Senators have left here not expecting a vote to be taken at half past 1, and if we have a vote now on this proposition it will not only consume time which was to be devoted to the discussion but Senators who are not here now will not be present to vote on it.

Mr. WALSH of Montana. Mr. President, let me suggest that the request be that at the hour of 3 o'clock a vote be taken on this amendment prior to the vote on the amendment offered by the Senator from Utah.

Mr. HOWELL. I make the request in that form, Mr. President.

The VICE PRESIDENT. Is there objection to the request?

Mr. HARRISON. As I understand, the Senator is offering his amendment as a substitute and asking unanimous consent that it be taken as a substitute for the amendment offered by the Senator from Utah, and to be voted on at 3 o'clock.

Mr. HOWELL. Yes.

Mr. HARRISON. I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. THOMAS of Idaho. Mr. President, I think at this time I shall object. I may not do so later, but at the present time I shall object on account of the absence of several Senators.

The VICE PRESIDENT. There is objection at the present time.

Mr. HOWELL. I trust the Senator will withdraw his objection, because I propose to surrender the floor immediately so that just prior to voting I may have an opportunity to make a 5-minute explanation of the proposal.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. HOWELL. Mr. President, I realize that it is somewhat difficult to follow this amendment in its details. However, it has been very carefully drawn; and as a brief explanation I will say that it provides, at a cost of $10,600,000 to the Treasury of the United States, a bounty or forty-four one-hundredths of a cent a pound, to be distributed by the Farm Board when it deems that the industry is in trouble. The amendment also provides what proportion of this $10,600,000 is to go to the producer of beets and cane, and what proportion is to go to the manufacturer. It provides that 20 per cent shall go to the sugar mill and that 80 per cent shall go to the actual producer of the beets and cane. It further provides that the Farm Board can apply its provisions in connection with the 1929 crop, which is now being marketed, or about to be marketed. It provides that the bounty can be rendered available in any year when it is particularly needed, and, as I have stated, at a minimum cost to the people of the United States. The minimum annual cost of the amendment offered by the Senator from Utah is $30,000,000, of which not more than $6,000,000 will reach the manufacturer and producer of sugar in continental United States; whereas this amendment provides for a maximum cost of but $10,600,000—all going to the manufacturer and the producer. Moreover, we indicate what portion of that $10,600,000 shall go to the producer—80 per cent. I am speaking now of the farmer. So, as a matter of efficiency, this amendment is far beyond the proposal offered by the Senator from Utah.

Mr. HARRISON. Mr. President, may I ask how the time has run?

The VICE PRESIDENT. The proponents of the amendment have 19½ minutes left. Outside of the 19½ minutes, those opposed to it have until 3 o'clock. The clerk informs the Chair that that is an hour and five minutes.

Mr. HARRISON. I will say to the Senator from Utah that I do not know that there are any other speeches to be made on this side. I expect to say something later, but if the Senator wants a little more time I will yield him some of that time; that is, we will make no objection to his going a little over that time. I think the Senator from Massachusetts [Mr. WALSH], who is not now in the Chamber, desires only about 10 minutes to speak.

Mr. SMOOT obtained the floor.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I do.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goldsborough	McMaster	Steck
Black	Gould	McNary	Steiwer
Blaine	Greene	Metcalf	Stephens
Borah	Grundy	Moses	Sullivan
Bratton	Hale	Norbeck	Swanson
Brock	Harris	Norris	Thomas, Idaho
Brookhart	Harrison	Nye	Thomas, Okla.
Broussard	Hastings	Oddie	Townsend
Capper	Hatfield	Overman	Trammell
Caraway	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pine	Wagner
Couzens	Heflin	Pittman	Walcott
Cutting	Howell	Ransdell	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Robsion, Ky.	Waterman
Fess	Kean	Schall	Watson
Fletcher	Keyes	Sheppard	Wheeler

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The Senator from Mississippi is recognized.

Mr. HARRISON. Mr. President, I had understood that the Senator from Utah was going ahead.

Mr. SMOOT. I prefer to have the Senator from Mississippi proceed, if he will.

Mr. HARRISON. I prefer to have the Senator from Utah speak first.

Mr. SMOOT. Nobody has made any statement on the other side.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. SMOOT. Mr. President, there is so short a time at my disposal that it is impossible for me at this time even to begin to answer some of the statements that have been made during this discussion. I therefore shall confine myself to a brief written statement prepared last night, because I have not more time at my disposal to say more than I have included in this statement.

The Senator from Montana, in his address yesterday, made the point that an increase in the rate of duty is unjustified because a single company—the Great Western—finds it possible to operate at a profit. It has been explained time and again that the Great Western has been able to survive the killing competition of Cuban sugar because it operates under extremely favorable circumstances of growing territory and marketing areas. The conditions that prevail in the Great Western's territory are not representative of the industry as a whole. They are representative, as a matter of fact, of only 1 sugar company of more than 20 which operate in the United States beet fields and they have no relation at all to the conditions which prevail in the cane districts of Louisiana and Florida.

I submit to the Senators that it is absurd and unwise to single out a company and to base all arguments on its corporate standing. Certainly we have not taken that position in regard to any other item in the whole tariff bill, and if any such attitude had been taken, we would have had no tariff bill at all. If the argument holds good in the case of the Great Western Sugar Co., then I suggest that it might also be used in the case of wheat. Do the wheat farmers need no help merely because Mr. Campbell, of Montana, is one of the exceptions to the general depression which prevails among the small-grain farmers? Everyone knows that Mr. Campbell is the largest producer of wheat in the United States, and I may add, I think, in the world, and he makes a profit at his business. But I doubt very much that the conditions which apply to his enterprise in Montana can be used as an argument against relief for the wheat farmers in North Dakota, or South Dakota, or Minnesota, or any of the other grain States. Does it follow merely because a few ranchers are making money that no tariff is needed to help the cattlemen of the Nation? So it is with every item in the bill, and I am persuaded that Senators from the interested States would express resentment if an isolated circumstance were used as the basis for judging an entire industry.

A great deal of the clamor that has been set up in opposition to the sugar duty has come from the representatives of the soda-pop and confectionery industries. I call attention, in this connection, to a report which came to my desk this morning from Ernst & Ernst, perhaps the largest firm of accountants and auditors in the United States. Their weekly bulletin dated March 4 contains comparative statistics of corporation profits for 1929 and 1928. Under the heading of beverages and confections, I find the statement that the profits of 22 such companies increased 18.39 per cent in 1929 over 1928. The profits for 1929 were $42,411,000 as against $35,821,000 in the year previous, an increase roughly of $7,000,000. Looking at these figures I can not believe that the manufacturers of candy and pop are headed for economic disaster. Any Senator on the floor who is so inclined may compare these figures with the earnings of the sugar companies of the United States. He will discover that the earnings of the sugar producers have so collapsed that only one of them is paying a dividend, and that is being paid out of its surpluses. That company, of course, is the Great Western.

It is true that the Great Western in days gone by has been prosperous, but its money was made when the price of sugar was from 1 to 5 cents higher than it is at the moment. If foreign companies and foreign countries are permitted to continue their exploitation, it is only a matter of time before that great company—for which the Senator from Montana expresses such admiration—will itself be "on the rocks," or in the same condition that 18 other sugar companies located in various parts of the Union now find themselves. These conditions are shown in the report which was filed with the Senate Finance Committee at the request of the senior Senator from Mississippi. No, my friends, the great and beneficial principle of protection was not established to further the cause of the most prosperous company in any particular industry, but to establish such tariff rates as would expand and build up an industry as a whole. Had we proceeded on any other theory than this, the United States would now simply be producing raw materials, while other countries would be turning out the finished product, and we would be paying such prices as they saw fit to exact.

So much for the argument concerning the Great Western. I have shown the tremendous increase in profits in the soda-pop and confectionary industries as a whole. What are the conditions in specific companies? I read from the Wall Street Journal of February 27, as follows:

> Increase in the Coca-Cola dividend to $6 from $4 a share a year was forecast in several quarters in Wall Street. Action was justified by the persistent growth of the company. Since 1922 sales have increased approximately 86 per cent, and in the same period there was a gain in the net income of more than 103 per cent, indicating economies practiced in the distribution of its product.

What have there profits been? I quote once more from a recent issue of Printer's Ink:

> Net profits of the Coca-Cola Co., Atlanta, for 1929 amounted to $12,758,276, after all charges, against $10,189,120 for the previous year. Sales for the year amounted to $39,260,813, against sales of $34,745,758 for 1929, an increase of 12.9 per cent.

Mr. President, I submit that these figures, taken from unprejudiced sources, demonstrate that we need waste no great concern on the candy industry or the manufacturers of soda waters. They are making money hand over fist; they are making more money now than they have ever made before, and their only purpose in opposing a higher duty is the hope of increasing still further the enormous returns on their industry. The increase which I have proposed would add only an infinitesimal part of a cent to the production cost of a bottle of pop, a candy bar, or a box of sweets. At all events, the increase would be so amazingly small that the most labored explanation must fail to convince us that an increased price for the product would be justified.

Yesterday the price on Cuban sugar of 96° was $1.53 a hundred, the lowest price I have ever seen quoted for that sugar, and I ask, Have these confectioners and this pop outfit who have been flooding the Senate with protests, paying untold thousands and millions of dollars for advertisements, dropped the price of a bottle of pop or a pound of candy a cent? Everybody knows they have not. Yet they are the great howlers against the increase of 24 cents a hundred pounds on sugar.

Another point: There have been no protests against the sugar rates proposed by the consumers, for whom the heart of the Senator from Mississippi is so sympathetically touched. Not in the hearings before the House Ways and Means Committee, not in the hearings before the Senate Finance Committee, not in the debates on the floor of the Senate, has there been introduced one scintilla of evidence that the consumer fears the increase. The reason is that any fair-minded consumer, any housewife who buys her sugar at a corner grocery, knows that the prices now prevailing are lower than they have been in long years past.

As I have stated, there were delivered to my house yesterday 10 pounds of sugar for 51 cents. Is there another commodity in the world as cheap? Is there any other commodity in all the world on which there are no profits made by the handlers from the time it is sacked until it is delivered to the consumer? When I was engaged in merchandising I never thought of making more than 25 cents on a hundred pounds of sugar, and out of the 25 cents I was compelled to haul the sugar from the depot to the store and then deliver the sacks of sugar from the store to the consumer. Is there any other commodity in the world handled in that fashion? There is none that I know of, and I am positive there is none.

I am not so adept at calculating costs as the Senator from Mississippi. He finds that some staggering tax will be placed upon the people of the United States. I find, in all sincerity, that the cost of the increase which I have proposed would amount to no more than the cost of a package of cigarettes or a couple of bottles of the Senator's pop. If that be a staggering burden, then I should like to know a light one.

The simple truth of the matter is that if no tariff relief is granted it will be impossible for the continental sugar industry to continue in operation. That is a statement of fact, not theory. Any Senator who has read the record will find a statement of the deplorable conditions which now exist in all save one sugar district and sugar company. We are called upon to help remedy the situation by enacting a higher rate of duty against Cuba, the principal source of competition for the domestic industry. I grant that the Philippines are a problem, but we had far better take one hurdle at a time. When that has been accomplished successfully we will have an opportunity to complete the protection of the domestic industry by voting on a limitation of Philippine imports.

Mr. President, I am hopeful that the Members of the Senate will play fair with the sugar producers of the United States.

I want to call attention to the fact that the American consumer of sugar in the year 1920 paid enough for Cuban sugar, over and above the price fixed for the American sugar by our Government, to build every sugar factory there is in the United

States. What conclusion are we to draw from that? Just destroy the industry in the United States and let Wall Street have absolute control over the production of sugar in the Philippines?

The VICE PRESIDENT. The Senator has two minutes left.

Mr. SMOOT. I want to say now to the Senators here who are called upon to vote on this proposition that the people of the United States will not only pay for sugar what they have paid in the past but they will pay dearly for the control if the local consumption of sugar is destroyed.

Mr. HARRISON. Mr. President, I hope the Chair will take 15 minutes of my time and give it to the Senator from Utah, if the Senator wants 15 minutes more.

Mr. SMOOT. If the Senator from Mississippi will allow me to have 15 minutes after he speaks, I shall be glad to take it.

Mr. HARRISON. No; I make the offer to the Senator in good faith, but if the Senator does not want the 15 minutes, very well.

Mr. SMOOT. I think we ought to play fair in this matter. The Senator has sat here all the time, he would not rise to take any of his time, he wants to close the argument, and I am not going to deny him. That is all right. He has that right, and I wish the Senator now to proceed. I am hoping he will not be successful.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. HARRISON. Mr. President, I do not want the Senator from Utah to think I am taking any unfair advantage of him. He can be recognized now, so far as I am concerned, for 15 minutes more.

Mr. SMOOT. I did not say the Senator was unfair. I did not even intimate that. The Senator has done just what he thought was best in the present situation, and I have no complaint to make. The Senator can proceed. If there is any time left and nobody else wants to speak, and the Senator does not object, I would like to take a little longer time.

Mr. HARRISON. Mr. President, I do not see the Senator from Massachusetts [Mr. WALSH] in the Chamber.

Mr. McNARY. Mr. President, will the Senator yield while I suggest the absence of a quorum?

Mr. HARRISON. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Shortridge
Asburst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goldsborough	McMaster	Steck
Black	Gould	McNary	Steiwer
Blaine	Greene	Metcalf	Stephens
Borah	Grundy	Moses	Sullivan
Bratton	Hale	Norbeck	Swanson
Brock	Harris	Norris	Thomas, Idaho
Brookhart	Harrison	Nye	Thomas, Okla.
Broussard	Hastings	Oddie	Townsend
Capper	Hatfield	Overman	Trammell
Caraway	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pine	Wagner
Couzens	Heflin	Pittman	Wolcott
Cutting	Howell	Ransdell	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Keyes	Sheppard	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. HOWELL. Mr. President, I renew my unanimous-consent request that the vote upon the amendment which I have offered shall take place at 3 o'clock, prior to the vote upon the amendment of the Senator from Utah [Mr. SMOOT], without any further discussion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. President, when in January last the vote was taken in the Senate on the sugar amendment, after days and days of discussion, following arguments pro and con, the amendment to retain the duty of 1.76 cents a pound as against Cuban sugar was carried by the overwhelming vote of 48 to 38. Every attempt made by the distinguished chairman of the Finance Committee [Mr. SMOOT] at that time to increase the tax burden upon the American housewife and the other consumers of sugar in the country was thwarted and defeated.

Following the action of the Senate the newspapers were, I dare say, more unanimous in their approval of what the Senate had done than they have been as to any action taken in the Senate in the past decade. The report went far and wide that the sugar lobby, composed of gentlemen of rare diplomacy, of fine ability, of winsome ways, of attractive manners, had been at work in the Capital City. They had invaded the offices of Senators and had made their arguments. They had employed means which I do not say were reprehensible, but every kind—well, I will say of legitimate method was employed in order to obtain votes for an increased duty. But with all their persistence and their fine organization and the wide propaganda they employed, they were defeated. There was rejoicing throughout the country that night when the radio carried the news through space out into the humble homes of the poor as well as into the homes of those of moderate means. With acclaim and approbation they received the news of the action of the Senate.

We thought the fight was over. We thought these very amiable gentlemen from Hawaii, these very fine and pleasing personalities from Utah, and the other gentlemen from various parts of the West, who were here to obtain an increase in taxes upon the sugar consumers of the land, would leave Washington for awhile and let there be peace and harmony not only in the minds of Senators but in the humble homes of the land among the consumers of sugar. But not so. They knew that they had able champions upon the floor of the Senate. They knew they occupied a strategic position in this body. They knew that somehow or other, through the head of the subcommittee of the Committee on Ways and Means of the House having sugar in charge, they had a friend at court. He had stood out and fought and he had placed in the bill 2.40 cents a pound as against Cuban sugar. What care they whether the duty imposed cost the American people $350,000,000 a year?

They knew, too, that in this body and on the Finance Committee there was a man who had labored in season and out of season to put duties upon sugar and add to the burdens of the sugar consumers of the land; that he had never given up; that when he was beaten one day he laid his plans for the next day to put an increased duty on sugar. So they occupied that favorable position.

The chairman of the Committee on Finance, leading in this fight to increase the burdens upon the sugar consumers, and some of the Senators who sit within the sound of my voice listening to me, are going to fall for it. But be careful! Begin to prepare your speeches now. Begin to plan your political fight for the future. Begin to get ready with your answer. Make preparations to defend the arguments of the men throughout the country, from Maine out into the State of Washington, who will question your vote upon this proposition and want to know the reason why you are adding these additional burdens upon the sugar consumers of the land. Yes; by following this gentleman he will be pleased with you. His people are interested in the matter. He admitted himself that he is interested in it also. Follow him, if you will, but remember that the day of reckoning is coming, and that, as portrayed by every newspaper in the country, in the next campaign, whether it be in the Democratic or Republican primaries or in the general elections, the sugar issue will be the major issue—the burning issue—for which Senators will have to answer to their constituencies.

Mr. President, yesterday the Senator from Virginia [Mr. SWANSON] called attention to the fact that we ought to change the rules of the Senate and do away with the consideration of measures in Committee of the Whole, so that it will be impossible to get a vote one way in Committee of the Whole and another vote in the Senate, dilly-dallying around until votes can be changed overnight. I am in favor of such a change in the rules. The spectacle which I have seen for the first time in my legislative experience in the consideration of this bill forces me to say that I would vote for a change in the rules of the Senate.

The fact is that the Members of the Senate at the beginning of the Government, able and distinguished as they were, when rules were first adopted for the procedure of the Senate, provided that a bill should first be considered by this body as in Committee of the Whole; then it should be reported to the Senate, and be considered all over again; in other words, it should be considered de novo. I do not know what the reasons for that method of procedure were, but I know that if one searches the pages of congressional history he will find only in the very rarest instances that when a bill was reported from the Committee of the Whole to the Senate that a separate vote was even asked in the Senate upon an amendment which had been adopted as in Committee of the Whole. If one will search those pages, he will find no instance in which Senators voted one way on a measure when it was considered as in Committee of the Whole and voted the other way when it was under consideration in the Senate. They stood sturdy and strong, like the oak, unmoved by the passing breeze.

What confidence can we expect the American people to have in us, what respect will they have for senatorial statesmanship when they recall the fights which were waged so bitterly for days, when arguments were hurled, pro and con, even for weeks on this question, and when a vote was taken which was decisive, and then read in glowing headlines a few weeks later that the Senate reversed itself on that vote and had adopted an entirely different amendment; that it had undone what it had previously done? Do Senators think we shall elevate the Senate in the estimation of the American people by such tactics? Even the Senator from Utah knows that such procedure will lower the Senate in the estimation of the American people.

Mr. SMOOT. Mr. President, I want to say that the amendment now pending before the Senate is not the same as the amendment which was previously voted on. I desire further to say that I do not know that, if adopted, the amendment would lower the Senate in the estimation of the American people. Not only that, but I will admit now that I own 440 shares of Utah-Idaho sugar stock, and it is quoted to-day at 75 cents a share.

Mr. HARRISON. The Senator from Utah has previously stated that. I am going to tell the Senator the price of another stock that is quoted to-day. Listen to me, Senators; let the word be carried to those Senators who are expecting to change their votes. The stock of the Great Western Sugar Co., which controls 48 per cent of the sugar which is manufactured from beets in this country, and which made profits in the last eight years to the extent of $51,000,000, rose to-day in price on the exchange $2 a share. Why? On the strength of the statement that the Senate is going to retrace its steps, repudiate what it previously did, and vote more money into the coffers of the Great Western Sugar Co. I wonder what the Senator from Utah has to say about that? Do Senators here by their action wish to help the Great Western Sugar Co. at the expense of the American consumers? I repeat that the stock of the Great Western Sugar Co. rose $2 a share.

Mr. SMOOT. From what previous price, I will ask the Senator from Mississippi?

Mr. HARRISON. It rose from $28.50, where it was only the other day, until this morning it reached $32 a share.

Mr. SMOOT. Stocks of all companies of every nature vary in price. The price of Great Western stock may be down to $28 a share to-morrow.

Mr. HARRISON. Yes; but the Senator from Utah will have great difficulty in contending that the news which went out from here that eight Senators were going to change their votes did not affect the price of that stock.

Mr. SMOOT. I can say that it was only a few months ago when Great Western sugar stock was selling for nearly $50 a share, but in the slump it went down to less than $30 a share. Now, the Senator from Mississippi is citing a $2 increase in the price of that stock as an example of what may happen. I will say to the Senator that the price of that stock will have to go up $10 or $15 more before it reaches its former level.

Mr. HARRISON. It has gone up $2 a share more; it has gone to $32 a share.

Mr. SMOOT. But that is not nearly as high as its price was a few months ago.

Mr. HARRISON. The Senator from Utah ought to get busy again, and submit another amendment which would make the rate about $3 a hundred pounds. Then the Great Western Sugar Co. would applaud, and I know its representatives are up in the Senate galleries now and are looking down upon him with approval.

Mr. SMOOT. And so are the representatives of the "pop" producers in the galleries. I can see them.

Mr. HARRISON. So are the representatives of the "pop" producers; and God knows they ought to be here. [Laughter.]

The VICE PRESIDENT rapped with his gavel.

Mr. HARRISON. It is a pity that more of the housewives are not in the galleries, too. Let me read something about the Great Western Sugar Co.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. BARKLEY. Mr. President, if this amendment shall be adopted, and the bill shall go to conference, and a compromise shall be entered into at a rate somewhere between $2 and $2.40, which was the rate adopted by the House, how much more will the stock of the Great Western Sugar Co. rise in value?

Mr. HARRISON. No one in the world can tell how high it will go. I do not know how high Utah-Idaho beet-sugar stock will go or how high the stock of the Holly Sugar Co. will go. It made more money last year——

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. HARRISON. I yield.

Mr. GLASS. Let us have a little guessing match here. If the stock rose $2 overnight upon the mere rumor that in some way eight Senators have been induced to change their minds, how high will it rise when the vote takes place and they vote that way?

Mr. HARRISON. In the wildest flights of my imagination I can not imagine how high it may go. [Laughter.]

The Great Western Co. is the company that is going to be helped, because the Senator from Utah himself will deny that it produces 48 per cent of all the sugar that is made from sugar beets in this country. The Senator nods his head in acquiescence, so we agree about one thing.

In 1922 the Great Western Sugar Co. made profits of $8,500,000, starting out a few years ago with a capitalization, I believe, at that time of about $29,000,000. In 1923 it made $6,879,000; in 1924 it made $12,004,000; in 1925 this concern, which Senators by their votes are going to help, made $10,897,000; in 1926 it made $6,424,000; in 1927 it made $3,365,000; in 1928 it made $3,530,000. In nine years it has made $51,537,000.

Mr. SMITH. On what capital?

Mr. HARRISON. It started off with a capitalization of $29,000,000, as I recall.

Mr. WALSH of Montana. Mr. President, the Senator might also state that last year it made over $7,000,000 in profits.

Mr. HARRISON. I thank the Senator. Mr. President, here [exhibiting] is the report of the Great Western Sugar Co. for last year. It did not appear before the committee and ask for the increase, and I have nothing to offer in criticism of it. I wish that other sugar companies in the United States were as well managed and efficiently operated as is the Great Western Sugar Co.

If they were, they would not be going into the hands of receivers. It is a well-managed organization and has made tremendous profits, and yet by action here which would add from $30,000,000 to $33,000,000 more to the burden upon the American people, that company would be given nearly half of whatever benefit is to accrue. I will put the figures in the RECORD, but let us see what the report of the Great Western Sugar Co., issued on April 8, 1929—there is no April fool about it, either—says:

> The domestic producers of sugar, both cane and beet, are seeking to bring about a reasonable increase of import duties on sugar from foreign countries, as well as to have restored some restriction upon duty-free importation sugar from the Philippine Islands.

In its report it says that conditions are going to get better; that they will improve, because, it says, there is an agitation in Congress to give it greater advantage and permission to extort and exact more money from the American sugar consumers.

Now, let us see what the Holly Co. says. That company controls nearly 10 per cent of all the sugar produced from sugar beets in this country. These two companies together—the Great Western and the Holly—control about 57 per cent of the total domestic production in this country of sugar from sugar beets. Did the Holly Co. go into the hands of a receiver? No; its report shows it to be in fine condition; the company made money last year. In its report it is stated:

> Sugar was produced this year at the lowest cost in the history of the company, due to increased capacity and operating efficiency in the plants, and fully justified the capital expenditures of about half a million dollars.

Then it is stated in the company's report:

> Because of these conditions, we are confident Congress will provide a reasonable increase in the tariff. The representatives of the beet-sugar industry have urged Congress to increase the tariff on Cuban sugar 64 cents per hundred pounds, equivalent to about $1.50 a ton on beets.

Now, there are the two concerns controlling more than 58 per cent of the sugar produced from sugar beets in the country, making profits, and stating in their reports that they are fighting for a higher tariff duty in order that they may increase their profits and their dividends to their stockholders, and Senators are going to help them do it.

Ah, the distinguished and eloquent and flamboyant Senator from Michigan [Mr. VANDENBERG] this morning said that I was trying to destroy the sugar-beet industry and the sugarcane industry in this country. No, Mr. President; I am more conservative in my action with reference to this subject than is the Tariff Commission or any other body that has impartially investigated this situation and the conditions surrounding it, because I have not tried to reduce the tariff below the present

rate; I have fought to maintain the present rate. What has that rate done?

Mr. President, in 1921 the Senator from Utah only asked in the beginning for a tariff rate in the neighborhood of $1.40, but the first thing we knew he had climbed up and asked for a rate of $1.60 a hundred pounds against Cuban sugar. We thought then he had gone wild, but he said the increased rate was needed; that the price of sugar was dropping in Cuba; that it might go down to 2 cents a pound, and he said, "Give us $1.60, because then we will be able to maintain the domestic industry." The very next year, in 1922, he had himself named as chairman of the sugar subcommittee on the tariff bill then being considered, notwithstanding the admission he has just made upon the floor of the Senate that he owned stock in a sugar company, and he jacked up the rate to $1.76 a hundred pounds. It was done without rime or reason.

When the vote was taken on that proposal Senators from New England practically all voted against it, and they went back to their constituents and told them that they thought they ought to be patted on the back for what they had done; yet the same leader would now make it harder for them to go back to their States and explain their attitude, if they shall vote to increase the rate to 2 cents a pound.

The Republican Party has given to the sugar interests of this country the highest favors; it has given them better treatment than was ever accorded to any other industry in America. Why do I say that? Because in 20 years they have taxed the American people to the extent of $3,000,000,000 in order to help that industry. What did they do it for? They did it because they wanted to increase production in the United States; they have tried to do that constantly by increasing the rate of duty and yet the production in the United States has not increased during that time. Let me give the Senate the figures as to production. It remained practically stationary. One year it may be a little lower than another; but, taking it as a whole, while there may be a little increase, the production of sugar beets is about the same now as it was 20 years ago.

As to the sugarcane interest, Mr. President, it reached a very low tide a few years ago, due to disease, I know; and I sincerely regret it. I am glad the production is on the increase now, and I hope it will continue. But if we were dependent upon Louisiana for the sugar consumed in the United States, do you know how long it would run? Is that what you are seeking to do by putting a duty of 2 cents a pound on it—to keep all foreign sugar out of this country?

A duty is imposed for three purposes.

One is to raise revenue. I have not heard of any cry for this duty on the revenue basis.

Another is to encourage production of the particular product in the United States. You have tried it out for more than a century and you have not brought about increased production in the United States.

If, on the other hand, you just want to keep out everything, what are we going to do? Continental United States produces about one-fifth to one-sixth of the consumption needs of the United States. If we had had to depend upon Louisiana in 1925, her production of sugar would have run the United States just two days. If we had to depend now upon the West to produce enough sugar beets to manufacture sugar for the United States, it would run us just two months, or 60 days.

Are we not being kind to the sugar industry? Have we tried to destroy the sugar industry? No; we have gone beyond what the Tariff Commission said in its report, after an impartial investigation—a report made by a man named Brossard, who came from Utah, and who is a protegé of the chairman of the Finance Committee, who not only tastes sweet but smells sweet, so much obsessed by sugar is he. In that report, made after the finding of that commission, they said that the difference in the cost of production of sugar in this country and in Cuba was 1.23 cents a pound, and I believe there were two members of the commission who did go as high as 1.57 cents a pound; and we have given them 1.76 cents a pound. Here they are clamoring now for 2 cents a pound, and only a few months ago they clamored for and received 2.40 cents a pound in the action of the House, under the whip and spur of the leadership of that body.

Defeated? Why, when the vote was taken on this amendment, and it was defeated by 10 votes, the Senator from Utah [Mr. SMOOT] served notice upon this body that he would offer another amendment to make the duty 2 cents; and I pleaded with him, while the matter was fresh in the minds of Senators following that long debate, to offer his amendment then; but he did not do it. You ask me why. I can only say that the results that have followed tell me why. They answer the question. He wanted time.

These gentlemen, amiable and fine as they are, representing the sugar-beet interest and the sugarcane interest, brought pressure to bear on me; yes. I went to school in Louisiana. I love the people of Louisiana. They are my neighbors. I do not know the line that separates them from my State. I received most of my education there; and they have been at work on me to change my vote. No, Mr. President; I think they are treated better now, as I say, than other industries in this country. There is no rime or reason in increasing this rate. The price of sugar to-day is temporary. If you take it for 20 years, you will find that at some times in the year it goes down, but the averages remain about the same.

Senators talk about the condition a few years ago, when the price of sugar climbed up to 30 cents a pound. I will never forget it. The housewives of this country will never forget it. The little children who went without candy will never forget it. The men and women who made soft drinks will never forget it. Why? Because the sugar-beet interests and the cane interests were just as avaricious in trying to gouge and extort from the American people as were the sugar interests of Cuba or Porto Rico or Hawaii. None of them have wings.

At that time, when the price of sugar got so high, the Senator from Connecticut [Mr. WALCOTT] was giving the benefit of his advice to the Food Administration. They were trying to bring down the price so as at least to make it possible to supply the needs of the country and the soldiers at the front. The Senator from Connecticut did his part in the matter; and he knows, because he is astute and able, that it was necessary to go with the strong arm of this Government, through the Department of Justice, into the courts of the land, and bring into court these men who are now crying for higher duties, who are striving to put heavier burdens upon the American people, and indict them at the bar of their fellow men. The very company in which the Senator from Utah just told the Senate he owns so much stock was brought into the courts and was indicted for extortion, for trying to obtain excessive prices.

No; there are no wings on these sugar angels. They are trying to get now more than their just part, as they were trying then to get more than they were entitled to.

Let us look at the production to see if all this $3,000,000,000 that has been laid upon the backs of the American people through the higher rates that have been given to the producers has increased the production.

In 1921 there were produced in the United States 1,086,000 pounds of beet sugar.

In 1922 the production was 1,021,000 pounds.

It fell down a little bit the next year.

In 1925 it was about the same—1,091,000 pounds.

In 1928 it was 1,081,000 pounds.

In 1929 it was 1,040,000 pounds.

So when we raised the duty in 1922 up to 1.76 cents a pound, it brought about no increase in the production of sugar in the United States.

The figures I have just given referred to beet sugar. Let us see now about cane sugar.

The production of cane sugar in 1922 was 324,000 tons.

In 1923 it had dropped to 295,000 tons.

Next year it had dropped to 162,000 tons.

Next year it dropped to 88,000 tons.

Next year it was 137,000 tons.

Next year it was 47,000 tons.

Next year it was 71,000 tons.

That is how the production has responded to this high tax that has been laid upon the sugar consumers of the land.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. HARRISON. I yield.

Mr. BROUSSARD. Will the Senator read the production in Louisiana up to date?

Mr. HARRISON. Yes. In 1929 they raised 132,000 tons in Louisiana.

Mr. BROUSSARD. Will the Senator yield further?

Mr. HARRISON. Yes.

Mr. BROUSSARD. They produced over 200,000 tons.

Mr. HARRISON. Of course, the Tariff Commission is never correct. That is where I got these figures.

Mr. BROUSSARD. They are not correct.

Mr. HARRISON. Let us take it as 200,000 tons, then. My figures are all wrong, according to the Senator. That shows practically 50 per cent less production than there was in 1922.

These gentlemen cry eloquently in behalf of the sugar-beet farmers of the country. Let us see how the price of sugar beets has gone up. Would you not think there would be a

large increase in the price that the farmer of sugar beets obtained after getting all these beneficent favors from the Government? It is the farmer they say they want to help; but it is the Great Western and the Holly Sugar Cos. that we will help if we put in this duty, because they are the boys who fix the price of the sugar beets.

Ah, they first wanted to "maintain the American scale of wages." They do not talk much more about that, since even the Representative from Colorado described how they brought Mexicans over here, and that the white people could not get down on their hands and knees and get the beets from the ground.

Here is the price of sugar beets in dollars per ton:

In 1905, away back there—that is a long time ago—the average price per ton in the United States was $5.10.

In 1907 it was $5.20.

In 1912 it was $5.82.

In 1917 it was $7.39. That is what the farmer received.

In 1921 he received $6.35—just a dollar difference; that is all.

Next year he received $7.91.

The next year, in 1923, he received $8.99.

In 1924 he received $7.92.

In 1925 he received $6.39.

In 1926 he received $7.61.

In 1927 he received $7.67.

What happened since the passage of the bill in 1922, when we raised the tariff up to 1.76 cents a pound on Cuban sugar from what it was before. I find that in 1922 the price was $7.91, and in 1927 and 1928 it was $7.67; so the price of sugar beets went down, but the profits of the Great Western Sugar Co. and the profits of the Holly Sugar Co. went up.

Ah, Senators, do not be deceived on that matter! You are not helping the farmers by this increased duty. There are 30,000,000 American people engaged in and dependent upon agriculture in the United States. Not 1 per cent of that number is interested in growing sugarcane or sugar beets, and yet it is claimed that this is in the interest of agriculture. By carrying this amendment we will increase the burden about $15,000,000 on the farmers of America themselves, and from $32,000,000 to $37,000,000 on the American people as a whole.

What justification have the Senators who supported the amendment that was offered some weeks ago to maintain the duty at 1.76, and keep the present law, and voted against the amendment offered by the Senator from Utah to make it 2.20 as to Cuban sugar, which would have increased the cost $52,000,000—what justification have they now for turning around and turning a somersault and voting for an amendment that increases the duty over the amendment they voted for, but increases it just $20,000,000 less than the amendment offered by the Senator from Utah before? In other words, they are trying to justify voting against imposing a burden of $52,000,000 upon the American sugar consumer, but they are going to defend putting a burden upon the American consumer of from thirty-two to thirty-seven million dollars. I am glad that somebody else has to make that explanation, and offer that excuse, and make that defense, than I. It must be done; it will have to be done.

I plead with my fellow Senators, at this time in the consideration of this bill, when we have worked hand in hand to keep these enormous taxes from being imposed upon the American consumer, when we have stricken down some inordinately high rates, when we have tried to equalize duties in behalf of American agriculture, working for months and months and months to bring us to this place, up the hill that we have tried to climb, do not trip us now, and do not send a pang of sorrow throughout this land where before there was rejoicing.

The American people would not understand it. How can you expect them, when we have voted deliberately upon the proposition, to have any faith in it? They would say, "That body, that Senate of the United States! You can not tell one day what they are going to do the next." They will scoff forever at this vote on sugar, when in January we said that the duty of 1.76 cents was quite sufficient, and a few weeks later turned around and said it was not high enough.

I submit this cause to the Senate. I have no more interest in it than any other Senator has. I am not going to question the motives of any man. I say one thing, however, that another Senator said, that either my friend from Utah is the purest or the most cunning man in this body. I have heard rumor and suspicion directed at this Senator and that Senator with reference to this vote, but the Senator from Utah was cunning. He said even yesterday that he did not know whether he had votes enough to carry this amendment, when everybody else thought that he had enough votes if the vote had been taken last night. Of course, to-day it is different, because some men sometimes give answer to lobbyists when they have a right to change their opinion, when their convictions are at stake.

I have had all kinds of pressure brought on me with reference to lumber. Lumber is grown in my State. It is one of our best resources. The people engaged in the lumber industry have been among my warmest friends. They have stood by me in every political battle I have ever waged. They have contributed to my campaign funds. They have called me on the long-distance telephone during this tariff discussion; they have pleaded with me in the corridors of the Capitol; they have written to me letters by the hundreds. But what would be the situation if I should vote for a tariff on lumber, in the circumstances? It would be said, "It looks suspicious. He has been against the lumber schedule. He formed his convictions no doubt conscientiously." If I should shift and vote for a tariff on lumber in the circumstances, I would lose the respect of my people, and rightly so.

I told them that we had won out in the fight on oil, that we had won out in the fight on lumber, that we had won out in the fight on sugar, and if sugar, oil, and lumber now prevail, what will the American people think of it?

I shall find no fault with any Senator upon this side of the aisle who voted for the amendment I offered before on sugar and who now changes his vote, acknowledging that he was wrong, and votes for the higher duty. I shall find no fault with gentlemen on the other side who want to change their views with reference to that. But this fight in behalf of the consumers of the United States was won. Those who voted to maintain the rates received no criticism, either through editorials in the press or from their constituents, except from those who were interested directly in the matter. Why are you going to vote for the amendment? What will the American people have a right to say if we turn around now and undo what we have already done? Men who do it will have to explain to their constituents, and, oh, what a hard job that will be.

What would the American people think of me if I lived in a State where oil was produced and I should go back and say to those people, "I made a fight for oil. I tried to get a duty upon oil. I tried to help the oil interests of my State, but I could not get enough votes to do it. The judgment of the Senate was against me, and the only way I could possibly secure the adoption of the duty was to vote with some other gentlemen for something else which they wanted"? That might satisfy the constituents of some Senators, but it would not satisfy the constituents I am proud to claim in the State of Mississippi.

The same thing might be said by some gentleman who made a heroic fight for a duty on lumber; and they did make a great fight. I do not think I ever heard in behalf of a cause a more eloquent speech than that made by the distinguished junior Senator from Washington [Mr. DILL]. It was a fine speech, it was a masterly speech. He believed in what he was talking about. But he lost in his fight.

Senators, I hope that the time has not come, or will ever come, when Senators believe that they must vote for something in a combination in order to carry their point on a duty they want for something produced in their States.

Let not the Senate begin it to-day. I want to appeal to those Senators who before voted against raising the duty beyond 1.76 a pound, and who come from New England, and who come from other places in this country where the people are consumers of sugar. I look into the scholarly countenance of my friend the senior Senator from Connecticut [Mr. BINGHAM]. He spoke a while ago.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. TRAMMELL. I want to state that one of the most masterly and eloquent speeches I have heard in the Senate, even comparable with that of the Senator from Washington on lumber, was the speech of the Senator from Mississippi in behalf of the dye schedule.

Mr. HARRISON. Yes; I made a very good speech that day.

Mr. President, I was talking to the Senator from Connecticut when I was interrupted, not rudely interrupted, because my friend from Florida never rudely interrupts anybody, and I want to say to him that those of us who made the fight in behalf of the sugar consumers of the country in January were delighted to have his assistance, notwithstanding the pressure that was brought to bear upon him at that time to vote for this increased duty the Senator from Utah wanted to have imposed. The Senator from Florida stood up like a man. It took courage, because I know that the Dahlberg interests have gone into Florida. I know they have secured—how many acres is it—20,000?

Mr. TRAMMELL. About 25,000 acres.

Mr. HARRISON. They have about 25,000 acres there. They are smart people. I know them. They have a plant down in Louisiana. I read in the debate before a statement of Mr. Dahlberg, when he was trying to sell stocks of his concern, in

which he said that every subsidiary and every company in his organization was making money and was prosperous. That is the concern that has gone into Florida. So I say it took nerve indeed for the Senator to stand up with us. I congratulate him.

The other day I saw in the papers a dispatch from down in Florida. I knew what it was. I knew it was cunning propaganda that was backed by these distinguished gentlemen who are up in the gallery now waiting for your names to be called so that they can go home and say, "Boys, we are going to give you bigger dividends in the future than you have had in the past." I read in the papers from Florida a column dispatch about a great sugar refinery to be established at some place in Florida. I knew that the purpose was to have the astute eye of the junior Senator from Florida, as well as of his colleague, read that, so that he would say, "See here; we are going to have a big industry down here. I can not vote against SMOOT any more. I will have to vote for his amendment."

They reckoned without their host. The distinguished Senator from Florida had the courage, had the nerve, to vote before for 1.76, believing that it was enough, believing that it was all that was desirable. I can not believe it possible that, through propaganda such as that or otherwise, the distinguished and illustrious Senator will change his vote on this occasion.

I was about to get to my friend from Connecticut [Mr. BINGHAM]. He spoke a while ago, not in behalf of the sugar consumers of Connecticut, not in behalf of these people whose backs are bent throughout the country to-day, who are being thrown out of employment by the tens of thousands, with bread lines forming in Maine, and up in Cleveland, Ohio, and out in Indiana, and everywhere in this land, people who can not get jobs. Factories, it is said, are being closed down. Yet the Senator was not speaking for those people, but he was speaking for Porto Rico. "Help Porto Rico. Increase the duty."

Half of the production in Porto Rico is making profits in that island. There are not more prosperous concerns than there are in Hawaii. Of course, by raising the duty the Philippines, Hawaii, and Porto Rico will be helped that much more, perhaps, but you are not helping the sugar producer of the United States. You will just hurt millions of men and women, people of great means, of poor means, of moderate means, who will have to withstand this increased burden upon them. I hope the Senate will not lose its head and stamp a stain and stigma upon itself in this instance. I hope the Senate will vote down the amendment offered by the Senator from Utah.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment made as in Committee on the Whole.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Does the amendment of the Senator from Nebraska propose a lowering of the present rate?

The VICE PRESIDENT. That is not a parliamentary inquiry.

Mr. MOSES. Mr. President, let the amendment be read.

The VICE PRESIDENT. The amendment will be again read for the information of the Senate.

The CHIEF CLERK. On page 121, between lines 21 and 22, insert the following:

(a) Subject to the limitations hereinafter specified, there shall be paid by the Federal Farm Board, out of the proceeds of issues of customs warrants, allowances upon sugar produced by domestic manufacturers from sugar beets or sugar cane grown within the continental United States. The rates of such allowances shall be determined by the Federal Farm Board but shall not be in excess of the following rates: For each pound of sugar testing by the polariscope above 88 sugar degrees and not above 90 sugar degrees, 0.365 cents, and for each additional sugar degree shown by the polariscope test, 0.0075 of 1 cent additional, and fractions of a degree in proportion. After making the deduction provided for in subdivision (b), 90 per cent of the remainder of the allowance upon any sugar shall be paid to the grower of the sugar beets or sugar cane from which the sugar is produced and 10 per cent of the remainder of the allowance shall be paid to the manufacturer producing the sugar.

(b) Whenever hereafter, and for the crop year 1929, the Federal Farm Board determines that the growers of sugar beets or sugar cane are entitled to Federal aid for any crop year, and the board shall, from time to time, call upon the Secretary of the Treasury to issue customs warrants in amounts sufficient to meet allowances payable under this paragraph. Customs warrants so issued shall be sold from time to time by the Federal Farm Board. If any customs warrants so issued to meet allowances payable upon sugar produced from sugar beets or sugar cane of any crop year are sold by the Federal Farm Board for less than par value, the amount of the difference between the par value and the amount for which such warrants are sold shall be deducted from the allowances to be paid upon such sugar, in accordance with such regulations as the Federal Farm Board shall provide. In the event that customs warrants are issued as herein provided, claims for allowances upon any quantity of sugar are authorized to be filed at any time within six months after the production of the sugar and shall be paid promptly by the Federal Farm Board.

(c) Title to customs warrants shall be transferable by delivery. A customs warrant, when presented by the bearer thereof within one year from the date of issuance, shall be legal tender at its par value for payments of duties on imports. The Secretary of the Treasury shall prepare and issue such warrants whenever requested by the Federal Farm Board. Customs warrants shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended (U. S. C., title 18, sec. 261).

(d) No allowance shall be paid upon any sugar which has at any time been imported into the continental United States or upon which an allowance has previously been paid under this paragraph.

(e) No manufacturer shall be eligible to receive any allowance upon sugar produced from sugar beets or sugar cane of any crop year unless such manufacturer files with the Federal Farm Board, prior to July 1 of such year, except in the case of the crop year 1929, a notice of an intention to claim the benefits of this paragraph. Such notice shall be in such form and shall be filed for the crop year 1929 as the Federal Farm Board shall by regulation prescribe, and shall include an estimate of the amount of sugar proposed to be produced by the manufacturer from sugar beets and sugar cane of such crop year. No allowance shall be paid to any manufacturer upon sugar produced from sugar beets or sugar cane of any crop year unless the manufacturer produces at least 2,000 pounds of sugar from sugar beets and sugar cane of such crop year.

(f) No allowance shall be paid to any person unless he files claim therefor and maintains books, records, accounts, and memoranda necessary for the purposes of this paragraph, in such form and manner as the Federal Farm Board shall by regulation prescribe, nor unless such person permits the examination of and produces such books, accounts, records, and memoranda in accordance with such regulations as the Federal Farm Board shall prescribe.

(g) Any transaction of the Treasury Department in issuing or receiving customs warrants or of the Federal Farm Board in paying allowances under this paragraph shall be final and conclusive upon all officers of the Government, except that all such transactions shall be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination shall be for the sole purpose of making a report to the Congress and to the Secretary of the Treasury of expenditures in violation of law, together with such recommendations with respect thereto as the Comptroller General deems advisable.

(h) Any person who knowingly or without the exercise of due diligence makes any statement or representation that is false in any substantial particular with respect to any claim of himself or any other person under this paragraph, or who knowingly receives any allowance under this paragraph to which he is not entitled, or who knowingly files a claim for any such allowance, shall, upon conviction thereof, be subject to a fine of not more than $1,000.

(i) The proceeds from the sale of all customs warrants shall be covered into a special fund to be administered by the Federal Farm Board for the purpose of paying allowances as provided in this paragraph.

Mr. BORAH. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). For the last few days I have had a general pair with the junior Senator from South Carolina [Mr. BLEASE], who is necessarily absent. I understand that upon this vote he would vote as I shall vote. Accordingly I vote. I vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I understand that on this question he would vote as I am about to vote. Therefore I vote. I vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. If he were present, I understand he would vote as I shall vote. Therefore I vote. I vote "nay."

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. I understand if he were present he would vote as I shall vote. I therefore vote. I vote "nay."

The roll call was concluded.

Mr. SHEPPARD. The senior Senator from Pennsylvania [Mr. REED] and the senior Senator from Arkansas [Mr. ROBINSON] have a general pair. They are both detained in attendance on the naval conference in London.

Mr. LA FOLLETTE. The senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. If present, he would vote "yea."

Mr. CONNALLY. I have a pair with the Senator from Wyoming [Mr. KENDRICK], which I transfer to the Senator from South Carolina [Mr. BLEASE], and vote "nay."

The result was announced—yeas 22, nays 66, as follows:

YEAS—22

Allen	Frazier	La Follette	Schall
Blaine	Hatfield	McMaster	Thomas, Okla.
Borah	Hayden	Norbeck	Trammell
Brookhart	Howell	Norris	Wheeler
Capper	Johnson	Nye	
Cutting	Jones	Pittman	

NAYS—66

Ashurst	Glass	McKellar	Steck
Baird	Glenn	McNary	Steiwer
Barkley	Goldsborough	Metcalf	Stephens
Bingham	Gould	Moses	Sullivan
Black	Greene	Oddie	Swanson
Bratton	Grundy	Overman	Thomas, Idaho
Brock	Hale	Patterson	Townsend
Broussard	Harris	Phipps	Tydings
Caraway	Harrison	Pine	Vandenberg
Connally	Hastings	Ransdell	Wagner
Copeland	Hawes	Robinson, Ind.	Walcott
Couzens	Hebert	Robsion, Ky.	Walsh, Mass.
Dale	Heflin	Sheppard	Walsh, Mont.
Dill	Kean	Shortridge	Waterman
Fess	Keyes	Simmons	Watson
Fletcher	King	Smith	
George	McCulloch	Smoot	

NOT VOTING—8

Blease	Gillett	Kendrick	Robinson, Ark.
Deneen	Goff	Reed	Shipstead

So Mr. HOWELL'S amendment to the amendment, made as in Committee of the Whole, was rejected.

The VICE PRESIDENT. The question now is on the amendment proposed by the Senator from Utah [Mr. SMOOT] to the amendment made as in Committee of the Whole, which will be reported for the information of the Senate.

The CHIEF CLERK. On page 121, strike out paragraph 501 and insert:

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscope test 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CONNALLY (when his name was called). On this vote I have a special pair with the Senator from Wyoming [Mr. KENDRICK]. I have been endeavoring to secure a transfer of that pair, but have been unable to do so. Were the Senator from Wyoming present, he would vote "yea," and if I were permitted to vote I should vote "nay."

Mr. GLENN (when his name was called). For the last few days, during the necessary absence of the junior Senator from South Carolina [Mr. BLEASE], I have had a general pair with him. That general pair still subsists, and I therefore refrain from voting.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN], I transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "nay."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). I desire to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] and to say that if he were present he would "nay."

Mr. SIMMONS (when his name was called). I have been released from my general pair with the senior Senator from Massachusetts [Mr. GILLETT] upon this vote, and I vote "nay."

Mr. TYDINGS (when his name was called). On this vote I have a pair with the senior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the senior Senator from Massachusetts [Mr. GILLETT] and vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that the Senator from Pennsylvania [Mr. REED] and the Senator from Arkansas [Mr. ROBINSON] have a general pair between them, and that they are detained by attendance on the naval conference at London.

The result was announced—yeas 47, nays 39, as follows:

YEAS—47

Ashurst	Fletcher	Hatfield	McCulloch
Baird	Frazier	Hayden	McNary
Bingham	Goldsborough	Hebert	Metcalf
Broussard	Gould	Howell	Moses
Couzens	Greene	Johnson	Nye
Dale	Grundy	Jones	Oddie
Dill	Hale	Kean	Patterson
Fess	Hastings	King	Phipps
Pine	Smoot	Thomas, Okla.	Walcott
Ransdell	Steiwer	Townsend	Waterman
Schall	Sullivan	Trammell	Watson
Shortridge	Thomas, Idaho	Vandenberg	

NAYS—39

Allen	Copeland	McKellar	Smith
Barkley	Cutting	McMaster	Steck
Black	George	Norbeck	Stephens
Blaine	Glass	Norris	Swanson
Borah	Harris	Overman	Tydings
Bratton	Harrison	Pittman	Wagner
Brock	Hawes	Robinson, Ind.	Walsh, Mass.
Brookhart	Heflin	Robsion, Ky.	Walsh, Mont.
Capper	Keyes	Sheppard	Wheeler
Caraway	La Follette	Simmons	

NOT VOTING—10

Blease	Gillett	Kendrick	Shipstead
Connally	Glenn	Reed	
Deneen	Goff	Robinson, Ark.	

So Mr. SMOOT'S amendment to the amendment, made as in Committee of the Whole, was agreed to.

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD, immediately following the vote just taken, the vote appearing in the CONGRESSIONAL RECORD of January 16, at pages 1690 and 1691, together with the pairs, as well as memoranda here which show the additional cost to the American consumers in each State of the Union by virtue of the amendment adopted.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of January 16, 1930, p. 1690]

The VICE PRESIDENT. The amendment to the amendment will be read.

The CHIEF CLERK. On page 121, line 12, in the committee amendment, strike out "$1.5425 cents" and insert in lieu thereof "1.24 cents," so as to make the first clause of paragraph 501 read:

"Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.24 cents per pound."

Mr. HARRISON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). On this question I have a pair with the Senator from New York [Mr. COPELAND]. If he were present, he would vote "yea." Were I permitted to vote, I would vote "nay."

Mr. FLETCHER (when his name was called). On this vote I have a pair with the Senator from New Mexico [Mr. CUTTING]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. GLENN (when his name was called). On this question I have a pair with the senior Senator from Montana [Mr. WALSH], who is necessarily absent.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS], who is necessarily absent. I understand that if he were present he would vote as I would vote; therefore I feel free to vote. I vote "yea."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from Pennsylvania [Mr. REED] are absent in attendance on the naval conference in London. They have a general pair on all questions.

I also wish to announce that the Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

Mr. HARRISON. I wish to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is necessarily detained from the Senate by illness. If present, he would vote "yea."

The result was announced—yeas 48, nays, 38, as follows:

Yeas—48: Messrs. Allen, Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Dill, George, Gillett, Glass, Goff, Harris, Harrison, Hawes, Hayden, Heflin, Jones, Keyes, La Follette, McKellar, McMaster, Metcalf, Norbeck, Norris, Overman, Pine, Robinson of Indiana, Robsion of Kentucky, Schall, Sheppard, Shipstead, Simmons, Smith, Steck, Swanson, Thomas of Oklahoma, Trammell, Tydings, Wagner, Walsh of Massachusetts, and Wheeler.

Nays—38: Messrs. Baird, Bingham, Broussard, Couzens, Dale, Deneen, Frazier, Goldsborough, Gould, Greene, Grundy, Hale, Hastings, Hatfield, Hebert, Howell, Johnson, Kean, Kendrick, King, McCulloch, McNary, Moses, Nye, Oddie, Patterson, Phipps, Ransdell, Shortridge, Smoot, Steiwer, Sullivan, Thomas of Idaho, Townsend, Vandenberg, Walcott, Waterman, and Watson.

Not voting—10: Messrs. Copeland, Cutting, Fess, Fletcher, Glenn, Pittman, Reed, Robinson of Arkansas, Stephens, and Walsh of Montana.

So Mr. HARRISON'S amendment to the amendment of the committee was agreed to.

Additional cost to the American public if the tariff on Cuban sugar is increased from the present rate of 1.7648 cents per pound to 2 cents per pound

[NOTE.—These figures are based solely on the duty and do not take into consideration the actual cost of the sugar to the consumer.]

DUTY BY STATES

States	Pounds of sugar consumed in 1929	Extra cost under present tariff	Additional cost if 2-cent duty is adopted	Total extra cost if 2-cent duty is adopted
Alabama	277,884,000	$5,557,680.00	$694,710.00	$6,252,390.00
Arizona	51,192,000	1,023,840.00	127,980.00	1,151,820.00
Arkansas	209,952,000	4,199,040.00	524,880.00	4,723,920.00
California	492,048,000	9,840,960.00	1,230,120.00	11,071,080.00
Colorado	117,720,000	2,354,400.00	294,300.00	2,648,700.00
Connecticut	180,036,000	3,600,720.00	450,090.00	4,050,810.00
Delaware	26,352,000	527,040.00	65,880.00	592,920.00
District of Columbia	59,616,000	1,192,320.00	149,040.00	1,341,360.00
Florida	152,388,000	3,047,760.00	380,970.00	3,428,730.00
Georgia	345,924,000	6,918,480.00	864,810.00	7,783,290.00
Idaho	58,968,000	1,179,360.00	147,420.00	1,326,780.00
Illinois	798,768,000	15,975,360.00	1,996,920.00	17,972,280.00
Indiana	343,008,000	6,860,160.00	857,520.00	7,717,680.00
Iowa	262,224,000	5,244,480.00	655,560.00	5,900,040.00
Kansas	198,180,000	3,963,600.00	495,450.00	4,459,050.00
Kentucky	275,724,000	5,514,480.00	689,310.00	6,203,790.00
Louisiana	210,600,000	4,212,000.00	526,500.00	4,738,500.00
Maine	85,860,000	1,717,200.00	214,650.00	1,931,850.00
Maryland	174,528,000	3,490,560.00	436,320.00	3,926,880.00
Massachusetts	463,320,000	9,266,400.00	1,158,300.00	10,424,700.00
Michigan	495,828,000	9,916,560.00	1,239,570.00	11,156,130.00
Minnesota	293,976,000	5,879,520.00	734,940.00	6,614,460.00
Mississippi	193,386,744	3,867,734.88	483,466.86	4,351,201.74
Missouri	380,484,000	7,609,680.00	951,210.00	8,560,890.00
Montana	59,280,012	1,185,600.24	148,200.03	1,333,800.27
Nebraska	152,064,000	3,041,280.00	380,160.00	3,421,440.00
Nevada	8,359,956	167,199.12	20,899.89	188,099.01
New Hampshire	49,248,000	984,960.00	125,120.00	1,108,080.00
New Jersey	412,668,000	8,253,360.00	1,031,670.00	9,285,030.00
New Mexico	42,768,000	855,360.00	106,920.00	962,280.00
New York	1,247,400,000	24,948,000.00	3,118,500.00	28,066,500.00
North Carolina	317,304,000	6,346,080.00	793,260.00	7,139,340.00
North Dakota	69,248,736	1,384,974.72	173,121.84	1,558,096.56
Ohio	737,208,000	14,744,160.00	1,843,020.00	16,587,180.00
Oklahoma	262,008,000	5,240,160.00	655,020.00	5,895,180.00
Oregon	97,416,000	1,948,320.00	243,540.00	2,191,860.00
Pennsylvania	1,064,232,000	21,284,640.00	2,660,580.00	23,945,220.00
Rhode Island	77,328,000	1,546,560.00	193,320.00	1,739,880.00
South Carolina	201,312,000	4,026,240.00	503,280.00	4,529,520.00
South Dakota	76,032,000	1,520,640.00	190,080.00	1,710,720.00
Tennessee	270,216,000	5,404,320.00	675,540.00	6,079,860.00
Texas	592,596,000	11,851,920.00	1,481,490.00	13,333,410.00
Utah	57,348,000	1,146,960.00	143,370.00	1,290,330.00
Vermont	38,062,224	761,244.48	95,155.56	856,400.04
Virginia	278,100,000	5,562,000.00	695,250.00	6,257,250.00
Washington	171,396,000	3,427,920.00	428,490.00	3,856,410.00
West Virginia	186,192,000	3,723,840.00	465,480.00	4,189,320.00
Wisconsin	318,924,000	6,378,480.00	797,310.00	7,175,790.00
Wyoming	26,676,000	533,520.00	66,690.00	600,210.00
Total	12,961,353,672	259,227,073.44	32,403,384.18	291,630,457.62

Mr. BARKLEY. Mr. President, I ask unanimous consent that immediately following the roll call just inserted in the RECORD by the Senator from Mississippi there may be printed an editorial from the Washington Post of Friday, February 28, on The Problem of Sugar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Washington Post of Friday, February 28, 1930]

THE PROBLEM OF SUGAR

The American household is not yet free from the danger of a higher duty on sugar. An effort is to be made to reverse the vote taken in the Senate in Committee of the Whole. The tariff bill is open to amendment in the Senate, and Senator SMOOT will try to rally a majority for an increased sugar duty. When the bill goes into conference another last effort will be made to saddle upon the consumers a tax which, it is alleged, will help to protect the domestic sugar producers.

So long as sugar is admitted free of duty from one part of the world an increased duty on sugar from another part of the world will not shield or protect the domestic producer from foreign competition. Proof of this statement is shown by the fact that domestic production has fallen off in spite of the increased duty applied in the Fordney-McCumber tariff. In 1922 the duty as applying to Cuba was increased from 1.35 to 1.76 cents a pound, but domestic sugar production is less now than it was in 1922. The duty of 1.76 cents a pound is about 100 per cent ad valorem, as sugar is sold on board ship in Cuba at 1.80 cents a pound.

When an industry fails to thrive when protected by 100 per cent duty it is evident that other factors than the tariff are at work. The domestic sugar producers until lately have stubbornly refused to take these other factors into account, and still harbor the delusion that a higher duty on part of the imports will contribute to their prosperity. They now admit that sugar from the Philippines, free of duty, is a growing menace to them, but instead of demanding a limitation upon the Philippine imports they resort to a foolish agitation for the independence of the Philippines. The United States will not cast the Philippines adrift for the sake of shutting out Philippine sugar. It is a waste of time for the domestic sugar producers to ask Congress to embroil this country in international difficulties for the purpose of imposing a duty on Philippine sugar.

The circumstances surrounding the problem of sugar are different from those affecting any other item in the tariff bill. Domestic industry can not supply the country's sugar demands, no matter how high the duty may be placed. Cuba or the Philippines must furnish one-half of the country's needs. A higher duty on Cuban sugar, leaving Philippine sugar free of duty, merely adds to the cost of sugar to the American consumer, without benefiting the domestic industry a particle.

The sugar problem is really a question between the consumers of the United States and the Republic of Cuba, which furnishes nearly one-half of the imports. A higher duty does not settle this question, because consumers must still purchase this foreign sugar. The domestic industry can not supplant Cuban sugar. High freight rates, the difficulties of labor, the ravages of insect pests, and other factors have actually diminished domestic sugar production in spite of the 100 per cent duty against Cuban sugar.

When Congress refuses to increase the sugar duty it protects the American household against an unnecessary tax. The vote in the Senate Committee of the Whole gave satisfaction to the entire public. Until this problem can be studied further and a solution found which will encourage domestic production, it would be unwise to impose a needless burden upon every American household.

The most objectionable feature of the tariff bill as passed by the House was the increased duty on sugar. Millions of consumers object to this duty. They are justified in this stand, because the sacrifice demanded of them does not correspondingly benefit domestic producers. It is a foolish and oppressive tax upon every American table. Congress should study this question and find a solution that will encourage domestic sugar production. A higher tax on the consumer is no solution at all.

Mr. SMOOT. Mr. President, I have been asked by a great number of Senators that the Senate now take up the bill schedule by schedule——

Mr. BROUSSARD. Mr. President——

Mr. SMOOT. Just a moment, until I finish the statement. I have been asked to request that the Senate proceed schedule by schedule and pass through the bill until it shall have been finally disposed of.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Utah if he would object, before taking the bill up schedule by schedule, to consider the question of blackstrap molasses?

The PRESIDENT pro tempore. The Chair understands that there is still pending an amendment offered by the Senator from Utah to the section which we are now considering. Is the Chair in error about that?

Mr. SMOOT. What I offered was all in one amendment, I will say to the Chair.

Mr. BROUSSARD. Mr. President, will the Senator yield to me? I have an amendment pending to this paragraph which I should like to offer now, in order that it may be disposed of.

The PRESIDENT pro tempore. The Chair is informed that there is an amendment pending offered by the Senator from Utah which will be stated.

The CHIEF CLERK. On page 121, line 15, it is proposed to strike out "0.046" and insert "0.0375."

Mr. SMOOT. That was a part of the original amendment, so that it should be considered as having been acted upon.

The PRESIDENT pro tempore. Without objection, that being a part of the amendment just voted on, it is agreed to. The Senator from Louisiana is recognized.

Mr. BROUSSARD. I offer an amendment.

Mr. HARRISON. Mr. President, I want to get straight the question as to the amendment referred to by the Chair as having been offered by the Senator from Utah before we proceed to another amendment.

Mr. SMOOT. The amendment offered by me has been agreed to.

Mr. HARRISON. I merely want to have an explanation of it. Does it relate to the differential?

The PRESIDENT pro tempore. Objection being made, the amendment is not agreed to.

Mr. HARRISON. I will ask that that be passed over for a few moments, and that the amendment of the Senator from Louisiana be taken up.

Mr. SMOOT. I suggest that the Senator from Mississippi permit the amendment to stand as agreed to, and if he discovers anything wrong about it I will ask for a reconsideration.

Mr. GLASS. Mr. President——

Mr. SWANSON. Mr. President, I should like to know what the controversy is.

The PRESIDENT pro tempore. For the benefit of the two Senators from Virginia the Chair will state that the amendment offered by the Senator from Utah, which has just been voted upon by the yeas and nays, contained another item, which was agreed to without objection, subject to the private understanding with the leader of the opposition for the time being, the Senator from Mississippi——

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Let the Chair finish the explanation, please—with the understanding that if objection shall be made to the adoption of the amendment offered by the Senator from Utah a reconsideration may be had.

Mr. WALSH of Montana. Mr. President, the information given us by the Chair is interesting, but some of us would like to know what the amendment was about, and I ask that the amendment proposed by the Senator from Utah be reported to the Senate.

The PRESIDENT pro tempore. The amendment will be reported again. It has once been reported, the Chair will state to the Senator from Montana.

The CHIEF CLERK. The amendment as stated by the Senator from Utah is as follows:

I move, on page 121, Schedule 5, paragraph 501, line 12, to strike out "1.24" and insert "1.7125," and in line 15 to strike out "0.046" and insert "0.0375," so that the paragraph would read:

"PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscopic test 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion."

Mr. SMOOT. The last clause is a part of the original amendment.

Mr. WALSH of Montana. I am quite sure I understand what it means, but at the same time I should like to have the Senator explain it.

Mr. SMOOT. Mr. President, the duty imposed upon sugar up to 75 degrees is 1.7125, and for each additional sugar degree as shown by the polariscopic test 0.0375 of 1 cent. That means 2 cents a pound, as we have voted, against Cuban sugar. What the clerk was afraid of was that the vote was taken only on the first part of the amendment instead of on all of it as one amendment. I read, first, the existing law, and then I read the amendment as a whole, and offered it as a whole; that is all there is to it.

Mr. SWANSON. No Senator asked for a division of the question?

Mr. SMOOT. No.

The PRESIDENT pro tempore. Without objection, the second part of the amendment proposed by the Senator from Utah is agreed to.

Mr. BRATTON and Mr. BROOKHART addressed the Chair.

The PRESIDENT pro tempore. The Senator from Louisiana has the floor. To whom does he yield?

Mr. BROUSSARD. I yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, I was impressed with the request of the chairman of the Committee on Finance that we enter into an agreement now that the bill be considered schedule by schedule in numerical order. I think if that kind of an agreement should become effective immediately after disposition is made of the pending amendment offered by the Senator from Louisiana it would enable all of us to know what is to be done. I wonder if the chairman of the committee would renew his request, the procedure indicated to be followed immediately after disposition is made of the pending amendment?

The PRESIDENT pro tempore. The attention of the Senator from Utah is invited.

Mr. SMOOT. Mr. President, I renew my request.

The PRESIDENT pro tempore. Is there objection?

Mr. DILL. Mr. President, what does this request mean if it is granted?

Mr. SMOOT. It means that we will begin now the consideration of the amendments, beginning with Schedule 1, and proceed with each schedule until it is finally disposed of.

Mr. DILL. Does that mean that when Schedule 1 is completed it will be impossible to offer any amendment in Schedule 1 thereafter; or may we go back and offer an amendment if we have it left over, or if some Senator is not here?

Mr. BROUSSARD. Mr. President, I decline to yield further.

The PRESIDENT pro tempore. The Senator from Louisiana has the floor.

Mr. BROUSSARD. I shall have to refuse to yield any further.

The PRESIDENT pro tempore. Objection is made. The Senator from Louisiana has the floor. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.;

S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes;

S. 2668. An act granting the consent of Congress to the Missouri-Kansas-Texas Railroad Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872;

S. 3030. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928; and

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna in Dorchester County, Md.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 15. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended; and

S. 2093. An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 47. An act for the relief of the State of New York;

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 1234. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels;

H. R. 1408. An act to provide for the study, investigation, and survey, for commemorative purposes, of the Bull Run and Second Manassas battle fields in the State of Virginia;

H. R. 1970. An act authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States marines;

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort MacArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 3313. An act to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes;

H. R. 4138. An act to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

H. R. 4813. An act extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations;

H. R. 5411. An act to provide for the appointment of an additional district judge for the district of Minnesota;

H. R. 6618. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Chalmette, La.;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 8162. An act to amend the act entitled "An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50;

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed;

H. R. 8705. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.;

H. R. 8706. An act to legalize a bridge across the Pecatonica River at Freeport, Ill.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 8970. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois;

H. R. 8971. An act granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois;

H. R. 8972. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street, in Cook County, State of Illinois;

H. R. 9038. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the west branch of the Delaware River at or near Beerston, N. Y.;

H. R. 9154. An act to provide for the construction of a revetment wall at Fort Moultrie, S. C.;

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9804. An act to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes;

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;

H. J. Res. 171. Joint resolution providing for the observance and commemoration of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela and establishing a commission to be known as the United States Battle of the Monongahela Commission; and

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 1) providing for the acceptance of a statue of Charles Marion Russell, presented by the State of Montana, in which it requested the concurrence of the Senate.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States making judicial nominations, which were referred to the Committee on the Judiciary.

ADDITIONAL APPROPRIATION FOR NAVAL CONFERENCE AT LONDON (S. DOC. NO. 99)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1930, amounting to $150,000, for expenses of participation by the United States in the naval conference at London, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO THE UNION OF SOUTH AFRICA (H. DOC. NO. 312)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, recommending the enactment of legislation authorizing the appointment of an envoy extraordinary and minister plenipotentiary to the Union of South Africa and fixing the salary of the said officer at not less than $10,000 per annum.

HERBERT HOOVER.

THE WHITE HOUSE, *March 5, 1930.*

SIXTH PAN AMERICAN CHILD CONGRESS (H. DOC. NO. 311)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Acting Secretary of State, to the end that legislation may be enacted to authorize an appropriation of the sum of $13,000 for the expenses of participation by the United States in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *March 5, 1930.*

FLOOD RELIEF IN ALABAMA

Mr. BLACK. Mr. President, the House to-day passed Senate bill 2093 with a slight amendment. It is a question of whether the bill shall go to conference or whether the Senate will concur in the amendment.

The bill is one for the relief of the State of Alabama with reference to certain roads destroyed by storm. It was unanimously reported by the committee of the Senate, passed the Senate, passed the House, and has come back with a restrictive clause. I ask unanimous consent to take up the bill and dispose of it at this time.

Mr. SMOOT. Mr. President, my attention was called away, and I did not hear the Senator's statement.

Mr. PHIPPS. Mr. President, I understand that the restriction which the House seeks to place on the expenditure of money is merely to confine it to the improvement of roads that have been designated as public highways under the 7 per cent system. I think the amendment is one in which the Senate should concur.

Mr. SMOOT. If it does not lead to any discussion, I am willing to have the bill taken up at this time.

Mr. BROUSSARD. That is the understanding.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2093) entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929," which was, on page 3, line 2, after the word "act," to insert:

Provided further, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Alabama, or the necessary relocation of such roads and bridges.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their title and referred as indicated below:

H. R. 47. An act for the relief of the State of New York; to the Committee on Claims.

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 1408. An act to provide for the study, investigation, and survey, for commemorative purposes, of the Bull Run and Second Manassas battle fields in the State of Virginia;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 3313. An act to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes;

H. R. 4138. An act to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

H. R. 6618. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Chalmette, La.;

H. R. 8162. An act to amend the act entitled "An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925; and

H. R. 9154. An act to provide for the construction of a revetment wall at Fort Moultrie, S. C.; to the Committee on Military Affairs.

H. R. 1234. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers; and

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed; to the Committee on Post Offices and Post Roads.

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 7768. An act to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians; and

H. R. 9437. An act to authorize a necessary increase in the White House police force; to the Committee on Public Buildings and Grounds.

H. R. 4813. An act extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations; to the Committee on Indian Affairs.

H. R. 5411. An act to provide for the appointment of an additional district judge for the district of Minnesota; to the Committee on the Judiciary.

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50;

H. R. 8705. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.;

H. R. 8706. An act to legalize a bridge across the Pecatonica River at Freeport, Ill.;

H. R. 8970. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois;

H. R. 8971. An act granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street, near One hundred and forty-fifth Street, in Cook County, State of Illinois;

H. R. 8972. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue, near One hundred and fortieth Street, in Cook County, State of Illinois;

H. R. 9038. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the west branch of the Delaware River at or near Beerston, N. Y.; and

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.; to the Committee on Commerce.

H. R. 9804. An act to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes; to the Committee on Finance.

H. R. 1970. An act authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States Marines; and

H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; to the Committee on Foreign Relations.

H. J. Res. 171. Joint resolution providing for the observance and commemoration of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela, and establishing a commission to be known as the United States Battle of the Monongahela Commission; to the Committee on the Library.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 1) providing for the acceptance of a statue of Charles Marion Russell, presented by the State of Montana, was referred to the Committee on the Library.

TARIFF ON LUMBER

Mr. JONES. Mr. President, I hold in my hand a letter from A. C. Edwards, secretary of the Lumber Industry Tariff Committee, in which in a very clear and precise way he notices and answers quite a number of objections made to a tariff on lumber. Mr. Edwards is a citizen of my State, a most honorable man, who knows thoroughly the lumber and shingle industry from experience and personal knowledge. I ask that this letter may be printed in the RECORD.

There being no objection, the latter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 4, 1930.*

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.

MY DEAR SENATOR: American labor and American lumbering interests feel that their request for a tariff on softwood lumber should not be denied because of misrepresentations or misunderstandings, and opponents of lumbering tariffs have presented such tremendously erroneous statements, so deceptive and misleading, that I have been directed to call your attention to at least a few of these errors.

It is the belief of American labor and American lumbering interests that the people of this Nation should know the facts on which they base their request for lumbering tariffs, and that the people should be advised of the deception and misrepresentations of tariff opponents, whether deliberate or made through ignorance; also that the real opponents of lumbering tariffs should be thoroughly exposed.

I have carefully read the speeches of the Senator from North Dakota of date of November 13, 1929, and February 27, 1930, as well as other arguments presented for and against lumber and shingle tariffs, and ask your attention to glaring errors, as follows:

The Senator from North Dakota asks the question: "Who wants this duty on lumber?" He answers the question himself and says that it is the owners of timber. In that the Senator is decidedly in error. Those who want and have asked for lumbering tariffs are nearly a million American lumber workers, American lumber and shingle manufacturers, the workmen of kindred and dependent industries, and the mercantile and business interests of the United States that desire the continuance of American lumbering pay rolls. I point, Senator, to the fact that not one timber owner, who has any material investment in timber, appeared before the Ways and Means Committee of the House or Finance Committee of the Senate and requested tariffs on lumbering products; and also to the fact that thousands of American workmen sent petitions to Congress, which were presented by you, asking for the imposition of lumbering tariffs. I also point to the fact that the large timber holders who have appeared before either House or Senate committees have emphatically opposed lumbering tariffs, yet the Senator from North Dakota, in the face of such records, states that it is the owners of large timber tracts that are asking for lumbering tariffs. There are no records, nor is there proof of any kind, to justify the Senator in making such an assertion.

The continuance of the present no lumbering tariff policy of the United States is the policy that is more to be desired by the owners of large timber tracts, for it is our present no lumbering tariff policy that has forced failure on thousands of owners of small holdings. These small tracts have been forced to sales at sacrifice prices, and generally have been purchased by better financed companies and by

holders of larger timber tracks at sacrifice prices. Sales, records, and transfers of timberlands will prove that assertion, and the longer the present no lumbering tariff policy is continued the greater will become the centralization of mill and timber ownership, which in the end is far more liable to produce increased prices for lumbering products than could possibly result from any lumbering tariffs Congress might impose.

The Senator from North Dakota charges that production costs are higher in British Columbia than in the United States, and submits a table, shown on page 4359 of the CONGRESSIONAL RECORD, purporting to be taken from published reports of the British Columbia Lumber & Shingle Association and the West Coast Lumber Association. I do not know as to the British Columbia Lumber & Shingle Association, but do know that no Northwest lumber association has published such a statement, and I also know, of my personal knowledge, that the figures shown in the table are not correct.

I also know, Senator, and the Senator from North Dakota could know, that the United States Tariff Commission, in its log report, page 7, shows a lower sale price for logs in British Columbia of $2.13 per 1,000 feet, a lower production cost, and a lower wage cost, page 19. I also know that the Tariff Commission, in its report on the red-cedar shingle industry, said: "It will be noted that daily wage rates are generally lower in British Columbia than in Washington and Oregon"; and that: "Although, as would be expected, piece labor on grades designated as comparable average higher in Washington and Oregon than in British Columbia"; pages 23 and 49.

The Senator from North Dakota submits a wage table of three asserted leading British Columbia operators, showing higher wages than in American operations. It may be the Senator is correct, but, if so, to be fair, he should show why such condition exists. There are isolated operations in British Columbia and in Washington and Oregon where workmen do not like to go, and where workmen are paid higher wages than the average to induce them to leave more desirable locations and preferable operations. It is highly probable the Senator's table is taken from such operations, which are exceptions and not averages. The Senator cites the Bloedel Donovan Lumber Mills, Skykomish, Wash., for comparable wages, the same being the only American mill cited in the tables, and being the property in part of Mr. J. H. Bloedel, owner of British Columbia mill and timber interests, part owner of the Skykomish mill, and the leading opponent of lumbering tariffs. The Bloedel-Donovan Lumber Mills own two mills in Bellingham, Wash. Wonder why the wages of these mills were not cited? It would not be intricate to find exceptions to sustain the contention of higher wages in British Columbia, but when such higher wages are paid isolation and undesirability are the explanation and invariably the reason.

Average operations are shown by the schedule submitted by Senator STEIWER, pages 4400 and 4401 of the CONGRESSIONAL RECORD, and the names of the operators are presented, and they are those operating in average desirable locations and more preferable operations.

The Senator from North Dakota says the lumbering wage loss is almost "negligible." According to the Bureau of Census the labor employed in American lumbering operations was 97,335 less in 1927 than in 1923, and the wages paid in 1927 were $77,248,213 less than the wages that were paid in lumbering operations in 1923. Those decreases are not "negligible" to American lumber workmen, nor are they "negligible" to American commercial activities. But even those amounts are not the totals. It is distinctly stated by the Bureau of Census that such figures do not include the small mills, nor do they include managerial and clerical wages. The full total would be considerably in excess of the amount named.

It is charged there is considerable oriental labor employment in Washington and Oregon. Neither State employs Chinese or Hindus in the mills. There are less than 500 Japanese in the Washington lumber mills, and still less than that number in the Oregon lumber mills. There are no orientals in the northwest cedar mills, and there never have been any orientals in the northwest cedar mills. The Tariff Commission reported that 45 per cent of the cedar mill employees of British Columbia are of oriental extraction, and British Columbia statistics state that 39 per cent of the lumbering employees of British Columbia mills are orientals.

An unsupported statement is presented that British Columbia has no advantage in transport rates, but the Tariff Commission reported water transport rates favoring British Columbia shippers, and information submitted by Senator STEIWER, page 4399 of CONGRESSIONAL RECORD, gives names, dates, shipments, and figures against which to check, and presents the definite facts as to water transport rates.

The plea of the Senator from North Dakota for conservation is just another attempt to side-step the real issue. He knows the conservation theory has proven an utter failure. Actual experience of 17 years has proven conclusively that the present no lumbering tariff policy has produced devastation, and not conservation, to American forests, through the efforts of American lumber operators to produce on a comparable cost basis with the low production costs of foreign lumber producers. The no lumbering tariff policy has not produced one iota of conservation in all of the period of its existence. Not only has the no lumbering tariff policy produced devastation to American forests, but it has made lumbering operations unprofitable, and that has almost completely stopped reforestation activities. There is still another disastrous effect which has been produced by our no lumbering tariff policy, for, because of continued and repeated periods of idleness, and uncertainty of employment, as well as lack of profits, the reclamation of cut-over lands has enormously decreased. These are the definite, positive, and indisputable effects which have been produced in the Northwest from the no lumbering tariff policy, and they are the effects with which I am intimately and personally acquainted.

The charge is made that lumbering tariffs will increase building costs more than $100,000,000 yearly. That too is an unsupported and presumed statement, but there is a definite and positive certainty that if American labor is permitted to produce the lumber that is now imported to United States markets there will be an increased American lumbering pay roll of more than $100,000,000 yearly, which would offset possible increased building costs, should there be such increased costs, although it should be remembered that substitute building material competition now governs and for years past has governed the price of lumbering products. That condition will prevail as long as substitute building materials are produced, and they will be produced as long as there is a demand for building materials. The guaranty of substitute building material competition that only fair prices may be charged for lumbering products stands as a valid and perpetual guaranty. Substitute competition is that which has forced the decrease in lumbering prices, notwithstanding the increased cost of labor, as is also shown by the Census Bureau reports. Lumber prices to mill averaged $31.78 in 1923, $28.02 in 1925, and $25.80 in 1927. When data for 1929 is completed it will then be found that the price for 1929 has been approximately $25.50, per 1,000 feet of lumber.

The North Dakota Senator expressed the fear that a lumber tariff would operate as an embargo. That is just a bogey and a further attempt to hide the real opposition to lumbering tariffs. In your presentation of the lumber case you clearly showed the production and delivery cost favoring British Columbia totaled $4.61 per 1,000 feet of lumber. To charge that a tariff of $2 or $3 would prevent competition where there is a $4.61 advantage is an absurdity, but such a tariff would serve to make foreign imports pay a portion of Government expense, as they should, and there is no possible excuse that can be invented or presented that can justify why American interests should be given less advantages in their own American markets than are given and granted to foreign interests. Americans have to pay taxes to maintain government. As it now stands American lumber producers are compelled to pay to obtain protection of property and government, that makes the continuance of business possible, and they must not only pay for their own protection but also that of their competitor. If there is argument that can justify such a condition it is certainly beyond my comprehension.

The North Dakota Senator seeks to show a scaling advantage favoring American production to offset admitted lower log costs, but the Tariff Commission, on page 8 of its shingle report, states: "A log 24 feet long and 18 inches in diameter contains, according to the Scribner (American) rule, 320 board feet, whereas the same dimensions under the British Columbia rule gives only 311 board feet." But there is further evidence. The British Columbia Year Book and Trade Directory for 1929—and the same information appears in previous issues—gives a report of the forestry branch of the Canadian Government that shows scaling in British Columbia is as liberal, if not more so, than in the United States. Thus the Tariff Commission and the forestry branch of the Canadian Government do not agree with the Senator from North Dakota.

The Senator lengthily discusses the Tariff Commission's log report, especially concerning the division of the commission in reaching a decision, but there was no division on that part of the report that showed lower labor costs and lower log prices. That part was signed by six of the commission members, and surely there can be no contention that lower-priced logs and lower wages are not advantages in the production of lumber products.

Considerable attention was paid to the fact that lumbering exports exceed imports, and careful evasion is noted of the fact that lumber exports to Japan decreased more than 33 per cent in 1929; that in recent years nearly every country has provided tariffs against lumbering imports, as was shown by Senator DILL, pages 4411 and 4412 of CONGRESSIONAL RECORD, nor was there mention of the fact that American lumbering interests in an effort to retain their foreign markets as well as to keep their home markets were compelled to sell a considerable portion of their products below cost of production.

The Senator submitted an income tax list of an asserted number of western lumber mills, purporting to show large profits. I mention this particularly to show the extreme errors to which lumber tariff opponents have made in an effort to show there is no need for lumber tariffs. It was shown by Senator STEIWER, page 4402 of the CONGRESSIONAL RECORD, that such list contained a number of inaccuracies, which when corrected materially reduced the asserted profits shown by the hand-picked list of the Senator from North Dakota. That list was incorrect,

did not present fair average industry conditions, and was really nothing more than a continuation of the effort to hide the real opposition to United States lumbering tariffs.

The discussion of the from North Dakota Senator wholly ignores labor, which holds the greater interest in lumbering tariffs, other than to say the loss is "negligible," and seeks to produce prejudice against lumber tariffs by representing that forest ownerships have the primary interest. The misrepresentations as to forest ownerships that are presented are almost unbelievable. On page 4570 of the CONGRESSIONAL RECORD it is claimed the Weyerhaeuser Co. owns 100,000,000,000 feet of timber, and on the following page it is asserted that company owns 96,000,000,000 feet of timber in addition to further affiliated interests. Those amounts are just about three times as large as the actual holdings of the Weyerhaeuser Co., whose stock is distributed among more than 100 families, and this statement has been referred to and verified by a prominent Weyerhaeuser official. Instead of the Weyerhaeuser Co. owning 37 per cent of the remaining timber, as is claimed, that company actually owns less than 3 per cent of the remaining timber.

The Porteus surveys and reports are given marked attention by the Senator from North Dakota. They are entitled to more consideration than was given them, for they are so replete with errors and misrepresentations that they are utterly useless as a real source of information.

The Porteus survey, shown on pages 5492 and 5493 of the CONGRESSIONAL RECORD, of date of November 13, 1929, represents that the Weyerhaeuser and affiliated interests own 60 per cent of the timber in the State of Washington. An addition of the amounts listed in the survey as belonging to the Weyerhaeuser and affiliated interests totals 57,600,000,000 feet, which equals 20 per cent of the Washington timber stand instead of 60 per cent. Even the addition of the totals listed to all of the companies named in the survey totals but 105,300,000,000 feet, and that equals 37 per cent of the Washington timber stand, or about 4.5 per cent of the Nation's timber, including all the misrepresentations.

The Snoqualmie Lumber Co., a Weyerhaeuser company, is represented as owning and controlling 7,000,000,000 feet of timber in King County, Wash. The Snoqualmie Lumber Co. actually owns about 2,000,000,000 feet of timber in King County, and the remaining 5,000,000,000 feet, said to be controlled by the Weyerhaeuser Co., belongs to and is the property of the United States Government, and this ownership can be shown by departmental records.

The Crescent Logging Co. is credited with owning 1,000,000,000 feet of timber in Jefferson County, and the Crescent Lumber Co. with having 1,000,000,000 feet of timber in Clallam County. There is no Crescent Lumber Co., and the holdings of the Crescent Logging Co. in the two counties is approximately 1,000,000,000 feet.

I could continue and point out and could prove dozens of errors in the Porteus surveys and statements of the the Senator from North Dakota, and those of other lumbering tariff opponents, but the number I have mentioned are surely sufficient to show the unreliability of the Porteus survey as well as some of the claims made against lumber tariffs on which the Senator from North Dakota seems to rely. These errors certainly show an utter disregard for facts.

However, when all of the opposing arguments that have been presented against lumber tariffs are summarized and carefully analyzed it is found they are largely confusing and determinedly evasive of the real question involved, and it seems they constitute a persistent effort to divert attention from the real opponents of lumber tariffs.

The real opposition to lumber tariffs has not come from American interests. Every witness that appeared before the Ways and Means Committee of the House and Finance Committee of the Senate in opposition to lumber tariffs were owners of foreign mill and timber or importing interests, or agents of foreign mill and timber or importing interests. Foreign ownerships promoted, fostered, and urged opposition to United States lumber tariffs. I base this statement on the fact that owners of foreign mill and timber interests told me personally that they were assessed certain sums of money with which to pay the expenses of presenting opposition to lumber tariffs before the Congress of the United States.

Citizens of the United States now own more than 1,000,000,000 acres of British Columbia timberlands, valued, according to Canadian statistics, at $443,806,000. These are the interests that are now and have been opposing lumber tariffs. They are the interests that sent agents and representatives among West and Mid West farming circles soliciting resolutions of protest against lumber tariffs. They are the interests that have continually maintained representation in Washington to work against lumber tariffs. They are the interests which have no concern whether the American workman has a job or not. They are the interests that do not care whether the American farmer has a customer for his produce or not, or whether there is continued American progress and prosperity, save for the purpose of selling their foreign lumber products in American markets. Their sole aim and intent is to keep the American market free for their foreign lumber products, and that is their only object. They are seeking to enrich themselves from their foreign investments at the expense of the American public.

Lumber tariff opponents assert they are opposing such tariffs in behalf of the American farmer, and their efforts indicate they expect to accomplish a beneficial result through impoverishing and pauperizing American lumber workers. If able to benefit American farming interests in such a manner they will accomplish a miracle equal to that of feeding a multitude with a few loaves and fishes, but there is a certainty that the continuance of the present no-lumber tariff policy will only produce increased idleness and added distress. Idleness is exactly comparable to a contageous disease. It spreads until checked. It has already spread to kindred activities, and to business and commercial interests. Supply houses in the East and in Central States have already complained of decreased purchases. That complaint applies not only to mill supplies but to clothing, shoes, and other products. Lumber workmen can not buy unless they have employment, and Congress will be the judge of how far it will permit the disease of idleness to spread in lumbering activities before it is stopped.

It is indeed surprising that proponents for farm relief seemingly overlook the fact that no farm tariffs, nor possible plan for farm relief, can be successful or of material benefit to farming interests, unless there are sufficient buyers for the produce of the farm, and buyers for farm produce can not be increased by driving workmen into idleness. That is a perfectly obvious fact. Idle workmen consume little. They help to create surpluses. Surpluses lower values and decrease prices, and these are the certain and inevitable effects that will accrue to farming interests from tariffs of any kind that force American workmen into idleness.

Lumber tariffs, as previously stated, have been requested by nearly a million American workmen, and by American manufacturing, mercantile, and business interests. The question presented is, primarily, whether the wage dollar that is paid for the production of lumber for American markets shall be paid to the oriental of Canada, the peasant of Europe, or to the American lumber workman. The wage loss from forced idleness to American lumber workers is $20 to each $1 of mill loss, and in most instances the manufacturer adds his loss to the cost of production, to the price of his lumber, and the waste loss is therefore paid by the consumer. There may be some preferential difference in paying a waste loss as a part of production cost instead of paying a tariff, if a tariff would be effective in a price increase, but it is nevertheless an increased cost that is being paid, and which will continue to be paid under existing conditions, without benefit, while a tariff would produce revenue, help to reduce taxes, and increase pay rolls, but that would reduce the profits of foreign mill and timber owners and importers, and that is why they are so bitterly opposing United States lumber tariffs. They have no fear of increased building costs, for they might share in the increase of cost, but they do fear tariffs, because they could not share in the tariff benefits.

Labor will indisputably be the chief beneficiary from any lumber tariffs possible of imposition, because such tariffs will produce more steady employment and prevent wage reductions. Next in line of benefit will be commercial interests, because of increased pay rolls, and then will follow farming interests, because labor will have more money with which to purchase the produce of the farm. Manufacturing interests will be fourth in line and will be enabled because of more continuous operations to save the waste expense of periods of forced idleness. After that will come the timber owner, if further division of tariff benefit is possible, but it is an utter absurdity to claim that lumbering tariff benefits will all accrue to the owners of large mill and timber interests. Such an assertion is but a further effort to hide the fact that it is the owners of foreign mill and timber and importing interests that are the real opponents of lumber tariffs. That is why lumber tariff opponents have so persistently shied from considering tariff benefits to accrue to American lumber workers. The lumber-tariff opponents do not dare to fight labor in the open, so they dodge the issue by fighting a fancied myth, just as they created the myth of conservation.

In conclusion, I want to state that for the past eight years I have made a careful study of tariff needs with respect to lumbering interests. In December, 1925, I met with a large number of Washington and Oregon cedar manufacturers. At that meeting I told them that unless they could induce Congress to provide a shingle and cedar lumber tariff, the cedar industry almost as a whole would be forced into bankruptcy. I was merely reading the inevitable that was clear to even a casual student of the situation. Since 1922 more than half of the cedar mills of the Northwest have failed and fully half of all remaining Northwest cedar mills are practically or actually bankrupt and undesired by their creditors at any price. I am now confident that unless lumber tariffs are provided that within the next 12 months there will be a forced reduction in American lumbering wages, necessitated by foreign competition, and that within the next three years fully a third of the lumber mills will be forced into failure or out of business. I am again merely reading the signs that are so clear that he who runs may read. Such events are inevitable under existing conditions. I will say further that I now know of several large Northwest mills, one of which employs more than 1,000 workmen, that are now planning that

in case Congress refuses lumber tariffs to move their operations to British Columbia. I am not mentioning these facts with a view of unfairly endeavoring to influence opinions. I am simply stating cold, positive, and definite facts of which I have personal and accurate knowledge.

Yours very truly,

A. C. EDWARDS,
Secretary Lumber Industry Tariff Committee.

THE ALABAMA PRIMARY

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram sent by me to-day to Hon. Horace Wilkinson, attorney, of Birmingham, Ala.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 5, 1930.*

Hon. HORACE WILKINSON,
Birmingham, Ala.:

Letter received, wish you success in case in Supreme Court. If you win all Democrats who love the party and who desire to promote and preserve it will have an opportunity under Jefferson's doctrine of "Equal rights to all and special privileges to none," to settle their differences in the August primary. The arbitrary and vindictive action taken by the committee has discriminated against more than 100,000 lifelong Democrats. The chairman of the State committee has refused to call a meeting of the committee for the purpose of reconsidering its action of December 16, 1929. He has done that in the face of the fact that more than 20,000 Alabama Democrats in public meetings, where I have spoken, requested him to do so. In addition to that I am informed that the State committee before it adjourned December 16, 1929, repealed a rule which permitted 15 members to call a meeting of the committee where the chairman had declined to call it. That action, if true, deserves the condemnation of every honest Democrat in the State. The only hope of relief from the terrible predicament into which 27 members of the State committee have thrown us lies in the success of your case in the Supreme Court. In the interest of fair play and justice to all concerned for the good of the party and the good of the State I wish you success.

J. THOS. HEFLIN.

FOURTH WORLD'S POULTRY CONGRESS

Mr. HEBERT subsequently said: Mr. President, there is on the calendar the joint resolution (S. J. Res. 134) authorizing an appropriation for expenses of official delegates of the United States to the Fourth World's Poultry Congress to be held in England in 1930. The joint resolution is favorably recommended by the Committee on Agriculture and Forestry. I ask that House Joint Resolution 210 be substituted for the Senate joint resolution, and that it be put upon its passage.

The VICE PRESIDENT. The Chair lays House Joint Resolution 210 before the Senate, and it will be read.

The joint resolution (H. J. Res. 210) to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That an appropriation is authorized of $15,000 for the expenses of official delegates of the United States to the World's Fourth Poultry Congress, to be held in England in 1930, in addition to funds heretofore appropriated for the purpose of a United States Government exhibit at such congress (45 Stat. L. 1635).

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate Joint Resolution 134 on the calendar will be indefinitely postponed.

CIVIL-SERVICE RETIREMENT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, which was to strike out all after the enacting clause and insert a substitute.

Mr. DALE. I move that the Senate disagree to the amendment of the House and request a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. DALE, Mr. COUZENS, and Mr. MCKELLAR conferees on the part of the Senate.

THE RHODES SCHOLARSHIPS

Mr. FLETCHER. Mr. President, I venture to divert for just a few moments to a subject that is somewhat foreign to the one under consideration.

On the 20th of February I had occasion to make some observations with reference to the Rhodes scholarships. I find that the situation seems to be that the trustees have been led to believe by some Americans that the change is desired by Americans; that Parliament has authorized the trustees to use their discretion, and the trustees have adopted and announced the change. That change I mentioned on the 20th, and it is mentioned in the editorials that I am going to offer.

The trustees supposed this change would be pleasing to Americans. I am satisfied that they were mistaken. They were misled by the president of an American college. In his zeal for high scholarship, he ignored the express provisions of the will of Mr. Rhodes that the legacies were left to the States as such.

America appreciates the splendid philanthropy of that great English statesman. For the past 25 years, each of the States has enjoyed the privilege of having two of its representatives at the great University of Oxford continuously. I am thoroughly convinced that the sentiment in this country is to the effect that the States would prefer to receive the scholarships, share and share alike, as specifically provided in the will. It is to be hoped that the several States, through the proper authorities, will express to the trustees their views and wishes in the matter.

I am not making any criticism, but am calling attention to the actual situation. I wish to correct the RECORD wherein it is made to appear that on another occasion—February 20, as I have mentioned—I gave the erroneous impression that under this new plan the aggregate number of 96 scholarships would be reduced.

There will be the same aggregate number under the new system as under the old system. The objection to the new plan is that it violates the terms of the will; it takes away specific legacies left to each of the States as such; and it destroys Mr. Rhodes's scheme of representatives from each State. The will does not contemplate or require that the representatives shall be prodigies.

I now offer, on that subject, an editorial from the Florida Times Union of February 26, entitled "Rhodes Will and American Scholarships," and an editorial from the Yale News of February 18 entitled "The Rhodes Scholarships," and ask that they be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union of Wednesday, February 26, 1930]

RHODES WILL AND AMERICAN SCHOLARSHIPS

Cecil Rhodes, a British South African administrator, statesman, financier, and philanthropist, who died in 1902, provided in his will for the creation and maintenance of 175 scholarships at Oxford University, England, to be awarded to students in the British colonies, in the United States, and in Germany, as is well known. This will was legally approved and its provisions have been operative ever since the death of the maker. As called to public attention, in Florida, by Senator FLETCHER, through a Washington dispatch published in the Florida Times-Union of February 22, the Rhodes will provided, as follows:

"I appropriate two of the American scholarships to each of the present States and Territories of the United States of America."

Not long ago, as it appears, a few educators of the United States took it upon themselves to make what, in effect, is a revision of Cecil Rhodes's will. In a quiet way, it is said, on reliable authority, these self-appointed reconstructors of the Rhodes will represented to the British Parliament that the United States would be better served by taking away from the several States the scholarships, as in accordance with the clearly and definitely expressed purpose of the testator, and award them to groups of States. Florida for instance, in accordance with the new plan presented to the British Parliament, is grouped with five other States—Virginia, North Carolina, South Carolina, Georgia, and Tennessee—which is not at all as Rhodes indicated and clearly set forth in his will, should be done.

Parliament, acting, it is believed, out of a spirit of pleasing the United States, due to misrepresentation by the one or two or three educators referred to, passed the enabling act by which the trustees of the Rhodes will may make the change in awarding scholarships, which change is being more or less vehemently disapproved by many people in this country, among them Rhodes scholars, all of these dissenters agreeing that to make the change that has been authorized by Parliament is entirely contrary to the spirit and intention of Cecil Rhodes, who modeled his plan of distribution of scholarships after the plan, or method, by which the several States of this country are given representation in the Senate of the United States; that is, two Senators from each State, regardless of area or population.

Furthermore, Mr. Rhodes by setting aside a fund of $10,000,000 for these scholarships sought to bring about more general and more cordial contact of American students, and of the people generally, and those of England and the entire British Empire. But now by changing the provision of his will, with reference to awarding scholarships in the United States, it is a question whether or not one of the main purposes of the donor of the Rhodes fund is not being made of a negative character, bringing about discord and rivalry rather than peace and harmony.

Putting aside all the arguments that were used to persuade the British Parliament to consent to change the scholarship-awarding clause in the Rhodes will, the fact is that by that proposal and subsequent legislation great dissatisfaction has been created, due to meddlesomeness that never should have been permitted and that should be rebuked and corrected by the British Parliament which quite evidently has been imposed upon, as it will be given to understand by those who condemn what has been done by those who had no authority whatever from the people of the United States.

Parliament no doubt will give respectful hearing to those who do not approve of the change in the Rhodes will, and for the sake of right and justice, as well as for reestablishing that harmony that heretofore has prevailed, will rescind the act that has been passed and thus permit the Rhodes will to stand as written and as operated for nearly a quarter of a century, with satisfactory results so far as this country is concerned, except to the few malcontents who have done something they were not requested to do and at the same time have been the means of bringing about disturbance where hitherto quiet has prevailed.

[From the Yale News of Tuesday, February 18, 1930]

THE RHODES SCHOLARSHIPS

"I appropriate two of the American scholarships to each of the present States and Territories of the United States of America." That is the provision in the will of the late Cecil Rhodes by which the Rhodes scholarships have for 25 years been awarded. And now the British Parliament, urged by the Rhodes trustees, have changed the will. Instead of selecting two men from each State the administrative board will divide the country into eight districts of six States and make four awards in each district.

A strange light is thrown on the case by the fact that the English trustees, persuaded by American educators, believed they were satisfying a general desire in this country by their change. The obvious shortcomings of the proposal should have led them to better judgment. The disparity of population in the States, and to some extent the difference in educational facilities and development, make interstate competition for the awards undesirable. In the district composed of Michigan, Wisconsin, Illinois, Indiana, Ohio, and Kentucky, for instance, it is to be feared that the Kentucky representatives might be snowed under in the competition. The analogy applies with equal force to Connecticut with her relatively small population. And after all, why should the States be made to compete with each other for scholarships which were left to them individually? Another factor upon which the trustees should have calculated is the reverence which people in this country have for the provisions of a will.

Opponents of the proposed change offer various statements as to Cecil Rhodes' original intentions. Most of this comment is questionable and beside the point. But at bottom it seems reasonable to suppose that the donor, realizing differences in population and in educational development, was anxious to get the best men that each State could produce, regardless of the question whether those men were more capable or less capable than the representatives of some other State. The change might be beneficial in that it would eliminate all but the cream, and would give the States a place in the sun proportional to their population and educational position. But at the same time it would be a contradiction of the policy, which seems inherent in the will, that each State be given a fair and equal chance.

And the present system seems manifestly fair. It assures this equality, it provides for a representative cross section of youthful scholars, it lives up to the original terms of the will. In the face of these facts the change appears unjust and illogical. It would be to the interest of Connecticut and, indirectly, of Yale, to support the movement of protest now being launched in this country.

STABILIZATION OF INDUSTRY

Mr. FESS. Mr. President, recently there was a conference of eight state-wide associations held in Ohio on the stabilization of industry. The plan of the work in Ohio is given in outline, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

In order to assist in focusing attention more sharply upon need for heroic measures looking toward the stimulation of private industries and enterprises, and promoting the speeding up of necessary public work, Governor Cooper to-day called into conference the president and secretary of each of eight state-wide organizations of industrial management, labor, and commerce.

Governor Cooper asked these 16 men to serve as a "temporary State committee on employment," and requested that they serve for a limited time for the definite purpose of organizing "temporary county committees on employment."

In order that employment may be provided for labor as far as possible, and that business can go forward, Governor Cooper urged that the largest possible percentage of public work be let during the early months of the year. Officials throughout the State are cooperating splendidly in an effort to put forward public work, but present conditions demand even more strenuous efforts.

Voters of the State last November approved bonds totaling approximately $11,000,000 for new school buildings or major building improvements. Reports from 70 per cent of the total amount involved indicates that contracts have been let for only about 9 per cent during the three and one-half months following approval of the bonds. The reports also indicate that contracts will be let for more than 60 per cent of the total on or before April 1. Any speeding up of such work will help the present situation.

Each of the organizations represented on the State committee was asked to appoint in each county of the State some one who will serve as a member of the temporary county committee and to notify such person of his appointment and ask him to meet with other members of the county committee, either on March 10 or 11. The Department of Industrial Relations of Ohio will notify direct each one thus appointed of the place, date, and hour of meeting.

The temporary county committee, appointed by the various interests called together in this State meeting, is asked to assume responsibility for two things—

1. Stimulating private industries and enterprises to go forward as rapidly as possible.

2. Promoting the speeding up of necessary public work through cooperation of representatives of industrial management, labor, and commerce with the various public officials.

Each county committee is asked to organize by electing a chairman and a secretary.

The county committee, with a knowledge of local conditions, can be able to get various private enterprises under way. With some effort on the part of the committee many business houses, industrial plants, and home owners who contemplate painting, repair, alteration, or cleaning-up projects will get such work started somewhat earlier than usual, and this will start a chain of other activities to the advantage of labor, business, and the community in general.

The county committee, by securing from the various county, township, city, village, and school officials information concerning necessary public improvements for which contracts have been let, for which plans are being prepared and which are contemplated, will find a surprising total. This information is not available in any one place, and the county committee can render a valuable service by bringing such information together, and then by assisting in every possible way in getting all such work started at the earliest possible date, rather than delaying until all goes forward together in midsummer or early fall. Necessary public improvements which are merely contemplated can, in many instances, be pushed forward to accomplishment.

Pushing forward necessary public improvements will put wages into the pay envelopes of the workers, create demands for machinery, material, and supplies, and thus stimulate business in general. Furthermore, it will reduce the calls for charity with its tendency to lower the morale and destroy the self-reliance of the recipient.

The county committee can be helpful in urging that local labor be used, as far as possible, in order to avoid drawing men hither and yon in search of work as the larger public improvement activities begin.

COLUMBUS, OHIO, *February 28, 1930.*

STABILIZATION OF INDUSTRY AND EMPLOYMENT

The burden arising from unemployment and irregular employment falls directly and heavily upon the wage earner and his family. Ultimately, however, this burden falls upon society in general and affects all phases of community life—industry, business, schools, churches, and citizenship.

Contrary to general opinion, there is a considerable amount of involuntary idleness and broken time even when industrial conditions are approximately normal and business is good. The amount of idleness fluctuates with the seasons, with changing business conditions, and with changes in industrial processes and business methods.

The State and its several political subdivisions are in position to aid in lessening involuntary idleness and thus render service to the individuals and families which now suffer and to society in general. To render more than temporary aid will require long-time planning.

The general plan here suggested recognizes the need for undertaking to meet the immediate unemployment situation, but places the greater emphasis upon constructive plans for reducing the large amount of involuntary idleness which is continuously found. During so-called normal times the number unable to secure work may be more or less

than one-half as large as during periods of depression, but the hardships suffered by those who are idle are just as great.

The Federal Government and finally each of the important industrial States must become a part of any comprehensive plan for greatly reducing involuntary idleness. It is, however, a slow process to arouse the interest of and secure action by the several States, and some State must take the lead. The plan here suggested deals almost wholly with the State of Ohio and includes only such things as may be begun at once.

1. Public work: In order to relieve the immediate situation the plans of President Hoover and Governor Cooper of stimulating public work should be carried forward as rapidly as possible.

Unless these plans are closely followed up there will be many delays and much of the work which it was hoped would be started early in the year will not get under way until summer or fall. It is suggested, therefore, that—

a. A central record be made of all major projects in the State and that progress on such public work be noted from time to time.

b. A State committee on public work be created to devise ways and means of stimulating public work and progress on such work at this time. This committee might consist of three to five members and ought to include both labor and management.

c. A small local committee on public work be created in each county and possibly in each of the larger cities. The local committee would be expected to cooperate with the State committee and should include labor and management in its membership.

If the State and local committee on public work could be continued as a permanent organization, it would be very helpful in planning for the distribution of public work according to general industrial conditions, as far as that may be possible.

2. Public employment offices: The Federal, State, and local governments can render valuable service by developing and maintaining effective employment offices and by bringing the local offices together into a well-organized State and national system. Such offices supply information concerning available work and available workers and, as need arises, definitely seek out jobs or workers. Ohio is in position to go forward more rapidly at this time than is the Federal Government and many of the States.

When adequately supported and properly manned such employment offices can render excellent service, both to wage earners and to management, and can materially lessen the time lost by workers. To be effective an employment office must have the continued active support of management and of labor, and the personnel must be selected with a view to competency in that particular work.

An incidental but important result of the development of a more effective system of public-employment offices would be the gradual elimination of the type of private-employment office which exploits wage earners, and particularly those in the greatest need of work.

It is suggested that—

a. A permanent State committee on public-employment offices be created to advise with reference to the best methods of further developing public employment office work in Ohio, and of securing continued support of management and labor. This committee ought to be small and include both labor and management in its membership.

b. In view of the varied and unusual qualifications required for successful superintendents and placement personnel in public employment offices, arrangements be made, if possible, with the State civil service commission for a committee consisting of a representative of labor, a representative of management, and a representative of the department of industrial relations to assist in preparing and conducting examinations for superintendents and placement personnel.

3. Stabilization of industry: This matter merits the most careful attention both from the standpoint of reducing involuntary idleness and irregular work and from the standpoint of business itself.

Industry, that is, management and labor in cooperation, can best devise, develop, and adopt plans for stabilizing industry and employment within a plant or within an industry. Government's contribution in such work, at this time, is probably largely that of making available information as to experiments and accomplishments. In many plants management and labor do not have the opportunity for the experimentations necessary in such pioneer work but could profit from the experiences of others.

One of the interesting industrial experiences during the World War was the unselfish spirit of some of the larger bakeries in freely placing at the disposal of the smaller plants the results of their laboratory tests and their practical experience in using wheat-flour substitutes. Similar services were rendered competitors in many lines of business at that time.

This spirit of helpfulness is still alive and doubtless can be enlisted in a cause as important, both from a humane and a business standpoint, as is that of stabilizing industry and employment and thus relieving, as far as may be possible, the waste and tragedy of jobless workers.

It is suggested that—

a. A permanent committee on stabilization of industry and employment be created to advise with reference to the best methods of conducting a continuous study of plans of stabilizing industry and employment in Ohio, and, if possible, elsewhere. This committee ought to be small and to include both labor and management.

b. Brief reports concerning plans which have been effectively used for stabilizing industry and employment be published from time to time for the information of industry—management and labor—and the public in general.

4. Extent and cause of unemployment: Current information concerning the extent and cause of unemployment would encourage deliberate consideration of the problem of involuntary idleness. It also would avoid the necessity of relying upon estimates which vary greatly and which are usually made only during the stress of serious unemployment.

Considerable information is available concerning employment, but comparatively few studies of unemployment have been made. The popular opinion, which is quite contrary to the facts, seems to be that everyone is employed during so-called normal times. Only when a stage is reached where buying slackens, bills can no longer be met, payments on the little home are overdue, employment offices are crowded, and the charity organizations are swamped with families seeking relief, does the public seem to appreciate that people are unemployed.

Such studies of unemployment as have been made indicate that even in periods of normal times the number of unemployed is probably one-half or more than one-half that of periods of serious industrial depression. During normal times, therefore, many wage earners and families suffer because of irregular employment, and business, too, loses because of lack of stable incomes of such wage earners. The number of wage earners affected is merely smaller and the loss to business less in normal times than in periods of depression.

The Federal and the State Governments ought to be expected to make available reasonably accurate current information on unemployment. No other agencies can command the facilities for collecting and compiling such data. Furthermore, information collected and compiled by such governmental agencies would be less subject to charge of bias.

The United States Census will shortly collect data concerning unemployment, but the facts probably will not be available for many months nor will the data again be secured by that agency until another census period.

It is believed to be possible to secure considerable current information concerning unemployment and, therefore, it is suggested that—

(a) A permanent committee on statistics of unemployment and irregularity of employment be created to advise with reference to ways and means of collecting and compiling information on unemployment and irregularity of employment in Ohio.

(b) Brief reports of such compilations be published from time to time during periods of normal industrial conditions as well as during periods of industrial depression as an aid in stimulating constructive planning in stabilizing industry and employment.

Summary: This outline for Ohio seeks to provide methods for carrying through the plans already under way to relieve present unemployment conditions, and it further provides four measures looking toward stabilizing industry and employment and reducing unemployment, as follows:

1. Permanent committee on public work.
2. Permanent committee on public employment offices.
3. Permanent committee on stabilization of industry and employment.
4. Permanent committee on statistics of unemployment and irregularity of employment.

Four committees are suggested, rather than a single committee, for the reason that the fields of work are distinct and there will be a better chance to enlist the services of outstanding persons in each specialized field.

It does seem important for Government to give serious attention to a matter which is of such far-reaching significance as is involuntary idleness. The very rapid changes in processes and methods of production, transportation, marketing, and other activities have brought about most difficult problems of labor adjustment. The problems can not be met by labor alone, nor by labor and management. The helpful cooperation of society, as represented by Government, is needed.

Involuntary idleness is an extravagant waste both from the standpoint of the individual and of business. If wage earners can not be employed and retain their self-reliance, they ultimately become charges upon the community. Prevention of involuntary idleness, with all of its train of suffering, want, and waste, ought to be a challenge to society. Ohio, with her many progressive cities and varied industries, is in an excellent position to take the lead in this work.

FRED C. CROXTON,
Special Assistant, Department of Industrial Relations.

FEBRUARY 4, 1930.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BROUSSARD. Mr. President, I ask that the amendment which I propose may be read at the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Louisiana will be stated for the information of the Senate.

The CHIEF CLERK. On page 121, line 17, after the word "proportion," insert:

Provided the rates herein shall be imposed on all sugars in excess of 600,000 tons imported into the United States from the Philippine Islands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

Mr. BROUSSARD. Mr. President, I do not propose to make any extensive remarks on this amendment.

Last October the relations between the Philippines and the United States, so far as tariff duties were concerned, were fully discussed. It is not necessary to go over the arguments made at that time. I called attention, in connection with an amendment which I offered on September 9, 1929, to the fact that we were importing from the Philippine Islands 100 per cent of the coconut oils and copra which compete with the products of the agriculturists of this country, and that they were imported free of duty. The same statement also applied to sugar. It has been contended that this is a departure from the policy established by this Government with relation to the Philippines.

I desire to call attention to the fact that prior to 1909 the Philippines paid duty regularly, except that they received a rebate of part of the tariff, the same as Cuba now has.

Section 5 of the Payne-Aldrich bill, passed in 1909, reads, in part, as follows:

SEC. 5. That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That, except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of 300,000 gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,000,000 pounds, and cigars in excess of 150,000,000 cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

Mr. President, I wish to call the attention of the Senate to the fact that prior to 1909 we were imposing a duty and rebating 25 per cent of it to the Philippine Islands. In 1909, when the Philippines first asked that they be put on a free-trade basis with the United States, it was proposed that the amount of sugar, tobacco, and rice be limited. When that question came up and was debated in the House—that is, when the Payne-Aldrich bill was being debated in the House—the two Resident Commissioners from the Philippine Islands were Mr. Ocampo and Mr. Legarda. Here is what Mr. Legarda said on April 3, 1909:

Mr. LEGARDA. * * * With a view of relieving in part these deplorable conditions certain provisions relating to the Philippine Islands have been incorporated in the Payne bill, now before this House. It is proposed that 300,000 long tons of sugar, 300,000 pounds of wrapper and 3,000,000 pounds of filler tobacco, and 150,000,000 cigars of Philippine growth or production be admitted free of customs duty into the United States, and that all importations of the said article in excess of such quantities shall pay the full customs duty upon entry into the United States. It is also provided in this bill that all other articles of Philippine growth or production shall hereafter be admitted customs duty free into the United States. And in view of said relief from customs duties this bill provides that all articles the growth or production of the United States, and without any limitation as to quantity, shall be hereafter admitted customs duty free into the Philippine Islands. * * *

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(Page 777)

It is clear that the Committee on Ways and Means exercised wisdom in limiting the quantity of sugar and tobacco to be imported free of customs tax into this country. It is only natural that the domestic industries built up here under a protective tariff should continue to receive a proper measure of protection. * * *

I wish to have the Senate notice again that up to 1909 we made a concession to Philippine products of 25 per cent of the duty. In 1909 all articles from the Philippines were admitted free, except that there was a limitation on sugar, rice, and tobacco; and this met with the approval of the Resident Commissioner of the Philippine Islands. His remarks will be found on pages 775 to 777 of the CONGRESSIONAL RECORD of April 3, 1909.

The other Commissioner, Mr. Ocampo, approved the action of the Congress in the following language:

Mr. OCAMPO. * * * I am here voicing the feeling of my people expressed through their representatives and to verify it I shall read to you a cablegram sent by the assembly to my colleague [Mr. Legarda] and myself. The cablegram was worded in Spanish, but I will read to you a translation of it.

MANILA, *March 28, 1909.*

LEGARDA AND OCAMPO,

Filipino Resident Commissioners, Washington:

Assembly in yesterday's session unanimously passed a resolution insisting on action taken on May 19, 1908, as appears in Joint Resolution No. 11, protesting respectfully and energetically against proposed free trade, making it known to Congress that legislature finds absolutely impossible to raise new revenues. Resolution was immediately sent by special message to Baguio for concurrence by commission. Entire text will be wired to Secretary of War after passage by legislature.

NIEVA,

Secretary Philippine Assembly.

[Applause.]

The resolution to which the above refers reads as follows. Here is the joint resolution which was passed, Joint Resolution No. 11:

FIRST PHILIPPINE LEGISLATURE, FIRST SESSION.

Joint Resolution 11, giving instructions to the Resident Commissioners to the United States as regards the abolition of the Dingley tariff and other matters.

Resolved by the Philippine Commission and the Philippine Assembly: 1. That the Commissioners of the Philippine Legislature, resident in the United States, shall endeavor to secure from the Congress of the United States the abolition of the Dingley tariff—

Which shows that if we resorted to my original motion, we would still be carrying out the original policy of the Dingley bill. I resume reading—

on the following goods or merchandise, and under the conditions hereinunder specified—

Now, here is what they are willing to accept and petition Congress to grant—

(a) On sugar, restricting importations, for the purposes of the abolition of the said tariff, to 400,000 tons.

(b) On unmanufactured tobacco, restricting importation, for the purposes of the abolition of the said tariff, to 7,000,000 pounds.

(c) On manufactured tobacco, on cigarettes, and picadura manufactured in the Philippines, and of cigars manufactured in the Philippines, without limitation or, restricted at the most, to the quantity of 150,000,000 cigars.

2. That an effort be made to secure said abolition of the tariff without special concessions.

3. That the said commissioners shall also endeavor to secure the removal of customs duties on agricultural machinery, apparatus, and implements, machinery and apparatus for making or repairing roads, and on steam plows.

Mr. Ocampo proceeded:

This resolution of the Philippine Legislature, whose upper house is mainly composed of competent and distinguished Americans, is in keeping with the sentiment and wishes of the people, reiterated in the recent unanimous action of the assembly—that is, that free trade will result highly prejudicial to the interests and welfare of the Filipinos.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. SHEPPARD. What proportion of the total amount of sugar imported from the Philippine Islands at that time did the 400,000 tons represent?

Mr. BROUSSARD. They did not produce 75,000 tons at that particular time.

Mr. SHEPPARD. What proportion of the total amount of sugar now imported from the Philippines per annum does the 600,000 tons represent?

Mr. BROUSSARD. It is more than they imported in 1928. In 1928 they imported 525,000 tons. I have made the figure 600,000 tons in order not to jeopardize the interests of anyone having a vested right there in case of a large crop. In other words, I am giving them a margin of 75,000 tons, under this amendment.

Mr. SHEPPARD. They imported less in 1929 than they imported in 1928?



Mr. BROUSSARD. I have the figures for 1928. Five hundred and twenty-five thousand tons in 1928 were imported into this country from the Philippine Islands.

Mr. SHEPPARD. How did that figure compare with those of preceding years?

Mr. BROUSSARD. The importations have been increasing right along. I shall give them in a moment.

Mr. President, in order to answer the question propounded by the Senator from Texas, I wish to insert here a table prepared by the United States Tariff Commission giving the value, United States—continental—imports of cane sugar from the Philippine Islands, from July, 1909, to December 31, 1928.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Value United States (continental) imports of cane sugar from the Philippine Islands, July 1, 1909–December 31, 1928

(Values in thousands of dollars; i. e., 000 omitted)

Years ending—	Total value from the Philippine Islands	Percentage of total value imported from all countries including the Philippine Islands	Percentage of total quantity imported from Philippine Islands [1]	Percentage of total value of all commodities imported from Philippine Islands	Average ad valorem equivalent of preference under United States tariffs [2]
					Per cent
June 30:					
1910	4,260	4.1	4.3	24.6	60.2
1911	6,487	6.3	5.6	37.3	51.7
1912	11,242	9.8	10.6	48.3	41.6
1913	4,593	5.1	5.1	21.9	47.5
Annual average, 4 years	6,645	6.5	6.4	33.7	48.1
June 30:					
1914	2,556	2.4	2.1	14.1	41.3
1915	7,511	4.6	6.2	31.3	46.5
1916	6,389	3.1	3.8	22.6	36.3
1917	8,479	3.5	4.8	20.0	34.0
1918	7,913	3.3	3.5	10.1	23.4
July 1–Dec. 31, 1918	2,396	2.8	6.0	5.1	23.4
Annual average, 5½ years	6,408	3.4	4.0	14.8	34.5
Dec. 31:					
1919	7,941	2	2.5	12	24
1920	42,417	4.4	3.8	37.6	7.4
1921	17,440	7	5.6	33.4	30.3
1922	19,299	7.7	5.7	31.3	49
1923	29,641	7.8	6.2	38.1	30.4
Annual average, 5 years	23,347	5.2	4.8	31.5	30.8
Dec. 31:					
1924	39,465	10.2	8.1	40.6	30.3
1925	42,130	17.2	11.1	37.7	41.3
1926	29,606	13.3	8.4	28.5	45.4
1927	47,592	18.4	12.5	41	39.3
1928	46,873	22.4	14.7	40.5	54.1
Annual average, 5 years	41,134	15.8	10.9	37.8	49.7

[1] Not adjusted to polarization basis.

[2] These ad valorem equivalents are, however, lower than the ad valorem equivalents of duties actually collected on duty-paid Cuban sugar, since the Philippine advantage of United States duties remitted on Philippine sugar is reflected in the Philippine shipping-point prices upon which these computations are based. Of course, no comparable tariff advantage accrues to duty-paid Cuban sugars, and their shipping-point prices consequently are lower and do not reflect this advantage; hence the ad valorem equivalents of duties actually collected on Cuban sugar, necessarily computed as they would be on lower prices, would be considerably higher than the computed ad valorem equivalent of the United States duties remitted on Philippine sugar, as here shown.

Mr. BROUSSARD. Mr. President, from this table I wish to call the attention of the Senator from Texas to the fact that between the years 1910 and 1913, inclusive, four years, there were imported $6,645,000 worth, and that was 6.4 per cent of the total amount of sugar imported from the Philippine Islands into the United States.

In the period from 1914 to 1918, a period of five and a half years, $6,408,000 worth were imported.

In the period from 1919 to 1923, five years, $23,347,000 worth were imported.

In the last period, from 1924 to 1928, inclusive, the value of the sugar imported was $41,134,000.

The Senator will see, therefore, that, taking the date of January 30, 1910, they imported into this country $4,260,000 worth of sugar, and in 1928 they imported $46,873,000 worth.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. BINGHAM. Has the Senator figures to show the increase in the amount of sugar imported from Cuba in the same period?

Mr. BROUSSARD. I have not the figures with me now. I know that the importations increased from the date of our treaty with Cuba, increased many times over the amount they produced at the time we entered into the treaty in 1902.

Mr. BINGHAM. Is it not true that the increase in the importations from Cuba has been far greater than the increase in the importations from the Philippines?

Mr. BROUSSARD. Certainly, but we have a protection against Cuba. We are trying to levy a rate against Cuban sugar that will be satisfactory to the American sugar producer.

Mr. PITTMAN. Mr. President, are we paying any tariff duties to the Philippine Islands?

Mr. BROUSSARD. We are collecting certain duties on Philippine products, but under the existing law, and as proposed under this act, these sums are remitted to the treasury of the Philippine Islands.

Mr. PITTMAN. The Philippine Islands, under their present status, could not enact legislation placing duties upon our exports to the Philippine Islands?

Mr. BROUSSARD. No; they could not.

Mr. PITTMAN. Is not that possibly the reason why they have always said that they were not in favor of free trade—that is, free trade one way only?

Mr. BROUSSARD. I do not know what their attitude is with reference to my amendment, but I have just referred to the attitude of the Resident Commissioners in 1909, and to the action of the joint session of the legislature in adopting this resolution, wherein they said they were willing that the United States Government should limit the importations to 400,000 tons of sugar.

Mr. PITTMAN. At that time they were dissatisfied with the conditions they are now dissatisfied with; that is, the lack of autonomy?

Mr. BROUSSARD. Yes. I desire to have inserted in the RECORD table showing exports from the Philippine Islands to the United States. In 1900 there were imported from the Philippines into the United States, 2,119 long tons. That gradually increased, until in 1916 it was 129,801 tons, in 1922 it was 240,983 tons, and in 1928 it was 525,788 tons. So it can be seen very easily how rapidly the production is increasing in the Philippines.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana for the insertion in the RECORD of the table referred to?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Philippine sugar exports from 1920 to 1927 [1]

(Long tons of 2,240 pounds)

Year	United States	Per cent of total sugar exports	Other countries	Total sugar exports
1900	2,119	3	62,041	64,160
1901	5,143	5	91,895	97,038
1902	5,039	9	50,935	55,974
1903	28,852	83	5,898	34,750
1904	25,479	30	60,198	85,677
1905	42,903	40	63,881	106,784
1906	11,670	9	115,738	127,408
1907	10,815	8	115,080	125,895
1908	45,969	32	96,479	142,448
1909	52,234	41	75,050	127,284
1910	99,109	82	20,443	119,552
1911	184,694	89	21,047	205,741
1912	131,763	67	62,199	193,962
1913	30,252	19	124,616	154,848
1914	166,851	71	65,910	232,761
1915	81,532	29	126,146	207,678
1916	129,801	39	202,356	332,157
1917	61,392	30	141,262	202,654
1918	104,405	39	164,535	268,940
1919	31,651	23	102,259	133,910
1920	121,979	68	55,512	177,491
1921	148,101	51	137,194	285,295
1922	240,983	67	115,368	356,351
1923	226,912	84	40,773	267,685
1924	296,113	84	56,063	352,176
1925	456,658	84	81,534	538,192
1926	335,913	82	68,822	404,735
1927	500,290	91	44,289	544,579
1928	525,788	94	35,145	560,933

[1] From Bulletin No. 3 of the Philippine Bureau of Commerce and Industry and from reports of the Philippine Bureau of Customs.

Mr. BINGHAM. Is the Senator's amendment reasonably similar to what was known in the House as the Timberlake resolution?

Mr. BROUSSARD. No; it is not drafted along the lines of the Timberlake resolution. It is very simple. It merely

provides that any sugar from the Philippines imported into this country in excess of 600,000 tons shall bear the regular rate of duty.

Mr. BINGHAM. What was the limit in the Timberlake resolution?

Mr. BROUSSARD. I think it was 500,000. I am not sure, but that is my recollection.

Mr. BINGHAM. The Senator will remember that, notwithstanding the quotations which he has read from previous Philippine Commissioners, the present Philippine Commissioners are both strongly opposed to any limitation being fixed.

Mr. BROUSSARD. They are for independence. They do not want any relations at all. They want to be outside of the jurisdiction of this country, when we might impose full duties on them. That is what they are asking of us now.

Mr. BINGHAM. That is quite true, but, as the Senator from Nevada pointed out a few moments ago, if they had independence, they could then put any tax they pleased on our products.

Mr. BROUSSARD. Certainly.

Mr. BINGHAM. But at the present time, and until they get independence, they can not tax our products, whereas the Senator would propose that if the importations of their products into this country increase above 600,000 tons, we should tax their products. The Senator has in his resolution no reciprocating clause which would permit them to levy a duty on our products if they exceeded a certain amount.

Mr. BROUSSARD. I will say to the Senator from Connecticut that my proposal would merely mean going back to the relations existing between the Philippines and the United States prior to 1913, a situation which met with their favor when they asked us to exempt them from the imposition of duties the Congress of the United States imposed. Congress was very liberal with them at that time and fixed the limitation at 300,000 tons instead of 400,000.

Mr. BINGHAM. Mr. President, the Senator knows, I believe, that the reason why there was a tax levied on sugar and a tax levied on other articles coming into the United States from the Philippines until 1909 was due to the fact that in our treaty with Spain, by which we took over the Philippines, it was agreed that all goods coming into the Philippines from Spain for a period of 10 years, or from 1899 to 1909, should come into the Philippines at the most-favored-nation rate and should not pay any more duty than the rate on goods coming in from the United States, and it was felt that, in view of the fact that most goods came into the Philippines either from Spain or the United States, if we insisted on their receiving our goods without duty, and gave them the same privilege, they would not have any income at all. Therefore until 1909 it was felt that the best arrangement that could be made was to permit them to tax goods coming from the United States as they did goods coming from Spain.

Mr. BROUSSARD. I am thoroughly familiar with that. Between 1899 and 1909 there was that clause which required the imposition of a duty under the arrangement we made with Spain, but when that period expired and we were free to act as we pleased about it, we put a limitation upon imports of sugar, rice, and tobacco from the Philippines to this country, and this proposal is merely to go back to the Payne-Aldrich bill and to fix the limitation at a figure which is above the amount the Philippines are exporting to this country, thereby safeguarding every vested right in the Philippine Islands and, on the other hand, meeting the objection of many of the Senators who refuse to vote for an increase of rate in the sugar duty because of the fact that they claim it would expand the Philippine industry.

This, if adopted, would serve notice on all those who expect to go to the Philippines that if they go there and invest in sugar plantations, or sugar farms or factories, they go with the notice that any surplus over 600,000 tons sent to this country will have to pay a duty; and if they propose to grow sugar there, they have that notice and would inevitably make arrangements to dispose of the sugar in other places than the United States or pay the full duty.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. PITTMAN. There is no doubt that it would discourage increased production of sugar in the Philippine Islands and to that extent would accomplish its purpose, but it seems to me that so long as we hold the Philippine Islands as territory of the United States and will not permit them to use their judgment with regard to the revenues they may raise, will not permit them to say how much of our products shall be shipped into the Philippine Islands, give them no authority to limit, for instance, any of the exports we now export there, it is, in the nature of things, unfair. Of course, as the Senator agrees and we all agree, the situation with regard to the Philippine Islands is getting embarrassing to the United States as well as to the Filipinos.

That matter has been discussed by our Committee on Territories and Insular Affairs for several months. There is a proposition pending looking to the independence of the Philippine Islands at some future date. Some think it should be at one period of time and some at another. I think it is placed at 10 years in one measure which has been proposed, and in another one at 5 years. But in order to adjust the situation equitably between the Philippines and this country all of those bills have in mind that during the first year the Filipinos shall pay, we will say, 20 per cent of the tariff, the second year 40 per cent, and so on.

Mr. BROUSSARD. Yes; I am very familiar with that fact.

Mr. PITTMAN. At the same time, however, it allows them to put a tax equal to that amount upon the importations from the United States, which is reciprocal. I believe that some such act as that is going to pass in the very near future.

Mr. BROUSSARD. I hope so. I am a member of the committee with the Senator and I most heartily favor granting independence to the Philippines just as soon as we can arrange to do it in an orderly way.

Mr. PITTMAN. The Senator and I believe it is going to happen very soon.

Mr. BROUSSARD. Yes.

Mr. PITTMAN. Therefore, while this importation of sugar is embarrassing, their situation is embarrassing to them, and I do not want to vote to put anything in a tariff bill which probably will exist as the law for seven or eight years before we have another one—although this one is so discouraging that it may be 40 years before we have another tariff bill—when we are hoping to grant the Philippines their independence probably in the near future.

Mr. BROUSSARD. We have in the present statute section 301 which relates to tobacco and its products, cigars and cigarettes, and that matter will have to be handled; that is, it will have to be met when the bill is finally prepared for presentation here. Of course, if we are to provide for independence of the Philippines, we will repeal everything in the tariff law that affects that situation, because then our relations will be those existing between two foreign nations.

Mr. HAWES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. BROUSSARD. I yield.

Mr. HAWES. The Senator is a member of the Committee on Territories and Insular Affairs. The Senator has heard the witnesses who appeared there. Am I correct in saying that without exception every witness is in favor of ultimate Philippine independence?

Mr. BROUSSARD. That is true.

Mr. HAWES. There may be a qualification as to time, but all witnesses are in favor of Philippine independence?

Mr. BROUSSARD. Yes; some in the very indefinite future.

Mr. HAWES. Yes; while some are opposing it now, yet all favor it ultimately. Is that a correct statement?

Mr. BROUSSARD. That is absolutely correct.

Mr. President, I wish to remind the Senator from Nevada, who has discussed the equity of the proposition, that but for the Underwood law, which provided for free sugar in 1916, the limitation of 300,000 tons would still be in the law of the land. When the act of 1913 was passed it proposed that each year 33⅓ per cent of the rate should be taken off sugar until the third year, when we should have free sugar into this country. It was noticed that there was a limitation on the Philippine Islands, and that sugar was to be free in 1916, and it was found necessary to repeal that limitation; but we never had free sugar. In 1916, before the act went into effect on a free basis, that provision was repealed and a duty of 1 cent was restored on sugar. But the limitation, which had been repealed by virtue of the necessity of the new policy adopted by the Congress, was never reinstated. I am now proposing to limit it to twice the amount they had in 1913.

Mr. PITTMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. BROUSSARD. I yield.

Mr. PITTMAN. The fact that something was done at one time may be accepted as a precedent indicating that some consideration was given at that time to the matter. But I wish to say that it does not affect the situation in my mind at all. If we had once limited one of our States, which, of course, we can not do under the Constitution, or if we had once

limited the District of Alaska, for instance, in the exportation of moose meat, it would make no difference to me. I would simply think that it was wrong at the time we did it.

I feel, as long as we dominate the Philippine Islands and as long as we control their legislation, their finances, their commerce, and their economics, that it is unjust and almost unmoral to impose any burden upon them that we do not reciprocally impose upon ourselves. If we are going to restrict the Philippine Islands as to the amount of any material that they may export to us, we should limit ourselves proportionately with regard to everything we export to them. I know we will not do that. We could not possibly get enough votes for anything like that, but we are liable to get enough votes to limit them because we are more interested in exporting to the Philippine Islands than we are in importing from there.

Mr. BROUSSARD. We import from there very much more than we export to the Philippines.

Mr. PITTMAN. I do not doubt that is true.

Mr. BROUSSARD. Yes; very much more, two or three times as much. The trade advantages are in favor of the Philippines. Under this very act, in defining the United States, the Philippines are excepted from and not included in the definition given. Their relations to us no doubt are different from those of any Territory we have ever acquired. The limitations which were placed at that time were concurred in by the people who were asking to be granted that much of a free entry of goods here and agreeing to a limitation as to the others.

If they had the sugar there now and we sought to limit them, I think it would be unmoral, as the Senator said, because there is a vested right in that somebody has invested in the production of sugar. But here is a limitation that gives a margin of 75,000 tons over what they are producing now. Sugar does not grow wild like timber or some of the wild fruits there. It must be produced and it must be manufactured, so there is nothing wrong in telling the Filipinos, "We are giving you this big market. You are importing into the United States nearly three times as much every year as we export to you. That is a great advantage to you. All your goods come in here free. Do not increase your sugar production and you will retain this market to the extent of 600,000 tons."

Had we done that in the case of oils, in order to protect the producers of oils in this country, we would not be importing from the Philippines to-day 100 per cent of all the oils from cocoa and copra that are used in the United States. I appreciate that we can not have a limitation on oils without absolutely depriving men of a vested right there. They are supplying all that we need. Were they supplying only 50 per cent of the oils that we need here I think it would be very fair to tell them, "You can send your oils here free up to 55 per cent, but do not increase your production. If you do you will have to pay a duty."

Mr. PITTMAN. Mr. President, will the Senator yield again?

Mr. BROUSSARD. Certainly.

Mr. PITTMAN. Here is the difficulty: While at the present time we are not confiscating any business, still we are putting a limitation upon the development of industry in a country over which we have absolute control. The restriction of the development of industry is not confiscation, but it comes very close to being confiscation of the sovereign rights of development. I imagine, although I do not know anything about it, that when the Payne-Aldrich bill was passed they felt that they would rather be allowed to bring 300,000 tons of sugar into the United States free than not to bring any in free, and therefore they sought to have 300,000 tons permitted to come in free.

The situation, of course, is intolerable. I will admit that. We all know it. It is intolerable that we are not allowed to charge duties against a people so far away and who live under such different conditions and whose cost of producing sugar probably is much less than ours. On the other hand, they feel exactly the same way about it. They feel that it is intolerable because they are a different people, a different race, and far away from us.

Mr. BROUSSARD. They feel that they should have their independence, and I am perfectly willing to vote for it.

Mr. PITTMAN. They ask for independence without any assistance from this country.

Mr. BROUSSARD. I favor letting them have it.

Mr. PITTMAN. They ask for that, with the right on our part to place our duties as high as we want to against their importations. They have no complaint about that. I feel, too, that whenever we adopt as a part of the tariff bill a restriction upon the development of that country and a restriction upon their importations into this country, we are going to lose some supporters for Philippine independence that very minute, because there are those in this body who never would vote for Philippine independence except by reason of the fear of commercial competition. I do not want to lose those votes. They are gotten under rather extreme conditions and I want to keep them.

Mr. BROUSSARD. Mr. President, I wish to call attention to a bulletin issued by the Philippine-American Chamber of Commerce, published at 67 Wall Street, New York City. It reached my office very recently. It refers to the end of the year 1929 and says:

> Sugar production was the largest on record. Centrifugal output is estimated at 700,000 metric tons and production of muscovado at 74,000 tons.
>
> Exports of sugar were valued at approximately 108,000,000 pesos and amounted to about 694,000 tons, of which 602,000 were centrifugal, 25,000 muscovado, and 7,000 refined.
>
> Sugar mills are expediting operations and at the end of 1929 about 200,000 tons, or 27 per cent of the 1929–30 crop, were ground. Preliminary figures of the total area planted in sugarcane, issued by the bureau of agriculture, have been increased by 51,000 acres, making a total of 688,000 acres planted in sugarcane in the Philippine Islands.

I think probably Senators feel that they have done enough by increasing the duty to-day. It does not seem that Senators are taking much interest in this particular amendment. I feel that it ought to be adopted. It was the original policy of the Government toward the Philippine Islands, one in which they acquiesced and one which was repealed by virtue of the necessities of the occasion. I hope the amendment will be adopted.

Mr. SWANSON. Mr. President, I hope the Senate will not adopt the amendment submitted by the Senator from Louisiana. I hope the sugar people, who are flushed with victory, will not press it. It does seem to me that this would be a provision that is vicious and wrong and contrary to every element and principle of the American Government. It is exactly what the British Parliament did against us when we revolted and established our independence. The British Parliament claimed the right to fix all kinds of trade and commerce restraint and taxes on us. We said that although we were a part of the British Empire we were entitled to have fair and just and reasonable treatment, and we revolted against their power to tax us when we had no representation.

Of that elementary principle of government we have been the guiding light, and because of it we have become great in our adherence to the principles of justice and right. Yet here is a proposition, coming from the descendants of those who met in the Continental Congress and declared the American Colonies free and independent, to impose customs duties on the products of one of our island possessions, and to control the trade and development of those islands.

Mr. President, I have always thought that the decision of the Supreme Court that gave us the power to impose taxes against the Philippine Islands was unconstitutional. The case was only decided, as I recall, by a majority of 1, and the then Chief Justice of the Supreme Court, Chief Justice Fuller, in delivering the minority opinion said that the Constitution prevented us from imposing customs duties and restrictions on any part of our territory; that the Constitution followed the flag, and under the Constitution the action was not justified.

Mr. President, what is the proposition here? We have absolute control over the Philippine Islands, over their trade, commerce, and development, and over the imposition of customs duties. They have no control over us; no power to prohibit any exportations from continental United States, and yet we propose to exercise our power in a discriminatory way against them. We should deal justly, generously, wisely, and fairly with all our possessions. The Philippine Islands, before we prepare them for independence and before they shall be given their independence, ought not to be treated differently from the manner in which Porto Rico is treated, or differently from the manner in which we treat any of our other possessions.

In my opinion it is unwise, it is unjust, it is wrong and contrary to the principle upon which this Government was founded to take the step which is now proposed. I know that a complex question is presented. I favor conceding independence to the Philippine Islands when the people of those islands are capable and are sufficiently developed to enable them to maintain their independence. I have often thought the best way to settle the Philippine question would be to do as we did in the case of Cuba when that island was conveyed to us by Spain and held for a time as our possession. We gave Cuba her liberty, but we attached to the grant of liberty what is called the Platt amendment, which permits us to intervene when there is chaos, when there is disorder, when there is disturbance, when conditions arise that may justify our intervention. We made that amendment a part of the constitution of Cuba, and we went farther and made it the subject of treaty. Then Cuba was

given her liberty, with only such restraints as were provided in the Platt amendment. I have often thought that a similar policy should be pursued toward the Philippine Islands; that, instead of trying to dictate from Washington a government for the Philippine Islands, we should give them an opportunity within a reasonable time to govern themselves, with the right on our part to intervene, as provided in the Platt amendment in the case of Cuba. That would afford a solution of the problem and would at the same time furnish an incentive for the Philippine Islands to develop a wise, stable, and splendid government in those islands.

I hope that those who are engaged in the cultivation of tobacco, sugar, rice, and other products will not at this time insist upon such discrimination against people of the Philippine Islands as the pending amendment would provide. If we have the right to impose tariff duties against the Philippines, at the same time we should give them the right to impose tariffs and customs duty against us; the two rights should go together. I am opposed to the enactment of any such measure as that now pending, because I think it would be an act of injustice.

I hope America will never develop a colonial system such as that which existed under the British Crown when the American Colonies revolted. At that time we taught Great Britain a lesson; we taught her that colonies were created not for exploitation but for development and betterment and the improvement of those over whom sovereignty was exercised. Our success in the Revolutionary War made Great Britain reverse her policy, and ever since that time she has treated her colonies with justice, with fairness, and with consideration. Now, are we, through selfishness and a desire for profit, to reverse our policy and pursue the course which was formerly pursued by Great Britain until she abandoned it after the American Revolution?

Mr. President, Congress should deal generously with the Philippine Islands, as well as with Porto Rico and our other island possessions. The United States should be a model in the treatment of dependencies generously and liberally.

I hope this amendment will not be pressed. I think the sugar producers have gotten enough in the shape of profits under the victory which they won here to-day, without at the same time trying to make more by tearing down the fundamental principle upon which the American Government itself was created and the violation of which was the cause of our revolt.

Mr. President, I trust that the Committee on Territories and Insular Affairs will take up the Philippine question, study it, and report a measure here that will settle that question fairly and justly, and that will enable us to carry out the pledge which we made to the Philippine people that we would give them their independence. That pledge should be carried out, not recklessly, not foolishly, so that liberty would be a curse to the Philippine people and a menace to their future development, but the pledge should be kept with honesty and fairness and justice and as promptly as in reason it may be. I believe a settlement of the Philippine question somewhat similar to that brought about in the case of Cuba, with a provision similar to the Platt amendment, would be a boon to all concerned. The restriction might go farther at first than that provided in the Platt amendment; but if we should give the Philippine people such a chance I believe that ultimately they will develop into a nation prosperous and happy and we will be proud to have been instrumental in bringing that condition about and will be proud of the record we have made in our association with them during the years when we held sovereignty over them.

As I have said, I hope the sugar interests themselves, those who are interested in domestic sugar production, will, in a spirit of justice and fairness, vote down this amendment if a roll call should come on it, and show, above the mere making of money, above the mere grabbing of profits, a patriotic desire to live up to American ideals and to preserve American principles pure and untainted.

Mr. HAWES. Mr. President, I am satisfied that within a reasonable time the question of the independence of the Philippine people will come before the Senate, so I shall oppose this amendment. I ask permission now, as a part of this discussion, to introduce a bill relating to Philippine independence and that it be referred to the Committee on Territories and Insular Affairs. The bill is the production of the junior Senator from New Mexico [Mr. CUTTING] and myself. I request that we be recorded as its joint authors. I also ask that the bill may be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, it is so ordered.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Philippine government of obligations under the treaty with Spain; to define trade and other relations between the United States and the Philippine Islands on the basis of a progressive scale of tariff duties preparatory to complete independence; to provide for the calling of a convention to frame a constitution for the government of the Philippine Islands; to provide for certain mandatory provisions of the proposed constitution; to provide for the submission of the constitution to the Filipino people and its submission to the Congress of the United States for approval; to provide for the adjustment of property rights between the United States and the Philippine Islands; to provide for the acquisition of land by the United States for coaling and naval stations in the Philippine Islands; to continue in force certain statutes until independence has been granted, and for other purposes, was read twice by its title, referred to the Committee on Territories and Insular Affairs, and ordered to be printed in the RECORD, as follows:

A bill to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Philippine government of obligations under the treaty with Spain; to define trade and other relations between the United States and the Philippine Islands on the basis of a progressive scale of tariff duties preparatory to complete independence; to provide for the calling of a convention to frame a constitution for the government of the Philippine Islands; to provide for certain mandatory provisions of the proposed constitution; to provide for the submission of the constitution to the Filipino people and its submission to the Congress of the United States for approval; to provide for the adjustment of property rights between the United States and the Philippine Islands; to provide for the acquisition of land by the United States for coaling and naval stations in the Philippine Islands; to continue in force certain statutes until independence has been granted, and for other purposes

Whereas the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, declared it to be the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas a stable government has been established and is being maintained in the Philippine Islands; and

Whereas the Filipino people have petitioned the Government and people of the United States to declare the Philippine Islands free and independent: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention, which shall meet in the hall of the house of representatives in the capital of the Philippine Islands at such time as the Philippine Legislature may fix, to formulate and draft a constitution for a free and independent government of the Philippine Islands, subject to the conditions and qualifications prescribed in this act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December, 1898, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

SEC. 2. The constitution formulated and drafted shall be republican in form and adequate to secure a stable, orderly, and free government, and shall, either as a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

(a) All citizens of the Philippine Islands shall owe allegiance to the United States.

(b) Every officer of the government of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(c) Absolute toleration of religious sentiment shall be secured, and no inhabitant or religious organization shall ever be molested in person or property on account of religious belief or mode of worship.

(d) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings,

and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(e) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 5.

(f) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(g) The debts, liabilities, and obligations of the present Philippine government, its Provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new government.

(h) Provision shall be made for the establishment and maintenance of an adequate system of public schools conducted in the English language.

(i) No part of the public revenues shall be used for the support of any sectarian or denominational school, college, university, church, or charitable institution.

(j) Acts affecting the currency or coinage laws shall not become law until approved by the President of the United States.

(k) Foreign affairs shall be under the direct supervision and control of the United States.

(l) All acts passed by the legislature of the Philippine Islands shall be reported to the Congress of the United States.

(m) The Philippine Islands recognizes the right of the United States to maintain armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government.

(n) Appeals to Federal courts of the United States shall be as now or as may be hereafter provided by act of Congress.

(o) The United States may exercise the right to intervene for the preservation of the government of the Philippine Islands and for the maintenance of a government adequate for the protection of life, property, and individual liberty, and for the discharge of its obligations.

(p) The authority of the United States commissioner to the government of the Philippines, as provided in this act, shall be recognized.

SUBMISSION OF CONSTITUTION TO FILIPINO PEOPLE

SEC. 3. If a constitution is formed in compliance with the provisions of this act, the said constitution shall be submitted to the people of the Philippine Islands for their ratification or rejection at an election to be held within four months after the completion of the constitution, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed constitution, or for or against any proposition separately submitted. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the return of the election shall be made. The Philippine Legislature shall, by law, provide for the canvassing of the return, and, if a majority of the votes cast on that question shall be for the constitution, shall certify the result to the Governor General of the Philippine Islands, together with a statement of the votes cast thereon, and upon separate propositions, and a copy of said constitution, propositions, and ordinances.

SUBMISSION OF CONSTITUTION TO CONGRESS OF THE UNITED STATES

SEC. 4. When the constitution has been adopted in compliance with the provisions of this act, and has been duly ratified by the people of the Philippine Islands, a certified copy shall be submitted to the Congress of the United States for approval. If the Congress by law approves the constitution or if the Congress, within three months of legislative session following submission to it, fails by law to disapprove the constitution, the President shall so certify to the Governor General of the Philippine Islands, who shall, within 30 days after the receipt of such notification from the President, issue a proclamation for the election of officers of the government provided for in the constitution. The election shall take place not earlier than three months nor later than six months after the proclamation by the Governor General ordering such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor General of the Philippine Islands shall certify the result of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine government shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of the Philippine Islands shall provide for the orderly transfer of the functions of government.

If the Congress, within three months of legislative session following submission to it, by law disapproves the constitution adopted and ratified in pursuance of the provisions of this act, then such fact shall forthwith be communicated by the President to the constitutional convention, which shall thereupon consider any objections made and proceed to redraft the constitution for ratification and submission in accordance with the provisions of this act.

TRADE RELATIONS WITH THE UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 5. Trade relations between the United States and the government of the Philippine Islands established under this act shall be upon the following basis:

(1) During the first year after the termination of the existing Philippine government all articles coming into the United States from the Philippine Islands or coming into the Philippine Islands from the United States shall be admitted in accordance with the law in force at the time of such termination.

(2) During the second year after the termination of the existing Philippine government there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands and upon all articles coming into the Philippine Islands from the United States 25 per cent of the duties which are required by the respective governments to be levied, collected, and paid upon like articles imported from foreign countries.

(3) During the third year after the termination of the existing Philippine government there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands and upon all articles coming into the Philippine Islands from the United States 50 per cent of the duties which are required by the respective Governments to be levied, collected, and paid upon like articles imported from foreign countries.

(4) During the fourth year after the termination of the existing Philippine government there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands and upon all articles coming into the Philippine Islands from the United States 75 per cent of the duties which are required by the respective Governments to be levied, collected, and paid upon like articles imported from foreign countries.

(5) During the fifth year after the termination of the existing Philippine government there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands and upon all articles coming into the Philippine Islands from the United States the rates of duty which are required by the respective Governments to be levied, collected, and paid upon like articles imported from foreign countries.

OTHER RELATIONS WITH UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 6. Until the final and complete withdrawal of American sovereignty over the Philippine Islands—

(1) Every duly adopted amendment to the constitution of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment, or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such constitution.

(2) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Philippine Islands, which in his opinion seems likely to result in a failure of the government of the Philippine Islands to fulfill its contracts, or to meet its bonded indebtedness and interest thereon, or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or may create international complications. The President shall, in any such case, finally determine whether or not such law, contract, or executive order shall go into or remain in effect.

(3) The chief executive of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the government of the Philippine Islands, and shall make such other reports as the President or Congress may request.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States commissioner to the Philippine Islands, who shall hold office at the pleasure of the President or until his successor is appointed and qualified. He shall be the representative of the President of the United States in the Philippine Islands, and shall be recognized as such by the government of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands.

If the government of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States commissioner shall immediately report the facts to the President, who may thereupon direct the commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be lawfully delegated to him from time to time by the President.

The first United States commissioner appointed under this act shall take office upon the inauguration of the new government of the Philip-

pine Islands. He shall be paid by the United States an annual salary of $18,000, and $12,000 for expenses.

(5) The government of the Philippine Islands shall provide for the selection of a resident commissioner to the United States, who shall hold office for a term of four years beginning with the 4th day of March following his selection, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of credentials signed by the chief executive of said islands. He shall have a seat in the House of Representatives of the United States, with the right to debate, but without the right of voting. His salary and expenses shall be fixed and paid by the government of the Philippine Islands. Until a resident commissioner is selected and qualified under this section, existing law governing the appointment of resident commissioners from the Philippine Islands shall continue in effect.

PLEBISCITE ON THE QUESTION OF PHILIPPINE INDEPENDENCE

SEC. 7. (a) Within the first six months of the fifth year after the termination of the government provided for in this act, the people of the Philippine Islands shall vote on the question of Philippine independence. The legislature of the Philippine government shall provide for the time and manner of an election for such purpose, at which the qualified voters of the Philippine Islands shall be entitled to vote.

(b) If a majority of the votes cast are in favor of Philippine independence, the chief executive of the Philippine Islands shall so report to the President of the United States, who shall, within 60 days after the receipt of such report, issue a proclamation announcing the results of such election, and announcing that upon the expiration of the fifth year after the termination of the government provided for in this act, the government of the Philippine Islands will be turned over to the duly elected officers thereof. Upon the expiration of such fifth year the President of the United States shall withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force; provided that the constitution has been previously amended to include the following provisions:

(1) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands.

(2) That the Philippine Government will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States not later than two years after his proclamation recognizing the independence of the Philippine Islands.

(3) That the officials elected and serving under the constitution adopted pursuant to the provisions of this act shall be constitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in the constitution.

(4) That the debts and liabilities of the Philippine Islands, its Provinces, cities, municipalities, and instrumentalities which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States shall be assumed by the free and independent government of the Philippine Islands; and that where bonds have been issued under authority of an act of Congress of the United States by the Philippine Islands or any Province, city, or municipality therein, the Philippine Government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

(5) That the government of the Philippine Islands on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the treaty of peace with Spain ceding said Philippine Islands to the United States.

(6) That by way of further assurance the government of the Philippine Islands will embody the foregoing provisions (except paragraph (3)) in a permanent treaty with the United States.

(c) If a majority of the votes cast are against Philippine independence, the chief executive of the Philippine Islands shall so report to the Congress of the United States for their action regarding the future political status of the Philippine Islands. In the event of such vote against Philippine independence, after the expiration of the fifth year after the termination of the existing Philippine government all articles coming into the United States from the Philippine Islands, or coming into the Philippine Islands from the United States, shall be admitted in accordance with the law in force at the time of such termination.

NOTIFICATION TO FOREIGN GOVERNMENTS

SEC. 8. Upon the proclamation and recognition of the independence of the Philippine Islands under their constitution, the President shall notify the governments with which the United States is in diplomatic correspondence thereof, and invite said governments to recognize the independence of the Philippine Islands.

TARIFF DUTIES AFTER INDEPENDENCE

SEC. 9. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries.

CERTAIN STATUTES CONTINUED IN FORCE

SEC. 10. All laws or parts of laws applicable to the Philippine Islands not in conflict with any of the provisions of this act are hereby continued in force and effect until altered, amended, or repealed in accordance with existing law by the Philippine Legislature or by the legislative authority of the government established under the provisions of this act, or by act of Congress of the United States.

Mr. HAWES. Mr. President, it would be unfortunate for the American people and the Philippine people for this measure to be considered from a partisan political viewpoint.

By joint production, the Senator from New Mexico [Mr. CUTTING] and myself, each from a different political party, hope to avoid partisanship, so that Philippine independence may be discussed upon its merits and not from the standpoint of political bias.

We have considered bills now before the Committee on Territories and Insular Affairs. The measure we introduce will not fully satisfy those who want immediate and unqualified independence. It will not satisfy those who desire to place a tariff upon the imports and exports of the Philippine Islands prior to a definite period of readjustment under American sovereignty.

It will not be entirely satisfactory to the distinguished Commissioners from the Philippine Islands, or to the brilliant speaker of the Philippine House, the Hon. Manuel Roxas, or to the able majority leader, Hon. Manuel Briones, or to the able minority leader, the Hon. Pedro Gil; but upon reflection and study we believe that the advocates of immediate independence, as well as those who propose tariff duties without a limitation upon the duration of our sovereignty, and even the very distinguished representatives now in Washington representing the Philippine government, will agree that it affords a basis for adjustment between conflicting, extreme views.

In passing, however, I am wondering whether those who are here representing the Philippine people, and the Philippine people themselves, knowing the situation as it exists in America to-day, and fully acquainted with the difficulties that have to be surmounted through the education of the American public to the facts as to the Philippines—I am wondering whether they do not believe that actually they will achieve absolute independence more quickly through the methods provided in this bill than through the continuous demands for immediate independence.

I am personally satisfied that early Philippine independence, to which I personally subscribe, will be more effectively brought about by this method. The bill at least forms the basis for discussion of each problem presented during the intermediate period prior to independence and of adjustments after independence.

It provides for the submission of a constitution to the Philippine people, and its subsequent submission to the Congress of the United States for approval or disapproval.

It provides for the assumption by the Philippine Government of financial obligations.

It protects religious liberty.

It provides, if deemed advisable and necessary, for naval and coaling stations; and for the maintenance of public schools conducted in the English language.

Mr. President, the statement has been made that the Filipinos, while now desiring independence, if confronted by the responsibilities of government, including tariff regulations, would change their minds.

This bill faces that question squarely in its provision for tariff regulation covering a period of years, and then after the Philippine people have been faced by this readjustment, paid what penalties may come with independence and freedom, that they shall again have an opportunity to express their opinion in a plebiscite held for that purpose.

This provision will eliminate guesswork. It will eliminate speculation. It will remove from any debate or uncertainty the thought that the people of the Philippine Islands have not weighed the cost of responsibility, the price that they must pay for freedom, by first giving them an actual, practical demonstration of what this cost will be, and giving them an opportunity to change their minds or give a new expression on the subject.

Mr. President, one interesting fact has been established in the hearings so far before your committee: Every witness,

whether for immediate independence or contingent independence, or delayed independence, has without exception stated that ultimately the Philippine people should be given their freedom.

There has been another agreement upon the part of all witnesses, no matter what their shade of opinion may be, and that is that it is the duty of Congress, for the benefit of both the Philippine people and the citizens of the United States, to enact some legislation.

We went very far in the Jones Act, which placed all political offices in the Philippines in the hands of the Philippine people, with the exception of the offices of Governor General, Vice Governor General, and insular auditor, and a few other positions now held by American citizens; but the government of the subdivisions or Provinces of the Philippines, numbering 49 in all, are now governed by Philippine officials with the exception of two special Provinces, which are governed by Americans. The municipalities and other subdivisions are in the hands of Philippine officials.

Mr. President, the American people have but two courses open to them. One is to advance democracy, which was done under the Jones Act, or to establish a dictatorship, which would be totally repugnant to American thought, American traditions, and American statesmanship.

Our national promise for ultimate independence can not be disputed by anyone. No one attempts to dispute it. It was expressed definitely and finally in the Jones Act, reading as follows:

Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the United States to withdraw their sovereignty over the Philippine Islands, and to recognize their independence as soon as a stable government can be established therein.

But long prior to that act, which was an official expression of the Congress of the United States, both political parties and all of our public men who have discussed the subject have promised independence.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. HAWES. I yield to the Senator.

Mr. JONES. I have been frequently asked if I was responsible for what is known as the Jones Act with reference to the Philippines. Since the Senator has referred to the Jones Act, I think it well for me to say that the term refers to Congressman Jones, of Virginia, who was a Member of the House at that time, and was the author of that act.

Mr. HAWES. I will say to the Senator that I do not believe he would disown it, even though he were charged with having been the author of the act.

Mr. JONES. That is probably true.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. HAWES. I should like to continue.

Mr. SWANSON. I merely wish to say that the friends of Congressman Jones are very proud of his achievement in that act.

Mr. JONES. I do not want to take any of his glory.

Mr. HAWES. Mr. President, I shall conclude in just a minute. I ask permission to insert in the RECORD at this point statements by President McKinley, President Roosevelt, President Taft, President Wilson, President Harding, and President Coolidge.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

M'KINLEY

It is also my wish and expectation that the commissioners may be received in a manner due to the honor and authorized representatives of the American Republic, duly commissioned on account of their knowledge, skill, and integrity as bearers of the good will, protection, and the richest blessings of a liberating rather than a conquering nation. (Letter to Secretary of War, January, 1899.)

Forcible annexation can not be thought of; that, according to the American code of morals, is criminal aggression. (Statement by McKinley at the beginning of Spanish-American War.)

We shall continue as we have begun * * * to make these people * * * feel that it is their liberty and not our power * * * we are seeking to enhance. (Message to Congress, December, 1899.)

ROOSEVELT

We hope to do for them what has never before been done for any people of the Tropics—to make them fit for self-government after the fashion of the really free nations * * *. We are extremely anxious that the natives shall show the power of governing themselves. We are anxious first for their sake and next because it relieves us of a great burden. There need not be the slightest fear of our not continuing to give them all the liberty for which they are fit. (Message to Congress, December, 1901.)

If they are safeguarded against oppression, and if their real wants, material and spiritual, are studied intelligently and in a spirit of friendly sympathy, much more good will be done them than by any effort to give them political power, though this effort may in its own proper time and place be proper enough. (Message to Congress on December, 1901.)

At present they are utterly incapable of existing in independence at all or building up a civilization of their own. I firmly believe that we can help them to rise higher and higher in the scale of civilization and of capacity for self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely, yet in some such relation to the United States as Cuba now stands. (Message to Congress, December, 1904.)

We are constantly increasing the measure of liberty accorded the islanders; and next spring * * * we shall take a great stride forward in testing their capacity for self-government by summoning the first Filipino legislative assembly; and the way in which they stand this test will largely determine whether the self-government thus granted will be increased or decreased. (Message to Congress, December, 1904.)

I hope and believe that these steps—setting up the Philipine Legislative Assembly—mark the beginnings of a course which will continue till the Filipinos become fit to decide for themselves whether they desire to be an independent nation. (Message to Congress, December, 1906.)

They have yet a long way to travel before they will be fit for complete self-government, and for deciding, as it will then be their duty to do, whether this self-government shall be accompanied by complete independence. It will probably be a generation—it may even be longer—before this point is reached; but it is most gratifying that such substantial progress toward this as a goal has already been accomplished. We desire that it be reached at as early a date as possible for the sake of the Filipinos and for our own sake, but improperly to endeavor to hurry the time will probably mean that the goal will not be attained at all. (Message to Congress, January, 1908.)

In order to use the Navy effectively we should clearly define to ourselves the policy we intend to follow and the limits over which we expect our power to extend. Our own coasts, Alaska, Hawaii, and the Panama Canal and its approaches should represent the sphere in which we should expect to be able, single-handed, to meet and master any opponent from overseas.

I exclude the Philippines. This is because I feel that the present administration has definitely committed us to a course of action which will make the early and complete severance of the Philippines from us not merely desirable but necessary. I have never felt that the Philippines were of any special use to us. But I have felt that we had a task to perform there and that a great nation is benefited by doing a great task. It was our bounden duty to work primarily for the interest of the Filipinos; but it was also our bounden duty, inasmuch as the entire responsibility lay upon us, to consult our own judgment and not theirs in finally deciding what was to be done. (Ex-President Roosevelt in a newspaper article as quoted by Senator KING, Senate hearings, 1930, p. 94.)

Apparently its [the present administration's] course in the Philippines has proceeded upon the theory that the Filipinos are now fit to govern themselves. Whatever may be our personal and individual beliefs in this matter, we ought not, as a Nation, to break faith or even to seem to break faith. (Ex-President Roosevelt in another article as quoted by Senator KING, Senate hearings, 1930, p. 94.)

I hope, therefore, that the Filipinos will be given their independence at an early date and without any guaranty from us which might in any way hamper our future action or commit us to staying on the Asiatic coast. I do not believe we should keep any foothold whatever in the Philippines. Any kind of position by us in the Philippines merely results in making them our heel of Achilles if we are attacked by a foreign power. They can be of no compensating benefit to us. If we were to retain complete control over them and to continue the course of action which in the past 16 years has resulted in such immeasurable benefit to them, then I should feel that it was our duty to stay and work for them in spite of the expense incurred by us and the risk we thereby ran.

But inasmuch as we have now promised to leave them, as we are now abandoning our power to work efficiently for and in them, I do not feel that we are warranted in staying in the islands in an equivocal position, thereby incurring great risk to ourselves without conferring any real compensating advantage, of a kind which we are bound to take into account, on the Filipinos themselves. If the Filipinos are entitled to independence, then we are entitled to be freed from all the responsi-

bility and risk which our presence in the islands entails upon us. (Ex-President Roosevelt in a magazine article as quoted by Senator KING, Senate hearings, 1930, p. 94.)

Personally, I think it is a fine and high thing for a nation to have done such a deed [our work in the Philippines] with such a purpose. But we can not taint it with bad faith. If we act so that the natives understand us to have made a definite promise, then we should live up to that promise. The Philippines, from a military standpoint, are a source of weakness to us. The present administration has promised explicitly to let them go, and by its action has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence without any guaranty whatever by us and without our retaining any foothold in them. (Ex-President Roosevelt in an article written in The Outlook after the passage of the Jones law.)

TAFT

What shall be done in the future * * * is a question which will doubtless have to be settled by another generation than the present, both of the American and of the Philippine people, to whose wisdom and generosity we may safely trust the solution of the problem. Should the Philippine people when fit for self-government demand independence I should be strongly in favor of giving it to them; and I have no doubt that the American people of the next generation would be of the same opinion. (Letter, Secretary of War Taft, March, 1905.)

How long this process of political preparation of the Philippine people is likely to be is a question which no one can certainly answer. When I was in the islands the last time I ventured the opinion that it would take considerably longer than a generation. I have not changed my view upon this point, but the issue is one upon which opinions differ. * * * As I promised, however, this is a question for settlement by the Congress of the United States. (Address to Philippine Assembly, October, 1907.)

It [the United States policy toward the Philippines] necessarily involves in its ultimate conclusion as the steps toward self-government become greater and greater, the ultimate independence of the islands, although, of course, if both the United States and the islands were to conclude after complete self-government were possible that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia, there would be nothing inconsistent with the present policy in such result. * * * If the American Government can only remain in the islands long enough to educate the entire people, to give them a language which enables them to come into contact with modern civilization, and to extend to them from time to time additional political rights so that by the exercise of them they shall learn the use and responsibilities necessary to their proper exercise, independence can be granted with entire safety to the people. I have an abiding conviction that the Philippine people are capable of being taught self-government in the process of their self-development. * * * While I have always refrained from making this (the development of trade between the Occident and the Orient) the chief reason of the retention of the Philippines, because the real reason lies in the obligation of the United States to make its people fit for self-government, and then to turn the government over to them, I don't think it improper in order to secure support for the policy to state such additional reason. (Special report, Secretary of War Taft, January, 1908.)

It [the statement in the Democratic platform favoring independence] is an affirmation of policy only slightly different from that repeatedly announced by this and preceding Republican administrations. (Public address, March, 1918.)

WILSON

By their [the Philippine people] wise counsel and experience rather than by our own we shall learn how best to serve them and how soon it will be possible and wise to withdraw our supervision. Let us once find the path and set out with firm and confident tread upon it and we shall not wander from it nor linger upon it.

* * * * * * *

We must hold steadily in view their ultimate independence, and we must move toward the time of independence as steadily as the way can be cleared and the foundation thoughtfully and permanently laid. (Message to Congress, December, 1913.)

Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and have thus fulfilled the condition precedent set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and our duty to keep our promise to the people of those islands by granting them the independence they so honorably covet. (Message to Congress, December, 1920.)

HARDING

I can only commend the Philippine aspirations to independence and complete self-sovereignty. None in America would wish you to be without national aspirations. You would be unfitted for the solemn duties of self-government without them. (Statement to the Philippine legislative delegation in 1922.)

COOLIDGE

It is not possible to believe that the American people would wish to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who could better govern themselves on a basis of complete independence. * * *

If the time comes when it is apparent that independence would be better for the people of the Philippines from the point of view of both their domestic concerns and their status in the world, and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it. (Letter in 1924 to the speaker of the Philippine House of Representatives who came to Washington as chairman of the Philippine Independence Mission.)

Finally, I feel that it [the act to hold a plebiscite relative to Philippine independence] should be disapproved, because * * * it is delaying the arrival of the day when the Philippines will have overcome the most obvious present difficulty in the way of its maintenance of an unaided government. (Letter to Governor Wood in April, 1927, sustaining Governor Woods's veto of the plebiscite bill passed by the Philippine Legislature.)

Mr. HAWES. Mr. President, I shall not interrupt the tariff discussion by extended remarks at this time except to call national attention to the very unwise opposition of a small group who are carrying on a propaganda against Philippine independence, which has already aroused, and should arouse, the hostility of the Philippine people.

In conclusion, I ask to have inserted as a part of my remarks at this point excerpts from the political party platforms of the past several years with respect to Philippine independence.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EXCERPTS FROM REPUBLICAN PARTY PLANKS ON PHILIPPINE INDEPENDENCE

FROM THE PLATFORM OF 1900

And while the American people, sustained by this Republican legislation, have been achieving these splendid triumphs in their business and commerce, they have conducted and in victory concluded a war for liberty and human rights. No thought of national aggrandizement tarnished the high purpose with which American standards were unfurled. * * * To 10,000,000 of the human race there was given "a new birth of freedom," and to the American people a new and noble responsibility.

* * * * * * *

Our authority could not be less than our responsibility, and wherever sovereign rights were extended it became the high duty of the Government to maintain its authority, to put down armed insurrection, and to confer the blessings of liberty and civilization upon all the rescued peoples.

The largest measure of self-government consistent with their welfare and our duties shall be secured to them by law.

FROM THE PLATFORM OF 1904

In the Philippines we have suppressed insurrection, established order, and given to life and property a security never known there before. We have organized civil government, made it effective and strong in administration, and have conferred upon the people of those islands the largest civil liberty they have ever enjoyed.

* * * * * * *

FROM THE PLATFORM OF 1908

In the Philippines insurrection has been suppressed, law established, and life and property made secure. Education and practical experience are there advancing the capacity of the people for government, and the policy of McKinley and Roosevelt is leading the inhabitants step by step to an ever-increasing home rule.

* * * * * * *

FROM THE PLATFORM OF 1912

The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics.

FROM THE PLATFORM OF 1916

We renew our allegiance to the Philippine policy inaugurated by McKinley, approved by Congress, and consistently carried out by Roosevelt and Taft. Even in this short time it has enormously improved the material and social conditions of the islands, given the Philippine people a constantly increasing participation in their government, and, if persisted in, will bring still greater benefits in the future.

We accepted the responsibility of the islands as a duty to civilization and the Filipino people. To leave with our task half done would break our pledges, injure our prestige among nations, and imperil what has already been accomplished.

* * * * * * *

The 1920 Republican platform made no reference to the Philippines.

FROM THE PLATFORM OF 1924

* * * * * * *

In accepting the obligations which came to them with the sovereignty of the Philippine Islands the American people had only the wish to serve, advance, and improve the condition of the Filipino people. That thought has been uppermost in every American dominating factor in the American consideration of the many problems which must inevitably grow out of such relationship as exists.

If the time comes when it is apparent that independence would be better for the people of the Philippines from the point of view of both their domestic concerns and their status in the world, and if when that time comes the Filipino people desire complete independence, the American Government and people will gladly accord it. A careful study of the conditions in the Philippine Islands has convinced the present administration that the time for such action has not yet come.

* * * * * * *

The 1928 Republican platform made no reference to the Philippines.

PHILIPPINE PLANK, PROGRESSIVE PARTY OF 1924

"*Resolved*, That we favor the immediate and complete independence of the Philippine Islands, in accordance with the pledges of official representatives of the American people."

* * * * * * *

EXCERPTS FROM DEMOCRATIC PARTY PLANKS ON PHILIPPINE INDEPENDENCE

FROM THE PLATFORM OF 1900

* * * * * * *

The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization nor to convert the Republic into an empire we favor an immediate declaration of the Nation's purpose to give the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference, such as has been given for nearly a century to the republics of Central and South America.

* * * * * * *

FROM THE PLATFORM OF 1904

We insist that we ought to do for the Filipinos what we have done already for the Cubans, and it is our duty to make that promise now and upon suitable guarantees of protection to citizens of our own and others resident there at the time of our withdrawal, set the Filipino people upon their feet, free and independent to work out their own destiny.

* * * * * * *

We favor the preservation, so far as we can, of an open door for the world's commerce in the Orient, without an unnecessary entanglement in oriental and European affairs and without arbitrary, unlimited, irresponsible, and absolute government anywhere within our jurisdiction.

* * * * * * *

FROM THE PLATFORM OF 1908

We condemn the experiment in imperialism as an inexcusable blunder, which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba until the naturalization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

FROM THE PLATFORM OF 1912

We affirm the position thrice announced by the Democracy in national convention assembled against a policy of imperialism and colonial exploitation in the Philippines or elsewhere. * * * We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers.

* * * * * * *

FROM THE PLATFORM OF 1916

We heartily indorse the provisions of the bill, recently passed by the House of Representatives, further promoting self-government in the Philippine Islands as being the fulfillment of the policy declared by the Democratic Party in its last national platform, and we reiterate our indorsement of the purpose of ultimate independence for the Philippine Islands expressed in the preamble of that measure.

FROM THE PLATFORM OF 1920

We favor the granting of independence without unnecessary delay to the 10,500,000 inhabitants of the Philippine Islands.

FROM THE PLATFORM OF 1924

The Filipino people have succeeded in maintaining a stable government, and have thus fulfilled the only condition laid down by the Congress as a prerequisite to the granting of independence. We declare that it is now our liberty and our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

FROM THE PLATFORM OF 1928

The Filipino people have succeeded in maintaining a stable government, and have thus fulfilled the only condition laid down by the Congress as a prerequisite to the granting of independence. We declare that it is now our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

Mr. BINGHAM. Mr. President——

Mr. HAWES. I yield to the Senator from Connecticut.

Mr. BINGHAM. I merely wish to ask the Senator if I understood him to say that the promise of independence was made in the Jones Act?

Mr. HAWES. That is my understanding.

Mr. BINGHAM. Can the Senator quote that promise? I am curious to see any words in the nature of a promise in that act, or even in the preamble to it.

Mr. HAWES. I will say to the Senator that we have had frequent discussions in our committee as to what the preamble meant, and I think the chairman stands absolutely alone in his interpretation of it. However, I will read the statement to the Senator.

Mr. BINGHAM. If the Senator will kindly read the clause in the preamble to which he refers as a promise, I shall be glad to leave it to the readers of the CONGRESSIONAL RECORD as to whether or not it is a promise.

Mr. HAWES (reading):

Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein.

That is a declaration of the Congress of the United States. It seems to me to be very clear.

Mr. BINGHAM. There is no question about its being a declaration in the preamble; but I still submit that it is not a promise in the act.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New York?

Mr. HAWES. I yield.

Mr. COPELAND. Has the Senator read the minutes of the executive session during the consideration of the treaty between Spain and the United States?

Mr. HAWES. I have.

Mr. COPELAND. The Senator did not get much encouragement from those minutes, did he?

Mr. HAWES. I did. I say without fear of contradiction that no official of the American Government, no President, from McKinley down to Coolidge, has failed to recognize the obligation of ultimate independence for the Philippines, and I put in the RECORD the statement of all these Presidents and both political parties.

There may be a few men from New York who are afraid of losing the sale of some cotton goods, who place the bargain counter above freedom, who have organized to oppose Philippine independence. I can only say to those men, "Read American history. Go back to the time of the Boston Tea Party. If something like that happens in the Philippines, it is your own fault, because the Filipinos have read American history, and they do not like the kind of Americanism that puts cotton cloth above liberty."

Mr. COPELAND. If the Senator will yield further, does not the Senator think it is a little bit sordid to base the desire for freedom of the Philippines upon competition with sugar and oil?

Mr. HAWES. I have stated during the absence of the Senator from New York that I was opposed to this amendment; that the question should be brought here frankly and freely as a matter of carrying out the national promise, preserving the honor of the American people who made that promise, and discussing the question of Philippine independence separately and entirely apart from the tariff, or any revenue measure.

Mr. COPELAND. I honor the Senator for that position, because it is only in that spirit that we can properly consider the question. Unfortunately for me, I have been convinced against my will that we have no constitutional right to grant that liberty without the consent of the people; but that is another question.

Mr. HAWES. I am glad the Senator from New York has brought up that question, because I do not believe there is a single lawyer—possibly there is one—on the Committee on Territories and Insular Affairs who thinks there is the slightest doubt about it. I do not think the Attorney General of the United States thinks there is any doubt about it; and certainly when the matter was referred to the legislative drafting bureau of the Senate they said there was no doubt about it. There is no doubt about it in my mind, Doctor.

Mr. COPELAND. I should like to say to the Senator that while the lawyers he has mentioned may take that view, there are plenty of lawyers in the United States who take exactly the opposite view; and even a layman can follow through a series of Supreme Court decisions, and found the knowledge he gets in that study upon what happened in the Senate when the question of the treaty was before it; and even a layman can be forced to reach the conclusion which I have been forced to reach, because it is against my honest desire, that without an amendment to the Constitution giving the power to the Congress to cede the Philippines, we are powerless to do it.

I concede at once that we have the might, the power, the iron hand, and by the exercise of might could do this thing, which, as I see it, is violative of the constitutional questions involved; and the Supreme Court might take the view that since it was a political question they could not deal with it. Nevertheless, as I see the matter from my study of several years given to it, I am convinced that without the consent of the people we have no right to cede that territory; and I can go back to our old friend and founder, Thomas Jefferson, for the first statement that there is no power in Congress to alienate a single square inch of American territory, and the conditions which existed in Jefferson's day, as I see the matter, are the conditions which exist to-day.

Mr. SWANSON. Mr. President, I have listened with a great deal of interest to the constitutional argument presented by the Senator from New York [Mr. COPELAND].

When the question came up in the Supreme Court as to the right to impose a tariff on products of the Philippine Islands, the Supreme Court decided that the Philippines were territory of the United States, and were subject absolutely to the will of Congress under the Constitution, which says that all territory of the United States is controlled by Congress; and it has never been disputed that Congress can alienate territory that has not been made into a State.

If Congress should, by an act, make the Philippine Islands a State, then they would succeed to the rights of the thirteen original States, as Louisiana did. The Supreme Court, however, has repeatedly decided that until some act is taken to incorporate the Philippines in the Union as a State they are subject to the will of Congress; and under the provision that Congress has a right to make rules and regulations as to the disposition of territory, we have a right to impose a tariff duty on them, under the decision of Chief Justice White.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. Yes.

Mr. COPELAND. What decision does the Senator refer to?

Mr. SWANSON. The decision of Chief Justice White in the Insular cases.

Mr. COPELAND. Does the Senator mean the case of Downes against Bidwell?

Mr. SWANSON. I do not know the exact name of the case. It might be that case; but the right of Congress to impose a tariff on Porto Rico before we made it a part of the territory of the United States or on the Philippine Islands was held to be dependent upon whether there had been an act of Congress making them succeed to the rights of the thirteen original States as a part of the Union. The court decided that it would take an act of Congress to do it, and that when Congress did that, then they had all the rights of the original thirteen States; but the court decided that Congress had not done it as to the Philippine Islands.

We have not done it. We have a right to-day to dispose of the Philippines under the clause of the Federal Constitution which says that Congress has control of the territory of the United States; and I do not know anybody who has ever disputed that fact since that decision, except somebody who believes that minority opinions ought to be the law of the country.

Mr. COPELAND. Mr. President, if the Senator will yield, the Senator has forgotten to get the foundation of the case to which he refers. That is a very remarkable case, in that on the main issue five of the judges agreed, but on everything else not more than two of them agreed on anything; and if I remember correctly, Chief Justice White was alone, in a minority.

Mr. SWANSON. No; he delivered the opinion of the court.

Mr. COPELAND. In Downes against Bidwell?

Mr. SWANSON. I do not know whether it was Downes against Bidwell or not; but in the Insular cases he delivered the opinion of the court.

Mr. COPELAND. No; Mr. Justice Brown delivered the opinion in that case.

Mr. SWANSON. The opinion in the Insular cases, which were the cases that decided this question, was delivered by Justice White. Chief Justice Fuller dissented. The question at that time was whether the Constitution came to any possession of the United States and became operative there of its own will. I, as a Democrat, was arguing at that time that the Constitution followed the flag and that no act of Congress was needed to carry the Constitution to the Philippine Islands or to Porto Rico; that wherever the flag of the United States went the Constitution went. The matter was fought out in court, and the Supreme Court decided that until Congress should extend the rights of the original thirteen Colonies to territory acquired by the United States it was territory of the United States, and that under the clause of the Constitution which says that Congress shall have control of the territory of the United States and have power to make rules and regulations for governing the same, they had a right to impose customs duties against territory that is not made by Congress a part of the Union with the same rights as the original thirteen Colonies.

Mr. COPELAND. I would like to ask my friend, the constitutional lawyer from Virginia——

Mr. SWANSON. I give way to the Senator as a constitutional lawyer. I am a lawyer, but I always yield to doctors in the law. The doctors are better lawyers now than the people who graduate in law in the University of Virginia.

Mr. COPELAND. I want to ask the Senator a question. Does he believe that the Congress could incorporate the Philippine Islands and make a State?

Mr. SWANSON. It could do it.

Mr. COPELAND. Then we have such ownership of the Philippines that we could actually admit them to the Union?

Mr. SWANSON. We could.

Mr. COPELAND. And yet we can give away, without the consent of the people, territory which we have a right to make into a State.

Mr. SWANSON. After we have given them the privilege accorded to the thirteen original Colonies and made them States, made them a part of the Union, we can not dispose of them. Until that occurs, we can do it.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. SWANSON. I yield.

Mr. McKELLAR. I just want to say to the Senator from New York that when we had fought the Spanish War we took over Cuba, we took over the legal title to Cuba, and then transferred it back to Cuba. If the Senator from New York will examine the treaty he will find we took over Cuba, that Spain transferred her sovereignty over Cuba to the United States, and that then the United States transferred that sovereignty to the people of Cuba.

The VICE PRESIDENT. The Chair will have to rule that the Senator can yield only for a question.

Mr. SWANSON. I will not yield after this.

Mr. COPELAND. Mr. President, I want to answer what the Senator from Tennessee said. I am surprised that my friend from Tennessee, usually so accurate, so correct in all of his statements, should fall into such a grievous error. When Spain made the treaty with the United States she relinquished sovereignty over Cuba, everybody knowing that that meant that it would be returned to Cuba. But when it came to the Philippines and Porto Rico, she ceded that property. The language is entirely different.

Mr. McKELLAR. Mr. President, if the Senator will yield——

Mr. SWANSON. Will the Chair permit me to yield?

The VICE PRESIDENT. The Senator can yield only for a question.

Mr. SWANSON. I will yield to the Senator if the Chair will not take me off the floor.

Mr. McKELLAR. What I want to say is that the Senator from New York is entirely mistaken. He said that if the

United States ever acquired sovereignty over territory we would have no power under the Constitution to transfer that sovereignty. I had on my desk the other day, for the purpose of calling the attention of the Senator to it, a document relating to that subject, but somebody has moved it. I recall from the treaty that what Spain did was to transfer her sovereignty over Cuba to the United States, and thereafter the United States transferred that sovereignty to the people of Cuba.

Mr. SWANSON. Mr. President, I think the Senator from New York is possibly right as to the language, but the question arose as to what became of the sovereignty after it was relinquished. We were in possession actually, our soldiers were there, it belonged to us, and there was some little dispute about it, but everybody knew that sovereignty was exercised, that Cuba belonged to the United States, and it was conveyed to the people of Cuba by treaty on certain conditions.

The Supreme Court has uniformly held, since the Insular cases, that any territory, until it is made a part of the United States by act of Congress, incorporated as a part of the United States, as the thirteen original Colonies were, is subject to the will of Congress. They can make a State out of it, they can dispose of it. Otherwise, we could never make peace if there were war. We might have a war and get a conveyance of territory, and we could never make peace under certain conditions if the power to transfer sovereignty did not belong to us. The authorities practically unanimously have held since the decision in the Insular cases that absolute sovereignty belonged in Congress to territory not incorporated as the thirteen original Colonies were.

Mr. BARKLEY. Mr. President, speaking of the constitutional power to acquire or dispose of territory, I want to ask the Senator from Virginia if he recalls the fact that there is nothing in the Constitution specifically authorizing the Government of the United States to acquire territory from another country, and that while Mr. Jefferson was President he was confronted with the opportunity of purchasing Louisiana, and finding no authority in the Constitution for purchasing territory, he was very much disturbed as to how it should be brought about, and finally purchased Louisiana under the treaty-making power of the President, because of which transaction he was charged with having bent if he did not break the Constitution.

It seems rather illogical to contend that the President has unlimited power, under the treaty-making power, to purchase territory, but that after it is purchased or acquired in any way by treaty, the United States Congress has no way of disposing of it.

Mr. SWANSON. Mr. President, I simply want to answer to this effect, that Jefferson finally agreed that the treaty-making power was sufficient to authorize the acquisition of territory. If that were not so, peace could not be made after a war in some cases.

Mr. BROUSSARD. Mr. President, this amendment of mine has led to a debate on Philippine independence. After consulting some of the Senators who are in favor of the amendment, I have come to the conclusion that I shall not ask for a record vote, but will be satisfied with a viva voce vote.

Mr. VANDENBERG. Mr. President, if there is not to be a record vote, I feel it very necessary to state that I am voting against the amendment proposed by the Senator from Louisiana, because so long as the Philippine Islands are in their present status I do not feel that we have any right to inflict any measure upon them which smacks even indirectly of exploitation.

Mr. BINGHAM. Mr. President, I hope very much that this amendment will not be adopted. While it is true, as the Senator from Louisiana has pointed out, that the sentiment of the Philippine Islands a number of years ago, when they did not have free-trade relations with the United States, was in favor of a smaller limitation, the sentiment at the present time is contrary to that. The Commissioners are very much opposed to it, and sentiment in the Philippine Islands is very strongly opposed to it.

There have been a great many statements made with regard to the growth of the sugarcane industry in the Philippine Islands, many of them by persons only partly informed. In a recent hearing a very able brief by Mr. John M. Switzer, of New York, was submitted with regard to the entire question of Philippine independence and the relation to it of the sugar production and coconut-oil production. I had intended to read a part of this brief, but the hour is late and I understand it is desired to get a vote on the amendment as soon as possible. Therefore I ask unanimous consent that the part of this brief relating to the sugar production may be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SUGAR'S COMPLAINT AGAINST THE PHILIPPINES

During the discussions of the tariff on sugar, especially in the Senate, much has been said in opposition to Philippine sugar. Philippine independence is advocated on account of it. We do not believe independence should be decided on whether or not Philippine products compete with domestic products. However, we hope to remove any fair complaint domestic sugar may have against Philippine sugar.

It is very apparent that a seriously fundamental error prevails in the minds of many as to what effect, if any, Philippine sugar has on our domestic sugar. This brief will attempt to show—

(1) That the increase of Philippine sugar production has been completely misunderstood, if not unfairly misrepresented.

(2) That Philippine sugar does not depress the American sugar market or displace our domestic sugar.

We hope this committee will pardon the length of this brief, but we are trying once and for all to put Philippine sugar in its proper light; we are trying to be helpful in arriving at real facts on which action in this matter may be based.

INCREASED PHILIPPINE SUGAR PRODUCTION

The proponents of Philippine independence give as their outstanding complaint against the Philippines what they call the sudden great increase of sugar production and its further possibilities. To justify this complaint they submitted to Members and committees of Congress and circulated throughout this country a mass of misinformation in order to make a strong case on this point against Philippine sugar. It would take many pages to correct and answer all of this, so we cite only two or three typical cases:

In Cuba's carefully prepared brief, submitted to the Ways and Means Committee last year, we find the following:

"In 1904 the Philippines produced 84,000 tons, whereas in 1928 it produced about 600,000 tons. Its increase in production has been 614 per cent."

The United States Beet Sugar Association last July, before the Senate Finance Committee, used practically the same figures. We took the Philippines in 1898. During the six years, 1899–1904, their average annual sugar exports were 70,345 tons. Those are the years immediately after their revolt against Spain in 1896, after the Spanish-American War in 1898, and actually during the revolution against us. Excepting the six war years just mentioned (1899–1904), these sugar interests must go back to 1873 before they find so low a tonnage as the year 1904 which they selected in order to show an exaggerated increase of 614 per cent to 1928. They took the production of 1904 immediately after three wars lasting six years. Naturally, the normal production had run down by that time and, using that as a base for comparison, the increase is very large, but that does not give the correct picture. Had they taken Philippine sugar exports of 336,075 tons in 1895, 9 years earlier, and the year before the wars began, the increase in 33 years to 1928 would be only 85 per cent instead of their 614 per cent. Is it not fairer for comparison purposes to take the years before, rather than after six years of wars?

Another table presented to Congress last year used 1901 production for comparison with 1927. Some one gave Senator BORAH 1903 production to compare with 1927. The yearly average for 1900–1903, actual war years, shows the lowest production of Philippine sugar of any years back to 1868. Surely no one will claim that is giving Congress a fair picture of the case.

The Philippine sugar industry suffered severely from the six or seven years of wars and recovered very slowly. The exportation of 336,075 tons in 1895, the last year before those wars began, was not again reached until 1922, 27 years later, and only 8 years ago. In 1905, Mr. W. C. Welborn, chief of the bureau of agriculture, stated:

"The industry must begin, however, just where Cuba began 40 years ago, and where Java began 50 years ago."

During the Spanish régime only muscovado sugar was produced and by centuries-old mills. Modern mills recover about 90 per cent more sugar than did those old mills. Had the same cane of 1895 been milled then by modern machinery, such as was used in Cuba, Hawaii, Java, and Louisiana, there would have been about 90 per cent more sugar produced, and therefore the increase up to 1928 would have been only about 30 to 40 per cent. In other words, in over 30 years the Philippines have increased their acreage to cane only enough to increase their total production by about 30 to 40 per cent. In fact, even some of that increase is due to better agricultural methods. Surely there is nothing alarming about that.

As will be shown later, the rapid increase during the past 15 years could not possibly be brought about by increased acreage to cane, no matter what the future possibilities may be. This recent increase was merely a matter of financing and erecting modern mills. The cane was already there. The islands now, however, have practically enough of these modern mills to take care of the old cane-raising areas. Any enlargement of present mills, or any new mills, will come from now on almost entirely from opening up to cane cultivation land not heretofore devoted to that crop and, of course, to better agricultural methods. This opening up of new areas to cane will be a very much slower process than merely providing mills for areas long under cane. It will

be difficult for Americans, unfamiliar with the Philippines, to understand this. Even an experienced American financed and managed company did not understand it. They undertook sugar production where it never had been raised before and failed, and their plant was sold at auction last May. It is quite natural to assume that the rather sudden increase of sugar production in the past 15 years was due to increasing areas to cane cultivation.

As will be seen in another connection, the cane in the Philippines is grown almost exclusively by small farmers who are very slow to make any change in crops raised or agricultural methods used. If the Filipino farmer never before raised cane it will be a slow and uncertain process to induce him to do so, even if cane pays better than what he now raises. Moreover, he is reluctant to go elsewhere to new lands. Like others of the Orient, he is ultraconservative. Anywhere in the world the small landowner changes slowly, but in the Orient he changes by decades, not by years.

These are some of the reasons why, once modern mills in the Philippines take care of the cane from lands long devoted to cane, and that time is practically here now, thereafter the increase of sugar will be very much slower than it has been in the past 15 years. It will be very much slower than it was in Cuba, Porto Rico, and Hawaii, because in all those countries most of the land is owned in large tracts, mainly by big, high-powered foreign capital which is never slow to develop the land or to change from one crop to another overnight if it pays.

Senator BORAH told the Senate on January 14 that:

"Any second-class lawyer can take a leasing system and combine all the cultivatable land in the Philippines, so far as the laws in the Philippines are concerned. Furthermore, it does not require very much exertion upon the part of influential powers to get rid of laws when they stand in the way of acquiring wealth or acquiring land in these subordinate nations."

If this last statement were the case, we wonder if the Senator thinks the Filipinos are ready for independence.

Our present Secretary of State tried to amend the present land laws of the islands while he was Governor General, but did not succeed. In his annual report he said:

"The average Filipino believes that it is better for his country to be slowly and gradually developed by a population of comparatively small individual land owners than to be more rapidly exploited by a few large corporations which own the land and till it either with tenant farmers or hired employees. The existence of this native sentiment has not been generally recognized in the United States."

He is entirely correct. That the distinguished Senator from Idaho is wrong is proven by the fact that after 32 years under our sovereignty there are not in the islands to-day over three or four sugar plantations of any considerable size, and, as we recall it, those arose out of conditions carried over from Spanish days. If what the Senator contends has not happened in the past 32 years, it is not likely to happen in the next 32 years. Since 1916 it has been in the power of the Philippine Legislature to amend their land laws, but it has not been done. "Influential powers" the Senator mentions have made no headway in 14 years. Throughout the islands the average-sized cultivated farm in 1903 was 4 acres, against 3 acres in 1918. The average-sized farm of all kinds of lands in 1903 was 8⅔ acres, against 6 acres in 1918. We have no later statistics. These show the average size of farms is growing smaller. The accumulation of large areas of land by a few, meets another stone wall in the small farmers' dislike of parting with their farms, which in most cases have been owned by the same family a hundred years or more. Never will there be large land holdings in the Philippines. The percentage of cane now grown by mill owners is negligible. It is grown by small farmers and will so continue.

Senator BORAH cited the case of Haiti, where the natives had laws prohibiting foreigners owning land, but we forced a constitution on them abolishing that restriction. We did better by the Philippines. Our own Congress, very soon after we took those islands, passed the restrictive land laws now in force.

Attention is called to the following table of comparative increased sugar production:

Sugar production

Countries	1898	1928–29	Per cent increase	
			Calculated	Actual
	Tons	*Tons*		
Philippines	[1] 294,402	740,987	[2]32	152
Hawaii	204,833	825,393	----------	303
Java	713,572	2,939,164	----------	311
Cuba	[1] 662,330	5,156,315	----------	679
Porto Rico	53,999	530,116	----------	[3] 881
Formosa	68,260	900,334	----------	1,219

[1] Average production 5 years (1893–1897).

[2] Per cent increase had Philippine cane in 1893–1897 been milled by modern machinery same as in Cuba, etc.

[3] The 1928–29 crop for Porto Rico was small due to hurricane and had the preceding year 1927–28 been used the increase would be 1,142 per cent.

If the Philippines doubled their production merely by introducing modern mills and yet in 32 years increased their production only 152 per cent, how can anyone doubt that the increase from now on must be very slow, when the increase hereafter must come entirely from increased acreage to cane and better yields? Careless and wild real-estate-type statements have been made about the possibilities of future production. Of course, there are possibilities of much greater production, but those unfamiliar with the islands will very easily be misled as to the rate of this increase. By another two or three years the new modern mills will be milling all remaining available cane grown on land heretofore devoted to cane. After that the increase must be slow. To-day the Philippines supply us with 10 per cent of our total sugar requirements. Our annual increase of consumption amounts to 250,000 tons. In another three years Philippine sugar production will increase so slowly as not even to reach 10 per cent of our annual increase of consumption. In other words, the Philippines will just about maintain its present ratio of supplying our requirements. We doubt if it will exceed 15 per cent in the next 25 years.

While we now have a temporary world overproduction, with the inevitable price depression, no country will rush at increasing its production, and before long the whole world will be short of sugar.

In the Senate recently Senator BORAH said:

"In 1922 it [duty on sugar] was further raised to 1.76 cents per pound. What was the result? The Philippines sprang forward at once and under this protection granted them in 1922 they have increased their production 330 per cent under the laws that are supposed to be a handicap, under conditions which were supposed to preclude further development, and there is no possible reason, so far as I can divine, why they should not in another six years increase it another 330 per cent. There is no limit to their capacity within any reasonable range of four or five million tons a year."

The Senator's great-grandchildren will never see such an amount of sugar produced in the Philippines. Philippine sugar increased from 1922 to 1929, seven years, 110 per cent and not 330 per cent, as some one gave it to the Senator. His fear should be allayed by the fact that in 17 years of unlimited access to our market, since 1913, after the impetus of high war prices and after our Government strongly encouraged increased production, yet Philippine sugar is supplying only 10 per cent of our requirements against Cuba's 52 per cent. Since 1922 Philippine sugar, with a free market here, increased 385,000 tons, and Cuba, with only a preferential, increased 1,550,000 tons. In the second place, Philippine sugar did not spring forward because of the 1922 increased tariff. Out of a total of 43,475 daily cane-ton capacity of modern mills in the islands August, 1928 (latest figures available), 35,375 tons, or 81 per cent, were actually in operation before 1922. Those are the mills responsible for perhaps 75 per cent of the increased production. These facts, therefore, do not bear out the distinguished Senator's contention.

Since the Senator raised this question, let us follow it a little farther. As in all sugar-producing countries, not immediately affected by the war, the high war-time prices gave a great impetus to sugar production in the Philippines. During the war there was a great world shortage of sugar. Our Government encouraged, in fact urged, the Philippines to increase their sugar production. The best short cut to accomplish this was to introduce modern mills, which, without increasing the cane production at that time, doubled the output of sugar merely by better milling. That these were the main cause and method of the increase is proven by the fact that out of 43,475 daily cane-ton milling capacity in the islands in 1928 only 1,800 tons were operating up to and including 1913. Moreover, 33,575 cane-ton capacity was financed or went into operation from 1914 to 1921, inclusive. Roughly, that was the war period, and certainly before the advent of the 1922 higher tariff.

This sudden influx of modern mills was not only encouraged by the war-time prices but by our own Government. The same may be said of coconut-oil mills. With those facts before them, we can not believe that Congress now will want to blast the very enterprises our Government urged and urged largely for our own supply of sugar in times of stress. Because of the turn of the wheel to-day, shall we rail against the very industry which expanded largely at our behest? When the industry we encouraged expands in 30 years only 152 per cent to Cuba's 679 per cent, will we now thrust it out, having served our purposes, and let Cuba replace it? We have here another moral obligation that has been overlooked. Much of the capital which went into sugar and oil is far from being out of the woods.

When Senator BORAH and others, now advocating Philippine independence, have all the facts of the case, as apparently the Senator did not have, we believe their sense of fair play will take them out of the ranks of those who would now leave stranded the very industry our own Government urged, roughly, $40,000,000 of Filipino and $20,000,000 of American capital to enter. Moreover, unlike the big capital in Cuban sugar, these $60,000,000 represent comparatively small capital. Thus, America's good faith is doubly at stake in the matter of the Philippine sugar industry.

While the above table shows the percentage of increased production during 30 years to have been 303 for Hawaii, 679 for Cuba, 881 for Porto Rico, 1,219 for Formosa, Japan's colony, yet when a few be-

lated modern mills go into the Philippines in the past 15 years and increase their production in the same 30 years only 152 per cent, Cuban and our domestic sugars beat their tom-toms sounding alarm. Of all the countries shipping sugar to us, the Philippines, Porto Rico, Hawaii, and Cuba, the Philippines produce least sugar per capital, least per square mile, and their sugar constitutes the lowest percentage of total exports. Cuba produces seven times more sugar than the Philippines, and yet she asks us to eliminate Philippine sugar from our market so she may secure for herself 600,000 tons more of America's market on top of the 3,000,000 she already sells here. In all this discussion of Philippine independence we never have seen a suggestion of giving the Philippines any preferential should they become independent. How is Cuba entitled to supply 3,600,000 tons of our sugar consumption and the Philippines not a ton?

Mr. BINGHAM. Mr. President, I want to state for the benefit of those who may be listening, and who may have no opportunity to read this brief, that the average production of sugar in the Philippine Islands before the war with Spain—that is, the period of five years from 1893 to 1897—was 294,000 tons. The production in 1928 and 1929 was 780,000 tons, or an increase in actual production of 152 per cent.

In Java in 1898 the production was 713,000 tons. In 1928, 20 years later, the production was nearly 3,000,000 tons, or an increase of 300 per cent.

In Cuba the average production for the five years previous to the war—1893 to 1897—was 692,000 tons, whereas the production in 1928 was over 5,000,000 tons, or an increase of 679 per cent.

As a matter of fact, the amount of acreage devoted to cane production in the Philippines has increased very little since the period 1893 to 1897, the period before the Spanish War.

Although fears have been expressed that unless we do limit the amount which may be imported free of duty into this country, there will be a flooding of the market with millions of tons of sugar from the Philippines, those fears are not justified by the best facts which the committee has been able to obtain.

Personally, I do not believe the question of independence or the question of the political status of the Philippines should depend at all upon the effect upon the price of sugar in this country, or the price of sugar beets, or the effect upon the production of oil in this country, or the effect upon the price of butter.

Only yesterday we received a long letter from a representative of the butter industry protesting that unless a duty were placed on coconut oil from the Philippine Islands, or unless independence were granted to the Philippines, it would seriously affect the butter industry of the United States.

It is unfortunate that these matters should enter into the question of the political status of the Philippine Islands. Whatever Congress may eventually decide to do in regard to that matter, it seems to me that as long as the Philippines are, by our own law, required to admit all of our products, to whatever extent we may send them into those islands, free of duty, the only fair thing to do is to permit them to send their products here free of duty. Therefore I hope the amendment offered by the Senator from Louisiana will not prevail.

Mr. McKELLAR. Mr. President, the amendment of Senator BROUSSARD reads as follows:

Provided, The rates herein shall be imposed on all sugars in excess of 600,000 tons imported into the United States from the Philippine Islands.

I am opposed to that amendment. I do not think we have any moral right to tax these people in a small or large degree. I think it is contrary to every promise we have held out to them. I disagree totally with the Senator from Connecticut [Mr. BINGHAM] in his statement that we have not made a promise to give them their independence. We have promised independence in a solemn act of the Congress. We have in no unmistakable language time and again, in my judgment, made such a promise, and under no circumstances am I willing to withhold independence from them. I would be delighted at any time to vote for a bill granting them their complete independence.

In this connection I want to quote the last declaration of the party to which I belong. I read:

The Filipino people have succeeded in maintaining a stable government and have thus fulfilled the only condition laid down by Congress as a prerequisite to the granting of independence. We declare that it is now our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

I indorsed that proposition then and I indorse it now. I have indorsed it ever since we first began making substantially the same statement in the year 1904. I do not see how any man who believes in Democratic Party principles, I do not see how any man who believes in Republican Party principles, I do not see how any man who believes in our Declaration of Independence or in the Constitution of the United States, can for a moment think of doing anything else but vote these people their independence.

The Republican Party in 1924 strongly intimated that independence should be accorded the Philippines. I quote from the platform:

PHILIPPINES

The Philippine policy of the Republican Party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation, which should remain entirely free from partisan politics.

In accepting the obligation which came to them with the control of the Philippine Islands the American people had only the wish to serve, advance, and improve the condition of the Filipino people. This thought will continue to be the dominating factor in the American consideration of the many problems which must inevitably grow out of our relationship to these people.

If the time comes when it is evident to Congress that independence would be better for the people of the Philippines with respect to both their domestic concerns and their status in the world, and the Filipino people then desire complete independence, the American Government will gladly accord it. The results of a careful study of the conditions in the Philippine Islands convince us that the time for such action has not yet arrived.

I hope, Mr. President, that a bill will soon be offered in the Senate and that it will pass the Congress giving to those people their independence. The sooner it is done, the better it will satisfy me. It should not be a party question. It is a matter of right and justice. It is a matter of standing by the principles of our own institutions. It is a matter of our standing by our own promises.

So far as the pending amendment is concerned, I agree that we ought not to mix the two matters. I do not believe we ought to give these people their independence by serving our own interests. I think we ought to look at it from a higher standpoint than that. I think we ought to look at it solely from the standpoint of what our own governmental policies and principles are and what is right to these people that we have taken over without their consent. We have, indeed, done a great work in the Philippines.

I have not a word of criticism for the work that has been done. I think we have done the Philippines a great benefit. It may be possible, if they still remain a part of the American territory, that, financially and economically, we could do them more good than they can do for themselves in the future. However that may be, Mr. President, it seems to me we ought not to violate our own Constitution, we ought not to violate our own governmental policies and principles, and, above all, we ought not to violate the word we have given to these people to give them their freedom. I think they have met every requirement and their freedom ought to be granted to them at the earliest possible moment.

The VICE PRESIDENT. The question is on agreeing to amendment submitted by the Senator from Louisiana [Mr. BROUSSARD].

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. Was the unanimous-consent agreement suggested by the Senator from Utah [Mr. SMOOT], concerning taking up the amendments schedule by schedule, agreed to?

The VICE PRESIDENT. It was not.

Mr. LA FOLLETTE. I hope the Senator from Utah will renew his request.

Mr. SMOOT. Mr. President, I spoke to the Senator from Washington [Mr. DILL] in relation to the amendments referred to by him and what he desires is that we may agree to the amendments, with the understanding, of course, that if a Senator is out of the city and returns and desires to offer an amendment, even though we have passed the paragraph within the schedule, he shall have that right. I do not think there is any objection to it.

Mr. SWANSON. Mr. President, I think that will simply delay matters and keep the bill before us open at all times to any kind of an amendment. When we pass by a paragraph we will not know whether we have finished with it or not. Senators interested in the paragraph may think that its consideration is concluded and may be absent. Then when they come back in a day or two they will find that it has been further amended. As I understand the situation, it is that the bill has been approved in Committee of the Whole and has been approved in the Senate except so far as reservations have been

made. The proper way to do is to let those reservations be taken up schedule by schedule.

Mr. McKELLAR. In their order?

Mr. SWANSON. No; not in the order in which they are filed.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Is it true that only those amendments which have been distinctly reserved for a separate vote may be offered and brought up in the Senate?

The VICE PRESIDENT. There are certain amendments upon which separate votes have been reserved, to which amendments may be proposed prior to concurrence therein by the Senate. Of course, the unamended portion of the House text will be open to amendment to the same extent as it was in Committee of the Whole.

Mr. BINGHAM. Other amendments are in order?

The VICE PRESIDENT. That depends on the provision to which the amendment applies. Any amendment made in the Committee of the Whole that has already been concurred in is not open to further amendment unless reconsidered. Amendments to the House text that has not been amended in the Committee of the Whole may be offered.

Mr. BINGHAM. Do I understand the Chair correctly that it is not in order to present an amendment in the Senate to an amendment which has already been adopted or rejected when the bill was in Committee of the Whole?

The VICE PRESIDENT. No. If an amendment was agreed to as in Committee of the Whole and a separate vote was reserved, the right exists to offer an amendment in the Senate before action taken on concurring therein. If an amendment has been concurred in by the Senate, it is not subject to amendment, except upon reconsideration. The ordinary practice has been to proceed to the consideration of the reserved amendments in their order. The Chair requested the clerk to prepare a list giving the reservations in the order in which they occur. That list has been prepared, and is before the Senate for the use of Senators.

Mr. LA FOLLETTE. Mr. President, the thing I want to point out is, in the first place, that a great many more amendments were reserved than any individual Senator had any idea would be reserved. In the second place, the House text, which has not been changed in Committee of the Whole, is open to amendment in the Senate. Unless there is a unanimous-consent agreement to proceed with the bill in the Senate as we proceeded with it in Committee of the Whole, namely, in its proper order, Senators will have to be here all the time or they will have no idea what business is being transacted and what amendments are being adopted.

It does seem to me that in order to have any procedure here which will be anything but chaotic it is necessary that some such arrangement shall be made as that suggested by the Senator from Utah.

I am in sympathy with the statement made by the Senator from Virginia [Mr. SWANSON]. I do not think that any Senator has the right or should have the right to reopen paragraphs which have already been acted upon in Committee of the Whole. We have been over the bill in Committee of the Whole for months. Every Senator has had the right to have a reconsideration of amendments in Committee of the Whole. The Senator from Utah has been very generous and every other Senator has been likewise generous. I know of no occasion when a request for reconsideration has been objected to.

Now, after six months, when Senators have had the opportunity to ask for reconsideration and we are in the closing days of the consideration of the bill, individual Senators ask that they should also have the right to reopen these paragraphs and schedules after we have disposed of them in Committee of the Whole. I do not think the request should be granted.

It does seem to me, to sum up, that in order to have a procedure here of which every Senator will have full knowledge, we should proceed with the bill schedule by schedule and, when a schedule is concluded, it should be finally closed, unless some Senator moves and obtains a vote for reconsideration, which, of course, under the rule he has the right to do.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. FESS. Would it not be better to proceed upon the printed list, taking each amendment as it comes in its order there, and then everyone would know what is to be taken up and acted on schedule by schedule?

Mr. LA FOLLETTE. Not only that, but I call the attention of the Senator to another thing, namely, that any part of the House text which has not been amended in Committee of the Whole is open to amendment in the Senate. If the procedure suggested by the Senator is followed, no Senator will know, unless he is in the Senate Chamber from the time it convenes in the morning until it recesses at night, whether some paragraph in which he is primarily interested has been called up and some amendment adopted to it.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. I want to make this suggestion. How would it do to go over the amendments that have been printed on the list of reserved amendments and finish them, and then take up the bill schedule by schedule? I believe that time would be saved in that way and it would be notice as to the order in which the amendments were to be taken up.

Mr. LA FOLLETTE. What is the objection to proceeding with the bill schedule by schedule in its regular order?

Mr. McKELLAR. The only difference is that there are so many amendments that have been printed and in such a way that we could not now tell very well in what schedule they are to be found. It seems to me it would be much better to go through the list of reserved amendments first, and then take up the bill schedule by schedule. I believe that we would make better time in that way.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Virginia.

Mr. SWANSON. It seems to me the best way to get the desired result and to obtain speed it to call up each one of these amendments one after the other. The schedule is stated and the amendment is stated on which a vote has been reserved. When we get through with the amendments on which a vote has been reserved, the Presiding Officer would then state that the bill is still in the Senate and open to amendment. If there are then no further amendments to be offered, the bill would be passed. If we take up a certain schedule and are notified that amendments to that schedule are in order, then if any Senator has an amendment it can be offered and disposed of one way or the other.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. Not all the amendments made in Committee of the Whole that were reserved for a separate vote in the Senate have been voted on?

The VICE PRESIDENT. Only one of them has been voted on.

Mr. NORRIS. Then why is not the proper procedure to take up those amendments? Why is not that the way to do it, without any agreement or anything else? Why not go through that list before we begin offering miscellaneous amendments? We have now before the Senate every one of those amendments on which a separate vote has been reserved.

The VICE PRESIDENT. The Chair made a statement to that effect a few moments ago, that that was the regular and ordinary procedure.

Mr. GLASS. Mr. President, regardless of the rule and the ordinary requirements of procedure, in view of the fact that we have voted on the sugar schedule, why would it not accord with the eternal fitness of things to vote on lumber and oil and hides right now?

Mr. WALSH of Montana. Mr. President, while this matter is under consideration, I think it quite appropriate to refer to an article appearing in the morning paper which indicates that the Senate has again been the subject of caustic remarks attributed to the President of the United States through his Secretary of Labor upon the responsibilities resting upon this body for the present depressed business conditions, due to the delay in getting out the tariff bill, thus upsetting business and continuing the disorder that prevails.

I desire to call attention to the fact that the friends of the administration are responsible for the delay that has occurred in past days. We have spent a large amount of time on such items as sugar, oil, hides, lumber, and aluminum. The political friends of the President of the United States propose now to open up all of those items. Notice has already been given that at least those are to be reconsidered and the fight again prosecuted. Under these circumstances, Mr. President, I should imagine that we would not be likely to hear very much from the Executive concerning the delay incident to the passage of the tariff bill.

I suppose probably the notices that a separate vote upon these items will be called for are all given advisedly and with the purpose to advance new arguments and reasons why the action heretofore taken by the Senate should not be adhered to.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Florida?

Mr. WALSH of Montana. I yield.

Mr. TRAMMELL. Does not the Senator think that it is possible that the statement which was made by the Secretary of Labor was precipitated, and possibly invited, by considerable criticism of the administration on the part of Senators here upon the floor? I think it was rather a rejoinder to the outburst of criticism made on the floor of the Senate with regard to the administration.

Mr. WALSH of Montana. Mr. President, I dare say that is true, but, nevertheless, whatever delay is now incident to the further consideration of oil or hides or lumber or aluminum must be attributed to those in close association with the Executive and friendly to the administration.

Mr. SWANSON. Mr. President, discussing the method of procedure, I will ask Senators to look at the list of amendments which have been reserved. Take the first one, formic acid, reserved by the Senator from Illinois [Mr. GLENN].

Mr. BARKLEY. Mr. President, if the Senator will yield to me there, let me say that the Senator from Illinois and I have conferred in regard to that, and there will be no time wasted on it. The amendment will be concurred in, and go to conference.

Mr. SWANSON. I am talking about the procedure. The next reservation is by Senator KING, the item being calcium carbide, in paragraph 16, page 7, line 1. The best way to proceed is to follow the list as it has been prepared. In that way we know when a particular item is coming up. On the contrary, if we open up every paragraph of the bill and the right is reserved to get unanimous consent to offer amendments at any time, after we think one item has been disposed of and some of us may leave the Chamber, thinking that the question has been settled, it may be reopened again. The regular order, Mr. President, would be to follow the list as prepared, and I insist on the regular order.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. SWANSON. I yield.

Mr. LA FOLLETTE. I call the Senator's attention to the fact if we proceed in the manner he proposes that is exactly what is likely to happen. If first we go through the list of amendments, which, it is true, are arranged in the order of the schedules, then, after they shall have been disposed of, the House text and every schedule will be open to amendment, and the Senator will find himself in just the predicament that he has just now outlined, namely, that he will think a question is disposed of, but he will not know whether it is or not until the bill shall finally have passed by the Senate.

Mr. SWANSON. The agreement which we made reserves the right to do that; already that right exists; so that, when we dispose of the amendments as to which reservations have been made, we shall have disposed of the bill, unless some Senator desires to offer a further amendment. I do not think there will be as many amendments offered if we shall proceed in the way I have indicated as would be offered under the other procedure; and I insist on the regular order.

Mr. NORRIS. Mr. President, let me make an inquiry of the Chair?

The VICE PRESIDENT. The Senator from Nebraska will state his inquiry.

Mr. NORRIS. Is it not true that under the procedure of the Senate when a bill is reported to the Senate from the Committee of the Whole the first thing in order is the disposition of the amendments made as in Committee of the Whole, and until that is done, except by unanimous consent, it is out of order to offer an amendment to the sections of the bill?

The VICE PRESIDENT. The Chair will state that that order of procedure is provided for in Rule XVI of the Manual. The Secretary will report the first amendment which has been reserved.

Mr. NORRIS. If that is true, our course is mapped out by the rules.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Portland cement item, on page 37, in the earthenware schedule, was stricken out there and put on the free list. I think the recommendation of the committee was that a duty of 8 cents a hundred pounds should be imposed upon Portland cement. If the order suggested is carried out, ought not the Portland cement item come early in the consideration of the bill in the Senate when the earthenware schedule is reached rather than to have to wait until the free list is reached?

The VICE PRESIDENT. The Chair will state that he caused a list of reserved amendments to be prepared in the order in which they appear in the bill. By mistake cement was not put in its proper place, but when the earthenware schedule is reached the amendment referred to will be called.

Mr. HARRISON. I thought so, but according to the memorandum it is the other way.

The VICE PRESIDENT. The Secretary will report the first amendment which is reserved.

The LEGISLATIVE CLERK. On page 2, line 12, paragraph 1, formic acid, 4 cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GLENN. Mr. President, I have been requested by the concern in Chicago which asked me to make the reservation not to urge it at this time.

The VICE PRESIDENT. Without objection, the amendment is concurred in. The Secretary will report the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 16, page 7, line 1—calcium carbide.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry. What disposition was made of the first reserved amendment?

The VICE PRESIDENT. It was concurred in.

Mr. McNARY. I did not understand it in that way. I thought the Senator from Illinois said he did not want to press the amendment at this time.

Mr. SMITH. He did.

Mr. BARKLEY. He said he would not press for a separate vote on the amendment; he would not press his reservation for a separate vote on it.

The VICE PRESIDENT. The Secretary will report the next amendment.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Then, should we not vote on the proposition?

The VICE PRESIDENT. The question on the first reserved amendment has been settled; the Chair already announced that the amendment was concurred in.

The legislative clerk read as follows:

Paragraph 16, page 7, line 1, calcium carbide, 1 cent per pound.

The VICE PRESIDENT. The question is on concurring in the amendment.

Mr. LA FOLLETTE. Mr. President, the junior Senator from Utah [Mr. KING], who reserved the amendment, has been in ill health, and, although he came into the Chamber to vote upon the sugar amendment, I think he was not sufficiently well to stay here through the remainder of the session to-day. I believe his principal purpose in reserving the amendment—although, of course, he probably intended to argue it—was to secure a separate vote upon it in the Senate; and if we could have a record vote upon this amendment in the Senate, I would be entirely satisfied to dispose of it without prolonged debate.

Mr. FESS. Very well; let us settle it in that way.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. The committee amendment which provided a duty of one-half of 1 cent was disagreed to, leaving the rate at 1 cent. I think the Senator from Utah desired to offer an amendment restoring the committee amendment. As I understood him, he wanted to reduce the rate of 1 cent, provided by the House bill, to a half a cent a pound.

Mr. SMOOT. That will be accomplished by rejecting the amendment agreed to as in Committee of the Whole.

Mr. BARKLEY. The amendment was rejected as in Committee of the Whole, and the rate was left at 1 cent, so that the bill comes into the Senate with the House text restored.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. Should not the question come, the reservation having been made, on the adoption of the committee amendment?

The VICE PRESIDENT. The question is whether or not the Senate will concur in the amendment made as in Committee of the Whole.

Mr. BARKLEY. There was no amendment to the House text.

Mr. BINGHAM. There was no amendment made as in Committee of the Whole. The amendment which has been reported by the committee was rejected while the bill was being considered as in Committee of the Whole.

The VICE PRESIDENT. The question is, of course, whether or not the Senate will ratify the action taken as in Committee of the Whole.

Mr. SMOOT. That is right.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BARKLEY. My position is that there is nothing before the Senate in this paragraph at this time, and that some Senator will have to offer an amendment to reduce the rate below 1 cent in order that it may be before the Senate.

Mr. SMOOT. That is correct.

Mr. LA FOLLETTE. Mr. President, I will submit this question to the Chair: If I desire to secure the result which the committee sought to secure as in Committee of the Whole, namely, a reduction of the rate from 1 cent to a half cent a pound, is it the proper procedure for me to offer an amendment to that effect, or does the question come on the adoption of the amendment which the committee offered and which was rejected?

The VICE PRESIDENT. The question recurs on ratifying the action taken as in Committee of the Whole, and those in favor of the 1-cent rate would vote "yea."

Mr. SMOOT. Then, supposing the "noes" should prevail?

The VICE PRESIDENT. Then, the amendment would not be concurred in.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that I may be permitted to offer an amendment reducing the rate from 1 cent to one-half cent a pound.

Mr. SMOOT. That is the proper way in which to proceed.

The VICE PRESIDENT. That is permissible.

Mr. LA FOLLETTE. I inquire if there is any objection?

The VICE PRESIDENT. The Chair hears no objection.

Mr. LA FOLLETTE. I offer that amendment, and upon it I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HATFIELD. I desire to be heard upon this subject.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. ODDIE. Mr. President, I hope the amendment of the Senator from Wisconsin will not be adopted. We have a situation in Nevada which has induced me to request a certain company to come in the State and to engage in the manufacture, among other things, of carbide and calcium carbide at the Boulder Dam, when the dam shall be built, as we have reason to believe it will be. As I advised the Senate while the bill was being considered as in Committee of the Whole, we have in Nevada limestone, and the State of Utah has abundant quantities of coal. Those two products are needed in the manufacture of carbide. We will have at Boulder Dam an abundance of cheap power; and it is important for us, Mr. President, to have manufacturing enterprises established at the site of the Boulder Dam. We want pay rolls in the western section of the country. We want new industries established there, and I hope the amendment will not prevail.

Mr. HEFLIN. Mr. President, I should like to ask the Senator from Nevada a question.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. ODDIE. I yield.

Mr. HEFLIN. I was called from the Chamber a moment ago. The rate in the present law is 1 cent, I believe?

Mr. ODDIE. As in Committee of the Whole the Senate agreed to a rate of 1 cent. It is 1 cent as the bill stands now.

Mr. HEFLIN. What has been the rate since the act of 1922 was passed?

Mr. ODDIE. It has been 1 cent.

Mr. HEFLIN. That was my understanding. And the Senator from Nevada, as I understand, feels as I do about it, that the rate should remain at 1 cent?

Mr. ODDIE. Yes.

Mr. HEFLIN. I thank the Senator.

Mr. NORRIS. Mr. President, the Senators are talking about cheap power. The Senator from Nevada [Mr. ODDIE] says we are going to have lots of cheap power and we are going to establish a new industry. I wish the manufacturers of the United States would appreciate that, as a matter of fact, this is a tax in favor of expensive power.

I related here on a former occasion, in connection with a former tariff bill, where in the Agricultural Committee we were listening to hearings on the Muscle Shoals proposition, and where the testimony showed, or pretended to show, that the price of power in Ontario, across the boundary line, was so much higher than the price of power over here, where we have private initiative; and that I came from the hearings directly to the Senate upon a call—this was in 1922—and found a debate going on on the tariff, on carbide and some other chemicals, and the Finance Committee was defending its action in putting a tariff upon carbide upon the theory that they had such cheap power over in Ontario that our manufacturers of carbide could not compete with the Canadians, and therefore the American manufacturers had to have a tariff on carbide in order to manufacture it in the United States.

In other words, when the Power Trust were trying to get a firmer grip on Muscle Shoals they were contending that this report about cheap power in Ontario was all buncombe; it was all a myth; and they sent their envoys over there to write magazine articles, and about that time one of them wrote a book in which that was the principal statement. They circulated it all over the United States, and then came into the Senate and got a tariff on carbide on the ground that there was such cheap power in Ontario that our manufacturers, who had to pay higher prices for power, could not compete with the Canadians in the manufacture of carbide.

At this very session I have read into the RECORD the testimony before the Ways and Means Committee of a national association—and it will be found in the RECORD when this question was up before in Committee of the Whole—a national association of people engaged in the gravel and crushed-stone business. They were contending before the Ways and Means Committee for a tariff on gravel and crushed stone; and their written brief, which is in the RECORD now, shows that their contention was based on this proposition in black and white, made by their own representatives—that in crushing stone and in washing gravel a great deal of power was used, and they had such cheap power over in Ontario that these gravel men, crushed-stone men, and material men over here wanted a tariff on gravel and on stone as well as carbide in order that they might be protected against the cheap power over in Canada.

Mr. President, I wish the manufacturers of the United States only realized that no tariff would be necessary by virtue of cheap power if we did not have in this country a Power Trust that are mulcting the consumers of the United States by exorbitant, extravagant prices for power that they are taking from the people of the United States from one end of the country to the other, and here is an illustration of it. Shall we levy a tariff in order further to intrench the Power Trust and give them a little further opportunity to gouge the consumers of power in the United States? There ought to be no tariff on carbide; and if this were not an effort to build up on an artificial basis an industry that in itself is trying to continue the power and the influence of the Power Trust to throttle the people of the United States, there would be no demand for a tariff of any kind upon carbide.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. Yes; I yield.

Mr. ODDIE. Just one observation in comment on what the Senator has just mentioned in regard to power.

The Secretary of the Interior has made a tentative allocation of power to be developed at the Boulder Dam. I have protested very strongly against his allocation. His allocation gives a large quantity of this power to a great power company in California. I have protested that allocation. I think it would be more economical and better business for the State of Nevada to have allocated to it the power that it is entitled to so that it can use this power for manufacturing enterprises on the ground.

Mr. NORRIS. Why, Mr. President, of course, it would be better. I wish the Senator from Nevada would join with us who are trying to pull off some of the tentacles of the grasping Power Trust. Of course, the action of the Secretary of the Interior is going to increase the price the consumers must pay for power. It is not only doing that, but the Secretary of the Interior by that action has nullified an act of Congress. He has said, in the face of the law that gives municipalities and States the preference, "You shall not have it. The Power Trust does not want you to have it"; and so the great Secretary of the Interior, in violation of the laws of Congress, has allocated to the Power Trust some of the power to be developed at Boulder Dam.

I do not believe we ought to spend the public money to develop power in the United States, and then, after we have spent it, turn over the power to a private corporation for private profit, thereby enabling it to make a profit from the expenditure of public funds in the development of natural resources that belong to, and ought to be kept for the benefit of, all the people.

As long as we continue to levy a tariff upon products on the ground that our private owners of public utilities will not com-



pete with publicly owned utilities across the boundary line, we are assisting the Power Trust to continue its power, and we are to that extent assisting the Secretary of the Interior—a member of the Cabinet, a member of the Power Commission—to nullify the laws of Congress.

It will not be denied by any man who will give any study to the dam act, who will go back and look at the contest that was waged before Congress when we passed it—I am sorry that the Senator's colleague [Mr. PITTMAN] is not here, because he was a member of the conference committee on that occasion—he will tell you, and can tell you better than I can, that one of the principal things in issue in that bill was whether we should give preference to States, counties, and municipalities. That bill was in conference for weeks after an amendment had been put in by one House that gave them that preference. We fought the matter over and over; and the Senator's colleague from Nevada was one of the leaders in the conference trying to get into the bill a preference for municipalities and States and counties. He succeeded, and we passed the bill with that provision in it; and when the Boulder Dam law was before us we had the same contest over again.

One of the principal issues involved when we developed public dams on public streams by public money was, Shall we turn over the improvement, after we have made it, to private interests for public gain, and make the people pay a profit on their own property to men who have not expended money or effort in the development of the enterprise? That issue was involved; and again Congress, in no doubtful terms, it seems to me, put into the law a preference right for municipalities. It is standing there now in the law. In defiance of it, I understand that the Secretary of the Interior is trying to devise a means to give a portion of it, at least, to private corporations; and under the law he has not a right to give a single kilowatt to a private corporation if there is a public corporation, a municipality, or a State that wants it.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I do.

Mr. SHORTRIDGE. Has the Senator placed in the RECORD the allocation of the power?

Mr. NORRIS. No.

Mr. SHORTRIDGE. I do not know what it is.

Mr. NORRIS. I am taking the statement of the Senator from Nevada, who said that it was tentatively done. I do not think it has been formally done yet.

Mr. SHORTRIDGE. Assuming that 100 per cent is developed, how has it been allocated; or has that been placed in the RECORD?

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. I do.

Mr. ODDIE. I intended to state that it was the suggested allocation of the Secretary. Nothing definite has been done. Protests have been made against it.

Mr. SHORTRIDGE. Mr. President, if the Senator will permit me, what is the suggested or tentative allocation? I do not happen to know.

Mr. JOHNSON. Mr. President, if the Senator will permit me, it is one that was printed last October, distributed to the various individuals and Members of Congress who have been interested in the subject, and published again a month ago. The tentative allocation that was suggested by the Secretary of the Interior was that of the power developed at the Boulder Dam, first to the Metropolitan Water District, which is composed of various municipalities in the Southwest, would be given 50 per cent for the purpose of pumping the water over the mountain; and, of the remaining 50 per cent, 25 per cent would be given to the City of Los Angeles, and 25 per cent—that is, half in each instance of the remaining 50 per cent—to the Southern California Edison Co., with certain drawback provisions in favor of Arizona and Nevada.

Mr. GLENN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. I yield.

Mr. GLENN. Supplementing the statement made by the Senator from California [Mr. JOHNSON], I will say that the Secretary of the Interior testified to-day before the Interstate Commerce Committee about this specific matter. Under the drawback provisions, if they are fully exercised by the States which the Senator from California has mentioned, the final result will be that the Southern California Edison Co. will have, as I understood the testimony, only 3 per cent of the power generated.

Mr. JOHNSON. I have been told this evening that that was the testimony of the Secretary of the Interior. May I say to the Senator that I think the Secretary of the Interior is in error; but I do not care to discuss that at the moment.

Mr. NORRIS. Mr. President, it is only a question of amount. The principle is just the same. The Secretary of the Interior would have a right to give all of this power to private corporations if no public corporation like a municipality or a State wanted it; but, under the law, if he does his duty, he will give them an opportunity first, and they will have the right to 100 per cent of it.

Mr. WHEELER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. Yes.

Mr. WHEELER. I want to say to the Senator that I questioned the Secretary of the Interior this morning about this very proposition, and his testimony was in accord with what the Senator from Illinois says.

He called for an opinion from Mr. Finney, in the legal department of the Department of the Interior, and Mr. Finney interprets that provision of the law with reference to how he should lease this power to this effect: That he should make a lease that was to the best interests of the Government. The Secretary said that what he was interested in was primarily the leasing of it to people under circumstances where he could be sure he was going to get the money back the Government had put into the project. Of course, if he follows that course, and if that is his viewpoint, he might very properly say, under Mr. Finney's ruling, that he would lease it to a private concern.

Mr. NORRIS. Of course.

Mr. KEAN and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. NORRIS. I can not very well yield to two Senators at once.

Mr. KEAN. Will not the Senator yield to me to ask a question of the Senator from Montana?

Mr. NORRIS. I yield.

Mr. KEAN. Did not the Secretary also say that he wished to be sure that the power was given the widest possible distribution?

Mr. WHEELER. Yes; and, of course, under that interpretation he could lease it to the power companies, because of the fact that the power companies would give it the widest distribution.

Mr. NORRIS. It would be as easy as rolling off a log. Take the city of Los Angeles, for instance. It has the right to distribute power within the corporate limits of the city. It has a rival in the city, a competitor, this corporation, the Southern California Edison Co., which has the right to distribute power not only in the city of Los Angeles but wherever it wants to build a transmission line. That is the same with all private corporations. If the theory is going to be that he is going to lease it to the institutions which can give it the widest distribution, then not a single kilowatt will ever go to anybody except a private corporation. In other words, the statement in the law giving preference to municipalities would be a nullity, would amount to nothing.

However, Mr. President, let us get back to the question involved.

Mr. ODDIE. Mr. President, I would like to ask a question as to the hearing this morning. I was not present, and am not familiar with what happened. Did the Secretary recognize the greater credit of a State over that of a private corporation?

Mr. WHEELER. He did not state whether he did or not, but he had, of course, Mr. Finney's opinion; and while he said he did not feel that he was bound by it, yet, if he should follow Mr. Finney's opinion, there would not be any question in my mind as to what he would do with it. He would not give it to the municipalities, he would not give it to the States.

Mr. ODDIE. Was there any statement that the credit of the State was not as good as that of a private corporation, or was that merely an inference?

Mr. WHEELER. I asked him that question, but he did not state. However, I inferred that from the statement he made, because he said, when I asked him the question, "You know, sometimes they have earthquakes." He added, "We had an earthquake down in San Francisco, and when we had that earthquake down there the city of San Francisco was not able to meet its obligations," or something to that effect.

Mr. NORRIS. I suppose an earthquake never injures a transmission line if it is owned by a private corporation. It

would not destroy a building that was owned by a private corporation. Earthquakes have the peculiarity of only destroying property of municipalities. They do not touch private corporations.

Mr. KEAN. Mr. President, will the Senator yield again?

Mr. NORRIS. I yield.

Mr. KEAN. The Secretary stated this morning that tentatively he had allotted 50 per cent to the southern part of California.

Mr. NORRIS. That is for the purpose of pumping water.

Mr. KEAN. Yes; 18 per cent to Arizona, 18 per cent to Nevada, 3 per cent to the Southern Edison Co., and the other 3 per cent to somebody else.

Mr. NORRIS. That is a great variation from the statement which was made some time ago.

Mr. KEAN. That was the statement he made this morning.

Mr. WHEELER. Mr. President, my understanding is that Arizona does not want any power, and, consequently, if Arizona does not take the power and Nevada is not prepared to take it, he is going to give it to some private corporation. I may be wrong about this, but I gathered the impression that was what he had in mind, but that it was not definitely decided upon.

Mr. KEAN. I am not sure about the private concern. I think he testified that the municipalities would have the first choice.

Mr. WHEELER. I did not so understand it.

Mr. KEAN. Then it would go back to the States, after a period of years.

Mr. NORRIS. Mr. President, the principle involved is not changed by what the amount is. I think the tentative statement which came from the Secretary some time ago, as the Senator from Nevada said, and as the Senator from California said, was that he had made a tentative allocation of this power. There was much more than 3 per cent—I think it was 15 or 18 per cent—that was to go to a private corporation.

Mr. ODDIE. Twenty-five per cent.

Mr. NORRIS. Was it 25 per cent?

Mr. ODDIE. Yes.

Mr. NORRIS. That, however, does not change the principle involved, whether it is 25 per cent or 1 per cent or 60 per cent.

The question before us is, Are we going to put a tariff of a cent on carbide? Carbide requires a great deal of power in its manufacture, and hence is manufactured to a great extent where there is cheap water power. If there were cheap coal, the result would probably be the same, but it requires a great deal of power for its manufacture.

As a matter of fact, the freight rate on carbide, I understand, is very high. It ought to be high. It is a rather dangerous thing to carry on a freight train. So that freight itself is practically a regulator of the price.

I do not believe there ought to be any tariff on carbide. When a tariff is put on carbide, the price is increased, and everybody must pay who uses carbide. I want again to call the attention, particularly of those who have been voting for high tariffs for the benefit of the farmer, to the fact that here is the burden, which, to a great extent, rests upon the shoulders of agriculture.

Carbide is used in a great many places where the people do not have access to electricity. In the remote districts they can have little systems of lighting or heating in their homes, no matter where they may be located, and haul the carbide for their use to the place where they are going to use it, and to a great extent it is used in that way. It makes a very fine light. Therefore, we are putting a financial burden, to a great extent, upon people who can not afford the burden, and who are living in localities where they can not always have the advantages of civilization which most people have.

Mr. BARKLEY. Mr. President, I do not wish to delay a vote on this item, but I do think the Senate ought to have briefly stated the facts with reference to the comparative production, imports, and exports of this commodity before it votes.

The domestic production of calcium carbide is apparently on the increase. In 1923 we produced 118,000 tons. In 1926 we produced 127,000 tons. The importations have been on the decrease. The last year for which the figures are available is 1928, and we imported only 1,200 tons of calcium carbide into the United States in that year, which was a reduction from 11,000 tons in 1926.

We are exporting more of this commodity than we are importing, for while we imported in 1928 only two and a half million pounds, which represents about 12,000 tons, we exported over 3,745,000 pounds, and the price has increased from 4½ cents a pound to 5 cents a pound. So that the importations have been falling off, the production has increased, and the price has increased.

The senior Senator from Nebraska [Mr. NORRIS] referred to the fact that a large quantity of calcium carbide is used in the manufacture and installation of lighting systems throughout the rural districts. More than one-half of all the calcium carbide used in the United States is used in the installation of lighting systems through the country and by the miners of this country who have to go down into the bowels of the earth to mine coal and other products, affording lights to enable them to see their way around after they get into the mines. So that 50 per cent of the entire consumption is by the farmers and miners of the United States.

The production is increasing, the importations are decreasing, our exportations are increasing, and the price is increasing. If this combination of circumstances does not justify a reduction in this rate, it would be difficult to imagine a set of circumstances that would justify it, and that is what actuated the Finance Committee when it brought in an amendment in the Committee of the Whole recommending one-half of 1 cent instead of 1 cent. Under these circumstances I think this amendment ought to be agreed to.

Mr. COPELAND. Mr. President, I was very much impressed, as I always am, by the statements made by the senior Senator from Nebraska [Mr. NORRIS]. It is a shame to think that these great water powers are controlled by monopolies and exploited for the making of money instead of being used for the benefit of the people.

I was shocked yesterday at the set of facts presented by the junior Senator from Montana [Mr. WHEELER] about what has been going on relative to water powers, particularly those at Niagara Falls in my own State. I concede all the Senator from Nebraska has said about why these powers should be preserved for the people and used for the common good. But I am not prepared to vote to destroy the great establishments in my State making calcium carbide, and send it over to Canada, where it has a plant, and put out of employment hundreds of men and women now employed at Niagara Falls.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. VANDENBERG. And precisely the same result at Sault Ste. Marie would practically kill 50 per cent of a thriving modern American city.

Mr. COPELAND. Mr. President, if the Senator from Michigan and I were to vote to reduce this rate simply because we are angry and outraged by the action of the Power Trust, we would be biting off our noses to spite our faces. There are hundreds and thousands of employees in the United States engaged in making this product. We have had an endless number of speeches here about unemployment. We have bewailed the fact that a supine administration has failed to do something to relieve unemployment. We have expressed our indignation in such terms. Do we intend as a Senate now to perform an act which will bring about more unemployment? I can not understand that philosophy.

Mr. VANDENBERG. And, Mr. President, if the Senator will permit a further interruption, perform it, furthermore, without one word of evidence before the Finance Committee of the Senate or one single request before the committee for a reduction.

Mr. COPELAND. We now have the rate for which we are contending. That is the rate at the present time as contained in the act of 1922, and yet because we wish to record our indignant protest against the outrageous imposition of rates by the Niagara Falls Power Co., it is our purpose to reduce the tariff on this commodity and send this great organization to Canada. I can not believe that the Senate will do that thing.

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. ROBSION of Kentucky. We have heard the statement made that Norway can supply our entire demand for this commodity, and that labor costs in Norway are about one-fourth of those in the United States. Is that correct?

Mr. COPELAND. That statement is correct. The cost per ton in Europe, largely in Norway, is $29.50, while in the United States it costs $58 per ton to produce it.

Mr. ROBSION of Kentucky. What is the cost in Canada compared to the cost in the United States? I understand the power costs and the labor costs in Canada are about one-half what they are in the United States.

Mr. COPELAND. Unskilled labor in the United States receives $4 to $6 per day, and in Canada it is paid from $2.50 to $4 a day. Skilled labor in the United States receives $6 to $10 a day, while skilled labor in Canada receives $4 to $6 a day.

In other words, we pay our labor in the United States about twice the amount that corresponding labor is paid in Canada.

Mr. ROBSION of Kentucky. Is it the contention of the Senator from New York that if the duty is reduced from 1 cent to one-half cent a pound, it will put out of business the carbide factories in this country?

Mr. COPELAND. That is my contention. The reason why I am standing here arguing as I am to-day is that I do not care the snap of my finger for the American Carbide Co., and I do not care where they operate so far as my personal interest in the company is concerned, but I do want the men and women of the United States who are now employed by that concern to continue in employment. If we reduce the rate, the company would have every incentive to go over and operate plants already owned in Canada, and, of course, that is what they would do.

Mr. ROBSION of Kentucky. How many men and women does this industry employ in the United States?

Mr. COPELAND. It runs into the thousands. I can not give the number. I suppose the Senator knows. It runs into a very large number.

Mr. HATFIELD. Mr. President, if the Senator from New York will permit me——

Mr. COPELAND. I yield to the Senator from West Virginia.

Mr. HATFIELD. The pay roll amounts to $4,000,000 a year.

Mr. COPELAND. There is paid $4,000,000 to American citizens to spend in American stores and to pay American taxes, and yet we are so mad at the Niagara Falls Power Co. that we want to smash the whole business of the Niagara Falls Power Co. and the Carbide Co. and every other concern utilizing that great water power, and send that business to Canada and let Canada profit by it. I do not believe we are going to do that. I know the Senator from Nebraska [Mr. NORRIS] is too kind hearted and is too much interested in the welfare of American citizens to permit his feelings regarding the Power Trust to lead him to vote to reduce this rate and send this business abroad.

Mr. President, the Senator from Kentucky spoke about exportations. I want to tell just what happened regarding exportations. The Union Carbide Co. exported 2,500,000 pounds, just as he said, but of this amount 1,756,000 pounds went to Hawaii, the Philippines, and Porto Rico. We exported to foreign countries only 820,000 pounds, while Canada exported last year 9,000,000 pounds. Do Senators see the great possibilities in Canada? Is there any reason why Canada can not be exporting all of this commodity to the United States? That is what will happen if we reduce this rate.

I plead with Senators again to-night, as I did the other day when the matter was before the Senate, to continue the rate at 1 cent in order that the establishments in Niagara Falls, Sault Ste. Marie, and elsewhere in this country may be continued and that employment may be given to American citizens. That is the way for us, as I see it, to help solve the unemployment problem, at least to prevent further unemployment. That, I am sure, is the desire of every Member of the Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. The statement was made a little bit ago that the pay roll is $4,000,000 a year in this country. At the rate of $1,000 a year for each employee, that would mean that 4,000 people would be employed. If they happened to be fortunate enough to receive $2,000 a year on the average, it would mean 2,000 people employed. How does that number compare with the number of miners who use this commodity and the number of farmers who use it, and who use 50 per cent of the entire product of the United States?

Mr. COPELAND. Let me ask the Senator how much a year a miner pays for his carbide?

Mr. BARKLEY. I do not know.

Mr. COPELAND. The Senator knows it is a very small sum.

Mr. BARKLEY. I want to ask how the number of men employed in this industry compares with the number of miners and farmers who use it?

Mr. COPELAND. I have no doubt that in numbers there are more farmers, though perhaps not more miners, but a lot of them; but when the Senator is talking about employees, whether he talks about 4,000 or 2,000, he is talking about the entire annual income of 4,000 or 2,000 families.

Mr. BARKLEY. I have not received any information from any source that indicates that there has been any falling off in the employment of these men because the product of these factories has increased. Our exports have increased and our imports have fallen off. If there has been any lessening of employment it certainly is not on account of foreign competition.

Mr. COPELAND. I have not said there has been a lessening of employment. I have said if the tariff is reduced these factories will operate in Canada, and the company owns factories there now; and then there will be unemployment here. I am seeking to prevent further unemployment.

Mr. BARKLEY. There is only one Canadian factory that imports calcium carbide into the United States.

Mr. COPELAND. There are Canadian factories that export from Canada 9,000,000 pounds of this product.

Mr. BARKLEY. But not to the United States. They export to the same countries to which we export.

Mr. COPELAND. And almost all of our exports from continental United States go to the Philippines, Porto Rico, and Hawaii.

Mr. BARKLEY. Some go to Mexico and some to Japan, and I think we even send some into Canada.

Mr. COPELAND. The Senator was not here a little while ago when I gave the figures. We exported last year 2,576,000 pounds, and of this amount 1,756,000 pounds went to Hawaii, the Philippines, and Porto Rico; in other words, to other countries, including Mexico, 820,000 pounds were exported, while Canada exported last year 9,506,000 pounds.

Mr. WHEELER. What difference does it make to what country it goes?

Mr. COPELAND. It makes a difference whether it goes to an American dependency or not.

Mr. WHEELER. What difference does it make?

Mr. COPELAND. It makes this difference: Suppose we close all the factories in the United States?

Mr. WHEELER. What difference does it make whether we export to Mexico or to Hawaii or to the Philippine Islands?

Mr. COPELAND. It does not make any difference.

Mr. WHEELER. The Senator was drawing a distinction as to where we export it, but I can not see what difference it makes.

Mr. COPELAND. I do not say that it makes any difference so long as it gives employment to our people.

Mr. BARKLEY. It means that we are making more than we use, and we are sending it wherever there is a market for it.

Mr. COPELAND. Then we can sell it cheaper to our own people.

Mr. WHEELER. I have always noticed that we put a tariff on any commodity which we are exporting. The truth about it is that we always charge our own people more and charge the people to whom we export it less.

Mr. COPELAND. I want to say to my dear friend from Montana that he spoke eloquently and convincingly about unemployment. I am striving to prevent the widening of the epidemic. There is no question that every time we enact a tariff law we are going to raise the price to somebody. There is no doubt about that. But we are not proposing here to raise a rate. The rate is now 1 cent a pound and, without being put upon notice, these people find themselves confronted by an amendment reducing the rate to one-half cent a pound. Is the Senator, who is anxious to have people work, desirous of creating a situation which may put out of employment the heads of from 2,000 to 4,000 or 5,000 families, and increase unemployment to that extent?

Mr. WHEELER. The Senator has asked me a question. Of course I do not want to put them out of employment, but when this company is exporting to foreign countries I do not see how it is possible for it to be put out of business. The Senator has used that same argument with reference to everything from his State where he sought to impose a tariff.

Mr. COPELAND. Yes, and I am going to use it some more.

Mr. WHEELER. I appreciate that. Of course the Senator is using the same argument that has been used by every Republican and high protectionist all down through the years. Let me call the Senator's attention to the fact that he has talked here about the suffering of the unemployed in New York, and yet he voted for a rate on rayon that goes into the clothes of the poor people of New York, thousands of them who hardly get money enough to pay their living expenses.

The Senator has talked about their having to eat sidewalks, and yet he voted to put a tariff on rayon, which goes into the cheap clothes and the cheap socks and the cheap underwear of those poor people who he says have not money enough to buy food and have to eat the sidewalks in New York.

Mr. COPELAND. Mr. President, I did vote for the duties contained in the rayon schedule. Why? Because I want the rayon which the people wear made in the United States; that is what I want those duties for. Ten thousand men and women in my State are working in rayon factories. The Senator will say it is British money or it is German money or it is Dutch money invested in those factories. I do not care who owns the factory if it is operated in the United States and the em-

ployees are American citizens, I am glad to have the factory operated here. If the Senator can advance a convincing argument to show that the rate on rayon instead of being 40 cents a pound should be 33½ cents a pound, I will vote with him, but he did not propose to take off everything; he wanted to leave some rate of duty on rayon.

Mr. WHEELER. Exactly.

Mr. COPELAND. In other words, he is going to tax the poor people of my city to some extent; so while I may be 40 per cent wicked, he is at least 33½ per cent wicked, and that is one-third.

Mr. WHEELER. What I was proposing to do was to give the employees of labor in the United States the benefit of a rate that would equalize the difference between the cost of production at home and abroad.

Mr. COPELAND. That is right; and so do I.

Mr. WHEELER. And I am perfectly willing to do that.

Mr. COPELAND. So am I.

Mr. WHEELER. But I am not willing on rayon, or on any other material, to vote for a tariff which will give them about 50 per cent more than the difference in the cost of production at home and abroad. I brought the figures to the attention of the Senate, and to the attention of the Senator from New York; I challenged anybody to dispute the figures that I produced with reference to rayon, and there was not a soul who disputed them.

Mr. COPELAND. The Senator from Utah [Mr. SMOOT] disputed those figures.

Mr. WHEELER. No; he did not dispute them with any figures. He merely made the statement he did, because of the fact that he did not have any figures, and because the Tariff Commission had not obtained any figures upon the subject.

Mr. COPELAND. Let us see just how far we are apart. The Senator wants to impose a duty equal to the difference in cost between American production and foreign production. That is it, is it not?

Mr. WHEELER. I am willing to do that; I am willing to go that far.

Mr. COPELAND. All right. That is what I want to do. The only question between us is how much that difference is. Because the Senator did not convince me that the duty should be 33½ per cent; he then says that I should be condemned and cast into outer darkness because I voted for 40 per cent.

Mr. WHEELER. No; I would not condemn the Senator nor would I cast him into outer darkness if I could, and, of course, I could not.

Mr. COPELAND. But, of course, the Senator is doing everything he can to cast me into outer political darkness.

Mr. WHEELER. Not at all; I would not even do that; but I appreciate that the Senator is arguing for high tariffs upon everything that is produced in his State, and it seems to me regardless in many instances as to whether or not it is necessary for the protection of labor or for the protection of the people of the country. I am perfectly amazed and surprised to see the Senator from New York stand on the floor of the Senate and argue repeatedly for the highest kind of a duty upon everything produced in the State of New York. The only question with him seems to be, has the industry a factory operating in New York.

Mr. COPELAND. Let us see. I have forgotten now how the Senator from Montana voted on wool.

Mr. WHEELER. I voted for the tariff upon wool; that is correct.

Mr. COPELAND. We do not raise many sheep in New York, but they are raised in great numbers in the State of the Senator from Montana.

Mr. WHEELER. Of course we raise sheep in my State; and I want to call the Senator's attention to the fact that we also produce lumber in my State; and we raise sugar in my State; and we produce oil in my State; but I did not vote for a duty on those articles merely because of the fact that we happen to have a few factories in my State, or that we raised a little lumber there. I have, however, yet to see a single instance where a manufacturing interest has a factory in the State of New York that the Senator has not stood up on the floor of the Senate and voted for a tariff on the product of that factory, regardless of the poor people whom he has told us about, with tears in his eyes, eating the sidewalks of New York.

Mr. COPELAND. Has the Senator finished?

Mr. WHEELER. I have finished.

Mr. COPELAND. Every Senator who votes in the Senate upon any question is making his own bed, and he must lie in the bed that he makes. So far as I am concerned, I can say that I have had two things in mind in every vote I cast. When it came to a necessity of life; when it came to sugar, to tomatoes, to bread, and things that we eat——

Mr. WHEELER. Things that are not produced in the Senator's State.

Mr. COPELAND. Are not those commodities produced in New York?

Mr. WHEELER. Their production is comparatively small; a few tomatoes may be raised there in hothouses.

Mr. COPELAND. Ah, Mr. President, here is the man who condemns the Republican Party, the President, the "reds," and all others; who consigns everybody to oblivion because of the unemployment situation. I have had in my mind—I have in my mind now, and I intend to keep it there until the end comes of the tariff bill—the question, How can we keep people in employment? I happen to know about the conditions in my State. It is my business, as a Senator from New York, to see that the interests of that State are protected. I mean by that not the "interests" in quotation marks, but the welfare of my State, and I intend to vote with that in view.

Mr. BARKLEY. Mr. President——

Mr. COPELAND. I will yield in just a moment. I know about the conditions there, and I would be a traitor to my State if I did not protect it. In the next place, I want to know by what sort of political philosophy a 1930 Democrat thinks that every time he has to vote he must vote for a low tariff. That idea is of the past; it is not in style in politics any more; we have reverted to the original teachings of our party.

I do not know whether or not the Senator from Montana signed it, but when I had a telegram from the chairman of the Democratic National Committee asking whether or not I indorsed Mr. Smith's view about the tariff I telegraphed back at once "I do." That is the view I hold. There must be established in our country a tariff rate that will measure the difference between the cost of production in Europe and the cost here. I know the conditions surrounding labor in most of the countries of Europe from personal observation, and I would not have the American laboring man forced to submit to the conditions which surround labor in Europe. I want the American standard to be maintained, and I do not apologize, Mr. President, for any vote I have cast on the pending tariff bill. I will say in all pride, if I may be permitted to do so, that I have voted in every instance to maintain established industries in my State and in other States. If I felt sure that a tariff would mean employment, I have voted that way; I am not sorry that I have done so, and I am going to continue to vote that way.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. Yes.

Mr. BARKLEY. The Senator and I are not very far apart in our desires, but we may differ a little as to the method of accomplishing them. The Senator speaks about unemployment. I do not wish to open up the rayon schedule, because we will probably have a siege of that later on; but practically every textile mill in this country—I do not know how many of them there are in New York—uses rayon in the manufacture of its finished products. There are in the State of North Carolina, for instance, 241 textile mills that use rayon yarn in the manufacture of finished products.

In the State of Tennessee there are 139 such textile mills, and in all the States where there are textile mills those mills are required to use rayon yarn in the manufacture of stockings, underwear, and garments made of rayon. Of course rayon products are purchased very largely by those who can not afford high-priced silk garments, but who do prefer a comfortable rayon garment to ordinary cotton, because it not only looks better but it wears better and feels better while it is being worn.

If the rate of the tariff duty on rayon, that amounts now according to present prices to 95 per cent ad valorem, increases the price of rayon yarn so as to make the textile mills pay a larger price for their raw material, which operates to depress still farther the textile industry, I am wondering, by comparison, how many men we have thrown out of employment in the textile industry by undertaking to keep men employed in the rayon industry by an increase in the tariff on this necessity.

Mr. COPELAND. I think the Senator has made a very clear statement. I can give him an example. In the case of necktie silk the admixture of rayon with silk in less than 50 per cent quantities has made it possible under our present tariff rates to bring the mixture in at a price with which our people can not compete. I do not know how to handle that; I have introduced a measure to undertake to do so, and I took the counsel of the wool men. They said that a product that had 15 per cent or more wool in it should be taxed as wool. I propose to do the same thing as regards rayon and silks, so that if a piece of goods contains rayon to a greater extent than 15 per cent, then it shall be taxed as rayon.

Mr. BARKLEY. Of course, the Senator realizes that the question of comparative benefits is one that is difficult to solve scientifically. I have a great deal of sympathy for the men and women who are required to purchase rayon articles as a substitute for silk. If we increase the price of such articles, of course, the reaction is to lessen consumption, and if we lessen consumption, of course, we lessen, by a law of economics, production, by which we lessen employment in the textile mills; and so, while we may be undertaking to help a smaller group engaged in the direct production of the rayon itself, I am wondering whether we have not damaged a much larger group by a reaction which will necessarily follow in all the textile mills of the United States under the situation which I have pointed out.

Mr. COPELAND. Mr. President, I am glad the Senator has asked the question. There is just one thing that determines prosperity in a country, and that is employment. I do not care whether it is employment of labor or the employment of the farmer, the determining factor is employment. If the people are employed at decent wages, are successful enough in their industries, whatever they may be, to enable them to receive incomes, the rest takes care of itself.

Mr. BARKLEY. Will the Senator yield there?

Mr. COPELAND. Yes.

Mr. BARKLEY. The American Federation of Labor gave out a statement three or four days ago in which it was set forth that unemployment had increased last month, as compared to the previous month, and that the largest proportion of that unemployment existed and the largest increase had occured among the building trades of the United States—the carpenters and bricklayers and masons and all those who engage in the construction of buildings. There is not anything that a tariff can do to give those men employment.

Mr. COPELAND. No.

Mr. BARKLEY. And yet this bill undertakes in three or four places to increase the cost of building material, which will lessen further the constructive activities of the country, and bring about to a greater degree unemployment among the workmen in occupations where the increase in unemployment has been the greatest, according to the American Federation of Labor.

Mr. COPELAND. Let me reply to the Senator there. It is perfectly clear to me why building is off, why there is very little building. It is utterly impossible to get any mortgage money for building. That has been true for several years.

When we have great prosperity in the country, when Wall Street is humming with activity, the money goes there. Take the conditions which prevailed in Wall Street during the past year—more than a year, but we will say a year. During this year every bank in the country was sending its money to Wall Street, where they could get a big price for it. I talked with friends of mine, bankers. I said, "What do you do when a man comes in, one of your regular customers, a merchant who wants a line of credit, and he is asking for $10,000? What do you do with him?" He said, "We give him about $4,000. The money is down in Wall Street."

Take the case of a young man who has saved a thousand dollars, who owns a lot, who is a man of good health and good character. It ought to be possible for him to build a house. If there is any risk in the world that is a good risk, it is a mortgage on a home. The last thing in the world that a man will do or a family will do is to give up the home. It has not been possible, however, to get money for that sort of thing. Consequently, the building trades are out of luck.

Mr. BARKLEY. Mr. President, just one question there.

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. I am satisfied that the Senator, as an observer if not as an actual participator, will agree that the easiest thing that it has been possible to do in recent years has been to buy a home on credit without a payment of very much cash. Here in the city of Washington, in the city of New York, and in all the cities and villages and towns in the United States, one of the easiest possible things to do was to buy a home.

Mr. COPELAND. Why?

Mr. BARKLEY. Because there was money available for the building of the home and for the carrying of the mortgage and for the opportunity of the man interested in it to buy it on terms that would enable him to afford his own home. It may be much harder to pay for it after you buy it, but it has been very easy to buy it.

Mr. COPELAND. I notice in this town signs upon almost every house reading "For sale," and you can buy them on any kind of terms. Of course, with the great credit that the Senator from Kentucky has, there will be no trouble about his getting all the money he wants; but let a man who is working on a salary of $2,500 a year go and try to borrow money to build a house, and he can not get the money. That, as I said, is the reason why the building trades are out of luck.

Mr. President, I do not know what this has to do with carbide.

Mr. VANDENBERG. Mr. President——

Mr. COPELAND. Just one minute. I suppose my friend from Montana has gone. He is tired out. However, I have no apologies to offer. I have voted to try to keep people employed, and I have tried to keep down the price of the essential articles in demand by our people.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator.

Mr. VANDENBERG. Returning for a moment to the subject of calcium carbide, may I inquire about the statement that was made that 50 per cent of the commodity is used in farm lighting? Does the Senator recall that statement?

Mr. COPELAND. I remember that; yes.

Mr. VANDENBERG. The facts are, according to the report of the Tariff Commission, that only 14 per cent is used in farm lighting. That is a far different consideration.

Mr. COPELAND. Further, those figures were founded upon the average of past years, when automobile lighting used to be by carbide or acetylene.

Mr. BARKLEY. Mr. President, I think I made the statement to which the Senator from Michigan refers. What I stated, and what the Tariff Commission said, is that 50 per cent of the domestic consumption is used by farmers and miners—not farmers alone, but farmers and miners.

Mr. COPELAND. I am willing to leave the matter here. I hope the Senate will take a humane view, which means that this industry will be maintained, in order that employment may be continued.

Mr. HEFLIN. Mr. President, I have no desire to detain the Senate on the matter that is now before it. The rate in the law of 1922 is the rate that the House fixed—1 cent—and is the rate that the Senate, in Committee of the Whole, has fixed. I ask for a vote on it before I take up another matter.

Mr. HATFIELD. What is the vote on, Mr. President?

The PRESIDING OFFICER (Mr. FESS in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 1, before the numeral "1," the Senator from Wisconsin proposes to insert "one-half of."

Mr. GEORGE. Mr. President, I rise to inquire whether the yeas and nays were not ordered. I understood that they had been ordered on this amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. HATFIELD. I do not understand what the amendment is. Is this the amendment on carbide?

The PRESIDING OFFICER. It is.

Mr. HATFIELD. I wish to be heard.

Mr. President, carbide is a very interesting subject, both from an industrial and from a chemical point of view. At Spray, N. C., in 1892, in an effort to produce metallic calcium, by fusing limestone and petroleum coke in an electric furnace, the results of the experiment was a grayish stone which brought in contact with water gave off a white cloud gas with a peculiar odor. The next batch was allowed to cool naturally and then put in water, where it dissolved, and gave off a gas. The gas was bottled and sent to the laboratory of the University of North Carolina. It was found to be acetylene gas.

Its first attempted use was as a gas enricher in city gas service of Chicago, Ill.

The first carbide plant that met with any degree of success was developed at Sault Ste. Marie, Mich. It was the combined efforts of the Spray, N. C., and Chicago people. This experiment to supplement city gas was not successful.

The plant founded in 1896 has developed to a capacity of 90,000 tons yearly. A second one was developed at Niagara Falls, 1898. None of these plants were successful until the Horry type of furnace was developed in 1900.

The modern type furnace utilizes electrodes weighing several tons and using 20,000 horsepower, with a capacity of 50 tons of raw material.

The development of this industry came through the faith of the inventors and their financial supporters in its ultimate great outlay of money. In the beginning this industry was protected by a patent which expired in 1912. It was 10 years at least before this business got under way, as cheap electricity is indispensable.

There are eight carbide furnaces in America: Sault Ste. Marie, Mich.; Niagara Falls, N. Y.; Duluth, Minn.; Ivanhoe, Va.; Keokuk, Iowa (2 plants); Anniston, Ala.; and Bluefield, W. Va.

The yearly production in the United States is approximately 200,000 tons.

The Underwood bill placed carbide on the free list. The American companies transferred their business to Norway so it could compete with European production. Then the war changed the international picture, as it did in all other chemicals.

Had protection been continued on this industry, the West Virginia plant would have been developed many years ago.

When the present tariff law was under consideration in 1922, the Canadian carbide producers opposed the tariff on carbide. After the act went into effect, a Canadian company began the operation of a furnace at Keokuk, Iowa.

The development in this industry in the United States has been greatly accelerated by the Fordney-McCumber Act, there being five companies, all competitive. At no time, however, did the price reach the competitive heights attained by similar electrical-furnace products. The increase of war-time prices was the increased cost of coal, lime, transportation, labor, and so forth.

In 1922, during the debate on the present law, those who opposed the duty, the RECORD discloses, predicted greatly increased prices as a result of the duty.

The senior Senator from South Carolina asked the question, "If this protection is granted, what will its prices go to?" The price then was $112 per ton. The development and cost to consumer since that time is a most satisfactory answer to his interrogation.

It has steadily declined until the average is $90 per ton to-day.

Carbide, CaC_2.

Lime, 62½ per cent; coke, 37½ per cent.

Lime, 2 parts; coke, 1 part.

Two tons of lime. One ton of coke produces one ton of carbide.

Carbide fuses in the temperature of the electric arc between 5,000° and 6,000°.

The possible reason for the failure of the development of carbide before 1892 was because no sustained heat had been developed to combine these two basic elements that produce this commodity.

The development of calcium carbide was one of the first steps in creative chemistry.

It was the electrical furnace that made possible heat sufficient to fuse these two recalcitrants formed by chemical combinations in ages past.

The development of carbide is all American. The principle is thoroughly American.

In the present method of production there is a constant fusing as the material is fed into the furnace, not unlike the manufacturing of glass. When brought into contact with water a chemical change takes place, CaC_2 plus $2(H_2O)$ equals C_2H_2, or acetylene.

The first problem in the development of acetylene was to find a use for it so as to make its production profitable. The first 10 years of experimentation were largely given, by a great outlay of money, to an effort to produce cheap electrical energy. This did not develop to a point where it was financially a success.

Generators were finally developed by which acetylene could be used for house lighting, its first commercial use; then for motor car and bicycle lamps, by the use of dissolved acetylene in steel cylinders, in the charging of these cylinders, first by packing them with asbestos disks or diatomaceous earth, which is a pure lime of high absorptive qualities. The cylinder is treated with acetone which is absorbed by the disks, and acetylene is introduced under pressure.

As a result of this process, acetylene may be safely shipped all over the country.

This development made possible oxy-acetylene welding, with which many are familiar. A minute stream of acetylene and oxygen are brought together and ignited, forming a practical, usable high temperature unit which accomplishes either cutting or welding.

While I was a member of the State Senate of West Virginia this process of cutting or welding of metal substances was exhibited in a local theater as a curiosity in 1909 by Mr. Shank, a very wealthy and prominent citizen of Wheeling, W. Va., who was the demonstrator of the welding power of acetylene by the use of oxygen, which was stimulated by the great discovery made possible by American ingenuity.

Acetylene is one of two endothermic gases known to science. The other one is cyanogen, which on account of its highly poisonous character can not be used for cutting or welding purposes. The proper temperature for the procedure is from 4,000° to 5,000°, made possible only by acetylene. When this temperature is reached the cutting process continues by the use of oxygen alone.

Welding by acetylene first came into prominence during the war when it was used for repairing the engines of the damaged German vessels which had been taken over at the beginning of the war. As we remember, the cylinder heads of the engines had been smashed and the machinery generally demolished. It was thought that the equipment could not be repaired without great delay, if at all. Acetylene welding did the complete job within three months, and after the Navy Department had performed this marvel, the ships were used for transporting our soldiers to the front.

In addition to this accomplishment, the mine barrage which the American Navy laid from Norway to Scapa Flow was made possible by tanks manufactured by acetylene welding. During the war guns that were put out of commission could be repaired on the scene of action by portable repair shops on motor trucks designed by the Ordnance Department.

To-day every automobile repair shop has its own acetylene outfit for repairing numerous damaged parts of motor cars. All railroads are equipped with it. It is indispensable to every miner.

The saving to industry by the use of oxy-acetylene welding in making usable damaged or broken equipment which was useless before the process was discovered, runs into countless millions of dollars a year.

In the development of aliphatic chemicals, which we discussed here yesterday, carbide is the basic material. A great many of these elements present themselves in the way of catalysis, being derivative chemicals.

The following are synthetic organic chemicals—the aliphatic series—derived from acetylene gas:

Acetaldehyde, acetaldol, acetic acid, crotonaldehyde, "niatan," paraldehyde, and paraldol.

These industrial uses for carbide have become of major importance. Carbide is the important base product and the one that must be protected. The earlier use of carbide for house lighting now consumes only 14 per cent of the carbide produced, 86 per cent going into industrial uses.

It is necessary that the production of this commodity remain within the United States. Acetylene is a basis for acetic acid, which, when used with cotton linters, produces the well-known rayon. The development of carbide and rayon must therefore go hand in hand.

Welding by acetylene is now used in laying hundreds of miles of pipe lines, making it possible to bring oil and gas from the great fields in Texas, Oklahoma, and Arkansas to the seaboard more speedily and economically than can be accomplished by any other method.

When carbide was under discussion in October last in the Senate it was shown that the average cost of production was $58, and that the average European production cost was $29.50 per ton. The variations responsible for these different costs are as follows:

HYDROELECTRIC POWER

United States: Lowest rate (on old contracts), $20 per horsepower-year. Usual current prevailing rates, $25 to $35 per horsepower-year.

Canada: Lowest power costs, $6 to $8 per horsepower-year. Contract rates, $12 to $15 per horsepower-year.

Norway: Unlimited power available at $6 to $8 per horsepower-year (on deep water).

Rates throughout other European countries, $6 to $15 per horsepower-year.

Average production, 2 tons of carbide per horsepower-year.

LABOR

United States: Unskilled, $4 to $6 per day; skilled, $6 to $10 per day; technical, $3,000 to $10,000 per year.

While there is not a great difference in Canadian labor cost, it will vary somewhat as follows:

Canada: Unskilled, $2.50 to $4 per day; skilled, $4 to $6 per day; technical, $2,000 to $5,500 per year.

Norway: Unskilled, $1.50 to $2 per day; skilled, $2 to $3 per day; technical, $1,500 to $3,000 per year.

Europe generally: Unskilled, 80 cents to $1.50 per day; skilled, $2 to $2.50 per day; technical, $1,000 to $2,500 per year.

OTHER COSTS

Primary investment in plant, plant maintenance, replacement, and all electric furnace equipment, electrodes, and steel shipping drums are all proportionately higher in the United States.

COST OF INGREDIENTS OF CARBIDE

Coke: United States (special grade used for carbide), $9 per ton; Germany, $5.76 per ton.

Lime: United States, $6.75 per ton; Germany, $3.30 per ton.

EXPORTS AND IMPORTS OF CALCIUM CARBIDE

IMPORTS

In 1928, according to United States Government statistics, imports of carbide into the United States were 2,527,215 pounds.

EXPORTS

The figures given to the Tariff Commission for verification were 336 tons shipped in 1928 to countries over seas, not including our possessions and adjacent countries like Mexico.

The other figures on exports which were cited by opponents of the duty last October were chiefly as to carbide made in Canada and shipped in bond through the United States.

As to why we are unable to export carbide, see attached letter from the United States Department of Commerce representative in Mexico, which shows the price at which foreign nations sell carbide there:

Prices of carbide, Mexico, 1928
(American currency)

	Per ton
From Italy	$39.76
From Holland	44.10
From Poland	44.39
From France	51.33
From Germany	80.81

In 1921, when the present tariff law was being considered, the American producers told the committees of Congress that if carbide was not adequately protected, they would be forced against their desires to go to foreign countries to make their carbide.

Since the establishment of the 1922 rate of 1 cent a pound all these producers have increased their domestic production. Foreign manufacturers have come to the United States and built plants here, utilizing American labor and American materials.

The business has grown, competition has increased, and the price has been greatly lowered. Surely these producers, who employ thousands of American workmen, have kept their faith with the American people and this business should be kept in the United States.

In response to an interrogation made by the junior Senator from Kentucky [Mr. ROBSION] a while ago, I stated the amount that was paid annually by this industry to American labor.

I was very greatly impressed with the statement made by the senior Senator from Nebraska [Mr. NORRIS] in referring to the carbide industry as being a part and parcel of the great hydroelectric combination of this country.

I wish to say to this body that during my 17 years of public service to the State of West Virginia, beginning in the State senate of that State, that during that period the State of West Virginia reclaimed her streams, her beautiful rivers, six of which take their origin in a mountain formed by three counties that have an elevation of 4,860 feet, and from those rivers, some of which empty into the Chesapeake Bay and others into the Ohio River, we have water-power possibilities that are almost unlimited, and all that is necessary to develop it is a sufficient amount of capital to harness this power. Without men who are willing to risk their fortunes to build these towering structures in the way of dams, West Virginia will remain in the future as she has largely been in the past a State producing raw materials.

The West Virginia Legislature, when I was a member of it, reclaimed these wonderful rivers, and dedicated them to the State. They are in the control of that State, and for 17 years I have opposed the Water Power Trust in West Virginia and have helped with my influence and my vote to save this great natural resource to my native State and to its people.

I ask to have printed as a part of my remarks some statistics I have prepared.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CALCIUM CARBIDE STATISTICS

FREIGHT

The freight on carbide to any port in the United States from Europe, from any plant in the United States to any port in the United States. This freight differential favoring European production ranges from $1 to $10 per ton.

* * * * * * *

The cost of producing calcium carbide in what would be the chief competing European plants is generally conceded to be about half the cost of producing in the United States.

DOMESTIC SALES PRICES

Range from $90 to $96 per ton, depending on quantity and location. This price, however, includes freight from plant to user, warehousing, and delivery charges.

The large tonnage of carbide is now used by chemical plants. European competition would seek only these large users, that part of the domestic industry which owns foreign plants would be compelled to make carbide in its foreign plants to meet the European costs.

With all these factors of higher United States costs, the present duty of 1 cent per pound is a very low rate. The beneficial effect is shown in the maintenance of prices lower than the average prevailing prices during the entire time carbide was on the free list, and lower than the price in 1922 when the existing tariff law was being debated in the Senate. Justified criticism has been made in the Senate and has appeared in the press of American companies with foreign plants and production who seek lower tariffs so they may import from these plants in greater volume in competition with American labor. American companies producing carbide in the United States also own plants in other countries which produce for foreign trade. They do not seek to import this foreign carbide into the United States. They do not want to be compelled by a lowering of the tariff in the United States to use this foreign production at foreign costs to compete with foreign production of foreign companies in the American market.

Here is an industry with plants, both in the United States and abroad, which seeks to retain the present tariff to keep its $4,000,000 pay roll in the United States.

Due to the higher labor, power, and material costs, American manufacturers can not compete in the markets of the world against carbide produced in Canada and continental Europe. European nations are able to and do undersell American manufacturers in the export markets, to the effect that no carbide made in the United States is exported.

REDUCTION IN DUTY MEANS TOTAL ABANDONMENT OF AMERICAN PLANTS

The direct pay roll paid to American labor every year in the production and distribution of carbide is approximately $4,000,000. It is the desire of this industry to keep this pay roll in the United States, where the market for the final products of the United States carbide industry lies. Unlike most manufacturing operations, the operation of an electric furnace in which carbide is made either runs to capacity or stops entirely. Any diminution in tariff duty which lessens the protection against foreign competition whereby foreign carbide can undersell the American product in the American market will not mean the gradual diminution of the carbide industry; it will mean a total cessation of production in the United States and the transferring of the industry to those foreign countries where the costs are much lower. The smaller manufacturer in America will thus be eliminated. The larger American manufacturers will be forced to abandon production here and make carbide in their foreign plants so as to be on a parity with foreign competitors.

Mr. HATFIELD. When I stand before this body and before you, Mr. President, and advocate the continuation of this tariff rate I do so feeling that if it is accomplished and the Senate permits the rate to remain as it is, West Virginia will be the recipient of one of the great industries in the country, which will mean an expenditure within the confines of that Commonwealth of an amount aggregating more than $100,000,000. I hope that it will be the pleasure of the Members of this body to vote against the amendment offered by the Senator from the State of Wisconsin [Mr. LA FOLLETTE]. I feel that in doing so they will do a great favor to a great industry. They will continue labor in employment at a wage which is worthy of their hire. They will prevent, no doubt, the transferring of the activities of this industry to Norway, to Canada, and to other countries where labor is willing to work for a smaller stipend per day, where electrical energy produced from water power is very much cheaper than is to be found anywhere in the United States.

Mr. President, I wish to say in conclusion to my friend, the Senator from Nebraska [Mr. NORRIS], far be it from me to enter into or support a principle which would have for its purpose the control of the water-power rights and privileges of the State of West Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. FESS. Mr. President, I promised a Senator who is not now present that at the conclusion of the speech of the Senator from West Virginia [Mr. HATFIELD] I would make the point of no quorum. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Ashurst	George	McCulloch	Smoot
Baird	Glenn	McKellar	Steck
Barkley	Goldsborough	McMaster	Steiwer
Black	Grundy	McNary	Stephens
Blaine	Hale	Metcalf	Sullivan
Borah	Harris	Norbeck	Swanson
Bratton	Harrison	Norris	Thomas, Idaho
Brock	Hastings	Nye	Thomas, Okla.
Capper	Hatfield	Oddie	Trammell
Connally	Hawes	Patterson	Vandenberg
Copeland	Hebert	Phipps	Wagner
Cutting	Heflin	Pine	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Robsion, Ky.	Waterman
Fess	Kean	Schall	Watson
Fletcher	Keyes	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present. The question is

on agreeing to the amendment proposed by the Senator from Wisconsin, on which the yeas and nays have been ordered.

Mr. DILL. Mr. President, let us have the amendment stated.

The VICE PRESIDENT. The amendment will be reported.

The LEGISLATIVE CLERK. In paragraph 16, page 7, line 1, the Senator from Wisconsin [Mr. LA FOLLETTE] proposes to insert the words "one-half of" before the numeral "1," so it will read:

Calcium carbide, one-half of 1 cent per pound.

The VICE PRESIDENT. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this vote I have a pair with the senior Senator from Michigan [Mr. COUZENS]. If present he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the Senator from Montana [Mr. WHEELER]. If he were here and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. I understand if he were present he would vote "nay." Were I permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. GLENN. I have a general pair with the junior Senator from South Carolina [Mr. BLEASE]. I understand that if present, he would vote as I shall vote. Being at liberty to vote, I vote "nay."

Mr. METCALF. I transfer my pair with the Senator from Maryland [Mr. TYDINGS] to the junior Senator from Connecticut [Mr. WALCOTT] and vote "nay."

Mr. WATSON (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and permit my vote to stand.

Mr. STECK. I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand that on this question he would vote the same as I shall vote. Therefore I vote "nay."

Mr. GEORGE. I wish to announce that the Senator from North Carolina [Mr. SIMMONS] has a general pair with the Senator from Massachusetts [Mr. GILLETT]. The Senator from North Carolina [Mr. SIMMONS] is necessarily absent.

Mr. THOMAS of Oklahoma. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. HAYDEN] and vote "yea."

Mr. WATSON (after having voted in the negative). I hitherto announced the transfer of my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS]. The Senator from Delaware [Mr. HASTINGS] has since appeared and voted. I therefore transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. MOSES] and let my vote stand.

Mr. McKELLAR (after having voted in the affirmative). I transfer my pair with the Senator from Delaware [Mr. TOWNSEND] to the Senator from Nebraska [Mr. HOWELL], and let my vote stand.

Mr. FESS. I desire to announce the following pairs:

The junior Senator from Maine [Mr. GOULD] with the junior Senator from Utah [Mr. KING];

The junior Senator from Vermont [Mr. GREENE] with the junior Senator from Arkansas [Mr. CARAWAY];

The senior Senator from Massachusetts [Mr. GILLETT] with the senior Senator from North Carolina [Mr. SIMMONS];

The senior Senator from Minnesota [Mr. SHIPSTEAD] with the senior Senator from Wyoming [Mr. KENDRICK];

The senior Senator from Illinois [Mr. DENEEN] with the junior Senator from North Carolina [Mr. OVERMAN]; and

The senior Senator from Louisiana [Mr. RANSDELL] with the junior Senator from Iowa [Mr. BROOKHART].

The senior Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS].

If present, the junior Senator from Maine [Mr. GOULD], the senior Senator from Vermont [Mr. GREENE], the senior Senator from Massachusetts [Mr. GILLETT], the senior Senator from Wyoming [Mr. KENDRICK], the senior Senator from Illinois [Mr. DENEEN], and the senior Senator from Louisiana [Mr. RANSDELL], would vote "nay"; and if present, the junior Senator from Utah [Mr. KING], the junior Senator from Arkansas [Mr. CARAWAY], the senior Senator from North Carolina [Mr. SIMMONS], the senior Senator from Minnesota [Mr. SHIPSTEAD], the junior Senator from North Carolina [Mr. OVERMAN], and the junior Senator from Iowa [Mr. BROOKHART], would vote "yea."

I also desire to announce that the senior Senator from Pennsylvania [Mr. REED] has a general pair with the senior Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 25, nays 39, as follows:

YEAS—25

Barkley	Fletcher	McKellar	Swanson
Borah	Frazier	McMaster	Thomas, Okla.
Bratton	George	Norbeck	Walsh, Mass.
Capper	Harris	Norris	Walsh, Mont.
Connally	Harrison	Nye	
Cutting	Johnson	Sheppard	
Dill	La Follette	Stephens	

NAYS—39

Allen	Grundy	McCulloch	Smoot
Ashurst	Hale	Metcalf	Steck
Baird	Hastings	Oddie	Steiwer
Black	Hatfield	Patterson	Sullivan
Brock	Hawes	Phipps	Trammell
Copeland	Hebert	Pine	Vandenberg
Dale	Heflin	Robinson, Ind.	Wagner
Fess	Jones	Robsion, Ky.	Waterman
Glenn	Kean	Schall	Watson
Goldsborough	Keyes	Shortridge	

NOT VOTING—32

Bingham	Gillett	King	Shipstead
Blaine	Glass	McNary	Simmons
Blease	Goff	Moses	Smith
Brookhart	Gould	Overman	Thomas, Idaho
Broussard	Greene	Pittman	Townsend
Caraway	Hayden	Ransdell	Tydings
Couzens	Howell	Reed	Walcott
Deneen	Kendrick	Robinson, Ark.	Wheeler

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the yea-and-nay vote which was taken on this question as in Committee of the Whole. It is found on page 4821 of the RECORD of October 23, 1929.

The VICE PRESIDENT. Without objection, it is so ordered.

The vote referred to is as follows:

Yeas—37: Ashurst, Barkley, Blaine, Borah, Brookhart, Capper, Caraway, Connally, Cutting, Dill, Fletcher, Frazier, George, Glass, Harris, Harrison, Hayden, Howell, Johnson, Jones, King, La Follette, McKellar, McMaster, McNary, Norbeck, Norris, Nye, Overman, Pine, Sheppard, Simmons, Swanson, Thomas of Oklahoma, Walsh of Massachusetts, Walsh of Montana, and Waterman.

Nays—42: Allen, Bingham, Black, Blease, Brock, Broussard, Copeland, Couzens, Edge, Fess, Gillett, Glenn, Goff, Goldsborough, Gould, Greene, Hale, Hastings, Hatfield, Hawes, Hebert, Heflin, Kendrick, Moses, Oddie, Patterson, Phipps, Pittman, Ransdell, Schall, Shortridge, Smoot, Steck, Steiwer, Thomas of Idaho, Townsend, Trammell, Vandenberg, Wagner, Walcott, Warren, and Watson.

Not voting—16: Bratton, Burton, Dale, Deneen, Kean, Keyes, Metcalf, Reed, Robinson of Arkansas, Robinson of Indiana, Sackett, Shipstead, Smith, Stephens, Tydings, and Wheeler.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. The next reserved amendment is in the paragraph relative to casein, paragraph 19, page 7, line 12. The Senate as in Committee of the Whole struck out 2½ cents and inserted 5½ cents.

The VICE PRESIDENT. The question is on concurring in the amendment.

Mr. COPELAND. Mr. President, I desire to make the duty 8 cents a pound. How shall I proceed in order to do that?

The VICE PRESIDENT. It will be in order for the Senator from New York to propose such an amendment.

Mr. COPELAND. Then, I move that the rate of duty on casein be made 8 cents.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. COPELAND. Mr. President, every great city in America is interested in the welfare of the dairy industry. Unless there can be an abundance of milk, sold at a reasonable price, there will be suffering and a high death rate.

I am much concerned over the welfare of the dairy industry. If my friend, the junior Senator from Montana [Mr. WHEELER] were present, he would say that this is because it is a New York industry. I am interested in the industry because it is a New York industry, but I am interested in it because it is an American industry. I am well aware that unless it prospers there will ultimately be a shortage of fluid milk. Then the cities and towns will suffer.

I had occasion some years ago to deal with the problem of a shortage of milk. I assure you it is an unhappy experience.

There are consumed in the city of New York nearly 4,000,000 quarts of milk every day. An enormous quantity of milk is necessary to supply that city. While the amount required at

the time I have referred to was not so great as it is now, yet it was very large then; at least 2,000,000 quarts being required every day.

My friend from Florida [Mr. FLETCHER] asks what the consumption per capita is.

In New York City it is something over one pint per capita per day. A community is not really civilized until the consumption is one quart per capita per day. So we are a little over 50 per cent civilized in New York, but we have progressed further than have most communities.

The milk industry in my State was much distressed because of the unevenness of the flow of milk. In the flush season there was an oversupply, but in the winter season there was not enough. It became a matter of great concern to those of us who had anything to do with the problem to find some way to encourage the farmers to continue to raise cattle for the production of fluid milk. Very little progress was made of a substantial nature until the organization by the milk producers in New York State and in northeastern United States of the Dairymen's League, a great cooperative now consisting of about 60,000 members. This organization covers the whole milkshed which contributes to the supply of New York City and to a great extent of Boston. New York City receives milk from six States and from the Dominion of Canada. It receives cream from almost half the States of the Union.

It was not until the organization of the Dairymen's League that there was any prospect of an unlimited supply and uniform quality of milk. The farmers who came together in that organization have demonstrated to farmers everywhere in the world how well a cooperative may work. One reason why, during the years I have been in the Senate, I have been enthusiastic about farm cooperatives is because of what I have observed with reference to that particular cooperative.

The Dairymen's League has gone on until now not only do the members of the organization consult together about how their welfare may be promoted, but also this cooperative has purchased creameries, country milk stations; they have city milk stations; they are even distributing milk in New York City, and I think in other communities. Because of the necessity of having a uniform flow of milk the wisdom of the league reached the point of advising its members to have their cows freshen not alone in the springtime but to arrange to have numbers of them freshen in the fall. Through the activity of this organization there is now afforded New York City a very fine supply of pure milk. But, Mr. President, no matter how well organized the activities of such a group may be, it will be a long time before there is that uniform flow and supply of milk necessary to the supply of the communities where it is distributed. In the springtime and early summer when the meadows are lush there is an oversupply of milk, and then comes the problem of disposition of the surplus. The problem of a surplus is not confined alone to wheat or corn; it confronts this industry—what to do with the surplus of milk? The Dairymen's League has met that problem.

A farmer member of the league is guaranteed that all of his milk shall be taken. So the organization takes all the milk offered to it by its members, and in the flush season in the milk stations the cooperative not only receives milk but manufactures the surplus. It is made into butter, cheese, and casein, and there is also as incidental to the operations of the cooperative, the sale of ice cream and cottage cheese. Here, however, is a product—skimmed milk—of which there is always a surplus.

I listened with great interest to the 2-day speech of the Senator from Wisconsin [Mr. BLAINE]. He discussed this problem of casein intelligently and convincingly. He did not reach quite the same conclusion which I have reached. He expressed the opinion that the proposed rate of 5½ cents was sufficient to give protection to the industry. Of course, in his State—which, next to New York, is the greatest producer of casein—the problem is not relatively quite the same as it is in my State. The surplus in his State is used largely for making cheese, which absorbs the casein; but no matter how the milk industry is conducted there is and will continue to be a great surplus of skimmed milk.

There are several reasons for this; not alone the reason I have mentioned, that in the flush season the surplus must be taken care of, and in making butter the skimmed milk is left and is converted into casein. That is one thing that must be faced. Then, in the next place, there is a great demand in the cities for cream, and the carriage is so expensive in transporting fluids in 85-quart cans that the skimming is done, of course, before the product leaves its source of origin. The valuable cream, which is sold at a great price—if I remember correctly, about $25 or $28 a can—is shipped great distances. It comes from the West, from Wisconsin, from Illinois, even from Minnesota, into our market.

Likewise, in our city, where we have a large Jewish population, there is a great demand for sour cream. Most of us, with our dietary habits, do not take sour cream; but with the Jewish population sour cream is a favorite dish, as it is with all eastern peoples. If you have ever gone into a Russian restaurant, you have been served with what in my country we call "pancakes"—wheat-flour pancakes—upon which is placed a heaping tablespoonful of caviar, and then there is poured over that sour cream. I do not know how that dish appeals to my friend from Florida [Mr. FLETCHER], but I assure him that it is delicious.

In the eastern European countries sour cream is a common article upon the table. The transplanted customs of these peoples have created a great demand in New York for sour cream.

Mr. SMOOT. Mr. President, will the Senator yield for a minute?

Mr. COPELAND. I yield.

Mr. SMOOT. I ask unanimous consent that at the conclusion of to-day's session the Senate take a recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. COPELAND. The Senator from Utah is very wise to make that motion now, but I shall certainly quit by 10 o'clock.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will find an early opportunity to recess. We are all very tired and nobody, possibly, is more worn out than the Senator from Utah. Of course, I appreciate that the great victory which he has achieved to-day makes him feel lighthearted and happy and cheerful; but he has been through a big strain, even on that. I hope, therefore, it may be possible to find an early hour for recess.

Mr. SMOOT. There are only 2 hours and 25 minutes left.

Mr. COPELAND. Let not my friend from Massachusetts be distressed or downhearted. It is true that the Senator from Utah has won a great victory; but the vote upon sugar to-day will mean the retirement from the Senate of several of our colleagues.

Mr. BARKLEY. Mr. President, I hope the Senate will not adjourn until it has finished ultramarine blue.

Mr. COPELAND. That would be a very appropriate subject to use as the grand finale of this session—the ultramarine blues. [Laughter.]

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator has not any fear about the retirement of any Democratic colleagues of his. I am sure there is one on his left [Mr. ASHURST] whom he would not want to retire.

Mr. COPELAND. I should be extremely sorry if the Senator on my left—the ever-charming and sweet colleague of ours representing ably his great State of Arizona—should retire, even though he did vote, from the standpoint of the Senator from Massachusetts and myself, wrongly on sugar to-day.

Mr. SMOOT. I do not think the Senator need worry about the Senator from Arizona nor any of the others.

Mr. COPELAND. If the Senator for a moment thinks I am worrying about it, he is very much mistaken. I never was freer from worry in my life than I am at this moment.

Let us see where we were.

Mr. WALSH of Massachusetts. The Senator was talking about casein.

Mr. COPELAND. Let me say to my friend from Massachusetts that if this were a food product, I would not be here asking for an increase in rates. I want to say further that the people of Massachusetts have had a valiant champion upon the floor of the Senate; and when, next fall, they have occasion to buy the necessities of life and pay an increased price, they will know that their able Senator did his best to keep these prices where they belong. But this casein, let me say to my friend, is not a food product. It is not used for food. The casein I am talking about is used in coating paper and in bringing plywood together, in the nature of a glue.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. I yield.

Mr. VANDENBERG. I think the Senator is mistaken. That is not the casein he is talking about, because there will not be any of it used for those purposes if the duty is put at 8 cents.

Mr. COPELAND. Yes; I read the speech of the Senator. I am well aware of what he said. I am going to refer to it pretty soon. I am going to speak about how his paper mills are going to close up because this amendment will add half a cent a pound to the price of paper. It is terrible. I feel sorry for the Senator and all the interests he represents.

So, because of the fact that both skimming milk for cream and making butter create large quantities of skimmed milk, we have that great surplus with which to deal. I am sorry that people generally do not realize the food value of skimmed milk. If I had occasion to speak to any of the fair sex who were inclined to be overweight, or thought they were overweight, I should say, "Take skimmed milk instead of whole milk." The skimmed milk has all the mineral values and all the protein values of whole milk, and it lacks the cream, the fat, that part which is fatal to the willowy form.

But anyhow, Mr. President, there is a very great surplus of skimmed milk. If that product could be used in a way to increase the income of the farmer, it would mean much to his financial welfare.

I know that the Senator from Wisconsin [Mr. BLAINE] pointed out that the unattached and independent farmer would not be likely to prosper much even though casein is put at 8 cents a pound. I think that must be granted. Where there are cheese factories or butter factories or country milk stations where milk is gathered by corporations, by commercial institutions, of necessity those corporations would make the money, and perhaps the farmer would not profit. But where the cooperatives are found—and that is everywhere now—there can be no doubt that to place a higher rate upon casein would mean that the income of the cooperatives would be materially increased.

We produce about 10,000,000,000 pounds of skimmed milk annually, according to the Department of Agriculture. A representative of that department testified before the Tariff Commission and made that statement. All this is capable of being made into valuable casein.

We bring in from Argentina tremendous quantities of casein. I find, for instance, that in 1916 there was, in round numbers, a production of about 8,000,000 pounds in the United States, and the imports of casein amounted to 10,000,000 pounds. From year to year the production in our country has increased up to about 14,000,000 pounds in 1919. In the same year from abroad came 17,000,000 pounds. In 1920 we had a home production of 10,000,000 pounds, and the imports were 21,000,000 pounds. There has been practically no change from 1919, when the home production amounted to 18,000,000 pounds. By 1927, however, the imports were 24,000,000 pounds. So, with a total production of 42,000,000 pounds, only 43 per cent came from the domestic supply.

Where do these imports come from? Largely from the Argentine. Down there there is very little demand for whole milk, and the only use there is for skimmed milk is in feeding the calves. No butter is sent from there. Consequently, practically all of their milk is put into the form of casein, and from Argentina alone, starting in 1922, there came to the United States 12,000,000 pounds of casein. This was increased until in 1926 it was 23,000,000 pounds, and in 1928 it was 21,000,000. A comparatively small amount comes in from France, very little from Germany, some from Great Britain. As you see, almost all of the imports of casein are from the Argentine.

I do not need to remind Senators that there is a great difference between the cost of preparing and manufacturing in the Argentine and the United States. The Tariff Commission made some investigation of this subject and took Kalamazoo, Mich., as the point to determine the value of casein. It took that point because that was a place where large paper mills are found and because it represents about the center of the distribution of casein which is brought from outside the country and from New York and Wisconsin.

According to the figures, I find that the American casein laid down at Kalamazoo would cost 6.03 cents, a little more than 6 cents a pound. The price of the casein from Argentina laid down there would be 5.61, a little more than 5 cents.

The Tariff Commission pointed out that these figures do not tell the whole story; that skimmed milk in our country has a value as a food for animals. It is fed to the cattle and the hogs and the chickens, so that it has a money value. The Tariff Commission thought a hundred pounds of skimmed milk was about equal to half a bushel of corn.

Mr. VANDENBERG. Mr. President, what is the Tariff Commission report from which the Senator is reading?

Mr. COPELAND. I am quoting from the speech of the junior Senator from Wisconsin [Mr. BLAINE], who referred to this in his speech. The subject was investigated by the Tariff Commission. Perhaps I had better be a little more explicit than that.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. MCCULLOCH in the chair). Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. I yield.

Mr. VANDENBERG. The only reference I have to the Tariff Commission is in its letter to the President on March 15, 1926, in which it said:

> In its judgment no findings of fact pointing to any change in the rate of duty on casein are warranted by the data which it has been found possible to secure in its investigation of the cost of production of this product in the domestic and foreign fields.

Mr. COPELAND. That is correct. That is the same report, which was not wholly favorable to the thesis which I am presenting.

Mr. VANDENBERG. Not wholly favorable? It is wholly hostile.

Mr. COPELAND. Perhaps so, but if the Senator will be patient—and we have ample time—I will try to develop my thought, and then perhaps, while he will not be convinced, he will see that there is another side to the argument.

Anyhow, friendly or hostile, it was pointed out by the Tariff Commission that in this country skimmed milk has a certain food value for animals.

As I said, a hundred pounds of skimmed milk was considered equal to half a bushel of corn. So, without considering interest or selling cost or refining cost, the cost of production, including this diversion of the skimmed milk from animal feeding, the total cost of production put down at Kalmazoo for American casein, was $0.1073, 10 cents plus, and for the Argentine casein about half as much, $0.0561.

The junior Senator from Wisconsin in his argument used these figures to justify a rate of 5 cents. The difference between $0.1073 and $0.0561 is the difference of 5.12 cents a pound—that is, about 5⅛ cents a pound—which, as the Senator from Wisconsin pointed out, is the difference between the cost of the American casein and Argentine or other foreign casein. That, of course, gives no protective duty; that is simply the difference in the cost of production.

My feeling is that the 5½ cents provided by Senator BLAINE's amendment is not a sufficient amount to profit the farmers of the United States very much.

The argument familiarly put forward against the American casein is that it is an inferior product, that it is not equal to the Argentine product. I know enough about milk and cows to know that it makes no difference where they are raised—milk is milk. The reason why the Argentine product some years ago was considered superior to the American product was because America had not yet progressed far in the preparation of casein. Now it is agreed on all hands, so far as I know, that American casein is as good as Argentine casein.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. VANDENBERG. I do not want to continue to interrupt the Senator, but it is not thus acknowledged on all hands. It is a very definitely controverted point. My distinguished friend the Senator from Nebraska [Mr. HOWELL] will insist that casein from California and certain other points is better than Argentine casein. The paper mills of Michigan will tell us that they can not use the domestic casein. At least it is not true, as the Senator from New York has just stated, that there is no further argument on the subject.

Mr. HOWELL. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. HOWELL. May I ask the able Senator from Michigan if he can tell us why American cottage cheese shredded and dried is not as good as Argentine cottage cheese shredded and dried?

Mr. VANDENBERG. If the Senator will tell me why paper makers are perfectly willing, although hard pressed for profits, to pay more for Argentine casein than for American casein, he will answer his own question.

Mr. HOWELL. I call attention to the fact that they are not paying more.

Mr. COPELAND. The prices are identical.

Mr. HOWELL. I thought I had in my hand the quotations of the last three or four months of last year. During that period Argentine casein sometimes was even lower in price than American casein.

Mr. VANDENBERG. Mr. President, I certainly do not care to reopen the entire casein argument, and I did not intend to precipitate it by interrupting the Senator from New York. I content myself on this particular point with saying that I have in my desk letters from practically every coated-paper maker in the Middle West stating that they are now paying more for Argentine casein than for domestic casein. That is the source of my information.

Mr. COPELAND. Mr. President, in order that I may settle this dispute, I will give the facts.

Mr. VANDENBERG. That will be a novelty.

Mr. COPELAND. That will be an unusual thing in the Senate, I admit.

Mr. President, on that point I submit the following table:

Prices of casein; cents per pound

(Car lots, f. o. b. New York)

Date	20-30 mesh		80-100 mesh	
	Domestic	Imported	Domestic	Imported
Jan. 6, 1930	14½–15	14½–15	15–15½	15–15¼
Jan. 13, 1930	14½–15	14½–15	15–15½	15–15½
Jan. 20, 1930	14½–15	14½–15	15–15½	15–15½
Jan. 27, 1930	14½–15	14½–15	15–15½	15–15½

That utterly disposes of the argument put forth by the able Senator from Michigan. The prices are identical. Of course, if we want to go into conditions which prevailed before the Civil War, or even 8 or 10 years ago, there is no doubt it can be shown that Argentine casein was superior. But I am too much of a patriot, too loyal to the Stars and Stripes to believe that anybody in the Argentine can continue long to do anything better than the American can do it. I am sure the Senator from Michigan does not want to be so unpatriotic as to suggest the possibility that there could be any superior article made anywhere, after a little experience had been gained in any industry.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. Whatever dispute there is as to the relative value of domestic and imported casein when used in the coating of paper, it seems to me the overwhelming evidence is to the effect that the imported casein is very much superior to the domestic in making glue. To be sure, glue is not produced in any such quantity as coated paper is, and therefore the casein that is used in the making of glue is not very great.

I will say to the Senator from New York that I had glue manufacturers shedding tears in my office over this duty on casein, stating that they would be compelled to import casein and pay whatever duty was levied here. I concede the dispute about the relative value of casein imported and domestic casein in connection with the coating of paper. I concede there is a fair dispute. Of course, the information I got when I interviewed the paper manufacturers is that the imported is superior and that they must have it. But in the case of glue there can not be any dispute. It has been tried and tried, and even the Government officials in prescribing the kind of glue that must be used in the making of furniture specify casein that is imported, not using the term "imported," but the tests they have made of different glues indicate that the glue containing the imported casein is preferable.

Mr. COPELAND. Mr. President, if my friend from Massachusetts talked to me about what kind of leather should go into shoes or what kind of cotton ought to be used in the manufacture of clothing and a lot of other problems going into the realm of technology, I would say I do not know. But I should like to have him or some one else tell me what there is different chemically or physically between the milk of a cow drawn in New York and the milk of a cow drawn in the Argentine.

Mr. WALSH of Massachusetts. I do not think there is any difference.

Mr. COPELAND. No; there is none.

Mr. WALSH of Massachusetts. It is quite apparent that the debate is going to last some time, well into to-morrow and the next day. May I ask the Senator if he will not telegraph to the furniture manufacturers in his great State, and there are many of them there, and let them tell him about glue and about the kind of casein that is required to make good glue to be used in the sealing together of the parts of furniture?

Mr. COPELAND. Once more, if I were asked to tell what kind of paper should be put into a book or how to bind a book or how to make a chair, I would say I do not know; but I do know something about the chemistry and the physics of milk.

Mr. WALSH of Massachusetts. I think the Senator knows more about it than I do. I concede it.

Mr. COPELAND. I say that there is no difference in the world between milk drawn from a cow in the Argentine and milk drawn from a cow in the State of Utah. It is exactly the same.

Mr. GLENN. Mr. President, does it not depend upon the cow?

Mr. COPELAND. Yes; I admit it depends upon the cow. The milk of one cow may produce more butterfat than that from another cow; but when it comes to the chemistry and the physics of skimmed milk, I say there is no difference. There is a difference whether the milk comes from a Holstein cow or a Jersey cow or a Guernsey cow. I know that; but the drying processes that formerly made the Argentine casein superior have been adopted by the American manufacturer and he now makes an article just as good.

I hold in my hand a letter which was written by the Chief of the Bureau of Dairy Industry of the United States Department of Agriculture. I wish to read it. It is signed by Mr. O. E. Reed, chief of the bureau. This letter says:

> Referring to your inquiry regarding the comparative quality of casein produced in Argentina and in the United States will say that we have no knowledge that the Argentine casein is better than the casein made in the United States or of any reason why it should be better. All the information we have on the manufacture of Argentina casein is to the effect that their methods are crude. The good casein produced in this country is at least equal if not superior to the Argentine product. Large quantities of high-quality casein can be produced in this country when the price for same will justify its manufacture.

I wonder if any Senator here is lacking in confidence in the Department of Agriculture of the United States Government? I have confidence in that department, and I know that a statement from the Chief of the Bureau of Dairy Industry would not be made unless it was the real belief of the department that the truth was being told.

Then we find in the Department of Agriculture another able scientist, Dr. L. A. Rogers. This gentleman is chief of the dairy division laboratory of the United States Department of Agriculture. I may say of him that he is one of the leading authorities we have in this country on the manufacture of dairy products.

Doctor Rogers, a witness before the United States Tariff Commission in the matter of the investigation concerning the cost of production on June 23, 1924, testified as follows, and for convenience of reference I wish to state that it appears at page 583, transcript of testimony.

> One final question, Doctor Rogers. Have you any knowledge as to the allegations that the casein made in the United States was of inferior quality as compared to that made in the Argentine?

That is the question which we are deciding here. That is what everybody wants to know. What did Doctor Rogers say? His reply was:

> That was one of the questions considered at the time of our relations with the War Department, and we were unable to find any evidence that the American casein was inferior to the Argentine casein.

Since this question has been raised, for the sake of the record I will refer to a letter written by the president of the Golden State Milk Products Co. of San Francisco. In this letter, Mr. Gray, who signs it, recites several questions which are frequently asked when casein is discussed. Then he said:

> My opinion is that to secure casein of high quality there are several factors necessary:
>
> 1. An ample supply of skim milk of suitable quality.
> 2. Available knowledge of the methods of manufacture.
> 3. Satisfactory equipment for carrying out the methods.
> 4. A reasonably suitable market or price level for the product.
> 5. A demand for quality.

Those are the questions which are asked, and Mr. Gray said:

> If the price of casein covered the cost of production and if there is a demand for high quality, there are no sound reasons why the United States can not turn out as high-quality product as any country in the world. In the United States to-day we have a quality of market milk and cream which without doubt excels that of any other country. There is manufactured in the United States large quantities of butter of the highest quality. The quality of the ice cream is without doubt the highest manufactured. There can be produced in the United States casein which will meet any quality requirement.

I may say that this company used to be the largest manufacturers of casein in the United States. They sold casein directly to many of the casein-coated paper manufacturers, as, for example, the Champion Coated Co., of Hamilton, Ohio; the West Virginia Pulp & Paper Co., of New York, and others. So we are having here the testimony of an expert on the subject.

Let us hear no more about the superior quality of any product of any country in the world over that produced here. The casein we produce is equal to the casein produced anywhere, and there is no reason why casein made from the milk of the cows of the farmers of America might not be used for all the purposes for which casein is used.

Mr. President, there has been opposition, and it has been voiced here to-night. Senators who come from States where there

are great paper factories have discussed the question. I come from such a State. I was accused this afternoon of never voting for anything that was not desired by the manufacturers of my State, but, if I may address the Senator from Michigan [Mr. VANDENBERG], I am now speaking against what the paper manufacturers consider their interests. But, of course, he will say immediately that I am speaking in the interest of the farmers of New York, and I am. I am speaking with and for the coalition for once. But my friend from Michigan says it will utterly ruin the paper business.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. Certainly.

Mr. VANDENBERG. It will particularly ruin the casein business, which is more to the point, because there will be no coated paper made and there will be no market for casein.

Mr. COPELAND. Yes; I read that in the Senator's speech, and I have the answer to it right here. It is a great thing, Mr. President, to have twice-told tales in the Senate, to go over a subject the second time. Then if one wants to make a speech he can read what has been said previously on the subject. I read the speech of the Senator from Michigan, and it was a good speech. He swept the cobwebs off the moon in his desire to give the coated-paper people of America their cheap casein. He represented well the interests of the paper makers of America and particularly of Kalamazoo. I congratulate him. I am speaking now for the farmers of New York and northeastern United States.

What is there about this paper business? Those who are opposing a tariff on casein are the coated-paper manufacturers. We have highly calendered paper that is made without casein, and then we have another kind of paper which is made white by painting with a preparation of casein. The people who make the latter kind of paper are afraid that their profits will be decreased, because they will have to pay a little more for the casein, according to the statement of the Senator from Michigan.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. I yield.

Mr. VANDENBERG. They have not had any profits in five years, so they could not be reduced any.

Mr. COPELAND. We will see about that in a minute. I read that statement also in the Senator's speech, and I have the answer to it. If the Senator will be patient, before 10 o'clock I shall hope to answer all the problems that are in his mind.

The coated-paper manufacturers, who have no interest in the welfare of the dairy farmer, want casein made as cheaply as it can be made and sold to them at as low a price as possible. That is natural; if I were in the coated-paper business I have no doubt I would feel the same way about it.

The coated-paper manufacturers claim that the domestic producer of casein can not deliver either the quantity or the quality of casein desired. I have already dealt with the question of the quality; I have pointed out that there is no chemical or physical reason why the American product should not be equal in quality to the product from Argentina. While I have not convinced the Senator from Michigan, and never shall; I myself am convinced.

So far as quantity is concerned, there is not any question about that. The Senator from Wisconsin [Mr. BLAINE] brought out very ably—although he shared the view of the Senator from Michigan about the mistake of having overprotection—the possibilities in the way of quantity production. As I have said, 10,000,000,000 pounds of skimmed milk are produced in America every year. So, so far as quantity is concerned, we can dispose of that argument without difficulty.

The second reason for the opposition of the paper makers to this duty is that because of the casein duty they lost their foreign trade in coated paper. My friend from Michigan has already referred to that. I am going to speak of it again in a moment.

The third objection is that the coated-paper business will be ruined, and that it now is operating at a low ratio and on an unprofitable basis. That point, too, has been developed by the Senator from Michigan.

Fourth, the paper manufacturers say they can not "pass on" the added casein cost. If they can not do that, they are different from all the other manufacturers that I know anything about. If there is one thing that a manufacturer can do it is to "pass on" the cost, and the public always pays it.

Now let us see about the "ruin" of the coated-paper industry. As I have said, these manufacturers maintain that since the tariff of 2½ cents a pound on casein has been imposed they have lost their foreign trade in coated paper. The Senator from Michigan brought that out in his speech the other day and the manufacturers made a similar statement before the Tariff Commission in 1924. As a matter of fact, the reports on foreign and domestic commerce show that since the tariff of 2½ cents a pound was placed on casein the exports of coated paper have increased every year. Let me give the Senate the facts, which are taken from the report of the Department of Commerce. "The tariff will ruin the business of the coated-paper manufacturers." They said back in 1922, "Put a tariff on casein and the coated-paper business will be ruined." Now, if we shall increase the tariff on casein the paper business is "ruined."

What are the facts? I will give simply the round numbers. In 1922 these "ruined" paper makers exported 3,700,000 pounds of coated paper. Then when they were still more "ruined," the next year, in 1923, they exported 3,900,000 pounds. Then, when they were almost completely "ruined," by 1926, they exported 5,900,000 pounds, and in 1927 they exported, in round numbers, 6,000,000 pounds. That is the way they were "ruined." It is ridiculous to say that the coated-paper industry is "ruined" by a tariff on casein. We may put it down as a fact on the statement of the committee, from the reports on foreign and domestic commerce, and from the testimony before the Tariff Commission, that the yarn about the coated-paper manufacturers losing their foreign trade is absurd.

Of course I know the Senator from Michigan is telling what he believes to be the fact, but the official figures prove the exportations have increased year by year. The business of this "ruined" industry has so prospered that in the years from 1922 to 1927 the exportations nearly doubled. That is the way the business has been "ruined." I ask permission, Mr. President, to have Table No. 8, from which I have just quoted, inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Casein table—Exports of coated paper

Year:	Pounds
1922	3,764,742
1923	3,973,675
1924	3,357,609
1925	3,802,117
1926	5,903,248
1927	5,973,265

Source: Reports, Foreign and Domestic Commerce.

Mr. COPELAND. The fact is, Mr. President, that the business of the coated-paper manufacturers has steadily improved since 1921. I will show why I say that. The production of coated paper from 1921 to 1925 almost doubled, and, so far as I can see, there is every indication that the business will continue to improve. The production of coated paper in 1921 was, in round numbers, 97,000 tons; in 1925 it was 180,000 tons. I will ask that the figures in a table be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Production of coated paper in the United States

Year	Tons	Value
1921	97,868	$18,623,880
1923	158,726	27,724,902
1925	180,462	31,970,357

Source: Census of Manufactures, 1925, p. 638.

Mr. COPELAND. Between 1921 and 1925 there was an increase in value from $18,000,000 to $31,000,000. The volume of production is mounting year by year.

Now, let me give the Senate an idea as to the monthly average production of book paper, coated and uncoated. I will ask to have inserted in the RECORD at this point, without reading, a table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

CASEIN TABLE 10.—*Monthly average production of book paper (coated and uncoated)*

Year:	Short tons
1917	74,357
1918	70,763
1919	76,232
1920	92,039
1921	60,499
1922	81,827

Year—Continued	Short tons
1923	93,466
1924	102,569
1925	107,038
1926	112,182
1927	110,963
1928	
January	121,509
February	123,939
March	137,572
April	125,191
May	130,199
June	122,387
July	117,492
August	130,416
September	117,374

Source: Page 61, Table 39. U. S. Department of Commerce, Survey of Current Business, August, 1928.

Mr. COPELAND. Mr. President, all the testimony indicates that the coated-paper manufacturing business is prospering. I did not think it wise to insert in the RECORD a statement of the financial returns of the coated-paper manufacturing concerns. I did not think that would be quite proper; but there is no evidence at hand, and none to be produced, that there is any lack of prosperity among the coated-paper manufacturing companies. On the other hand, there is every indication, so far as I can discover, that the paper industry compares favorably with other industries so far as financial condition is concerned. It is in very much better condition than the opponents of the casein tariff would lead us to believe.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. COPELAND. I yield.

Mr. WATSON. The Senator from New York is always frank and kind. I have been asked by a great many Senators how long the Senator from New York is going to talk.

Mr. COPELAND. If the Senator desires to move a recess, I shall be very happy to yield for that purpose.

Mr. WATSON. I do not want to do that. We have an agreement among ourselves, as the Senator knows, to remain here until 10 o'clock; but I was wondering whether or not the Senator is going to talk along for a while and then make the point of no quorum, so as to force a recess.

Mr. COPELAND. Oh, no. I would prefer to have a vote taken on this matter to-morrow, because I want a record vote; but I shall not raise the question of a quorum. I know the Senator from Nebraska [Mr. HOWELL] desires to speak on this subject.

Mr. WALSH of Massachusetts. May we agree to have a vote at 1 o'clock to-morrow?

Mr. COPELAND. Any time to-morrow will suit me.

Mr. WATSON. In the absence of the Senator from Utah I would not want to enter into any kind of an agreement.

Mr. WALSH of Massachusetts. I should like to discuss the subject very briefly before a vote shall be taken.

Mr. COPELAND. I may say that I shall resort to no parliamentary dodge of any sort.

Mr. GLENN. What is it the Senator is doing?

Mr. COPELAND. If Senators want to go home, that is all right; I am perfectly willing. I will finish what I have to say, and my friend, the Senator from Nebraska, may proceed, and the other Senators can go home and get a good sleep and come here refreshed in the morning.

Mr. SWANSON. Mr. President, I am not going to consent——

Mr. WALSH of Massachusetts. Mr. President, I want to present some figures showing the tremendous expense to the paper industry that increased duty on casein would involve. I have some figures to that effect.

Mr. SWANSON. Mr. President, so far as I am concerned, I would rather have the lack of a quorum disclosed and be compelled to adjourn than to consent to an adjournment at this time, involving further delay in voting on the reserved amendments. We have been six months considering this bill, and have been assured repeatedly that the consideration of the bill was not going to be delayed for the convenience of any Senator. I have been here continuously, and, so far as I am concerned, we are going to vote on the amendments which have been reserved in the regular order; and at 10 o'clock, if there is no quorum here, then those who are not present may take the responsibility of delaying the business of the Senate.

If the Senator from New York wants to speak until 10 o'clock that is all right, but so far as I am concerned there are going to be no more promises to delay any vote on any question. As I have said this bill has been before the Senate for six months; every item of it has been discussed. We have had the fiction and humbug of discussing it for six months in Committee of the Whole, and if we continue at the present rate we will be here another six months disposing of it in the Senate. It is an absolute humbug to have the bill considered both as in Committee of the Whole and in the Senate.

I, for one, want this debate to proceed. If there is no quorum here, and we are compelled to take a recess before 10 o'clock, let those who are absent take the responsibility.

The Senator says he is not going to call for a quorum. I have stayed here to-night and broken engagements to do so. I am entitled, and all of us who have done that are entitled, to have those who are absent, and will not attend the sessions of the Senate, disclosed.

Mr. SMOOT. I will say to the Senator that there is no intention whatever of taking a recess before 10 o'clock.

Mr. SWANSON. The Senator assured me that that would not be done. I asked the Senator in January if he was going to continue and continue to delay these votes to suit the convenience of one or two Members out of 96. We can not consider this bill as the Chinese wage war. The Chinese wage war by agreeing, "We will fight to-morrow if it is not raining. We will fight at 4 o'clock if the temperature is not above 70, and then we will fight two hours and adjourn at 6."

The time has come for this bill to be passed; and I, for one, am not going to consent to any more unanimous-consent requests that retard the passage of the bill. The country is entitled to have the bill passed.

I have sat here in the Committee of the Whole after a promise had been made by the Senator in January—and the RECORD will show it—that these measures would be pressed in the order in which they came up. Now, I, for one, insist on the regular order, the regular voting, the regular disposition of this bill. If there is no quorum here, let the responsibility go to the country of those who are not willing to come here and furnish a quorum to dispose of the country's business.

The PRESIDING OFFICER. The Senator from New York has the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. COPELAND. Mr. President, let me say for the benefit of my courteous colleagues that I am going to stay here until I finish my job. You may yell "Vote!" until you are black in the face, but I shall be here on the floor when you get through with your physical exertions in that direction.

Mr. GLENN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. GLENN. I, for one, desire to protest against this filibuster and the delay in the passage of this tariff bill by the Senator from New York. I respectfully call upon the acting Democratic leader to persuade him, if possible, to desist from his efforts to-night.

Mr. COPELAND. Mr. President, I want to say to the Senator from Illinois that if he charges me with filibustering he says that which is not true. I am here to represent the 60,000 farmers of my State, and I intend to make this speech, no matter how much the Senator from Illinois suffers; and if he does not like it he need not listen to it.

Mr. GLENN. Mr. President, will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. GLENN. I have not been here very long; but I think I recognize a filibuster and a useless speech when I hear one, and I think there is one going on now.

Mr. COPELAND. It may be a useless speech, but the Senator has not been here long enough yet to know what a filibuster is. He still has much to learn in that direction.

Mr. GLENN. If this is not one, I hope I shall not remain that long.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. HARRISON. I wonder if we could not agree to vote on this matter at 11 o'clock in the morning, and go along with the other matters.

Mr. COPELAND. Mr. President, I am not through yet with what I have to say on this subject. I do not want a Senator on my side of the Chamber to think that I am engaged in a filibuster.

Mr. HARRISON. I did not say anything about a filibuster. I thought that was agreeable to the Senator from New York, that he wanted to vote to-morrow; and I was making the suggestion because immediately following this item I have an amendment which I think will be agreed to, and I thought we might get rid of some of the other propositions. If the Senator

objects to that—I thought that was what he wanted—I withdraw the suggestion.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I desire to call the attention of the Senator to the fact that last night Senators who are so extremely enthusiastic about rushing the bill wanted to recess and go home, which we finally did.

Mr. COPELAND. Yes; I remember that.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. SWANSON. If the Senator will remember, last night——

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. SWANSON. The Senator will remember that last night I wanted to take a recess and take a vote at a certain time, and I was beaten. I then acquiesced in the judgment of the Senate, which decided that we must proceed to dispose of the bill. The Senate by an overwhelming majority having taken that view, I think the time has come to establish the precedent, and I will invoke it as it was invoked against me last night. From now on the Senate shall proceed until 10 o'clock, so far as I am concerned.

My engagements—my desire to have a recess last night were not acquiesced in. I cheerfully acquiesced, and stayed here until the Senate recessed. Now, the law of the Medes and Persians having been established, it shall not be modified and will not be modified by my consent.

Mr. WATSON. Mr. President, will the Senator yield? I should like to ask him a question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. COPELAND. I yield.

Mr. WATSON. Does the Senator really want to make his speech, or, for some other reason, does he want the vote postponed until to-morrow?

That is a fair question.

Mr. COPELAND. I am going to finish my speech. That is what I am going to do.

Mr. WATSON. All right.

Mr. COPELAND. The Senator from Indiana can decide when we are going to vote; but what is the use of the Senators on his side of the aisle trying to sweep me off the floor? I have the floor and I know my rights, and I am going to stay here. If Senators do not like it, let them go on home.

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. WATSON. Mr. President, I simply want to ask the Senator a question. This is all in good humor.

Mr. COPELAND. Perfectly, so far as I am concerned.

Mr. WATSON. Nobody is mad about it, unless the Senator from New York is.

I understood the Senator to say a while ago that he was willing to take up some other business now and put off this matter until to-morrow for a vote. Of course, there are other Senators who want to speak on this question. That led me to ask the Senator frankly whether he wanted to make a speech or whether he really wanted to put off the vote until to-morrow for some other reason.

Mr. COPELAND. Why in the world should I want to put this thing over for ever and ever?

Mr. WATSON. I do not know.

Mr. COPELAND. I am going to live whether the farmers get a duty of 8 cents on casein or not; but I am going to finish my speech, and I am going to do it to-night, unless the Senate recesses from under my feet.

Mr. WATSON. We are not going to recess from under the Senator's feet or over his head.

Mr. COPELAND. All right. Let me go ahead; and when I get through, let somebody else who has something to say say it. I have been bored myself listening to other Senators make speeches. Now just let them bear a little bit of the same kind of stuff.

Mr. FESS. Not a little bit.

Mr. COPELAND. Mr. President, I hope nobody in the gallery will think that we are in earnest down here. This is just our form of amusement. This is a game that we play on occasions. It probably does not appeal to the public, but it pleases us immensely. We are having a wonderful time.

Mr. WALSH of Massachusetts. These are bedtime stories.

Mr. COPELAND. Yes; bedtime stores.

When I was interrupted in the midst of my "filibuster"—as the innocent Senator from Illinois [Mr. GLENN] has suggested—I was asking if we were to increase the price of coated paper by the full amount of an increase of the duty on casein to 8 cents a pound, what would happen to these paper industries that are "going to be ruined"? I will tell you just exactly what would happen to them.

The rate now is 2½ cents. It has been raised to 5½ cents. That means that the total expense of making coated paper would be increased $4 a ton. This is about one-fifth of a cent a pound. One-fifth of a cent a pound would "ruin" the paper industry. That would be the last straw on the camel's back. This industry, which has doubled its production and its income since the passage of the last tariff act, by the addition of a fifth of a cent a pound would go into bankruptcy. What ridiculous nonsense!

Of course, as a matter of fact, there is nothing to be feared by this industry; and any Senator who works himself into a perspiration over the predicament of the coated-paper industry may cool off. No harm to the paper men will result. The only difference will be, I am sorry to say, that those engaged in that industry will take advantage of that fifth of a cent a pound to put up the price to the public 5 or 6 cents a pound, because we have no way of preventing that sort of pyramiding. But the industry itself is in no danger.

There have been many proposals for farm relief for which I could not vote because the increased rate would mean so much to the consumers of the essential foods or the essential garments. But I am confident the country will survive if an added cost of a fifth of a cent a pound is put on coated paper and the farmers of America are permitted to put a billion pounds of skimmed milk into casein.

Is it worth while to help the farmers in that way? This is one form of farm relief that meets full approval, so far as I am concerned. We do not need to point out any more strongly than has been done already where the opposition to this proposal lies. The paper industry is back of it. The paper industry is objecting to it. I do not now just exactly how much of a tariff they ask. I have not looked into that. May I ask my friend from Michigan how much of an increased tariff the paper people ask?

Mr. VANDENBERG. None that I know of. I am not familiar with it.

Mr. COPELAND. The Senator is not quite sure whether any increase is asked or not; but if the paper industry did not ask for something I am almost inclined to think that we ought to defeat this measure, because it will be one outstanding industry, almost alone, not to have asked any increased rate upon its product. The various industries came here from every part of the country like a lot of vultures descending upon the Capital, demanding increases in this, that, and the other thing.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Michigan?

Mr. COPELAND. I do.

Mr. VANDENBERG. I might say to the Senator from New York that the chairman of the Finance Committee says there is no increase; that none was sought.

Mr. COPELAND. No increase on paper? Wonderful!

Mr. VANDENBERG. But there should be, of course, a compensatory duty, in the Senator's judgment, if this 8-cent rate on casein goes through.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. Oh, yes, Mr. President; I yield to the Senator from Michigan.

There is no trouble about the paper people. Without a compensatory duty they will pass it on to the public if there is any increase in the cost of production.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. VANDENBERG. I suppose it is scarcely worth while to embarrass the Senator with any facts, and certainly I would not give any facts to interrupt his pleasant evening, but probably a hundred of the leading magazines in the United States have transferred from coated paper to calendered paper within the last few years on a purely competitive price basis, and the trend will continue until there is no coated-paper market for casein, in spite of the Senator's optimism and persistence and eloquence.

Mr. COPELAND. That is fine. In spite of the fact, then, that the tariff had not been changed they have already made a change in the kind of paper they use. Let not the Senator come here when we are talking about another tariff bill and say that we must keep casein at a starvation point to save the coated-paper industry. He has already confessed that before there was any talk about a tariff on casein the magazines had made these changes, because, of course, the highly calendered paper, which is so bad for the eyes, which makes beautiful pictures to look upon, appeals to them. I would not have any

highly calendered paper used in magazines and books if I could stop it, just because of the ill effect upon the eyes of those who read magazines and papers and books so printed.

Mr. VANDENBERG. Mr. President, will the Senator yield again?

Mr. COPELAND. I yield.

Mr. VANDENBERG. I want to make it plain that there is no difference between us regarding the fundamental fact that coated paper was on the way out long before the Senator proposed his 8-cent duty on casein, but the very fact that it is on the way out makes it all the more hazardous to undertake to multiply four times the cost of the fundamental product that enters into this competitive situation. I am simply saying that I agree with the Senator entirely that coated paper was on the way out before this tariff discussion arose at all.

Mr. COPELAND. Is it not remarkable that, in spite of the fact that it is on the way out, the manufacturers are still making such profits in this business? We hear the tales of disaster and misery and suffering. During the last six months I have seen a procession of business men on the way to the poor house because we would not raise the rate on this or lower the rate on that! I am not going to be frightened by that sort of argument, not a bit.

The only thing I have in mind that is in the least disturbing to me is the question of what may happen in the Argentine if we use the skimmed milk of our country to make casein. I assume the people in the Argentine then will make skimmed-milk powder, which they will attempt to use abroad. That was in my mind, but, as I discuss the matter with those engaged in the dairy industry, I find they have no disturbance of mind regarding that.

If any man in the Senate is interested in the welfare of the dairy industry of the United States, he will vote for a sufficient tariff on casein. That will help the dairy farmers of this country. Their prosperity will mean much to the cities.

When there is a shortage of milk in Chicago or Springfield because of lack of prosperity of the farmers, and their inability to maintain their herds, then, the Senator from Illinois [Mr. GLENN] will wish he, too, had participated in a "filibuster."

I know from contact with this industry through a period of 15 years that it is necessary that we should give it encouragement. I ask no more than I have given. I have voted for these various farm bills to help the grain farmers. Now, here is an opportunity to help the dairy farmers and their prosperity means much to the prosperity of the other farmers, because when they are engaged exclusively in dairying they are buying their feed, they are buying the products of the grain farmers. It is a matter of concern to every other farmer to have the dairy farmer prosperous. Here is a chance to help the dairy farmer without increasing the cost of any food product, without interfering with any industry which will be materially damaged by it. Here is a chance to hold out a helping hand and to perform a real act of legislative good sense, as I see it.

Mr. President, without all the hubbub raised by my colleagues I would have reached this conclusion some time ago. I have no desire, for myself, to prolong the discussion. I do desire to leave with the Senate this very serious thought: That the dairy industry of New York and the dairy industry of Wisconsin and of Minnesota and of every other State have much at stake here. If Senators are truly interested in the welfare of the farmer, they will join with us who are asking for an increased rate upon casein.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment on which a separate vote was reserved.

The LEGISLATIVE CLERK. The next amendment is on page 17, lines 18 and 19, cellulose acetate.

Mr. COPELAND. What was that amendment?

The VICE PRESIDENT. The amendment relating to cellulose acetate.

Mr. COPELAND. Mr. President, the matter I had in mind related to cellophane. I am interested in the preparation used for wrapping bread. That is found in subdivision (c) on page 19, is it not?

Mr. SMOOT. Subdivision (c) covers transparent sheets of cellulose.

Mr. COPELAND. What is the rate now upon that item? It is 25 per cent, is it not?

Mr. SMOOT. Forty-five per cent on the wrapping material.

Mr. COPELAND. The present rate?

Mr. SMOOT. Under a court decision the rate in the present law is 40 cents a pound.

Mr. COPELAND. Forty cents a pound?

Mr. SMOOT. Yes; under a court decision.

Mr. COPELAND. And this rate is 45 per cent ad valorem?

Mr. SMOOT. Yes.

Mr. COPELAND. How does that compare with the present rate?

Mr. SMOOT. It is less than the present rate.

Mr. COPELAND. I will withdraw any question as to this item.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will report the next amendment, which was reserved for a separate vote.

The LEGISLATIVE CLERK. On page 23, line 20, paragraph 52, the amendment relating to synthetic camphor.

Mr. HARRISON. Mr. President, I have an amendment to this particular proposition to which I do not think there will be any objection. I hope the Senator from Utah will accept it. I believe it is agreeable to those who made the fight for the duty on camphor, and I will ask the clerk to read it.

The VICE PRESIDENT. The clerk will report the amendment.

The LEGISLATIVE CLERK. The Senator from Mississippi offers the following amendment, on page 23, line 22, after the word "pound," to insert the words "if at the end of three years after the enactment of this act, the President finds that during the preceding six months the domestic production by quantity of synthetic camphor did not exceed 25 per cent of the domestic consumption thereof by quantity, or, at the end of four years after the enactment of this act, that during the preceding six months such domestic production did not exceed 30 per cent of such consumption, or, at the end of five years after the enactment of this act, that during the preceding six months such domestic production did not exceed 50 per cent of such consumption, he shall by proclamation so declare, and, after six months thereafter, the rate on synthetic camphor shall be 1 cent per pound. To assist the President in making the investigation required by this provision, the Tariff Commission is empowered to investigate, to such extent as may be necessary, in the manner provided in the case of investigations under section 336 of this act, and shall report to the President the result of its investigation."

Mr. HARRISON. I hope the Senator from Utah will accept the amendment.

Mr. SMOOT. If I catch the meaning of the amendment from the reading, the ultimate rate, providing a certain amount is not manufactured in the United States, would be only a cent a pound.

Mr. HARRISON. The Senator will recall that there has been a 6-cent a pound rate on synthetic camphor. That is the present law.

Mr. SMOOT. That is the present law.

Mr. HARRISON. It was put at that rate to encourage the production of synthetic camphor. It was shown in the discussion, in the speech by the Senator from New Jersey, that the manufacturers were beginning to produce it up in New Jersey, but they had reached a capacity of only 500 pounds daily, I believe it was. We retained the rate at 5 cents a pound, a reduction from 6 cents, the present law, of 1 cent. My amendment seeks to provide an opportunity for the American interests to produce it, but if they do not accept this proposition and produce at least 20 per cent within three years, and 30 per cent within four years, and I think it is 50 per cent within 5 years, the rate shall go back to 1 cent a pound. That will give full opportunity to those people to produce synthetic camphor if they can, and if they can not do so, then it shall go back to the other rate.

Mr. SMOOT. I would like to ask the Senator from New Jersey if he thinks that the industry, established as it is, will grow sufficiently to produce that amount of camphor in the United States.

Mr. KEAN. Of course, the industry has just started. They are producing 500 pounds a day. That would be one-half of the production of camphor that was used in the United States prior to the war, but at the present time the consumption of camphor in the United States is growing by leaps and bounds. What the consumption will be in the course of five years no one can tell. It is difficult to say whether we could grow to that production or not.

Mr. HARRISON. Mr. President, if there is any question about the proposition I am going to withdraw the amendment.

I thought it would be satisfactory to everybody. If it is not, and the Senator from Utah does not want it to go to conference, I am not going to insist upon it.

Mr. SMOOT. I am willing to let it go to conference, and then we can determine more definitely what the prospects of the industry may be. I would be glad to accept it with that understanding.

Mr. BLACK. Mr. President, I am not willing that the amendment shall go to conference in that way if we can get a vote on it. We had this matter up before, and since the question came up before the very fact which I thought would develop has developed in my State and in other Southern States. Those who are engaged in the production of turpentine and naval stores have protested vigorously against the tariff. These protests have come to me and to other Senators from the South. The only ones supposed to benefit, those who are interested in the production of turpentine, the producers of turpentine, are vigorously opposed to the tariff.

I want to submit a motion, if it is proper at this time, the same motion that was made by the Senator from Wisconsin [Mr. LA FOLLETTE] with reference to camphor. I would like to have the amendment stated that was submitted by the Senator from Wisconsin, if it is at the desk.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. BLACK. I yield.

Mr. LA FOLLETTE. When this matter first came up in Committee of the Whole it came up in connection with an amendment offered by the Finance Committee to change the House text. The House had provided a rate of 1 cent a pound on crude camphor and 1 cent a pound on synthetic camphor. The committee amendment was defeated, and on the motion of the Senator from New Jersey [Mr. KEAN] the provision which is now in the bill providing for 5 cents a pound on crude and synthetic camphor was adopted.

The VICE PRESIDENT. What is the amendment offered by the Senator from Alabama?

Mr. BLACK. The amendment which I suggest is to insert the words "or synthetic" in line 21, page 23, between the word "natural" and the numeral "1," so as to make it read "natural or synthetic, 1 cent per pound."

Mr. SMOOT. We have had a lot of discussion on it and had a vote upon it, too.

Mr. BLACK. We did have a vote upon it when the bill was in Committee of the Whole, but I understand it was reserved for a vote in the Senate. It must have been reserved or the amendment would not be offered now.

Mr. HARRISON. I reserved the right to offer the amendment.

Mr. SMOOT. The Senator has reserved the right for a vote in the Senate.

Mr. KEAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KEAN. Is any other amendment in order at the present time, except the amendment of the Senator from Mississippi?

Mr. HARRISON. I do not want to make any objection to the amendment of the Senator from Alabama.

The VICE PRESIDENT. The Chair is of the opinion that the amendment is in order.

Mr. HARRISON. Mr. President, may I say, if the Senator from Alabama will permit me, that I have offered the amendment as a basis of compromise. If there is objection to it I am going to withdraw it and let the vote come straight on the proposition.

Mr. SMOOT. That is the vote we have already had.

Mr. HARRISON. Yes. I have felt that the provision which I have proposed is to insert, giving to these people three years in which to produce 20 per cent of the consumptive needs of the country in the way of synthetic camphor, would not affect anybody, but might help the naval-stores industry. May I say to the Senator from Alabama that the same gentlemen saw me who perhaps saw him.

Mr. BLACK. No gentleman has seen me, but the naval-stores people engaged in the business have protested against the tariff.

Mr. HARRISON. The same resolution which came to the Senator from Alabama came to me. The same representatives of the naval-stores industry met at Savannah, Ga., and passed resolutions that the semirefined camphor from Japan ought to be placed on the same footing with synthetic camphor from Germany, and that they were competitive.

I have ascertained the fact that the growing need for synthetic camphor made from southern turpentine is brought about by the manufacture of windshields or the manufacture of pyroxylin or nonshattering glass. The field for that use is wide, and while I am not a prophet I do predict that in a very short time every automobile in the country will be equipped with a nonshattering windshield. The Japanese crude camphor can not be used for that purpose. It is not white enough; it is not clear enough. It is only the synthetic camphor that can be used for the purpose. I would like to see the industry built up in this country so that our manufacturers of pyroxylin can at least have an opportunity to buy it from the home industry if possible.

Those two gentlemen who came here and sent for me and wanted to talk to me about the proposition after the action of the Senate told me about the action of the naval-stores group down at Savannah. I said to them, "Whom do you represent?" They said, "Well, we do not want this rate of 6 cents or 5 cents. It has been 6 cents all the time and our people got along." I said, "Do you represent the German interests? That is what I want to know." They said, "No; we represent the German importers." I said, "You went to Savannah and called the naval-stores people together and made a speech to them and advocated the passage of such a resolution?" They said, "Yes."

So it is the German interests that have congregated a few individuals engaged in the naval stores business or industry down in Savannah——

Mr. GEORGE. Mr. President, I hope the Senator will not go too far.

Mr. HARRISON. I am just stating what these gentlemen admitted, which was that they represented those people.

Mr. GEORGE. I hope the Senator will not go too far, because the naval-stores industry itself, without any intervention from anybody else, has protested to me and verified exactly the position that I took on the floor of the Senate when the matter was under consideration before. I am not objecting to the compromise offer, but I do not think the Senator ought to go too far in his statement.

Mr. HARRISON. I am stating what the conversation was with those gentlemen who approached me on the proposition. I received the resolution of the naval-stores industry.

Mr. GEORGE. Oh, no; the Senator was saying that it was nothing but the German interests. I am suggesting to the Senator that he ought not to make that statement.

Mr. HARRISON. I do not want to give the impression that the German interests would influence the naval-stores industry improperly, but I do say that those two gentlemen who talked to me, following the receipt of the resolution passed by the naval-stores people at Savannah, signed by six gentlemen, I believe, did represent the German interests or the importers of synthetic camphor, and, of course, they are not particularly interested in building up any domestic industry.

I have offered this proposal, hoping that it might be adopted, and that is all I desire to say about it.

Mr. SMOOT. I am perfectly willing to accept the amendment so far as I can and let it go to conference.

Mr. BLACK. Mr. President, after hearing the Senator from Mississippi one would think that the Germans had come over to the United States Senate and camped outside of our doors in an effort to bring about a change in the previous action of the Senate. I have seen no Germans. I have seen no representative of a German. But I have had, from the State of Alabama and from other Southern States, opposition to the tariff on synthetic camphor from the very group whom we were led to believe, from the discussion on the floor of the Senate, were in favor of a tariff on synthetic camphor.

I do not think it is German influence. I think it is Du Pont influence. I think it is the influence of the chemical industry of the country. I think it is the influence of the chemical industry that has attempted, as has been shown by certain other events of recent date, to have too much influence on both political parties.

This is not a question of any importer from Germany. It is a question of whether or not, on the excellent idea that southern turpentine producers will be benefited by a tariff on synthetic camphor, we are going to stand by a tariff on camphor for the benefit of a nebulous company up in New Jersey that never has done anything and may not do anything in the way of the production of camphor and that gives no promise of it at all. That is the situation.

Some years ago they came here and secured a tariff on camphor. We have paid out because of that tariff on camphor, as was shown before, hundreds of thousands of dollars. What did we get in return? We got a promise when the tariff bill came up in 1922 that maybe they would produce camphor in the future. The question came up on the floor of the Senate, and the statement was made that it was for the benefit of the turpentine producers of the South. I stated then that I had



heard from none of them. I did not believe, because I looked up the record, that the turpentine producers of the South were interested in the tariff. But I found afterwards, as have other Senators from the South, that the people engaged in the naval-stores business interested in turpentine are opposed to this particular tariff.

What influence is behind the demand for a tariff? It is not the turpentine producers. I challenge anyone to find a letter or a suggestion from a single turpentine producer in the South in favor of the tariff. It is easy enough to talk about German influence, but it is not the German influence that is here. It is not the turpentine producers of the South. The Senator from Georgia [Mr. GEORGE] represents a State engaged in the naval stores business. I venture the assertion that he has had no request from any turpentine producer to vote for this tariff. The Senators from Florida represent a State that produces turpentine and has a naval-stores business. I venture the assertion that neither one of them has received any request from their constituents to vote for this tariff.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. TRAMMELL. I will say in this connection that I do not recall having received any letters favorable to the tariff, but I have received quite a number of letters in the last two or three weeks—what the inspiration was that brought the letters I do not know—in opposition to the tariff.

I voted previously with my good friend from Mississippi, because I felt he was sincerely trying to represent the interests of our southern producers of turpentine. But the only word that I have received—and it seems to have been a unanimous expression—was that the producers in my State have the idea that it is ill-advised so far as the interests of the naval-stores producers in that section of the country are concerned.

Mr. BLACK. The naval-stores producers are the ones who are interested in turpentine, are they not?

Mr. TRAMMELL. Yes.

Mr. BLACK. That is the situation.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield to the Senator.

Mr. FLETCHER. In that connection let me say that I supported the previous amendment of the Senator from Mississippi on this question when it was then under consideration. I thought at the time, to be perfectly frank, that I was voting for an amendment that was important to an established domestic industry in this country, and one that was needed. I believe that the demand for synthetic camphor is going to increase; I believe that the United States will require in a comparatively few years from two to three million pounds of camphor, where it is now consuming something like a million pounds.

However, since that vote was taken there has been a meeting of the naval-stores producers in Jacksonville, and they adopted a resolution to the effect that it was a great mistake to vote for this duty, because they said that although there had been an effort made for five or six years, or perhaps since 1922, to build up the domestic camphor industry, there had been no success attending it at all; that there was a plant started in Missouri, I believe, at one time and somewhere else at another time, but that the only remaining effort that is being made is by a plant in New Jersey; and that it is impossible to obtain a pound of synthetic camphor from that plant to-day, although they say they are making some 500 pounds or something like that——

Mr. KEAN. They are making 500 pounds a day.

Mr. FLETCHER. They are making 500 pounds a day. The naval-stores producers claim that the demand for synthetic camphor means a demand for spirits of turpentine, in which, of course, we are very greatly interested. The claim is made that the synthetic-camphor industry now takes about a hundred thousand barrels of turpentine per annum, 50 gallons to the barrel. That, of course, is an important business, and the market is growing and increasing all the while. The naval-stores interests feel that if a duty is imposed, synthetic camphor will be kept out of the country; that the manufacturers abroad who are calling upon the naval-stores producers for turpentine will cease to do that, the market of the turpentine producers will be broken down, and the synthetic-camphor industry at home will not be established for at least a great many years, if at all.

Therefore, they feel that it is important to maintain their market and the demand for their product where the demand exists, namely, in Germany particularly, and that we ought not to place an embargo against the importation of synthetic camphor, because that will close out a very great market for turpentine. That is their position.

If that position be correct, then I voted wrong when I voted previously and ought not to have taken that position at that time. I want a domestic synthetic-camphor industry here, because, as the Senator from Mississippi has said, it is of importance to other industries; but I want particularly a market for turpentine and resin and naval stores. That is a great industry in Florida. Next to Georgia, Florida probably produces a greater quantity of naval stores than does any other State in the Union. So it is an important industry with us, and the industry needs this market for that product. Forty-five per cent of all our production must find a market abroad; it can not be sold in this country, and it looks, if they can not sell it abroad, they will not be able to sell it at home for a good long time to come, and perhaps not at all. It is thought by the naval-stores producers that the levying of a duty on synthetic camphor will close down the foreign market for their product. That is their position.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. SMOOT. I do not see how they can come to that conclusion. If the camphor were being made in the United States, the domestic industry would take just as much of the naval stores as is taken now by Germany; and if we do not make it here, of course, the turpentine goes to Germany.

Mr. FLETCHER. The amendment offered by the Senator from Mississippi is quite reasonable. It gives an opportunity to develop the camphor industry here.

Mr. SMOOT. That is what I say.

Mr. FLETCHER. I am inclined to think it may be all right, and I am willing to go along with him on that proposition.

Mr. SMOOT. And I am willing to accept it.

Mr. FLETCHER. Although protests have come to me since my last vote on this question which made me feel very much as if I had done the wrong thing in the attitude I then took, I believe if those interested in naval stores knew they could get a market here they would rather have it here, so far as that is concerned. What they are afraid of is that they will not have it.

Mr. SMOOT. If they do not have a market here, then they will have it there; wherever the synthetic-camphor industry is located, it will require the turpentine, whether the commodity is made in Germany or in America.

Mr. FLETCHER. I hardly suppose the rate proposed will keep out German synthetic camphor.

Mr. SMOOT. It can not do that. The rate to-day is 6 cents, and we have reduced it to 5 cents.

Mr. FLETCHER. I am willing to help the industry, if it can be done, and I am willing to go with the Senator from Mississippi on this proposition.

Mr. BLACK. Mr. President, in reply to the statement which has been made, here is the situation in which we find ourselves: The Senator from Mississippi and other Senators were of the opinion when this question came up before that a tariff would benefit the naval-stores industry of the South; they were of the opinion that it would benefit the turpentine industry, and therefore they supported the tariff rate then proposed. Now it develops that those who are engaged in the business do not agree with them. I will call the attention of the Senator from Florida to the fact that there is very little difference between the amendment as it is now offered and the rate in the law as it is written.

Mr. FLETCHER. The rate proposed is even less than that in the present law.

Mr. SMOOT. It is 1 cent less.

Mr. FLETCHER. And the present rate has not kept out synthetic camphor.

Mr. BLACK. One cent is a very small amount, but it makes it very difficult for the synthetic camphor, according to the theory advanced, to compete with the other kind, and to that extent gives a practical monopoly to those who are engaged in selling the other kind of camphor. It is my understanding—I may be wrong, and if I am I can be corrected—that the same influences and the same interests are behind the desire to sell the other kind of camphor that wish to control the tariff on synthetic camphor.

Mr. SMOOT. I think the Senator is mistaken as to that.

Mr. BLACK. Does the Senator know about it?

Mr. KEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield, and if so, to whom?

Mr. BLACK. I yield to the Senator from Utah.

Mr. SMOOT. I want to call the attention of the Senator from Alabama and also the attention of the Senator from Florida to the figures as to imports. As to imports in pounds of synthetic camphor, beginning in 1922, with a duty of 6 cents, the imports were 17,857 pounds; the next year they increased to 488,000 pounds; the next year to 682,000 pounds; the next year to 1,797,000 pounds; the next year to 2,860,000 pounds, and the next year to 2,940,000 pounds, and in 1928 to 2,291,000 pounds. Thus the imports have increased from 17,857 pounds up to 2,291,000 pounds. If we can make that camphor in the United States, it will take just as many gallons of turpentine as are taken by the Germans, while if we do not make it here, and if we can not make it here, the Germans will make it, and it will not make a particle of difference as to the amount of turpentine that is sold; and under the amendment, if camphor can not be produced in this country within a certain number of years, then the rate goes back not to 6 cents but it goes back to 1 cent. I think that is the proper way to handle this situation.

Mr. FLETCHER. I am inclined to think that is fair.

Mr. BLACK. Mr. President, I call attention to the fact that during all these years, with a tariff rate of 6 cents, nothing has been done; camphor has not been produced in this country, and we have placed a tariff burden upon the people in order to foster an enterprise which is yet in the mysterious unknown. Each time the question comes up about a tariff on camphor for some particular and peculiar reason a company in New Jersey promises that it will produce camphor; but——

Mr. KEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. BLACK. I yield to the Senator from New Jersey.

Mr. KEAN. It was distinctly stated, Mr. President, during the consideration of former tariff bills that it was a manufacturing company in St. Louis which thought it could make camphor if the duty were imposed. Now, there is a company in Belleville, N. J., that is making 500 pounds of camphor a day.

Mr. BLACK. Mr. President, that company started to produce camphor just about the time the tariff bill began to be considered. During all these years camphor has been imported; they did not produce camphor, but now they have begun; they may last a few more years, and by that time probably another tariff bill will be under consideration.

I have not looked at this amendment carefully, but, as I understand, it provides for a tariff of 5 cents. If we are going to fly in the face of the naval-stores producers, if we are going to take this action over the protest of those whom it is sought to benefit, why should we not reduce it below 5 cents? If it is not for the benefit of the Du Pont Co. manufacturing synthetic camphor, why not start off with more than a 1-cent reduction from the existing 6-cent rate?

Mr. HASTINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Delaware?

Mr. BLACK. I yield to the Senator.

Mr. HASTINGS. I do not know whether the Senator is correct or not with respect to the Du Pont Co. being interested in the tariff on camphor, but I do happen to know that the Du Pont interests have invested in naval stores in the South about $30,000,000. Accordingly, I can not quite understand, if the naval-stores producers are opposed to it, why the Du Ponts, as they have that much capital invested in naval stores, should be here trying to have a tariff placed on camphor. What I am afraid of is that the Senator from Alabama is wrong as to the naval-stores producers being opposed to it.

Mr. BLACK. I do not know whether I am wrong or not. I know they say they are opposed to it, and there have been resolutions adopted by turpentine producers of my State opposing it.

Mr. GEORGE. Mr. President, the real history of the attempt to make synthetic camphor in the United States is briefly as follows: In 1922 a tariff of 6 cents a pound was imposed on synthetic camphor. At that time the American Chemical Industry asked for the duty, and thought that it could make synthetic camphor commercially. Later the Du Ponts undertook to make synthetic camphor, but abandoned the effort. I will say to the Senator from Delaware that he is correct in his supposition, as I believe that they are not interested in the manufacturing end of it at all.

Subsequently, the Monsanto Co., or the Monsanto organization, with the German patents—bear in mind, now, with the German patents and processes—under a license from the German manufacturers, tried to make synthetic camphor in this country and discontinued it. Now, the Belle Chemical Co., in the State of the Senator from New Jersey, is attempting to make it and is making around 150,000 pounds a year—500 pounds a day.

Mr. President, with the permission of the Senator from Alabama, I desire to state that the synthetic camphor is directly competitive with BB Japanese. Of course, everybody knows that all the natural camphor of any consequence comes from the island of Formosa; that Japan has a natural absolute monopoly upon it. The crude or BB Japanese camphor, as we call it, is directly competitive with synthetic camphor; and it is a fact that in the United States we can not make synthetic camphor in competition with the cheap natural camphor put on the market by Japan unless we would do more than the Senator from New Jersey wants to do—unless we not only put a high duty upon synthetic camphor but put an equally high duty upon natural camphor.

If that were done, of course, synthetic camphor could be made in the United States; but when it is borne in mind that its one competitor is crude natural camphor, and that crude camphor is admitted into the United States at 1 cent per pound, it is absolutely apparent, as is verified by the history of our industries in trying to make it in this country, that it can not be made in competition unless the high duty on synthetic camphor is continued and an equally high duty is also placed upon crude camphor.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Utah.

Mr. SMOOT. I want to say that the synthetic camphor is a purer article than the natural camphor.

Mr. GEORGE. Only for some purposes. There is not any need to dispute about the facts in this case, because they are too clear.

Mr. SMOOT. I wanted to call attention to that.

Mr. GEORGE. Yes; the Senator is right.

Mr. SMOOT. Not only that, but the purposes for which the synthetic camphor can be used as against the natural camphor are the very things that are growing. They are the coming things.

Mr. GEORGE. Oh, yes.

Mr. SMOOT. They are the automobile windshields, the white goods of all kinds, and so forth.

Mr. GEORGE. Yes; I am willing to concede that. The Senator from Utah is quite right, but I do not want to mislead the Senate, and I know the Senator from Mississippi does not want to do anything that will work any injustice to the naval-stores industry, because he is as much interested in its welfare as I am, or any other Senator here. If synthetic camphor is to be made in this country, we are practically compelled to recognize the necessity of giving a higher duty on natural camphor; and let me say that the naval-stores people do not object, so far as they are concerned, to the rate of 5 or 6 cents or any other figure on synthetic camphor. What they do insist upon, however, is that a parity shall be established between the rates on crude or natural camphor and synthetic camphor.

I have thought of the problem from the angle of the manufacturer or the possible manufacturer in this country as well as the naval-stores people. I do not see how we can justify a tariff of 5 or 6 cents—say 5 cents—on the crude Japanese camphor, because the absolute monopoly for all time to come practically resides with Japan. We do not produce it in this country; and therefore the only object in putting the tariff upon crude camphor would be to make possible the manufacture of synthetic camphor.

The Senator from Mississippi has proposed this amendment, which carries the duty back to a level with natural camphor at the end of three years unless 25 per cent of the amount of synthetic camphor consumed in the United States is produced here, 30 per cent, I believe, at the end of four years, and 50 per cent at the end of five years. That, of course, would exact the actual duty paid upon the importations of synthetic camphor until the three years had elapsed; but if at that time synthetic camphor could be made commercially, I do not believe it would be against the interests of the naval-stores producers in this country for it to be made, because their customer is the synthetic manufacturer. The manufacturer of synthetic camphor is their market; and if he can be established here, the industry, of course, is in better position than it is now in having to supply the camphor to the German manufacturer.

Mr. SMOOT. In other words, he is sure of the American market.

Mr. GEORGE. Yes; that would be true.

Mr. SMOOT. There would be no competition whatever.

Mr. GEORGE. And while, personally, I believe—I might be wrong in my conclusions—while I think we are going to continue to pay out the amount of the duty for three years and then not have 25 per cent of the production, if the industry is given the benefit of the doubt, since it is now manufacturing 500 pounds a day, I should be willing to take that risk. So far

as I am concerned, the amendment offered by the Senator from Mississippi is satisfactory, and I think it ought to be satisfactory to the industry.

Mr. SMOOT. And I am perfectly willing to accept it.

Mr. GEORGE. I make these suggestions to the Senator from Alabama because I have had the very same matters brought to my attention. When the amendment was offered, let me say to the Senator, it had not occurred to me; I did not know that there was going to be an amendment offered at the time and I had given it no study; but I felt sure that about 60,000 barrels of gum spirits, turpentine, was exported to Germany and used in the manufacture of synthetic camphor, and that the market in Germany for turpentine would be greatly enlarged if the German manufacturers were able to supply more of the demand in the domestic market.

Therefore I felt that we were probably cutting away the market of the naval-stores people in Germany without any reasonable prospect of a domestic industry to take its place.

That is the whole picture, though, I say; and while it is true, of course, that every person interested in synthetic camphor as an importer is connected with the German manufacturers and exporters, because they are the ones who are now making it, nevertheless the demand of American industry for synthetic camphor is growing.

I doubt not that the present consumption of synthetic camphor in the United States is between three and four million pounds. I am inclined to believe it is nearer 4,000,000 pounds at this time than 3,000,000 pounds; so it is quite a big item. The consumption in the United States of Japanese natural camphor, BB grade, is approximately 4,000,000 pounds at the present time; but I do not believe that we would do the naval-stores industry nor the American people—because, after all, they are the ones that are affected—any great injury by allowing the lapse of three years in which the American industry will be permitted to demonstrate whether it can produce as much as 25 per cent of our demands. If it can, then, of course, the industry might be as well entitled to live here and it might be as much to the interest of the naval-stores people for it to exist here as in the case of any other industry and in the case of any other producer of raw material for that industry.

Mr. HEFLIN. Mr. President, do I understand that the Senator from Georgia is willing to accept the proposition of the Senator from Mississippi?

Mr. GEORGE. Yes; I have stated that I was. I express my own belief that at the end of the three years the rate probably will go down to one; but if I am wrong in that the domestic industry will have increased its production; and if so, it will have justified itself.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The Chair desires to state that he was in error when he announced that the amendment of the Senator from Alabama was in order. The Chair was under the impression that the Senator from Mississippi had withdrawn his amendment. The vote will come first on the amendment of the Senator from Mississippi. That would not interfere with the Senator from Alabama offering his amendment afterwards.

Mr. BLACK. Mr. President, I should like to ask the Senator from Mississippi if he will not agree to add to his amendment a reduction in the tariff for this period of three years down to 3 cents.

Mr. KEAN. No.

Mr. BLACK. I was asking the Senator from Mississippi, not the Senator from New Jersey. I thought it was his amendment. The situation is that last year we paid $176,000 tariff on synthetic camphor, and it will be that amount each year, or a little over.

Mr. HARRISON. I appreciate——

Mr. KEAN. The people of New Jersey paid most of it.

The VICE PRESIDENT. The Senator from Alabama has not yielded to the Senator from New Jersey.

Mr. HARRISON. I appreciate the feelings of the Senator from Alabama about this matter. He feels exactly as I do. We do not want to tax the American people if we can not build up a home industry. I had the same kind of an amendment that the Senator has; but I feel, in view of all the circumstances, that we can at least give them three years on the matter. They have been going along since 1922 at 6 cents a pound, and during that time our naval-stores industry have supplied the German interest with all the turpentine from which they made synthetic camphor. If we can bring the industry nearer home, we will still supply that particular industry. If we can not, I will say to the Senator, my amendment is so drawn that it must be 20 per cent, I think, or 25 per cent in three years of the consumptive needs of the country.

I have an idea that the consumptive needs of this country in three years are going to be twice as great as they are to-day.

Mr. SMOOT. There is no doubt of it.

Mr. HARRISON. I have not any doubt that the pyroxylin industry is going to grow, and it is a peculiar fact that pyroxylin is made from cotton and from turpentine. I want to see it grow, because I feel, as I said a moment ago, that every automobile is going to have one of these unbreakable windshields in it. If so, the consumptive needs of the country for synthetic camphor in three years may be twice as great or more than twice as great as they are now.

The amendment does not say that the production here must be 25 per cent of the present consumptive needs, but it says that three years from now or four years from now it shall be 30 per cent of the consumptive needs at that time, and if they have not an industry at that time which is purchasing turpentine then the rate shall go back to 1 cent.

I hope the Senator will permit the amendment to go through in that form. I shall get the same "cussing" from the naval-stores industry that the Senator will get; and while I shall defend my course with less ability than the Senator, I feel that that is the best way to do in the circumstances.

Mr. BLACK. Mr. President, I desire to ask a question. As I understand it, the Chair would hold that after this amendment was acted on I could still offer the amendment to reduce the tariff on synthetic camphor to 3 cents.

The VICE PRESIDENT. That is the ruling of the Chair.

Mr. BLACK. I would have no objection to this amendment in the world under those circumstances, because I would prefer to have the amendment this way than to have the rate what it is, 6 cents.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. BLACK. Mr. President, I desire to offer the amendment suggested a moment ago.

The VICE PRESIDENT. The Senator proposes the amendment, which the clerk will state.

Mr. BLACK. It is an amendment to substitute the words "3 cents" for "1 cent."

The LEGISLATIVE CLERK. The Senator from Alabama offers the following amendment, in paragraph 52, page 23, line 21, after the word "natural," to strike out "1 cent" and to insert the words "or synthetic, 3 cents," so as to read:

> Menthol, 30 cents per pound; camphor, crude, natural or synthetic, 3 cents per pound; refined, 6 cents per pound.

Mr. SMOOT. Mr. President, I am quite sure the 3 cents will not be sufficient. Why not give the industry a chance here, as the Senator from Wisconsin has urged? If it is successful, it will be the best thing that can happen to the naval stores. Nobody can come in competition here. The whole naval stores will be right at the door of the manufacturer.

Mr. BLACK. Mr. President, I do not care to consume any time, but I do want to call attention to the fact that this would reduce the tariff from what it has been—at 6 cents—to 3 cents. Since the time that it was placed at that figure, with the idea of encouraging American industry, it has cost the American public over $2,000,000. That is what it has cost the consumers of camphor. Certainly, if they are going to build up a business, they will build it up on a tariff of 3 cents per pound. There is very little difference between 5 and 3. If they are going to build up this industry, they will build it up on the 3-cent rate.

Personally, I take very little stock in the idea that the American chemical industry is so far behind the chemical industry of the entire world that we must have these stupendous tariffs in order to encourage it. I do not believe that is justified. The great wealth they have acquired in the past few years' operations shows it is not justified. They have built up tremendous monopolies, just as was shown by the Senator from Wisconsin, and if they can not struggle along with a 3-cent tariff rate and relieve the public thus far, then I say the American chemical industry is in a sad way.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BLACK. Mr. President, I ask for the yeas and nays.

Mr. HEFLIN. Mr. President, the $2,000,000 of which my colleague speaks, divided up among 120,000,000 people, is an infinitesimal amount. The proposition of the Senator from Mississippi is an opportunity to assist in the building up of an American industry.

I voted before for this proposition, feeling that I was helping the naval-stores people as well as helping my country to establish an American industry. I still feel that I was helping the

naval-stores people, and I hope they have not been frightened by any German agent over here.

The Senator from Mississippi has pointed out that the course he seeks to pursue would be very beneficial to the cotton producers of the United States. I for one would like to see them aided. They are in great distress. They are selling cotton below the cost of production. I would like to see the naval-stores people helped, as they will be helped, whether they know it or not, by this amendment. I would like to see the cotton producers helped, and they will be helped by the proposition of the Senator from Mississippi.

I would like to see my country establish a synthetic camphor-manufacturing industry so as to make this Nation independent of all the nations of the earth. So I hope this amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. BLACK] to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

Mr. HOWELL. Mr. President, I shall beg the indulgence of the Senate for unanimous consent for a reconsideration of the vote by which the amendment relating to casein was concurred in. There was no record vote, there was no roll call, and in view of all the circumstances, I trust this request will be granted.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. Mr. President, was there a yea-and-nay vote in Committee of the Whole on this proposition?

The VICE PRESIDENT. There was.

Mr. SWANSON. It was discussed fully in Committee of the Whole, and I want to make a suggestion to the chairman of the Committee on Finance.

It does seem to me that when we have had a yea-and-nay vote in Committee of the Whole, after ample and full discussion, that ought to be sufficient; and if there is a prospect of the same debate, the same speeches, the same delay in the Senate that was experienced in Committee of the Whole, the Senate ought to have an opportunity to say whether they want the discussion to proceed as fully as it proceeded in Committee of the Whole.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. SHEPPARD. There was not a direct vote in Committee of the Whole on the question of the 8-cent duty. A roll-call vote was taken on the motion of the Senator from Wisconsin to substitute 5½ cents, and a great many Senators voted for the 5½-cent rate who are also in favor of the 8-cent rate but were afraid they might lose the 5½-cent rate. For that reason I think there is great merit in the request of the Senator from Nebraska.

Mr. SWANSON. Mr. President, let me state the suggestion I want to make to the chairman of the Committee on Finance.

There is but one way for the Senate to prevent having the same debate, the same roll calls, the same long discussion we had in Committee of the Whole. I think where there has not been a yea-and-nay vote on any amendment, any Senator interested is entitled to ask for one; and I have always voted against a motion to lay on the table where no debate has been had, where the object was to cut off debate and prevent a roll call, and I have taken that action because I have felt that any Senator interested was entitled to a roll call.

I am not going to object to the Senator's request, but I want to make a suggestion to the Senator from Utah, who is in charge of the bill. Separate votes have been reserved on about 100 amendments, and we have disposed of but four in one day.

If we are going to have the same discussion, the same debate, the same contests, the same prolonged effort and zeal manifested for the various industries we have had in Committee of the Whole for the last six months, it will be a month more before these matters are disposed of.

I want the Senator to think over the matter, and to ask unanimous consent to-morrow, when all Senators may be present, that debate be limited on the remaining amendments to 15 minutes, or 10 minutes, or 20 minutes, on a side. If that is not consented to, I think the Senator who is in charge of the bill, responsible for its passage and responsible for the protection of Senators from debate of days and days, such as they have listened to lately—and I have been here listening as carefully as my time would permit—should serve notice that where there has been full debate, if debate threatens to continue for some time, that I would move to lay the amendment on the table and let the Senate pass on the question whether it wanted further debate, and whether it wanted the matter continued from day to day.

I would not do that under any circumstances unless there had been full and free debate in Committee of the Whole, and a roll call, and unless it was impossible to secure an agreement for a limitation of debate.

I shall not object to the request of the Senator from Nebraska. I know he was not present when the vote was taken on the casein amendment, and that he expected to make a speech. I therefore think he is entitled to an opportunity to proceed with that discussion. But I do hope the chairman of the committee will think over the matter seriously and protect the Senate from discussion of three or four days of the same matters which have been discussed in Committee of the Whole for six months.

Mr. COPELAND. Mr. President, I feel very much embarrassed. If I had not made a pledge to the Senator from Indiana, which all heard, that I would not ask for a quorum, I should have called for a quorum, because I knew the Senator from Nebraska wished to speak. I think it is only fair that he should have that opportunity.

Mr. LA FOLLETTE. Mr. President, of course, I am not disposed to object to any request made by a Senator for a reconsideration, but at the same time I would like to ascertain whether it would not be possible to secure a unanimous-consent agreement in connection with the request for a reconsideration, for either a limitation of debate or the setting of a definite time for a vote to-morrow.

Mr. HOWELL. Mr. President, I will amend my unanimous-consent request by asking unanimous consent that the vote shall be reconsidered and that the vote shall be taken at not later than 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Reserving the right to object, I can very readily appreciate that one Member of the Senate might take the whole hour in discussion, leaving no opportunity whatever for a reply.

Mr. HOWELL. I assure the Senator I will not take the full time.

Mr. BLAINE. That is no assurance that other Members of the Senate holding the same views entertained by the Senator from Nebraska will not take the time. I am perfectly willing that we should vote at 12 o'clock, if we can divide the time.

Mr. LA FOLLETTE. May not the time be divided, may I suggest to the Senator from Nebraska, one-half hour to be consumed by those in favor of the 8-cent duty, and one-half hour to be allotted to those opposed to it?

Mr. HOWELL. I am perfectly willing to agree to that.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, a separate vote was reserved by the junior Senator from Utah [Mr. KING] on the amendment relating to olive oil. I have not heard from the Senator as to whether he desires to take up the matter or not.

Mr. McKELLAR. Mr. President, I hope the Senator will let the matter go over.

Mr. JOHNSON. Mr. President, primarily I am interested in this particular item. The argument was carried on with the junior Senator from New York [Mr. WAGNER] in the main. It is true that the junior Senator from Utah made the reservation.

I took the matter up with the junior Senator from New York this evening. He said that he had no desire to have a record vote upon the subject, and then I spoke to the senior Senator from New York [Mr. COPELAND], thinking possibly he might be interested, and he told me the same thing.

Mr. McKELLAR. Mr. President, in the event the junior Senator from Utah [Mr. KING] desires to have it reopened, would there be objection?

Mr. JOHNSON. I would not object to it.

Mr. SMOOT. I certainly would not.

Mr. COPELAND. I want the RECORD to show that I said to the Senator that my colleague was in charge of the olive-oil item.

Mr. JOHNSON. Quite so, and I spoke with the colleague of the Senator before I spoke to him.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, which the Secretary will report.

The LEGISLATIVE CLERK. On page 24, line 14, by the amendment made as in Committee of the Whole, the Senate struck out "8½ cents" and inserted "9½ cents," so as to read, in the paragraph on oils:

Olive, weighing with the immediate container less than 40 pounds, 9½ cents per pound.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment on which there was a reservation.

The LEGISLATIVE CLERK. Paragraph 69, ultramarine blues, page 29, lines 16 and 17.

Mr. COPELAND. Mr. President, the rate on this article is 15 per cent, and I move that the amendment be not concurred in, and that the rate be fixed at 15 per cent ad valorem. I think the Senator from West Virginia [Mr. HATFIELD] desires to say something on this subject, and perhaps we had better let it go over on that account.

Mr. SMOOT. Did the Senator say the rate in the present law was 15 per cent?

Mr. COPELAND. Yes. This is ultramarine blues.

Mr. SMOOT. The provision in the present law is as follows:

Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound; ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine, 3 cents per pound.

Mr. COPELAND. Is that the present law? The present law provides 15 per cent, does it not?

Mr. SMOOT. No; I have just read the provision in the present law.

Mr. SHORTRIDGE. Mr. President, a point of order.

The VICE PRESIDENT (rapping for order). Let the Senate be in order.

Mr. SHORTRIDGE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. The hour of 10 o'clock has arrived.

The VICE PRESIDENT. That is not an affair of the Chair. It is a question for the Senate. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. I say to the Senator that if he will turn to the present law he will find that it is exactly as I have read it. I do not know whether the Senator heard what I read or not.

Mr. COPELAND. Yes, I did; and the Senator is correct. My desire is that the Senate shall disagree to the amendment made by the Finance Committee, and my reason for that is——

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. I yield.

Mr. FESS. The junior Senator from West Virginia [Mr. HATFIELD] earlier in the debate expressed an interest in this particular amendment.

Mr. COPELAND. I so stated a moment ago, and I think he should be here when the matter is considered.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. I wish to serve notice now that while I am not going to object to having this amendment go over, yet if any further request is made to pass over an item it is going to bring about an objection on my part.

Mr. SMOOT. There is no suggestion to pass this matter over.

Mr. FESS. There was no suggestion on my part to pass it over. My suggestion was that it is 10 o'clock——

Mr. LA FOLLETTE. Yes; we know it is.

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. Does the Senator want to have a vote upon his amendment after I have called his attention to the present law?

Mr. COPELAND. Yes; because, while I made a mistake regarding the rate, I do not want to have the additional rate which proposes 4 cents a pound if valued at more than 10 cents a pound, and so forth. I wish to have the rate restored to the present basis. That is a matter which I desire to have considered. I feel that I am responsible for the absence of the Senator from West Virginia [Mr. HATFIELD], because he was justified in believing that the debate on casein would continue indefinitely through the evening. As a matter of courtesy to him, I would like to have the question taken up when he is here, although, so far as I am concerned, I am ready to proceed with it now.

Mr. SMOOT. I am quite sure the Senator from West Virginia would certainly not agree to any rate of 15 per cent. In 1928 the profits of this concern on the number of pounds sold, which was 4,140,272, were only $4,751.10. For a whole year under existing law that was the amount of their profits. If there is any other item brought before the Senate with a record of that kind, I do not know it.

Mr. COPELAND. The difficulty about the argument is this—and, by the way, let me remind the Senator from Utah——

The VICE PRESIDENT (rapping for order). Let the Senate be in order.

Mr. COPELAND. Mr. President, I do not blame Senators at all. It is after 10 o'clock, and certainly I have no desire to go on with the matter to-night; but I want the RECORD to show what I am proposing to do, which is to disagree to the Finance Committee amendment and return to the present law, which the Senator from Utah assures me is 3 cents a pound. I am going to point out, when I have an opportunity to do so, that the Senator from Utah is mistaken about the importations, and so forth, because the record which we have makes no distinction between wash blues and other blues.

Mr. SMOOT. I do not want to keep the Senate here any longer, if the Senator is not going to discuss the matter. If the Senator does not desire to have a vote now——

Mr. COPELAND. I desire to wait until the Senator from West Virginia [Mr. HATFIELD] is in the Chamber.

RECESS

Mr. SMOOT. I move that the Senate take a recess, the recess being until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until to-morrow, Thursday, March 6, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 5 (legislative day of January 6), 1930

UNITED STATES ATTORNEYS

Arthur Arnold, of West Virginia, to be United States attorney, northern district of West Virginia. (He is now serving in this office under an appointment which expired February 15, 1930.)

Frank Lee, of Oklahoma, to be United States attorney, eastern district of Oklahoma. (He is now serving in this office under an appointment which expired December 15, 1929.)

JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA

James A. Cobb, of the District of Columbia, to be a judge of the municipal court, District of Columbia. (He is now serving in this office under an appointment expiring March 17, 1930.)

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 5, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Fill our souls with Thy Spirit, our blessed Father, that hope, wonderful hope, may live in our breasts. It is the rainbow arch and the doorway of the future up to God. Do Thou pass by our imperfections and forgive our misconceptions, and hold us with our expectant faces against Thy light. O let us look higher than we can climb and bless us with the rapture of absolute confidence in Thy love, and with tearless peace may our minds be true to high purpose and never be hindered by prejudice, bigotry, or inordinate affection. In the name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MONITORING RADIO STATION

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to file a supplemental report from the Committee on Public Buildings and Grounds on the bill (H. R. 9483) to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes."

The SPEAKER. The gentleman from Indiana asks unanimous consent that he may be permitted to file a supplemental report upon the bill H. R. 9483. Is there objection?

Mr. GARNER. Mr. Speaker, we have not yet heard any reason for such supplemental report. What is the reason for it?

Mr. ELLIOTT. The reason is that the original report does not quite comply with the Ramseyer rule.

The SPEAKER. Is there objection?

There was no objection.

TO AMEND SECTION 22 OF THE FEDERAL RESERVE ACT

The SPEAKER. This is Calendar Wednesday, and under the agreement the Committee on Banking and Currency has the call. The Clerk will call the committee.

The Clerk called the Committee on Banking and Currency.

Mr. TILSON. Mr. Speaker, it is desired by a number of Members that we attempt to reach an agreement a little bit different in arrangement from that provided for under the rule that governs proceedings on Calendar Wednesday. I ask unanimous consent that the time for debate upon the bill now under consideration, H. R. 9683, to amend section 22 of the Federal reserve act, be fixed at one hour and a half.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that debate upon the bill now under consideration be extended to one hour and a half. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, it is further desired that at the conclusion of general debate the bill may be considered under the 5-minute rule. A number of amendments are to be offered, and it is desired to open up the debate as much as possible. I make that request that the bill may be considered under the 5-minute rule.

Mr. STEAGALL. And as I understand it, under this agreement the gentleman from Georgia [Mr. BRAND] is to have control of half the time?

Mr. TILSON. As I understand it, the debate is to be controlled, half for the bill and half against the bill.

The SPEAKER. This bill is on the House Calendar, and there can be no other arrangement than that provided by the rule, except by unanimous consent. The gentleman from Pennsylvania [Mr. MCFADDEN] has control of the time.

Mr. WINGO. Mr. Speaker, the agreement between us is that the gentleman from Pennsylvania [Mr. MCFADDEN] shall control one half the time and that the gentleman from Georgia [Mr. BRAND], the author of the bill, shall control the other half of the time, each one to take care of those for and against the bill on their respective sides of the House.

The SPEAKER. That would take the gentleman from Pennsylvania off his feet, but it would be very simple for the gentleman from Pennsylvania to yield half of his time to the gentleman from Georgia.

Mr. MCFADDEN. Mr. Speaker, the time has been extended to one hour and a half under unanimous consent, and I shall yield one-half of my time to the gentleman from Georgia [Mr. BRAND] to use as he sees fit.

Mr. WINGO. Let the author of the bill, Mr. BRAND, control the time on this side.

Mr. MCFADDEN. I yield 45 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. WINGO. And the understanding is that these two gentlemen will take care of those both for and against the bill on the respective sides of the House, the gentleman from Pennsylvania taking care of those for and against the bill on his side and the gentleman from Georgia doing likewise on this side.

Mr. MCFADDEN. That is entirely agreeable.

The SPEAKER. The gentleman from Connecticut further asks unanimous consent that at the conclusion of the debate on the bill the bill shall be read by sections under the 5-minute rule for amendment. Is there objection?

There was no objection.

Mr. WINGO. Now, Mr. Speaker, at this time I ask unanimous consent that the Philippine Commissioner [Mr. GUEVARA] may be permitted to proceed for five minutes out of order, that time not to be taken out of the time on the bill under consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the Commissioner from the Philippine Islands [Mr. GUEVARA] may be permitted to address the House now for five minutes, the time not to be taken out of the time for debate upon the bill under consideration. Is there objection?

There was no objection.

Mr. GUEVARA. Mr. Speaker and gentlemen of the House, it is a privilege to fulfill the duty of transmitting to the Congress of the United States the resolution passed by the independence congress of the Philippine Islands, held on the 22d of February, 1930, setting forth the reasons for the granting of independence to the Philippine Islands at the earliest possible moment.

The independence congress of the Philippine Islands was called and held for the same purpose, but for different reasons, than the Continental Congress of the thirteen American Colonies. The Filipino people represented by the independence congress want to be independent of the United States, not because they have any grievance which prompts them to follow such a course. The American-Filipino relationship which started with the ratification of the treaty signed at Paris between the United States and Spain, can be properly regarded as full of happy events and achievements, and, if this is the case, it seems that such a relationship must be permanent. However, in the course of time it has been proven that to make such relationship permanent would be detrimental to the best interests of both peoples and countries.

The American colonists began to feel the necessity of being independent of England for many reasons, one of importance being that they were separated from the mother country by 3,000 miles of water. The Philippine Islands is in the same geographical position as the thirteen American Colonies.

It is unnecessary for me to enumerate or to emphasize the political, social, and economic reasons for the independence of the Philippine Islands. It is not my desire now to discuss these questions, and I will therefore confine myself to transmitting to the Congress of the United States the resolution I mentioned at the beginning of my remarks.

I ask, therefore, Mr. Speaker, unanimous consent to print in the RECORD the resolution passed by the independence congress of the Philippine Islands, in the hope that it will help the American people and their constitutional representatives to know and determine the real wishes and aspirations of the Filipino people.

Thank you.

RESOLUTION OF THE FIRST INDEPENDENCE CONGRESS OF THE PHILIPPINES ADOPTED AT MANILA, FEBRUARY 26, 1930, FOR TRANSMITTAL TO THE UNITED STATES

We the members of the First Independence Congress, convened at the city of Manila, Philippine Islands, from February 22 to February 26, 1930, upon the initiative of private citizens and composed of representatives of business and agriculture, directors of civic organizations, leaders in the various professions, publicists, educators, labor, religious and student leaders, municipal presidents, prominent Moro leaders, coworkers of Rizal and Del Pilar in Spain, veterans of the revolutions, elective officials of the provincial governments, high officials of the former Philippine Republic, past and present members of the Philippine Legislature, and Filipino members of the council of state, after deliberating upon the problems of independence, including national defense, finance, and economics, as well as political, social, and educational questions which would be faced by an independent Philippines, hereby make the following declaration:

While fully conscious of the debt of gratitude we owe to America for her benevolent policy in the Philippines, we are convinced that immediate independence is the only solution to the Philippine problem in consonance with the unalterable desires of the Filipino people.

No matter how lightly an alien control may rest on a people, it can not, it will not make that people happy.

The genius and potentialities of the Filipino people can only be developed in an atmosphere of freedom unrestrained by foreign rule.

Differences in race, history, and civilization render difficult, if not impossible, a common life under one flag between the American and Filipino peoples.

The uncertainty of our future political status hampers the economic development of the country.

Our present trade relations with the United States are not conducive to the economic independence of the Philippines, and whatever may be the temporary advantages of such relations, we are willing to forego them for the sake of freedom.

The longer we remain under America the harder will it be for us to be freed from our political and economic dependence upon her.

We are now better prepared for nationhood than many independent states of to-day, and we are ready to assume the risks and responsibilities of independence.

We are not unmindful of the fact that in the final solution and settlement of the Philippine problem, American and foreign interests must be adequately safeguarded.

The establishment of a Philippine Republic to-day would be the logical and just outcome of our long struggles for freedom in keeping with American history and traditions.

Independence will make for close friendship and better understanding between America and the Philippines, while retention fosters distrust and ill feeling.

In our solemn constitutional covenant with America she has promised to grant us independence as soon as a stable government can be established. This condition has long been fulfilled.

Therefore in the name and in behalf of the Filipino people, we solemnly affirm with full realization of the consequences and responsibilities of political independence that our people should be allowed to live an independent life and to establish a government of their own without any further delay and without any condition which makes its advent uncertain. Hence, we respectfully reiterate our petition to the people and Government of the United States to grant the Philippines immediate, complete, and absolute independence.

[Applause.]

Mr. MCFADDEN. Mr. Speaker, this bill, H. R. 9683, pending before the House at this time, proposes a Federal regulation to punish malicious individuals who circulate statements derogatory of national and State member banks, members of the Federal reserve system.

It is a fact that many of the States at the present time have laws covering this, but there are instances where banks do not come within the jurisdiction of State laws. There are many States that do not have laws covering this situation.

This bill is intended to cover slanderous attacks on banks, which sometimes cause loss to the banks and resulting hardships on the people.

I call attention to the report, which sets forth fully the conditions and legal angles of the bill. I expect that the gentleman from Georgia [Mr. BRAND] will explain the bill more in detail.

Mr. ADKINS. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Certainly.

Mr. ADKINS. If this bill becomes a law—and a great many people are naturally solicitous as to where they have their savings—suppose I inquire of a man concerning a bank in which I have my savings deposited. He might give his opinion on that, and as a result it might be that the man would have to come into court and defend a lawsuit.

Mr. McFADDEN. The language is:

Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report—

And so forth.

Mr. ADKINS. When there is a run on a bank—and we have had runs on them in our community—it is a bad thing to start these stories. But here is a proposition that you are putting a citizen up against: If he does express an honest opinion, and with no idea except to protect his neighbor, and it is determined that his neighbor got his information from this citizen as to the solvency of the bank, and that resulted in a run on the bank, there is no way by which he could escape a lawsuit, is there?

Mr. HOOPER. I am not a partisan for or against the bill one way or the other, but this contains the element of malice, as I understand, and the intent to deceive. Is it not likely that district attorneys or other officials would go very carefully into the matter before bringing a prosecution?

Mr. ADKINS. I appreciate that. But when a bank has a run on it and damage is done, I do not see how a man can escape a lawsuit for giving an opinion on the bank.

Mr. HOOPER. The burden of proof as to that would have to go through the hands of the prosecuting official.

Mr. ADKINS. He would have to have a lawyer.

Mr. HOOPER. So it is in the event he is charged with a crime.

Mr. RAMSEYER. Mr. Speaker, has the gentleman from Pennsylvania a list of the States that have such laws as he refers to, or can a member of the committee furnish a list of such laws?

Mr. BRAND of Georgia. I can furnish to the gentleman a list of such laws.

Mr. RAMSEYER. I was asking the chairman a question, out of the time of the gentleman from Pennsylvania. He stated that some of the States have laws covering all that this bill proposes to cover as to national banks and member banks. I ask for a list of those cases.

Mr. BRAND of Georgia. I will give it to you.

Mr. RAMSEYER. In your address?

Mr. BRAND of Georgia. Yes.

Mr. RAMSEYER. I will ask another question, so that the gentleman can answer it in his discussion. The report undertakes to state the indorsers of the bill, including the Treasury Department. I would like to have a statement concerning that indorsement, who made it, and the language used, and the same with regard to the indorsements of the Federal Reserve Board and the American Bankers' Association and the Chamber of Commerce of the United States. I would like to see them. That is what I suggest now.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. CHINDBLOM. Referring to the inquiry of the gentleman from Illinois [Mr. ADKINS], the reply was made that there would be no danger of prosecution unless the report in reference to the insolvency of the bank and other matters involved in this bill could be shown to have been made with malice and with an intent to deceive. I call attention, however, to paragraph (h)—and incidentally let me say that the first part of it uses rather unusual language—which reads:

If two or more persons conspire to violate the above provision—

Namely, provision (g), which sets out the penalty for doing certain things. I think that form of language for creating a felony or conspiracy is very vague and indefinite. But further than that, paragraph (h) says:

If two or more persons conspire to violate the above provision, or to cause a general withdrawal of deposits from any national bank—

And so on.

Even if malice and intent to deceive may be required to prove a violation of the provisions in paragraph (g), the requirement with reference to malice and intent to deceive is not carried into the next phrase—

Or to cause a general withdrawal of deposits from any national bank—

because that creates an offense separate from the provisions of paragraph (g), which would not require any proof of malice or intent, under the wording of the paragraph as it stands in the bill.

Mr. HOOPER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. HOOPER. I think probably the gentleman is right about subparagraph (h), but it can be cured by inserting language which would use the words "maliciously or with intent to deceive."

Mr. CHINDBLOM. I observe that the committee amendments do not cure it.

Mr. HOOPER. No; and I think the gentleman is right in his statement on that.

Mr. McFADDEN. Will the gentleman from Georgia use some of his time now?

Mr. BRAND of Georgia. I will, with one exception. The gentleman from Iowa asked a question with reference to the Secretary of the Treasury. The chairman of the Committee on Banking and Currency can answer that question more satisfactorily to the gentleman from Iowa than I can. It is for him to answer that.

Mr. McFADDEN. I will answer that later. Will the gentleman from Georgia use his time now?

Mr. BRAND of Georgia. I will when I have an opportunity.

Mr. JOHNSON of Texas. Will the gentleman yield? I desire to propound a parliamentary inquiry.

Mr. McFADDEN. I yield to the gentleman for that purpose.

The SPEAKER. The gentleman from Texas will state his parliamentary inquiry.

Mr. JOHNSON of Texas. There is on the Speaker's desk a petition to bring up what is known as the Rankin bill, under the rule of the House by which, if a majority of the Members sign the petition, the bill will be taken from the committee. One of my colleagues, who is absent on account of illness and who will likely be absent for an indefinite period on account of the condition of his health, desires to know whether or not he can authorize his name to be signed to the petition in his absence. I would like to propound an inquiry to the Speaker as to his rights; that is, whether or not it can be done by a proxy or whether or not he would have to do it in person?

The SPEAKER. Since the gentleman from Texas [Mr. JOHNSON] asked the Chair that question informally yesterday, the Chair has examined the question and feels very clear about how the rule should be construed.

Paragraph 4 of Rule XXVII relating to this subject reads as follows:

A Member may present to the Clerk a motion in writing to instruct a committee to report within 15 days a public bill or resolution which has been referred to it 30 days prior thereto (but only one motion may be presented for each bill or resolution). The motion shall be placed in the custody of the Clerk, who shall arrange some convenient place for the signature of Members. A signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal. When a majority of the membership of the House shall have signed the motion it shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to instruct committees.

It will be observed that the word "sign" is used. No provision whatever is made for any such thing as signing by proxy or by an agency of any sort. While it is true that in some cases Members are authorized to vote while absent, in committee proceedings, the Chair thinks that is purely a matter of courtesy with the committee. It is not a question of the rules of the House at all. There is no rule that the Chair knows of in the House of Representatives for any sort of proxy. No man can transfer his vote or permit another Member to vote for him, as I believe is the rule in the French Chamber of Deputies. A Member must vote in person.

There being no provision in this rule for anything else, the Chair is very clear that no Member can delegate to another the right to sign such a petition as this.

Mr. JOHNSON of Texas. I thank the Speaker very much for the ruling. As far as I could ascertain, there had been no previous ruling upon the particular question, and I thought it was desirable that a precedent be established.

The SPEAKER. There is no precedent as far as the Chair knows. In fact, the Chair can only recall once, several Congresses ago, where a petition was actually filed.

Mr. BRAND of Georgia. Mr. Speaker, for the present I yield myself 15 minutes.

Gentlemen of the House, I want to say in the first place that every Member of the House ought to be interested in this proposed legislation. If you will bear with me, I want to carefully read the bill to you, as it is short, so that every lawyer Member of this House can understand it on reading it, and every Member of the House who is not a lawyer can understand it on its being explained. Omitting the immaterial parts of the bill, it is as follows:

That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, or with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which imputes or tends to impute insolvency, or unsound financial condition, or financial embarrassment, or which may tend to cause or provoke, or aid in causing or provoking, a general withdrawal of deposits from such bank, or which may otherwise injure, or tend to injure the business or good will of such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $5,000 or imprisoned for not more than five years, or both.

"(h) If two or more persons conspire to violate the above provision, or to boycott, or to blacklist, or to cause a general withdrawal of deposits from, or to cause a withdrawal of patronage from, or otherwise to injure the business or good will of any national bank, or any State member bank of the Federal reserve system, and one or more of such parties do any act to effect the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $5,000 or imprisoned for not more than five years, or both."

I think I should at this time answer the question, which is a very proper one, submitted by the gentleman from Iowa, viz: Who approves or has recommended the passage of this bill?

As everyone knows, the Comptroller of the Currency has immediate jurisdiction over every national bank and every State bank which is a member of the Federal reserve system. He has recommended this legislation in two different annual reports and this is the last one:

It is again recommended that a law be enacted making it a criminal offense to maliciously or with intent to deceive, make, publish, or circulate any false report concerning any national bank or any other member of the Federal reserve system which imputes insolvency or unsound financial condition, or which may tend to cause a general withdrawal of deposits from such bank or may otherwise injure the business or good will of such bank.

This bill does not go as far as the comptroller recommended.

In the next place, I want to say to the House that I am reliably informed by members on the Banking and Currency Committee supposed to be close to him that this bill meets with the approval of the Secretary of the Treasury. This bill meets with the approval of the United States Chamber of Commerce. I have frequently talked with the Secretary or some official of that body though I did not seek the approval of this institution. I never requested in the first instance any assistance from this body. Some officer connected with the chamber of commerce called over the phone some two or three weeks ago and asked me about this bill.

In the conversation he stated that they had given a great deal of thought and consideration to the proposition, and after doing so that the chamber of commerce had reached the conclusion to favor this legislation.

In regard to the Secretary of the Treasury, I am going to leave the answer to that question to be made by the gentleman from Pennsylvania, the chairman of the committee.

In regard to the American Bankers' Association, I want to call your attention to a letter which was written to me on February 26 by the general counsel of the American Bankers' Association, Mr. Paton.

DEAR MR. BRAND: Your bill (H. R. 9683) to punish libel and slander of National and State bank members of the Federal reserve system has the hearty approval of the American Bankers' Association. Instances are most frequent where malicious persons from a variety of motives circulate malicious stories affecting the standing and solvency of particular banks, which very often have the effect of causing serious injury and loss. The banks certainly need the protection of a Federal statute of this kind which will act as a deterrent to many malicious individuals, who, in the absence of a punitive statute, can freely circulate unfounded and injurious statements without fear of punishment.

So we have the Comptroller of the Currency approving this bill. I think we can safely rely upon its meeting with the approval of the Secretary of the Treasury. It meets with the approval of the United States Chamber of Commerce and the hearty approval of the American Bankers' Association, which association has been considering it since 1907.

I want to let you know what this association did in 1907 in dealing with this subject. This is found on page 36 of their proceedings of 1925. I quote:

An act to punish derogatory statements affecting banks or trust companies

Be it enacted, etc., That any person who shall wilfully and maliciously make, circulate, or transmit to another or others any statement, rumor, or suggestion, written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, savings bank, banking institution, or trust company doing business in this State, or who shall counsel, aid, procure, or induce another to start, transmit, or circulate any such statement or rumor, shall be guilty of a (felony or misdemeanor), and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for a term of not more than five years, or both.

This draft of the proposed legislation is substantially like the provisions contained in this bill, though the pending bill is not as strong or drastic as that adopted by the association. Besides this draft provides that a violation of the same is a felony, whereas the pending bill declares the offense a misdemeanor. In the document which I hold in my hand they go on and discuss the question in this way:

To meet the evil of bank slander to which banks are peculiarly subject, and for which, but for a statute of this kind, there is no adequate redress. Cases occur with considerable frequency where a disgruntled borrower who has been refused a loan or a customer who has some fancied grievance against his bank, maliciously circulates statements or rumors affecting its solvency.

At this point I want to put in the RECORD a list of the States which have similar State laws and those which do not, being a compilation made by the American Bankers' Association in the year 1925:

I. STATES WITHOUT LAW

District of Columbia, Maine, Iowa.

Massachusetts (see General Laws (1921), c. 266, sec. 92, p. 2719): Publication of statement having a tendency to give a greater or less apparent value to securities and assets of corporations, firms, etc., than they possess; $5,000, 10 years.

Minnesota (see 1923, c. 7, p. 9: Malicious furnishing of untrue statement concerning any person or corporation to newspaper constitutes misdemeanor, punishable under General Statute (1913), section 8482, by maximum fine of $100, or maximum imprisonment of three months.

Mississippi.

Montana (see Revised Codes (1921), sec. 11436): Same in substance as Massachusetts statute above; $10,000, 10 years. Section 10999. Securing publication in periodical, etc., of any false or libelous statement concerning any person or corporation.

Nebraska, New Hampshire, North Dakota, South Dakota, Tennessee, Texas, Vermont.

Virginia (see 1922, c. 353, p. 591): Furnishing false statement to publisher.

II. STATES HAVING RECOMMENDED DRAFT

(Where institution is not specified in Lists II, III, and IV, banks, savings banks, and trust companies are included, expressly or by necessary implication.)

Michigan: Compiled laws (1915), section 8043, $5,000, 5 years.

North Carolina: 1921, chapter 4, section 82, page 103. Reenactment with slight changes of consolidated statutes (1919), sec. 4231.) "Any bank," including by statutory definition (sec. 1, p. 76) any receiver of money on deposit as a business; punishable under consolidated statutes (1919), section 4173, with imprisonment from 4 months to 10 years, or "fine," without stating amount.

III. STATES HAVING RECOMMENDED DRAFT IN MODIFIED FORM

Alabama: Code (1923), section 3415. ("Bank," which term may very well include a trust company under sec. 6388. Only changes "false, libelous, or slanderous" inserted before "statement," in line 2; "misdemeanor," maximum punishment under sec. 5277, $500, 6 months, or both.)

Alaska: 1913, chapter 41, page 69. "False;" misdemeanor, punishable under compiled laws (1913), section 2072, at not more than $500 or not more than 1 year.

Arizona: 1921, chapter 99, page 187. "Untrue in fact"; "any bank doing business in this State," probably including trust companies; see 1922, special session, chapter 31, section 1, page 124; $1,000, one year.

Arkansas: Digest Statutes (1921), section 736. Same in substance as recommended draft; $500, 3 to 12 months.

California: Penal Code, section 563b. "Untrue in facts"; "any bank"; probably included a savings bank or a trust company; see bank act, section 2; $1,000, one year.

Connecticut: General Statutes (1918), section 6309. "False"; $500, one year.

Delaware: 1915, chapter 107 (sec. 2115c), page 322. "False"; $2,000, two years.

Florida: Revised General Statutes (1920), section 5093. "False"; any banking institution doing business in State; $500, one year.

Idaho: 1921, chapter 164, page 360. "False"; $5,000, six months.

Illinois: Revised Statutes (1921), chapter 38, section 405, page 659. Truth a defense; "intent to affect solvency or financial standing" element; $500, one year.

Indiana: State (Sup., 1921), section 2258b. "False"; $1,000, one year.

Kentucky: Statutes (1922), section 598a. "False"; $200–$1,000, 20–100 days.

Maryland: Code (1911), article 11, section 77, page 259. "Untrue in fact"; $1,000, three years.

Missouri: Revised Statutes (1919), section 3366. "Untrue in fact"; intent to injure element; $1,000, one year.

New Jersey: Compiled Statutes (1910), page 1809, section 212d. "Untrue in fact"; misdemeanor; punishable under sections 218–219, page 1812; $1,000, three years.

New Mexico: 1923, chapter 75, page 117. "Directly or by inference" omitted. "Intent to injure" required. Felony, "punishable by a fine not less than $500, or by imprisonment for not less than one year, or by both such fine and imprisonment."

New York: Penal Law, section 303. "Knowingly"; "untrue in fact"; $1,000, one year. See section 1353. Furnishing libelous information generally to publisher.

Ohio: General Code (1921), section 13383 (1). "False or untrue"; $1,000, two years.

Oregon: 1921, chapter 24, page 36. "Circulate and transmit"; "false"; $250–$500, one month.

Pennsylvania: Statutes (1920), section 7931. "Untrue in fact"; "intent to injure"; $5,000, five years.

Rhode Island: General Laws (1923), section 4058. "Untrue in fact"; $500, one year.

Utah: 1921, chapter 24 (sec. 1017x5), page 88. "Knowingly"; "untrue in fact"; "any bank" which does not with certainty include trust companies; $1,000, one year.

Washington: Remington's Compiled Statutes (1922), sections 2432–1; Pierce's Code (1919), section 8964. "False"; gross misdemeanor; punishable under statute (1922), section 2267; Code (1919), section 8702; $1,000, one year. See Remington's Compiled Statutes (1922), section 2431; Pierce's Code (1919), section 8960. Furnishing libelous information concerning "corporation" to newspaper, magazine, etc.; misdemeanor, $250 or 90 days under statute (1922), section 2266; code (1919), section 8701. See also statute (1922), section 2424; code (1919), section 8953. Malicious publication other than oral tending to injure corporation in business. One thousand dollars, one year under statute (1922), section 2267; code (1919), section 8702.

West Virginia: Code (1923), chapter 54, section 81d, page 1213. "False or untrue statement"; besides covering the subject of the recommended measure includes the making, circulating, etc., of false statements "with intent to depress the value of the stocks, bonds, or securities of any such banking corporation," and the use of "any fraudulent means" with such intent; $300, 60 days.

Wisconsin: Statute (1923), section 4569m. "False"; $1,000, one year.

Wyoming: Compiled Statutes (1920), section 5209. "False"; $100–$1,000, one year.

IV. STATES HAVING DIFFERENT LAW

Colorado: Compiled Laws (1921), sections 6975–6976. "Any bank in this State," which probably includes trust companies; see section 2653. "False"; covers substance of first part of recommended measure only; $500, six months. See section 6811. Conspiracy to have receiver appointed for solvent bank or trust company, whereby any conspirator shall receive any compensation through the receivership; five years, $1,000.

Georgia: Park's Annotated Code (Supp. 1922), sections 2281ff–2281gg. (Park's Banking Law (1920), secs. 224–225.) "False," otherwise adequate; punishable under section 2281ll [Banking Law sec. 230] and Penal Code (1914), section 1065; $1,000, 6 months, 12 months chain gang, one or more of such punishments.

Kansas: Revised Code (1923), section 21–2452. Covers same ground as recommended draft; statement must be made "without probable cause" and with intent to injure; adds provision as to starting "run" on bank or other financial institution; $500, 3 months.

Louisiana: Statutes (1920), page 140 (Act 250 of 1914). "Any bank" organized under the laws of the State or of the United States; covers substance of first part of measure only; amount of punishment uncertain.

Nevada: Revised Laws (1912), section 661. "Banking institution," including by statutory definition (sec. 690) all persons, firms, and corporations "carrying on a banking or trust company business"; "false"; otherwise apparently adequate; $500, 6 months.

Oklahoma: Compiled Statutes (1921), section 4185. Oklahoma "banking associations," excluding national banks; trust companies not expressly included; covers substance of first part of measure only; $100–$1,000, 1–5 years.

South Carolina: 1922, chapter 444, page 773. "Any bank in South Carolina"; intent to injure"; "false"; otherwise covers substance of first part of measure; $100–$500, 1 year.

Now, I want to call to the attention of Members of the House and particularly to the attention of the gentleman from Iowa [Mr. RAMSEYER] the following facts: That this proposition was before the Senate committee when the McFadden banking bill was up for consideration. This committee approved and indorsed the provisions as contained in the bill which I have introduced. Subsequently, when the McFadden bill came over to the House and was being considered by the Banking and Currency Committee of the House it likewise approved this legislation, made a favorable report on the same, and recommended its passage. They not only embodied in that bill the two provisions which I have in this bill, but they included several others with which practically all of us disagreed.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. RAMSEYER. In that bill you not only tried to make misrepresentation a criminal offense, but you tried to make other offenses against the property of national banks criminal under the Federal laws, and, if I remember correctly, right here in this House that provision was stricken from the bill.

Mr. BRAND of Georgia. It was stricken out, and I will say to the gentleman, in answer to his statement, that I never did insist upon the provision to which the gentleman refers being a part of my bill. But in the general onslaught made against all the provisions of the bill, which were inserted in the McFadden bill in the Senate, the two amendments which I then introduced in the House went down with the others.

Mr. RAMSEYER. The gentleman cites the American Bankers' Association as approving the provisions of the bill. Is it not true that the American Bankers' Association is still insisting not only upon this bill but on making other offenses against the property of national banks, like robbery, and so forth, Federal offenses and that this House has refused to do?

Mr. BRAND of Georgia. The gentleman is taking up my time in asking immaterial questions. That question is not here now.

Mr. RAMSEYER. But the attitude of the American Bankers' Association is here and we are entitled to know their whole attitude.

Mr. BRAND of Georgia. I do not know whether they are doing that or not, but I know they have approved this bill and they have been approving such a bill since 1907.

Now, what is the bill? I may say to you right here that I never thought of a bill of this character until one of the greatest banks in Georgia failed. I want the Members particularly to hear this. It was a national bank with two or three million dollars of deposits, and that is a great bank for Georgia, though a small one in many portions of the country north of the Mason and Dixon line.

On April 10, 1925, this particular bank was functioning and operating and reducing its indebtedness all the time. I arrived in Athens after the adjournment of Congress and soon made my arrangements to go to Florida. On the 10th of April I went by Atlanta and I stopped in to see one of the officials of the Federal reserve bank and asked him about this bank's standing at that time with the Federal reserve bank.

Remember, this was on the 10th of April, 1925. He replied: "Judge, we are going to advance that bank at least $1,000,000, if they want it, to carry on its business for this year."

I went to Florida and had an attack of asthma soon after my arrival, by reason of which fact I returned to Atlanta for treatment. On the 14th day of April my two sons-in-law came to the hospital and told me that this bank had failed. Within four days after one of the main officers of the Federal reserve bank, who is now an officer of the bank, told me the bank was going to carry this institution on to the extent of $1,000,000, if necessary, the Georgia bank closed its doors; due, in my judgment from personal information and information obtained from others, to malicious and false utterances.

The SPEAKER pro tempore (Mr. MAPES). The gentleman from Georgia has consumed 15 minutes.

Mr. BRAND of Georgia. I yield myself 15 minutes more, Mr. Speaker.

Mr. GREEN. Will the gentleman yield?

Mr. BRAND of Georgia. I regret that I can not yield now.

The person to whom I refer by telephone, telegraph, or letter got in touch with a New York banker, who in turn got in touch

with the Federal reserve bank in Atlanta, and the Georgia National Bank went to pieces, causing men, women, and children of both races to lose the savings of a lifetime.

The law we have in Georgia will not cover that sort of case, because the man who made connection with the New York bank lived in Georgia. One quite notable instance for the necessity of a Federal statute is when a person utters and circulates malicious and false statements in one State concerning the financial condition of a national bank in another State.

I want those who are not particularly informed about the question to know that slander or oral defamation is not a crime at common law, and a person uttering derogatory and untrue statements affecting the solvency of a bank can not be punished criminally in the absence of a statute making such offense a crime.

In addition to this, I state to you at present there is no Federal law to punish malicious statements derogatory of a national bank.

What will the Government have to prove before a conviction can be had under this bill if enacted? First, the prosecuting attorney has to prove that the man named in the indictment is the man who uttered the alleged false and malicious words; in the next place, he has to prove that the alleged defendant issued false reports about the bank; in the next place, he has got to prove not only that he uttered them and that they were false but has to prove that the statements uttered by the defendant as alleged in the indictment impute or tend to impute financial embarrassment, and that the same tend to cause a general withdrawal of deposits.

In addition to all the things which the Government has to prove, the prosecuting attorney must prove that the utterances were maliciously made and made with intent to deceive, and to go further and prove all these essential elements of the crime beyond a reasonable doubt.

Now, how in the name of common sense, gentlemen, can any constituent of my friend the gentleman from Iowa, who is opposing this bill, or any other Member of this Congress, object to such a bill with so many safeguards wrapped around it when the utterance made causes the failure of a bank? If all these things can be proven against a person beyond a reasonable doubt, the author of such utterances ought to be in the penitentiary if a bank fails as a result of his malicious and false utterances.

Mr. SEARS. Will the gentleman yield for a question there?

Mr. BRAND of Georgia. Yes.

Mr. SEARS. Does that also mean that the words must be intended to affect the standing financially of that bank?

Mr. BRAND of Georgia. Exactly. The question naturally arises, Who will be benefited by this proposed legislation?

It is intended to help three classes of people: First, the depositors; second, the stockholders; and, third, the borrowers, all of whom, and particularly the depositors and stockholders, should receive at the hands of Congress assistance and relief when the opportunity is afforded.

In a written statement recently made before the Banking and Currency Committee of the House a few days ago Mr. Pole, the Comptroller of the Currency, says:

> There is no more distressing sight than a group of citizens, men and women, clamoring before the closed doors of a bank bewailing the loss of their savings. These losses fall upon the best and most substantial citizens in the community and many of them never recover their previous financial condition. Multiply this local event by nearly 6,000 and scatter it throughout the great agricultural States of the Union and the magnitude of its effect reaches astounding proportions.
>
> It is estimated that 7,264,957 depositors have contributed to the great total of more than $1,700,000,000 of deposits in failed banks during the past nine years and that no less than 114,000 shareholders have suffered losses through these suspensions.
>
> A similar adverse effect is had upon the borrowers of a bank which fails. When a receiver is appointed his duty is to wind up the affairs of the bank and to enforce liquidation. Many of the borrowers may have been doing business with the bank for years and may have been upon intimate terms with the officers of the bank. This is especially true of the so-called character loans, where the bank takes an interest in a person who has good character and good prospects but weak in collateral and who is accommodated each year or from time to time covering a considerable period. The character and reputation of such person may be unknown to other banks; therefore, the credit standing of this class of borrower for the time being is destroyed.

Mr. Speaker, I reserve the balance of my time.

Mr. McFADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. WILLIAMSON. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Seventy-four Members present; not a quorum.

Mr. McFADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered. The Doorkeeper closed the doors, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Abernethy	Cramton	Lampert	Sloan
Arnold	Crowther	Langley	Smith, W. Va.
Auf der Heide	Cullen	Larsen	Snell
Bacharach	Curry	Lehlbach	Spearing
Bachmann	Dallinger	Ludlow	Sproul, Ill.
Beck	Dempsey	McClintic, Okla.	Stafford
Bell	Doyle	McCormick, Ill.	Stedman
Black	Fenn	McDuffie	Stevenson
Bland	Frear	Manlove	Strong, Pa.
Bloom	Fulmer	Martin	Sullivan, N. Y.
Bolton	Glynn	Montague	Sullivan, Pa.
Bowman	Graham	Montet	Summers, Wash.
Boylan	Hale	Norton	Taber
Brigham	Hoffman	O'Connor, N. Y.	Taylor, Colo.
Britten	Hogg	Oliver, N. Y.	Thurston
Browne	Hudson	Patman	Treadway
Buchanan	Hudspeth	Pou	Turpin
Buckbee	Igoe	Pratt, Harcourt J.	Underhill
Byrns	James	Pritchard	Underwood
Canfield	Jenkins	Purnell	White
Carley	Johnson, Ill.	Quale	Wolverton, W. Va.
Celler	Johnson, Wash.	Rainey, Henry T.	Wood
Chase	Kendall, Ky.	Reece	Woodrum
Colton	Kendall, Pa.	Romjue	Wurzbach
Cooke	Kerr	Shott	Zihlman
Coyle	Korell	Simms	
Craddock	Kunz	Sirovich	

The SPEAKER pro tempore. Three hundred and twenty-three Members have answered to their names; a quorum is present.

Mr. McFADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. RAMSEYER. Mr. Speaker, ladies and gentlemen of the House, we have here another bill to create another Federal criminal offense. We had such a bill here before the House a few weeks ago. I opposed that bill, and at that time stated that we ought not to create additional criminal offenses unless the need therefor was great.

The bill comes from the Banking and Currency Committee, and undertakes to make misrepresentation against national banks, which constitutes slander, as we understand it in law, a criminal offense. There is no such Federal offense now, and, so far as my research has gone, in most of the States there is no such an offense. In fact, slander now is not punishable as a crime; not even imputing to a woman unchastity can be punished as a crime in my State. In my State, and I take it, it is the same way in most of the States, any one slandered or misrepresented has his or her action at law for damages, where they have to prove the misrepresentation, and also the damage done.

In my State we have both State and national banks. That is the situation in all the States. The State laws, so far as the protection of the property and the good name of a bank is concerned, apply to the national banks as well as to State banks. On general principles I oppose the transferring of the functions which can and ought to be exercised by the States from the State governments to the Federal Government.

Of course we could only transfer it to the Federal Government in so far as the offense of slander against national banks is concerned. In the towns where most of you live you have both State and national banks. If this bill goes into effect, where a person says something that is derogatory to both State and national banks, the State bank has its remedy at law in the State courts for damages, which it has to prove up, while the national bank would not only have its remedy at law in the State courts for damages, but would have the additional protection of a Federal criminal statute, and might send the person so offending to the Federal penitentiary.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Wait a minute.

Not only that, but the defendant would not be tried amongst neighbors who could judge the situation, as is the case in the State courts, but he would be hauled off to another part of the State into a Federal court to stand trial in a community where he is not known. I now yield to the gentleman from Georgia.

Mr. BRAND of Georgia. I think the gentleman made a mistake when he said that an offender of this proposed law would be sent to a penitentiary. Under this bill the offense is not made a felony, but distinctly declares it be only a misdemeanor.

Mr. RAMSEYER. But the bill still has it five years in the penitentiary. A committee amendment proposes to reduce the

penalty to one year, but the House has to act on that. I am not quibbling over whether you make the offense five years in the penitentiary where the surroundings are sanitary, or one year in the workhouse where the surroundings are insanitary.

Mr. BRAND of Georgia. It does make a difference when the gentleman misstates the penalty provision of the bill.

Mr. RAMSEYER. The bill still says five years. It is true that that is stricken out by a committee amendment, but it is up to the House to say whether it shall be five years or one year. But that makes no difference.

Mr. LEA of California. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. For a brief question.

Mr. LEA of California. If this bill should be enacted into law, will it permit a double prosecution? Will it permit a prosecution by the State and also by the Federal Government?

Mr. RAMSEYER. There is no question about that in the States where slander against banks, whether National or State, is made a criminal offense. The gentleman from Georgia [Mr. BRAND] named a number of States that have laws on the subject, but he did not tell us what the laws are or what the punishment is in any of the States.

Mr. BRAND of Georgia. Oh, I think the gentleman should be fair.

Mr. RAMSEYER. The gentleman named the States that he claimed had such laws.

Mr. BRAND of Georgia. In fairness to me, I think the gentleman ought not to make such a statement. The gentleman has a great many Members to hear him who did not hear me, because a roll call was made just prior to the delivery of the gentleman's speech. That was a pretty shrewd trick.

Mr. RAMSEYER. Oh, the gentleman is now slandering me. [Laughter.]

Mr. BRAND of Georgia. I do not mean the gentleman. I mean the gentleman from South Dakota [Mr. WILLIAMSON] requested a roll call, which call was made purposely for the gentleman from Iowa.

Mr. RAMSEYER. I had nothing to do with the quorum call.

Mr. BRAND of Georgia. Then I withdraw that, so far as he is concerned, but every person present knows that the roll call was made to force Members to come here and listen to his speech.

Mr. RAMSEYER. And I am not going to undertake to send the gentleman from Georgia to the workhouse for uttering the slander, either. [Laughter.]

Mr. BRAND of Georgia. Manifestly not, because the utterance referred to is not false.

Mr. STEAGALL. Will not the gentleman now move for an amendment to the bill to cover the last offense?

Mr. RAMSEYER. I yield to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. The gentleman stated that I gave the names of the States which had a law like this and those which did not, without stating what the penalty is or the State. That is not fair to me, because I did not have the opportunity for want of time. I have them here, and I am going to put them in the RECORD.

Mr. RAMSEYER. That is fine. Georgia is one of those States, is it not?

Mr. BRAND of Georgia. Yes.

Mr. RAMSEYER. Very well. Then the national banks and the State banks under the Georgia law are protected against slander by the folks down there.

Mr. BRAND of Georgia. The law of the State of Georgia is not like this bill, and there is not a bill passed by any State in the Union similar to the proposed law we are now considering.

Mr. RAMSEYER. Undoubtedly that is true, and we are asked in this bill to go into a field of criminal legislation the like of which has never been explored before, not even by the State of Georgia. The point is, if banks need protection, whether State or national, why should they not get that protection from the State governments? The State governments are quite capable of taking care of the banks, and the people of the States are just as much interested in the security and safety of the national banks as they are of the State banks. This Government has existed for 141 years, and this is the first time that we are seriously undertaking to make slander of a bank a criminal offense. My State has been in existence since 1846. We have no law there of this kind whatever, and I think Virginia is in the same category, making it a criminal offense to misrepresent a bank, an individual, a corporation, a partnership, or of even a woman.

Where the States feel the need of such laws, why should not the States enact such laws, and take care of their offenders and not pile this upon the Federal courts which are already overloaded with offenses? In fact, we have been multiplying Federal offenses in this Congress during the last 20 years faster than we have been able to take care of the offenders.

Mr. BRAND of Georgia. The gentleman has in mind now the prohibition law?

Mr. RAMSEYER. I have not.

Mr. BRAND of Georgia. Then I beg the gentleman's pardon.

Mr. RAMSEYER. I have reference to at least a dozen different laws.

Mr. BRAND of Georgia. Has the gentleman had any bank failures in his State?

Mr. RAMSEYER. We have had in Iowa probably as many bank failures as any State in the Union since the war.

Mr. BRAND of Georgia. What caused them?

Mr. RAMSEYER. Oh, it was not slander. It was just because the banks had loaned more money to the people than the people could ever pay back. Of the several hundred bank failures in Iowa I do not know of a single bank that went under because somebody went out and said something malicious about it, with the intent to deceive—not a one.

Some of them were closed by Federal officials or on the advice of Federal officials. At least a few national banks in Iowa that I could name, banks that afterwards paid out 100 per cent to their depositors, should never have been closed. We have had some State banks in the same situation.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. DYER. In addition to what the gentleman says, that in the last few years Congress has been running wild to create Federal offenses which the States themselves should take care of, I want to call attention to the fact that this bill, coming as it does from the Committee on Banking and Currency, is not a bill falling under the jurisdiction of that committee, in my opinion, and I would like to have the gentleman's opinion whether that committee has any jurisdiction whatever of the bill which it has brought in.

Mr. RAMSEYER. I wish the gentleman would take that up privately with the Committee on Banking and Currency.

Mr. DYER. There is nothing in the rules that would give it jurisdiction.

Mr. RAMSEYER. The gentleman from Georgia [Mr. BRAND] stressed a good deal the fact that a national bank in his State failed, and he attributes that failure to somebody's writing a letter, and because somebody wrote a letter the bank was closed and the depositors lost a great deal. I am not concerned whether the bank closed because of slander or not, but if it closed and had all its assets good and liquid no depositor would have lost money. The losses to the depositors there, if there were any, were not because somebody said something untrue about the bank. If the paper in that bank was all right, even though somebody caused a run on it, the depositors would have gotten 100 cents on the dollar.

In speaking of the experience of a Georgia bank, the gentleman from Georgia made this statement:

> Such a man—
>
> Referring to the man who wrote the letter—
>
> should be in the penitentiary if his utterances caused the bank to fail.

Let us look at this bill. Every one of you ought to have a copy of this bill in your hands and look it over, and I hope you will stay here until you hear both sides of the controversy. Under this bill if I go out and say something about a national bank, assuming that I am malicious about it and intend to deceive, I am guilty even though no damage results. Now you know and I know that everything the gentleman from Georgia said about the intention to deceive does not necessarily result in damages. Every man who ever ran for office knows that. If you have a suit for slander, except on words actionable, per se, before you get any damages you must prove damage. You can not go before a jury and introduce evidence of false statements and let it go at that. You must bring in evidence showing how your feelings were affected, how your credit was affected, or how your standing in the community was affected; and unless you prove damage you can not recover. But under the terms of this bill if I say something false about a national bank, and assuming that it is with malice in my heart and that I know better, and all that, it is a very easy thing, if you want to send a man to the penitentiary, to get evidence of his malice and intent to deceive. I may be punished, not for injury resulting to the national bank, but for merely saying something false about the bank. I am criminally liable even though no damage results to the national bank. Under this bill, if it passes, you can indict a man for misrepresenting a bank, and even though the evidence is undisputed that it has never caused a penny of damage to the national bank, you can

send him to the penitentiary or to the workhouse for the full length of the penalty provided here. That is true. There is not a member of the Banking and Currency Committee that can dispute that.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. If I do, I may have to have a little more time. In a civil suit for slander——

Mr. BRAND of Georgia. In a civil suit?

Mr. RAMSEYER. Yes. In a civil suit for slander, except for words actionable per se, you have to prove damage, do you not?

Mr. BRAND of Georgia. Of course.

Mr. RAMSEYER. In this bill all you have to prove is that the words spoken are false and malicious. You do not have to prove that the bank was damaged to the extent of one penny.

Mr. BRAND of Georgia. I have already analyzed the provisions of this bill, at which time I stated what the Government would have to prove by evidence before a jury would be authorized to convict.

Mr. RAMSEYER. You are not merely taking care of the bank that fails but you are sending a man to the penitentiary for making a false statement. If you were to send every man to the penitentiary who has ever made a false statement, how many men would be out of the penitentiary now? [Laughter.]

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. No; I can not yield for the present.

Let me call your attention to another thing, Members of the House, and that is that time and time again I have noticed—I am not saying it with reference to this instance—committees of this House have been made the victims of legislative representatives of organizations.

Every organization of any consequence in the country sends a legislative representative to Washington to get legislation, and when such representative attends the annual meeting of his organization he has to tell the members that he did something, and if he can not report progress somebody else is hired, or else his salary is reduced. I have been approached by legislative representatives on a certain bill, and I have told them I was against it, but they said they did not expect to pass the bill but if I would allow it to come out of the committee they would be reelected; otherwise others would be elected to fill their places.

I do not know whether the American Bankers' Association has a legislative representative or not, but if it has he wants this bill to pass so he can report something accomplished.

Let me ask the chairman of the Committee on Banking and Currency if there were ever any hearings held on this bill in this Congress.

Mr. McFADDEN. Yes.

Mr. RAMSEYER. On this bill?

Mr. McFADDEN. The committee considered it very carefully.

Mr. RAMSEYER. I asked whether hearings were held on the bill?

Mr. McFADDEN. No; not at this session, but at the previous session, two years ago.

Mr. RAMSEYER. I called the clerk of the gentleman's committee a few days ago and was informed there were no hearings on this bill.

Mr. McFADDEN. The gentleman is correct, but two years ago the matter was thoroughly discussed in the committee.

Mr. RAMSEYER. The new members of the gentleman's committee never had the benefit of hearings.

Mr. McFADDEN. Nobody asked for any hearings in connection with it.

Mr. RAMSEYER. I object to reporting out bills from a committee in this ex parte way.

There is another thing that I want to call to your attention, and it may account for the fact that this bill is being pressed at this time. Everybody knows that in the last 10 years there has been a tremendous concentration in the control of wealth. We have it in the railroads; we have it in the public utilities; we have it in the chain stores.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McFADDEN. I yield five minutes more to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman is recognized for five additional minutes.

Mr. RAMSEYER. In the last few years we have another manifestation, and that is in the bancorporations. We are feeling that concentration in the control of banks out in the Middle West. There are several large bancorporations in Minneapolis that are reaching out into Iowa and other States in absolute violation of the spirit of the branch banking law.

My attention was called the other day to a paper containing bank advertisements from a village of 1,500 in Minnesota. They have two banks there, both with assets of about $500,000. One is a national bank, the other is the Farmers and Merchants Bank. The national bank recently was taken over by the bancorporation, and they advertised in this paper, on page 3, the wonders of the bancorporation. The Farmers' Bank, on the last page, has a whole-page advertisement, in the issue of January 10, and among other things they appeal for support. Here are some statements of the Farmers' Bank:

> Because the men who compose its board of directors are men whose personal interests are a part of the community, men who have no conflicting emotions in the matter of building up this community, men who want this community to continue to grow and prosper above all else.

The bancorporation would probably claim those statements false and malicious.

I can not read it all to you. Then on the last page of the issue of January 17 the Farmers' Bank, in an advertisement directed at the national bank, a member of the bancorporation, says:

> When you bank your money, the bank with whom you do business should reinvest your money in the building up of the community in which you live.

It might be claimed that the insinuation there is that the other bank is sending its money out of the community. Then further:

> Its stockholders are men whose personal interests are a part of the community, men who have no conflicting emotions in the matter of building up this community—

And so forth.

Now, I do not know what the laws of Minnesota are, but if under those laws this constitutes slander of the bancorporation, the officers of the Farmers' Bank are taken into the State court of that county and are tried among their neighbors. If they have no law in Minnesota making slander criminal, then after this bill becomes law, the chain bank of this village can go to Minneapolis, the headquarters of the bancorporation, and have these men who run the State bank indicted in the Federal court and tried there away from their neighbors, and all the time the Farmers' State Bank can not prosecute the officers of the national bank for similar charges which may be false and malicious.

Now this big octopus, the new Money Trust, is coming on the scene at this very opportune time. This is a life-and-death struggle between the independent banks and the bancorporations. If the independent banks are saying these things in the newspaper about the bancorporations I apprehend they say a great deal worse things around on the street about the branch or chain of the bancorporations. Now you propose to give the bancorporations this club. The bancorporations, which are spreading all over the country, are going to have this law to hit the independent banks in the jaw every time they open their mouths against any bancorporation. [Applause.]

I had intended to go into the law of slander, but it is not necessary. I have given you in a general way my views on the bill. I do not know who constructed the bill. I know the gentleman from Georgia [Mr. BRAND] is a very able lawyer and judge.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAMSEYER. Please read the bill, gentlemen, before you vote. [Applause.]

Mr. McFADDEN. I yield to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Speaker, I want to give the reason for my absence from the roll call which has just been had. I went to the Senate on public business, and left word that notice should be sent to me, but the employees of the House failed to notify me. Therefore I did not answer my name when the roll was called.

Mr. McFADDEN. Mr. Speaker, I want to make clear to the membership of the House that this bill is in no wise involved in the group, branch, or chain bank system. It is the result of a situation grown up in this country with national banks and State member banks that they nor the Federal reserve has been able to cope with. Neither has the protective committee of the various State and National bankers' associations that has particular charge of the protection of banks in the several States against such offenses been able to cope with it.

The Comptroller of the Currency has sent up a brief in connection with this matter which says:

It is intended to provide a means to punish the malicious individual who goes about the country and circulates false reports concerning a particular national bank or State member bank of the Federal reserve system. There are a number of instance of this nature which are reported from time to time, and while legislation has in some measure been passed in a number of the States, the State law will not reach into another State, so that a man who may be in California and maliciously publishes or circulates information derogatory, for instance, to a bank in St. Louis can not be reached, for the State law of Missouri would not have any effect in California, nor can any law effective in California assume jurisdiction. Many cases of this nature have been reported.

The gentleman from Iowa referred to the situation in his State, and I want to read a letter from a national banker of the State of Iowa. He says:

There is no question but what the Federal authorities already have information as to the gangs that are preying upon the banks of the country, but the apprehension and prosecution is left entirely to State authorities. What I would like to see done would be to have the Federal Government take up the apprehension and prosecution in Federal court of all crimes committed against members of the Federal reserve system, and I believe in justice, this additional protection is due to the member banks of the system inasmuch as a large franchise tax is paid each year to the Federal Government, and the taking on of this additional service would be at a comparatively small additional expense.

I understand that this provision was originally in the McFadden bill when enacted a few years ago but was stricken out on account of the opposition of some of the States not in our section of the country who opposed it on account of the "invasion of State rights."

What we are interested in is protection without any technicalities, and I believe that you will agree that the State authorities have been unable to cope with this growing wave of crime. One of the reasons being that the perpetrators of these crimes operate from one State into another, making it more difficult for State authorities to follow them.

Mr. RAMSEYER. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. RAMSEYER. Who is the gentleman, the author of the letter?

Mr. McFADDEN. He is the president of the Citizens First National Bank, of Storm Lake, Iowa.

Mr. RAMSEYER. Is he a member of the bancorporation?

Mr. McFADDEN. I can not say myself, but the Member who represents his district informs me that this bank is not a member of this chain of banks.

Mr. RAMSEYER. The gentleman says that the State has been unable to cope with this?

Mr. McFADDEN. I do not yield to the gentleman further.

Let me quote further from the opinion of the Comptroller of the Currency:

An actual case will illustrate to the House the type of case this bill is endeavoring to reach.

In one of our Southern States a man maliciously made telephone calls to various depositors of a bank, asking them whether or not they had a deposit in this particular bank and advised such depositors that if they had they should immediately withdraw their deposits, as the bank would fail. Not content with this, he employed what are known as fortune tellers to give out the same type of information to those who came in contact with them. The president and officers of this bank went to a great deal of trouble and expense in order to offset this campaign, and while it did this bank no great injury and resulted in only a small amount of deposits being withdrawn, had the people generally not had the confidence in this particular bank, it would undoubtedly have resulted in a run with adverse effect on other banks in the community. There was no State law in this case to reach those engaged in this low business, and there has been no Federal law to reach them. Had there been a State law the offender could easily have placed himself outside of its reach.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, or with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which imputes or tends to impute insolvency, or unsound financial condition, or financial embarrassment, or which may tend to cause or provoke, or aid in causing or provoking, a general withdrawal of deposits from such bank, or which may otherwise injure or tend to injure the business or good will of such bank shall be deemed guilty of a misdemeanor, and shall upon conviction in any court of competent jurisdiction be fined not more than $5,000 or imprisoned for not more than five years, or both.

"(h) If two or more persons conspire to violate the above provision, or to boycott, or to blacklist, or to cause a general withdrawal of deposits from, or to cause a withdrawal of patronage from, or otherwise to injure the business or good will of any national bank, or any State member bank of the Federal reserve system, and one or more of such parties do any act to effect the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $5,000 or imprisoned for not more than five years, or both."

With the following committee amendment:

Page 1, line 5, strike out the word "or."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. RAMSEYER. Mr. Speaker, may I have the attention of the committee? Do I understand that the striking out of the word "or" will have the same effect as striking out "or" and inserting "and," so that it would be the same as?—

Who ever maliciously and with intent to deceive.

What is it that you have to prove? Is it merely malice or intent to deceive, or is it both?

Mr. McFADDEN. Both.

Mr. RAMSEYER. Then, why not put in the word "and"?

Mr. McFADDEN. "Or" would not make it both.

Mr. RAMSEYER. I know; but you are striking out "or" and you are making no connection there.

Mr. Speaker, just a word about this letter from the banker in Iowa from which the gentleman from Pennsylvania read. I do not know that particular banker. He is from another part of the State. I practiced law for the length of time that the gentleman from Georgia [Mr. BRAND] told you I had in his opening speech. During all of my experience at the bar there was in my judicial district but one case tried for criminal libel. During all my experience at the bar—and I had opportunity quite frequently to take slander cases—I tried only one slander case, and that was a civil case in which I appeared for the defendant. What this banker from Iowa tries to convey here is that they have a terrible situation out in Iowa. I have lived in Iowa since I was 12 years old, and I have not to this day heard of any loose talk causing a run on a bank in Iowa. During that time we had trouble in Iowa with several hundred bank failures since the war; the banks, with a few exceptions, that failed were simply insolvent and had to close. It was not because of talk against the banks that caused them to close.

In all my experience as an attorney in Iowa I do not remember a single case of a suit for slander against some one for defaming a bank. What this particular banker from Iowa is seeking to do here is what so many organizations seek to do. Lacking the influence in their own local communities and in their own States to have such laws enacted by the legislatures of the States which they think are desirable, and which the great mass of the people do not want, they take this opportunity to use their influence on Congress at long range, Congress that knows nothing about them, with the belief that they will have more influence on Congress—and, sad to say, they usually have—than they have with their own local authorities and State legislatures. If there were a crying need for this kind of law in Iowa—and I venture to state that is true of every State in the Union—committees of citizens would go before the State legislatures and implore them to enact such a law. I have never heard of even a bill being introduced in the Legislature of the State of Iowa to make slander of anybody or corporation, including banks, a criminal offense. You are now picking out national banks from other Federal organizations and seeking to give them special treatment, so that nobody shall talk about them. People are not in the habit of going out and talking just to injure. True, occasionally there is such a one, but there is not any need, and no need has been shown, except from the Comptroller of the Currency and these bank organizations, for a law of this kind, and all these people want, of course, is to get more power into their hands.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. QUIN. Mr. Speaker, I rise in opposition to the committee amendment. Would the gentleman from Iowa answer this question? I want to know how far this bill goes. Suppose I inform a friend of mine that this national bank over here is in trouble and that he better get his money out. Would I be liable to be fined in such circumstances?

Mr. RAMSEYER. That would depend on circumstances. If they could prove that you may have had it in for somebody, or that you were interested in another financial institution, perhaps they could find you guilty. Of course, just the mere words in the form in which the gentleman puts them would not con-

stitute the offense; but when you have a criminal statute, and somebody wants to get a fellow, under this bill you will have to prove malice, but you do that by circumstances, and you have also to prove deceit. You may have been honest at the time you made the statement, but the other fellow comes and says that it is a lie, and then, of course, it would be up to the jury to find from the gentleman's statement and all the circumstances in the case whether the statement he made, even though honestly and innocently made, in the minds of the jury in the Federal court was tainted with malice and deceit; and if they find that it was tainted with malice and deceit, even though the statement did not do anybody a penny's harm, under this bill the gentleman would go to the workhouse.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 10, strike out the words "may tend" and insert in lieu thereof "tends."

Mr. RAMSEYER. Why is the amendment? What is the difference between "may tend" and "tends"? In a statement I made a week ago I called attention to the peculiar wording of this bill. For instance, in line 6, these words are used—

Makes, publishes, utters, repeats, or circulates.

Suppose I do make a statement that comes within this, and that I go out and repeat that statement. Under this bill would I be guilty of two offenses?

Mr. BRAND of Georgia. Oh, no.

Mr. RAMSEYER. Why, then, use the word "repeats"?

Mr. BRAND of Georgia. It is false statements which the bill deals with, and if repeated to different persons it becomes more obnoxious and goes to illustrate the intent with which the statements are made.

Mr. McFADDEN. The bill provides, beginning with line 5 on page 1:

Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report—

And so forth.

Mr. RAMSEYER. It is made an offense to repeat it. Then in line 10—

Which imputes or tends to impute insolvency.

What is the difference between a statement that imputes insolvency and a statement that tends to impute insolvency?

Mr. SEIBERLING. I have offered an amendment to strike that language out.

Mr. RAMSEYER. Of course, this bill had already been chopped all up from the way it was when first introduced, and the House likely will chop it up some more. It all goes to show how illy considered this legislation has been and how important it is that it should be defeated.

Mr. BRAND of Georgia. I think it is but fair to state that the gentleman [Mr. SEIBERLING] is a member of the committee and offered the amendment before the committee to strike out the words "may tend" and insert the word "tends." I consented to it, though I can not see that the amendment either helps or hurts the bill. The language of this bill is the same as the bill or amendment proposed by the Finance Committee of the Senate in 1925 and by the Committee on Banking and Currency of the House when these committees were considering the McFadden bill, the amendments being based upon the draft of a bill prepared by the American Banking Association in 1907. I have no personal interest whatever in this bill, but I am interested in the stockholders, depositors, and borrowers of my State and the country at large. It does not affect me one way or the other, whether it passes or not.

Mr. RAMSEYER. That is all; Mr. Speaker, I just wished to call attention to these things. I am not trying to correct the language. But any lawyer that wants to read something that ought to appeal to him very strongly as uncertain and ambiguous ought to read very carefully this bill and try in his own mind to place a construction on the different words, and then speculate in his own mind as to just how the courts would construe those words when the time comes for the courts to construe them.

Mr. ABERNETHY. Mr. Speaker, I move to strike out the last two words.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Speaker, I usually follow this great committee, and it is with a great deal of reluctance that I now have anything to say against this bill. But the situation in the United States to-day is a very precarious one, particularly with reference to our national banking system and our Federal reserve system. In most of the States, and in North Carolina particularly, our large banks are getting out of the national banking system and the Federal reserve system and going into the State system. We have had a number of bank failures in North Carolina recently. I am advised by the comptroller's office that there are something like 450 national banks in the United States under receiverships.

I am advised further, by reading the report of the comptroller, that we are likely to have before the end of the year probably many more bank failures. We are in a precarious situation as I see it. The President of the United States has appointed a commission to point out the way to try to unclog, so to speak, the dockets of our Federal courts. It strikes me that the great Committee on Banking and Currency, instead of going into this field and bringing in this kind of legislation, can do something constructive to stop this great run upon the national banking system and the Federal reserve system in various States. I do not believe we can help the situation by creating more crimes by statute to clog the dockets of the Federal courts.

In my community, for instance, we recently had a bank failure. In my mind's eye I can see at least 15 or 20 good citizens of my town who would have been subject to indictment if this bill had been a law when this bank failed. While I have great respect for the Federal courts, God have mercy on a man that goes into the Federal court without a good lawyer and financially able to defend himself. [Applause.]

Mr. CROSS. Will the gentleman yield?

Mr. ABERNETHY. I will be glad to.

Mr. CROSS. Do you not think that this very thing would tend to make people suspicious, and would do more harm than good to the banks? In other words, if I were asked about a certain bank, I would say, "Of course, I can not talk," but I shake my head and walk away. It would breed suspicion against the bank.

Mr. ABERNETHY. The gentleman is right.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. ABERNETHY. I will be glad to.

Mr. JOHNSON of Texas. I am opposed to the creation of new Federal offenses where State laws can supply the need. The only excuse that I have heard given for this bill is that under State regulations a man may slander a bank situated in another State and be immune from prosecution. If that is the situation that is sought to be corrected, then the bill ought to be amended to apply to such offenses only. If you leave it as it is, there will be a duplication of offenses. For instance, if the State law makes it an offense, and the Federal law also makes it an offense, a party will be subject to prosecution in both the State and the Federal courts; if the bill is intended to correct the situation which they say it is, that is, to prevent individuals in one State from slandering a bank in another State, then the bill should be so limited, and then there will be no duplication.

Mr. ABERNETHY. It strikes me that instead of making more crimes for our people to defend themselves against, we ought to engage ourselves in doing what we can to relieve some of this unemployment now abroad in the land. We should not be making more crimes to call for more taxes, for more courts.

Mr. KETCHAM. Will the gentleman yield a moment?

Mr. ABERNETHY. I will be glad to.

Mr. KETCHAM. Just a moment ago the gentleman said he was absent at roll call on a very important mission. Was he engaged upon a labor of love in that connection, to advance legislation that might help the situation?

Mr. ABERNETHY. I was engaged in a labor of love, but further I can not say. [Applause.]

Mr. McFADDEN. Will the gentleman yield?

Mr. ABERNETHY. Gladly.

Mr. McFADDEN. I would like to know whether the gentleman succeeded?

Mr. ABERNETHY. The rules of this House do not permit me to speak about the other body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. ABERNETHY. Ladies and gentlemen of the House, I dislike to take issue with such distinguished leaders as the chairman of this committee and the Democratic members of this committee, but it strikes me, and I believe it strikes the average Member of the House, that this is a bad time to make

any more crimes to clog up the Federal courts. I believe we could very well afford to defer this matter. It may be that when this great committee brings in its revision of our Federal banking laws and the revision of laws with reference to our great Federal reserve system, we might then do something to prevent a person from slandering a bank.

The situation is a little different in my State than in the State of Iowa, to which the gentleman referred. We make it a crime to slander an innocent and virtuous woman. That is as far as we go, and we ought not to go any further. I trust we will not pass this bill.

Mr. DENISON. Mr. Speaker, I move to strike out the last two words.

I only want to take up a moment of the time of the House.

One of the fundamental principles regarding criminal statutes is that the offense must be definite and certain. I think if the committee will examine this bill carefully they will conclude that the offense stated here is not of that definiteness and certainty that will sustain it if it is ever questioned in the courts.

Let me illustrate. As I understand it, in order to convict a person who is charged with making a false or malicious statement to the effect that a bank is unsound financially, under this statute, if a person is indicted the burden would rest upon the people to prove, first, that the statement to the effect that the bank was unsound financially was made maliciously; and, second, that the statement was false.

The burden rests upon the people in the first instance to prove that the statement was false. It is not a matter of defense as is usually the case in similar statutes. The burden rests in the first instance on the district attorney to prove that the statement is false, and how is he going to do it? That is what I ask.

Here, for instance, is a man who says that a certain bank is in an unsound condition. He is indicted for that statement. The case comes to trial, and the district attorney must prove that the statement is false in order to convict him, and the only way he can prove the statement is false is to come into court and prove that the bank is in sound condition.

How is he going to prove that? Is he going into a criminal court and prove to the jury that the bank is sound? He can not ask for men's opinions; he will have to bring the assets of the bank into court and prove that the bank has sound assets in excess of its liabilities. It seems to me that this is so indefinite and uncertain and so difficult to prove that the whole purpose of the bill is nullified.

Mr. RANKIN. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RANKIN. Suppose you brought in the cashier, who was pilfering from the bank, and he produces a sworn statement as to the condition of the bank. That would be accepted?

Mr. DENISON. No; that would not be proof that the bank was solvent.

Mr. McSWAIN. That would not be the best evidence. The best evidence would be the actual assets of the bank.

Mr. DENISON. In order to convict the person you must make proof that the bank was sound financially, and I say that that is so difficult and indefinite that it will, in my judgment, destroy the very purpose of the legislation and render it unconstitutional.

Mr. MOORE of Virginia. Let me suggest that if proof is made that the bank is sound, the bank has not suffered any loss by the statement.

Mr. LOZIER. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. LOZIER. When the assets are brought in and exhibited to the jury and the witnesses examined as to the solvency of the bank that makes an issue of fact upon which the jury will ultimately pass, and there would be a dispute as to the question of fact, whether or not these assets that have been offered in evidence were sufficient to constitute a sound banking institution.

Mr. DENISON. Why, very often the bank examiner can not tell whether a bank is solvent or not. It requires almost a liquidation before you can tell whether the bank is solvent. How are you going to establish the fact that the assets are good or bad? The district attorney would have to bring all the assets before the jury and show that the bank is sound financially before you can convict under the bill.

Mr. Chairman, I think that the nature of the expense created by this bill is so indefinite and uncertain that no court would hold it constitutional. But even if it were a valid enactment, since the burden is placed upon the Government to prove that the alleged slanderous statement is false, the Government would be under the burden in each case of showing to the jury the assets and liabilities of the bank, which no bank would willingly submit to and which would make it practically impossible to convict. I think this bill ought to be defeated or recommitted to the committee for further study.

The SPEAKER pro tempore. The pro forma amendment will be withdrawn, and the question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 1, after the word "bank," strike out the words "or which may otherwise injure, or tend to injure, the business or good will of such bank."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out the sign and figures "$5,000" and insert sign and figures "$1,000."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 6, strike out the words "five years" and insert "one year."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 8, after the word "provision," strike out the words "or to boycott, or to blacklist."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 9, after the word "from," strike out the words "or to cause a withdrawal of patronage from, or otherwise to injure the business or good will of."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 16, strike out the sign and figures "$5,000" and insert "$1,000."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, strike out the words "five years" and insert "one year."

The committee amendment was agreed to.

Mr. SEIBERLING. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 1, line 8, after the word "system," strike out the balance of line 8 and all of lines 9 and 10 down to and including the word "provoking" in line 11 and insert in lieu thereof the words "which causes."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa.

Mr. STAFFORD. Mr. Speaker, may we have the paragraph read with the substitute incorporated?

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the paragraph may be read with the committee amendment and the proposed amendment. Is there objection?

There was no objection, and the Clerk read as follows:

Whoever maliciously with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank or any State member of the Federal reserve system, which causes a general withdrawal of deposits from such bank, etc.

Mr. BRAND of Georgia. Mr. Speaker, I desire to ask the chairman of the committee a question. Is he willing to accept this amendment?

Mr. McFADDEN. Yes.

Mr. BRAND of Georgia. So am I.

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I did not intend to participate in this discussion, but it seems to me the situation is this: The gentleman from Iowa [Mr. RAMSEYER] has taken about half the time, and he says that nothing of this kind has

ever happened in his State. Is he afraid that it is going to happen and thus get some of his people into trouble? Then the gentleman from Mississippi [Mr. RANKIN], who always speaks eloquently, did not get any nearer to the present-day situation than 20 years. He had a funeral scene and made an address to the jury. Here is the situation. Whether you like it or not, there is a lot of empty-headed gossip by people about things they do not know anything about, which does a lot of harm. This Congress should make it a violation of law to lie about the solvency of a bank, and it should not object to stating it specifically in detail in the law. Another gentleman says that he thinks this is unconstitutional. So we have the bill opposed for three reasons. The first is that what it penalizes does not apply at all. Another is that it is unconstitutional, and the third is that somebody died in Mississippi 20 years ago who, had he recovered, would be subject to prosecution if this bill was the law at that time. I submit to you that the banking interests of this country—and I am not a banker—have a right to not have their institutions ruined by malicious slander. We have heard a good deal of talk about banks. When you hurt a bank it is not only the bank that you hurt but you hurt the people the bank serves, you hurt the stockholders, the depositors, and the community. I hope this is just the beginning of making offenses out of a lot of malicious, slanderous talk, and I will be glad to see the day when the constitutional immunity which is afforded in certain legislative bodies—and I am not thinking just of this one—will be removed so that anybody with respectability and standing may not be slandered and subject to abuse on the floor of a legislative body by some nobody from nowhere who does not know anything, as has been done recently in the city of Washington to some highly reputable citizens who came here, as they had a right to do, to present their case in a matter in which they are interested. I think this bill should be agreed to.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. LETTS. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 13, strike out "to" and insert "which."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LETTS. Also the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 2, line 13, strike out the word "effect" and insert the word "effects."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOWARD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Add a new section, as follows:

"Any bank official who maliciously, with intent to deceive, makes, publishes, utters, repeats, and circulates any false reports concerning any individual which imputes or tends to impute insolvency or unsound financial condition or financial embarrassment to such individual shall be deemed guilty of a misdemeanor, and shall, upon conviction in any court of competent jurisdiction, be fined not more than $1,000 or imprisoned for not more than one year, or both."

[Applause and laughter.]

Mr. HOWARD. Mr. Speaker, I sincerely hope that my colleagues will adopt this amendment.

Mr. McFADDEN. Mr. Speaker, I reserve the point of order.

[Cries of "Too late!"]

Mr. HOWARD. Oh, I done been talkin' all this time.

Mr. Speaker, I trust my colleagues will be as quick to discover the side of justice as they have been to discover the facetious side, and I believe they will if they will follow me and let me tell them one little instance, and one only.

In a western town there was only one little bank. There were, of course, several business houses there. A man conducting the largest business had some trouble with the bank and his credit was impaired by that particular bank. So what could he do for money to carry on his business but go to a neighboring town? But the telephone was there before he got there, and the bankers in the other town were informed that they should loan no money to this man, because he was practically insolvent.

What was his remedy? He never had any in that locality. It happened that his wife's folks, living in a distant State, had some money, and he got out of his trouble all right. But suppose he had not had that kind of a wife?

This amendment is an absolutely necessary thing. No man goes further than I in favor of legislation to forbid and to punish the act of any man who imputes insolvency to a sound bank, for, in fact, my wife happens to own some bank stock, and I am strongly for her. I think, Mr. Speaker, that this little incident that I have related—and there must be many like it the country over—will lead all of us to accept this amendment. I myself accept it gladly. [Applause.]

Mr. SLOAN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. SLOAN. I rise to strike out one of the surviving words of this bill. I do not oppose my colleague's amendment.

The SPEAKER pro tempore. The gentleman from Nebraska moves to strike out the last word.

Mr. SLOAN. Mr. Speaker, it is for the purpose of making an inquiry that I rise. Nebraska has no such thing as criminal slander. It has a criminal libel statute, of course, where the evil report is in writing, print, or engraving. I understand from inquiry and a cursory examination that in many of the States of the Union their statutes are in a similar condition, so that the passage of this bill would leave the verbal utterance or verbal slander of a banking corporation as the only subject for criminal slander in my State. If that is generally the case, the Members from those States should not select a bank corporation as the one unit to be protected from the malicious spoken word, leaving all our citizens confined to civil remedy for the evil-spoken word. Banks in their good names should be, like Cæsar's wife, "above suspicion," and in strength a Gibraltar against assault by tongue of ill report or the frenzy of the frantic. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

Mr. McFADDEN and Mr. CHINDBLOM rose.

Mr. CHINDBLOM. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. McFADDEN. Mr. Speaker, I ask for recognition.

Mr. CHINDBLOM. It is too late.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 2, line 8, after the word "provision," strike out the balance of the line and all of lines 9, 10, 11 to and including the word "system" on line 12.

Mr. WINGO. Mr. Speaker, I make a point of order. The House has already acted on that identical language. This changes the amendment that has already been adopted.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask the gentleman from Arkansas at what point the House acted upon that amendment?

Mr. WINGO. At what part of the bill or what point of the procedure?

Mr. CHINDBLOM. Yes.

Mr. WINGO. It is on line 8, page 2.

Mr. CHINDBLOM. Referring to the words—

Or to cause a withdrawal of patronage from or otherwise to injure the business or good will of any national bank, or any State member bank of the Federal reserve system—

I am not including the committee amendment that already struck out that language from the section.

Mr. WINGO. The gentleman's language would change the effect of the language already adopted by the House.

Mr. CHINDBLOM. No; it does not.

Mr. WINGO. What would be the effect of the amendment?

Mr. CHINDBLOM. I would like to know at what time the House has acted on this?

Mr. WINGO. The House is now in position to vote on the bill. It would destroy the bill.

Mr. BRAND of Georgia. I would like to know what this amendment is? I know what the last one was.

The SPEAKER pro tempore. The amendment includes language not included in the other amendment and is clearly in order. If not, it is in the discretion of the House to reject it or adopt it as it sees fit.

Mr. CHINDBLOM. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.



Mr. CHINDBLOM. Early in the discussion of the bill under general debate I called attention to this language, and in all seriousness I beg the Members of the House to observe the difference in this language and the language which precedes it with reference to the commission of an offense under paragraph (g).

Paragraph (h) first provides that—

If two or more persons conspire to violate the above provision.

The above provision is paragraph (g), and that provision restricts conduct which is punishable as a crime to conduct which is done maliciously, with design to deceive. That qualification applies only to the first part of the conspiracy section, which is paragraph (h), but when you come to the further language—

If two or more persons conspire * * * to cause a general withdrawal of deposits from any national bank, or any State member bank of the Federal reserve system—

You have no limitation and no qualification. Such conduct does not have to be malicious, with intent to deceive. So that under this language, no matter what the intent, be it good, bad, or indifferent, a person having committed it would be punishable for a conspiracy.

Generally speaking, Mr. Speaker, I think statutes punishing conspiracies should be very carefully drawn. At best a conspiracy statute is a dragnet for the purpose of prosecuting and punishing those who can not be found to be directly involved in the commission of an offense. I submit in all sincerity and candor that here it is proposed to punish for conspiracy a man who in some way might be concerned in conduct which results in the general withdrawal of deposits from a national bank or a State member bank of the Federal reserve system, whether it was done with malicious intent or intent to deceive or not.

Mr. MORTON D. HULL. If the directors of one bank, A were seeking to get deposits that were in bank B into their own bank, they might be guilty under this provision?

Mr. CHINDBLOM. Clearly. There is no question about it.

Mr. MORTON D. HULL. Just the persuasion of getting deposits into their own bank would make them guilty of conspiracy?

Mr. CHINDBLOM. As the language reads here, I submit there is nothing further necessary to create a crime in the latter of the two cases, where persons conspire to cause a general withdrawal of deposits from a national bank or a State member bank of the Federal reserve system, than the mere act of causing the withdrawal of funds.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. McFADDEN. I move the previous question, Mr. Speaker, on the bill and all amendments thereto to final passage.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves the previous question on the bill and all amendments to final passage.

Mr. BRAND of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. BRAND of Georgia. I would like to inquire whether or not I can at this time move to refer or to recommit this bill to the Committee on Banking and Currency?

The SPEAKER pro tempore. That comes on the final passage of the bill, before the question is put on the final passage.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. CRISP. A motion to refer is in order, and is it not in order to vote on a motion to refer before we vote on the question of engrossment and third reading of the bill? If the bill is to be recommitted to the Committee on Banking and Currency there is no necessity for it being engrossed and read a third time.

The SPEAKER pro tempore. The previous question has been ordered on the bill and amendments to final passage.

Mr. CRISP. That is true; but, the previous question having been ordered, it is not debatable; but it is clearly in order for the House instead of voting to pass the bill to vote to postpone it or to recommit it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. CHINDBLOM. Mr. Speaker, may I suggest that the motion which has just been put is upon ordering the third reading and engrossment of the bill. It does not presume that the bill has been engrossed. If any gentleman should demand the reading of the engrossed copy, that would stop the proceedings. So far we have simply ordered, if the motion is passed, that the bill be engrossed and read a third time; and after the third reading a motion to recommit to the committee is in order.

Mr. CRISP. Answering my friend, of course, it is immaterial, except that we do want orderly, common-sense procedure. Parliamentary law is nothing but common sense. Now, what is the common sense of this proposition? If the House desires to refer this bill back to the committee, why vote on ordering it engrossed and read a third time, which is simply a vehicle for consuming the time of the House? On that vote, if they desired to do so, one-fifth could order the yeas and nays and take up the time of the House in ordering the bill engrossed and read a third time, and then follow it immediately with a demand for the reading of the engrossed bill, which might delay further consideration until next day. If the House desires to refer the bill to the Committee on Banking and Currency and the vote is had now on that motion, the whole matter is ended and time saved. That is common sense, and in my judgment, under the rules of the House, a motion to refer is a privileged motion. It is a motion to be voted upon before you vote whether you are going to advance a bill under some further procedure looking to its passage. The motion is debatable except for the previous question, and the previous question having been ordered, in my judgment it is not debatable, but the motion is in order now.

The SPEAKER pro tempore (Mr. MAPES). The Chair is ready to rule. It seems to the Chair that the practice is well established, the previous question on the bill to final passage having been adopted, the motion to recommit is not in order until after the vote on the engrossment and third reading of the bill and before the final passage of the bill.

Mr. CRISP. Mr. Speaker, I do not want to be tiresome, but in the rules of the House there are two motions, one to refer, and that motion was in the House long before you had your motion to recommit. There is also, which amounts to the same thing, a motion to recommit with or without instructions, and while I have not looked at the rule book for some time I think I can, if given a moment's time, find the rule which says that the motion to recommit or refer is in order either before or after the previous question is ordered.

The SPEAKER pro tempore. The Chair will ask the gentleman from Georgia if it is not true that the previous question shuts off the right to make a motion to refer until after the motion on the engrossment and third reading of the bill is disposed of? The motion to refer might have been in order before the previous question was ordered on the bill to final passage; but the previous question having been ordered it seems clear to the Chair that a motion to refer is not now in order until after the vote on the engrossment and third reading.

Mr. CRISP. I will say to the Speaker that unquestionably the previous question cuts off any further debate and it cuts off any amendment to the bill. The effect of the previous question having been ordered is that the House shall proceed, without any further debate and without any further amendment to the bill, to vote upon it, but there is another preferential rule, not debatable at this stage, to wit, to recommit, and it does seem to me it is in order to move to recommit, and if the House desires to recommit that disposes of the matter without taking the time to vote on the other question.

The SPEAKER pro tempore. The Chair has great respect for the opinion of the gentleman from Georgia, as has the House, but the Chair does not understand the rule in the way that the gentleman from Georgia has contended.

The rule, as the Chair understands it, is, as stated in the Manual—section 790—as follows:

The motion to commit may be made pending the demand for the previous question on the passage, whether a bill or resolution be under consideration (V, 5576); but when the demand covers all stages of the bill to the final passage the motion to commit is made only after the third reading, and is not in order pending the demand or before the engrossment or third reading (V, 5578–5581).

The question is on the engrossment and third reading of the bill.

The previous question was ordered on the bill to final passage, so that it seems clear to the Chair that the motion to recommit is not in order until after the motion on the engrossment and third reading is disposed of.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BRAND of Georgia. Mr. Speaker, I desire to make a motion to recommit, and in doing so I ask unanimous consent to speak for five minutes.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BRAND of Georgia. I am opposed to this monstrosity of a bill in its present shape.

Mr. CHINDBLOM. Mr. Speaker, may I suggest that the previous question has not been ordered on the motion to recommit?

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker and ladies and gentlemen of the House, I want to make a short statement in conclusion of the debate upon the pending bill.

My sole object in introducing this bill was to protect stockholders and borrowers, and particularly depositors of national banks and State banks members of the Federal reserve system.

The House having adopted the amendment introduced by the gentleman from Nebraska [Mr. HOWARD], which I regard as a monstrosity as a legislative proposition, I do not propose to vote for the bill with this thing in it. If the House wants to send this bill to the Senate with this amendment, it can do so, but I shall not be a party to it.

It is my purpose, however, to make a motion to recommit the bill to the Banking and Currency Committee for further consideration.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

The question is on the motion to recommit the bill to the Committee on Banking and Currency.

The question was taken, and the motion to recommit was agreed to.

PROMOTION IN THE ARMY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 10169) relating to the reformation of the promotion list of the Army by printing my own interview published in the Army and Navy Journal of March 8.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I am extending my remarks on H. R. 10169 for the purpose of explaining the reasons for the introduction and support of this bill.

Of course, I have introduced another bill looking to the accomplishment of a measure of justice to many emergency officers who were taken into the Regular Army when the officer personnel of the Regular Army was practically doubled on July 1, 1920. My new bill introduced February 21, 1930, is H. R. 10169. My delay in introducing this bill does not indicate any lack of interest in the subject or any weakening of my conviction that a grievous injustice was done to the major portion of the emergency officers. I delayed to introduce the bill merely because it could make no progress in the present situation of Congress. It is true that the Senate passed a general promotion bill in December, but we who are in Congress understand how things like that happen. I was not in the Senate Chamber at the time, and would not venture to say how many Members were on the floor. But the Members of the House of Representatives do not let things go through that way. They could jam the tariff bill through under a special rule and prevent any amendments, because that was a pet administration measure. But a controversial matter of this kind would mean a prolonged and bitter fight in the House.

There was no necessity for my introducing the bill even now, because it can not be considered for weeks and perhaps months. The able and beloved and energetic chairman of our committee, the Hon. FRANK W. JAMES, of Michigan, the man who has the absolute and unquestioning confidence of all members of the Committee on Military Affairs, both Republican and Democratic, and, in fact, of all Members in the House of Representatives, is ill and in Walter Reed Hospital. Reports are that it may be several weeks before he is able to return to his usual and strenuous duties. We are all hoping and praying that this time he may have a complete recovery. But during his illness and absence we would not consider important and hotly contested legislation of this kind. We are considering private bills, local and noncontroversial matters, and are holding hearings regarding several pending bills relating to Muscle Shoals.

But when our chairman, Mr. JAMES, is back at the head of the table and the condition of the House Calendar justifies our bringing in additional legislation we will take up this bill and other bills relating to the same, and first fight the matter out in the committee, and will then have to fight it out on the floor.

I was reared and educated to the belief that "nothing is finally settled until it is settled right." I have heard no one discuss the matter of the way the promotion list was formed in 1920 by somebody in the War Department but admits that the method and principle of arrangement was wrong and very unfortunate. I should except those officers in the Army who are the beneficiaries of the outrage that was committed. I think all of them, with a single exception, regard it as a work of sublime wisdom. That single exception, unless he has changed his mind, ought to be photographed and his photograph framed and placed alongside that of George Washington as the modern example of a broad-minded, honest, and disinterested citizen.

The high-ranking officers in the Army who have been interrogated in my presence on this subject admit that it was a serious, a demoralizing, and unfortunate arrangement, working serious injustice to older emergency officers, who had had prewar education at private expense, had received pre-war military training at State expense in the National Guard, and were personal participants, holding responsible commissions during the entire period of the World War. These high-ranking officers lay the blame on Congress for this situation, claiming that the list had to be formed as it was formed in order to obey the will of Congress.

On the other hand, Members of Congress, with two or three very conspicuous exceptions, who were then upon the committee having the legislation in charge, say that they never intended the legislation to be construed as it was construed by the War Department, and were shocked and surprised when they found that very young men, having had practically no experience in the business or professional world, most of them holding commissions as second lieutenants, but being technically in the Regular Army because their commissions were provisional, should be placed on the promotion list above emergency officers with an average age of at least 10 years more, who were well educated, had been engaged in business or pursuing professions for about 10 years before entering the World War, and had held commissions during the period of the war ranging from colonel down to captain. So these young provisional second lieutenants will become majors before men 10 years older and who ranked them during the war from two to five grades. Hundreds of these provisional second lieutenants were jumped on July 1, 1920, to the grade of captain and now outrank men who during the war commanded regiments and battalions and companies, and commanded these regiments, battalions, and companies under war conditions and in combat.

I know that these provisional second lieutenants now claim that they chose the Regular Army, and that by reason of making their choice they were entitled to special consideration. They may fool themselves into believing that, but they can not fool me, who knew the conditions under which they were offered commissions and under which they accepted them. During the first officers' training camp, Fort Oglethorpe, Ga., I knew many young men that accepted commissions as provisional second lieutenants during the period of the camp without waiting for the result of the 90-day training period. These young men were generally unmarried and not engaged in any essential industry, and were, therefore, in the class A draft group. That means that it was an easier thing to grab a certainty in the form of a provisional commission as second lieutenant rather than continue in a state of uncertainty as to whether or not they would be recommended for any commission by the camp instructors, and would if not commissioned be certain to be called out under the draft. I was among them and heard them talk, and the matter of entering the Regular Army as a "life calling" was as remote from their minds as it was then from the minds of the emergency officers who later applied for commissions. Therefore in reality and in essence these provisional second lieutenants were "emergency" officers. It was the emergency that brought on the legislation itself. It was the emergency that justified the War Department in offering the commissions. It was the emergency that induced them to apply for and to accept the commissions. It was the selective service law which created the "emergency" for these unmarried young men. Most of them were in a dire emergency. They had been reading about the hell of horrors of front-line trenches and no-man's land.

To stand on guard half knee-deep in frozen mud was the lot of a private soldier. Second lieutenants might get killed in a charge over the top, and thousands of them were killed while bravely charging, but when not on the charge they had a chance

at comfort and convenience. They had private soldiers to wait on them and cook for them. When the private soldier was sleeping in the French barn, or in a deserted French pigpen, the second lieutenant was sleeping in a French feather bed. While the private was standing on guard ankle-deep in cold water, the second lieutenant was in a warm and dry dugout. So, looking at the thing fairly and squarely, aside from retrospective technicalities and post bellum considerations based on self-interest, these provisional second lieutenants were even more truly "emergency" officers than were these older officers who were made captains, majors, lieutenant colonels, and colonels, nearly all of whom were married men, and many of them engaged in essential industries, and were not immediately subject to the draft, and entered the Army as a matter of patriotism, and took command of these same provisional second lieutenants who are now commanding them. Such an unreasonable reversal of situation would be ludicrous and ridiculous if it were not so serious to these older officers.

It is serious for these older officers, not merely because of the matter of pay and possibility of promotion, but in the matter of proper pride and justifiable self-respect. Many of these officers now have grown children and are compelled to live in some shabby house on the shabby side of the post, when one of these provisional second lieutenants now ranking as captain, or even major, lives in a nice house in the best section of the post, and his little children, most of them too young to enter school, are either in the kindergarten or being pushed around in a baby carriage. How can the older officer explain to his grown sons and daughters this preposterous and absurd state of affairs?

These grown sons and daughters look up the Army Register and observe that their fathers graduated from good colleges and military schools and commanded National Guard organizations before the World War, and the same register shows that most of these provisional second lieutenants were just out of college, some of them having never graduated, and some of them having only finished high school and never had any military training or experience of a responsible and commissioned nature, with authority of command, prior to the World War, and yet by some strange and unexplainable twist in human affairs the bottom rail gets on top and the junior commands the senior and the inexperienced has authority over the widely experienced, and the man who knows the ways of the business and professional world is subject to the dictates of a youngster who knows nothing of the world of affairs.

I understand that there are two or three or maybe more Members of Congress who claim that Congress "intended" to do this very thing. But I have been unable to find any place either in the report of the committee or in any explanation made to either the House or the Senate, where these gentlemen who now claim that what was done was "intended" to be done, ever told Congress what would happen. If they told Congress, I have not found it. If they told Congress, surely Congress did not understand their explanation. If Congress understood it and went into that legislation with eyes open and understanding minds, then Congress should be severely condemned.

But whether the mistake was made by Congress knowingly or unwittingly or whether it was made by the War Department by misinterpretation, and, if so, whether that misinterpretation was conscious and purposeful or unintentional and accidental, is perfectly immaterial to me. If I make a mistake to-day and to-morrow learn that I have made a mistake, I immediately set about to rectify it.

If Congress made the mistake, it should rectify it. If the War Department made the mistake, Congress also should rectify it. Congress is the judge of whether or not a mistake was made by anybody. Congress has the power to decide when and what correction it will make of this egregious mistake. That mistake has resulted in unspeakable injustice. The best thing for the Army and the best thing for the Nation and for the consideration of national defense generally is to correct that injustice. That is the purpose of my bill, and if this injustice is not corrected I will know the reason why. I intend to see that the present Congress votes after understanding the issue this time. The Congress of 1919 perhaps did not understand the issue. I doubt that the Committee on Military Affairs as a whole understood what would happen to its language when the War Department began to construe it.

But when my bill comes up for consideration I intend to make the issue sharp and clear to the mind of every Member. If a Member votes to sustain the status quo and to perpetuate these provisional second lieutenants in their ascendancy over these older and more experienced emergency officers, then he shall know, if my written and spoken words can convey my meaning to his mind, that he is voting for the absurd and unfair state of affairs that I have pictured. If that Member can justify that vote back in his district when he meets the friends and relatives of these older and more experienced emergency officers, then that Member will be fortunate. But I believe that it will be easier for that Member to justify his vote on the ground by which I justify my vote, to wit, justice and common sense and fair play. Of course, some of these second lieutenants have relatives in my district. Of course, I must incur their enmity and hostility. That is the responsibility of every legislator.

He can not please everybody and he must choose in this issue between the friends and relatives of these second lieutenants who are the beneficiaries of this monstrous and demoralizing arrangement of the promotion list, and the friends and relatives of the older and more widely experienced officers, but who are suffering from the unjust, unfair, unreasonable, and unnecessary arrangement of the promotion list. As between these two groups, I feel that justice and a sense of fair play and decent and humane consideration of the feelings of the wives and grown daughters and sons of these older emergency officers require me to take the stand I have taken in this issue.

For years after the war I could hardly believe that this absurdly unreasonable and ridiculously unjust thing had been done. A few of my friends complained, but I could not realize what had happened. Finally, when the promotion list itself was shown me and I saw the names of officers that I knew, with some of these provisional second lieutenants whom I knew on the promotion list over 3,000 files above emergency officers that I knew to be at least 10 years older and to have just as much natural ability and just as much or more education, and to have had at least 10 years of actual experience in competitive affairs and to have commanded in war regiments, battalions, and companies—when I saw this with my own eyes I could hardly believe my eyes and it took days for me to realize just the full and fatal consequences of such arrangement.

So it is idle now to talk about who is responsible for what is commonly called "the crime of 1920." The important fact is that the unjust and outrageous thing was done. The only thing to consider now is, Shall we correct it? I believe it should be corrected, even if 10 years have passed. The longer this condition remains, the more conspicuous and outrageous will be the consequences. In a few years these older emergency officers, who must remain captains as long as they remain in the Army, will be at drill and on parade, and about various military duties and their white hair will contrast with the raven locks of the youngsters who will be majors and lieutenant colonels, proudly sitting on their horses while the gray-haired captain marches by. When we enter the social life of the post and contrast the ages of the families, and contrast their living quarters, and contrast their incomes, then the outrage will be more conspicuous.

If any friends of these provisional second lieutenants suggest as a remedy for this strange situation that the older emergency officers should resign and thus save themselves and their families from this embarrassment, I answer that the country called these older emergency officers away from their wives and children in 1917, not by draft but by the offer of commissions. These emergency officers volunteered and bravely and joyfully fought their country's battles. When the country, in the interest of national defense, decided to double the officer personnel in 1920, these emergency officers were invited to apply for commissions, and their services were gladly accepted. There were not enough of these provisional second lieutenants to supply the Army with all the additional officers it needed. When now, by a strange twist either in the formation of language or in the construction of language, the tables have been so turned that the lowest ranking Regular Army officer outranks the highest ranking emergency officer, then it is unpatriotic and un-American for anybody to suggest that the way to correct a wrong which somebody committed is for the sufferer from that wrong, for the person who got the hot end of the poker, to get out of the way and throw up his claims and to let the beneficiary of that wrong remain in undisturbed possession of swift and undeserved and even unexpected promotion. I have heard this argument by some of the beneficiaries of "the crime of 1920," but I have not heard any disinterested and unbiased persons make that argument. I hope that the beneficiaries themselves will not have the unmitigated brazenry to make this argument any more. They in their self-asserted wisdom should conjecture and proclaim some other solution of the problem. I do not expect them to offer any surrender of their quickly and easily acquired laurels. But perhaps they can suggest some reasonable and workable and half-just method of correcting the injustice. I respectfully invite them, through their few friends in Congress, to offer some such solution. If no such solution comes through any such source, then we must assume that they have no solution and their attitude is one of "let him take who has the power, and let him keep who can." If that be their attitude, I think when this matter comes to a fair and square vote, after the Members of Congress understand, as they shall, what the issue is, then we shall have the

power to take and to recover for these older emergency officers who volunteered without the persuasion of a draft law to help fight in the greatest war of history.

HERDING OF REINDEER IN ALASKA

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks by the insertion of a letter from the Indians of northern Alaska setting forth certain grievances in connection with the herding of their reindeer.

The SPEAKER. The gentleman from Alaska asks unanimous consent to extend his remarks by printing a letter from certain Indians of northern Alaska. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I shall not object to this request, but I shall object to any further proceedings until we get through with the next bill that is to be considered.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

ALASKAN ESKIMOS COMPLAIN TO DELEGATE IN CONGRESS

[IGLOO, ALASKA, *January 21.*]

Mr. D. A. SUTHERLAND,
Washington, D. C.

DEAR SIR: In regards of reindeer, we are the natives (Eskimos) who are the owners of the reindeer are writing to you and explain how we, the natives, are.

The Gov't put reindeer in Alaska so that the natives can become citizens and self-supporting.

Sheldon Jackson was sent up to Alaska to find out the condition and educate them.

The Gov't did not give reindeer to the natives, not one live deer.

The natives had to work for them or pay cash for them at the rate of $20 to $25 a female with a fawn.

When the reindeer first got here in Alaska the natives worked hard for them to get their reindeer.

Those who herded to get their reindeer first worked for five years for their grub and clothes, and five years more for grub and clothes and with twenty-five female deer which the Gov't loaned them to be returned at the second five years.

Later on was to pay two female deer a year each for five years, and then later on Mr. Lopp, who was a chief supt. of the reindeer in Alaska saw that the natives would never become self-supporting on so small a pay, so he raised it to six deer for the first year, eight for the second year, ten for the third year, and ten for the fourth year, with all the supplies furnished the first year, two-thirds the second year, one-third the third year, and none the fourth year.

From since then they increase fast, and maybe the white people think that the natives got their deer free for nothing, but we worked hard to earn them, day and night, in winter, in stormy weather we had to take care of them even if we are lost on our way.

And finally the natives got their own reindeer, and the meat they use for food, and the skins for their clothing, and they support their families by using them and nowadays the games are scarce, and the reindeer are taken in place of the games.

The natives do not raise wheat, potatoes, or any kind of products that the white people raised in the States, but the natives had to hunt to live by the animals and fish.

If the animals and fish are very scarce, the reindeer are the only thing the natives will have. For that reason, we, the natives, are interested in the reindeer industry, and that's why we want to handle our own reindeer, and we don't want no white man to handle it.

When W. C. Shields was superintendent of the reindeer industry, the reindeer works was going on a good business, and everything seems to be on good business.

He was very interested in reindeer industry. He tried to get every native to get his own reindeer, and every reindeer owner likes him.

Ever since he died during the "flu," the reindeer industry starts to raise trouble, after that we can't get no other superintendent so good as he is.

Under Supt. Shields the Govt. teachers has been good a teachers.

Best teacher of all we had at Igloo was Mr. Harry D. Reese, under Supt. Shields. He was in good care of the reindeer reports all through his term, and after those two men left the reindeer industry had start to change into trouble.

Now, it seems to us that these present Govt. men are helping the Lomen Reindeer Company. Lomen Company are trying to take the reindeer and grazing grounds from the natives without permission. For this we don't want the Lomen Company and white people to give and handle our reindeer and grazing grounds.

Lomen Company even drive a herd from natives grazing grounds to their own grazing grounds, even from the herd they don't belong to them.

That is the kind of treatment we natives got from the Lomen Co. ever since they got the reindeer of their own.

They are trying to make some money out of our reindeer and making trouble for us. We are telling you all truth about this.

Why did the Gov't let Lappe and missions sell female deer to Lomen Company, or other white men, and not let natives sell female deer to white men?

We could sell female and get good money for them one time, and now our females, as well as males, are being killed by Gov't men, and we don't get one cent from them, and must ask the chief herder or schoolteacher how much money we have make from the deer, but we can never find out.

Why did Gov't let white men own female deer? When Palmer and his boss told Gov't it don't hurt natives, but help them if white men own deer, why don't Gov't ask natives something about those things?

We will tell Gov't no good for natives, and now we find out we was right.

Since Palmer want to mark fawns by percentage, and Lomen people make laws at Juneau, Alaska, that deer belongs to the owner of his mark, and then Lomen Co. go all over the natives' grounds, drive all deer, and mark all unmark deer to Lomen Co., Lomen can get money to pay boys all round-up and mark their fawn, but natives can't, so lots of unmark natives' deer. Lomen mark all. Natives' herds near Lomen herd loses lots of deer this way.

If white man want reindeer in Alaska, why don't they come up here and work on deer like Eskimos when they was only a few deer here?

Only they want deer now after we make them increase so much; now they want Gov't to take our deer away from us, and because it is no good for the natives for white men to own deer, we natives like to have some good Gov't man tell Gov't to take deer from white man and let only natives have female deer.

White man taken now our fish, furs, whale, games, and gold, and now they want our reindeer, and maybe some day they want our life. Please try help us what you can.

THOS. OCTUK, PETER OCTUCK,
WM. OQUILLUK, KOPAK,
FRED MOSQUITO, JIM EYUK,
FRED TOPKOK, JOHNNIE KUGGRUK,
KEELICK, DICK KUGGRUK,
Committee.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

AMENDMENT OF THE FEDERAL RESERVE ACT

Mr. McFADDEN. Mr. Speaker, I call up the bill (H. R. 9046) to amend the fourth paragraph of section 13 of the Federal reserve act, as amended.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the fourth paragraph of section 13 of the Federal reserve act, as amended (U. S. C., title 12, sec. 345), be further amended to read as follows:

"The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor, rediscounted for any member bank, shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national banking association under the terms of section 5200 of the Revised Statutes, as amended: *Provided, however,* That nothing in this paragraph shall be construed to change the character or class of paper now eligible for rediscount by Federal reserve banks."

Mr. McFADDEN. Mr. Speaker, this is a bill which should not cause any controversy whatsoever. It simply extends to State member banks of the Federal reserve system the same right that is now enjoyed by the national banks in regard to the rediscount of individual or single borrowers' notes, giving them the same rights as are extended under section 5200 of the national bank act to national banks.

Mr. WINGO. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. WINGO. Is not this a correct statement of the situation? The last time we amended section 5200 of the national bank act, which section covers what is known as the 10 per cent limitation, we failed to also amend paragraph 4 of section 13 of the Federal reserve act, which covers the same question.

Mr. McFADDEN. The gentleman is correct.

Mr. WINGO. And if this bill is passed, it will carry out what Congress intended the last time it revised section 5200.

Mr. McFADDEN. Yes.

Mr. WINGO. The purpose of the bill is explained in the following letter from the general counsel of the Federal Reserve Board:

FEDERAL RESERVE BOARD,
Washington, February 5, 1930.

Hon. OTIS WINGO,
House of Representatives, Washington, D. C.

DEAR MR. CONGRESSMAN: In accordance with your recent request over the telephone, I am writing this letter to explain the purpose of H. R. 9046, which proposes to amend the fourth paragraph of section 13 of the Federal reserve act.

Concisely stated, the purpose of this bill is to permit a member bank to rediscount with a Federal reserve bank as much paper of a single borrower as a national bank is permitted to acquire from a single borrower under the provisions of section 5200 of the Revised Statutes, and no more. It is not intended to change the character or class of paper eligible for rediscount but pertains only to the amount of paper of a single borrower which may be rediscounted.

Under the eight exceptions to section 5200, national banks are now permitted to make loans to single borrowers in rather liberal amounts, exceeding 10 per cent of their capital and surplus on certain classes of paper, but under section 13 of the Federal reserve act they are not permitted to rediscount for the Federal reserve bank paper of a single borrower in amounts exceeding 10 per cent of their capital and surplus, with the one exception that this restriction does not apply to the discount of bills of exchange drawn in good faith against actually existing values; and it causes much confusion and dissatisfaction when the Federal reserve banks decline to rediscount as much paper of a single borrower as national banks are permitted to acquire under the provisions of section 5200. Officers of member banks can not understand why a line of credit which they are expressly permitted to extend to a single borrower under section 5200 is considered excessive when the same paper is offered to the Federal reserve bank. The reason is quite technical, and it is difficult to explain it satisfactorily to officers of member banks, who are inclined to regard it as a needless technicality. It increases the feeling that rediscounting with Federal reserve banks involves much "red tape" and technicalities, and I have no doubt that this feeling is one of the reasons why many country banks prefer to deal with city correspondents instead of Federal reserve banks.

In order that you may have a better understanding of the effect which will be brought about if this legislation is enacted, I shall outline briefly the recent history of section 5200 of the Revised Statutes, and the relation of section 13 of the Federal reserve act thereto.

Prior to the enactment of the McFadden Act (February 25, 1927), section 5200 of the Revised Statutes placed a limitation of 10 per cent of a national bank's capital and surplus on the total liabilities to any such bank of any one person, company, firm, or corporation; but this limitation was subject to a number of specific exceptions. Section 13 of the Federal reserve act provided then, as it does now, that the amount of notes, drafts, and bills bearing the signature or indorsement of any one borrower rediscounted by a Federal reserve bank for any one bank should not exceed 10 per cent of the capital and surplus of the bank, except that this limitation does not apply to the discount of bills of exchange drawn in good faith against actually existing values. Both the Federal Reserve Board in construing this provision of section 13 and the Comptroller of the Currency in construing the provisions of section 5200 had interpreted the law as applying only to direct liabilities such as those of maker or acceptor and not to indirect liabilities such as those of drawer, indorser, or guarantor.

The McFadden Act greatly increased the difference between these two sections, because it left section 13 as it was, but amended section 5200. It increased the difference between these sections in these two important respects: (1) It greatly liberalized and broadened the eight exceptions to the 10 per cent limitation of section 5200, but did not add to or broaden the single exception to the 10 per cent limitation of section 13; and (2) it made indirect liabilities as drawer, indorser, or guarantor subject to the limitations of section 5200, but left the limitations of section 13 applicable only to the direct liabilities as maker or acceptor.

To indicate explicitly what are the exceptions now contained in section 5200, as amended by the McFadden Act, I inclose herewith a circular issued by the Comptroller of the Currency showing the provisions of the law and on the reverse side a table of the amounts loanable to one person by a national bank.

As a result of this situation the chief differences now existing between the limitations on the paper of one person which a Federal reserve bank may discount for a member bank and on the loans to one person by a national bank are (1) in the case of loans by national banks the basic limitation of 10 per cent is subject to a number of liberal exceptions, whereas the basic limitation as to rediscounts is subject to only one exception; and (2) the limitation on loans of a national bank applies to indirect liabilities as well as to direct liabilities, but the limitation on rediscounts for one person, under the interpretation of the Federal Reserve Board which has been in existence for years, applies only to direct liabilities—those of maker and acceptor.

As indicated above, the purpose of the proposed bill (H. R. 9046) is to make the limitations contained in section 13 of the Federal reserve act on the paper of one person which may be rediscounted by a Federal reserve bank conform as closely as possible to the limitations on loans to one person by national banks under section 5200 of the Revised Statutes. If H. R. 9046 should be enacted, the limitation on rediscounts for one person would be subject to all of those exceptions which are now contained in section 5200 of the Revised Statutes with reference to loans to one person by national banks, and would be applicable not only to liabilities incurred directly as maker or acceptor but also to those incurred indirectly as drawer, indorser, or guarantor.

One of the practical results of the proposed amendment may be illustrated as follows:

A national bank may now loan to a single borrower an amount equal to 25 per cent of its capital and surplus on paper, secured by shipping documents or chattel mortgages covering livestock, but may rediscount with a Federal reserve bank the notes of such borrower only in an amount equal to 10 per cent of the capital stock and surplus of such national bank. If the law were amended, the Federal reserve bank might take the entire 25 per cent.

Under the now existing provision of section 13, some question might be raised as to whether the limitation prescribed applies both to the rediscount of paper under the authority of section 13 and under the authority of section 13a, or only to the rediscount of paper under section 13. The enactment of the proposed bill would clarify this ambiguity so as to make the limitation applicable broadly to any paper, including that acquired under section 13a as well as that acquired under section 13.

You will note also that the bill provides that it is not to be construed "to change the character or class of paper now eligible for rediscount by Federal reserve banks." There was at one time in the McFadden bill a provision similar to that contained in the bill under discussion and objection was made on the ground that it was intended to change the character of paper eligible for rediscount, and this provision was finally stricken out of the McFadden bill because of opposition aroused by this unwarranted contention. There is nothing in the bill upon which to base the opinion that the character or class of paper eligible for rediscount is in any way to be affected; but, in order to anticipate any similar objection to this bill, this provision that the character or class of paper eligible for rediscount is not to be affected has been included.

I trust the above explanation of this complicated and technical subject will be clear enough to give you the information about the bill which you desire If not, please do not hesitate to call upon me again.

With kindest personal regards, I am respectfully yours,

WALTER WYATT,
General Counsel.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MCFADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPOINTMENT OF AN ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO THE UNION OF SOUTH AFRICA (H. DOC. NO. 312)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, recommending the enactment of legislation authorizing the appointment of an envoy extraordinary and minister plenipotentiary to the Union of South Africa and fixing the salary of the said officer at not less than $10,000 per annum.

HERBERT HOOVER.

THE WHITE HOUSE, *March 5, 1930.*

SIXTH PAN AMERICAN CHILD CONGRESS AT LIMA, PERU (H. DOC. NO 311)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Acting Secretary of State, to the end that legislation may be enacted to authorize an appropriation of the sum of $13,000 for the expenses of participation by the United States in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *March 5, 1930.*

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. JOHNSON of Illinois (at the request of Mr. HOLADAY), for three days, on account of illness.

Mr. CHASE (at the request of Mr. BEERS), indefinitely, on account of illness.

Mr. BELL, for two weeks, on account of important business.

MAMMOTH CAVE NATIONAL PARK

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, I merely wish to announce to the House, for the benefit especially of those who are interested in the subject of national parks, that recently there was passed by the Legislature of the State of Kentucky an act authorizing the appropriation of State funds to the extent of $1,500,000, which act has been signed by the governor and is now a law. This will complete the sum—between $2,500,000 and $3,000,000—necessary to buy all the lands, including the original Mammoth Cave property and the various other great cave systems in that region, necessary for the establishment of the Mammoth Cave National Park in accordance with the act of Congress of May 25, 1926. We will have a fund of about $800,000 made up of private contributions and also the donation of caves and cave properties and lands of the value of about $350,000 or $400,000. Thus the success of this great national-park enterprise is fully assured.

The House will recall that under the authority of Congress a committee was appointed by the Secretary of the Interior, headed by our colleague the distinguished gentleman from Pennsylvania [Mr. TEMPLE]. This committee, known as the Southern Appalachian National Park Commission, made a survey of the Mammoth Cave National Park area, the Shenandoah Valley National Park area, and the Great Smoky Mountains National Park area, and all three of these areas were recommended as national parks. Congress thereupon passed the necessary enabling acts, and the three projects have nearly reached the point of fruition; and within a reasonable time in the future, under expenditures made, not at the hands of the Government but by private means and by State aid, all of these great domains will be added as units of our national-park system, and we shall have established and maintained in this country east of the Mississippi River an adequate system of national parks. When these areas are conveyed to the United States—and the conveyances shall be made without cost to the United States—the Federal Government, through the Interior Department and the National Park Service, will accept them and improve and maintain them as national parks.

On the 11th of last month, under invitation to do so, it was my very great pleasure to appear before the joint session of the General Assembly of Kentucky, while the indicated State measure was under consideration, and to deliver an address in favor of its enactment.

Mr. Speaker, I ask leave to be permitted to incorporate as an extension or portion of my remarks on this subject quotations from the report of the Southern Appalachian National Park Commission; the report of the Committee on Public Lands, the committee that reported this bill to the House; and also to incorporate a short letter written by President Hoover, then Secretary of Commerce, on the subject of the Mammoth Cave National Park.

Mr. Speaker, under leave given me, therefore, I quote the report of the House Committee on Public Lands (with certain portions omitted) favoring the enactment of the Mammoth Cave National Park bill—of which measure I had the honor to be the author—which report embodies therein the report of the Southern Appalachian National Park Commission already referred to.

The Committee on the Public Lands, to whom was referred the bill (H. R. 12020) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes, having considered the same, report it favorably to the House with the recommendation that it do pass without amendment.

The text of the bill is as follows:

"H. R. 12020, Sixty-ninth Congress, first session

"A bill to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes

"*Be it enacted, etc.*, That when title to lands within the area hereinafter referred to shall have been vested in the United States in fee simple, there shall be, and there is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately 70,618 acres, recommended as a national park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the act of February 21, 1925; which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

"SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in the previous section hereof, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee simple title, in cases where such donations may be made without the necessity of purchase.

"SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled 'An act to establish a National Park Service, and for other purposes,' as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, 20,000 acres, including all of the caves: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

"SEC. 4. The Secretary of the Interior may, for the purpose of carrying out the provisions of this act, employ the commission authorized by the act approved February 21, 1925."

With the exception of Lafayette National Park, a small area on the coast of Maine, there are no national parks east of the Mississippi; yet the greater portion of our American population is to be found in this great region, and unless there may be provided for those who live in this region such parks, easily accessible, the great majority of our people will never have the opportunity of visiting a national park. With the single exception noted, all of our national parks lie west of the Mississippi and practically all of them west of the eastern base of the Rocky Mountains.

For the same general reasons, therefore, that this committee is reporting favorably H. R. 11287, providing for the establishment of the Shenandoah National Park, in the State of Virginia, and the Great Smoky Mountains National Park, in the States of North Carolina and Tennessee, this favorable report on H. R. 12020 is made. Under the act of February 21, 1925, there was appointed by the Secretary of the Interior the Southern Appalachian National Park Commission, made up as follows: Representative H. W. Temple, of Pennsylvania, chairman; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club, of Boston; Mr. William C. Gregg, of the National Arts Club, of New York; and Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey and representative of the Interior Department on the commission. The commission, in accordance with the act referred to, made a survey of the three national-park projects named in the act, viz, Shenandoah, Great Smoky Mountains, and Mammoth Cave, and as a result declared its emphatic approval of the three projects, conditioned that the lands involved in each project should be conveyed to the United States free of cost. The commission, on April 8, 1926, made its formal report to the Secretary of the Interior, and the Secretary on April 14, 1926, transmitted this report to the Congress. (See H. Doc. 311, 69th Cong., 1st sess.) Reference is here made to this report, and particularly to that portion thereof which relates to the Mammoth Cave project, and which recommends it for national-park purposes. The following is quoted from that report:

APRIL 8, 1926.

Hon. HUBERT WORK,
Secretary of the Interior.

MY DEAR MR. SECRETARY: The members of the Southern Appalachian National Park Commission, appointed in accordance with the act of February 21, 1925 (Public, No. 437—68th Cong.), have complied with the requirements of the act and with your instructions, and desire to report as follows:

We suggest that reference be made to the report of your special committee submitted December 12, 1924, which gave the reasons for definitely recommending the Shenandoah National Park area and the Smoky Mountains National Park area as worthy of being acquired as national parks. In conformity with the requirements of the above-cited act of Congress, members of the commission have during the past year made a more careful study and investigation of these and other areas and have found much additional evidence of the eminent worthiness of these two areas for acquisition as national parks. Your commission has also made a careful examination of the Mammoth Cave region of Kentucky, and believes sufficient reasons exist to warrant its accept-

ance as a national park if requirements are met as outlined in this report. Below are briefly outlined some of these reasons.

Mammoth Cave is the best known and probably the largest of a remarkable group of limestone caverns, 20 or more of which have been opened up and explored to a greater or less extent. Included in this group are Colossal Cavern, Great Onyx Cave, new entrance to Mammoth Cave, Salts Cave, Procter Cave, Long Avenue Cave, Great Crystal Cave, Cave of the Hundred Domes, Diamond Cave, Mammoth Onyx Cave, Dixon Cave, and others, all of which contain beautiful and wonderful formations. There is good evidence that many more caverns yet to be discovered exist in this immediate territory, and it seems likely that most, if not all, of this entire group of caverns eventually will be found to be connected by passageways forming a great underground labyrinth of remarkable geological and recreational interest perhaps unparalleled elsewhere. The territory which embraces this network of caverns consists of about 15,000 acres, or an area approximately 4 miles wide and 6 miles long. Another geological feature of much interest is found in the thousands of curious sink holes of varying sizes through which much of the drainage is carried to underground streams, there being few surface brooks or creeks.

The Mammoth Cave area is situated in one of the most rugged portions of the great Mississippi Valley and contains areas of apparently original forests which, though comparatively small in extent, are of prime value from an ecological and scientific standpoint and should be preserved for all time in its virgin state for study and enjoyment. Much of the proposed area is now clothed in forest, through which flows the beautiful and navigable Green River and its branch, the Nolin River.

All this offers exceptional opportunity for developing a great national recreational park of outstanding service in the very heart of our Nation's densest population and at a time when the need is increasingly urgent and most inadequately provided for.

Your commission has carefully investigated the above-recommended areas with a view of selecting on the ground the most suitable boundaries or limits of purchase area for the proposed parks. Your commission, through the cooperation of the Army Air Service, obtained airplane photographs of the Shenandoah and Smoky Mountains park areas, and these photographs proved to be a great help in determining suitable boundaries.

In accordance with your instructions, the associations and organizations in the States in which these national-park areas are located were informed that the lands within the areas must be presented to the United States Government in fee simple before such areas could become national parks. On May 27, 1925, identical letters were addressed by the commission to the leading groups in these States, suggesting that they definitely organize to carry out the requirements of the commission and stating further that "to facilitate this work the commission considers it necessary that an organization state-wide in scope be incorporated to act for the citizens and organizations of such State for the purpose of centralizing their efforts; * * * and in order that it may be custodian of moneys, lands, and options for the purchase of lands within the proposed park areas to be held in trust for park purposes." In compliance with the suggestions of the commission the following organizations were incorporated: In Virginia the Shenandoah National Park Association (Inc.), in Tennessee the Great Smoky Mountains Conservation Association, in North Carolina the Great Smoky Mountains (Inc.), and in Kentucky the Mammoth Cave National Park Association. These organizations have been engaged in obtaining donations, both of money and land, and options, with the following results:

The Shenandoah National Park Association (Inc.) reported April 3, 1926, that the total amount raised in donations is $1,249,154, and a minimum net sum of $1,200,000 for the purchase of the proposed Shenandoah National Park. The Great Smoky Mountains Conservation Association and the Great Smoky Mountains (Inc.) reported April 1, 1926, that Tennessee and North Carolina have raised jointly the total sum of $1,066,693.91. The Mammoth Cave National Park Association reported April 1, 1926, two donations of property aggregating 3,629.13 acres, of which 1,324.10 acres are to be covered by fee-simple title and 2,305.03 acres by cave rights. Included in this area are the caves exhibited by the Colossal Cavern and by the New Entrance Co., but not including Mammoth Cave.

* * * * * * *

As the Great Smoky Mountains Conservation Association (Tennessee) and the Great Smoky Mountains (Inc.) (North Carolina), jointly, and the Shenandoah National Park Association (Inc.) have complied with the requirements submitted to them by your commission, we therefore recommend that the two areas designated as above indicated be made national parks and administered as such when 250,000 acres in each of them have been transferred in fee simple to the United States. We also recommend that the Mammoth Cave National Park be established when the Mammoth Cave National Park Association can transfer to the United States in fee simple one-third of the proposed area (approximately 20,000 acres), including all the caves, and can assure you that steps will be taken to obtain additional and sufficient funds to purchase substantially all the lands within the designated boundaries.

Boundaries: The boundaries recommended in this report, being largely natural and easily determined, are such as to include all the area that the commission hopes will ultimately be acquired as national parks, it being well understood that there may be holdings within the recommended areas near these boundaries which may on further inspection be found impractical or not economical to include.

* * * * * * *

(c) Description of approximate boundaries of the Mammoth Cave National Park area—all in Kentucky.

Beginning at a point on the Brownsville Pike at Liberty, Ky., as shown on the standard topographic map of the Geological Survey known as the Mammoth Cave sheet, thence following said Brownsville Pike to Pig; thence leaving said pike and following highways in a northerly direction to a point about one-fourth mile west of Turnhole Ferry on Green River; thence westerly, following highways via Silent Grove School and Arthur to a point on the Brownsville Pike near Brownsville, as shown on the standard topographic map of the Geological Survey known as the Brownsville sheet; thence northerly, following roadways via Indian Hill to Indian Creek Landing on Green River; thence crossing Green River and continuing in a northerly direction, following highways and roads via Poplar Springs School, Sweeden, and Woodside, as shown on the standard topographic map of the Geological Survey known as the Leitchfield sheet, to a point on Nolin River opposite Whistle Mountain; thence following Nolin River to Ky Rock; thence northerly, following roadways to Washington Meredith Ford on Nolin River, as shown on the standard topographic map of the Geological Survey known as the Cub Run sheet; thence crossing Nolin River easterly, following roads and highways via Cove Hollow School, Straw, Sanders Store, Cox Store, Denison, and Big Woods School, to a point on highway about one-half mile south of Dry Run School; thence in a southerly direction, following Dry Run to a point where it joins Green River; thence following Green River about one-half mile to a small island; thence leaving Green River southerly, following roads and highways via Lick Log School and Iron Springs School to Highland Springs; thence westerly, following the highway via Chaumont and Cedar Hill School to the beginning. This area contains approximately 70,618 acres.

Respectfully submitted.

H. W. TEMPLE, *Chairman.*
WILLIAM C. GREGG, *Vice Chairman.*
GLENN S. SMITH, *Secretary.*
W. A. WELCH, *Member.*
HARLAN P. KELSEY, *Member.*

The bill now under consideration (H. R. 12020) is drafted in strict accordance with the recommendations of the aforesaid commission. Section 1 provides that when the lands of the Mammoth Cave region of Kentucky, recommended as a national park area by the commission, and comprising approximately 70,618 acres, shall have been vested in the United States, in fee simple, the same shall be—

"established, dedicated, and set apart as a public park for the benefit and enjoyment of the people; * * * which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation."

Section 2 authorizes the Secretary of the Interior in his discretion to accept, as in the measure provided, title to the aforesaid lands, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions provided for the like purpose, coupled with a proviso that any of such lands may be donated directly to the United States, and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase. As lands have already been offered direct by the owners to the United States, for the purposes of this proposed national park, the language of this proviso is deemed appropriate.

Section 3 provides for the administration, protection, and development of the proposed Mammoth Cave National Park under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the acts of Congress governing the National Park Service and related matters. There is included in section 3, also, a proviso that "the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, 20,000 acres, including all the caves"; and with the further proviso that "no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary." These provisions are written into the bill to meet the requirements and recommendations laid down by the aforesaid commission.

Section 4 authorizes the Secretary of the Interior for the purpose of carrying out the provisions of this act, to employ the aforesaid commission.

Hearings on this bill were held by this committee on May 11, 1926, at which Representative THATCHER of Kentucky, author of the bill,

and others, including Representatives MOORE and VINSON, of Kentucky, and Mr. Robert J. Ball, director and representative of the Mammoth Cave National Park Association, appeared and were heard in behalf of the measure. Also, members of the Southern Appalachian National Park Commission, and representatives of the Department of the Interior were present at the hearing. While no money contributions have yet been made for the benefit of this project, it is true that there have been offered in donation, by the owners, for national park purposes, 1,324.10 acres in fee, and 2,305.03 acres in cave rights—in all, 3,629.13 acres—in the national park boundary recommended by the aforesaid commission; and in these lands thus to be donated are the two great cavern units known as Colossal Cavern and new entrance to Mammoth Cave. The estimated value of the lands and cave rights thus tendered is something like a half million dollars.

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* * * It is to be noted that in his letter to Hon. N. J. Sinnott, chairman of this committee, written on June 5, 1924, in regard to a measure then pending authorizing the appropriation of money for the purpose of purchasing the Mammoth Cave area for national-park purposes, the Secretary of the Interior (then and now Hon. Hubert Work) declared that "the Mammoth Cave is one of the most widely known natural features of America," and that "unquestionably the Mammoth Cave is worthy of national-park status."

Also, in his annual reports of 1918, 1919, and 1920 the Director of the National Park Service, Mr. Stephen T. Mather, indicated his approval of the Mammoth Cave National Park project, and in his report of 1920 went so far as to suggest the propriety of there being made Federal appropriations for the purpose of purchasing the needed area therefor. We quote therefrom the following excerpts:

"Many efforts have been made in the past to secure the Mammoth Cave of Kentucky, with sufficient adjoining area, including the recently discovered Onyx Cave, to permit of its full development for a national park, but thus far these efforts have been fruitless. Nature's most magnificent, and certainly the largest limestone cavern, with approximately 40 miles (now 150 miles) of wonderfully formed underground passages and chambers, is not only known to every school child in the land, but is already the mecca of travelers the world over.

"The land itself, covering the cave and contiguous areas, contains thousands of acres of the splendid virgin growth of the deciduous forest growth of the East. Its location at the head of navigation of the Green River contributes another particularly fascinating detail of the richness of that region. Its accessibility not only to our large centers of population but through ease of approach by motor, rail, and boat would insure it a popularity in the East that is so common to the major parks of the West. That part of the United States lying east of the Mississippi River contains only one national park, Lafayette National Park, in Maine, which, by the way, is constituted solely of lands contributed by public-spirited citizens. More national parks are needed in the East, and the inclusion of the Mammoth Cave region would add one of the most remarkable of "distinguished examples of typical forms of world architecture" to the proud national-park family. More than that, by virtue of its favorable location, it would at once perform its important function as a breathing spot available to every man, woman, and child of our large industrial centers at a minimum expenditure of money. (P. 84 of report.)

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"Once proponents of the project secured hearings on a bill (H. R. 1666, establishing the Mammoth Cave National Park; hearing held May 3, 1912, before the Committee on Military Affairs, House of Representatives, 62d Cong.) for its purchase. More recently the project has secured fresh impetus, and many of its friends, including local organizations, are rallying to the support of a similar measure. On May 26, 1919, Representative R. Y. Thomas, of Kentucky, an ardent advocate of the project, who has introduced a number of bills in Congress of similar purport, introduced H. R. 3110, but no action has been taken. The property is in private hands, administered under the terms of a famous will which directs that upon the death of the last-named heir under the will the property is to be sold at public auction. It is understood that the advanced age of the two surviving devisees under the will makes it practically certain that before long the property will be put up at auction and sold to the highest bidder.

"The famous Mammoth Cave may then go into speculative private hands and be forever lost for development as a national park for the benefit of the people of the country. It may be doubted whether Congress will see fit to appropriate the money needed to acquire the necessary lands. All national parks, with the exception of the Lafayette National Park, have thus far been carved out of the public domain. But certainly the fame of this great natural exhibit should constitute the greatest appeal for an exception to the rule. It is to be hoped that if Congress can not see its way clear to appropriate the funds necessary to acquire the areas needed, public-spirited parties will acquire it at the auction and donate it to the Government for the benefit of posterity. It ought to become the Nation's property. (Pp. 84–85 of report.)

SUMMARY

To sum up briefly it may be said that the system of caves and caverns in the Mammoth Cave region of Kentucky is, it is believed, the greatest and most extensive in all the world. Mammoth Cave, itself, for more than a century has been known throughout every civilized land, and is already "sold" to the people of every civilized nation. As a national park this region will attract great numbers of visitors, and will, undoubtedly, prove to be one of the most popular of all our national parks. It should also prove to be one of the best revenue yielding of all our national parks, situated as it is very near the center of American population, and accessible, as it is, every day of the year, by steamboat, motor car, and railroad. The great underground world there can be visited every day in the year, and every hour of the 24. The temperature in the caves is the same throughout the 12 months, and even the winter season will bring there large number of visitors because of this fact.

The area called for in the bill will insure a great recreational ground, most advantageously located, where, in spring, summer, and fall thousands of our people may find—in addition to the pleasure and interest derived from an inspection of the caves and their many features of interest—the most delightful outdoor recreation in boating and fishing on Green and Nolin Rivers, lovely, navigable streams flowing for miles through the proposed park, and in traversing the picturesque and rugged hills and valleys and great forests of the region included in the proposed park area.

It is believed that the revenues which will be derived through concessions, incidental fees, and the like, will be more than sufficient to pay the costs of the operation and improvement of this national park, and that in this respect it will be unique. Under present unsatisfactory conditions of operation, and without adequate hotel facilities, between fifty and one hundred thousand persons annually visit these caves, and the revenue derived by the private owners is very large. The number of visitors and the resulting income will be multiplied many times if all these great cave units—15 or 20, of which only 3 or 4 are now being operated—are coordinated and operated as one great system, with adequate hotel and camp facilities provided, as will be the case under national-park management.

There is no conflict or rivalry between the Shenandoah, the Great Smoky Mountains, and the Mammoth Cave National Park projects. They are separated by sufficient distances to avoid any conflict or rivalry, and each will serve a great section of our most populous regions, and each is distinctive in its appeal. Also, each will serve the country at large, and if the Mammoth Cave National Park is established it will be the only national park in the United States which will have flowing through it a navigable river on which large steamboats ply throughout the year.

In a separate report we have given our approval to a measure having for its purpose the creation of the other two national parks referred to, and we now give like approval to the present measure, having for its purpose the creation of the Mammoth Cave National Park. Surely if the required lands may be donated to the United States Government for national park purposes they should be accepted and this marvelous system of cave and caverns, together with its attractive contiguous areas, converted into a national park and forever preserved for the benefit of the American people.

Also, under leave given me therefor, I include as a portion of my remarks the letter addressed to me by Hon. Herbert Hoover, then Secretary of Commerce, now President of the United States, on December 8, 1927, which is here given because of the strong statements it contains in behalf of the establishment of the Mammoth Cave National Park. We were then engaged in a campaign for funds with which to buy the required properties, and the letter was very helpful.

THE SECRETARY OF COMMERCE,
Washington, December 8, 1927.

Hon. M. H. THATCHER,
National Chairman Mammoth Cave
National Park Association, Washington, D. C.

MY DEAR MR. THATCHER: Referring to the campaign now in progress to raise, by popular subscription, the funds required for the purchase of the necessary cave properties and lands in Kentucky for the establishment of the Mammoth Cave National Park, agreeably to act of Congress, I am very glad to give my whole-hearted indorsement of this highly meritorious enterprise.

The establishment and operation of this national park will not only be of incalculable value to Kentucky in a material way, through the tremendous tourist traffic it will attract, but of more importance, a great scientific and recreational area will be adequately opened to the Nation at large and every part of the country. And our country with its fast-growing population must now preserve its great recreation grounds or they will be lost or impossible to secure. The fame of the Mammoth Cave region is world-wide. It is already known at home and abroad and, lying, as it does, east of the Mississippi with all-the-year accessibility and being very near the center of our American population, the

Mammoth Cave National Park, when established, will undoubtedly prove to be one of the most popular of all our national-park units.

I wish for you and your associates engaged in this campaign the fullest measure of success.

Yours faithfully,

HERBERT HOOVER.

The proponents of the Mammoth Cave National Park project are very much gratified over the outcome. They believe that this national park, being accessible every day of the year and every hour of the day, will prove, as a practical matter, the most popular of all our national parks. These proponents are deeply grateful to all those within and without the State of Kentucky, both public officials and citizens, for the respective contributions in whatever form—funds, property, or service—made to bring about the success of this movement. Thanks are due to the Legislature and Governor of Kentucky; to the Mammoth Cave National Park Association and its officers, directors, and members, and to the Kentucky National Park Commission; to the members of the Southern Appalachian National Park Commission, headed by Representative TEMPLE; to the two committees of Congress which favorably reported the enabling act; to the House and Senate for the enactment of that measure; and to President Coolidge for approving it. Also especial thanks are due Representatives ABERNETHY and LETTS, members and former Representative Sinnott (now deceased), then chairman, of the Public Lands Committee of the House, for the very active, effective work they did in behalf of the indicated legislation; and to former Senator Ernst, of Kentucky, who, in the Senate, introduced the duplicate of the House bill. Thanks are also due to Mr. Hoover for the splendid assistance he rendered the cause during his tenure as Secretary of Commerce; and there must also be acknowledged with sincerest appreciation the services being rendered by the Interior Department, and particularly by the National Park Service, headed by Mr. Horace M. Albright, its capable director, in cooperating and aiding in carrying into effect the act of Congress providing for the establishment of this national park.

Mr. EVANS of California. Will the gentleman yield?

Mr. THATCHER. Yes.

Mr. EVANS of California. Does this purchase, or this contemplated purchase, include the Mammoth Cave proper?

Mr. THATCHER. It includes the Mammoth Cave proper and all the major cave units in that section. We have already purchased a two-thirds interest in the original Mammoth Cave property, and the other third interest is under condemnation for national-park purposes.

Mr. EVANS of California. Including the Collins Cave?

Mr. THATCHER. Yes; the Floyd Collins Cave, the Great Onyx Cave, New Entrance to Mammoth Cave, Salts Cave, Cave of the Hundred Domes, Diamond Cave, Procter Cave, Great Crystal Cave, Colossal Cavern, Mammoth Onyx Cave, Dixon Cave, and the various other caves. About 70,618 acres are involved in the boundaries as recommended by the commission of which I spoke, and as contemplated by the act of Congress.

Mr. EVANS of California. If the gentleman will permit another question, how far is this property located from the Lincoln home?

Mr. THATCHER. Oh, not over 35 or 40 miles. The Lincoln farm, where Abraham Lincoln was born, is in Larue County, Ky., northeast of Mammoth Cave. Also Mammoth Cave is about 75 miles from the birthplace of Jefferson Davis, which is also in Kentucky, in Todd County, to the southwest of the Mammoth Cave region.

Mr. EVANS of California. The old Lincoln home is now a national park or a private park?

Mr. THATCHER. It is, perhaps, a military park, though in the legislation of Congress on the subject it is designated as the Abraham Lincoln National Park or Reservation. It is under the supervision of the Secretary of War and, recently, Congress authorized an appropriation of $100,000 for the improvement of the farm, of which sum $80,000 has been appropriated and is being expended.

Mr. EVANS of California. The Lincoln property belongs to the United States Government?

Mr. THATCHER. Yes. [Applause.]

EXTENSION OF REMARKS

Mr. McFADDEN. Mr. Speaker, I have been requested to submit a unanimous-consent request. I ask unanimous consent that all members of the Banking and Currency Committee may have five legislative days within which to revise and extend their remarks on the two bills considered to-day.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that all members of the Banking and Currency Committee may have five legislative days within which to revise and extend their remarks in the RECORD on the bills referred to. Is there objection?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3135. An act granting the consent of Congress to Helena S. Raskob to construct a dam across Robins Cove, a tributary of Chester River, Queen Annes County, Md.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, March 6, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 6, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider various bills concerning the award of medals and decorations.

COMMITTEE ON LABOR

(10 a. m.)

To require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor (H. R. 3393).

To regulate the rates of wages to be paid to laborers and mechanics employed by contractors and subcontractors on public works of the United States and of the District of Columbia (H. R. 9232).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To define fruit jams, fruit preserves, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended (H. R. 9760).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.—caucus room)

To amend the law relative to the citizenship and naturalization of married women (H. R. 10208).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

356. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Twitch Cove to Ewell, Md., and Tangier Sound to Chesapeake Bay via Ewell, Md. (H. Doc. No. 313); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

357. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of James River, Va. (H. Doc. No. 314); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

358. A letter from the national president of the American War Mothers, transmitting report of the American War Mothers for the years 1927–1929; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 4124. A bill to honor the memory of the heroes of the fight against yellow fever; with amendment (Rept. No. 841). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLINTIC of Oklahoma: Committee on Naval Affairs. H. R. 1222. A bill to establish a hydrographic office at Honolulu, Territory of Hawaii; without amendment (Rept. No. 850). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Joint Commission on Airports. A report recommending acquisition of certain properties adjacent to the District of Columbia for development as airports (Rept. No. 852). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 328. A bill for the relief of Parke, Davis & Co.; without amendment (Rept. No. 842). Referred to the Committee of the Whole House.

Mr. CHRISTGAU: Committee on Claims. H. R. 692. A bill for the relief of Ella E. Horner; without amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1964. A bill for the relief of S. A. Jones; without amendment (Rept. No. 844). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2776. A bill for the relief of Dr. Charles F. Dewitz; without amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 2810. A bill for the relief of Katherine Anderson; with amendment (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2849. A bill for the relief of the Lowell Oakland Co.; without amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2887. A bill for the relief of Mildred L. Williams; without amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 1160. A bill for the relief of Henry P. Biehl; with amendment (Rept. No. 849). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 9975. A bill for the relief of John C. Warren, alias John Stevens; with amendment (Rept. No. 851). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3923) for the relief of dependents of innocent persons killed through attempts to enforce the prohibition law; Committee on Claims discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 4018) for the relief of dependents of officers of the Federal Government engaged in the enforcement of the national prohibition law; Committee on Claims discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 9249) granting an increase of pension to John Albert Fritz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DYER: A bill (H. R. 10524) to admit to the United States certain wives of American citizens; to the Committee on Immigration and Naturalization.

By Mr. HAWLEY: A bill (H. R. 10525) to acquire for park purposes the Heurich-Smith tract at Columbia Road and Nineteenth Street; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: A bill (H. R. 10526) to extend the times for commencing and completing the construction of certain bridges in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFENDEN: A bill (H. R. 10527) to authorize the erection of an addition to the existing Veterans' Bureau hospital plant No. 111, Coatesville, Pa., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 10528) to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 10529) to provide for the establishment of a light vessel at Grays Harbor, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 10530) to amend section 4 of the act entiled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mrs. OWEN: A bill (H. R. 10531) to authorize the establishment of a Coast Guard life-saving station on the coast of Florida at or in the vicinity of Canaveral Point; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A resolution (H. Res. 180) providing for an investigation into the activities of communists in the United States; to the Committee on Rules.

By Mr. HALL of Indiana: Joint resolution (H. J. Res. 259) for the appointment of Frank Tukey, of Indiana, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SIROVICH: Joint resolution (H. J. Res. 260) requesting the President to call a conference of the civilized nations of the world at Washington for the purpose of solving the problem of narcotic drug addiction, and setting forth a method of dealing with said problem; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALDRICH: Memorial of the General Assembly of the State of Rhode Island, urging the use of Westerly granite in the construction of Federal building, and particularly in the post-office building to be erected at Pawtucket and Woonsocket, R. I.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 10532) for the relief of Frank M. Grover; to the Committee on Naval Affairs.

By Mr. COLTON: A bill (H. R. 10533) to authorize Hon. Frank X. A. Eble to accept a certain decoration and diploma tendered him by the Republic of Poland; to the Committee on Foreign Affairs.

By Mr. CULKIN: A bill (H. R. 10534) granting an increase of pension to Ida M. Goodfellow; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 10535) for the relief of Lieut. Col. Harry O. Smith; to the Committee on Claims.

Also, a bill (H. R. 10536) for the relief of Ira L. Reeves; to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 10537) granting a pension to Connell Perkins; to the Committee on Pensions.

Also, a bill (H. R. 10538) granting a pension to Romeo S. Montminy; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 10539) for the relief of Thomas C. Stewart; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 10540) for the relief of Frank M. Grover; to the Committee on Claims.

By Mr. JEFFERS: A bill (H. R. 10541) granting an increase of pension to Bertha H. McArthur; to the Committee on Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 10542) for the relief of John A. Arnold; to the Committee on Claims.

By Mr. LANKFORD of Virginia: A bill (H. R. 10543) for the relief of Henry Bess; to the Committee on Military Affairs.

Also, a bill (H. R. 10544) for the relief of Lester T. Gayle, jr.; to the Committee on Military Affairs.

By Mr. McLAUGHLIN: A bill (H. R. 10545) for the relief of John S. Abbott; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 10546) granting an increase of pension to Lois A. Bentz; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 10547) for the relief of Maggie Gardiner Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 10548) for the relief of Martha J. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 10549) granting a pension to Kenneth B. Hull; to the Committee on Pensions.

By Mr. SWANSON: A bill (H. R. 10550) granting a pension to Anna S. Johnson; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10551) granting a pension to William Henry Gray; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10552) granting an increase of pension to Rose D. Peck; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10553) granting an increase of pension to Bessie D. Blu; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5314. By Mr. ACKERMAN: Petition of city council of the city of Elizabeth, N. J., urging the approval of Senate bill 476 and House bill 2562 in behalf of the veterans of the Spanish-American War; to the Committee on Pensions.

5315. By Mr. ALMON: Petition of John H. Drawbaugh, Athens, Ala., route 4, and a large number of other citizens of Limestone County, Ala., urging the passage of bills providing for an increase of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5316. By Mr. BACHMANN: Petition of John S. Doty and other citizens of Marshall County, W. Va., urging speedy action on Senate bill 476 and House bill 2562 providing for increased rates of pension to the veterans of the Spanish-American War; to the Committee on Pensions.

5317. By Mr. BLOOM: Petition of citizens of New York (not members of the United Spanish War veterans or allied organizations), to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5318. By Mr. CARTER of Wyoming: Petition of S. Robert Worthington and other citizens of Shoshoni, Fremont County, Wyo., favoring the passage of House bill 2562; to the Committee on Pensions.

5319. By Mr. CONNERY: Petition of World War veterans of Lynn, Mass.; Saugus, Mass.; and patients at naval hospital in Chelsea, Mass., asking Congress to pay all ex-service men in cash the face value of their adjusted-service certificates; to the Committee on Ways and Means.

5320. By Mr. COOPER of Wisconsin: Memorial of the common council of Milwaukee, Wis., memorializing the Congress of the United States to secure a more comprehensive and dependable governmental analysis of labor conditions, especially with regard to unemployment; to the Committee on Labor.

5321. Also, memorial of common council of the city of Milwaukee, Wis., urging the passage of a bill to increase pensions of Spanish War veterans; to the Committee on Pensions.

5322. Also, memorial of the common council of the city of Milwaukee, Wis., urging the amendment of the Volstead Act; to the Committee on the Judiciary.

5323. By Mr. EATON of Colorado: Petition signed by 50 voters of Denver, Colo., urging passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5324. By Mr. FREEMAN: Petition of citizens of Danielson, Conn., requesting the passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the United States armed forces during the Spanish War period; to the Committee on Pensions.

5325. By Mr. GARBER of Oklahoma: Petition of the Chicago Medical Society, in opposition to House bill 9888; to the Committee on Interstate and Foreign Commerce.

5326. Also, petition of the Tulsa City and Oklahoma Northeastern Association Retail Druggists, indorsing Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5327. Also, petition of the Oklahoma Public Health Association (Inc.), Oklahoma City, Okla., urging support of House bill 7138; to the Committee on Education.

5328. Also, petition of the Maule Bureau of Scientific Research in Aircraft Safety, protesting against the Watres bill and the appropriation bill for the aeronautics branch of the Department of Commerce; to the Committee on the Post Office and Post Roads.

5329. Also, petition of Humpty-Dumpty Stores, Oklahoma City, favoring passage of Dale-Lehlbach retirement bill and the La Follette-Kendall half holiday bill; to the Committee on the Post Office and Post Roads.

5330. Also, petition of the General Assembly of Illinois, in favor of restoration to the State and its people the exclusive exercise of the police power of said State as applied to the manufacture, sale, and transportation in intrastate commerce of medicinal liquor, sacramental wine, industrial alcohol, and nonintoxicating beverages; to the Committee on the Judiciary.

5331. By Mr. GREENWOOD: Petition of Carl Austin, of Shelburn, Ind., and 67 other citizens of that community, urging speedy passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5332. By Mr. HALL of North Dakota: Petition of 75 citizens of Courtenay, N. Dak., for the consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5333. Also, protest made by the Standing Rock Tribal Business Council with reference to House bill 7963; to the Committee on the Judiciary.

5334. By Mr. KEARNS: Petition of Charles Grimes and 57 other residents of Aberdeen, in the sixth congressional district of Ohio, requesting early action on House bill 2562, to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

5335. Also, petition of John T. Evans and 64 other residents of Winchester, Ohio, urging passage of the bill to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

5336. By Mr. LANKFORD of Virginia: Petition of G. B. Shepperd, of Keller, Va., and others, requesting speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5337. By Mr. LINDSAY: Petition of Greenpoint People's Regular Democratic Organization of the fifteenth assembly district, Kings County, Brooklyn, N. Y., being a set of resolutions favoring the La Follette-Kendall Saturday shorter workday bill for postal employees; to the Committe on the Post Office and Post Roads.

5338. By Mrs. McCORMICK of Illinois: Petition of sundry citizens of the State of Illinois, urging favorable consideration of House bill 2562 for the relief of Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

5339. By Mr. McKEOWN: Petition of John W. Dodd and numerous other citizens of Wewoka, Okla., urging speedy consideration and passage of a bill to increase the pension of those who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5340. Also, petition of Robert Douthit of 718 South Broadway, Shawnee, Okla., and numerous other citizens of Shawnee, requesting speedy consideration and passage of House bill 2562, providing for increased rates of pension for veterans of the Spanish War period; to the Committee on Pensions.

5341. By Mr. NELSON of Maine: Petition of 70 citizens of Unity, Me., urging increased Spanish War pensions; to the Committee on Pensions.

5342. Also, petition of 54 residents of Waterville, Me., urging increased Spanish War pensions; to the Committee on Pensions.

5343. By Mr. O'CONNELL of New York: Petition of Journeymen Stone Masons and Setters' Union, No. 84, New York, favoring the passage of the Sproul bill, H. R. 9232; to the Committee on Labor.

5344. Also, petition of Thomas E. McGrath, 103-38 Ninety-seventh Street, Richmond Hill, Long Island, and 65 other citizens of Queens County, N. Y., favoring the passage of Senate bill 476 and House bill 2562, Spanish War pension increase bill; to the Committee on Pensions.

5345. By Mr. O'CONNOR of Oklahoma: Petition of the Junior Chamber of Commerce, of Sapulpa, Okla., in behalf of an oil tariff; to the Committee on Ways and Means.

5346. Also, petition of the Texas Cotton Seed Crushers' Association, on behalf of a tariff on oil; to the Committee on Ways and Means.

5347. Also, petition of H. W. Hamilton and 64 other citizens of Sand Springs, Okla., requesting early action on the Spanish-American War veterans' pension legislation; to the Committee on Pensions.

5348. By Mr. FRANK M. RAMEY: Petition of post-office employees of Carlinville, Ill., dated March 1, 1930, urging passage of Senate bill 15; to the Committee on the Post Office and Post Roads.

5349. By Mr. RAMSPECK: Petition of Ralph Steckel, adjutant of the Lee-Roosevelt Camp, No. 6, United Spanish War Veterans, 1171 Campbelltown Road SW., Atlanta, Ga., and 168 other citizens of Atlanta and Fulton County, Ga., in behalf of Senate bill 476 and House bill 2562, providing for an increase in the rates of pension for Spanish War veterans; to the Committee on Pensions.

5350. By Mr. REID of Illinois: Petition of E. E. Guzeman and 12 other citizens of Aurora, Ill., urging the passage of House bill 2562 and Senate bill 476, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5351. Also, petition of William Callahan and 68 other citizens of Aurora, Ill., urging the passage of House bill 2562 and Senate bill 476, providing for increased rates of pensions to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5352. By Mr. SELVIG: Petition of Minnesota State Game and Fish Department, favoring passage of House bill 9599, the purpose of which is to bring under control wild animals injurious to agriculture; to the Committee on Agriculture.

5353. Also, petition of Minnesota State Federation of Labor, urging passage of House bill 7138, the rehabilitation bill, whose purpose is to assist and train those injured in industry; to the Committee on Education.

5354. By Mr. SWING: Petition of H. Nathan and 35 residents of Riverside County, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5355. By Mr. STRONG of Kansas: Petition of Noah Wigley and 78 other citizens of Salina, Kans., in support of Senate bill 476 and House bill 2562, providing increased pensions to Spanish War veterans; to the Committee on Pensions.

5356. By Mr. TEMPLE: Petition of Tylerdale Women's Christian Temperance Union, Washington, Pa., urging the enactment of a law for the Federal supervision of motion pictures, establishing higher standards for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

5357. By Mr. WAINWRIGHT: Petition of 68 voters urging passage of legislation to increase pensions of veterans of the Civil War and the widows of such veterans; to the Committee on Invalid Pensions.

5358. By Mr. WILSON: Petition of numerous citizens of Bastrop and Morehouse Parish, La., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

SENATE

THURSDAY, *March 6, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Simmons
Ashurst	George	McCulloch	Smith
Baird	Glass	McKellar	Smoot
Barkley	Glenn	McMaster	Steck
Bingham	Goldsborough	McNary	Steiwer
Black	Gould	Metcalf	Stephens
Blaine	Greene	Moses	Sullivan
Blease	Grundy	Norbeck	Swanson
Borah	Hale	Norris	Thomas, Idaho
Brock	Harris	Nye	Thomas, Okla.
Brookhart	Harrison	Oddie	Trammell
Broussard	Hastings	Overman	Tydings
Capper	Hatfield	Patterson	Vandenberg
Caraway	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Copeland	Hebert	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Robinson, Ind.	Waterman
Dale	Johnson	Robsion, Ky.	Watson
Dill	Jones	Schall	Wheeler
Fess	Kean	Sheppard	
Fletcher	Keyes	Shortridge	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

GRAIN-FUTURES EXCHANGES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in further response to Senate Resolution 40, Seventieth Congress, first session, part 2 of a report entitled "Reports by Members of Grain-Futures Exchanges," concluding the department's report in response to the resolution adopted February 21, 1928, which, with the accompanying documents, was referred to the Committee on Agriculture and Forestry.

USELESS PAPERS IN THE GOVERNMENT PRINTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, pursuant to law, a list of papers and documents in the files of the Government Printing Office which are not needed or useful in the transaction of the current business of the office and have no permanent value or historical interest, and requesting action looking toward their disposition as waste paper, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. MOSES and Mr. FLETCHER members of the committee on the part of the Senate.

PETITIONS

Mr. BARKLEY presented a petition of sundry citizens of McCreary County, Ky., praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of veterans, which was ordered to lie on the table.

Mr. RANSDELL presented the petition of L. R. Garcia and sundry other citizens of New Orleans, La., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. BROOKHART presented a petition of sundry citizens of Des Moines, Iowa, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. PATTERSON presented petitions of 337 citizens of the State of Missouri, praying for the prompt passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 195) authorizing and requesting the President to invite representatives of the governments of the countries members of the Pan American Union to attend an Inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting, reported it without amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 686) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, reported it without amendment and submitted a report (No. 249) thereon.

COTTON CONDITIONS (REPT. NO. 248)

Mr. McNARY (for Mr. TOWNSEND), from the Committee on Agriculture and Forestry, pursuant to Senate Resolution 152 to investigate cotton marketing conditions and to make recommendations of measures for the elimination of any influences tending artifically to depress the price of cotton, submitted a report thereon, together with a supplementary report by Mr. HEFLIN.

REPORT OF POSTAL NOMINATION

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported the nomination of Portia C. McAllister to be postmaster at Pitts, Ga., in place of P. C. McAllister, which was placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3823) granting a pension to Jesse D. Walker (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3824) for the relief of Kavanaugh Investment Co., a corporation; and

A bill (S. 3825) for the relief of Kavanaugh Investment Co., a corporation; to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 3826) for the rehabilitation of the Bitter Root irrigation project, Ravalli County, Mont.; to the Committee on Irrigation and Reclamation.

By Mr. SMOOT:

A bill (S. 3827) to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States Army of Occupation; to the Committee on Finance.

By Mr. PHIPPS:

A joint resolution (S. J. Res. 151) to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado; to the Committee on Irrigation and Reclamation.

AMENDMENTS TO THE TARIFF BILL

Mr. METCALF submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

Section 340, on page 337, line 7, after the word "differences," change the period to a comma and insert the word "or" and a comma and the following paragraphs:

"(C) If neither subparagraphs (a) nor (b) apply, then the cost of production of imported merchandise, which shall be the sum of—

"(1) The cost of materials of and of fabrication, manipulation, or other process employed in manufacturing or producing such merchandise in the United States at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

"(2) The usual general expenses (not less than 10 per cent of such cost) in the case of such merchandise produced in the United States;

"(3) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing such merchandise in condition, packed ready for shipment in the United States; and

"(4) An addition for profit (not less than 8 per cent of the sum of the amounts found under paragraphs (1) and (2) of this subdivision) equal to the profit which ordinarily is added in the case of merchandise of the same general character as the particular merchandise under consideration by manufacturers or producers in the United States who are engaged in the production or manufacture of merchandise of the same class or kind."

On page 384, beginning with line 11, strike out the entire section and insert the following:

"The consignee or his agent may at the time entry is made, or at any time before the invoice or the merchandise has come under the observation of the appraiser, assistant appraiser, examiner, or examiner's clerk, or person acting as such appraiser, assistant appraiser, examiner, or examiner's clerk, for the purpose of examination or appraisement of the merchandise, make in the entry such additions to or deductions from the cost or value given in the invoice as, in his opinion, may raise or lower the same to the value of such merchandise."

Section 510, on page 407, after line 9, insert the following section:

"SEC. 510. Inspection of exporter's books: If any person, manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States, fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped, or consigned by such person; and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped, or consigned by such person. If such failure continues for a period of one year from the date of such instructions, the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise."

Section 516 (b), on page 413, line 4, strike out entire subsection (b), down through page 415, line 18, and insert in lieu thereof the following:

"If an American manufacturer, producer, or wholesaler, or an American labor organization is dissatisfied with the classification of and/or rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him, he may file a complaint with the Secretary of the Treasury setting forth his reasons for his objection. Within 60 days of the filing of such complaint, the Secretary of the Treasury shall render and publish his decision. If the decision of the Secretary is adverse, in whole or in part, to the American manufacturer, producer, wholesaler, or American labor organization, such manufacturer, producer, wholesaler, or American labor organization may file, within 60 days after receipt of notice of liquidation from the Secretary or a collector of customs, with the collector of the port where the imported merchandise was entered, a protest in writing setting forth a description of the merchandise and the classification and the rate of duty he believes proper with the same effect as the protest of an importer, consignee, or agent filed under the provisions of sections 514 and 515 of this act.

"If an American manufacturer, producer, wholesaler, or American labor organization is not in possession of information as to the classification of and/or rate of duty, if any, imposed upon designated imported merchandise, or of sufficient information as to the entry and liquidation of imported merchandise to enable him to file a protest, upon written request, the Secretary of the Treasury or a collector of customs shall furnish all the necessary information to permit an American manufacturer, producer, wholesaler, or American labor organization to perfect the remedy granted by this section."

FOOD AND CLOTHING ALLOWANCES FOR INDIAN CHILDREN

Mr. McMASTER. Mr. President, on December 4 last President Hoover sent to Congress a special message asking for an emergency appropriation for additional food, clothing, and other necessities for Indian children. According to his recommendation, it was understood that the minimum amount to be allowed per Indian child per day for food was 37.8 cents and the minimum amount for clothing per year per Indian child was to be $42.26. When the bill came over from the House, apparently recommended by the Commissioner of Indian Affairs, according to the statement I have here, it developed that, instead of increasing the food allowance of the Indian children to a minimum of 37.8 cents a day, it actually increased it only from 20 cents to 24.1 cents, while it increased the clothing allowance from $22.26 to $27.46, whereas the amount for clothing should have been $42.26. A statement has been prepared by the American Indian Defense Association (Inc.), and I am asking that the full statement may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

HOW HOOVER'S HUMANITARIAN PROGRAM FOR INDIAN CHILDREN IS BEING ABANDONED BY HIS INDIAN COMMISSIONERS—IN A NUTSHELL

The underfeeding and consequent slow starvation of children in the Indian boarding schools was established beyond question by the report of the Institute for Government Research issued in 1928.

Following President Hoover's inauguration, a special committee of experts appointed by the Interior Department reported the necessity for a minimum food allowance of 37.8 cents a day as against the 20 cents a day then provided for these children.

On December 4 last President Hoover sent to Congress a special message supporting a request for an emergency appropriation for food, clothing, and other necessities of the Indian school children, so allocated as to bring the food allowance immediately up to the minimum of 37.8 cents per day per child and the clothing to a minimum of $42.26 per child per year.

These allocations were definitely for the balance of the school year of 1930; that is, from January 1 to July 1. They were accompanied by a statement that an additional request would have to be made later for money to maintain the same standards through 1931.

Hearings on the President's request were not held before the House Appropriations Committee until January 30. On that date Indian Commissioners Rhoads and Scattergood, the President's appointees, appeared before the committee and withdrew the original allocations on the ground that the elapsed time called for their revision.

If on December 4 allocations could be made to become effective January 1 it is reasonable to assume that new ones could have been made January 30, effective March 15.

What happened is told in a nutshell by a statement following.

The result, if allowed to stand, will be that instead of raising the Indian school child's feeding allowance from 20 cents a day to the minimum of 37.8 cents requested by the President during the balance of this school year, it will be raised from 20 cents to only 24.1 cents a day. And the clothing allowance, instead of being raised from $22.26 per child per year to the minimum of $42.26 per child per year will be raised only to $27.46 per child per year.

HOOVER'S EMERGENCY RELIEF REQUEST FOR INDIAN CHILDREN AND WHAT HAPPENED TO IT

On December 4 President Hoover sent to Congress a special message supporting an emergency request for funds for the relief of Indian school children for the balance of the fiscal year. On January 30, before the House Appropriations Committee, Commissioner Rhoads, of the Indian Bureau, withdrew the Hoover estimates and allocations and submitted a revised budget request which, if accepted by the Senate, will divert the appropriations as shown below:

Food

What Hoover asked for from January 1 to July 1, $555,156.

What Rhoads should have asked for from March 15 to July 1, in conformity with the Hoover request, $301,609.

What Rhoads did ask for and got, $95,000.

Clothing

What Hoover asked for from January 1 to July 1, $252,000.

What Rhoads should have asked for from March 15 to July 1, in conformity with the Hoover request, $138,291.

What Rhoads did ask for and got, $30,000.

Salaries

What Hoover asked for from January 1 to July 1, $189,000.

What Rhoads should have asked for from March 15 to July 1, in conformity with the Hoover request, $103,706.

What Rhoads did ask for and got, $300,000.

Equipment

What Hoover asked for from January 1 to July 1, $137,844.

What Rhoads should have asked for from March 15 to July 1, in conformity with the Hoover request, $75,646.

What Rhoads did ask for and got, $585,000.

WHAT CAN BE DONE

The Senate can amend the deficiency bill to restore the allocations for food and clothing to those which Rhoads should have asked for.

THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.).

HOW DO THE INDIAN COMMISSIONERS DEFEND THEIR ACTION?

Their first defense is a statement that it is too late to supply emergency relief for 1930.

Commissioner Scattergood told the Senate committee February 27 that even if the Hoover request were now granted it could not be applied save in small part before 1931.

Yet when the President's requests were made in December, Commissioners Rhoads and Scattergood presented and defended them. The President's requests were based on the stated, detailed anticipation and promise that the food and clothing standard could and would be applied immediately upon the grant of the appropriation, and that the improved food and clothing standard would be established instantly.

Now Mr. Scattergood says that the warehouses were full in January, but they are less full to-day. The warehouses to-day are stocked for the 100 remaining school days of 1930. The explanation is fictitious.

But the commissioners hold out hope of a partial remedy for the food situation in the fiscal year 1931. For the clothing, even in 1931, they hold out no hope.

For those citizens who are not suffering from slow starvation and from a lack of a "minimum standard of decency" (Commissioner Rhoads's words) in clothing, and who are willing to defer their interest in the children's plight to the fiscal year 1931, we make the following statement:

Commissioner Scattergood claims (for 1931) that 34 cents per day can be found for the children's food (nothing for clothing), leaving a food deficit of about $210,000 a year; a clothing deficit of $420,000. The food ration, he claims, will be raised to 34 cents in 1931 through various transfers of funds and through certain increases in the regular appropriation bill for 1931.

(a) He states that $7 of money not required for salary equalization under the Welch Act will be used for food. On January 30 last Commissioner Rhoads told the House Appropriations Committee that not more than $5 from this source could be used for food. Last autumn, at the extremely underfed Truxton Canyon School, it was found on inquiry that none of this fund was being used for food. The fund has been available since July 1, 1929. No evidence has yet been presented, either in the public hearings or to us when we have sought information at the Indian Bureau, that all or any part of this $7 has been or can be applied to food.

(b) He states that all of the $15 per capita increase for the schools (aside from an equipment grant of $10) contained in the regular appropriation bill for 1931 will be applied to food purchase. No evidence has yet been presented that this whole sum of $15 can be so applied.

(c) He states that more than $200,000 contained in the regular 1931 appropriation, not requested or designated for food, will be transferred to food purchase. No evidence has been presented that this transfer actually can be carried out.

The above hopes (a), (b), and (c) may be realized, but there is as yet no evidence to show that they are any more than pious hopes. President Hoover asked for cash funds here and now; not for pious hopes for 1931.

(d) Mr. Scattergood states that the 572 new cows to be bought in 1931 will produce (at the average yield of Indian Bureau cows) milk with a wholesale value of $118,404 per year. He adds this sum to the per diem food ration of the children. He assumes a wholesale value of milk at 8 cents a quart. Our information from official sources is that milk has a wholesale value of 5 cents a quart. He computes on a 300-day per year milk yield from each cow. The milk is for the school children to drink, and there are only 270 school days. Simple arithmetic results in a figure of $65,337 as the value of the new milk, not $118,404.

In sum: The commissioners defend their action by stretching to the breaking point an optimism not supported by facts which they adduce and supported by some definitely inaccurate or remarkably improbable statements of fact.

They profoundly committed themselves to the Hoover standards and Budget requests; they demanded the instant establishment of what Hoover demanded. In the face of their abandonment of their own record we are not able to share their optimism or their unevidenced assurances, or to have confidence in their undertakings with respect to the fiscal year 1931.

As for their defense for abandoning the President's emergency request for 1930, either that defense is grossly incorrect, or else their original position in December was grossly incorrect. The two positions are in direct contradiction. The earlier one was the accurate one.

THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.).

MARCH 4, 1930.

THE OIL INDUSTRY

Mr. BROUSSARD. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the oil industry in the United States written by Maj. W. Scott Heywood, who has been an oil operator in Louisiana for many years, and who has the distinction of discovering the first oil well in that State.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

There are five major branches of the oil industry in the United States:

First, the landowner or royalty owner.

Second, the producer.

Third, the pipe-line purchasing company.

Fourth, the refining company.

Fifth, the distributor.

We have independent oil companies and major oil companies and individual producers.

We who are here to ask for a tariff on crude-oil imports as well as the by-products therefrom are from branches 1 and 2, to wit, the land royalty owner and the independent producer.

The question has been asked, What is a major company?

A major oil company is a company that either produces oil or uses a subsidiary for that purpose and purchases crude oil produced by independent companies or individuals and royalty owners and refines its own produced crude oil, together with that which it purchases, and makes its profit from the sale of its refined products.

The major company makes a profit from tank-car refinery sales, tank-wagon deliveries, and retail service station sales; that is to say, the major company makes its first profit on its refined gasoline and lubricating oils from wholesale tank-car deliveries. Then, it makes another profit on its sales by tank-wagon deliveries to its own retail service stations and from its tank-wagon deliveries to other retail service stations, and added to these profits it makes a profit on its retail filling-service stations as well, and this is only part of the picture. It makes a profit from by-products other than gasoline and lubricating oil, to wit, coal oil, distillate, furnace oil, lubricating oils for the human machinery, automobile polish, lighter fluid, wax, greases, fuel oil, asphalt, and too many numerous other by-products that the average person has never learned of to mention here.

The independent oil-producing company, the individual, and the land royalty owner sell their crude oil to the pipe-line purchasing company and owns no refinery; therefore it only has one profit, if any at all.

Practically all of the pipe-line purchasing companies in the United States are subsidiaries of a major oil-refining company and post a price for crude oil as dictated by its parent company.

It is true we have some independent refineries in the United States, but as a rule they do not own their own pipe lines and do not own tank-wagon stations throughout the States, nor do they own retail service stations, and the great bulk of their refinery sales are from gasoline and fuel oil or residue oil.

In other words, their market and profit is from wholesale tank-car sales, and most of their gasoline is purchased by the larger major refinery companies.

From the best information we can get and which is generally accepted, the major companies tank wagon and retail sales amount to about 80 per cent of its gasoline, and the price put on its wholesale refinery tank-car deliveries is so small that the independent refinery with its one wholesale profit does not grow to be a major company with but few exceptions.

The question might be asked, Why do not independent producers always sell to independent refineries?

The answer is that the independent refiner only uses a certain amount of crude per day, and never runs its small pipe line and gathering system to but few leases in any field, and then only to those that it may be able to make contracts for a stipulated amount and covering a long time period, and knowing the danger of the independent refinery

being put out of business by the major company at any time the major company desires, the producer is timid in pledging his oil to the independent refinery.

It can readily be seen from the above facts that it does not matter what price the major oil company places on its own crude-oil production since its profits are made from the refined products through tank car, tank wagon, and retail service station sales.

It also is patent that the lower the price paid for crude purchased by the major company the greater the profit it makes, and as it refines practically all of its own crude-oil production it has not suffered by a low price on crude, but, on the contrary, has gained.

Furthermore, we have never seen the books of the parent major company, nor have we seen the books of the producing subsidiary company, so we do not know whether the producing subsidiary company sells its oil at the same posted price that the independent producer and royalty owner sells his for.

If the producing subsidiary company did sell or does sell at the same price as the independent and loses money by so doing, as the independents are to-day, the parent company can afford to keep the producing subsidiary in business by financing it, for through such methods these major purchasing companies during the year 1928 and 1929 brought from independent domestic producers and land royalty owners around 1,200,000,000 barrels of crude oil for approximately one-half of what it was worth and then sold the refined by-products, such as gasoline and lubricating oil, to domestic consumers for practically the same price the consumer paid in 1926, at which time these same major purchasing companies were paying twice as much for our crude oil, and further, they exported in 1928, 154,449,000 barrels and in 1929 they exported 162,275,000 barrels at high prices, ranging from 25 cents to 60 cents per gallon for gasoline; so it pays them to keep the price of crude oil low, for the profits they make, as stated above, on purchased oil and their own production is from the refined product.

Some of our independent leaders have covered this tariff question on crude oil and its by-products pretty thoroughly. They have pointed out the fact that we independents buy our supplies under a protected market, and they have covered the statistics from the Bureau of Mines on imports, exports, domestic production, overproduction, supply and demand, conservation, cooperation in curtailing production, but there has been a tendency on their part, it seems to me, to show a timidity in calling a spade a spade, and they have not stressed certain conditions that I feel are very pertinent to this subject, which the public should know.

They have not stressed the fact that the price quoted in our oil journals and press dispatches placed upon this Venezuela crude was 75 cents per barrel laid down on eastern seaboard, and that one of the reasons for the confiscating price paid our independent producer for his crude oil was and is that our crude must come in competition with this 75-cent imported crude.

They have not stressed the fact that this 75-cent quotation did not mean that this imported Venezuela crude would not be delivered at 75 cents per barrel f. o. b. eastern seaboard to the open market, and that you or I could not buy any of it for that price, and that this 75 cents per barrel price only covered cost of producing plus water transportation and does not allow one cent profit.

They have not told you that the companies importing this oil produced it through their subsidiaries and shipped practically all of it to the parent company or a subsidiary major company. In other words, they have not told you that this so-called 75-cent price on Venezuela oil is a fake price, arbitrarily made for the purpose of bearing the price of domestic crude which they, the majors, want to purchase at practically confiscating prices.

They have not stressed the point that most of this so-called 75-cent imported Venezuela crude is a low-grade crude, and that such methods used as above are robbing the producer and landowner and some of our oil States as royalty owners of their high-grade oil through a fake price on low-grade imported oil, and that our oil States are losing millions of dollars through their royalty being sold so cheap, and through uncollected severance tax.

Our delegation has not stressed the point that these major companies bring these imports into our State, and pay no tax on it because it is in transit, and through such imports cause a surplus which these major companies are calling "United States overproduction," and also through this imported surplus are causing production to be curtailed in the respective oil-producing States, under the pretext of conservation.

This cuts down the income of our States that rely greatly on severance or gross production tax, for State funds; and also cuts the State's income from its royalty oil sales, and every barrel of oil that is produced from any of our States that is sold for less than its intrinsic value, is robbing its natural resource, and one time crop, and is a waste of that natural resource, and all of this without the consumer receiving any benefit whatsoever.

There is no question about who sets the price of crude oil as well as the price of gasoline and other by-products.

We all know that when the Humble Oil & Refining Co. or the Carter Oil Co. or the Magnolia Petroleum Co., or any of the large major purchasing companies set a new posted price on crude oil, that it has been done by remote control from 26 Broadway, or the Mellon group, or the Royal Dutch Shell, a foreign corporation.

We all know that the same thing applies to gasoline.

We all know that if an independent service station is willing to retail his gasoline at 1 cent or 2 cents less than the major retail service station is selling its gasoline, that the major company furnishing the independent retail service station his gasoline will notify him to put the price back up or refuse to deliver him gasoline, and we all know that when a gasoline price war is on that it is done for the purpose of running some certain independent retail station out of business.

The reason given out by Mr. Farish, president of the Humble Oil & Refining Co., for the last cut in the price of crude oil on January 15, 1930, ranging from 25 cents to 41 cents per barrel, was as follows:

"In order to fairly adjust crude-oil prices with prices of petroleum products."

He further states:

"In spite of commendable efforts over the past year on the part of many producers to limit their crude-oil output to the market or refining demand, and in spite of the fact that these efforts have been conspicuously successful, an overproduction of crude oil exists to-day."

He goes on:

"The price of gasoline is the dominating factor in determining crude prices."

If the price of gasoline is the dominating factor in determining crude prices, why does gasoline sell to-day practically at the same price it did in 1926, when these major companies were paying approximately twice as much for crude? And when you take into consideration that these major companies are getting a much greater recovery of gasoline out of a barrel of oil than they did three years ago, this question is all the more pertinent.

When they cut the price of crude oil they say it is "to adjust the price of crude with crude-oil products" and that the "price of gasoline is the dominating factor in determining the price of crude."

Now, let us see if they are consistent.

Down in Louisiana in 1928 the legislature passed an act, at my instigation, making it unlawful to purchase crude oil of a certain gravity at a lesser rate in dollars per barrel than a 10 to 1 ratio as between the price of gasoline in cents per gallon.

The Standard Oil Co. filed a suit to set aside this act, and in their petition before the Federal court they claimed that "the price of gasoline had no bearing on the price of crude because of 'seasonable demand.'"

So we have one branch of the Standard claiming one thing as an alibi for its cold-blooded act, and another branch of the same parent company claiming the contrary to get rid of a law that was intended to make them play fair with the producers and consumers alike.

Our governor, Huey P. Long, the greatest governor that the State of Louisiana has ever had, in 1929 discovered that these large major companies were importing around 20,674 barrels per day, or approximately 7,500,000 barrels per year, and bringing it into the State of Louisiana, claiming that it was in transit, and therefore were paying no severance tax, nor any other tax whatsoever to the State of Louisiana, and no tariff to the United States Government, and through these imports that the production of the State of Louisiana was being held down, so he introduced a bill in the legislature to put an occupational tax on these refineries to pay, as does the lawyer, the merchant, the baker, and the candlestick maker; and the introducing of this bill into the legislature by the governor was primarily the cause of the attempted impeachment, and the major oil companies threatened to leave the State if this occupational tax was imposed on them.

This means that these refineries are getting by without paying any severance tax or any other tax on approximately 7,500,000 barrels per year that they are importing, and it also means that the State of Louisiana could produce that much more oil, thereby receiving a severance tax to the State and helping the producers and the royalty owners of the State, including the State itself as a royalty owner.

But under the present price of crude oil they can not afford to compete with this fake price which has been put upon this imported crude, therefore the independent producers, the land royalty owners, and the State of Louisiana itself, is the loser, and the major companies are the ones that are the gainers, while the consumer of the State of Louisiana is paying approximately the same price that he did in the year of 1926, when conditions were different, as stated above.

All you need to do is to take the financial statements showing the enormous profits made by these major companies and then compare them with the independent producers' statements and the story is complete.

We feel certain if our honorable Senators believe the statements presented by the delegation sent here to present our case that you can not refuse to protect us with a tariff as asked.

In conclusion, I want to say that we are not only fighting for fair play, but for our very existence.

W. SCOTT HEYWOOD.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 9046) to amend the fourth paragraph of section 13 of the Federal reserve act, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.;

S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes;

S. 2668. An act granting the consent of Congress to the Missouri-Kansas-Texas Railroad Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872;

S. 3030. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928; and

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, Md.

EFFECT OF ALCOHOLIC LIQUORS ON TRAFFIC ACCIDENTS

Mr. DILL. Mr. President, I ask permission to have published in the RECORD a statement from the National Woman's Christian Temperance Union entitled "Effect of Alcoholic Liquors on Traffic Accidents."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Facts indicate that drunken drivers in this country have killed 15,000 and maimed or otherwise injured 300,000 to 500,000 people—many of them children.

These facts must be considered in any discussion of prohibition repeal. At present the drinking driver is a menace; the doctrine of "personal liberty" makes him a selfish killer. Repeal prohibition and he will be a scourge. Canada repealed prohibition. In seven years whisky sales trebled and with only a slight increase in cars convictions for drunken driving increased 2,600 per cent.

Mounting alcoholic accidents in other countries where drinking is unrestricted warn the United States of America that every vote to liberalize the liquor laws here adds to the chance of killing or maiming some one—particularly a child.

We have 80 per cent of the world's cars; our accidents grow with each year. Traffic experts are trying to save lives needlessly killed by auto drivers. One sure method of reduction of accidents will be the complete prohibition of intoxicants. Repeal prohibition and our roads will become long lanes of slaughter.

In seven years convicted drunken drivers killed 376 and maimed or hurt 14,000 others in Massachusetts. One-third of those hurt were children.

In Connecticut drunken driving caused 391 accidents in a year. In New York the police credit 840 crashes, 47 deaths to drunken driving in a year. Detroit credits 330 crashes, 15 deaths to drunken driving in a year.

These are figures taken from the great scattered mass of statistics, and all collaborators admit that the official figures are a minimum. It is possible only to conjecture the number of accidents and deaths caused by drink and not officially so reported.

Death rate from auto crashes in 78 cities—33,000,000 population—increased 11 per cent from 1928 to 1929, says the Census Bureau. All the crashes investigated in Pennsylvania by the State highway police were due to mental lapses says Captain White, superintendent of the patrol. Could there be any clearer warning against mixing alcohol and gas?

Official Government figures show 150,716 persons killed in road accidents in seven years. Applying State and city experiences to this figure we arrive at the conclusion that at least 15,000 have been killed by drunken drivers.

Dr. W. V. Bingham, chairman of Secretary Hoover's committee on causes of automobile accidents, said:

"It is highly probable that liquor is a factor in a much greater proportion of cases than is officially recognized. Intoxication at times is difficult to prove in court. Moreover, there is a reluctance to ascribe an accident to intoxication even when it is known by witnesses to have been a factor. Here, and in cases where the amount of alcohol consumed has not been sufficient to cause obvious intoxication, the accident is sometimes recorded as due to confusion, carelessness, recklessness, or inattention.

"There is need of more definite and widespread public knowledge of the effect upon the driver or pedestrian of alcohol used in quantities far short of those which result in obvious intoxication, but which tend nevertheless to decrease motor control and may appreciably lessen the sense of responsibility. One drink may be enough to make a man take a chance. Investigation should be made to discover how far alcohol is a contributing cause, even when it is not the principal cause of accident."

Ontario, recognizing the mounting death toll from alcoholized drivers, gives every motorist, with his license, a printed warning that many motor accidents are the result of liquor. This warning tells the motorist that it takes one-fifth of a second for a normal brain to send out the message which will enable the owner of that brain to put on brakes in an emergency.

The same process takes from two-fifths of a second to three-fifths of a second when a man has taken the average drink. A car going 35 miles an hour will travel 20 feet in two-fifths of a second; and the government of Ontario warns drivers against liquor specifically on that point.

There can be no blame attached to prohibition for the results of drunken driving, especially when one refers to the enormous increase of drunken driving in Canada. In the case of drunken driving we deal with the acquisition in the past 10 years of millions of machines potentially as dangerous as locomotives (whose drivers are forbidden to drink) and the licensing of millions of amateur drivers; and the propagating of the dangerous idea that "personal liberty" is a higher law than all else.

THE WHITE HOUSE FIRE

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a short article on the White House fire and the conclusions as to the protection of public buildings against fire, written by an expert.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE FIRE

By William H. Rodda (member National Fire Prevention Association), Underwriters Association of the District of Columbia

On Christmas Eve, December 24, 1929, a fire was discovered in the Executive Office section of the President's residence, the White House, in Washington, D. C. Over two hours' active fighting by a large proportion of the District of Columbia Fire Department was necessary to subdue the flames, and the final out stroke was not sent in until the following morning, nearly 12 hours later. The fire is of peculiar interest because of the location and the fact that priceless records were endangered. Fortunately the records and documents destroyed are easily replaceable and not of high value.

CONSTRUCTION

The fire occurred in the extreme west end of the building in a section used as offices for the President and his clerical force. This section was built for temporary use in 1902 during President Roosevelt's administration and has been in use ever since. When he took over the presidency, Mr. Hoover had the section remodeled for more convenient use. The walls are of brick, mainly 13 inches thick, and the floors are wood joist. A basement and first floor are of full story height, and above the first floor is an attic about 7 feet high. Access to this attic is by a narrow wood stairway. Two stairways from the basement to first floor are also of wood and without protection. The roof is of metal on wood sheathing supported by wood joists, which are, in turn, carried by wood trusses of 6-inch by 6-inch timbers resting on brick walls. The attic floor is of wood on wood joists. Light and ventilation for the attic are provided by small windows, about 12 inches by 30 inches, all of which are covered by heavy iron bars and gratings. Skylights in the roof furnished light to the first floor and are inclosed in metal lath and plaster through the attic. Although heat for the building is furnished from the State, War, and Navy Building, across the street from the White House, there are fireplaces occasionally used. The fireplace chimneys are of brick with 4-inch walls. The interior finish of the section is metal lath and plaster, except the attic ceiling, which was open joist. This wing is connected to the White House proper by a passageway on the basement level, with one side open. The construction and location are such that the main building of the White House was in little danger of being involved.

OCCUPANCY

The basement was used as offices by the clerks employed in connection with the Executive Offices. Some files located on this floor were in steel cabinets, but were not subjected to fire.

The first floor was occupied by the reception hall for the President's visitors, the President's private office, and the offices of the President's



private secretaries. Such records and documents as were in these rooms were in desks and ordinary filing cabinets. Most of these were removed, but those remaining were not subjected to fire.

The attic was used as a file room. Wooden shelving in this room contained many thousands of pamphlets and records accumulated over a period of years. These were mainly printed Government documents, of which copies are available in other Government departments. It was these pamphlets on wood shelves that made the fire very stubborn and hard to fight.

STORY OF THE FIRE

The fire was discovered by a White House guard who observed smoke in the Executive Offices. Other guards were immediately notified, and the White House private fire-alarm box pulled by a guard at 8.09 p. m. The guards located the main body of fire in the attic and attempted to fight it with hand chemical extinguishers, but soon found it was beyond their control. The first alarm brought four engine companies, each with pumper and hose car, two truck companies, and one rescue squad, a deputy chief, a battalion chief, and the chief engineer of the department. The chief engineer sent a second alarm at 8.16, bringing 4 more engine companies and 1 truck; a third alarm at 8.17, bringing 4 engine companies, a water tower, and a truck; and a fourth alarm at 8.28, bringing 4 engines and 1 truck. An hour later, at 9.24, a special call for 3 engine companies was sent.

The fire was attacked through the small windows in the attic, and considerable difficulty was experienced in breaking through the gratings. The windows were too small to make a satisfactory attack on the fire from them, and the best that could be done was to drive the fire back from the windows. Holes were cut in the roof and the fire fought from above. Heavy clouds of smoke and closely packed files inside made the fire very hard to find. Gradually the flames were stopped by means of streams through the holes in the roof, and the attic sufficiently cleared of smoke for the firemen to enter and overhaul. There was little fire visible at any time. Occasionally flames burst forth from the attic windows and they burned through the cornice in several places. About a dozen hose lines were in use, with as many more held in reserve. By 10.30 p. m. sufficient progress had been made to send some apparatus back. Shortly after all apparatus, except that of companies overhauling, was sent back to quarters. At 7.27 a. m. the following day the out stroke was sent in.

CAUSE IN DETAIL

Investigation following the fire showed that there had been fire in partitions on the first floor, although there was no fire damage outside the partitions. The location of charred studs and evident path of the fire placed the origin at a wood stud against a fireplace. The construction of the fireplaces as revealed after the fire is decidedly faulty. The fireplaces themselves are built of one layer of brick, and in places those bricks have been shaved off so they will fit nicely against wood studs. This particular fireplace had been used on the day of the fire and firemen found embers remaining in the fireplace on their arrival. Another fireplace, all set to light, was piled high with kindling and logs. The result from a hot fire built in a fireplace with 4-inch walls in contact with wood studs could hardly be other than what happened. The wood stud ignited and smoldered for several hours, spreading in the partition, and finally burning through to the attic above, where it burst forth into flames. The spread from this point was rapid, the short time between discovery and the time the firemen got into action being sufficient to make the attic untenable. Had firemen been able to operate inside the attic the work would have been much simpler.

DAMAGE

The attic was well burned out. The roof boards and joists are largely burned away and the heavy trusses badly charred. The attic floor is badly burned, but the floor joists are mostly intact. The wood shelving and documents stored there are almost totally destroyed. The metal lath and plaster inclosures around the skylight wells to the first floor are intact, having withstood the fire very well. Fire damage on the first floor was confined to the partitions, where the fire originated, and some damage to ceiling joists.

Numerous holes were cut in the metal lath and plaster ceiling, so the firemen could get at the fire in the attic and in order to determine if there was fire in the joist channels. Water damage on this floor was extremely heavy. The basement did not suffer from fire damage, but there was considerable damage to both building and contents from water.

The most valuable contents were removed from the basement and first floor by the President and his aides during the early stages of the fire. These were covered as far as possible by awnings and canvas available at the scene. Had salvage covers and equipment been available for use by firemen trained in salvage operations, water damage to contents could have been considerably reduced.

The entire roof and attic floor will have to be rebuilt, and probably most of the damaged section on all floors will have to be refinished. Considerable new plaster work will be necessary on the first floor. Fire-department operations were well managed and every precaution taken to prevent spread of fire. The department deserves to be commended for keeping the fire within the attic in the face of the difficulties met. The building loss has been estimated at $60,000, and the contents loss is probably considerably less than that. There was no insurance loss, as the Federal Government carries no insurance.

CONCLUSIONS

The cause of the fire was clearly indicated to be faulty construction of the fireplaces. Wood studs and furring strips were in direct contact with a 4-inch fireplace and chimney, which is, of course, absolutely contrary to the accepted rules of fire protection.

The fire once more demonstrates very clearly the folly of combustible construction for important buildings, especially when they house operations and documents as valuable as those in connection with the Federal Government. It is obvious, too, that standard protective measures such as used in mercantile and manufacturing plants would have avoided or reduced the loss. The following points stand out as imperative for the prevention of other such fires:

1. House all important operations, contents, and records in buildings of standard fire-resistive construction.

2. Carefully supervise new construction, and reconstruct all existing heating apparatus, such as chimneys, flues, and fireplaces, to conform to accepted fire-protection standards.

3. Have the entire buildings covered regularly by watchmen recording their rounds on approved clocks. Such a system with sufficiently frequent rounds would have taken the guards into the attic and assured earlier discovery of the fire.

4. Important records and documents should be kept in safes or vaults and not left in desks and ordinary filing cases. Such material as existed in the attic should be disposed of if worthless; otherwise it should be kept in vaults likewise. This material in connection with wooden shelving made this fire very difficult to extinguish.

5. Important buildings should be equipped throughout with an automatic fire-alarm system, ringing an alarm in a central station where some one is always on duty. This will give immediate notice of any fire.

6. Where buildings of combustible construction or with combustible interiors must be used for a time, they should be equipped with automatic sprinklers, especially in basements, attics, closets, and like places.

7. Salvage covers would have been of value in protecting contents from damage.

HOUSE BILL REFERRED

The bill (H. R. 9046) to amend the fourth paragraph of section 13 of the Federal reserve act, as amended, was read twice by its title and referred to the Committee on Banking and Currency.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, March 6, 1930, that committee presented to the President of the United States the following enrolled bills:

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.;

S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes;

S. 2668. An act granting the consent of Congress to the Missouri-Kansas-Texas Railroad Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872;

S. 3030. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928; and

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, Md.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, the pending question being on concurring in the amendment made as in Com-

mittee of the Whole fixing the rate on casein or lactarene at 5½ cents per pound.

Mr. HOWELL obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield to me to make one observation?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HOWELL. I yield.

Mr. HARRISON. I merely want to call the attention of the Senate and the country to the fact that the Great Western Sugar Co., which controls 48 per cent of the sugar from sugar beets in this country and which has made $51,000,000 profit in the last eight years, yesterday had voted into their pockets a further increase on the common stock, which closed last night on the exchange at $31.50 per share and opened this morning at $33.50, and at the last report had gone to $34. There are 1,800,000 shares of this stock. So that means $4,500,000 to the stockholders of the Great Western Sugar Co.

Mr. THOMAS of Idaho. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Chair reminds Senators that the time is fixed to vote on this question at 12 o'clock and that until that hour the time is divided equally.

Mr. HOWELL. I yield to the Senator from Idaho.

Mr. THOMAS of Idaho. I wanted to ask the Senator from Mississippi what was the price of Great Western stock before the other vote was taken in January?

Mr. HARRISON. Three days ago it was $28.50 and at the last report this morning it was $34.

Mr. THOMAS of Idaho. But my question was as to its price in January, before the other vote was taken.

Mr. SMOOT. And $34 is quite different from $76, which was the previous price.

The VICE PRESIDENT. The Senator from Nebraska has the floor.

Mr. HOWELL. Mr. President, I hold in my hand a copy of the Nebraska Farmer, issued weekly, and under the head of "Crops and Weather" it has reports from various parts of Nebraska. I will read an excerpt from a report from Dawson County, in the south-central portion of the State:

Prices: Wheat, 90 cents; corn, 66 cents; rye, 70 cents; barley, 45 cents; oats, 35 cents; butterfat, 29 cents.

Wheat is bringing in mid-Nebraska but 90 cents a bushel, butterfat 29 cents a pound, and this is a reduction of 13 cents in the price of butterfat within the last two months. To-day I am receiving telegrams from the western part of Nebraska urging that Congress do something to stop the fall in the price of lambs. In that portion of the State and throughout the Middle West they are feeding lambs by the tens of thousands, as they do every year, and there has been such a drop in price that the feeders are confronted with a possible loss of $5 a head. That is the situation confronting Nebraska, the Middle West, and other farming regions of the country.

As I have pointed out, there has been a drop of 30 per cent in butterfat in the last two months. It will be remembered that in the past the chambers of commerce throughout the country and the Agricultural Department have been urging the farmers to diversify, putting special emphasis upon the dairy industry. The farmers have diversified. Farmers have been improving their herds, paying large prices for animals specially bred for the production of milk, and now this industry is overdone.

It is reported that the storages of the country are filled with butter, and the consequence is a drop in the price of butterfat to 29 cents. Is it any wonder that the farmers engaged in the dairy industries are coming here with the plea "Give us relief; we want you to make such provision in the tariff law that the skimmed milk remaining after the butterfat is extracted from the whole milk may be used to further advantage in this country"? They have pointed out that casein, a product of skimmed milk, is being used in the United States to the extent of 42,000,000 pounds annually, and yet we are producing but 18,000,000 pounds, or 42 per cent, 58 per cent of the total being imported from Argentina.

Why from Argentina? Mr. President, a steer can be produced in Argentina for $61 that costs $120 to produce in this country. Cattle can be run in Argentina for one-half, and less, than they can be run in this country. As a consequence, the Argentinians can produce skimmed milk, and, with their cheap labor, make casein therefrom in competition with American casein and thus prevent our farmers and our dairy industry from supplying more than half the casein that is used here. As a consequence, and properly, these interests have come here and asked for adequate protection—so that the American farmer and the American dairy interests may provide the casein that is used in this country.

As a matter of fact, this is the first agricultural product that appears in the pending tariff bill, and it is one agricultural product respecting which the tariff can be made effective. Why? Because we do not produce of this commodity as much as we consume. We produce but 42 per cent of what we consume. Therefore, if a proper tariff is placed upon this product we shall be able to supply the remaining 58 per cent now being imported. It is being imported here why? Because the Argentinians receive but three-fourths of a cent a gallon for their skimmed milk, and with their cheap labor can produce this commodity at a price which discourages American production. Under present conditions the price of casein in the United States received at the factory is about 13.2 cents a pound, and on that basis all that can be paid for skimmed milk is 2 cents a gallon. It must be recognized that skimmed milk can not be hauled and delivered to the station for less than 2 cents a gallon. Therefore, there is not a sufficient margin in the production of casein to justify the farmer and the dairy interests engaging in the industry to the extent that is necessary in order to supply the domestic demand.

The tariff has been 2½ cents a pound. The farmer and the dairy interests have asked that it be increased to 8 cents a pound. What does that mean? It means that instead of the producers of casein being able to pay 2 cents only for skimmed milk they will be able to pay 3⅓ cents a gallon for skimmed milk. That is all that is asked. They ask that the rate on casein be increased from 2½ cents to 8 cents so that those who buy skimmed milk, those who use skimmed milk for the production of casein, shall be able to realize and pay not 2 cents a gallon but 3⅓ cents a gallon.

What is the cost of producing skimmed milk, Mr. President? Skimmed milk is the product of whole milk remaining after the removal of the butterfat. The butterfat runs about 3½ pounds to the hundred pounds, or 3½ per cent. The Department of Agriculture has found that the cost of producing whole milk in the Mid West, which is the lowest-cost region in this country for the production of this article, is $2.64 a hundred pounds. Subtract the value of the butterfat, 3½ pounds, at 29 cents a pound, from the cost of a hundred pounds, and it will be found that skimmed milk costs 13⅓ cents per gallon; and yet with the tariff at 2½ cents on casein, all that it is now possible to pay for skimmed milk is 2 cents a gallon. With a 5½-cent tariff on casein all that it will be possible to pay is 2.7 cents a gallon, and if all that the farmer asks, 8 cents, shall be granted, then the producers of casein will be able to pay but 3⅓ cents a gallon for skimmed milk.

This certainly is a modest request on the part of the farmer and the dairy industry. The farmer is here asking for the rate proposed, and it ought to be granted. The only reason it has not been granted is this: The producers of coated paper have been here opposing this rate, although it is a fact that the average value of coated paper produced in 1928 was $164 a ton and the tariff that is imposed upon such paper by Congress is $100 per ton specific and 15 per cent ad valorem. In other words, in order to import that grade of paper into this country at that rate it must be manufactured and laid down at our ports at $55.65 a ton, and then the tariff that must be paid is sufficient to bring it up to $164 per ton. The ad valorem rate on that basis is 192 per cent.

Although the coated-paper manufacturers are the beneficiaries of such a tariff, yet they are here objecting that the farmer shall be enabled to sell skimmed milk and that the dairy interests shall receive for their skimmed milk not 2 cents a gallon as they are now, when it costs 13⅓ cents a gallon to produce it, but only 3⅓ cents per gallon.

It is urged that if the rate proposed is granted it will affect the use of casein in the production of paper. Mr. President, 30,000,000 pounds of casein are used a year in the production of paper. Assume that the use of casein were reduced one-half—to 15,000,000 pounds—add that to the 12,000,000 pounds that are used for other purposes; that makes 27,000,000 pounds; and still the farmers would not be affected except favorably, because they are only producing 18,000,000 pounds now, and we would have to increase our production 50 per cent in order to meet the demand under the hypothetical conditions I have suggested.

It is further urged, Mr. President, that the coated-paper manufacturers prefer and hence willingly pay a higher price for casein produced in Argentina than they do for the domestic product. I have before me a statement from the Drug Reporter giving the prices of casein for the last year. From January up to June there was no difference in the price between the imported casein and the domestic casein of equal fineness, except in one quotation, and then the domestic casein was quoted higher than the imported casein. An examination of the reported prices of casein as appearing in the Drug Reporter will

disclose that the prices were almost identical; that occasionally domestic casein was a little higher, a quarter of a cent higher, and that occasionally the imported casein is a quarter to a half cent higher.

Mr. President, there is every reason why this request should be granted, considering the condition of agriculture. It is a very modest request, but it means much to the dairy interests.

Mr. SHORTRIDGE and Mr. BLAINE addressed the Chair.

The VICE PRESIDENT. There are about six minutes remaining for those in favor of the amendment. The Senator from Nebraska has about six minutes of time left.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield the floor?

Mr. HOWELL. I yield the floor to the Senator from California.

Mr. SHORTRIDGE. Mr. President, it will be recalled that months ago——

Mr. ROBSION of Kentucky. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Kentucky?

Mr. SHORTRIDGE. I yield, but time is on the wing.

Mr. ROBSION of Kentucky. I trust before the hour to close debate arrives that I may have a few minutes in order to present some matters in connection with this subject.

Mr. SHORTRIDGE. It will be recalled that months ago I offered an amendment providing for a duty of 8 cents a pound on casein.

Mr. ROBSION of Kentucky. Yes.

Mr. SHORTRIDGE. I will take but a few moments, Mr. President, to restate my views. I rise to say that I fully and unqualifiedly indorse and approve all that has just now been said by the Senator from Nebraska [Mr. HOWELL]. Months ago I offered an amendment proposing a duty of 8 cents on casein, and I and others presented facts which justify that measure of protection. The National Dairy Association and practically every farm bureau and farm organization in the Union have urged the adoption of this amendment. In their several resolutions and communications the facts have been so stated as to call for this proposed increase of the duty.

If we are here to assist agriculture, to do what we can to assist the farmer, then this rate should be given for the benefit of the farmer. The only argument that is made against the proposed rate has been suggested and has been conclusively answered by the Senator from Nebraska.

If I should proceed, it would be merely and unnecessarily to repeat what has been so clearly stated by our colleague. I earnestly trust that the Senate appreciates the importance of this item in the bill and that those who believe in the protective tariff doctrine, who think it wise, will vote to fix the rate on casein at 8 cents per pound.

Mr. BLAINE. Mr. President, I ask if the Senator from Kentucky [Mr. ROBSION] is going to speak in favor of the 8-cent duty or against it?

Mr. ROBSION of Kentucky. In favor of the 8-cent duty.

Mr. BLAINE. I will yield, then, to the Senator from Kentucky.

Mr. ROBSION of Kentucky. There have been speeches from two proponents of the duty. It seems to me that the opposition might use some time.

The VICE PRESIDENT. There are only five minutes left for those who are in favor of the 8-cent rate, and 25 minutes for those who are in favor of the 5½-cent rate.

Mr. ROBSION of Kentucky. Mr. President, in the brief time allotted to me I desire to express the hope that the Senate will adopt this amendment and grant this relief of 8 cents per pound on casein to the dairy people of this country.

The Cooperative Pure Milk Association, with its headquarters at Cincinnati, Ohio, and operating in Kentucky and Ohio, strongly commend this amendment. I have received letters and resolutions from various dairy people and dairy associations in Kentucky likewise urging the adoption of this 8-cents-per-pound duty.

It seems to me, with about 58 per cent of our supply of casein being brought into this country in competition with the American producers and dairying interests, that if we want to help agriculture and help the people on the farm, we could do so by adopting the amendment offered by the Senator from Nebraska [Mr. HOWELL].

If this amendment is adopted, and the skimmed milk of this country is turned into casein, this will be reflected beneficially, of course, in every other line of industry in this country. The dairy people, especially in this particular line, are suffering from this unfair and unjust competition. I am glad to have this opportunity to raise my voice and cast my vote in support of this measure.

Mr. President, I ask to have printed in the RECORD as a part of my remarks brief letters and statements from the dairy association and other interests of Ohio and Kentucky.

The VICE PRESIDENT. Without objection, it is so ordered. The time has expired.

The matter referred to is as follows:

CINCINNATI, OHIO, *January 28, 1930.*

Hon. JOHN M. ROBSION,
Senate Office Building, Washington, D. C.

DEAR SENATOR: At a meeting of the board of directors of this association held on January 27, the secretary was instructed to inform you that we deem it absolutely necessary that the import duty on casein be raised to 8 cents per pound to enable the dairy industry to compete with the foreign product.

With the cheap labor available in those countries from which casein is now imported, it is impossible to maintain the American standard of living for dairymen, as the low price of one dairy by-product bears down on the price of other dairy by-products.

Millions of gallons of skim milk which are now forced into dried skim milk or condensed skim milk could be utilized in making casein, of which approximately 60 per cent is now being imported. At present prices of these skim-milk by-products many million gallons of skim milk are wasted, because it does not pay to manufacture the by-products, yet we allow the foreign article to enter our market. This is an injustice to agriculture that should be corrected.

Increasing the income of the farmer will expand his buying power, to the benefit of all industries.

May we count on your support?

Yours very truly,

THE CO-OPERATIVE PURE MILK ASSOCIATION,
Per H. B. BERNING, *Secretary.*

COOPERATIVE EXTENSION WORK IN AGRICULTURE
AND HOME ECONOMICS, STATE OF KENTUCKY,
Alexandria, Ky., January 27, 1930.

Hon. J. M. ROBSION,
Senate, Washington, D. C.

DEAR SIR: At a meeting of the dairymen of Campbell County, held at the Alexandria courthouse January 27, the following resolution was passed:

The undersigned dairymen of Campbell County request you to use your influence in the support of Senator HOWELL's demand for 8 cents a pound tariff on casein.

SANDY MCVEAN,
Secretary, Alexandria, Campbell County, Ky.

INDEPENDENCE, KY., *February 6, 1930.*

Senator JOHN M. ROBSION,
Senate Office Building, Washington, D. C.

DEAR MR. ROBSION: The fight on casein in the Senate is on to keep the tariff duty down to a level that will not materially help the dairymen.

Approximately 60 per cent of the casein used in the United States is imported. If we could make all of the casein used in our country it would provide a market for millions of pounds of skim milk that must be allowed to go to waste because at present prices it does not pay to make it. If the making of casein could be made more profitable, it would also help the dried skim and condensed skim milk markets.

The price on whole milk necessarily must be reduced when there is a surplus which must be worked into by-products.

The present deplorable condition of the dairy industry can be helped by placing a proper tariff on casein. Your support to Senator ROBERT B. HOWELL to get an 8-cents-per-pound duty on casein will be appreciated very much. Would be pleased to hear from you as to your stand on this matter.

Yours very truly, A. C. BIRD, *Dairy Farmer.*

LUDLOW, KY., *February 3, 1930.*

Hon. JOHN M. ROBSION,
United States Senate:

I, as a milk producer, am interested in the effort put forth by Senator ROBERT B. HOWELL to secure an 8-cents-per-pound duty on casein. As our party pledges are to aid agriculture, I feel this is an opportunity. I am asking you as our Senator to support Senator HOWELL. I feel we are not asking much and that a protective tariff is as vital to our agriculture as it is to American manufacturing. Would you please inform me as to how you stand on this request and oblige,

Yours respectfully,

GEORGE A. EUBANKS,
Ludlow, Ky., R. R. 2.

CALIFORNIA, KY., *January 27, 1930.*

Hon. JOHN M. ROBSION.

DEAR SIR: I have been requested by some of my neighboring dairymen to write you requesting you to support Senator ROBERT B. HOWELL

to get an 8-cents-per-pound duty on casein. Hoping to receive a favorable reply from you, I beg to remain,

Respectfully yours,

ALFRED EISEN,
California, R. R. 2, Ky.

Mr. BLAINE. Mr. President, I shall take very little time in discussing the pending amendment. I discussed it fully last October and analyzed the whole situation as it relates to the dairy interests. I do not want to repeal what I then said. I do, however, want to protest against handing a gold brick to the dairy interests of this country; and when we impose a duty of 8 cents a pound on casein we are giving a gold brick to the farmers producing milk.

I was not surprised that the distinguished senior Senator from New York [Mr. COPELAND] is in favor of 8 cents a pound on casein; and Members of the Senate will not be surprised when they learn the fact that a large portion of the casein made in the Mississippi Valley, in the Northwest, in Pennsylvania, in Ohio, and in New York is carted down to New York City and there refined.

I am not surprised that the junior Senator from California [Mr. SHORTRIDGE] is favoring a higher rate on casein. His own city is one of the centralized points for the casein industry of the western coast, where the refiners are engaged in refining the casein as it comes from the local factories.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BLAINE. I can not yield, Mr. President.

Mr. SHORTRIDGE. Just a word.

Mr. BLAINE. I have only 25 minutes.

The VICE PRESIDENT. The Senator declines to yield.

Mr. BLAINE. I was surprised that the Senator from Nebraska [Mr. HOWELL], who comes from the city of Omaha, fell for the proposition to offer the milk producers a gold brick; and I was as much surprised at the Senator from Kentucky [Mr. ROBSION].

Of course, it is conceivable that the gentlemen who come from the cities can not understand the viewpoint of the farmer on this matter and naturally can see only the viewpoint of the refiner.

Mr. President, I am not going to discuss the coated-paper proposition. I have not any particular interest in that matter, except to save the market for casein. Seventy-five per cent of the casein produced in this country and imported into this country goes into the coated-paper industry. There is no substitute for casein in making coated paper; but there is a substitute for casein-coated paper, and that is supercalendered paper.

We have a very small production of casein-coated paper in Wisconsin. I have learned recently that there is one small plant there that produces less than 6 per cent of the casein-coated paper of the country; so it is apparent that the casein-coated paper industry in Wisconsin is practically negligible.

If we lose the coated-paper market, we have lost 75 per cent of the market for casein; and understand, Mr. President, that the total consumption of casein in America is under 60,000,000 pounds. Our alleged 10,000,000,000 pounds of skimmed milk will produce, if converted into casein, 300,000,000 pounds of casein, most of it with no place to go—240,000,000 pounds of that casein without the prospect or possibility of a market.

Mr. President, I think it is a gross injustice to lead the dairy people of this country into the belief that they are going to profit from the proposed high duty on casein. If you do that, you will stimulate the production of casein and you will have a domestic competition that will kill off every local casein-producing factory in the United States; you will kill off your local factories and cooperatives, and then the field will be clear for the big processors.

Mr. President, I am willing to fix a tariff on farm products, including casein, at a rate that will cover the difference in the cost of production here and abroad and that will include a protective duty.

The Senator from New York [Mr. COPELAND] last night made the suggestion that in my debate last October I showed that the difference in the cost of production at home and abroad was from 4.35 to 5.13 cents per pound, and he said that I had overlooked the protective feature. The Senator evidently has not studied my remarks.

The Tariff Commission reported upon the cost of producing casein in America and the cost of producing casein in Argentina, our principal competitor. I am going to give the facts as they are officially recorded, and then let the Senate decide this matter upon those facts rather than ask the Senate to hand to the farmers a gold brick which will be not only ineffective but most harmful to the dairy interests of this country. I speak of the dairy interests of this country, knowing something about those dairy interests, because Wisconsin has a little more than one-tenth of all the dairy cows in America, and dairying is one of the largest industries in my State.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HOWELL. Is it not a fact that the dairy interests in Wisconsin are in favor of this 8-cent rate?

Mr. BLAINE. No such information has come to me. So far as the farmers of Wisconsin are concerned, they have an intelligence which leads them to the conclusion that to hand them a gold brick is a fraud and a deception.

Mr. President, I call attention to the fact, as shown by the Tariff Commission, that the domestic cost per pound of converting skimmed milk into casein in the United States is 4.68 cents a pound. In Argentina it is 3.73 cents a pound. It costs in the United States 9½ mills more per pound to produce casein than in Argentina, our chief competitor. Certainly 5½ cents a pound is a protective duty when the difference in conversion cost is only 9½ mills a pound.

Another fact: Under method 1, used by the Tariff Commission to determine the comparison of cost of production of domestic and Argentina casein the total cost of production of Argentina casein at New York is 13.04 cents a pound, which includes transportation and selling expenses, excluding transportation in Argentina from the interior to the seaboard, and the total cost of production of domestic casein is 10.17 cents a pound delivered at New York, including transportation.

I have disregarded that method, although I analyzed it last October. I have excluded in the computation I have made all value for Argentina skimmed milk. Excluding the value of skimmed milk in the Argentine Republic, but including the value of skimmed milk as shown by the Tariff Commission in the domestic product, the difference in the cost of production is 5.13 cents per pound.

But, you will observe the Argentina casein, or a portion of it, must be transported from the interior to the Argentina seaboard, and Argentina skim milk has some value, so that under that method of computation the cost of production of domestic casein is far less than 5.13 cents per pound.

I am not going to analyze method No. 2, used by the Tariff Commission, closely this morning, as I did that in the debate here a few months ago, but a comparison of the cost of production of domestic and Argentine casein shows that for all companies in the United States the cost is 11.57 cents a pound; in Argentina the cost is 11.11 cents a pound. That comparison shows an apparent excess of domestic cost over Argentine cost of 4.6 mills per pound. Does not a 5½-cent rate not only measure the difference in the cost of production at home and abroad, but as well give a tremendous protective tariff duty?

Again, excluding the value of skim milk in Argentina, and excluding the transportation cost from the interior of the Argentine Republic to the seaboard of that republic, the difference in the cost of production there and here is 4.35 cents a pound.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I can not yield, because I must give some one else a minute. I am very sorry, but there is only 25 minutes allotted.

Under method No. 3, used by the Tariff Commission in a comparison of the cost of conversion of domestic and Argentine casein, it is shown that the total conversion cost plus transportation and selling expense in the United States is 5.47 cents a pound; in Argentina it is 5.04 cents a pound. The apparent excess of domestic cost over Argentine cost is only 4.3 mills per pound.

Taking any computation that has been made, it is clearly shown that 5½ cents a pound not only measures the difference in the cost of production here and abroad, but as well includes a very substantial protective duty in addition thereto.

Mr. President, I have taken all the time I am justly entitled to, but I want to say this in conclusion, that I asked the proponents of an 8 cents a pound duty upon what basis they figure that 8 cents a pound, and they have failed to indicate any method by which they arrive at that conclusion.

Their proposal is based on guesswork. They offer a gold brick to the farmer in the form of an ineffective, if not a positively harmful rate.

Mr. VANDENBERG. Mr. President, Senators favoring this amendment pray that we grant some relief to the dairy industry. If the pending amendment meant relief, I would vote for it, but, in my judgment, the only relief for the farmer which it would produce would be to relieve him from the market which he now enjoys for casein in the United States. In other words,

it is a situation where the farmer needs to be saved from his friends.

Let us be practical about this. We confront a condition, and not a theory. In my judgment, there will be no market left for 75 per cent of the casein now manufactured in the United States if this excessive tariff is put upon casein, because 75 per cent of all casein used in the United States is used in the production of coated paper, and coated paper can not be sold under this added burden.

Mr. President, coated paper is in a death struggle with supercalendered paper. This is not a speculation; it is an absolute fact. Coated paper's chief uses are, first, in the publication of magazines, and something like a hundred of the leading magazines in the United States have switched within the past two or three years from coated paper to supercalendered paper.

The second great use is in the creation of cigarette cartons, and within the past year one of the greatest single users of coated paper for cigarette cartons has switched to supercalendered paper.

There is no way left—and this as a trade proposition can not be denied—by which coated paper can be sold in the United States except on a price competitive basis with supercalendered paper.

What now is happening to affect this competitive situation? The present tariff rate on casein is 2½ cents a pound. The House increased the rate to 3½ cents a pound. Each penny of increase in the cost of casein per pound adds $1.20 per ton to the cost of coated paper. Those figures are from the Tariff Commission. Therefore the House increased the cost of coated paper $1.20 per ton.

The Senate increased the rate on casein to 5½ cents a pound. Therefore the Senate increased the cost of making coated paper $3.60 per ton. Now the Senator from Nebraska asks that we increase the rate to 8 cents a pound, which would increase the cost of coated paper $6.60 per ton.

The Senator from New York airily dismisses this price factor and says that is not very much. But the average, typical 10,000-ton paper contract would thus face a differential of $66,000. I submit as a matured judgment that coated paper can not be sold much longer in the United States under any such competitive differential as that, because it is having difficulty to maintain its market even under conditions as they exist to-day. When coated paper disappears from the market, casein disappears along with it. This is an axiom.

There will be no market at all for 75 per cent of the casein now made by the American farmer if the Senate votes this increased duty. This thing we are now asked to do, Mr. President, is an unmeditated but fatal blow to the American dairy industry.

Mr. CAPPER. Mr. President, I learn from many sources in my own State, and from other States in that section to the north of us which is much concerned in the dairy industry, that the organized dairy interests of this country are practically unanimous in favor of the 8-cent duty on casein.

Mr. VANDENBERG. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. VANDENBERG. Has not all the time allotted to them been consumed by those favoring the amendment?

The VICE PRESIDENT. Yes; but there are two minutes remaining, and if some one wants to talk——

Mr. CAPPER. May I say just one word?

Mr. BLAINE. Mr. President, I would like to ask the Senator from Kansas if there has been any movement along this line except by the distinguished gentleman, Mr. Holman, a racketeer; the distinguished gentleman, Mr. Loomis, a racketeer; and the most distinguished gentleman, Mr. Gray, the racketeer, so-called farm representatives in Washington who are betraying the farmer into the hands of those who want to pick his pockets.

Mr. CAPPER. I can give the Senate this information as to the wishes of organized dairying, that only recently I discussed with Mr. Schilling, of Minnesota, representing the dairy industry on the Federal Farm Board. He assured me that this proposed duty of 3 cents is undoubtedly fair, is greatly needed, and he was very anxious to see the Congress give its approval to the proposed increase to 8 cents.

Mr. WALSH of Massachusetts. Mr. President, let me briefly present in opposition to this amendment certain information that can not be seriously questioned. In the tariff act of 1913 casein was on the free list. In the tariff act of 1922 it was given a rate of 2½ cents per pound. The House bill retained the present rate of 2½ cents per pound, while in the Senate bill the Senate Finance Committee proposed to increase the present rate to 3½ cents per pound. When the casein paragraph was up in the Committee of the Whole the Senate Finance Committee amendment increasing the duty 1 cent per pound was rejected, and as a result we now have before us the proposal of the Senator from New York to increase the duty from 2½ cents per pound, as contained in the present law and the House bill, to 8 cents per pound.

Let us see what these rates represent in ad valorem terms. The present rate is the equivalent of 20 per cent ad valorem; the House rate, 20 per cent ad valorem; the Senate rate, 27 per cent ad valorem; and the 8-cent rate now under consideration, a rate of approximately 60 per cent ad valorem. In other words, the proponents of this amendment are seeking an increase of 200 per cent over the rate in the present law and the rate passed by the House and the rate sustained by the previous action of this body.

Mr. President, what is going to be the effect of this increased duty, supposing the 8-cent duty we are now considering is accepted? Its proponents claim that it is a measure of farm relief and will materially help the dairy farmers. Any benefit the farmers will receive will be infinitesimal. The duty will not materially increase the domestic production of casein because the two principle users of both domestic and imported casein—namely, the glue and coated-paper manufacturers—claim that they must have the imported casein, due to its superiority.

The domestic glue manufacturers testify that they are now paying 5 cents more per pound for the imported—French—casein, because they must have it to make the finest quality of glue, and the domestic coated-paper manufacturers say that they must have the imported casein, and will continue to buy it despite an increase in duty.

Skim milk is made into casein after it has left the farm. Approximately 90 per cent is produced by privately owned non-profit-sharing plants; 10 per cent, or less than 2,000,000 pounds, valued at $250,000, by cooperatives. It has been reliably reported that at best even an 8-cent tariff would increase the price paid the farmer for milk only one-half cent per hundredweight—four-tenths of 1 cent of the total value of the milk—or 50 cents per farmer per year in the important dairy States—page 71, Senate hearings, Schedule 16, free list.

In contrast to any small benefit that might accrue to the dairy farmer because of this excessive tariff of 8 cents per pound let us consider the effect upon those domestic manufacturers who use casein in making glue and coated paper. First let me say that there is absolutely no doubt but that this duty will be fully effective, because at the present time it is necessary for domestic users to import 57 per cent of the casein used in this country.

Mr. President, coated-paper manufacturers in the United States produce 450,000 tons of coated paper each year. There are 120 pounds of casein used in the making of 1 ton of coated paper. Each 1 cent of duty placed on casein costs, therefore, the coated-paper manufacturer and other users of casein $1.20 per ton. The rate of 8 cents per pound would cost them $9.60 per ton. This means that the pending amendment, if carried, will cost the coated-paper manufacturers in this country $4,077,000 each year. As Massachusetts produces 23 per cent of the domestic coated paper, it means that the coated-paper manufacturers of my State alone would pay a tax of $1,000,000 each year in order to increase the income of the dairy farmers 50 cents per year.

There is little time left to adequately discuss this subject. I debated it at length when this item was earlier considered, to which I invite the Senate's attention. In conclusion, assuming that it would enable the domestic producers to supply the home market for casein, it would increase the cost of making coated paper, glue, plywood veneers, waterproof paints, and many other commodities by millions of dollars annually. Its most dire effect would be on those industries making coated paper for an export trade market, which are already in keen competition without this additional stupendous handicap. This amendment should be defeated without delay. It is indefensible.

The VICE PRESIDENT. In order to keep the record straight, the Chair thinks that unanimous consent should be given to reconsider the vote by which the amendment proposed by the Senator from New York [Mr. COPELAND] to the amendment made as in Committee of the Whole was rejected, so that the Senate may have another vote upon the amendment to the amendment. The record only shows that a reconsideration was had of the vote by which the amendment made as in Committee of the Whole was concurred in. Without objection, that order will be made.

Mr. HOWELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Smith
Ashurst	George	McCulloch	Smoot
Baird	Glass	McKellar	Steck
Barkley	Glenn	McMaster	Stelwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Blease	Grundy	Norbeck	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Brock	Harris	Oddie	Trammell
Brookhart	Hastings	Overman	Tydings
Broussard	Hatfield	Patterson	Vandenberg
Capper	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Copeland	Hebert	Pittman	Walsh, Mass.
Couzens	Heflin	Robinson, Ind.	Walsh, Mont.
Cutting	Howell	Robsion, Ky.	Waterman
Dale	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Fess	Kean	Shortridge	
Fletcher	Keyes	Simmons	

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present. The clerk will state the pending amendment.

The CHIEF CLERK. On page 7, line 12, strike out "5½" and insert "8," so the paragraph will read:

PAR. 19. Casein or lactarene and mixtures of which casein or lactarene is the component material of chief value, not specially provided for, 8 cents per pound.

Mr. HOWELL. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. If I wish to vote for an 8-cent duty on casein, how should I vote on this question?

The VICE PRESIDENT. The Senator should vote "yea."

The Chief Clerk proceeded to call the roll.

Mr. HASTINGS (when his name was called). On this question I have a pair with the senior Senator from New Mexico [Mr. BRATTON]. Not knowing how he would vote, I withhold my vote.

Mr. MCKELLAR (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. Not knowing how he would vote, I withhold my vote.

Mr. FRAZIER (when Mr. NYE's name was called). My colleague the junior Senator from North Dakota [Mr. NYE] is unavoidably absent from the Chamber. If present, he would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from Arkansas [Mr. CARAWAY] and vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT], who is necessarily absent. I am unable to obtain a transfer, and therefore withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

Mr. THOMAS of Oklahoma (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Being unable to obtain a transfer, I withdraw my vote.

Mr. ROBINSON of Indiana (after having voted in the affirmative). I have a pair with the junior Senator from Mississippi [Mr. STEPHENS], who is not in the Chamber. I was under the impression that he had voted. Therefore I am obliged to withdraw my vote. If permitted to vote, I would vote "yea."

Mr. SHEPPARD. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. STEPHENS], and the junior Senator from Arkansas [Mr. CARAWAY] are detained on official business.

I also desire to announce that the Senator from Mississippi [Mr. HARRISON] has a pair with the Senator from North Dakota [Mr. NYE]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from North Dakota would vote "yea."

I also wish to announce that the Senator from Wyoming [Mr. KENDRICK] is detained on business in his State.

The result was announced—yeas 34, nays 41, as follows:

YEAS—34

Allen	Brookhart	Fletcher	Johnson
Baird	Capper	Frazier	Jones
Barkley	Copeland	Glenn	McMaster
Bingham	Dale	Grundy	McNary
Borah	Dill	Howell	Metcalf
Phipps	Schall	Stelwer	Waterman
Pine	Sheppard	Sullivan	Watson
Pittman	Shortridge	Thomas, Idaho	
Robsion, Ky.	Steck	Walcott	

NAYS—41

Ashurst	Glass	Keyes	Swanson
Black	Goldsborough	La Follette	Trammell
Blaine	Greene	McCulloch	Tydings
Blease	Hale	Moses	Vandenberg
Brock	Harris	Norbeck	Wagner
Broussard	Hatfield	Norris	Walsh, Mass.
Connally	Hawes	Oddie	Walsh, Mont.
Couzens	Hayden	Overman	Wheeler
Cutting	Hebert	Patterson	
Fess	Heflin	Smith	
George	Kean	Smoot	

NOT VOTING—21

Bratton	Harrison	Ransdell	Stephens
Caraway	Hastings	Reed	Thomas, Okla.
Deneen	Kendrick	Robinson, Ark.	Townsend
Gillett	King	Robinson, Ind.	
Goff	McKellar	Shipstead	
Gould	Nye	Simmons	

So Mr. COPELAND'S amendment to the amendment made as in Committee of the Whole was rejected.

The VICE PRESIDENT. The question now is upon concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. WALSH of Montana. Mr. President, I inquire of the Senator from Utah [Mr. SMOOT] whether he thinks it might not be appropriate at this time to ask unanimous consent to limit debate?

Mr. SMOOT. Mr. President, personally I should have no objection doing so; I should like to see that done.

Mr. WALSH of Montana. I dare say that there are some amendments on which more prolonged debate might be desired by some Senators, although I hope not; but for the purpose of making a test, I ask unanimous consent——

Mr. SMOOT. Just a moment. If the Senator's request shall be acceded to, we shall have to agree to an exception as to hides, and one or two other items which are going to take some time for a discussion.

Mr. WALSH of Montana. Let us test it, then. I ask unanimous consent that hereafter debate be limited so that no Senator shall speak more than once nor longer than 10 minutes on any amendment which has been reserved.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Montana. I expect it is very likely that some Senators will want to make some exceptions to that request, and I shall be very glad to entertain any suggestions of that character.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Montana yield to his colleague?

Mr. WALSH of Montana. I yield.

Mr. WHEELER. I should object to the request of my colleague unless we shall except rayon from it.

Mr. WALSH of Montana. Then, I agree to except rayon.

Mr. BARKLEY. I should have to ask that pottery, brick, and glassware be made exceptions to the rule suggested by the senior Senator from Montana.

Mr. THOMAS of Oklahoma rose.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. The exceptions seem to be so numerous that I withdraw the request.

The VICE PRESIDENT. The Senator from Montana withdraws his request.

Mr. GLASS. Mr. President, I should like to have the attention of the Senator from Utah [Mr. SMOOT] to suggest to him, if I may, that he would expedite the passage of the bill if he should secure a unanimous-consent agreement first to consider the item of lumber, next the item of oil, next the item of hides and shoes, and next the item of cement, in order that we may determine to what extent this new coalition has gone. Having determined that and decided those questions, the minor questions may be speedily disposed of.

Mr. SMOOT. I think the minor questions are not going to require very much debate, so that we should gain no time in the consideration of the bill by acceding to the suggestion of the Senator from Virginia.

Mr. GLASS. Those minor questions are taking the time of individual Senators; in other words, there are a multitude of items in which some of us have no particular interest, and we should feel more like attending to other duties than staying here and hearing discussion upon them. By disposing of the items I have mentioned, we would greatly expedite the consideration and passage of the bill.

Mr. SMOOT. I think we had better go on regularly now.

Mr. JONES. Regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. GLASS. I ask unanimous consent that we immediately consider the items which I have already cited in the order I have named them.

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. Reserving the right to object, I desire to say that there is no amendment on oil pending, and we do not know that there will be one.

Mr. GLASS. Yes, we do.

Mr. BARKLEY. Such an amendment is not now pending, and how can we agree to take up something which is not before the Senate?

Mr. GLASS. But undoubtedly it will be before us.

Mr. JONES. I call for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded. The Secretary will state the next reserved amendment.

The CHIEF CLERK. The next amendment reserved is in paragraph 69, on page 29, lines 16 and 17, to insert "if valued at more than 10 cents per pound, 4 cents per pound; if valued at 10 cents per pound or less."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, which has just been stated.

Mr. COPELAND. I am proposing that the language inserted by the committee be stricken out. It places a higher rate upon certain grades of blue. It must be understood that ultramarine blues are used in coloring paints and lacquers and linoleums, which are products used commonly upon the farm. Of course, we have to make a reference to the farmer in everything having to do with the tariff bill, because the special session was called in the first place to relieve the farmer and we are relieving him; gradually we are taking away what he has, and will ultimately give him full relief; he will be utterly stricken.

Here is a proposal to add to his burden and increase the price of ultramarine blues and make the paints, linoleum, lacquers, and other articles he buys cost more.

I want to call attention to the fact that one manufacturer who made a very bitter attack upon a proposal to lower the tariff upon these blues and an effort to increase it has no reason to complain because the company in which he is interested sold in 1927, 4,243,170 pounds of ultramarine blue, while the total imports in that year were 916,000 pounds.

Mr. President, I have no disposition to take the time of the Senate—I have done that too much in the past—but I simply state that it is an absurd thing to give additional protection to an industry which is so prosperous as in these brief words I have indicated this one to be.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HATFIELD obtained the floor.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. SMITH. The proposal of the Senator from New York is to eliminate or strike out the words in italics in lines 16 and 17, page 29?

Mr. COPELAND. Yes, sir.

The VICE PRESIDENT. In other words, the Senator from New York desires the Senate not to concur in the amendment made as in Committee of the Whole.

Mr. COPELAND. I desire to have the rate on all blues retained as at present at 3 cents.

Mr. HATFIELD. Mr. President, I feel that the motion which has just been made by my friend, the distinguished Senator from New York, is unjustifiable and will mean disaster to the ultramarine-blue industry of this country.

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. HATFIELD. I yield.

Mr. SMOOT. I wish the Senator would state, to begin with, that the only change proposed in existing law is upon ultramarine blues valued at over 10 cents a pound, and, so far as the farmer is concerned, he is not interested in them one whit.

Mr. HATFIELD. That is correct, Mr. President.

I beg to call the attention of the Senate to the hearings before the subcommittee of the Committee on Finance, and especially to the testimony of Mr. Henry Dourif, of Huntington, W. Va., who is one of the owners of the ultramarine plant located in that city, and to the following statement by the auditor of the company located there.

The statement by the auditor is as follows:

KENTUCKY COLOR & CHEMICAL CO.,
Louisville, Ky., July 13, 1929.

STANDARD ULTRAMARINE CO.,
Huntington, W. Va.

GENTLEMEN: After consulting with Mr. Neil Conley and giving careful consideration to what a statement would indicate which embraced a financial statement covering the operations of the National Ultramarine Co. for the past five years, we have decided it would do your cause more harm than good if they were sent in.

Our figures would indicate that the losses of the National Ultramarine Co. have grown less each year during the past five years as sales increased. The conclusion to be drawn from this by any neutral party would be that all that was needed was increased sales.

Yours very sincerely,

NATIONAL ULTRAMARINE CO.,
By SEVIER BONNIE, *Vice President.*

In other words, this industry, because of the various changes in tariff rates, has fluctuated more or less from an industrial point of view because of the imports from foreign countries.

IMPORTANCE OF THE INDUSTRY AND ITS DEVELOPMENT

Ultramarine is industrially the most important blue mineral pigment. It finds application in the following industries:

Paint and varnish, as a pigment.
Linoleum and oilcloth, as a coloring matter.
Paper, for tinting, coating, and bleaching.
Printing and lithographic inks, as a pigment.
Sugar refining, as a bleaching agent.
Rubber, as a coloring matter.
Soap and candles, as a coloring matter.
Cement tile and mosaic, as a coloring matter.
Enameling, as a coloring matter.
Artists' colors.

In addition to its use in these industries, a large quantity of ultramarine is used in laundry blue, which is also an item covered by paragraph 70 of the tariff act.

The importance of the ultramarine industry is shown by its diversity of use.

Artificial ultramarine was first manufactured in France in 1828 by a process devised by a French chemist. Prior to its manufacture it was produced from a mineral known as lapis lazuli and cost $20 an ounce. The artificial process reduced the price of $4 or $5 per pound. By the improvement of the process of manufacturing, together with the competition, no doubt, the price has fallen within 10 cents to 25 cents per pound, depending on the quality. The first successful ultramarine plant established in this country was located in New Jersey in 1868.

RAW MATERIALS

The raw materials used are china clay, soda ash, kieselguhr, diatomaceous earth or other siliceous material, sulphur, and a suitable carbonaceous material, such as pitch, rosin, or lampblack. The raw materials are mixed in proper proportions, heated in muffle or crucible furnaces, and then slowly cooled. The fired product is blue. It must be carefully washed to free it from soluble salts, finely ground, levigated, and dried. After disintegration of the dried batches they are bolted and blended to produce the desired standards satisfying to industries that use it.

About 30 per cent of the output of coarse, dull-colored material is separated from the first-quality ultramarine. This inferior product is not the result of technical errors; it is the result of the nature of the raw materials and of the very nature of the process, and has been responsible for the substitution by Congress of the specific rate in the way of tariff duty because of the contention as to grade.

Every ultramarine manufacturer has this inferior product to contend with and to dispose of. The success or failure of the ultramarine manufacturer hinges on the successful marketing of his second-class material.

Cost of production in the United States and abroad

	United States	France-Belgium
	Cents	*Cents*
Raw materials	3.2	3.2
Labor	3.6	.72
Supplies, repairs and packages	1.7	.85
Office and administrative expenses	3.2	.64
Plant depreciation	.8	.4
Taxes	.4	.4
	12.9	6.21

Selling expense and cost of raw materials are about the same for both domestic and the foreign manufacturers.

The difference in cost of production in Europe and home industries is largely due to labor wage.

The wage for unskilled labor for chemical factories is 25 francs in France, or $1 per day as expressed in American money. This is one-fifth the amount paid in the United States for labor of the same grade. The wages paid for unskilled labor in chemical factories in the United States are $5 to $5.50 per day. The rates of wages for skilled mechanics, machinists, electricians, carpenters, and masons in France and Belgium amount to 16 cents per hour of American money, as compared with rates of similar skilled American labor of $1 to $1.25 per hour for electricians and machinists, $0.70 to $1 for carpenters, and $1 to $1.25 for masons in the United States.

The manufacture of ultramarine involves the use of furnaces and heavy crushing and grinding machinery. These high wages make the maintenance, supply, and repair charges an important item in the cost of production.

The estimated difference of cost in the manufacturing of ultramarine in the United States and foreign countries, particularly in France and Belgium, amounts to 6.69 cents per pound.

In this connection it must be remembered that the manufacture of ultramarine, as stated before, involves the unavoidable production of 30 per cent of second-class material, which must be sold near the cost of production. European manufacturers, with their initial lower cost of production, can market their second-grade materials in the United States to the serious embarrassment or the destruction of the American ultramarine industry unless the industry receives adequate protection on both the high and the low grades of ultramarine.

TARIFF HISTORY

In 1870 the duty on ultramarine was 6 cents per pound. It was reduced to 5 cents in 1883, then to 3 cents in 1894, and increased again to 4½ cents in 1897. In 1909 it was reduced to 3 cents. In 1913 the duty was radically changed to 15 per cent ad valorem, which was maintained until 1922, when the specific rate of 3 cents per pound was imposed.

An ad valorem duty is not applicable to ultramarine because of the difficulty of appraisal.

Prior to the year 1870 there was an ad valorem duty on ultramarine blue; but the appraisal of the imports caused such confusion, and so much acrimonious discussion followed, that the rate, at the request of all concerned, was changed to a specific one, and has remained so ever since.

It seems hardly necessary to follow the argument in favor of specific rates on this item any further.

I present a table of imports of ultramarine for the years 1910 to 1920, taken from the Tariff Survey already referred to. This table has been extended by the addition of the statistics of imports for 1923 to 1927, the later figures being taken from the Annual Reports of Foreign Commerce and Navigation. I ask to have this table printed in the RECORD without reading.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Imports of ultramarine

	Rate of duty	Quantity	Value
Fiscal year:		*Pounds*	
1910	3¾ cents per pound	18,830	$1,879
1910	3 cents per pound	690,896	64,322
1911	do	685,953	63,817
1912	do	745,091	66,435
1913	do	694,938	62,259
1914	do	199,315	17,061
1914	15 per cent	701,888	61,341
1915	do	641,381	62,715
1916	do	401,605	44,709
1917	do	388,201	36,433
1918	do	359,136	35,210
1919	do	197,573	25,861
1918	do	287,520	29,490
1919	do	310,165	38,968
1920 [1] (6 months)	do	235,887	19,954
1921 [1]			
1922 [1]	3 cents		
1923	do	641,765	84,501
1924	do	853,161	108,916
1925	do	960,335	143,596
1926	do	869,528	118,562
1927	do	916,964	113,662

[1] Complete figures for 1920, 1921, and 1922 are not available.

The quantities imported show a gradual increase from 1910 onward, and show an enormous increase under the low ad valorem rate of 15 per cent for the year 1914.

The decreases shown subsequent to 1914 and to 1920 are of no significance.

List of manufacturers of ultramarine in the United States:

The Heller & Merz Co., Newark, N. J.; the International Ultramarine Works, Staten Island, N. Y.; the Russ Co., South Bend, Ind.; the Standard Ultramarine Co., Huntington, W. Va.; the National Ultramarine Co., Cincinnati, Ohio.

Mr. HATFIELD. The importations of ultramarine from 1923 onward show an increasing tendency under the specific duty of 3 cents per pound. It is significant to note that the average price of the imports for 1925, 1926, and 1927 show a marked decrease.

Value of ultramarine imports in cents per pound for—

1925	14.95
1926	13.6
1927	12.4

This clearly indicates an endeavor on the part of foreign manufacturers to master the American market.

RECOMMENDATIONS

All American manufacturers of ultramarine unite in recommending that a new specific duty of 6 cents per pound on ultramarine be adopted in the new tariff act now under consideration. They also recommend that the wording of paragraph 70 of the act of 1922 be copied for the proposed tariff revision.

I have here statistics of domestic production and imports, which I ask to have printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Domestic production ultramarine blue

Year	Pounds	Value	Value per pound	Production centers
1923	7,094,134	$1,087,547	$0.154	
1925	8,366,920	1,226,696	.147	Indiana, Illinois, New Jersey, Ohio, and West Virginia.
1927	8,347,893	1,187,435	.142	Indiana, New Jersey, Ohio, and West Virginia.

Source: Census of Manufactures.

Imports ultramarine blue, wash, and all other blues containing ultramarine

Year	Pounds	Value	Value per pound
1923	641,765	$84,501	$0.132
1924	853,161	108,916	.128
1925	960,335	143,596	.150
1926	869,528	118,562	.136
1927	916,964	113,662	.124
1928	934,210	113,049	.121

Imports in 1925, originating chiefly in the United Kingdom, were equivalent to 11.5 per cent of domestic production in that year. Invoice analysis of four months for 1929 indicated that 82 per cent of imports were over 10 cents in value and 18 per cent under 10 cents.

(Source: Foreign Commerce and Navigation.)

Exports: Statistics are not available.

Prices: From 1922 to 1927 prices of ultramarine blue, lowest quality, remained at 8 cents per pound in the New York spot market, dropping to 6 cents per pound during 1928. On October 21, 1929, ultramarine blue in barrels was quoted at 6 cents per pound. Grades of higher quality ranged to 30 cents per pound.

(Source: Oil, Paint, and Drug Reporter.)

Mr. HATFIELD. The facts that are submitted in this brief, and the facts that were submitted to the Finance Committee, it seems to me, ought to be sufficient to enable the Senate to decide to support and continue the present tariff rate. If that is not done, in my judgment, imports will continue to increase, the American industry will languish, and in all probability some of the establishments will be forced to shut down.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the ayes seem to have it.

Mr. SMOOT. I call for a division.

Mr. SMITH. Mr. President, before this vote is taken I desire to make a statement.

Here are practically 9,000,000 pounds of what seems to be a negligible product, but when we consider that this color enters into almost every possible form of our domestic life where any coloring is used, it is by no means negligible. Every laundry uses it. Every linoleum manufacturer uses it. It is used in the pigments of paint where this color is desired. When we consider the vast domestic use to which it is ultimately put, we

are asked to place a duty on the entire product and a tax on all the American people in order to protect the producers of this material from an importation of less than a million pounds.

Mr. SMOOT. Mr. President, this increase applies only to ultramarine blue valued at over 10 cents a pound.

Mr. SMITH. I am speaking about ultramarine blue. It is one of the forms that enter into the industrial life of this country; and we produce, in round numbers, about 9,000,000 pounds and import a little less than a million pounds. In every phase of our domestic life in which this material is used, in order to protect the American producer from a competition to the extent of one-ninth of the consumption, we are going to impose a tax on every form of paints or colors in which this material is used.

We marvel sometimes why the manufacture of automobiles is so high. We may have automobiles free of duty, but when we calculate the accumulated duties on the articles which enter into the manufacture of automobiles, it will be seen that it is practically impossible for us, under the conditions which exist in this country, to get a reduction in the price of the manufactured articles we are compelled to use.

It seems to me that with the history of this thing before us, with the so-called moderate tariff which has existed heretofore, we are still maintaining a 9 to 1 production in this country, comparing imports with exports, and what possible reason there can be for us to impose an additional cent a pound on this article is beyond my comprehension.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. HATFIELD. Does the Senator know the difference in the price per pound for ultramarine blue in Europe as compared with the price in the United States?

Mr. SMITH. That does not concern me in this matter, because the statistics show that, no matter what the price abroad may be, we are holding the domestic import parity in the proportion of 9 to 1 in favor of us.

Mr. HATFIELD. For the information of the Senator, I wish to say that in 1923 the price of the imported article was 13.2 cents and for the home product it was 15.4 cents. Taking into consideration the difference in the price paid American labor and the price paid Belgian and French labor, it can be seen how small the margin is upon which this industry in the United States operates; and not to give the industry in the United States consideration in the way of the protection they ask for is, in all probability, to surrender the greater part of this production to European industry.

Mr. SMITH. Mr. President, the Senator has answered his own argument. Even if the price for the foreign article was 13 cents as compared with the American price of 15 cents, for some reason the American product is used to the extent of 9 to 1.

This is but another illustration of the fact that no consideration has been given in this body to the American consumer, the vast number of those who are consuming these products. The mortifying spectacle was exhibited here yesterday of this body raising the duty on sugar to protect a handful of organized American manufacturers against a hundred and twenty million consumers.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. I have some interesting information here, and I read this one sentence:

> We have obtained cost information from several different European producers, and, as previously stated, find in the final analysis that their ultimate cost of the product in this country, even with the duty, is about the same as in the American market.

Mr. SMITH. Exactly. Consider the tragic performance which occurred here yesterday. What, in its analysis, does it mean? That out of the pockets of the American consumers of sugar there will be taken a tax amounting to something like $50,000,000, not to go into the pockets of the American manufacturer in its entirety—perhaps not more than $11,000,000 will go to them—but there will be taken out of the pockets of the American people something like $40,000,000, which will be put into the Treasury, and then we give $160,000,000 back to those taxpayers who do not need aid from this Government.

We remitted $160,000,000 of the people's money back to certain income-tax payers, when the vast majority of the American people have no incomes upon which to pay taxes, and the streets of this country are already congested with the unemployed who are to-day begging food from the public. We have no concern for that condition. We want to levy taxes where the income-tax payers can have their tax remitted whenever they are unfortunate in their gambling processes.

Mr. President, I for one shall stand here, regardless of what effect it may have upon some little coterie of manufacturers, and plead for a chance for the American people, who to-day are in the worst condition financially this country has ever seen.

There is not a city in the United States to-day but what has its bread line. There is not a city in the United States to-day but whose business is practically paralyzed because of the inability of the masses to have the wherewith to purchase, and we here subtracting from the little modicum they have in order to swell the already great profits of those few who are manufacturing the necessities of life.

Will we not at any time consider the American people in our scheme of things? I feel derelict in my duty when I sit here and do not voice my protest against the system of taxation, indirect, not easily explainable to the poor individual who has not had opportunity to study its ultimate effect, but whose effect on his condition is spelled in the disaster that has overtaken the American people.

These small items, seemingly small, when added together, as they are used in the different departments of our manufacturing processes and accumulated with other duties on other essential articles, make it practically impossible for the mass of the American people to enjoy what might be prosperity and a blessing to all.

We have concentrated the benefits of American genius in the hands of a few, and so hedged them about with our infamous tariff laws that the American people, the most industrious, the greatest inventors of the world, with every facility for putting those inventions into practical use, are absolutely being starved in the midst of these wonderfully progressive times. With an abundance of water flowing, we are denying them the privilege of ever drinking a drop.

Mr. SMOOT. Mr. President, in the first place, I want to say that in the statement the Senator made that there is not a single city in the United States which has not a bread line he is mistaken.

Mr. SMITH. Mr. President——

Mr. SMOOT. I say the Senator is mistaken. I do not want to get into politics; I have kept out of politics in these matters.

Mr. SMITH. I do not want to get into politics. God knows, a hungry man does not want politics. He wants something to eat. It has been printed right in the papers of this city that every philanthropic institution in the city of Washington is overcrowded with applicants for work and for food, right here in the Capital City of the United States.

Mr. SMOOT. We will start with the Capital. There is no bread line in Washington, and there are thousands of cities in the United States where there are none.

Mr. SMITH. Go down to the Red Cross and see if there is or is not.

Mr. SMOOT. Mr. President, I call attention to the fact that the report shows exactly why this duty is proposed. It is to be applied on ultramarine blue, valued at above 10 cents a pound. A great deal of this product is made by a West Virginia company, and let me call attention briefly to what the situation has been.

In 1922 the net sales of ultramarine blue amounted to $727,975, with a profit of $136,554. Those profits in 1923, although there was increased production in 1923, dropped to $103,000; in 1924 they amounted to $107,000; in 1926 they dropped to $90,000; in 1927 to $52,000. In 1928 the producers sold $621,705 worth and made $4,751.10.

That shows beyond the question of a doubt that the committee was justified in fixing a rate on ultramarine blue valued at above 10 cents. There is no change on the cheaper grade of marine blue, used for the purposes the Senator has named. If there is any one amendment to which we should agree it seems to me this is the one.

The PRESIDING OFFICER. The question is on concurring in the amendment, and a division has been asked.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. WALSH of Montana. I suggest the absence of a quorum.

Mr. ASHURST. Mr. President, a number of speeches have been made, but every speaker has overlooked telling us what the amendment is about. Will not some Senator who has helped to consume nearly an hour tell us what this is about?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Brookhart	Fletcher	Harris
Ashurst	Capper	Frazier	Harrison
Baird	Connally	George	Hastings
Barkley	Copeland	Glass	Hatfield
Bingham	Couzens	Glenn	Hayden
Black	Cutting	Goldsborough	Hebert
Blaine	Dale	Greene	Heflin
Borah	Dill	Grundy	Howell
Brock	Fess	Hale	Jones

Kean	Nye	Sheppard	Thomas, Okla.
Keyes	Oddie	Shortridge	Trammell
La Follette	Overman	Simmons	Tydings
McCulloch	Patterson	Smith	Vandenberg
McKellar	Phipps	Smoot	Wagner
McMaster	Pine	Steiwer	Walcott
McNary	Ransdell	Stephens	Walsh, Mont.
Metcalf	Robinson, Ind.	Sullivan	Waterman
Moses	Robsion, Ky.	Swanson	Watson
Norris	Schall	Thomas, Idaho	Wheeler

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, will the clerk please state the pending amendment?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 29, paragraph 69, ultramarine blues, after the word "ultramarine" at the end of line 15 and before the words "3 cents per pound," the Senate, as in Committee of the Whole, inserted:

If valued at more than 10 cents per pound, 4 cents per pound; if valued at 10 cents per pound or less.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole. The yeas and nays have been ordered and the clerk will call the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMITH. Is this vote directly on the motion of the Senator from New York [Mr. COPELAND]?

The PRESIDING OFFICER. It is not. The question is on concurring in the amendment made as in Committee of the Whole. A negative vote on the part of the Senate is what the Senator from New York desires.

Mr. SMITH. A negative vote would strike out the proposal of the Finance Committee?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Is a vote "yea" a vote in favor of adopting the amendment recommended by the Finance Committee?

The PRESIDING OFFICER. It is. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair that I made on the previous vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. GILLETT], who is not present. I have been unable to obtain a transfer, and therefore withold my vote.

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. HASTINGS. Making the same announcement as on the previous vote, I withhold my vote.

I desire to announce the necessary absence of my colleague the junior Senator from Delaware [Mr. TOWNSEND].

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from North Carolina [Mr. OVERMAN] with the Senator from Illinois [Mr. DENEEN].

Mr. SIMMONS. The junior Senator from Arkansas [Mr. CARAWAY] not having made his appearance, I am advised that I can transfer my pair to him. I do so, and vote "nay."

Mr. MOSES (after having voted in the affirmative). Mr. President, is the senior Senator from Iowa [Mr. STECK] recorded?

The PRESIDING OFFICER. That Senator is not recorded as having voted.

Mr. MOSES. I have a general pair with that Senator on all questions connected with the tariff bill. In his absence I withdraw my vote.

The result was announced—yeas 37, nays 33, as follows:

YEAS—37

Allen	Dale	Grundy	Jones
Baird	Fess	Hale	Kean
Bingham	Glenn	Hatfield	Keyes
Capper	Goldsborough	Hebert	McCulloch
Couzens	Greene	Howell	McNary
Metcalf	Ransdell	Steiwer	Waterman
Oddie	Robinson, Ind.	Sullivan	Watson
Patterson	Robsion, Ky.	Thomas, Idaho	
Phipps	Shortridge	Vandenberg	
Pine	Smoot	Walcott	

NAYS—33

Ashurst	Cutting	Heflin	Swanson
Barkley	Dill	La Follette	Trammell
Black	Fletcher	McMaster	Tydings
Blaine	Frazier	Nye	Wagner
Borah	George	Schall	Walsh, Mont.
Brock	Glass	Sheppard	Wheeler
Brookhart	Harris	Simmons	
Connally	Harrison	Smith	
Copeland	Hayden	Stephens	

NOT VOTING—26

Blease	Gould	Moses	Shipstead
Bratton	Hastings	Norbeck	Steck
Broussard	Hawes	Norris	Thomas, Okla.
Caraway	Johnson	Overman	Townsend
Deneen	Kendrick	Pittman	Walsh, Mass.
Gillett	King	Reed	
Goff	McKellar	Robinson, Ark.	

So the amendment made as in Committee of the Whole was concurred in.

Mr. LA FOLLETTE. Mr. President, the next amendment is in paragraph 73, page 30, lines 5 and 6, litharge. It was fully debated in Committee of the Whole. I therefore ask unanimous consent that no Senator shall speak longer than five minutes nor more than once on the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

USE OF THE SENATE OFFICE BUILDING

Mr. HARRISON. Mr. President, it is not about the pending amendment that I desire to speak, because I imagine the action of the Committee of the Whole will be upheld by the Senate. It is my desire merely to call to the attention of the Senate the information carried in the headlines this morning not only of the Washington Post but of the press of the country:

Grundy tariff staff using Senate office.

I am sure that every Senator is interested in how the offices in the Senate Office Building are being used. This item, startling in character, says that—

The tariff organization directed by Senator JOSEPH R. GRUNDY—

and I am sorry the Senator from Pennsylvania is not now in his seat; I hope that those who direct the destinies of the Republican Party on the sidelines will have him return to the Chamber. The article reads:

The tariff organization directed by Senator JOSEPH R. GRUNDY (Republican), Pennsylvania, before he was appointed to the Senate has now been installed in a room in the Senate Office Building.

Revelation of this fact shocked Senators who were informed of it to-day and is expected to result in an investigation by the lobby investigation committee. There was a disposition to regard it as the possible counterpart of the Bingham-Eyanson affair disclosed earlier in the investigation.

Officials of the American Tariff League, of which Senator GRUNDY was vice president at the time he was named to the Senate, are included in the corps of workers who have been using this base of operations.

Then it names the staff of the Tariff League that is occupying those offices. It does seem to me, if this article is based upon facts, and I do not know whether it is or not, that the Senator from Pennsylvania himself will ask that the Tariff League change its base of operations or, if that is not done and the Senator from Pennsylvania insists on having the Tariff League operate from the offices in the Senate Office Building, that the chairman of the Rules Committee will ask that it be done. In the event that neither of these steps be taken, I can assure the Senate that Senators will have an opportunity to vote upon a resolution directing that those offices be vacated by the Tariff League and given to Senators who perhaps now have not enough space in the Senate Office Building.

I am quite sure that no Senator ever dreamed that the Senate Office Building would be turned into a base of operations for any organization that is seeking to get legislation here. It may be that the whole thing has been done through a mistake; that the Senator from Pennsylvania did not appreciate the proprieties of the situation; and I feel sure, since it is brought to his attention, that he will not insist on this tariff organization continuing to occupy offices in the Senate Office Building. I trust that the Senator from Pennsylvania can tell us that this whole article is a mistake; and if it is not a mistake, that then he will at least proceed very soon to have those people moved out of the Senate Office Building.

Mr. MOSES. Mr. President, inasmuch as the Senator from Mississippi [Mr. HARRISON] has referred to the chairman of the

Senate Committee on Rules, it might be well for me to review exactly what has happened, so far as the Committee on Rules knows about it.

The Senator from Pennsylvania came here, and like every other "freshman" Senator was assigned two rooms in the Senate Office Building. With the absence of his colleague, and the necessary multiplication of work in his own office, he represented to the chairman of the Committee on Rules, who is also chairman of the subcommittee of that committee in charge of the Senate Office Building, that his work required more room. An investigation indicated that that was true. Even the most cursory view of the offices then occupied by the Senator from Pennsylvania would show that to be true. There did not happen at the minute to be any available space which could be assigned for the additional purposes which the Senator from Pennsylvania apparently had in mind.

When the subcommittee of the Committee on Privileges and Elections, which had been investigating the contest between Mr. Wilson and Mr. Vare for the seat in the Senate from Pennsylvania, which the junior Senator from Pennsylvania [Mr. GRUNDY] now occupies, a room which had been made by partitioning off the end of a corridor of the Senate Office Building, became vacant, and that was assigned to the Senator from Pennsylvania. It was assigned to him in the same manner that any room in the Office Building is assigned to a Senator.

The chairman of the Committee on Rules has never thought it his duty to find out who occupied the rooms which are assigned to Senators. However, upon the publication of the article to which the Senator from Mississippi has referred, the chairman of the Committee on Rules undertook to make some inquiry, and was informed that the room had never been occupied by any except the regular employees of the Senator from Pennsylvania; that the tariff organization—I do not remember its name—still maintains its offices in an office building down town; and that the room in question is used solely by the members of the personal staff of the Senator from Pennsylvania; and, it being the practice of the Senate to accept the word of any Senator regarding any transaction, the chairman of the Committee on Rules looked upon the incident as thereupon closed.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The question is upon concurring in the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, of course that brings up a new matter.

The VICE PRESIDENT. Under the unanimous-consent agreement the Senator from Mississippi can not speak again on this amendment. There will, however, be another amendment pending in a few moments.

Mr. MOSES. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MOSES. May the Senator from Mississippi and I resume this discussion later?

The VICE PRESIDENT. It will be the privilege of the Senators to do so if they desire when another amendment shall be before the Senate. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. THOMAS of Idaho. Mr. President, I should like to have the amendment stated.

The VICE PRESIDENT. The amendment will be again stated.

The LEGISLATIVE CLERK. On page 30, line 5, the Senate, as in Committee of the Whole, struck out "2½ cents" and inserted "2⅛ cents," so as to read:

Litharge, 2⅛ cents per pound.

Mr. THOMAS of Idaho. Mr. President, in connection with this amendment I would say that it developed during the course of the debate when the subject matter was under consideration as in Committee of the Whole that the question of litharge was not considered before the Finance Committee. There was no information given as to why the tariff on that article should be reduced; but the Senate, as in Committee of the Whole, took action by reducing the tariff from 2½ cents to 2⅛ cents.

Mr. President, the manufacture of lead pigments furnishes one of the most important markets for pig lead. Out of a total annual lead production in the United States of 690,000 tons, it is estimated that about 275,000 tons, or approximately 40 per cent, are converted into lead pigments, such as white lead, red lead, litharge, orange mineral, and sublimed lead and lead chromates, from which it may be realized that anything affecting the welfare of the lead-pigment industries is of primary concern also to the lead mining and smelting industries of the United States. One measure of the importance of the lead-pigment industries is indicated by the value of the lead pigments produced in the United States annually, which is about $55,000,000.

Litharge, a monoxide of lead, is used in the manufacture of storage batteries, paint, enameled ware, linoleum, glassware, pottery, and printing inks, oil refining, varnish manufacture, and rubber making.

Red lead, a tetraoxide of lead, is used mainly in paints for protecting iron and steel work, but it is also used in many of the industries mentioned in connection with litharge.

Orange mineral, also a tetraoxide of lead, is a lead pigment of minor importance used mainly in the manufacture of imitation vermilions.

White lead, the hydrated basic carbonate of lead, is a base for high-grade paints and is also used in the manufacture of pottery, enameled ware, and putty.

Sublimed lead is a basic lead sulphate used mainly in paint.

Lead chromate is used as a coloring pigment in paints and ink.

Briefly, Mr. President, domestic litharge production supplies almost completely the domestic demand for litharge. Imports, thanks to the protection granted by the tariff act of 1922, are negligible. A small volume of export business is done; in 1928, 2,100 tons of red lead and litharge were exported compared with a domestic production of 125,000 tons; but practically all the exported litharge was either made in bond, or manufactured with benefit of drawback, from imported pig lead, mainly Mexican. It may not be said therefore, as intimated by those who favored a reduction in the tariff on litharge, that the litharge business is on a healthy export basis.

The protection enjoyed by litharge under the tariff act of 1922 is 2½ cents per pound, which is a little over one-half cent above the compensatory rate of 1.95 cents. The extremely modest protection of 1922 has been sufficient to keep foreign importations to a minimum; but if the tariff reduction in litharge to 2⅛ cents proposed by the Senate becomes law, there is a distinct danger that imports of litharge will enter the United States, displace both the American-made product and an important market of the domestic lead miners and smelters. Another likelihood is that the manufacture of lead pigments might be transferred to Canada, where unused manufacturing facilities are already available. If this should come to pass, some plants in the United States would likely have to shut down. The proposed tariff reduction leaves litharge with only about one-eighth cent per pound over the compensatory rate, which is little more than a brokerage on an importation of this nature. Considering the fact that labor costs in European pigment-producing countries are much lower than in the United States, the protection of one-eighth cent per pound above the compensatory rate is sadly deficient in allowing for the difference between American and foreign labor costs.

I may add that the production of lead pigments is a very important industry in a great many States, and is one which employs a great many men. It is my judgment that anything that has to do with the production of lead pigments affects directly lead mining operations and the employment of labor. I hope the amendment adopted as in Committee of the Whole will not be concurred in.

Mr. HATFIELD. Mr. President, aside from the States that produce lead, a great many States, including my own, manufacture it into the finished product. The States of California, Indiana, Illinois, Pennsylvania, Ohio, New York, New Jersey, Missouri, and West Virginia are largely responsible for the production of red lead, paint, litharge, and so forth. I find myself in harmony with the junior Senator from the State of Idaho [Mr. THOMAS], and I, too, hope that the amendment made as in Committee of the Whole will not prevail.

Mr. ODDIE. Mr. President, I am familiar with the mining situation in this country. Quite recently the price of silver has dropped to a very alarming extent. The lead mining industry of the United States is very closely affiliated and allied with the silver mining industry, because almost every lead deposit contains a certain amount of silver. The decrease in the price of silver has had a very bad effect on the lead mining industry, and the troubles that have come to that industry are reflected in the whole range of mining activity.

Mr. President, mining is one branch of industry that has not received the recognition it should receive from the Congress of the United States. We know what has been done for agriculture; we approve of it, and we stand ready to do more in the way of appropriations, and otherwise, when it can be shown that such aid is needed; but only a fraction of what has been done for agriculture has been done for the mining industry. It

has stood by and suffered; it is in a depressed condition, and the most we can now do is little enough. I hope that the pleas made by the Senator from Idaho [Mr. THOMAS] and the Senator from West Virginia [Mr. HATFIELD] will be heeded by the Senate and the amendment will be defeated.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McKellar	Smith
Baird	Glass	McMaster	Smoot
Barkley	Glenn	McNary	Steiwer
Bingham	Goldsborough	Metcalf	Stephens
Black	Greene	Moses	Sullivan
Blaine	Grundy	Norbeck	Swanson
Blease	Hale	Norris	Thomas, Idaho
Borah	Harris	Nye	Thomas, Okla.
Brock	Harrison	Oddie	Trammell
Brookhart	Hastings	Overman	Tydings
Capper	Hatfield	Patterson	Vandenberg
Caraway	Hawes	Phipps	Walcott
Connally	Hayden	Pine	Walsh, Mass.
Copeland	Hebert	Ransdell	Walsh, Mont.
Couzens	Heflin	Robinson, Ind.	Waterman
Cutting	Jones	Robsion, Ky.	Watson
Dill	Kean	Schall	Wheeler
Fess	Keyes	Sheppard	
Fletcher	La Follette	Shortridge	
Frazier	McCulloch	Simmons	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. THOMAS of Idaho. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GEORGE. As I understand, those who wish to concur in the amendment made as in Committee of the Whole will vote "yea"?

The VICE PRESIDENT. That is correct.

Mr. WALSH of Montana. I ask that the amendment adopted as in Committee of the Whole be stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 30, line 5, the Senate, as in Committee of the Whole, struck out "2½ cents" and inserted "2⅛ cents," so as to read:

Litharge, 2⅛ cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). Making the same announcement as before as to my pair, I withhold my vote.

The roll call was concluded.

Mr. MOSES (after having voted in the negative). I transfer my pair with the senior Senator from Iowa [Mr. STECK] to the junior Senator from Vermont [Mr. DALE] and will permit my vote to stand.

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. THOMAS of Oklahoma. I have a general pair with the senior Senator from West Virginia [Mr. GOFF], who is absent. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. McKELLAR. I transfer my pair with the Senator from Delaware [Mr. TOWNSEND] to the Senator from New York [Mr. WAGNER] and will vote. I vote "yea."

Mr. HATFIELD. My colleague [Mr. GOFF], if present, would vote "nay."

Mr. HASTINGS. On this question I have a pair with the senior Senator from New Mexico [Mr. BRATTON], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. OVERMAN. I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 31, nays 43, as follows:

YEAS—31

Barkley	Connally	Heflin	Smith
Black	Fletcher	La Follette	Stephens
Blaine	Frazier	McKellar	Swanson
Blease	George	Norris	Trammell
Borah	Glass	Nye	Tydings
Brock	Harris	Schall	Walsh, Mass.
Brookhart	Harrison	Sheppard	Walsh, Mont.
Caraway	Hayden	Simmons	

NAYS—43

Allen	Greene	McNary	Shortridge
Baird	Grundy	Metcalf	Smoot
Bingham	Hale	Moses	Steiwer
Capper	Hatfield	Norbeck	Sullivan
Copeland	Hawes	Oddie	Thomas, Idaho
Couzens	Hebert	Patterson	Vandenberg
Cutting	Jones	Phipps	Walcott
Dill	Kean	Pine	Waterman
Fess	Keyes	Ransdell	Watson
Glenn	McCulloch	Robinson, Ind.	Wheeler
Goldsborough	McMaster	Robsion, Ky.	

NOT VOTING—22

Ashurst	Goff	King	Steck
Bratton	Gould	Overman	Thomas, Okla.
Broussard	Hastings	Pittman	Townsend
Dale	Howell	Reed	Wagner
Deneen	Johnson	Robinson, Ark.	
Gillett	Kendrick	Shipstead	

So the amendment made as in Committee of the Whole was nonconcurred in.

USE OF SENATE OFFICE BUILDING

Mr. GRUNDY. Mr. President, I rise for the purpose of confirming the statement made by the Senator from New Hampshire [Mr. MOSES] in regard to the personnel of the offices I occupy in the Senate Office Building.

There is no one there who is either directly or indirectly connected with the American Tariff League. The fact that there are people there beyond the allotment made by the Senate to each Senator is due to the fact that we are in the midst of a tariff revision, and Pennsylvania is interested in pretty nearly every paragraph of the schedules in the tariff bill. The senior Senator from Pennsylvania [Mr. REED] is abroad, and the result has been that a very large number of people from Pennsylvania and from the industrial East have called at that office, interested both in the lowering and the raising of the rates of duty. Therefore it has been necessary to have additional people there beyond those allotted by the Senate for clerical hire.

The situation in which I find myself is a situation in which Senator Pepper found himself when he was here in the midst of a tariff revision, and in which Senator Penrose always found himself, whether a revision was on or not. I desire, however, to take this opportunity of confirming what the Senator from New Hampshire said—that there is no one there directly or indirectly connected with the American Tariff League.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. GRUNDY. I do.

Mr. HARRISON. Then, as I understand the Senator, it is not true that the American Tariff League has changed its offices from uptown to the Senate Office Building?

Mr. GRUNDY. The American Tariff League, as I understand, is maintaining the same offices in the Transportation Building that they have had there for the last year or 14 months; and they certainly have not transferred them to the Senate Office Building.

Mr. HARRISON. And they have no offices in the Senate Office Building?

Mr. GRUNDY. They certainly have not. Members of the Tariff League who come to town, as well as their officers, from time to time call there, and they are very welcome visitors, indeed, and every courtesy that our office can extend to them I am delighted to have extended to them; but they are there as visitors and nothing else.

Mr. HARRISON. Of course, the members of the Tariff League would naturally come to the Senator's office and ought to be welcomed.

Mr. GRUNDY. They are very welcome.

Mr. HARRISON. But the Senator can appreciate that with a news report going out that this tariff organization had taken up offices in the Senate Office Building, and an office room was set aside for them, it does not sit very well; and the Senator would not approve of that, of course.

Mr. GRUNDY. Absolutely not; and I want to thank the Senator from Mississippi for rising in his place and bringing this matter to the attention of the Senate so that I could make this statement.

Mr. HARRISON. The Senator is very welcome.

Mr. CARAWAY. Mr. President, will the Senator yield to me for a question?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. GRUNDY. Certainly.

Mr. CARAWAY. Who is Warren F. Doane?

Mr. GRUNDY. Warren F. Doane is the editor of The Manufacturer, a publication of the Manufacturers' Club of Philadelphia.

Mr. CARAWAY. It is the journal of the American Tariff League, is it not?

Mr. GRUNDY. Oh, no; absolutely not. It has no connection with it.

Mr. CARAWAY. It is a Pennsylvania manufacturers' association journal?

Mr. GRUNDY. No, no.

Mr. CARAWAY. Does the Senator say it is an independent journal?

Mr. GRUNDY. It is an independent journal, published by the Manufacturers' Club of Philadelphia.

Mr. CARAWAY. Absolutely; and this man, Mr. Doane, is the hired editor?

Mr. GRUNDY. He is the hired editor.

Mr. CARAWAY. Has he been staying in this room in the Senate Office Building?

Mr. GRUNDY. He has headquarters in the LaFayette Hotel.

Mr. CARAWAY. I am not talking about where his headquarters is. Has he been staying in this room in the Senate Office Building?

Mr. GRUNDY. No; he is in town part of his time, and his room is in the LaFayette Hotel. He comes to my offices when I want him to come there, to consult with me.

Mr. CARAWAY. He has been principally staying there, has he not?

Mr. GRUNDY. Oh, no; he visits there when I want him to come to my offices.

Mr. CARAWAY. That is every day, is it not?

Mr. GRUNDY. No; not at all.

Mr. CARAWAY. Who is John Lerch?

Mr. GRUNDY. John G. Lerch is an attorney, a member of the firm of Lamb & Lerch, of New York City.

Mr. CARAWAY. He has been appearing here frequently in reference to this tariff bill?

Mr. GRUNDY. Oh, yes, surely; and other matters.

Mr. CARAWAY. Has he been staying a good part of his time in the Senate Office Building?

Mr. GRUNDY. Oh, my, no. He calls there from time to time. He is my personal counsel. He calls there when I ask him to call there.

Mr. CARAWAY. And he is representing quite a large number of industries that have items in this tariff bill?

Mr. GRUNDY. Oh, yes; I hope so.

Mr. CARAWAY. That is his principal business?

Mr. GRUNDY. I hope so; yes.

Mr. CARAWAY. Who is Arthur L. Faubel?

Mr. GRUNDY. He is the general secretary of the American Tariff League.

Mr. CARAWAY. On the pay roll at $10,000 a year?

Mr. GRUNDY. That or more; yes.

Mr. CARAWAY. That is too much, but that is what it is. He has been staying in this room?

Mr. GRUNDY. No; he has not. He is a visitor there from time to time.

Mr. CARAWAY. A visitor there every day, is he not?

Mr. GRUNDY. He is not in town every day.

Mr. CARAWAY. Whenever he is here, that is where he stays?

Mr. GRUNDY. No; it is not. He calls there from time to time.

Mr. CARAWAY. I know about calling there from time to time, but he calls there every morning and stays until evening?

Mr. GRUNDY. No. He is around the Capitol here a great share of the time.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. On page 30, line 6, the Senate, as in Committee of the Whole, struck out "2¾" and inserted in lieu thereof "2⅛," so as to read:

Red lead, 2⅛ cents per pound.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that upon this amendment no Senator shall speak more than once or longer than five minutes.

The VICE PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

Mr. THOMAS of Idaho. Mr. President, the same situation exists with reference to red lead that existed as to litharge. The Senate, as in Committee of the Whole, saw fit to reduce the tariff from 2¾ cents to 2⅛ cents per pound. An argument applying to litharge applies to red lead. I do not care to go into the discussion but do ask for a roll call.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HATFIELD (when Mr. GOFF's name was called). My colleague [Mr. GOFF], if present, would vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "yea."

Mr. FESS (when Mr. MOSES's name was called). I was requested to announce that the senior Senator from New Hampshire [Mr. MOSES] is paired with the senior Senator from Iowa [Mr. STECK].

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from Illinois [Mr. DENEEN].

Mr. SIMMONS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. GILLETT], which I transfer to the junior Senator from Montana [Mr. WHEELER], and vote "yea."

Mr. THOMAS of Oklahoma (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Being unable to obtain a transfer, I withhold my vote.

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I find that the Senator to whom I transferred my pair has come into the Chamber, so I withdraw my vote.

Mr. HASTINGS. On this question I have a general pair with the senior Senator from New Mexico [Mr. BRATTON], which I transfer to the junior Senator from Vermont [Mr. DALE], and vote "nay."

Mr. METCALF. I have a general pair with the senior Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

Mr. TYDINGS. I have a pair with the senior Senator from Rhode Island [Mr. METCALF], and I understand he has withheld his vote. Therefore I withhold my vote. If permitted to vote, I would vote "yea."

The result was announced—yeas 31, nays 41, as follows:

YEAS—31

Ashurst	Caraway	Hayden	Sheppard
Barkley	Connally	Heflin	Simmons
Black	Fletcher	La Follette	Smith
Blaine	Frazier	McMaster	Stephens
Blease	George	Norbeck	Swanson
Borah	Glass	Norris	Walsh, Mass.
Brock	Harris	Nye	Walsh, Mont.
Brookhart	Harrison	Schall	

NAYS—41

Allen	Goldsborough	McCulloch	Steiwer
Baird	Greene	McNary	Sullivan
Bingham	Grundy	Oddie	Thomas, Idaho
Broussard	Hale	Patterson	Vandenberg
Capper	Hastings	Phipps	Wagner
Copeland	Hatfield	Pine	Walcott
Couzens	Hawes	Pittman	Waterman
Cutting	Hebert	Ransdell	Watson
Dill	Jones	Robinson, Ind.	
Fess	Kean	Shortridge	
Glenn	Keyes	Smoot	

NOT VOTING—24

Bratton	Howell	Moses	Steck
Dale	Johnson	Overman	Thomas, Okla.
Deneen	Kendrick	Reed	Townsend
Gillett	King	Robinson, Ark.	Trammell
Goff	McKellar	Robsion, Ky.	Tydings
Gould	Metcalf	Shipstead	Wheeler

So the amendment made as in Committee of the Whole was nonconcurred in.

Mr. LA FOLLETTE. Mr. President, the Senate acted upon this amendment as in Committee of the Whole after full debate on February 7, 1930. I ask unanimous consent that the roll call

by which the amendment just now defeated was adopted may be printed at this point in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the roll call was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON]. [Putting the question.] The Chair is in doubt.

Mr. LA FOLLETTE and Mr. HARRISON called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. MCNARY (when his name was called). Upon this vote I have a pair with the senior Senator from Missouri [Mr. HAWES]. If he were present, he would vote "yea," and if I were free to vote I should vote "nay."

Mr. RANSDELL (when his name was called). On this vote I have a pair with the Senator from Iowa [Mr. BROOKHART], and therefore refrain from voting.

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the Senator from Texas [Mr. CONNALLY]. If he were present, he would vote "yea," and if I were permitted to vote I would vote "nay."

The roll call was concluded.

Mr. PATTERSON (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. WAGNER]. I therefore desire to withdraw my vote.

Mr. SCHALL. I desire to announce the unavoidable absence of my colleague [Mr. SHIPSTEAD], and I ask that this announcement may stand for the day.

Mr. NYE. Upon this question my colleague [Mr. FRAZIER], who is unavoidably absent, is paired with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the senior Senator from Delaware would vote "nay."

Mr. SHORTRIDGE (after having voted in the negative). I have a pair with the Senator from Virginia [Mr. SWANSON], and therefore withdraw my vote.

Mr. MCNARY. I wish to announce the following general pairs:

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from California [Mr. JOHNSON] with the Senator from Iowa [Mr. STECK].

Mr. SHEPPARD. I wish to announce that on this vote the Senator from New Hampshire [Mr. MOSES] is paired with the Senator from Arkansas [Mr. CARAWAY].

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN] are necessarily absent from the Senate attending a conference in the West relating to the diversion of the waters of the Colorado River.

Mr. BROUSSARD. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL] is necessarily absent from the Chamber on official business.

The result was announced—yeas 37, nays 35, as follows:

Yeas—37: Messrs. Allen, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Capper, Copeland, Cutting, Dill, Fletcher, George, Glass, Harris, Harrison, Heflin, Howell, Jones, La Follette, McKellar, McMaster, Norbeck, Norris, Nye, Overman, Schall, Sheppard, Simmons, Smith, Stephens, Thomas of Oklahoma, Tydings, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Nays—35: Messrs. Baird, Bingham, Broussard, Couzens, Dale, Deneen, Fess, Gillett, Goff, Goldsborough, Gould, Greene, Grundy, Hale, Hatfield, Hebert, Kean, Kendrick, Keyes, McCulloch, Metcalf, Oddie, Phipps, Pine, Robinson of Indiana, Robsion of Kentucky, Smoot, Steiwer, Sullivan, Townsend, Trammell, Vandenberg, Walcott, Waterman, and Watson.

Not voting—24: Messrs. Ashurst, Brookhart, Caraway, Connally, Frazier, Glenn, Hastings, Hawes, Hayden, Johnson, King, McNary, Moses, Patterson, Pittman, Ransdell, Reed, Robinson of Arkansas, Shipstead, Shortridge, Steck, Swanson, Thomas of Idaho, and Wagner.

So Mr. HARRISON's amendment was agreed to.

Mr. LA FOLLETTE. I ask unanimous consent that upon the next amendment debate shall be limited to five minutes, and that no Senator shall speak more than once.

Mr. COPELAND. I object.

Mr. LA FOLLETTE. I modify my request and ask that debate be limited to 10 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 31, lines 22 and 23, as in Committee of the Whole, the Senate disagreed to the committee amendment striking out "Sodium and potassium" and inserting "Sodium, potassium, lithium, beryllium, and caesium," and subsequently struck out paragraph 80, embracing lines 22 and 23.

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Utah?

The VICE PRESIDENT. The Senator from Utah will please give his attention.

Mr. COPELAND. What I have in mind with reference to the omission in paragraph 80, page 31, is "lithium, beryllium, and caesium." Where will they go if they are eliminated from that paragraph?

Mr. SMOOT. They will go to paragraph 5 in the basket clause.

Mr. COPELAND. At what rate?

Mr. SMOOT. At 25 per cent.

Mr. COPELAND. The same rate as is provided in paragraph 80?

Mr. SMOOT. Yes.

Mr. COPELAND. The Senator is familiar with a customs decision where these items went to metals unwrought on the free list. Is there any danger that that is what might happen to them if they are not restored to this paragraph?

Mr. SMOOT. No; because we modified the free-list paragraph, and they will remain here no matter what action is taken. Unless there is a different vote taken in the Senate, they will remain here.

Mr. COPELAND. If the rate is the same, would it not be a more orderly procedure to have them retained in this paragraph?

Mr. SMOOT. No; I think the best thing to do is to keep them here. Just what was the Senator's question?

Mr. COPELAND. Would it not be better to disagree to what has been done and leave them in this paragraph?

Mr. SMOOT. That is what the committee recommended, but that was not the action of the Senate.

Mr. COPELAND. Let me explain to the Senate that these three metals were taken from this paragraph and would go into another paragraph where the rate is the same, but it would seem to me that the course to pursue is to disagree to what the Senate did and restore them to this paragraph. The rate would be identical.

Mr. SMOOT. That is what the committee tried to do.

Mr. COPELAND. What then should be the form of my motion?

Mr. SMOOT. To disagree to the action of the Senate.

Mr. COPELAND. I ask that the Senate disagree to the action of the Senate as in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, I think we should first have some kind of information about what we are doing. I do not think a Member of the Senate, outside of perhaps half a dozen, has any sort of notion about what is taking place here.

On this matter the committee recommended a certain amendment, striking out "sodium and potassium" and inserting "sodium, potassium, lithium, beryllium, and caesium." The Senate in Committee of the Whole disagreed to that amendment. They did not want that done. They wanted to leave it simply "sodium and potassium." The reasons that impelled the Senate to that action no one knows anything about now. I have not a notion about what it was that induced the Senate at that time to disagree to the committee amendments.

Mr. SMOOT. We disagreed to the whole thing, not only the words "sodium and potassium" but we disagreed to the entire paragraph. That then takes it back into the basket clause.

Mr. LA FOLLETTE. And reduces the duty. In other words, it was to strike out the increase which the committee placed there.

Mr. SMOOT. No; it was not. There was no change in duty.

Mr. COPELAND. No; the duty is the same.

Mr. SMOOT. The basket clause carries 25 per cent.

Mr. WALSH of Montana. Upon what consideration should the Senate disagree to the committee amendment and put the products in the basket clause if there is no difference in the rate?

Mr. SMOOT. I do not know.

Mr. WALSH of Montana. Why should the Senate have taken them out of the basket clause and put them in this particular clause when the rate is exactly the same? We went over these matters very carefully, and all of them were explained and the reasons given with respect to all of them, but it has entirely passed out of my recollection.

Mr. SMOOT. Let me call attention to this statement. It is very short indeed.

Mr. LA FOLLETTE. I will ask the Senator from Utah if the motive that prevailed upon the Senate to take that action was that they wanted to transfer these items to the free list?

Mr. SMOOT. No; I did not so understand it.

Mr. LA FOLLETTE. That may have justified the committee's action, but I am asking about what the Senate did.

Mr. SMOOT. The Senate sent it to paragraph 5 in the basket clause. There was a decision which reads as follows:

Sodium and potassium have been classified free of duty since December 4, 1928, under paragraph 1562, as "metals, unwrought."

Before this decision these products were dutiable at 25 per cent ad valorem under paragraph 5. The new rate merely restores these articles by specific mention to the same dutiable status which existed prior to the above Treasury decision.

That is what I stated before, and that is the fact in the case. The Treasury decision undid what the Congress thought they were doing by putting on a 25 per cent ad valorem duty.

Mr. WALSH of Montana. I think the actual situation is as suggested by the Senator from Wisconsin. The real purpose was to disagree to the Senate committee amendment and then to put sodium and potassium on the free list. That I think was what was in the mind of the Senate when we rejected the amendment offered by the Committee on Finance.

Mr. LA FOLLETTE. Mr. President, if the Senator from Montana will yield——

Mr. WALSH of Montana. Certainly.

Mr. LA FOLLETTE. The fact is that sodium and potassium are on the free list in the 1922 act.

Mr. SMOOT. Oh, no; they carried 25 per cent ad valorem in paragraph 5, but went on the free list by virtue of Treasury decision 43066.

Mr. LA FOLLETTE. The notation that I have is that sodium and potassium have been transferred to the free list, 1922 act, paragraph 1562.

Mr. SMOOT. By a Treasury decision. That is what it was.

Mr. WALSH of Montana. The Treasury decision is just simply a construction of the act. These commodities were not on the dutiable list by the act and off the dutiable list by a Treasury decision. The Treasury decision must have been that under the act they were on the free list.

Mr. SMOOT. The decision was as to the description under the act of 1922, and under the wording of the act the Treasury Department decided that they did not fall in paragraph 5 at 25 per cent, but did go on the free list as unwrought metals.

Mr. WALSH of Montana. Mr. President, I recall very distinctly that when we had the bill of 1922 before us the Senator from Nevada [Mr. PITTMAN] made a very stout fight to put sodium and potassium upon the free list, because they were constituents of cyanide sodium and cyanide potassium used in leaching ores.

The Treasury decision undoubtedly simply carried out the purpose of the Congress at that time to put these commodities upon the free list. I suspect that it was the same idea that operated to reject the amendment proposed by the Senate Committee on Finance, the purpose being later on, and apparently then it was overlooked, to put potassium and sodium on the free list.

Mr. SMOOT. They have no relation to sodium cyanide.

Mr. WALSH of Montana. But they are elements in the making of sodium cyanide and potassium cyanide.

Mr. SMOOT. Oh, no; they are made out of salt entirely.

The PRESIDING OFFICER (Mr. FESS in the chair). Let the Chair state that the parliamentarian suggests that the proper way to offer the amendment is as follows: After the word "potassium" in the language proposed to be stricken out insert the following:

Sodium, potassium, lithium, beryllium, and caesium.

Mr. COPELAND. Is not the proper question to be voted on whether or not we will accept the paragraph as it came from the committee?

Mr. SMOOT. The amendment that was just read by the Presiding Officer would put these commodities on the free list.

Mr. COPELAND. I move that paragraph 80 as it came to the Senate from the Finance Committee be adopted.

Mr. LA FOLLETTE. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. LA FOLLETTE. I make the point of order that the question is on concurring in the amendment adopted as in Committee of the Whole.

The PRESIDING OFFICER. The Senator is correct. However, that is open to amendment.

Mr. SMOOT. If we want the Senate committee amendment, then we should disagree to the action of the Senate taken as in Committee of the Whole. That would leave it as reported to the Senate, and that will carry a rate of 25 per cent ad valorem.

Mr. SMITH. Mr. President, do I understand that in Committee of the Whole we rejected the entire paragraph?

Mr. SMOOT. Yes; it went out altogether.

Mr. WALSH of Montana. The whole paragraph did not go out. The paragraph read:

Sodium and potassium, 25 per cent ad valorem.

The Senate Finance Committee moved to strike out "sodium and potassium" and insert "sodium, potassium, lithium, beryllium, and caesium, 25 per cent ad valorem," and that amendment was rejected, so that the paragraph stands as it came from the House, namely, "sodium and potassium, 25 per cent ad valorem."

The PRESIDING OFFICER. The Chair is informed that a subsequent vote struck out sodium and potassium.

Mr. WALSH of Montana. That was another vote. The question now is upon voting on the Senate amendment, is it not?

The PRESIDING OFFICER. That is correct.

Mr. WALSH of Montana. If that action is rejected or is sustained, then the other matter will come up, will it not?

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PITTMAN. This paragraph comes to the Senate with "sodium and potassium" stricken out in paragraph 80. That is the way it comes, is it not?

Mr. SMITH. No; if I may answer the Senator. The point that confuses me is that we have sodium and potassium in the House text without the others. We simply struck those out and added the others to them so that the vote would include sodium and potassium.

Mr. SMOOT. Just as we do in every case similar to this. The Senator from Nevada is right in saying that we struck out sodium and potassium, and in striking them out we did it for the purpose of putting in sodium, potassium, lithium, beryllium, and caesium as one amendment. That was all.

Mr. PITTMAN. Mr. President, a parliamentary inquiry. I would rather have the Chair inform me on this question. The section reads as follows as reported to the Senate:

PAR. 80. Sodium, potassium, lithium, beryllium, and caesium, 25 per cent ad valorem.

Are we voting to sustain or reject that paragraph?

The PRESIDING OFFICER. The Chair understands from the record that the first vote was a disagreement to the Senate committee amendment, and then later the Senate struck out sodium and potassium. If the Senate will permit, the Presiding Officer will state that the parliamentarian informs the Chair that the proper amendment to be offered now is as follows: Insert, after the word "potassium," in line 22, the following: "Sodium, potassium, lithium, beryllium, and caesium." It would seem to the Chair that that is what should be done.

Mr. LA FOLLETTE. That would not be a vote upon the action in the Committee of the Whole. The action in Committee of the Whole struck out the paragraph altogether. My information is that unanimous consent was obtained to include the striking out of sodium and potassium, that they were all voted upon at the same time, and the paragraph was stricken out at the same time. There was a record vote on it. Now the question is, Shall the action taken in the Committee of the Whole be confirmed by the Senate? Any Senator who desires to secure the committee amendment as reported from the Finance Committee can obtain that result by voting "nay." Those who desire to sustain the action taken as in Committee of the Whole and to strike out this entire paragraph from the schedule may accomplish that result by voting "aye." Then, if that vote should prevail, of course an amendment would be in order to place the commodities mentioned in the paragraph upon the free list.

The PRESIDING OFFICER. The Senator from Wisconsin has made a correct statement of the parliamentary situation.

Mr. WALSH of Montana. Then, Mr. President, I merely want to appeal to Senators to sustain the action taken as in Committee of the Whole on these items, unless there is something in the nature of a representation for a new trial or a new hearing. If we are going to start in again and argue the merits of these questions from the beginning, we have lost six months' time. This subject was evidently considered carefully by the Senate as in Committee of the Whole, and there is not now time or a disposition on the part of the Senate to listen again to the whole argument that we went over as in Committee of the Whole.

The Senate, as in Committee of the whole, decided by quite a decided majority, 34 to 30, to reject the amendment reported by the Senate Finance Committee. I think that action ought to be sustained. A vote "aye," as I understand, will sustain the action taken by the Senate, as in Committee of the Whole, in rejecting the committee amendment.

Mr. COPELAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Barkley	Blaine	Brock
Ashurst	Bingham	Blease	Brookhart
Baird	Black	Borah	Broussard

Capper	Hale	McNary	Simmons
Carraway	Harris	Metcalf	Smith
Connally	Harrison	Moses	Smoot
Copeland	Hastings	Norbeck	Steiwer
Couzens	Hatfield	Norris	Stephens
Cutting	Hawes	Nye	Sullivan
Dale	Hayden	Oddie	Swanson
Dill	Hebert	Overman	Thomas, Idaho
Fess	Hefin	Patterson	Thomas, Okla.
Fletcher	Johnson	Phipps	Trammell
Frazier	Jones	Pine	Vandenberg
George	Kean	Pittman	Wagner
Glass	Keyes	Ransdell	Walcott
Glenn	La Follette	Robinson, Ind	Walsh, Mont.
Goldsborough	McCulloch	Schall	Waterman
Greene	McKellar	Sheppard	Watson
Grundy	McMaster	Shortridge	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. BARKLEY and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. I desire to make a very brief statement about this amendment, which seems to be involved in some confusion. Potassium and sodium have been on the free list by Treasury decision. The Treasury decided that what Congress intended to do in 1922 was to put them on the free list, and they went there. The House included potassium and sodium at a rate of 25 per cent. When the bill came to the Senate the Senate Finance Committee struck out sodium and potassium, rewrote the paragraph, and added the three commodities which we are now considering.

Mr. SMOOT. And then the Senate, as in Committee of the Whole, struck out the whole paragraph.

Mr. BARKLEY. Yes; but I am talking about the action of the Senate Finance Committee. The three commodities referred to are not being imported into this country; they are not even being commercially manufactured in this country; they are still in the laboratory stage. They were put in the paragraph at the instance of the former Senator from New Jersey, now ambassador to France, who expressed a fear that some day in the future importations might begin to come in. That is the only basis upon which they were included in this paragraph at a rate of 25 per cent ad valorem.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield.

Mr. NORRIS. Can the Senator give us any information as to whether the former Senator from New Jersey, since he has gone to France as ambassador and has been laboring with the French Government not to levy high tariffs on American products, has changed his attitude on some of these questions?

Mr. BARKLEY. I have no authority to speak for the ambassador to France, but, in a general way, I understand that some impression has been made upon him and probably some dent has been made in his attitude with reference to that matter, because he is in a position now to look upon it more impartially and more with reference to our international trade relations; but I have no information as to whether he still insists that these three commodities, which are not being imported and which are only being manufactured experimentally, shall be included in the dutiable list or whether he has softened his position.

Mr. NORRIS. I wonder if the Senator can give us any idea as to whether, from the official action of the ambassador to France, formerly a Senator, in laboring with the French Government to have them abstain from levying such high duties on our products, his conduct does not rather indicate that he has seen a new light and the error of his way, and probably he would not take the course now that he took then? That might have some influence on the votes of Senators here.

Mr. BARKLEY. I think it probably would be fair to say, and I think in fact the statement is justified, now that he is an ambassador of the whole United States and not simply an ambassador from New Jersey, that his position has been somewhat liberalized on that subject.

Mr. SMOOT. Mr. President, so that the Senate may know just what these items are which are mentioned in the paragraph, and referred to by the Senator from Kentucky, and also that the Senate may know what the present situation is, I wish to call attention to the facts.

Lithium, beryllium, and caesium are metals that have only recently come into prominence due to special uses.

Mr. NORRIS. Mr. President, I did not quite understand the names the Senator read. Will he please read them again?

Mr. SMOOT. Lithium, beryllium, and caesium.

Mr. NORRIS. What is the last one?

Mr. SMOOT. Caesium.

Lithium and beryllium are used in alloys requiring great strength and lightness, as in certain airplane parts. Caesium is used in the manufacture of incandescent lamps and radio tubes, and is being experimented with for television.

These metals are produced from their ores by complex chemical methods. The salts are first produced, from which the metals are obtained by electrochemical means. Domestic production is now on a commercial scale. Lithium is produced from domestic ore mined in South Dakota. Germany is the main European producer of these metals.

These metals are the newest thing along metallurgical lines. They are stronger than any metal we have, and they are lighter than almost any metal we have. Therefore these three metals referred to as being added to the bill were put in the bill because of the fact that they were not known; they did not exist at the time of the enactment of the last tariff act. In this country we are now prepared to make these new metals; they have passed beyond the experimental stage; and they should be included either in the basket clause at 25 per cent or they should be specifically named in the provision now under consideration. I think it is very much better that they should be named, so that in the statistical reports which are published they may be included, and we may know just what the importations are, what the cost of production is, and all other details. When, however, they fall in the basket clause such statistics are not obtained, and we do not get the information.

I think, Mr. President, that the Senate ought to refuse to concur in the amendment.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. SMOOT. Yes; I yield.

Mr. BARKLEY. The Senator does not claim that any of these products are being imported into this country now, does he?

Mr. SMOOT. There is hardly any of them in the world, with the exception of Germany. Germany and the United States are the only countries that are making any of these products. We are preparing now to make them and so is Germany.

Mr. BARKLEY. Of course, Germany is making them; but she is not exporting any of them to the United States, and we are producing about 5,000 tons a year.

Mr. SMOOT. It is too early to tell about that yet. They are just beginning to export them to this country now.

Mr. BARKLEY. That is the whole trouble. On all of these articles of which there are no importations now, to justify an increase in the tariff it is said that other countries are just about to begin importations.

Mr. SMOOT. That has not anything to do with these products. They were never known in the world until a few months ago. It was not known what they were.

Mr. SMITH. Does the Senator want to shut them off in their infancy?

Mr. SMOOT. No; I do not want to shut them off in their infancy.

Mr. COPELAND. Mr. President, I apologize for having precipitated this debate. The matter was called to my attention. Here we have some substances that are used largely as chemical reagents, laboratory products except sodium, which is used at this particular time in making dyestuffs.

The PRESIDING OFFICER. The Chair will have to state to the Senator from New York that under the unanimous-consent agreement the Senator, having spoken once, is not entitled to speak a second time.

Mr. COPELAND. Of course, I have not spoken on the subject, because I simply presented the matter. However, I am perfectly willing to yield the floor, under the ruling of the Chair.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Montana. When the bill came into the Senate the question was, Will the Senate concur in the amendments made as in Committee of the Whole, save those with respect to which a separate vote was reserved? The question was, Will the Senate concur or not? and the vote was that the Senate would concur.

Is the question now before the Senate, Will the Senate concur in the action taken in Committee of the Whole? If so, I want to vote "yea." Or is the question as it was presented to the Committee of the Whole, the question of agreeing to the Senate committee amendment? If so, I want to vote "nay."

The PRESIDING OFFICER. The question before the Senate is, Will the Senate concur in the amendment made as in Committee of the Whole? The amendment was to strike out these two lines.

Mr. WALSH of Montana. Then I desire to say, Mr. President, that the vote before was 38 nays and 34 yeas; and those





who voted "nay" before will now vote "yea," if they have not changed their minds.

The PRESIDING OFFICER. Those in favor of concurring in the amendment made as in Committee of the Whole will say "aye." Those opposed will say "no." [Putting the question.] The noes seem to have it.

Mr. BARKLEY. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). On this question I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], who is absent. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and will vote. I vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS], and therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. MOSES. I have a general pair with the senior Senator from Iowa [Mr. STECK]. In his absence I withhold my vote.

Mr. SIMMONS. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the senior Senator from Missouri [Mr. HAWES] and will vote. I vote "yea."

Mr. HASTINGS. I transfer my pair with the senior Senator from New Mexico [Mr. BRATTON] to the junior Senator from Kentucky [Mr. ROBSION] and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 36, nays 39, as follows:

YEAS—36

Ashurst	Connally	Harrison	Schall
Barkley	Couzens	Hayden	Sheppard
Black	Cutting	Heflin	Simmons
Blaine	Dill	Johnson	Smith
Blease	Fletcher	Jones	Stephens
Borah	Frazier	La Follette	Swanson
Brock	George	McKellar	Trammell
Brookhart	Glass	Norris	Walsh, Mont.
Caraway	Harris	Nye	Wheeler

NAYS—39

Allen	Greene	McNary	Smoot
Baird	Grundy	Norbeck	Steiwer
Bingham	Hale	Oddie	Sullivan
Broussard	Hastings	Patterson	Thomas, Idaho
Capper	Hatfield	Phipps	Vandenberg
Copeland	Hebert	Pine	Wagner
Dale	Kean	Pittman	Walcott
Fess	Keyes	Ransdell	Waterman
Glenn	McCulloch	Robinson, Ind.	Watson
Goldsborough	McMaster	Shortridge	

NOT VOTING—21

Bratton	Howell	Reed	Townsend
Deneen	Kendrick	Robinson, Ark.	Tydings
Gillett	King	Robsion, Ky.	Walsh, Mass.
Goff	Metcalf	Shipstead	
Gould	Moses	Steck	
Hawes	Overman	Thomas, Okla.	

So the amendment made as in Committee of the Whole was nonconcurred in.

Mr. LA FOLLETTE. Mr. President, inasmuch as the amendment adopted in Committee of the Whole has been rejected, I am going to suggest that in order to carry out a classification of these laboratory experiments which have just been given a great protection by the Senate it might be just as well to give them a separate definition or classification, so that if we ever survive this revision and revise the tariff again, we may know just exactly what the imports and the production have been. Therefore it seems to me that it would be wise for the Senator from Utah to suggest a committee amendment and have it go in the bill.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. Without objection, the amendment will be received and stated.

The LEGISLATIVE CLERK. On page 31, line 22, it is proposed to strike out the words "Sodium and potassium" and insert:

Sodium, potassium, lithium, beryllium, and caesium.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point the roll-call vote by which the committee amendment was rejected in Committee of the Whole. It occurred on August 31, 1929, and appears on page 5017 of the permanent edition of the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The PRESIDING OFFICER. * * *.

The question is on the committee amendment. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAWES (when his name was called). I have a pair with the senior Senator from Kentucky [Mr. SACKETT]. Not knowing how he would vote on this question, I withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, and not knowing how he would vote, I withhold my vote.

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). I desire to announce that my colleague [Mr. SHIPSTEAD] is still ill.

Mr. TYDINGS (when his name was called). On this question I have a general pair with the senior Senator from Rhode Island [Mr. METCALF], who is ill. I transfer that pair to the junior Senator from Montana [Mr. WHEELER] and will vote. I vote "nay."

The roll call was concluded.

Mr. REED (after having voted in the affirmative). I have a general pair with the Senator from New Mexico [Mr. BRATTON]. I transfer that pair to the Senator from New Jersey [Mr. KEAN] and will allow my vote to stand.

Mr. BLAINE (after having voted in the negative). I have a general pair with the junior Senator from West Virginia [Mr. HATFIELD]. I transfer that pair to my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] and will allow my vote to stand.

Mr. GOFF. I desire to state that my colleague [Mr. HATFIELD] is detained from the Senate on official business. He is paired, I am told, with the junior Senator from Wisconsin [Mr. BLAINE].

Mr. JONES. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from Washington [Mr. DILL];

The Senator from Ohio [Mr. FESS] with the Senator from Texas [Mr. CONNALLY];

The Senator from Kansas [Mr. CAPPER] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Oklahoma [Mr. THOMAS].

I also desire to announce that the Senator from Illinois [Mr. DENEEN], the Senator from Ohio [Mr. FESS], the Senator from Kansas [Mr. CAPPER], and the Senator from New Hampshire [Mr. MOSES] are absent on the business of the Senate.

Mr. WALSH of Montana. I desire to announce that the Senator from Oklahoma [Mr. THOMAS], the Senator from South Carolina [Mr. SMITH], and my colleague the junior Senator from Montana [Mr. WHEELER], are necessarily detained on official business.

Mr. SHEPPARD. I desire to announce the necessary absence on business of the Senate of the Senator from Arkansas [Mr. ROBINSON], the Senator from Florida [Mr. TRAMMELL], the Senator from Texas [Mr. CONNALLY], the Senator from New Mexico [Mr. BRATTON], and the Senator from Washington [Mr. DILL].

The result was announced—yeas 30, nays 34, as follows:

Yeas, 30: Allen, Bingham, Broussard, Copeland, Couzens, Edge, Glenn, Goff, Gould, Greene, Hale, Hastings, Hebert, Kendrick, Keyes, Oddie, Patterson, Phipps, Pittman, Ransdell, Reed, Shortridge, Smoot, Steiwer, Townsend, Vandenberg, Wagner, Walcott, Warren, and Waterman.

Nays, 34: Ashurst, Barkley, Black, Blaine, Blease, Borah, Brock, Brookhart, Caraway, Cutting, Fletcher, Frazier, George, Glass, Harris, Harrison, Hayden, Heflin, Howell, Jones, King, McKellar, Norris, Nye, Overman, Schall, Sheppard, Simmons, Steck, Swanson, Thomas of Idaho, Tydings, Walsh of Massachusetts, and Walsh of Montana.

Not voting, 30: Bratton, Capper, Connally, Dale, Deneen, Dill, Fess, Gillett, Goldsborough, Hatfield, Hawes, Johnson, Kean, La Follette, McMaster, McNary, Metcalf, Moses, Norbeck, Pine, Robinson of Arkansas, Robinson of Indiana, Sackett, Shipstead, Smith, Stephens, Thomas of Oklahoma, Trammell, Watson, and Wheeler.

So the amendment of the committee was rejected.

Mr. LA FOLLETTE. I now ask that upon the next amendment, sodium chlorate, no Senator shall speak more than once nor longer than five minutes.

The VICE PRESIDENT. Is there objection?

Mr. STEIWER. Mr. President, I wish to offer an amendment, and may take a little longer than five minutes. I assume there will be no objection to that.

Mr. LA FOLLETTE. I ask unanimous consent, then, that no Senator shall speak more than once nor longer than 10 minutes.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, I have not made any speech on this bill, and I do not expect to make any, but when Senators have been here talking for months, every man talking just as long as he pleased to talk, now, when some Senators might want to say something, there is a request that debate be limited to five minutes. Some Senators here have taken up a good deal of time on this bill.

Mr. LA FOLLETTE. May I suggest to the Senator——

Mr. BLEASE. I object.

The VICE PRESIDENT. The Senator objects. The Secretary will report the next amendment.

The LEGISLATIVE CLERK. On page 32, line 8, paragraph 82, the Senate as in Committee of the Whole disagreed to the committee amendment striking out "1½ cents" and inserting "2 cents" on sodium chlorate.

Mr. STEIWER. Now, if it is in order, I want to be permitted to offer the amendment just stated by the clerk, and to say to the Senate that the action in Committee of the Whole was to restore the existing rate of 1½ cents.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BARKLEY. The Senate as in Committee of the Whole having disagreed to the committee amendment, the language having come to the Senate now from Committee of the Whole, as it is in the present law and in the bill as it passed the House, is it in order to offer an amendment from the floor until the amendments upon which reservations were made are disposed of?

The VICE PRESIDENT. Such an amendment would be in order only if offered to a committee amendment.

Mr. BARKLEY. But there is no committee amendment. The committee amendment was disagreed to as in Committee of the Whole, and the language of the bill now is as it came from the House.

Mr. SMOOT. Under our unanimous-consent agreement, having acted upon it here, it is now in order to have an amendment suggested, either to disagree to the action of the Senate or to offer an entirely new amendment.

Mr. BARKLEY. I did not understand that the Chair had ruled that a reservation could be made with reference to an amendment offered as in Committee of the Whole which was not agreed to.

The VICE PRESIDENT. No amendment comes to the Senate when a committee amendment is rejected as in Committee of the Whole, and therefore the amendment will not be in order, except by unanimous consent, until individual amendments are in order.

Mr. BARKLEY. Mr. President, I understand it was not necessary for any Senator to reserve the right to offer an amendment to this bill from the floor after the bill got into the Senate.

The VICE PRESIDENT. It is not necessary to reserve a right to offer an amendment.

Mr. BARKLEY. Why does anyone obtain any special right by reserving the right to have a vote if he could get it anyway?

The VICE PRESIDENT. A Senator has not obtained any special right by reserving a vote, and that was stated by the Chair several times.

Mr. BARKLEY. I thought our procedure was to dispose of the amendments which were reported from the Committee of the Whole, and then that Senators could offer amendments to the bill as they might desire.

The VICE PRESIDENT. That was the understanding, but the Chair understood the chairman of the Committee on Finance to state that there was no objection to taking up this amendment.

Mr. SMOOT. The order was to take the amendments up as provided for in the list which has been compiled.

Mr. BARKLEY. I understand that, but that was as to amendments reported to the Senate from the Committee of the Whole to concur in them or reject them. It was not my understanding that anybody either had or could obtain any right by reserving the right to offer an amendment independently on the floor of the Senate. What I have been contending is that we ought to dispose of the amendments that were agreed to in the Committee of the Whole, and then any Senator could offer any amendment he saw fit to offer.

The VICE PRESIDENT. Is there objection to considering this amendment at this time? The Chair hears none, and the Secretary will report the amendment.

The LEGISLATIVE CLERK. The Senator from Oregon offers the following amendment: On page 32, line 8, to strike out "chlorate, 1½ cents per pound," and on page 268, line 23, before the word "sulphate," to insert the word "chlorate" and a comma.

Mr. STEIWER. Mr. President, as obviously appears, the purpose of the amendment is to restore this item to the free list. It presents rather an exceptional situation. The existing duty, under the present law, of 1½ cents resulted in a production which at one time was fairly adequate. It was stated in the hearings that it was 60 per cent of the consumptive requirements of the country.

New uses have been found for sodium chlorate, so that the use has increased to a very remarkable degree. The production in this country is no longer 60 per cent, but by a gradual lessening process I am advised that it is now about 10 per cent of the requirements of this country, and that at the present rate of increase of use it will not be more than 2 or 3 or 4 years before our production will be as low as 5 per cent of the use.

The main use for this article is in the killing of certain noxious weeds, morning-glory, quack grass, and other weeds. Within the last two or three years certain experiments conducted by the Kansas Agricultural College, and through the Department of Agriculture generally, have extended the use of this article so that it now is mostly highly esteemed by scientists and by farmers all over the United States.

The records of importations as set forth in the Summary of Tariff Information support the statement substantially as I am now making, and it brings to the Senate this kind of a situation.

The farmers of the United States in almost all of the States, in the use of this material, find themselves taxed at the rate of 1½ cents per pound without any substantial increase in production. There is only one plant producing this material in the United States, and the representatives of that concern appeared before the committees of the House and of the Senate at the time of the hearings on the revision of the tariff and testified that they needed 2½ cents so that their business might endure. They have not been given 2½ cents, so it is most unlikely in any case that they will be able to compete successfully with foreign competition. But whether they are or not, the fact will remain that the farmers of the United States are paying tribute to this little industry which does not hire as many as a hundred men. The agronomist of the State college of my State has informed me that there are 50,000 acres infested by morning-glory and quack grass in our State. He has made a like estimate for Idaho and for Washington, and I am told that in the Mississippi Valley and various other places in the United States there are literally tens of thousands of acres requiring this treatment.

The applications amount to as much as 800 pounds per acre. The cost to the farmer is from $9 to $12 per acre for the employment of this material. The cost to many of the agricultural States will run literally into hundreds of thousands of dollars, and nearly all of the farms in all of the States of the Union are paying tribute to one little industry which can not, according to its own statement, expand its production.

I shall not take time to read in detail what was said in respect to this matter, but I want to call attention to the hearings before the subcommittee of the Committee on Finance, at page 312, where the manufacturer said:

> We are the only manufacturers of chlorate remaining in the country. It has been increasingly difficult for us to continue the manufacture over the last few years, and the only excuse I have for adding anything to what was put before the House committee is that since then the conditions which have enabled us to continue under these difficulties have very much intensified.

My colleague [Mr. MCNARY] inquires the location of the industry. I should have stated that it is in New York, according to my information.

Before the House committee the representatives of the industry said:

> In most of the items of cost sodium chlorate is exactly comparable to that of potassium chlorate, and we ask for an increase of duty on sodium chlorate from 1½ cents to 2½ cents per pound in order that the chlorate manufacture, in some form or other, may continue in this country.

In the same connection the same witness said:

The demand, in fact, has considerably passed the capacity of our existing plant, which for many years was adequate to take care of the demands of the country.

He also stated:

This company thus remains the only manufacturer of chlorate in this country and upon the present basis of duty it can only at best expect to continue to operate its plant at prices which return to it slightly more than its operating cost with a margin insufficient to cover proper depreciation.

Mr. President, one solution of the matter would have been to allow the increase, but the Senate, as in Committee of the Whole, has declined to do that. Having declined to do that, according to the statements of the people in this industry, they can not compete, and we now find them in position where the imports are going to be in excess of 4,000 tons, the imports plus the manufactures will be in excess of 5,000 tons, and their contribution to the total use will be increasingly less. It is now down close to 10 per cent. It will soon be down to 5 per cent, and they are levying tribute upon the farmers of the United States in the treating of these noxious weeds to the extent of from $9 to $12 per acre.

It seems to me this is a very exceptional case, and that the Senate ought to give consideration to this proposition of giving real farm relief to those farmers on the marginal and infected lands, who are least able to bear the additional cost.

Mr. BARKLEY. Mr. President, the present tariff on this sodium chlorate is 1½ cents a pound. That was a raise from one-half of 1 cent per pound, the rate carried in the act of 1913, which was included in the act of 1922. That figure was left by the House. The Senate committee tried to raise it to 2 cents, and the Senate, as in Committee of the Whole, rejected that amendment, leaving it at 1½ cents.

The Senator from Oregon has stated the facts with reference to sodium chlorate. In addition to its use as a killer of weeds out in the agricultural regions it is also used as a purifier of water, and it has the peculiar property of being nonpoisonous. For that reason it is used very widely now in purifying the water in bathing pools and other places which people frequent. It is also used in the manufacture of matches.

Mr. SMOOT. Not now.

Mr. BARKLEY Yes; it is. The Tariff Commission says so.

Mr. SMOOT. In the old method they used to employ this sodium chlorate, but they do not use it any more.

Mr. BARKLEY. My information is that they still use some of it. I may be mistaken as to that.

There is so little of this product made in this country that the Tariff Commission has not been able to get any figures on it.

As was stated by the Senator from Oregon, it is manufactured by only one company in the United States. We can not supply our domestic needs. Any amount of protection given to this article, even if it were increased to 2½ cents a pound, as requested by this concern, would not guarantee that we could come within 75 per cent of supplying our own domestic needs in the United States.

This resolves itself, therefore, into a question whether we are going to allow this tax to remain on a commodity which we can not produce in sufficient quantities, which is widely used among the farmers of the United States and in other vocations of life.

I hope the Senator's amendment placing it on the free list will be agreed to.

Mr. SMOOT. Mr. President, just for the RECORD I want to say that the production of sodium chlorate in 1928 was 3,301,000 pounds.

Mr. BARKLEY. In addition to the uses which I mentioned, it is also used in the textile industry.

Mr. SMOOT. To a very limited extent.

Mr. BARKLEY. It is also used in the manufacture of coal-tar products.

Mr. SMOOT. To a very limited extent.

Mr. BARKLEY. Of course it is limited, because there is not very much of it in the world and we are bringing in about 4,000 pounds, which is not very much.

Mr. STEIWER. Tons.

Mr. BARKLEY. Is it tons?

Mr. STEIWER. Yes.

Mr. BARKLEY. Well, even 4,000 tons is not very much.

Mr. SMOOT. It is used by the millions of pounds. All the Senator said in relation to the one company is absolutely true.

In justification of the action of the committee I want to read a letter from the Secretary of War. I do not know whether the Senator noticed it or not. This letter was addressed to S. WALLACE DEMPSEY, House of Representatives, Washington, D. C., is dated March 15, 1929, and reads as follows:

MY DEAR MR. DEMPSEY: Replying further to your letter of February 6, 1929, the importance to our national defense of an adequate supply of phosphorus compounds and chlorates is appreciated and facilities for their manufacture should be maintained in this country. Whatever tariff is necessary in order to insure their maintenance should be provided. The amount of tariff which will be needed is a question to which this department has given no study and can, therefore, not answer.

Sincerely yours,

JAMES W. GOOD, *Secretary of War.*

Mr. PITTMAN. Mr. President, what has the Senator to say to the statement that there is no assurance that we can produce any considerable quantity of this in the United States, or not sufficient to meet the demands?

Mr. SMOOT. We could produce it if it were possible to produce as against Germany. But under the rate of 1½ cents the manufacturers will not expand the business, because of the fact that they are making hardly any money upon what they are producing. There were only some three million and odd hundred thousand pounds produced in the United States in 1929. Of course, if they had a higher rate, which the committee of the House did not give, nor did the Finance Committee give it, they could make all of it that would be consumed here, but they can not do it at the rate here given, because they can not compete against Germany.

Mr. PITTMAN. They can not compete with a 1½-cent rate?

Mr. SMOOT. No; they can not. They can live or exist as this one concern has, but all the other concerns have gone out of business.

Mr. PITTMAN. How is it possible for the one concern to live when the others can not?

Mr. SMOOT. They are the largest, and not only that, but they have the material closer at hand.

Mr. PITTMAN. Where is that one plant situated?

Mr. SMOOT. In New York.

Mr. BARKLEY. I will say to the Senator from Nevada that there has been no reduction in the price of this commodity indicating any natural depression that could be brought about. It has ranged from 5⅞ cents to 6¼ cents a pound.

Mr. SMOOT. In 1923 it was 6¼ cents. From 1924 to 1927 it was 6¼ cents. Up to April, 1928, it was 6½ cents, and then from April to October, 1928, it fell to 5¾ cents.

Mr. COPELAND. Mr. President, I am more and more amazed at the attitude of Senators toward the matter of American manufacturers. Any plea made on the floor of the Senate for farm relief immediately attracts a large number of votes. If there is distress on the farms to-day, there will be greater distress upon the farms when the manufacturers of America are put out of business. Here is this concern, and it happens that the only one left is in my State, which is able to continue its operations because of the comparatively cheap power it has at Niagara Falls. The Senator from Oregon [Mr. STEIWER], charming and sweet as he is, comes here and pleads for free chlorate so that the weeds on the farms may be destroyed. There will be more weeds on more farms if we continue this process of wiping out one after the other the manufacturers of our country or damaging them so that their production is materially decreased.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I yield.

Mr. PITTMAN. I think the Senator ought to draw some distinctions. It seems to me that the only industries that are neglected are the infant industries and those engaged in the production of raw materials. That is rather a change in Republican policy. As I understood the purpose of the protective tariff is to help infant industries; but when we come to the case of an infant like this that wants to start, it is said that it is too weak to start or to exist if it does start.

I am informed that I have been led by the leaders of my group, whoever they are, to vote for the McCumber 1922 tariff rates or higher on practically every manufactured article that enjoyed protection under the 1922 act. I did not know this until recently.

The debate was so confusing at times that it was very difficult to find out exactly what the point was, especially as amendments were offered without notice or advance opportunity for study. But if that is true, and then Senators charge that there is danger of us destroying the manufacturing industries of the country, they ought to qualify such charges. There is no danger of our destroying a manufacturing industry that has enjoyed protection in the past, because they are getting the same protection or higher than that which they had under the act of 1922. The only ones that may suffer are the infant industries that are trying to start, and the raw-material industries.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. PITTMAN. Certainly.

Mr. WATSON. The Senator was chairman of the committee on resolutions at the last Democratic National Convention, was he not?

Mr. PITTMAN. Yes.

Mr. WATSON. Was the statement he has just made the spirit of the plank on the tariff question which he wrote into that platform?

Mr. PITTMAN. I do not think it was the spirit of that platform either that I should follow a coalition that is going to raise or sustain the duties of the McCumber Tariff Act in toto. I think the spirit of it was that when the rates were too high in the McCumber Tariff Act—that is, when they made for monopoly or unreasonable profits—they should be reduced. I do not believe I have voted that way all the time in following my leaders, because I am now informed that we have not reduced the rates below the 1922 act as to manufactures, but have increased them in some schedules. The so-called coalition have reduced the tariff rates contained in the present House bill, for which they must be given credit.

The other theory of that platform, as I understand it, was that the measure of protection under that act should not be limited to manufactures alone, but should be extended to industries engaged in producing raw material, the same as the industries that were engaged in making the finished product; that it should apply not only to those making the finished product, but to those engaged in the intermediate processing. In other words, that section of it which provided that the benefits and burdens should be equally and equitably distributed carried the declaration that the policy heretofore existing in the making of tariffs that raw material should be on the free list was not sound, because those engaged in the production of raw material or intermediate processing are just as much engaged in an industry as the manufacturing industry engaged in the final finishing of the product.

I am complaining about the whole process of making a tariff bill as we have made it, without regard to any measure whatsoever, no logical measure except the measure that we will not go as high as the House bill and we will not go lower than the tariff act of 1922. If the tariff act of 1922 was too high on any materials, we ought to go below it. But we have not gone below it, as I understand it. We have taken that as a minimum measure of tariff on the manufacturing industries which have always enjoyed these high tariffs. Yet every time we come down to something that is a new industry, so far as tariff is concerned, something that has never been heard of before in connection with tariff, something that is an infant industry or a raw-material industry needing help, it is violently asserted in opposition that if we put a tariff on such things it will add to the cost of living. But we have not heard that when we have been adopting as a minimum the 1922 tariff provisions on manufactured articles. That is what I complain is an injustice.

If we are going to adopt a measure, and those who approved the bill have established a measure, and that measure has been that on manufactured articles we would not go below the 1922 act, there is the standard, there is the level, there is the measure. Yet those people engaged in the production not only of raw farm materials but ores, minerals, or metals, when they have tried to bring their industries somewhere near the level of the high tariff on manufactured articles, were told that it would increase the cost of living; and yet everyone knows that the tariff we have asked on raw materials or partly processed materials does not constitute over 2 or 3 per cent of the cost of the manufactured articles. It is infinitesimal in its proportion.

Why do we not have a measure? Why do we not try to equitably and justly distribute these burdens and benefits of taxation and bonuses? One would think that we had placed the manufactured articles of the country on the free list. That is what it sounds like. One would think the McCumber Tariff Act of 1922, which was condemned by Democrats and Progressives throughout the country since that time in every campaign as the most outrageous, exorbitant tax ever put upon the people of the country, had been tremendously reduced by the Senate. It has not been reduced, so I am informed. I am informed that the amendments offered here have not reduced the tariff on manufactured articles below the rates carried in the 1922 act. I have been compelled to vote for those things. I have followed my leaders. I have maintained that high standard on manufactured articles; but, having done it, having been compelled to vote to tax my people for the benefit of New England, for the benefit of New York, and for the benefit of the great manufacturing States, I am now asked to keep the products of my State on the free list, or as nearly as may be on the free list.

There is a system of bonuses under this tariff act which my people have to contribute to and which we are willing to pay. We would like a lower level, but when a level is established here and we ask you to raise us partially to that level, it is not done. That is what I am complaining about. We have complaints about the increased cost of living. We are told that the adding of a few cents to the cost of the raw materials will increase the cost of the finished article, when it means nothing in the total ultimate cost to the consumer in most cases. When I am asked to vote for a rate on manufactured articles either equal to or above the McCumber tariff rates I am reminded that I should stand by leaders and I have, in many cases blindly. I have voted for every possible help to the farmers of the country. I have voted for a tariff on wheat, and my State raises no wheat. I have voted for the debenture, and the debenture can not possibly benefit my State. I have followed almost blindly, because in most cases it was impossible to know what was going on, the leadership on both sides of the Chamber who led me to believe they were going to lower the burdens of the people of the country, and yet they have not lowered them on manufactured articles below the 1922 act, so I am informed. I believe that the natural industries of this country should exist and prosper. To this extent I will as a legislator gladly aid them with tariffs against importation produced in a country of lower wages and lower standard of living. I would not permit such industries to be injured by foreign competition. I do not believe tariffs should be used for the purpose of giving undue profits or to sustain monopolies, and where monopoly shows its head the tariff should be cut off entirely. I think that it is not only illogical but I consider it the gravest injustice to ignore certain industries of the country on the ground that they are not manufacturing industries, that they are only the producers of raw material.

I say to the Senate now that the revolt against the manufacturers of this country is due in no small degree to the selfishness and greed and the unfairness of those engaged in those industries rather than because of the question of the tariff.

I am not surprised that that greed should crop out; I am not surprised that Senators from States where that greed exists should be influenced by it, because selfishness seems to be a natural trait of character.

Talk about the measure of tariff duties in this bill! Some one has said there has been trading. Yes; I do not doubt but that there is actual trading; but, as a matter of fact, I have not been approached with regard to any trades. There is a feeling, however, in the human heart that requires no appeal by voice. When those who may be acting against their own interest, through their sympathy, support me in my efforts in behalf of a struggling industry in my State, my heart goes out to them, and I am more apt to vote with them on a doubtful question than I would otherwise.

The impulse which is moving us here prevails everywhere. I wish to say that whenever any particular industry, whether it be a manufacturing industry or an industry producing a raw product such as farming or mining assumes a selfish attitude and thinks of nothing but itself, when Senators vote against the protection of every industry that does not exist in their State, then we have chaos in legislation; and in the consideration of the pending bill we have approached and nearly reached that point. If I had adopted the principle of voting against tariff rates because the industry proposed to be protected did not exist in my State, I should have voted against practically every tariff rate contained in the bill; and I could have justified myself for doing so before the people of my State. I have not done that in this case, and never have done it, and I never will.

I have attempted, where I had the information upon which to act, to measure the tariff schedule by the degree of competition suffered by domestic industries with the cheap products exported here from abroad. I have not always been successful in doing that, of course, because I have not always had the necessary information, but I have tried not to pursue a selfish, illogical, disastrous course at any time during the consideration of the pending bill.

When Senators observe the manner of legislation here, when they observe that the chief motive which actuates Senators, without regard to party, is whether the people of their respective States produce an article or whether they buy it—and that is what appears to control in many instances—we should not be surprised that the contention that at least the first step in the making of tariff bills should be transferred to the Tariff Commission or to the President commands much support from the people of the country.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from Nevada for what he has added to my speech, in my time, but I understand the Senator is in favor of this rate?

Mr. PITTMAN. I certainly am in favor of this rate.

Mr. COPELAND. I thank the Senator.

Mr. PITTMAN. I wish to say this further: We were talking about a 60 per cent ad valorem on casein and skimmed milk a while ago. I have voted for a 60 per cent ad valorem duty on many manufactured articles during the last six months. Why should I stop at skimmed milk? An ad valorem duty of 60 per cent which I have been compelled to vote for is apparently no terrible thing in the bill.

Mr. COPELAND. Mr. President, from time to time some of us who take the position I have taken on questions affecting industrial rates have their Democracy called in question. When I answered the telegram that was sent to me by the chairman of the Democratic National Committee asking if I would support Mr. Smith in his view of the tariff, I meant what I said when I returned the answer. I do not see how any Democrat who subscribed to the platform and to the doctrine laid down therein by our standard bearer, could fail to support a manufacturing industry such as the one now in question. In his Louisville speech, Mr. Smith said:

> I believe in the Democratic platform, which recognizes that the high wages and constructive policies established by Woodrow Wilson and the business prosperity resulting from them in America, coupled with the economic ruin of the rest of the world, brought about a new condition that committed the Democratic Party to a definite stand in favor of such tariff schedules as will to the very limit protect legitimate business enterprise as well as American labor from ruinous competition of foreign-made goods produced under conditions far below the American standard.

Mr. Smith further said:

> No revision of any specific schedule will have the approval of the Democratic Party which in any way interferes with the American standard of living and level of wages. In other words, I say to the American workingman that the Democratic Party will not do a single thing that will take from his weekly pay envelope a 5-cent piece.

If the pending amendment should prevail and the tariff be taken off this product, it will take many a nickle out of the pay envelope of many an employee at Niagara Falls in New York.

No one is asking for an increase over the rate carried in the law of 1922. There was an increase reported by the Finance Committee, but that has been disapproved, and now it is proposed to take off the tariff which is left, which is the tariff of 1922. That is not fair, and it is not just to manufacturing industries, and it does not make any difference whether there is one or whether there are a hundred organizations engaged in the business so far as the principle is concerned.

Here we have the only industry left in the United States making chlorate of sodium. The Senator from Utah read a moment ago a letter from the Secretary of War pointing out the importance, from the standpoint of the national defense, of maintaining the factory where sodium chlorate is manufactured; but because this commodity happens to be used in minor quantities by the farmers of America we must wipe out the tariff no matter what it may do to the industry. That is not fair; it is not economic good sense. We can not afford to disregard the welfare of such industries, and they must be maintained.

Mr. President, there is no use arguing about it; every Senator who has the slightest interest in it has heard the argument. The fact is that for use in the destruction of weeds chlorate of sodium is used largely by the railroads. It is not a safe product to use around a house or on a farm. If I had my way I would do away with its use where there is any possibility of contact with children or others who could ignite it and thereby suffer disaster; but because it is sometimes used upon the farm, therefore the one remaining factory producing chlorate of sodium must be destroyed.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Dakota?

Mr. COPELAND. I yield.

Mr. FRAZIER. The railroads of the West have given up the use of chlorate, because it is too expensive. They now burn the weeds along their rights of way with an artificial burner. However, sodium chlorate is used to some extent upon the farm, for there are certain weeds that the burner will not exterminate but the chlorate will. The Senator from New York and some others want to place the burden so high upon the farmers that they can not afford to kill the weeds and so will have to abandon their farms. I want to say right here that there are more abandoned farms in the State of New York than there are chlorate factories, including the workers that are employed in those factories.

Mr. COPELAND. Mr. President, if taking the tariff off of chlorate of sodium will rejuvenate one single abandoned farm anywhere in the United States, I will vote with the Senator to remove the duty, but that contention is absurd. How much money does a farmer pay for the little chlorate of sodium which he uses?

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. COPELAND. Yes.

Mr. FRAZIER. It takes from 100 to 500 pounds per acre.

Mr. COPELAND. As much as that? I suppose it would make a difference of about 80 cents an acre, would it not?

Mr. FRAZIER. At a cent and a half a pound——

Mr. COPELAND. It would make just about 80 cents an acre.

Mr. FRAZIER. A hundred pounds at a cent and a half would cost $1.50.

Mr. COPELAND. How many farmers use enough sodium for an acre?

Mr. FRAZIER. There are not very many, because the price is too high and they can not afford it. If the price were reduced, the farmers would use it more generally.

Mr. COPELAND. If the only competitor of foreign chlorate of soda in our country shall be destroyed, the farmers will pay ten times as much per acre as they pay at present. That is what will happen. There will be no American competition; the product will all come from abroad and then the farmers will pay what the traffic will bear. That is what will happen.

Mr. President, if it is desired to destroy another industry, go ahead. I have a letter, under date of February 17, from the president of the one remaining concern. I wish to read one paragraph from that letter:

> While under the existing duty the best that I can say is that we still may have a fighting chance of staying in the manufacture under a severe handicap, any reduction in that duty would be immediately and hopelessly fatal to the continuance of this manufacture in the country. Anxious as we are to have protection sufficiently adequate to enable us to confidently proceed with its continuance and extension, we are still more anxious that no steps be taken that would be likely to lead to the immediate and complete destruction of the manufacture.

That is what they say. If Senators want to destroy the only remaining manufacturer of a product which is extremely important in time of war, if they want to be so unpatriotic as that, just because they think some farmer might buy a weed exterminator for a few cents less, let them go ahead and vote for it; but, so far as I am concerned, I do not indorse that form of farm relief. I am one eastern Senator who has consistently supported the farmers in their demand for relief; no one can dispute that; but I feel that it is just as important to maintain some manufactures in America as it is to maintain prosperity upon the farm.

Mr. BLAINE. Mr. President, suggestions have been made by Senators that they have supported increased tariff duties on farm products. With the exception of two or three paragraphs, in my opinion, the increases on farm products are nothing more than gold bricks handed to the farmer, ineffective and in many cases harmful. On the other hand, some of the same gentlemen have been helping others to pick the pockets of the farmer by the means of increased duties on those items which the farmer uses.

Mr. President, when this bill is passed in the form in which in all probability it will be written if the new coalition carries out its plans, not a single additional penny will go into the pockets of the farmers because of these tariff rates. On the other hand, the farmers' pockets will be picked of millions of dollars.

Mr. President, why shall that be done? What is the use of imposing high rates of duty upon farm products that every one knows are going to be ineffective? What the farmer needs today is a reduced cost of production, and he needs it badly.

I desire to discuss this matter for just a moment.

Take the State of Idaho: The application of sodium chlorate for the eradication of weeds, costs the farmers of Idaho $55 per acre, according to the Chamber of Commerce of Moscow, Idaho, which has investigated this problem and has made reference to the fact that eight years of experiments have been carried on. Add to that another increase, which is pyramided by the time it gets to Idaho and Nevada and all the other States that find it necessary to use this particular chemical for the eradication of weeds, and you will increase that cost, as the Chamber of Commerce of Moscow says, $11 an acre. That is what we are doing to the farmer unless we put this item on the free list.

I desire to say, in conclusion, that in a brief which I shall ask to have printed in the RECORD it is stated that 95 per cent of this product is purchased for the removal of weeds and the benefit of agricultural interests. Clearly, the domestic industry

is unable to supply the demand. Therefore, there ought to be an opportunity for the farmers to purchase this material, so essential for the reduction of their cost of production, at a lower cost. I hope the amendment offered by the Senator from Oregon [Mr. STEIWER], placing this item upon the free list, will prevail.

I ask that there be printed in the RECORD as a part of my remarks the letter from the Moscow Chamber of Commerce, of Moscow, Idaho, dated January 28, 1928, found on page 849 of volume 1, Schedule 1 of Tariff Readjustment Hearings, 1929; also the brief of the Chipman Chemical Engineering Co., of Boundbrook, N. J.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

LETTER FROM THE MOSCOW CHAMBER OF COMMERCE, MOSCOW, IDAHO
JANUARY 28, 1928.

Hon. BURTON L. FRENCH,
House of Representatives, Washington, D. C.

DEAR SIR: Recently I secured the information that there was considerable action being taken to increase the tariff on sodium chlorate. We are very much interested in this product because it is the most important means that we have at present for the eradication of perennial weeds.

After spending some eight years in experimental work upon weed control we have finally found that sodium chlorate or other earth's chlorates are the most satisfactory weed killers. This eight years of investigation has included trials of all the principal weed killers that have been put upon the market, as well as other possible promising chemicals and chemical means. We have just gotten the methods for the use of this chemical well outlined, and the use of chemical is just becoming well established in the State.

At a recent meeting of the Moscow Chamber of Commerce it was voted to furnish our Representatives and Senators complete information in regard to the use and quantity of these chemicals in Idaho. A committee was appointed to secure and furnish this information. After considerable investigation we have secured the following information which pictures the use and importance of this chemical in a correct and legitimate manner.

This past season nearly 400,000 pounds of chlorates were used for weed eradication purposes in Idaho alone. In addition the Forest Service used 10,000 pounds in an experimental way on the control of blister rust. In the Forest Service they are getting some very promising information, and chlorates are showing much promise upon the eradication of Ribes, which act as hosts for the blister rust. Undoubtedly, with the completion of experiments now under way, a much larger amount of this chemical will be used for this work in the next few years.

Our weed campaign has just recently gotten under way. This year the use of 400,000 pounds of this chemical was a big factor in putting the weed campaign upon a firm foundation. In the next few years to come the use of this chemical at present prices will enable the Idaho farmers to practically rid the State of all perennial weeds with running root stalks.

By the present duty we are able to lay down chlorate in Idaho at a cost of approximately 10 cents per pound in carload lots. Last season the average farmer used 550 pounds of chlorate per acre in the eradication of perennial weeds. Thus the cost per acre of the chemical was $55. The cost of its application was $13 per acre, making a total cost of eradication $68 per acre. At this cost Idaho farmers can afford to eradicate perennial weeds on almost any land which is used for agricultural purposes in the State.

If the present duty were doubled, making, as I understand it, a tariff of 50 per cent of the price of the product instead of 25 per cent, the price of the product would be raised 2 cents per pound if it remained at the present price. This would increase the cost of eradication $11 per acre or make the total cost, based on this year's figures, $79 per acre. If, due to increased demand, the price of chlorate should increase, as is likely to happen within the next two or three years, our cost of eradicating perennial weeds would be still greater. This increase in cost means, for many farmers at least, that the cost of eradication will be greater than the farmer can afford to bear. It also means that marginal lands which now can be treated would be left untouched. Under that sort of condition our weed campaign, which is now so well established, could not be carried to the successful completion that now seems possible.

In the forestry work some of the species of gooseberries require as high as a 30 per cent solution. Any increase in the cost of the chemical under such conditions will practically eliminate its use for this purpose. Such a solution would require three times the chemical per unit area that is used for weed killing on agricultural land. In addition, the cost of application of the chemical is much greater in the timbered areas, which would still further add to the cost.

All of the other Western States are vitally interested in weed control, but they have not yet gotten as far along in their organization as Idaho. Due to this fact extensive weed campaigns have not yet been organized in any of the other Western States. However, it is only a matter of a year or two before all of these States will be vitally interested in getting rid of their vast acres of perennial weeds at a minimum cost, so that any action that is taken to raise the cost of the product will affect all of the Western States in a similar way that it is now affecting Idaho. Kansas, Minnesota, Indiana, and a number of other midwestern States are also becoming actively interested in weed eradication. In practically every case chlorates are receiving the most attention as proper chemicals to use in these weed campaigns.

The intense importance of sodium chlorate is a very recent development in the United States. From a 500-ton use in 1924 it has grown to a 4,000-ton use last year, due to its use as a weed-killing agent. Undoubtedly, when weed-killing campaigns are fully established, 15,000 tons or 20,000 tons will be used per year in this country. At present I believe there is only one firm manufacturing chlorates in the United States, and I understand that the excess chlorate which they have available for weed-killing purposes amounts to only 450 tons per year. We do not believe that it is logical to double the present tariff on this product for the benefit of one firm, which only furnishes the agricultural industry scarcely enough chemical to furnish the needs of Idaho alone.

Sodium chlorate is made by means of electrical power. It requires three kilowatt hours of electricity to manufacture a pound of chlorate. It is shipped in bulk and requires little packing labor. One hundred laborers could produce and prepare for shipment all of the chlorate that will be necessary for the use of the United States. Its use, if the cost is low enough, will be general in States where perennial weeds are a problem. Thousands of farmers will be able to take advantage of the product at its present price. At higher prices its extensive use can not be highly recommended except in the case of exceptionally high-priced land.

These, in general, are the facts, at present, in regard to chlorates, as we have become familiar with them through the use of the product. We believe that it would be a distinct setback to our weed programs if any increase in duty is made. We also believe that the future of the small-seed industry of this whole western United States depends largely upon the ability of our farmers to get rid of their weeds so that they can produce weed-free seeds. There is no question in our minds that this problem is of vital interest not only to Idaho but to all other States interested in weed eradication, and especially to those who are growing small seeds as an important industry.

I will appreciate it very greatly if you will do what you can to at least keep the tariff on chlorates at the present level. We believe that if anything were to be done to the tariff that it should be removed altogether.

Respectfully submitted.

H. W. HULBERT,
Chairman Committee Appointed by Moscow Chamber of Commerce.

BRIEF OF THE CHIPMAN CHEMICAL ENGINEERING CO. (INC.), BOUNDBROOK, N. J.

To the COMMITTEE ON WAYS AND MEANS,
House of Representatives, Washington, D. C.:

We ask a removal of the specific duty of 1½ cents.

Our reason for this recommendation is based on the fact that 95 per cent of this product is purchased for the removal of weeds and the benefit of agricultural interests. European supplies are cheaper to-day principally because of the production being sufficiently large to warrant low overhead and profits; also there is no fundamental reason why United States producers should be protected on account of labor costs.

The industrial importance of sodium chlorate is a very recent development; for example, in 1924 the use in the United States was less than 500 tons. It has grown to a 4,000-ton use since that time only because of its use as a weed-killing agent on farm land and on railroad right of way. State and governmental agencies are developing its use for noxious weed control because of its low cost, and if this cost remains the same or lower it has a potential importance of 15,000 to 20,000 tons per annum. It is doubtful if these potentialities could be reached if the cost to the farmer was increased.

The number of labor employees affected by this industry would be relatively small as its production only involves the use of electrochemical cells in the presence of salt water to convert NaCl to $NaClO_3$. It is shipped in bulk, and therefore it does not involve packing labor.

One hundred labor employees could produce all the sodium chlorate requirements of the United States while it may be used by 50,000 farmers. In other words, a tariff would only furnish employment for 100 men but would deplete the income of tens of thousands of farmers.

Domestic production costs, including wages, would be approximately 4 cents f. o. b. works, while foreign costs would be approximately 3½ cents. The inevitable penalty to foreign costs of freight would therefore be sufficient protection. The foreign country competition is largely based on developed volume of production due to the fact that the French and German producers are already in production on potassium chlorate, utilizing the potash deposits of Europe.

The source of imports are largely Greisheim section of I. G. in Frankfort, Germany, and the Alais Froges and Camargue Electro Chemical plants of France. Imported quantities are available at 4½ cents c. i. f.

Atlantic ports, or 6 cents duty paid. On the other hand, domestic production, f. o. b. Niagara Falls, has sold as low as 0.0575 per pound within the last year and frequently sells at 6½ cents in small lots.

The section on sodium chlorate should include calcium and magnesium chlorate, which up to date are more or less theoretical chemicals without production but owing to their recognized value as weed-killing agencies equal to sodium chlorate, the production of these equivalents will undoubtedly take place within the year.

No equivalent is found in the cost, production, or sales conditions of potassium chlorate as this product is necessarily based on the raw material potash which the United States lacks. Also this product is more or less dependent upon the commercial importance of fireworks, certain types of explosives, and the match industry, all of which commercial subjects do not directly apply to the farmer or agricultural interests.

It has been developed by the State departments and Federal Department of Agriculture that noxious weeds are costing the farmers millions, in fact more than $100,000,000 per year. The first practical agency for the remedy of this condition has been found within the last four years in the use of sodium, magnesium, or calcium chlorates. The cheapness or cost of utilizing these chemicals will largely effect their practical utility. It is not surprising that the new development in this chemical should call for tariff protection; on the other hand, the benefits would accrue to not more than 100 laborers and to not more than 4 or 5 industrial companies at the expense of general agricultural interests and the productive value of land which is to-day pestered with noxious weeds.

CHIPMAN CHEMICAL ENGINEERING CO. (INC.),
By R. N. CHIPMAN, *President*.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. STEIWER].

Mr. STEIWER. Mr. President, I send to the desk a letter written to me by the agronomist of the Oregon State Agricultural College, and ask unanimous consent that it may be read as a part of the presentation of this matter.

The VICE PRESIDENT. Is there objection to the reading of the letter? The Chair hears none.

The Chief Clerk read as follows:

OREGON STATE AGRICULTURAL COLLEGE,
SCHOOL OF AGRICULTURE AND EXPERIMENT STATION,
Corvallis, November 30, 1929.

Hon. FREDERICK STEIWER,
United States Senate.

DEAR SENATOR STEIWER: With reference to our discussion of a few days ago on the tariff on sodium chlorate, I desire to recommend that that chemical be placed on the free list. The reasons are that this chemical which is manufactured by only one firm in the United States, and whose capacity is little if any more than 0.1 of the demand, is unable to supply the material in sufficient quantities for its use in the eradication of perennial weeds. In the statement of this firm before the House committee dealing with tariff matters, they indicated their inability to expand the production at the present tariff rate. As this material is used principally in the control of perennial weeds and to some extent in the dyeing of textiles, the field of use is therefore limited. The table below illustrates the imports for consumption in the United States by years since 1922. You will note that imports have increased very rapidly in 1928 and 1929, and this is due almost entirely to the rapid expansion in the use of this chemical in weed control.

"Imports for consumption in the United States during recent years were:

Year	Tons	Value
1922	684	$58,343
1923	666	49,352
1924	359	28,885
1925	375	26,418
1926	976	69,897
1927	764	55,237
1928	1,297	96,635
1929	3,869	240,355

"According to agencies in this and foreign countries, sodium chlorate is reported to be a most effective chemical for the eradication of weeds and other pests which either seriously affect the market value of the land or the crop yield, or both. Bindweed, St. Johnswort, khaki weed, Johnson weed, couch grass, blister rust, ribes, etc., are some of the worst of these pests which can be eradicated by the use of this chemical."

(Quoted from Bureau of Commerce Trade Reports, No. 46, November, 1929.)

It requires at least 500, and in some cases as much as 900, pounds per acre and a tariff of 1½ cents per pound, therefore, increases the farm cost by $7.50 to as much as $13.50 an acre. The probable average increase in cost is between $9 and $12 an acre.

This chemical is the most effective weed killer we have found for wild morning-glories, quack grass, Canada thistles, and a number of other weeds. It is also used by the Forest Service in the blister-rust eradication campaign. It shows considerable promise in control of poison ivy or poison oak. I am unable to give you an adequate estimate of the acreages in perennial weeds in the United States, but believe I am conservative in estimating 50,000 acres in Oregon and a similar acreage in both Washington and Idaho. I know that each of these weeds, with the possible exception of the poison oak, is distributed quite generally through most of the Northern and Western States, and doubtless there are different perennials in other sections that may respond to the use of this material. The Kansas experiment station was the pioneer in developing the sodium-chlorate method of weed eradication, and they have written to their Senators with reference to this tariff matter.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon.

Mr. COPELAND. I call for the yeas and nays.

The yeas and nays were not ordered.

On a division, the amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The CHIEF CLERK. The next reserved amendment is anhydrous sodium sulphate, paragraph 82.

Mr. ASHURST. Mr. President, my colleague [Mr. HAYDEN] has an amendment to propose on this page. He has been in the Chamber all day, but has been called out for a moment. I have sent for him, and he will be here in a moment.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator from Oregon whether it would not be quite appropriate to ask unanimous consent now to offer an amendment putting this commodity on the free list?

Mr. STEIWER. I will say that it is all incorporated in one amendment.

The VICE PRESIDENT. By unanimous consent, they were both considered at the same time.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that in the consideration of this amendment no Senator shall speak more than once nor longer than five minutes.

The VICE PRESIDENT. Is there objection?

Mr. HAYDEN. Mr. President, reserving the right to object, is the Senator referring to anhydrous sodium sulphate?

Mr. LA FOLLETTE. Yes.

Mr. HAYDEN. I will say to the Senator that the matter has never been discussed in the Senate.

Mr. LA FOLLETTE. Would the Senator agree to 10 minutes?

Mr. HAYDEN. I should like to ask the Chair to direct my attention to the fact when I have spoken 10 minutes. I think I shall have finished by that time, if the Senator will consent to that.

Mr. BLEASE. Mr. President, I object to any unanimous-consent agreement limiting debate.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of to-day's business the Senate recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, I think I shall object to that. I think the time has come when the Senate should work until 12 o'clock at night, or else begin at 10 in the morning.

Mr. SMOOT. I think notice ought to be given if that is to be done.

Mr. ASHURST. I have no objection to recessing at 11 if we convene at 10.

Mr. SMOOT. I would not favor that this week, Mr. President. Let us go on this week as we have been going.

Mr. ASHURST. Very well.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. HAYDEN. Mr. President, I asked to have reserved the vote taken in Committee of the Whole reducing the rate on anhydrous sodium sulphate from $4 to $2 a ton. That action was taken on February 10 without my knowledge, and upon the understanding that I was no longer interested in the amendment. As a matter of fact I was very vitally interested in the matter, and I have had no opportunity to present the question to the Senate until this time.

I should like to offer an amendment to increase the rate on anhydrous sodium sulphate to $5 a ton, on Glauber salt from $1 to $5 a ton, and transfer salt cake from the free list to this section in the bill by using the following language: Insert "Sulphate, crude, or crude salt cake, $5 per ton."

And I should like to have the three amendments voted upon en bloc. That will save the time of the Senate, because otherwise I shall have to discuss this matter on at least two occasions, if not three.

The VICE PRESIDENT. That can be done by unanimous consent.

Mr. SMOOT. Mr. President, there may be some Senators who would be perfectly willing to have the rate suggested by the Senator from Arizona on one of the items named, but would object to a rate that is named on another item. The way the Senator has submitted his request, we would have to vote on all of them at once.

Mr. WALSH of Montana. Any Senator, of course, can demand a separate vote on each item.

Mr. HAYDEN. I have no desire to deprive any Senator of the right to demand a separate vote; but I should like to have a vote taken on the three items at approximately the same time, if that be possible. That is, we can vote on the first, and then the second, and then the third. The Senate can vote on them consecutively on the same occasion.

Mr. SMOOT. I have no objection to taking them up and voting on all of them in order, but not as one amendment.

Mr. HAYDEN. Then let it be done in that way.

Mr. BARKLEY. Mr. President, I desire to find out what the request is.

Mr. SMOOT. Yes; I should like to have the amendment stated again, and to have the request stated again.

Mr. HAYDEN. I offer the three amendments.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. The Senator from Arizona offers the following amendment, on page 32, line 22, after the word "anhydrous," to strike out "$4" and insert in lieu thereof "$5," so that it will read:

Sulphate, anhydrous, $5 per ton.

On page 32, line 22, after the word "salt," to strike out "$1" and insert in lieu thereof "$5," so that it will read:

Sulphate, crystallized, or Glauber salt, $5 per ton.

On page 32, line 23, after the word "ton," to insert the following:

Sulphate, crude, or crude salt cake, $5 per ton.

Mr. HAYDEN. Mr. President, I will say to the Senator from Kentucky that in order to save time, I propose that the Senate consider these three items at the same time.

Mr. SMOOT. I would want a separate vote on them.

Mr. HAYDEN. There may be a separate vote on them; I am not objecting to that, but I would like to have the discussion cover the entire matter and get through with it.

Mr. BARKLEY. Does this involve the question of unanimous consent to offer an amendment that does not pertain to an amendment already agreed to as in Committee of the Whole and reported to the Senate?

Mr. HAYDEN. One of the three items—anhydrous sodium sulphate—was voted on as in Committee of the Whole, and I have reserved a separate vote on that.

Mr. BARKLEY. That was where the Senate, as in Committee of the Whole, reduced the rate from $4 to $2?

Mr. HAYDEN. Yes. These being kindred chemicals—that is, first, salt cake in the crude form; second, Glauber salts; and, third, anhydrous sodium sulphate. All of them should carry the same rate of $5 per ton.

Mr. SMOOT. The Senator proposes to raise Glauber salts from $1 to $5 a ton?

Mr. HAYDEN. Yes.

Mr. SMOOT. Sulphate, anhydrous, from $2 to $5?

Mr. HAYDEN. And that salt cake shall be taken from the free list and made dutiable at $5.

Mr. BARKLEY. There was an amendment, on line 22, at the end of the line, where "$4" was changed to "$2."

The VICE PRESIDENT. That amendment is in order.

Mr. BARKLEY. I suppose the question would be on agreeing to the Senate committee amendment with an amendment.

Mr. HAYDEN. That is correct.

Mr. BARKLEY. Changing it from $2 to $5, and that would be in order, but the other two amendments are not in order without unanimous consent.

Mr. ASHURST. Mr. President, I hope that doctrine will not prevail. My colleague has a right to offer any amendment to the text of this bill.

Mr. BARKLEY. That is true, Mr. President; but not now.

Mr. HAYDEN. I agree that the Senator from Kentucky is correct, but I suggest that we will save the time of the Senate in taking the entire matter up in this manner.

Mr. BARKLEY. I shall not object to that; but I think from now on we ought to limit ourselves to the consideration of amendments made as in Committee of the Whole. We will have ample opportunity to offer all the amendments we want to offer to the text of the bill after we have concluded the consideration of the amendments agreed to as in Committee of the Whole.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona? The Chair hears none, and the Senator from Arizona is recognized.

Mr. HAYDEN. Mr. President, sodium sulphate, the subject under discussion, occurs in commerce in three forms—as Glauber salt, a crystalline solid containing 55 per cent water of crystallization; anhydrous sodium sulphate, a white amorphous powder containing no water of crystallization; and salt cake, a crude form of anhydrous sodium sulphate.

The principal use of these three chemicals is in the manufacture of kraft paper. That is what is commonly called brown paper or wrapping paper, and paper bags ordinarily used in grocery stores.

The opposition to the imposition of this duty of $5 a ton, which has been asked by the producers of salt cake and of Glauber salt and of the anhydrous sodium sulphate in the United States comes exclusively from the manufacturers of kraft paper.

I want to point out to the Senate that on page 198, paragraph 1409, of the pending tariff bill, wrapping paper not specially provided for carries a rate of 30 per cent ad valorem. That is kraft paper. Paper bags on page 192 carry a rate of 5 cents per pound, or $100 per ton, and 15 per cent ad valorem. So that the highest kind of protection conceivably possible for articles of this kind is now contained in the bill.

The production of kraft paper in the United States has greatly increased in recent years, the demand for it being principally from grocery stores. The latest figures available are for 1927. There were produced in this country that year 778,990 tons of kraft paper valued at $79,792,586. There were imported into the United States only 6,085 tons valued at $518,877, which shows that there is a practical monopoly in the production of kraft paper in the United States, and that the present tariff rate is prohibitive. The figures that I have just quoted are taken from a table prepared by the United States Tariff Commission, which I shall insert in the RECORD.

Production and imports of kraft paper, paper bags, and pulp

	1927			
	Quantity	Value	Value per unit	Duty collected
	Tons			
Production:				
Wrapping paper, for bags, sulphate	141,695	$14,545,455	$102.65	.....
Kraft, northern and Pacific coast	394,913	43,454,493	112.54	.....
Kraft, southern	242,382	21,792,638	89.91	.....
Total (sulphate and kraft)	778,990	79,792,586	102.43	.....
Paper bags (total—kraft not shown separately)	.....	69,612,287	.....	.....
Pulp, sulphate—bleached and unbleached	593,955	28,133,175	47.37	.....
Imports: Kraft wrapping paper	6,085	518,877	85.27	$155,663
Pulp, sulphate—				
Unbleached (kraft)	382,113	20,686,688	54.01	Free.
Bleached	12,084	708,712	58.65	Free.
Total sulphate	394,197	21,395,400	54.28	Free.

It will be observed that there were no paper bags imported, although bags to the value of $69,612,287 were produced. This was for the very good reason that nobody could afford to pay $100 a ton and 20 per cent ad valorem.

The effect of this high tariff rate, based upon the American production, is as follows: The average selling price of kraft paper in 1927 was $102.43 per ton in a market protected by a 30 per cent ad valorem tariff. This represents protection averaging $23.64 per ton on a total production of 778,000 tons, which means that the kraft-paper industry was given protection to the extent of over $18,500,000 in that year. The amount of protection is greater this year because the production is greater. Yet the kraft-paper industry, enjoying a protection amounting to over $18,000,000 a year, is unwilling to allow a tariff rate of $5 a ton on salt cake or on Glauber salt or on anhydrous sodium sulphate, the effect of which would be to add $1 a ton to their cost, because it takes 1 ton of salt cake to make 5 tons of kraft paper.

That is all there is to this case. There is no other objection to this duty. No one in opposition appeared before the Ways and Means Committee of the House of Representatives or before the Finance Committee of the Senate except from the kraft-paper industry, which enjoys an embargo tariff, which has profited immensely under that tariff, and absolutely controls the American market, the foreign importations being negligible. To maintain an American industry the production of natural salt cake in the United States, which has been destroyed by Ger-

man competition, they are unwilling to allow an import duty of $5 a ton.

This kraft-paper industry was built up in the United States from a comparatively small production 10 years ago, when they had to pay $21 a ton, on the average, for their salt cake. Germany in the last three or four years has been producing salt cake as a by-product of the manufacture of hydrochloric acid. That production is in the hands of a German trust, or cartel. They have dumped their salt cake in the United States, with the result that the price has gone down from an average of $21 a ton prior to 1923 until last year it was about $10 a ton. The following table prepared by the United States Tariff Commission shows the range of prices in recent years:

Month	1923	1924	1925	1926	1927	1928
January	$25	$22	$18	$20	$20	$17
April	25	23	20	20	18	17
July	23	17	18	20	18	10
October	24	18	20	20	18	10

The statistics of imports of salt cake follow:

Calendar year	Rate of duty	Quantity	Value	Value per ton
		Long tons		
1922	Free	628	$8,537	$13.381
1923	do	4,717	84,051	17.819
1924	do	3,060	40,582	13.262
1925	do	1,708	18,176	10.642
1926	do	5,598	66,321	11.847
1927	do	9,975	100,279	10.053
1928	do	25,203	253,553	10.060
1929	do	81,815	829,793	10.140

In the West it costs about $0.75 a ton to mine the natural deposits of salt cake. It costs about $12 a ton to transport it to the market. So that if the price is below $18 a ton our mines must close down, and that is exactly what has happened. There is a deposit located near Camp Verde, in the State of Arizona, containing, according to an estimate made by the Department of Mines of the University of Arizona, over 20,000,000 tons of salt cake. There are large deposits in Nevada. It is estimated that there are over 30,000,000 tons of recoverable sodium sulphate in Great Salt Lake, Utah.

Glauber salt, another form, is found extensively in Wyoming. The only way that these and other natural deposits can get into the American market with the existing railroad freight rate is through the imposition of this most modest tariff.

The producers of salt cake asked for a rate of $10 a ton, but after carefully checking the freight rates they can successfully compete, in my judgment, with a rate of $5 a ton, and that is what I have asked.

It is necessary, if we are going to protect salt cake with a rate of $5 a ton, to place the same rate upon Glauber salt and upon the anhydrous sodium sulphate, because either one of those products can be substituted for salt cake.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. SMOOT. I do not quite understand the Senator's logic, because he asks for $5 a ton on sulphate, anhydrous, then he asks for $5 a ton on Glauber salt. Glauber salt is sulphate with 50 per cent water added to it. I can not see why the Senator would want $5 on both those articles, when they are exactly the same thing, except that the second has 50 per cent water added.

Mr. HAYDEN. The Glauber salt contains about 55 per cent water of crystallization.

Mr. SMOOT. What I am speaking of is this, that Glauber salt is only 50 per cent of the sulphate, anhydrous. The balance of it is water.

Mr. HAYDEN. I understand that.

Mr. SMOOT. So it is very inconsistent to have $5 on the sulphate, anhydrous, and $5 on Glauber salt.

Mr. HAYDEN. The Senator will understand that if salt cake and Glauber salt are heated and the water taken out you have the anhydrous product, which weighs less. There might be a reason for having a higher rate on Glauber salt or a higher rate on the anhydrous than on the salt cake, but I am willing to have the same rate upon all of them, I believe that under a uniform rate the industry can exist.

Mr. SMOOT. It seems to me the proposal is very inconsistent.

Mr. BARKLEY. Really, if the rate is made $5 on the Glauber salt, 50 per cent of which is water, it is equivalent to $10 on the anhydrous, because you have to dehydrate the material in order to make it into the anhydrous sodium. So that if you put $5 a ton on both, and you have to take out half of the Glauber salt, which is water, you have to add another ton before you get a real ton of anhydrous sodium, so that it amounts to a duty of $10.

Mr. HAYDEN. The point is this, that the Germans in making these shipments have heated the product and taken the water out. They may bring in the articles in whatever form best suits them in their commercial activities. We mine either the salt cake itself or the Glauber salt as they occur in nature. They are carried at carload rates on the railroads, and when they are brought to the paper mills they compete with the product from Germany in whatever form it appears.

Mr. SMOOT. Whatever protection is afforded will be on the anhydrous product. If it is $5 a ton on that, certainly they would never ship in Glauber salt containing 50 per cent water. That would be out of the question entirely. It seems to me if it is necessary to have $5 on the Glauber salt, to make it equal there should be $10 on the anhydrous.

Mr. HAYDEN. Perhaps so, but the producers of this natural raw material say that they can successfully compete if the same rate is imposed on all three. They may get the worst of it out of that sort of tariff, but they can live, because after all it is a by-product being brought from Germany. The Germans will export it in whatever form it comes from their factories. They are not going to change the form unless the tariff varies. Then it would pay them to do it. If the tariff rate is the same, there will be no occasion for doing so.

Mr. SMOOT. If we are going to have $5 on sulphate, anhydrous, then the Glauber salt ought to carry a rate of $2.50. The House fixed the rate at $4 and $1. This is all out of comparison. If these amendments were adopted, the Germans would ship in the Glauber salt.

Mr. HAYDEN. I will admit, so far as the weight of water is concerned, that if the crude salt cake carries a rate of $5, properly the Glauber salt should carry a rate of $7.50 and anhydrous sodium sulphate should carry a rate of $10. Considering only the volume of water, that would be the proper rate. But I am not asking for that. I am asking for $5 all the way through, and if the producers are willing to accept that, I do not see why either the Senator from Kentucky or the Senator from Utah should complain, because I am not asking for a higher tariff than they think ought to be granted.

Mr. SMOOT. I am only calling the Senator's attention to the fact that I am afraid the people will think that we were very foolish in adopting the rate on sulphate, anhydrous, and the same rate on Glauber salt, when Glauber salt is exactly the same as sulphate, anhydrous, with 2 per cent of water added.

Mr. HAYDEN. The American producers have had a sad experience. The Germans will bring in anhydrous sodium sulphate and pack it up and label it "salt cake." It has been coming into the country free. They have protested to the Treasury Department and done everything they could to prevent this fraud, but the Germans simply carried it over under that label into the free list. If all three of these articles are put on the same basis, then there will be no advantage to the Germans in trying to switch from one product to the other. If we take into consideration only the water of crystallization contained in the various products, then we start out with this rate of $5 on salt cake, $7.50 on Glauber salt, and $10 on anhydrous. But I am not asking for those two high rates. The American producers can get along and operate their mines with a $5 flat rate all the way through.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. HAYDEN. I yield.

Mr. BARKLEY. In view of the fact that the domestic production of Glauber salt has increased from 42,000 tons in 1919 to 62,000 tons in 1927, and that the importations have decreased from 2,700 tons to about 1,300 tons, I do not understand how it is that the industry is unable to survive. I do not see any relationship in the situation which the Senator evidently has in mind.

Mr. HAYDEN. The Senator is mistaken in some of his figures.

Mr. BARKLEY. I am quoting from the Summary of Tariff Information, page 393. In 1919 we produced only 42,000 tons of Glauber salt. It has gone as high as 72,000 tons in 1925 and 62,000 tons in 1927, while our imports have fallen off until in 1928 they were less than at any time in the last 10 years.

Mr. HAYDEN. The Senator is talking about one thing and I am talking about another. What I am primarily concerned with is sodium sulphate or salt cake, and the only relation which Glauber salt bears to salt cake is that it may be used as a substitute. The Senator will find that the production of salt

cake in the United States from mines has varied from 16,000 to 23,000 short tons in recent years, whereas the German importations, which began in 1922 and were only 638 tons at that time, increased steadily until last year they amounted to 81,815 tons, valued at $829,793.

Mr. BARKLEY. Of course the relationship between salt cake and Glauber salt is as the relation of parent and child. Glauber salt is made very largely from salt cake.

Mr. HAYDEN. Yes; exactly.

Mr. BARKLEY. So there is a relation. I do not quite see, even if there is any justification for the tariff which the Senator is advocating on salt cake, why he should carry that into the rate on Glauber salt.

Mr. HAYDEN. If we had a rate of $5 a ton on salt cake and only $1 a ton on Glauber salts, then all that is necessary to do is to heat the salt cake and extract one-half of the water of crystallization, and it would come in at the $1 rate instead of the $5 rate. If we take all of the water out, then it comes in at $2 under the anhydrous sodium sulphate rate now contained in the bill. Inasmuch as it is simply a process of heating the raw product and extracting the water so as to transpose it first from salt cake to Glauber salt and then from Glauber salt to the anhydrous form, it seems to me the only way that Congress could properly care for the entire situation is to fix the same rate on all three products.

Mr. BARKLEY. We get Glauber salt by taking the salt cake and crystallizing it?

Mr. HAYDEN. No; by taking the water out.

Mr. BARKLEY. Then, we taken the Glauber salt and take the water out and get anhydrous sulphate. Is not that the process?

Mr. HAYDEN. Half of the water crystallization is taken out when it is in the form of Glauber salt, and all of it is taken out to get it into the anhydrous state.

Mr. BARKLEY. Yes; I understand. Does the sulphate have the water originally?

Mr. HAYDEN. Yes.

Mr. BARKLEY. Is any of the water taken out of that to make Glauber salt?

Mr. HAYDEN. Yes; about one-half of the water is taken out.

Mr. BARKLEY. Part of the water is taken out?

Mr. HAYDEN. Yes.

Mr. BARKLEY. Then it is all taken out to result in anhydrous sodium sulphate?

Mr. HAYDEN. Yes.

Mr. BARKLEY. So there are three processes by which we arrive at the dry state of this salt cake which had water in it at the start?

Mr. HAYDEN. It has 100 per cent water of crystallization at the start and 55 per cent when it becomes Glauber salt and none when it reaches the third stage.

Mr. BARKLEY. If it is 100 per cent water in the beginning and we take it all out, how do we have anything left?

Mr. HAYDEN. I was speaking of water of crystallization.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Arizona yield to the Senator from Montana?

Mr. HAYDEN. Certainly.

Mr. WALSH of Montana. These deposits are crustaceous deposits in lakes, are they not?

Mr. HAYDEN. Originally.

Mr. WALSH of Montana. Then the lake evaporated; so they are surface deposits and do not involve deep mining?

Mr. HAYDEN. Yes; they are mined with a steam shovel. The cost of production in my State, according to the best figures I have, is about $6.75 a ton.

Mr. SMOOT. The fact of the matter is that it is a question of taking care of the freight in order to get them to market.

Mr. HAYDEN. That is all there is to it, but I say that the $5 rate will equate the difference between water transportation from Germany and land transportation from our western deposits to the paper mills. The following figures will illustrate the effect of this proposed import duty:

GERMAN COMPETITION ON THE GULF COAST

A. AGAINST BY-PRODUCT SODIUM SULPHATE

Without tariff

American sodium sulphate:		
Cost of manufactured product	$10.75	
Inland freight to mills	3.80	
Cost delivered to mills		$14.55
German sodium sulphate:		
Cost of production	$4.50	
Transportation	5.08	
Commission, fees, and insurance	.34	
Inland freight to mills	3.80	
Cost delivered to mills		$13.72
German margin		.83

With tariff

German sodium sulphate:		
Cost delivered to mills	$13.72	
Tariff	5.00	
Total cost		18.72
American sodium sulphate:		
Cost delivered to mills		14.55
American margin		4.17

B. AGAINST NATURAL SALT CAKE

Without tariff

American salt cake:		
Cost of production	$6.75	
Transportation	12.00	
Cost delivered to mills		$18.75
German sodium sulphate:		
Cost delivered to mills		13.72
German margin		5.03

With tariff

American salt cake:		
Cost delivered to mills		18.75
German sodium sulphate:		
Cost delivered to mills	$13.72	
Tariff	5.00	
Total cost		18.72
German margin		.03

GERMAN COMPETITION ON PACIFIC COAST

Without tariff

American salt cake (crude):		
Cost of production	$6.75	
Transportation	7.50	
Cost delivered to Pacific coast		$14.25
German sodium sulphate:		
Cost of production	4.50	
Transportation	6.46	
Commission, fees, and insurance	.34	
Sacking	1.90	
Cost delivered to Pacific coast		13.20
German margin		1.05

With tariff

German sodium sulphate:		
Cost delivered to Pacific coast	$13.20	
Tariff	5.00	
Total cost		18.20
American salt cake (crude):		
Cost delivered to Pacific coast		14.25
American margin		3.95

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield to the Senator from Nevada.

Mr. PITTMAN. I should like to ask the Senator from Utah if we have adopted or if we have not adopted, as a measure of fixing tariff rates, the cost of freight, the difference in the cost of transportation by water and transportation by rail?

Mr. WALSH of Montana. It is in the flexible provision and in operating under the flexible provisions the freight rates are taken into consideration.

Mr. PITTMAN. I want to know whether or not the Senator has adopted, in the consideration of this bill which we have already passed upon, the policy of taking into consideration the freight rates from the places of production to the chief market as a factor in determining the difference in the cost of getting the foreign product to the market and the domestic product to the market. Is that true or not?

Mr. SMOOT. In some cases perhaps it is, and in others it is not. For instance, in the matter of brick and cement, that was the basis of the duty which was put upon those articles and that is all there was to it.

Mr. PITTMAN. The Senator has not directly answered my question, but I understood, whether I am right or wrong, that we have adopted as a measure which will guide the President in the raising or lowering of duties, taking into consideration in determining the cost by which the foreigner may put a commodity into the competitive market and the domestic producer may put it into the same market, the difference in the cost of transportation, water as against rail, for instance.

Mr. SMOOT. I will state to the Senator that the only items handled in that way were brick and cement and items like that.

The Senate did not give the duty that was required to equalize their transportation to the market.

Mr. PITTMAN. The reason why I brought up the question was that the Senator seemed to indicate that the Senator from Arizona was wrong in taking into consideration freight rates at all.

Mr. SMOOT. No; I did not say that.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. HAYDEN. I yield.

Mr. TYDINGS. I would like to say on that point that several reports have been sent here by the Tariff Commission as far as I know, and not on one single article have they failed to take into consideration the cost of transportation from the principal producing center to the principal consuming center, and the rate recommended by them in every case, so far as I have seen, is based upon that fact—the cost of transporting from the principal producing center to the principal consuming center.

Mr. SMOOT. They are instructed under paragraph 315 of the existing law to do that.

Mr. HAYDEN. Mr. President, let me explain to the Senator from Maryland what the situation is. The principal consuming center of salt cake, at least so far as our western products are concerned, is the Mississippi Valley paper mills. The Germans have a cost of production of $4.50, an ocean transportation cost of $5.08, and allowing $3.80 for commission fees and insurance and inland freight from the coast to the mills, they can deliver to the Mississippi Valley paper mills for $13.72. Our costs are $6.75 at the mine in Arizona and transportation $12, or a total of $18.75.

There is a difference of $5 a ton that has simply put our domestic production out of business. With a tariff of $5 a ton the American producers would be put on a parity, and that is what I am asking. That is the sole purpose of my amendment, to equalize transportation costs.

Mr. TYDINGS. Of course, the Tariff Commission, in all the reports that have come to us, have also taken into consideration the cost of transportation, usually by water, from the principal competing external producing center and the freight rates from that point to the principal consuming center in America. They have considered that difference in freight rates locally and the difference in freight rates from the foreign standpoint in arriving at the total difference in cost of producing the commodity at home and abroad. In every one of the reports before us those figures are given by the Tariff Commission.

Mr. HAYDEN. There is no other sane or sensible way of looking at what the proper tariff rate should be unless we do take into consideration the cost of transportation.

Mr. BLACK. Mr. President, may I ask the Senator what his amendment is?

Mr. HAYDEN. My amendment is to take salt cake from the free list and fix a rate upon it of $5 a ton, and then, in order to prevent substitution of either of the other similar commodities for salt cake, I have also fixed the rate on those two commodities at $5 a ton, because one can be substituted for the other.

Mr. BLACK. The Senator is proposing to take it from the free list and give it a rate of $5 a ton?

Mr. HAYDEN. Salt cake only. I will repeat, for the Senator's benefit, that my reason for doing that is because salt cake is used primarily in the manufacture of kraft paper, as it is called—that is, wrapping paper and paper bags—the demand for which is tremendously increasing in this country. Kraft paper enjoys a protective rate of 30 per cent ad valorem, equivalent to nearly $25 a ton, and paper bags have a rate of 5 cents a pound, or $100 a ton, and 20 per cent ad valorem. There are practically no imports. The rates on those two paper products are absolutely prohibitive. They are embargo rates, and yet the manufacturers of kraft paper are the only ones who object to the proposed rate on salt cake. They do it because they say it would add $1 a ton to the cost of making paper which sells for over $100 a ton and which enjoys a protection of over $25 a ton.

Mr. BARKLEY. Mr. President, will the Senator yield——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. HAYDEN. I yield.

Mr. BARKLEY. The increase which the Senator is asking is 400 per cent on Glauber's salt—from $1 to $5—and 150 per cent on the anhydrous sulphate. Of course, the Senator is proposing to take salt cake from the free list and give it a rate of $5.

Mr. HAYDEN. I do not know what per cent that would be. I will leave that to the Senator from Kentucky to figure.

Mr. BARKLEY. That brings up the question whether any article which requires a 400 per cent increase in the tariff in order to enable it to exist ought to be protected at all.

Mr. HAYDEN. Let me answer the Senator by saying that the kraft-paper manufacturers built up a great industry in the United States when they paid on the average $21 a ton for their salt cake; and now, because as the result of a by-product produced in Germany from the manufacture of hydrochloric acid which the German trust or cartel dumps in this country, the price has been cut down to nearly $10, and it is necessary, of course, to have, as I say, at least a $5 tariff rate to equalize that very condition and allow this form of mining to proceed in the West.

Mr. BARKLEY. Is the salt cake that comes in used for anything else?

Mr. HAYDEN. The principal use, so far as I know, is in the manufacture of kraft paper, and the only people who protested against the rate in either the House or the Senate committee hearings were the kraft-paper manufacturers; no one else appeared.

Mr. BARKLEY. Is the salt cake which is produced in the West capable of being used for ordinary edible purposes?

Mr. HAYDEN. Not at all.

Mr. BARKLEY. There is no process through which it can go that will reduce it to a table salt?

Mr. HAYDEN. It would not only be impossible but foolish to reduce it to common salt, when such salt can be obtained from salt wells or from the sea. There would be no advantage whatever in refining salt cake to obtain pure salt, if that could be done. Common salt is sodium chloride, while this is sodium sulphate. There is chlorine in one and sulphur in the other.

Mr. ODDIE. Mr. President——

Mr. HAYDEN. I yield to the Senator from Nevada.

Mr. ODDIE. I have listened with a great deal of interest to the statement made by the Senator from Arizona; I am in entire sympathy with his viewpoint on this matter, and I hope the amendment he has proposed will be adopted. Nevada has large deposits of sodium sulphate or salt cake, and we are hoping and expecting that the industry will become productive and profitable in a short time. An adequate tariff will make it so, such as is carried in this amendment.

I ask permission, Mr. President, to place in the RECORD certain letters and documents regarding the subject. One is from Hon. Clark J. Guild, of Yerington, Nev., who has spent considerable time and money in developing one of these properties. He is urging a tariff on this particular product in order that the industry may live and prosper. Another is from Mr. Harrington Belty, of Mina, Nev., advocating a duty of $5 a ton. Another is from Mr. William H. Metson, of San Francisco, a prominent attorney there and a great authority on this question. He is much interested in the development of the industry in the western section of the country and has pointed out clearly in his letters the necessity for the proposed tariff rates. I also ask permission to place several statements giving economic data in regard to salt cake, and a letter from Mr. R. W. Coad, of Los Angeles, Calif., president of the Sodium Products Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EIGHTH JUDICIAL DISTRICT,
Yerington, Nev., January 15, 1929.

Hon. TASKER L. ODDIE, UNITED STATES SENATOR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: When the opportunity presents itself and there is a discussion with reference to tariff rates at some future date, either by the Tariff Commission or by Congress, will you bear in mind the importance of having the tariff on sodium sulphate, Na_2SO_4 (salt cake), raised to an appreciable extent?

We are informed that there is considerable of this product shipped in from Germany, and, of course, we want to protect our own industries in this respect.

Our sodium sulphate lease from the Government on the Wabuska, Nev., lands is not as yet upon what could be termed a commercial basis. We are struggling on and have spent over $75,000 on this property and believe some day it will make good, but we must have the protection of the protective tariff and the cooperation of the Interior Department, whom we expect will give to us the reduced terms and modify our lease in accordance with the amended land leasing act, passed by Congress before the summer adjournment, and, as you wired me, approved by the President just before Christmas.

Thanking you to give this matter your careful attention and consideration, I am with regards and best wishes

Very truly yours,

CLARK J. GUILD.

MINA, NEV., *December 2, 1929.*

Hon. FREDERICK B. BALZAR,
Governor of the State of Nevada,
Carson City, Nev.

DEAR SIR: We owners of sodium sulphate deposits are trying to secure a protective tariff of $5 per ton on this material, and to have it removed from the free list where it is in the tariff law of 1922.

This protection would be of real benefit to Nevada as the State has many deposits of this material which could be marketed in Oregon and Washington where a large demand has recently developed in supplying the kraft or sulphate pulp and paper mills.

We have been unable to develop our resources or interest capital in our deposits, because of cheap German sulphate produced by labor receiving about one-third what we pay, and that is being imported in foreign ships at ballast freight rates.

The Department of Commerce gives the following imports for sodium sulphate:

Year:	Tons
1925	1,708
1926	5,598
1927	11,171
1928	28,228
1929 (estimated)	100,000

The European producers are practically all in a syndicate, according to the United States Department of Commerce, with power to allocate production and markets, fix prices and protect their own European markets from invasion. This arrangement allows them to make rates at home and in near-by markets at relatively high prices and dump their excess production over here. For instance, they sell c. i. f. Swedish ports at from $14.64 to $18.30 per ton in bulk and at the same time selling at $13.50 per ton in bulk c. i. f. United States ports, which has caused the shutting down of some American firms and throttles the development of our deposits.

I would, therefore, respectfully urge that you ask our delegation in Congress to actively fight for this protection, as it means a great deal to this part of the country.

Yours very respectfully,

HARRINGTON BELTY.

BALBOA BUILDING, *January 9, 1929.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In quite a number of places in Nevada there are deposits of salts.

These should be protected by tariff.

I append a memoranda giving you some data on the subject. I trust that you will use your best efforts to see that the tariff is put on to protect these goods, and that the same is clear and explicit.

I am particularly interested in the Rhodes marsh.

With best wishes, I remain, your friend,

W. H. METSON.

SODIUM SULPHATE OR SALT CAKE

Papers of recent date have carried the report that an investigation is being conducted with the idea of making necessary adjustments to the tariff of 1922.

This is of interest to us because we have taken an option on 4,400 acres at Rhodes, Mineral County, Nev., with the purpose in mind of producing the sodium sulphate (salt cake) contained therein.

We have had several chemical and mechanical engineers investigate the property carefully, and have spent considerable time going into the titles and commercial details involved.

After receiving favorable reports from our engineers and considering the markets, and having secured favorable rate adjustments from the railroads, we have come to the conclusion that with reasonable tariff protection, the property could be made a good proposition.

We are confronted with a peculiar situation regarding the tariff, and, we believe, an unjust one.

The Germans, in producing their main product—potash—from their Strassfurt deposits, are obtaining a high-grade sodium sulphate, which has a limited market abroad, and which they are offering, not only on the east and Gulf coasts, but also on the Pacific coast, at $15.50—$16 per short ton in sacks.

They are shipping this product as salt cake duty-free, whereas it is really anhydrous sodium sulphate, which, under the tariff, should pay $2 per ton duty. (Par. 93, H. R. 7456, tariff act 1922.)

The distinction between salt cake and anhydrous sodium sulphate is a very narrow one, and so far has been interpreted in their favor by the customhouse officials.

Our chemists' definition is that salt cake is an impure sodium sulphate obtained as a by-product in the making of nitric and hydrochloric acids, and containing from three-fourths to 1½ per cent of acid and up to one-half per cent iron.

This salt cake has to be refined to make anhydrous sodium sulphate, which contains neither impurity to an appreciable extent.

This is the only distinction between the two products.

There are also two other grades of sodium sulphate, namely: Glauber's salt, which contains 10 parts of water (duty $1 ton), and anhydrous Glauber's salt, which latter is the same as anhydrous sodium sulphate.

Chemically, the different forms of sodium sulphate are symbolically expressed as follows:

Salt cake: Na_2SO_4, 96 per cent or better; acid, three-fourths, 1½ per cent (H_2SO_4 generally); NaCl and/or other impurities to balance 100 per cent.

Glauber's salt: Na_2SO_4, $10H_2O$.

Anhydrous sodium sulphate: Na_2SO_4, 98 per cent or better.

Anhydrous Glauber's salt: Na_2SO_4, 98 per cent or better.

The latter two contain no acid nor any appreciable amount of iron (Fe).

The Germans are bringing in an iron and acid free sodium sulphate as salt cake, which is not a by-product of acid manufacture.

It is unquestionably anhydrous sodium sulphate, but because of the difficulty of interpretation this has been admitted free heretofore, although it should have paid a $2 duty.

This product has, furthermore, effectively precluded developing the Rhodes deposit.

Our costs of production are as low as the German costs, but our transportation charges from Nevada are higher than the German freights from Rotterdam.

Our product will be as good as the German product.

But because theirs is a by-product they can sell it here at a price that leaves us without profit.

The Germans declare the value of the product at Rotterdam as from $9 to $9.30 per ton in sacks, and as far back as 1909 they exported 65,500 tons of a value of 30 marks per ton, roughly $7.50.

In 20 years the price has increased a matter of $1.80, and our information is that this amount or more could again be removed from the price.

When the present tariff was written the importation of salt cake was nominal, and for that reason it was not included as a dutiable chemical.

The domestic price has steadily declined, until in 1928 the price here on the coast was about $18.50 delivered in sacks.

The Germans, with a better product, are offering salt cake at $15.50 to $16 delivered.

Now, salt cake (as differentiated from other sodium sulphate products) is used almost entirely in the kraft pulp and paper industry.

Kraft pulp sells for $65 per ton and the paper wholesale for $105 a ton, both probably subject to some fluctuation.

Approximately one-fifth ton of salt cake is used in making a ton of kraft pulp, rather less than more.

The cost per ton of pulp for German salt cake at the present price of $15.50 delivered is therefore $3.10.

By putting a duty of $5 per ton on salt cake and anhydrous sodium sulphate the cost per ton of pulp would be $4.10.

A cost of $4.10 per ton (or an increase of only $1) on a $65 product is not excessive, and this is approximately the price paid before the Germans started shipping, i. e., the price for the local material, with a 5 per cent differential in favor of the German product because of its superiority added to local price—or $18.50+0.925=$19.425—would be $3.885 per ton of pulp.

In addition a $5 duty would take care of an indicated German ability to reduce their price about $2 per ton and still allow us to compete at $18.50 per ton, which has been the price heretofore.

Therefore we would appreciate your using your best efforts to secure the inclusion of a $5 per ton duty on salt cake, Glauber's salt, anhydrous Glauber's salt, and anhydrous sodium sulphate.

The inclusion of all forms of sodium sulphate are necessary, because the Germans, having once gotten around the tariff because of the confusion therein, will unquestionably try to do so again by taking a $2 tariff on anhydrous sodium sulphate instead of a $5 tariff on salt cake.

Under the tariff act of 1922 (H. R. 7456, pars. 83, 84), practically all forms and combinations of natural sodium salt are dutiable, and, in fact, the only sodium product directly referred to as free is under paragraph 1667.

This would tend to substantiate our contention that only that sodium sulphate obtained as a by-product from acid manufacturing was intended to be duty free, for it says "sodium nitrate, sulphate, crude, or salt cake, and niter cake."

Referring you to paragraph 1619, which says, "minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for."

Now, this German material is:

1. Not salt cake, because it contains no acid nor iron.

2. Not crude, because it most certainly has been "advanced in value or condition by refining or grinding, or by other process of manufacture."

3. Not coming under the above two exemptions, most certainly dutiable, and is yet admitted free.

This situation is vitally interesting to us, who are attempting to develop certain of the natural salt deposits of the West, and particularly to the States of Nevada, Oregon, Arizona, New Mexico, Utah, Idaho,

Montana, and Wyoming, and perhaps some others in which these natural deposits exist in one form or another.

We therefore request relief from this situation by the inclusion of all forms of sodium sulphate in the tariff, and to the extent of $5 per short ton, and pending this relief, to have the present tariff, not now being enforced, to apply to this product, together with such other relief as it is within your power to obtain for us.

Such action will allow us to proceed with the immediate establishment of this growing industry in Nevada, together with certain other deposits we have in mind in other States.

SAN FRANCISCO, CALIF., *January 19, 1929.*

Subject: Tariff on salt cake (sodium sulphate).

Hon. TASKER L. ODDIE,

Senate Office Building, Washington, D. C.

DEAR SENATOR: A Mr. Robert H. Polack, representing the Niles Salt Co., of New Orleans, La., appeared before the House Ways and Means Committee on behalf of a $5 per ton duty on salt cake about January 10, according to the United States Daily of January 11.

He has arrived at the identical decision that I have—that a tariff of at least $5 per ton is essential to the establishment and/or maintenance of this industry.

Certain localities in the Western States are adaptable to little other development, and it seems unreasonable to me that these areas should be precluded from taking advantage of the few opportunities afforded them by nature because of high rail rates versus cheap ocean rates in German ships.

If the American standard of wages and living is to be protected, it should certainly be protected right down the line.

A $5 tariff will only increase the cost to the consumer $1 per pulp-ton and will at no time exceed the price he has paid in the past.

When the present tariff was passed the Germans were not competing in the local market, but now there is an increasing stream of German chemicals being brought in, in many instances taking advantage of technicalities in the tariff and evading duty, even in cases where obviously it was the intention that they pay.

Salt cake is an aggravating instance of this subterfuge.

The Germans are shipping a sodium sulphate as either salt cake or sodium sulphate, crude (over 5,000 tons came in in October), that is neither salt cake nor crude, and it is coming in duty free.

The paper people are attempting, on the one hand, to secure tariff protection for themselves, which is all right, but, on the other hand, to prevent others from getting the same measure of protection that they themselves are demanding, which is all wrong.

I therefore request that you use your best efforts to secure a $5-a-ton duty on the following:

1. Sodium sulphate, hydrous.
2. Sodium sulphate, anhydrous.
3. Glauber's salt, hydrous.
4. Glauber's salt, anhydrous.
5. Salt cake.
6. And/or any other chemical and/or mineral containing in excess of 50 per cent sodium sulphate.

The sixth item in particular will effectively prevent their using catch names and technicalities to evade the provisions of the tariff.

In addition, I would appreciate anything you can do to assist Mr. Polack's efforts, which would be advantageous to us.

Yours very respectfully,

W. H. METSON.

BALBOA BUILDING,
January 31, 1929.

Hon. TASKER L. ODDIE,

Senate Office Building, Washington, D. C.

DEAR SENATOR: I am inclosing you a memorandum with reference to sodium sulphate.

As you know, there is considerable effort being made to exploit sodium sulphate at Wabuska, Nev., and also to exploit salt, and that deposit at Fallon, and then there will be other deposits at Rhodes, Teals, at Bellville, and down in the Vegas and in the desert.

We figure it will take $5 a ton tariff to protect these deposits against the machinations of the Germans, who are breaking into this market, since the change in the method of manufacture of nitric acid has made the brines and natural deposits valuable.

This matter is up now before the Ways and Means Committee in the House, and I wish you would take a hand in using your influence to see that a tariff is imposed.

I inclose you a memorandum on the subject.

Very truly, your friend,

W. H. METSON.

TARIFF ON SODIUM SULPHATE

There exist in various Western States quantities of sodium sulphate, either in the form of vein or brine lake deposits.

Some of these are capable of supplying the market with a superior product at a cost not to exceed the price which has ruled for domestic sulphate within the past five years.

The average price[1] paid by paper-pulp mills in bulk at producers' works is as follows:

1924	$23.00
1925	20.50
1926	21.00
1927	19.00
1928[2]	15.50

Up to 1928, when the German imports first began to make themselves seriously felt, the price of salt cake averaged $20.90 per short ton.

The principal users of sodium sulphate are the kraft paper-pulp mills, and the quotations are therefore those that apply to these large consumers.

They buy sodium sulphate as salt cake, not being themselves interested in any technical "name" distinctions that may exist between the various grades.

In 1928 the price of salt cake dropped sharply to an average of only $15.50 per short ton.

This is the price which the Germans have been quoting on 500 to 1,000 ton lots at Atlantic, Gulf, and Pacific ports.

The principal source of German sulphate is the huge potash deposits at Stassfurt.

It is a by-product of their potash operations.

Sodium sulphate production in Germany amounts to approximately 250,000 long tons annually from 70 plants, of which about 100,000 tons is exported (1926).

These plants are practically all in a huge German combine or trust known as Sulfat-Syndikat, which is of broad powers, allocating production, fixing prices, etc.

This Strassfurt sodium sulphate is manufactured from complex salts known as carnalite and kieserite.

From carnalite and kieserite are obtained magnesium sulphate ($MgSO_4$) and sodium chloride (NaCl).

From magnesium sulphate and sodium chloride, which are placed in solution (or made into a liquor) and subjected to a low temperature (freezing process), hydrous sodium sulphate ($Na_2SO_4 \cdot 10\ H_2O$) also known as Glauber salt, is obtained according to the following reaction:

$$MgSO_4 + 2NaCl = Na_2SO_4 + MgCl_2$$

This hydrous (10 parts water) sodium sulphate known as Glauber salt is taken and dehydrated (evaporated) artificially, and, of course, anhydrous (without water) sodium sulphate is obtained, as follows:

$$Na_2SO_4 \cdot 10\ H_2O + \text{heat} = Na_2SO_4$$

In other words, the water only is taken (by artificial application of heat), from hydrous sodium sulphate or Glauber salt to make the German sodium sulphate, which they are shipping here, not as anhydrous sodium sulphate which is correct, but as salt cake and/or sodium sulphate, crude, which is incorrect.

Under our tariff of 1922 (H. R. 7456), paragraph 83, we find that hydrous sodium sulphate (Glauber's salt) carries a $1 per ton (2,000 pounds) duty.

Anhydrous sodium sulphate carries a $2 per ton duty.

Under paragraph 1667 of the above tariff act we find that "sodium sulphate, crude, or salt cake" is to be admitted without duty.

Witness what happens.

The Germans manufacture hydrous sodium sulphate (Glauber's salt) duty $1 per ton.

They dehydrate by artificial means this hydrous sodium sulphate, and, naturally, the resulting product is anhydrous sodium sulphate.

Then, by merely changing the name of this product to salt cake or sodium sulphate, crude, they get this material in under said paragraph 1667, duty free.

This is a remarkable piece of tariff identification.

Salt cakes' derivation is clearly indicated by the name itself.

It is the product resulting from the manufacture of hydrochloric acid by the following reaction of sulphuric acid on common salt (sodium chloride):

$$H_2SO_4 + 2NaCl = Na_2SO_4 + 2HCl$$

The sodium sulphate (salt cake) resulting always contains acid until processed or refined. It also contains other impurities, generally salt (sodium chloride).

The German material sold here contains no acid.

Sodium sulphate, crude, is the natural sodium sulphate as found in nature in brine lakes or veins, as at Clarksburg, Ariz., Waubuska, Nev., and elsewhere.

The German material shipped in as "crude" does not occur as a natural, native, or crude sodium sulphate in any of their products.

It is a manufactured product pure and simple, and necessitates at least three distinct steps to obtain.

The tariff act of 1922 (H. R. 7456), paragraph 1619, gives a definition of what constitutes a "crude" mineral.

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[1] Oil, Paint, and Drug Reporter, weekly for five years.
[2] 8 months.

Said paragraph says: "Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for."

How can German sodium sulphate, all of which is processed, enter duty free as "crude"?

It is vital to the establishment and/or maintenance of the American chemical industry to give each branch thereof adequate protection against the huge European combinations formed and the still larger being formed. They have powers to limit production, fix prices, and/or control the situation as best suits themselves.

We have not.

We know that this German sulphate combine is largely controlled by the cheapest producer.

We know that German production conditions permit its syndicate to sell the American market, and even our west coast, in competition with California producers.

This "Syndikat" is using subterfuge to evade our tariff and is dumping here as well.

This German sulphate was being sold in Germany for, roughly, $15, while export declarations necessary for imports into the United States place a value on it of $9 to $9.30 per ton.

While the Germans are selling their own market at $15 per ton they are landing it in the Pacific Northwest at $15.50 to $16 per ton, after paying $6 to $8 freight from Rotterdam.

This demonstrates that the Germans are, indeed, "dumping" with a vengeance.

This situation is further emphasized when we consider that if loss is sustained it would be carried by the syndicate, and met by all members who can be presumed to be profiting comfortably on domestic (German) sales at around $14 to $15 per ton, coupled with export sales to neighboring markets.

It is these sorts of cut-throat acts that the independent American producer is competing against.

Undoubtedly as soon as the Germans have firm control of the American market, we can expect higher prices to make up for the cost of driving out the local producers.

It would be wise to prevent this eventuality.

A tariff of $5 a ton (an increase of only $3) would barely raise the price of German sulphate ($15.50 to $16 per ton) back to the original cost to the paper pulp mills of $20.50 to $21.

If the Germans drop their price (as their export declarations in the past would lead one to believe they can do) $2 per ton, the cost to the consuming mills would be (on the coast) $18.50.

At the greatest, increasing the tariff from $2 per ton to $5 per ton would only increase the cost per ton of pulp 60 cents.

Kraft pulp sells at the mill for $50 to $65 per ton, and the total cost of sodium sulphate that enters into the production of a ton of such pulp (about one-fifth ton, and assuming that such sodium sulphate cost the mill $25 per ton) would therefore be only $5.

On the Pacific coast the cost would probably be under $4 per ton of pulp.

To avoid further German evasion the new tariff should make the following grades of sodium sulphate dutiable to the extent of at least $5 per ton:

1. Salt cake.
2. Anhydrous sodium sulphate.
3. Anhydrous Glauber's salt.
4. Sodium sulphate, crude.
5. And/or any chemical, mineral, metal, material, and/or mixture containing 50 per cent or more sodium sulphate.

The following grades of sodium sulphate should be made dutiable to the extent of at least $2.50 per ton:

1. Glauber's salt.
2. Hydrous sodium sulphate.
3. And/or any chemical, mineral, metal, material, and/or mixture containing more than 25 per cent but less than 50 per cent sodium sulphate.

This tariff schedule on sodium sulphate and/or its compounds and/or mixtures will barely enable domestic producers to get the price that in the past has been obtained, and at the same time put no burden on the consumer that has not in the past existed.

It is for the consumers' ultimate protection as well as the producers'.

In fact it is a vital necessity to both American labor and American manufacturers that they be protected against this type of competition.

BALBOA BUILDING, *June 13, 1929.*

Hon. TASKER L. ODDIE,

Senate Office Building, Washington, D. C.

DEAR SENATOR: I have written some letters on the sodium sulphate matter, trying to get before the members of the Finance Committee, from me direct, some of my ideas.

I inclose you copy of letter written to Senator SMOOT.

The Ways and Means Committee raised the rate on anhydrous sodium sulphate from $2 to $4 on the report of the committee.

That was under section 83.

The Germans had been importing into America anhydrous sodium sulphate pure under section 1607 (now 1767) as free, under the guise of salt cake.

The commercial salt cake is a by-product from the mixing of sulphuric acid and sodium chloride (common salt) together and thus getting hydrochloric acid, and salt cake.

This salt cake always has impurities in it consisting of part of the remaining acid that was mixed with it, and also some of the salt, and is therefore not so desirable as pure anhydrous sodium sulphate.

This salt cake, however, contains about 95 to 98 per cent of sodium sulphate.

The Germans took advantage of this, and by first shipping in some salt cake, i. e., that which was made in producing hydrochloric acid, got the entry through the customhouse and after that they have been shipping a manufactured article which has been about 98 per cent pure.

This was made from the Stassfurt salts.

The Germans had been working on Stassfurt salts for years for potash and had been discharging the material, after the potash was discharged, into the German rivers, thus polluting them, and inasmuch as the potash industry was increasing tremendously, the tonnage growing greater, something had to be done. Their chemists got busy and finally worked out a method of utilizing this waste, which consisted largely of magnesium sulphate, and they found that by mixing the liquor containing magnesium sulphate with a liquor containing common salt and then reducing the temperature of the mixture by the so-called freezing process the sulphate would be released from the magnesium and the chloride from the sodium and then the sodium and sulphate would mix, making sodium sulphate.

The operation had been in large volume, to keep the waste out of the rivers, and they had to have a market for it. They came over here with their product and have driven the natural producers out of the market.

The Ways and Means Committee at the last moment were stampeded by a brief and telegrams initiating from the German brokers in San Francisco. This brief was distributed by Wilson & Geo. Meyer & Co., of San Francisco. They represent the German trust. They got some paper companies to sign the brief, but they wrote it and distributed it.

It was very cleverly worded and gave the impression that the paper and pulp business would be ruined without the German product and that the pulp and paper people were paying more for sodium sulphate to the Germans than was quoted by American producers. This brief said that the present price of sodium sulphate was $17.95, and that they should add another dollar for handling charges, which would make it about $19.

This trick and device got by.

What these brokers really did was to sign up the paper-pulp people who used sodium sulphate, and the brokers gave these consumers of sodium sulphate a $13.50 rate (bulk).

The contracts were for two years—1929 and 1930. But in the contract is a clause allowing the American consumers—the paper and pulp people—to cancel the contract. This was for the purpose of protecting them against a raise in rates.

As soon as all the market was taken and all the business done, then the Germans quoted this $17.95 rate. Of course there were no purchasers, because they had already made their contracts, but it gave them the opportunity to say to Congress that that was the rate.

Why the Ways and Means Committee should fall for the trick of the German broker I do not know.

Why the paper people would conspire with the brokers to receive pure sodium sulphate anhydrous as salt cake I do not know.

But one trick is worthy of the other, and it is up to you people to protect American industry and your own home State product or else "bend the knee" to Germany.

This German brief attempts to give the idea that the German product is necessary to the paper mills in this country; that the Americans can not produce it.

This is a deliberate lie. The producers have been shut down by the reduction in price. They can produce ten times more than can be consumed.

Germany has been the great producer of sodium sulphate.

During the World War it could not supply the demand.

Who did?

America.

America shipped sodium sulphate to Sweden, which is a great pulp producer.

When Germany was again shattered by internecine strife, who supplied the world?

America.

But America can not do it unless it is protected. If we get into a war, I presume we could use sulphate from Germany—not.

We should prepare for contingencies and make our whole country a self-contained nation.

You would think that the kraft-paper people who have prospered under protection, have prospered more than they should at the expense of the Nation (because the tariff is giving them about $16,000,000

a year protection), that they would be willing to protect their own home industries to a small extent.

The tariff protection for kraft paper bags that are made from this pulp is $100 per ton, with 20 per cent ad valorem besides. Some protection!

There is used 400 pounds of sodium sulphate to each ton of kraft pulp. A tariff of $5 a ton would mean $1 a ton on pulp, and that would not increase the cost of paper to that extent. If the paper is protected to the extent of $26 a ton and bags to the extent of one hundred and odd dollars a ton, you would think they would be willing to concede a dollar a ton as against paper to help the sodium-sulphate business.

But, as I said before, it is not the paper companies so much as these German agents who seem to have the paper people under their control, and I presume they do it by giving them a concession in violation of law and then threaten to expose them to customs authorities unless they stand in.

One would think that the Ways and Means Committee would observe the wrecking of sulphate costs and therefore not consider such a brief as was written by Wilson & Geo. Meyer & Co.; that is, consider the source.

How the brief could have appealed to the committee I do not see, because the fact is that the price was wrecked. How was it wrecked? It was their business. It was demonstrated that the wrecking came by German importations, which increased over 600 per cent between 1925 and 1929.

The fact is that America can supply, and the Nevada producers are entirely willing to supply, salt cake at $17 and $18 a ton, delivered, while the price paid by these paper companies has been $21 a ton, plus freight, during the time that they have been building and making such tremendous profits.

For instance, one of these pulp mills last year made $26 a share on its common stock, and that was $26 a share on $82 a share invested in the business, or a matter of about 32 per cent in one year on the common stock. And yet the people object to somebody else making a living.

I trust that you will take this matter up with Senator SMOOT and with Senator SHORTRIDGE and with Senator EDGE, and that you will make clear to them the necessities of protecting our own industries, and you know we have but a very few of them out here on the Pacific coast.

With best wishes, I remain, your friend,

W. H. MEYSON.

BALBOA BUILDING, *June 11, 1929.*

HON. REED SMOOT,

Senate Office Building, Washington, D. C.

DEAR SENATOR: Following up my letter of June 7, 1929, I note that I stated in 1928 there were 100,000 tons of sodium sulphate imported. That was an error, as the importation was 30,000 tons.

Since writing you I have ascertained that the House Ways and Means Committee were imposed upon by the Kraft people.

I inclose you copy of a brief that they filed with Mr. HAWLEY and Mr. HADLEY and others.

This brief was distributed by Wilson & Geo. Meyer & Co., brokers for the German importers.

How the chicanery of this brief did not appear to the committee I am at a loss to understand.

The companies signing the brief have contracts with the importers through this firm of brokers, fixing a price at about $13 a ton.

The signers of the brief carefully avoid stating that they had written contracts, and further avoid stating that after they had made the contracts, then, and then only, the brokers for the Germans quoted the price at $17.95 c. i. f. Pacific coast terminals.

They also neglected to state that these contracts have a cancellation clause, allowing the buyers to cancel the contracts, and that this cancellation clause was put into the contract expressly for the purpose of protecting these paper companies.

The signers of the brief further flout the intelligence of the Ways and Means Committee by saying that quotations were made by domestic natural producers at $2 and $4 per ton less than the existing German price.

They further say "obviously Pacific coast kraft mills would not have contracted for German material at a much higher price had they had any assurance from natural producers as to ability to deliver and their assurance as to quality."

This statement is again on a par with the activities of these buyers who have been conspiring with the German importers to introduce under one designation a material which comes under another clause in the old tariff act.

The statements of the signers of the brief imply a condition that did not exist.

They try to make it appear that they will be without sodium unless they deal with the Germans, and now having dealt with the Germans and having hedged themselves around, and being in a business that has been bulwarked by tariff, they stoop to make statements that are absolutely false and weave other statements into a mesh so that the truth is concealed that they may thereby further profit.

The evasion by the signers of the brief of the real issue and their concealing the domestic source of supply by saying "most of the natural deposits * * * are located miles from the railroad" is reprehensible.

Camp Verde, in Arizona, near the railroad, was supplying 18,000 tons yearly, and solely by reason of German price slaughtering was shut down about the middle of 1928. That plant can furnish 100,000 tons of the best quality of sodium per year. Rhodes Marsh, Nev., can supply all the Pacific coast tonnage estimated by the signers of the brief for the next 50 years, and it is right on the railroad; 18,000 tons 96 per cent pure has actually been shipped from San Luis Obispo County, Calif., until shut down by low prices. All of these plants could and would prosper at a fair tariff.

We will send you specific and reliable data covering this whole industry.

The fact is, as you do know, that kraft pulp plants have been increasing in number by leaps and bounds and the business has been most prosperous.

It takes about 400 pounds of sodium sulphate to make a ton of kraft pulp.

In Great Salt Lake alone there are 30,000,000 tons of sodium sulphate. You know further that there are 400,000,000 tons of sodium chloride.

You know also that contiguous to Salt Lake they have the great smelters, and that the vapors therefrom, with which to produce sulphuric acid, are available; that the sulphuric acid, in combination with the sodium chloride, will produce all the salt cake that all the kraft pulp people will ever need in the world—and this is only one place among many in the Pacific coast arid countries.

Shall American industry advance?

The Germans for years worked their kelserite ores and extracted only the potash and discarded the magnesium contents into the rivers and thereby polluted them.

The industry was not hamstrung, but encouraged. The Germans studied and found out a way of working these complex ores and using the magnesium sulphate in combination with common salt they could, and do, make sodium sulphate. They are now proceeding to make further salvage of their waste and do turn out in large volume pure Epsom salts.

They have now, according to the reports of our representatives, reduced their costs of working their complex ores one-half

Not only is the German Government protecting this industry, but the English and the Germans got together and allotted the markets between themselves, and now the French and the Belgians, the Germans and the English have gotten together and are further dividing up the market.

Contrast that with those who, receiving tariff protection themselves, are conspiring to throttle another American industry by the false statement that the natural product in quantity and quality can not be had at a reasonable figure.

It seems plain that the Germans would not have broken the price of sodium sulphate in 1928 down to $10 a ton if American producers could not have delivered the goods.

Very respectfully your friend,

W. H. MEYSON.

LOS ANGELES, *March 11, 1929.*

HON. TASKER LOWNDES ODDIE,

Washington, D. C.

DEAR MR. ODDIE: This company and all producers of sodium sulphate are suffering a serious loss in the marketing of this material due to the importation of cheap sodium sulphate by Germany. We wish to furnish you with the facts regarding this situation and hope to enlist your support in our effort to secure a tariff which will protect us.

In the States of Wyoming, Utah, Nevada, Washington, California, and Arizona there exist natural deposits of sodium sulphate in the form of Glauber salt (approximately one-half water and one-half sodium sulphate), anhydrous and crude sodium sulphate.

Glauber salt, refined anhydrous sodium sulphate, and crude sodium sulphate, or salt cake, as it is known to the trade, is also manufactured by chemical companies located in different sections of the United States. This material is used by many industries in this country, such as the dyeing and textile industries; paint, varnish, and glass industries, and others, but by far the largest consumers are the pulp and paper mills, who use it in the manufacture of kraft paper.

The total consumption in the United States of this material is approximately 400,000 tons per year. During the past 10 years or more hundreds of thousands of dollars have been spent developing the natural deposits. These deposits offer a resource of great potential value to the United States.

Since 1924 this company has been developing and operating a deposit of sodium sulphate located at Camp Verde, Ariz. In 1926 our company, after having spent close to $400,000 in development and construction work and operating at a loss for two years, started to make

money, when foreign competition that was unforeseen developed, and within two years' time forced us to close our plant, throwing 50 to 75 men out of work and ruining the investment of 1,000 stockholders located in different sections of the United States, many of whom are in your State. Our present investment in this undertaking is close to one-half million dollars.

The latter part of 1926 Germany commenced importing sodium sulphate in large quantities into the United States, they having perfected a process whereby they could cheaply recover this product from material they had been wasting in the mining of their large potash deposits.

To-day Germany is the largest and cheapest manufacturer of this product in the world. Not having a market at home for all the material they are making and can make, they are now sending to this country their surplus and underselling the American manufacturers and producers, regardless of what our cost may be.

Ninety per cent of our shipments have been made to the pulp and paper mills. The majority of these mills are located at tidewater or adjacent thereto. Our freight rate alone to Gulf points is $12 per ton. Germany is selling sodium sulphate in bulk at $13 per ton Gulf points and $15.50 per ton sacked or $13.50 bulk Pacific coast ports.

The chemical companies located in the Middle West and East who have been seriously affected by this competition have filed briefs with the Ways and Means Committee at Washington, D. C., asking for a duty of $5 per ton on Glauber salt, $5 per ton on crude sodium sulphate or salt cake, and $10 per ton on refined anhydrous sodium sulphate. This company, through the American Mining Congress, has asked for a duty of $5 per ton on crude sodium sulphate or salt cake.

Since filing our briefs we have been advised that Germany expects to materially increase their importations and, if necessary, lower their present price in order to secure additional business.

We have recently secured data regarding Germany's cost of production, transportation, and selling. Germany's cost of converting by a solution process this waste material to sodium sulphate is not over $3 per ton. Their freight rate from works to Hamburg is $2.38 per ton; insurance and consular fee, 18 cents; boat rate from Hamburg to Gulf ports, $3 per ton; to Pacific ports, $4.08; commissions, 1 per cent selling price or 13 cents Gulf and 16 cents Pacific ports. Total cost delivered Gulf ports is $8.69 and Pacific ports $9.80. (Transportation and sales cost to Pacific ports secured from copy of invoice of shipment made in early part of 1929 to Pacific ports and furnished by German agent to United States customs office, who are investigating these importations in order to prove dumping by Germany.) Note low boat rate. The steamship companies conference rate is $7 per long ton or $6.25 per short ton (2,000 pounds) on sodium sulphate from Hamburg to Pacific coast ports.

Our application for a duty of $5 per ton is too low and should have been $10 per ton in order to enable the American producers of this material to secure a fair price. Our lowest total cost per ton was $6.74 plus $12 freight to Gulf ports, making $18.74. A $10 duty would still enable Germany to import sodium sulphate at a trifle lower cost than we could deliver to this territory. We have been advised that it costs the chemical companies between $10 and $12 per ton to make this material. Their average freight rate to this territory is approximately $6 per ton, or a delivered price of close to $18 per ton.

A duty of $10 per ton will put us on practically an equal delivery cost with the foreign importers. With a fair margin of profit added to these delivery costs, the price of sodium sulphate will still be considerably less than the average price from 1920 to 1926, inclusive.

In the Gulf territory Germany at tidewater points is delivering sodium sulphate at $15 per ton less than the average price prevailing from 1920 to 1926 and $12 per ton less at Pacific coast ports. We are listing below the average price for sodium sulphate for the years 1920 to 1928, inclusive, as furnished by the Oil, Paint, and Drug Reporter:

	Per ton
1920	$35.00
1921	30.00
1922	22.50
1923	26.00
1924	23.00
1925	20.50
1926	21.00
1927	19.00
1928	15.50

Or an average price of $25.46 for 1920 to 1926. Since 1926 Germany's competition has completely destroyed our domestic prices.

Following are importations of sodium sulphate, Glauber's salt, and anhydrous sodium sulphate, 1926 to 1928, inclusive (note increasing amounts):

	Tons
1926	5,300
1927	16,554
1928 (11 months only)	29,421

While the 1928 importation represents about 8 per cent of the total consumption, it is a well-known fact that in many lines a comparatively small quantity of an article can make the market price for an industry's entire production.

Department of Commerce, January 21, 1929, published the following article written by Trade Commissioner William T. Daugherty, Berlin:

"German salt-cake production is distributed among some 70 plants, 4 of which have capacities of 18,000 tons or more per annum. They are virtually all combined in the Sulfat-Syndikate of Frankfort, with powers of allocating production, fixing prices, etc. Of these the Kaiseroda plant at Merkers in Thuringia, which is, incidentally, the largest potash plant in the world, with an annual capacity of 120,000 tons of potash, is producing 8,000 tons of salt cake monthly now (or 96,000 tons per year)."

We are unable to meet such competition and unless a relief in the form of a tariff is given our industry the investment in this company will be a total loss. Employment of labor by this company will be at an end; revenue which formerly went to the railroads in this country for hauling this material lost, as the imported material is delivered mostly by boats to mills located at tidewater. (Our company alone paid in 1926 and 1927 over $350,000 gross revenue to the railroads.)

Our company has many million tons of sodium sulphate in our deposit at Camp Verde, Ariz., which can be the source of a part of the supply of sodium sulphate needed by industries in this country at a very reasonable price and for many years to come. However, we can not economically operate our plant under prevailing market prices, caused by German importations.

As stated above, Germany is securing this material as a by-product in the operations of their very profitable potash deposits. They have much cheaper labor than we, and are transporting sodium sulphate by water in their own boats, three to six thousand miles, two to three times cheaper than we are transporting same by rail 1,000 miles. German sales of sodium sulphate are made through one large "kartel" or trust, a method of selling we are not permitted to use. They are securing higher prices for their domestic sales of this product at plant than they are securing for material exported to the United States.

If the effort and money we have invested in an endeavor to build up a profitable and needed industry in this country is not to be wiped out, we must secure a tariff that will prevent this ruinous competition.

Will you not render us your assistance?

Yours very truly,

SODIUM PRODUCTS CORPORATION,
R. W. COAD, *President.*

Mr. ODDIE. Mr. President, I will not discuss this question further. The Senator from Arizona has made a very able presentation of the case, and I hope the amendment he has proposed will be adopted.

Mr. PITTMAN. Mr. President, there is hardly anything to say with regard to this subject after it has been discussed by the Senator from Arizona. He has given a great deal of thought and study to it and has stated the facts frankly. The difference in the cost as between the importer and the local producer is $5 a ton, measured according to the rule which has already been adopted by the Senate in this very bill, and which was voted for by, I think, practically all Members of the Senate; and so that in order to equalize the exact difference in cost, without any profit whatever, it will be necessary to have a tariff rate of $5.

The House bill provided a rate of $4; the rate in the present law is $4; and the amendment now under consideration means the raising of that rate just $1. If raising the rate $1 will allow the industry to prosper and give employment to thousands and thousands of men in various States of the Union, I do not think any of us should hesitate for one moment to vote for the additional duty.

Mr. BLACK. Mr. President, will the Senator yield?

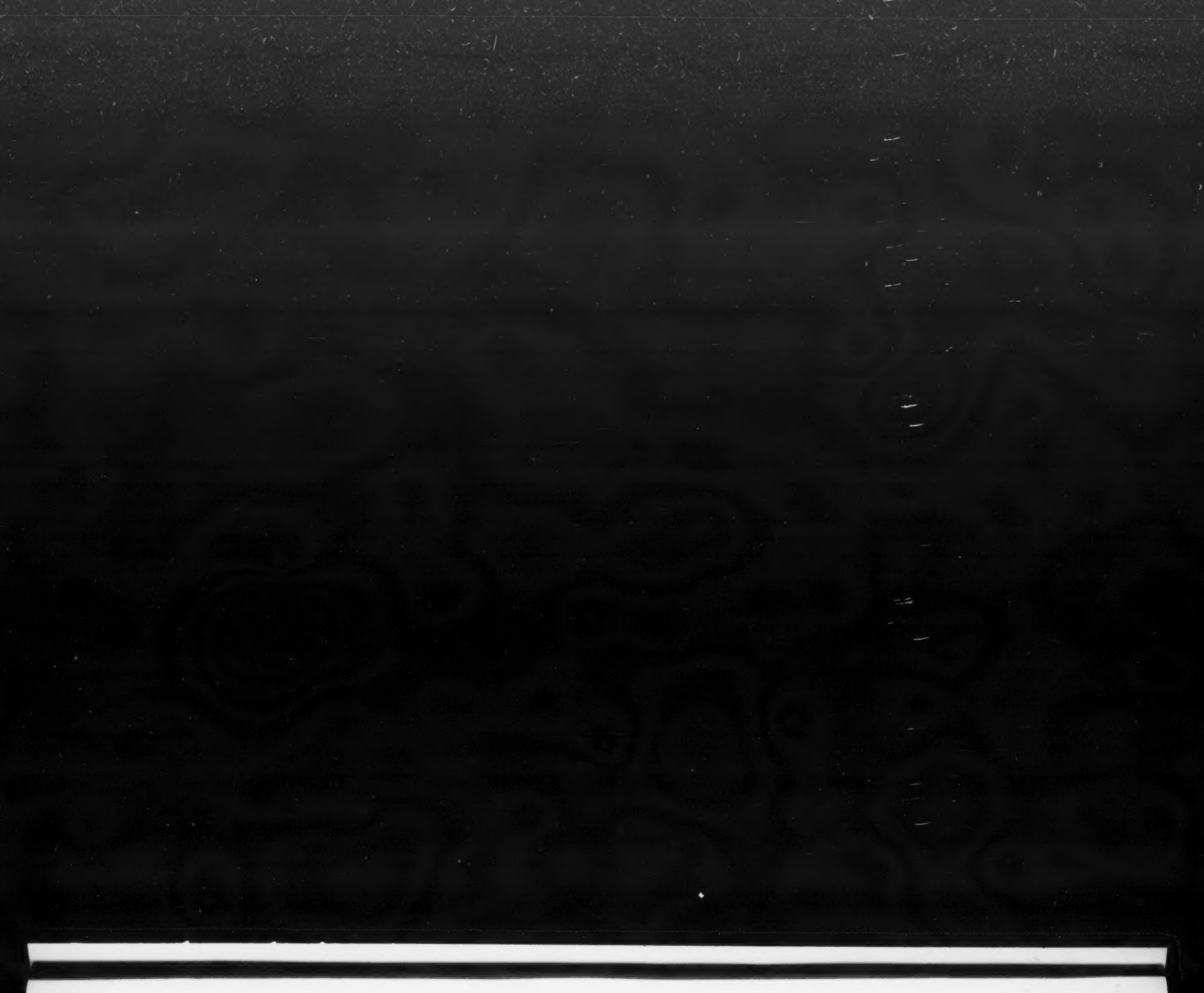
Mr. PITTMAN. I yield.

Mr. BLACK. I understand that the amendment not only raises the rate $1, but it takes salt cake from the free list and imposes on it a rate of $5 a ton?

Mr. PITTMAN. Yes. Let me explain that; I do not think the Senator heard the explanation which has been given. It is simply a matter of water. While the Congress in the existing law intended to protect this commodity, the Germans were able to get around the provision in the law by either adding or taking out a little water; they could use either process they desired. They could add a little water to it or they could take a little water out of it, and in either event it was called by a different name. It is similar to the case of evaporated potatoes. Evaporated potatoes can have no water in them, or a glass of water can be added, and they are then another substance; and if two glasses of water are added they are still another substance. By such a process the Germans avoided the provision in the existing law. The only difference is that by adding the word "sulphate" the product with different admixtures of water is entirely covered.

Mr. BLACK. Mr. President, I desire to ask another question. Did not the House committee have hearings on this matter?

Mr. HAYDEN. The House Committee on Ways and Means had hearings on the subject.





Mr. BLACK. Did not the House put it on the free list?

Mr. HAYDEN. They left it on the free list; why I do not know; but I do know that the kraft-paper manufacturers were the only ones who appeared in opposition. The House left salt cake on the free list but raised the duty on anhydrous sodium sulphate from $2 to $4 a ton. That is what the House of Representatives did.

Mr. BLACK. The Senate committee also had hearings on the subject, did it not?

Mr. HAYDEN. Yes.

Mr. BLACK. And left the commodity on the free list?

Mr. HAYDEN. Salt cake was left on the free list, and anhydrous sodium sulphate remained at $4 a ton.

Mr. BLACK. What is the cost of salt cake per ton?

Mr. HAYDEN. It varies with where it is found. It runs about $6 or $7 at the mines. German salt cake is worth about $13 or $14 a ton, while it costs the American producer about $18 a ton to lay it down at the paper mills in the Mississippi Valley.

Mr. BLACK. In other words, it is proposed to put a $5 tariff on a product that sells for $6 at the mine?

Mr. HAYDEN. It could be produced at the mines for that sum, but I will say frankly to the Senator that the reason for the proposed rate is that it cost $12 a ton to transport that product from the mine to the mill, whereas the Germans enjoy water transportation at low rates and can lay it down for $5 less. The only purpose of this tariff is to equalize transportation. The following letters from the producers of salt cake in Arizona fully explain the need for this import duty:

CAMP VERDE, ARIZ., *March 8, 1929.*

Hon. CARL HAYDEN,
Washington, D. C.

DEAR MR. HAYDEN: We are furnishing you with data regarding the operation of our plant at Camp Verde and hope you will lend us your assistance.

In the States of Wyoming, Utah, Nevada, Washington, California, and Arizona there exist natural deposits of sodium sulphate in the form of Glauber salt (approximately one-half water and one-half sodium sulphate) and anhydrous and crude sodium sulphate.

Glauber salt, refined anhydrous sodium sulphate, and crude sodium sulphate, or salt cake, as it is known to the trade, is also manufactured by chemical companies located in different sections of the United States. This material is used by many industries in this country, such as the dyeing and textile industries, paint, varnish, and glass industries, and others, but by far the largest consumers are the pulp and paper mills, who use it in the manufacturing of kraft paper.

The total consumption in the United States of Glauber salt, refined anhydrous sodium sulphate, and crude sodium sulphate is approximately 400,000 tons per year. During the past 10 years or more hundreds of thousands of dollars have been spent developing the natural deposits. These deposits offer a resource of great potential value to the United States.

Since 1924 this company has been developing and operating a deposit of sodium sulphate located at Camp Verde, Ariz. In 1926 our company, after having spent close to $400,000 in development and construction work and operating at a loss for two years, started to make money, when foreign competition that was unforeseen developed, and within two years' time forced us to close our plant, throwing 50 to 75 men out of work and ruining the investment of 1,000 stockholders located in different sections of the United States, many of which are in Arizona. Our present investment in this undertaking is close to one-half million dollars.

The latter part of 1926 Germany commenced importing sodium sulphate in large quantities into the United States, they having perfected a process whereby they could cheaply recover sodium sulphate from material they had been wasting in the mining of their large potash deposits.

To-day, Germany is the largest and cheapest manufacturer of this product in the world. Not having a market at home for all the material they are making and can make, they are now sending to this country their surplus and underselling the American manufacturers and producers, regardless of what our cost may be.

Ninety per cent of our shipments have been made to the pulp and paper mills. The majority of these mills are located at tidewater or adjacent thereto. Our freight rate alone to Gulf points is $12 per ton. Germany is selling sodium sulphate in bulk at $13 per ton, Gulf points, and $15.50 per ton sacked or $13.50 bulk, Pacific coast ports.

The chemical companies located in the Middle West and East, who have been seriously affected by this competition, have filed briefs with the Ways and Means Committee at Washington, D. C., asking for a duty of $5 per ton on Glauber salt; $5 per ton on crude sodium sulphate or salt cake and $10 per ton on refined anhydrous sodium sulphate. This company, through the American Mining Congress has asked for a duty of $5 per ton on crude sodium sulphate or salt cake.

Since filing our brief we have been advised that Germany expects to materially increase their importations, and if necessary, lower their present price in order to secure additional business.

We have recently secured data regarding Germany's cost of production, transportation, and selling. Germany's cost of converting by a solution process this waste material to sodium sulphate is not over $3 per ton. Their freight rate from works to Hamburg is $2.38 per ton. Insurance and consular fee, 18 cents; boat rate from Hamburg to Gulf ports, $3 per ton; to Pacific ports, $4.08; commissions 1 per cent selling price, or 13 cents, Gulf, and 16 cents Pacific ports. Total cost delivered Gulf ports is $8.69 and Pacific ports $9.80. (Transportation and sales cost to Pacific ports secured from copy of invoice of shipment made in early part of 1929 to Pacific ports and furnished by German agent to United States Customs Office, who are investigating these importations in order to prove dumping by Germany.) Note low boat rate. The steamship companies conference rate is $7 per long ton or $6.25 per short ton (2,000 pounds) on sodium sulphate from Hamburg to Pacific coast ports.

Department of Commerce, January 21, 1929, published the following article written by Trade Commissioner William T. Daugherty, Berlin:

"German salt-cake production is distributed among some 70 plants, 4 of which have capacities of 18,000 tons or more per annum. They are virtually all combined in the Sulfat-Syndikate, of Frankfort, with powers of allocating production, fixing prices, etc. Of these, the Kaiseroda plant at Markers, in Thuringia, which is, incidentally, the largest potash plant in the world, with an annual capacity of 120,000 tons of potash, is producing 8,000 tons of salt cake monthly now, or 96,000 tons per year."

We are unable to meet such competition, and unless a relief in the form of a tariff is given our industry the investment in this company will be a total loss. Employment of labor by this company will be at an end; revenue which formerly went to the railroads in this country for hauling this material lost as the imported material is delivered mostly by boats to mills located at tidewater. (Our company alone paid in 1926 and 1927 over $350,000 gross revenue to the railroads.)

Our company has many million tons of sodium sulphate in our deposit at Camp Verde, Ariz., which can be the source of a part of the supply of sodium sulphate needed by industries in this country at a very reasonable price and for many years to come. However, we can not economically operate our plant under prevailing market prices, caused by German importation.

As stated above, Germany is securing this material as a by-product in the operations of their very profitable potash deposits. They have much cheaper labor than we and are transporting sodium sulphate by water in their own boats, three to six thousand miles, two to three times cheaper than we are transporting same by rail 1,000 miles. German sales of sodium sulphate are made through one large "kartel" or trust, a method of selling we are not permitted to use. They are securing higher prices for their domestic sales of this product at plant than they are securing for material exported to the United States.

If the effort and money we have invested in an endeavor to build up a profitable and needed industry in this country is not to be wiped out, we must secure a tariff that will prevent this ruinous competition.

Will you not render us your assistance?

Yours very truly,

SODIUM PRODUCTS CORPORATION,
R. W. COAD, *President.*

ARIZONA CHEMICAL CO.,
New York, February 15, 1930.

Hon. CARL HAYDEN,
Senator from Arizona,
The United States Senate, Washington, D. C.

DEAR SIR: We have taken over the salt-cake (sulphate of soda) mine and property located at Camp Verde, Ariz., and are about to begin the production of salt cake on a large scale. This is possible through a condition, which may be temporary, affecting the German production of this commodity.

There has been no duty on salt cake and Germany has been able to send into this country hundreds of thousands of tons at ridiculously low prices, and at figures which would make it impossible to compete from Arizona. The present contract market price of salt cake is approximately $13.50 per ton at Gulf ports on imported salt cake.

Large quantities of this product are used in the manufacture of kraft paper in the Louisiana-Mississippi district, and with the present freight rate of $12 per ton, you see the difficulties with which we are confronted; nevertheless, at least temporarily, German production has been curtailed, and we are hopeful that more reasonable prices will prevail, but there is no question but what a duty on this commodity is needed for the protection of our operation.

This subject came up before the Ways and Means Committee of the House of Representatives and the kraft-paper mills defeated the proposal for a duty of $5 per ton. The Senate Finance Committee followed

the lead of the Ways and Means Committee and kept salt cake on the free list. In view of the fact that the Senate is going over the schedules, it occurs to me that it is not too late, perhaps, to have a duty of $5 per ton placed on this commodity. It means the employment of a large amount of labor, utilization of natural raw materials, and the expenditure of very considerable sums of money in the development of this Arizona property.

If there was ever a very good reason for a protective tariff, we have it in this case. May we, therefore, enlist your support and ask that you take the necessary steps to place this commodity on the dutiable list. The kraft-paper mills now realize that unless American manufacturers will produce this commodity there will be a shortage which will adversely affect them a great deal more than a reasonable protective duty. On the other hand, large amounts of money necessary to develop this project are unwarranted without some assurance for the future.

We are willing to spend the necessary money to develop the Arizona natural deposits, but it is a precarious undertaking to do this, realizing that even a small amount of German tonnage at low prices sets the market, and there is always the possibility of Germany again increasing the production of salt cake and coming in to take the business away from us at prices below our costs.

Your suggestions and cooperation are keenly sought. Thanking you in anticipation of your assistance, we are,

Very truly yours,

H. L. DERBY, *President.*

ARIZONA CHEMICAL CO.,
New York, February 18, 1930.

Hon. CARL HAYDEN,
Senator from Arizona,
Senate Office Building, Washington, D. C.

DEAR SENATOR HAYDEN: I appreciate your telegram of the 18th, to which I have replied, as follows:

"Reduction in German exportation salt cake due to change in method manufacturing muriatic acid of which salt cake is a by-product."

You realize, of course, the danger in this situation, so far as the domestic producers are concerned. Temporarily, at least, Germany has changed its method of producing muriatic acid and, by the present method, salt cake does not result as a by-product. Now, if we and other manufacturers proceed with the expenditure of considerable sums of money needed to produce salt cake in this country and, if later, Germany changes back to its method of manufacturing muriatic acid and produces large quantities of salt cake, we will have our investment on our hands and no possible opportunity of utilizing it because Germany can send over salt cake to this country at a figure which would not even represent the freight from Arizona to consuming points.

The kraft mills are going to find themselves in an extraordinarily bad situation if the domestic natural deposits are not developed. In view of the fact that salt cake is a by-product of muriatic acid, it will not be produced in increasing amounts by the chemical manufacturers for the reason that there is a market for only a certain amount of muriatic acid and, of course, the two products could not be produced and the muriatic acid thrown away in order to produce enough salt cake for the requirements; therefore, the natural deposits such as ours in Arizona are the logical ones to be developed, and if a duty can be established to protect us for the future, so that if Germany does change back to their former method of manufacturing we will be able to continue to operate, we are warranted in spending the money necessary for a large and efficient operation.

I greatly appreciate your interest, and await with keen interest further developments.

Very truly yours,

H. L. DERBY, *President.*

Mr. PITTMAN. Mr. President, just one word further. Mind you, all through the schedules we have adopted, or in practically all of them with regard to manufacturers, we have adopted a measure which was laid down in this bill as to the difference in the foreign cost and the cost to the domestic producer. I think the Senator from Alabama voted for that provision; I know I voted for it. It was presented by the Senator from North Carolina [Mr. SIMMONS], and I think all of us voted for that measure. It took into consideration expressly the difference in the cost of transportation by water, we will say, from the foreign port to our port and by rail from the domestic port to the point of consumption, and it also took into consideration the transportation from the point of production in this country to the main point of consumption.

It would seem absolutely unfair to use that measure which we have unanimously adopted in this body with regard to manufactured articles, and then in the case of some cheap little article which somebody else is trying to produce, and which seeks tariff protection, to say that we will not use the same measure.

Mr. BROUSSARD. Mr. President, I wish to join those Senators who have made the statement that the Senator from Arizona [Mr. HAYDEN] has covered this subject thoroughly. So I shall not discuss the source of supply of salt cake and other salts covered by his amendment. However, there are, Mr. President, in my State a large number of salt mines, large salt domes. In the last few years chemical plants have been established there, and in the manufacture of hydrochloric acid there is a by-product which is known as salt cake, which is the subject under consideration. Those chemical works are newly established but are growing very rapidly.

I wish to call the attention of the Senate to the fact that in 1922 there were only 638 tons of salt cake imported into the United States, but the increase of importations has been so rapid that in the year 1928 we imported 25,203 tons. I see here that the value in 1922 per ton was $13.38, and that in 1923 the price went up to $17.81, while in 1928 the price was only $10 per ton.

Mr. President, there are a large number of kraft mills in my State, whose proprietors have written asking me to oppose the amendment of the Senator from Arizona, but I supported the duty which they asked Congress to give them on kraft paper, and consequently I see no justice in denying the rate which is asked here to the domestic producers of various kinds of salts. I therefore propose to support the amendment for that reason.

Mr. SHORTRIDGE. Mr. President, I shall detain the Senate but for a few moments. I rise to say that I very fully approve of the position taken by the Senator from Arizona [Mr. HAYDEN]. He has stated the case with clearness and force and has conclusively demonstrated that we of the West can not compete with Germany in the production and handling of this product. Of course, the cost of transportation is to be taken into consideration when fixing a tariff rate. It is perfectly manifest that railroad transportation rates from the far West to the market in the Mississippi Valley, for example, are greater than ocean freight rates from across the Atlantic to the same market. The initial cost of production, the several elements of cost in handling and transporting are such, as compared with the foreign cost, that if we would assist and encourage the American industry, then a certain rate of duty must be imposed.

I take a deep interest in this item in the bill. I think that a duty of $5 a ton, even though not as much as the industry needs, will be helpful. I do not see wherein such a duty would impose any unjust burden or any appreciable burden upon the paper maker. I have stood here, Mr. President, and voted again and yet again to assist the manufacturers, the mills of New England, of the Atlantic seaboard, and of the Southland. As I understand the theory of protection, in framing a tariff bill we should have in contemplation the whole Nation and all its industries—agriculture, manufacturing, and mining.

Having my eye on the State of Alabama, when that State stood here and argued in favor of a tariff on amorphous and crystalline graphite—a natural product of that great State—I spoke in favor of, and gladly voted for, a rate of duty which I then thought, and now think, was necessary and adequate. I call upon honored Senators who were so earnest and so deeply interested in a mining product of their State to have some regard for the far West, for Nevada, for Arizona, and—if you will permit me to say so—for California.

It has been said that a duty of $5 a ton would not be effective as to salt cake. Those engaged in the production of it think it would be helpful; and I trust that Senators will give ear to their appeal, made here to-day so forcefully by the Senator from Arizona [Mr. HAYDEN], and agree to his amendment.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the amendment offered by the Senator from Arizona [Mr. HAYDEN].

Mr. HEFLIN. Mr. President, I have here a telegram from the Tuscaloosa Chamber of Commerce, which reads in part as follows:

Gulf States Paper Corporation seriously object to duty of $5 a ton on sodium sulphate.

And they ask that steps be taken to remove this tax. They were under the impression that it had already been imposed.

The paper industry is a new industry in Alabama. We have one at Tuscaloosa, and those who own and operate this industry claim that this salt-cake tax would work a great hardship upon them.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. HEFLIN. I yield to the Senator.

Mr. HAYDEN. Does the Senator know how much salt cake it takes to make a ton of paper?

Mr. HEFLIN. I do not.

Mr. HAYDEN. It takes 1 ton of salt cake to make 5 tons of paper; so that if this rate of $5 a ton is imposed and is fully

effective, it will increase the cost of paper by $1 per ton. The same paper sells for over $100 a ton and has a protective tariff in this bill of practically $25 a ton.

Mr. HEFLIN. I am speaking for the paper makers of my State, and they are bitterly opposed to the tax here proposed. Such a tax would be a burden to every State that uses pine wood for making paper. Such a tax is not justified, and it ought not to be levied.

Mr. HALE. Mr. President, I have had letters from the manufacturers of kraft paper in my State, and they tell me that a very great hardship will be imposed upon them if a duty is put upon salt cake. They say that it is hard to get enough salt cake in this country; that the natural salt-cake production has amounted to very little up to the present time; that the bulk of the salt cake that is produced is a by-product of other manufactures, and that they are obliged to purchase some of the foreign product. Furthermore, they say that if this duty is put on to help the natural product they will still have to buy the foreign salt cake, because it is impracticable to transport the natural salt cake from the regions in the West where it is found to the East. They say that if this amendment is adopted it will cost them from $1 to $1.50 a ton, at least, more for their paper, and that they are not making very great profits at the present time.

I very much hope the amendment will not prevail.

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Arizona?

Mr. HALE. I yield.

Mr. HAYDEN. Did the manufacturers of kraft paper advise the Senator that they built up their industry to almost half its present size solely upon salt cake found in the United States; that there were no importations of salt cake in the United States prior to 1922, when 638 tons came in, and that the importation has increased until this year it amounts to over 81,000 tons; and that the only reason for the increase is that the American producers of salt cake have been put out of business by cheap by-product salt cake from Germany? In other words, did they tell the Senator the whole story?

Mr. HALE. What is the American production at the present time?

Mr. HAYDEN. The American production of salt cake at the present time is 202,636 tons of by-product salt cake, 23,000 tons of natural salt cake, and the importations were 81,815 tons.

Mr. HALE. Mr. President, the people who want this duty are the producers of the natural salt cake, not of the by-product salt cake. The by-product people at the present time are doing extremely well with their product. It is the producers of the natural cake that want the duty, as I understand it.

Mr. HAYDEN. No; the Senator from Louisiana [Mr. BROUSSARD], who addressed the Senate just a few moments ago, spoke entirely on behalf of by-product producers of salt cake.

Mr. HALE. They are making a pretty good profit now, I think.

Mr. HAYDEN. No; they are suffering severe competition from these German importations.

Mr. HALE. My informant said that on the kraft paper his particular mill was making a profit of not over $2.50 a ton; and if this would mean taking away from that profit $1.50 a ton, it seems to me it would hit them very badly.

I hope the amendment will not prevail.

Mr. SHORTRIDGE. Mr. President, when the manufacturers come before us we give ear, we listen, and we give them what we consider adequate protection. When the farmer of the West comes here, when the miner of the West comes here, they are opposed by these same manufacturers who wet the floor of the Senate with their tears, claiming that if agriculture or the mining industry is accorded certain protection, it will work their—the manufacturers'—ruin.

The time has arrived to speak a little plainly to great manufacturing cities and States of the East. I believe in giving them adequate protection for their own sake, and because their prosperity means a market for the products of the farmer and the miner. I beg to remind them that the prosperity of the miner, the prosperity of the farmer, is beneficial to the manufacturer; but let each stand upon his own merits.

I can say this with a certain degree of confidence, and without any embarrassment, because I am the friend of all of these industries, and believe in giving each and all of them adequate protection. I repeat what I have heretofore many times said—that I believe in giving adequate protection, be it specific or ad valorem, whether it be called high or low, high percentage or low percentage.

I happen to know that as to this particular article the miners of the West can not compete with the product coming from across the Atlantic. Therefore, I suggest to the manufacturing interests of the East that they be a little more considerate of the West, a little more helpful to the West, as we, to the utmost of our ability, are striving to be helpful to them.

If there is an item in this bill entitled to the protection it asks, it is this one; and far from prostrating or impoverishing or bankrupting the paper manufacturers of Maine or of New England or of any other State—why, such a claim approaches the absurd.

Mr. HALE. Mr. President, the Senator spoke about this as a farm product. I was not aware that salt cake is a farm product.

Mr. SHORTRIDGE. I said the miner and the farmer are involved.

Mr. HALE. The Senator brought in the farmer.

Mr. SHORTRIDGE. I certainly did.

Mr. HALE. I do not think the farmer has anything whatever to do with it. Furthermore, the Senator from Arizona said that the bulk of the production of this commodity is from by-products, and not the natural salt cake. There is a very small amount of the natural salt cake produced in this country.

Mr. SHORTRIDGE. You must start with the natural product; then you get the by-products. We are asking here for $5 on the natural product, which, in common terms, is called salt cake. Its chemical term is known.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nevada?

Mr. SHORTRIDGE. Pardon me just a moment. Let me reply to my friend from Maine. To illustrate my thoughts as to tariff legislation I spoke of the farmer. I again speak of him. Here are three great industries—manufacturing, farming, and mining to be considered. Of course, the prosperity of the one in turn flows over upon the others.

In my own great State, in certain mining communities once prosperous, now deserted, the prosperity of the miner assisted the farmer. The prosperity of the farmer assists the miner. The prosperity of the miner assists and benefits the manufacturer; and, of course, in between are the great transportation industries of the country, employing hundreds of thousands of skilled and unskilled labor, and carrying the output of factory, farm, and mine to their respective markets.

For the last time, I hope, and in the most friendly spirit, I suggest to our manufacturing friends of the East that they remember what we have striven to do for them and give ear to our present appeal for adequate protection.

Mr. HEFLIN. Mr. President, I will detain the Senate for but a moment. I have a letter here from a very able lawyer in Tuscaloosa, Ala., Bernard Harward, in which he says:

> The northern kraft-paper mills are importing a large quantity of wood pulp which they use in manufacturing kraft paper; and that this wood pulp is on the free list; and that this move on the part of the interested parties to place salt cake on the dutiable list was an effort to embarrass the southern kraft-paper manufacturers. If they could have put a tariff of $4 per ton on salt cake that would have meant a cost of $1 a ton on the southern kraft-paper manufacturers in making paper.
>
> It seems as if the northern kraft-paper mills, by reason of the material they use do not have to use salt cake, but in manufacturing kraft paper out of southern pine the southern mills have to use salt cake, and if this tariff of $4 per ton had been put on salt cake it would have meant penalizing the southern kraft-paper mills $1 a ton, whereas the northern mills would still enjoy the right of having wood pulp brought into their mills from abroad without any tariff. In other words, the northern kraft-paper mills would have been able to get their wood pulp tariff free, whereas the price of salt cake would have immediately been advanced $4 per ton as soon as this tariff was placed thereon, and to that extent would have been very detrimental to the southern kraft-paper mill manufacturers.

I trust that the amendment will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

Mr. HALE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHORTRIDGE. Let the amendment be stated.

The CHIEF CLERK. The Senator from Arizona, on page 32, line 22, moves, after the word "anhydrous," to strike out "$4" and insert in lieu thereof "$5."

The VICE PRESIDENT. The yeas and nays have been ordered, and the Chief Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HASTINGS (when his name was called). On this vote I have a general pair with the senior Senator from New Mexico [Mr. BRATTON]. Not knowing how he would vote, I withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Mississippi [Mr. HARRISON].

Mr. CARAWAY (after having voted in the negative). I have a pair with the senior Senator from Vermont [Mr. GREENE] on this vote, but I understand that if present he would vote as I have voted, and therefore I allow my vote to stand.

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from South Carolina [Mr. BLEASE] and vote "nay."

Mr. THOMAS of Oklahoma. On this question I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. McKELLAR. I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], which I transfer to the senior Senator from Missouri [Mr. HAWES], and vote "nay." I do not know how the Senator from Delaware would vote if present.

The Chief Clerk recapitulated the vote.

Mr. LA FOLLETTE. Mr. President, has the senior Senator from Utah [Mr. SMOOT] voted?

The VICE PRESIDENT. That Senator has not voted.

The result was announced—yeas 26, nays 41, as follows:

YEAS—26

Ashurst	Grundy	Metcalf	Sullivan
Baird	Hatfield	Oddie	Thomas, Idaho
Bingham	Hayden	Patterson	Walcott
Brookhart	Hebert	Phipps	Waterman
Broussard	Johnson	Pittman	Watson
Capper	Jones	Robsion, Ky.	
Goldsborough	Kean	Shortridge	

NAYS—41

Allen	Fletcher	McMaster	Swanson
Barkley	Frazier	McNary	Trammell
Black	George	Norbeck	Tydings
Blaine	Glass	Norris	Vandenberg
Brock	Hale	Nye	Wagner
Caraway	Harris	Ransdell	Walsh, Mass.
Connally	Heflin	Schall	Walsh, Mont.
Copeland	Keyes	Sheppard	Wheeler
Couzens	La Follette	Simmons	
Cutting	McCulloch	Smith	
Fess	McKellar	Steiwer	

NOT VOTING—29

Blease	Goff	King	Smoot
Borah	Gould	Moses	Steck
Bratton	Greene	Overman	Stephens
Dale	Harrison	Pine	Thomas, Okla.
Deneen	Hastings	Reed	Townsend
Dill	Hawes	Robinson, Ark.	
Gillett	Howell	Robinson, Ind.	
Glenn	Kendrick	Shipstead	

So Mr. HAYDEN's amendment was rejected.

The VICE PRESIDENT. The Secretary will state the second amendment offered by the Senator from Arizona.

Mr. HAYDEN. Mr. President, it is obvious that it is unnecessary to take a vote on the other two amendments, so I withdraw them.

Mr. McKELLAR. Mr. President, I call the attention of the Senator from Utah to the fact that I offered an amendment a few days ago, and I ask now to have a vote on it. I do not think it will take any time.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. The Senator from Tennessee moves to insert the following section in the proper place:

The Secretary of Commerce is hereby directed to cause to be collected for the several customs districts statistics showing the movement of commerce through the ports in such districts in such manner as will indicate whether industries enjoying high protection under the tariff laws of the United States are utilizing American vessels to the greatest possible extent or are preferring foreign vessels, and to submit a report thereon annually to Congress.

Mr. SMOOT. Mr. President, I ask the Senator just what this amendment means. From hearing it read, I do not think it asks for any specific information as to whether the industries are employing American boats or foreign boats, and whether it is coastwise trade or not.

Mr. McKELLAR. It inquires whether they are utilizing foreign boats or American boats. It just asks for information to be given so that we can have it hereafter. It seems to me it is very proper.

Mr. SMOOT. I have no objection to it going to conference, but I really do not understand what the amendment means.

Mr. GLASS. Mr. President, is the Senator from Utah willing to admit that any American industry is enjoying a high degree of protection? Did he note that phraseology?

Mr. SMOOT. I say, I have not examined the amendment, but I am willing to let it go to conference.

The VICE PRESIDENT. Is there objection to immediate consideration?

Mr. SHORTRIDGE. I object.

The VICE PRESIDENT. Objection is made.

Mr. McKELLAR. Mr. President, is not the amendment in order?

The VICE PRESIDENT. Not at this time.

Mr. McKELLAR. I shall offer it later.

Mr. WALSH of Massachusetts. Mr. President, I desire to enter a motion to reconsider the vote by which the Senate concurred in the amendment made as in the Committee of the Whole on page 199, line 16, relating to greeting cards.

Mr. SMOOT. What item is that?

Mr. WALSH of Massachusetts. The paper schedule.

Mr. GRUNDY. Mr. President, I desire to enter a motion to reconsider the votes whereby the Senate concurred in the amendments made as in the Committee of the Whole on page 219, in lines 1 and 2, respectively, relating to hats.

JOHN N. WILLYS

Mr. FESS. Mr. President, as in open executive session I ask unanimous consent to report from the Committee on Foreign Relations a nomination, and if there is no objection I should like to have consent for its immediate consideration.

The VICE PRESIDENT. The clerk will state the nomination.

The Chief Clerk announced the nomination of John N. Willys to be ambassador extraordinary and plenipotentiary to Poland.

The VICE PRESIDENT. Is there objection to the immediate consideration of the nomination?

Mr. LA FOLLETTE. Regular order!

The VICE PRESIDENT. The nomination will go to the Executive Calendar.

Mr. ASHURST. Mr. President, I have no objection——

The VICE PRESIDENT. Objection has been made.

Mr. ASHURST. Yes; but nevertheless I wish the floor for a moment. The Senator from Washington [Mr. DILL] is irremediably opposed to confirmations except when the Senate goes into executive session. I have no objection, but——

Mr. FESS. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. FESS. There has been objection made; but I wish to say that I consulted with the Senator from Washington [Mr. DILL], and he told me it would be all right in this case.

Mr. ASHURST. Very well.

The VICE PRESIDENT. Objection having been made, the nomination will be placed on the Executive Calendar.

DEATH OF REPRESENTATIVE JAMES P. GLYNN

A message from the House of Representatives by Mr. Chaffee, one of its clerks, communicated to the Senate the intelligence of the death of Hon. JAMES P. GLYNN, late a Representative from the State of Connecticut, and transmitted the resolutions of the House thereon.

Mr. BINGHAM. Mr. President, I ask that the resolutions of the House be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Chief Clerk read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 6, 1930.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES P. GLYNN, a Representative from the State of Connecticut.

Resolved, That a committee of 24 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

Mr. BINGHAM. Mr. President, I offer the following resolutions, and request that they be read by the clerk and considered by the Senate.

The resolutions (S. Res. 226) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES P. GLYNN, late a Representative from the State of Connecticut.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock a. m. to-morrow.

Thereupon, the Senate (at 5 o'clock and 5 minutes p. m.), took a recess until to-morrow, Friday, March 7, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 6, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of mercies, again we are in a sudden pause; but Thou dost hear and there is no grief but what Thou wilt share. One of us knows now the end of time and has tasted the deathless life. We lament that his voice is silent. Like a tired child, he was folded in Thy arms and rests in the depths of Thy love. While there are waters of darkness, there is an ocean of light that kisses the shore line of every soul. O breathe tenderly upon the stricken one and fill her soul with the peaceful echoes of Thyself. We thank Thee for that inheritance divine. O let not any ebbing tide leave us in the smothering sands of neglect. Blessed Heavenly Father, listen and keep us under Thy perfect dominion until the very energies of Thy mercy are exhausted and all sorrow and sighing die away before the great white throne. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2093) entitled "An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 15) entitled "An act to amend the act entitled 'An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof,' approved July 3, 1926, as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DALE, Mr. COUZENS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the order by which the gentleman from New Jersey [Mr. EATON] was given leave to address the House for 30 minutes be transferred to next Tuesday.

Mr. GARNER. Let me ask the gentleman, Were there not other special orders for this morning?

Mr. TILSON. Yes.

Mr. GARNER. Will the gentleman follow with requests for the transfer of the others?

Mr. TILSON. Yes.

Mr. GARNER. Why not ask for the transfer of all of the orders?

Mr. TILSON. Because they do not wish to be transferred to the same date. Different action is desired in the other cases.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the order relating to the gentleman from New Jersey [Mr. EATON] be transferred to next Tuesday. Is there objection?

There was no objection.

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that the orders by which the gentleman from New York [Mr. SIROVICH], the gentleman from North Carolina [Mr. DOUGHTON], and the gentleman from Nebraska [Mr. JOHNSON] were given leave to address the House to-day may be transferred to to-morrow, immediately following the special orders that heretofore have been made for to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the time granted the gentleman from New York [Mr. SIROVICH], the gentleman from North Carolina [Mr. DOUGHTON], and the gentleman from Nebraska [Mr. JOHNSON] may be in order to-morrow following the address of the gentleman from New York [Mr. LAGUARDIA]. Is there objection?

There was no objection.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes immediately following the address of the gentleman from New Jersey [Mr. EATON], on next Tuesday morning, on the subject of coal.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.;

S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes;

S. 2668. An act granting the consent of Congress to the Missouri-Kansas-Texas Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo." approved May 11, 1872;

S. 3030. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928; and

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, Md.

DEATH OF REPRESENTATIVE JAMES P. GLYNN

Mr. TILSON. Mr. Speaker, it is my sad duty to announce to the House the sudden death of my beloved colleague JAMES P. GLYNN, late a Representative from Connecticut. I send to the Clerk's desk a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 181

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES P. GLYNN, a Representative from the State of Connecticut.

Resolved, That a committee of 24 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER appointed the following committee:

Hon. JOHN Q. TILSON, of Connecticut; Hon. WILLIAM H. STAFFORD, of Wisconsin; Hon. RICHARD P. FREEMAN, of Connec-

ticut; Hon. W. FRANK JAMES, of Michigan; Hon. SCHUYLER MERRITT, of Connecticut; Hon. HARRY C. RANSLEY, of Pennsylvania; Hon. E. HART FENN, of Connecticut; Hon. B. CARROLL REECE, of Tennessee; Hon. JOHN C. SPEAKS, of Ohio; Hon. HARRY M. WURZBACH, of Texas; Hon. J. MAYHEW WAINWRIGHT, of New York; Hon. WILLIAM R. JOHNSON, of Illinois; Hon. FLORENCE P. KAHN, of California; Hon. HAROLD G. HOFFMAN, of New Jersey; Hon. THOMAS C. COCHRAN, of Pennsylvania; Hon. GEORGE M. PRITCHARD, of North Carolina; Hon. PERCY E. QUIN, of Mississippi; Hon. HUBERT F. FISHER, of Tennessee; Hon. DANIEL E. GARRETT, of Texas; Hon. JOHN J. MCSWAIN, of South Carolina; Hon. LISTER HILL, of Alabama; Hon. LEWIS W. DOUGLAS, of Arizona; Hon. WILLIAM J. GRANFIELD, of Massachusetts; and Hon. VICTOR S. K. HOUSTON, of Hawaii.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, as a further mark of respect this House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Friday, March 7, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 7, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act (H. R. 9433).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To create in the Treasury Department a bureau of narcotics (H. R. 9053).

EXECUTIVE COMMUNICATIONS, ETC.

359. Under clause 2 of Rule XXIV, a letter from the Public Printer, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GARBER of Oklahoma: Committee on Interstate and Foreign Commerce. H. R. 7968. A bill authorizing the States of Texas and Oklahoma to construct, maintain, and operate a free highway bridge across the Red River at or near United States Highway No. 77, between the towns of Gainesville, Tex., and Marietta, Okla.; with amendment (Rept. No. 853). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 10554) to establish a national Lincoln museum and veterans' headquarters in the building known as Ford's Theater; to the Committee on the District of Columbia.

By Mr. COCHRAN of Missouri: A bill (H. R. 10555) to pay 25 per cent of the face value of adjusted-compensation certificates to veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAIL: A bill (H. R. 10556) making retired officers and enlisted personnel of both sexes of the Regular Army, Navy, and Marine Corps, eligible for admission to the United States hospital of any branch of the service and to hospitals of the Veterans' Bureau, and to hospitals of the National Home for Disabled Volunteer Soldiers on a parity with the honorably discharged officer or enlisted personnel; to the Committee on Military Affairs.

By Mr. GLOVER: A bill (H. R. 10557) to improve Government property abutting on Whittington Avenue, Hot Springs, National Park, Ark., by constructing Government's proportional part of concrete improvement, said property being situated in the city of Hot Springs, Hot Springs National Park, Ark.; to the Committee on the Public Lands.

By Mr. RANKIN: A bill (H. R. 10558) to provide for the commemoration of the Battle of Ackia in Mississippi; to the Committee on Military Affairs.

By Mr. UNDERWOOD: A bill (H. R. 10559) to authorize the erection of an addition to the existing Veterans' Bureau Hospital plant, No. 97, at Chillicothe, Ohio, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. BRAND of Georgia: A bill (H. R. 10560) to amend section 22 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. PORTER: A bill (H. R. 10561) to create in the Treasury Department a bureau of narcotics, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 10562) for the relief of John Sanford Tillotson; to the Committee on War Claims.

By Mr. BLOOM: A bill (H. R. 10563) for the relief of Charles A. Brown; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 10564) granting a pension to Martha O. Howe; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 10565) granting an increase of pension to Elizabeth Tressler; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 10566) granting an increase of pension to Annie J. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10567) granting an increase of pension to Caroline Wolf; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10568) for the relief of Nellie Barnard; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 10569) granting an increase of pension to Orpha Willett; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10570) for the relief of Samuel Kelly; to the Committee on Military Affairs.

By Mr. WOLFENDEN: A bill (H. R. 10571) for the relief of the Rakestraw-Pyle Co.; to the Committee on Claims.

By Mr. CHINDBLOM: A bill (H. R. 10572) for the relief of Paul D. May; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5359. By Mr. BACON: Petition of residents of Long Island, urging the passage of the bill providing for the creation of a national department of education; to the Committee on Education.

5360. Also, petition of residents of Long Island, urging increased pensions for Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

5361. By Mr. BECK: Petition of Frederick O. Woodward and 45 others, residents of Philadelphia, in support of House bill 2562, to provide increased rates of pensions for veterans of the Spanish War; to the Committee on Pensions.

5362. By Mr. BLOOM: Petition of citizens of the city of New York, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5363. By Mr. CLARKE of New York: Petition of Edgar H. Fox and 50 citizens of Delaware County, asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

5364. By Mr. DOWELL: Petition of citizens of Polk County, Iowa, urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5365. By Mr. FENN: Petition of citizens of East Hartford, Conn., favoring the passage of Senate bill 476 and House bill 2562, to increase the pensions of veterans of the Spanish-American War; to the Committee on Pensions.

5366. By Mr. JOHNSTON of Missouri: Petition of sundry citizens of Astoria, Embree, and Manes, Mo., praying for the passage of legislation granting increased pensions to Spanish War veterans; to the Committee on Pensions.

5367. By Mr. KENDALL of Kentucky: Petition of the citizens of Menifee County, in which they urge the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5368. By Mr. NIEDRINGHAUS: Petition of W. T. Ellegood and 53 other citizens of St. Louis, Mo., urging passage of Senate

bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-War period; to the Committee on Pensions.

5369. By Mr. SELVIG: Petition of World War veterans' organizations at Sunmount, N. Y., and Fort Bayard, N. Mex., urging support of petition to bring Rankin bill to the floor of the House; to the Committee on World War Veterans' Legislation.

5370. Also, petition of Renville Cooperative Creamery, Renville Farmers Elevator Co., Renville Shipping Association, and Farmers Cooperative Oil Co., of Renville, Minn., urging enactment of adequate tariff rates for agriculture—the American market to be supplied by the American farmer, in so far as he is able to supply it; to the Committee on Ways and Means.

5371. Also, petition of Flax-li-num Co., of St. Paul, Minn., C. C. Martin, president, urging that tariff on palm fiber be increased in order to raise price farmers receive for threshed flax straw; to the Committee on Ways and Means.

5372. Also, petition of Hannaher & O'Neil, of Moorhead, Minn., urging enactment of House bill 11, known as the resale price maintenance bill; to the Committee on Interstate and Foreign Commerce.

5373. Also, petition of T. M. Thomson, member Veterans of Foreign Wars' legislative committee, in support of House bill 7888 providing for total permanent disability for veterans who have lost an arm or leg or suffered loss of sight or hearing while serving in the World War; to the Committee on World War Veterans' Legislation.

5374. By Mr. SLOAN: Petition of Gordon Smith and 64 others urging passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5375. By Mr. SPEAKS: Petition signed by 70 citizens of Columbus, Ohio, urging support of House bill 2562 proposing increased pension rates for Spanish War veterans; to the Committee on Pensions.

5376. By Mr. TURPIN: Petition of citizens of Luzerne County, Pa., favoring the passage of Senate bill 476 or House bill 2562; to the Committee on Pensions.

5377. By Mr. WIGGLESWORTH: Petition of Charles H. Fisher and several residents of Weymouth, Mass., urging the passage of House bill 2562 to increase the pensions of the Spanish War veterans; to the Committee on Pensions.

SENATE

FRIDAY, *March 7, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

CUSTOMS CENSORSHIP OF IMPORTED LITERATURE

Mr. CUTTING. Mr. President, because of the unexpectedly early recess yesterday afternoon I was unable to present at that time a petition which I had received from more than 500 educators, ministers, editors, librarians, authors, and other intellectual leaders of the United States, who are protesting against the present system of censorship by customs inspectors as provided in paragraph 305 of the tariff bill.

While I have had nothing personally to do with the preparation or circulation of the petition, I understand it was sent out through the National Popular Government League in order to test the opinion of censorship held by those citizens of the Nation most fitted by training and experience to judge.

The original framers and signers of the petition were Prof. Isaac E. Ash, of Ohio University; Prof. Charles A. Beard, author of Rise of American Civilization and countless other sociological works; Prof. Zachariah Chafee, jr., of the Harvard Law School; Prof. John Dewey, of Columbia University; Mr. Judson King, director the National Popular Government League; Prof. Joseph Mayer, executive secretary and treasurer of the American Association of University Professors; Dr. Harold G. Moulton, president of the Brookings Institution; Dean Roscoe Pound, of the Harvard Law School; Jackson H. Ralston, of California, attorney and author; Prof. E. A. Ross, of Wisconsin University; and William Allen White, of Kansas, editor and author.

I shall not read the list of signatures, but I shall be very glad if each Senator will read it for himself after it appears in the RECORD. It seems to me it is a most impressive demonstration of the unanimity on this subject on the part of men who in other respects differ in opinion, occupation, and political belief.

The petition is very brief and I shall read it to the Senate, because it so admirably illustrates the resentment of all progressive and forward-looking people toward the suppression of free thought and free speech embodied in section 305 of the pending tariff bill.

I had intended to say that Swift and Voltaire would have enjoyed the final ironic suggestion contained in the last paragraph, but on reading this morning's papers I find that the lot of the ironist is hard. Many of the papers have taken seriously a suggestion made by these educators that a commission be intrusted with the duty of deciding how much of ancient literature and of modern science should be allowed to reach the libraries, the scientists, and the statesmen of twentieth century America. Therefore I warn the Senate that the last paragraph of the petition is intended in a semisarcastic vein.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from California?

Mr. CUTTING. I yield.

Mr. JOHNSON. Do I understand the Senator to warn us about some sarcastic matter to which he is about to refer?

Mr. CUTTING. I think, perhaps, the Senator himself has had experience with matter which has been taken seriously contrary to the wishes of the author.

Mr. JOHNSON. I was going to suggest that the Senator label it and send it to the press gallery, otherwise it might be misunderstood.

Mr. CUTTING. I include the occupants of the press gallery at the suggestion of the Senator from California.

Mr. WATSON. Mr. President, is the question of censorship before the Senate at this time?

Mr. CUTTING. No. This is a petition which I received yesterday and which I am about to read to the Senate. The petition reads as follows:

PETITION TO CONGRESS

Whereas section 305 of the existing tariff bill now contains a large and general power of censorship over imported literature, which permits customs inspectors and courts to exclude from entry works of Chaucer, Shakespeare, DeFoe, Swift, Fielding, Smollet, Aristophanes, Ovid, Dante, Voltaire, Rousseau, Tolstoy, Swedenborg, Ibsen, and Zola, and contemporary writers of great distinction in other countries; also to exclude scientific books in the fields of medicine, psychology, etc.; and

Whereas it is proposed in the pending tariff bill to extend this censorship to include all literature and empower customs clerks and judges to exclude from entry the works of leading thinkers of Portugal, Spain, Italy, Yugoslavia, Russia, and other countries, and certain speeches of the Chancellor of Germany and Premier of Great Britain which contain political and economic ideas contrary to those prevailing in the United States:

We, the undersigned, respectfully request the Congress of the United States to remove the existing censorship from foreign literature and to decline to extend it.

But if Congress in its wisdom thinks it necessary to protect American citizens at large against literature of this character, we respectfully beg to suggest that it create a commission of five, no more than three members to be of the same political party, to supervise the entry of literature with the view that the Library of Congress, college and university libraries, and other accredited libraries may import, with the consent of the commission, works otherwise deemed objectionable, that such works may, under proper safeguards, be consulted by mature students, editors, and writers on foreign affairs, the Department of State, Members of Congress, other statesmen, and scientists in order that trustworthy experts may become acquainted with the literature and opinions of various countries with which the United States maintains commercial if not diplomatic relations.

The petition is signed by 28 university and college presidents; 18 deans and heads of departments; 26 clergymen and teachers of religion; 23 leading librarians; 30 judges, lawyers, and professors of law; 38 editors of magazines and newspapers; over 100 scientists and teachers of science; over 100 professors of liberal arts; some 20 novelists, poets, and authors of national and international distinction; and many other men and women who may truly be said to have national reputations.

I ask that the letter accompanying the petition and the signatures to the petition be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and the signatures to the petition are as follows:

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C., March 6, 1930.

Hon. BRONSON CUTTING,
Senate Office Building, Washington, D. C.

DEAR SIR: I inclose herewith, with request that it be presented to Congress, a petition which indicates the attitude of leaders of thought

toward the present administration of Federal censorship laws and their opposition to section 305 of the tariff bill as it came from the House and Senate committees.

The withering irony of the last paragraph fitly expresses the impatience with which our foremost educators, divines, scientists, and publicists regard continued efforts of politicians, 12 years after the World War, to hobble American thought. There was more than a 50 per cent response to the number of petitions sent out. The "comeback" far exceeded any such test ever made by the National Popular Government League.

The petition totals some 560 names from 43 States. There are 28 university and college presidents; 18 deans and heads of departments; 26 clergymen and teachers of religion; 23 leading librarians; 30 judges, lawyers, and professors of law; 38 editors of magazines and newspapers; over 100 scientists and teachers of science; over 100 professors of liberal arts; some 20 novelists, poets, and authors of national and international distinction; more than 20 men and women who may truly be said to have national reputations.

While the National Popular Government League in its bulletin of May 30, 1929, Shall the Censorship Be Made Absolute? was first to call to the attention of the country the dangers lurking in section 305 as it came from the House committee, it is to be noted that in securing this particular expression of opinion the league acts merely as an agent in an added effort to assist you in your magnificent fight in behalf of the American tradition of freedom of investigation and opinion.

Yours very sincerely,

JUDSON KING, *Director.*

ORIGINATORS AND FIRST SIGNERS

Isaac E. Ash, professor of political science, Ohio University.
Charles A. Beard, professor of political science and author.
Z. Chafee, jr., professor of law school, Harvard University.
John Dewey, professor of philosophy and author, Columbia University.
Judson King, director National Popular Government League, Washington.
Joseph Mayer, executive secretary and treasurer, American Association of University Professors.
Dr. Harold G. Moulton, president the Brookings Institution, Washington.
Roscoe Pound, dean of the law school, Harvard University.
Jackson H. Ralston, attorney and author international law, Palo Alto, Calif.
E. A. Ross, professor of sociology and author, Wisconsin University.
Dr. John A. Ryan, professor of industrial ethics and author, Catholic University of America.
William Allen White, editor and author, Emporia, Kans.
Additional signatures follow. The originals are on file at the league office.

ARIZONA

H. A. Hubbard, head of history department, University of Arizona.
Frank C. Lockwood, dean Liberal Arts College, University of Arizona.

ARKANSAS

S. C. Dellinger, professor of zoology, University of Arkansas.

CALIFORNIA

Rufus L. Green, professor emeritus of mathematics, Stanford University.
George P. Adams, professor of philosophy, University of California.
G. M. Ruch, professor of education, University of California.
Richard C. Tolman, professor of physical chemistry and mathematical physics, California Institute of Technology.
David Starr Jordan, president emeritus, Stanford University.
Elizabeth T. Kent, Kentfield, Calif.
Harriet E. O'Shea, associate professor of psychology and education, Mills College.
Carl Holliday, professor of English, San Jose State College.
Wilfred W. Scott, chairman department of chemistry, University of Southern California.
Hugh S. Lowther, professor of classical languages, Occidental College.

CONNECTICUT

Theodore Babbitt, instructor in Spanish, Yale University.
Edwin Borchard, professor of law, Yale University.
Yandell Henderson, professor of applied physiology, Yale University.
Edgar Sturtevant, professor of linguistics, Yale University.
C. Rees, headmaster Rosemary Hall, Greenwich.
K. M. Williamson, professor of economics, Wesleyan University.
Frederick Slocum, professor of astronomy, Wesleyan University.
George A. Works, president Connecticut Agricultural College.

DELAWARE

Walter Hullihen, president University of Delaware.

DISTRICT OF COLUMBIA

Kendall Banning, editorial director Public Utilities Fortnightly, Washington.
Robert W. Bolwell, professor of American literature, George Washington University.
Burton E. Livingston, permanent secretary American Association for the Advancement of Science.
E. G. Nourse, director institute of economics, Brookings Institution.
Leverett S. Lyon, economics and education, Brookings Institution.
W. F. Willoughby, director institute for government research, Brookings Institution.
Henry P. Seidemann, public administration affairs, Brookings Institution.
Lewis L. Lorwin, labor and international affairs, Brookings Institution.
Lynn R. Edminster, commercial policy, Brookings Institution.
Philip G. Wright, commercial policy, Brookings Institution.
Cleona Lewis, international affairs, Brookings Institution.
C. O. Hardy, finance, Brookings Institution.
Lewis Meriam, public administration, Brookings Institution.
Fred W. Powell, public administration editor, Brookings Institution.
Sumner H. Slichter, labor problems, Brookings Institution.
Ann Dennis Bursch, editorial writer, Washington.
John Collier, executive secretary American Indian Defense Association.
Paul Kaufman, professor of English, American University, Washington.
Joy Elmer Morgan, editor Journal of the National Education Association.
Alice Thacher Post, Washington.
Paul Sperry, clergyman, Washington.
Lowell Mellett, editor Washington Daily News and Scripps-Howard Newspaper Alliance.
Dr. Harvey W. Wiley, former Chief of Bureau of Chemistry, Washington.
Frank Julian Warne, economist and author, Washington.

FLORIDA

Harold H. Bailey, naturalist and naval architect, Miami.
Sarah Fiske Conant, author, Hibernia.

GEORGIA

L. L. Hendren, professor of physics, University of Georgia.
J. M. Reade, professor, University of Georgia.
J. H. Tyron, tutor, University of Georgia.
J. H. Miller, University of Georgia.
W. D. Hooper, University of Georgia.
Mrs. R. J. Richardson, professor college of agriculture, University of Georgia.
H. W. Harvey, extension horticultural landscaping, college of agriculture, University of Georgia.
Charles R. Hart, professor of romance languages, Emory University.
Guy C. Hamilton, Augusta.
C. Secher, E. E. N. & T. specialist.
E. E. Lamkin.
J. L. Stephens, Georgia Coastal Plain Experiment Station.

IDAHO

Dr. Henrietta J. Tromanhauser, associate professor of modern languages, University of Idaho.

ILLINOIS

Ernst Freund, professor of law, University of Chicago.
Harold D. Lasswell, assistant professor of political science, University of Chicago.
Charles E. Merriam, political science, University of Chicago.
M. Llewellyn Raney, director, University of Chicago.
L. L. Thurstone, University of Chicago.
Quincy Wright, professor of political science, University of Chicago.
E. L. Bogart, professor of economy, University of Illinois.
R. D. Carmichael, professor of mathematics, University of Illinois.
John A. Fairlie, professor of political science, University of Illinois.
A. C. Ivy, professor of physiology, Northwestern University.
Ney McMinn, assistant professor of English literature, Northwestern University.
A. R. Hatton, professor of political science, Northwestern University.
Robert E. Graves, physician, Chicago.
Edgar Lee Masters, author, Chicago.
Howard Vincent O'Brien, literary editor, Chicago Daily News.
Charles B. Reed, M. D., president Chicago Medical Society.
C. B. Roden, librarian, the Chicago Public Library.
Carl H. Milam, secretary the American Library Association, Chicago.

INDIANA

James A. Woodburn, emeritus professor of history, Indiana University.
B. J. Vos, professor of German, Indiana University.
Gino A. Ratti, professor of French, Butler University.
W. B. Sanders, member of the faculty, Purdue University.
S. Fairman, member of the faculty, Purdue University.
H. A. Gimir, member of the faculty, Purdue University.
C. S. Cutshall, member of the faculty, Purdue University.
A. B. Poorman, professor of applied mechanics, Purdue University.

IOWA

The faculty of Cornell College in regular session voted unanimously in favor of signing the petition. The 38 signatures follow:

Herbert J. Burgstahler, D. D., president Cornell College.
William S. Ebersole, Litt. D., registrar, professor of Greek, Cornell College.
Harry M. Kelly, LL. D., biology, Cornell College.
Henry C. Stancliff, Ph. D., history, Cornell College.
Nicholas Knight, Ph. D., chemistry, Cornell College.
Charles R. Keyes, Ph. D., German, Cornell College.
Sidney L. Chandler, LL. D., sociology, Cornell College.
Frederick M. McGaw, A. M., mathematics, Cornell College.
Clyde Tull, A. M., English literature, Cornell College.
Elmer Moots, Ph. D., mathematics and engineering, Cornell College.
Louis R. Herrick, Ph. D., romance languages, Cornell College.
William E. Slaght, Ph. D., psychology and philosophy, Cornell College.
C. Francis Littell, Ph. D., political science, Cornell College.
Alice R. Betts, A. M., dean of women, Cornell College.
Roy A. Nelson, Ph. D., physics, Cornell College.
Howard C. Lane, A. M., English, Cornell College.
Fred D. Merritt, Ph. D., economics, Cornell College.
Oral V. Jackson, Biblical literature, Cornell College.
Mark E. Hutchinson, Ph. D., Latin, Cornell College.
James B. Culbertson, Ph. D., chemistry, Cornell College.
Ruby C. Wade, A. M., French, Cornell College.
Nama A. Lathe, fine arts, Cornell College.
Thomas R. McConnell, A. M., education, Cornell College.
Dorothy D. Rogers, physical education, Cornell College.
M. Lillian Smedley, English, Cornell College.
Leila Huebsch, home economics, Cornell College.
Essie M. Thompson, geology, Cornell College.
Winifred F. Mayne, A. M., English, Cornell College.
Theodore W. Matthews, economics, Cornell College.
Helen Venn, piano, Cornell College.
Ruth A. Pinkerton, voice culture, Cornell College.
Stanley M. Teel, music, Cornell College.
Eusebia Simpson, piano, Cornell College.
Carrie Woodford, practice teaching, Cornell College.
Harold Baltz, director conservatory music, Cornell College.
Eva M. Blue, head resident of women's dormitory, Cornell College.
Edith Isaacson, college nurse, Cornell College.
Luella Ninde, home economics, Cornell College.
J. H. T. Main, president Grinnell College.
Henry G. Conard, professor of botany, Grinnell College.
G. W. Martin, professor of botany, University of Iowa.
T. C. Stephens, professor of biology, University of Iowa.

KANSAS

Frank Doster, former chief justice Kansas Supreme Court, Topeka.
W. D. Jochems, associate justice, Kansas Supreme Court, Topeka.
William Easton Hutchinson, associate justice, Kansas Supreme Court, Topeka.
W. W. Harvey, associate justice, Kansas Supreme Court, Topeka.
John S. Dawson, associate justice, Kansas Supreme Court, Topeka.
Harold T. Chase, editor Topeka Daily Capital, Topeka.
T. A. McNeal, editor Kansas Farmer Mail & Breeze, Topeka.
Louise McNeal, State librarian, Topeka.
Clifton M. Gray, minister Unitarian Church, Topeka.
Cora G. Lewis, journalist, The Graphic, Kinsley.

KENTUCKY

Jesse E. Adams, professor of education, University of Kentucky.
Forrest Revere Black, professor of constitutional law, University of Kentucky.
C. C. Ross, professor of education, University of Kentucky.
W. F. Hamilton, professor of physiology, Medical School, University of Louisville.
James H. Hewlett, professor of English, Center College, Danville.

LOUISIANA

William H. Gates, professor of zoology and entomology, State University.

MAINE

O. S. Lutes, professor of education, University of Maine.
Ava A. Chadbourne, associate professor of education, University of Maine.
N. E. Wheeler, professor of physics, Colby College.
William J. Wilkinson, head of history department, Colby College.

MARYLAND

W. A. S. Douglas, staff correspondent, Baltimore Sun.
W. W. Cook, professor institute of law, Johns Hopkins University.
Knight Dunlap, professor of experimental psychology, Johns Hopkins University.
Buford Johnson, professor of psychology, Johns Hopkins University.
Burton E. Livingston, director laboratory plant physiology, Johns Hopkins University, permanent secretary American Association for the Advancement of Science.
L. C. Marshall, professor, institute of law, Johns Hopkins University.
S. S. Steinberger, professor civil engineering, University of Maryland, president Maryland Chapter American Association of University Professors.
Joseph B. Kingsbury, associate professor of government, St. John's College.
Dr. Theodore M. Hatfield, department of English, St. John's College.
Dr. Ford K. Brown, department of English, St. John's College.
Prof. Richard Schofield, department of English, St. John's College.
Prof. Thomas P. Brockway, department of history, St. John's College.
Dr. Vertrees J. Wyckoff, department of economics, St. John's College.
G. W. Stryker, faculty, St. John's College.
Thomas A. Fitzgerald, faculty, St. John's College.
George A. Bingley, faculty, St. John's College.
Leonard E. Arnaud, faculty, St. John's College.
Paul Allen, jr., faculty, St. John's College.
M. T. Riggs, faculty, St. John's College.
John S. Kieffer, faculty, St. John's College.

MASSACHUSETTS

Charles F. D. Belden, director Boston Public Library; chairman Free Public Library Commission of Massachusetts.
E. M. Laurence Gould, editor The New Church Messenger, Boston.
Howard W. Doughty, professor of chemistry, Amherst College.
Comfort A. Adams, professor of engineering, Engineering School, Harvard University.
T. N. Carver, professor of political economy, Harvard University.
Felix Frankfurter, professor of administrative law, Harvard University.
Arthur N. Holcombe, professor of government, Harvard University.
Edwin T. Gay, professor of economic history, Harvard University.
William L. Langer, assistant professor of history, Harvard University.
A. M. Schlesinger, professor of history, Harvard University.
C. H. Sutherland, associate professor, Massachusetts Institute of Technology.
Cornelia C. Coulter, professor of Latin, Mount Holyoke College.
Ada L. Comstock, president Radcliffe College.
William A. Neilson, president Smith College.
Harry Elmer Barnes, professor of sociology, Smith College.
Myra M. Sampson, professor of zoology, Smith College.
Samuel E. Allen, assistant professor of rhetoric, Williams College.
John P. Corner, professor of political science, Williams College.
Ames H. Corley, professor of romance languages, Williams College.
George B. Dutton, professor of English literature, Williams College.
Richard A. Newhall, professor of European history, Williams College.
Peter H. Odegard, assistant professor of political science, Williams College.
Alfred D. Sheffield, associate professor of rhetoric, Wellesley College.
Charles Gott, professor of English, Tufts College.

MICHIGAN

Frank D. Adams, D. D., president Universalist General Convention, Detroit.
Adam Strohm, librarian, the Public Library, Detroit.
John W. Bradshaw, professor of mathematics, University of Michigan.
Carl J. Coe, assistant professor of mathematics, University of Michigan.
John R. Effinger, dean College of L. S. and A., University of Michigan.
L. C. Karpinski, professor of mathematics, University of Michigan.
Preston W. Slosson, associate professor of history, University of Michigan.
Samuel Moore, professor of English, University of Michigan.
Charles P. Wagner, professor of romance languages, University of Michigan.
René Talamon, associate professor of romance languages, University of Michigan.
Jesse S. Reeves, professor of political science, University of Michigan.
W. B. Pillsbury, professor of psychology, University of Michigan.
Clarence T. Johnston, professor of geodesy and surveying, University of Michigan.
R. W. Sellers, professor of philosophy, University of Michigan.
W. G. Smeaton, professor of chemistry, University of Michigan.
Marcus L. Ward, professor of metallurgy and dean of the faculty of dentistry, University of Michigan.
George E. Myers, professor of vocational education, University of Michigan.
M. Gomberg, professor of chemistry, University of Michigan.
Warren E. Blake, assistant professor of Greek, University of Michigan.
E. S. McCartney, editor of scholarly publications, University of Michigan.
Benjamin D. Meritt, professor of Greek and Latin, University of Michigan.
Morris P. Tilley, professor of English, University of Michigan.
Joseph H. Drake, professor of law, University of Michigan.
A. E. R. Boak, professor of history, University of Michigan.
Ralph W. Aigler, professor of law, University of Michigan.

Edgar N. Durfee, professor of law, University of Michigan.
Evans Holbrook, professor of law, University of Michigan.
Paul A. Leidy, professor of law, University of Michigan.
Frank E. Robbins, assistant to the president, University of Michigan.
William W. Bishop, librarian, University of Michigan.
Robert C. Angell, assistant professor of sociology, University of Michigan.
Carter Goodrich, professor of economics, University of Michigan.
L. J. Carr, assistant professor of sociology, University of Michigan.
D. M. Matthews, professor of forest management, University of Michigan.
Robert Craig, jr., associate professor of forest management, University of Michigan.
Samuel T. Dana, dean School of Forestry and Conservation, University of Michigan.
Edward H. Kraus, professor of mineralogy, University of Michigan.
John F. Shepard, professor of psychology, University of Michigan.
Walter F. Hunt, professor of petrology, University of Michigan.
Albert B. Peck, professor of mineralogy, University of Michigan.
C. H. Kauffman, professor of botany, University of Michigan.
Anthony J. Tobin, assistant professor of romance languages, University of Michigan.
Harold J. McFarlan, assistant professor of geodesy and surveying, University of Michigan.
Michael Pargment, assistant professor of romance languages, University of Michigan.
Eugene E. Rovillain, assistant professor of French, University of Michigan.
James Hilchner, professor of German, University of Michigan.
O. O. Norris, professor of education, Michigan State Normal College.
Margaret B. Bennett, Michigan State Normal College.
Agnes Crow, department of mathematics, Michigan State Normal College.
Mildred Crawford, department of mathematics, Michigan State Normal College.
Estelle Downing, English department, Michigan State Normal College.
Refa Dick, social science department, Michigan State Normal College.
Susan E. Ervine, teacher of French, Michigan State Normal College.
L. E. Fedderstrom, department of history, Michigan State Normal College.
J. B. Fuller, principal training department, Michigan State Normal College.
L. A. Golszynski, instructor in science, Michigan State Normal College.
A. N. Jorgensen, department of education, Michigan State Normal College.
Henry C. Lott, department of education, Michigan State Normal College.
Leonard W. Mylergi, department of science, Michigan State Normal College.
A. A. Metcalf, director secondary education, Michigan State Normal College.
H. Willard Remington, assistant professor of English, Michigan State Normal College.
Florence U. Regal, teacher of Latin, Michigan State Normal College.
G. D. Sanders, head of English department, Michigan State Normal College.
Susan W. Stinson, teacher of English, Michigan State Normal College.
A. D. Walker, physical education, Michigan State Normal College.
W. M. Lane, principal of high school, Ypsilanti.
Floyd L. Smith, principal Woodruff School, Ypsilanti.
Foster Fletcher, merchant, Ypsilanti.
Tobias Sigel, M. D., Detroit.
Ella Sigel, Detroit.
Edna S. Kratz, Detroit.

MINNESOTA

G. A. Countyman, chief librarian, Minneapolis Public Library.
Irving E. Richard, assistant managing editor, St. Paul Daily News.
Donner E. Cowling, president Carleton College.
Alfred E. Hughes, president Hamline University.
S. N. Delson, professor of romance languages, Hamline University.
Charles P. Ritchey, head department of history, Macalester College.
Fred K. Butters, associate professor of botany, University of Minnesota.
Morris B. Lambie, professor of political science, University of Minnesota.
Colbert Searles, professor of romance languages, University of Minnesota.

MISSOURI

Arthur E. Bostwick, librarian, St. Louis Public Library.
Henry J. Haskell, editor the Kansas City Star.
Arnold J. Lien, professor of political science, Washington University.
Isidor Loeb, dean School of Business Administration, Washington University.
Tyrell Williams, professor of law, Washington University,

NEBRASKA

Louise Pound, professor of English, University of Nebraska.

NEVADA

J. Jones, professor of geology, University of Nevada.

NEW HAMPSHIRE

Ernest M. Hopkins, president Dartmouth College.
John M. Mechlin, professor, Dartmouth College.
Herbert F. Rudd, professor of philosophy, University of New Hampshire.
Percy MacKaye, author, Cornish.

NEW JERSEY

Edwin G. Conklin, professor of biology, Princeton University.
James Gerould, librarian, Princeton University.
Robert K. Root, professor of English, Princeton University.
P. A. Vander Meulen, professor of physical chemistry, Rutgers University.
Beatrice Winser, librarian, Public Library, Newark.

NEW MEXICO

Mary Austin, author, Sante Fe.
Witter Bynner, poet, Santa Fe.
J. F. Zimmerman, president University of New Mexico.

NEW YORK

Samuel Hopkins Adams, author.
Bertha Kunz Baker, lecturer in literature.
Rex Beach, author.
Zeh Bouch, editor Aero News.
John B. Brennan, jr., Radio News editor.
Burton Braley, author.
Heywood Broun, columnist, Evening Telegram.
Henry S. Canby, editor Review of Literature.
Walter G. Langsam, department of history, Columbia University.
C. W. Cole, department of history, Columbia University.
Martin Taylor Bogert, professor, Columbia University.
Howard Lee McBain, dean of graduate faculties, Columbia University.
John Erskine, professor of English, novelist, Columbia University.
Willard Austin, librarian emeritus, Cornell University.
G. Watts Cunningham, professor of philosophy, Cornell University.
Robert E. Cushman, professor of government, Cornell University.
H. J. Davenport, professor emeritus in economics, Cornell University.
Paul T. Homan, professor of economics, Cornell University.
W. A. Hurwitz, professor of mathematics, Cornell University.
W. J. Myers, professor of farm management, Cornell University.
F. K. Richtmyer, professor of physics, Cornell University.
Nathaniel Schmidt, professor of Semitic languages and oriental history, Cornell University.
Sumner H. Slichter, professor of economics, Cornell University.
Alfred Dashiell, managing editor Scribners Magazine, secretary P. E. N. Club, New York, Cornell University.
Frank P. Day, president Union College.
H. W. Dodds, editor National Municipal Review.
Herman L. Fairchild, emeritus professor of geology, University of Rochester.
Floyd C. Fairbanks, assistant professor of physics, University of Rochester.
J. Edward Hoffmeister, professor of geology, University of Rochester.
L. Foster Wood, professor social ethics, Rochester Divinity School.
Howard S. Gans, attorney.
H. Frederick Gardner, editor Screen Book Magazine.
Murray Godwin, managing editor Science and Invention.
Frank Ernest Hill, editor Longmans, Green & Co.
Rev. John Haynes Holmes, The Community Church, New York City.
Theodore F. Jones, director general library of New York University.
H. A. Keller, editor and writer.
Carol Weiss King, attorney.
Evelyn Light, assistant editor Plain Talk.
B. A. Mackinnon, president Mackinnon-Fly Publications.
H. T. Fly, vice president Mackinnon-Fly Publications.
Arthur H. Lynch, editorial director Mackinnon-Fly Publications.
Julian S. Mason, editor The New York Evening Post.
Carl H. Milam, secretary American Library Association.
Bishop Francis J. McConnell, Methodist Federation for Social Service.
Edna Mosher, professor of biology, Adelphi College.
V. E. Pound, professor of mathematics, University of Buffalo.
Burton Rascoe, associate editor Plain Talk, member board of directors Literary Guild of America.
William Gorham Rice, writer, Albany.
Palmer C. Ricketts, president Rensselaer Polytechnic Institute, Troy.
Lloyd A. Rider, Ph. D., acting chairman biology department of Manual Training High School, Brooklyn.
James Harvey Robinson, historical writer.
Walter R. Sharp, fellowship secretary, Social Science Research Council.
Sigmund Spaeth, author-lecturer.

Trustees of Syracuse Library, by Paul M. Paine, librarian, Syracuse.
K. C. Leebuch, dean, liberal arts, Syracuse University.
William L. Bray, dean of the Graduate School, Syracuse University.
Ernest Reed, professor of botany, Syracuse University.
Burgess Johnson, director public relations, Syracuse University.
Horace A. Eaton, head of department of English, Syracuse University.
H. W. Herrington, professor of English, Syracuse University.
James R. Foster, associate professor of English, Syracuse University.
William Yerrington, professor of English, Syracuse University.
Harold L. Cleasby, professor of class archæology and Italian, Syracuse University.
A. S. Patterson, professor of romance languages, Syracuse University.
E. F. King, instructor in Spanish, Syracuse University.
Earle D. Aikin, instructor in romance languages, Syracuse University.
Clyde E. Wildman, professor of Bible, Syracuse University.
Ordway Tead, editor Business Books, Harper & Bros., New York City.
George Kibbe Turner, author.
Frank P. Walsh, attorney.
Harry F. Ward, secretary Methodist Federation for Social Service.
J. I. Wyer, director New York State Library, Albany.

NORTH CAROLINA

A. R. Vowles, professor, Davidson College.
Paulet Baum, professor of English, Duke University.
Elbert Russell, dean, School of Religion, Duke University.
Paul Neff Garber, registrar, School of Religion, Duke University.
Newman I. White, professor of English, Duke University.
R. B. House, executive secretary University of North Carolina.
Donald Coney, assistant librarian, University of North Carolina.
Norman Foerster, professor of English and author, University of North Carolina.
Benjamin B. Kendrick, professor of history, North Carolina College.

NORTH DAKOTA

J. D. Leith, professor of mathematics, University of North Dakota.
Charles MacLachlen, superintendent of State Tuberculosis Sanitarium.
North Dakota State College * * * "sends the following signatures to the petition":
W. C. Hunter, professor of history, member of library committee.
Kenneth Kuhn, professor of English.
Leon Metzinger, department of modern languages, library committee.
A. F. Hunsaker, political science.
E. W. Pettee, economics.
Paul E. Zerby.
Homer B. Huntoon, department of architecture.
B. M. Doher, mechanical engineering, member of library committee.
Harry S. Rush, electrical engineering.
R. H. Slocum, civil engineering.
W. A. Cleveland, department of agriculture economics.
Benjamin V. McCaul, department of agriculture economics.
Delaphine G. Rosa, bacteriology.
Glen A. Lindsey, department of bacteriology.
Albert Severson, department of animal husbandry.
Monroe Kirk, farm department.
A. F. Yeager, horticulture department.
P. F. Trowbridge, experiment station, director and chairman library committee.
E. A. Willson, rural sociology, experiment station.
Arthur D. Whedon, professor of zoology and physiology.
John E. Doerr, jr., head department of geology and geography.
George E. Miller, professor of biology.
J. W. Smith, professor of mathematics.
F. C. Householder, associate professor of mathematics.
A. Glenn Hill, mathematics instructor.
E. J. Braun, mathematics instructor.
N. W. Clarke.
Ruby Grimes, associate professor agricultural botany.
Henry L. Bailey, botanist North Dakota Experiment Station.
Walter Lee Aerheart, professor of religious education.
Casper I. Nelson, professor of bacteriology.
Gilford J. Ikenberry, associate professor of botany.
A. D. Stoesz, instructor in botany.
Dorothy Lois Hatch, instructor in art.
Rudolph Otterson, assistant professor in history.
A. E. Minerd, dean of the school of science and literature.
C. A. Severinson, professor of history.
D. J. Griswold, animal husbandry.

OHIO

Alfred Bettman, attorney, former special assistant United States Attorney General, Cincinnati.
Charles R. Hadley, librarian Public Library, Cincinnati.
Charles E. Ozanne, instructor in civics, Central High School, Cleveland.
Carl Vitz, librarian Public Library, Toledo.
Albert H. Freiberg, professor of orthopædic surgery, University of Cincinnati.
Julian Morgenstern, president Hebrew Union College, Cincinnati.
Arthur G. Beach, professor of English, Marietta College.
Ernst H. Wilkins, president Oberlin College.
Carl F. Geiser, professor of political science, Oberlin College.
Edward A. Miller, professor of education, Oberlin college.
Clarence Ward, professor of fine arts, Oberlin College.
Henry John Doermann, president University of Toledo.
Frederick Slocum, professor of astronomy, Wesleyan University.
Hippolyte Gruener, professor of chemistry, Western Reserve University.
B. H. Bode, professor of education, Ohio State University.
H. G. Hayes, professor of economics, Ohio State University.
Maurice Freeman, department of economics, Ohio State University.
W. P. Shepard, dean college of arts and sciences, Ohio State University.
L. Edwin Smart, department of economics, Ohio State University.
J. H. J. Upham, M. D., dean of the college of medicine, Ohio State University.
Edmund Vance Cooke, poet, Cleveland.
Edward T. Downer, registrar Cleveland College, Cleveland.
W. H. Tuckerman, M. D., Cleveland.
Ernest S. Bohn, member of city council, Cleveland.
J. G. Lipkin, citizen, Cleveland.
J. P. Taplin, artist, Cleveland.
F. H. Sternbenz, editorial, Cleveland Press, Cleveland.
Don P. Mills, attorney, Cleveland.
C. S. Crudelle, attorney, Cleveland.
E. S. Byers, attorney, Cleveland.
M. C. Harrison, attorney, Cleveland.
H. P. Boynton, advertising manager, Cleveland.
J. J. Lynch, Cleveland Press, Cleveland.
W. B. Slusser, citizen, Cleveland.
A. W. Zesiger, citizen, Cleveland.
A. L. Munson, member Metropolitan Park Board, Cleveland.
Saul S. Donaldson, attorney, Cleveland.
David Deitz, scientist, Cleveland.
T. E. Spooner, citizen, Cleveland.
Bradley Hull, judge, Cleveland.
John W. Raper, editorial writer, the Cleveland Press, Cleveland.
Howard F. Burns, attorney, Cleveland.
W. H. Beims, citizen.

OKLAHOMA

W. B. Bizzell, president University of Oklahoma.
Elmer Pendell, professor of economics, Agricultural and Mechanical College.

OREGON

Arnold B. Hall, president University of Oregon.
B. F. Irvine, editor the Oregon Journal, Portland.
F. L. Griffin, professor of mathematics, Reed College.
R. K. Strong, professor of chemistry, Reed College.

PENNSYLVANIA

Mrs. Perley Dunn Aldrich, singing master, composer, and teacher, Philadelphia.
E. W. Hunt, president Bucknell University.
Francis Fisher Kane, attorney, Philadelphia.
Ralph Munn, director, Carnegie Library, Pittsburgh.
Robert M. Smith, professor of English, Lehigh University.
Frank Aydelotte, president Swarthmore College.
H. Jermain Creighton, professor of chemistry, Swarthmore College.
J. P. W. Crawford, professor of romance languages, University of Pennsylvania.
H. Lamar Crosby, professor of Greek, University of Pennsylvania.
L. V. Heilbrunn, associate of zoology, University of Pennsylvania.
Dr. Carl Kelsey, professor of sociology and chairman of department of sociology, University of Pennsylvania.
Dr. Ernest Minor Patterson, professor of economics and chairman of department of economics, University of Pennsylvania.
Clyde L. King, professor of political science, University of Pennsylvania.
Karl Scholz, Wharton School of Finance and Commerce, University of Pennsylvania.
Dr. Charles H. LaWall, dean, Philadelphia College of Pharmacy and Science.
Wilmer Krusen, M. D., president Philadelphia College of Pharmacy and Science.
R. D. Anthony, professor of pomology, Pennsylvania State College.
Carroll D. Champlin, professor of education and psychology, Pennsylvania State College.
Robert E. Dengler, professor of Greek, Pennsylvania State College.
W. F. Dunaway, librarian, Pennsylvania State College.
Frederick W. Pierce, professor of German, Pennsylvania State College.
David Wallerstein, attorney, Philadelphia.
Charles E. Beury, president Temple University, Philadelphia.
F. T. Tyson, assistant professor of chemistry, Temple University, Philadelphia.
J. Lloyd Bohn, instructor in physics, Temple University, Philadelphia.

William T. Caldwell, professor of chemistry, Temple University, Philadelphia.
Claude S. McGinnis, professor of physics, Temple University, Philadelphia.
Clarence Hodges, assistant professor of physics, Temple University, Philadelphia.
John S. Kramer, instructor in history, Temple University, Philadelphia.
W. G. Dunning, instructor in chemistry, Temple University, Philadelphia.
C. P. Graves, instructor in history, Temple University, Philadelphia.
Andreas Elviken, instructor in history, Temple University, Philadelphia.
George Neel, instructor in history, Temple University, Philadelphia.
Thomas D. McCormick, instructor in history, Temple University, Philadelphia.
Arthur N. Cook, professor of history, Temple University, Philadelphia.
John D. Kern, professor of English, Temple University, Philadelphia.
Thaddeus Le Bolton, professor of psychology, Temple University, Philadelphia.
Frank Paddock, assistant professor, Temple University, Philadelphia.
Stuart Robertson, professor of English, Temple University, Philadelphia.
Marion Mackenzie, professor of biology, Temple University, Philadelphia.
W. James Leach, instructor in biology, Temple University, Philadelphia.
W. M. Crittenden, instructor in English, Temple University, Philadelphia.
Ernest Ernest, instructor in English, Temple University, Philadelphia.
T. E. DuVal, Temple University, Philadelphia.
Andre F. Benthier, instructor in psychology, Temple University, Philadelphia.
G. E. Simpson, instructor in sociology, Temple University, Philadelphia.
N. K. Teiter, instructor in sociology, Temple University, Philadelphia.
Charles A. Ford, instructor in psychology, Temple University, Philadelphia.
Clarence Schettler, sociology instructor, Temple University, Philadelphia.
Nicholas P. Vlacher, Greek and Latin, Temple University, Philadelphia.
R. E. Gleason, assistant professor of mathematics, Temple University, Philadelphia.
W. Lawton, assistant in mathematics, Temple University, Philadelphia.
Quincy A. Kuehner, professor of education, Temple University, Philadelphia.
Anna Lowe Lingelbach, professor of history, Temple University, Philadelphia.
Harriet L. P. Frind, director education, Temple University, Philadelphia.
Laura Anderson, instructor H. E. C., Temple University, Philadelphia.
Marjorie E. Bacheller, director of dining hall, Temple University, Philadelphia.
W. Brooke Graves, professor of political science, Temple University, Philadelphia.
William Roger, jr., assistant professor of chemistry, Temple University, Philadelphia.
James H. Dunham, professor of philosophy, Temple University, Philadelphia.
John C. Pfiaam, instructor in history, Temple University, Philadelphia.
William C. Steere, instructor in biology, Temple University, Philadelphia.
Ross C. McCooke, instructor in physics, Temple University, Philadelphia.
Hayns Finema, professor of English, Temple University, Philadelphia.
F. H. Nadig, instructor in physics, Temple University, Philadelphia.
Henri C. Niel, French, Temple University, Philadelphia.
George E. Walk, dean of teachers college, Temple University, Philadelphia.
Sabra W. Vought, librarian, the Pennsylvania State College.

RHODE ISLAND

Howard Edwards, president Rhode Island State College.
Alfred A. Bennett, professor of mathematics, Brown University.

SOUTH DAKOTA

Arthur L. Keith, professor of Greek, University of South Dakota.

TENNESSEE

R. G. Brown, lawyer, Memphis.
David W. Cornelius, professor of physics, University of Chattanooga.
W. B. Hesseltine, professor of history, University of Chattanooga.
Frank W. Prescott, professor of politics, University of Chattanooga.
Thomas E. Jones, president Fiske University.
George F. Milton, editor the Chattanooga News.

TEXAS

A. P. Brogar, professor of philosophy, University of Texas.
Frank M. Stewart, professor of government, University of Texas.
Oscar A. Ulrich, dean of the faculty, Southwestern University.

UTAH

M. M. Critchlow, M. D., Salt Lake City.

VERMONT

Ann Bosworth Greene, author and artist, South Woodstock.
Paul S. Moody, president Middlebury College.

VIRGINIA

William Harrison Faulkner, professor of romance languages, University of Virginia.

WASHINGTON

H. S. Brode, professor of biology, Whitman College.
E. O. Holland, president State College of Washington.
Fred R. Yoder, head department of sociology, State College of Washington.
J. T. Jennings, librarian, Seattle Public Library.
Vachel Lindsay, poet, Spokane.
R. D. McKenzie, professor of sociology, University of Washington.

WEST VIRGINIA

Rolla V. Cooke, professor of physics, Bethany College.

WISCONSIN

Dr. Glenn Frank, president University of Wisconsin.
Joseph P. Harris, professor of political science, University of Wisconsin.
J. H. Mathews, chairman department of chemistry, University of Wisconsin.
Joel Stebbins, director, Washburn Observatory, University of Wisconsin.
Irving Maurer, president Beloit College.
M. S. Dudgeon, librarian, Milwaukee Public Library; member executive board, American Library Association.
William T. Evjue, editor, the Capital Times, Madison.
Ruben Levin, writer, Wisconsin News, Wilwaukee.

WYOMING

Clara F. McIntyre, professor of English, University of Wyoming.
Laura A. White, professor of history, University of Wyoming.

CALL OF THE ROLL

Mr. VANDENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brock	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present.

JUDGMENTS, UNITED STATES DISTRICT COURTS (S. DOC. NO. 100)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by United States district courts amounting to $370,324.12, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGE BY COLLISION WITH LIGHTHOUSE VESSEL (S. DOC. NO. 101)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation, submitted by the Secretary of Commerce, to pay a claim for damage occasioned by collision with a vessel of the Lighthouse Service in the sum of $75, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 102)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting estimates of appropriations, submitted by the several executive departments, to pay claims for damages to privately owned property in the sum of $10,806.18, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 103)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, amounting to $360,078.42, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 104)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, schedules of claims amounting to $97,312.38, allowed by various divisions of the General Accounting Office, as covered by certificates of settlement, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

WATERWAYS TREATY—INTERNATIONAL JOINT COMMISSION (S. DOC. NO. 105)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1930, amounting to $6,600, for the waterways treaty and the International Joint Commission, United States and Great Britain, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CEDAR BAYOU PROJECT, TEX. (S. DOC. NO. 107)

Mr. JOHNSON presented a communication from the Chief of Engineers of the Army, transmitting a review of the report on Cedar Bayou, Tex., submitted to Congress December 8, 1923, pursuant to the river and harbor act approved September 22, 1922, with a view to determining whether any modification in existing project is advisable at the present time, which was referred to the Committee on Commerce and ordered to be printed with illustrations.

MURDERKILL RIVER PROJECT, DEL. (S. DOC. NO. 106)

Mr. JOHNSON presented a communication from the Chief of Engineers of the Army, transmitting a review of the report on Murderkill River, Del., submitted in House Executive Document No. 21, Fifty-second Congress, first session, with a view to determining whether any modification is advisable in existing project at the present time, etc., which was referred to the Committee on Commerce and ordered to be printed.

PETITIONS

Mr. CAPPER presented a petition of sundry citizens of Topeka, Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. SHORTRIDGE presented a petition of sundry citizens of San Pedro and San Bernardino, Calif., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was ordered to lie on the table.

He also presented petitions numerously signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to veterans of the Spanish War, which were ordered to lie on the table.

Mr. WALSH of Massachusetts presented petitions of sundry citizens of the State of Massachusetts, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. HEBERT presented the following resolution of the General Assembly of the State of Rhode Island, which was referred to the Committee on Military Affairs:

STATE OF RHODE ISLAND,
IN GENERAL ASSEMBLY,
January session, A. D. 1930.

Resolution of the general assembly recommending to Congress the passage of Senate Joint Resolution 20, being a resolution to promote peace and to equalize the burdens and to minimize the profits of war

Whereas there is pending before the Congress of the United States, Senate Joint Resolution 20, being a joint resolution to promote peace and to equalize the burdens and to minimize the profits of war; and

Whereas this resolution authorized the creation of a commission of 18 members to consider the question of the practicability of the compulsory drafting of capital in case of war: Therefore be it

Resolved, That the general assembly respectfully requests the Senators and Representatives of Rhode Island in the Congress of the United States to give their earnest support to said Senate Joint Resolution 20, and to use their efforts to secure the early passage of this legislation by the Senate and House of Representatives of the United States; and be it further

Resolved, That copies of this resolution be transmitted by the secretary of state to the Senators and Representatives of Rhode Island in the Congress of the United States.

REPORTS OF COMMITTEES

Mr. JOHNSON, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3538) to authorize the Secretary of Commerce to convey to the city of Port Angeles, Wash., a portion of the Ediz Hook Lighthouse Reservation, Wash. (Rept. No. 250);

A bill (S. 3574) granting the consent and authority of Congress to the States of Texas and Oklahoma, and the counties of Cooke and Love, respectively, in said States, to construct, maintain, and operate a free highway bridge between said States across Red River; and providing for the condemnation and acquiring of property to be used in connection therewith, and to enter into an agreement to construct, maintain, and operate the same (Rept. No. 251);

A bill (S. 3575) granting the consent and authority of Congress to the States of Texas and Oklahoma, and the counties of Grayson and Bryan, respectively, in said States, to construct, maintain, and operate a free highway bridge between said States across Red River; and providing for the condemnation and acquiring of property to be used in connection therewith, and to enter into an agreement to construct, maintain, and operate the same (Rept. No. 252);

A bill (S. 3576) granting the consent and authority of Congress to the States of Texas and Oklahoma, and the counties of Montague and Jefferson, respectively, in said States, to construct, maintain, and operate a free highway bridge between said States across Red River; and providing for the condemnation and acquiring of property to be used in connection therewith, and to enter into an agreement to construct, maintain, and operate the same (Rept. No. 253); and

A bill (H. R. 5693) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard (Rept. No. 254).

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 2466) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, reported it with amendments and submitted a report (No. 255) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 888) for the relief of Francis J. McDonald, reported it with an amendment and submitted a report (No. 256) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 257) thereon.

REPORT OF NAVAL AND MARINE CORPS NOMINATIONS

Mr. HALE, as in open executive session, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Navy and Marine Corps, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 3828) granting an increase of pension to Julius A. Fuhrman; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3829) granting an increase of pension to Ruth R. Nash (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3830) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the experiment station of the Panhandle Agricultural and Mechanical College located at Goodwell, Okla.; to the Committee on Agriculture and Forestry.

By Mr. HOWELL:

A bill (S. 3831) for the relief of Georgia A. Muirhead; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 3832) granting a pension to Henry A. Pennington; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3833) granting an increase of pension to William Haywood Revelle; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3834) for the relief of the heirs or legal representatives of Charls Johnston and Kate Johnston; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 3835) granting compensation to the parents of James H. Rodenbush; to the Committee on Finance.

WITHDRAWAL OF PAPERS—JOHN P. T. DAVIS

On motion of Mr. CAPPER it was

Ordered, That the papers filed with the bill (S. 4836) for the relief of John P. T. Davis, Seventieth Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

AMENDMENT TO THE TARIFF BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

Paragraph 1515, on page 210, line 23, strike out line 23 and insert in lieu thereof the following:

"PAR. 1515. Firecrackers of more than five-sixtenths inch outside diameter or more than 1¾ inches in length, 25 cents per pound; all other firecrackers, 8 cents per."

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

S. 2093. An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929; and

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

ENROLLED BILL SIGNED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, March 7, 1930, that committee presented to the President of the United States the enrolled bill (S. 2093) for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE GLYNN

The VICE PRESIDENT. Pursuant to Senate Resolution 226, as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the late Representative JAMES P. GLYNN, of Connecticut, the Chair appoints the senior Senator from Connecticut [Mr. BINGHAM], the junior Senator from Connecticut [Mr. WALCOTT], the Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. GLASS], the Senator from Vermont [Mr. DALE], and the Senator from Missouri [Mr. HAWES].

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 32, paragraph 83, line 24, the Senate, as in Committee of the Whole, struck out the words "three-eighths" and inserted "one-half," so as to read:

Sodium sulphide, one-half of 1 cent per pound.

Mr. BARKLEY. Mr. President, the reservation of that amendment was made by the Senator from Utah [Mr. KING]. I have heard no word from him, and I do not know just what the reason for the reservation was. So far as I am concerned I have not anything to say about it, and the amendment may be concurred in.

The PRESIDING OFFICER. Without objection, the amendment is concurred in.

The next reserved amendment was in paragraph 82, page 33, line 1, "sodium sulphite."

Mr. BARKLEY. The statement I made as to the preceding amendment applies also to that.

The PRESIDING OFFICER. Without objection, the amendment is concurred in. The clerk will report the next reserved amendment.

The LEGISLATIVE CLERK. On page 37, line 6, Portland cement.

Mr. KEAN. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 37, line 7, subsection (b), it is proposed to perfect the provision stricken out as in Committee of the Whole by striking out "8" and inserting "6," so as to read:

Roman, Portland, and other hydraulic cement or cement clinker, 6 cents per hundred pounds, including the weight of the container.

Mr. CAPPER. Mr. President, we have just passed paragraph 84, which covers starch, in which I am interested. I rise to inquire when it will be in order to move an amendment to that paragraph?

Mr. SMOOT. It will be in order just as soon as the Senate acts upon the amendment which has been reserved.

Mr. CAPPER. I give notice that I shall then move an amendment to paragraph 84 with reference to starch.

Mr. KEAN obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. I yield.

Mr. SMOOT. I ask unanimous consent that the debate on the cement amendment be limited not to exceed 15 minutes for each Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. NORRIS. I do not ask the Senator to yield. I want to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. I want to ask the Chair if the question now pending before the Senate is not, Shall the Senate concur in the amendment adopted as in Committee of the Whole?

The PRESIDING OFFICER. That is the question.

Mr. NORRIS. If that is the question, is it in order to offer the amendment which is now offered by the Senator from New Jersey?

The PRESIDING OFFICER. It is if it is an amendment to the amendment agreed to as in Committee of the Whole.

Mr. NORRIS. We are not voting on amendments; we are going to vote as to whether we shall approve the action of the Senate taken as in Committee of the Whole. The Committee of the Whole adopted an amendment. Now, the question is, Shall the Senate approve the action of the Senate as in Committee of the Whole?

The PRESIDING OFFICER. That is correct, the Chair will say to the Senator from Nebraska, but if the amendment of the Senator from New Jersey is to——

Mr. KEAN. Mr. President——

Mr. NORRIS. Let me get through with the Chair first, please.

The PRESIDING OFFICER. If the amendment offered by the Senator from New Jersey applies to the amendment that was made as in Committee of the Whole it is in order.

Mr. NORRIS. Then, would it not follow that we are voting again upon the amendment?

The PRESIDING OFFICER. It would.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

Mr. KEAN. A parliamentary inquiry.

Mr. BARKLEY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. SMOOT. If the decision of the Chair just announced is correct, would not the amendment of the Senator from Kansas [Mr. CAPPER] be in order at this time?

The PRESIDING OFFICER. The Chair did not hear the Senator from Kansas offer an amendment.

Mr. CAPPER. When we reached paragraph 84 I stated that I desired to offer an amendment at the proper time to that paragraph, though it is not included in the list of reservations.

Mr. SMOOT. I beg pardon of the Senator from Kansas. I thought his amendment was to the Portland cement item.

The PRESIDING OFFICER. The Chair will state that the Senator from Kansas——

Mr. CAPPER. My understanding is that at the conclusion of the consideration of the reserved amendments, I will have a right to offer that amendment?

Mr. SMOOT. Yes.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that there has been no amendment offered as in Committee of the Whole to that particular paragraph, and therefore the amendment of the Senator from Kansas would not now be in order.

Mr. CAPPER. I merely gave notice that I intended to offer such an amendment at the proper time, and I inquired when I might offer it.

The PRESIDING OFFICER. The Senator may offer the amendment at the time which has been indicated by the Senator from Utah.

Mr. KEAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey will state his parliamentary inquiry.

Mr. KEAN. Is not my amendment on page 87, line 7, to provide a duty of 6 cents instead of 8 cents on Portland cement in order?

The PRESIDING OFFICER. That amendment is in order.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BARKLEY. It strikes me, if the Chair will permit me to say so, that there are only two motions in order: One is to concur in the amendment adopted as in Committee of the Whole or to concur in it with an amendment. If the Senator from New Jersey desires to offer a different rate from the one which we struck out as in Committee of the Whole it strikes me the proper motion is to concur in the amendment with an amendment.

The PRESIDING OFFICER. That would be virtually what we do, but the form of the rule is to amend the amendment; that is not only the practice of the Senate, but that is in accordance with parliamentary procedure.

Mr. NORRIS. Mr. President, the object I had in view in submitting my parliamentary inquiry was to have an understanding before we proceed—either course will suit me and I do not care as to that—but I take it now, under the ruling of the Chair, that the amendment of the Senator from New Jersey is an amendment to something that was stricken out as in Committee of the Whole. If the amendment of the Senator from New Jersey should prevail, then when we come to vote on concurring in the amendment we would concur, if we concurred at all, in the amendment as amended.

The PRESIDING OFFICER. The Senator is correct. The Senator from New Jersey is recognized.

Mr. KEAN. I ask that my amendment be stated again.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from New Jersey.

The LEGISLATIVE CLERK. In the amendment made as in Committee of the Whole, on page 37, line 7, it is proposed to strike out "8" and insert "6," so as to read:

> Roman, Portland, and other hydraulic cement or cement clinker, 6 cents per hundred pounds, including the weight of the container.

The PRESIDING OFFICER. That amendment is in order.

Mr. BARKLEY. Mr. President, does the Senator from New Jersey want to discuss the amendment?

Mr. KEAN. Yes. As I understand, Mr. President, there has been an agreement to limit debate on the cement item to 15 minutes?

The PRESIDING OFFICER. Under the agreement debate is limited on the cement item to 15 minutes for each Senator. The Senator from New Jersey has 15 minutes, if he desires to use it.

Mr. KEAN. Mr. President, I have proposed an amendment providing for a duty of 6 cents per hundred pounds—22.8 cents per barrel—on Portland cement and Portland cement clinker in lieu of the duty of 8 cents per hundred pounds recommended by the Finance Committee. The latter rate was fully justified by the testimony before the committee and by information furnished the committee by the Tariff Commission. It was, however, defeated in the Senate, and my amendment is offered in lieu of the 8-cent rate.

Cement is a heavy commodity and carries high freight rates in relation to the value of the product. On this account the territory that can be reached by the different cement mills is limited. It is generally conceded that the importation of foreign cement affects only a narrow strip of territory along the seaboard, and at the hearings it was admitted by both sides that foreign cement could not penetrate further than trucking distance from the seaboard. Therefore, in the consideration of this case the seaboard cement industry must be taken as a separate industry.

While the volume of imports is small as compared to the total consumption in the United States, the imports are actually from 10 per cent to 12 per cent of the consumption at the seaport markets. Therefore, a duty on cement can not add one cent to the prices in the interior. The main effect of this small tariff will be to prevent additional losses to the American manufacturer and enable him to more nearly compete with foreign cement.

This proposal will in no way constitute an embargo against foreign cement. All the available information indicates clearly that the difference in the price of foreign cement laid down at the different seaboard markets varies in favor of the foreign manufacturer from 38 cents per barrel to $1.16 per barrel. Therefore, the duty of 22.8 cents per barrel will certainly not keep out any foreign cement, but will tend solely to minimize and stop additional losses on the part of the American manufacturers in meeting foreign competition at seaboard markets.

When this subject was previously considered in the Senate a great deal was said about abnormal profits in the industry. It is entirely true that there have been two or three outstanding successful companies. Those companies, however, were the pioneers in the business, and in the early days of the industry paid out little or nothing in dividends. They put the money back in the business, which enabled them to build up a business of large proportions, and which later enabled them to return to their stockholders substantial returns in the way of stock dividends, and so forth. This, however, is the exception and not the rule, as the history of the cement industry is strewn with financial wrecks.

The figures showing income on invested capital for the seaboard industry, which are filed in the RECORD, show that the income on invested capital for the year 1928 of the seaboard mills was 4.14 per cent, and I am sure that when the figures for 1929 are available that this figure will be reduced to about 3 per cent.

The opposition attempted to prove abnormal profits by showing the percentage of profit on sales by a number of companies. The cement business is a peculiar business, and such a comparison is entirely unfair. Where a heavy fixed capital is necessary in an industry, as in cement, the relation of profit to gross sales is absolutely no index of profits on capital invested. The only profit figure of any significance is that which shows what profit was made on the capital, which must necessarily be tied up in the industry.

A cement mill with a million-barrel capacity will require fixed capital of approximately $3,000,000. The normal ratio of production to capacity in this industry is about 70 per cent. This figure can be checked from the Bureau of Mines of the Department of Commerce. Therefore, such a company would market about 700,000 barrels annually, and at present prices their sales would amount to a little over $1,000,000 a year. Therefore, in the cement business it takes approximately three years to turn over the invested capital. To substantiate this, I have the report for 1929 of one of the companies which shows an invested capital of approximately $31,000,000 and sales of $11,000,000. I might also add that, so far as this particular company is concerned, its plants are carried at a conservative value—in fact, very much less than the actual replacement value. This proves my contention that it takes almost three years to turn over the invested capital. Therefore, to get the true return on invested capital, the percentage of profit on sales would have to be divided by three.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. KEAN. Yes; I yield.

Mr. NORRIS. Does the Senator believe that the 8-cent rate provided for is too high?

Mr. KEAN. No.

Mr. NORRIS. Then why is the Senator offering a motion to make it 6 cents?

Mr. KEAN. Because I hope some of the Senators who thought that an 8-cent rate was too high will consent to vote for a 6-cent rate.

Mr. NORRIS. Let me ask the Senator another question. Is not the real object to put up a legislative peg here, so that Senators who want to change their votes from the Committee of the Whole will have a place to hang them on?

Mr. KEAN. No.

Mr. NORRIS. That is not it?

Mr. KEAN. No.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. KEAN. I do.

Mr. McMASTER. The Senator from New Jersey, of course, is aware of the fact that immediately after this vote upon cement the former vote will be published in the RECORD; and there may be some Senators who will change their votes.

Mr. KEAN. I hope so. I shall be glad if the Senator from South Dakota will change his vote.

Mr. McMASTER. They may desire to furnish some explanation of the change; and if the Seantor reduces the rate by 2 cents a hundred pounds, of course, that will afford some little excuse or justification for their action.

Mr. KEAN. That is a large percentage.

Mr. McMASTER. But when they go before the country to explain their votes it will be a vastly different thing than explaining them on the floor of the Senate.

Mr. KEAN. I feel confident that when they go before the country they will be able to explain their votes to the satisfaction of their constituents.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey further yield to the Seantor from Nebraska?

Mr. KEAN. I should like to yield, but my time is very limited. If the Senator wants to ask me a real question, I shall be glad to answer it.

Mr. BORAH. Mr. President, I desire to ask the Senator a real question.

Mr. KEAN. I shall be glad to yield to the Seantor.

Mr. BORAH. What is it that has induced the Senator to change the amendment from 8 to 6 cents if 8 cents was necessary when the matter was discussed before?

Mr. KEAN. As I say, there are some Senators who have told me that they hoped I would offer this amendment, because they have looked into the question and they thought they could vote for 6 cents, but they did not feel they could vote for 8 cents.

Mr. BORAH. But evidently the Senator still thinks that 8 cents is necessary.

Mr. KEAN. I do.

Mr. BORAH. Then the Senator is proposing the rate of 6 cents in order to accommodate those Senators who want to vote with him?

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. KEAN. Yes; I yield.

Mr. BARKLEY. I do not desire to take up the Senator's time; but the Senator also understands that if this 6-cent amendment is adopted, the only thing that will be in conference then is the difference between 6 cents and 8 cents; whereas if the Senate concurs in the amendment adopted in Committee of the Whole, the scope of the conference will be the whole range between nothing and 8 cents. The Senator appreciates that, too, does he not?

Mr. KEAN. I do.

The profits in the whole cement industry show a steady downward trend, and in the case of the few companies for which I have seen the figures for 1929 they show profits of about 50 per cent of what they were in 1925. Compared with the profit in other manufacturing industries, the return on the investment in the cement business is extremely unfavorable and is decreasing year by year. In 1928 a study of the returns from 268 manufacturing industries shows that the average return for all manufacturing companies was 12 per cent; for the seaboard cement industry in that year it was 4.14 per cent; and, as heretofore stated, the return for this portion of the industry for 1929 will be not more than 3 per cent.

The difference in wages in the Belgian cement industry and the American industry is well known, the wages in this country being approximately five times the amount paid in Belgium. This same difference permeates into all of the materials used in the manufacture of cement, such as coal, gypsum, and so forth, and gives the foreign manufacturer a very decided advantage in the cost of manufacture over the United States industry.

Salaries and wages for the entire industry amount to 39 cents per barrel, divided as follows:

		Cents
Direct wages	per barrel	30
Salaries, exclusive of officers	do	7
Officers' salaries	do	2

There is, of course, a very large indirect labor cost in the mining of coal and other materials entering into the manufacture of cement and in the transportation by the railroads of these commodities to the mill and the outbound cement shipments.

I am submitting for the RECORD figures from the Bureau of Labor from 1926 to the fall of 1929.

The VICE PRESIDENT. Without objection, the statistics will be printed in the RECORD.

The matter referred to is as follows:

LABOR

This document is submitted for the record, and speaks for itself. In it are contained figures on employment and pay rolls for cement mills from 1926 to the fall of 1929. The figures are those of the Bureau of Labor. They show a decline in numbers employed and in pay rolls in seaboard cement mills of 30 per cent in the last three years. During the same period employment declined in interior cement mills about 8 per cent. Increase in efficiency of operations undoubtedly contributed somewhat to the decline in employment. It is a fair inference from the figures that the decline due to increased efficiency is represented by that of the interior mills, namely, 8 per cent. The additional decline of over 20 per cent on the seaboard reflects the condition of the industry in that section arising from foreign competition. The efforts of every governmental and industrial agency are being directed toward alleviating the unemployment problem. The seaboard cement industry furnishes a striking example of the necessity for some relief. Nearly 300 out of every 1,000 cement workers in that section have lost their jobs in the last three years.

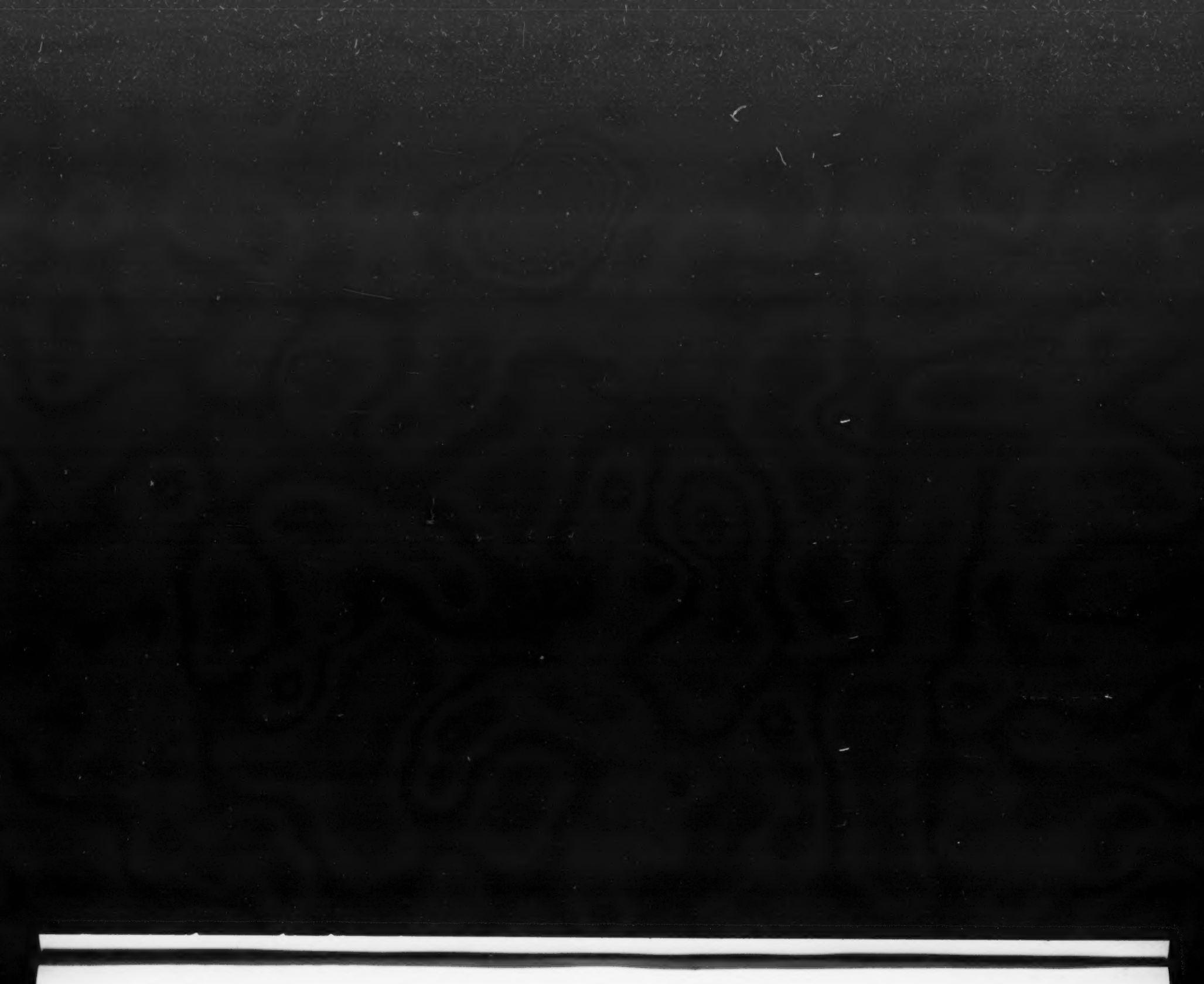
Indexes of employment and pay-roll totals in the cement industry, January, 1926, to September, 1929, for the entire country and two geographic groups

(Monthly average, 1926=100)

Month and year	Employment			Pay-roll totals		
	General index (entire industry)	A [1]	B [2]	General index (entire industry)	A [1]	B [2]
1926—January	94.2	98.8	85.1	86.8	92.4	78.7
February	92.9	98.4	86.4	88.4	92.5	82.5
March	92.5	97.6	86.0	91.3	95.7	84.1
April	96.2	98.7	92.9	94.9	98.6	91.6
May	101.2	100.9	102.4	102.3	101.3	105.9
June	104.3	101.6	107.7	108.1	104.4	113.3
July	105.5	102.3	110.1	104.1	102.3	107.4
August	106.0	102.7	110.6	111.9	107.5	116.5
September	105.3	101.3	111.0	107.3	103.5	111.7
October	103.9	101.1	107.4	107.2	105.7	110.2
November	101.3	99.5	104.3	102.8	100.8	104.9
December	96.1	97.0	95.9	95.3	94.8	95.4
Average	100.0	100.0	100.0	100.0	100.0	100.0
1927—January	89.4	91.4	86.0	83.8	85.5	79.9
February	87.4	87.7	84.2	84.9	85.5	81.2
March	92.5	93.7	87.5	91.7	90.9	87.8
April	96.2	94.4	96.5	98.8	96.1	98.8
May	98.6	94.3	101.5	106.0	101.1	109.2
June	100.7	94.1	105.5	104.2	97.5	110.1
July	101.7	94.5	107.5	101.6	94.8	106.5
August	101.6	95.2	106.5	103.2	93.7	111.4
September	100.8	93.6	107.5	101.6	94.7	108.3
October	98.1	92.1	104.1	100.1	92.8	107.8
November	94.5	89.3	101.2	94.8	88.8	101.5
December	88.1	83.0	93.9	87.0	81.0	93.1
Average	95.8	91.9	98.5	96.5	91.9	99.6
1928—January	83.3	80.3	87.7	83.1	78.5	89.0
February	81.2	74.4	87.3	78.8	69.9	87.0
March	83.5	77.5	88.3	81.0	73.7	87.0
April	86.2	79.9	91.8	88.1	79.2	96.6
May	89.7	82.2	97.5	92.5	84.4	102.2
June	92.1	81.3	102.8	93.3	83.1	104.6
July	92.6	82.3	103.3	95.4	84.5	108.2
August	94.0	83.0	105.8	96.3	85.3	109.3
September	91.2	78.4	102.4	92.0	77.1	107.7
October	89.6	75.3	102.7	92.0	77.3	108.5
November	86.6	73.9	97.8	85.4	72.8	98.7
December	82.8	73.0	90.7	81.1	70.0	91.8
Average	87.7	78.5	96.5	88.3	78.0	99.2
1929—January	78.5	67.9	86.4	72.0	60.9	81.7
February	77.5	70.1	82.0	74.1	65.5	81.5
March	79.5	71.1	84.3	77.5	68.0	84.3
April	81.2	70.2	89.1	81.7	69.9	91.6
May	83.7	72.6	92.7	85.1	72.6	97.6
June	85.5	74.0	95.9	87.6	74.2	102.4
July	86.0	73.6	97.1	85.0	72.8	98.4
August	85.8	74.2	96.8	87.8	74.7	103.0
September	84.2	70.3	97.5	87.3	69.7	106.9
Average (9 months)	82.4	71.6	91.3	82.0	69.8	94.2

[1] A=Maine, New York, eastern Pennsylvania, New Jersey, Maryland, Virginia, Tennessee, Alabama, and Georgia.

[2] B=Ohio, western Pennsylvania, West Virginia, Michigan, Wisconsin, Illinois, Indiana, Kentucky, Missouri, Iowa, Minnesota, Nebraska, Kansas, Colorado, Montana, and Utah.





Mr. KEAN. These figures show a decline in numbers employed, and in pay rolls in seaboard cement mills of 30 per cent in the last three years. During the same period employment in interior cement mills declined about 8 per cent. Increase in efficiency undoubtedly contributed somewhat to the decline in employment, which is about the decrease shown in the interior mills. Therefore, the additional decline of over 20 per cent on the seaboard reflects the condition of the industry in that section, due at least partly to foreign competition. Nearly 300 out of every 1,000 cement workers in that section have lost their jobs in the last three years.

Wages paid in the cement industry compare very favorably with those of the other industries in this country; and there is no desire on the part of the American manufacturers to bring down the standards of living. On the contrary, those engaged in this industry have always favored a fair wage for their employees; and they are asking for a protective duty in order to run their mills at nearer capacity, and under conditions more favorable to employer and employee.

The VICE PRESIDENT. The time of the Senator from New Jersey has expired.

Mr. VANDENBERG. Mr. President, there is another decided difference between the situation to-day and that which existed when the Senate voted upon the cement tariff before. It is not merely a question of the difference between 8 cents and 6 cents in the rate. There is a very practical and very serious difference beyond that.

We have been talking all the time about cement as being a free-list commodity; but the fact of the matter is that there has been an 8-cent countervailing duty against Canada constantly since 1922. Therefore, along the entire international boundary, where the exposure to Canadian competition is immediate, there has been an 8-cent protection against Canadian cement, as a result of that section of the existing law which permits a countervailing duty to be assessed when Canada itself assesses a duty in kind.

Within the past 10 days the Senate has stricken from the bill all countervailing duties. Therefore, the Senate within the past 10 days or 2 weeks has voted out of the law the existing 8-cent protection against Canada. In other words, when we vote to-day, we are voting not merely on the question of raising the duty on continental cement from zero to 6 cents, but we are voting on the question of restoring 75 per cent of the existing protection so far as Canada and the State of Michigan, for instance—which is the second largest cement producer in the country—is concerned.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. If that be true, then when we had a countervailing duty, as we did have when we voted in Committee of the Whole, there was not any reason for the contention made by the Senator from Michigan and all others who were with him in favor of a tariff. If you were already protected by a countervailing duty, then at that time you were really asking for a double duty.

Mr. VANDENBERG. On the contrary, Mr. President, so far as the State of Michigan and the cement industry along the international boundary are concerned, the former amendment merely represented the permanent validation of the existing countervailing duty. The pending amendment merely restores 75 per cent of this protection. I use Michigan simply as an example of the situation that would exist the entire length of the international boundary so far as cement production is concerned.

I desire to call the Senate's attention to these facts:

First, with 16 mills, Michigan is the second largest producer of cement in the United States. Our immediate exposure is Ontario, of course, across the line. Ontario, in turn, is one of the largest cement producers in Canada, producing 35 per cent of all the Canadian production.

Listen to this: The Ontario price per barrel f. o. b. plant is $1.41. That is the sales price at the Canadian plant, $1.41. The Michigan cost per barrel is $1.57. I think these figures are incontrovertible. I accept them as such, at any rate, because they seem to come from reliable sources.

Mr. BORAH. Mr. President, what is it that enters into the production in the United States, just across the line, which makes it more expensive than in Canada?

Mr. VANDENBERG. I am unable to tell the Senator. Does the Senator deny the accuracy of the figures?

Mr. BORAH. I deny the accuracy of the cost to the producers in Michigan, if it is in excess of the amount it costs in Canada, because the investigation shows that the cost of production is equal on both sides of the line. Labor is paid the same, and the machinery is the same.

Mr. VANDENBERG. If the Senator can not produce his proofs, much as I respect his genius, I am unwilling to take his dictum as the last word in economics.

Mr. BORAH. I am not offering dictum; I am offering facts which I understood to be conceded.

Mr. VANDENBERG. Where does the Senator get his facts?

Mr. BORAH. The cost of production in the United States and the cost of production in Canada are not different. Cement in Canada is selling at a price which we would be charging if we were selling at a price commensurate with the prices of other commodities since the World War.

Mr. VANDENBERG. Mr. President, much as I would like to yield further, I can not, or my time will expire and I will suffer the same fate the Senator from New Jersey did.

The figures I am submitting come officially from the Tariff Commission source, and I assume I am entitled to rely upon them. Relying upon them, I make the statement that the sales price of cement in Ontario is $1.41, as compared with a cost price in Michigan of $1.57.

Whether the difference is more or less, the physical fact remains—and the Senator from Idaho can not deny it—that the cement industry in Michigan since 1922 has been developed under the protection of an 8-cent rate against Canadian cement. The pending amendment saves but 75 per cent of this protection to a great industry and a large employment.

Mr. WALSH of Montana. Mr. President——

Mr. VANDENBERG. Senators may analyze the statistics as they please; that is the physical fact.

Mr. President, how much time have I left?

The VICE PRESIDENT. Eight minutes.

Mr. VANDENBERG. I yield to the Senator from Montana.

Mr. WALSH of Montana. In order that we might properly appraise the value of the figures given us, can the Senator state the different elements entering into the cost in Canada and in Michigan?

Mr. VANDENBERG. I can not. I am merely taking the total as it is given me by the commission.

Mr. WALSH of Montana. Are wages lower in Canada than they are in Michigan?

Mr. VANDENBERG. I have not analyzed the figures. I am giving the Senator the total. The Senator, however, no matter how much he tries to subdivide the arithmetic, can not escape from the conclusion that the cement industry has had its development during the last eight years in Michigan, the second largest cement producer in the country, under the benefit of an 8-cent protection against Canada, and this life-saving benefit is now withdrawn.

We have discussed cement in the Senate heretofore entirely as though it were a free list product. There was never a word mentioned in the previous debate about the fact that we have this countervailing duty protection against Canada. Within the last 10 days the Senate has stricken down that protection. Therefore, so far as Canadian competition is concerned, when the Senate votes for the amendment offered by the Senator from New Jersey, it merely votes to retain 75 per cent of the existing protection which we have against Canadian competition, and, so far as Michigan, the second largest cement producer in the country, is concerned, Canadian competition is the only thing we have to fear at all.

Mr. NYE and Mr. BARKLEY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. How much time have I left?

The VICE PRESIDENT. Six minutes.

Mr. VANDENBERG. I yield to the Senator from North Dakota.

Mr. NYE. I would like to ask the Senator from Michigan if he opposed the move to abandon the countervailing duty on cement.

Mr. VANDENBERG. I certainly did.

Mr. BARKLEY. Mr. President, if the Senator stated what the duty on cement from Canada is, I did not hear what he said.

Mr. VANDENBERG. Eight cents per hundred pounds, plus 20 per cent ad valorem on bags.

Mr. BARKLEY. There is a refund on bags, is there not?

Mr. VANDENBERG. Yes; but that is reciprocal both ways.

Mr. BARKLEY. So that the bag end of it does not count?

Mr. VANDENBERG. The bag end washes itself out each way. The thing I am discussing is the 8-cent rate, which has existed since 1922, and I repeat that the amendment proposed by the Senator from New Jersey will merely provide 75 per cent

of the protection under which our great cement industry has been developed.

Mr. BARKLEY. Mr. President, will the Senator yield just a moment there?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. What did the Senator give as the figures of the cost of production in Canada?

Mr. VANDENBERG. I gave the selling prices in Canada. The average selling price per barrel f. o. b. plant in Ontario is $1.41.

Mr. BARKLEY. What is it in Michigan?

Mr. VANDENBERG. The Michigan cost price per barrel is $1.57.

Mr. BARKLEY. What is the selling price in Michigan?

Mr. VANDENBERG. I do not have that figure.

Mr. BARKLEY. It will not be $1.57. It is more apt to be about $2.50, is it not?

Mr. VANDENBERG. I do not have the figure. The comparison I have given suffices to make the point I am submitting to the Senate.

Mr. BARKLEY. But, if the Senator will yield, it is hardly fair to try to compare the selling price in Canada with the cost price in Michigan.

Mr. VANDENBERG. It is obviously fair when the selling price, to which the Senator refers, is lower in Canada than the cost price is in the United States. The selling price in the United States would simply make a wider spread in the figures and increase the force of my exhibit.

Mr. BARKLEY. If the Senator will yield further——

Mr. VANDENBERG. I am sorry, I can not yield further. My time has practically expired, and I will have to ask the Senator to speak in his own time.

Mr. COUZENS rose.

Mr. VANDENBERG. I yield to my colleague.

Mr. COUZENS. In answer to the Senator from Kentucky, the average selling price of cement over a number of years in Detroit, for example, has been $1.95. Those are the figures of the Tariff Commission, and that has been the price for a number of years.

Mr. VANDENBERG. Mr. President, in conclusion I submit the following telegram from the Petoskey Portland Cement Co., which is one of the great cement industries of the Middle West, reading as follows:

> We understand Senate's recent action relative tariff on cement has removed all countervailing duties, thus eliminating former protection of 8 cents a hundred pounds on Canadian cement. Canada has approximately 6,000,000 barrels annual surplus production, and this constitutes a serious threat to American manufacturers along border.

Mr. President, I voted for the 8-cent duty on cement, and I voted for it without submitting an argument to the Senate, on the basis of a memorial unanimously adopted by the Michigan State Legislature in favor of the 8-cent duty. I voted for it then under those circumstances. Certainly I am justified in voting for it now, and in hoping to enlist aid from others now, when the pending proposal involves an actual reduction of 25 per cent in the protection which we already enjoy against Canada. As regards European cement, none of it reaches the interior, and the tariff, whatever it is, can not affect the price of cement to the ultimate consumer by one single cent.

Mr. McMASTER. Mr. President, I have listened with a good deal of interest to the astounding proposal to renew an amendment to place a duty upon cement.

In reference to the figures submitted by the Senator from Michigan as to the cost of cement in the State of Michigan, the figures which he presented, of course, were not the Tariff Commission figures, as he represented on the floor of the Senate, but simply the result of a questionnaire that was sent out by the Tariff Commission.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McMASTER. I yield only for a question.

Mr. VANDENBERG. I simply do not want the Senator to impugn the veracity of my statement. The figures were obtained by me from the Tariff Commission, and there is no argument about it.

Mr. McMASTER. If the implication was that the Tariff Commission had made an investigation and ascertained the facts in regard to the matter, then I want to say that there is no authority for the Senator making a statement along that line.

Mr. VANDENBERG. The Senator can draw his own implication. I made the statement as to the source of the information.

Mr. McMASTER. I simply want to tell the Senate the facts in regard to the matter, that the Tariff Commission sent a questionnaire out to the manufacturers asking them what the costs were. The manufacturers knew that when they submitted those figures they were submitting them upon the basis of obtaining an increased tariff, that there was no likelihood whatever of the Tariff Commission investigating those figures.

In reference to competition in Michigan, I will admit that in Belgium, probably, cement can be manufactured much cheaper than it can be in the United States or in Canada. Yet during all these years there has been no tariff on cement, and what would have prevented the Belgian interests from shipping cement down the St. Lawrence and over the Great Lakes and into the State of Michgan? Yet not one barrel of cement has come from Belgian interests to that source, on account of difficulties of transportation, and because of the fact that they could not compete under those circumstances with the State of Michigan without any tariff whatsoever upon cement.

Mr. DILL. Mr. President, will the Senator yield?

Mr. McMASTER. I yield.

Mr. DILL. The Senator does not make that statement about Belgian cement coming to the Pacific coast, does he?

Mr. McMASTER. No; I am going to touch that a little later. I shall get into that.

Generally speaking, the complaint is made by the cement industry, particularly in the Eastern States, that it can not compete with Belgian cement, that Belgian cement during the last six months or year has been hammering down the price of American cement. What are the facts in regard to this matter?

The Hawley bill came over from the House in June, and was referred to the Finance Committee. When the contents of that bill became known to the country, and it was learned that the interests were attempting to make a raid upon the agriculture of this country by placing a tariff upon basic building materials, a protest arose from every section of the Northwest in regard to that.

The cement interests of this country then became alarmed. They knew they had to do something to convince Congress that they needed this duty, and what did they do? In the month of August, when this matter was up for consideration before the Finance Committee, the Cement Trust in the Eastern States, beginning with Philadelphia, lowered the price of cement by 30 cents a barrel, and in the Atlantic Coast States they lowered it by 20 cents a barrel.

Then the Cement Trust and the cement interests started to work for this tariff of 31 cents a barrel, and finally their lobby here in Washington sent out reports to the cement interests that everything was fixed, that they would receive a tariff of 31 cents a barrel on cement. When the cement interests were positively assured of that, what did they do? In the month of November in the city of Philadelphia they raised the price of cement by 30 cents a barrel; in the city of New York and in the city of Boston, where they had competition with the Belgian interests, and claimed that they were being crushed, in the face of all of that, they raised the price of cement by 20 cents a barrel. They dominate and they dictate the price of cement in the United States, regardless of this foreign competition.

I want to say a word to the Senator from New Jersey. There are two cement mills in his State. He claims, of course, that they are being crushed by this Belgian competition in the city of New York.

The facts are that all of the mills in the East which supply cement to the city of New York manufacture 52,000,000 barrels of cement a year. All that the foreigners can sell in the city of New York is 212,000 barrels a year. In other words, if we put an embargo upon cement from Belgium in the city of New York the only increased market that will come to those two factories in the State of New Jersey will be one barrel in 250. In other words, for every 250 barrels sold in the city of New York by American producers Belgium will sell just one barrel.

When we are told that one-third of the labor in the East in the cement mills is out of employment because of foreign competition, we can not reconcile that statement with the facts. It can not be done, because when we import only 600,000 barrels of cement for Boston, Philadelphia, and New York, it represents only about one barrel in 100 that is sold there, so how can that foreign competition in cement throw out of employment one-third of all the labor in the cement industry?

I want to say this to the Senators who are talking about throwing labor out of employment. In 1927 the Belgian Government started a move to put an embargo through a tariff upon American automobile parts which were being imported into that country. Then the automobile industry of America exerted every ounce of its power to influence the Belgian Government to refrain from that action, and it did refrain. In view of the fact that we sell to the Belgian people $111,000,000 of products a year and they sell to us only $75,000,000 worth, I say to Senators who come from the automobile-manufacturing States that if they try to put an embargo upon cement and brick and plate glass, the Government of Belgium is going to retaliate against

them and they will have their votes to answer for in placing an embargo against Belgium upon cement.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. McMASTER. I yield.

Mr. FLETCHER. Can the Senator tell us anything about the difference in the cost of production in Belgium and in the United States? I do not know that that has been stated.

Mr. McMASTER. The Tariff Commission submitted to the Finance Committee a statement in regard to that matter. However, there was nothing accurate about the statement. They simply took the statement of the American manufacturers without verifying the figures, without sending an accountant to check up their accounts, and hence it is impossible for me to state accurately the figures, except that the difference in cost is so small that no Belgian cement can be imported 10 miles into the interior from any seaboard city.

Mr. FLETCHER. It has been stated to me, and I think it is true, that the Belgian cement is being imported into Tampa, where we have a cement plant, and that it is being imported at a cost of about 14 cents a barrel.

Mr. McMASTER. That is ridiculous. That statement is ridiculous. If it could be imported into Tampa at 14 cents a barrel, cement could penetrate far into the interior of the country.

Mr. President, I want to call the attention of the Senate to another matter. The Lehigh Valley Portland cement interests around Philadelphia complained before the committee that they could not meet Belgian competition. The Tariff Commission furnished to the Finance Committee the selling prices of cement in the United States on a certain day, and in that statement it was shown that the Lehigh Valley interests were selling cement in Philadelphia for $2.35 a barrel, while in the city of Chicago cement was selling for $2.25, 10 cents a barrel less than it was being sold for in the city of Philadelphia, and yet Chicago does not know what it is to have foreign competition, because not a barrel of Belgian cement can penetrate into the city of Chicago.

Why is it that the interior of the country is unalterably opposed to a tariff upon cement? It is for the reason that the record of the cement industry shows that the industry is gradually gravitating into the hands of the strong and the powerful of the country. The record shows that 30 days ago the United States Steel Corporation purchased one company which had seven cement plants, and such consolidations are going on constantly. The real object underlying the demand for an increased duty on cement of 24 cents or 31 cents a barrel is so that finally the strong interests, having a monopoly of the business, may increase the price of every barrel sold in the United States by 31 cents. They will thus place, in other words, $53,000,000 of an additional burden upon the consumers of cement and upon the farmers of the country. It is a drive for the purpose of further raiding the agricultural interests of the country. There are no facts which justify under any circumstances an increased duty upon cement.

Mr. HALE. Mr. President, whatever the Senator from South Dakota [Mr. McMASTER] may think about the effect of Belgian importations of cement in general, I am sure he will admit that in the case of the cement mill in my State, at Thomaston, Me., the foreign competition does directly affect us.

Mr. McMASTER. Mr. President, will the Senator answer a question?

Mr. HALE. I wish the Senator would allow me to make my statement.

Mr. McMASTER. Let me ask the Senator a question. He has made a statement, and he can answer the question in the further course of his statement. The Senator said that the mill in Maine can not compete with Belgian cement. How was it that the mill in Maine in November last entered into an agreement to increase the price of cement in the city of Boston by 20 cents a barrel and succeeded, and the price went up by 20 cents a barrel in the face of Belgian competition?

Mr. HALE. I know nothing about the agreement to which the Senator refers. I suppose he probably refers to the parent company of the mill in Maine, and that is the Lawrence Cement Co., of Pennsylvania. The mill in Maine is a branch of the parent company. It was built a year or two ago at a cost of something over $3,000,000 and has been in operation for about a year. The capacity of the mill is about 1,000,000 barrels of cement a year. They have been making about 500,000 barrels of cement a year. The natural outlet for their products would run as far south perhaps as Providence along the coast. We would expect a market in Providence, Boston, and Portland, and in the territory immediately adjoining those ports, and, of course, the market in the State of Maine. The Belgian importations to Boston alone amount to 470,000 barrels of cement a year, to Providence I think about 54,000, and Portland about 50,000 barrels.

When the matter came before the Senate previously I placed in the RECORD a letter from the president of the Lawrence Cement Co., of Maine. In this letter he stated that the cost of producing cement f. o. b. Thomaston is $1.30. In these costs he did not include interest on the investment in the plant. With interest on the investment in the plant included, the total cost would be raised 30 cents—I think that was the figure—which would have to be added to the $1.30 with the plant running at one-half production.

If it should run on 80 per cent production this additional cost would be more or less neutralized. The actual cost, including interest on the investment cost, would be substantially $1.33 a barrel f. o. b. the mill.

To deliver cement from the Maine mill to Boston, Portland, and Providence would cost 63 cents to Boston, 48 cents to Portland, and 72 cents to Providence. The delivered cost of the cement from this mill would therefore be around $1.93 at Boston, $1.78 at Portland, and $2.02 at Providence. The foreign cement at those ports is sold at a very considerably less price. Belgian cement can be delivered at Boston for $1.29, at Portland for $1.29, and at Providence for $1.29. Obviously, with Belgian cement delivered at Boston, Portland, and Providence at that price and with our cement delivered at prices of $1.93, $1.78, and $2.02, the duty of 22½ cents, which is asked for here, while it would help us, would not enable us to meet the competition; neither would the rate of 31 cents, but it would be helpful to us.

Mr. McMASTER. Which is the parent company?

Mr. HALE. I think the parent company is the Lawrence Cement Co. of Pennsylvania.

Mr. McMASTER. Is that connected with the Lehigh Co.?

Mr. HALE. I am not familiar with the ramifications of the company. All I am interested in is the Maine branch of the company, which is running at a loss at the present time—at a very great loss. About the only market that is left to us where we can meet the Belgian importations is what we can get locally in the State of Maine. The local market amounts to about one-half the possible production of the mill.

Furthermore, if what the Senator from Michigan [Mr. VANDENBERG] said about Canadian countervailing duties is correct—and I have not examined into that matter—after this we are going to meet further Canadian competition. All I ask is that something be done to help out this industry of ours, which employs a great many people and which, I think, ought to be kept on its feet.

Mr. NYE. Mr. President, during the original debate upon the proposal to write a duty on cement, claims were made relative to the losses that would be sustained by labor in certain of the States. Among them were Maryland, as to which we were told that if the duty was not written upon cement something like 1,500 men would be out of employment. I am not going to argue that point further than to say that the Census Bureau has given me information which discloses the presence of two cement plants in Maryland and two cement plants in Virginia. The four plants combined employed men to the number of 1,026, so that I think we must see that the duty is not so dangerous a thing toward the employment of labor as some would have us believe. How could 1,500 men be out of work in the Maryland cement industry when there are not that many employed in the industry in the State?

I am this morning in receipt of two telegrams, one from Albert V. Moore, president of the American Scantic Line, reading as follows:

NEW YORK, N. Y., *March 6, 1930.*

Hon. GERALD P. NYE,
United States Senate Chambers:

American steamship owners operating American flag vessels need cement cargoes coming to United States ports to maintain quick service, reasonable rates for American exporters and shippers. Please use your influence keep cement on free list. We operate weekly cargo and passenger steamers from north Hatteras ports to and from Scandinavia.

ALBERT V. MOORE,
President American Scantic Line.

Another telegram is from Joseph P. Ryan, president of the International Longshoremen's Association, reading as follows:

NEW YORK, N. Y., *March 6, 1930.*

Hon. GERALD P. NYE, of North Dakota,
Senate Office Building:

Understand another effort will be made to-day to impose duty on cement and brick. International Longshoremen's Association is keenly interested in these commodities coming in free of duty, as these cargoes

furnish employment for our men, who are badly in need of it. We would urge your earnest support in our efforts to keep these men employed.

JOSEPH P. RYAN,
President International Longshoremen's Association.

I only wish to remark in that connection, Mr. President, that from the standpoint of labor it is a question of how best American labor would be served—whether it would be in denying a duty on cement or in placing a duty upon cement.

We are told that the whole difficulty confronted by the cement producers of America lies in the competition which they are forced to meet from abroad. The February 15 issue of Business Conditions Weekly, issued by the bureau of business conditions, a division of the Alexander Hamilton Institute, makes this statement:

THE RECESSION IN CEMENT CONSUMPTION

Expansion of cement consumption was halted in 1929 for the first time since 1921. Shipments of cement totaled 169,394,000 barrels in 1929, as against 175,838,000 barrels in 1928, a decrease of 3.5 per cent.

Cement shipments

	Barrels
1919	85,613,000
1920	96,312,000
1921	95,507,000
1922	117,701,000
1923	135,912,000
1924	146,047,000
1925	157,295,000
1926	162,187,000
1927	170,922,000
1928	175,838,000
1929	169,394,000

The curtailment of the demand in 1929 was particularly distressing, because the cement industry increased its producing capacity last year to a new high record when the capacity was already in excess of requirements. There were 165 plants with an annual capacity of 261,000,000 barrels at the close of 1929, as compared with 159 plants with a capacity of 242,000,000 barrels at the end of 1928.

The output of cement last year was equivalent to only 66.4 per cent of producing capacity as compared with 74 per cent in 1928, due to both increased capacity and curtailed production. Despite the reduction in output, production exceeded shipments, and stocks on hand increased during the year from 22,918,000 barrels to 23,519,000 barrels.

Competition in the cement industry was exceptionally keen in 1929 and the downward trend of prices which has featured the situation since 1923 because of excessive capacity became more pronounced. Prices declined last year to the lowest level since 1918. The price index of cement (1926=100) was 89.2 at the beginning of 1930 as compared with 96.5 a year ago and the 1923 high of 109.6 when the downward trend started.

The reduction in the consumption of cement last year was due not only to the curtailment of building activity, but also to a decline in paving operations. Contracts awarded for paving totaled 139,663,000 square yards in 1929 as compared with 148,078,000 square yards in 1928, a decrease of 5.7 per cent. About 28 per cent of the cement output is used in paving.

It is doubtful whether cement consumption in 1930 will exceed the amount used in 1929. Some gain is possible, however, providing that the promised increase in road-building and public-construction work materializes. Under any circumstances prices are not likely to enjoy much support because the producing capacity of the industry is so large.

I contend, Mr. President, in keeping with that accounting of the situation, that a tariff is not going to afford any better condition for the American cement industry than exists at the present time. But how badly off, in what terrible shape, is the American cement industry? In the previous debate on cement I offered for the RECORD a table showing just how profitable various units of the cement industry had been during the last 5 or 10 years; and now I have before me the official organ of the cement producers, the title of the publication being Pit and Quarry, and here we find listed the names of the various companies and a summary of their earning power during the past year, and of their prospects. So, Mr. President, I can not take seriously the statement as to the terribly depressed circumstances in which the cement trade finds itself, because, in the first place, if the industry is suffering a depression at all it is traceable primarily to the lack of building operations in America, and not to the lack of a tariff to keep out the little smattering of cement that is coming in from Belgium.

The Senator from New Jersey [Mr. KEAN] has made reference to the status of certain companies that have been losing money. I would point out to him that the Florence Cement Co., with which he is conversant, had profits for the years running from 1922 to 1925 ranging all the way from $115,000 to $988,000, and a total profit in seven years of $4,286,546, or a percentage of profit to sales in that 7-year period of 16.8.

Mr. KEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. NYE. I yield.

Mr. KEAN. As I pointed out in my remarks, it would be necessary to divide that profit by three, because the capital of the company only turns over once in three years. Therefore, it is necessary to divide those profits by three to begin with, and this year that company will show a profit of not over 4 per cent on its capital.

Mr. NYE. That may be somewhat in keeping with the methods of accounting which I have understood are in vogue, to the effect that in the case of the greater cement companies in America their profits ought to be divided by three. A showing has been made to me, but there is no opportunity here now to present it, that many of the leading companies are those that have gone out and bought up other companies, merged many companies, and then for that which they have paid, we will say, $1, they have gone to the stock exchange and sold the stock of those merged institutions for $3; for every dollar of actual investment stocks were sold for $3, and now I suppose it is expected that Congress should write tariff rates that will enable them to pay a return of 6, 8, or 10 per cent upon those thus inflated stocks.

Mr. President, we heard this morning of the serious situation which prevails because of the abandonment some days ago of the countervailing duty provisions of the tariff act as they related to cement. I asked the Senator from Michigan while he was on his feet if he had protested at the time those countervailing duties were stricken from the bill, and he responded that he certainly had; but, Mr. President, for the life of me, tracing through the RECORD of March 4, when the countervailing duties were stricken from the bill, I fail utterly to find where the Senator from Michigan voiced any protest whatsoever. I insist here to-day that the countervailing duties have been stricken from the bill in more cases than that of cement for the purpose alone of affording an opportunity for the argument that the industries affected no longer have even the protection they once had in that form.

Mr. President, with that situation clear I want to say here and now if, under the program of playing with the countervailing duty features of the bill in the manner in which they have been played with, that is the only argument left for them, I insist that they come forward to-day, here and now, and ask for a reinclusion in the bill of the countervailing features rather than for a general increase in the tariff rates on the several commodities.

Mr. ROBSION of Kentucky. Mr. President, I rise to seek some information in regard to this question. I should like to inquire of the Senator from New Jersey how many cement concerns there are in this country—how many plants?

Mr. KEAN. I think there are between 125 and 150—something like that number.

Mr. ROBSION of Kentucky. How many different concerns own those plants?

Mr. KEAN. At least 60 or 70.

Mr. ROBSION of Kentucky. And how many men are employed or have been employed in this industry, and what wages do they receive annually?

Mr. KEAN. I think there are some 35,000 or 40,000 men employed in the cement industry, and, estimating that each man thus employed has five dependents, the number of those directly interested in the cement industry would aggregate about 150,000.

Mr. ROBSION of Kentucky. What amount of wages is paid to these 35,000 or 40,000 cement workers?

Mr. KEAN. The pay roll, I should say, amounts to $50,000,000 a year, or something like that; I do not have the exact figures.

Mr. ROBSION of Kentucky. As I understand, it runs somewhere in the neighborhood of $55,000,000 or $56,000,000 a year.

Mr. KEAN. I think probably that is more correct.

Mr. ROBSION of Kentucky. I did not catch the exact figures, but the Senator from New Jersey made a statement as to the number of persons who are out of employment in the industry or as to the extent employment has been reduced. I should like to have that information.

Mr. KEAN. The figures show, Mr. President, that during the past two years the employment in the cement industry in the Middle West, away from the seaboard, is in the neighborhood of 94 or 95 per cent, while on the seaboard for more than a year and a half under the conditions which prevail, the percentage of employment is only about 70 per cent of normal, of the number employed, say, a year and a half ago.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. ROBSION of Kentucky. I was about to ask another question for the purpose of securing information.

Mr. McMASTER. I should like to answer the question the Senator has just asked.

Mr. ROBSION of Kentucky. I yield.

Mr. McMASTER. The Senator from New Jersey states that employment in the cement industry during the last two or three years has been cut down anywhere from 15 to 20 or 25 per cent. Is that true?

Mr. KEAN. That is, on the seaboard.

Mr. McMASTER. Yes; but the record shows that those same cement plants located upon the seaboard and which furnish the seaboard cities with cement, in 1928 and in the first six months of 1929 produced more cement than they produced at any time in their history. How could they produce more cement while they were cutting their labor force down 15 or 20 or 25 per cent?

Mr. ROBSION of Kentucky. The same statement might be made as to nearly every other industry. The railroads in this country handled more freight in 1928 and 1929 than ever before in their history, with two or three hundred thousand less men employed; and in other industries, for instance in the coal mines, each man is producing much more tonnage than he ever before produced, yet there are less men employed.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. ROBSION of Kentucky. I yield.

Mr. NORRIS. Mr. President, that situation probably came about because of the use of more efficient machinery. More cement is now produced with less labor; but is that any reason why we should impose a tariff on cement? It is a good argument why we should take the tariff off, when, on account of efficiency, they have been able to produce it at a less cost?

Mr. ROBSION of Kentucky. Mr. President, I want to make a further inquiry of the Senator from New Jersey.

Mr. KEAN. Mr. President, I should like, first, to make a suggestion if the Senator from Kentucky will yield to me.

Mr. ROBSION of Kentucky. I yield to the Senator from New Jersey.

Mr. KEAN. I should like to suggest to the Senator from Nebraska that the machinery used by the cement industry in the Middle West is the same as that which is used in New Jersey and Pennsylvania. In the Middle West, however, the employment was about 95 per cent, compared to the number employed two years ago; while in New Jersey the employment was only about 70 per cent of what it was two years ago. That, I think, is a reply to the Senator from Nebraska.

Mr. ROBSION of Kentucky. Is it the belief of the Senator from New Jersey that the lack of this protection will add greatly to the unemployment in the cement industries along the Atlantic coast?

Mr. KEAN. Mr. President, it has already added to the unemployment; and every vote I have cast here has been in an effort to aid labor, so that the unemployment will be alleviated.

Mr. ROBSION of Kentucky. Further, how far in the interior is this cement from the Atlantic coast shipped?

Mr. KEAN. The report of the experts of the Tariff Commission shows that on the average the freight rate from the cement plants of Pennsylvania and New Jersey to the cities of New York, Boston, and other seaboard points is more than the freight rate from Belgium.

Mr. ROBSION of Kentucky. Then it is the contention of the Senator from New Jersey that this cement could not penetrate to any great distance in the interior—perhaps only 50 or 100 miles?

Mr. KEAN. That is about the limit of the possible shipment.

Mr. ROBSION of Kentucky. If this duty were placed upon cement along the Atlantic seaboard and, say, the Canadian border of Michigan, how would it affect the price of cement to the consumer in Kentucky.

Mr. KEAN. Not one cent.

Mr. ROBSION of Kentucky. Is it the contention of the Senator from New Jersey that the people of the Atlantic seaboard desire this tariff to protect that industry?

Mr. KEAN. I think there is no doubt about it, because that would give more employment to labor, and that is what we are all seeking.

Mr. ROBSION of Kentucky. And it would not add to the cost of cement to the people in Kentucky or other interior sections of the country?

Mr. KEAN. It would not.

Mr. ROBSION of Kentucky. How, if at all, would it benefit the people of the State of Kentucky if this duty were granted, and there were an increase in the number of people employed and the prosperity of these industries in Michigan and along the Atlantic coast line?

Mr. KEAN. Kentucky raises tobacco and wool; Kentucky raises a great many products that are consumed by the people of New Jersey and the people of Michigan; and if those people make money they buy the products of Kentucky. If they have not the money, they can not buy them.

Mr. McMASTER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. ROBSION of Kentucky. Just another question, and then I will yield.

We have some cement plants in the State of Kentucky. Are the cement people along the Atlantic seaboard interested in a financial way in the cement plants of Kentucky? What I am trying to find out is whether this whole cement proposition is in a trust, and if we help one part we help the whole.

Mr. KEAN. There is no trust. They are all competing against each other, and the competition is very keen. There are at least 97 separate companies. Of course, there are some companies that own a plant in one place and a plant in another place and a plant in a third place. That saves those companies in their selling agents and in their overhead, because they have but one president, and any company with a large distribution and having several plants in several places has less selling expense than if it has but one plant.

Mr. McMASTER. Mr. President——

Mr. ROBSION of Kentucky. I yield to the Senator from South Dakota.

Mr. McMASTER. The Senator from New Jersey states, for example, that there is nothing in common in cement prices; that there is very keen competition among the various cement factories. He states that there are 125 competing factories in the New England States and in the Atlantic seaboard States, and that there is great competition among them. Uniformly, however, the 125 factories lowered their prices in August to exactly the same price, and in the month of November the 125 factories in unison raised their prices. That, of course, displays sharp competition as far as prices are concerned.

Mr. ROBSION of Kentucky. Mr. President, I understand that there are 157 plants throughout the country, owned by 94 different concerns. I was trying to find out if those 94 concerns were operating independently of each other.

Mr. KEAN. They are entirely independent of each other.

Mr. ROBSION of Kentucky. The chief competitor in the cement business of the Atlantic coast people of the United States is Belgium; is it not?

Mr. KEAN. Yes.

Mr. ROBSION of Kentucky. How do labor costs in that country compare with our own?

Mr. KEAN. The labor cost in Belgium is about one-fifth of the labor cost in this country. Here are the official books of the Belgian companies. They show profits of anywhere from 35 to 40 per cent per annum.

Mr. ROBSION of Kentucky. The Senator is referring to the Belgian concerns?

Mr. KEAN. Yes.

Mr. ROBSION of Kentucky. Did I understand the Senator to say that Belgium could lay down cement in New York at less cost for transportation than the cost of shipping cement from the Pennsylvania and New Jersey plants into New York City?

Mr. KEAN. That is correct.

Mr. NORRIS. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. ROBSION of Kentucky. I yield to the Senator.

Mr. NORRIS. The Senator has given practically all of his time to the Senator from New Jersey. He has exhausted his own time. I have been wondering, since this little theatrical performance of questions and answers has been going on, if this is the first time the Senator has rehearsed this dialogue.

Mr. KEAN. It was not rehearsed at all.

Mr. NORRIS. That accounts, then, for the many mistakes that have been made in its rehearsal.

Mr. ROBSION of Kentucky. Mr. President, I desire to let the Senator from Nebraska know that the Senator from Kentucky has the right to rise in his place in his own time and seek information from those who have made a study of this question; and I think the insinuation is entirely improper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. KEAN].

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Stelwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brock	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

Mr. HASTINGS. My colleague [Mr. TOWNSEND] is necessarily absent from the Chamber.

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. KEAN].

Several Senators called for the yeas and nays.

Mr. HATFIELD. Mr. President, the American Portland cement industry is comparatively new, having been started about 40 years ago. Prior to that time all of the cement used in this country was imported, principally from Germany. At the start, the American industry was necessarily very crude, and in marketing their product they had to overcome prejudice due to the belief that the quality of domestic cement was not equal to that of the foreign product. Eventually, however, they wore down the consumers' resistance, and gradually displaced the cement which had heretofore been furnished by Germany, and they had little or no trouble in disposing of all of the cement they could manufacture.

However, new mills began to spring up, and they were soon confronted with a production greater than demand. In order to meet this situation they formed cooperative promotional organizations to increase the use of cement. With the knowledge gained from experience and experiments and the expenditures of large sums of money, they were entirely successful. This organization has succeeded so well that it has increased the per capita consumption of cement in this country every year from the time it was formed, except during the war years, when there was necessarily a considerable falling off in shipments of cement. To-day this country has a very much larger per capita consumption of cement than any other country in the world. However, the production of cement has increased to such an extent that according to the figures from the Bureau of Mines, Department of Commerce, there is now in this country an annual production capacity of approximately 240,000,000 barrels, and a consumptive capacity of 170,000,000 barrels of cement. Therefore, in so far as interior prices are concerned, competitive conditions will continue in the future, as in the past, to make these prices. Under these conditions it is absolutely unfair to say that the imposition of this tariff duty will add a burden on the consuming public.

In the previous debate this cost was arrived at by multiplying the total consumption of cement in the United States by the amount of the duty imposed and stated as approximately $53,000,000. This is not an accurate basis, and the imposition of this tariff will affect, and that only in a limited degree, a very small proportion of the cement consumed at the seaboard markets.

Competitive conditions in the future, as in the past, will fix the price of cement at the interior; in fact, at all other points.

I know of no industry that has been subject to more unjust criticism than the Portland cement industry. On the other hand, I know of no industry that has contributed more to make living conditions more comfortable or to add more to the hygienic conditions in this country than this same industry.

Through their promotional efforts, in cooperation with State, county, and municipal authorities, they have developed the concrete highway, which makes all parts of the country accessible at all times of the year and furnishes us with roads over which we ride with the minimum of expense and the maximum of comfort. They have developed highway and railroad bridges of great strength and beauty. Other great structures and large engineering projects stand as a monument to this industry. Our airports are being developed with concrete. The small uses of concrete around the home and on the farms have been extended in a very successful way, and I am told that experiments are now being made with a concrete roadbed for railroads.

Through this educational campaign the use of cement has been made possible and known to practically every man, woman, and even to children.

The obvious answer to the charge that there is a monopoly in the domestic cement industry is found in the fact that there are in the United States 158 privately owned and operated plants; that the ownership of these plants is divided among 94 independent companies; and that the largest single company produces a little more than 10 per cent of the total output.

This whole question of monopoly was completely disposed of in the Government's case against the cement companies, which was finally decided in favor of the cement companies by the Supreme Court. Extracts from this decision were cited on the floor of the Senate by the senior Senator from New York when this subject was previously discussed.

One of the facts cited by opponents of the cement industry to prove monopoly is the uniformity of prices which prevail in any given market for different brands of cement. This matter was disposed of in the decision of the court in the following statement:

> * * * This record wholly fails to establish, either directly or by inference, any concerted action other than that involved in the gathering and dissemination of pertinent information with respect to the sale and distribution of cement to which we have referred, and it fails to show any effect on price and production except such as would naturally flow from the dissemination of that information in the trade and its natural influence on individual action. (Supreme Court decision, Cement case, 258 U. S. 588.)

This seaboard industry is in dire need of some protection. The mills in the State of Maine, those located in the great Lehigh Valley section of Pennsylvania and New Jersey, the Hudson Valley district and other points in New York State, the States of Maryland, Virginia, and West Virginia show very little or no profits for the year 1929. Those located in Tennessee, Georgia, Florida, Louisiana, and the great cement manufacturing State of Alabama show an actual out-of-pocket money loss, not counting on any return on invested capital. I am not so familiar with the manufacturing conditions in the State of Texas. I do know, however, that the industry in that State has been seriously affected, as it is particularly susceptible to foreign competition, and unless some protection is given this product we will soon find the industry in that State, as well as other seaboard States, in worse condition.

On the western coast the mills located in the States of California, Oregon, and Washington are facing a new danger. There the foreigner has already established near Los Angeles a clinker-grinding plant. He is importing the cement in the clinker form and grinding it at the seaport. This is an advantageous method for the importer to use. The cement clinker is not susceptible to shipping damage, and in this form the process of manufacture is more than 90 per cent completed, the actual grinding of the clinker being a mechanical process requiring very little labor. This plant is now bringing in clinker in additional quantities, and will be very disastrous to the mills on the western coast unless the American manufacturer is given at least a small measure of duty.

In concluding, I want to put in the RECORD the economic contributions of the United States cement industry. They are as follows:

Number of mills	158
Capital value	$643,642,300
Production in 1927 (barrels)	173,206,513
Wage earners	36,325
Wages paid	$53,565,356
Total pay roll, including salaries	$65,836,814
Materials purchased	$165,205,323
Wage earners supported in other industries	47,624
Wages paid to other industries	$70,066,362
Total wages, cement and other industries	$123,631,418
Total wage earners supported	83,949

Therefore the total wage contribution to national pay rolls is $123,631,418, paid to 83,949 workers, or an average of 71 cents per barrel. This represents labor charges for manufacture and delivery of cement to the consumer, and in contribution for which the American cement industry is directly and solely responsible.

The mill at Manheim, W. Va., was built about the year 1900 or 1901. The mill went into receivership, passing through bankruptcy several times, until it was purchased by the Alpha Portland Cement Co. in 1909. They remodeled and reconstructed the mill and operated it successfully until the World War. Due to the war, and since that time due to some other causes, there has been a continual shrinkage in the output of that plant. There is an investment of approximately two and one-half million dollars with a capacity of 1,000,000 barrels annually. There are employed, when the mill is running at full

capacity, about 250 men, and that is the only industry contributing to the support of the towns of Manheim and Rowlesburg.

Another mill located near Martinsburg, W. Va., represents at least as much investment and as much employment of labor as the mill at Manheim, W. Va.

The manufacture of cement within the State of West Virginia is covered by these two plants, but the success of the seaboard Portland-cement industry is of extreme importance to the State of West Virginia. In the manufacture of cement there is required a high-volatile gas coal for burning cement. This coal is mined in abundance in the State of West Virginia, and most of the coal consumed in the large cement manufacturing sections of Pennsylvania, New Jersey, Maryland, and New York State comes from the State of West Virginia. The estimate of shipments for such purposes would amount to at least 2,000,000 tons annually.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. McMASTER. The Senator states that the West Virginia mills are having trouble. Is that because of foreign competition?

Mr. HATFIELD. Not because of foreign competition directly, possibly, but due to the lack of demand in the interior of that section, which possibly could be relieved were it not for the importations of cement from beyond the seas.

Mr. McMASTER. In other words, if the price is raised in the East and foreign cement is excluded that will help the West Virginia mills?

Mr. HATFIELD. That is my judgment.

Mr. McMASTER. That is, they will get a bigger price for cement?

Mr. HATFIELD. Not so. I do not believe there is any combination among the 159 cement producers of this country. I think they are honest, fair Americans, and their income-tax reports will show that they are entitled to some consideration.

Mr. COUZENS. Mr. President, because of the fact that some of our good friends in the press gallery have challenged the motives of Senators, I thought I might say a word with respect to my position on the vote to be taken on the cement tariff.

When the question of cement was being considered before I voted against the proposed duty of 8 cents per hundredweight. Since that time the Senate, on March 4, repealed all the countervailing duties, which took off the 8-cent duty we had against Canada, which greatly affects the mills in Michigan and all along the border.

Another reason for voting for the pending amendment, of course, is the fact that the rate now proposed is 25 per cent less than the rate previously proposed.

I desired to make this explanation. I am not going to take up the time of the Senate to make an argument, but I wanted to give the reasons for voting for the amendment, notwithstanding what the press boys may say about it.

I am sending to the desk a letter which I will ask to have read. While this letter is not exactly related to the question before us, it has a bearing, in view of the fact that so much has been said about unemployment. I ask that the letter be read.

The PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

DETROIT, MICH., *March 5, 1930.*

Attention Senator COUZENS.
To the UNITED STATES SENATE,
Washington, D. C.

HONORABLE GENTLEMEN: An article appeared in the Detroit News of yesterday saying "COUZENS urges cash for veterans," and states further that several Senators spoke in favor of such action. We, the veterans, hope that action will be taken at once, for waiting even an extra day seems a long time when one had nothing to eat for a week.

I say "we" because I believe that what I say is the very attitude in the mind of every veteran whose family is in dire need of food and other necessities of life; and I am sure that if this letter was read in the Senate it would let these men know just what we think of those who would oppose the passage of this bill at this time.

If there is a cause which deserves Government attention at once, this is the one, and anyone who thinks that the veterans are getting a present when they are given this bonus should step into a uniform and take his post in the front-line trenches and face the ordeal we had to go through; one hour of this will convince him that there is not enough money in this world to pay a man to undertake such a task. The great mass of the American people recognize the service which the veterans have rendered to our country and are in favor of paying the bonus now and give the veteran that which he is entitled to while he is still alive to enjoy it and to keep his family from want of food and other comfort.

It should be remembered that we are private citizens now and have a right to vote. There is no censor on our mail now, and we can think and read and act just like any other citizens. All of us read the press and learn that hundreds of millions of dollars are being appropriated to enforce prohibition; also, money is being loaned to foreign countries. This prohibition and the tariff seem to take all the time of the Congress and Senate, and while these men are arguing over the question of whether a citizen can drink beer or not the veterans are waiting and hoping for action. Any sane person knows that the paying of the bonus would not only relieve the suffering of the veterans but would benefit the whole country during this depression.

The press is full of reports of Bolshevik propaganda in this country and that the Russian Government is spending money to spread communism in America. There may be some truth in this; but we of the working class know that when depression comes and we want work to support our families, and if any attempt is made by the workmen to get together and ask for a chance to make a living, he is called a red, I. W. W., and a communist. If communism is spreading in America to-day, who is responsible for its cause? The manufacturers and capital in general are more interested in record production and dividends than they are in the welfare of the workingman, who, through his labor and purchasing power, has created the fortunes of these large corporations.

We of the veterans' class do not believe in communism and would be the first to take up arms against any such uprising. You of the Senate and Congress should realize that you may need our service again some time, and the best way to be sure of united support from us in case of emergency would be to give us our bonus now, when we need it—and we believe we are entitled to it—then when the need of our services arise, whether it is to suppress communism or anything else which endangers the liberty of the American people, we will be ready and anxious to respond.

It should be borne in mind that while it is possible for the Government to draft men into the Army in time of need, and that the President and War Department can have their commands executed by millions of soldiers in the field of battle, it can not control the thought in the mind of one single soldier or citizen. A war is won only through teamwork on the part of the soldiers and citizens, and likewise an election is won by the unity of mind of the voters. When the people of the United States find that the Republican Party does not function to the best advantage of the people they will elect a new party; the ballot is the protection of the American voter.

We, the veterans, know that if the Congress and Senate of the United States wanted to they could pass this bill at once, and the veterans could be getting their bonus cashed within a week. If you gentlemen want to know how many of us feel, just stop eating for a few days and imagine that you can not obtain food unless this bill is passed. I am sure that after a few days you will be ready to dig right in and avoid all present red tape and delay.

There is always some Senator or Congressman suggesting investigations; if any investigation is taken it should be in the homes of some of the veterans out of work; there you will find plently of human reason to pass this bill. There is no need of any such waste of time. The veterans need it and the Government can easily find ways and means to pay it, as Senator COUZENS said, by issuing a 15-year bond, which will soon be absorbed by men looking for tax-free investment, I am sure.

I am forwarding this message in care of our Michigan Senator, Mr. COUZENS, and hope that he will read it to the Senate. This will give you an idea of what we expect of you at this time. When we were fighting in France, you expected us to win the war; we have done our part well, and now is your chance to prove that we are remembered.

Thanking Senator COUZENS for his kind service on our behalf, and hoping that my humble effort will not be in vain, I am an ex-service man.

HENRY L. MORIN,
240 Hendrie Avenue, Detroit, Mich.

Mr. LA FOLLETTE. Mr. President, in view of the fact that the letter presented by the Senator from Michigan [Mr. COUZENS] will appear in the RECORD, I would also like to have printed at this point in the RECORD an editorial from the Baltimore Sun of Thursday, March 6, dealing with the problem of unemployment.

The PRESIDENT pro tempore. Without objection, is is so ordered.

The editorial is as follows:

[From the Baltimore Sun, Thursday morning, March 6, 1930]

LOW-DOWN BUSINESS

In dealing with the present unemployment situation the Hoover administration has a signal opportunity to demonstrate that its much-touted scientific attitude in dealing with problems of government is not political flim-flam with a fancy label. An appropriate first step would be to issue a contrite apology for allowing the buncombe just put out by Secretary Davis to be identified with the administration.

To begin with, Secretary Davis does not know how many unemployed there are. He thinks about 3,000,000, but he may be one or two mil-

lion off, because there are no reliable figures. Therefore, he does not have the first requirement to make a scientific appraisal of the problem—a knowledge of what it is. Not having that information, his statement that "by its actions and policies, the administration has held unemployment to less than half that of previous crashes" is pure balderdash.

The last time there was a serious economic reversal—in 1920–21—the best estimates of a volume of unemployment, prepared by a committee of scientists called for that purpose, carried a warning that there might be a margin of error as much as 1,500,000. None the less, Mr. Davis, comparing this unknown quantity with the present unknown volume of unemployment, concludes that the Hoover administration has done twice as well as is customary. Could there be a more complete exposition of bunk than the manipulation of two unknowns into a definite conclusion?

Furthermore, if Secretary Davis knew about the volume of unemployment now, and following "previous crashes," which he does not, his comparisons of administration accomplishments at two or more widely divergent periods would have very limited validity. The economic conditions confronted at any two periods are never the same, and to glibly compare accomplishments in overcoming unemployment in 1921, 1914, 1893, or any other period of business depression with those in 1929–30 is the shoddiest kind of procedure. Incidentally, it should be noted that such a statement, if it has any validity, would be the gravest commentary on either the veracity or good judgment of Mr. Hoover and his business stabilizers, who have consistently treated the present economic setback as an external eruption on a very sound economic body. To compare measures to cope with unemployment at this time with those after past "crashes" completely undercuts this treatment of the situation.

Besides indulging in comparisons that are palpably invalid, Mr. Davis displays such a complete lack of regard for scientific integrity as to assign as the principal reason for the present volume of unemployment, delay in enacting the tariff law. "Above all," he says, "the workers of the country need the passage of the tariff law to remove uncertainty and allow the workers to make in our own factories the hundreds of millions of dollars' worth of goods now coming in by imports." To what goods does Mr. Davis have reference? The last that was heard of the import situation was from Senator WATSON, who, after attending a recent White House breakfast, said that he had gathered that delay in enacting the tariff was holding up imports, cutting down customs revenues, and thus causing concern over the possibility of excessive Federal appropriations.

As a matter of fact, there has been no particular delay in dealing with the tariff. Even Senator FESS, of Ohio, who is reputed to lie awake nights thinking up panegyrics for the administration, said as much at about the same time Secretary Davis was proclaiming delay as the major cause of unemployment. But even if the tariff were very greatly delayed there is not a reputable economist in the country who would claim the delay is a primary cause of the present unemployment situation. Secretary Davis tosses off such a generalization, however, without the slightest bit of supporting evidence.

Because this is such a fragile and superficial notion it is surprising that, merely as a matter of political buck passing, the administration should let Secretary Davis advance it. It may be accepted quite generally as a promise that when the tariff is completed there will be jobs all around. The tariff bill may be completed shortly. When it is the administration will be out on a nice long limb. It may be rescued by a general economic recovery over which it has little control, or it may be left out there. At any rate, the chances involved are such that, as a political dodge, the linking of unemployment with tariff delay at this time seems a dangerous and hence stupid performance.

Mr. Hoover has a pretty good idea of the major causes of unemployment at this time, or, if not, there are men all around him in Government departments who can help him to an understanding. They know that the present tariff situation is a mere incident in the working out of a very complicated set of economic forces which is sometimes roughly labeled as the business cycle. By using his office to convey some enlightenment on this subject, he could make a vital contribution to progress in at least understanding if not controlling this thing. When he allows Secretary Davis to peddle such palpable hokum about unemployment, he not only trifles with the most serious problem the Nation has but he is also untrue to anything approaching an ideal of scientific integrity in dealing with problems of government. It is a low-down business.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. KEAN] to the amendment made as in Committee of the Whole.

Mr. NORRIS. Mr. President, it is not my intention to delay the vote or to discuss at any length the pending question, because it has been so fully discussed on a prior occasion. However, I can not permit to pass without some comment the incident which occurred when the junior Senator from Michigan [Mr. VANDENBERG] had the floor and was delivering an eloquent address in favor of the duty on cement. He was asked a question by the Senator from North Dakota [Mr. NYE] during that eloquent plea. When the Senator from Michigan had told so beautifully how the cement men had been shorn of the countervailing duty, what a terrible thing it was that the Senate had already taken it out of the bill, and that that was the reason why a Senator should change his vote, and that that was one of the great reasons why we should vote for the amendment, the Senator from North Dakota asked him this question:

Mr. NYE. I would like to ask the Senator from Michigan if he opposed the move to abandon the countervailing duty on cement?

Mr. VANDENBERG. I certainly did.

Senators will remember that he delivered that answer with such emphasis and such vehemence that he struck the desk where he stood, and the resounding noise went to the farthermost corners of the Chamber and into the corridors. I believe if we would examine it, we would find that the Senator in the enthusiasm of his protest against the repeal of the countervailing duty has probably damaged or at least cracked one of the desks in this Chamber.

It is interesting to look over the RECORD and see how earnestly the junior Senator from Michigan, representing the cement tariff men, did protest against the repeal of the countervailing duty. Senators who are interested will find that this action of the Senate was taken on the 4th day of March. It will be found on page 4690 of the RECORD, as follows:

Mr. SMOOT. Mr. President, the amendment on page 252 has already been agreed to.

That was the amendment that put a countervailing duty on cement. That was adopted on the 31st day of January. Senators will find that it was adopted without any debate and will find it in the RECORD, as I said, on page 4690.

Mr. SMOOT. The amendment on page 252 has already been agreed to.

That related to the countervailing duty.

I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the amendment referred to by the Senator from Utah was agreed to is reconsidered.

Mr. SMOOT. I send to the desk an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Utah offers an amendment to the amendment, which will be stated.

The LEGISLATIVE CLERK. In the amendment on page 252, after line 21, putting cement on the free list, it is proposed to strike out the proviso.

That is the countervailing duty contained in the proviso.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DILL. Mr. President, I will ask to what the amendment refers?

Mr. SMOOT. It refers to cement.

Mr. DILL. Where is the provision with reference to coal?

Mr. SMOOT. That is already out, but if the Senator desires to reserve a separate vote on it in the Senate, he had better do so now.

Mr. DILL. I certainly do. I want to reserve that right. I also want to reserve the right to have a separate vote on the lumber item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment on page 252.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

That is all there was to it. Have Senators noticed the vehemence and eloquence and ability with which the junior Senator from Michigan protested against the repeal of the countervailing duty on cement?

Mr. VANDENBERG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. VANDENBERG. I am sure the Senator wants to be fair.

Mr. NORRIS. Certainly.

Mr. VANDENBERG. I have carried on correspondence for at least three months with the State Department regarding countervailing duties. I believe thoroughly in countervailing duties. When the Finance Committee unanimously reported in favor of striking them out it obviously was not the time to present any effort to the contrary with any hope of success; but an amendment has been prepared which I shall offer covering the entire subject. I continue to stand, as I always have, against striking out countervailing duties.

Mr. NORRIS. I have not any doubt of that. I have not any doubt where the Senator stands. I would take his word for it at any time.

Mr. VANDENBERG. The mere fact that at that particular moment I did not interject myself into the parliamentary situation is not conclusive.

Mr. NORRIS. That is true. At that particular moment the Senator did not inject himself; but it was the moment of all moments, if he wanted to keep the countervailing duty on cement, for him to inject himself. There was the opportunity at that time. It makes no difference if for the balance of the entire year he was crying aloud for a countervailing duty, when the time came and action was to be taken the RECORD shows what happened.

Mr. President, I do not believe, unless there is some exceptional reason, that we ought to have a countervailing duty on anything. I am in full accord with the action taken by the Senate. The cement men here, who are now going to vote for a tariff on cement, never objected. They are claiming that action now as one of the reasons why we should put on this tariff. It seems to me if they were really in earnest that the same people who want a tariff on cement, and perhaps have a majority of the votes corralled on the subject, could have prevented the repeal of the countervailing duty. The amendment was adopted, as the RECORD shows, unanimously and without a single voice raised in opposition. It seems to me it comes rather late now for the cement men to give that as one of the reasons why any Senator should change his vote on this question.

Mr. WALSH of Montana. Mr. President, the House text proposes the imposition of a duty of 8 cents per hundred pounds on cement. After an elaborate debate the Senate on January 31, as the result of a yea-and-nay vote, eliminated that provision of the bill and put Portland cement on the free list by a vote of 40 yeas to 35 nays. I ask that the record vote as taken at that time may be incorporated in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The record vote referred to is as follows:

[Seventy-first Congress, second session, January 31, 1930]

CEMENT: ROMAN, PORTLAND, ETC.

Vote on Mr. MCMASTER'S amendment, as modified, to strike out the duty of 8 cents per 100 pounds on Roman, Portland, and other hydraulic cement. Mr. MCMASTER'S amendment, as modified, was agreed to:

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. The Senator from South Dakota [Mr. MCMASTER] offers the following amendment, as modified by the Senator from Kentucky [Mr. BARKLEY]: On page 37, beginning in line 6, strike out the following words:

"Roman, Portland, and other hydraulic cement or cement clinkers, 8 cents per 100 pounds including the weight of the container; white."

And insert in lieu thereof the word "White," so as to make the subsection read:

"(b) White nonstaining Portland cement, 8 cents per 100 pounds, including the weight of the container."

The PRESIDENT pro tempore. The question is on agreeing to the amendment as stated, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. MCKELLAR (when Mr. BROCK'S name was called). The junior Senator from Tennessee [Mr. BROCK] is unavoidably absent. He is paired with the junior Senator from Kansas [Mr. ALLEN]. If the junior Senator from Tennessee were present, he would vote "nay."

Mr. SHEPPARD (when Mr. HAYDEN'S name was called). I desire to announce that the Senator from Arizona [Mr. HAYDEN], who is necessarily absent on official business in connection with the conference relating to the waters of the Colorado River, has a special pair on this vote with the Senator from Delaware [Mr. HASTINGS]. If the Senator from Arizona [Mr. HAYDEN] were present, he would vote "yea," and if the Senator from Delaware [Mr. HASTINGS] were present he would vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the Senator from Mississippi [Mr. STEPHENS]. I transfer that pair to the junior Senator from Idaho [Mr. THOMAS] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. MCCULLOCH] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. HALE. My colleague the junior Senator from Maine [Mr. GOULD] is paired on this matter. If present and allowed to vote, he would vote "nay," and the Senator from New Mexico [Mr. CUTTING] with whom he is paired, I understand, would vote "yea."

Mr. BORAH. I desire to announce that my colleague [Mr. THOMAS] is detained from the Senate on account of illness. He is paired with the Senator from Mississippi [Mr. STEPHENS] by transfer of the pair of the Senator from Indiana [Mr. ROBINSON].

Mr. HARRISON (after having voted in the affirmative). Has the senior Senator from Oregon [Mr. MCNARY] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. HARRISON. On this vote I am paired with the senior Senator from Oregon [Mr. MCNARY]. Therefore I withhold my vote. If permitted to vote, I should vote "yea."

Mr. BLEASE. I am paired with the Senator from Delaware [Mr. TOWNSEND]. I understand that if he were present he would vote "nay." If permitted to vote, I would vote "yea."

Mr. CAPPER. I wish to announce that my colleague [Mr. ALLEN] is unavoidably absent. If present, he would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING].

Mr. GEORGE. Upon this vote I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. Therefore I withhold my vote.

Mr. SHEPPARD. I desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference in London, England. I will let this announcement stand for the day.

The result was announced—yeas 40, nays 35, as follows:

Yeas, 40: Messrs. Barkley, Black, Blaine, Borah, Bratton, Brookhart, Capper, Caraway, Connally, Couzens, Fletcher, Frazier, Glass, Glenn, Harris, Hawes, Heflin, Howell, Kendrick, La Follette, McMaster, Norbeck, Norris, Nye, Overman, Pine, Schall, Sheppard, Shipstead, Simmons, Smith, Steck, Swanson, Thomas of Oklahoma, Trammell, Tydings, Wagner, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Nays, 35: Messrs. Ashurst, Baird, Bingham, Broussard, Copeland, Dale, Deneen, Dill, Fess, Goff, Goldsborough, Greene, Grundy, Hale, Hatfield, Hebert, Johnson, Jones, Kean, Keyes, McKellar, Metcalf, Moses, Oddie, Patterson, Ransdell, Robinson of Indiana, Robsion of Kentucky, Shortridge, Smoot, Steiwer, Sullivan, Vandenberg, Walcott, and Watson.

Not voting, 21: Messrs. Allen, Blease, Brock, Cutting, George, Gillett, Gould, Harrison, Hastings, Hayden, King, McCulloch, McNary, Phipps, Pittman, Reed, Robinson of Arkansas, Stephens, Thomas of Idaho, Townsend, and Waterman.

So Mr. MCMASTER'S amendment as modified was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. KEAN] to the amendment made as in Committee of the Whole.

Mr. LA FOLLETTE. I demand the yeas and nays.

Mr. BARKLEY obtained the floor.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield.

Mr. NORRIS. The first vote comes on the amendment of the Senator from New Jersey to change the rate from 8 cents to 6 cents. Probably no one will care for a roll call on that question.

Mr. BARKLEY. Mr. President, I am opposed to both the 8-cent rate and the 6-cent rate. It does not make much difference to me which comes first because I am going to vote as hard against one as I do against the other.

Mr. President, I think that more sophistry has been indulged in here to-day over the tariff on cement than I have witnessed on any one item since we have been discussing the tariff bill. We have been told that men have been out of employment in the cement industry and that undoubtedly is true. By analogy I suppose my colleague from Kentucky [Mr. ROBSION] found a remedy for that, because while the Senator from New Jersey was stating that production increased in the United States the number of employees decreased, my colleague [Mr. ROBSION] announced that the same situation existed on the railroads, for while they were hauling more freight than ever before, they were doing it with fewer men by two or three hundred thousand. I suppose the remedy for that is to levy a tariff on box cars and railroad engines and thereby put those 200,000 or 300,000 men back into employment.

As I stated when the cement item was under consideration previously, there is no industry in the United States that has expanded by leaps and bounds as has the cement industry. It has grown in production from 33,000,000 to 178,000,000 barrels since 1919, and while the industry has expanded until there are more cement plants in the United States now than ever before, totalling about 178 in 1929, compared to 161 in 1927, the value of the cement produced has also grown by leaps and bounds, so that in 1929 out of $393,000,000 as the total value of our production, $120,000,000 of that was left for profits and overhead expenses, which can not be equalled in any other industry in the United States unless it be the steel industry.

Mr. BORAH rose.

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. I was merely going to say that the profits of the cement manufacturers have expanded with the expansion of their business.

Mr. BARKLEY. Yes; and while we are talking about the protection of the laboring man in the United States it might also be well to state that the percentage of wages in proportion to the value of the product has gone down 6 per cent in the last 10 years. It is true that the actual wages paid to the laboring men in the cement industry have increased, but the proportion of wages drawn by the laboring men to the total value of production has decreased in 10 years 6 per cent; and yet we are asked to take this action, which will raise the cost of construction in the United States to every man, woman, and child, and to every highway commission and to every city administration; and we are asked to do it in the interest of labor.

We imported in 1929 a little more than 2,000,000 barrels of cement, while we manufactured 178,000,000 barrels of cement, and practically all of the 2,000,000 barrels of cement which were imported came into the seaboard ports. In the city of New York alone there are consumed 12,000,000 or 13,000,000 barrels of cement every year—six times as much as we import into all the seaport towns in the United States—and yet we are asked to penalize the people in the city of New York who want to build houses and who use 13,000,000 barrels of cement a year, while we are importing into the entire United States only 2,000,000 barrels of cement annually.

The Senator from Michigan [Mr. VANDENBERG] a while ago claimed that the selling price of cement in Canada was $1.41 a barrel and that because of that cheaper selling price in Canada, compared to what cement manufacturers say is the production cost in the United States, Canadian manufacturers could export cement to the United States. We have, however, no reliable statistics as to the cost of producing cement in the United States. The Tariff Commission has made no cost investigation. They wrote letters to all the manufacturers, and they got replies from a hundred of them, but the only figures that have been submitted here, and the only figures that are available, are the figures which are contained in the letters of those cement manufacturers in their replies to the Tariff Commission.

The Tariff Commission states that they have made no effort to check up the accuracy of those figures; that in the figures submitted by the manufacturers of cement they have included every possible and imaginary item of cost that their ingenious bookkeeping devices may invent; but, even if those figures are correct, and the manufacturers in Canada can make cement and sell it to the Canadian people for $1.41 a barrel, they could still pay 8 cents a hundred pounds, amounting to 30½ cents a barrel, duty on it, bring it into the United States and sell it cheaper than the people of the United States have to pay their own domestic manufacturers for it; and yet, notwithstanding the fact that they could do that, there is practically none imported across the Canadian border, and we export into Canada more cement than we import from Canada, even with the countervailing duty operative and effective.

There is one little company in Pennsylvania, one of the smallest American manufacturers of cement, which has a capacity to manufacture and does manufacture more cement than is imported into the United States in a year; yet we are asked to increase the cost of construction for every householder in the United States who wants to build a home or a corncrib or to lay the foundation for a garage or a barn or an outhouse of any kind.

We are asked to levy tribute upon the highways of the United States, which very largely, under modern construction methods, consist of cement. Two or three months ago I read in a Baltimore newspaper that the State Highway Commission of the State of Maryland had bought largely their supply of cement for 1930 in order that they might get it before, possibly, a tariff was placed upon it that might increase the cost of highway construction in Maryland to the taxpayers of that State.

In the State of Kentucky we have been for the last 10 years trying to inaugurate a program of highway construction. Not only did we levy a tax upon real estate and personal property in our State in order to obtain money with which to build highways but we have levied a 5-cent-per-gallon tax upon every gallon of gasoline used in Kentucky for the purpose of raising money with which to undertake road construction. Yet we are asked to lay this burden of thirty or forty million dollars upon the American people in order to place an embargo upon cement, the total importations of which are only one-sixth of the cement used in the great city of New York.

Mr. President, we have heard much about unemployment. Where does the greatest unemployment exist? The American Federation of Labor is a fairly accurate authority on that subject, and about 10 days ago the American Federation of Labor issued a statement in which it said that unemployment had increased in January above that in December, and that the largest percentage of unemployment in the United States existed among the building-trades unions of our country—the bricklayers, the carpenters, the joiners, the plumbers, and others who join labor organizations and who are engaged in the building of constructive enterprises in the United States. Yet, notwithstanding the fact that the American Federation of Labor makes the statement that the greatest proportion of unemployment in this country is among the bricklayers and carpenters and others who are engaged in the construction of buildings, we are asked to lay a burden here by putting a tax on cement, then on brick, and then on lumber so as to put more thousands of men out of work by increasing the cost of building a house of any character in the United States, and we are asked to do this in the name of labor.

There is another thing upon which I desire to comment while I am on the floor. We have heard a good deal of talk around here to the effect that certain Members of the Senate are going to vote for high rates in individual schedules, and then hope to square themselves with the people by voting against the bill as a whole. Every such vote is a dishonest vote, I do not care whether it is cast by a Democrat or by a Republican. If I were willing to betray the people of the United States by voting for these high rates as they come up one at a time, I would at least be sincere and vote for the whole bill after I had helped to raise its rates to an unconscionable degree. The Members of this body may think that they can hide their heads in the sand by such a procedure, but the rest of their anatomies will be in plain view.

A tariff on cement! For what purpose? In order to make it more possible and more certain that the American Cement Trust—for that is what it is—may make greater profits. They lowered the price on the 1st of last August when imports for 1929 were declining, and then, on the 1st of November, they raised prices again by the same amount by which they had lowered them on the 1st of August. That was not done by one company; it was done by all of them, working in harmony and in unison.

I do not know that it is worth while to waste time undertaking to reason with the Senate, because if a deal has been made it will go through; and if it be true, as has been charged here, that this bill was born in corruption in another body of this Congress, it seems now it is about to go back there tarnished with the same evil with which it was disfigured when it came here.

I come from a State which produces oil; the State of Kentucky is the ninth oil-producing State in the United States. I have been urged by some of the oil producers of my State to vote for a tariff on oil, and I tried to consider that question on its merits, for I appreciate fully the oil situation, and my inability to vote for this tariff no doubt disappointed some of my friends, and it might one way or another affect my ability to return to this Senate; but before I will join any unholy cabal, the result of which is to betray the American people, I would prefer to see every oil well in Kentucky closed and remain closed. I am glad to say that nobody in Kentucky has either asked or suggested that I do otherwise than consider this proposal on its merits. My vote in the Senate is not for sale on oil or anything else; and I do not propose to sell out the people of my State on sugar, lumber, cement, brick, or anything else in order to carry home a little pittance of "bacon" to dangle before the eyes of some avaricious man who desires me to use the power conferred upon me as one of the 96 Senators to enable him to warp and twist the agencies of the Government for the injury of the American people. I am proud to say that the people of Kentucky do not expect me to pursue so dishonorable a course, and if they did I would resign before I would do it. Those who have asked me to support tariff rates in which they were interested have asked only that consideration be given to them as the facts might justify, and no other course is compatible with a sense of public honor.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senator from Kentucky has exhausted his time. The question is on the amendment of the Senator from New Jersey [Mr. KEAN] to the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, I am much distressed over the agony of mind of my friend from Kentucky [Mr. BARKLEY]. He certainly is suffering terribly this morning! Before I say anything about cement, I desire to call his attention to the fact that I did not vote for the tariff upon sugar. I did not vote for the tariff upon oil. I did not vote for the tariff upon lumber. So, as far as the "unholy alliance" to which he refers is concerned, I am not a party to it.

My friend has dealt in glittering generalities. He has told the Senate about the dreadful things that will happen to the home builders of the United States and to the road builders of

Kentucky and elsewhere if the tariff upon cement is raised. There never will be a barrel of foreign cement taken into Kentucky; and what we do here about cement is of no importance whatever to the interior of the United States. It has to do almost exclusively with the Atlantic seaboard.

My State is fourth in the production of Portland cement. We have eleven enormous factories in my State. I do not care the snap of my finger for the corporations engaged in manufacturing the cement. I do not care whether they pay dividends or do not pay dividends; but I do care whether the men living in the Hudson River Valley, my neighbors, have work or do not have work.

Against these glittering statements made by my friend from Kentucky, I want to show the record. What is the situation as regards employment or unemployment in the cement industry?

I hold in my hand a table of two columns. One column represents the employment in Maine, New York, Eastern Pennsylvania, New Jersey, Maryland, Virginia, Tennessee, Alabama, and Georgia. The other column represents Ohio and the States in the West.

If anybody believes that there is not unemployment in the cement industry of the East, let him read these figures. Take the year 1929: Assuming 100 per cent as the normal average employment, in the eastern factories 67 per cent of the employees were at work. The employment represented 67 per cent of normal employment. At the same time in the West 86 per cent were engaged. So I compare February, with 70 per cent in the East and 82 per cent in the West; March, with 71 per cent in the East and 84 per cent in the West; and so on down to September, 70 per cent in the East and 97 per cent in the West.

Why is it that employment is normal, at the peak, in the western factories and 30 per cent below normal in the East? The reason is perfectly clear: It is because of the importations of foreign cement.

This in an issue between patriotic Americans and the welfare of the factories of Brussels and the other factories of Belgium and the factories of France—not so much of Germany in these later days. We have unemployment in the factories of my State and throughout the East because of the importations of cement from Europe.

I desire to speak about the effect of the tariff on such importations.

We had an 8-cent duty on cement from 1890, I think, down to 1913. Then cement was placed on the free list, and it has been there ever since. The moment it was placed upon the free list the war came on, and nothing was doing in international industrial exchange. As soon as the war was over, with cement upon the free list, where during the decade from 1907 to 1917 we had an average importation of about three or four hundred thousand barrels, in 1923 the importations jumped to 1,678,000 barrels, the next year to 2,000,000 barrels, the next year to three and one-half million barrels, and it has continued at a very high rate since that time.

Where has this cement gone? It has gone into the cities and into the building construction in the cities of the Atlantic seaboard.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maryland?

Mr. COPELAND. I do.

Mr. TYDINGS. I am as sure as one can be of a matter of guesswork that the cement which is imported competes only with the cement industry on the Atlantic seaboard and the Pacific coast.

Mr. COPELAND. Absolutely.

Mr. TYDINGS. But I was wondering whether or not the Senator, in his argument, had any figures which would show the ultimate destination of this cement which is imported, because I believe that those figures would show that 95 per cent of it remained on the Eastern seaboard.

Mr. COPELAND. The Senator is entirely correct. Cement, like brick, is so heavy a product that it never will be carried more than 200 miles from the source of origin. It is brought in by tramp steamer, practically as ballast, at almost no cost for freight, and landed in our seaport towns. Consequently, the cement factories in my section of the country are running 30 per cent under par. Frankly, I can not see why the Senator from Kentucky [Mr. BARKLEY] and my genial friend from Nebraska [Mr. NORRIS] and my friend from North Dakota [Mr. NYE] should be so agitated about a problem that does not concern them to the extent of 30 cents a year. It is a matter of no importance outside of the seaboard itself.

I was surprised to hear the statement made by the Senator from North Dakota [Mr. NYE]. He said somebody had told him that we should not place a tariff upon cement because it would interfere with certain unions whose members load and unload ships in New York.

The same argument could be used in favor of putting everything upon the free list, in order that everything we might buy in Europe could be brought in here and handled by the longshoremen in New York. I know these longshoremen too well to believe that if they thoroughly understood the significance of this statement, they would urge it as an argument in this connection. They are human beings. They have to work with their hands. They know what deprivation means. They know what human suffering is when there is unemployment; the longshoremen do not want their brethren engaged in another industry to be without work. I am sure that they did not understand the significance of the statement they were making when they sent this word to the Senator from North Dakota.

Mr. NYE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. COPELAND. I do.

Mr. NYE. I hope the Senator is not putting words into my mouth in connection with what I said with relation to the telegram sent by the longshoremen's union this morning. What I said was that from a labor standpoint it was a question of whether we would perform the greater service for labor in the case of cement by leaving off a duty or putting it on. The argument had been made, and I was attempting to meet that argument, that the absence of a duty would lay off a great many men from work in the cement industry.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Maryland?

Mr. COPELAND. I do.

Mr. TYDINGS. Has the Senator before him the figures as to the proportion of cement which is imported to the cement which is produced in America?

Mr. COPELAND. Last year we imported 1,700,000 barrels, and produced 170,000,000 barrels.

Mr. TYDINGS. And has the Senator the approximate figures of the amount of cement produced in the Atlantic seaboard States?

Mr. COPELAND. I do not happen to have those figures at this moment.

Mr. TYDINGS. It would be safe to assume, I imagine, that perhaps 20 or 25 per cent of the cement produced in America came from the Atlantic seaboard States.

Mr. COPELAND. I should think so.

Mr. TYDINGS. So what would really happen is that in order to give to the longshoreman the handling of 1 per cent of the cement, 20 per cent of the cement would probably be put out of business, because it would not be able to compete with the European importation. It seemed to me, carrying the transportation argument a little further, that those employed on the railroads of the country and the people who handle the cement produced in America would about offset the longshoremen who handle the cement coming in on the steamships; but, nevertheless, aside from the mere handling of the cement, where one class of workmen offsets the other, the production of cement on the Atlantic seaboard would be seriously curtailed and men would be thrown out of work.

Mr. COPELAND. The Senator is right.

Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has two minutes left.

Mr. COPELAND. I wish to call attention to a further fact. The cement that comes in from abroad comes in hemp bags, burlap bags. That which is shipped in our country is carried in cotton bags. Last year the cement industry bought 60,000,000 cotton bags, at a cost in excess of $6,000,000. I speak of that merely as an incidental, to show that whatever proportion of cement is developed in our eastern country, if it is replaced by foreign cement, that much sale of cotton bags is lost.

Mr. President, I have only one interest in this matter and that is the human interest. I know from observation what poverty is. I live in a section of the country where we have a great deal of it, and I know the suffering of these people. When we decline to give protection upon this product we are helping to make permanent the unemployment of 30 per cent of the men who are properly engaged in the industry. Because of that fact I beg the Senate to think of the human side of this matter.

As I said, I am not interested in the corporations. I do not care what their revenue is or what their profits may be; but I am interested in having the 11 great factories, employing thousands of men in my State as well as in the other States of the Union, continued in employment, as they can be if this tariff is provided.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. KEAN].

Mr. WALSH of Massachusetts. I call for the yeas and nays.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brock	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER. Eighty-six Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. HALE. I ask for the yeas and nays.

Mr. WALSH of Massachusetts. Mr. President, before this vote is taken, I would like to ask the Senator from Kentucky a question. In the event of this duty becoming effective, what is the amount estimated to be the increase in the cost of a barrel of cement?

Mr. BARKLEY. If the tariff is effective, it will be 31 cents a barrel.

Mr. WALSH of Massachusetts. That is the tax alone?

Mr. BARKLEY. Yes.

Mr. WALSH of Massachusetts. Is it not probable that the net cost to the consumer would be double that?

Mr. BARKLEY. It is estimated that, adopting the general rule of percentages, based upon the cost of cement, including the tariff, the increased cost would run anywhere from 60 cents to 75 cents a barrel.

Mr. WALSH of Massachusetts. So that we are dealing with a question of levying a duty which will mean an increased cost to the American consumer of between 60 and 75 cents a barrel upon cement?

Mr. BARKLEY. Absolutely.

Mr. WALSH of Massachusetts. I am ready for the vote.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BARKLEY. There are two propositions. The basic proposition is whether we shall concur in the action taken as in Committee of the Whole in striking out the tariff on cement. The Senator from New Jersey has offered an amendment, the effect of which is to reinsert this language, substituting 6 cents instead of 8 cents. Which vote comes first?

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey.

Mr. BARKLEY. In the event that the amendment should be adopted, what then would be the status?

The VICE PRESIDENT. The question would have to be submitted to the Senate as to whether they would ratify the action.

Mr. BARKLEY. There would have to be two votes on it, in any case?

The VICE PRESIDENT. Yes.

Mr. HARRISON. Mr. President, I ask unanimous consent, in that event, that the first vote may come on whether the Senate shall concur in the action taken as in Committee of the Whole.

Mr. McKELLAR. Oh, no, Mr. President; why not let it come on the amendment? I object.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FESS. There will be some confusion in the vote on the amendment as amended in case that is amended. If the amendment of the Senator from New Jersey is carried, that will result in bringing before the Senate the action of the Senate as in Committee of the Whole as modified by the amendment. Then, when the vote comes on the amendment as amended, an affirmative vote would be to retain cement on the free list, while a negative vote would be to put it on the dutiable list.

The VICE PRESIDENT. The Senator is right.

Mr. BARKLEY. In the event the amendment of the Senator from New Jersey is defeated, then there would come a vote on the original action as in Committee of the Whole to strike the language out.

The VICE PRESIDENT. To concur in the amendment made as in Committee of the Whole.

Mr. NORRIS. Mr. President, I do not believe, from what I gather, that Senators would care for a yea and nay vote on the motion of the Senator from New Jersey, and I ask unanimous consent that if an order has been made for the yeas and nays on the amendment of the Senator from New Jersey, it be canceled.

The VICE PRESIDENT. The yeas and nays have not yet been ordered. There has been a demand for the yeas and nays, and, of course, the Chair will have to put the question as to whether the demand for the yeas and nays is sufficiently seconded. Is the demand seconded?

The yeas and nays were ordered.

Mr. SMOOT. Let the amendment be stated, so that all will understand it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Jersey, to strike out "8 cents" and to insert in lieu thereof "6 cents."

The Chief Clerk proceeded to call the roll, and Mr. ALLEN responded in the affirmative.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. As I understood it, the action as in Committee of the Whole was to put cement on the free list. That is true, is it not?

The VICE PRESIDENT. It is.

Mr. HARRISON. Now, the Senator from New Jersey offers a motion to make the rate 6 cents. Then those who are against making the rate 6 cents will vote "nay." Those who want to vote to keep cement on the free list and maintain the action taken as in Committee of the Whole will vote "nay" on this amendment offered by the Senator from New Jersey?

The VICE PRESIDENT. Certainly. An affirmative vote would be to make the rate 6 cents and a negative vote would be to put cement on the free list, in accordance with the vote taken as in Committee of the Whole. Then, after the vote is had on that amendment, the question will be as to whether or not the Senate will concur in the amendment made as in Committee of the Whole.

Mr. NORRIS. That is what I understood. Now we are voting between 8 cents and 6 cents?

The VICE PRESIDENT. That is the vote.

Mr. NORRIS. That is the only thing involved in this vote.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia is recognized.

Mr. SWANSON. As I understand it, this question does not come on the text of the bill. It comes up on an amendment made as in Committee of the Whole, which was to put cement on the free list. Is that true?

The VICE PRESIDENT. The Senator from New Jersey is exercising his right to perfect the provision as it came over from the House of Representatives.

Mr. SWANSON. I was going a stage farther. To the amendment made as in Committee of the Whole putting cement on the free list, the Senator from New Jersey offers an amendment providing for a duty of 6 cents, as a substitute for the other amendment. The vote is to be taken on that, then the question will be whether the amendment as amended shall be concurred in.

The VICE PRESIDENT. The Senator is mistaken about that.

Mr. NORRIS. Mr. President, I want to ascertain whether my view is correct, so that I may understand how to vote.

The amendment made, as in Committee of the Whole, was to strike out a certain provision of the bill. The matter now comes before the Senate as to whether we shall concur in the action taken as in Committee of the Whole. The part stricken out, before we vote on the motion to concur, is itself subject to amendment. If a Senator moves to strike out a paragraph before a vote is taken on that, any Senator has a right to amend the paragraph sought to be stricken out, and we vote on that amendment first. That is what we are about to do now.

The VICE PRESIDENT. That is correct.

Mr. NORRIS. The only question is whether we are going to make the tax 6 cents instead of 8 cents, and no matter which way we decide that question, there will follow then the vote as to whether we will put cement on the free list or leave it at the rate fixed.

The VICE PRESIDENT. That is correct.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. The question that is to be voted on is whether the rate shall be 8 cents, as fixed in the House text, or 6 cents, as proposed in the amendment.

The VICE PRESIDENT. That is the first vote.

Mr. BRATTON. An affirmative vote means 6 cents a pound and a negative vote means 8 cents.

The VICE PRESIDENT. That is correct.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Will the Chair then inform the Senate why it was that as in Committee of the Whole, when we reached the sugar schedule, we adopted an amendment to make the rate 1.76 a pound on Cuban sugar as against the 2.20 cents, as was recommended by the committee, and an amendment was offered to the action as in Committee of the Whole, namely, to increase the rate from 1.76 cents to 2 cents as to Cuban sugar?

It seems to me that since, as in Committee of the Whole, we struck out the duty on cement recommended by the Committee on Finance and as incorporated in the bill, and put cement on the free list, the question now ought to come on whether or not we are for free cement or for the 6-cent duty, because the Senator from New Jersey is not offering an amendment as to 8 cents a hundred but he is offering an amendment as between 6 cents a hundred and the free list.

Mr. JOHNSON. Mr. President, I submit that the Senator from Mississippi is entirely correct. The vote that comes now is between the action taken as in Committee of the Whole and the amendment that is presented by the Senator from New Jersey. No longer before the Senate is the proposition found in the original bill in paragraph 205, because the Senate, as in Committee of the Whole, struck it out, and cement, under the action taken as in Committee of the Whole, is now upon the free list. The Senator from New Jersey, in order to remedy that, in his opinion, presents an amendment making the rate 6 cents. So the vote comes upon the amendment of the Senator from New Jersey as between what has been done as in Committee of the Whole and that amendment.

The VICE PRESIDENT. The Chair will hold the other way. The Chair holds that the first vote is upon the amendment proposel by the Senator from New Jersey changing the rate from 8 cents to 6 cents.

Mr. HARRISON. On that I appeal from the ruling of the Chair.

The VICE PRESIDENT. Then, the question will come as to whether or not the Senate will concur in the amendment, whichever way it is, whether it is as made as in Committee of the Whole, or according to the motion of the Senator from New Jersey.

Mr. SWANSON. Mr. President, until I went to the desk and looked into the matter, and saw what was pending, I had the idea that the Chair was wrong. But the issue is this, Shall we substitute the amendment of the Senate made as in Committee of the Whole, which was to put cement on the free list, for the text in the bill as it came from the House, under which the rate was 8 cents? Before we vote on that question the text may be perfected, and the Senator from New Jersey offers to perfect the text before we vote as to whether we will concur in the amendment made as in Committee of the Whole. Consequently we always perfect the text before we take a vote to strike it out. I thought the Vice President was wrong until I saw that the motion is as he stated it, that what was agreed to in Committee of the Whole, to strike out the text, be concurred in. We treat the matter in Committee of the Whole precisely as we do in the Senate and consequently the question comes here like it did in Committee of the Whole. If that question had been pending in Committee of the Whole we would have had to perfect the text before the motion to strike out the provision could be considered.

Mr. BARKLEY. Mr. President, if, instead of striking out——

Mr. BLACK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. BLACK. I understood the Chair to order the roll to be called.

Mr. McKELLAR. And one vote was cast. I think the junior Senator from Kansas [Mr. ALLEN] cast his vote, and I make the point of order that the roll call can not be interfered with.

Mr. BLACK. I make the point of order that all this discussion is out of order.

The VICE PRESIDENT. It is all out of order, and the clerk will proceed to call the roll.

Mr. HARRISON. Certainly we are entitled to know on what we are voting.

The VICE PRESIDENT. The Chair states again that the vote is on the amendment of the Senator from New Jersey to strike out "8 cents" and insert "6 cents." If that motion is agreed to, then the question is on concurring in the amendment made as in Committee of the Whole, striking out the language as amended.

Mr. HARRISON. Is it too late to make a point of order?

The VICE PRESIDENT. It is too late. The yeas and nays have been ordered, and one Senator has answered to his name.

Mr. ALLEN. Mr. President, I desire to withdraw my vote.

The VICE PRESIDENT. The Senator can not do that. The clerk will proceed to call the roll.

The Chief Clerk resumed the call of the roll.

Mr. GOULD (when his name was called). On this vote I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Wyoming [Mr. SULLIVAN] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN], and therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. SIMMONS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. GILLETT]. I am not able to obtain a transfer, and therefore withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. I therefore withhold my vote.

The roll call was concluded.

Mr. FESS. I wish to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 78, nays 2, as follows:

YEAS—78

Allen	Frazier	Kean	Shortridge
Ashurst	George	Keyes	Smith
Baird	Glass	La Follette	Smoot
Barkley	Glenn	McCulloch	Steck
Bingham	Goff	McKellar	Steiwer
Black	Goldsborough	McMaster	Stephens
Blaine	Gould	McNary	Swanson
Borah	Greene	Metcalf	Thomas, Okla.
Bratton	Grundy	Moses	Trammell
Brock	Hale	Norris	Tydings
Broussard	Harris	Nye	Vandenberg
Capper	Hastings	Oddie	Wagner
Connally	Hatfield	Patterson	Walcott
Copeland	Hawes	Phipps	Walsh, Mass.
Couzens	Hayden	Pine	Walsh, Mont.
Cutting	Hebert	Ransdell	Waterman
Dale	Heflin	Robinson, Ind.	Watson
Dill	Howell	Robsion, Ky.	Wheeler
Fess	Johnson	Schall	
Fletcher	Jones	Sheppard	

NAYS—2

Blease	Norbeck

NOT VOTING—16

Brookhart	Harrison	Pittman	Simmons
Caraway	Kendrick	Reed	Sullivan
Deneen	King	Robinson, Ark.	Thomas, Idaho
Gillett	Overman	Shipstead	Townsend

So Mr. KEAN's amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question now recurs on concurring in the amendment made in Committee of the Whole, as amended, which is to strike out the words "(b) Roman, Portland, and other hydraulic cement or cement clinker, 6 cents per 100 pounds, including the weight of the container, white," and insert the word "White." The effect of a "yea" vote is to keep cement on the free list. The effect of a "nay" vote is to put it back on the dutiable list at 6 cents per 100 pounds.

Mr. McKELLAR. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Wyoming [Mr. SULLIVAN] and vote "nay."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Illinois [Mr. DENEEN], I withhold my vote. Were I permitted to vote I would vote "yea."

Mr. SIMMONS (when his name was called). Again I announce my pair with the senior Senator from Massachusetts [Mr. GILLETT] and my inability to secure a transfer. I therefore withhold my vote. Were I at liberty to vote I would vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

Mr. SHEPPARD. On this vote the Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Minnesota [Mr. SHIPSTEAD]. If present and voting, the Senator from Nevada [Mr. PITTMAN] would vote "nay," and the Senator from Minnesota [Mr. SHIPSTEAD] would vote "yea."

Mr. NYE (after having voted in the affirmative). Mr. President, for the purpose of later moving a reconsideration, I change my vote from "yea" to "nay."

Mr. HASTINGS. The junior Senator from Delaware [Mr. TOWNSEND] has a pair with the senior Senator from Wyoming [Mr. KENDRICK]. If present and permitted to vote, the junior Senator from Delaware would vote "nay," and the senior Senator from Wyoming would vote "yea."

The result was announced—yeas 37, nays 45, as follows:

YEAS—37

Allen	Cutting	Heflin	Stephens
Barkley	Fletcher	Howell	Swanson
Black	Frazier	La Follette	Thomas, Okla.
Blaine	George	McMaster	Trammell
Blease	Glass	Norbeck	Walsh, Mass.
Borah	Glenn	Norris	Walsh, Mont.
Bratton	Harris	Schall	Wheeler
Capper	Harrison	Sheppard	
Caraway	Hawes	Smith	
Connally	Hayden	Steck	

NAYS—45

Ashurst	Gould	McKellar	Shortridge
Baird	Greene	McNary	Smoot
Bingham	Grundy	Metcalf	Steiwer
Brock	Hale	Moses	Tydings
Broussard	Hastings	Nye	Vandenberg
Copeland	Hatfield	Oddie	Wagner
Couzens	Hebert	Patterson	Walcott
Dale	Johnson	Phipps	Waterman
Dill	Jones	Pine	Watson
Fess	Kean	Ransdell	
Goff	Keyes	Robinson, Ind.	
Goldsborough	McCulloch	Robsion, Ky.	

NOT VOTING—14

Brookhart	King	Robinson, Ark.	Thomas, Idaho
Deneen	Overman	Shipstead	Townsend
Gillett	Pittman	Simmons	
Kendrick	Reed	Sullivan	

So the amendment made as in Committee of the Whole was nonconcurred in.

Mr. NYE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NYE. Speaking specifically upon the question of the duty on sugar, having recorded a vote in the affirmative on day before yesterday, I should like to inquire when I must move for a reconsideration of the vote if I so desire?

The VICE PRESIDENT. To-day is the last day on which the Senator may make that motion.

Mr. NYE. Then, Mr. President, I am forced at this time to remark that none are so blind as those who will not see. I listened with great attentiveness to the debate that was occasioned here during the controversy regarding the duty on sugar, and I heard accusations made that a trade had been entered into whereby sugar and other items were to be placed on the dutiable list, all with higher rates. I thought at the time of that controversy I saw some evidence of such an agreement, such an understanding, as some men were charging, and yet I felt that the case of sugar was one of such a thoroughly meritorious nature that when confronted with the task of having to determine my own vote I voted for a higher duty on sugar. I was consistent in that vote. Upon the previous test on sugar I had voted for the proposed increased duty on sugar. So I was not reversing myself in any manner by reason of that second vote.

However, since that time I have come more clearly to appreciate and more clearly to see the possibilities that lie in the so-called sugar vote. Perhaps I am too late; if I shall move reconsideration at this time, to remedy the damage that has been done, perhaps my moving for a reconsideration of the vote on sugar, and winning a new vote upon that, would not greatly alter the result that was then reached.

However that may be, Mr. President, I see only one way open to me by which to make my record clear here. Though it might not ever be shown and proven that a trade had been entered into, if it were proven I hardly see how I could escape altogether being made a part of that trade, and I care not how indirectly a part I may innocently appear to have been in any such an understanding, in such a deal, I am not going to be in any sense a part to it. I, therefore, move, Mr. President, to reconsider the vote of day before yesterday whereby an increased duty was voted on sugar.

Mr. McMASTER. Mr. President, will the Senator from North Dakota yield to me a moment?

Mr. NYE. I yield to the Senator from South Dakota.

Mr. McMASTER. I wish to say to the Senator from North Dakota that it has been stated on the floor of the Senate—though the statement made is subject to controversy—that if a duty is placed upon cement eventually it may increase the cost to the consumers of this country by approximately $53,000,000.

It has further been stated by others that if a duty should be placed upon lumber the cost would be approximately $50,000,000.

It has been further stated upon the floor of the Senate that if we shall increase the duties on plate glass the cost to the consumer will be about from ten to fifteen million dollars additional.

In addition to that, it has been stated upon the floor of the Senate that if we place a dollar a barrel duty upon oil it will increase the cost to the consumer in the sum of $902,000,000.

If subsequent experience should bear out those statements, we have four items in this bill which will alone cost the consumers of this country more than $1,000,000,000. Whether any trade has been made or not, I assume that that fact will suggest to the Senator that here we have four "guardsmen" each standing for all and all standing for each.

The VICE PRESIDENT. May the Chair ask the Senator from North Dakota whether he merely enters his motion or desires a vote on it at this time?

Mr. NYE. A parliamentary inquiry. If I enter the motion at this time, how late can it or when must it be taken up?

The VICE PRESIDENT. It may be taken up at any time before the bill shall have been completed.

Mr. HARRISON. Mr. President, a parliamentary inquiry. I did not hear the statement of the Chair.

The VICE PRESIDENT. In answer to an inquiry of the Senator from North Dakota [Mr. NYE], the Chair stated that if his motion was merely entered now, it could be called up at any time before a final vote should be taken upon the bill.

Mr. DILL. And it may be called up by any Senator?

The VICE PRESIDENT. Any Senator may call the motion up. Does the Senator from North Dakota desire to submit the motion now?

Mr. NYE. I submit it now, but I do not offer it at this time.

The VICE PRESIDENT. The motion will be entered.

Mr. SMOOT. Mr. President, the action just taken by the Senate will require action removing Portland cement from the free list on page 252, paragraph 1643, line 21. I ask that that action be taken now, in order to complete the subject matter of Portland cement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. SMITH. Mr. President, suppose that shall be done; has notice been served that another vote on the cement item will be asked for?

The VICE PRESIDENT. The Senator from North Dakota served notice that a reconsideration would be asked for, but no motion was made and no motion was entered. The Senator merely announced that he changed his vote for the purpose of moving a reconsideration.

Mr. SMITH. May I ask the Senator from North Dakota if he proposes to ask for reconsideration of the vote by which cement was put on the dutiable list?

Mr. NYE. Mr. President, I do anticipate doing that, but not before we have had a reconsideration of the vote whereby a duty was placed on sugar.

Mr. SMITH. As it is a mere formal matter, will not the Senator from Utah allow the item to remain as it is until such time as final action on the bill is about to be taken?

Mr. SMOOT. I was just going to make that request if there is going to be another vote asked on the item. I thought I would simply clean up the item as we went along.

Mr. SMITH. I suggest that it go over, and I object.

The VICE PRESIDENT. Objection is made. The Secretary will report the next reserved amendment.

The LEGISLATIVE CLERK. The next reserved amendment is in paragraph 206, page 37, line 25, pumice stone.

Mr. ALLEN. Mr. President, on page 37, line 25, dealing with the rate on unmanufactured pumice stone, in lieu of "one-twentieth" inserted by the amendment of the Senate Committee

on Finance, I move to insert "one-tenth," and on page 38, lines 1 and 2, also dealing with the rate on unmanufactured pumice stone, in lieu of "one-eighth" inserted by the amendment of the Senate Finance Committee, I move to insert "one-fourth."

The amendments, Mr. President, would restore the rates on unmanufactured pumice that are now in force and which were approved by the House. The Finance Committee raised the rate on partly manufactured pumice from fifty-five one-hundredths of 1 cent per pound to three-fourths of a cent, and, at the same time, cut in half the rate on the unmanufactured product. If the manufactured pumice is to be given further protection, there does not seem to be any good reason for withdrawing protection from natural pumice which competes with the natural volcanic ash found in Kansas, Nebraska, and other States. In support of the request that this rate be restored I wish to read a letter from the outstanding producer of unprocessed pumice. He says:

As producers and shippers of volcanic ash or pumice, we are considerably concerned over the proposal to reduce the duty on pumice stone from $2.24 per ton to $1 per ton.

Pumice stone, when ground, is nothing more nor less than volcanic ash. Kansas has led the United States in the production of volcanic ash since 1916, this production running fully 50,000 tons per year, of which the writer furnishes about 20 per cent.

Owing to competition, we do not get very much for our material. We are able to get into Chicago-Milwaukee district and Cincinnati, but make very little headway on the Atlantic coast.

The freight rate to the Atlantic coast is around $12 per ton. Under your proposed reduction in tariff, it would be no trouble at all for Italy to control our market. That is to say, under your proposed schedule you are shaping up the proposition so that the manufacturer on the Atlantic coast could import Italian pumice or volcanic ash in crude form, refine it on the shores, and control the situation.

At the present time ocean freight rates, of course, are very low; but under normal shipping conditions they are still lower than our railroad freight rate.

Congress seems to have the idea that pumice stone is of no concern to the people of this country; but quite the opposite is the case. By no means all the demand for ash and pumice stone for abrasive and miscellaneous uses is met with domestic production. One hundred and thirty thousand dollars' worth of pumice stone was imported from Sicily in 1926. Much of it is ground and is no different from the Kansas ash; but the high freight rate between Kansas and the Atlantic coast is making competition with the Sicilian product difficult on the eastern seaboard.

With a sufficiently high tariff it would be possible for the domestic ash and pumice of California to displace the foreign product without adding to the consumer's cost.

This, Mr. President, is the testimony of Mr. Davidson, of the Davidson Pumice Co.

I believe that this cut was made without very much consideration. It was not debated; and I am convinced it is only justice to those who are engaged in this relatively small industry to give them the restoration of this protection.

The VICE PRESIDENT. May the Chair state to the Senator from Kansas that his amendment simply restores the House rate. Therefore, the vote really should be on concurring in the amendment made as in Committee of the Whole. A negative vote would sustain the position taken by the Senator from Kansas.

The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 38, lines 1 and 2, strike out "one-fourth" and insert "one-eighth."

The VICE PRESIDENT. The same question is presented. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. Paragraph 207, silica, page 38, line 16.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk to the amendment made as in Committee of the Whole.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 38, line 19, after the word "ton," and after the amendment already agreed to, it is proposed to insert:

Sand, containing 95 per cent or more of silica, and suitable for use in the manufacture of glass, and crude silica: All the foregoing, not specially provided for, $3.50 per ton.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada to the amendment made as in Committee of the Whole.

Mr. PITTMAN. Mr. President, I am going to take only a very few minutes to discuss this matter. I have some information here that I did not have when the subject was up before. There was very little information in regard to it from the Tariff Commission. I have since written the Tariff Commission with regard to the matter, and obtained further information on the subject.

The House bill carried a duty of $4 a ton on silica. That is the same provision that was in the act of 1922. After the act of 1922 was passed, however, an action was brought before the Customs Court, and they held that silica sand was not silica, although it was 98 per cent silica, and the only silica imported was silica sand; so silica sand has been on the free list now, with the exception of six months, at all times.

The objection made to this proposal when it was brought up before was that if there were a duty on the importation of silica sand from Belgium it might raise the price of silica sand which is used in the manufacture of glass. It must be 95 per cent pure silica. It is on the free list now, and with the exception of six months it always has been on the free list. The Tariff Commission tells us that the price of silica sand delivered at the glass works in the East is $4 a ton. The Senator from Wisconsin [Mr. LA FOLLETTE] on a former occasion said if we put a duty on it the price might go up to $7 a ton. It has been on the free list all the time and the price has never gone over $4 a ton.

What is the reason for that? The reason is given in the report of the Tariff Commission. It is because the glass works of this country are situated where there is coal, and at the same time where there is silica sand adjacent to the coal.

The Tariff Commission says there is competition in the eastern part of the United States between the producers of silica sand, which is used in the manufacture of glass, and, therefore, that there never can be any competition with Belgium in the matter. The internal freight prevents such competition. It is thoroughly demonstrated that the sand is on the free list now, has always been on the free list, except for six months, and yet the price of silica sand is $4 a ton at the glass works.

The Senator from Wisconsin said that if we put a duty of $3 on silica sand the producers might charge $7 a ton for it. They are not charging $7 now, although it is on the free list. The reason why they do not charge $7, according to the Tariff Commission's report, is that there is competition within the United States for supplying silica sand to these glass works.

What is the fact?

The only part of the United States where this duty will be effective at all is on the Pacific coast. Whether we have a duty or do not have a duty will not change the situation anywhere else in this country, because it has not changed the situation anywhere else in this country. One hundred or two hundred miles back from the Pacific coast, however, are enormous deposits of silica sand. During the six months' time when there was supposed to be a duty on it those works started up, and they were employing a number of men. When the Customs Court held that silica did not include silica sand, although silica sand was as high as 98 per cent pure, it went on the free list, and the industries that had started up out in the Western States ceased to exist.

What is happening now? According to the report of the Tariff Commission, which I have here, the transportation charge from Belgium to San Francisco is $2.83 a ton. The cost of the material in Belgium is 89 cents. They deliver silica sand to San Francisco from Belgium for $3.72 a ton, while the price it sells for to every glassworks in the East is $4 a ton.

Let us see what it costs to deliver silica sand to San Francisco from Nevada. The cost price of it in Nevada at the mine is $2.20 a ton. In Belgium the cost at the mine is 89 cents a ton.

The freight rate from Nevada to San Francisco is $7.40 a ton. The freight rate from Belgium to San Francisco is $2.83 a ton. Belgium lays down this material for $3.72, while Nevada can not lay it down for less than $9.60.

That is the whole situation. I reiterate that we have only this proposition:

Placing a tariff on silica sand can not affect any place except the Pacific coast, because it is now and always has been on the free list, and yet silica sand is selling at the glassworks throughout the East for $4 a ton. It is claimed that it would sell for

$7 if there were a tariff on it. Why is not the price up to $7 now, for Belgium may compete? According to the report of the Tariff Commission, it is because there are numerous deposits of silica sand in the East, situated adjacent to these works, where there is coal and everything else; and it is local competition that prevents the Belgian product from coming in here under the free list.

That is not true on the Pacific coast. On the Pacific coast they are landing silica sand in San Francisco for $2.30 a ton, with an added mine cost of 89 cents, against a mine cost in Nevada of $2.20 and a freight charge of $7.40 a ton, and it is therefore impossible for those men who started up in Nevada under the act of 1922 to continue to exist without tariff protection.

It seems to me that that answers every question.

I have here a tabulation made by the Tariff Commission which shows the cost of silica sand—and that is the stuff that glass is made out of in this country—at every mine that produces it in the United States. You will find that the cost laid down here and the cost at those various mines is on an average from $1.50 to $2.20 a ton, while the cost in Belgium is 89 cents a ton. In every case it is shown that the transportation cost from the Atlantic coast to any of the glass works in the interior prohibits Belgian sand from ever reaching those points at all.

We have just the simple, plain proposition that an industry that employed thousands of men has practically gone out of existence by reason of an interpretation of the Customs Court. We find that we can restore that industry and place men at work who now are idle throughout the western country without affecting the price at all here in the eastern part of the country, because, as I say, the product is on the free list now and always has been, except for six months, and yet the uniform price is about $4 at all of these glass works in the country. It is $4 because there is intense competition in the East to supply this sand to the glass works.

That is the entire situation. They are shipping the glass sand from Belgium, where it costs 89 cents a ton at the mine, to San Francisco for $3.72—that is the regular rate—and there are thousands of tons shipped as ballast. There we have no figures on what the costs are, but we know that they are materially lower than $3.72 a ton.

If we can equalize the competitive prices at San Francisco and the ports of Los Angeles and San Diego, I feel that it is our duty to do so. We have come here asking for only the measure that has been established with regard to all articles. We have come here telling you that there are thousands of men out of employment in our country who once were employed in this industry and who were thrown out of employment by a construction of the Customs Court obtained by a former member of that court acting as an attorney on behalf of the glass works of this country.

Suppose we should add to the cost of glass on the Pacific coast. Tell me, how much would it add? Glass ranges from $200 to $2,000 per ton. According to the Tariff Commission report, which I have here, glass sand represents only 20 per cent of the cost of the raw material. There is three-fourths of a ton of sand to a ton of glass. If we should add $3.50 to the cost of a ton of glass sand, it would add only $2.33 to the total cost of a ton of manufactured glass, which in the cheapest glass would be as $2.33 is to $200, and as $2.33 is to $2,000 in the highest-priced glass. That means nothing to the consumer. It does not affect the price of glass or glass sands in the East, and it simply allows a new industry of the West, which started to work in 1922, to continue operations.

I have the reports of the Tariff Commission to sustain what I am saying. As to the importations, it was contended that there were no importations. I admit there are no importations in the East. There are 2,000,000 tons of glass sand used in the East, but there are no importations here, and never have been. But on the Pacific coast the importations started at about 4,000 tons of glass in 1923, and they have grown up until they are now 89,000 tons. They are increasing all the time. In fact, importations from Belgium are supplying every particle of the sand used in that section of the country.

In the course of 10 years, as those glassworks grow, the importations will increase to meet the demand. But the very fact that there are only 89,000 tons imported into this country proves that Belgium can not compete with the glass sand producers of the East, and it also proves that they can compete with the glass sand producers of the West, because they are supplying all of the demand of the West.

The Tariff Commission report shows where the 89,000 tons comes into the country. It comes into the port of San Francisco, into the port of Los Angeles, and into the port of San Diego. None of it comes to the East.

There is a contention, according to the Tariff Commission, that the competition of the East is what holds the price down to $4 a ton, the competition of glass sands in the vicinity of the glassworks; but we find that in the West the glass sands are situated too far distant from the coast works to permit them to compete with glass sands shipped from Belgium as ballast.

I want the Senate to understand that some people have thought that glass sands were common sands. There is nothing to that. There are 20 different kinds of sand. There is the sand that comes from decomposed lime. There is the sand that comes from decomposed granite. There is the sand that comes from decomposed slate, and every kind of rock, but this sand is from decomposed quartz. It is silica sand; it is a sand which must contain over 95 per cent of pure silica; it is a sand used only in glass manufacture. When Congress placed a tariff on silica in 1922 there was no silica imported into this country except Belgian sand. Congress intends to protect against the importation of that sand. Yet, in spite of that, an ex-member of the Customs Court went as attorney for the glass works and got that court to render a decision that silica sand, although it contained 95 per cent pure silica, was not silica, and under that interpretation they took the duty off. That came out in our lobby hearing. That is what they hired him to do, to misconstrue the whole provision.

In this matter we simply apply the amendment to silica sand, carrying over 95 per cent silica, used in glass manufacture. That is so definitely described that it could not affect any other kind of sand that may be imported into this country.

Mr. ODDIE. Mr. President, I was called out of the Chamber for a few moments at the beginning of the remarks of my colleague. I would like to refer to the large deposits of silica sand in the West, and ask my colleague if he has not data showing that those deposits contain high-grade silica sand which is suitable for the manufacture of glass?

Mr. PITTMAN. Mr. President, I have the assays made by the glass works, both on the coast and at Pittsburgh, showing that this sand is as high grade and as pure as the Belgian sand, and that they would use it, as they did for a period of six months, except that it can be laid down so cheaply from Belgium.

Mr. ODDIE. I know from observation that one deposit of this silica sand at least, in the southern part of Nevada, contains an enormous tonnage. I also know of other large similar deposits in Nevada. So, if the quality is right, as the evidence has shown, the quantity has been demonstrated to be there. There is an enormous quantity of it.

Mr. President, I favor this amendment of my colleague and feel that it will do much to bring and hold business to our country which we need. I hope the amendment will be agreed to.

Mr. DILL. Mr. President, I want to ask the Senator from Nevada whether or not he explained the ruling of the department which placed Belgian sand on the free list, which had formerly carried a tariff?

Mr. PITTMAN. I did. I said that, through the action of a former member of the Customs Court, they held that silica sand carrying 95 per cent of silica was not silica. Yet it is the only thing of the kind that has ever been imported into this country.

Mr. DILL. I have learned that large quantities of Belgian sand are being imported and landed on the Pacific coast, particularly on the north Pacific coast, free of duty, and industries are being bankrupted because they were built up on the theory that there was a tariff on Belgian sand. For this reason, I will vote for the Senator's amendment.

Mr. PITTMAN. Mr. President, I am not going to take time to read the entire report of the Tariff Commission, as I know the Senate is impatient to get on, but I ask leave to have printed at the end of my remarks the data I have from the Tariff Commission, which I have just obtained.

I wish to say that there are 18 States in the United States, according to this report, which are at the present time supplying certain amounts of silica sand.

The report also discloses what I have stated, that the silica-sand deposits used by the glass works in the East are adjacent to the works and adjacent to coal. The price is $4, no higher, although the Belgian sand has always been on the free list. This affects nothing whatever except the Pacific coast, to which ports the product is shipped as ballast.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, March 4, 1930.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR PITTMAN: Receipt is acknowledged of your letter of February 27 concerning the glass-sand industry in the United States.

We are pleased to attach hereto a memorandum covering information with respect to the following:

(1) Production in the United States, by States, for recent years.

(2) Imports for consumption from Belgium, 1923 to 1929.

(3) Imports for consumption from Belgium, by customs districts, for the years 1928 and 1929.

(4) Costs and transportation charges on Belgian and domestic glass sand to important glass-producting centers in the United States for 1930.

We trust that this information answers your inquiry.

Sincerely yours,

E. B. BROSSARD, *Chairman.*

GLASS SAND

Glass sand is a comparatively pure form of silica. In the production of glass, sand containing 95 per cent or more of silica is required. For the highest grades of glass, such as optical, plate, and window glass, sand containing 98 per cent or more of silica is necessary. Glass sand represents approximately 20 per cent of the raw material cost and 2.5 per cent of the total cost in the production of plate or window glass. Iron, which is present in all glass sands in varying amounts, is an undesirable impurity. For the better grades of glass the sand should not contain more than a trace of iron.

The commercial deposits of glass sand are widely distributed throughout the United States. The large glass plants in the eastern section of the country, however, obtain most of their requirements from mines east of the Mississippi River. Important deposits occur in West Virginia, Pennsylvania, and Illinois.

The following table shows the domestic glass sand sold or used by producers in the United States, by States, for the period 1925–1928. Illinois was the largest producer, followed by West Virginia and Pennsylvania. These three States produce 71 per cent of the total production.

Glass sand sold or used by producers in the United States for the period 1925–1928

	1925			1926			1927			1928		
	Quantity, short tons	Value	Average value	Quantity, short tons	Value	Average value	Quantity, short tons	Value	Average value	Quantity, short tons	Value	Average value
Arkansas	(1)	(1)		(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)
California	(1)	(1)		2,075	$3,089	$1.50	6,882	$21,917	$3.18	(1)	(1)	(1)
Georgia	(1)	(1)		(1)	(1)		3,000	3,000	1.00	(2)	(2)	(2)
Illinois	709,029	$636,355	$0.90	610,234	465,458	.76	629,268	356,333	.57	658,036	$442,923	$0.67
Indiana	(1)	(1)		(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)
Maryland	(1)	(1)		(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)
Massachusetts	(1)	(1)		(1)	(1)		940	5,511	5.87	436	2,451	5.62
Michigan	(1)	(1)		(1)	(1)		(1)	(1)	(1)	63,546	145,073	2.28
Missouri	165,200	252,271	1.53	145,383	204,067	1.40	99,026	144,259	1.47	145,554	188,960	1.30
Nevada	(2)	(2)		(2)	(2)		(2)	(2)	(2)	3,585	7,887	2.20
New Jersey	195,770	310,796	1.59	185,581	308,507	1.66	185,568	278,588	1.50	165,142	246,919	1.50
New York	(1)	(1)		(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)
Ohio	57,948	114,350	1.98	(1)	(1)		(1)	(1)	(1)	63,442	118,570	1.87
Oklahoma	(1)	(1)		35,695	61,881	1.73	30,107	52,787	1.75	(1)	(1)	(1)
Pennsylvania	418,676	845,455	2.02	409,057	819,981	2.00	423,895	814,613	1.92	451,014	906,350	2.00
Texas	(1)	(1)		6,071	4,157	.68	8,706	6,073	.70	(2)	(2)	(2)
Virginia	61,532	136,523	2.22	(1)	(1)		34,878	91,947	2.63	35,060	75,945	2.16
West Virginia	501,688	1,136,942	2.23	518,128	1,134,017	2.19	509,905	1,100,413	2.16	527,063	1,068,017	2.02
Undistributed	225,078	403,393	1.80	361,984	614,214	1.70	239,518	382,949	1.60	197,970	232,550	1.17
Total	2,334,921	3,836,085	1.64	2,274,218	3,615,371	1.59	2,171,693	3,257,790	1.50	2,310,828	3,435,645	1.49

[1] Included under "Undistributed."

[2] No production reported.

Source: Mineral Resources of the United States, Pt. II.

The foreign glass sand used in the United States comes almost wholly from Belgium. Some of the finest deposits of glass sand in Europe are those at Fontainebleau near Paris, France, and at Epinal near Antwerp, Belgium.

Imports reported as glass sand in 1928 amounted to 43,286 short tons, of which 41,586 short tons came from Belgium. Imports in that year reported as "other sand" from Belgium amounted to 38,809 tons, valued at $34,754, or an average value of about 89 cents per short ton. These figures indicate that most, if not all, of this sand is glass sand. Imports in 1929 of sand from Belgium, all reported as "other sand," amounted to 87,457 short tons, valued at $65,019, or an average value of 74 cents per short ton.

The following table affords a comparison of the domestic glass sand sold or produced in the United States with imports of sand, including glass sand, from Belgium for the period 1923–1929.

Glass sand sold or used by producers in the United States and imports for consumption from Belgium of glass sand and other sand for the period 1923–1929

Year	Domestic			Foreign								
	Glass sand sold or used by producers in the United States			Imports from Belgium [1]								
				Glass sand			Other sand			Total		
	Quantity (short tons)	Value	Average value	Quantity (short tons)	Value	Average value	Quantity (short tons)	Value	Average value	Quantity (short tons)	Value	Average value
1923	2,034,958	$3,751,778	$1.84	2,164	$2,910	$1.34	71,572	$57,328	$0.80	73,736	$60,238	$0.81
1924	2,169,899	3,718,973	1.71	6,479	1,944	.32	69,772	40,946	.59	76,251	42,890	.56
1925	2,334,921	3,836,085	1.64	4,174	2,025	.48	63,981	36,726	.57	68,155	38,751	.57
1926	2,274,218	3,615,371	1.59	7,608	6,874	.90	79,031	43,153	.54	86,639	50,027	.58
1927	2,171,693	3,257,790	1.50	10,270	7,632	.74	66,023	40,052	.60	76,293	47,684	.62
1928	2,310,828	3,435,645	1.49	41,586	35,136	.84	38,809	34,754	.89	80,397	69,890	.87
1929	(2)	(2)		(3)	(3)		87,457	65,019	.74	87,457	65,019	.74

[1] Imports reported in long tons, converted to short tons.

[2] Not available.

[3] No imports of glass sand, as such, reported; included with other sand.

Source: Statistics for domestic; Mineral Resources of the United States, Part II, 1928. Imports compiled from special statistical report of the Department of Commerce.

The following table shows imports of sand, including glass sand, from Belgium for the years 1928 and 1929 by customs districts. In 1929 approximately 82 per cent of the imports of sand from Belgium were entered at Los Angeles and San Francisco:

Sand, including glass sand: Imports for consumption from Belgium by customs districts for the years 1928 and 1929

Customs district	1928			1929		
	Quantity	Value	Average unit value per short ton	Quantity	Value	Average unit value per short ton
	Short tons			*Short tons*		
San Francisco	50,593	$41,190	$0.83	52,741	$40,502	$0.77
Los Angeles	14,224	9,943	.71	19,141	11,852	.62
New York	1,669	3,576	2.14	5,281	5,982	1.13
Washington	4,424	4,574	1.03	5,085	3,823	.75
Massachusetts	1,344	1,083	.80	3,289	1,421	.43
Oregon	1,400	1,174	.84	1,920	1,440	.75
Total	80,397	69,890	.87	87,457	65,019	.74

Glass sand is imported free of duty under paragraph 1675.

The average value of domestic glass sand varies according to different methods of manufacturing and for different localities. In 1928 the average value per short ton at mine in Illinois was 67 cents; in Pennsylvania, $2; in West Virginia, $2.02; and in Nevada, $2.20. As the Illinois sand deposit near Ottawa is some distance removed from the large glass manufacturing centers, it has been necessary to use the most economical methods of mining in this locality in order to offset the disadvantage due to high freight rates. Accordingly, most of the glass sand produced in the State of Illinois is obtained by hydraulic mining, whereas, that produced in Pennsylvania and West Virginia is quarried and crushed. The largest number of glass factories in the United States are located in the States of Pennsylvania, West Virginia, and Ohio. As freight rates on sand, particularly for inland transportation, are relatively high, glass manufacturing establishments in these States usually secure their supply of sand from the nearest deposits. West Virginia and Ohio glass factories are supplied largely from the deposits at Berkley Springs and Thayer, W. Va.; Pennsylvania factories from the deposits at McVeytown and Lewiston, Pa., whereas the glass factories in the Central States secure most of their sand requirements from the large Ottawa, Ill., area.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the amendment made as in Committee of the Whole.

The amendment to the amendment as made in Committee of the Whole was agreed to.

The VICE PRESIDENT. The Secretary will report the next amendment.

The CHIEF CLERK. On pages 38 and 39, paragraph 208, mica.

Mr. WATSON. I offer the following amendment.

The VICE PRESIDENT. The clerk will state the amendment.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Is there any amendment reported from the Committee of the Whole on mica?

The VICE PRESIDENT. The Chair is advised that there is an amendment on lines 23 and 24, and on line 5, page 38. The clerk will state the amendment offered by the Senator from Indiana.

The CHIEF CLERK. The Senator from Indiana offers the following amendment:

To strike out paragraph 208 and in lieu thereof to insert the following:

"PAR. 208. Mica, unmanufactured, valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 per cent ad valorem.

"Mica, cut or stamped to dimensions, shape, or form, 40 per cent ad valorem; mica films and splittings, not cut or stamped to dimensions, not above 0.0012 of an inch in thickness, 25 per cent ad valorem; over 0.0012 of an inch in thickness, 40 per cent ad valorem; films and splittings, cut or stamped to dimensions, 45 per cent ad valorem; mica plates and built-up mica, and all manufactures of mica, or of which mica is the component material of chief value, by whatever name known, and to whatever use applied, and whether or not named, described, or provided for in any other paragraph of this act, 40 per cent ad valorem; untrimmed phlogopite mica from which rectangular pieces not exceeding in size 1 inch by 2 inches may be cut, 15 per cent ad valorem; mica waste and scrap, when valued at not more than 5 cents per pound, 25 per cent ad valorem; valued at more than 5 cents per pound, it shall be classified as mica, unmanufactured; mica, ground or pulverized, 20 per cent ad valorem."

Mr. SMOOT obtained the floor.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. WATSON. I would like to make an explanation.

Mr. SMOOT. I would like to have the Senator do so.

Mr. WATSON. The explanation is simply this: This is a rewriting of the whole mica paragraph.

Mr. SMOOT. Yes; and there are changes in the rates.

Mr. WATSON. Slight changes. The amendment was prepared really under the supervision of the senior Senator from North Carolina [Mr. SIMMONS] and offered by him. It is a rewriting in the interest of clarification, largely, though there is some change in the rates to meet the ideas of the Senator from North Carolina.

There is one case now in the court, I will say to the Senator from Utah—of course, he is familiar with it—on the question of classification, because at the present time the rates are difficult of interpretation, and therefore of administration.

Mr. SMOOT. I am not objecting to the wording at all, but there is a material increase in the rate.

Mr. WATSON. Yes; there is some increase in the rate, and I want the Senator from North Carolina to take the floor and explain the increase in the rate.

I want to say to the Senator from Utah, first, that the particular part in which I am interested is the rate on phlogopite. That is a barbarous sounding name, but it is not as bad as it sounds. In other words, it is nothing but amber splittings.

Mr. SMOOT. Let me suggest to the Senator that the amendment be agreed to and go to conference.

Mr. LA FOLLETTE. What is the effect of the amendment?

Mr. SMOOT. The effect of the amendment in some parts is an increase in the mica schedule. As far as the wording is concerned, I think this amendment is better than the provision in the bill. I think there is no doubt about that. The classification is better, too, but there are one or two classes as provided for in the amendment which is offered, at higher rates than in the bill as reported to the Senate.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator what is the justification for the amendment?

Mr. SIMMONS. Allow me to explain to the Senator from Wisconsin. When this paragraph was reached there were two small amendments offered by the Committee on Finance. I stated that I should make no objection to the amendments, because I thought the whole paragraph needed rewriting. As it came from the House and as it came from the Committee on Finance, it was a very unbalanced schedule in that the rates imposed upon the raw material were out of balance with the rates imposed upon the finished product. I was not particularly interested in raising rates, but I wanted the rates harmonized so as to give the same benefit to the producer of the raw material that they give to the producer of the finished product. I did not write the rates myself. I had three or possibly four of the experts who had been assigned to different members of the Committee on Finance, to meet me in my office and I stated to them that what I desired and all I desired was to have the paragraph rewritten so as to bring about a balanced condition with reference to the rates prescribed on the raw material and the finished product.

Those rates were fixed by them and adopted by me in the draft that I turned over to the Senator from Indiana [Mr. WATSON], who desired to make an amendment to it. He did make an amendment to it and said he would offer it. Those rates were written simply with a view of bringing about that equality. I think it will slightly increase the rates upon the raw material, but will not materially affect the rates upon the finished product. I think under those circumstances that the suggestion of the Senator from Utah that the matter go to conference and be settled there is a good one, because they are technical questions, which it is difficult to present here without taking a great deal of time.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. I yield.

Mr. LA FOLLETTE. It is not my desire to prolong debate upon the amendment, but I am opposed to amendments being presented here without any justification for them and having them taken to conference unless we know what is involved in the amendment. The conferees on the part of the Senate are going to be committed to the action of the Senate. I would

have no objection to the rewriting of the phraseology in order to make it more explicit, and I would not have any objection to harmonizing the rates in so far as the raw material and finished products are concerned.

Mr. WATSON. I will say to the Senator that that is just what the amendment seeks to do.

Mr. LA FOLLETTE. I understood the Senator from Utah to say that it would result in increases.

Mr. SMOOT. Over the rate in the bill.

Mr. LA FOLLETTE. The Senator from Michigan [Mr. COUZENS] just now tells me it involves a 100 per cent increase in one case. It seems to me it would be a strange situation which would require a 100 per cent increase in order to harmonize some discrepancy in the House text between the tariff on the raw material and the tariff on the finished product. I suggest to the Senator from Indiana that if all he desires is to accomplish the purpose outlined by the Senator from North Carolina that he withdraw his amendment and have the experts redraft it so that it will carry out that intent, and then we will not have the situation of the Senate conferees being committed to fight for a proposition which has not been justified in debate in the Senate.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the junior Senator from Indiana?

Mr. SIMMONS. I yield.

Mr. ROBINSON of Indiana. As I understand the amendment of the senior Senator from Indiana [Mr. WATSON], so far as phlogopite is concerned, it would reduce the duty on the raw material quite considerably from that which is already provided in the draft of that paragraph. That is the only suggestion I have to make, because I am not familiar with the rearrangement of the paragraph itself, and have not had an opportunity to read it.

The VICE PRESIDENT. The Senator from North Carolina has the floor. Does he yield to the Senator from Wisconsin?

Mr. SIMMONS. I yield.

Mr. LA FOLLETTE. In response to the suggestion made by the junior Senator from Indiana I am in the same situation he is, so far as familiarity with the paragraph is concerned. But from the statements that have been made it is perfectly obvious that the amendment presented by the senior Senator from Indiana does not carry out the laudable purpose outlined by the Senator from North Carolina. I suggest to the senior Senator from Indiana, if he desires to accomplish the objective outlined by the Senator from North Carolina, that he withdraw the amendment and have the experts redraft it so that there will not be any 100 per cent increases in duties that do not seem to be justified by the statement of facts as made in debate.

Mr. SMOOT. Mr. President, will the Senator from North Carolina yield to me?

Mr. SIMMONS. I yield.

Mr. SMOOT. So far as the phlogopite is concerned, the rate to-day is 20 per cent. If I understand the senior Senator from Indiana he proposes to reduce the rate set forth in the original draft to 15 per cent. Therefore it is a reduction in that item.

Mr. SIMMONS. Mr. President, replying to the suggestion of the Senator from Wisconsin with reference to referring the amendment to the experts, I apprehend the Senator was not in the Chamber when I made the statement a little while ago that the redrafting of the amendment had been done by experts, not one, but three or four, and he did not hear the statement by me that I was not particularly interested in the rate except that I desire that the rates be balanced as between the raw material and the finished product.

Mr. President, there is no such increase as indicated by the statement of the Senator from Michigan [Mr. COUZENS] to the Senator from Wisconsin. There is an increase over the Finance Committee rate on one of the products from 5 to 20 per cent. The House rate on waste, scrap, and ground mica was 20 per cent. The rate was reduced by the Senate Finance Committee to 5 per cent. The amendment offered by the Senator from Indiana restores that rate to the rate as fixed originally by the House, as I recall it. The rate that I spoke of was 20 per cent in the House text, reduced to 5 per cent by the Finance Committee, and in this amendment restored either to the House rate or raised to 20 per cent. That rate was upon waste and scrap mica and that I presume is the rate to which the Senator from Michigan referred.

An investigation will show that the importations of scrap and waste are very great. I presume the Finance Committee proceeded upon the theory that there was no necessity for a duty upon scrap and waste mica. As a matter of fact, that is the raw material of very great importance in connection with this industry. It is the raw material produced very largely in North Carolina. North Carolina is the largest producer of mica of any State in the Union. In fact, I believe there is more mica produced in North Carolina than in any other State in the Union when its mines are in operation, but their mica is largely scrap and waste mica. The mines in North Carolina, I am advised—I do not know what the facts are, but I have been so informed—have been closed down for some time, because they found themselves unable to meet competition from India upon scrap and waste mica. The importations of scrap and waste mica last year were 8,000,000 pounds. The United States production of mica of that character was only 6,280,000 pounds. The mines in my State can produce every pound that is consumed in the United States, and yet by reason of these large importations, I am told, that they have closed down.

Very rarely in the discussion of a tariff bill have we been confronted by a situation where the importations from abroad are one-fourth larger than the domestic production. If, in case that condition exists, the industry is not entitled to a rate sufficiently high to equalize conditions here and abroad in that industry, then there is no case where protection is justified. That is the only rate that has been largely increased.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. WATSON. We can offer this as an individual amendment at any time after we get through with the reserved amendments. Why not get together, fix up the amendment, and offer it as an individual amendment after we are through with the reserved amendments?

Mr. SIMMONS. I am through with experts myself. They have done all the work that I thought could be done, and I thought they had solved the situation correctly. I think the House rate was a fair rate.

Mr. LA FOLLETTE. I suggest that amendments of this technical character which have not been considered in the Senate should be referred to the Committee on Finance, so that some study may be made of them before they are presented on the floor. It is absolutely impossible for Senators, without any opportunity being afforded, to familiarize themselves with these technical subjects.

Mr. SIMMONS. Mr. President, I understand that the Senator from Indiana [Mr. WATSON] has inadvertently offered the wrong amendment.

Mr. LA FOLLETTE. Mr. President, that is a further justification of just what I was saying. These amendments should be submitted, printed, and referred to the committee, where we may have the advantage of consulting experts and the representative of the drafting service, so that the pending bill will not be loaded down in the closing hours of its consideration with hastily drawn and ill-considered amendments.

I also think that Senators, in so far as it is possible for them to do so, should submit their amendments and have them printed and lie on the table. The amendments now being submitted to the bill are presented in typewritten form and Senators have not the advantage of studying them or even securing copies of them. I do hope that we are not going to load this bill down in the final stages of its consideration with amendments which have not received proper consideration and are not properly prepared.

Mr. SIMMONS. Mr. President, when I obtained from the clerk's desk a copy of the amendment I could not find in it what I was looking for, and I thought that was very strange, and that there had been a mistake in reference to the amendment.

Mr. WATSON. Mr. President, why not let the amendment go over?

Mr. SIMMONS. I am perfectly willing that it should go over, and the Senator from Indiana may submit the amendment and have it printed.

Mr. WATSON. Then, let the amendment go over.

Mr. SIMMONS. But I somewhat resent the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE] that it is a hastily drawn amendment. I desire to say that the amendment which I had expected to submit was not a hastily drawn amendment but was a carefully drawn amendment. I can not speak for the amendment which has been offered, and I, therefore, suggest that it take the course suggested by the Senator from Indiana.

Mr. WATSON. That will be agreeable to me.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Massachusetts. I have no objection to the amendment going over, but I simply wish to add to what the Senator from Wisconsin has said that we want at least a brief

explanation of new amendments offered so that the RECORD will show the reason for them—I have no reference to the one which has been under consideration—and then Senators who are interested may, if they so desire, later move a reconsideration. But the debate in this Chamber is not being listened to by many Senators. Let us at least have a record of the reasons for amendments so that we may read them the next day and call attention to any injustices that may be perpetrated by amendments which are offered to the pending bill in the closing hours of its consideration.

Mr. WATSON. Mr. President, I simply wish to make an observation. In the first place, I was interested in only one phase of the mica tariff, and that was in the substance which was called phlogopite. The Senator from North Carolina [Mr. SIMMONS] was interested in the other phases of it. Each of us consulted experts and each of us had the part of the amendment in which he was interested especially prepared for him. There was some confusion, however, when we put the two together. I hunted around for the amendment that both of us had agreed on, but I could not find it. I rather think I did offer the wrong amendment at the moment. Then, when my attention was called to it, I was entirely willing to withdraw the amendment; and I think the Senator from North Carolina was in very much the condition that I was in. Now, as he is willing to withdraw the amendment, we may let it go over. There was, however, no intention to load the bill down. I will say to my friend from Wisconsin.

Mr. LA FOLLETTE. I did not mean to reflect on the Senator in any way.

Mr. WATSON. I understand that.

Mr. LA FOLLETTE. I merely referred to the practice of submitting amendments without their having either been printed or considered by the committee. I was merely making a general appeal to Senators not to pursue that practice in the closing hours of the consideration of the bill.

Mr. WATSON. The Senator from Wisconsin is right as to that.

The VICE PRESIDENT. The clerk will report the next reserved amendment.

The LEGISLATIVE CLERK. The next reserved amendment is in paragraph 211, earthenware and crockery, on page 40, line 15, where the Senate, as in Committee of the Whole, struck out the words "10 cents per dozen pieces and."

Mr. WALSH of Massachusetts. I notice that the Senator who desired that this amendment be reserved is not now in the Chamber. Therefore, I raise the point of order that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brock	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present. The Secretary will report the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 211, on page 40, line 15, the Senate, as in Committee of the Whole, struck out the words "10 cents per dozen pieces and."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HATFIELD obtained the floor.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. HATFIELD. I yield.

Mr. BLAINE. I desire to enter the debate in my own right when I can obtain the floor. I do not want the Senator to yield for a question.

Mr. HATFIELD. How long will it take the Senator to make his remarks?

Mr. BLAINE. I have no idea.

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. HATFIELD. Mr. President, I send to the desk an amendment to paragraphs 211 and 212.

I may say by way of explanation that the amendment which I have presented places the additional specific duty only on those commodities which compete in America with the products of American workers. The amendment will not add any extra cost to the earthenware and chinaware products imported from England or France. The additional duty of 10 cents per dozen was reported by the Finance Committee. The rate of 10 cents a dozen pieces will make it possible for the product of American workers to compete——

Mr. BARKLEY. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Before we proceed discussing the amendment it might be well to find out what it is, so that we will know whether it is in order.

Mr. HATFIELD. I am merely explaining the amendment.

The VICE PRESIDENT. The Chair will state that he has read the amendment of the Senator from West Virginia, and it is not in order at this time, except by unanimous consent.

Mr. BARKLEY. I object to any amendment being considered that is not in order.

Mr. HATFIELD. Mr. President, when will it be in order?

The VICE PRESIDENT. The amendment will be in order when individual amendments shall be reached after the reserved amendments shall have been disposed of.

The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HATFIELD. Mr. President, I wish to be heard upon that question.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

Mr. HATFIELD. Mr. President, the pottery industry of this country began in 1685.

ORIGIN AND GROWTH OF THE INDUSTRY

The inception, and to a great extent the growth, of the pottery industry in the United States is due to the immigration of English practical potters and skilled workmen.

In 1685 one of the colonial governors of New Jersey, Dr. Daniel Coxe, from London, established a white-ware pottery at Burlington, N. J., and this is the first of its kind of which record is made. In 1688 the works were offered for sale, and inventoried as follows:

> I have erected a pottery at Burlington for white chinaware. A great quantity, to the value of 1,200 pounds, has already been made and vended in the country and neighboring Colonies, and ye island of Barbadoes and Jamaica, where they have been in great request. I have two houses and kilns with all necessary implements, diverse workmen, and servants. Have expended thereon about £2,000.

The early records of the industry reveal the interesting statement that some of the earliest English china of which we have any knowledge was made from American china clay.

In his work on Pottery and Porcelain in the United States, Edwin Atlee Barber makes the following abstract from the record:

> A patent was taken out in 1744 by Edward Heylyn, of the parish of Bow, in the county of Essex, painter, for the manufacture of chinaware, and the following year they enrolled their specifications, in which they state that the material used in their invention is an earth, the produce of the Cherokee Nation in America, called by the nation "unaker."

This was 24 years before the discovery of china clays at St. Austall, Cornwall, by Cooksworthy. Josiah Wedgwood wrote of a pottery that had been established in South Carolina, with workmen from England, in 1765, "having one of our insolvent master potters to conduct them."

Mr. President, paragraphs 211 and 212 refer to what is known as pottery.

"Pottery" is the term used primarily to cover articles made from clay. Articles coming within the term "pottery," whether made of earthenware or chinaware, running from the crudest flowerpot to the most elaborate, decorative tableware, or highly ornamental chinaware, reflecting the skilled labor in these articles, representing values running into hundreds of dollars apiece, regardless of whether the article be a cup, mug, or saucer of the cheapest variety, or of the finest and most delicate china, serve the same identical purpose, depending largely upon the taste, inclination, or ability of the consumer to invest in these products.

Articles described and covered by paragraphs 211 and 212 are made of substantially the same materials, namely, clay,

pulverized flint or quartz, pulverized feldspar, and decalcomania. In outward appearance they are similar and in many instances superficially indistinguishable to those untrained in making a distinction; but, as formerly stated, they are used for the same purpose.

They differ, however, in cost of production, quality, and value. The difference is due to the proportions of materials used, with the added labor cost, together with the fuel used for firing.

This great American industry is of substantial interest to the following States: West Virginia, Ohio, Indiana, Tennessee, New York, New Jersey, Maryland, Massachusetts, Virginia, Michigan, Illinois, and California.

The States supplying the materials which enter largely into the manufacture of pottery are Georgia, Florida, Texas, Missouri, Oklahoma, North Carolina, South Carolina, West Virginia, Tennessee, Maine, Connecticut, Kentucky, New Jersey, Pennsylvania, New York, and California.

The production covered by paragraphs 211 and 212 affects American labor, which is represented in the pottery workers—a branch of the American Federation of Labor—more directly than it affects almost any other class of workers, I am justified in saying, whose product is the subject of any other paragraph of the tariff bill. The Senate by their action in dealing with these paragraphs will indicate to the American wage earners whether they stand for maintaining wages, averaging for the entire year a weekly wage of $25, or whether they consider this amount too high.

This modest wage is from four to eight times the wage paid to the workers in those countries with which the products of American labor are brought in competition. The importation of this foreign-made pottery, amounting to more than 50 per cent of our total domestic consumption, has paralyzed the American industry and is sending this class of American laboring men upon the highways looking for work when they have spent their entire life at this vocation and know little about the performance of any other kind of work.

When we take into consideration the penalty now exacted by industries when the workman reaches the age of 45 to 50 years we can not help but understand how hopeless the task is which confronts these workers in their efforts to learn a new trade and what it means to those who are dependent upon them. I justify this statement that the workmen are more interested in these two paragraphs than possibly any other in that investigations show that even in the undecorated wares the labor cost is approximately 55 per cent of the total cost of the article. In the finer decorative wares it will run to 65 per cent of the total cost.

Mr. President, in referring to labor cost I mean that portion of the cost of the finished article which goes into the production by those workers who are employed as potters. This statement does not take into consideration the amount paid to workers in producing the clay, or the amount that is paid by the manufacturer for the raw materials that the pottery workmen use.

The American manufacturer is subjected to a differential in his efforts to compete with many of the foreign countries in that the goods are paid for after the first firing process in Europe. The American manufacturer pays before the first firing process. The advantage of the foreign manufacturer represents about 5 per cent difference because of this condition in wage cost, which is that much more to the advantage of the importer and foreign producers.

We must take into consideration that the cost of labor amounts to from 55 per cent to 65 per cent of the total cost of the production of this commodity. We must also bear in mind that foreign labor is willing to furnish the same product for one-third of what our American workmen are willing to work for.

In my judgment, Mr. President, there is not a man within the sound of my voice who would want the American workman to work for less than the modest salary of $25 per week, especially the pottery workers, who possess skill and ability. We should be able to realize the wide handicap which confronts the American pottery industry and those employed therein and the inability of these workers to obtain employment when they are refused the proper tariff protection which the records disclose they are entitled to receive under the theory and principles laid down by protective tariff in its application for the conservation of our American industries.

Mr. President, the material-cost difference is not as great as that of labor; but, due to the low labor cost in mining and producing the raw materials in foreign countries as against the costs in our own country, even here there is an advantage which favors the foreign competitors and the importers.

It will interest those Members of the Senate who acclaim their willingness to vote for a tariff rate which will equalize the difference in cost of production between this country and foreign countries, as the productivity of the average worker is about the same, to consider seriously the difference in wages paid to workers in this industry in the various countries.

The difference in wage scale will indicate that even 10 cents per dozen pieces specific duty, in addition to the present ad valorem duties, will not fully equalize the difference in wage cost of production.

COMPARATIVE LABOR WAGES WITH COMPETING COUNTRIES

United States two and one-half times English wages.
Germany, female wages, 8 cents to 10 cents per hour.
United States, female wages, 25 cents to 52 cents per hour.
Germany, male wages, 13 cents to 31 cents per hour.
United States, male wages, 42 cents to $1.27 per hour.
United States wages three and one-fourth times those of Czechoslovakia.
United States wages four times those of Holland.
United States wages four and one-half times those of Italy.
United States wages approximately eight times those of Japan.

I might say, Mr. President, that the French and English china workers find themselves in the same predicament in which the American pottery industry workers find themselves.

As evidence of my statement that this duty of 10 cents per dozen pieces will not equalize the difference in labor cost in the production of pottery, I wish to read to you a letter from the president of the National Brotherhood of Operative Potters, affiliated with the American Federation of Labor, which organization, I understand, represents some 90 per cent of the skilled workers employed in the American pottery industry:

MY DEAR SENATOR HATFIELD: In requesting your cooperation and assistance toward securing tariff protection on earthenware and chinaware the product of American workers, I am taking the liberty of furnishing you with concrete examples of how impossible it is under the present tariff rates for the products of American workers to compete in America with the products of workers of foreign countries.

For some years the products of foreign workers have supplied at least 50 per cent of the tableware consumed each year in America. During the past five years our membership has been unable to secure continuous employment more than 60 per cent of the time. I have called to the attention of our executive board members the claims of those Senators who are opposed to a fair degree of tariff protection for the product of American pottery workers, and the assertion of these Senators that the installation of tunnel kilns will make it possible for American pottery workers to compete with pottery produced in foreign countries.

It is the unanimous opinion of our executive board that while tunnel kilns may be profitably adopted for the firing of plain earthenware produced in lots of 10,000 dozen pieces or more, it should be borne in mind that firing represents but one part of the cost of producing pottery.

Then again, permit us to call your attention to the fact that, due to the lack of tariff protection, many American potteries have been forced out of the production of the cheaper wares, which wares, for American consumption, are furnished largely by the importation of Japanese, German, Czechoslovakian, and Holland wares. Our organization has requested additional tariff duties of 25 cents per dozen on chinaware, and 15 cents per dozen on earthenware, and in making this request we can state positively that even these tariff duties will not equalize the difference in cost of production.

The exhibits which I am furnishing—

I might say that these exhibits are in my office. I did not feel that it was necessary to present them here on the floor of the Senate—

The exhibits which I am furnishing were purchased by myself or officers of our organization. We have carefully compared these articles with similar ware which our members produce. We have attached to each exhibit a statement of what it costs at retail, and what the labor cost alone of producing these exhibits would be in America.

Labor costs, as hereto attached, refer only to the labor cost or wages paid to workers in American pottery plants.

This teapot, made in Japan, was purchased for 10 cents. The same teapot, produced in America by American labor, would cost—labor cost only—61.8 cents.

Exhibit B is a sugar (two pieces) purchased at the same time and place as the teapot just referred to at retail for 10 cents. This sugar would cost to produce in America—labor cost only—45.8 cents.

Exhibit C is a cream holder; was purchased for 10 cents at retail at the same time and place as the teapot and the sugar—Exhibits A and B. The cost to produce this cream holder in America—labor cost only—would be 35.1 cents.

Exhibit D is a 9-inch dinner plate purchased in Washington. This plate, sold at retail for 10 cents, was produced in Holland. The labor cost alone of producing this plate in America is 8.7 cents.

Exhibit E is a 7-inch plate, purchased for 10 cents. This plate was made in Japan. The labor cost alone for producing this plate in America is 15.5 cents.

Exhibit F is a saucer made in Japan purchased for 10 cents. The labor cost of producing this saucer in America would be 18 cents.

Exhibit G is a cup made in Japan purchased for 10 cents. The labor cost alone of producing this cup in America would be 14.4 cents.

Also you will find a Japanese tea set of 21 pieces. This tea set was purchased at a department store for $4.50. The labor cost alone of producing this set in America would be $6.28.

Thanking you for the interest you have taken in the welfare of the workers in the American earthenware and chinaware industry, and assuring you of the deep gratitude of our membership, we are,

Sincerely yours,

JAMES M. DUFFY, *President.*

Mr. President, for many years candidates for election to national office, irrespective of whether they were Republicans, Democrats, or so-called Progressives have publicly proclaimed their support of a tariff policy that would, as the well-known Republican doctrine does, "protect American industry and labor," or, as for years proclaimed by the Democrats, "at least equalize the difference in costs of production."

Mr. President, assuming that such protestations were sincere, and to carry on in good faith, I will say without any hesitancy that we should insert in paragraphs 211 and 212 a specific duty of not less than 25 cents per dozen pieces in addition to the ad valorem duty.

The pottery industry is run on such a basis that the workers receive compensation only for what they actually produce. Therefore, when these men are unable to secure work, it should be apparent that the industry is in distress.

The testimony given before the Finance Committee by representatives of the workers under oath indicated that the workers in the pottery industry were employed not more than 60 per cent of the time. A recent study of the pottery industry by the Department of Labor, Bulletin No. 412, 1925, showed that the average wages paid the pottery workers were $21.68 per week.

Mr. President, when we discussed this subject some weeks ago, great stress was laid upon the lack of modern equipment, lack of modern ideas, and similar statements which were intended to indicate that those engaged in this industry were seeking legislation to cover their own weakness or inability. A few days ago a Member of the Senate indicated his intention to ask for an investigation to reveal just what tariff protection was needed to protect American labor.

The Department of Labor made an exhaustive study of the American pottery industry in 1925 and published their findings in Bulletin No. 412, 1925.

In looking through this report I find that this survey reported on a total of 56 separate classifications of work. This included 40 for men, 11 for women, and 5 in which both men and women were engaged. The average hourly earnings for 1925 for men, I find, varied from 32½ cents for straw boys to $1.27 for boss bisque-kiln placers. For women the hourly wage is from 24.8 cents for dusters of the clay to 52.8 cents for gilders and liners.

Comparing the averages, it was found that the employees of each sex worked the same number of hours, that all males collectively earned an average of $26.22 per week, and that all females collectively earned an average of $13.27 per week.

In comparing these figures it must be borne in mind that there is much difference in the character and class of work performed by males and females in a pottery (p. 4).

I find that in 1925 when there was no tariff legislation under consideration—

> Many of the potteries, the semivitreous ones especially, complained that business conditions were poor.

I find in this survey of the Department of Labor a comparison of the hourly earnings 1912, 1913, and 1925. I quote from the report (p. 23):

> Hourly earnings in the pottery industry have, as a whole, more than doubled in the 12-year interval.
>
> By computation from the figures relating to the semivitreous ware it is seen that the earnings per hour of jigger men increased 98 per cent; of bisque-kiln placers, 120 per cent; of clay carriers, 171 per cent; of female finishers, 103 per cent; and of female dressers, 114 per cent.
>
> It is of interest to note that while the jigger men's earnings per hour increased 98 per cent, the rate for jiggering a 7-inch plate, as shown, increased 61 per cent (p. 29), and that while the bisque-kiln placers' earnings per hour increased 120 per cent, their average rate per kiln-day allowing for the change from 212 to 200 cubic feet of kiln space per kiln-day, increased 68 per cent. The comparisons appear to indicate that the increase in hourly earnings has been due to speeding up as well as to an increase in piece or wage rates. In many potteries changes in equipment and arrangement have made work easier and helped to increase production.

The Department of Labor survey of 1925 (p. 23) shows that while the hourly earnings of the workers increased about 100 per cent, that the cost of producing pottery had only increased about 60 per cent.

This report also states (p. 23):

> In many potteries changes in equipment and arrangement have made work easier and helped to increase production.

The above statement should indicate to any fair-minded person that those engaged in producing American pottery have installed, where possible, modern equipment. It also shows that the workers received the greatest benefit in the form of increased hourly earnings with the adoption of the modern and up-to-date equipment.

This survey from which I have just quoted was made by the Department of Labor in 1925.

I also find that the Department of Commerce made a very exhaustive study of the pottery industry in 1915.

Mr. President, at this time I might call attention to the fact that the survey of the Department of Labor in 1925 and the survey of the Department of Commerce to which I am now going to call attention was made at periods when there was no tariff legislation pending.

I find that the labor cost of producing earthenware and chinaware in 1915 and in 1925 were approximately the same—from 50 to 60 per cent—whether we take the United States, Germany, or Czechoslovakia. The labor cost in Japan, where the wages are from one-sixth to one-eighth of what the workers in America received, may be higher or lower. As I have not been able to find any authoritative government report on Japanese labor cost, therefore, I am unable to quote such costs.

However, with labor costs in America and Europe varying from 50 per cent to 60 per cent of the costs of production, and with Japanese labor costs only one-eighth of American labor costs, I believe it fair to assume that the labor costs in Japan would represent some 50 per cent of the cost of production.

The Department of Commerce made this report, pursuant to an act of Congress, and it is interesting to note that at the time this report was made it was approved by a gentleman who openly subscribed to the theory of free trade—namely, the Hon. William C. Redfield.

I find that this survey showed that in Germany—

> Three of the largest producers export to the United States from 30 per cent to 50 per cent of their output. These potteries have a comparatively low cost of manufacture and may be said to represent the German china factories, who exported in greatest bulk to the United States and are sold at prices that make them compete with American earthenware (p. 31).

I find that the potteries investigated in what is now Czechoslovakia exported to the United States from 50 per cent to 60 per cent of their total output.

Realizing that there are many Senators who desire to expedite the passage of the pending tariff bill, I will quote only a few of the facts pertaining to labor cost, as found by the Department of Commerce.

What is true in the instances which I will cite is naturally true in most other classifications.

The decorating of earthenware and chinaware did in 1915, and does in 1930, require hand labor.

The Department of Commerce found that the difference in total manufacturing costs of producing earthenware were 158.77 per cent higher in America than similar costs in Germany (p. 37).

The Department of Commerce found that the percentage of difference in direct manufacturing costs in the lowest cost establishments of America were 149.73 per cent higher than the lowest cost German earthenware plant; 176.33 per cent higher in the lowest American cost chinaware plant than in the lowest cost German chinaware plants; and 217.78 per cent higher in the lowest cost American chinaware plants than in the lowest cost Czechoslovakian chinaware plant (p. 38–T5).

The Department of Commerce found that in mold making the cost in the lowest American earthenware plant was 105.88 per cent higher than in the lowest cost plant in Germany, while in producing chinaware the cost of mold making in the lowest cost American plant was 111.21 per cent higher than in the lowest cost German chinaware plant.

The Department of Commerce found that in decorating the cost in the lowest cost American earthenware plants was 164.52 per cent higher than in Germany, while the cost of decorating in the lowest cost American chinaware plant was 221.88 per cent

higher in American than the cost of decorating in the lowest-cost Czechoslovakian plant (p. 38-T5).

It is interesting to note that the Department of Labor also found that the wages paid to workers in American earthenware and chinaware plants are from 271.28 per cent to 582.80 per cent higher than were paid to the workers in the German chinaware plants, and from 116.19 per cent to 660.24 per cent higher than paid to the workers in the Czechoslovakian chinaware plants (p. 48-T16).

Mr. President, whether the American pottery workers will continue to work only 60 per cent of the time or whether these workers will be able to maintain their present wages, will in great part be decided by the vote of the Senate in authorizing this justifiable increase.

That the pottery workers are making sacrifices in order that they may maintain their present scale of wages can be noted from the statement by the president of the National Brotherhood of Operative Potters, affiliated with the American Federation of Labor, page 282 of the hearings before the Finance Committee, which reads as follows:

> Only recently a large American pottery concern was offered a contract for a large quantity of tableware by one of the chain 5 and 10 cents stores, provided he could deliver these goods at a figure equal to that offered by one of the Japanese importing houses.
>
> With our men employed at only 60 per cent of the time our organization was asked to accept a reduction of 50 per cent in our wages in order that this contract could be taken. Naturally we refused.
>
> Illustrating the effect which importations of the product of foreign workers have upon the employment of our workers, it will interest you to know that during the past six months three large and long-established pottery companies have either been forced out of business or have liquidated, throwing more than 1,000 workers out of employment.

Mr. President, it is fair to assume that while these workers refused this reduction of 50 per cent at this time, they will soon be faced with additional requests unless Congress, by adequate tariff protection, makes it possible for the American pottery industry to compete on more even terms with the products of foreign workers.

As I have stated, everyone agrees that the labor cost in producing pottery represents 60 per cent of the cost of producing American pottery.

There is no testimony which I have found that indicates that mass production prevails to any extent in this industry. Therefore Congress, by its willingness or unwillingness to legislate proper duties on the foreign products which compete with the products of the American pottery workers, will in reality decide whether the American pottery workers will continue to receive their present scale of wages.

Again I maintain that if the protestations, made time and time again by those who acclaim their willingness to vote for rates which will at least equalize the difference in cost of production, are sincere they will support the amendment which I have offered.

The competition which has deprived the American pottery workers of employment comes principally from Japan, Czechoslovakia, and Germany. Therefore, while I am quoting the wages of the workers of these countries with which the products of our workers compete, I ask especially that Senators consider carefully the difference in the wages paid to American workers as compared with the wages paid to workers in Japan, Czechoslovakia, and Germany.

Mr. President, much has been said of the need of protecting the consumer. Pottery is a commodity used by all consumers, whether they be rich or poor, workers or farmers.

I believe that the first requisite of the consumer is his or her ability to earn sufficient that they may have funds with which to purchase.

The Tariff Commission findings indicate that we have relatively no export trade in American tableware, and that at least 50 per cent of the pottery consumed in America each year is produced in foreign countries.

The American market is the greatest market in the world, consuming more than 90 per cent of the commodities which we produce. Therefore it is our duty to preserve that market. Unless our workers have employment we at once reduce the value of our own market and the possibilities of our own people consuming a large portion of our commodities.

Figures were produced under oath before the Finance Committee which indicate that profits of the American potteries, with two exceptions, for the past several years have been virtually nothing, and even in the case of the two exceptions the advocates of low duties—the present rates—admitted that the profits were only 10 per cent.

While the returns of the American pottery producers, who give employment to American workers, were in great part a loss, what about the profits of those who distribute foreign-produced pottery in America?

Among the largest distributors of Japanese pottery—the importation of Japanese pottery being responsible for much of the unemployment and distress which now exists in the American pottery industries—are the Mortimura Bros. The average profits of this concern, who employ Americans only in so much as is necessary to represent them at the customhouses, in their shipping rooms, and as salesmen, might be compared with the average profits of our 40 successful American potteries, which showed an average profit for the years 1925, 1926, and 1927, based upon the total sales of $69,578,945, of only $413,152, or one-sixth of 1 per cent per year on these sales. While the American manufacturers, who contribute some $12,000,000 per year to American pottery workers alone, received only one-sixth of 1 per cent, Mortimura Bros. received average profits for the years 1922 to 1929, inclusive, of more than 65 per cent per year.

I desire to suggest that it takes a great deal of patriotism for these business men to continue in these industries, investing their money, and receiving in return for that investment only one-sixth of 1 per cent.

That the consumer in reality does not receive the benefits due to the low labor costs in the production of foreign-made pottery can be seen from Exhibit No. 53, on page 54, and Exhibit No. 59, on page 60, of the document issued by the Finance Committee, July 31, 1922.

Exhibit No. 53 refers to a china tea set of 17 pieces, produced in Japan, and the same having a value in Japan of $1.73, which, with transportation, insurance, freight, and other charges of 44 cents and a duty of 95 cents is landed in the United States at a total cost of $3.12, but for which the American housewife when purchasing pays to the distributor of said china tea set $8.95, or a profit above landing cost of 187 per cent.

In Exhibit No. 59 we find a china dinner plate, imported from Germany, which plate had a value in Germany of less than 20 cents, which with transportation, insurance, freight, and other charges of 3 cents and a duty of 10½ cents was landed in the United States for less than 33 cents, but for which the American housewife in purchasing had to pay 98 cents, a profit to the distributor of this German-made plate of 199 per cent.

Quoting again from the testimony of the president of the National Brotherhood of Operative Potters before the Finance Committee, found on pages 278 and 279, I find that the secretary of that organization purchased in Los Angeles and San Diego in October of 1927 six cups and six saucers for 49 cents. The same type of saucers and cups he purchased in Los Angeles for 52 cents. In both cases these sales were made at retail. His testimony indicates that the labor cost alone in the production of similar cups and saucers in America would be 54 cents.

Wares used in the home or hotel, for table, toilet, and kitchen use, and ornamental ware, are arranged under different classifications in the statistical tables. They are divided into two classes, decorated and undecorated wares. The figures which I shall quote in a moment show the increase in importations of these classes of ware since the World War. These figures are misleading, because of two facts: First, the figures given are based on so-called "foreign value" and are regardless of undervaluations; second, the gradual decline in unit value is not ascertainable for the entire period because statistics as to quantities were not collected until January, 1926.

Some customs lawyers claim that undervaluations are few. Of course, one will not expect lawyers to indict the officials or the attachés of the court before which they practice; but the contention that undervaluations are not infrequent or unimportant is supported by a letter from Mr. F. X. A. Eble, Commissioner of Customs, which I ask to have inserted in the RECORD at this point.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

> TREASURY DEPARTMENT,
> BUREAU OF CUSTOMS,
> *Washington, March 5, 1930.*
>
> Hon. H. D. HATFIELD,
> *United States Senate.*
>
> MY DEAR SENATOR: In accordance with your request for information relative to cases involving undervaluations of merchandise, which have been compromised for over $50,000, the following tabulation gives a brief history of each of the cases involved. There are other compromise cases, but owing to the lack of time they could not be included herein:
>
> (1) Certain wool importers, by reason of their failure to properly invoice shearlings and different grades and qualities of wool under their proper heading, caused the Government to suffer a loss of revenue in the amount of $208,945. The sum of $410,302.86 has been accepted by

the Secretary of the Treasury in compromise of the liability incurred by the importers.

(2) In cases involving importations of carpets and floor coverings by certain American importers, an investigation by customs agents disclosed that such merchandise had been entered at less than their foreign or export value as defined by section 402 of the tariff act of 1922. As a result, the Government suffered a loss of revenue on entries made by said importers in the amount of $50,336.53, which has been tendered and accepted by the Secretary of the Treasury in compromise of the matter.

(3) Another firm of importers of carpets has tendered the sum of $164,663.84, representing the estimated loss of revenue, for failure to enter the goods at their proper values, which amount has been accepted by the Secretary of the Treasury in compromise of the Government's claim against said firm.

(4) In this case the importers of rugs paid the sum of $62,103.44, the estimated loss of duties for failure to enter the merchandise at the proper market value.

(5) The importers of rugs in this case by their failure to enter the merchandise at the proper market value caused a loss of revenue in the amount of $68,709.20, which amount has been accepted in settlement of this matter.

(6) In this case certain importations of billiard cloth and other woolens shipped from Belgium were made by the importers at values which barely represented the cost of production. An investigation disclosed that the entered prices were less than the market values and that the Government suffered a loss of revenue in the amount of $133,952.25. The sum of $133,952.25 has been accepted from the importers in compromise of the civil liability incurred by them.

(7) The firm in this case entered certain merchandise from France by using false invoices which resulted in a loss of revenue to the Government in the amount of $37,443.92. The person responsible for this undervaluation has since died and his firm has paid to the Government the sum of $74,887.84 in compromise of the matter.

Very truly yours,

F. X. A. EBLE,
Commissioner of Customs.

Mr. HATFIELD. Mr. President, the following table shows the gradual increase in importations:

Total importations and value

Year:	
1922	$11,889,964
1923	13,160,662
1924	18,162,039
1925	16,490,440
1926	18,512,818
1927	18,248,408
1928	17,947,102
1929	18,803,223

The greatest increase has occurred in imports from Germany and Japan, as the following figures indicate:

Germany

Year:	
1922	$1,696,571
1923	2,068,018
1924	4,038,119
1925	4,030,357
1926	4,320,938
1927	4,410,012
1928	3,795,368
1929	3,854,627

Japan

Year:	
1922	2,835,410
1923	2,706,018
1924	3,599,813
1925	2,822,673
1926	4,015,026
1927	3,996,595
1928	3,956,304
1929	4,415,717

The above figures represent foreign values, Mr. President, and they can be multiplied by two and one-half, for when the foreign goods arrive in this country, including the expenses of transportation, duty, and other charges, and profit to the importers, the displacement value of American competing articles is approximately two and one-half times the value indicated in the statistical figures. We, accordingly, find that approximately 53 per cent of the total American consumption of pottery ware is made in foreign lands.

Again referring to the decreased value of imports, per dozen, the quantity of goods is greater than the value would indicate. Taking the Japanese figures as an illustration: In 1926 the average value of all Japanese decorated china was 83 cents per dozen; in 1927 the average value was 72 cents per dozen; in 1928, 62 cents per dozen, and for some months in 1929 it has run as low as 59 cents per dozen.

On account of earthenware carrying a lower rate of duty than China, both Germany and Japan have increased their exports of earthenware. During the past year the increase from Japan in both value and quantity was as follows:

Japan

Year	Value	Quantity
		Dozens
1927	$334,417	503,601
1928	570,204	1,064,299

Showing an increase of over 100 per cent in imports.

Mr. President, the importing interests have endeavored to make capital out of two events which have occurred during the past year. First, the combination or amalgamation of nine western factories, and, second, the enlargement of the Homer-Laughlin China Co., located at Newell, W. Va. These moves were made in a desperate effort by way of self-preservation.

First, as to the consolidation. The original idea was to merge approximately twice the number of factories into the consolidation, but when reports of accountants were submitted, it was found that in the case of many of the potteries desiring to enter the combination, there was little or no equity either in the plant or the corporation. Those taken in were glad to accept stock for whatever equity there happened to be left in their business, in the hope that the consolidation would reduce the overhead, increase the output, and possibly show a profit.

At this point I wish to read a letter upon this subject which is signed by Mr. G. C. Mitchell, vice president of the American Chinaware Corporation, who is responsible for the combination:

CLEVELAND, OHIO, *February 12, 1930.*

Senator H. D. HATFIELD,
Senate Office Building, Washington, D. C.

DEAR SIR: We wish to lay before you the following figures which portray the condition of this company, and, we believe, of the dinnerware industry of this country at the present time, and which, in our opinion, warrants a much more positive protection against the foreign importations made by cheap labor.

This company operates nine separate potteries, all making household dinnerware. During the year 1929 we were unable to operate our plants to the point of 50 per cent. Our shipments were over $1,000,000 less than the year 1928, and our losses were in excess of $100,000. The loss to employees in wages was over $1,000,000. The year 1930 so far does not show any improvement and we are quite convinced that some relief should be given most serious consideration.

Our potteries are not antiquated and we have some tunnel kiln equipment as well as other modern equipment. We are attempting every known means of retrenchment in expenses in our endeavor to meet foreign competition but are unable to get that low.

Thanking you for any consideration you can give this matter, we are,

Very truly yours,

AMERICAN CHINAWARE CORPORATION,
G. C. MITCHELL, *Vice President.*

The outstanding earthenware pottery is the above-named West Virginia plant. This plant has an interesting history. The purchasers, primarily, of four small intermittent kiln plants of the Homer Laughlin China Co., of East Liverpool, were all men of wealth, having made their money in other lines of business. Under excellent management and ample capital this small factory rapidly grew to a number of large units, catering not only to department-store trade but also securing steadily large chain-store connections, mail-order houses, and 5-and-10-cent store organizations. To supply the fast increasing business it was necessary to steadily increase their capacity.

Impressed with the inroads of competition, this company was one of the first American potteries to adopt tunnel kilns. This adventure proved successful in its operation. So successful have such kilns proven that in the past year this company has made an extension with additional kilns at an expenditure of more than a million dollars.

This does not indicate a relative increased total production. Being unable to produce goods at a profit, four periodic kiln plants have recently been closed. These closed periodic kilns represent a productive capacity of 90 per cent of the new unit.

This is but a brief summary of the largest china plant in the world. Three elements were essential in the building and operating of such a plant; first, the capital; second, the market or demand; and, third, operation by the most capable man in the pottery world.

The kilns operate continuously 24 hours a day and are never closed down except for repairs.

It is obvious that the 60 other pottery plants in the country could not adopt this method of producing. They are compelled to depend upon special lines of pottery ware of higher quality. The smaller plants of the country are facing the serious situation of being forced into more direct competition with wares from abroad.

During the discussion of the recommendations of the Finance Committee for a duty of 10 cents per dozen pieces on tableware in paragraphs 211 and 212, the claim was made that American potteries are antiquated, and were they to install tunnel kilns the cost of production could be greatly lowered.

West Virginia produces each year china and pottery tableware, valued at more than $11,000,000, in some 22 potteries. The pottery industry represents each year an income to workers of West Virginia, employed in the potteries alone, of $6,000,000.

The basis of the argument that our potteries are antiquated is that American potteries lack tunnel kilns.

I find that in 1915 and 1916 one of the largest and most successful American potteries, Sebring, installed a complete battery of tunnel kilns, the best kilns of their kind known.

While these kilns were most successful in the production of some wares, I find that the same pottery in 1922 installed a new building and found it more profitable to equip the new building with periodic kilns rather than with tunnel kilns.

The claim that the installation of tunnel kilns will save the American pottery industry is a statement which can not be substantiated.

I find that there are in America some 54 tunnel kilns in operation in a total of 19 potteries at this time. I also find that mass production is permissible in the pottery industry to a very limited extent. The use of tunnel kilns is possible only when great quantities of certain articles are molded, modeled, and decorated in a simple manner.

At this point I wish to insert in the RECORD a letter upon the subject of pottery kilns.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

TRENTON, N. J., *February 13, 1930.*

Hon. H. D. HATFIELD,
Senate Office Building, Washington, D. C.

DEAR SENATOR: A statement has been made that it is the belief of some members of the Senate Finance Committee that in the general use of tunnel kilns in the pottery industry there would be a decrease in the cost of production, which would enable the manufacturers to compete successfully with importations without any increase in present duties.

Tunnel kilns have been used with success in the manufacture of sanitary china, earthenware, and tiles, but we do not know of any manufacturer of china who has been successful with this type of kiln.

In the years 1920, 1921, and 1922 we expended approximately $60,000 in research and experimenting with a tunnel kiln, under the supervision of competent combustion engineers, and were forced to discontinue because of inability to control the heat in the narrow range required for the proper development of the product. We were concerned with betterment of product rather than saving in manufacturing costs. If the experiment had been successful, however, there would have been a saving, according to careful estimates, of approximately 3 per cent.

A great deal of time and money has been expended to develop china to a high degree and to reduce manufacturing costs. Much has been accomplished, but notwithstanding without the increase in duty asked for the industry serious consequences to the manufacturer will follow.

Respectfully,

LENOX (INC.),
H. A. BROWN, *President.*

Mr. HATFIELD. Again referring to the report of the Department of Commerce, I note that they found the American plants more efficiently equipped and better managed than was true of plants located in Europe.

They quote in their report the following:

At a meeting of the American Ceramic Society the "Defects of the continuous kiln" was the subject of discussion. Mr. J. Parker Fiske said:

"We know that the American manufacturer of ceramic ware is leading the world to-day in many departments. In the manipulation of his clay, in the forming of his clay into ware, and especially in the drying of that ware, he is certainly the peer if not the leader of the world. I was much impressed with what Mr. Mayer said with reference to the English manufacturer who referred the Australian to America for the latest and best practice. It was certainly a wonderful tribute to what has been accomplished in America."

In the matter of tunnel kilns, the Department of Commerce found that we had none in 1913. We now have 54.

The saving in the installation of the tunnel kilns is only in the matter of firing costs.

In the cost of producing earthenware or chinaware the Department of Commerce found that the kiln fuel cost was 4.97 per cent in American chinaware plants. As the entire saving through the installation of tunnel kilns is only a saving when the tunnel kiln is in continuous 24-hour operation, day in and day out, a matter of reducing fuel cost one-half, when the Government found that the reduction in production cost would be one-half of 4.97 per cent, less than 2½ per cent, is hardly a sound argument when the labor costs in producing pottery represent more than 50 per cent of the total costs of production.

Mr. President, a saving of less than 3 per cent in fuel costs will avail this industry but little when we consider that the foreign workman receives from one-third to one-eighth what the pottery workers of America receive.

Mr. President, there are only two ways in which the American pottery industry can be maintained. One is for the Congress to enact tariff legislation which will permit the maintenance of the present standard of wages and working conditions. The second is for Congress to refuse to enact protective tariff rates and, as a result of this action, force the American pottery workers to accept a substantial reduction in their $25 a week wage if they wish to retain their employment in the American industry, thereby subjecting American workmen to the sweatshop experience that prevails in Europe.

The opponents of protective tariff rates, or of even competitive tariff rates, have referred to the opposition of one American pottery, the Mount Clemons pottery, to any increase in rates. I find that this pottery is owned and controlled by a prominent chain store, and its entire production is distributed through this chain. The product of this concern is not offered for sale in the competitive market.

References to the installation of tunnel kilns bring to my mind the subject of monopoly.

MONOPOLY

There are few, if any, Members of the Senate who will publicly record themselves in favor of a creation of a monopoly. In the discussion which took place on these paragraphs some time ago in the Senate, reference was made to the lack of willingness of the American pottery manufacturers to modernize their plants through the installation of tunnel kilns.

The style of kiln in general use throughout the world is the round up-draft or down-draft beehive kiln, known as the periodic kiln, which kiln is heated and fires drawn and the kiln entirely cooled at each burning. The tunnel kiln is a continuously burning kiln, running day and night, month in and month out, with cars of ware continuously passing into the tunnel at one end, gradually warming up to a maximum heat, and then gradually cooling off as they approach the finishing end of the firing process.

The installation of the tunnel kiln presupposes several very important things:

First. That the pottery plant has sufficient ground space for the erection of such a kiln. These kilns measure from 300 to 375 feet in length and 30 feet in width, including operating space.

Second. That the plant has sufficient capacity to produce enough ware to feed this continuously devouring monster.

Third. That the organization has sufficient capital to permit such an enormous outlay, approximately $300,000 being necessary for the installation of each kiln.

Fourth. That there is sufficient trade demand to consume this enormous and continuous output.

A question which arises is how many of our 60 or 70 pottery companies are in a position to meet such conditions. I should say that there are extremely few—possibly four or five—who could make such a financial venture. On the other hand, Mr. President, if the meeting of the first three conditions were possible, how about the fourth? Where would the market be found for such an enormous production? If all or even a large portion of the companies now operating should adopt this method, assuming, of course, that the production by use of the tunnel kiln was right and the installation of the tunnel kilns would substantially reduce the costs of production, the production would result in such a commercial monstrosity that the surplus of wheat, now so troublesome, would sink into insignificance as compared with the surplus of pottery products.

While the American producers supply only 50 per cent of the American market, I find that at the present time we have sufficient kiln capacity and sufficient workers to supply the entire American market were it possible to compete with the low wages paid in Japan, Germany, and Czechoslovakia. The fact that foreigners supply 50 per cent of the American market is due entirely to the fact that the products of our American workers lack proper and adequate tariff protection.

One of the conditions necessary for the installation of tunnel kilns is the matter of capital, it costing some $300,000 to install a tunnel kiln. The securing of such capital in many cases would mean that the potteries would be forced to place on their property a mortgage in many cases exceeding the value of the present plant. This would put these companies in the hands of the banks, who, as we know, in their desire to secure what they

call economics, would force in a few years an American monopoly.

Mr. President, the Senate can, by denying the protection which is badly needed for the pottery industry as a whole, drive what remains of the American pottery industry into monopolistic control.

The adoption of the amendment now before the Senate will, I am sure, make possible the employment of thousands of American pottery workers, and will at the same time permit the sale of American-made earthenware and chinaware to the consumer at the same price now paid for it.

Those who will gain by the adoption of the pending amendment are those workers engaged in the production of American earthenware and chinaware.

Mr. President, if there are any who will be adversely affected by this amendment, it will be the importers, who have but little at stake save and except an office force and a few salesmen.

I wish to say, Mr. President, that there is no paragraph in this tariff bill that is entitled to greater consideration than paragraphs 211 and 212, due to the fact that the pottery workmen of this Nation are more interested than any other people in the success and reclamation of this industry.

I hope the Senate will reflect long and seriously before it shuts the door to this industry, which supports more than 17,000 patriotic American workmen.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. FESS. Is the amendment proposed by the Senator from West Virginia in order at this time?

The PRESIDING OFFICER. It is the understanding of the Chair that the question is on concurring in the amendment made as in Committee of the Whole.

Mr. FESS. So we will not have an opportunity of voting on the Senator's amendment at this time?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. FESS. That will have to be done when the individual amendments are in order, after we get through with the reserved amendments?

The PRESIDING OFFICER. The Chair so understands.

Mr. FESS. Mr. President, under those circumstances I am not going to detain the Senate with any extended remarks further than to say that here is an industry that might properly be regarded as an American industry that was built up entirely through the encouragement of protective-tariff legislation. I do not know of any single industry that fits that situation as well as pottery. In other words, had it not been for the tariff encouragement originally given, we would not have an American pottery industry; and because of the incursions of foreign competition, even though the industry has reached great dimensions, it is gradually losing out.

In my own State there are many plants that have been compelled to discontinue operations entirely. In one city that is primarily a pottery city, devoted almost entirely to the manufacture of pottery, there has been a gradual declension, until to-day a very small capacity is running.

This is not a selfish plea that is being made on the part of the pottery industry. It is made in the interest of the employment of labor. This is one case where we have a joint appeal, not only by the investors of capital in the industry but especially an appeal by the labor that is employed in the industry.

I can not understand the point of view of the opposition to this particular industry, which is harder hit by foreign competition than any other industry affected by this bill.

In spite of that, the small amount of protection given in the House has been reduced by the Senate on a basis difficult for me to understand.

I only want at this stage to make these statements in behalf of the industry, and reserve the opportunity for a further discussion when the amendment that is offered will be in order, which is not so at this time.

ORDER FOR RECESS UNTIL 10 A. M. TO-MORROW

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of its business to-day the Senate take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. GEORGE. Mr. President, did the Senator say 10 o'clock?

Mr. SMOOT. Yes; 10 o'clock.

Mr. GEORGE. I merely wanted to know as to the hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following joint resolution and bill, each with an amendment, in which it requested the concurrence of the Senate:

S. J. Res. 109. Joint resolution extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission; and

S. 3168. An act to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," by adding thereto two new sections, to be numbered sections 8 and 9.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate executive messages from the President of the United States, which were referred to the appropriate committees.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BLAINE obtained the floor.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the junior Senator from Wisconsin yield for that purpose?

Mr. BLAINE. I yield for that purpose.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brock	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Robsion, Ky.	Wheeler
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

Mr. BLAINE. Mr. President, in view of the colloquy which took place on the floor of the Senate yesterday between the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Arkansas [Mr. CARAWAY], and the junior Senator from Pennsylvania [Mr. GRUNDY], it is my opinion that the Senate ought to be advised of the facts in relation to the statements made by the junior Senator from Pennsylvania in answer to questions propounded by the junior Senator from Arkansas [Mr. CARAWAY].

The senior Senator from New Hampshire [Mr. MOSES], in his remarks pertinent to this question, said this, as appears on page 4865 of the CONGRESSIONAL RECORD:

> The chairman of the Committee on Rules has never thought it his duty to find out who occupied rooms which are assigned to Senators. However, upon the publication of the article to which the Senator from Mississippi has referred, the chairman of the Committee on Rules undertook to make some inquiry, and was informed that the room had never been occupied by any except the regular employees of the Senator from Pennsylvania.

Referring to the junior Senator from Pennsylvania—

> That the tariff organization—I do not remember its name—still maintains its offices in an office building down town; and that the room in question is used absolutely by the members of the personal staff of the Senator from Pennsylvania; and, it being the practice of the Senate to accept the word of any Senator regarding any transaction, the chairman of the Committee on Rules looked upon the incident as thereupon closed.

I quote from the remarks of the junior Senator from Pennsylvania following that debate:

> Mr. GRUNDY. Mr. President, I rise for the purpose of confirming the statement made by the Senator from New Hampshire [Mr. MOSES] in

regard to the personnel of the offices I occupy in the Senate Office Building.

There is no one there who is either directly or indirectly connected with the American Tariff League.

Then, following that remark, occurred this colloquy:

Mr. HARRISON. Then, as I understand the Senator, it is not true that the American Tariff League has changed its offices from uptown to the Senate Office Building?

Mr. GRUNDY. The American Tariff League, as I understand, is maintaining the same offices in the Transportation Building that they have had there for the last year or 14 months; and they certainly have not transferred them to the Senate Office Building.

Mr. HARRISON. And they have no offices in the Senate Office Building?

Mr. GRUNDY. They certainly have not.

Then occurred the colloquy between the junior Senator from Arkansas [Mr. CARAWAY] and the junior Senator from Pennsylvania [Mr. GRUNDY], and I quote:

Mr. CARAWAY. Who is Warren F. Doane?

Mr. GRUNDY. Warren F. Doane is the editor of the Manufacturer, a publication of the Manufacturers' Club of Philadelphia.

* * * * * * *

Mr. CARAWAY. Has he been staying in this room in the Senate Office Building?

Mr. GRUNDY—

I want Senators to observe this subtle answer—

Mr. GRUNDY. He has headquarters in the Lafayette Hotel.

Mr. CARAWAY. I am not talking about where his headquarters are. Has he been staying in this room in the Senate Office Building?

Mr. GRUNDY. No; he is in town part of his time, and his room is in the Lafayette Hotel. He comes to my offices when I want him to come there, to consult with me.

Mr. CARAWAY. He has been principally staying there, has he not?

Mr. GRUNDY—

Now note what will later develop to be the concealment of a fact by the junior Senator from Pennsylvania—

Mr. GRUNDY. Oh, no; he visits there when I want him to come to my offices.

Mr. CARAWAY. That is every day, is it not?

Mr. GRUNDY. Not at all.

That is the material part of the colloquy to which I have referred.

Mr. President, I now want to give the facts as they have been sworn to before a subcommittee of the Judiciary Committee, the subcommittee known as the lobby committee.

Some time ago we had before the committee officers of the American Tariff League. In their testimony it was shown that the American Tariff League occupied rooms on the eighth floor of the Transportation Building in the city of Washington. The fact also developed that on the third floor of the Transportation Building, in room 333, was located what was called, on the door, printed on the door to that office, "American Tariff League News Bureau."

Upon further inquiry it was learned that the American Tariff League News Bureau was under the direction of the then Mr. GRUNDY. He had placed in charge of that news bureau, under the title of the American Tariff League, a Mr. Warren F. Doane, of Philadelphia.

I will tell briefly who Mr. Doane is and about his connection with the tariff bill. Mr. Doane was one of the parties in Pennsylvania who either took up collections or received collections for the Southern Tariff Association, and, according to the testimony of Mr. J. A. Arnold, paid over to the Southern Tariff Association on December 22, 1929, some $3,000 to be used in lobbying on the tariff bill. Mr. Doane is also the editor of a magazine called the Manufacturer. That magazine has no subscribers at all except, as I understand, one department in Washington—I think the Department of Commerce. That is the only single subscriber to the Manufacturer. For his services on the Manufacturer magazine he then received and he now receives, so he testified this morning, $500 a month. While he was in charge of room 333 in the Transportation Building in the American Tariff League News Bureau he received $500 a month paid to him by the same Mr. GRUNDY. He also testified this morning that he received $200 a month from a legislative committee created by the Pennsylvania Legislature having something to do with the electoral vote in connection with elections, making his salary from these three sources $13,400 a year. He testified that his services with this legislative committee in Pennsylvania did not take very much of his time—in fact, practically none of his time—since he came to Washington.

The American Tariff League News Bureau moved into room 333, Transportation Building, Washington, D. C., some time after the election of 1928, either that fall or the early part of 1929; I do not now recall which, but over a year ago. That news bureau was used for propaganda purposes relating to the tariff bill. Mr. Doane's duties were to collect data and statistics. He visited the departments and obtained from them statistical information. He went to the Congressional Library and performed that sort of service. He continued in the employment of the then Mr. GRUNDY in direction of the news bureau of the American Tariff League in the Transportation Building until Mr. GRUNDY became the junior Senator from Pennsylvania.

Mr. Doane testified this morning that after the Pennsylvania senatorial contest was settled and after the junior Senator from Pennsylvania had taken the oath of office he closed the office in room 333, Transportation Building, in the city of Washington, and moved all of the records except those which he regarded as inconsequential and immaterial, which he destroyed, from that office to room 322 in the Senate Office Building. While he was in the Transportation Building he had a room at the Powhatan Hotel, and when it was convenient to go to his room in that hotel he went there to perform some of his work. He also testified this morning before the committee that he moved from the Powhatan Hotel to the Lafayette Hotel, on Sixteenth Street, because he found the latter hotel more conveniently located than he did the hotel at which he formerly stayed. At the Lafayette Hotel he did exactly what he did at the Powhatan Hotel. He went to his room and did some of his work there. He had a typewriter, as I recall his testimony, and he wrote data out in longhand and on the typewriter and did some of his work at the hotel when it was more convenient to be at the hotel than at the Transportation Building.

Mr. Doane continued to live at the Lafayette Hotel, and is living there to-day. He has a room in the Lafayette Hotel. He has the same office equipment there, and he is doing identically the same work there now that he did when he was in the Transportation Building.

He testified this morning that he had constructive possession of room 322 in the Senate Office Building; he was not a visitor at the Senate Office Building; he was and has been in the employ of the junior Senator from Pennsylvania at $500 a month. He goes to the Lafayette Hotel when it is more convenient for him to return to the hotel than it is for him to return to room 322, Senate Office Building. In other words, he uses the Lafayette Hotel under his present employment in identically the same manner that he used the Powhatan Hotel while he was in charge of the American Tariff League News Bureau in the Transportation Building.

So Mr. Doane has not been a visitor to room 322, Senate Office Building, his headquarters are not at the Lafayette Hotel, his living quarters are no different than they were when he was in the Transportation Building, and the hotel has nothing to do with his office. He finds it convenient because the Lafayette Hotel is located conveniently to many of the departments of the Government, some mile or more away from the Senate Office Building, and when he has been at a department he prefers to go to the hotel instead of returning to the Senate Office Building, room 322. Room 322 is not Mr. GRUNDY's suite and is not even near his official suite.

At room 322, Senate Office Building, are four clerks, all on the pay roll of the junior Senator from Pennsylvania. Mr. Doane testified that he is performing exactly the same service and doing the same character of work while he is in possession and occupancy of room 322, Senate Office Building, that he did when he occupied room 333 of the Transportation Building. The character of this work is geting out data and tariff information. He testified that he got out that data and information for the junior Senator from Pennsylvania and some others. He did not recall that the junior Senator from Pennsylvania had ever used that data on the Senate floor, but he got it out for others. He prepared all of the data contained in that eloquent denunciation of the coalition made by the senior Senator from West Virginia [Mr. GOFF] on last Saturday.

Mr. GOFF. Mr. President——

Mr. BLAINE. I withdraw that. It was not Mr. Doane who prepared the data. I was mistaken in that statement. I will tell who did prepare the data.

Mr. GOFF. I would say to the Senator that no one prepared all the data used in that speech.

Mr. BLAINE. Who prepared the data?

Mr. GOFF. No one.

Mr. BLAINE. I will come to that presently.

Mr. GOFF. Yes; we will come to that, and then we will discuss it.

Mr. NORRIS. Mr. President, if the Senator will yield——

Mr. BLAINE. I yield.

Mr. NORRIS. From the little I heard about the speech, I am inclined to think the Senator from West Virginia is correct. [Laughter.]

Mr. BLAINE. Mr. President, the Senator from Nebraska does a great injustice to the secretary of the American Tariff League, and before I get through I think I will convince him to that effect.

So, Mr. President, these are the bare facts. The American Tariff League news bureau has moved from room 333 Transportation Building, which was supported by the then Mr. GRUNDY, from Pennsylvania, to the Senate Office Building, room 322, and Mr. Doane is performing exactly the same character of service and the same employment, and at the same amount per month. These are the facts that were developed from the testimony of Mr. Doane this morning before the Lobby Committee.

Mr. President, I did not intend to discuss the question of the data that were prepared for the senior Senator from West Virginia [Mr. GOFF]. I think, however, since the matter has been injected into the debate, and I am partly responsible for it, because it was a slip of the tongue when I said that Mr. Doane prepared it, I shall discuss it briefly. I did not mean Mr. Doane. I meant Dr. Arthur Faubel, secretary of the American Tariff League.

I am not going to question the veracity of the junior Senator from West Virginia or the veracity of Doctor Faubel, but Doctor Faubel testified quite in detail that he prepared the data that were contained in the remarkable speech made by the junior Senator from West Virginia.

Mr. HATFIELD. Mr. President, I understood the Senator to say the "junior" Senator from West Virginia?

Mr. BLAINE. I meant the senior Senator from West Virginia. I beg the Senator's pardon. I do not know who prepared the late speech of the junior Senator from West Virginia. [Laughter.] I say that in all good nature.

Mr. HATFIELD. To what speech did the Senator refer?

Mr. BLAINE. The speech of about two hours in length this afternoon. I was very much interested in it and listened to it the greater portion of the time.

Mr. HATFIELD. That is very kind of the Senator, but for his information I wish to say to him that I am capable of preparing my own speeches.

Mr. BLAINE. I am not making any charges that anyone prepared the speech of the junior Senator from West Virginia for him. I was talking about who prepared the data for the senior Senator from West Virginia [Mr. GOFF]. I was in error in mentioning the junior Senator and I beg his pardon for bringing him into the debate. I apologize to him.

Doctor Faubel is a real congenial gentleman, possessing certain characteristics. He has an extreme vanity. Senators who are attorneys have seen such witnesses on the witness stand. When once an attorney detects that characteristic in a witness, he is always able to have the witness unburden his whole soul and mind, and so Doctor Faubel proceeded to do to-day after I had suggested or after another member of the committee had suggested some very complimentary characterization of the doctor.

Mr. President, no doubt many Senators will recall the fact that the press on last Saturday carried the very famous speech the Senator from West Virginia [Mr. GOFF] delivered regarding the tariff bill, and particularly regarding the "coalition." Well, Doctor Faubel gathers a lot of data. He is, no doubt, a great investigator; and he very frankly says that he investigated, and prepared the data and the information for the junior Senator from Pennsylvania [Mr. GRUNDY] when he was characterizing certain of the Western States as "backward" States; and he thought he had done a very good job in preparing that data and that information.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. BLAINE. I yield.

Mr. GOFF. I will say to the Senator from Wisconsin, I have a copy of the testimony given before the committee this morning, and I notice at the bottom of page 9 that Senator BLAINE propounded this question:

> How much of the data in Senator GOFF's speech is data that has been prepared by you?
>
> Mr. FAUBEL. I should say a good proportion of it, sir, I do not know how much, but a very good bit.

I will say to the Senator from Wisconsin that the only "preparation," if that is the term, that was made by Doctor Faubel was the looking up of certain statistics and the corroborating of certain gathered facts. I will also say, with the permission of the Senator, in reply to the rather characteristic remarks of the Senator from Nebraska [Mr. NORRIS], that the gathering of data is not preparing anything; it is the getting together facts that already exist. When I made the statement that none of these data were prepared, I made that statement with a full recognition of the meaning of the English language that facts, which represent the truth and reflect the truth, are not prepared by anyone; they are gathered together. A matter which relates to opinion and inference from facts is prepared, and nothing else.

Mr. BLAINE. Mr. President, of course, the Senator, if he will read all the testimony, will find a great deal more than he has read from it. I am not going into that; I am not criticizing the senior Senator from West Virginia; I am telling about Doctor Faubel and his connection with the American Tariff League.

Mr. GRUNDY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. BLAINE. I yield for a question.

Mr. GRUNDY. May I ask if I understood the Senator from Wisconsin to say that Doctor Faubel prepared the data that were in the statements which were submitted by me when, as a private citizen, I appeared before the lobby committee?

Mr. BLAINE. He used either the expression data or information in respect to the material regarding the "backward" States which the Senator from Pennsylvania presented before the committee.

Mr. GRUNDY. Mr. President, may I inform the Senator from Wisconsin that Doctor Faubel never saw those statements until they were made before the lobby committee at the time of my appearance?

Mr. BLAINE. Mr. President, that question the Senator can settle with Doctor Faubel and not with me. I am telling about the testimony that was presented before the committee. I beg the Senator's pardon, it was Mr. Doane and not Doctor Faubel.

Mr. GRUNDY. There have been so many other misstatements made here that I should like to take them up seriatim and correct them as we go along.

Mr. BLAINE. I assure the Senator there will be no question but that he will have complete opportunity to correct Mr. Doane's testimony and to correct Doctor Faubel's testimony, and he ought to be given that opportunity and he will be given that opportunity.

Mr. President, I have here a newspaper release of the speech of the senior Senator from West Virginia [Mr. GOFF] in reference to the tariff—the speech which he delivered on last Saturday. This newspaper release, of course, was prepared for the convenience of the press reporters. It was a very lengthy release, some 11 pages of mimeograph copy, much of it single spaced, embracing many hundred words. It will be recalled that the speech was a very long one, and in order to simplify matters for the reporters the American Tariff League, through Doctor Faubel, prepared that release.

I want to read from the opening paragraph of that release. Some of the newspapers carried that opening paragraph. The language carried by those newspapers was not the language of the reporter. The language that was contained in some of the newspaper reports did not give the impression of the reporter who sent in that report. The reporter sent in, no doubt, this newspaper release; and by this method of newspaper releases, Mr. President, is indicated the way by which the American Tariff League undertook to impress the American people, and let it appear as a most innocent news item in a daily newspaper, when, as a matter of fact, it was written by Doctor Faubel, secretary of the American Tariff League, and he so testified.

> Senator GUY D. GOFF, Republican, of West Virginia, took the floor of the Senate Chamber to-day, and in a speech that bore every evidence of the most careful and exhaustive preparation,

[Laughter.]

The PRESIDING OFFICER rapped with his gavel.

Mr. BLAINE. That most "careful and exhaustive preparation," so far as the data and information are concerned, Mr. Faubel supplied. Continuing:

> He attacked what he called the Senate coalition's manhandling of the proposed new tariff bill and its ruthless, blind—

This is the language of Doctor Faubel, not of the Senator from West Virginia—

> its ruthless, blind, and unreasoning slaughter of important rate paragraphs. Senator GOFF began his address—

Evidently this was prepared a number of days before; in fact, Doctor Faubel testified that he had started some three weeks ago to prepare the data and information for this speech—

> Senator GOFF began his address with a historical review of the operation of the protective tariff.

And Doctor Faubel said that he procured the data and the information for that historical review and for the part that the "coalition" played.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. BLAINE. I yield.

Mr. GOFF. I think it may save time if I may interrupt the Senator at this point. I am not inclined to contend with the Senator; he is entitled to his opinion; he is entitled to answer the speech made by me in this way, if he desires, and he is entitled to be the spokesman of others if that is the plan or the understanding; but when he is making these statements why not make them according to the real facts of the testimony?

Doctor Faubel said that the speech delivered was not a speech prepared by him.

I say to the Senator that speech was not prepared by Doctor Faubel; it had been in preparation for a long, long time. It is true that he was asked to look up some of the facts and to corroborate certain matters that had been obscure. That is all there is to it.

Mr. BLAINE. But the Senator——

Mr. GOFF. If the Senator will allow me, Doctor Faubel did not make the statement that the speech was prepared by him.

Mr. BLAINE. Let me inform the Senator again that I have not said that Doctor Faubel prepared the speech.

Mr. GOFF. I understood the Senator to say that.

Mr. BLAINE. I have made no such inference, and when the Senator attempts to put those words into my mouth he is entirely mistaken. The Senator may, of course, build up a straw man and then, in his great courage and bravery, proceed to tear him down. I have not created any straw man; I have not said that Doctor Faubel prepared the speech. I said that Doctor Faubel prepared the release of the speech; and I am reading from the document prepared by Doctor Faubel.

Mr. GOFF. The Senator also referred to the data embodied in the speech. I am just assuming that the Senator wants to be fair, and that is the reason I am bringing this to the Senator's attention. Let me say that if the Senator prefers to proceed in his own way, and in his own time, I will promise now not to interrupt him; but, in my own time and in my own way, I will reply to the Senator.

Mr. BLAINE. The Senator, of course, will have that opportunity.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. BLAINE. Yes.

Mr. HARRISON. Referring to that part of the advance copy which refers to a great speech, did Doctor Faubel write that or did the Senator from West Virginia write it?

Mr. BLAINE. Doctor Faubel, as I recollect, testified that the modesty of the Senator from West Virginia precluded him from delivering such an encomium upon himself.

Mr. GOFF. Mr. President, those words coming from the mouth of Mr. Faubel were put there by the junior Senator from Wisconsin, according to the reading of the testimony.

Mr. BLAINE. Oh, Mr. President, Doctor Faubel is a professor in a great university; he has had an academic training, a professional training; he lectures before classes almost daily when he is not engaged as a lobbyist for the American Tariff League; and the Senator from Wisconsin would be utterly incapable of putting words into the mouth of Doctor Faubel. I thank the Senator, however, for his complimentary remarks. Doctor Faubel is a very, very able gentleman. Now let me finish this.

Senator GOFF began his address with a historical review of the operation of the protective-tariff policy in this country for the last hundred years.

Mr. President, here is the interesting thing about this address: Doctor Faubel brings to our attention the fact that he received information that there was a question as to who should deliver this address. The question was whether it was to be the junior Senator from Pennsylvania [Mr. GRUNDY] or the senior Senator from West Virginia [Mr. GOFF].

Possibly on my examination, I think the suggestion was made that the American Tariff League was looking for an orator. The speech evidently fell into the hands of the senior Senator from West Virginia.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. GOFF. I will say to the Senator in that connection that it was stated to me by the chairman of the Finance Committee, the Senator from Utah [Mr. SMOOT], that it was doubtful that I could obtain the floor last week to deliver the speech to which reference has been made. It was necessary that I be away during this week, and I returned to-day at 12.30. I so informed the Senator from Utah. I also informed the Senator from Indiana [Mr. WATSON], the floor leader, that I had in my possession a speech which I desired and intended to deliver, and that if I could not deliver it last week it would be impossible for me to deliver it. I stated to several others that I had prepared the speech and was ready to deliver it, but that it was necessary for me to be absent this week, and that if the speech could not be delivered last week it would not be possible for me to deliver the speech.

Those are the facts, regardless of what the rumors may have been to the contrary.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I do.

Mr. NORRIS. That explanation ought to be satisfactory. That makes it all plain.

Mr. BLAINE. Perfectly plain. There is no doubt about it. The Senator from West Virginia delivered the speech.

Mr. NORRIS. Mr. President, before the Senator proceeds, I should like to ask him another question. Did the doctor explain to the committee how they happened to decide on the senior Senator from West Virginia [Mr. GOFF] instead of the junior Senator from Pennsylvania [Mr. GRUNDY] to deliver this speech?

Mr. BLAINE. No; Doctor Faubel did not elucidate the proposition very much, because the information I have stated came to him as coming from some one; but I am not interested in who prepared the speech for the senior Senator from West Virginia. I have not any doubt but that he delivered it. That, however, is not the question. The thing is that in this whole tariff debate, and during the entire consideration of the tariff bill, there have been these unseen and unclean hands of special interests—not only unseen hands, Mr. President, I remark, but unclean hands. It has been fully developed—evidence has been produced beyond the peradventure of a doubt—that a "plunderbund" has been organized on this tariff bill outside of the Senate by special interests whereby they propose to boost the tariff rates higher and higher on oil, sugar, lumber, chemicals, cement, plate glass, and the whole category of industrial commodities.

There is no doubt about it, no question about it. I am not going to review what I said the other day with respect to the oil tariff. No one dares to dispute the clear evidence that a deal was made to trade oil for sugar and sugar for oil. The lumber interests were in that deal. I have no doubt that the unseen hand of the cement interests was in that deal; and the evidence is developing daily that those interests who want to get their hands into the pockets of the people of America have formed a combination—an unholy combination—to drive through by the steam-roller process this bill, with all of these proposed increases upon the commodities to which I have referred, and thereby write a tariff bill even more indefensible than the House bill.

The American Tariff League has been in that organization. The Southern Tariff Association has been in it. The American Taxpayers' League has been a part of it. Certain so-called farm representatives in Washington have been a part of that combination. All the selfish interests, all the racketeers, have combined their interests to steam-roller this tariff bill, with these increased rates, through the Senate. The American Tariff League News Bureau moved from 333 Transportation Building to 322 Senate Office Building, to take command.

I think the people of this country are entitled to have the facts laid bare as we constantly drag them out from the corners of darkness and shielded places.

Mr. BLAINE subsequently said: I ask that I may read into the RECORD a portion of the testimony given this morning before the lobby committee, and that it may immediately follow my previous remarks. It comprises a very few questions and answers.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

Mr. BLAINE. After discussing the data that Doctor Faubel had prepared for the Senator from West Virginia [Mr. GOFF], the following testimony was adduced:

Senator BLAINE. Well, after this data was prepared there was some question as to who should deliver the speech, was there not? That is, you had a sort of a conference to determine who would be the most appropriate Senator to deliver the speech?

Mr. FAUBEL. I did not have that conference, Senator. I knew that there was some consideration being given as to——

Senator BLAINE. As to who should deliver the speech?

Mr. FAUBEL. As to who should deliver it, yes.

Senator BLAINE. From whom did you get that information?

Mr. FAUBEL. It may have been from Senator GOFF.

Senator BLAINE. Or Senator GRUNDY?

Mr. FAUBEL. Possibly.

Mr. BLAINE. Well, what did they talk about when you received that information?

Mr. FAUBEL. When I received what information, Senator?

Mr. BLAINE. That some question as to who should deliver the speech based upon the data that you had prepared?

Mr. FAUBEL. As I recall it, simply that it had not been decided who would make the best presentation of it, and that was to be decided, but that was no part of my job.

Mr. GOFF. Mr. President, there is little I desire to say in reply to the Senator from Wisconsin [Mr. BLAINE] but I do rise to a question of personal privilege and personal statement.

I am surprised that a committee of the Senate—an agency, so to speak, of the Senate legislatively, morally, and legally—should assume always to cast reflections, sometimes directly, more often indirectly, upon those whose views are not in accord with theirs. I think that when a subcommittee of the Senate so acts and so reports it is transgressing its authority, and it is not making to the Senate a report consonant with the motives that actuate this body in creating or in appointing such a committee.

Mr. President, if the Senate should undertake to investigate the sources of data and facts contained in all the speeches I wonder when it could find or it would have the time to devote to its proper legislative functions. The whole purpose of the remarks of the Senator from Wisconsin is to make, in the way in which he hopes and thinks it does, some reflective answer to the speech to which he refers. That speech speaks for itself, Mr. President; and I do not intend to repeat it or even to attempt to justify it. You can go through it with the fine-toothed comb of the coalition, and you can not find anything that does not smack of the truth based on the facts. It is devoid of opinion; it is devoid of rancor; and it has not in it any personal animadversions whatsoever.

Mr. President, I wonder if this committee, when it seems to come in with one spokesman, as it has done on so many occasions, is reporting for the committee. If he is reporting for the lobby committee, obviously that committee has transgressed its prerogative.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. GOFF. Certainly.

Mr. CARAWAY. What is the Senator complaining about? Does he object because the facts are developed? Is that it?

Mr. GOFF. I am objecting to the inferences contained in the remarks of the Senator from Wisconsin [Mr. BLAINE].

Mr. CARAWAY. Oh, well, I thought it was the committee that the Senator was complaining about.

Mr. GOFF. I do not know whether the committee is back of this. Possibly it is.

Mr. CARAWAY. The committee is back of any investigation that develops the facts. If the Senator objects to the facts, he will have to object to the witnesses. If the Senator objects to the fact that the American Tariff League furnished him certain information, we are not responsible for it. We did not ask the Senator to take it.

Mr. GOFF. I have a right to obtain the facts, if they be facts, from any source whatsoever.

Mr. CARAWAY. Oh, no one objects to that. Does the Senator object to the people knowing that he does it?

Mr. GOFF. Not in the least, not a bit of it.

Mr. CARAWAY. Then what is the Senator complaining about?

Mr. GOFF. I am complaining, as I will state before I finish, why the Senator from Arkansas takes exception to what I am saying about a committee of which he is a member.

Mr. CARAWAY. Oh, Mr. President, I do not take exception to anything the Senator says. I do not know the origin of his remarks, and I would not except to them if I knew. All the committee does—and all I wanted to say was that I thought as I listened to the Senator that he was complaining about what the committee did. If he is complaining about what the Senator from Wisconsin said, of course that is a question between him and the Senator from Wisconsin.

There is not a line in what the committee did except what somebody swore to under oath. If they told a lie, then the Senator can denounce them for it. They made the record, and every line of it has been made by people who were friendly to the cause that the Senator from West Virginia was supporting.

Mr. GOFF. Mr. President, the Senator from Arkansas has now delivered himself of his opinion, which he is entitled to do.

Mr. CARAWAY. It is not opinion; it is the fact.

Mr. GOFF. Now I shall continue my remarks.

The complaint I am making is that whenever the lobby committee sees fit to reply to something that some one has said or done whose actions or whose voice does not meet with the approval of the committee, the committee attempts, by bringing out some testimony before it, to cast reflections upon the Senator so speaking.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. GOFF. I yield.

Mr. WALSH of Montana. The remarks of the Senator are in the nature of a criticism of the action of the committee. Indeed, he was quite direct in his accusations against the committee. The committee found Mr. Faubel in charge of the work of the American Tariff League here, active in connection with this tariff legislation. They had him on the stand some time ago, and he told quite at length about his activities. He was again on the stand to-day. Does the Senator contend that it was improper of the committee to find out from Mr. Faubel what he had been doing?

Mr. GOFF. Not in the least.

Mr. WALSH of Montana. That is all the committee did.

Mr. GOFF. I make no such complaint. I am addressing myself now to the remarks of the Senator from Wisconsin.

Mr. WALSH of Montana. But the Senator went further, as I understood him, and criticized the committee for something it had done.

Mr. GOFF. I am not criticizing the committee, unless the committee is authorizing these piecemeal reports from time to time by some Member who speaks, apparently, in his own behalf.

Mr. WALSH of Montana. The Senator did not undertake to speak for the committee.

Mr. HASTINGS. Mr. President, will the Senator yield?

Mr. GOFF. I yield.

Mr. HASTINGS. I want to inquire whether there has been any report from the committee to the Senate as to what happened to-day.

Mr. GOFF. None that I know of, and it is to that question I was addressing myself.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. GOFF. Certainly.

Mr. BLAINE. I want to state for the benefit of the Senator from West Virginia that I spoke in my own right, as a Member of this body, using material that is of a public character and of a public nature, which has been transcribed and will be printed, as all other committee proceedings are printed.

Mr. HASTINGS. And before the committee makes a report to the Senate.

Mr. BLAINE. I am not bound to delay any comments I choose to make by what the committee may or may not do. This information is information to which the public is entitled and entitled to now. I make no excuse or apology for having delivered to this body the information brought before the committee this morning, and I am surprised at the Senator that he should suggest a criticism when a Senator undertakes to present to this body information that is material to a consideration of the tariff bill.

Mr. HASTINGS. Mr. President, will the Senator from West Virginia yield further?

Mr. GOFF. I yield.

Mr. HASTINGS. The only point I make is whether or not it is from the committee, or whether it is merely from a member of the committee who is reciting what happened there. That is the only point I make.

Mr. GOFF. Mr. President, let me digress just one moment in support of the statement I made that when some Member of this body takes a position that is not popular with many other Members of the body he is attacked by the committee or by some member of the committee speaking in his own right, as he has a perfect right to do.

Let me take the testimony of the lobby investigating hearings, and let me refer to a fact which I have never heard any member of the committee develop or bring out, and which I never heard the junior Senator from Wisconsin bring out.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GOFF. Certainly I yield.

Mr. NORRIS. I would like to ask the Senator whether, speaking of the information the Senator received from Doctor Faubel, the doctor approached the Senator and gave the information, or did the Senator approach the doctor?

Mr. GOFF. I approached the doctor, because I wanted some one to make tariff investigations for me; and I wanted him to check up my data and I went to him, sought him out.

Mr. NORRIS. And he did the work?

Mr. GOFF. He did just what I asked him to do, and he submitted to me certain data which, as he said this morning in answer to a question propounded by Senator WALSH, was largely in the form of notes and memoranda, which was true, and which he handed to me.

Now, I want to call the Senate's attention to a similar transaction here in the Senate to which I can not recall any reference having been made by any member of the lobby committee. It was when the lobby committee was examining on Tuesday, January 14, 1930, Mr. Eugene R. Pickerel. The question was asked him by Senator ROBINSON of Indiana:

When did you see Senator MOSES?

Mr. PICKEREL. This year, do you mean, 1930?

Senator ROBINSON of Indiana. I mean 1929, during this tariff controversy.

Mr. PICKEREL. I have seen Senator MOSES at different times. I can't say what times. I have known Senator MOSES since 1921 or 1922. Whenever I am in Washington and have been since that time and have had a moment I drop into the office and pay my respects to him—since 1922. I have been down here at divers times, long before the tariff bill was under consideration by Congress, and I would drop up here to see him.

Senator ROBINSON of Indiana. Whom else did you see?

Mr. PICKEREL. I saw Senator LA FOLLETTE and Senator KING.

Senator ROBINSON of Indiana. How much time did you spend with Senator LA FOLLETTE?

Mr. PICKEREL. Oh, very little. I could not say how much time.

Senator ROBINSON of Indiana. Did you work with Senator LA FOLLETTE any?

Mr. PICKEREL. I prepared some material for him at his request.

Senator ROBINSON of Indiana. Was the material used?

Mr. PICKEREL. I can't say. Some of it.

Senator ROBINSON of Indiana. Any of it that you know of?

Mr. PICKEREL. Some of it.

Senator ROBINSON of Indiana. How?

Mr. PICKEREL. Some of it on the floor of the Senate.

Senator ROBINSON of Indiana. In speeches?

Mr. PICKEREL. Yes.

Senator ROBINSON of Indiana. The matter that you had prepared——

Mr. PICKEREL. Portions of it—woven in, you know.

Senator ROBINSON of Indiana. Woven in, you say? How do you mean "woven in"?

Mr. PICKEREL. Well, it is not my language, or anything like that. He asked me for material and I gathered it for him.

Senator CARAWAY. Would you mind explaining to me what you mean by "material"?

Mr. PICKEREL. Facts or statements of statistics.

Senator CARAWAY. Figures with reference to manufactures, imports, duties, and so on?

Mr. PICKEREL. Manufactures, imports, duties, and so forth, and I prepared for him, you might call it, a primer in the chemical schedule.

Senator ROBINSON of Indiana. A primer?

Mr. PICKEREL. You can call it a primer or a digest or whatever you wish to call it. It covered all of the amendments, either by the House or the Senate Finance Committee, on these commodities covered by these amendments. It was imports, exports, tariff history, uses, and so forth. I will be glad to give you a copy and give it to the committee.

Senator ROBINSON of Indiana. Well, it is in the record.

Mr. PICKEREL. No, no.

Senator CARAWAY. You would have to give us a hornbook, you know.

Mr. PICKEREL. It is quite a document. I will be glad to give it to you.

Senator BLAINE. You say it is not in the record?

Mr. PICKEREL. No, no.

Senator ROBINSON of Indiana. I understood you to say it was woven in.

Mr. PICKEREL. Well, I prepared figures, and so forth. He might have put some of those in the record.

Senator ROBINSON of Indiana. Might have?

Mr. PICKEREL. He might have referred to it.

Senator ROBINSON of Indiana. Well, don't you know it is in? Why do you say "might have"?

Mr. PICKEREL. Well, I think it is. This is all obtainable.

Senator ROBINSON of Indiana. Well, now, you think—you know it is, don't you?

Mr. PICKEREL. That is all obtained from Government statistics, Government publications, and so forth.

This examination proceeded, and also brought out certain other facts relating to the preparation and the obtaining of data for Senator KING. It is not necessary to proceed with it, but what I say, and what I said at the beginning of my remarks, is simply this, no reference has been made by this committee to the testimony of Doctor Pickerel and no reference has been made to his testimony concerning Senator LA FOLLETTE. But when some one comes in before this committee and says, "I obtained some data for Senator GOFF," then, of course, they say that the data were prepared, and the inference is given out that Doctor Faubel prepared the speech which I delivered on this floor last Saturday.

I care not who thinks I did not prepare this speech. It speaks for itself, as I said. But what I do object to, and what I will continue to object to, is that I should have my conduct in reference to asking some one for data picked out and made the subject of discussion here, when other Members of this body can ask for a multiple of the information requested from Doctor Pickerel, a great chemical expert, who says that he prepared data and statistics and then supposedly sat in the gallery and heard what he had prepared emanate from the lips of Senators upon the floor of the Senate in justification of the contention which they made.

Again, I say, such conduct, regardless of whether it be the voice of the committee or the voice of a member of the committee appointing himself to speak for himself, is unfair; that it is ungenerous to pick out those whose speeches you disapprove and suppress and submerge any and all reference to those whose speeches you do approve.

Mr. KEAN. Mr. President, will the Senator yield to me?

Mr. GOFF. I yield.

Mr. KEAN. I would just like to ask the Senator who Doctor Pickerel is. I do not know who he is.

Mr. GOFF. I understand that Doctor Pickerel is a representative of the foreign importers here in the city.

Mr. KEAN. Does he represent the German interests?

Mr. GOFF. I understand he represents the German interests in the city of Washington and that he has represented their interests in the tariff hearings here in the Senate. That is my understanding. I have never met the gentleman, and have never gone at all into the question of either his heredity or his present employment.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. GOFF. I yield.

Mr. LA FOLLETTE. I hope the Senator in referring to the testimony and drawing inferences from it will confine himself to the testimony. The Senator just stated that he presumed that Doctor Pickerel went into the gallery and listened to the data which he had prepared being uttered by the Senators for whom he prepared it. If the Senator will trouble himself to look at the exhibit which Doctor Pickerel filed with the committee, he will find that it is a factual statement of imports and exports and the uses of chemicals, prepared from official documents. It was not made a part of any speech made by me excepting as I used the statistical and chemical information which it contained. That exhibit is now on file in the committee. It is a document of upward of 300 pages.

Mr. GOFF. I desire to be perfectly fair with the Senator, and I am very glad the Senator called my attention to that. What I had in mind when I made the remark I did was the testimony of Doctor Pickerel on page 4975. I read it once, but let me reread it:

Senator ROBINSON of Indiana. Was the material used?
Mr. PICKEREL. I can't say? Some of it.
Senator ROBINSON of Indiana. Any of it that you know of?
Mr. PICKEREL. Some of it.
Senator ROBINSON of Indiana. How?
Mr. PICKEREL. Some of it on the floor of the Senate.
Senator ROBINSON of Indiana. In speeches?
Mr. PICKEREL. Yes.
Senator ROBINSON of Indiana. The matter that you had prepared——
Mr. PICKEREL. Portions of it—woven in, you know.

Mr. GLENN rose.

Mr. GOFF. I had that fact in mind when I made the statement that Mr. Pickerel, not having the privilege of the floor, no doubt heard this from the gallery.

Mr. LA FOLLETTE. But I asked the Senator to confine himself to the testimony as it was adduced before the committee, in which Doctor Pickerel testified that the primer which he prepared for me and a copy of which I filed with the committee, was compiled from Government statistics and contained information of a statistical character. I judge from the inference which the Senator drew from it that he was under the impression that Doctor Pickerel had testified that he had prepared certain language which had been woven into any speeches which I delivered on the floor. That was not the fact.

Mr. GOFF. I did not mean to draw that conclusion or that inference at all.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. GOFF. I will yield first to the Senator from Illinois, who tried previously to interrupt me.

Mr. GLENN. I simply rose to ask if that was not likewise true of the testimony concerning the data furnished to the Senator from West Virginia? It came from official sources and was a statement of facts turned over to him as a means of information. I think if the Senator from West Virginia has made any grave error in this matter about which he has been so violently assailed here, it was because he has violated the rule or practice followed by some other Members of the Senate in obtaining information for use before the Senate.

Mr. GOFF. I now yield to the Senator from Wisconsin.

Mr. BLAINE. In connection with the primer to which the Senator referred, I want to advise the Senator that the primer on chemicals, which was a statement of facts, in relation to each chemical, was delivered to the committee and the Senator from Indiana [Mr. ROBINSON] had the use of that primer when he was investigating a proposal to put on the free list all chemicals that enter into fertilizer. I would like the Senator to have the information that the primer was available to anyone who chose to come and obtain it from the committee.

Mr. GOFF. Where is that primer, may I ask?

Mr. BLAINE. The last I know of the primer is when it was in the possession of the Senator from Indiana [Mr. ROBINSON].

Mr. GOFF. Was it a primer of American or foreign statistics?

Mr. BLAINE. Oh, no; it was not a primer of statistics at all. The Senator has seen the United States Pharmacopœia?

Mr. GOFF. Yes.

Mr. BLAINE. It was in the nature of that publication.

Mr. GOFF. And it related to chemicals as they came into this country?

Mr. BLAINE. Oh, no. It related to a description of chemicals, a scientific description of chemicals.

Mr. GOFF. It was a sort of a medical book for beginners?

Mr. BLAINE. The Senator might so characterize it and not be very far from the truth.

Mr. GOFF. Mr. President, I do not care to say anything further except to make this remark to the Senator from Wisconsin and some of his associates, that I am not in the least embarrassed by what he has said. I have been amused rather than embarrassed. I wanted merely to call his attention to the fact that I think it is futile, and I do not think it is quite becoming or creditable to resort in a matter of this character to such tactics.

Mr. GRUNDY. Mr. President, I desire to occupy only a moment or two of the time of the Senate, but it seems to me that in view of the discussion that has been going on, there are a few facts that ought to be presented to get the record straight.

I was asked on the floor of the Senate yesterday several questions by the Senator from Arkansas [Mr. CARAWAY], and I gave, as nearly as I could at the time, a concise answer to the questions asked, without having at all in mind the background or the use that might be made of them. The question concerning my offices has been brought into the discussion and certain statements have been made which are entirely out of order and not in accordance with the facts. The offices which have been allotted to me by the Committee on Rules are under the direction, and exclusively under the direction and control, of my secretary, Mr. Leighton C. Taylor, who has charge of the personnel that occupies those offices. Mr. Doane has nothing whatever to do with either one of those offices.

Mr. Doane has been identified with me in various economic and civic work for a period of six or seven or eight years. His is one of the brightest minds that I know of in the economic field, and especially as connected with the tariff. The only reason he is not in the offices which I occupy in the Senate Office Building is that there is no room for him to do the kind of work that he has to do. Owing to the vast number of people who are visiting there all the time, it is impossible for him to concentrate there as his duties require.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. GRUNDY. I yield.

Mr. BLAINE. Has not Mr. Doane a desk and typewriter in room 322, Senate Office Building?

Mr. GRUNDY. I take it he has the use of it when he stops in there to do any work. There are a number of desks and typewriters there, and I have no doubt he has the use of any of them.

Mr. BLAINE. He testified that he did his typing in that office.

Mr. GRUNDY. He may do so at times when he is there. If it had been possible for me to have had so valuable and useful a man in the office with me, I would have wanted to have him there; but it was not possible, owing to the vast number of people that come here from Pennsylvania who want to discuss their tariff problems with some one attached to the office. Therefore, by his suggestion and by common consent, he made his headquarters at the Lafayette Hotel and for days at a time never came near the Senate Office Building. When he would come there with work that I wanted or which prompted me to send for him to come there, and there were corrections or alterations to be made in his work, naturally he would make use of any of the office appliances which were available. As I have said to the Senator from Wisconsin, naturally he would use, in this office where the stenographers were and where the typewriters were, the appliances that were there, placed there at my disposal.

There is nothing at all there that is not connected with any other Senator's office. Mr. Doane is doing statistical work for me—the same kind of work that others are doing for Senators who are interested in the tariff. The only difference is that because of the vast number of industries which we have in Pennsylvania and their very great and earnest interest in the tariff situation, more people, vastly more people, are brought to my offices, and especially so with the senior Senator from Pennsylvania [Mr. REED] away, than probably come to the offices of the average Senator.

When I stated yesterday that Mr. Doane's headquarters were at the Lafayette Hotel and that he visited the Senate Office Building from time to time, I was entirely within the facts; and the reasons for that were not because it was not my desire that he should be there—and he properly should be there—but it is almost impossible for him to perform the services that were assigned to him there, in the midst of the great number of people who are continually interrupting, and in the midst of the hum of the typewriters and all that sort of thing.

I wanted to get that fact into the RECORD, because it has been intimated that there was some dark and hidden secret, or connivance with somebody, somehow, or somewhere, to put something over on the American people that could not or should not be seen by light of day.

In the course of the work that was done prior to my entering the Senate, when I had offices of my own in the Transportation Building, we accumulated certain data in regard to the tariff. We had a large number of people coming there, all of whom were interested in the tariff, and we had different briefs and different Government publications and other matters that pertained to the tariff. When I was inducted into office and took possession of the rooms which were assigned to me in the Senate Office Building, I naturally brought that information and those publications with me and placed them in the only room that I had that would hold them, namely, room 322, which has been referred to. It was not the moving of that office up there. It was simply the moving of the data which is being used by me and by those who are associated with me and by those who come here from Pennsylvania and want information and help.

I have been obliged to have a number of secretaries, extra typists, and extra stenographers, owing to the pressure of business. They have been paid for by myself, at no expense to the Government, and there has been no effort to unload them on the Government. This help has been employed in order that I might properly and effectively represent the people of the State of Pennsylvania. They come down here, the representatives of industry and the representatives of labor alike, many of them in dire distress as a consequence of foreign competition which our tariff duties should curb. And I shall continue to do all that I can to procure for them the protection they require and which was pledged to them by the platform of the Republican Party, which party is supposed now to be in control of the Government.

If there is anything I have not done that I could do, or if there is anything more that I can do to help those industries and their labor, I want to do it. Moreover, if there were more men like Mr. Doane that I could get, if there were half a dozen men like him that I could get to be here on this work, to help bring information, to help bring arguments, to help bring statistics, that would perhaps convince the Senate that higher rates should be put in the bill, and by which proper protection of those industries and their labor could be brought about, I certainly would want to have those men here. I have no apologies whatever to make for the relationship, or for the manner in which his services are being performed. They are the best arrangements that possibly can be made under the crowded condition under which Senators are assigned room here in the Senate Office Building, even for as large a State as that from which I come, for the performance of my duties as a representative of that State in the Senate.

ADDITIONAL PETITION PRESENTED

Mr. THOMAS of Oklahoma presented a petition of sundry citizens of Comanche County, Okla., praying for the passage





of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

ADDITIONAL REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3440) authorizing the exchange of 663 square feet of property acquired for the park system for 2,436 square feet of neighboring property, all in the Klingle Ford Valley, for addition to the park system of the National Capital (Rept. No. 259); and

A bill (S. 3441) to effect the consolidation of the Turkey cThicket playground, recreation, and athletic field (Rept. No. 260).

INTERNATIONAL FUR TRADE EXHIBITION AND CONGRESS

Mr. CAPPER. From the Committee on Foreign Relations, I report back favorably with two slight amendments the joint resolution (H. J. Res. 205) to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930, and I submit a report (No. 258) thereon.

This measure has the approval of the President, of the Department of State, of the Department of Commerce, and of the Department of Agriculture, and it has passed the House. I ask for its immediate consideration.

Mr. WALSH of Massachusetts. I understand the Senator to say that it is a unanimous report of the committee.

The PRESIDING OFFICER. The Chair will state that it was a unanimous report.

Mr. WALSH of Massachusetts. There is no objection to its passage from any source of which the Senator is aware?

Mr. CAPPER. It is a unanimous report of the committee and has the approval of three Cabinet officers.

Mr. WALSH of Massachusetts. What is the appropriation authorized?

Mr. CAPPER. Thirty thousand dollars.

Mr. WALSH of Massachusetts. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the Committee on Foreign Relations were, on page 2, line 3, after the words "expenses of," to strike out "the delegates in attending" and insert "participation by the United States in," and in line 5, after the word "elsewhere" to insert "but not including expenses or salaries of delegates, for," so as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to accept the invitation of the German Government to participate in the International Fur Trade Exhibition and Congress, to be held in Leipzig, Germany, during June, July, August, September, 1930, and to appoint delegates to said International Fur Trade Exhibition and Congress.

SEC. 2. That the sum of $30,000, or as much thereof as may be necessary, is hereby authorized to be appropriated for the payment of the expenses of participation by the United States in such Congress, including the compensation of the employees in the District of Columbia and elsewhere, but not including expenses or salaries of delegates, for preparation, transportation, and demonstration of an appropriate exhibit portraying the development of the fur industry in the United States, the production, conservation, and utilization of fur as a natural resource, and demonstrating the importance of forests as natural habitats for fur animals, transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, rent, and such miscellaneous and other expenses as the President shall deem proper.

Mr. CAPPER. The purpose of the second amendment is to prevent any possibility of delegates being appointed at the expense of the Government.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ADDITIONAL BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. SHEPPARD:

A bill (S. 3836) for the relief of David McD. Shearer; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 3837) for the relief of Patrick J. Mulkaren; to the Committee on Claims.

CHANGE OF REFERENCE

On motion of Mr. FESS (Mr. JONES in the chair) the Committee on the Library was discharged from the further consideration of the bill (S. 3811) to provide a southern approach to the Arlington Memorial Bridge, and for other purposes, and it was referred to the Committee on Public Buildings and Grounds.

MOUNT VERNON-ARLINGTON MEMORIAL BRIDGE HIGHWAY

The PRESIDING OFFICER (Mr. JONES in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3168) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," by adding thereto two new sections, to be numbered sections 8 and 9, which was, on page 3, to strike out lines 16 to 25, inclusive, and all of page 4, and also lines 1 to 5, inclusive, on page 5.

And to amend the title so as to read: "An act to amend the act entitled 'An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington,' by adding thereto a new section, to be numbered section 8."

Mr. WALSH of Massachusetts. Mr. President, is the difference between the House and the Senate as to the Mount Vernon Highway serious?

Mr. FESS. It really is, in my opinion. The Senate provided for a method by which we could conduct a concession building at the other end of the memorial, and the House committee cut that out. I think it is quite important.

Mr. WALSH of Massachusetts. I agree with the Senator. I hope the Senate provision will be sustained in conference. I also hope we will get speedy action on the bill, which has great merit, and is really a great and important national undertaking.

Mr. FESS. I move that the Senate disagree to the amendment of the House, ask for a conference, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to; and the Presiding Officer appointed Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR conferees on the part of the Senate.

THE FUTURE OF THE UNITED STATES—ADDRESS BY SENATOR DAVID I. WALSH

Mr. BORAH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address by the junior Senator from Massachusetts [Mr. WALSH] on the Future of the United States, which was delivered last evening over the National Broadcasting Radio Forum.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My fellow Americans, from an infant Nation of scarcely more than a dozen States and some 4,000,000 people, we have grown to a Union of 48 States, with a population of approximately 130,000,000. We enjoy every advantage of varied climate and material resources over a vast territory. We have 100 cities of over 100,000 population, linked together by a system of transportation secure and rapid beyond the dreams of the past. Our farms number nearly six and one-half million, and the annual value of farm products runs well over $12,000,000,000. Our mineral products in 1928 were worth about five and one-half billions, and our manufactured products nearly sixty-three billions.

We possess not only immense natural resources but also a freedom of intercourse, personal and commercial, never before heard of. More than any other people we enjoy also the benefits of amazing inventions that affect our lives happily at a hundred points. Last year there were, for instance, over 32,000,000 automobiles in use in the United States—more than three-fourths of all in the world. Marvelous, indeed, and unparalleled is America's record of material progress!

To what source can we trace the existence and development of our stupendous growth and power? Foremost is the realization of how bounteous Nature and Nature's God has been to us. Innumerable, indeed, are the blessings upon our efforts and those of our forbears, bestowed by the Supreme Being. Without His guidance and support all the vast edifice of might and power and prosperity we boast of would crumble to naught. Every right-minded citizen will agree with me that we owe a generous recognition to the Supreme Being who has bestowed upon us solely this wealth of resources upon a scale never before witnessed in this world. We owe to Him the great fundamental duties of all religions—worship, gratitude, praise, and prayer. Whatever the forms we use, we are only discharging the debt of our hearts to our Creator and our Provider when we acknowledge His love and His never-failing concern for the welfare of the great, numerous, and prosperous people whom He has brought together in this Nation in the

heart of the New World for wonderful designs of His own, but surely for the permanent uplifting and a true progress of all mankind.

Another outstanding cause of our material welfare is the character of liberality and security of the fundamental institutions which the founders of the Nation established. Definitely and inspiringly did they express their noble purpose in the words of the Constitution's preamble, "In order to form a more perfect union, establish justice, * * * and secure the blessings of liberty to ourselves and to our posterity."

"Establish justice!" This is the beginning and the end, the alpha and the omega of Americanism. Equality of rights and opportunity, unmolested pursuit of happiness, free assembly, free speech, free press, free pulpit, free ballot—these are the foundations upon which our political and social institutions have been built. It is the spirit that inspired these principles and the application of them that alone is the solution of our future civic, social, and economic problems. In whatever direction we turn for aid, inspiration, and guidance, we revert again and again to the founders and their liberal and sagacious political philosophy.

"Establish justice!" Let me digress a moment to quote a few of the great sayings of great men with respect to justice:

Justinian, the greatest of lawmakers, says, "Justice is a firm and continuous desire to render to everyone that which is his due."

Britain's peerless statesman, Edmund Burke, proclaimed, "Justice is the great standing policy of civil society."

Our own Whittier has called justice "the hope of all who suffer; the dread of all who wrong."

Cicero puts it thus, "The foundations of justice are that none shall be harmed, and next, that the common weal be served."

The problem of our future is not merely to preserve material greatness and prosperity; rather the problem is to preserve the soul and spirit of America. The ideals and principles of the founders constitute the Nation's soul. If we lose the spirit of the fathers, we lose all—both material greatness and that which makes it worth having.

Our very accomplishments and achievements, our conquering power over things material, constitute our greatest dangers. Without a continuing and growing justice there will come into existence a vast mechanism of oppression—and a great subversion of our liberties—and the priceless heritage of our people will be gone. Those now living, if that happens, will not bequeath to their children what was handed down to them.

There are, indeed, many developments of our time that may well give us concern and cause us to give heed to what is perhaps our chief national failing—an easy-going and unthinking optimism. We take it altogether too much for granted that we shall continue to be fortunate; that ours is a land of destiny; that our superior and extensive system of education will always produce a sound discretion; that our natural resources will be inexhaustible and our genius never dimmed.

A great shift has taken place in our time from the political and social problems of a pioneer society to the dangers and problems of a grown-up nation of unprecedented proportions and power to serve mankind. In contrast to the past, the political problems of the future will be chiefly economic. Formerly our great treasury of natural resources made it unnecessary that much consideration be given to insuring an equal chance for all in the race of life. Now, with the steady depletion of our natural resources and concentration of economic power we must look more carefully into economic conditions and their effect upon the masses of the people.

The economic problems of the day, becoming ever more and more complex, evolve around the struggle of the masses in their natural aspirations to have a reasonable chance in life. In every part of the world the great struggle now, often involving political reconstructions, is for a more equitable distribution of wealth and opportunities. In certain countries the masses are going to extremes in their attempts to win this struggle which, in a different form, is here also. Our very economic greatness, our industrial efficiency, our highly speeded mass production, the vast scale of our industrial and commercial units, raises challenging questions and brings them closer to our people than ever before.

The perceptions and aspirations of the poor, of the working man and woman, the multitude, must be recognized and dealt with adequately. We must not think entirely of the strong and powerful. We must not think only of ourselves, or of our particular social class, or of our political party. More than ever we must watch, work, and think for the common welfare; and realize what are the means alone by which these problems can be solved. It is by establishing that justice—in this instance, economic justice—which the fathers of the Republic decreed. "Abolish justice," once said St. Augustine, "and what are governments but great robberies?" Not only governments but economic systems resting upon them, may become great instruments of oppression and denial of opportunity.

ESTABLISH JUSTICE

The establishing of justice in our time means the adequate facing and handling of complicated economic questions; and they are difficult because of their complexity. They require wide acquaintance with facts and an amount of study that the average man is hardly in a position to give. He can not take the time; he is necessarily engrossed in the stern struggle to provide a livelihood for his family. It is not to be wondered at, therefore, that in desperation and perplexity, many may be led to form judgments through prejudice and consequently to accept unsound remedies, or be swept into the adoption of one or another of the dangerous "isms" of the day. More than ever is there need of statesmanship and of education in the people, that seeks truth and justice and an understanding of our fundamental political ideals, to serve as the support of statesmanship.

Great as are the dangers and the difficulties, so even more efficacious are our spiritual resources to overcome them—the fruits of wide-spread education, free political institutions, the good sense and well-directed ambition of our people and a wholesome family life. There is no force or influence for our future security greater than the family. The family is a little state, the school of all the basic virtues. From the prudent family ever springs foresight, thrift, economy, equality between parents and children, patience and resignation in trial, the spirit of mutual concession, forbearance, and the urge to progress. The ideals of the family humanize and correct the dangerous elements of our being; they heal and purify the coarser traits of human nature; in a word, they cultivate and spread abroad the sense and spirit of justice. The future of America is in the keeping of the American family.

Not for a moment should we be content with merely holding the ground won, with digging in and standing where we now are. We should lay hold on a new and truly ambitious and achievable program for the substantial betterment of economic conditions and our social life. We should hold in our thought that there is a great prize ahead of us and that we have the determination and intelligence to win it. I can not perhaps do better to help arouse you to civic service than to close by quoting the stanzas of a great English poem by William Blake.

And did those feet in ancient time
Walk upon England's mountain green?
And was the holy Lamb of God
On England's pleasant pastures seen?
And did the Countenance Divine
Shine forth upon our clouded hills?
And was Jerusalem builded here
Among those dark Satanic mills?
Bring me my bow of burning gold!
Bring me my arrows of desire!
Bring me my spear: O clouds, unfold!
Bring me my chariot of fire!
I will not cease from mental fight,
Nor shall my sword sleep in my hand,
Till we have built Jerusalem
In England's green and pleasant land.

THE WORLD COURT

Mr. NYE. Mr. President, I ask leave to have published in the RECORD an article by the Senator from Minnesota [Mr. SHIPSTEAD] appearing in the last issue of the Washington (D. C.) Sunday Herald on the subject of the World Court.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D. C.) Herald of Sunday, March 2, 1930]

"ADAMS AND OTHER FOREFATHERS BLOCKED EUROPEAN ENTANGLEMENTS," SAYS SENATOR SHIPSTEAD—"PLEAS TO-DAY SAME AS A CENTURY AGO—'AMERICA'S DUTY TO HUMANITY' WAS THE CRY THEN, AS NOW, IN INTRIGUES TO ENMESH OUR NEW REPUBLIC IN THE OLD WORLD LEAGUE OF NATIONS OF THAT ERA"

(By HENRIK SHIPSTEAD, United States Senator from Minnesota and member of the Senate Foreign Relations Committee)

If Rip Van Winkle, after a sleep of 100 years, could return to the American political arena and see the attempt now being made to put the United States into the League of Nations through the League's World Court, he would be bound to exclaim: "Same old stuff!"

I have made a careful study of the diplomatic correspondence of a century ago when the nations of Europe were seeking to prevail upon the United States to go into the League of Nations of that era, which was known as the Holy Alliance.

This perusal reveals an astonishing lack of originality, both in purpose and phraseology, of the diplomats and statesmen of recent years who have been so ardently engaged in orating and emotionalizing for the purpose of influencing the American people to form a political union with the political systems of Europe.

The internationalists of their time, here in America, deluged the public with propaganda. Then, as now, they were influenced by the marplotic statesmanship of Europe. Then, as now, they prated of "America's duty to humanity." Then, as now, they employed such pious phrases as "moral participation" and "moral leadership to the world." Then, as now, they attacked "the demagogues in Congress" who saw through their schemes and stubbornly refused to be a party to them.

Then the people knew the value of democracy. They had gone through a bitter war, enduring sufferings, hardship and death, to attain independence. American statesmanship had reached the zenith of its career.

Jefferson, the Adamses, Monroe and Madison were wise and patriotic men. They loved their country as they loved life itself. An intense nationalism surged in their breasts. They foresaw that the United States, to attain her destiny, to conserve the rights of her own people and be a permanent influence for good in the world, must keep apart from alliances and intrigues with foreign governments. What they did then must be done now by the American people as a whole.

"ALL MEN EQUAL"—"DOCTRINE WAS CHALLENGING OLD ORDER YEARS AGO"

One hundred years ago the idea of political democracy was challenging the old order of political autocracy from top to bottom. The revolution of the American Colonies against King George had established as a principle for the first time the doctrine that "all men are created equal."

The Revolution of the French people against the Bourbons of France had reiterated the doctrine of equality in the slogan: "Liberty, Equality, Fraternity." Napoleon seized upon it, discarded the idea of "divine right of kings" and he began to make and unmake kings over night, altering the map of Europe.

With the forces of democracy challenging the existing order, the four great monarchies of Europe—Russia, Austria, Prussia, and England—formed themselves into an alliance to get rid of Napoleon and to restore the autocracy of the Bourbons.

"FOR PEACE"—"HOLY ALLIANCE PICTURED AS MOVE TO AID AMITY"

Having accomplished this, the sovereigns established their Holy Alliance to consolidate their war booty, to serve as a continuing barricade against the latent forces of democracy, and they proclaimed, just as they did at Versailles, that it was "in the interest of peace."

This alliance was conceived in the brain of Alexander of Russia, a strange character, a peculiar mixture of duplicity and idealism. He broached the idea to William Pitt, Foreign Minister of Great Britain, who seized it greedily, and whose reply to Alexander contained, among other statements, the following:

"Through this means the possession of the respective territories of the powers of Europe would be fixed and recognized. To secure this end, the powers must engage themselves reciprocally to maintain and support each other against all efforts to disturb and infringe upon their rights. Such a treaty would endow Europe with a common law and tend as much as possible to repress all enterprises troubling the general peace."

It is quite obvious what they were driving at. They were to band themselves together, as the present League of Nations does, to make war whenever necessary to protect their conquests from the recent war and to destroy any movements for independence among their colonies, just as England is doing in India to-day.

And it was done in the name of peace. It provided, under the term "amicable intervention," for the raising of an international army to which each nation would supply 60,000 men. Under cover of this "Holy Alliance," which was signed by Russia, Austria, and Prussia, a secret treaty was formed by Austria, Russia, and Great Britain by which they agreed to employ their joint forces to maintain the kings on the throne apart from the agreements made in the Holy Alliance.

Castlereagh represented Great Britain at the conferences, and Metternich, the dominant statesman of his time, was there for Austria. Pitt sent Castlereagh a confidential memorandum, the substance of which was that Alexander was a good fellow and meant well, but that Castlereagh and Metternich must get together and "gang" the idealistic Russian. Rip Van Winkle could well observe that as Alexander had his Castlereagh and Metternich, so Woodrow Wilson had his Clemenceau and Lloyd George.

ANGLED FOR UNITED STATES—"EUROPE URGED AMERICA TO JOIN ALLIANCE"

Then the European nations sought, as now, to seduce the United States into their Holy Alliance "in the interest of peace." And in America, as now, the pious cry was taken up in all solemnity and, I suppose, in honesty, by those good people who, ignoring the history of 2,000 years, are prone to believe that peace is just around the corner; that anything labeled "peace" must be peace.

On April 9, 1816, the Massachusetts Peace Society wrote a glowing letter to Emperor Alexander, "Your Imperial Majesty," declaring its purpose "to disseminate the very principles avowed in the wonderful alliance." The New York Evening Post editorialized to the optimistic extent of proclaiming that "the members of the holy league will establish an imperishable claim on the gratitude of mankind."

Alexander sent private instructions to his minister at Washington to obtain the adherence of the Government of the United States to "the Holy League of Peace."

But the minister ran up against Adams and the other American patriots and he had his troubles. He wrote in a private reply to Alexander that he found in the American administration "a great cunning and a great ability." He was promptly recalled and in June, 1819, Alexander sent Poletica, the outstanding Russian diplomat of the era, to the United States to get us into the league.

Thereafter the drive to inveigle the United States increased in intensity and duplicity. While Poletica was at work here the powers of Europe met at Aix-la-Chapelle and received from Russia and France a confidential communication, in which the following was contained:

"It is believed that the plenipotentiaries of the five powers at Washington should take the steps necessary to persuade public opinion in the United States, as well as the Executive, to adopt their point of view. This delicate negotiation should be conducted with much care.

MUCH THE SAME—"PROPAGANDA OF TO-DAY LIKE THAT OF LONG AGO"

"Verbal communication should be preferable to written notes in order to avoid giving ammunition to the opponents, who would seize upon the idea of foreign influence as contrary to American institutions."

How similar does that paragraph of secret advice correspond to the propaganda of to-day! And the following:

"The people of the United States could be told they are themselves a European people, Christians, and, therefore, like Europe, interested in questions of a general nature."

Alexander was still busy. He wrote his ambassador here to stimulate the thought that "the misfortunes of Europe are the cause of American commercial prosperity." But the ambassador was having the difficulties of his predecessor with the stubborn American people. He wrote to a friend that the American people were suspicious of the purposes of the Governments of Europe, and he belabored the old irreconcilables in Congress as follows:

"It is without doubt a veritable catastrophe that the imprudent conduct of the reactionary court of Madrid in the Colon affair and in its general colonial system should have been the cause of so much exasperation. This furnishes fuel for England's mercantile cupidity and the demagogues of the American Congress."

John Quincy Adams saw through it all, because he sent instructions to Middleton, the American ambassador at St. Petersburg, that "the political system of the United States is essentially extra-European. To stand in firm and cautious independence of all entanglements in the European system has been a cardinal point of their policy from 1783 to this day."

Adams declared in his instructions to Middleton that there were fundamental differences in the political systems of the United States and of the States of Europe, and that their incompatibility precluded any desirability of connecting them.

That is the point. The political system of the United States stands unchanged. It is a democracy in a republic. The political systems of Europe are largely monarchies, empires, or dictatorships. Rip Van Winkle would find them as incompatible to-day as they were 100 years ago. Possibly he would have difficulty, however, in finding a Jefferson, a Madison, a Monroe, or a John Adams.

The league of 100 years ago collapsed under its own war-making weight. It did not stop war. It produced wars. History repeats itself. The American people must be alive to the fact that their greatest destiny now, as then, their greatest influence for good now, as then, is in keeping apart from the war-making instrumentalities of other continents.

FEDERAL POWER COMMISSION

Mr. NORRIS. Mr. President, some time ago the junior Senator from Montana [Mr. WHEELER] delivered an address on what took place before the Committee on Interstate Commerce regarding water power and the activities of the Power Commission and particularly some of the employees. A great deal was said about the present executive secretary of the Power Commission, Mr. Bonner. Mr. Charles A. Russell, the solicitor, testifying before the committee in regard to the activities of Mr. Bonner in behalf of the Power Commission, among other things said that Mr. Bonner, the executive secretary of the commission—

Told me that I was to talk with M. O. Leighton, who was the Washington lawyer engaged by the Electric Bond & Share Co., and when I saw Leighton he suggested that W. V. King, chief accountant of the commission, was worrying the power companies by requiring elaborate reports. It was his idea that I should tell King that he was not to fret about the details and that the reports of the companies were made to the commission under oath and should be accepted by the commission.

Later Bonner gave me to understand that a part of my job was to tell King to lay off the power companies. However, my investigation of the answers which the power companies have made to King's request for additional information seemed to show nothing more than long reports, carefully evading the questions he had asked.

There was printed in the New Republic of March 5, 1930, quite an elaborate article written by Mr. George Soule. I ask unanimous consent to print in the RECORD as a part of my remarks the entire article, with the exception of one paragraph which I have deleted, giving some information upon which

there may be some doubt, or, at least, I have not any information bearing out that point and, therefore, I have stricken it out.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR IN THE POWER COMMISSION—WHY THE POWER COMPANIES WANT MR. KING TO "LAY OFF"

When Solicitor Charles A. Russell, of the Federal Power Commission, was being examined by Senator COUZENS'S committee he said that after he had been with the commission a short time Executive Secretary F. E. Bonner, of the commission (an appointee of the present administration), "told me that I was to talk with M. O. Leighton, who was a Washington lawyer engaged by the Electric Bond & Share Co., and when I saw Leighton he suggested that W. V. King, chief accountant of the commission, was worrying the power companies by requiring elaborate reports. It was his idea that I should tell King that he was not to fret about the details and that the reports of the companies were made to the commission under oath and should be accepted by the commission.

"Later Bonner gave me to understand that a part of my job was to tell King to lay off the power companies. However, my investigation of the answers which the power companies had made to King's request for additional information seemed to show nothing more than long reports, carefully evading the questions he had asked."

When Mr. Russell informed Mr. Bonner that Chief Accountant King was merely trying to execute the law, Mr. Bonner suggested that he, as solicitor, might find a way around the law. As an example of the need for careful checking of the companies' accounts, Mr. Bonner stated that more than $30,000,000 of the valuation of $70,000,000 of the Niagara Falls Power Co. covers water rights obtained by license from the Federal Government, although the Federal water power act forbids inclusion of such rights in valuations. He also cited other facts of similar import.

For years Congress failed to grant the Federal Power Commission adequate funds for its accounting and engineering duties. Last year the appropriation was somewhat increased. But both the power companies and Mr. Bonner have attempted to prevent the accounting staff of the commission from carrying on its work diligently. One phase of this attempt has been to distribute the accounting in the field to men outside the staff of the commission itself, men chiefly in the War Department, not under the jurisdiction of Mr. King and not expert in utility matters. Another phase has been to sit on Mr. King himself. There is in this situation the making of a first-class scandal. It also has an important bearing on pending legislation.

The Federal water power act, passed in 1920 after a long struggle, set up a commission to control the granting of licenses for the use of water power in navigable streams which is owned by the Federal Government. The commission consists of the Secretaries of the Interior, War, and Agriculture. Under them there is a permanent staff, headed by an executive secretary, and consisting of legal, engineering, and accounting forces. The act provides that licenses may be issued to applicants at the commission's discretion. The plants built by the applicants may be recaptured by the Government after 50 years. One of the main functions of the commission is to determine the value of these plants for recapture. The law sets forth in some detail how this is to be done. Nothing is to be allowed for water rights or other intangibles. The value is to rest on the actual cost of construction.

The power companies do not like these provisions of the law. They want, of course, to build up as large valuations as possible, in view of the possibility that the Government may decide to recapture their plants. But even more important to them is another consideration. It is their habit, in making valuations to be used as the basis of rates by State regulating commissions, to include such things as water rights, to apply what are ordinarily the higher costs of reproduction new, instead of the actual costs of construction, and to boost the valuation by other means. They have been relatively successful in obtaining the approval of State commissions for such valuations, and even more successful in persuading the courts to sustain them. But if the Federal Power Commission makes substantially lower valuations of some of the same properties the contrast might be duly noted and might lead to discussion.

There is still another reason why they do not want the power commission's accountants to delve into their books. Almost none of these companies keeps accurate cost figures of operation. What part of their costs arise from generation, what part from transmission, what part from distribution? What is the real difference in cost between distributing to large consumers of power and to small households? These things, they usually maintain, are impenetrable mysteries. Vague statements about such facts enable the companies to set up their rates about as they please. They do not want to be required to keep their books so as to show costs.

Their method of fighting the law has been to try to prevent it from becoming fully operative. The Secretaries who make up the commission itself are busy men who seldom meet to consider water-power affairs. If the permanent staff of the commission can be made innocuous by hiring away its more active members at high salaries, inducing favorable appointments to it, and suppressing incorruptible and able public servants like Messrs. Russell and King, all may be well.

An illustration of what a man like Mr. King might do if he were given support, occurred recently in hearings about an application of a subsidiary of the Montana Power Co. for a license to a site in the Flathead Indian Reservation. This site is capable of developing a large amount of power; it is comparable to Muscle Shoals. The application of the Montana Power Co. (affiliated with the Electric Bond & Share Co.) has had the favor of Mr. Bonner and former officials of the commission. But another bidder appeared, a Minneapolis capitalist, who offered both to pay the Indians more for their rights in the site than was offered by the Montana Co. and to sell the current at lower rates. The persistence of this bidder forced the holding of a hearing. Mr. Scattergood called as a witness Mr. King, who brought out startling facts. It is remarkable that Mr. King, who is chief accountant of the commission, was not called in his official capacity by Mr. Bonner, executive secretary of the commission, but as a witness for another bureau.

Mr. King's testimony was based on the company's own reports, unchecked by any field investigation. He made the following analysis of the costs and profits of the Montana Power Co. in 1926 (interpreted in my own language):

It cost the company 1.184 mills to generate each kilowatt-hour of power sold.

It cost the company 0.427 mill to transmit each kilowatt-hour.

All other operating costs (including distribution) were 1.073 mills per kilowatt-hour.

That adds up to a total cost of 2.684 mills.

The company charged its customers 7.336 mills—about three-fourths of 1 cent—per kilowatt-hour.

That left a net return of 4.652 mills, or 63.4 per cent of its total revenue. In other words, over three-fifths of its charges were available for interest, dividends, and surplus.

The interest on the company's obligations came to 1.38 mills per kilowatt-hour.

That left 3.272 mills clear for profits, which were reckoned after the deduction of all taxes, including income taxes. Profits were over 44 per cent of its total revenue.

The value of the company's tangible property, reckoned by an engineer engaged by the company, was, in 1926, $45,746,598.36. The total return on this investment was $5,780,733, or 12.7 per cent.

The property was assessed for taxation purposes at about $52,000,000. The return on the assessed value was 11.1 per cent.

The company, however, in its books added to its valuation an item for "water rights, contracts, franchises, etc.," amounting to $51,491,269.56, or more than the entire cost of its plant. This, by increasing the total valuation to $97,237,867.92, made the return appear reasonable by bringing it to the neighborhood of 6 per cent. Why the company chose this particular value for its rights was not explained. Apparently it was merely a capitalization of earning power. If the Federal Power Commission had been valuing the plant for recapture under the law it would have crossed out the greater part, if not all, of this item. If anyone wants to verify these figures, he can find them in Exhibit No. 3, sheets 5 and 7, of the hearings.

Could anything indicate more clearly than this testimony why the power companies do not want Mr. King messing about in their books? The State commission of Montana has never made any valuation of the company's property for rate-making purposes. General knowledge of these facts might force it to do so.

A few comments must be made by the way. An average charge to the consumers of considerably less than 1 cent per kilowatt-hour seems extremely low. It is so in comparison with the charges of most other companies in this country. But the costs of the Montana Power Co. are extraordinarily low. It is favorably situated for cheap generation. It delivers a large part of its power to large consumers—mining companies and railroads—and hence has somewhat lower average costs for distribution than companies which sell more to small consumers.

There is much more to be said about the problem of Federal regulation of power. But in the meantime it is well for us to pay attention to what the electric utilities have done and may do to the effectiveness of public servants like Mr. Russell and Mr. King. It is well for us to make sure that the Federal Power Commission is not corrupted or suppressed.

GEORGE SOULE.

NINE-FOOT CHANNEL IN MISSISSIPPI RIVER

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the St. Louis Post-Dispatch entitled "Chicago's Generous Attitude."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

The Post-Dispatch published last week the hearty commendation given by the Chicago Tribune to a proposal that all surveys on the Mississippi River above St. Louis should have as their objective a 9-foot channel to the head of navigation.

Great strength for the 9-foot channel has recently come from an unexpected quarter. Hitherto the Army engineers have opposed it, but

Maj. Gen. Lytle Brown, their chief, has reversed the traditional attitude upon this powerful front. General Brown thinks that since the lower Mississippi and the Ohio are to have 9-foot channels, the upper Mississippi, as an integral part of the inland-waterways system, should also have a 9-foot channel. He considers it essential to the whole project.

As may be guessed from the Tribune's approval of this view, the attitude of Chicago is as generous as it is wise. Indeed, the success of the whole inland-waterways movement is due to a realization of interdependence upon the part of the whole valley. Illinois is spending more money upon inland waterways than any other valley State. Chicago is looking down the Illinois River to the sea. Only a very rich State, backed up by a prodigious city, could contemplate such a project as that which proposes to make the Illinois River a highway for the bulk freights. And only a deep channel from the mouth of the Illinois to New Orleans can make such a highway mean anything. The Tribune, therefore, says the upper Mississippi should have a 9-foot channel, though the relation of that project to Chicago's own enterprise on the Illinois is only that relation which every part of the inland-waterways development bears to the whole.

POLITICAL AFFAIRS IN ALABAMA

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution and my statement concerning it relative to political affairs in Alabama.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

A resolution requesting State Democratic executive committee to meet and rescind its action disfranchising more than 100,000 lifelong Democrats

Whereas the action of the 27 members of the State Democratic executive committee on December 16, 1929, was of a punitive nature and not conducive to party harmony; and

Whereas said action discriminates against and seeks to penalize and punish more than a hundred thousand lifelong Democrats who failed to support Smith for President in 1928; and

Whereas said action has already resulted in resentment and confusion among all Democrats who desired conciliatory methods and party harmony in Alabama; and

Whereas in the interest of that fair play and justice that Jefferson, the father of the Democratic Party, stood for when he announced the doctrine of "equal rights to all and special privileges to none"; and

Whereas we are so anxious to promote party peace and harmony in Alabama for the good of the party and the good of the State: Therefore be it

Resolved, That we, the Democrats of Calhoun County and vicinity here assembled, do most earnestly request that Chairman Pettus, of the Democratic State executive committee, reconvene said committee at an early date and give Democrats from various counties in the State who desire to be heard an opportunity to present their views in favor of changing the primary plan laid down by the committee at Montgomery, December 16, 1929.

Mr. HEFLIN. Mr. President, in an audience of 2,500 Democrats at Anniston, Ala., practically the entire audience voted for this resolution and only 1 person voted against it.

A similar resolution was adopted at Montgomery, Ala., where, in an audience of 5,000 Democrats, only 5 persons voted against it. At Hartselle, Ala., 1,600 Democrats passed the same resolution and only 3 persons voted against it. At Tuscaloosa an audience of 1,500 passed the same resolution and only 5 persons voted against it. At Bessemer an audience of 1,250 passed this resolution and only 4 voted against it. At Birmingham in an audience of 8,000 Democrats a resolution condemning the action of the State committee and calling on it to rescind its action was passed, and only 1 person voted against it. But Chairman Pettus has not only ignored but treated with contempt the petition of 24,000 lifelong Democrats who were seeking to do that which was right and just and best for the Democratic Party.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. COPELAND. Mr. President, I assume that under the parliamentary situation we are permitted to vote only on the items relating to specific duties which have been stricken out of the bill. Is that correct?

The PRESIDING OFFICER (Mr. FESS in the chair). That is correct.

Mr. KEAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEAN. What is the question before the Senate?

The PRESIDING OFFICER. The committee amendment made as in Committee of the Whole on pottery. The Senator from New York has the floor.

Mr. KEAN. May we have the amendment read?

The PRESIDING OFFICER. The clerk will read as requested.

The CHIEF CLERK. On page 40, line 15, in Committee of the Whole, the following was stricken out: "10 cents per dozen pieces and."

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. JOHNSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON. Has not exactly that amendment been concurred it, and when the bill came into the Senate were not all of the amendments to which there were no reservations concurred in by the Senate?

The PRESIDING OFFICER. All of the amendments that were made as in Committee of the Whole as to which there was no request for a separate vote were concurred in in the Senate.

Mr. JOHNSON. Then how is it possible for us to have the question before us as to a particular and specific amendment again?

The PRESIDING OFFICER. Is it not on the reserved list?

Mr. JOHNSON. I have heard no one ask for a specific vote upon the matter.

The PRESIDING OFFICER. It is on the list of reserved amendments, the Chair will state.

Mr. JOHNSON. Very well. Has a vote upon it been asked?

Mr. SMOOT. We have not yet reached the point of voting.

Mr. BARKLEY. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. BARKLEY. This memorandum of reservations merely says "pottery." There are two or three sections of this bill which refer to pottery, and no specific amendment appears to have been reserved. I do not quite understand how we can point out any one particular amendment and say that it is the amendment intended to be reserved in the pottery schedule, unless some Senator has specified a definite amendment which he desired reserved.

The PRESIDING OFFICER. The Chair hopes that the Senator will not make that point, because we would then have to have a separate vote on every amendment in this schedule.

Mr. BARKLEY. Of course, if such a reservation applies to one amendment, it applies to all of them alike.

Mr. BORAH. Mr. President, may I ask a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. Do I understand that the pottery item is now under consideration, and that it is in such form, having been reserved, that we may vote on it?

The PRESIDING OFFICER. As soon as the Senator from New York shall have yielded the floor, if some other Senator does not desire to speak, a vote on the amendment will be in order.

Mr. BORAH. I did not desire to take the Senator from New York off the floor. I was merely trying to ascertain the parliamentary situation. I understand that the amendment has been specifically reserved.

The PRESIDING OFFICER. It has been.

Mr. BORAH. Then, I should like at this time to ask to have a yea-and-nay vote on the amendment.

The PRESIDING OFFICER. The Senator from New York has the floor, the Chair must remind the Senator from Idaho.

Mr. BORAH. I merely desire that a yea-and-nay vote shall be taken on the amendment at the proper time, of course.

Mr. BARKLEY. We shall undoubtedly get a yea-and-nay vote on the amendment.

Mr. BORAH. Very well.

Mr. COPELAND. Mr. President, last year I had occasion to visit one of the pottery towns in Ohio. I was very much impressed by the distress in that community, and for once, I may say, I think that it was my feeling regarding the employment of labor in some other State than my own which first induced me to take an interest at all in the question at issue here to-day. We, however, have potteries in New York, at Syracuse and elsewhere.

There can be no doubt that since the World War, in their efforts to replenish their treasuries and to reestablish better economic conditions, the countries of Europe have striven to produce articles which could be sold in the most desirable market.

Mr. President, the Summary of Tariff Information shows that the annual production of pottery has declined in value since the peak year 1923. Like many other things the war and the economic paralysis of Europe gave activity to American industries, and among such, of course, the potteries prospered;

but, with the restoration of manufacturing enterprises in Europe, there was immediately very serious competition from Germany, France, and particularly Czechoslovakia, as well as competition coming from the Orient. I find that to a lesser degree, but to a considerable extent, in my State there has been depression in the pottery industry. As I have said, however, it was the distress which I observed along the Ohio River in the State of Ohio that gave me my first desire to do what I could to help the pottery industry.

ADJUSTED COMPENSATION CERTIFICATES

On this question, as on many others which we discuss here, we have differences of opinion—sometimes rather bitter differences—as to what should be the attitude of this or that man or the attitude of this or that party or faction of a party. I have tried consistently in season and out of season to keep in mind two things: First, so far as possible to keep down the cost of the actual necessities of life, those things which the people eat and must wear and use every day. It might be said, of course, that pottery is one of the things in common use, and that is true; but after all it is not a necessity in the same sense that the food which is served upon the plates may be regarded as a necessity. Any economic situation, however, that means unemployment is a matter of great concern to us.

I was much touched this morning by a letter which was inserted in the RECORD by the Senator from Michigan [Mr. COUZENS] voicing the appeal of a veteran of the late war that a cash bonus may be provided. I well recall how the Senator from Massachusetts [Mr. WALSH] and I fought, bled, and died on the floor of the Senate in an attempt to get a cash bonus for the soldiers.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. I presume the Senator will cooperate with me in securing the passage of the bill which I introduced two or three months ago, providing for the payment of the face value of the bonus certificates issued to the American soldiers, as soon as an opportunity presents itself to bring that measure up?

Mr. COPELAND. Not only will I join with the Senator from Kentucky, but I will pray for him and do everything in the world that I can do to help that cause. It is outrageous that we have treated the soldiers as we have. Every Senator knows that when the war was on and these boys were needed we promised them the Woolworth Building, 160 acres of land, gold medals, and a pension for life; but when we got through with it we gave them a gold brick. We gave them insurance so that their heirs may buy tombstones for them. We did nothing for the men themselves.

Mr. BRATTON. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. BRATTON. Since the Senator from Kentucky has made reference to his bill to pay the soldiers of the World War cash in lieu of their adjusted-compensation certificates if they desire it, I take this occasion to ask him if it is his purpose to press that bill immediately after the completion of the tariff bill?

Mr. BARKLEY. I will say to the Senator from New Mexico, if the Senator from New York will yield, that as soon as the tariff bill shall be disposed of, I hope to be able to secure consideration of that measure by the Finance Committee, to which it was referred; and, if we can get a report from the committee to the Senate and get it to a vote, I have not any doubt that the Senate will enact it into law.

Mr. SMOOT. Does the Senator refer to the $3,000,000,000 bill which he introduced?

Mr. BARKLEY. I refer to the bill which I have introduced providing for the payment of the face value of the bonus certificates.

Mr. SMOOT. That will take between three and four billion dollars.

Mr. BARKLEY. That is what the Senator said about a similar measure which was passed some years ago, that it would take that much cash out of the Treasury and we would have a deficit. When the bonus bill was passed before it was predicted by the Secretary of the Treasury and by the Senator from Utah that there would be a deficit; but, instead of that, we have had a surplus every year, and we had to reduce the taxes to get rid of it.

Mr. SMOOT. The Senator is dreaming, I am quite sure, or he would never make such a statement.

Mr. BRATTON. Mr. President, I want to say to the Senator from Kentucky that I hope he will press that bill. It has been decided that the Government owes the obligation. That has been decided. I think each soldier should determine for himself whether he wants to retain his compensation certificate or take the cash in lieu of it. I have no sympathy with the argument that the Government of the United States must not pay that obligation, an obviously just and meritorious one, because it will cause an undue strain on the Treasury. It is unworthy of Congress to take such an attitude.

Mr. BARKLEY. I am sure the Senator agrees with me in the statement——

Mr. BRATTON. I shall cooperate with the Senator in every way.

Mr. BARKLEY. And in the feeling that it is nothing less than humiliating to realize that these soldiers, who went out and served their country and who are carrying these certificates around with them, have in many cases been compelled to take them to banks and borrow even the second loan on them—the loan value, of course, increasing in proportion to the age of the certificate—that they have to hawk these Government obligations around from bank to bank in order to borrow a little money which the Government of the United States has already acknowledged it owed to them because of their service.

Mr. BRATTON. It is a dishonor that we should not continue.

Mr. BARKLEY. I agree with the Senator.

Mr. BRATTON. I shall cooperate with the Senator in his efforts to secure the passage of that bill at the earliest possible moment.

Mr. KEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. COPELAND. I do.

Mr. KEAN. I should like to say that, as far as I am concerned, every influence that I have been able to bring to bear has been brought to bear in regard to these certificates; and I have advanced money on the certificates for any ex-soldier who came and asked me for it.

Mr. COPELAND. Mr. President, it ought not to be necessary for any private institution to cash these certificates or to lend money upon them. It is the obligation of the United States Government.

I presented, in the Sixty-eighth Congress, a bill providing for a cash bonus. It took the regular form, was referred to the Secretary of the Treasury, and in due time the Assistant Secretary, Mr. Winston, informed me that he was ready to talk about the bill. I went to see him, and he said I would have to see the Secretary; so I went in to see the Secretary.

Mr. Mellon told me that, if we were to pay a cash bonus, that was a good bill; and I felt all swollen up. I thought I had become a financier. "But," he said, "why should we pay a cash bonus? The soldiers do not want it."

I remember that on that day I was so husky that I could hardly speak. I said, "Mr. Secretary, do you notice my voice?" He said, "Yes." I said, "I got this on Saturday, speaking in the public square in Brooklyn to 25,000 soldiers, all yelling their heads off for a bonus. Of course, they want a bonus."

Then, on the floor, a Senator said, "Oh, they would not apply." How many applied? Millions; millions; and not a day passes but in my office I have letters from soldiers asking that some legislative action be taken so that they can have relief.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. Is the Senator aware of the fact that a bill has been introduced in the House providing for the payment forthwith of one-fourth of the amount due on the adjusted certificates?

Mr. COPELAND. Is not that the same bill that has been introduced by the Senator from Kentucky?

Mr. WALSH of Massachusetts. No; I understand that the bill of the Senator from Kentucky provides for paying the entire sum due upon an adjusted certificate.

Mr. BARKLEY. The face value; yes.

Mr. WALSH of Massachusetts. The face value. I was calling the attention of the Senator from New York to the fact that within a day or two a bill has been introduced in the House providing for the payment of one-fourth of the face value of the certificate. I should like to have the Senator from New York know the views of the Senator from Kentucky upon that.

Mr. BARKLEY. Mr. President, personally I can not reconcile my views of a complete fulfillment of the obligation of the United States toward her soldiers—an obligation recognized by Congress—with the passage of a law merely paying one-fourth of that obligation and postponing the other three-fourths to an indefinite day in the future.

Mr. WALSH of Massachusetts. I suppose the theory upon which request was made for the payment of one-fourth now is

that more than 5 years, one-fourth of the period of 20 years, has elapsed.

Mr. BARKLEY. I do not know what the theory is. It may be that that is the theory; but, of course, I presume that the majority of these ex-service men have already borrowed on the certificates, if they have been able to borrow at all, as much as the accumulated loan value of the certificate may represent. I do not think it has been very easy for them to borrow money at the banks on these certificates. Those who have been able to negotiate loans have done so largely from private sources.

Mr. WALSH of Massachusetts. The Senator perhaps has had his attention called to some figures that I introduced in the RECORD recently showing the exceedingly large increase in the number of applications filed with the Veterans' Bureau for loans upon these certificates. Has the Senator had his attention called to them?

Mr. BARKLEY. Yes; I recall that the Senator did put in those figures.

Mr. WALSH of Massachusetts. The number has increased very rapidly and very greatly during the past few weeks.

Mr. BARKLEY. There is no question about that; and it seems to me to be a matter for humiliating consideration, if we owe these boys this obligation, that we put them off with a mere certificate which they must hawk around over the country in order to realize some benefit by reason of it. That is a situation that, in my judgment, does not comport with the dignity and the honor and the obligation of the United States.

Mr. WALSH of Massachusetts. The Senator's views and mine are in accord on that subject.

Mr. COPELAND. Mr. President, I introduced this amendment in April, 1924, and on the 24th of April we took the vote. My amendment to the bonus bill was up, providing a cash payment to the soldiers. It was defeated by a vote of 48 to 37. Of the 37, 31 were Democrats and 6 were Republicans. Of the 48, 37 were Republicans and 11 were Democrats. So the Republicans defeated this measure to give a cash bonus to the soldiers.

When the matter was up, the Secretary of the Treasury and the chairman of the Finance Committee, the Senator from Utah [Mr. SMOOT] said, "We can not give the tax reduction which is pending and give the bonus, too." I always believed, and I believe now, that the reduction of the taxes of the rich was played against the rights of the soldiers.

I am just as confident of that as I am of anything in the world; and these veterans who to-day are going about distressed are suffering because the Republican Party would not vote the cash bonus.

Mr. President, it was said that we could not reduce the taxes—and the country was yelling for a reduction of taxes—that we could not do that and pay a bonus to the soldiers. I spoke at the meeting of an association in New York one Saturday night. It was the annual convention of the silk men. It was being broadcast, and thousands of veterans throughout the country were listening in that night to me. I know that because of the letters I got afterwards. I had been invited to address this convention in the great ballroom of the Hotel Astor. So I started off, as I thought, pleasantly, and said, "Now, you all want your income taxes reduced, do you not?" They yelled, "Oh, yes!" I said, "Well, we can do that and give the soldiers a cash bonus, too," and I never saw a riot, outside of what I saw in the pictures yesterday, equal to what happened in that convention. If I had not been of the size that I am physically, they would have torn me limb from limb. I never was so outrageously treated anywhere in the world as I was that night because I ventured to propose to a lot of rich textile men that we should give a cash bonus to the soldiers. These boys wrote to me to express their regret that they were not within reach to give me a bodyguard that night; but I did finish my speech. You know, I sometimes have used the same methods here to complete a speech; but after you have had a little training in speaking in Cooper Union before the silk-textile people and others the modest riots of the Senate seem as nothing.

Why should we not pay these soldiers? We owe them this money. When I owe a man money, I have to pay him in cash. I can not say, "I will give you a note due on my death," or "I will pay you in 20 years." I have to pay him the money. We owe these soldiers this money, and we ought to pay it.

Mr. President, let us not be misled about the sentiment that is going around the country. In such rioting as we had yesterday in the cities of America, while the leadership may have been unworthy leadership—it may have been the "reds"; it may have been a group of persons in whom we have no confidence—yet the persons who follow are the unemployed of America. Let a man be hungry, let a man have a wife and five or six children and rent unpaid and credit gone at the grocery store, and he becomes a desperate character; and any one of us under similar circumstances would act in the same way.

Mr. President, one of the reasons why we have unrest in the country is because tens of thousands, hundreds of thousands of these war veterans are discontented with the treatment they have had from the United States Government. It is time we paid the bill; and the richest country in the world can afford to pay its debts when those debts are owing to the young men who saved the world.

REVISION OF THE TARIFF

But I came here, Mr. President, to say something about the pottery business, and to express the hope that the Senate, in its wisdom, will see that sufficient protection is given so that the potteries of Ohio and West Virginia and New York and Pennsylvania may be given some degree of prosperity.

I want to see every factory in the United States in operation. I want the smoke to rise from every chimney. I want the hum of the machinery. I want to have the men and women who work given employment at decent wages, and in order to make that possible, as I see it, we must provide the protection essential to that end.

No matter what may have been a political philosophy which inspired us in times past, no matter how we may differ to-day regarding our fundamental views of the tariff system, the fact remains that there can be no prosperity in this country unless all industries are at work.

The farm must be given encouragement, the potteries must be put to work, the paper mills of Michigan must be kept in full operation, there must be activity everywhere, if we are to have a contented people.

Mr. President, as far as I am concerned, I feel like urging the Senate to amend the schedules relating to earthenware so that there may be activity in every mill town in the United States.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. When was this subject matter before the Senate for consideration? Does the Senator know the date?

Mr. COPELAND. No; I do not know the date.

Mr. WALSH of Massachusetts. What action was taken?

Mr. COPELAND. The Senate committee struck out of the bill certain specific rates. I am informed that November 11 was the date when we voted.

Mr. WALSH of Massachusetts. One of the experts informs me that it was November 5. The committee amendment was rejected. It is found on page 40. The first amendment was adopted, taking off the specific duty imposed in the House bill of 10 cents per dozen pieces.

Mr. COPELAND. That was stricken out by the Finance Committee, and that was agreed to by the Senate.

Mr. WALSH of Massachusetts. That is correct.

Mr. COPELAND. First I would have restored the specific duty in line 15, on page 40, and also in lines 18 and 19 on page 40.

Mr. WALSH of Massachusetts. The recommendation of the Finance Committee was to make the ad valorem duty 55 per cent.

The amendment of the Finance Committee providing for an additional duty on cups, saucers, and plates valued at not more than 50 cents a dozen was rejected.

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. The pending amendment is to restore the two specific duties which were rejected. First of all, it is to restore the specific duty that was rejected in line 15, page 40.

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. Then I suppose the Senator, if he fails in his efforts to have that specific duty levied, will follow up his pending amendment by amendments to restore the recommendations of the Finance Committee in other paragraphs.

Mr. COPELAND. That is right.

Mr. President, could all these amendments be linked together in one vote?

The PRESIDING OFFICER. By unanimous consent.

Mr. COPELAND. It would seem to me that that would be the wise thing. Either we are for the further protection of the pottery industry, or we are not. Any vote that would be taken on a single one of these amendments would be likely to be the vote taken by the Senate on all of them. Would it be proper for me to ask unanimous consent to take them together?

Mr. WALSH of Massachusetts. I informed some Senators who have absented themselves that before any action should be taken I would call for a quorum, and that was one of the things

they called my attention to specially. They claimed that some of these amendments are not as harmful as other amendments.

Mr. COPELAND. Suppose before we call the quorum the Chair ascertain whether anybody else cares to speak. I have said all I care to say in the matter.

Mr. WALSH of Massachusetts. I have no desire to interfere with the debate on the subject.

Mr. KEAN. New Jersey is one of the large pottery producers of the United States. There have been potteries in Trenton for a great number of years. In fact, the Lenox china, which is used in the White House here, and is used in some of our finest homes, is probably the finest china made in the world.

Mr. WALSH of Massachusetts. I did not want the Senator to think I expressed any opinion by my questions to the Senator from New York.

Mr. KEAN. This industry is in dire straits. People are out of work, they are suffering from the cheap china brought over from abroad, particularly from Japan.

I have before me a letter from the National Brotherhood of Operative Potters, Union No. 4, which I would like to have inserted in the RECORD, and have read to the Senate. I think with that I will conclude, as the subject has been fully covered.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

TRENTON, N. J., *September 16, 1929.*

Hon. HAMILTON F. KEAN,
Senate Office Building, Washington, D. C.

DEAR SIR: We, the members of Local Union No. 40, National Brotherhood of Operative Potters, wish to express our sincere appreciation for your intelligent and energetic advocacy of a more adequate tariff for the protection of the American tableware pottery industry, and, believing that you will continue to put forth every possible effort in the coming joint session, we would like to give a statement of what we consider are some of the pertinent facts concerning foreign competition and its effect on the pottery industry in America.

There is a wide difference in wages paid foreign potters as compared to American potters. Statistics from the United States Department of Labor show the rate of pay for skilled pottery workers in the principal competing countries, as follows:

	Cents per hour
Japan	$0.08
Germany	.28
England	.34
America	.86

The above rates show America's rate of pay for skilled pottery workers to be 152 per cent greater than England, 207 per cent greater than Germany, while Japan shows the startling and almost unbelievable difference of 975 per cent.

When you consider the American potter is a piece worker, and the hardest and fastest among the pottery workers of the world, and produces more dozens of ware per hour and per day, surely 86 cents per hour is not too much pay for a skilled worker who is trying to maintain an American standard of living.

A number of American potteries have been compelled to discontinue operation due to their inability to meet foreign competition, and because they refuse to try to force a foreign standard of living on skilled American workers.

About a dozen firms who have been successful manufacturing potters for from 30 to 40 years have recently consolidated in a desperate effort to save themselves from bankruptcy, other firms are waiting on the results of the tariff revision in the hope that it will save them from bankruptcy.

In the bill adopted by the House we were favored with a specific duty of 10 cents per dozen pieces on all items, whether in sets or separate pieces of ware, imported under paragraph 211, known as earthenware schedule, which also includes tableware. The 10 cents specific duty also applies to 212, which includes all china dishes.

We believe anything less than 10 cents a dozen specific, as provided in the House bill, will be inadequate.

LOCAL UNION NO. 40, N. B. O. P.
M. J. CAROLAN, *President.*
W. E. YOUNG, *Secretary.*

Mr. ODDIE. Mr. President, I send to the desk a telegram from James M. Duffy, president of the National Brotherhood of Operative Potters, and ask that it be read.

Mr. WALSH of Massachusetts. Mr. President, is this telegram similar to the message received by all other Senators to-day?

Mr. ODDIE. I do not know.

Mr. GOFF. Mr. President, I will answer the Senator from Massachusetts. I understand that is correct. It is similar to the telegram received by all of us.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

WASHINGTON, D. C., *March 7, 1930.*

TASKER L. ODDIE,
United States Senate, Washington, D. C.:

We are appealing to you and every other Member of the Senate to support the amendment calling for an additional duty of 10 cents per dozen pieces on earthenware and china. This additional duty will give employment to thousands of unemployed American pottery workers. Positive assurances have been given by the American manufacturers that they will not raise their selling prices, thus warranting no increased cost to consumers. The products of foreign workers, largely Japanese, control more than 50 per cent of the American market. We appeal to you for justice and fair play.

JAMES M. DUFFY,
President National Brotherhood Operative Potters.

Mr. BLEASE. Mr. President, it is 7 o'clock and there are only 12 Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Jones	Robsion, Ky.
Baird	Frazier	Kean	Schall
Barkley	George	Keyes	Sheppard
Black	Glass	La Follette	Shortridge
Blease	Glenn	McCulloch	Smith
Borah	Goff	McKellar	Smoot
Bratton	Goldsborough	McMaster	Steck
Brock	Grundy	McNary	Steiwer
Broussard	Hale	Metcalf	Stephens
Capper	Harris	Norbeck	Swanson
Connally	Harrison	Norris	Trammell
Copeland	Hastings	Nye	Tydings
Cutting	Hatfield	Oddie	Vandenberg
Dale	Hawes	Patterson	Walsh, Mass.
Dill	Hebert	Phipps	Walsh, Mont.
Fess	Heflin	Pine	Waterman

The PRESIDING OFFICER (Mr. JONES in the chair). Sixty-four Senators having answered to their names, a quorum is present.

The question is on concurring in the amendment made as in Committee of the Whole, which will be stated.

The LEGISLATIVE CLERK. On page 40, line 15, the Senate, as in Committee of the Whole, struck out "10 cents per dozen pieces and." The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BORAH. Mr. President, is this a vote on whether we shall sustain the action of the committee?

The PRESIDING OFFICER. Yes; the action of the Committee of the Whole.

Mr. HARRISON. Mr. President, may not the amendment be divided?

Mr. KEAN. Mr. President, why can we not vote on it all at once, because if we are to have a duty on china we are for it all, and if we are against a duty on china we are against it all. I ask unanimous consent that we include the whole paragraph in the one vote.

Mr. BORAH. Was it covered by a reservation?

Mr. KEAN. No; none of it is covered by a reservation.

Mr. HARRISON. As I understand the first amendment, it is to strike out what the House did.

Mr. SMOOT. The first amendment on this point is where the committee struck out "10 cents per dozen pieces." That was agreed to by the Senate as in Committee of the Whole.

Mr. HARRISON. Why not concur in that amendment and let us get it out of the way?

Mr. SMOOT. That is the very question now.

Mr. NORRIS. The question now is whether we will concur in that amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment in line 15, page 40, made as in Committee of the Whole.

Mr. HATFIELD. Mr. President, I should like to have the yeas and nays on that amendment.

The PRESIDING OFFICER. The Senator from West Virginia asks for the yeas and nays. Is the demand seconded?

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. The question is whether the Senate shall concur in the action taken as in Committee of the Whole, and those in favor of reducing the rate from that which the House provided will vote "yea" and those opposing it will vote "nay"?

The PRESIDING OFFICER. That is correct. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRAZIER (when Mr. BROOKHART'S name was called). The Senator from Iowa [Mr. BROOKHART] is unavoidably absent.

He is paired with the junior Senator from Idaho [Mr. THOMAS]. If the Senator from Iowa were present, I understand he would vote "yea" on this question, and the Senator from Idaho, if present, would vote "nay."

Mr. McKELLAR (when his name was called). On this question I have a pair with the junior Senator from Delaware [Mr. TOWNSEND] and therefore withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I withhold my vote.

Mr. STEPHENS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Oregon [Mr. STEIWER] with the Senator from Arizona [Mr. HAYDEN];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Nebraska [Mr. HOWELL] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Montana [Mr. WHEELER];

The Senator from Kansas [Mr. ALLEN] with the Senator from Missouri [Mr. HAWES]; and

The Senator from California [Mr. JOHNSON] with the Senator from New York [Mr. WAGNER].

Mr. STECK. I transfer my pair with the Senator from New Hampshire [Mr. MOSES] to the Senator from Arizona [Mr. ASHURST] and vote "yea."

The result was announced—yeas 27, nays 30, as follows:

YEAS—27

Barkley	Connally	La Follette	Smoot
Black	Cutting	McMaster	Steck
Blaine	Dill	Norbeck	Stephens
Blease	Frazier	Norris	Swanson
Borah	Harris	Nye	Tydings
Bratton	Harrison	Schall	Walsh, Mont.
Capper	Heflin	Sheppard	

NAYS—30

Baird	Goff	Kean	Pine
Broussard	Goldsborough	Keyes	Robsion, Ky.
Copeland	Grundy	McCulloch	Shortridge
Dale	Hale	McNary	Trammell
Fess	Hastings	Metcalf	Vandenberg
Fletcher	Hatfield	Oddie	Waterman
George	Hebert	Patterson	
Glenn	Jones	Phipps	

NOT VOTING—39

Allen	Gould	Overman	Sullivan
Ashurst	Greene	Pittman	Thomas, Idaho
Bingham	Hawes	Ransdell	Thomas, Okla.
Brock	Hayden	Reed	Townsend
Brookhart	Howell	Robinson, Ark.	Wagner
Caraway	Johnson	Robinson, Ind.	Walcott
Couzens	Kendrick	Shipstead	Walsh, Mass.
Deneen	King	Simmons	Watson
Gillett	McKellar	Smith	Wheeler
Glass	Moses	Steiwer	

So the amendment made as in Committee of the Whole was not concurred in.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that there may be inserted in the RECORD at this point the roll-call vote taken on November 5, as in Committee of the Whole, upon this question, which appears on page 5194 of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the vote referred to was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. The clerk will again state the question.

The CHIEF CLERK. The committee amendment is, on page 40, paragraph 211, in line 15, to strike out the words "10 cents per dozen pieces, and."

The PRESIDING OFFICER. Those who favor striking out those words will vote "aye," and those who are opposed will vote "no." The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

The PRESIDING OFFICER (when the name of Mr. JONES was called). The present occupant of the chair transfers his pair for the day with the senior Senator from Virginia [Mr. SWANSON] to the Senator from Illinois [Mr. DENEEN] and votes "yea."

Mr. PHIPPS (when his name was called). On this question I have a pair with the Senator from Georgia [Mr. GEORGE], which I transfer to my colleague [Mr. WATERMAN], and will vote. I vote "nay."

Mr. SMITH (when his name was called). I have a pair with the Senator from New Jersey [Mr. Edge] on this question. I transfer that pair to the Senator from Oklahoma [Mr. THOMAS] and will vote. I vote "yea."

Mr. STEPHENS (when his name was called). I have a pair with the Senator from Indiana [Mr. ROBINSON], and therefore withhold my vote.

The roll call was concluded.

Mr. COPELAND. I wish to announce that my colleague [Mr. WAGNER] is necessarily detained from the Senate Chamber.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Kentucky [Mr. Sackett] with the Senator from Missouri [Mr. HAWES];

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from New Jersey [Mr. KEAN] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Iowa [M. STECK]; and

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Nevada [Mr. PITTMAN].

Mr. SHEPPARD. I wish to announce that the Senator from Arizona [Mr. ASHURST] is paired with the Senator from Florida [Mr. FLETCHER]. On this question the Senator from Arizona [Mr. ASHURST], if present, would vote "yea" and the Senator from Florida [Mr. FLETCHER], if present, would vote "nay."

The result was announced—yeas 33, nays 21, as follows:

Yeas—33: Messrs. Allen, Barkley, Black, Blaine, Borah, Bratton, Brock, Brookhart, Capper, Connally, Dill, Frazier, Harris, Harrison, Hayden, Heflin, Howell, Jones, Kendrick, La Follette, McKellar, Moses, Norbeck, Norris, Nye, Pine, Schall, Sheppard, Simmons, Smith, Tydings, Walsh of Montana, Wheeler.

Nays—21: Copeland, Couzens, Fess, Goff, Greene, Hale, Hastings, Hatfield, Hebert, Keyes, McNary, Oddie, Phipps, Reed, Shortridge, Smoot, Steiwer, Thomas of Idaho, Townsend, Trammell, Vandenberg.

Not voting—40: Ashurst, Bingham, Blease, Broussard, Caraway, Cutting, Dale, Deneen, Edge, Fletcher, George, Gillett, Glass, Glenn, Goldsborough, Gould, Hawes, Johnson, Kean, King, McMaster, Metcalf, Overman, Patterson, Pittman, Ransdell, Robinson of Arkansas, Robinson of Indiana, Sackett, Shipstead, Steck, Stephens, Swanson, Thomas of Oklahoma, Wagner, Walcott, Walsh of Massachusetts, Warren, Waterman, Watson.

So the amendment of the committee was agreed to.

Mr. WALSH of Montana. Mr. President, I should like to add that at the time the vote was formally taken there were 33 yeas and only 21 nays on the adoption of the amendment to strike out the 10-cent specific duty.

The PRESIDING OFFICER. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 40, lines 18 and 19, the Senate, as in Committee of the Whole, strike out "10 cents per dozen pieces and 50" and in lieu thereof inserted "50," so that it would read:

Not specially provided for, 50 per cent ad valorem.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. WALSH of Montana. I hope that some Senator will tell us what this is all about. As I understand, the duty on glassware——

The PRESIDING OFFICER. The amendment is in paragraph 211, and relates to earthenware and crockery. The words beginning in line 18, "10 cents per dozen pieces and 50" have been stricken out and "50" inserted.

Mr. WALSH of Montana. As in Committee of the Whole the Senate struck out the specific duty, as in the case of the amendment last voted on?

The PRESIDING OFFICER. That is correct.

Mr. WALSH of Montana. And now the question is, Will the action of the Committee of the Whole be concurred in?

The PRESIDING OFFICER. That is the question, on striking out the specific duty and inserting "50 per cent ad valorem," which is the ad valorem rate provided in the House bill. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, the vote would be in the same form as the previous one, would it not?

The PRESIDING OFFICER. A vote "yea" would be to concur in the amendment and a vote "nay" would be to reject the amendment.

Mr. COPELAND. A vote "nay" would restore the House rate?

The PRESIDING OFFICER. It would restore the specific rate and the 50 per cent rate.

Mr. BARKLEY. Mr. President, the Senate has just rejected an amendment to this bill that was reported by the Finance Committee of the Senate. The tariff on earthenware and chinaware articles, depending on whether they are decorated or undecorated, ranges from 40 per cent to 70 per cent ad valorem. The House added to that tariff rate a provision that, in addition to those ad valorem rates, there should be levied a tariff of 10 cents per dozen pieces, which increased the tariff rate on many of the cheaper articles of tableware and other sorts of earthenware in some cases as high as 500 per cent.

That rate was so outrageous that the Senate Committee on Finance brought in an amendment striking out the 10 cents specific duty, and when we voted on it as in Committee of the Whole, by a vote of 33 to 21, the committee amendment was agreed to and the 10 cents specific duty was stricken out. Now, on a roll call, the Senate has reversed its action taken as in Committee of the Whole, reversed its own Committee on Finance, and added the 10 cents specific which is, in some cases, equal to 500 per cent ad valorem.

Now we are coming to the next amendment, under which, in addition to the 40 to 70 per cent ad valorem and in addition to the 10 cents specific duty which the Senate has just voted into this bill, against the amendment of its own Finance Committee, we are confronted with this provision in line 20:

In addition to the foregoing——

Mr. SMOOT. Mr. President, that is not up. The amendment in line 19 is the amendment now, which is exactly the same as the amendment we have just voted on.

Mr. BARKLEY. The amendment we voted on was in line 5.

Mr. SMOOT. Yes; but the next amendment is in line 19. Then what the Senator is talking about is line 20—"in addition," and so forth.

Mr. BARKLEY. Yes; the Senator is correct. It is in lines 18 and 19; but we substitute there "55 per cent ad valorem" for the 10 cents specific duty and the 50 per cent ad valorem. Then, in the next provision, in addition to all this we are to add another specific duty on cups, saucers, or plates valued at not more than 50 cents a dozen; and then on cups and saucers that come in matched up we are to add still another 10 cents.

I do not know what is to be gained by undertaking to appeal to the reason of Members of this body, because I think the basis of the appeal is absent. The rates provided in the House bill were so unjustifiable that even the Senate Committee on Finance would not stand for them; and by a vote of nearly two to one the Senate, as in Committee of the Whole, sustained the Committee on Finance.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BARKLEY. I yield.

Mr. FESS. If the Senator from Kentucky would take a trip through Ohio, and visit East Liverpool and three or four other cities, and see the distress of this industry, I am sure he would not take this position.

Mr. BARKLEY. I do not have to take a trip through East Liverpool. I understand that there is distress in the industry.

Mr. FESS. Very great distress.

Mr. BARKLEY. But it is not on account of importations, because the great bulk of importations into the United States of these cheap articles are not manufactured in the United States; and the distress in the industry is very largely due to the fact that modern methods of manufacturing dishes have been installed by the largest producer in the United States and one of the largest in the world, the Homer Laughlin Co., which has kilns out in West Virginia and in Ohio.

We went into this matter thoroughly when we had it before the Committee of the Whole; and I think it was demonstrated beyond a peradventure of a doubt that the levying of this specific duty in addition to the ad valorem duty, making a combined duty in some instances as high as 550 per cent ad valorem, on the cheaper classes of dishes that the poor people of the United States have to buy and use, will result in either doubling the price of those articles to the people who have to use them or in their absolute elimination from the cheaper stores where they are able now to obtain them.

Mr. GOFF. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I do.

Mr. GOFF. I do not believe the Senator was in the Chamber when this telegram from James M. Duffy, the president of the National Brotherhood of Operative Potters, was read into the RECORD.

Mr. BARKLEY. Yes; I was here and heard it read.

Mr. GOFF. Did the Senator hear it read?

Mr. BARKLEY. Yes.

Mr. GOFF. Does he believe the assurances Mr. Duffy makes in this telegram?

Mr. BARKLEY. I think Mr. Duffy is sincere in thinking he is making the assurances. I would not in any way reflect upon the good faith of Mr. Duffy; but how can any one man guarantee to the Congress of the United States that any single unit or a combination of units that are manufacturing this or any other product will not increase the price of their product if they are able to stop importations so as to have an embargo upon certain classes of dishes which we are required to use in the United States?

Mr. GOFF. In making that reply, does the Senator also take into consideration the fact that 53 per cent plus of the pottery consumed in this country is imported?

Mr. BARKLEY. I think something like 50 per cent of it is imported.

Mr. GOFF. More than 50 per cent.

Mr. BARKLEY. That is a much lower percentage—not in value but in quantity—than was imported in former days.

Mr. GOFF. My colleague [Mr. HATFIELD] tells me that it is $36,000,000 worth; but this is what I want to say to the Senator from Kentucky:

If we are going to protect American industry and re-employ the unemployed, how can we do it if we allow 56 per cent, to be accurate, of the pottery used in this country to be imported and allow our labor to remain unemployed?

Mr. BARKLEY. A large portion of the importation of dishes into the United States is of a type not made in this country at all; and it comes down again to the banana-and-apple situation. Of course, we do not grow bananas in the United States, but we all like to eat bananas, because we like fruit; but if we can get a tariff on bananas that will keep bananas out of the country, then we shall have to eat some other kind of fruit. If you can get a tariff high enough to keep out these novelty dishes that come in and are bought by the women of the United States because of their design and their peculiar coloring, your proposal is to compel them to buy some other kind of dish whether they want that or not. That is the truth about the matter.

Mr. GOFF. Mr. President, I am informed that $46,000,000 plus worth of pottery was imported into the United States in 1929; and that, of course, is having a very demoralizing effect upon the production of the pottery interests, in the employment of those engaged as well as their continued employment in the pottery industry. I will say to the Senator that I get these figures from the tariff experts.

Mr. BARKLEY. The figures given by the Senator are not correct. My information is that about $17,000,000 worth of pottery comes from abroad.

Mr. GOFF. The Senator is speaking about foreign valuation. I am giving him the American valuation of that pottery as it is sold to the American consumer.

Mr. BARKLEY. Of course, if you are going to accept the sale price to the consumer as the basis, you will have to add a considerable percentage to the amount of domestic production. We produce in this country about $31,000,000 worth of this pottery. We import about $17,000,000 worth. You can add to both of those figures whatever you want to add for discounts and commissions and profits of retailers; but you can not add to the value of the imported article on this account and refuse to add to the value of the domestic article.

Mr. GOFF. Let me say this, then, to the Senator, please: Why is it that American labor now employed in this industry—and in this regard I speak of my own knowledge—is working only 60 per cent of its time, and is getting a weekly wage of only $25? If that be true, how are we going to better the economic and employment situation by increasing the importations of foreign pottery into the United States?

I have been through these districts. I have talked to men employed in these pottery industries, not only, may I say to the

Senator, in the State of West Virginia, but in the State of Ohio, where I was yesterday, and saw a great many of the men so employed; and they say without the slightest hesitation that they will not only remain unemployed, but the unemployment situation will be increased, if we can not take some steps here in the Senate to reduce the volume of china imported into the United States.

Mr. BARKLEY. Of course, I presume that our good friends probably do not discriminate as to the causes of their unemployment. I have talked with them. They certainly can not lay it to an increase in importations. It is purely speculative to assume that an addition of this specific duty on top of the 40 and 50 per cent already borne by the decorated and undecorated earthenware, and the 60 and 70 per cent borne by the decorated and undecorated chinaware, is going to bring about such an increase in domestic production that the millennium is going to be realized in the pottery industry.

The Senator and I argued here all one day over this question three or four weeks ago.

Mr. GOFF. I know we did.

Mr. BARKLEY. And we talked about the modern methods of producing this earthenware and this chinaware; and I think it was pretty fairly demonstrated that one of the great troubles with the American pottery business, as with the American glassware business, has been their unwillingness to adopt modern methods, so that they might be on an economic parity with the concerns that had adopted modern methods.

There is no depression in the affairs of the Homer Laughlin Co. They are supplying almost the entire needs of the stores that handle this cheaper ware in the United States. If we increase the tariff on that particular type of tableware, we either compel the people to pay an additional price for it or we take it off the shelves of the stores that handle it; and in either case, in my judgment, the people of the United States suffer.

Mr. GOFF. Mr. President, has the Senator concluded?

Mr. BARKLEY. No; I have not concluded, but I desire to do so.

Mr. GOFF. Would the Senator prefer that I wait until he concludes, or ask him the questions now?

Mr. BARKLEY. Probably I shall save time by letting the Senator ask the questions now.

Mr. GOFF. I desire to bring to the Senator's attention the fact that the total importations of china and earthen ware in the year 1923 were $13,160,000, European valuation.

In 1924 the European valuation of the importations was $18,162,000, showing the increase.

In 1925 the importations decreased. They were $16,490,000.

In 1926 the European value of the importations was $18,513,000.

In 1927 the importations were $18,248,000.

In 1928 the importations were $17,947,000, showing an increase of 26.7 per cent over 1923.

In 1929 the importations were $18,536,218.

My proposition in the questions I have been asking the Senator from Kentucky is this: If we have assurances that the price to the consumer will not be increased, but that the imposition of this tariff rate will limit and decrease the volume of importations from foreign countries, then, of course, it follows that there will be an increased demand for the domestic supply, and an increase in the domestic production will, of necessity, follow.

If we can bring about that situation, while I would not go so far as to call it the millennium, as the Senator has denominated it, I think it would be a situation which would tend to relieve this very tense condition now existing in this industry.

Mr. BARKLEY. Of course, the only possible way by which that could be accomplished would be to make it impossible for the American housewife to go into a chinaware store and buy some fancy article, like a cup and saucer from Japan, specially decorated. It may be that the Senator from West Virginia desires to prevent the importation of these specially decorated fancy articles of china and earthenware from Japan. If that is what he is undertaking to do, if what he wants to do is to make it impossible for an American housewife to go down to any store and buy some article in which she may be interested that is decorated to suit her taste, at a price that is reasonable, and compel her to buy an article she may not want, then the Senator is correct. But I do not assume that the Senate of the United States desires to raise such an embargo. I do not assume that it desires to offend the taste of American women to the extent of making it impossible for them to supply their tables with an article of the character, the type, the color, and design which they may desire.

Not only does this apply to tableware, but it applies to sanitary articles of all sorts. I want to give an example of what this tariff is going to do. It applies to white porcelain soap cups and decorated porcelain hot and cold water buttons used in the bathroom, where one turns a little button to bring the hot or cold water. The tariff on those articles, under this amendment, will amount to over 300 per cent ad valorem.

It may be that the Senator from West Virginia desires to increase the cost of plumbing fixtures in the United States by levying a tariff of 300 per cent on them, thereby increasing the cost of construction still further, but I do not believe the American people approve any such rate as that on these articles of necessity.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SMOOT. I think it is only fair for the Senator to say that when he is speaking of articles such as he has just mentioned he does not want to carry the idea that they are all of the same character. They would not constitute 0.001 of 1 per cent of the production under this provision in the tariff bill.

Mr. BARKLEY. It carries this 10 cents specific duty which we are talking about, and the present rate on it is 70 per cent ad valorem, and with this 10 cents specific duty, the rate will be 300 per cent.

Here is another article to which I wish to call attention. Practically the entire consumption in this country of the larger sized electrical porcelain units, such as high-tension insulators, is supplied by domestic manufacturers. The relatively small imports consist largely of articles small in size and comparatively inexpensive in price, such as parts of fuse plugs and spark plugs, and things of that kind, used in automobiles. Under this increase in rate the tariff on those articles is 598 per cent.

That may not be a matter of any importance to the Senator from West Virginia, though I can not believe that the Senator from Utah, who, as the chairman of the Committee on Finance, reported against this specific duty when the bill was reported from the Finance Committee to the Senate, can advocate or approve any such outrageous rate as that.

Mr. SMOOT. We could not separate these.

Mr. BARKLEY. But we have to swallow them in order to get the increased tariff on the larger consumption of dishes by the people of the United States.

Mr. GOFF. Mr. President, the Senator from Kentucky stated a moment ago that the Homer Laughlin Co. was one of the largest producers in the United States, and that it was supplying all of the chain stores.

Mr. BARKLEY. I did not say all of the chain stores; I did not even mention the chain stores. I said the Homer Laughlin Co. supplied a very large portion of the character of dishes bought by the women of the United States in the stores which handle the cheaper type of dishes.

Mr. GOFF. If I misinterpreted the Senator's remarks, I want to withdraw my statement.

Mr. BARKLEY. It may be true that the chain stores handle their stuff—I think they do—but they are not exclusive handlers of the Homer Laughlin chinaware or earthenware, whichever it is, probably some of both, but I think most of their ware is earthenware.

Mr. GOFF. I want to continue to state a fact. We have now assurances of labor employed in the industry that the American manufacturers will not raise the selling price to the American consumer. I have here a statement from the Homer Laughlin Co. in which this fact appears:

> American manufacturers have guaranteed to their customers that, regardless of additional protection they may receive from the present tariff bill, there will be no increase in any price to them.

That is, to the consumer.

Mr. BARKLEY. Who is going to enforce that promise?

Mr. GOFF. I do not know that there is any law, if that is the question of the Senator, under which that could be enforced, except it be the law of competition in the economic field of industry.

I wanted to bring this to the Senator's attention, that we do have the assurance of both labor and capital that there will be no increase to the consumer if this tariff rate is adopted.

Mr. BARKLEY. I desire to call attention to a few comparisons between the prices of the imported chinaware and the comparable article made in the United States. We will take a decorated china dinner set of a hundred pieces, brought in from Germany. The value of that set at the factory in Germany is $11.43. These are figures which I have obtained through the instrumentalities of the Tariff Commission and their experts. The packing amounts to 57 cents, the case in which the set of dishes is packed is 50 cents, making $12.54. Add to that cartage to the station, inland freight, ocean freight, marine insurance, consular fee, which brings the figure up to

$13.95. The present duty on the article is 70 per cent, which brings it up to $22.73. The comparable domestic article is sold in the United States for $17.20.

When you add the proposed specific duty, you bring that imported article up to $23.56, while the same article made in the United States is valued at $17.29.

On the basis of that, how can any increase in the tariff be justified? How can anybody claim that any depression in the pottery business of the United States is brought about by importations and underselling in these large commodities, consisting of 100-piece dinner sets, when the price of the imported article is higher than that of the domestic article?

Mr. GOFF. Mr. President——

Mr. BARKLEY. Let me finish these citations, if the Senator please.

I have here also the figures as to a decorated china dinner set of a hundred pieces imported from Japan. The value at the factory in Japan is $11.99. Making the various additions I have already cited in the case of the other dishes, we bring it up to $22.79 landed in the United States, including the duty of 70 per cent. The transportation from Seattle to New York is $1.40, which brings it up to $24.19. The proposed duty will bring it up to $25.02. The comparable set of dishes in the United States, according to the figures furnished me, sells for $17.20.

Let us compare an article brought in from Germany with the domestic article. Germany, Japan, and England are the three large countries of origin of some of these china and earthenware dishes.

Let us take an ordinary decorated cup and saucer. The value at the factory in Germany, plus all these other items which I have indicated, including the payment of the duty of 70 per cent, landed in New York is $1.50. The equivalent ad valorem, if we add this specific duty, is 98 per cent, practically 100 per cent. The domestic cup and saucer of comparable value and design is worth $1.30 in the United States.

The figures I have given for these imported articles do not include any profit to the importer. They simply include the landing of the articles in New York, duty paid.

If these figures are correct—and nobody has disputed them; they can not be disputed—how can it be contended that another 98 or 100 per cent duty is necessary upon these articles for the protection of the American product?

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. GEORGE. I want to ask the Senator a question to see if my understanding is correct about this matter. I voted under this apprehension, at any rate, just now. In the amendment we have just voted on a specific duty of 10 cents per dozen pieces was restored, but the ad valorem rate there is the same as in the present law.

Mr. BARKLEY. Yes.

Mr. GEORGE. That is correct, is it?

Mr. BARKLEY. That is correct.

Mr. GEORGE. There is no increase in the ad valorem rate.

Mr. BARKLEY. That is true.

Mr. GEORGE. But in line 19 there is an increase in the ad valorem rate above that in the present law, an increase above that in the House bill, as well as the specific.

Mr. BARKLEY. There is an increase in the ad valorem duty; but, of course, we struck out the specific duty, and added 5 per cent on the ad valorem duty.

Mr. GEORGE. And the ad valorem duty in paragraph 212 is also an increase over the rate in existing law.

Mr. BARKLEY. I will say to the Senator that, in addition to agreeing to the Senate committee amendment striking out the 10 cents a dozen pieces, the Senate, as in Committee of the Whole, eliminated this entirely, and put it back to 50, which it is in the present law, and was in the bill as it passed the House.

Mr. GEORGE. But as it now stands, as I understand it, the Senate amendment carries an increase in the ad valorem duty, in line 19.

Mr. BARKLEY. Yes; as reported by the committee, but that amendment was disagreed to as to 55 per cent, leaving it 50 per cent, as it is in the present law.

Mr. President, in the testimony before the Senate Finance Committee and before the Ways and Means Committee, it was admitted by Mr. Wells, who represented the pottery industry before those committees, that the type of article coming in from Japan is one not made in the United States, that it does not compete with any article made in the United States, except indirectly, just as a cotton suit of clothes competes with a woolen suit, because if one can not buy a woolen suit of clothes he would be compelled to buy a cotton suit; but they are not competitive articles. He also stated that, so far as these fancy dishes are concerned, anybody can go into a store and tell any dish that is decorated in China or in Japan from that decorated in some other country. All the stores carry them, and they carry them because the taste of the American housewife has compelled them to carry them. It is proposed here by a tariff bill to destroy either the taste or the ability to gratify it.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I yield.

Mr. GOFF. Is it not better to destroy a fanciful taste than to keep thousands of people unemployed?

Mr. BARKLEY. The Senator can answer that question to his own satisfaction——

Mr. GOFF. I think I answered it in the question I propounded.

Mr. BARKLEY. I will answer the Senator's question and he need not be offended if I do not answer it in the first sentence I utter. Wherever the American people desire an article by reason of its type or appearance or its lightness or its fabric and nobody in the United States will either attempt to make or can make that article, then no one here has a right to ask Congress to pass a tariff bill that puts the tariff so high that our people can not buy that article unless those asking the tariff are willing to make the attempt to produce it in the United States. So far as I know no attempt has been made by anybody in the United States to produce this particular type of dish which the American housewife wants.

Mr. KEAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the junior Senator from West Virginia?

Mr. BARKLEY. I yield.

Mr. KEAN. I do not know whether the Senator is familiar with china, but there has been a long-established pattern in England which is blue china which is an exact imitation of the blue china made in China. If we will put enough duty on china in this country undoubtedly they will make a duplicate of the china made in Japan.

Mr. BARKLEY. We have been a Nation for 150 years and nobody has done it yet or attempted to do it. When are they going to begin?

Mr. KEAN. When we get a condition where American labor can afford to spend the time to do it.

Mr. BARKLEY. What the Senator means is that in order to induce the Americans to make this article, which they have never made or attempted to make, we ought to put a tariff on it so high that they can not come in here from abroad and then, perhaps, by chance some charitable institution will start to make a dish that will suit the fastidious taste of the American housewife.

Mr. KEAN. If we will put on a duty that compares in any sense with the difference between Japanese labor and American labor, the Americans will make that china.

Mr. BARKLEY. For a long time, as the Senator knows, we imported practically all of our china into the United States, and we do even now of the higher grades of china. The fine high-class chinaware that is used on the tables of the people of the United States, the expensive dinner sets that cost in the hundreds of dollars, are not now made in the United States. There is one company over in New Jersey that makes the Lenox brand of chinaware, which to some extent competes with the high-class English pottery. But we all know that any woman who is able to buy the better class of china begins to look for the brands that have been made for 100 years or more, that are well established and are sold by reason of their character, their appearance, their quality, and their standing.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I am glad to yield to my chemical friend.

Mr. HATFIELD. The Senator may or may not know that the Lenox china manufactured at Trenton, N. J., now graces the White House table in Washington, D. C.

Mr. BARKLEY. Why, of course. There is no question about that. But is that any reason why the people of the United States should be compelled to buy Lenox china if they do not want it?

Mr. HATFIELD. That is very true, but the Senator made the statement that we import our best china from Europe.

Mr. BARKLEY. I still say that we import most of it.

Mr. HATFIELD. I beg to differ with the Senator.

Mr. BARKLEY. And except for the fact that the Lenox people make a special brand of china, we import all of our high-grade china from Europe.

Mr. HATFIELD. From what part of Europe?

Mr. BARKLEY. From England.

Mr. HATFIELD. We have no quarrel with England. We have no quarrel with France. The French people are standing, as the English are standing, with America against the cheap pottery manufactured in Germany and in Japan.

Mr. BARKLEY. And if the increased duty provided for in the bill was limited to the china that comes in from England I would not be occupying the time of the Senate to talk about it, because men and women who are able to buy the high-grade chinaware are able to pay a tariff of 10 cents a dozen pieces. But I am raising my voice for the people who can not afford Lenox china, for the people who can not buy Haviland, for the people who can not buy the high-grade articles of chinaware, but who do have to eat off of dishes.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. BARKLEY. Certainly.

Mr. BLEASE. I might remind the Senator from Kentucky that we also imported the present occupant of the White House from England. [Laughter.]

Mr. BARKLEY. I suppose that particular commodity at the time was on the free list, too. [Laughter.] However, I do not care to get into a discussion of the President of the United States, though I do desire to discuss the dishes which he and everyone else have to buy for use in the consumption of their food.

The Senator from West Virginia and every other Senator here knows that the item of dishes in every household is a very important item. There are thousands, yes, millions of working people in the United States who can not afford these expensive dishes. If the Senator would go into their homes, he would find a rough, heavy quality of dishes. They can not afford to buy any better quality. Seemingly the desire of the Senator from West Virginia is to make it difficult for them to buy even that type of dishes in the United States. Of course I realize that no argument I might present could make any impression on the Senator from West Virginia on this subject, because he has a pottery in West Virginia.

Mr. HATFIELD. We have 22 of them.

Mr. BARKLEY. I apologize to the Senator for the modesty of my statement. Are they all owned by one concern?

Mr. HATFIELD. No; they are not.

Mr. BARKLEY. How many of them are owned by the Homer Laughlin Co.?

Mr. HATFIELD. The Homer Laughlin Co., as I understand it, have two batteries of continuous kilns. They have done away with their periodic kilns.

Mr. BARKLEY. In other words, the Homer Laughlin Co. are using the most up-to-date method of manufacturing this ware and they have been the leaders in the installation of modern methods. They have, by reason of that fact, been able to compete not only with domestic production, but to drive much of it out of business. Many of the potteries that have not been willing to adopt the new methods have gone out of business, just as many of the old merchant furnaces producing pig iron have gone out of business because they would not install the modern methods of producing pig iron, just as the old-fashioned methods of producing plate glass and window glass have gone out of business because they could not compete with the modern methods.

Mr. HATFIELD. I wish to suggest to the Senator from Kentucky that to-day I discussed extensively the modern kiln that is found in the United States to-day, and I established the fact by a preponderance of evidence, taken from investigations made by the Labor Department and by another department of the Federal Government, that the American kiln, the periodic kiln, is the most modern of any of the kilns that produces pottery that can be found in the world. It is not therefore a lack of modern kilns in America that brings about the present condition. It is due to the difference in the price paid labor at home and abroad.

Mr. BARKLEY. The Senator has not yet disputed the figures I gave a while ago of the imports from Japan and from Germany and from England.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BARKLEY. I yield.

Mr. FESS. The Senator made a similar statement in the committee when we were originally discussing this matter. The Senator's statement was refuted by men in Ohio, from the town of Sebring, by whom it was stated that they had the most modern and up-to-date machinery that is known in the business.

Mr. BARKLEY. I have never said anything about Sebring. There is a company there known as the Sebring Pottery Co. which has been taken over and absorbed by one of the larger companies.

Mr. FESS. That is one of the towns which is a pottery town, and it is in great distress now because of the bad condition of the business. I want to ask the Senator from Kentucky, who is a fair-minded man, and in spite of his position I think a great deal of him, whether he believes that it is a sound policy if one company, like the Laughlin, for example, is able to meet foreign competion, for us to ignore the smaller companies, the only companies that really need protection? The Senator does not believe that, does he?

Mr. BARKLEY. No; I do not believe that, but where I find the Homer Laughlin Co., by reason of its modern methods, by reason of its efficiency, able to monopolize the domestic market in the cheaper articles to which this specific tax applies most heavily, then I am forced to believe there is something else the matter with the companies that are depressed because of a lack of tariff.

Mr. FESS. The industry represents to me that the competition with foreign countries is the basis of the distress.

Mr. BARKLEY. I know that, otherwise they would have no basis whatever for asking for an increased tariff or even for the retention of the present duty. They are bound to make that representation, otherwise they would have no standing in court.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATFIELD. I beg to inform the Senator from Kentucky that Mr. Sebring is very much in business. He owns four or five individual kilns throughout the Ohio section. He built an American continuous kiln. He also went to Germany and purchased a modern continuous kiln in Germany. He brought the German kiln over and established it at Sebring, Ohio.

Mr. BARKLEY. Could he not get one in this country?

Mr. HATFIELD. One in this country and one in Germany.

Mr. BARKLEY. Why did he want to import one if he is against the importation of foreign articles?

Mr. HATFIELD. Let me finish my statement, if the Senator please. He discontinued the use of both of those continuous kilns and erected in their place periodic kilns.

Mr. BARKLEY. He went back to the old-fashioned method then?

Mr. HATFIELD. He went to the most modern method of periodic kiln by which the best china is made, whether at home or abroad.

Mr. BARKLEY. Mr. President, I have here some photographs of some of the samples brought over to the Finance Committee and exhibited there to show the effect of the tariff. I want to call the attention of the Senate to just a few of them. I have here a picture of a china egg cup, on which there is now a duty of 70 per cent; but when it is brought into the United States under this proposed 10 cents specific duty the total rate will be 140 per cent, an increase of 100 per cent in the duty on this particular article.

I have here a picture of a salt and pepper set—two pieces. The present duty is 70 per cent; but if this amendment imposing an extra 10-cent specific duty, shall be agreed to, the total ad valorem duty will be 163 per cent. I have here an earthenware salt and pepper set on which the duty is 50 per cent.

Mr. FESS. Mr. President, does not that same situation apply to almost every article in the various schedules? One can pick out this or that article on which there seems to be an abnormal duty; but that is not the case when a schedule is considered as a whole.

Mr. BARKLEY. This increase will apply almost universally to all the cheaper classes of chinaware. I am only referring, of course, to the samples which were brought down here and exhibited before the Finance Committee. While it may not seem very important to those of us who do not have to use the cheaper grades of tableware, it is a matter of concern to the men, women, and children of the United States when the tariff on dishes of a cheap quality is increased from 150 to 500 per cent.

It may be that most of the Members of this body and their families are able to buy Lenox and Haviland and other high-grade articles of chinaware, but there are millions upon millions of people in the United States to whom an increase of 100 per cent in a 50-cent article means, in all probability, in these times a curtailment of just so much food.

I could go through this list here for an hour and point out instances of the injustice of this specific rate, but I am not going to do it. I am through; the Senate may now take a vote, so far as I am concerned, without any further argument.

Mr. FESS. Vote!

Mr. BARKLEY. I make the point of no quorum, Mr. President.

The PRESIDING OFFICER (Mr. McCULLOCH in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Johnson	Robsion, Ky.
Ashurst	Frazier	Jones	Schall
Baird	George	Kean	Sheppard
Barkley	Glass	Keyes	Shortridge
Black	Glenn	La Follette	Smith
Blaine	Goff	McCulloch	Smoot
Blease	Goldsborough	McKellar	Steck
Borah	Grundy	McMaster	Stephens
Bratton	Hale	McNary	Swanson
Brock	Harris	Metcalf	Thomas, Idaho
Broussard	Harrison	Norbeck	Thomas, Okla.
Capper	Hastings	Norris	Trammell
Connally	Hatfield	Nye	Tydings
Copeland	Hawes	Oddie	Vandenberg
Dale	Hayden	Patterson	Walsh, Mont.
Dill	Hebert	Phipps	Waterman
Fess	Heflin	Pine	

The PRESIDING OFFICER (Mr. FESS in the chair). Sixty-seven Senators having answered to their names, a quorum is present.

Mr. NYE. Mr. President, I hope that Senators are fortunate enough to be owners of stock in the various domestic cement companies. I merely wish to call the attention of the Senate to the fact that just a few minutes after 2 o'clock this afternoon, or about an hour before the stock exchange closed, we voted on the question of a duty on cement and that whereas the previous "close" for the stock of the International Portland Cement Co. on yesterday was 56¾, to-day it was high at 63⅜ and closed at 62½; that whereas at yesterday's close Lehigh Portland Cement Co. stock was 35, to-day's high was 40¼ and the close was 40; and that whereas the common stock of the Penn-Dixie Cement Co. yesterday closed at 7½ it closed to-day at 10½, and while Penn-Dixie's preferred stock closed yesterday at 43⅛ it closed to-day at 52¼.

Mr. BLAINE and Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. NYE. I yield first to the Senator from Wisconsin.

Mr. BLAINE. I heard comments on the floor yesterday to the effect that the stock of the sugar companies had gone up, and I hear to-day that cement stock has gone up. I should like to inquire of the Senator from North Dakota if it is not true that butter and wheat and most other farm commodities, even after tariff rates on them were increased, have been going down in price?

Mr. NYE. I think the Senator might go a step farther and remark that upon agricultural products, in some cases, it is even difficult to get a bid.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. NYE. I yield to the Senator from South Carolina.

Mr. SMITH. I should like to state to the Senator that in to-day's market cotton closed lower than it has been since the World War. It lacked only 5 points of entering the 13-cent column, from a price some time ago of 21 cents, representing a decline of from $35 to $40 a bale, although the stocks on hand are the smallest since the World War and——

Mr. KEAN. Mr. President——

Mr. SMITH. Just a moment—and with the world consumption about 2,000,000 bales in excess of the ordinary consumption, the 2,000,000 bales increased consumption extending from 1927 to date, covering a period of about three years. In 1926 the maximum consumption of American cotton by the world was about 13,000,000 bales; in 1927 the consumption jumped to 15,780,000 bales; in 1928, 15,400,000 bales, and in 1929 to 15,070,000 bales; and the consumption promises this year to be around the 15,000,000-bale point. Yet, with small stocks and a 2,000,000-bale excess consumption, the price of cotton to-day touched the lowest point it has reached since the World War.

Mr. KEAN and Mr. TRAMMELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. NYE. I yield first to the Senator from New Jersey.

Mr. KEAN. I merely wanted to remark that perhaps the condition stated by the Senator from South Carolina may be due to the fact that most of the Senators on the other side of the aisle voted against a duty on cement which uses more than 60,000,000 cotton bags a year.

Mr. SMOOT. If that were true, if the Senator from North Dakota will allow me, an increase in the price of cement, according to the Senator's doctrine, would increase the consumption, and the greater prosperity of the industry might cause cotton to go up in sympathy; but the cotton for the cement bags can be obtained for less than ever.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. NYE. I yield.

Mr. TRAMMELL. Reference has been made to quotations showing the increase in the price of the stock of American sugar companies and also of cement companies. I did not vote for the duty on cement, but I did vote for the 2-cents-a-pound duty on sugar, though I declined to vote for a 2.25-cent rate. Had the vote been different, does not the Senator think that some other Senator to-night might have read stock quotations showing that the price of the stock of Cuban sugar companies had increased or that the price of the stock of Belgian cement companies had increased.

Mr. NYE. I doubt that very much, Mr. President.

Mr. TRAMMELL. So far as I am concerned, I would rather see the stock of American institutions increase than to see the stock of foreign companies increase.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. NYE. I yield.

Mr. BARKLEY. Am I correct in understanding that the Senator read a list of cement and sugar stocks that have gone up in value?

Mr. NYE. No; I did not read any of the sugar-stock items. I confined myself to cement.

Mr. BARKLEY. I wish to inquire of the Senator if he can explain how that is, because we were told here that the tariff on cement would not increase the price of cement in the United States. If that is true, how could the stocks go up in value just on one day's notice?

Mr. NYE. I shall not attempt to answer the Senator's question. It is quite beyond me, in view of the presentations that have been made here in behalf of a duty on cement.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. NYE. I yield.

Mr. NORRIS. I hope the Senator and the other Senators will not feel depressed, because there is some very cheering news that I wish to announce.

I have before me the evening paper; and in flaming headlines clear across it I read this:

Hoover sees end of depression in 60 days.

So, while the farmer may be going down, big business is going up. We are going to have good times in 60 days.

Mr. BARKLEY. So, on the 7th of May everything will be all right.

Mr. SMOOT. If we would only quit our talking and do some legislating, business would be better off.

Mr. BROUSSARD. Mr. President, I desire to say just a few words.

My friend from South Carolina [Mr. SMITH] brought in the question of cotton and its depressed price. If you will look at the statistics, Mr. President, you will see that in the eighties cotton and sugar sold at about the same price—between 5 and 8 cents a pound. They averaged about the same. My good friend from the cotton States vote against a duty on sugar when sugar is selling for 3.54 cents a pound, and they are kicking because they can not borrow more than 16 cents on a pound of cotton.

Mr. COPELAND. Mr. President, I understand that my friend from Kentucky [Mr. BARKLEY] just made some comparisons between dishes made in Germany and those made in America. Am I right in that?

Mr. BARKLEY. Yes; I made some comparisons as to Germany and Japan, and also, I think, England.

Mr. COPELAND. I did not hear what the Senator said, so perhaps my understanding in regard to his statement is not correct; but I hold in my hand the Summary of Tariff Information in regard to a decorated china dinner set of 100 pieces imported from Germany, and the total value, including duty at the proposed rate, at New York City was $23.56. I think those are the figures the Senator gave. Now, if we compare that, which is china, with a domestic decorated earthenware dinner set we should find the comparison to our disadvantage, because the value of the imported china set is $23.56, while the value of the domestic decorated earthenware dinner set is $17.29; but the value of the domestic decorated vitreous china dinner set, which corresponds to the German set which is delivered at $23.56 in New York, would be $46.73.

Mr. BARKLEY. Mr. President, the Senator, of course, understands that the domestic vitreous china is largely hotel chinaware. The vitreous china made in the United States is not used very largely in the home, and it is made by a different process. It is thicker and heavier and harder, and it has been

baked longer. So it is hardly fair to compare a set of dishes used in a hotel with a set used in a home. It is for that reason that the Tariff Commission, in those figures, makes a comparison between the American-produced earthenware household article and the imported article.

Mr. COPELAND. Yes; but it would be unfair to give the impression that this imported ware from Germany is earthenware. It is not. It is china; and the price of the German china set is $23, while the price of the domestic china set would be $46.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GEORGE. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40, lines 18 and 19, strike out "10 cents per dozen pieces" and insert "50."

Mr. COPELAND. Mr. President, let us be clear about it. What we are asking is that the House language be restored.

The PRESIDING OFFICER. A negative vote restores the House language.

Mr. COPELAND. The Senate committee changed the "50" to "55"; but we are asking, not for "55," but that the House language of "10 cents per dozen pieces and 50 per cent ad valorem" be restored.

The PRESIDING OFFICER. The Senate committee increased it to "55," but the Senate made it "50."

Mr. COPELAND. Then if I wish to vote—as I do—for the House language, how do I vote?

The PRESIDING OFFICER. "No."

Mr. COPELAND. I thank the Chair.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BARKLEY. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Mr. President, before the roll call is commenced, I desire to make a very brief statement.

When the pottery schedule was under consideration before I went into it with as much care as I could, and I reached the conclusion that there was considerable depression in the industry. Whether rightly or wrongly, my information all indicated that there was considerable depression; and I believe that there should have been some slight increase in the rate.

I do not think all of the increases made by the House were justified. I did believe, however, that there was justification for a slight increase in the basic plain ware under paragraph 211. It seems to me that the additional ad valorem ought to be sufficient, under economic management, to take care of the additional cost upon the decorated or painted product. It seems to me also that the ad valorem rate in paragraph 212—that is, the chinaware—ought to be sufficient to take care of the needs of the industry.

Mr. President, I wanted to make this statement because I regret that I am not able to vote for these specific increases in line 19 and on the subsequent pages, because I think the increased ad valorem there ought to be sufficient to take care of what I must concede, from such investigation as I was able to make, to be a distressful condition in this particular industry.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROCK (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. SULLIVAN]. Therefore I withhold my vote.

Mr. MCKELLAR (when his name was called). On this question I have a pair with the junior Senator from Delaware [Mr. TOWNSEND] and therefore withhold my vote.

Mr. PATTERSON (when his name was called). On this question I have a pair with the junior Senator from New York [Mr. WAGNER]. I understand that if he were present, he would vote "yea." I transfer that pair to the junior Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. SMITH (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. STECK (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and will vote. I vote "yea."

Mr. STEPHENS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON] and therefore withhold my vote.

Mr. THOMAS of Idaho (when his name was called). On this question I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. I understand that if he were present, he would vote "yea." I transfer that pair to the Senator from Oregon [Mr. MCNARY] and will vote. I vote "nay."

The roll call was concluded.

Mr. HAYDEN. On this question I have a pair with the junior Senator from Oregon [Mr. STEIWER] and withhold my vote. If I were at liberty to vote, I should vote "yea"; and if he were present, he would vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I shall have to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Nebraska [Mr. HOWELL] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 31, nays 28, as follows:

YEAS—31

Allen	Capper	Hawes	Schall
Ashurst	Connally	Heflin	Sheppard
Barkley	Dill	Johnson	Smith
Black	Fletcher	La Follette	Steck
Blaine	Frazier	McMaster	Swanson
Blease	George	Norbeck	Tydings
Borah	Harris	Norris	Walsh, Mont.
Bratton	Harrison	Nye	

NAYS—28

Baird	Grundy	Keyes	Robsion, Ky.
Broussard	Hale	McCulloch	Shortridge
Copeland	Hastings	Metcalf	Thomas, Idaho
Fess	Hatfield	Oddie	Thomas, Okla.
Glenn	Hebert	Patterson	Trammell
Goff	Jones	Phipps	Vandenberg
Goldsborough	Kean	Pine	Waterman

NOT VOTING—37

Bingham	Gould	Pittman	Sullivan
Brock	Greene	Ransdell	Townsend
Brookhart	Hayden	Reed	Wagner
Caraway	Howell	Robinson, Ark.	Walcott
Couzens	Kendrick	Robinson, Ind.	Walsh, Mass.
Cutting	King	Shipstead	Watson
Dale	McKellar	Simmons	Wheeler
Deneen	McNary	Smoot	
Gillett	Moses	Steiwer	
Glass	Overman	Stephens	

So the amendment was concurred in.

The PRESIDING OFFICER. The clerk will report the next amendment on which a vote was reserved.

The CHIEF CLERK. The next amendment on which a vote was reserved was on page 41, line 12, where the Senate, as in Committee of the Whole, struck out "10 cents per dozen pieces and."

The amendment was concurred in.

The next amendment on which a vote was reserved was on page 41, line 17, where the Senate, as in Committee of the Whole, struck out the words "10 cents per dozen pieces and."

The amendment was concurred in.

The next amendment on which a vote was reserved was on page 41, line 17, where the Senate, as in Committee of the Whole, struck out the word "valorem" and inserted the words "valorem; any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per cent ad valorem."

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The mere fact that a reservation was made under the general head of "pottery," without any designation of the amendments that were adopted as in Committee of the Whole in that schedule, does not seem to me to require that every amendment adopted as in Committee of the Whole should be read for a revote, unless somebody asks for it. I do not recall that this amendment was specified. If it was, it is all right, but the mere fact that it is an amendment brought in by

the Finance Committee and agreed upon as in Committee of the Whole does not seem to me to require a vote on concurrence.

The PRESIDING OFFICER. The Chair has sympathy with what the Senator says, but since there was not any specification, but a blanket reservation, the vote will have to be taken on every amendment, unless it is agreed by unanimous consent otherwise. The Chair would call the attention of the Senator from West Virginia to this amendment.

Mr. WALSH of Montana. Mr. President, I was unable to hear the ruling of the Chair. It is exceedingly important. I would like to understand what it is.

The PRESIDING OFFICER. The Senator from Kentucky raised the question whether every amendment made as in Committee of the Whole on pottery should have an individual vote in the Senate unless requested, and the Chair's decision was that, since there was no specification other than as to "pottery," he would have to call for an individual vote on each amendment. If there is no desire to vote on any amendment, the announcement can be made that without objection the amendment is concurred in.

Mr. BARKLEY. It is my understanding that this was an amendment brought in by the Finance Committee and agreed to as in Committee of the Whole, and my recollection is that there was no contest about it.

Mr. WALSH of Montana. Mr. President, that is exceedingly important, because we will soon come to sundries, and am I to understand that if anyone reserved the right to a separate vote on sundries every vote taken as in Committee of the Whole will be open for consideration?

The PRESIDING OFFICER. "Sundries" is a schedule and "pottery" is a paragraph.

Mr. WALSH of Montana. As I understood it, pottery and glassware constitute an entire schedule.

Mr. BARKLEY. No; paragraphs 211 and 212 are in Schedule 2, which is under the general head of "Earthenware."

Mr. WALSH of Montana. That is pottery.

Mr. BARKLEY. But there are lots of other sorts of pottery besides the items in paragraphs 211 and 212.

Mr. WALSH of Montana. Exactly; and when a reservation is made as to pottery, under the ruling of the Chair, as I understand it, every paragraph dealing with pottery is open for another vote.

Mr. McKELLAR. Mr. President, if the Senator will look on page 2 of the list, he will find that paragraphs 211 and 212 were specifically set forth. So that it could not apply to anything else.

The PRESIDING OFFICER. Without objection, the last amendment stated is concurred in.

The clerk will state the next amendment as to which a vote was reserved.

The LEGISLATIVE CLERK. In paragraph 218, on page 44, line 22, the Senate as in Committee of the Whole struck out the words "bottles and jars provided for in," and inserted in lieu thereof the words "articles provided for in paragraph 217 or in," so as to read:

All the foregoing except articles provided for in paragraph 217 or in subparagraph (e)——

Mr. JOHNSON. Mr. President, may I inquire whether the item now before us, "glassware," takes in every conceivable amendment and every amendment that was made as in Committee of the Whole?

The PRESIDING OFFICER. Paragraph 218 (a), 218 (c), and 219, as the Senator will see if he will consult the bill.

Mr. JOHNSON. I see them, but there are many amendments embraced in the paragraph. Could one by reserving a vote to the entire bill, as adopted as in Committee of the Whole, have the Senate voting continuously upon every conceivable amendment that had been passed on?

The PRESIDING OFFICER. If it were so reserved, we would be in that situation.

Mr. JOHNSON. All we would need would be a reservation to the entire bill?

The PRESIDING OFFICER. That would do it.

Mr. JOHNSON. Mr. President, I am not questioning the legal or technical accuracy of what the Presiding Officer says, but may I mildly suggest that it does not quite make sense.

The PRESIDING OFFICER. The Chair would state that this whole procedure seems like nonsense to the Chair.

Mr. ASHURST. Mr. President, I assure the Senate that I do not rise in any spirit of censoriousness. The last thing I would like to do would be to appear to be ungracious, but at this juncture I feel it to be a duty I must perform to ask the Chair rigidly to enforce the rule found on page 23 of our rules, that no Senator may speak more than twice on any one question on the same day. For 40 years the construction of that rule has been that when a Senator yields twice, even for a question, he has lost the floor. I ask that that rule be enforced if we are ever to get through with this bill.

I have not taken up a quarter of a page of the CONGRESSIONAL RECORD during the consideration of this bill, and do not expect to do so, but I feel that this rule ought to be enforced. I respectfully request and ask the Chair to do so henceforth, and that every Senator be put upon his notice that after he has yielded twice he has lost the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is concurred in.

The next amendment on which a separate vote was reserved was, on page 45, line 1, after the word "tubes," to strike out the word "or" and to insert in parenthesis the words "(except gauge glass tubes) and."

Mr. COPELAND. Mr. President, I move, in line 1, after the word "tubes" to insert a comma and the words "rods, canes," so that it will read:

Tubes (except gauge glass tubes), rods, canes, and tubing.

If I may have the attention of the Senator from Utah, the reason for it is that in four different places in the bill we have provided for rods, these glass rods I am talking about, which are found in bath rooms for hanging towels on. We have them at a rate of 40 per cent for the opal, 50 per cent for the colored ones, 65 per cent for the tube, and 85 per cent for the glass rod, all made in exactly the same way.

My suggestion to the Senator is that, so far as the chairman may, he accept this mendment, take it to conference, and then will be in position to strike out the language on page 44, line 19, where it appears, and on page 53, line 15, and since this paragraph, where I have placed it, is the one in which we find the largest number of importations, it would seem to me that the rate there of 65 per cent would be a very fair rate, and put them all on the same level.

Mr. SMOOT. What the Senator wants is to take out rods from paragraph 218.

Mr. COPELAND. Yes, on line 19.

Mr. SMOOT. Carrying a duty of 85 per cent ad valorem, and to put them in subdivision (b), carrying a duty of 65 per cent ad valorem.

Mr. COPELAND. That is right; and then take them out on page 53, line 15.

Mr. SMOOT. That means to take the rods at 40 per cent out of paragraph 231 and put them in paragraph 265, and take the rods at 85 per cent and put them at 65 per cent.

Mr. COPELAND. I find that the large importations of these rods are under the paragraph on page 45.

Let the Senator take that to conference, and if it is found desirable to place it otherwise, of course that can be done, but I am satisfied that there is no reason on earth for having four articles identical in method of manufacture given four different rates of duty.

Mr. SMOOT. I can not say off-hand whether this, taking it as a whole, is an increase or a decrease. My opinion is that it is an increase, on the whole. It may be well enough, if there is no objection, to let these matters go to conference, but I would want that understood.

Mr. COPELAND. I think the matter should go to conference, with the conferees free to make the adjustment in any manner.

Mr. SMOOT. Of course we would have that right, but I would not want to be charged here with not having stood by the Senate amendment in conference.

Mr. COPELAND. I would not consider that the Senator could do anything that would cause such a charge. It stands to reason that the tubes and rods, no matter where they are, should be taxed the same. I am not interested in the amount of the tax, but simply in having them on the same level.

Mr. FLETCHER. The Senator used another word after the word "rod."

Mr. COPELAND. "Cane." It is the same thing.

Mr. SMOOT. I have no objection to letting it go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. I understand that vote covers all three of the changes.

The PRESIDING OFFICER. Yes; it does. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. COPELAND. Mr. President, in paragraph (c), page 45, line 13, I desire to have inserted after the word "glass" the words "including case glass." This is the reason for it. We see two lamp shades identical, but one is homogeneous and

the other made of two layers, of the clear glass and the opaque class. It is known as case glass. Undoubtedly since this paragraph covers all illuminating articles they would come in the same class.

Mr. SMOOT. What the Senator wants is, after the word "glass" in line 13, to insert "case?"

Mr. COPELAND. To insert the words "including case glass."

Mr. LA FOLLETTE. Mr. President, when two Senators get their heads together and whisper to each other in the way the Senator from New York and the Senator from Utah are now doing, it is impossible for anyone to hear what they are saying.

Mr. SMOOT. I did not know the Senator was listening.

Mr. LA FOLLETTE. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New York.

Mr. LA FOLLETTE. I would like to ask the Senator from New York what rate case glass now bears.

Mr. COPELAND. When it comes in as an illuminating article——

Mr. SMOOT. The case-glass rate is 60 per cent. The Senator from New York takes case glass and puts it in with glass for use in connection with articles of illumination at 70 per cent. It would be an increase of 10 per cent.

Mr. COPELAND. Let me say to the Senator from Wisconsin, if he will notice the language of subparagraph (c), it reads "illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination." Unquestionably the customs court would say that these are identical objects. The articles are identical in use.

Mr. BARKLEY. The situation is that case glass is simply a glass that comes in at 60 per cent, and I think the language of the paragraph is broad enough to cover case glass.

Mr. COPELAND. That is true.

Mr. BARKLEY. It is a matter of precaution that causes the Senator to desire it placed here?

Mr. COPELAND. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. SMOOT. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The Chair would like to call the attention of the Senator from Utah that all of the amendments have been reserved in paragraph 218.

Mr. SMOOT. This is an entirely new amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 45, line 17, strike out the words "and parts thereof," and after the word "valorem" insert the following:

Provided, That parts not specially provided for, wholly or in chief value of glass, or any of the foregoing shall be subject to the same rate of duty as the articles of which they are a part.

Mr. SMOOT. Mr. President, the explanation of this amendment is very brief. The subparagraph as agreed to in Committee of the Whole included only parts of illuminating glassware and failed to provide for parts as, for example, of glass chandeliers. The amendment corrects the error and provides that parts shall be dutiable at the rate provided for on the article of which it is a part.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Without objection the amendment as amended is concurred in. The Chair calls attention to the fact that the amendment in lines 5 and 6, page 45, has not yet been acted upon. Without objection that amendment is concurred in.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from Utah [Mr. SMOOT] and my colleagues on this side of the Chamber, when the matter of bottles came up the first time, the then Senator from New Jersey, Mr. Edge, was very anxious to have the rate on ground glass bottles, handblown, raised to 82½ per cent. I resisted that, and then made a very stupid error. I asked that the rate be made 75 per cent on the handblown bottles, and then insisted that 65 per cent should be put upon automatic machine-made bottles. Those are very cheaply made and are used in every 5 and 10 cent store, the little bottles for perfumery that are sold in those stores being made in this way by machinery. The next time the matter came up, after some discussion, the rate was fixed on the automatic machine-made bottles at 40 per cent. They are now coming in at 50 cents a gross. My amendment is to change the rate on automatic machine-made bottles to 25 per cent, so it would read:

(c) Bottles and jars, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations; bottles, vials, and jars, wholly or in chief value of glass, fitted with or designed for use with ground-glass stoppers, when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise; all the foregoing produced by automatic machine, 25 per cent ad valorem; otherwise produced, 75 per cent ad valorem. For the purposes of this subparagraph no regard shall be had to the method of manufacture of the stoppers or covers.

I move that the figures "25" be substituted for the figures "40."

Mr. SMOOT. That is even lower than the rate to-day.

Mr. COPELAND. Oh, no.

Mr. SMOOT. Valued at $1.50 under paragraph 215 they carry 50 cents a gross, and the ad valorem equivalent is 33⅓ per cent.

Mr. COPELAND. The Senator need have no distress about it because we are not importing any of these bottles.

Mr. SMOOT. I have no distress at all, not any more than the Senator has when we are asking for increased rates. I am calling the attention of the Senate to the facts in the case. If the Senate wants to make the change, that is all right, but these are the facts. The Senator may be perfectly right in saying 25 per cent is ample protection.

Mr. COPELAND. I want to say in reply to what the Senator just said that there was one witness before the committee and he represented the hand-blown bottles.

Mr. SMOOT. I am not talking about any witness.

Mr. COPELAND. He said he did not care if there was no protection placed upon the automatic machinemade bottle.

Mr. SMOOT. I am not saying anything about what any witness said. I am giving the rate to-day as submitted to me by the Tariff Commission. That is all I am stating. The Senator's first proposition was 40 per cent.

Mr. COPELAND. Oh, No. My first proposition was an idiotic one.

Mr. SMOOT. That is probably true.

Mr. COPELAND. It was 65 per cent, because I did not understand the problem, and if it had not been for my stupidity there would not be any rate placed upon these bottles. They would automatically fall under paragraph 217, because former Senator Edge urged me at the time to withdraw the suggestion about the rate on automatic machinemade bottles, and my friend the Senator from Georgia [Mr. GEORGE] told me at the time that it was a mistake on my part, because they would automatically fall under paragraph 217. Now we have rearranged paragraph 218 with new language, so as to cover these technical instruments and bottles that are used in laboratories, that are ground out, where a ground-glass stopper might be used, but where a device slips in a tube inside. That is taken care of in the new language. Therefore we must have a rate on the bottles. That is the rate which I am suggesting, and I am confident that it does not mean any change over the present situation that is material in the least, but it does correct what I regret exceedingly was my own stupid failure in the matter to present it in the right way at the time.

Mr. SMOOT. The Senator's first proposition may have been idiotic; he admits it was; but what about his second proposition of 40 per cent? Was that idiotic, too?

Mr. COPELAND. This is what happened: The Senator from Utah [Mr. SMOOT] told me that he was going to insist on 50 per cent, and I begged him not to do that, and finally it was agreed that it should be put at 40 per cent. It is very clear to all concerned. Here is the reason why I propose to put any rate on at all. I am anxious that the bottle blowers of New Jersey and Maryland should be given this protection, but if we make the rate so high on the automatic machinemade bottles, then it throws all of the traffic into hand-blown bottles. These are articles that are used everywhere in every household, in every doctor's office, in every nurse's office, on every manicure table, wherever bottles are used with glass stoppers, not hand blown but turned out by the millions by machinery.

Mr. SMOOT. Forty per cent is not going to throw them into any other paragraph. This being a cheap bottle, the 40 per cent on cheap bottles would apply, and nobody will ever think for a moment that it is going to be thrown into the 75 per cent bracket. Nobody wants it there and nobody would vote to put it there.

Mr. GEORGE. Mr. President, may I ask the Senator what is the equivalent ad valorem at the present time?

Mr. SMOOT. On a value of $1.50 the equivalent ad valorem is 33⅓ per cent.

Mr. GEORGE. I well recall when this particular paragraph was first reached that the Senator from New York insisted upon a duty of 65 per cent, and I then called his attention to the fact that he was out of line, but he was somewhat confused as to the facts and insisted on placing 65 per cent. Subsequently, it was placed at 40 per cent. I am sure the Senator from New York has merely discovered the original confusion and wishes to get it corrected.

Mr. SMOOT. Why will not the Senator take 33⅓ per cent ad valorem?

Mr. COPELAND. No; I will not do that.

Mr. SMOOT. Then, I want a vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York to the amendment adopted as in Committee of the Whole. [Putting the question.] The Chair is in doubt.

On a division, the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment adopted as in the Committee of the Whole as amended.

The amendment adopted as in Committee of the Whole, as amended, was concurred in.

Mr. SMOOT. Mr. President, unfortunately, two Senators were compelled to leave the Chamber who are interested in the next paragraph—the glass paragraph.

Mr. LA FOLLETTE. Who are they, Mr. President?

Mr. SMOOT. I do not think I had better say anything about that.

Mr. LA FOLLETTE. I think that Senators ought to remain here when these items are coming up.

Mr. SMOOT. I think so, too.

Mr. LA FOLLETTE. I object to anything being put over.

Mr. SMOOT. I was going to say that we are going to meet at 10 o'clock to-morrow morning, and I thought, perhaps, we had better take a recess now and take the item up to-morrow morning. I was not going to ask to put it over.

Mr. LA FOLLETTE. Very well; but I do not think Senators ought to ask that amendments be delayed because of their engagements.

Mr. SMOOT. If we took it up now we would spend three-quarters of an hour and could not then get a vote.

Mr. LA FOLLETTE. I am willing, if the Senator wants to take a recess; but I do think that Senators ought not to ask for any further delay in the consideration of these items.

Mr. SMOOT. I do, too; but the Senators whom I have in mind said they had to go out of town, or they would have been here.

I move, Mr. President, that the Senate take a recess, the recess being until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 9 o'clock and 17 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until to-morrow, Saturday, March 8, 1930, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 7 (legislative day of January 6), 1930

COAST GUARD

Edward M. Kent to be a constructor in the Coast Guard of the United States, to rank as such from March 3, 1928.

APPOINTMENT IN THE ARMY

To be assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from April 16, 1930

Col. Henry Charles Whitehead, Quartermaster Corps, vice Brigadier General Harry F. Rethers, Assistant to the Quartermaster General, to be retired from active service April 15, 1930.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

TO ORDNANCE DEPARTMENT

Maj. Gordon Bennett Welch, Coast Artillery Corps (assigned to duty with Ordnance Department), with rank from February 2, 1930.

TO CAVALRY

Second Lieut. Carroll Huston Prunty, Infantry, effective July 1, 1930, with rank from June 9, 1928.

PROMOTIONS IN THE ARMY

To be major

Capt. Augustine Joseph Zerbes, Field Artillery, from March 5, 1930.

To be captains

First Lieut. Andrew Ed Forsyth, Cavalry, from February 22, 1930.

First Lieut. David Goodwin Barr, Infantry, from March 1, 1930.

First Lieut. Mark Histand Doty, Field Artillery, from March 4, 1930.

First Lieut. Charles Peter Prime, Air Corps, from March 5, 1930.

To be first lieutenants

Second Lieut. Joris Bliss Rasbach, Field Artillery, from February 22, 1930.

Second Lieut. Herman Lester Darnstaedt, Infantry, from February 25, 1930.

Second Lieut. Leonard Marion Johnson, Field Artillery, from March 1, 1930.

Second Lieut. Chester Archibald Rowland, Corps of Engineers, from March 4, 1930.

Second Lieut. John Sterling Taylor, Infantry, from March 5, 1930.

MEDICAL CORPS

To be majors

Capt. Luther Remi Moore, Medical Corps, from February 27, 1930.

Capt. Carl Randolph Mitchell, Medical Corps, from March 1, 1930.

Capt. Michael Gerard Healy, Medical Corps, from March 3, 1930.

To be captain

First Lieut. Dean McLaughlin Walker, Medical Corps, from March 5, 1930.

POSTMASTERS

ALABAMA

Nelson C. Fuller to be postmaster at Centerville, Ala., in place of N. C. Fuller. Incumbent's commission expired March 2, 1930.

Clarence E. Combs to be postmaster at Fairfax, Ala., in place of C. E. Combs. Incumbent's commission expired March 2, 1930.

John B. Daughtry to be postmaster at Hartford, Ala., in place of J. B. Daughtry. Incumbent's commission expired March 2, 1930.

Florrie Vinson to be postmaster at Louisville, Ala., in place of Florrie Vinson. Incumbent's commission expired March 2, 1930.

Lucy Downing to be postmaster at Moulton, Ala., in place of Lucy Downing. Incumbent's commission expires March 11, 1930.

Robert A. Tuck to be postmaster at Oneonta, Ala., in place of R. A. Tuck. Incumbent's commission expired March 2, 1930.

James A. Anderson to be postmaster at University, Ala., in place of J. A. Anderson. Incumbent's commission expired March 2, 1930.

ARIZONA

Donald McIntyre to be postmaster at Yuma, Ariz., in place of Donald McIntyre. Incumbent's commission expires March 11, 1930.

ARKANSAS

Charles A. Kelley to be postmaster at Searcy, Ark., in place of C. A. Kelley. Incumbent's commission expired December 17, 1929.

CALIFORNIA

Henry M. Hammond to be postmaster at Alameda, Calif., in place of H. M. Hammond. Incumbent's commission expires March 11, 1930.

Leonard E. Whitener to be postmaster at Coalinga, Calif., in place of L. E. Whitener. Incumbent's commission expires March 11, 1930.

Carlos H. Salinas to be postmaster at Hermosa Beach, Calif., in place of C. H. Salinas. Incumbent's commission expired December 21, 1929.

Walter L. Cleveland to be postmaster at Huntington Park, Calif., in place of W. L. Cleveland. Incumbent's commission expires March 11, 1930.

Kenneth F. Reynolds to be postmaster at Irvington, Calif., in place of K. F. Reynolds. Incumbent's commission expires March 11, 1930.

Rebecca Dabney to be postmaster at La Crescenta, Calif., in place of Rebecca Dabney. Incumbent's commission expires March 11, 1930.

John C. Titterington to be postmaster at La Verne, Calif., in place of J. P. Dickey, resigned.

Fred R. Howe to be postmaster at Santa Cruz, Calif., in place of F. R. Howe. Incumbent's commission expires March 11, 1930.

Mary L. Cogan to be postmaster at Santa Margarita, Calif., in place of M. L. Cogan. Incumbent's commission expired March 2, 1930.

Elsie B. Lausten to be postmaster at Walnut Grove, Calif., in place of E. B. Lausten. Incumbent's commission expires March 11, 1930.

COLORADO

Robert L. Wilkinson to be postmaster at Burlington, Colo., in place of R. L. Wilkinson. Incumbent's commission expired February 23, 1930.

Charles Lawton to be postmaster at Fort Logan, Colo., in place of Charles Lawton. Incumbent's commission expires March 10, 1930.

Kiah C. Brown to be postmaster at Merino, Colo., in place of K. C. Brown. Incumbent's commission expires March 10, 1930.

CONNECTICUT

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of S. H. Kellogg. Incumbent's commission expired March 3, 1930.

Samuel E. Louden to be postmaster at Riverside, Conn., in place of S. E. Louden. Incumbent's commission expired March 3, 1930.

FLORIDA

Frank W. Rodenberg to be postmaster at Vero Beach, Fla., in place of G. K. Masten. Incumbent's commission expired March 11, 1928.

IDAHO

Elsie M. Renfrew to be postmaster at Potlatch, Idaho, in place of L. N. Balch, resigned.

ILLINOIS

Hamil E. Veach to be postmaster at Clayton, Ill., in place of H. E. Veach. Incumbent's commission expired March 3, 1930.

Charles L. Smith to be postmaster at Cutler, Ill., in place of C. L. Smith. Incumbent's commission expired March 3, 1930.

George M. Clark to be postmaster at Galesburg, Ill., in place of G. M. Clark. Incumbent's commission expired February 6, 1930.

John R. McIntire to be postmaster at Grand Chain, Ill., in place of J. R. McIntire. Incumbent's commission expired March 3, 1930.

William E. Erfort, jr., to be postmaster at Lansing, Ill., in place of W. E. Erfort, jr. Incumbent's commission expired March 3, 1930.

Arthur J. Mollman to be postmaster at Millstadt, Ill., in place of A. J. Mollman. Incumbent's commission expired March 3, 1930.

INDIANA

Ernest C. Purdue to be postmaster at Newburgh, Ind., in place of E. C. Purdue. Incumbent's commission expired February 23, 1930.

Levert E. Binns to be postmaster at New Richmond, Ind., in place of L. E. Binns. Incumbent's commission expired March 6, 1930.

Cyrus V. Norman to be postmaster at Sheridan, Ind., in place of C. V. Norman. Incumbent's commission expired December 15, 1929.

William H. Ammon to be postmaster at Swayzee, Ind., in place of W. H. Ammon. Incumbent's commission expired March 6, 1930.

Bernice M. Beeks to be postmaster at Urbana, Ind., in place of B. M. Beeks. Incumbent's commission expired January 6, 1930.

IOWA

Elda B. Sparks to be postmaster at Buffalo Center, Iowa, in place of E. B. Sparks. Incumbent's commission expired March 5, 1930.

Vellas L. Gilje to be postmaster at Elkader, Iowa, in place of V. L. Gilje. Incumbent's commission expired March 5, 1930.

Raymond W. Rhoades to be postmaster at Glenwood, Iowa, in place of R. W. Rhoades. Incumbent's commission expires March 8, 1930.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expires March 8, 1930.

Leonidas L. Greenwalt to be postmaster at Hastings, Iowa, in place of L. L. Greenwalt. Incumbent's commission expired March 5, 1930.

Inga E. Cheely to be postmaster at Hornick, Iowa, in place of I. E. Cheely. Incumbent's commission expires March 8, 1930.

John R. Barker, to be postmaster at Indianola, Iowa, in place of J. R. Barker. Incumbent's commission expired March 6, 1930.

George McNeish, jr., to be postmaster at Kanawha, Iowa, in place of George McNeish, jr. Incumbent's commission expired March 5, 1930.

John Harden to be postmaster at Linden, Iowa, in place of John Harden. Incumbent's commission expired March 5, 1930.

William C. McCurdy to be postmaster at Massena, Iowa, in place of W. C. McCurdy. Incumbent's commission expires March 8, 1930.

Eugene E. Heldridge to be postmaster at Milford, Iowa, in place of E. E. Heldridge. Incumbent's commission expires March 8, 1930.

Thomas F. Fawcett to be postmaster at Ocheyedan, Iowa, in place of T. F. Fawcett. Incumbent's commission expires March 11, 1930.

Bruce E. Harlow to be postmaster at Onawa, Iowa, in place of B. E. Harlow. Incumbent's commission expired March 5, 1930.

Otto J. Warneke to be postmaster at Readlyn, Iowa, in place of O. J. Warneke. Incumbent's commission expires March 8, 1930.

Edith J. Delong to be postmaster at Truro, Iowa, in place of E. J. Delong. Incumbent's commission expired March 5, 1930.

Ross G. Hauser to be postmaster at Union, Iowa, in place of R. G. Hauser. Incumbent's commission expires March 8, 1930.

Leonard G. Kelley to be postmaster at Wall Lake, Iowa, in place of L. G. Kelley. Incumbent's commission expired March 5, 1930.

Inez I. Gano to be postmaster at Washta, Iowa, in place of D. C. Gearhart, resigned.

Henry C. Ficke to be postmaster at Wheatland, Iowa, in place of H. C. Ficke. Incumbent's commission expired March 5, 1930.

KANSAS

Mabel I. Driggs to be postmaster at Bern, Kans., in place of M. I. Driggs. Incumbent's commission expires March 10, 1930.

Vaclav Sajner to be postmaster at Bison, Kans., in place of Vaclav Sajner. Incumbent's commission expired March 2, 1930.

Charles A. Godding to be postmaster at Burns, Kans., in place of C. A. Godding. Incumbent's commission expired February 6, 1930.

Jacob W. Wright to be postmaster at Elk City, Kans., in place of J. W. Wright. Incumbent's commission expired December 14, 1929.

Daniel O. Anderson to be postmaster at Everest, Kans., in place of G. D. Bollinger. Incumbent's commission expired December 14, 1929.

Marion W. Covey to be postmaster at Miltonvale, Kans., in place of M. W. Covey. Incumbent's commission expires March 10, 1930.

Loyd J. Cobun to be postmaster at Sabetha, Kans., in place of Nannie Bingham. Incumbent's commission expired December 14, 1929.

George P. Plotner to be postmaster at Scandia, Kans., in place of G. P. Plotner. Incumbent's commission expired January 18, 1930.

Bruce Griffith to be postmaster at Wichita, Kans., in place of S. M. Young. Incumbent's commission expired December 14, 1929.

KENTUCKY

Anna M. Seaton to be postmaster at Buechel, Ky., in place of A. M. Seaton. Incumbent's commission expired December 15, 1929.

Mary K. Diersing to be postmaster at Shively, Ky., in place of M. K. Diersing. Incumbent's commission expired December 15, 1929.

MAINE

Harold L. Haskell to be postmaster at Lee, Me., in place of H. L. Haskell. Incumbent's commission expired March 2, 1930.

Winnifred J. Libby to be postmaster at Ocean Park, Me., in place of W. J. Libby. Incumbent's commission expires March 11, 1930.

Charles A. Robinson to be postmaster at Portland, Me., in place of C. A. Robinson. Incumbent's commission expired March 2, 1930.

MARYLAND

Charles G. Tedrick to be postmaster at Clear Spring, Md., in place of C. G. Tedrick. Incumbent's commission expired March 2, 1930.

Joseph S. Haas to be postmaster at Mount Rainier, Md., in place of J. S. Haas. Incumbent's commission expired January 8, 1930.

Granville S. Cropper to be postmaster at Ocean City, Md., in place of G. S. Cropper. Incumbent's commission expired February 4, 1930.

MASSACHUSETTS

George L. Minott to be postmaster at Gardner, Mass., in place of G. L. Minott. Incumbent's commission expires March 11, 1930.

Harlin S. Cummings to be postmaster at Lynn, Mass., in place of H. S. Cummings. Incumbent's commission expired March 2, 1930.

Hazen M. Emery to be postmaster at Merrimac, Mass., in place of H. M. Emery. Incumbent's commission expired March 2, 1930.

Neil R. Mahoney to be postmaster at North Billerica, Mass., in place of N. R. Mahoney. Incumbent's commission expired March 2, 1930.

Annie B. Ellis to be postmaster at Sheffield, Mass., in place of A. B. Ellis. Incumbent's commission expired March 2, 1930.

Arthur J. Fairgrieve to be postmaster at Tewksbury, Mass., in place of A. J. Fairgrieve. Incumbent's commission expired March 2, 1930.

John W. Keith to be postmaster at Warren, Mass., in place of J. W. Keith. Incumbent's commission expired March 2, 1930.

MICHIGAN

Isaac Hurst to be postmaster at Akron, Mich., in place of Isaac Hurst. Incumbent's commission expires March 10, 1930.

Edwin L. Fox to be postmaster at Athens, Mich., in place of E. L. Fox. Incumbent's commission expires March 10, 1930.

Percy W. Totten to be postmaster at Brooklyn, Mich., in place of P. W. Totten. Incumbent's commission expires March 10, 1930.

Olin M. Thrasher to be postmaster at Mount Morris, Mich., in place of O. M. Thrasher. Incumbent's commission expires March 10, 1930.

Lydia A. McElhinney to be postmaster at Snover, Mich., in place of L. A. McElhinney. Incumbent's commission expired March 3, 1930.

Willard L. Claver to be postmaster at Zeeland, Mich., in place of W. L. Claver. Incumbent's commission expired March 3, 1930.

MINNESOTA

George T. Sands to be postmaster at Alvarado, Minn., in place of G. T. Sands. Incumbent's position expires March 11, 1930.

Charles W. Strebel to be postmaster at Arlington, Minn., in place of C. W. Strebel. Incumbent's commission expires March 11, 1930.

Edward L. Barstow to be postmaster at Barnum, Minn., in place of E. L. Barstow. Incumbent's commission expires March 11, 1930.

Margaret O'Brien to be postmaster at Eden Valley, Minn., in place of William O'Brien, deceased.

Harlan J. Miner to be postmaster at International Falls, Minn., in place of H. J. Miner. Incumbent's commission expires March 11, 1930.

Lynn J. Dewey to be postmaster at Jeffers, Minn., in place of L. J. Dewey. Incumbent's commission expires March 11, 1930.

Fred G. Brower to be postmaster at Kimball, Minn., in place of F. G. Brower. Incumbent's commission expires March 11, 1930.

Edward M. La Fond to be postmaster at Little Falls, Minn., in place of E. M. La Fond. Incumbent's commission expires March 11, 1930.

Ralph V. Townsend to be postmaster at Minnesota Lake, Minn., in place of R. V. Townsend. Incumbent's commission expires March 11, 1930.

Walter W. Pearson to be postmaster at Nevis, Minn., in place of W. W. Pearson. Incumbent's commission expires March 11, 1930.

William J. Kritta to be postmaster at New Prague, Minn., in place of W. J. Kritta. Incumbent's commission expired January 21, 1930.

George W. Shipton to be postmaster at Ogilvie, Minn., in place of G. W. Shipton. Incumbent's commission expired December 18, 1929.

Anna Barnes to be postmaster at Randall, Minn., in place of Anna Barnes. Incumbent's commission expired December 18, 1929.

James N. Kain to be postmaster at Round Lake, Minn., in place of J. N. Kain. Incumbent's commission expires March 11, 1930.

William H. Wilson to be postmaster at Rushmore, Minn., in place of W. H. Wilson. Incumbent's commission expires March 11, 1930.

John C. Klein to be postmaster at St. Joseph, Minn., in place of J. C. Klein. Incumbent's commission expires March 11, 1930.

Lewis A. Bradford to be postmaster at Verndale, Minn., in place of L. A. Bradford. Incumbent's commission expires March 11, 1930.

MISSISSIPPI

Henry L. Rhodes to be postmaster at Ackerman, Miss., in place of H. L. Rhodes. Incumbent's commission expired February 27, 1930.

Frankie M. Storm to be postmaster at Benoit, Miss., in place of F. M. Storm. Incumbent's commission expired March 2, 1930.

Thomas A. Chapman to be postmaster at Friar Point, Miss., in place of T. A. Chapman. Incumbent's commission expired February 15, 1930.

John C. Bowen to be postmaster at Senatobia, Miss., in place of J. C. Bowen. Incumbent's commission expired December 15, 1929.

MISSOURI

John Rohrer to be postmaster at Bourbon, Mo., in place of John Rohrer. Incumbent's commission expired March 6, 1930.

William C. Christeson to be postmaster at Dixon, Mo., in place of W. C. Christeson. Incumbent's commission expired March 6, 1930.

Leland G. Riley to be postmaster at Eagleville, Mo., in place of L. G. Riley. Incumbent's commission expires March 11, 1930.

Herold D. Condray to be postmaster at Ellsinore, Mo., in place of H. D. Condray. Incumbent's commission expires March 11, 1930.

Charles F. Boon to be postmaster at Greentop, Mo., in place of C. F. Boon. Incumbent's commission expired December 18, 1929.

Clyde E. Jennings to be postmaster at Hollister, Mo., in place of C. E. Jennings. Incumbent's commission expires March 11, 1930.

Morris W. Ledbetter to be postmaster at Marble Hill, Mo., in place of M. W. Ledbetter. Incumbent's commission expired March 6, 1930.

Guy Ridings to be postmaster at Middletown, Mo., in place of Guy Ridings. Incumbent's commission expires March 11, 1930.

Gustav C. Rau to be postmaster at Pacific, Mo., in place of G. C. Rau. Incumbent's commission expires March 11, 1930.

Clarence B. Robinson to be postmaster at South West City, Mo., in place of C. B. Robinson. Incumbent's commission expired March 6, 1930.

John J. Schaper to be postmaster at Warrenton, Mo., in place of J. J. Schaper. Incumbent's commission expires March 11, 1930.

Oscar F. Schulte to be postmaster at Washington, Mo., in place of O. F. Schulte. Incumbent's commission expires March 11, 1930.

MONTANA

Leanore K. C. Roderick to be postmaster at Outlook, Mont., in place of L. K. C. Roderick. Incumbent's commission expired February 27, 1930.

NEBRASKA

J. Dean Ringer to be postmaster at Omaha, Nebr., in place of J. D. Ringer. Incumbent's commission expired February 23, 1930.

Alice Ward to be postmaster at Primrose, Nebr., in place of Alice Ward. Incumbent's commission expired March 2, 1930.

Frank A. Millhouse to be postmaster at Sumner, Nebr., in place of F. A. Millhouse. Incumbent's commission expires March 10, 1930.

Elsie B. Thompson to be postmaster at Wynot, Nebr., in place of E. B. Thompson. Incumbent's commission expired February 23, 1930.

NEW JERSEY

Ralph G. Collins to be postmaster at Barnegat, N. J., in place of R. G. Collins. Incumbent's commission expired March 2, 1930.

Victor R. Bell to be postmaster at Closter, N. J., in place of J. H. Lindemann. Incumbent's commission expired June 5, 1924.

John D. Seals to be postmaster at Kenvil, N. J., in place of J. D. Seals. Incumbent's commission expired March 3, 1930.

Loretta Conrow to be postmaster at Oceanport, N. J., in place of Loretta Conrow. Incumbent's commission expired February 26, 1930.

NEW MEXICO

Gertrude Warrender to be postmaster at Logan, N. Mex., in place of Gertrude Warrender. Incumbent's commission expired March 2, 1930.

NEW YORK

John Common to be postmaster at Andover, N. Y., in place of John Common. Incumbent's commission expired February 27, 1930.

William W. Hendryx to be postmaster at Avoca, N. Y., in place of W. W. Hendryx. Incumbent's commission expired January 29, 1930.

Mary H. Dunn to be postmaster at Bellmore, N. Y., in place of M. H. Dunn. Incumbent's commission expired February 27, 1930.

Otis G. Fuller to be postmaster at Central Square, N. Y., in place of O. G. Fuller. Incumbent's commission expires March 11, 1930.

Norman S. Taylor to be postmaster at Clayville, N. Y., in place of N. S. Taylor. Incumbent's commission expires March 11, 1930.

Lena M. Johnson to be postmaster at Interlaken, N. Y., in place of L. M. Johnson. Incumbent's commission expires March 11, 1930.

McKenzie B. Stewart to be postmaster at Mooers, N. Y., in place of M. B. Stewart. Incumbent's commission expired February 18, 1930.

David C. Gilmour to be postmaster at Morristown, N. Y., in place of D. C. Gilmour. Incumbent's commission expires March 11, 1930.

Jay B. Purcell to be postmaster at Ovid, N. Y., in place of J. B. Purcell. Incumbent's commission expired March 2, 1930.

John E. Widger to be postmaster at Smyrna, N. Y., in place of J. E. Widger. Incumbent's commission expired January 29, 1930.

Daniel H. DeLair to be postmaster at Tupper Lake, N. Y., in place of D. H. DeLair. Incumbent's commission expired March 2, 1930.

NORTH CAROLINA

Judson D. Albright to be postmaster at Charlotte, N. C., in place of J. D. Albright. Incumbent's commission expires March 16, 1930.

Walter F. Justus to be postmaster at Flat Rock, N. C., in place of W. F. Justus. Incumbent's commission expires March 11, 1930.

Heber R. Munford to be postmaster at Greenville, N. C., in place of H. R. Munford. Incumbent's commission expired January 26, 1930.

Jenks Terry to be postmaster at Hamlet, N. C., in place of Jenks Terry. Incumbent's commission expires March 11, 1930.

John C. Smith to be postmaster at Lenoir, N. C., in place of J. C. Smith. Incumbent's commission expires March 11, 1930.

Thomas H. Peele to be postmaster at Rich Square, N. C., in place of T. H. Peele. Incumbent's commission expires March 11, 1930.

NORTH DAKOTA

Katherine Medelman to be postmaster at Crary, N. Dak., in place of Katherine Medelman. Incumbent's commission expired March 2, 1930.

Eldor G. Sagehorn to be postmaster at Stanton, N. Dak., in place of E. G. Sagehorn. Incumbent's commission expired February 15, 1930.

OHIO

Laurence H. Maechtel to be postmaster at Berea, Ohio, in place of E. E. Pillars. Incumbent's commission expired December 17, 1929.

Charles H. Murlin to be postmaster at Celina, Ohio, in place of C. H. Murlin. Incumbent's commission expired March 2, 1930.

Emanuel H. Ulmer to be postmaster at Chatfield, Ohio, in place of J. G. Tuttle. Incumbent's commission expired December 20, 1928.

Laura L. Nash to be postmaster at East Canton, Ohio, in place of E. F. Liebtag. Incumbent's commission expired January 31, 1929.

Charles E. John to be postmaster at Elida, Ohio, in place of C. E. John. Incumbent's commission expires March 10, 1930.

Rosa M. Fouts to be postmaster at McConnellsville, Ohio, in place of R. M. Fouts. Incumbent's commission expires March 30, 1930.

Harry F. Mikesell to be postmaster at New Madison, Ohio, in place of H. F. Mikesell. Incumbent's commission expires March 10, 1930.

Robert D. Weedy to be postmaster at Shawnee, Ohio, in place of R. D. Weedy. Incumbent's commission expired March 2, 1930.

OKLAHOMA

Eugene J. Blossom to be postmaster at Atoka, Okla., in place of E. J. Blossom. Incumbent's commission expires March 10, 1930.

Thomas H. W. McDowell to be postmaster at Blackwell, Okla., in place of T. H. W. McDowell. Incumbent's commission expires March 11, 1930.

George N. Davina to be postmaster at Colony, Okla., in place of G. N. Davina. Incumbent's commission expires March 10, 1930.

William I. Fisher to be postmaster at Cordell, Okla., in place of W. I. Fisher. Incumbent's commission expires March 10, 1930.

Dallas M. Rose to be postmaster at Davis, Okla., in place of D. M. Rose. Incumbent's commission expires March 11, 1930.

Coral B. Waldie to be postmaster at Deer Creek, Okla., in place of C. B. Waldie. Incumbent's commission expires March 11, 1930.

William J. Krebs to be postmaster at Kaw, Okla., in place of W. J. Krebs. Incumbent's commission expires March 11, 1930.

Charles L. Bell to be postmaster at Lindsay, Okla., in place of C. L. Bell. Incumbent's commission expires March 10, 1930.

Bernie A. Cockrell to be postmaster at Tonkawa, Okla., in place of B. A. Cockrell. Incumbent's commission expires March 10, 1930.

Joseph Hunt, jr., to be postmaster at Vinita, Okla., in place of Joseph Hunt, jr. Incumbent's commission expired December 21, 1929.

Etta B. Henderson to be postmaster at Wayne, Okla., in place of E. B. Henderson. Incumbent's commission expires March 11, 1930.

Logan G. Hysmith to be postmaster at Wilburton, Okla., in place of L. G. Hysmith. Incumbent's commission expires March 10, 1930.

OREGON

Charles W. Halderman to be postmaster at Astoria, Oreg., in place of C. W. Halderman. Incumbent's commission expired March 6, 1930.

Harry E. Jones to be postmaster at Jefferson, Oreg., in place of H. E. Jones. Incumbent's commission expired March 6, 1930.

Henry W. Tohl to be postmaster at Nehalem, Oreg., in place of H. W. Tohl. Incumbent's commission expires March 15, 1930.

Leon W. Lundell to be postmaster at Weston, Oreg., in place of L. W. Lundell. Incumbent's commission expired February 27, 1930.

Ollie L. Gillespie to be postmaster at Willamina, Oreg., in place of O. L. Gillespie. Incumbent's commission expired March 6, 1930.

Lyman H. Shorey to be postmaster at Woodburn, Oreg., in place of L. H. Shorey. Incumbent's commission expired March 6, 1930.

PENNSYLVANIA

Jay E. Brumbaugh to be postmaster at Altoona, Pa., in place of J. E. Brumbaugh. Incumbent's commission expired March 1, 1930.

Samuel M. Lambie to be postmaster at Ambridge, Pa., in place of S. M. Lambie. Incumbent's commission expired March 1, 1930.

Lena M. Cole to be postmaster at Coal Center, Pa., in place of L. M. Cole. Incumbent's commission expired February 18, 1930.

Lawrence L. Steiger to be postmaster at Mercersburg, Pa., in place of L. L. Steiger. Incumbent's commission expires March 11, 1930.

William H. Yoder to be postmaster at New Kensington, Pa., in place of W. H. Yoder. Incumbent's commission expired February 26, 1930.

Edwin S. L. Soule to be postmaster at Newport, Pa., in place of F. M. DeLancey, deceased.

James Hewett to be postmaster at Pen Argyl, Pa., in place of James Hewett. Incumbent's commission expired March 6, 1930.

Margaret B. Hill to be postmaster at Saltsburg, Pa., in place of M. B. Hill. Incumbent's commission expired March 1, 1930.

Helen P. Howell to be postmaster at West Alexander, Pa., in place of H. P. Howell. Incumbent's commission expired February 23, 1930.

SOUTH CAROLINA

John A. Wood to be postmaster at Spartanburg, S. C., in place of H. T. E. Neuburger, resigned.

TENNESSEE

Roberta J. Tatum to be postmaster at Alamo, Tenn., in place of R. J. Tatum. Incumbent's commission expires March 15, 1930.

Laura W. Malone to be postmaster at Alexandria, Tenn., in place of L. W. Malone. Incumbent's commission expires March 15, 1930.

William D. Howser to be postmaster at Clarksville, Tenn., in place of W. D. Howser. Incumbent's commission expires March 15, 1930.

Joe R. Taylor to be postmaster at Etowah, Tenn., in place of J. R. Taylor. Incumbent's commission expires March 15, 1930.

Charles F. Perkins to be postmaster at Jacksboro, Tenn., in place of C. F. Perkins. Incumbent's commission expired March 1, 1930.

Charles E. Pennington to be postmaster at Sweetwater, Tenn., in place of C. E. Pennington. Incumbent's commission expired February 26, 1930.

TEXAS

Dibrel G. Melton to be postmaster at Allen, Tex., in place of D. G. Melton. Incumbent's commission expires March 15, 1930.

Fred P. Ingerson to be postmaster at Barstow, Tex., in place of F. P. Ingerson. Incumbent's commission expires March 15, 1930.

Oscar Hunt to be postmaster at Canyon, Tex., in place of Oscar Hunt. Incumbent's commission expires March 15, 1930.

Joseph C. Eakin to be postmaster at Chilton, Tex., in place of J. C. Eakin. Incumbent's commission expires March 11, 1930.

Robert Dempster to be postmaster at Hitchcock, Tex., in place of Robert Dempster. Incumbent's commission expires March 11, 1930.

Oria H. Sieber to be postmaster at Crosbyton, Tex., in place of O. H. Sieber. Incumbent's commission expires March 15, 1930.

Elroy L. McCord to be postmaster at Katy, Tex., in place of E. L. McCord. Incumbent's commission expires March 15, 1930.

Herman H. Duncan to be postmaster at Kaufman, Tex., in place of H. H. Duncan. Incumbent's commission expires March 15, 1930.

Maggie R. Hopkins to be postmaster at Lone Oak, Tex., in place of M. R. Hopkins. Incumbent's commission expires March 15, 1930.

John H. Sharbutt to be postmaster at Lueders, Tex., in place of J. H. Sharbutt. Incumbent's commission expires March 10, 1930.

Asa McGregor to be postmaster at Milano, Tex., in place of Asa McGregor. Incumbent's commission expired January 8, 1930.

Walter M. Hudson to be postmaster at Weatherford, Tex., in place of W. M. Hudson. Incumbent's commission expires March 15, 1930.

Emanuel T. Teller to be postmaster at Westhoff, Tex., in place of E. T. Teller. Incumbent's commission expires March 15, 1930.

Tom Hargrove to be postmaster at Woodsboro, Tex., in place of Tom Hargrove. Incumbent's commission expires March 15, 1930.

William B. Lee to be postmaster at Wortham, Tex., in place of W. B. Lee. Incumbent's commission expires March 15, 1930.

Lillian Proctor to be postmaster at Teague, Tex., in place of J. W. Davis. Incumbent's commission expired December 17, 1929.

UTAH

John W. Guild to be postmaster at Kamas, Utah, in place of J. W. Guild. Incumbent's commission expired December 17, 1929.

VERMONT

Milton B. Hoag to be postmaster at Grand Isle, Vt., in place of M. B. Hoag. Incumbent's commission expires March 11, 1930.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of O. R. Bennett. Incumbent's commission expires March 11, 1930.

Arthur G. Hinman to be postmaster at Middlebury, Vt., in place of A. G. Hinman. Incumbent's commission expires March 11, 1930.

VIRGINIA

Harry Fulwiler to be postmaster at Buchanan, Va., in place of Harry Fulwiler. Incumbent's commission expires March 15, 1930.

Robert B. Rouzie to be postmaster at Tappahannock, Va., in place of R. B. Rouzie. Incumbent's commission expires March 15, 1930.

Bruce L. Showalter to be postmaster at Weyers Cave, Va., in place of B. L. Showalter. Commission expires March 15, 1930.

WASHINGTON

Willis Swank to be postmaster at Cheney, Wash., in place of Willis Swank. Incumbent's commission expired March 2, 1930.

Franz S. Drummond to be postmaster at Gig Harbor, Wash., in place of F. S. Drummond. Incumbent's commission expired March 2, 1930.

Ralph L. Philbrick to be postmaster at Hoquiam, Wash., in place of R. L. Philbrick. Incumbent's commission expired March 2, 1930.

Christopher C. Van Leuven to be postmaster at Molson, Wash., in place of C. C. Van Leuven. Incumbent's commission expired March 2, 1930.

Noel D. Tower to be postmaster at Morton, Wash., in place of N. D. Tower. Incumbent's commission expired March 2, 1930.

Michael J. Murphy to be postmaster at Oakville, Wash., in place of M. J. Murphy. Incumbent's commission expired March 2, 1930.

Joseph E. McManamon to be postmaster at Othello, Wash., in place of J. E. McManamon. Incumbent's commission expired January 13, 1930.

Walter C. Sommers to be postmaster at Prosser, Wash., in place of W. C. Sommers. Incumbent's commission expired March 2, 1930.

William Busch to be postmaster at Raymond, Wash., in place of William Busch. Incumbent's commission expired March 2, 1930.

Thomas Harries to be postmaster at Renton, Wash., in place of Thomas Harries. Incumbent's commission expired March 2, 1930.

Golda R. Moore to be postmaster at Roy, Wash., in place of G. R. Moore. Incumbent's commission expired March 2, 1930.

Juanita Morris to be postmaster at St. John, Wash., in place of Juanita Morris. Incumbent's commission expired March 2, 1930.

David M. Donnelly to be postmaster at Sedro Woolley, Wash., in place of D. M. Donnelly. Incumbent's commission expired March 2, 1930.

William I. Leech to be postmaster at Stellacoom, Wash., in place of W. I. Leech. Incumbent's commission expired March 2, 1930.

Wilson Howe to be postmaster at Tenino, Wash., in place of Wilson Howe. Incumbent's commission expired March 2, 1930.

WEST VIRGINIA

Rosa H. Brown to be postmaster at Institute, W. Va., in place of R. H. Brown. Incumbent's commission expired March 2, 1930.

Charles T. Kelly to be postmaster at Terra Alta, W. Va., in place of C. T. Kelly. Incumbent's commission expired March 2, 1930.

WISCONSIN

Edward W. Guth to be postmaster at Adell, Wis., in place of E. W. Guth. Incumbent's commission expires March 11, 1930.

Lester B. West to be postmaster at Barron, Wis., in place of L. B. West. Incumbent's commission expires March 10, 1930.

Royal C. Taylor to be postmaster at Boyceville, Wis., in place of R. C. Taylor. Incumbent's commission expires March 11, 1930.

Dell L. Amerpohl to be postmaster at Brodhead, Wis., in place of D. L. Amerpohl. Incumbent's commission expires March 11, 1930.

Benjamin F. Querhammer to be postmaster at Cazenovia, Wis., in place of B. F. Querhammer. Incumbent's commission expires March 11, 1930.

Lewis T. Larson to be postmaster at Danbury, Wis., in place of L. T. Larson. Incumbent's commission expires March 11, 1930.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Incumbent's commission expires March 11, 1930.

Charles H. Prouty to be postmaster at Genoa City, Wis., in place of C. H. Prouty. Incumbent's commission expires March 11, 1930.

Alexander C. Magnus to be postmaster at Glen Flora, Wis., in place of A. C. Magnus. Incumbent's commission expires March 10, 1930.

Charles P. Peterson to be postmaster at Glenwood City, Wis., in place of C. P. Peterson. Incumbent's commission expires March 11, 1930.

Kate C. Conrad to be postmaster at Hammond, Wis., in place of K. C. Conrad. Incumbent's commission expires March 11, 1930.

Clem G. Walter to be postmaster at Kendall, Wis., in place of C. G. Walter. Incumbent's commission expired February 17, 1929.

Mamie B. Johnson to be postmaster at Kennan, Wis., in place of M. B. Johnson. Incumbent's commission expires March 10, 1930.

John P. Fitzgerald to be postmaster at Mellen, Wis., in place of J. P. Fitzgerald. Incumbent's commission expires March 11, 1930.

Amund J. Amundson to be postmaster at New Auburn, Wis., in place of A. J. Amundson. Incumbent's commission expires March 10, 1930.

Verner A. Nelson to be postmaster at Ogema, Wis., in place of V. A. Nelson. Incumbent's commission expires March 10, 1930.

David E. Lamon to be postmaster at Three Lakes, Wis., in place of D. E. Lamon. Incumbent's commission expires March 10, 1930.

Christian R. Mau to be postmaster at West Salem, Wis., in place of C. R. Mau. Incumbent's commission expires March 11, 1930.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 7 (legislative day of January 6), 1930

Emeroy G. Page to be postmaster at Hyde Park in the State of Vermont.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 7, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

As we are made in Thy image, Almighty God, O may we not look down, but up! In hope we live and by hope we are saved. The things that are seen are not enough for the soul touched with the divine nature. Do thou bring the presence of Thy Son, our Saviour, and His glorified cross to the spiritual apprehension of every Member and officer of this Congress. In Him may we realize that there is a place for every experience and a kingdom that flames beyond the bounds of sense. Be pleased to guide and bless our President and his hearthstone. Be with the entire body of our citizenship. Increase its faith in orderly government, faith in truth, faith in honor, and faith in its chosen servants. Continue to inspire us with high aims and with the thought of a better and a purer manhood. Vouchsafe to sanctify all human affections by all the nobility of the immortal soul. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES P. GLYNN, late a Representative from the State of Connecticut.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock a. m. to-morrow.

The message also announced that pursuant to the foregoing resolutions the Vice President had appointed Mr. BINGHAM, Mr. WALCOTT, Mr. ASHURST, Mr. DALE, Mr. GLASS, and Mr. HAWES, members of the committee on the part of the Senate to attend the funeral of the deceased Representative.

ABSENCE OF A MEMBER

Mr. KELLY. Mr. Speaker, at the request of my colleague from Pennsylvania, Mr. WYANT, I announce his absence for a few days while he attends hearings before the United States engineers at Pittsburgh.

LEAVE TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, under unanimous consent I have 15 minutes to-day in which to address the House. I understand there is quite a long program on the calendar to-day, and I ask unanimous consent that I may shift that time to Tuesday next.

The SPEAKER. The gentleman from New York asks unanimous consent that the 15 minutes allotted to him to-day be transferred to Tuesday next. Is there objection?

There was no objection.

MOUNT VERNON MEMORIAL HIGHWAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (H. R. 8810) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington" by adding thereto two new sections, to be numbered sections 8 and 9.

This bill was introduced by the gentleman from Virginia [Mr. MOORE], and it is to amend the act providing for the Mount Vernon Highway. The proposed amendment, which is an emergency, is to remove the two south pillars of the Highway Bridge and fill in, carrying the road under the Highway Bridge. The contracts for the work are being held up because of the necessity for this legislation.

Mr. GARNER. Has any committee considered this bill?

Mr. TILSON. Oh, yes; the Roads Committee has reported it out unanimously, as I understand, and it is now on the Consent Calendar, but was not reached at the last call. Meanwhile, I am informed from the office of Director McDonald, of the Public Highways Commission, that the contracts are being held up, and that it is a case of real emergency where the Government stands to lose money unless this work can go on.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when I considered this bill and the report last week, in looking over bills on the Consent Calendar, I was impressed with the fact that this work of construction which is provided in this bill is to be undertaken by the Department of Agriculture and not by the War Department. The Agricultural Department is not equipped or qualified to undertake such a construction. Such work is usually undertaken by the War Department. Unfortunately, I have not my marked bill and the report here with me at this time. I am sympathetic to the measure, but I think I had some amendments prepared which I would want to offer along that line. I submit to the gentleman from Connecticut whether he does not think this work of construction should be undertaken by the War Department, rather than by the Department of Agriculture.

Mr. TILSON. The gentleman from Wisconsin is entirely too late. The matter has already been enacted into law, and the Bureau of Public Roads has gone ahead with it.

Mr. STAFFORD. I am seeking information. I was not aware of that fact. When I read the bill it struck me that the work should be undertaken by the War Department. If the gentleman has any information to remove that difficulty in my mind, I shall, of course, recede.

Mr. GARNER. When this matter was arranged for the construction of this boulevard, it was decided to put the thing under the Director of Roads in the Agricultural Department. That is my understanding.

Mr. TILSON. That is correct.

Mr. STAFFORD. Of course, if this work has already been begun by the Department of Agriculture, my objection would have little merit. When I read the bill and report I found nothing in the report to indicate that the work was being undertaken at any time by that department, and it struck me that it was work that should be done by the War Department. Under the facts of the situation, however, I shall not interpose such an amendment.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. WOODRUM. I observe that my colleague Mr. MOORE is not in the room at the present time.

Mr. TILSON. I talked with the gentleman from Virginia about the matter this morning, and he said that he would be

very glad to see the bill passed. Mr. Speaker, I shall ask to substitute an identical bill which has been passed by the Senate. The bill is identical word for word, letter for letter, with the House bill.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

S. 3168

To amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," by adding thereto two new sections, to be numbered sections 8 and 9

Be it enacted, etc., That the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928 (45 Stat. L. 721, 722), be, and the same hereby is, amended by adding thereto two new sections, to be numbered sections 8 and 9 and to read, respectively, as follows:

"SEC. 8. In order to provide adequate traffic connection for said highway with the existing Highway Bridge across the Potomac River at the foot of Fourteenth Street, the Secretary of Agriculture is hereby authorized to convert the second pier from the south end of said bridge into an abutment, to remove the two south spans of said bridge, and replace same with a roadway on filled ground on the location now occupied by the said spans, including the construction thereon of a suitable pavement and the rebuilding of the street-railway tracks, and to do all other work deemed necessary in connection therewith. The plans and specifications for changing the second pier from the south end of said Highway Bridge into an abutment, for removal of the two south spans and replacement thereof with a roadway with suitable pavement, and the rebuilding of the street-railway tracks, and for handling traffic over said existing bridge during the construction operations incident to such changes, shall be subject to approval by the Commissioners of the District of Columbia. The two south spans of said bridge, after being dismantled pursuant hereto, shall be the property of the District of Columbia, and shall be delivered by the Secretary of Agriculture to such place in the District of Columbia as the commissioners of said District may request. After completion, the abutment into which the second pier from the south end of the existing Highway Bridge is to be converted, and also the roadway which is to replace the two south spans of said bridge, shall be maintained and controlled by the Commissioners of the District of Columbia. All other structures and the roadway connections with said bridge shall be maintained and controlled by the Secretary of Agriculture as a part of the memorial highway provided for by this act. No part of the construction costs incurred by the Secretary of Agriculture in carrying out the provisions of this section shall be charged against, or be paid by, the District of Columbia or the street-railway company operating cars on said bridge.

SEC. 9. The Secretary of Agriculture, with the approval of the commissioners, is hereby authorized to negotiate and enter into an agreement with any individual, firm, or corporation acceptable to him for the erection of a suitable concession or refreshment building on the land acquired, or to be acquired, by the Secretary at the entrance to the Mount Vernon estate, such building to include comfort stations and rest rooms, with adequate space for a restaurant and for refreshment and souvenir stands. Said agreement shall provide for the erection of such building by the individual, firm, or corporation party thereto, without cost to the United States, in accordance with plans and specifications to be approved by the Secretary of Agriculture and by the commission, all work thereon to be subject to inspection and approval by the Secretary both during construction and upon completion. Such agreement shall also contain provision expressly reserving title to such building in the United States but granting to such individual, firm, or corporation, upon such terms and conditions as may be prescribed by the Secretary of Agriculture, the right and privilege of conducting therein a restaurant with souvenir and refreshment stands for such period not exceeding 10 years from the date of completion of the building and its final approval by the Secretary of Agriculture as he may determine. The individual, firm, or corporation entering into such an agreement shall complete the building to be erected in accordance herewith not later than January 1, 1932. At the expiration of the lease or privilege period such building shall become the property of the United States, free of all encumbrances and claims of any kind whatsoever, and thereafter the Secretary of Agriculture may enter into new agreements from time to time for the operation of said concession building on a rental basis. If the Secretary of Agriculture should be unable to negotiate and enter into an agreement satisfactory to him for the erection and operation of such concession building pursuant to the above, he then may construct a suitable concession building from funds appropriated for the purposes of this act and enter into an agreement with any individual, firm, or corporation acceptable to him for its operation on a rental basis.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, since the bill has been read——

The SPEAKER. Consent for its consideration has been given. The bill is before the House.

Mr. STAFFORD. I thought the gentleman from Connecticut had asked unanimous consent to substitute a Senate bill and that that request had not been presented or granted.

The SPEAKER. The Chair put the request for unanimous consent for the present consideration of the Senate bill and it was granted.

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I think, Members of the House, that it is a serious mistake to authorize a concessionaire to erect a private building on the Mount Vernon estate, which has been referred to. I have no objection to the first provision of the bill, which authorizes the Department of Agriculture to remove certain piers; but section 9 of this bill authorizes the Secretary to negotiate and enter into an agreement with any individual, firm, or corporation acceptable to him for the erection of a concession or refreshment building on the estate at Mount Vernon.

We are all sufficiently interested in the maintenance of the character of that estate not to have some cheap building erected there by a concessionaire. That building in its construction should be conformable to the dignity of the home of George Washington, and it should be erected by the Government; and the Government having erected the proper kind of building there, it could lease it to the concessionaire.

What does this section authorize? It authorizes some concessionaire to erect what will undoubtedly be a cheaply constructed building, as the lease is for only 10 years. I think that as we are providing for the authorization of a great memorial highway in honor of George Washington, we ought not to belittle it by authorizing a concessionaire to erect a building probably of cheap construction.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. I notice that the bill provides for the erection of the building referred to, but the bill does not provide that the title shall be in the Government after the contract expires.

Mr. STAFFORD. That is another objection to this provision. I am not objecting to the first section of the bill, which the gentleman from Connecticut says is the exigent occasion. But I think we ought to go very slowly in granting authority for the erection of some cheap shack at a place where there should be erected some proper suitable building. I bring that to the attention of the majority leader of the House, because I have given some attention to the matter since the bill was placed on the calendar.

Mr. GARNER. Mr. Speaker, I think the RECORD will show that when the gentleman from Connecticut asked unanimous consent for the consideration of the Senate bill the Speaker put the request and called on the Clerk to report it, and he was under the impression that when the Clerk reported the bill unanimous consent had been given. I think it will be found that the Speaker put the request for unanimous consent for the substitution of the Senate bill, which the Speaker directed the Clerk to report.

The SPEAKER. The Journal will show that consent was granted.

Mr. GARNER. I understand the gentleman from Connecticut did not explain the provisions of the bill to the extent which the gentleman from Wisconsin [Mr. STAFFORD] has done. I understand this is to change the approach to the bridge down there.

Mr. TILSON. Yes. That is the emergency.

Mr. GARNER. Nothing was said with reference to the erection of a building at Mount Vernon under any conditions. I think the gentleman should take that up for consideration himself and see if it should not be amended.

Mr. UNDERHILL. Congress, when it takes over property by law, when it takes over the property at Mount Vernon, authorizes the construction of a building on private property?

Mr. TILSON. Mount Vernon does not belong to the Government.

Mr. STAFFORD. The title is in an association.

Mr. UNDERHILL. Then the provision is meaningless.

Mr. STAFFORD. In case no private concessionaire shall be found to erect such a building, the Government is authorized to go on with the construction of the building. I think the Government should erect the proper building and then should lease it to a private concessionaire. I do not want to see erected an unsightly shack down there. I think it would disgrace the whole project of improving Mount Vernon. That is what the second section, section 9, would permit. I hope the gentleman from Connecticut will move to strike out section 9. I do not want to block the consideration of this bill or interpose any motion to cause unnecessary delay.

Mr. TILSON. Of course, the amendment will necessitate going into conference on the bill, which will delay it somewhat. Mr. Speaker, it seems there is a considerable interest in this matter, and if the gentleman from Wisconsin feels so deeply about it, I am willing, in view of the fact that it is being done by unanimous consent, that section 9 should be stricken out, the bill sent to conference, and let section 9 be restored should it be deemed proper to restore it.

The SPEAKER. It is in order to consider that bill on the calendar in Committee of the Whole, and it would be in order to strike out the section.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 9.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out, beginning on page 3, line 16, section 9.

Mr. STAFFORD. I shall not take up time in discussing it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. TILSON. I move that the title be amended to conform with the amendment to the text.

The SPEAKER. Without objection, the title will be amended.

On motion of Mr. TILSON, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

LYMAN PATTERSON

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short tribute to Lyman Patterson, who lost his life in an airplane crash the other day. He was a member of the United States Air Corps, Officers' Reserve Corps, and died on the 22d of February at the Johns Hopkins Hospital, Baltimore, as the result of an airplane crash.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I desire to pay a brief tribute to the memory of a very gallant gentleman and flyer, Capt. Lyman Patterson, Air Corps, Maryland National Guard and Captain Air Corps, Officers' Reserve Corps, who died on February 22 at the Johns Hopkins Hospital, Baltimore, as the result of an airplane crash.

Taking off in a commercial plane at Logan Field, Baltimore, the previous afternoon, Captain Patterson at the controls, an altitude of scarcely 200 feet had been attained when observers at the field heard the engine stop suddenly, sputter, and then stop again, the ship falling at once. Acting instantaneously, Captain Patterson before crashing cut off the ignition thus preventing sparks from reaching the gasoline, which action saved the lives of the occupants from death by fire as the gasoline tank burst when the airplane hit the earth, the gasoline flowing over the wreckage. Captain Patterson died early the next morning, while none of those with him were fatally hurt.

Captain Patterson, youngest of five brothers who served in the Army during the World War, was born at Baltimore, Md., August 13, 1898. Leaving college, he entered the aviation section of the Army Signal Corps as a flying cadet in 1917 when less than 19 years of age. After completing the course at the School of Military Aeronautics, then established at Princeton University by the Army, he was trained in flying at Call Field, Tex., receiving upon graduation the highest possible rating, being recommended as pilot for all types of airplanes, including pursuit. Commissioned second lieutenant, Air Service, United States Army, he was with his unit on Long Island under orders for France and awaiting transportation when the armistice was signed. Subsequently he was on duty as an instructor in flying at Army air fields.

After the war, Captain Patterson entered the Air Corps, Maryland National Guard, as second lieutenant, later being promoted to first lieutenant and captain. An especially skilled pilot, devoted to flying, he was among those having the greatest number of flying hours in the country. In recognition of his distinguished record, his native State advanced him (posthumously) to major, Air Corps, Maryland National Guard, the appointment, together with a general order, being issued by direction of the governor the date of the flying officer's death. Major Patterson was laid to rest in the National Cemetery, Arlington, Va. He is survived by his wife, Mrs. Cathryne C. (Capel) Patterson; his mother, Mrs. Ballantyne Patterson; and several brothers.

The death of Major Patterson has called forth an unusual number of expressions of deep regret from a wide circle of friends and from those interested in aviation. Among those sending messages of sympathy to the family were the Governor of Maryland and the Governor of West Virginia.

The two editorials following evidence something of the regard and esteem in which Major Patterson was held and the place he had made in his chosen field of aviation, to the development of which he gave his best years, and, ultimately, his life.

[From the Richmond Times-Dispatch]

UNCERTAINTIES OF AVIATION

Although tremendous strides have been made toward making air travel safe, the newspapers almost daily inform a callous world of another crash and more deaths. The latest is that of Capt. Lyman Patterson, well known in Virginia, where he was widely loved as a man and profoundly respected for his long record of safe flying.

As a skillful pilot, he was probably unsurpassed in the Eastern section of the country. Belonging to the old school of flying, he was trained in the Army in 1917, and before reaching his majority was an instructor at an Army field in Texas. He continued to fly after leaving the service and rolled up the astonishing total of some 3,000 hours in the air with but one minor accident in which he escaped unscathed, marring his record. He died yesterday after crashing at Logan Field, Baltimore.

A new monoplane he was testing Friday developed motor trouble; suddenly, ominously, without warning, the motor was heard to die; it caught on and died again; the plane, from a height of 200 feet, came crashing to the ground.

Aviation and Virginia have lost a noble and enthusiastic friend.

[From the Baltimore Post]

The papers announce that Capt. Lyman Patterson is dead, but to thousands of Baltimoreans and to people in other cities, too, the one great grievous fact is that Pat has passed away. For Capt. Lyman Patterson wasn't the sort of fellow one called by name and title. Even on short acquaintance he was "Pat."

As a flier he was acknowledged to be one of the best in this section. But there was something about Pat which, even more than his flying ability, fitted him for aviation.

There was something quintessentially youthful, buoyant. There was the look of the viking about him and a spirit of high adventure. And so, in a deep and inner fashion, he typified this young art and science and monster, which is called aviation. Looking at Pat, knowing Pat, one felt it highly fitting that he should be one of those who should fly high in the hazardous forefront of those who are blazing a trail for the future.

MIXED CLAIMS COMMISSION AND TRIPARTITE CLAIMS COMMISSION

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 109, extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the immediate consideration of the joint resolution, which the Clerk will report.

The Clerk read the joint resolution, as follows:

Resolved, etc., That subsection (g) of section 2 and subsection (f) of section 5 of the settlement of war claims act of 1928 are amended, respectively, by striking out the words "two years" wherever such words appear therein, and inserting in lieu thereof the words "four years."

With the following committee amendment:

After line 7, insert the following new section:

"SEC. 2. Subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term 'two years' in clause (1) of said subsection and inserting in lieu thereof the term 'three years.'"

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what change does this bring about in addition to simply extending the time to file applications?

Mr. HAWLEY. It brings about no change. On next Monday, the 10th of this month, the time will expire in which American claimants can file for the money awarded to them by the Mixed Claims Commission. There are many claims yet pending that originally were filed, that have not yet been considered, and under the extension of two years granted by Germany under a treaty some two years ago there will be a number of other claims to be filed; and unless this resolution is passed the people to whom the money is granted can not get the money.

Mr. LAGUARDIA. That is the only change that the resolution makes?

Mr. HAWLEY. That is the only change that it makes; and the amendment in the case of German claims is to meet this situation. The time in which they can apply for their money will expire next Monday, and if we do not extend the time under this resolution the money will go to the German Government. It will be paid to either the claimants or the German Government, and the committee believes it should be paid to the claimants.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. JOHNSON of Texas. Does this resolution have anything to do with claims against the Government of Mexico?

Mr. HAWLEY. Not at all.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAWLEY. Yes; I yield.

Mr. STAFFORD. Is it the purpose of this resolution to lift the statute of limitations against those purported claimants who did not file their claims against the German Government in time? There are a number of such claims.

Mr. HAWLEY. It applies, in the first instance, to those who filed their claims, but upon which the commission has not acted; and, in the second instance, it applies to those who yet can file their claims under the provisions of the treaty with Germany which extended the time two years within which to file late claims.

Mr. STAFFORD. I am acquainted with some claims, where the claimants lost their rights because the statute of limitations had run under the law. Does this resolution purport to extend that time, and are we going to open anew to all claimants the right to file their claims?

Mr. HAWLEY. The time within which they can file their claims has been extended two years by agreement with the German Government. This resolution will allow the claimants to file applications for the money.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. HAWLEY. I yield to the gentleman.

Mr. McCLINTIC of Oklahoma. Does this resolution affect money that is now in the hands of the Alien Property Custodian?

Mr. HAWLEY. Yes. The amendment will cause the money to be paid to the claimants instead of to the German Government.

Mr. McCLINTIC of Oklahoma. We would be forced to make settlement right away, would we not, with the German Government, and certain claimants might be denied the right to receive the money unless this resolution is passed?

Mr. HAWLEY. The money is due and payable to the German Government on March 10. If we do not pass this amendment, the claimants will be unable to get it.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The committee amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

HEADQUARTERS OF THE COTTON CORPORATION

Mr. TARVER. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing in the RECORD an editorial occurring in a recent issue of the Rome (Ga.) News-Tribune referring to the location of headquarters for the Cotton Corporation, recently organized under supervision of the Federal Farm Board.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks with relation to the Cotton Corporation. Is there objection?

There was no objection.

The editorial is as follows:

COTTON HEADQUARTERS

Executives of the American Cotton Cooperative Association and members of the Federal Farm Board, charged with the responsibility of selecting headquarters for the cooperatives' organization, have their task greatly simplified for them in the already known factors entering into the consideration of the question. Among the fundamentals involved are proximity to cotton mills—the only consumers of the staple—banking reserves, railroad facilities, and storage accommodations, the most sympathetic and helpful setting possible, the fewest hostile or conflicting elements in a business way and convenient contact and communication with the Federal Farm Board, which will exercise a certain supervision over the activities of the cooperative body.

With these essential elements held in view, it is the opinion of the News-Tribune that any unbiased consideration of headquarters location for the American Cotton Cooperative Association must inevitably lead to the selection of Atlanta as the strategic city.

Facts and figures buttressing these claims of the Georgia capital have already been ably presented to those responsible for the decision in the matter. Among them are:

First. Atlanta is within a few hours' ride of something like 60 per cent of the spindles in the entire country. The American Cotton Cooperative Association is primarily a sales agency for the State cotton cooperatives, and Atlanta offers everything that could possibly be desired in the way of proximity to mills, opportunity for personal contact in sales work, economy in telephone and cable costs, and other important features.

Second. Atlanta's banking resources are large, and there are more governmental agencies having headquarters in Atlanta than in any other city in the South.

Third. Atlanta's railroad facilities are adequate, and storage accommodations are unsurpassed.

Fourth. The American Cotton Cooperative Association will handle primarily the sales work of the State cooperatives. It will also have charge of financing the individual cooperatives, the handling of insurance matters, and other problems of the State associations, as well as the developing and strengthening of the cotton cooperative movement generally. In order to be as successful as possible in the achievement of these results, it is most important that the national association be located where it will have the most sympathetic support from business interests and the public generally. The cooperative movement will naturally attain the greatest success when business people as a whole see in it better economic conditions for all lines of business, just as it means greater actual profit to the cotton grower.

Fifth. Business men of Atlanta and of the State of Georgia, bankers and the press of Georgia, have certainly made a record in their support of cooperative marketing for cotton. At the hearing in Washington recently before the board of directors of the American Cotton Cooperative Association, a most representative group of citizens and business men from Atlanta and Georgia emphasized the point that the cooperative movement, if Atlanta were selected, would have its headquarters in a city and State where it would receive that sympathetic support and encouragement that it must have if it render the service and attain the success designed for it.

Sixth. Atlanta has few cotton merchants as compared with some other cities in the South. It is the judgment of those well informed that location of the cotton cooperative headquarters in a city where the business is primarily one of handling cotton would not be to the best interest of the cooperatives and their farmer members.

Seventh. As is well known, the activities of the American Cotton Cooperative Association will be supervised to a great extent by the Federal Farm Board. The Farm Board will also assist in every way possible in the development of the movement. It is therefore of the greatest importance that the board be near enough the headquarters of the association that the best personal contact and communication can be maintained between the two agencies.

Fundamental as they are, the factors outlined should go a long way with executives of the American Cotton Cooperative Association and with members of the Farm Board in determining a location.

TAX ON TOBACCO

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Kentucky [Mr. WALKER] for 15 minutes.

Mr. WALKER. Mr. Speaker, I desire to call the attention of the House to the very exorbitant and unjust tax on tobacco. It is $1 per pound on the most of the tobacco produced in my district. It is the only commodity that now carries the full

war tax. It is the only agricultural product that is taxed. There has been a reduction of war taxes on everything except certain types of tobacco. The tax on cigarette tobacco is six or seven times greater in amount than the tenant receives who produces it, and three or four times the amount received by both the tenant and the landowner. Tobacco is the chief money crop of my district, and three-fourths of the people rely on it for a livelihood. It is produced in large quantities throughout the State of Kentucky.

What would you think of the fairness of a taxing law which levied a tax on the chief crop or product of your district three or four times greater than the price the producer realizes for it? Would you not say it is unfair, unjust, and exorbitant?

The people of my State are very much interested and concerned in having this tax reduced. North Carolina and Kentucky lead in the production of tobacco, but there are important productions in many other States, especially in Virginia, South Carolina, Georgia, Tennessee, Missouri, Ohio, Indiana, West Virginia, Wisconsin, New York, Connecticut, Pennsylvania, Maryland, Massachusetts, Arkansas, Oklahoma, and Texas; and I especially call the attention of my colleagues from these States to this unfair tax and beg for their aid and assistance in bringing about a reduction. I appeal to the sense of fairness of the Members from all States. I call for the help of every Member who advocates fairness and right and opposes oppression and wrong.

Under the revenue act of 1926 the tax on cheap cigars was reduced one-half, and higher-priced cigars were also reduced to some extent, but not in the same proportion as the cheaper ones. However, there is no relief in the revenue act of 1926 for chewing and smoking tobacco or cigarette tobacco. The pre-war tax on cigarettes was $1.25 per thousand on cigarettes weighing not more than 3 pounds per thousand. This rate was raised to $2.05 per thousand in November, 1917, and to $3 per thousand under the revenue act of 1918, where it has since remained. It will be seen that for 1,000 cigarettes weighing 3 pounds the Government receives as a tax $3, or $1 per pound. For this same tobacco the grower receives on an average of about 25 or 30 cents per pound, or about one-fourth to one-third of the amount that the Government receives for tax. To count it another way, the price of a box of cigarettes costing 15 cents is divided as follows: The landowner, less than 1 cent; the tenant, less than 1 cent; the Government, 6 cents; and the manufacturer and handlers of the tobacco get something over 7 cents. We submit that this is a very unfair division.

On cigarettes weighing more than 3 pounds per thousand the pre-war tax was $3.60 per thousand, and the revenue act of 1918 raised this tax to $7.20 per thousand.

I desire to suggest here that cigarettes require the very finest and highest grade of tobacco that can be produced. To grow it we must have the richest of the soil and the greatest care and skill in the planting, cultivating, cutting, housing, grading, stripping, and marketing of the tobacco. It requires the best land and the most experienced workers. It is only possible to find a few acres of such land on the ordinary tobacco farm.

As to chewing and smoking tobacco, the act of August, 1909, fixed the tax on it at 8 cents per pound. It was raised to 10½ cents per pound in October, 1917, and to 13 cents per pound in November, 1917, and the present rate was fixed at 18 cents per pound by the revenue act of 1918. The producer gets for this tobacco about 18 or 20 cents per pound. The Government thus takes 100 per cent for taxes. A mere statement of the case shows that the tax is unreasonable, as well as unjust.

The only suggestion that attempts to justify this tax is that it is a luxury tax. It may be a luxury to those who use it, but it is surely not to those who produce it. It is not a luxury to the landowner but a necessity, when we realize the fact that his farm becomes a liability instead of an asset when the price of his tobacco crop is destroyed by taxation or otherwise. It is not a luxury to the farmer, who can not pay his tax and support his family when his tobacco crop does not yield a fair price. It is not a luxury to the tenant, whose existence depends upon his tobacco. Unless he receives a fair price he has no money with which to feed and clothe his wife and children. He can not buy the necessities of life. He can not send his children to school. This tax is very unfair to him.

There is no work on the farm that is as hard and exacting as the production of a tobacco crop. One man can not look after and cultivate over two acres, hence it is almost universally true that the tobacco tenant not only labors hard himself from early morning until late at night but his wife and children help him in the production of his crop, so that he can have a sufficient number of acres to provide food and clothing for his family. He begins the crop in the winter by plowing the land and burning and preparing the bed for his seed, which must be sowed in the early spring to furnish plants to be set in the early summer. This bed requires constant care and watching. The crop requires constant work and skill in properly cultivating it, destroying the worms, removing the suckers, and topping it. It must be cut and housed under proper conditions and looked after in the barns until the time comes to strip it.

This requires hard and skillful work, for it must not only be properly stripped but carefully graded in order to bring the best prices. Thus, after working through the winter, spring, summer, fall, and winter again, the crop is ready to be taken to the market, after the tenant has spent four seasons in getting it ready. During all this time he has been living on the prospects of his tobacco crop. If he does not receive a fair price, he remains in debt to his landlord, and this makes his future prospects gloomy indeed. It is for these workers that I appeal to you to correct this wrong and reduce this tax. I would that I could paint to you the picture of the husband and wife and their barefooted children, illy clad, going forth to the field to plant, cultivate, and produce the crop in the spring and summer and then prepare it for the market in the fall and winter. Many of these tenants live in bady constructed houses, with scant food, and not able to send their children to school when their crops fail or the price falls below the cost of production. There are thousands and thousands of tobacco tenants in this country, who, with all their efforts, as well as their families, make less than $500 per year, and many less than $200—and then to think that for every dollar that these hard-working people receive that this powerful and mighty Government takes $3 from the production of their toil! It is not fair. It is not right.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WALKER. Yes.

Mr. ABERNETHY. I am very much interested in the gentleman's address, and I am delighted to see him take this stand, because if there are any taxes which ought to be reduced it should be tobacco taxes. I am glad the gentleman is starting an agitation about this matter, because I have been interested in it for a number of years and have made several speeches about it. The Federal taxes paid by the State of Kentucky, which the gentleman represents, and the State of North Carolina are out of all proportion to the taxes paid by other States, and that is due to these tobacco taxes. In North Carolina we are now the second largest Federal taxpayer in the Union.

We pay more Federal taxes than Pennsylvania, Illinois, or any other State except New York. I am delighted to see the gentleman taking this stand and I shall do everything I can to aid him in bringing about proper reduction of Federal tobacco taxes in favor of the people.

Mr. WALKER. I thank the gentleman.

Mr. GARNER. Will the gentleman yield?

Mr. WALKER. Yes.

Mr. GARNER. Let me suggest to the gentleman that there have been four internal revenue bills since 1921; the House of Representatives has been Republican, the Senate has been Republican, and we have had a Republican President. If this great injustice has been done, it has been done by the Republican Party.

Mr. WALKER. Well, it is a very unjust tax and there has been no relief. I am now asking for relief in the future, because the past is gone.

Mr. GARNER. Is this the only injustice the gentleman knows about that the Republican Party is now perpetrating?

Mr. WALKER. I can not take that up now. [Laughter.]

It might be all right to place as high a tax on tobacco as a luxury as the user would pay, but whenever the tax gets so high that it reflects back and decreases the price to the producer, then it becomes unjust and "kills the goose that lays the golden egg."

We do not concede, however, that tobacco is entirely a luxury to the consumer. It is used by the poor and unfortunate as well as by the rich and powerful. It is so universally used that it is a necessity to many, but considering it as a luxury only, we maintain that it is still unfair to the producer, to fix the tax so high that his profits in the production will be consumed and destroyed.

The United States Government now receives nearly one-half billion dollars a year from its tobacco tax levy. This is far more than the producers receive for the entire crop. The tobacco grower is entitled to relief, and one of the greatest reliefs that can be given to him is to reduce this tax. The tobacco grower is constantly reminded that he can not get a better price for his tobacco, on account of the high taxes. We submit that this Congress should make a material reduction in these taxes.

Some who have given this matter study, and whose opinions are worthy of consideration, maintain that the tax could be reduced one-half and the Government would receive more money

in taxes at the lower rate than they now receive at the higher rate. It is my opinion that the taxes on chewing and smoking tobacco and snuff and cigarette tobacco should be reduced from one-third to one-half, and then we can wait and watch and see whether this reduction will result in an increased price to the grower, as well as the effect that it will have on the amount of taxes collected, and then lower the tax as experience will permit and justify.

Agriculture is in a distressed condition. In many cases the price realized is below the cost of production. In addition to this situation the tobacco farmer is required to carry this tax burden on his production.

I realize that to grant this relief raises a question of revenue, and must be carefully considered—for that reason I am bringing it sharply to the attention of Congress now, so that it may be considered in the next reduction of taxes. It should be brought about at the earliest possible moment. Tobacco prices during the last season were unsatisfactory and, in many cases, less than the cost of production. The buyers assign this excessive tax as one of the reasons why a higher price can not be paid for the crop. The tax is so high that they buy as little as possible.

I appeal to you on behalf of the debt-ridden landowners to grant relief. I appeal to you on behalf of the struggling tenants, who labor with their families from early morn until late at eve, through the long hot days of summer and the cold hours of winter, in order that they may have the necessities of life for their families, and in order that they may have the means to educate their children, to prepare them for the struggles of life. They ask not for advantages, they beg not for favors, but crave at your hands only what is just and right. There are thousands of these workers, who are oppressed by this excessive taxation, and in the name of humanity I ask at the hands of this Congress relief from this oppression of this unjust taxation.

On April 23, 1929, eight days after the convening of the special session, I called attention to this tax, in the extension of my remarks on the farm relief bill, and on May 31 I introduced H. R. 3573 for the purpose of reducing this tax. I again call it to the attention of Congress, and implore you to lower this tax.

Tobacco prices have gone to pieces and are being described as miserable. Growers all over the tobacco districts are signing petitions, asking Congress to lower this tax. I appeal to you not in idle words but with all of the earnestness and sincerity at my command to hear this cry for help and grant this relief. It is the greatest farm relief that could come to the tobacco farmer, and in the name of all that is fair, just, and right I ask at your hands a substantial reduction of this war-time excessive tax. [Applause.]

Reverting to the question asked by the gentleman from Texas, I desire to say that the tobacco districts of Kentucky have been represented heretofore by Democrats, and I have never heard of anything they have done to bring about this relief. [Applause.]

Mr. ABERNETHY. Will the gentleman yield?

Mr. WALKER. Yes.

Mr. ABERNETHY. I am glad to see the gentleman starting the agitation on that side of the House. I have been agitating this question for some time, and if I can get the Democrats lined up, and the gentleman can get the Republicans lined up, we will get some relief.

Mr. WALKER. I hope we may both succeed.

CONGESTION IN THE FEDERAL COURTS RELATING TO PROHIBITION ENFORCEMENT

The SPEAKER. Under the special order of the House the gentleman from West Virginia [Mr. BACHMANN] is recognized for 45 minutes.

Mr. BACHMANN. Mr. Speaker and Members of the House, I expect to discuss to-day the congestion in the Federal courts as caused by prohibition enforcement. We have had before the Judiciary Committee the recommendation of the President's Commission on Law Observance with regard to increasing the powers of United States commissioners, so that petty liquor cases may be disposed of by United States commissioners instead of taking them direct into the Federal court.

If the figures I have here for the last four years, beginning with the fiscal year 1926 and ending with the fiscal year 1929, are inaccurate in any way it is because the district attorneys of the United States have failed to file a correct report. As far as I am advised, the number of prohibition cases handled by the Federal courts has never been separated before this time, because in the report made by the Attorney General are included all of the narcotic and other criminal violations, as well as liquor violations.

Mr. Speaker, I ask unanimous consent that the figures for each State and the tables which I have prepared may be incorporated in the RECORD as a part of my remarks.

The SPEAKER pro tempore (Mr. SLOAN). Without objection, it is so ordered.

There was no objection.

Mr. BACHMANN. Mr. Speaker, congestion in the Federal courts, as brought about by the enforcement of the Federal prohibition laws, has recently caused President Hoover, the Attorney General, and the commission on law observance, headed by Mr. Wickersham, to call the attention of the Congress to the fact that legislation of considerable importance should be enacted in the very near future to relieve the existing conditions in the Federal courts and to provide adequate machinery which will enable the courts to take care of the increasing load of criminal cases.

Up to this time, neither the Senate nor the House of Representatives have done anything to relieve the situation and from all indications it appears that no legislation of this character will be enacted at this session, the result of which will be to subject President Hoover to considerable criticism during the next year through the agency of Members of the Congress, who, for political reasons, or other motives of a personal nature, will seek to embarrass the President by the contention that he has not enforced the prohibition law, when as a matter of fact, Congress itself is to blame for not enacting legislation in accordance with his recommendation enabling him to proceed with his enforcement program.

As a member of the Subcommittee of the Judiciary of the House of Representatives, having the recommendations of the Commission on Law Observance under consideration, in so far as they pertain to this question of congestion in the Federal courts, I have given the matter considerable study. In order to get a correct picture of the situation, I obtained from the Attorney General the figures for the last four years, and will insert in the RECORD as part of my remarks the figures for each of the 85 Federal judicial districts in the United States for the 4-year period, beginning with the fiscal year 1926 and ending with the fiscal year 1929, along with certain schedules prepared from these figures, which will show the number of prohibition cases commenced, pending, and terminated, and the number of convictions, acquittals, pleas of guilty, and jury trials in each Federal district and State during this 4-year period, including the District of Columbia, but excluding Alaska, Hawaii, and Porto Rico.

These figures were taken from the reports made by each district attorney in the United States to the Attorney General, for each year during the 4-year period, and, it will be noted, that they represent solely the action taken in prohibition cases. Other criminal cases are not included.

These figures present some very interesting information. They show that during this 4-year period there were 196,413 prohibition cases commenced in all the Federal courts, or an average of 49,000 for each year. Of all cases commenced 163,653 resulted in convictions, or an average of 41,000 convictions for each year. Of all convictions 150,700 were pleas of guilty, an average of 37,000 pleas of guilty for each year. Ninety-two per cent of the convictions were by pleas of guilty, while 8 per cent of the convictions were by jury. There were 17,354 jury trials conducted during the period, or an average of 4,300 jury trials each year. There were 5,061 acquittals. Seventy-one per cent of the cases tried by juries resulted in convictions, and 29 per cent resulted in acquittals.

CASES COMMENCED

By cases commenced is meant the cases that are started each year in the Federal courts, beginning with the fiscal year 1926 and ending with the fiscal year 1929.

There were 196,413 prohibition cases commenced in all the Federal courts during this 4-year period. During the fiscal year 1926 there were 44,207 cases commenced; 40,432 in the fiscal year 1927; 55,416 in the fiscal year 1928; and 56,358 in the fiscal year 1929. Forty-two thousand eight hundred and ninety-nine, or approximately one-fourth of the cases started in all the States of the Union and the District of Columbia, were commenced in the State of New York. Kentucky was second, with 13,828 cases; and West Virginia was third, with 10,789.

The smallest number of cases were commenced in the State of Kansas, where 47 cases were commenced during this 4-year period. North Dakota was second with 158 cases, and Vermont third with 222.

More than one-half of all the cases commenced in the United States were commenced in the six combined States of New York, Kentucky, West Virginia, Texas, Pennsylvania, Georgia, and the District of Columbia. In other words, more prohibition cases were commenced in the 6 States mentioned and the District of Columbia than were commenced in all of the other 42 States put together.

There were 42,899 cases commenced in the State of New York, while in the States of Washington, Florida, Arkansas, Mon-

tana, Alabama, New Jersey, Mississippi, South Carolina, Arizona, Wisconsin, Massachusetts, Virginia, Idaho, Nebraska, Indiana, Iowa, New Hampshire, Rhode Island, New Mexico, Oregon, Colorado, Nevada, South Dakota, Maine, Connecticut, Delaware, Utah, Wyoming, Vermont, North Dakota, and Kansas combined there were 41,724 cases commenced, showing that there were more cases started in New York State than in all the 31 States mentioned put together.

That the cases commenced in the State of New York are on the increase there can be no doubt. In the year 1926 there were 8,441 cases commenced, while in 1929 there were 13,820 cases commenced, an increase of 5,379.

The southern district of New York is carrying the biggest load. There were 20,544 prohibition cases commenced in this district alone during this 4-year period. This is as many as were commenced in the three other Federal districts in New York combined. The southern district of New York leads every other district in the United States in the number of cases commenced. In fact, twice as many cases were commenced in this district as in any other district in the United States.

The average number of prohibition cases commenced each year of the 4-year period is approximately 49,000.

CONVICTIONS

By convictions is meant the number of pleas of guilty and the number found guilty by a jury for violating the Federal prohibition laws during this 4-year period, beginning with the fiscal year 1926 and ending with the fiscal year 1929.

During this 4-year period there were 163,653 convictions. New York with 34,525 convictions led all the other States. Kentucky was second with 12,125, and West Virginia third with 8,706.

The State of Kansas had the least number of convictions with 37; North Dakota was second with 99, and Vermont third with 164.

Approximately one-fourth of the convictions obtained for violation of the Federal prohibition laws were in the States of New York and Georgia. There were 40,149 convicted in these two States during this 4-year period.

It may also be of interest to note that 81,306 convictions were had in the seven combined States of New York, Kentucky, West Virginia, Texas, Pennsylvania, Georgia, and Oklahoma. In other words, one-half of the convictions secured in the United States for violation of the Federal prohibition laws, were secured in the States mentioned. This means that there were as many convictions secured in the 7 States mentioned as there were in the other 41 States in the Union and the District of Columbia combined.

During the fiscal year 1926, there were 36,684 convictions obtained in all the States and the District of Columbia. While in the fiscal year 1927 there were 31,554; in the fiscal year 1928 there were 48,549; and 46,766 in the fiscal year 1929.

There are approximately 41,000 convictions each year for violation of the Federal prohibition laws.

Mr. GRIFFIN. In the Federal courts?

Mr. BACHMANN. In the Federal courts only.

Mr. GRIFFIN. That does not include convictions in the State courts.

Mr. BACHMANN. No; there is no way of obtaining the records from the State courts.

Mr. GRIFFIN. And none of the gentleman's figures relates to the commencement of actions or to convictions in the State courts?

Mr. BACHMANN. No; only in the Federal courts.

Mr. JOHNSON of Texas. Will the gentleman's remarks give the record for each State?

Mr. BACHMANN. That will be given by States, alphabetically, showing the States having the greatest congestion, and so on, all the way down the list.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. TAYLOR of Tennessee. I am in thorough sympathy with the argument of the gentleman; in fact, I introduced a similar bill three or four years ago, but I was confronted with a constitutional question. Has the gentleman gone into that phase of the matter, and does the gentleman treat of that in his remarks to-day?

Mr. BACHMANN. I have gone into that, and I will speak of that a little later.

PLEAS OF GUILTY

By pleas of guilty is meant the number of pleas of guilty entered, beginning with the fiscal year 1926 and ending with the fiscal year 1929.

During this 4-year period there were 150,700 pleas of guilty, or more than 37,000 each year. During the fiscal year 1926 there were 34,036 pleas of guilty; in the fiscal year 1927 there were 28,732; in the fiscal year 1928 there were 45,046; and 42,886 in the fiscal year 1929.

About one-fourth of all pleas of guilty, or 34,147, were entered in the State of New York. The State of Kentucky was second with 10,086 and West Virginia third with 8,622.

The smallest number of pleas of guilty were entered in Kansas, with 34. North Dakota was second with 97 and Vermont third with 131.

There were 76,605 pleas of guilty entered in the seven combined States of New York, Kentucky, West Virginia, Texas, Pennsylvania, Oklahoma, Georgia, which is more than was entered in all the other 41 States and the District of Columbia combined.

Approximately one-tenth of all pleas of guilty were entered in the southern district of New York.

Ninety-two per cent of the convictions during this 4-year period were pleas of guilty, while 8 per cent of the convictions were by juries.

TRIALS BY JURY

By jury trials is meant the number of cases tried by juries during the fiscal year beginning 1926 and ending with the fiscal year 1929.

There were 17,354 trials by juries conducted during this 4-year period, which is an average of about 4,300 trials each year.

During the year 1926 there were 4,002 cases tried, while there were 4,825 cases tried by juries during the year 1929.

The largest number of cases tried by juries during this period were tried in the State of Kentucky, where 2,837 trials were held. The State of North Carolina was second, with 2,128 trials, while the District of Columbia was third, with 1,383.

There are only seven districts that had more than 500 jury trials each, while 78 districts had less than 500 each, or an average of 125 trials each year for the period.

There were only five jury trials conducted during the 4-year period in the State of Kansas; Connecticut and North Dakota were second, with seven trials each.

The eastern district of Kentucky has the distinction of having more jury trials than any other district. There were 2,185 prohibition cases tried before juries in that district during this period. During the year 1929 984 jury trials were conducted, or an average of three jury trials each working-day in the year. It is hard to conceive how it is possible for the judge of that court to conduct 984 prohibition trials, and then have time to dispose of all other criminal cases pending in his court as well as to dispose of all the civil business.

It may be interesting to note that there were more jury trials held in the State of Kentucky than in the States of Louisiana, Maryland, Idaho, Ohio, Colorado, Missouri, Virginia, Arizona, Indiana, Mississippi, Wisconsin, Oregon, Rhode Island, West Virginia, New Mexico, Minnesota, New Hampshire, Utah, Iowa, Vermont, New Jersey, Delaware, Nebraska, Nevada, Massachusetts, Wyoming, South Dakota, Maine, Connecticut, North Dakota, and Kansas combined. In other words, more jury trials were conducted in the State of Kentucky than in all the 31 States mentioned put together.

Of the 17,354 jury trials held in all districts during the 4-year period, 5,061 resulted in acquittals and 12,293 resulted in convictions. This means that 29 per cent of those who stood trial were acquitted, while 71 per cent were convicted.

PENDING CASES

By pending cases is meant all the prohibition cases remaining on the court dockets which had not been tried or disposed of at the end of each fiscal year.

At the beginning of the fiscal year 1926 there were 24,648 prohibition cases pending in all the Federal courts and awaiting disposition; in the fiscal year 1927 there were 21,072; in 1928 there were 20,930; while at the end of the fiscal year 1929 there were 18,654.

During this 4-year period there was a decrease of 600 cases of those that were pending, showing that, in addition to taking care of all the new cases that were commenced each year during the period, the Federal courts had disposed of 600 more cases from the number pending.

At the beginning of the period in 1926 the State of New York had 5,270 cases pending on its dockets, while at the end of the period in 1929 there were 4,829 cases still pending and awaiting disposition. At the end of the period in 1929 there were 16 States and the District of Columbia, which showed an increase in the number of cases pending, while 32 States showed a decrease.

The State of New York, with 4,829 cases, has more cases pending than any other State in the Union. Georgia is second

with 1,516 cases, while the District of Columbia is third with 1,300.

On the other hand, the State of Connecticut, with two cases pending, has less than any other State. Delaware is second with 4 cases, and Kansas third with only 11 pending.

The District of Columbia shows the largest increase in the number of pending cases. At the beginning of the period in 1926 there were 649 cases pending; at the end of the period in 1929 there were 1,300 pending.

The State of New Jersey shows the largest decrease. At the beginning of the period in 1926 there were 1,967 cases pending; at the end of the period in 1929 there were only 521 pending.

Of the 18,654 cases pending at the end of the period in 1929 in all Federal courts, 4,829, or more than one-fourth, were pending in the State of New York.

There are 85 Federal judicial districts in the United States, and 76 districts had less than 500 cases each pending at the end of the fiscal year 1929. In other words, there were only 9 districts out of the 85 that had more than 500 cases each pending.

COMPARISON OF THE STATES OF NEW YORK AND KANSAS

While there were 42,899 cases commenced during the 4-year period in the State of New York, there were only 47 cases commenced in the State of Kansas.

There were 34,525 convictions in the State of New York while in the State of Kansas there were 37.

At the end of the fiscal year 1929 there were 4,829 cases pending in New York and only 11 in Kansas.

Thirty-four thousand one hundred forty-seven pleas of guilty were recorded in New York, while in Kansas there were 34.

During the 4-year period there were 815 jury trials in New York, while in Kansas there were only 5.

Mr. CELLER. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. CELLER. Would the gentleman deduce from that there is better enforcement in New York than in Kansas?

Mr. BACHMANN. As I view the situation from these figures, it is pretty difficult to tell. There are two ways to look at the matter of enforcement. Does the gentleman mean the number of arrests made or the number of cases that could be arrested?

Mr. CELLER. I mean the number of cases that have been started, which is an indication there is some degree of enforcement, and probably better enforcement, in New York than that which exists in Kansas.

Mr. BACHMANN. These figures show that in the State of New York the law is better enforced, because the New York officials, or the peace officers, or whoever make the arrests there, have brought more cases into the courts of New York than the Federal courts there can take care of.

Mr. CELLER. As the gentleman well knows, in New York we have no State enforcement act, whereas in Kansas we have such an act, and yet we hear it stated, as we have been told before the Judiciary Committee, of which the gentleman and I are members, that where there is no State enforcement act the prohibition law is likely not to be properly enforced; and I judge from the gentleman's figures that in New York we have better enforcement, without a State enforcement act, than in Kansas, where they have a State enforcement act.

Mr. CHRISTOPHERSON. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. CHRISTOPHERSON. Is not this rather the proper conclusion, that in New York the entire load of enforcement falls upon the Federal courts, while in Kansas the State courts take care of the better part of it?

Mr. BACHMANN. Exactly so. There are no other courts in the State of New York enforcing the Federal prohibition laws except the Federal courts.

Mr. CHRISTOPHERSON. And therefore the entire load falls on the Federal courts.

Mr. BACHMANN. The entire load falls on the Federal courts in the four Federal districts of New York.

Mr. CHRISTOPHERSON. While in Kansas they have State enforcement.

Mr. BACHMANN. Exactly so.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. SPROUL of Kansas. Is it not a fact that under the Federal law a minimum fine of even $1 and costs may be imposed as a penalty under a plea of guilty?

Mr. BACHMANN. No; not now, except in cases of unlawful possession.

Mr. SPROUL of Kansas. Is there any minimum fine fixed for a violation——

Mr. BACHMANN. I understand the other fines are fixed by Title II of the national prohibition act and they are more in cases of transportation and sale than they are in cases of possession.

Mr. SPROUL of Kansas. I am asking what the law provides. Is it not the fact that under the Federal law, the Volstead law in particular, the Federal court may assess as low a fine as $1 if the court chooses to do so?

Mr. BACHMANN. I think that is true.

Mr. SPROUL of Kansas. While in Kansas the minimum punishment for any violation of the prohibitory law is $100 plus 30 days in jail; and is it not a fact that this penalty accounts for so few prosecutions and so few convictions and means that the law is better observed?

Mr. BACHMANN. I can say to my good friend from Kansas I have no personal knowledge of the situation in Kansas, but I do have personal knowledge, from the figures here, of the number of cases pertaining to the Federal court in the State of Kansas.

Mr. GUYER. And if the gentleman will permit, I will add to that statement, in the State of Kansas the Federal judge announced he did not want these cases tried in the Federal court.

Mr. BACHMANN. I do not know about that.

Mr. HAMMER. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. HAMMER. I do not think the gentleman from Kansas [Mr. SPROUL] desires to make the statement or to create the impression on the House that the Federal courts ever imposed a fine of $1 in liquor cases. I do not think in any instance do they impose such a small fine as that. The usual fine in the small cases in the jurisdictions I know of is $100, and there is seldom as small a fine as $25 in any Federal court.

Mr. BACHMANN. I do not know what the situation is in Kansas with respect to fines, and I am not discussing the matter of fines; but I want to say to the gentleman from North Carolina the situation in each Federal district is different in that respect. Some Federal judges will impose a fine for a violation of the prohibition law, while others will sentence to jail or to the penitentiary.

I was in the Federal District Court for the Southern District of West Virginia this week and I saw the judge of that court in an hour and a half sentence over 50 prohibition violators to the penitentiary at Atlanta, to the reformatory at Chillicothe, Ohio, or to the Boys' Industrial School here in Washington; and in no instance, except where the maximum penalty was fixed, were fines attached. When I asked him about this he said, "Down here they do not have the money to pay fines and this is the only way we can enforce the law."

Mr. HAMMER. I will say to the gentleman that in my section of the country the United States courts, unless it is a first offense and a trivial offense, impose a jail sentence.

Mr. BACHMANN. If the gentleman will pardon me, I do not want to go further into these outside discussions.

DISTRICT OF COLUMBIA

In addition to the States of New York and Kentucky, the District of Columbia presents a situation pertaining to congestion that should have the immediate attention of the Congress.

At the beginning of the fiscal year 1926 there were 649 cases pending, while at the end of the fiscal year 1929 the number had increased to 1,300, showing the number of cases pending had doubled in 1929 over 1926. The fact is there are more cases pending in the District of Columbia than the courts are able to take care of.

During the year 1928 there were 2,630 cases commenced in the District of Columbia, while in the year 1926 there were 1,819 cases commenced; and in 1929 there were 1,661 commenced, showing that there were approximately 1,000 cases less commenced in 1929 than there were in 1928, and 158 cases less in 1929 than were commenced in 1926.

In 1926 there were 1,512 convictions secured, in 1927 there were 1,299, in 1928 there were 1,898, and in 1929 there were 822 convictions, showing a decrease of 690 convictions in the fiscal year 1929 as compared with the fiscal year 1926.

The greatest number of jury trials were conducted in the year 1927, when 702 trials were conducted, while the smallest number of trials were conducted in the fiscal year 1929, when only 167 jury trials were held.

WEST VIRGINIA

The State of West Virginia ranks third of all the States in the Union in the number of cases commenced, convictions, and pleas of guilty, surpassed only by the States of New York and Kentucky. There were 42,899 cases commenced in New York during this 4-year period, while there were 10,789 commenced in West Virginia, showing that one-fourth as many cases are commenced in West Virginia as are commenced in the State of New York.

There were more cases commenced in West Virginia than were commenced in the 17 combined States of Indiana, Iowa, New Hampshire, Rhode Island, New Mexico, Oregon, Colorado,

Nevada, South Dakota, Maine, Connecticut, Delaware, Utah, Wyoming, Vermont, North Dakota, and Kansas.

There was a decrease in the cases commenced from 2,674 in 1926 to 2,109 in 1929. The largest number of cases were commenced in 1927, when 3,097 were commenced, while the smallest number were commenced in 1929, when 2,148 cases were started.

During the 4-year period there were 8,706 convictions in the two Federal districts in the State of West Virginia, or an average of 2,200 each year. Of the convictions, 8,622 were pleas of guilty. In other words, 99 per cent of those convicted plead guilty.

There were only 99 jury trials, 14 of which resulted in acquittals and 85 in convictions, showing that of those who went to trial 84 per cent were convicted and 16 per cent were acquitted.

At the beginning of the fiscal year 1926 there were 562 cases pending in West Virginia, while at the end of the fiscal year 1929, 550 cases were pending, showing a decrease of 12 pending cases during the period.

Mr. FRANK M. RAMEY. Has the gentleman any information as to how many were nolled?

Mr. BACHMANN. I have a number of cases nolled but there were so many figures respecting the cases in court, jury trials and indictments, I did not put them in the list, but I will be glad to give the gentleman the figures if he wishes.

The southern district handles about three times as many prohibition cases as the northern district.

RELIEF

The President, the Attorney General, and the commission on law observance have recommended reorganization of the Federal court structure in order to relieve the congestion by, first, increasing the number of Federal judges; and, second, by enlarging the powers of the United States commissioners.

The first involves no constitutional question, while the second involves several. Neither of these recommendations can be performed by the President, because both proposals require the enactment of legislation by the Congress. If in the future a number of our Federal Courts are so congested that it is impossible to dispose of all prohibition cases pending on their dockets, the people of the United States will place the blame where it rightfully belongs—on the Senate and House of Representatives, and not upon the President. Every step the President has taken relative to the enforcement of Federal criminal laws indicates not only that he is sincere in his belief but that he has the foresight to call the attention of the Senate, the House of Representatives, and the people of the country to the fact that necessary and immediate legislation should be enacted in order that the law of the land may be enforced.

The President has now been in office for one year. In that period he has appointed a commission composed of some of the most capable and learned men in the country to investigate and study this question of enforcing the Federal criminal laws; he has repeatedly called the attention of the Congress to the fact that the increasing enactment of Federal criminal laws in the past 20 years, with the entailing increasing number of violations thereof, of which violation of the prohibition laws comprises rather more than one-half of the total arrests, has finally culminated in a burden upon the Federal courts of a character for which they are ill-designed and, in some cases, far beyond their capacity.

I am of the opinion that inasmuch as the creation of new Federal judicial districts or the appointment of more Federal judges would not conflict with the provisions of the Constitution, that immediate relief from congestion could be provided in those States wherein the figures show the Federal courts are unable to dispose of the business demanding immediate attention by the creation of new districts or the appointment of additional judges. [Applause.]

In order to enforce the Federal prohibition laws it is necessary that three separate agencies cooperate. There must be agencies to procure evidence and make arrests, district attorneys to prepare and try the cases, and courts to hear them.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. SPROUL of Kansas. Can the gentleman give the character of the sentences imposed upon pleas of guilty?

Mr. BACHMANN. I have just stated that in three-fourths of the cases the judge sent the defendants to jail, or the reformatory in Chillicothe, or the National Training School in the District of Columbia, or to the Atlanta Penitentiary. He has been sending so many up from the southern districts that he told me last Thursday the officials in Chillicothe notified him not to send any more over there, because they could not take care of them, and he said there was some question in his mind what to do with them, because he could not fine them when they had not the money to pay.

Mr. CELLER. That would indicate that West Virginia is in rebellion against the law?

Mr. BACHMANN. No; it does not indicate that; rather that they are trying to enforce the law.

Mr. SPROUL of Kansas. It shows that they have district attorneys who have the right attitude on the enforcement of the law.

Mr. LaGUARDIA. Apparently there is a drive on the impecunious there if they can not pay their fine.

Mr. BACHMANN. I do not know how they select them; I have told you what I saw in the courts.

If the agency charged with the duty of making arrests makes more arrests for violation of the prohibition laws than the court can dispose of either by trial by jury or by pleas of guilty, then the court is congested. That is the situation in the State of New York, the District of Columbia, and several other States. The prohibition officers and police have brought in to the courts more cases than the courts can conveniently handle, and unless more courts are provided the law can not be properly enforced.

Mr. SPROUL of Kansas. In some States that may be so, but the Federal law is without any special provision for procuring evidence, other than through the grand jury?

Mr. BACHMANN. A Federal prohibition agent can make an investigation and make arrests.

Mr. SPROUL of Kansas. But the law does not provide the agent with a supply of money to buy evidence?

Mr. BACHMANN. Well, that is beside the question that I am discussing.

When courts are congested to this extent, it means considerable delay in the trial of civil matters, with much hardship to private litigants, as well as delay in the disposition of other criminal cases.

The other recommendation to relieve congestion, namely, giving the United States commissioners enlarged powers, involves several constitutional questions.

Under the Constitution of the United States, judges of Federal courts must be appointed by the President and confirmed by the Senate. A United States commissioner is not a court; he does not perform judicial functions. If he is clothed with the power to try prohibition cases and enter judgment, he would be performing a judicial function which would bring him within the Constitution of the United States, requiring his appointment by the President and confirmation by the Senate. He would hold his office during the remainder of his life, like all Federal judges.

Were it possible to enlarge the powers of the commissioners so that they would have the same powers as are now conferred upon justices of the peace, and magistrates in the several States, many thousands of prohibition cases would be disposed of each year; and the question of congestion would then be of minor importance.

The Commission on Law Observance, in order to keep within the constitutional requirements and at the same time relieve the Federal courts of this burden, has recommended that legislation be enacted permitting the United States commissioners to hear the evidence in all prohibition cases prosecuted by complaint or information. The commissioner after hearing the evidence would report the facts to the Federal court, and the court, after reviewing the report, would proceed to enter judgment of acquittal or conviction as the case may be, and in case of conviction impose sentence.

There has been considerable opposition to this proposal because, it is claimed, the proceeding will deprive the accused of his constitutional right of trial by jury and, in addition, the court would still be called upon to review the commissioner's report of each case and impose sentence. Personally I am opposed to depriving any citizen of his constitutional right of trial by jury. [Applause.] Any citizen who is liable to have his liberty taken from him by confinement in jail, whether it be for one day or six months, is entitled to his right of trial by jury.

The Commission on Law Observance, which has given this matter of congestion considerable study, appreciates the seriousness of the situation and is very desirous that some action should be taken.

The Jones law became effective May 2, 1929. Under this law every violation of the national prohibition act, except unlawful possession, is made a potential felony. This means that the proceedings in the Federal courts for all violations of the national prohibition act, except unlawful possession and the maintenance of a nuisance, must be before the grand jury and by indictment.

Prior to the Jones Act those accused of transportation and sale could be prosecuted on information. Now it is necessary

to proceed by indictment, which means an inquiry by a grand jury.

Until the figures for the end of the fiscal year 1930 are available it will be impossible to tell what effect the operation of the Jones law will have on this question of congestion. As it looks now, with all the cases except possession being prosecuted under indictment, the Federal courts will be more congested at the end of the fiscal year 1930 than they were at the end of the fiscal year 1929.

I noticed in one of my home newspapers the other day an item to the effect that Commander John D. Pennington, in charge of the sixth Federal prohibition unit, had conferred with the Hon. W. G. Brown, State prohibition commissioner for West Virginia, and that a system was being worked out whereby all petty offenses were to be prosecuted by the State courts, leaving the cases involving interstate shipments and conspiracy to be handled by the Federal courts.

If a system of this kind could be worked out in every State having a State prohibition law much headway could be made with prohibition enforcement. There would be very little congestion in the Federal courts, except in those States where they have no State prohibition law. It will be interesting to observe the progress made under this system of State and Federal cooperation in the State of West Virginia.

I do not think it can be seriously doubted but that the large number of prosecutions of minor violations of the prohibition laws due to the necessity of proceeding by indictment will seriously interfere with the vigorous handling of major violations. This situation can only be relieved by the Congress and not by the President.

One of the first things the Congress should do is to enact legislation as suggested by the Commission on Law Observance, defining the term "casual or slight violations" as used in the Jones law, "so that the district attorneys may prosecute these petty violations upon complaint or by information, and in such cases, when so prosecuted, the penalty for each offense should be a fine not to exceed $500 or confinement in jail, without hard labor, not to exceed six months, or both."

This legislation—

Says the commission—

would obviate the long delay, unnecessary expense, and needless keeping in session of grand juries which are demanded by the present state of the Jones law.

Mr. Speaker, if it is possible for the Federal Government to properly enforce the Federal prohibition laws there is one thing sure, and that is, they can not be enforced without the aid of the Federal courts; and if there are more cases than the Federal courts can dispose of under the present judicial structure, it is high time that the Congress enact legislation to relieve the situation. [Applause.]

The States and districts wherein relief is needed may be determined from the following schedules, which I ask may be incorporated as a part of my remarks.

Annual disposition of cases beginning fiscal year 1926, ending fiscal year 1929

	Pending, beginning 1926	Commenced	Acquittals	Convicted	Pleas of guilty	Jury trials	Pending, end of 1929
1926	24,648	44,207	1,266	36,784	34,036	4,002	20,707
1927	21,072	40,432	928	31,554	28,732	3,710	21,029
1928	20,930	55,416	1,413	48,549	45,046	4,817	18,238
1929	18,342	56,358	1,454	46,766	42,886	4,825	18,654
Total		196,413	5,061	163,653	150,700	17,354	

Total disposition of cases beginning fiscal year 1926, ending fiscal year 1929

State	Number of districts	Cases commenced	Convicted	Pleas of guilty	Jury trials	Cases pending
Alabama	3	2,490	2,159	1,742	600	226
Arizona	1	1,994	1,499	1,369	135	204
Arkansas	2	2,698	2,197	2,012	297	150
California	2	4,420	3,803	3,646	226	354
Colorado	1	788	555	443	161	119
Connecticut	1	342	336	332	7	2
Delaware	1	268	232	212	50	4
District of Columbia		8,292	5,531	4,095	1,383	1,300
Florida	2	2,831	1,873	1,710	319	492
Georgia	3	6,861	5,624	4,999	973	1,516
Idaho	1	1,332	1,037	868	194	99
Illinois	3	6,016	4,867	4,350	393	861
Indiana	2	1,320	1,107	1,013	114	199
Iowa	2	1,265	1,195	1,150	53	41
Kansas	1	47	37	34	5	11
Kentucky	2	13,828	12,125	10,086	2,837	315
Louisiana	2	3,906	4,349	4,239	205	52
Maine	1	540	459	448	14	43
Maryland	1	5,027	4,642	4,479	204	156
Massachusetts	1	1,625	1,454	1,386	37	130
Michigan	2	5,053	4,045	4,360	372	245
Minnesota	1	3,583	3,126	3,058	96	310
Mississippi	2	2,180	1,733	1,628	103	180
Missouri	2	4,935	4,472	4,349	153	333
Montana	1	2,619	2,178	1,994	230	339
Nebraska	1	1,329	1,118	1,084	46	142
Nevada	1	742	658	647	46	54
New Hampshire	1	1,197	1,141	1,076	79	24
New Jersey	1	2,215	1,892	1,860	52	521
New Mexico	1	846	601	554	96	30
New York	4	42,899	34,525	34,147	815	4,829
North Carolina	3	6,304	4,766	3,128	2,128	807
North Dakota	1	158	99	97	7	42
Ohio	2	4,451	4,037	3,888	168	425
Oklahoma	3	6,302	5,540	5,211	450	659
Oregon	1	845	789	696	100	55
Pennsylvania	3	7,743	6,534	5,963	902	463
Rhode Island	1	954	816	755	100	37
South Carolina	2	2,043	1,604	1,401	351	531
South Dakota	1	740	511	498	15	96
Tennessee	3	5,901	4,988	4,250	976	676
Texas	4	9,362	8,252	7,577	912	288
Utah	1	294	176	139	55	33
Vermont	1	222	164	131	53	30
Virginia	2	1,408	1,177	1,084	153	120
Washington	2	3,151	2,507	2,165	453	223
West Virginia	2	10,789	8,706	8,622	99	550
Wisconsin	2	1,933	1,578	1,494	103	320
Wyoming	1	289	239	231	34	18
Total		196,413	163,653	150,700	17,354	18,654

Total disposition of cases by States, beginning fiscal year 1926, ending fiscal year 1929

States	Commenced	States	Convicted	States	Pleas of guilty	States	Trials	States	Pending
1. New York	42,899	1. New York	34,525	1. New York	34,147	1. Kentucky	2,837	1. New York	4,829
2. Kentucky	13,828	2. Kentucky	12,125	2. Kentucky	10,086	2. North Carolina	2,128	2. Georgia	1,516
3. West Virginia	10,789	3. West Virginia	8,706	3. West Virginia	8,622	3. District of Columbia.	1,383	3. District of Columbia.	1,300
4. Texas	9,362	4. Texas	8,252	4. Texas	7,577	4. Tennessee	976	4. Illinois	861
5. District of Columbia.	8,292	5. Pennsylvania	6,534	5. Pennsylvania	5,963	5. Georgia	973	5. North Carolina	807
6. Pennsylvania	7,743	6. Georgia	5,624	6. Oklahoma	5,211	6. Texas	912	6. Tennessee	676
7. Georgia	6,861	7. Oklahoma	5,540	7. Georgia	4,999	7. Pennsylvania	902	7. Oklahoma	659
8. North Carolina	6,304	8. District of Columbia.	5,531	8. Maryland	4,479	8. New York	815	8. West Virginia	550
9. Oklahoma	6,302	9. Tennessee	4,988	9. Michigan	4,360	9. Alabama	600	9. South Carolina	531
10. Illinois	6,016	10. Illinois	4,867	10. Illinois	4,350	10. Washington	453	10. New Jersey	521
11. Tennessee	5,901	11. North Carolina	4,766	11. Missouri	4,349	11. Oklahoma	450	11. Florida	492
12. Michigan	5,053	12. Michigan	4,645	12. Tennessee	4,250	12. Illinois	393	12. Pennsylvania	463
13. Maryland	5,027	13. Maryland	4,642	13. Louisiana	4,239	13. Michigan	372	13. Ohio	425
14. Missouri	4,935	14. Missouri	4,472	14. District of Columbia.	4,095	14. South Carolina	351	14. Colorado	354
15. Ohio	4,451	15. Louisiana	4,349	15. Ohio	3,888	15. Florida	319	15. Montana	339
16. California	4,420	16. Ohio	4,037	16. California	3,646	16. Arkansas	297	16. Missouri	333
17. Louisiana	3,906	17. California	3,803	17. North Carolina	3,128	17. Montana	230	17. Wisconsin	320
18. Minnesota	3,583	18. Minnesota	3,126	18. Minnesota	3,058	18. California	226	18. Kentucky	315
19. Washington	3,151	19. Washington	2,507	19. Washington	2,165	19. Louisiana	205	19. Minnesota	310
20. Florida	2,831	20. Arkansas	2,197	20. Arkansas	2,012	20. Maryland	204	20. Texas	288
21. Arkansas	2,698	21. Montana	2,178	21. Montana	1,994	21. Idaho	194	21. Alabama	226
22. Montana	2,619	22. Alabama	2,159	22. New Jersey	1,860	22. Ohio	168	22. Michigan	245
23. Alabama	2,490	23. New Jersey	1,892	23. Alabama	1,742	23. Colorado	161	23. Washington	223
24. New Jersey	2,215	24. Florida	1,873	24. Florida	1,710	24. Missouri	153	24. Arizona	204
25. Mississippi	2,180	25. Mississippi	1,733	25. Mississippi	1,628	25. Virginia	153	25. Indiana	199
26. South Carolina	2,043	26. South Carolina	1,604	26. Wisconsin	1,494	26. Arizona	135	26. Mississippi	180
27. Arizona	1,994	27. Wisconsin	1,578	27. South Carolina	1,401	27. Indiana	114	27. Maryland	156
28. Wisconsin	1,933	28. Arizona	1,499	28. Massachusetts	1,386	28. Mississippi	103	28. Arkansas	150



Total disposition of cases by States, beginning fiscal year 1928, ending fiscal year 1929—Continued

States	Commenced	States	Convicted	States	Pleas of guilty	States	Trials	States	Pending
29. Massachusetts	1,625	29. Massachusetts	1,454	29. Arizona	1,369	29. Wisconsin	103	29. Nebraska	142
30. Virginia	1,408	30. Iowa	1,195	30. Iowa	1,150	30. Oregon	100	30. Massachusetts	130
31. Idaho	1,332	31. Virginia	1,177	31. Nebraska	1,084	31. Rhode Island	100	31. Virginia	120
32. Nebraska	1,329	32. New Hampshire	1,141	32. Virginia	1,084	32. West Virginia	99	32. Colorado	119
33. Indiana	1,326	33. Nebraska	1,118	33. New Hampshire	1,076	33. New Mexico	96	33. Idaho	99
34. Iowa	1,265	34. Indiana	1,107	34. Indiana	1,013	34. Minnesota	96	34. South Dakota	96
35. New Hampshire	1,197	35. Idaho	1,037	35. Idaho	868	35. New Hampshire	79	35. Oregon	55
36. Rhode Island	954	36. Rhode Island	816	36. Rhode Island	755	36. Utah	55	36. Nevada	54
37. New Mexico	846	37. Oregon	789	37. Oregon	696	37. Iowa	53	37. Louisiana	52
38. Oregon	845	38. Nevada	658	38. Nevada	647	38. Vermont	53	38. Maine	43
39. Colorado	788	39. New Mexico	601	39. New Mexico	554	39. New Jersey	52	39. North Dakota	42
40. Nevada	742	40. Colorado	555	40. South Dakota	498	40. Delaware	50	40. Iowa	41
41. South Dakota	740	41. South Dakota	511	41. Maine	448	41. Nebraska	46	41. Rhode Island	37
42. Maine	540	42. Maine	459	42. Colorado	443	42. Nevada	46	42. Utah	33
43. Connecticut	342	43. Connecticut	336	43. Connecticut	332	43. Massachusetts	37	43. New Mexico	30
44. Delaware	298	44. Wyoming	239	44. Wyoming	231	44. Wyoming	34	44. Vermont	30
45. Utah	294	45. Delaware	232	45. Delaware	212	45. South Dakota	15	45. New Hampshire	24
46. Wyoming	289	46. Utah	176	46. Utah	139	46. Maine	14	46. Wyoming	18
47. Vermont	222	47. Vermont	164	47. Vermont	131	47. Connecticut	7	47. Kansas	11
48. North Dakota	158	48. North Dakota	99	48. North Dakota	97	48. North Dakota	7	48. Delaware	4
49. Kansas	47	49. Kansas	37	49. Kansas	34	49. Kansas	5	49. Connecticut	2
	196,413		163,653		150,700		17,354		18,654

Numerical list—Total disposition of cases by districts, beginning fiscal year 1928, ending fiscal year 1929

State	Commenced		State	Convictions		State	Pleas		State	Trials		State	Pending 1929	
	District	Cases		District	Cases		District	Cases		District	Cases		District	Cases
1. N. Y.	S.	20,544	1. N. Y.	S.	16,803	1. N. Y.	S.	16,747	1. Ky.	E.	2,185	1. N. Y.	S.	1,836
2. Ky.	E.	10,607	2. Ky.	E.	9,182	2. N. Y.	E.	7,893	2. D. C.		1,383	2. N. Y.	W.	1,380
3. N. Y.	E.	8,992	3. N. Y.	E.	8,093	3. Ky.	E.	7,596	3. N. C.	E.	1,032	3. D. C.		1,300
4. D. C.		8,292	4. N. Y.	N.	6,736	4. N. Y.	N.	6,690	4. N. C.	W.	707	4. Ga.	N.	1,055
5. W. Va.	S.	8,240	5. W. Va.	S.	6,477	5. W. Va.	S.	6,447	5. Ky.	W.	652	5. N. Y.	E.	807
6. N. Y.	N.	7,977	6. D. C.		5,531	6. Md.		4,479	6. Tenn.	E.	533	6. N. Y.	N.	806
7. N. Y.	W.	5,386	7. Md.		4,642	7. D. C.		4,095	7. Ga.	N.	505	7. Ill.	N.	525
8. Md.		5,027	8. Pa.	W.	4,209	8. Pa.	W.	4,069	8. N. Y.	E.	444	8. N. J.		521
9. Pa.	W.	4,804	9. Mich.	E.	3,872	9. Mich.	E.	3,677	9. Ala.	N.	438	9. W. Va.	S.	504
10. Mich.	E.	4,224	10. La.	E.	3,685	10. La.	E.	3,598	10. Tenn.	M.	398	10. Tenn.	M.	488
11. Minn.		3,583	11. Okla.	E.	3,267	11. Okla.	E.	3,086	11. N. C.	M.	389	11. S. C.	E.	472
12. Okla.	E.	3,386	12. Minn.		3,126	12. Minn.		3,058	12. Pa.	M.	380	12. Fla.	S.	446
13. Ga.	N.	3,382	13. Ohio.	N.	3,043	13. Ohio.	N.	2,910	13. Wash.	W.	378	13. N. C.	M.	387
14. Ohio.	N.	3,292	14. Ky.	W.	2,943	14. N. Y.	W.	2,817	14. Ga.	M.	337	14. Okla.	W.	355
15. Calif.	N.	3,273	15. N. Y.	W.	2,893	15. Mo.	E.	2,762	15. Tex.	S.	308	15. Mont.		339
16. Ky.	W.	3,221	16. Mo.	E.	2,810	16. Calif.	N.	2,724	16. Pa.	E.	278	16. N. C.	W.	321
17. La.	E.	3,198	17. Calif.	N.	2,802	17. Tex.	W.	2,627	17. Tex.	N.	275	17. Minn.		310
18. Ill.	N.	3,166	18. Tex.	W.	2,770	18. Ky.	W.	2,490	18. Mich.	E.	269	18. Ohio.	N.	299
19. Tex.	N.	3,102	19. Tex.	N.	2,692	19. Tex.	N.	2,468	19. Pa.	W.	244	19. Ill.	S.	265
20. Tex.	W.	3,068	20. Ga.	N.	2,507	20. Ga.	N.	2,192	20. Fla.	S.	238	20. Ky.	E.	261
21. Mo.	E.	3,010	21. Tenn.	E.	2,450	21. W. Va.	N.	2,175	21. Ark.	E.	238	21. Ga.	S.	259
22. Tenn.	E.	2,854	22. Ill.	N.	2,428	22. Tenn.	E.	2,093	22. Okla.	E.	230	22. Mich.	E.	232
23. N. C.	W.	2,695	23. W. Va.	N.	2,229	23. Ill.	N.	2,076	23. Mont.		230	23. Pa.	W.	225
24. Wash.	W.	2,669	24. N. C.	W.	2,196	24. Mont.		1,994	24. S. C.	W.	212	24. Calif.	N.	219
25. Mont.		2,619	25. Mont.		2,178	25. N. J.		1,860	25. Md.		204	25. Ariz.		204
26. W. Va.	N.	2,549	26. Wash.	W.	2,105	26. Wash.	W.	1,830	26. Idaho		194	26. Ga.	M.	202
27. Tenn.	M.	2,230	27. N. J.		1,892	27. Tex.	S.	1,663	27. Ill.	N.	194	27. Mo.	W.	197
28. N. J.		2,215	28. Tex.	S.	1,877	28. N. C.	W.	1,628	28. N. Y.	S.	184	28. Okla.	E.	189
29. Fla.	S.	2,204	29. Tenn.	M.	1,816	29. Mo.	W.	1,587	29. Tex.	W.	182	29. Wash.	W.	186
30. Tex.	S.	2,134	30. Ark.	E.	1,691	30. Ark.	E.	1,544	30. Okla.	W.	176	30. Pa.	E.	183
31. Ark.	E.	2,099	31. Ga.	M.	1,682	31. Tenn.	M.	1,533	31. Ill.	E.	164	31. Wis.	E.	171
32. N. C.	E.	2,070	32. Mo.	W.	1,662	32. Ga.	M.	1,447	32. La.	E.	163	32. Md.		156
33. Ariz.		1,994	33. N. C.	E.	1,596	33. Mass.		1,386	33. Colo.		161	33. Tenn.	E.	149
34. Mo.	W.	1,925	34. Ariz.		1,499	34. Ariz.		1,369	34. Ohio.	N.	148	34. Wis.	W.	149
35. Okla.	W.	1,896	35. Ga.	S.	1,435	35. Ga.	S.	1,332	35. Ala.	S.	147	35. Nebr.		142
36. Ga.	M.	1,817	36. Fla.	S.	1,420	36. Fla.	S.	1,327	36. Tex.	E.	147	36. Mo.	E.	136
37. Ga.	S.	1,662	37. Okla.	W.	1,424	37. Okla.	W.	1,323	37. S. C.	E.	139	37. Calif.	S.	135
38. Mass.		1,625	38. Mass.		1,415	38. Ill.	E.	1,263	38. Ariz.		135	38. Ind.	N.	131
39. N. C.	M.	1,539	39. Ill.	E.	1,398	39. Nebr.		1,084	39. Ga.	S.	131	39. Mass.		130
40. Ill.	E.	1,530	40. Ala.	N.	1,214	40. N. H.		1,076	40. N. Y.	W.	127	40. Ohio.	S.	126
41. Pa.	M.	1,494	41. Pa.	M.	1,180	41. Ill.	S.	1,011	41. Calif.	N.	117	41. Miss.	N.	124
42. Pa.	E.	1,445	42. Pa.	E.	1,145	42. Pa.	E.	999	42. Calif.	S.	109	42. Ala.	N.	124
43. Ala.	N.	1,432	43. N. H.		1,141	43. Ohio.	S.	978	43. Va.	E.	106	43. Colo.		119
44. Idaho.		1,332	44. Nebr.		1,118	44. Miss.	N.	945	44. Mich.	W.	103	44. Okla.	N.	115
45. Nebr.		1,329	45. Ill.	S.	1,041	45. Calif.	S.	922	45. Oreg.		100	45. Texas	N.	109
46. Ill.	S.	1,320	46. Idaho		1,037	46. Ala.	N.	917	46. R. I.		100	46. Ark.	E.	105
47. Miss.	N.	1,254	47. Miss.	N.	1,015	47. Pa.	M.	895	47. Minn.		96	47. Idaho		99
48. N. H.		1,197	48. Calif.	S.	1,001	48. Idaho		868	48. N. Mex.		96	48. N. C.	E.	99
49. Ohio.	S.	1,159	49. Ohio.	S.	994	49. N. C.	E.	839	49. Mo.	W.	93	49. S. Dak.		96
50. Calif.	S.	1,147	50. N. C.	M.	974	50. Tex.	E.	819	50. Fla.	N.	81	50. Tex.	S.	86
51. Wis.	E.	1,110	51. Tex.	E.	913	51. Wis.	E.	819	51. Wis.	E.	79	51. Va.	W.	81
52. Tex.	E.	1,068	52. S. C.	W.	899	52. Okla.	N.	802	52. N. H.		79	52. Ala.	S.	73
53. S. C.	W.	1,022	53. Wis.	E.	882	53. S. C.	W.	784	53. Wash.	E.	75	53. Ill.	E.	71
54. S. C.	E.	1,021	54. Okla.	N.	829	54. R. I.		755	54. Miss.	N.	73	54. Tex.	W.	70
55. Okla.	N.	1,020	55. R. I.		816	55. Va.	W.	734	55. Ind.	N.	67	55. Ind.	S.	68
56. R. I.		954	56. Oreg.		789	56. Oreg.		696	56. Mo.	E.	60	56. S. C.	W.	59
57. Miss.	S.	926	57. Va.	W.	781	57. Mich.	W.	683	57. N. Y.	N.	60	57 Miss.	S.	56
58. Va.	W.	917	58. Mich.	W.	773	58. Miss.	S.	683	58. Ark.	W.	59	58. Oreg.		55
59. N. Mex.		846	59. Ala.	S.	731	59. Wis.	W.	675	59. W. Va.	N.	58	59. Pa.	M.	55
60. Oreg.		845	60. Tenn.	W.	722	60. N. C.	M.	661	60. Utah		55	60. Ky.	W.	54
61. Mich.	W.	829	61. Miss.	S.	718	61. Nev.		647	61. Vt.		53	61. Nev.		54
62. Wis.	W.	823	62. S. C.	E.	705	62. La.	W.	641	62. N. J.		52	62. W. Va.	N.	46
63. Tenn.	W.	817	63. Wis.	W.	696	63. Ind.	S.	624	63. Del.		50	63. Fla.	N.	46
64. Ala.	S.	813	64. Ind.	S.	666	64. Tenn.	W.	624	64. Ind.	S.	47	64. Ark.	W.	45
65. Colo.		788	65. La.	W.	664	65. Ala.	S.	623	65. Va.	W.	47	65. Me.		43
66. Nev.		742	66. Nev.		658	66. S. C.	E.	617	66. Nebr.		46	66. N. Dak.		42
67. S. Dak.		740	67. Iowa.	S.	610	67. Iowa.	N.	576	67. Nev.		46	67. Tenn.	W.	39
68. Ind.	S.	715	68. N. Mex.		601	68. Iowa.	S.	574	68. Tenn.		45	68. Va.	E.	39
69. La.	W.	708	69. Iowa.	N.	585	69. N. Mex.		554	69. Okla.		44	69. R. I.		37
70. Iowa.	N.	642	70. Colo.		555	70. S. Dak.		498	70. La.	W.	42	70. Wash.	E.	37
71. Fla.	N.	627	71. S. Dak.		511	71. Ark.	W.	468	71. W. Va.	S.	41	71. La.	E.	36

Numerical list—Total disposition of cases by districts, beginning fiscal year 1926, ending fiscal year 1929—Continued

State	Commenced		State	Convictions		State	Pleas		State	Trials		State	Pending 1929	
	District	Cases		District	Cases		District	Cases		District	Cases		District	Cases
72. Iowa	S.	623	72. Ark	W.	506	72. Me		448	72. Iowa	S.	40	72. Utah		33
73. Ind	N.	611	73. Me		459	73. Colo		443	73. Mass		37	73. N. Mex		30
74. Ark	W.	599	74. Fla	N.	443	74. Ind	N.	389	74. Ill	S.	35	74. Vt		30
75. Me		540	75. Ind	N.	441	75. Fla	N.	383	75. Wyo		34	75. Ala	M.	29
76. Va	E.	491	76. Wash	E.	402	76. Va	E.	350	76. Miss	S.	30	76. N. H		24
77. Wash	E.	482	77. Va	E.	396	77. Wash	E.	335	77. Wis	W.	24	77. Tex	E.	23
78. Conn		342	78. Conn		336	78. Conn		332	78. Ohio	S.	20	78. Iowa	S.	23
79. Del		298	79. Wyo		239	79. Wyo		231	79. S. Dak		15	79. Wyo		18
80. Utah		294	80. Del		232	80. Del		212	80. Ala	M.	15	80. Iowa	N.	18
81. Wyo		289	81. Ala	M.	214	81. Ala	M.	202	81. Me		14	81. La	W.	16
82. Ala	M.	245	82. Utah		176	82. Utah		139	82. Iowa	N.	13	82. Mich	W.	13
83. Vt		222	83. Vt		164	83. Vt		131	83. N. Dak		7	83. Kans		11
84. N. Dak		158	84. N. Dak		99	84. N. Dak		97	84. Conn		7	84. Del		4
85. Kans		47	85. Kans		37	85. Kans		34	85. Kans		5	85. Conn		2

Comparison of cases pending at beginning of fiscal year 1926 and at end of fiscal year 1929

State	District	1926	1929
Alabama	Northern	369	124
	Middle	95	29
	Southern	148	73
		612	226
Arizona		124	204
Arkansas	Eastern	150	105
	Western	105	45
		255	150
California	Northern	1,049	219
	Southern	433	135
		1,482	354
Colorado		106	119
Connecticut		15	2
Delaware		35	4
District of Columbia		649	1,300
Florida	Northern	47	46
	Southern	547	446
		594	492
Georgia	Northern	973	1,055
	Middle		202
	Southern	986	259
		1,959	1,516
Idaho		132	99
Illinois	Northern	254	525
	Eastern	72	71
	Southern	139	265
		465	861
Indiana	Northern	63	131
	Southern		68
		63	199
Iowa	Northern	91	18
	Southern	62	23
		153	41
Kansas		6	11
Kentucky	Eastern	768	261
	Western	781	54
		1,549	315
Louisiana	Eastern	904	36
	Western	59	16
		963	52
Maine		62	43
Maryland		597	156
Massachusetts		167	130
Michigan	Eastern	235	232
	Western	54	13
		289	245
Minnesota		198	310
Mississippi	Northern	127	124
	Southern	145	56
		272	180

Comparison of cases pending at beginning of fiscal year 1926 and at end of fiscal year 1929—Continued

State	District	1926	1929
Missouri	Eastern	102	136
	Western	155	197
		257	333
Montana		119	339
Nebraska		162	142
Nevada		176	54
New Hampshire		19	24
New Jersey		1,967	521
New Mexico		27	30
New York	Northern	992	805
	Eastern	1,294	807
	Southern	1,820	1,836
	Western	1,164	1,380
		5,270	4,829
North Carolina	Eastern	140	99
	Middle		387
	Western	933	321
		1,073	807
North Dakota		13	42
Ohio	Northern	352	299
	Southern	32	126
		384	425
Oklahoma	Northern	53	115
	Eastern	242	189
	Western	181	355
		476	659
Oregon		88	55
Pennsylvania	Eastern	396	183
	Middle	74	55
	Western	116	225
		586	463
Rhode Island		77	37
South Carolina	Eastern	428	472
	Western	127	59
		555	531
South Dakota		93	96
Tennessee	Eastern	252	149
	Middle	412	488
	Western	151	39
		815	676
Texas	Northern	76	109
	Eastern	47	23
	Southern	137	86
	Western	141	70
		401	288
Utah		40	33
Vermont		39	30
Virginia	Eastern	95	39
	Western	107	81
		202	120
Washington	Eastern	28	37
	Western	279	186
		307	223

Comparison of cases pending at beginning of fiscal year 1928 and at end of fiscal year 1929—Continued

State	District	1928	1929
West Virginia	Northern	195	46
	Southern	367	504
		562	550
Wisconsin	Eastern	40	171
	Western	88	149
		128	320
Wyoming		38	18

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929

ALABAMA

	District	1926	1927	1928	1929	Total
Pending	Northern	369	282	139	122	
	Middle	95	87	56	71	
	Southern	148	101	70	107	
		612	470	265	300	
Commenced	Northern	548	261	322	301	1,432
	Middle	163	18	37	27	245
	Southern	138	191	274	210	813
		849	470	633	538	2,490
Terminated	Northern	635	273	339	299	1,546
	Middle	171	49	22	69	311
	Southern	185	222	237	244	888
		991	544	598	612	2,745
Convictions	Northern	461	216	273	264	1,214
	Middle	136	28	11	39	214
	Southern	129	174	227	201	731
		726	418	511	504	2,159
Acquittals	Northern	66	30	37	15	148
	Middle	5	2	2	2	11
	Southern	11	15	6	7	39
		82	47	45	24	198
Pleas	Northern	327	156	212	222	917
	Middle	135	18	10	39	202
	Southern	99	145	199	180	623
		561	319	421	441	1,742
Trials	Northern	193	90	98	57	438
	Middle	1	10	2	2	15
	Southern	41	44	34	28	147
		235	144	134	87	600
Pending	Northern	282	270	122	124	
	Middle	87	56	71	29	
	Southern	101	70	107	73	
		470	396	300	226	

ARIZONA

Pending		124	143	268	146	
Commenced		593	540	423	438	1,994
Terminated		569	420	545	380	1,914
Convictions		467	345	354	333	1,499
Acquittals		10	4	9	2	25
Pleas		428	316	326	299	1,369
Trials		33	30	37	35	135
Pending		143	268	146	204	

ARKANSAS

Pending	Eastern	150	176	227	108	
	Western	105	64	62	38	
		255	240	289	146	
Commenced	Eastern	552	633	324	590	2,099
	Western	185	99	99	216	599
		737	732	423	806	2,698
Terminated	Eastern	536	581	443	593	2,153
	Western	226	101	123	209	659
		762	682	566	802	2,812
Convictions	Eastern	416	475	318	482	1,691
	Western	154	79	98	175	506
		570	554	416	657	2,197

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

ARKANSAS—continued

	District	1926	1927	1928	1929	Total
Acquittals	Eastern	33	13	21	19	86
	Western	8	1	3	9	21
		41	14	24	28	107
Pleas	Eastern	360	438	290	456	1,544
	Western	147	71	91	159	468
		507	509	381	615	2,012
Trials	Eastern	94	50	49	45	238
	Western	15	9	10	25	59
		109	59	59	70	297
Pending	Eastern	166	228	108	105	
	Western	64	62	38	45	
		230	290	146	150	

CALIFORNIA

Pending	Northern	1,049	224	183	288	
	Southern	433	382	133	179	
		1,482	606	316	467	
Commenced	Northern	749	656	729	1,139	3,273
	Southern	380	276	302	189	1,147
		1,129	932	1,031	1,328	4,420
Terminated	Northern	1,574	697	624	1,208	4,103
	Southern	431	525	256	233	1,445
		2,005	1,222	880	1,441	5,548
Convictions	Northern	880	509	479	934	2,802
	Southern	326	282	205	188	1,001
		1,206	791	684	1,122	3,803
Acquittals	Northern	20	2	6	11	39
	Southern	8	8	8	6	30
		28	10	14	17	69
Pleas	Northern	834	498	471	921	2,724
	Southern	299	260	184	179	922
		1,133	758	655	1,100	3,646
Trials	Northern	66	13	14	24	117
	Southern	35	30	29	15	109
		101	43	43	39	226
Pending	Northern	224	183	288	219	
	Southern	382	133	179	135	
		606	316	467	354	

COLORADO

Pending		106	62	75	136	
Commenced		196	138	254	200	788
Terminated		240	125	193	217	775
Convictions		161	102	134	158	555
Acquittals		18	6	11	12	50
Pleas		129	85	102	127	443
Trials		50	23	43	45	161
Pending		62	75	136	119	

CONNECTICUT

Pending		15	12	13	9	
Commenced		53	54	102	133	342
Terminated		56	53	106	140	355
Convictions		51	52	102	131	336
Acquittals		1	0	2	0	3
Pleas		49	50	102	131	332
Trials		3	2	2	0	7
Pending		12	13	9	2	

DELAWARE

Pending		35	14	36	10	
Commenced		57	70	111	60	298
Terminated		78	48	137	66	329
Convictions		55	37	95	47	232
Acquittals		3	3	9	13	28
Pleas		53	37	84	38	212
Trials		5	3	20	22	50
Pending		14	36	10	4	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

DISTRICT OF COLUMBIA

	District	1926	1927	1928	1929	Total
Pending		649	699	1,162	991	
Commenced		1,819	2,182	2,630	1,661	8,292
Terminated		1,769	1,729	2,781	1,352	7,631
Convictions		1,512	1,299	1,898	822	5,531
Acquittals		71	61	63	68	263
Pleas		1,514	658	1,716	407	4,095
Trials		269	702	245	167	1,383
Pending		699	1,152	1,011	1,300	

FLORIDA

	District					
Pending	Northern	47	48	67	65	
	Southern	547	699	430	601	
		594	747	497	666	
Commenced	Northern	102	185	198	142	627
	Southern	515	295	600	794	2,204
		617	480	798	936	2,831
Terminated	Northern	101	166	200	161	628
	Southern	390	564	430	949	2,233
		491	730	630	1,110	2,961
Convictions	Northern	74	128	139	102	443
	Southern	304	171	261	694	1,430
		378	299	400	796	1,873
Acquittals	Northern	2	3	4	13	22
	Southern	20	36	61	19	136
		22	39	65	32	158
Pleas	Northern	70	117	131	65	383
	Southern	287	150	216	674	1,327
		357	267	347	739	1,710
Trials	Northern	6	11	12	52	81
	Southern	37	56	106	39	238
		43	67	118	91	319
Pending	Northern	48	67	65	46	
	Southern	699	430	600	446	
		747	497	665	492	

GEORGIA

	District					
Pending	Northern	973	857	991	815	
	Middle		627	467	160	
	Southern	986	813	663	501	
		1,959	2,297	2,121	1,476	
Commenced	Northern	490	621	881	1,390	3,382
	Middle		249	739	829	1,817
	Southern	655	275	363	369	1,662
		1,145	1,145	1,983	2,588	6,861
Terminated	Northern	606	487	1,057	1,150	3,300
	Middle		409	1,046	787	2,242
	Southern	463	411	525	611	2,010
		1,069	1,307	2,628	2,548	7,552
Convictions	Northern	440	216	861	990	2,507
	Middle		232	741	709	1,682
	Southern	406	335	346	348	1,435
		846	783	1,948	2,047	5,624
Acquittals	Northern	73	12	58	47	190
	Middle		44	38	48	130
	Southern	13	9	5	3	30
		86	65	101	98	350
Pleas	Northern	345	190	746	911	2,192
	Middle		184	641	650	1,475
	Southern	369	312	322	329	1,332
		714	683	1,709	1,890	4,999
Trials	Northern	168	38	173	126	505
	Middle		92	138	107	337
	Southern	50	31	28	22	131
		218	161	339	255	973
Pending	Northern	857	991	815	1,055	
	Middle		467	160	202	
	Southern	1,178	677	501	259	
		2,035	2,135	1,476	1,516	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

IDAHO

	District	1926	1927	1928	1929	Total
Pending		132	179	148	120	
Commenced		349	323	321	339	1,332
Terminated		307	354	349	360	1,370
Convictions		265	194	284	294	1,037
Acquittals		2	7	7	9	25
Pleas		221	158	235	254	868
Trials		46	43	56	49	194
Pending		174	148	120	99	

ILLINOIS

	District					
Pending	Northern	254	140	362	490	
	Eastern	72	65	55	76	
	Southern	139	61	211	108	
		465	266	628	674	
Commenced	Northern	347	496	894	1,429	3,166
	Eastern	260	379	341	550	1,530
	Southern	260	396	191	473	1,320
		867	1,271	1,426	2,452	6,016
Terminated	Northern	461	274	765	1,394	2,894
	Eastern	267	389	320	555	1,531
	Southern	338	246	294	316	1,194
		1,066	909	1,379	2,265	5,619
Convictions	Northern	339	242	633	1,214	2,428
	Eastern	216	352	300	530	1,398
	Southern	281	220	255	285	1,041
		836	814	1,188	2,029	4,867
Acquittals	Northern	22	12	17	36	87
	Eastern	12	9	5	3	29
	Southern	0	0	3	2	5
		34	21	25	41	121
Pleas	Northern	282	196	576	1,022	2,076
	Eastern	203	318	276	466	1,263
	Southern	270	217	245	279	1,011
		755	731	1,097	1,767	4,350
Trials	Northern	79	58	36	21	194
	Eastern	25	43	29	67	164
	Southern	11	3	13	8	35
		115	104	78	96	393
Pending	Northern	140	362	491	525	
	Eastern	65	55	76	71	
	Southern	61	211	108	265	
		266	628	675	861	

INDIANA

	District					
Pending	Northern	63	71	42	129	
	Southern			78	66	
		63	71	120	195	
Commenced	Northern	147	140	91	233	611
	Southern			459	256	715
		147	140	550	489	1,326
Terminated	Northern	139	133	6	231	509
	Southern			471	254	725
		139	133	477	485	1,234
Convictions	Northern	132	115	5	189	441
	Southern			418	248	661
				423	437	1,107
Acquittals	Northern	3	0	1	5	9
	Southern			2	3	5
				3	8	14
Pleas	Northern	116	102	5	166	389
	Southern			394	230	624
				399	396	1,013
Trials	Northern	19	13	1	34	67
	Southern			26	21	47
				27	55	114
Pending	Northern	71	78	127	131	
	Southern			66	68	
				193	199	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

IOWA

	District	1926	1927	1928	1929	Total
Pending	Northern	91	92	67	40	
	Southern	62	45	69	30	
		153	137	136	70	
Commenced	Northern	146	183	211	102	642
	Southern	191	156	146	130	623
		337	339	357	232	1,265
Terminated	Northern	145	208	238	124	715
	Southern	208	132	185	137	662
		353	340	423	261	1,377
Convictions	Northern	141	163	191	90	585
	Southern	183	126	175	126	610
		324	289	366	216	1,195
Acquittals	Northern	0	0	1	3	4
	Southern	1	1	3	0	5
		1	1	4	3	9
Pleas	Northern	139	161	190	86	576
	Southern	175	116	163	120	574
		314	277	353	206	1,150
Trials	Northern	2	2	2	7	13
	Southern	9	10	15	6	40
		11	12	17	13	53
Pending	Northern	92	67	40	18	
	Southern	45	69	30	23	
		137	136	70	41	

KANSAS

Pending		6	6	3	11	
Commenced		4	1	14	28	47
Terminated		4	4	6	28	42
Convicted		4	2	6	25	37
Acquittals		0	0	0	1	1
Pleas		3	2	4	25	34
Trials		2	0	2	1	5
Pending		6	3	11	11	

KENTUCKY

Pending	Eastern	768	456	944	325	
	Western	781	499	136	73	
		1,549	955	1,080	398	
Commenced	Eastern	2,528	2,154	2,980	2,945	10,607
	Western	1,241	553	710	717	3,221
		3,769	2,707	3,690	3,662	13,828
Terminated	Eastern	2,840	1,966	3,599	3,009	11,114
	Western	1,523	916	773	736	3,948
		4,363	2,582	4,372	3,745	15,062
Convictions	Eastern	2,119	1,351	3,028	2,664	9,182
	Western	1,086	650	600	607	2,943
		3,205	2,001	3,628	3,291	12,125
Acquittals	Eastern	19	24	256	300	599
	Western	104	46	28	21	199
		123	70	284	321	798
Pleas	Eastern	1,994	1,198	2,404	2,000	7,596
	Western	895	535	535	525	2,490
		2,889	1,733	2,939	2,525	10,086
Trials	Eastern	144	177	880	984	2,185
	Western	295	161	93	103	652
		439	338	973	1,087	2,837
Pending	Eastern	456	944	325	261	
	Western	499	136	73	54	
		955	1,080	398	315	

LOUISIANA

Pending	Eastern	904	102	34	9	
	Western	59	10	27	23	
		963	112	61	32	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

LOUISIANA—continued

	District	1926	1927	1928	1929	Total
Commenced	Eastern	434	922	1,075	767	3,198
	Western	159	155	257	137	708
		593	1,077	1,332	904	3,906
Terminated	Eastern	1,236	990	1,100	740	4,066
	Western	208	138	261	144	751
		1,444	1,128	1,361	884	4,817
Convictions	Eastern	1,061	914	1,028	682	3,685
	Western	170	129	238	127	664
		1,231	1,043	1,266	809	4,349
Acquittals	Eastern	25	14	17	20	76
	Western	4	3	8	4	19
		29	17	25	24	95
Pleas	Eastern	1,028	897	1,017	656	3,598
	Western	167	123	227	124	641
		1,195	1,020	1,244	780	4,239
Trials	Eastern	58	31	28	46	163
	Western	7	9	19	7	42
		65	40	47	53	205
Pending	Eastern	102	34	9	36	
	Western	10	27	23	16	
		112	61	32	52	

MAINE

Pending	62	47	50	30	
Commenced	166	85	140	149	540
Terminated	181	82	160	136	559
Convictions	137	70	134	118	459
Acquittals	1	0	0	2	3
Pleas	135	69	130	114	448
Trials	3	1	4	6	14
Pending	47	50	30	43	

MARYLAND

Pending	597	881	930	329	
Commenced	1,385	1,021	1,387	1,234	5,027
Terminated	1,101	972	1,988	1,407	5,468
Convictions	1,013	878	1,500	1,251	4,642
Acquittals	8	7	10	16	41
Pleas	995	852	1,442	1,190	4,479
Trials	26	33	68	77	204
Pending	881	930	329	156	

MASSACHUSETTS

Pending	167	134	161	179	
Commenced	378	414	419	414	1,625
Terminated	411	387	401	463	1,662
Convictions	337	354	343	420	1,454
Acquittals	6	4	5	2	17
Pleas	312	336	325	413	1,386
Trials	10	8	10	9	37
Pending	134	161	179	130	

MICHIGAN

Pending	Eastern	235	169	195	217	
	Western	54	25	34	19	
		289	194	229	236	
Commenced	Eastern	780	1,040	1,190	1,214	4,224
	Western	222	172	207	228	829
		1,002	1,212	1,397	1,442	5,053
Terminated	Eastern	846	1,015	1,168	1,199	4,228
	Western	251	163	222	234	870
		1,097	1,178	1,390	1,433	5,098
Convictions	Eastern	753	903	1,098	1,118	3,872
	Western	209	148	206	210	773
		962	1,051	1,304	1,328	4,645
Acquittals	Eastern	7	14	12	17	50
	Western	4	1	5	2	12
		11	15	17	19	62
Pleas	Eastern	731	846	1,033	1,067	3,677
	Western	178	128	184	193	683
		909	974	1,217	1,260	4,360

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

MICHIGAN—continued

	District	1926	1927	1928	1929	Total
Trials	Eastern	53	71	77	68	269
	Western	35	22	27	19	103
		88	93	104	87	372
Pending	Eastern	169	194	217	232	
	Western	25	34	19	13	
		194	228	236	245	

MINNESOTA

Pending		198	183	170	192	
Commenced		609	395	1,159	1,420	3,583
Terminated		655	408	1,137	1,302	3,502
Convictions		558	371	1,017	1,180	3,126
Acquittals		7	4	3	6	20
Pleas		543	361	1,002	1,152	3,058
Trials		22	17	17	40	96
Pending		152	170	192	310	

MISSISSIPPI

Pending	Northern	127	123	112	101	
	Southern	145	92	87	115	
		272	215	199	216	
Commenced	Northern	175	285	402	392	1,254
	Southern	149	201	401	175	926
		324	486	803	567	2,180
Terminated	Northern	185	296	413	369	1,263
	Southern	202	206	367	234	1,009
		387	502	780	603	2,272
Convictions	Northern	160	175	355	325	1,015
	Southern	137	162	270	149	718
		297	337	625	474	1,733
Acquittals	Northern	1	6	8	5	20
	Southern	1	1	4	9	15
		2	7	12	14	35
Pleas	Northern	152	154	336	303	945
	Southern	136	159	243	145	683
		288	313	579	448	1,628
Trials	Northern	9	13	24	27	73
	Southern	2	4	11	13	30
		11	17	35	40	103
Pending	Northern	117	112	101	124	
	Southern	92	87	121	56	
		209	199	222	180	

MISSOURI

Pending	Eastern	102	152	53	143	
	Western	155	132	55	155	
		257	284	108	298	
Commenced	Eastern	621	579	985	825	3,010
	Western	500	260	475	690	1,925
		1,121	839	1,460	1,515	4,935
Terminated	Eastern	571	678	895	832	2,976
	Western	523	337	478	648	1,986
		1,094	1,015	1,373	1,480	4,962
Convictions	Eastern	531	628	853	798	2,810
	Western	358	272	455	577	1,662
		889	900	1,308	1,375	4,472
Acquittals	Eastern	7	2	4	3	16
	Western	3	2	1	8	14
		10	4	5	11	30
Pleas	Eastern	522	609	841	790	2,762
	Western	338	260	434	555	1,587
		860	869	1,275	1,345	4,349
Trials	Eastern	16	21	12	11	60
	Western	22	15	26	30	93
		38	36	38	41	153
Pending	Eastern	152	53	143	136	
	Western	132	55	52	197	
		284	108	195	333	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

MONTANA

	District	1926	1927	1928	1929	Total
Pending		119	127	225	245	
Commenced		409	356	728	1,126	2,619
Terminated		401	258	708	1,032	2,399
Convictions		320	206	663	989	2,178
Acquittals		18	4	13	14	49
Pleas		271	192	609	922	1,994
Trials		67	18	64	81	230
Pending		127	225	245	339	

NEBRASKA

Pending		162	121	84	147	
Commenced		276	341	504	208	1,329
Terminated		317	378	441	213	1,349
Convictions		278	317	356	167	1,118
Acquittals		5	4	1	2	12
Pleas		266	308	350	160	1,084
Trials		17	13	7	9	46
Pending		121	84	147	142	

NEVADA

Pending		176	265	141	66	
Commenced		343	147	100	152	742
Terminated		254	271	178	164	867
Convictions		232	173	122	131	658
Acquittals		3	5	6	1	15
Pleas		244	157	116	130	647
Trials		11	21	12	2	46
Pending		265	141	63	54	

NEW HAMPSHIRE

Pending		19	24	6	11	
Commenced		267	264	347	319	1,197
Terminated		262	287	342	306	1,197
Convictions		252	262	330	297	1,141
Acquittals		3	4	6	1	14
Pleas		237	245	314	280	1,076
Trials		18	21	22	18	79
Pending		24	6	11	24	

NEW JERSEY

Pending		1,967	380	348	488	
Commenced		682	225	486	822	2,215
Terminated		2,269	307	346	789	3,711
Convictions		844	174	251	623	1,892
Acquittals		10	4	4	2	20
Pleas		829	172	240	619	1,860
Trials		25	6	15	6	52
Pending		380	348	488	521	

NEW MEXICO

Pending		27	48	15	37	
Commenced		224	193	179	250	846
Terminated		203	226	157	257	843
Convicted		151	161	122	167	601
Acquittals		13	10	13	13	49
Pleas		140	151	111	152	554
Trials		24	20	24	28	96
Pending		48	15	37	30	

NEW YORK

Pending	Northern	992	1,093	980	1,097	
	Eastern	1,294	1,538	1,532	912	
	Southern	1,820	771	864	1,721	
	Western	1,164	1,773	972	888	
		5,270	5,175	4,348	4,618	
Commenced	Northern	1,942	1,765	1,975	2,295	7,977
	Eastern	2,490	2,208	2,074	2,220	8,992
	Southern	2,517	1,388	8,823	7,816	20,544
	Western	1,492	1,487	918	1,489	5,386
		8,441	6,848	13,790	13,820	42,899
Terminated	Northern	1,840	1,853	1,858	2,586	8,142
	Eastern	2,246	2,214	2,714	2,325	9,499
	Southern	3,566	1,295	7,966	7,701	20,528
	Western	883	2,288	1,002	997	5,170
		8,535	7,655	13,540	13,609	43,339
Convictions	Northern	1,620	1,560	1,718	1,838	6,736
	Eastern	2,051	1,932	2,238	1,872	8,093
	Southern	1,854	810	7,453	6,686	16,803
	Western	569	1,217	491	616	2,893
		6,094	5,519	11,900	11,012	34,525
Acquittals	Northern	1	4	3	5	13
	Eastern	44	48	51	88	231
	Southern	23	18	20	8	69
	Western	8	24	7	10	49
		76	94	81	111	362

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

NEW YORK—continued

	District	1926	1927	1928	1929	Total
Pleas	Northern	1,614	1,548	1,706	1,822	6,690
	Eastern	1,906	1,881	2,208	1,808	7,803
	Southern	1,845	787	7,439	6,676	16,747
	Western	547	1,191	474	605	2,817
		6,002	5,407	11,827	10,911	34,147
Trials	Northern	7	16	16	21	60
	Eastern	99	99	94	152	444
	Southern	44	63	50	27	184
	Western	30	52	24	21	127
		180	230	184	221	815
Pending	Northern	1,004	1,000	1,097	806	
	Eastern	1,538	1,552	892	807	
	Southern	771	864	1,721	1,836	
	Western	1,773	972	898	1,380	
		5,176	4,388	4,598	4,829	

NORTH CAROLINA

Pending	Eastern	140	131	90	96	
	Middle		0	305	334	
	Western	933	955	764	632	
		1,073	1,086	1,159	1,062	
Commenced	Eastern	457	380	476	757	2,070
	Middle		325	572	642	1,539
	Western	1,157	679	466	393	2,695
		1,614	1,384	1,514	1,792	6,304
Terminated	Eastern	466	421	470	754	2,111
	Middle		20	543	589	1,152
	Western	1,135	870	598	704	3,307
		1,601	1,311	1,611	2,047	6,570
Convictions	Eastern	314	305	358	619	1,596
	Middle		16	458	500	974
	Western	872	461	409	454	2,196
		1,186	782	1,225	1,573	4,766
Acquittals	Eastern	82	53	67	73	275
	Middle		2	41	33	76
	Western	49	28	28	34	139
		131	83	136	140	490
Pleas	Eastern	211	117	147	364	839
	Middle		7	331	323	661
	Western	684	364	273	307	1,628
		895	488	751	994	3,128
Trials	Eastern	185	241	278	328	1,032
	Middle		11	168	210	389
	Western	237	125	164	181	707
		422	377	610	719	2,128
Pending	Eastern	131	90	96	99	
	Middle		305	334	387	
	Western	955	764	632	321	
		1,086	1,159	1,062	807	

NORTH DAKOTA

Pending		13	25	28	39	
Commenced		45	15	58	40	158
Terminated		33	13	47	37	130
Convictions		30	12	35	22	99
Acquittals		0	0	1	4	5
Pleas		30	12	33	22	97
Trials		0	0	3	4	7
Pending		25	27	39	42	

OHIO

Pending	Northern	352	304	296	298	
	Southern	32	40	32	67	
		384	344	328	365	
Commenced	Northern	1,011	699	743	839	3,292
	Southern	198	228	398	335	1,159
		1,209	927	1,141	1,174	4,451
Terminated	Northern	1,059	707	741	838	3,345
	Southern	190	236	363	276	1,065
		1,249	943	1,104	1,114	4,410
Convictions	Northern	955	622	706	760	3,043
	Southern	178	220	342	254	994
		1,133	842	1,048	1,014	4,037

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

OHIO—continued

	District	1926	1927	1928	1929	Total
Acquittals	Northern	3	2	8	2	15
	Southern	1	0	2	1	4
		4	2	10	3	19
Pleas	Northern	908	571	686	745	2,910
	Southern	176	216	335	251	978
		1,084	787	1,021	996	3,888
Trials	Northern	50	53	28	17	148
	Southern	3	4	9	4	20
		53	57	37	21	168
Pending	Northern	304	296	298	299	
	Southern	40	32	67	126	
		344	328	365	425	

OKLAHOMA

Pending	Northern	53	79	145	108	
	Eastern	242	307	273	132	
	Western	181	218	308	323	
		476	604	726	563	
Commenced	Northern	276	234	279	231	1,020
	Eastern	736	916	915	819	3,386
	Western	482	434	474	506	1,896
		1,494	1,584	1,668	1,556	6,302
Terminated	Northern	250	168	316	224	958
	Eastern	671	950	1,056	762	3,439
	Western	445	344	459	474	1,722
		1,366	1,462	1,831	1,460	6,119
Convictions	Northern	206	155	269	199	829
	Eastern	630	915	1,017	725	3,287
	Western	353	278	409	384	1,424
		1,189	1,348	1,695	1,308	5,540
Acquittals	Northern	12	0	5	2	19
	Eastern	6	8	9	6	29
	Western	16	10	9	40	75
		34	18	23	48	123
Pleas	Northern	189	153	263	197	802
	Eastern	592	842	976	676	3,086
	Western	320	272	388	343	1,323
		1,101	1,267	1,627	1,216	5,211
Trials	Northern	27	2	11	4	44
	Eastern	44	81	50	55	230
	Western	49	16	30	81	176
		120	99	91	140	450
Pending	Northern	79	145	108	115	
	Eastern	307	273	132	189	
	Western	218	308	323	355	
		604	726	563	659	

OREGON

Pending		88	81	79	50	
Commenced		201	256	235	153	845
Terminated		208	256	264	148	876
Convictions		183	229	237	140	789
Acquittals		3	3	1	3	10
Pleas		147	207	214	128	696
Trials		39	21	25	15	100
Pending		81	81	50	55	

PENNSYLVANIA

Pending	Eastern	396	356	154	112	
	Middle	74	68	54	29	
	Western	116	247	546	283	
		586	671	754	424	
Commenced	Eastern	226	110	381	728	1,445
	Middle	364	331	353	446	1,494
	Western	1,050	1,606	1,124	1,024	4,804
		1,640	2,047	1,858	2,198	7,743
Terminated	Eastern	276	312	423	657	1,668
	Middle	370	345	378	420	1,513
	Western	967	1,307	1,387	1,082	4,743
		1,613	1,964	2,188	2,159	7,924

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

PENNSYLVANIA—continued

	District	1926	1927	1928	1929	Total
Convictions	Eastern	143	147	289	566	1,145
	Middle	280	280	274	346	1,180
	Western	916	1,230	1,168	895	4,209
		1,339	1,657	1,731	1,807	6,534
Acquittals	Eastern	16	31	35	49	131
	Middle	12	23	32	28	95
	Western	20	10	46	28	104
		48	64	113	105	330
Pleas	Eastern	122	135	238	504	999
	Middle	279	211	167	238	895
	Western	882	1,217	1,122	848	4,069
		1,283	1,563	1,527	1,590	5,963
Trials	Eastern	33	43	91	111	278
	Middle	13	92	139	136	380
	Western	54	23	92	75	244
		100	158	322	322	902
Pending	Eastern	346	154	112	183	
	Middle	68	54	29	55	
	Western	199	546	283	225	
		613	754	424	463	

RHODE ISLAND

Pending		77	54	116	55	
Commenced		281	245	163	265	954
Terminated		303	183	224	283	993
Convictions		268	160	186	202	816
Acquittals		11	6	4	6	27
Pleas		245	144	175	191	755
Trials		38	24	21	17	100
Pending		55	116	55	37	

SOUTH CAROLINA

Pending	Eastern	428	364	338	346	
	Western	127	87	77	63	
		555	451	415	409	
Commenced	Eastern	319	122	165	415	1,021
	Western	339	212	243	228	1,022
		658	334	408	643	2,043
Terminated	Eastern	383	148	157	289	977
	Western	379	222	257	232	1,090
		762	370	414	521	2,067
Convictions	Eastern	283	107	84	231	705
	Western	307	175	219	198	899
		590	282	303	429	1,604
Acquittals	Eastern	19	7	13	12	51
	Western	43	17	17	20	97
		62	24	30	32	148
Pleas	Eastern	252	90	64	211	617
	Western	269	139	199	177	784
		521	229	263	388	1,401
Trials	Eastern	50	24	33	32	139
	Western	81	53	37	41	212
		131	77	70	73	351
Pending	Eastern	364	338	346	472	
	Western	87	77	63	59	
		451	415	409	531	

SOUTH DAKOTA

Pending		93	212	103	113	
Commenced		269	98	170	203	740
Terminated		150	207	160	220	737
Convictions		148	102	118	143	511
Acquittals		0	0	1	1	2
Pleas		143	101	114	140	498
Trails		5	1	5	4	15
Pending		212	103	113	96	

TENNESSEE

Pending	Eastern	252	281	278	295	
	Middle	412	322	478	354	
	Western	151	39	26	52	
		815	642	782	701	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

TENNESSEE—continued

	District	1926	1927	1928	1929	Total
Commenced	Eastern	945	518	608	693	2,854
	Middle	608	667	449	506	2,230
	Western	224	134	251	208	817
		1,777	1,319	1,398	1,407	5,901
Terminated	Eastern	916	521	681	839	2,957
	Middle	698	511	573	372	2,154
	Western	336	147	225	221	929
		1,950	1,179	1,479	1,432	6,040
Convictions	Eastern	770	410	568	702	2,450
	Middle	571	437	485	323	1,816
	Western	242	111	188	181	722
		1,583	958	1,241	1,206	4,988
Acquittals	Eastern	50	34	40	50	174
	Middle	34	22	40	19	115
	Western	3	3	8	5	19
		87	59	88	74	308
Pleas	Eastern	665	337	470	621	2,093
	Middle	493	380	395	265	1,533
	Western	231	109	109	175	624
		1,389	826	974	1,061	4,250
Trials	Eastern	157	107	138	131	533
	Middle	112	79	130	77	398
	Western	14	5	15	11	45
		283	191	283	219	976
Pending	Eastern	281	278	295	149	
	Middle	322	478	354	488	
	Western	39	26	52	39	
		642	782	701	676	

TEXAS

Pending	Northern	76	45	99	100	
	Eastern	47	26	31	31	
	Southern	137	77	74	69	
	Western	141	121	90	90	
		401	269	294	290	
Commenced	Northern	303	760	1,205	834	3,102
	Eastern	164	183	351	370	1,068
	Southern	442	505	541	646	2,134
	Western	791	728	827	712	3,058
		1,700	2,176	2,924	2,562	9,362
Terminated	Northern	334	707	1,204	825	3,070
	Eastern	185	178	351	378	1,092
	Southern	502	508	546	629	2,185
	Western	811	759	827	732	3,129
		1,832	2,152	2,928	2,564	9,476
Convictions	Northern	262	627	1,052	751	2,692
	Eastern	161	150	289	313	913
	Southern	390	436	489	562	1,877
	Western	672	652	709	677	2,770
		1,485	1,865	2,599	2,303	8,252
Acquittals	Northern	6	15	24	6	51
	Eastern	6	13	12	22	53
	Southern	31	19	20	24	94
	Western	28	24	7	11	70
		71	71	63	63	268
Pleas	Northern	221	578	977	692	2,468
	Eastern	142	133	262	282	819
	Southern	320	385	465	493	1,663
	Western	630	616	731	650	2,627
		1,313	1,712	2,435	2,117	7,577
Trials	Northern	47	64	99	65	275
	Eastern	25	30	39	53	147
	Southern	101	70	44	93	308
	Western	70	36	38	38	182
		243	200	220	249	912
Pending	Northern	45	98	100	109	
	Eastern	26	31	31	23	
	Southern	77	74	69	86	
	Western	121	90	90	70	
		269	293	290	288	

UTAH

Pending		40	18	17	48	
Commenced		64	45	122	63	294
Terminated		86	46	91	78	301

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

UTAH—continued

	District	1926	1927	1928	1929	Total
Convictions		44	30	57	45	176
Acquittals		6	2	6	4	18
Pleas		33	22	49	35	139
Trials		17	10	14	14	55
Pending		18	17	48	33	

VERMONT

Pending		39	21	24	33	
Commenced		38	53	57	74	222
Terminated		56	50	48	77	231
Convictions		33	33	37	61	164
Acquittals		4	8	5	7	24
Pleas		30	24	31	46	131
Trials		7	17	7	22	53
Pending		21	24	33	30	

VIRGINIA

Pending	Eastern	95	55	47	39	
	Western	107	92	101	80	
		202	147	148	119	
Commenced	Eastern	176	124	87	104	491
	Western	165	202	308	242	917
		341	326	395	346	1,408
Terminated	Eastern	216	132	95	104	547
	Western	180	193	329	241	943
		396	325	424	345	1,490
Convictions	Eastern	138	91	77	90	396
	Western	150	146	268	217	781
		288	237	345	307	1,177
Acquittals	Eastern	23	15	12	7	57
	Western	7	6	3	2	18
		30	21	15	9	75
Pleas	Eastern	121	71	75	83	350
	Western	133	133	256	212	734
		254	204	331	295	1,084
Trials	Eastern	40	36	16	14	106
	Western	17	11	12	7	47
		57	47	28	21	153
Pending	Eastern	55	47	39	39	
	Western	92	101	80	81	
		147	148	119	120	

WASHINGTON

Pending	Eastern	28	23	19	66	
	Western	279	378	619	282	
		307	401	638	348	
Commenced	Eastern	95	76	184	127	482
	Western	846	746	561	516	2,669
		941	822	745	643	3,151
Terminated	Eastern	99	81	137	156	473
	Western	746	518	899	612	2,775
		845	599	1,036	768	3,248
Convictions	Eastern	89	61	118	134	402
	Western	572	400	673	460	2,105
		661	461	791	594	2,507
Acquittals	Eastern	6	3	4	1	14
	Western	27	26	35	19	107
		33	29	39	20	121
Pleas	Eastern	61	52	96	126	335
	Western	502	356	563	409	1,830
		563	408	659	535	2,165
Trials	Eastern	26	12	28	9	75
	Western	97	70	145	66	378
		123	82	173	75	453
Pending	Eastern	24	18	66	37	
	Western	379	606	281	186	
		403	624	347	223	

Disposition of cases in each State for period beginning fiscal year 1926 and ending fiscal year 1929—Continued

WEST VIRGINIA

	District	1926	1927	1928	1929	Total
Pending	Northern	195	149	185	21	
	Southern	367	640	750	568	
		562	789	935	589	
Commenced	Northern	517	630	742	660	2,549
	Southern	2,157	2,467	2,167	1,449	8,240
		2,674	3,097	2,909	2,109	10,789
Terminated	Northern	563	594	906	635	2,693
	Southern	1,884	2,352	2,349	1,513	8,098
		2,447	2,946	3,255	2,148	10,796
Convictions	Northern	466	490	720	553	2,229
	Southern	1,522	1,916	1,917	1,122	6,477
		1,988	2,406	2,637	1,675	8,706
Acquittals	Northern	2	0	0	2	4
	Southern	2	1	3	4	10
		4	1	3	6	14
Pleas	Northern	448	484	706	537	2,175
	Southern	1,517	1,911	1,909	1,110	6,447
		1,965	2,395	2,615	1,647	8,622
Trials	Northern	20	6	14	18	58
	Southern	7	7	11	16	41
		27	13	25	34	99
Pending	Northern	149	185	21	46	
	Southern	640	750	568	504	
		789	935	589	550	

WISCONSIN

Pending	Eastern	40	39	67	56	
	Western	88	108	67	126	
		128	147	134		182
Commenced	Eastern	184	116	337	473	1,110
	Western	119	107	254	343	823
		303	223	591	816	1,933
Terminated	Eastern	185	88	348	358	979
	Western	96	148	195	320	759
		281	236	543	678	1,738
Convictions	Eastern	151	72	327	332	882
	Western	92	128	180	296	696
		243	200	507	628	1,578
Acquittals	Eastern	5	0	5	6	16
	Western	0	0	1	2	3
		5	0	6	8	19
Pleas	Eastern	139	64	304	312	819
	Western	87	124	173	291	675
		226	188	477	603	1,494
Trials	Eastern	17	8	28	26	79
	Western	5	4	8	7	24
		22	12	36	33	103
Pending	Eastern	39	67	56	171	
	Western	111	67	126	149	
		150	134	182	320	

WYOMING

Pending	38	11	18	13	
Commenced	70	54	83	82	289
Terminated	97	47	89	77	310
Convictions	60	41	79	59	239
Acquittals	6	3	2	6	17
Pleas	59	41	79	52	231
Trials	12	6	3	13	34
Pending	11	18	12	18	

NARCOTICS

The SPEAKER pro tempore. The gentleman from New York [Mr. SIROVICH], under the order heretofore made, is recognized for 60 minutes.

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen of the House. Here is a poppy. It is about the size of an egg. When

you shake it, you hear a noise due to the seeds contained in it. The poppy contains two kinds of seed, one black and the other white.

The color of the seeds gives the name to the poppy. It is either a black poppy or a white poppy. The white poppy is annual. It rises 2 or 3 feet in height and sometimes even to 5 or 6 feet, in favorable situations. In India it blooms in the month of February. In Europe, and the United States, no earlier than June, July, or August.

When you cut your finger blood exudes. Within five minutes it coagulates. When you cut into the unripe capsule of the poppy, just before it is a year old, it too bleeds. But its blood is represented by a white milky exudation. This milky exudation takes 24 hours to coagulate. After that time this coagulated product is scraped off the capsule of the poppy, and it is called opium from the Greek word "opion," which means juice. This is known as crude opium.

It is in the capsule that the juice most abounds and the virtues of the plant chiefly reside. The seeds contained within the poppy are destitute of narcotic properties. From ancient down to modern times they have been employed in the preparation of various dainties such as bread, cakes, and rolls.

The seeds abound with a bland oil commercially called "poppy-seed oil," which may be extracted by expression. This oil resembles olive oil, for which it has been used as a substitute in every part of the civilized world.

At the present time the poppy is cultivated very extensively in India, China, Persia, Egypt, and in Asiatic Turkey for its opium and in certain portions of Europe chiefly for its seeds.

Here is the coca leaf. It grows mainly in South America, principally in Peru, and in Java, owned by Holland.

In human society man reproduces himself. His progeny are remembered as his offspring. Some of his descendants become famous while others become infamous. So with opium. This famous drug has 18 descendants. In chemistry we call them derivatives or alkaloids. Who are some of these distinguished children that opium has given to the world? Its oldest son is called morphine. Next come codein, narcein, papaverine, and pantopon, used in childbirth as twilight sleep. The rest have been relegated to the background of obscurity.

In 1817 an eminent German chemist, Saturner, extracted morphine from opium and preached the modern doctrine that the narcotic powers of opium resided in morphine, and so named this drug after the famous god of sleep, Morpheus. The chief descendant of morphine as its derivative is heroin, the grandson of opium. The only son of coca is cocaine, medically known as its alkaloid.

From time immemorial, through ancient, medieval, and modern times, opium has been used for five purposes: First, to relieve every form of pain that the human body is heir to. Second, to induce sleep for insomnia caused by inconceivable mental, physical, and functional conditions. Third, to check metabolic disturbances caused by inflammation and irritation that can take place in any part of the human body. Fourth, to counteract excessive secretions in the various cells of the body that give rise to serious disturbances, such as diarrhea, pleurisy, and peritonitis. Fifth, for systemic purposes to build up the physical and mental constitution of exhausted and worn-out human bodies.

In all parts of the world opium has been habitually employed by many with a view to its exhilarating and anodyne influence. This is particularly the case among the Mohammedans and the Hindus, who find in this narcotic drug the most pleasant substitute for alcoholic drinks, which are interdicted by their religion. In India, Persia, China, and Turkey it is consumed in immense quantities, and many nations of the East smoke opium as those of the West smoke tobacco.

The use of opium as a medicine can be clearly traced back to Diagos, who was nearly contemporary with Hippocrates, the founder of ancient medicine.

What is the physiological action of opium and its derivatives upon the human body and the human mind? There are four varieties of symptoms: First, subjective; second, objective; third, mental; and fourth, moral.

The subjective symptoms are the symptoms that the patient feels and complains of most. What are they? Generally speaking, opium is a stimulant narcotic. Taken by a healthy person in moderate doses it increases the force, fullness, and frequency of the pulse, augments the temperature of the skin, invigorates the muscular system, quickens the senses, animates the spirits, and gives new energy to the intellectual faculties.

This operation, while it is extended to all parts of the system, is directed with peculiar force to the brain, the functions of which it excites, and sometimes even goads on to intoxication and delirium.

In a short time this excitation subsides. A bodily calmness and a delightful placidity of mind succeed. The individual, insensible to painful impressions, forgetting all source of care and anxiety, submits himself to a current of undefined and unconnected but pleasing fancies and is conscious of no other feeling than that of a quiet and peculiar enjoyment.

At the end of half an hour or an hour from the administration of the narcotic, all consciousness is lost in sleep. The soporific effect, after having continued for 8 or 10 hours, goes off and is often succeeded by more or less nausea, headaches, tremors, and other symptoms of diminished or irregular nervous action, which soon yield to the recuperative energies of the system, and unless the dose is frequently repeated, and the powers of nature worn out by overexcitement, no injurious consequences will ultimately result.

Such is the obvious operation of opium when moderately taken, as experienced by the patient.

What are the objective symptoms as observed by the outsider looking upon one who uses the drug? His physical condition is below par. His features are expressionless. They index a lack of mental activity. They have the hatchet face with sunken cheeks and lusterless eyes. The color of the skin varies from a waxen pallor to a bluish appearance. The fingernails become brittle and chip off. The teeth soften and suffer continuous destruction. The dentine crumbles away. Gradual loss of weight increases monthly. An actual repugnance for meat is ever present while the drug is being used. The addicts become excessive cigarette smokers.

Blood pressure is uniformly high in morphine addiction and is often below normal in heroin cases. Yawning every few seconds. Tremor is very excessive, and the expression haggard. Excessive muscular weakness, and finally utter collapse. The mortality among drug addicts is largely from those cases which often follow too rapid reduction or total deprivation. So much for the objective symptoms.

What are the mental symptoms? Persons who were, prior to the addiction of this habit, honorable and upright, lose their fine sense of honor and degenerate into conscienceless prevaricators of the truth. In medicine we term them pathological liars. In the lexicon of the addict there is no such word as truth. He lies and lies in order to get possession of the drug. He will cry, plead, implore, beg, and beseech to give him the drug.

Deception and distortion of the truth and facts go hand in hand with the drug addict. His daily life is a veritable hell on earth through fear that the source of supply may be cut off. Gradually the mind drags down, and the drug addict becomes a derelict and driftwood upon the ocean of life, deserted by his friends, scorned by his relatives, and outlawed by society. [Applause.]

What are the moral symptoms? He is unable to differentiate between right and wrong, but uniformly does the wrong thing at the right time. He does not sustain his former moral level, but becomes careless in language and behavior, neglectful of family life and of personal appearance, and finally loses all sense of dignity, and becomes a moral as well as a mental and physical degenerate.

Under these conditions, crimes of every conceivable nature are committed to obtain the drug. On this point the addict becomes imbued with the courage of desperation, whereas usually drug addicts are cowards.

Addicts are clannish to a degree. They become reformers, crusaders, and, just like the enthusiasts in religion, in politics, and in prohibition, they fanatically preach the gospel of their drugs, and so each addict surreptitiously carries propaganda to the people he comes in contact with in speaking of the wonders and the glories of what opium and its derivatives will do to the one who takes them.

Days and dates become confused, and memory plays some pitiful tricks with these unfortunate men and women. To the female, in order to secure the drug, moral obligations are cast aside. Men and women alike are cowards and have no stamina or fortitude to come back. Such is the terrible tragedy of this drug when used for purposes never intended by nature. [Applause.]

The normal healthy person, having a sound mind in a healthy body, is uninfluenced by these drugs. Transient periods of physical imperfections are relieved and the drug is forgotten.

But what types of people use this drug? Personally I consider them psycopathic constitutional inferior types. Neurotics, dyspeptics, neurasthenics, high morons, low morons, hysterics; men and women who have been deprived by nature of certain inherent qualities that necessarily must go with the sound mind and the healthy body. These people bear the same relationship to normal human beings that the thorns and the thistles and the

weeds bear to nature. They can not stand pain or suffering. They are victims of hereditary, environmental, or acquired disorders that opiates only relieve. That is why they become slaves to these drugs.

These men and women should never be arrested and placed in prison. [Applause.] They are suffering from an infectious, contagious, and communicable disease that can infest all people who come into intimate contact with them. In our own country there are at least a million addicts who are using this drug to bolster their physical and mental shortcomings.

What is the treatment of drug addiction? For the last generation various drugs were used that were supposedly specific for the cure of this unfortunate malady. However, the most eminent authorities to-day in the Nation and in the world are agreed that there is no alternative treatment that will enable a drug addict to be cured. The most humane form of treatment is that of giving progressively, diminishing doses of morphine. Two to three weeks should be allowed for this reduction treatment. The advantages of this method are the absence or great diminution of severe suffering and its safety as regards collapse and danger to life.

In my study of the treatment of drug addiction no substances have so far been found that may be called specific cures for drug addiction. The utilization of depressants on the brain and nervous system are ineffective and not practical as a substitute for opium derivatives and should be disregarded by everyone who treats drug addicts.

The most important consideration following elimination of the use of opium and its derivatives, cocaine and its alkaloids, is the rehabilitation treatment, which consists in putting the drug addict upon the farm close to nature, encouraged by sympathetic attendants, who will help him climb the ladder of life once again and return to society as a useful member; in other words, to end his being a continued expense and even a menace to the city, and make him a self-supporting productive citizen. To secure such a result it must be assured that the addict has learned a trade or line of work through which he may be self-supporting; that a position be found for him when he is prepared; that his progress for a number of years be supervised and checked up through some form of parole; and finally that he be brought to a state of mind whereby he becomes cooperative and honestly desires to be permanently free of his habit.

To help the treatment of drug addiction we must get government cooperation, and through conventions the civilized nations of the world must get together and find a treatment that will permanently cure and eradicate the drug evil throughout the world. [Applause.]

Every proponent of the principle of prohibition is pleading for laws and regulations that will bring about State enforcement of the dry law.

If there ever was humane legislation that is necessary at the present time it is cooperation from every State of the Union, through its legislatures, that will help to rigidly enforce the evils of drug addiction. We have one enforcement agent for the narcotic law for every 500,000 citizens of the United States. We have 200 men who are asked to enforce the narcotic laws amongst 120,000,000 people in the United States. The total amount of money spent for enforcement because of drug addiction in this Nation is the sum of $1,600,000. How much better and greater would it be if we would take away some of the $36,000,000 appropriated for prohibition, which is unenforcible, and utilize part of it to enforce a law that the citizenship of our Nation is praying and hoping will be rigidly enforced. [Applause.]

Three tons of opium and its derivatives are necessary to look after the medical and the scientific requirements of the whole world. One ton of opium and its derivatives is all that is needed to look after all the people of North America and South America for medicinal and scientific purposes. And still almost 200 tons were smuggled into the United States during the last year, 85 per cent of which comes through the harbor of the city of New York.

From that port it is distributed to the large dealers who sell and ship only to trusted dealers in other cities, who in turn distribute to the smaller peddlers.

In the United States there are only 4 factories manufacturing derivative narcotic drugs, while in 5 countries of Europe, such as England, France, Germany, Holland, and Switzerland, there are 50 factories that are turning out opium and its derivative drugs to dope and drug the innocent peoples of the world. An ounce of morphine sells in Europe for 50 cents. By the time it is smuggled into our country it sells for $150 an ounce. What tremendous profit is made by these unscrupulous vendors who live upon the shame, degradation, and weaknesses of the men and women of our country. [Applause.]

Under the able supervision of United States District Attorney Charles H. Tuttle and his chief assistants, George Mintzer and Mr. Blake, 98 per cent of the cases tried of those who peddled and sold these drugs were convicted and sentenced to prison for long terms. On June 30, 1929, of some 10,000 Federal penitentiary prisoners, the number convicted under the Federal drug act was 2,731, the greatest number convicted of felony under one act of Congress.

The consumption per capita of opium and its derivatives is 2 grains in England, 3 grains in Germany, 8 in France, and 8 in the United States.

Switzerland, with a population of 4,000,000 people, manufactured 23 tons of morphine and heroin last year. It manufactured 2 pounds of heroin for its own people and manufactured 2 tons of heroin to be sent into France every year.

Why do people become drug addicts? To my mind they become addicted to drugs because they can not keep battling along in the struggle for existence in this cruel world of reality, so they run away and flee into a new world, called the imaginative world there to live in peace, in harmony, and tranquility, and realize every aim and sentiment and ambition that they know in this world.

In running away from the world of reality to the imaginative world they have to cross four bridges, which lead them from the world of struggle into the world of fancy. These four bridges are called the opium bridge, the cocaine bridge, the heroin bridge, and the morphine bridge.

When they have completed their existence in this transient world of fantasy they return unfortunately back across four different bridges: First, the bridge of sighs; second, the bridge of humiliation; third, the bridge of degradation; and fourth, the bridge of sorrow. Back to the world of reality where the struggle for a fresh dosage of opiates begins.

When the Koran forbade its followers all forms of alcoholic beverages and indulgences, the Mohammedans found in opium a welcome substitute, and to-day the same deadly substitution is taking place not in Islam, not amongst the Mohammedans, but here in the United States of America, where prohibition has driven these psychopathic constitutional inferior types who fear to drink liquor because it may be poisoned, into the ranks of addicts who use these drugs to bring them from the world of reality into a world of imagination, so that we have the pitiful spectacle of having four times the amount of drug addicts after prohibition than we had prior to prohibition.

Of all the substitutes for strong drink none so quickly and so thoroughly destroy the body, stupefy the mind, and stultify the moral nature as opium and its derivatives, which debauches and undermines the moral fiber and destroys the economic efficiency of its victims, until the addict becomes more a devil than a man.

Various reputable authorities of this subject throughout the country estimate its devotees from 1,000,000 to 2,000,000. The United States is using thirty-five times as much morphine as is required for the legitimate medical purposes. Most of these drugs come in through smuggling.

Immediately after prohibition went into effect 850,000 pounds of crude opium, enough to produce 35 tons of morphine, were imported into the United States. One ton is enough to supply the medicinal needs of North and South America.

The combined population of Germany, France, and Italy is 140,000,000. The United States has a population of 120,000,000. Yet we imported ten times more crude opium than these three countries put together.

For over a century China, bound and helpless in the clutches of the opium habit, made spasmodic but futile attempts to break her chains and free her helpless people from an evil which destroyed their physical stamina, weakened their mental fiber, and ruined their economic efficiency. Edicts and severe penalties against the importation, sale, and use of opium seemed to have had little effect. The importation increased from 200 chests of opium in 1729 to 4,000 in 1790 and to 70,000 in 1858.

The opium came from India and the increase in importation corresponds with the British occupation of India and the monopoly of the East India Co. The Emperor Young Chen, who ruled China between the years 1750 and 1780, placed an embargo upon the importation of the poppy from India, because it was destroying the mental and physical fiber of the Chinese people, who were being exploited and commercialized by the British for the benefit of the East India Co. After his death, England compelled China to lift this embargo so that from the year 1790 the importation of the poppy increased from 4,000 cases to almost 70,000 cases in 1839. As England would listen to no appeals or protests, the Emperor of China finally ordered some 20,000 chests stored on ships near Canton to be destroyed.

This was in 1839 and the cause of the first so-called opium war, which resulted in defeat and loss for China. England took the island of Hong Kong and $21,000,000 indemnity, of which $6,000,000 went to the British merchants as payment for the destroyed opium. In addition five Chinese ports became treaty ports—open doors for trade in general and opium in particular. Fifteen years later came the second opium war waged by Great Britain, which opened up five more trade ports and exacted a second indemnity of $3,000,000 from China.

These wars must be regarded as unjust and immoral because they originated in a desire to force upon a helpless people a traffic lucrative to Great Britain.

Mr. Speaker, ladies and gentlemen, listen to what that distinguished Premier of Great Britain said about the opium wars waged by England against innocent and defenseless China. Regarding this war, Gladstone said:

> A war more unjust in its origin, a war more calculated to cover Great Britain with permanent disgrace, I do not know and have not read of. The British flag is hoisted to protect an infamous traffic; and if it was never hoisted, except as it is now hoisted on the coast of China, we should recoil from its sight with horror.

Such were the sentiment's of England's foremost Premier, Gladstone.

Thus, with the opium trade forced upon her, China, about 1860, decided to share in the profits which so evidently made opium a worth-while trade and began to grow the poppy herself. This was a turning point in the national life of China. She gave up the struggle to free her people from a degrading habit and relinquished whole provinces to the growth of opium instead of wheat and other necessities of life.

In 1906, when 60,000,000 of the Chinese people had become drug addicts, the last great campaign against poppy growing and for the total eradication of the opium habit was begun. The cooperation of Great Britain was sought to restrict importation from India, as lacking this restriction nothing could be accomplished. A 10-year agreement was made in 1907 by which Great Britain promised to restrict the importation of Indian opium into China 10 per cent for each year of the 10 years, provided China curtailed the growth of the poppy in the same ratio. The unexpected and almost incredible happened. China conducted the fight with vigor, offenders were very severely punished, and by 1917 China proved to the world that she was practically free from the native-grown drug. [Applause.]

There are few instances in history where such a sweeping reform was carried through so rapidly and so thoroughly. Foreign importation also virtually ceased. China, however, is not free from the opium curse, though the China market is closed to the drug, because China has no control over the territorial holdings of European powers. Opium may be bought freely in all foreign concessions. In Shanghai and Hong Kong, for instance, by crossing an imaginary line from the native to the foreign controlled city, the Chinese may buy as much opium as they wish.

The revenues to the British Government for one year were nearly $32,000,000 net from this "monopoly." Turkey and Persia, next to India, are the two greatest opium-producing countries in the world. Since the war both of these countries are to a great extent under British control, which gives England almost absolute control of the world's opium—owners of a true monopoly of opium.

As we study the statistics of these and other countries of the Far East and realize that the use of habit-forming drugs is constantly increasing, in most if not all cases protected and fostered by alien governments for treasury revenue, the menace of this monstrous evil not to the Far East alone but to the entire civilized world becomes a melancholy certainty.

Only two countries of the Far East are free from the government-encouraged traffic. One, Japan, the only oriental nation never dominated by a European power, has no opium shops and protects its people from the dangers of opium by strict laws. The other is our own subject colony of the Philippines, which is protected as carefully as United States law can do it. [Applause.] The fact seems to be that the British Government is responsible for the large quantities of opium flooding the world to-day. The cultivation of the poppy is fostered by the government, manufactured into opium in the government factory and into morphine by British firms in London and Edinburgh, and sent out into the world through trade channels, illegal and otherwise.

Attempts have been made from time to time to curb this growing evil. In 1909 President Roosevelt called an international opium commission, attended by the United States because of our interest in the Philippines, assembled at Shanghai. At that meeting, under the leadership of the delegates from this country, the question was studied for the first time in the history of the world from the viewpoint of every country represented and suggestions offered for its ultimate solution to emancipate the drug slaves of the world. [Applause.]

Following the close of the meeting the United States suggested that a conference be held at The Hague, composed of delegates having full official power to provide a way to end the habit-forming drug traffic. The first Hague conference met on December 1, 1911, called by that genial, lovable, and gracious President, William Howard Taft, for whom the whole country is offering up a prayer that the Almighty God may restore to health and return him back as a useful member to his family and our great Republic. [Applause.]

After three months' discussion the conflicting interests of the nations assembled were brought into conformity and a convention was designed to wipe out the evil features of the drug traffic. This International Opium Convention, as it was called, was signed by the representatives of the 12 powers which had formulated it January 23, 1912, but was not to be ratified by the contracting parties until it had received the signatures of the other nations of the world.

In 1913 a second conference was called, at which 34 nations were represented, and all except Great Britain and Germany agreed to sign it at once. In June, 1914, a third conference took place at The Hague, where the representatives of all the powers of the world except Turkey and Serbia solemnly agreed to put the International Opium Convention into effect December 31, 1914.

The convention laid down new principles of international commercial law for the stopping of any obnoxious commodity in international commerce. Each government, including our own, has remodeled its legislation somewhat to conform to the convention requirements. Dr. Hamilton Wright, in 1915, said that our Government had made most drastic changes. But still the production, sale, and use of the drugs goes merrily on and the world seems indifferent. We try to protect our own citizens, and yet allow enough morphine and opium to be shipped from Seattle in five months to give a dose to each of the 400,000,000 men, women, and children of China.

Japan protects its own people by careful laws, but allows smuggling, which debases and demoralizes millions of Chinese, to go on under governmental protection. Great Britain protects and fosters a traffic which sent in 1916 from English factories 16 tons of morphia to the helpless people of the Far East.

Now the evil is at our very door, nay, more, has entered our door, threatening the welfare of our young men and women by the thousands. The number of drug addicts in New York City alone has been estimated at from 10,000 to 100,000.

The Harrison Narcotic Act, a Federal law enforced by the Internal Revenue Department, has attempted to "regulate" this condition by providing that every pound of opium or its derivatives that comes into this country legitimately must be accounted for, and its distribution, both wholesale and retail, accurately recorded. Drug stores can sell narcotic drugs only on a physician's order or prescription; the prescriptions are kept on file and the amount sold must tally with the amount called for, as well as with the amount obtained from the wholesaler.

Prescriptions are written in triplicate—one for the physician himself, one for the druggist, and one for the health department. If he prescribes for a drug addict, his prescriptions must show a daily diminution of the dosage. These records are to be open for inspection at any time. Violations on the part of the physicians, or druggists, or wholesale houses, may be easily detected. At one time it was thought that physicians were often responsible for the drug habit, but this has not been proved. The total number of doctors, dentists, veterinary surgeons, and pharmacists who are registered to use opium and its derivatives amounted last year to 349,000. Of this number only 149 were arrested and convicted for violation of the Harrison Narcotic Act, less than one one-hundredth of 1 per cent. To-day drug addiction is due mainly to two causes: One, overproduction; and the other, due to smuggling of narcotics, mainly manufactured in England, France, and Switzerland, and from there to all nations of the world.

Great Britain has established an opium monopoly, which encourages poppy growing even to the extent of lending money without interest to those who are willing to cultivate the plant, and then once a month sells it to the highest bidders, who find a market how and where they can, so that England to-day has unofficial agents throughout the world drugging poor and unsuspecting victims.

So I make the unqualified charge upon the floor of this House that England, one of the greatest civilized nations of the world, a nation for whose integrity, scholarship, and humanitarianism I entertain the highest possible esteem and regard, that this wonderful nation to-day has an almost exclusive monopoly in

the growth of the poppy seed, which grows mainly in India, found in Persia, Asiatic Turkey, which England influences, and Egypt, which she controls. The growth and production of the poppy is absolutely in the hands of the British Government. Through these possessions under the direct ownership and supervision of Great Britain, the crude poppy is sent chiefly to pharmaceutical laboratories in England and Scotland, where most of the opium and its derivatives are sent to all parts of the world to drug innocent and unsuspecting citizens throughout the world.

To my mind one of the greatest authorities in the world on the subject of drug addiction and the narcotic evil, is our distinguished chairman of the Committee on Foreign Affairs, Hon. STEPHEN G. PORTER. [Applause.] But yesterday, the American Medical Association, the County Medical Society, the American College of Surgeons, the Academy of Medicine, the Medical Alliance, and the Eastern Medical Society, that number in their membership almost 200,000 doctors of our Nation, were arrayed against the Porter bill. It was my good fortune to go into conference with Mr. PORTER 24 hours ago, in conjunction with the representatives of the American Medical Association and other medical societies. Through his genial and sympathetic cooperation, we have managed to iron out the misunderstanding of his bill in relation to the doctors of our country. The bill as now amended meets with the cordial approval of the leading medical societies of our Nation, so I want to pay the tribute of my respect by placing the wreath of my affection about his head and the tribute of my love and regard at his feet, and say no finer man ever graced the Halls of Congress than the distinguished gentleman who has the honor to be the chairman of the great Committee on Foreign Affairs of the House of Representatives. [Applause.]

As the chairman of the Foreign Affairs Committee Mr. PORTER has served our Nation loyally, faithfully, conscientiously, and intelligently. As the representative of our Government at the Geneva conference he, to my mind, symbolized the ideal representative amongst all the Nations of the world when he fought heroically and courageously once and for all to blot out and eradicate the great evil of drug addiction.

First and foremost, Mr. PORTER urged the absolute necessity of limiting the production of the poppy in all poppy-growing countries of Asia. Second, he fought a valiant battle and courageously represented the best traditions of our country when he contended that next to limitation of the growth of the poppy is to limit the manufacture of opium and its derivatives and the cocoa and its alkaloids, only to meet the medical and scientific demands of the world. [Applause.]

When some of the foreign nations, like England, France, and Switzerland, refused to meet him honorably on the plane of justice, like Pinckney, who said to the French Directory, "Millions for defense, but not one cent for tribute," he carried the banner of the Government and the Congress of the United States high and aloft and retired as representative of our Government from that conference rather than compromise a principle that would emancipate the slaves of drugs and bring peace and contentment to the homes of millions. [Applause.] There again our Nation and history will applaud his conduct. One day a grateful people will erect a monument to commemorate his devoted service to his fellow man in leading the moral forces of the world against the curse of opium.

You can not compromise a principle. You can not have one law of opium for the nations of the east and another law of opium for the nations of the west. Drug addiction is universal. It is everywhere. That is why we demand an international convention to be called, preferably by President Hoover, in the city of Washington in 1931, and invite all the representatives of the world to be present and under the fearless, able, and courageous leadership of Congressman PORTER [applause] representing the ideals and traditions of our people, and the honest people of the world who want to be cured of this terrible tragedy.

We can then focus the public opinion and the attention of the world upon England, France, and Switzerland, the nations that are manufacturing and elaborating and developing more morphine than has ever been made in the history of the world, and that is drugging innocent people who are being offered up on the shrine of Mammon and the altar of opium and its derivatives. [Applause.]

Mr. Speaker, ladies and gentlemen of the House, the time for commercializing the lifeblood and flesh of human beings should be relegated to the age of barbarism. [Applause.] In this twentieth century of civilization, when disarmament conferences are being held to benefit mankind, the time has come when the United States, as the greatest civilized Nation of the world, should call a halt to a monopoly which one nation enjoys in poppy growing, while two other nations are drugging the world for monetary gains. [Applause.]

In the name of humanity, in the name of decency and righteousness, let us say to any nations of the world who exploit the weaknesses of human beings through drug addiction that just as we are sinking battleships to make the world safe from war, so the time has come when we must destroy at least three-fourths of all the pharmaceutical drug houses operated throughout the five nations, that manufacture opium and its derivatives, and only allow to remain half a dozen of these institutions, owned, operated, and controlled internationally, where every nation is allotted a laboratory, to see that only that amount of opium and its derivatives are manufactured that are necessary to look after the medical and scientific needs of the civilized world. [Applause.]

That is why I am pleading for an international board composed of representatives of all manufacturing nations to rigidly control under governmental supervision the production and manufacture of opium and its derivatives. [Applause.] The control should be so careful and exact that every particle of the drug could be traced back by steps to the State-controlled factory. No laboratories should be allowed to any country whose antinarcotic laws do not guarantee the proper use of the drug. The magnificent and fertile lands of India, Persia, Asiatic Turkey, and Egypt should grow and flourish with wheat and other natural productions of nature, to feed the emaciated, hungry, starving millions of unfortunate citizens of the poppy-crazed people of the east. [Applause.] As their drugged minds will clear up and the organs of their bodies vibrate with renewed human energy and enthusiasm, their economical development will be enhanced and, having a healthy mind in a sound body, will bring national prosperity to lands that were formerly filled with penury, hunger, and want. [Applause.]

Let the United States lead in the vanguard of those who are willing to give of their to-day that others may have their to-morrow. Let our country that has always stood for idealism and for progress, continue to battle against the drug capitalists, who have made the world unsafe for humanity to live in. Then when we have accomplished our purpose, and have wheat fields growing upon the trail of the poppy, and have freed the world from pharmaceutical laboratories that would destroy the moral, mental, and physical fabric of unfortunate men and women, the curse of the east will have been removed and the menace to the civilization and progress of the west will no longer exist. Then only will we be enabled to fulfill the great immortal golden sentiment of the Savior, "Do not do unto others that which you do not want others to do unto you." And the great commandment to "Love thy neighbor as thyself" will be a reality instead of a dream and an abstraction. [Applause.]

Mr. Speaker, ladies, and gentlemen, I have brought here before you a collection or an exhibition of opium and its derivatives to show you what is going on in this the twentieth century of so-called civilization.

Here [indicating] is a Holy Bible placed in a hotel by the Gideons. When it was opened it contained in its center, morphine and cocaine outfit and the hypodermic needles.

Here [indicating] are more books. This one is called "The Outlook." I hope that after my speech the future outlook will be better than the past has been. Here are morphine, cocaine, opium, and heroin contained in its center, where pages have been removed and cut out.

Here, ladies and gentlemen, is a box of candy containing opium, morphine, cocaine, and heroin and coated with chocolate. Here are caramels containing opium, morphine, cocaine, and heroin, colored with chocolate and other dyes. Here is soap, and in the center of it is opium, morphine, cocaine, and heroin. Nobody in the world would suspect it.

Here is a piece of paper that has been "doped" with morphine. It was sent to a prisoner in one of our prisons. It is a piece of paper with a letter written on it and before it was sent to the prisoner it was put into a glass of water that had been saturated with morphine. In medicine when you take morphine and put it in water where it can no longer dissolve, we call that a saturated solution. This paper was dipped in this solution for one day and then allowed to dry. A message was written on it to the convict. Daily he would dissolve pieces of this paper in water, which would supply him with morphine. In medicine this solution contains the largest percentage of morphine. It is called "Magendies solution."

Here is the case of a woman who is supposed to have sent the picture of her son to her friend in prison. Here is the beautiful picture, but in the back of it, ladies and gentlemen, there is enough morphine and cocaine to keep him going for at least three months.

Here are shoes where the heel is filled with opium, morphine, cocaine, and heroin. Look at these magazines and other papers of every conceivable nature filled with opiates. Here are

trousers sent in to a prison, and on the buttons there is opium and morphine which he can take out and smoke and use.

Behold, these dresses and other wearing apparel that are loaded with opiates and its derivatives that are smuggled into our country. These various things contain thousands of dollars of opium, and when you put this on [indicating] and put your coat over it, how can you detect it?

Here is morphine concealed in the panels of a wall and here is a scale hidden in the panels which measures it at the same time. The most difficult thing in the world is to detect smuggled opium and its derivatives.

Yet the per capita utilization of drugs in the United States is no greater than that of Europe. They have as many addicts in England as we have in the United States, but we have the finest laws upon the statute books of our country, better than those of any civilized nations of the world. [Applause.]

Here are so-called cigarettes, but you open them up and they are nothing but opium and morphine. Here are the various smoking preparations. This, Mr. Speaker, ladies, and gentlemen, represents the smoking opium. Whenever you smoke the opium the smoke that goes through here [indicating], just like the dirt that may collect inside a chimney, contains from 9 to 11 per cent morphine. So this is scraped off and this [indicating] is the product. It is called yen shee, the by-product of smoking opium, taken from the inside of the smoking opium pipe, containing 10 or 11 per cent of morphine.

To show you what you can do with rehabilitation if you are kind and generous to these men we have in the penitentiary, here is a piece of work [indicating] that was done by one of the drug addicts who was put in prison.

It is not right for any nation of the earth to put a drug addict in prison. A man or woman who suffers from drug addiction suffers from a disease. The moment you take this drug addict and put him in a prison you are contaminating him with criminal influence and criminal tendency. The drug addict by nature is a coward and the only thing that stimulates his mentality is heroin or morphine, which encourages him to go out and under its influence to commit any crime in the world.

It is not the underworld alone that utilizes opium and its derivatives. It is found in the upper strata just the same as it is found in the lower strata, and so, when we are legislating and calling an international convention to do justice and righteousness to those who have fallen by the wayside as unfortunate victims of life, we are trying to do something that will better the civilization of our day.

And so, Mr. Speaker, ladies and gentlemen of the House, without any further ado I will be glad to answer any questions any gentleman desires to ask. [Applause.]

Mr. WILLIAMSON. A little while ago the gentleman alluded to these factories that produced these drugs. Is it possible to manufacture opium by an ordinary individual, or does it have to go through a certain process?

Mr. SIROVICH. If the gentleman had been present when I began he would have his answer. I explained everything from the beginning.

Mr. WILLIAMSON. I was not present.

Mr. SIROVICH. For the gentleman's benefit I will say that here is a poppy as it grows. If you break the poppy it has seeds in it, white and black. If it has white seeds it is the white poppy and if it has black seeds it is the black poppy. They have no narcotic properties whatever. They are only used for cakes, pies, bread, and so forth; but if you cut into the capsule, like when you cut your finger, it exudes a coagulated material, a milk-white substance, which takes 24 hours to coagulate. That is crude opium. The crude opium is sent to the factories, and these factories cost anywhere from $1,000,000 to $10,000,000 to construct, and they turn the crude opium into morphine and its derivatives.

Mr. WILLIAMSON. Then it could not be prepared by any ordinary individual?

Mr. SIROVICH. No; it is not like alcohol that can be manufactured in a cheap still, but it takes a factory, costing from one to ten million dollars, to manufacture crude opium into morphine and heroin. That is why it would be best to internationalize the drug factories of the world in order to produce what is necessary for scientific and medicinal purposes.

Mr. EDWARDS. Will the gentleman yield?

Mr. SIROVICH. Certainly.

Mr. EDWARDS. We are very much interested in the gentleman's able address and hope it will do much good. What does the gentleman propose to cure or prevent new addicts?

Mr. SIROVICH. I will tell you what to do. If the west wants a good education on the drug traffic, let it go to Japan and see what Japan is doing. Japan owns Korea and Manchuria, and they have a population of 14,000,000. When Japan took possession they found 5,000 drug addicts. What did Japan do? It took over the poppies and its derivatives, and if you were a drug addict you had to register under the Japanese Government. Then they gave you the necessary opium and morphine cheaper than you could get it when it was smuggled in, and so it killed the smugglers. They do not allow any new addicts to be formed, and they reckon that in 10 to 30 years, when the present drug addicts will have died, there will be no more as far as Japan is concerned.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. LAGUARDIA. In reply to the gentleman from Georgia, I want to say that we have authorized the construction of two narcotic farm hospitals, where addicts will be treated as such.

Mr. EDWARDS. They will not go into operation until 1932.

Mr. LAGUARDIA. And in the meantime they are sent to Atlanta.

Mr. SIROVICH. And in that way they are making them worse.

Mr. PORTER rose.

Mr. SIROVICH. If there is any man in the world that I would like to yield to, it is the gentleman from Pennsylvania. We ought to give him a demonstration because the gentleman has done more to exterminate drug addiction for the benefit of humanity and for our citizens than any man in the Nation. [Applause, Members rising.]

Mr. PORTER. Mr. Speaker, I am indeed grateful to the gentleman from New York for his heartening words of commendation. I rose to inform the House that two years ago we passed the narcotic farm bill. It authorized the construction and maintenance of narcotic farms, taking the Federal wards from the Federal institutions and placing them in institutions where they could receive scientific treatment. The drug addicts are not as a rule criminals, but usually the victims of misfortune.

My purpose in rising is this: It must be remembered that we are pioneers in this field. There is no institution like it in the world. We have had to move cautiously, but I am happy to state that we are making rapid progress. I am hopeful that one of the institutions will be completed within the next two years, and I know that it will be a happy day for this House and a happy day for all of us when we can take the 2,000 unfortunate addicts who are now in our penitentiaries and transfer them to institutions where they will receive proper care. There is no distinction between a drug addict and a lunatic or an idiot or a weak-minded person. They should all be confined for their own protection and also for the protection of society; if it is possible to cure them, so much the better. Whether there is a cure for drug addiction no one knows. The truth of the matter is that we have never really tried to find one; but when these narcotic farms are in operation, we can give the matter a very thorough test.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman find that the use of drugs has increased in leaps and bounds under prohibition?

Mr. SIROVICH. The gentleman from Wisconsin wants to know if drug addiction has increased since prohibition went into effect. Many of these drug addicts were accustomed to using the stimulation that came from alcohol. Alcoholic stimulation would transform these unfortunate people from the world of reality into the world of dreams. Since they have been deprived of alcohol, and being afraid that the industrial alcohol which contains poisons is likely to poison them, they have gone away from alcohol and have utilized drugs in many instances to accomplish the same purpose.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. ABERNETHY. I am very much interested in the statement of the gentleman that the medical profession is coming to an agreement with Mr. PORTER on his bill. There has been some opposition from various sources I understand?

Mr. SIROVICH. I would like to correct that for the benefit of the House. I received protests from the American College of Surgeons, from the American Medical Association, from the Academy of Medicine, from the County Medical Society, and other medical societies stating their opposition to certain features of Mr. PORTER's bill, but how can anyone oppose the gentleman from Pennsylvania [Mr. PORTER] when he is always willing to sit down as a gentleman should and iron out the wrinkles. We got together yesterday and we stand united for the Porter bill. [Applause.]

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. UNDERHILL. In addition to taking over the various factories in other countries by international agreement, does the gentleman's resolution provide some measure for the prevention of the establishment of new factories?

Mr. SIROVICH. Yes; it provides for that, too; and it further provides that after the international tribunal shall meet and each nation shall put together the amount of money necessary to purchase all of these pharmaceutical factories manufacturing dope, that they shall then determine the medical and scientific needs of the world in respect to these narcotics, and then tear down every pharmaceutical laboratory throughout the world and leave only behind enough to look after the medicinal and scientific needs of the world, providing it leaves one in each country to look after their people in time of peace or in time of war.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. QUIN. I understand that there is no cure for these drug addicts?

Mr. SIROVICH. I did not say that. I said most of them can not be cured. They are cured for a period of three months or a year or two years, but there is always a relapse. There are periods of exacerbation and intermission, and while they make new resolutions and new promises, yet as the years go on and months go by these peculiar psychopathic constitutionally inferior types find themselves under an impelling influence which compels them to go back, just as the alcohol addict goes back to a spree.

Mr. QUIN. But there is a temporary cure?

Mr. SIROVICH. There is.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. PERKINS. Can the gentleman inform the House as to the relationship between the increase of these drug addicts in England, France, and Switzerland, as compared with the United States?

Mr. SIROVICH. As I stated before, I think we have as many addicts in our country as England has. I think France, although it has a smaller population, has more addicts, and Italy, by the way, has more addicts than the United States. However, while many Members of the House talk against the dictatorial powers of Mussolini, the House should be informed that it was Mussolini's representative, I think his name was Cavatzani, who was the one man next to Mr. PORTER who had the courage to stand up in that League of Nations' conference and tell England and France and Switzerland that they were drugging the people of the world, and that Italy is ready to back and cooperate with the United States and the other 47 nations of the civilized world to forever abolish the drug slave from the arena of modern society and civilization. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

HON. EDMUND WILLIAM SAMUEL

Mr. MAGRADY. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MAGRADY. Mr. Speaker and colleagues, I ask your attention just for one moment so that I may announce the passing of a former Member of this House, Dr. Edmund William Samuel, who represented the sixteenth district of Pennsylvania in the Fifty-ninth Congress. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADDRESS BY HON. THOMAS A. YON, OF FLORIDA

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a patriotic address delivered by Congressman YON, of Florida, on February 28 last.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, under the leave to extend my remarks in the Record I include the following patriotic address delivered at Seat Pleasant, Md.

MEMORIAL TO WASHINGTON

Mr. Chairman, ladies, and gentlemen, I am pleased to speak to you on this occasion on George Washington as soldier, statesman, and Mason.

John Washington, the great-grandfather of George, came to the Colony of Virginia about 50 years after the settlement of Jamestown and settled in Westmoreland County. His son, Lawrence, married Mildred Warner, who was the mother of Augustine Washington and to whose second marriage to Mary Ball was born George, the eldest of seven. He was destined to be the Father of his Country, and was born at Wakefield on February 22, 1732.

His life was spent on the average as of the rest of the well-to-do colonists' children of that period. While young, he had a private tutor and studied the rudiments of the three R's, supplemented by a special course in surveying. The most significant point in this connection is that he never did avail himself of the advantages of a classical, scientific, nor legal education because the urge for action, as you will note, came too early in his life to permit of these classroom accomplishments; but he didn't stop his studies when he left the private teacher, for he went out into the great open spaces, serving and associating with all classes of society at an early age in his life, therefore affording the broadest avenue for the accumulation of knowledge of life's greatest study, that of human nature. This opportunity he made use of by a study of peoples from the wildest savage life up through other intervening strata to the most exclusive of the aristocratic citizenry of the Colonies—Patrick Henry, who lighted the torch that set off the explosive for political liberty; Thomas Jefferson, the writer of the Declaration of Independence; Benjamin Franklin, and a host of others of that period were men of letters and the law, and, added to these accomplishments, they had added their store of knowledge of their observation in many instances of foreign travel which Washington never did avail himself of as he never left these shores, as history discloses, except in one instance, and that was to accompany his sick brother, Lawrence, on a visit to the Barbados for his brother's health.

Therefore he was instinctively and naturally American. In connection with his studies he never attended West Point nor any other school of strategy to study the arts of war; but as a leader of men in action, fighting to defend a declaration that "America should be free and independent," his record in this direction answers all critics as to whether or not he was deficient in the art of military tactics.

When he was 11 years old his father died, leaving over 5,000 acres of land and much personal property. When he was 14 his half brother, Lawrence, procured for him an appointment in the British Navy as midshipman; but his mother objected, and so he was saved for a greater purpose, unknown and unthought of at the time.

Lawrence Washington married the daughter of William Fairfax, the cousin of Lord Fairfax, who owned immense holdings, amounting to a million or more acres in Virginia, and it was through the friendship of William Fairfax for his son-in-law, Lawrence Washington, the half brother of George, that he, George, was employed at the age of 16 as surveyor for Lord Fairfax. Through this opportunity afforded by this occupation for these years, George was enabled to penetrate into the wilderness fastnesses and become better acquainted with the natives and their habits, as well as acquainting himself with the trails and paths that would stand him in good stead in the years to come, both in the Indian and Revolutionary Wars, to the first of which he attached himself at the age of 19 as one of the adjutant generals, with the rank of major, in the Virginia Militia. His military career was interrupted in 1752, for it was in that year his brother Lawrence died, and he assumed the management of Mount Vernon.

This he did until the following year, when, on account of the advance of the French and Indians up the Ohio Valley, even to the head of the river of that name, the progress being made by them caused Governor Dinwiddie to send a messenger to warn them; but the first sent failing, he placed this responsibility on Washington, and as to how well he performed his duty in that respect is well known to most every school boy and girl in this country. Of course, you all know the immediate results from his report to the governor—the Braddock campaign and its failure; the rallying of the fleeing men after the defeat and death of Braddock; the ultimate conquest of Fort Duquesne, and the final outcome of the French and Indian War with the fall of Quebec. These are all matters of history, whose pages chronicle events showing that our hero in his younger years had a prominent part in laying a foundation that would equip him for greater service to the people of the Colonies, when by acts of Parliament it undertook to override the liberties of the people. It was Washington who was called as Commander in Chief of the armies of the Continental Congress. This duty he accepted and fulfilled with exemplary ability; in spite of the lack of funds and because the loosely constructed Confederation could provide him with no better, cabals organized against him, with defeat at seemingly strategical moments, with his ragged and barefoot soldiers, for instance, at Valley Forge.

Yet he maintained implicit faith in—as Joshua of old, his Jehovah—patience to the limit, such as never before was known, and yet this was for a love of liberty and coupled with the fatherly love and consideration for his men, which, in the end, brought the ultimate result, the surrender at Yorktown, the acknowledgment by England of the right of the Colonies to be free and independent States, and, in taking leave of the command, he said:

"Having now finished the work assigned to me I retire from the great theater of action and bidding an affectionate farewell to this august body under whose orders I have long acted, I here offer my commission and take leave of all employments of public life."

And, with this achieved, Washington again returned to the estate he loved so well, Mount Vernon, where he thought to pass his remaining years in the management of his vast estates and dispensing the hospitality with his wife, Martha, whom he had married in 1759, while she was a widow as Martha Custis—but not so—and I will mention that later. Washington, the statesman! Of him, as such, it seems strange that one who filled the most difficult rôle of any American statesman, that of being its first President, and that it should be his responsibility to try out this great experiment, could have set the new national machinery to work in the manner and with the wonderful success, such as is evidenced in the growth of this great Nation, of course, without the usual political turn of mind as was accustomed to be the practice of those of that day—to study law and go to the legislative assemblies.

But not so with him. Soon after his marriage in 1759 he was selected for the Virginia House of Burgesses and was a regular attendant but a "silent one." Also, he was one of Virginia's delegates to the First Continental Congress at Philadelphia in 1774, and even though, if he was a silent Member at both the Colonial assembly and the Continental Congresses, yet Patrick Henry admitted him to be as "unquestionably the greatest man on the floor" of the Congress. Therefore, even though the usual school historian tells us lots of the life of Washington, not much attention is paid to his political life until he became President, and as such, if time would permit, I could relate incidents recorded many times which showed he was called on to equalize the divergent views of the two leaders, Jefferson and Hamilton, on their theories of government. The Democratic-Republican of one, the Federalist of the other, reserving to the States most of the functions of government, on the one hand, and a strong centralized Federal Government on the other; and at times so bitter were the antagonisms that the patient, charitable Washington had to display the indomitable will of leadership and patience as of the years before in the War of Independence.

Washington as a Mason, was made such—as the Masonic records show—by being initiated in Fredericksburg Lodge, No. 4, on November 4, 1752. He passed as a fellowcraft on March 3, 1753, and was raised to the sublime degree of a Master Mason on August 4, 1753. He was made an honorary member of the Alexandria Lodge, No. 39, on June 24, 1784, which was originally chartered under Grand Lodge of Pennsylvania.

In 1788 this lodge became Alexandria, No. 22, under jurisdiction of Grand Lodge of Virginia. He became charter master of this lodge April 28, 1788, and was unanimously selected master on December 30, 1788. He was inaugurated President on April 30, 1789, taking the oath of office on a Bible furnished by St. John's Lodge, No. 1, New York. He was acting grand master of ceremonies, and as such laid the cornerstone for the United States Capitol on September 18, 1793. He was buried masonically at Mount Vernon on December 18, 1799, by Alexandria Lodge, No. 22, which became the Alexandria-Washington Lodge in 1805. The above dates and places chronicle the outstanding incidents relative to the initiation, passing, raising, and service of George Washington in Masonry; but the mere mention of dates nor any particular incident can speak in terms of Washington as a Mason.

We follow him from his comfortable estate, Mount Vernon, so pleasantly situated, overlooking the Potomac, to the first sessions of the Continental Congress, from which he accepted without mental evasion or equivocation, the order to proceed to Cambridge, Mass., to take command as chief of the armies of the Continental Congress. Throughout the War for Independence he conducted himself as a man and with the spirit of brotherly consideration for his men, as a Mason should have. As we are here assembled, let us take courage that although the clouds of despair might hover about us, yet history reveals that the same conditions have hovered about everyone who has really tried to serve humanity and country. As we look back, let us observe the past as having provided us with an example of patriotism in the persons of men and Masons, if for no other use than that we might profit by their experiences.

The past, in our lives, is gone. In it, as we reflect, have been many happy occasions, no doubt; but mingled with these, many things have happened that tended to dim or obliterate those happy reflections. No doubt there has been the loss of loved ones, dearly beloved friends, the failure of some material undertaking, but in our lives the past is gone except that possibly we might benefit from the mistakes of the past.

The present is here. Are we satisfied with it? I say we are not. What have we in store? It is the hope and anticipation of the future. Will we improve it? We all hope for that, hope for a better material existence on this earth, and as the years go by and the allotted time to man on this terrestrial ball has come to its end, there is still a hope in the breast of nearly all mankind—the hope of the hereafter. But Masons should always endeavor to so live that when the last fleeting breath is leaving this mortal clay and the immortal soul is returning to the spirit land, and as friends kindly consign this "dust to dust and ashes to ashes," none will say other than that he lived not a life so great nor so outstanding as the man whose memory we are honoring on this occasion, the great soldier, statesman, and Mason, Washington, yet he tried to serve humanity as the opportunity came to him and will be remembered not for the evil he did but for the service he rendered mankind.

Now, in closing I will add that as the bicentennial celebration of the birth of Washington is being planned for two years hence as a national manifestation in honor of his memory for the great services he rendered, it is to be hoped that for Masons the magnificent National Memorial Masonic Temple on the hill overlooking his home town, Alexandria, and the seat of the Government he helped to create, might be completed and be a mecca for thousands, aye millions, of loyal Masons to visit in that year and forever hereafter for succeeding generations.

RESOLUTIONS BY THE CORN BELT CONFEDERATION

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include resolutions adopted by the Corn Belt Confederation, representing a million Mississippi Valley farmers.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the manner indicated in his request. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, on Monday, February 24, the Corn Belt Confederation, comprising officials of Mississippi Valley farm organizations, convened at Des Moines, Iowa.

The organizations represented and their official delegates included:

Missouri Farm Association, William Hirth, F. B. Young.
Farmers' Union, Northwest Division, A. W. Ricker.
Kansas Farmers' Union, C. E. Huff.
Kansas Farm Bureau, Ralph Snyder.
Nebraska Farmers' Union, H. G. Keeney, Emil Becker.
Nebraska Farm Bureau, C. B. Steward.
Iowa Farmers' Union, Milo Reno.
Iowa Farm Bureau, Charles E. Hearst.
Illinois Farmers' Union, E. E. Kennedy.
Minnesota Council of Agriculture, T. E. Cashman.
Minnesota Farm Bureau, J. S. Jones.
North Dakota Farmers' Union, C. C. Talbott.
Oklahoma Farmers' Union, John A. Simpson.
Indiana Farm Bureau, W. H. Settle.
Missouri Farmers' Union, D. D. Kendall.
National Farmers' Union, C. N. Rogers.
Iowa Corn Growers' Association, C. H. Richeson.
Iowa Threshermen's Association, Ennis Sterner.
Chicago Farmers' Union Live Stock Commission, Albert Fickler.

The federation, representing nearly 1,000,000 farmers, unanimously adopted the following resolutions:

We pledge our full and continued support to the agricultural marketing act and its administration.

We commend the Federal Farm Board for the earnest manner in which it has approached the marketing problems of American agriculture.

We believe that substantial progress has been made and that a number of fundamental principles have been definitely established in connection with the program for the present and future.

We wish to urge that existing farm organizations be upheld and encouraged to the fullest possible extent. The organizations were instrumental in the establishment of our cooperatives and in presenting the conditions and claims of American agriculture.

It is our opinion that the cooperatives could not long exist without the aid and support of the general farm organizations in carrying on legislation and educational programs to meet the changing conditions in marketing farm commodities.

The situation in the grain markets has become unbearable and grain is selling far below the price that the economic conditions of the country warrant, and since the Farm Board has proceeded to set up a stabilization corporation for wheat we urge that the corporation proceed to take whatever steps are necessary in the market to enhance and stabilize the price of this commodity at once.

We feel that this situation affords practical opportunity to demonstrate the effectiveness and value of the agricultural marketing act and its administration.

Present prices are disastrous to producers and cooperatives alike.

Therefore, we strongly urge that the Farm Board use its authority to secure immediate action on the part of the grain stabilization corporation to overcome this ruinous market condition.

We hope that the Farm Board will not stop short in bringing about equality for agriculture which was pledged to the farmers of the Nation during the last presidential election, and that it believes this goal will be much easier of achievement if farmers will become mem-

bers of the various helpful and constructive farm organizations and cooperatives which are in existence at this time and which have rendered such splendid service.

It is the sense of this meeting that in setting up the national sales agencies for any commodity the Farm Board should use every care to so establish them as to provide equal place and opportunity to all existing cooperative groups dealing in that commodity.

We believe that to designate any one such cooperative agency as the national sales agency for the commodity will inevitably lead to opposition and bitterness, and that such a thing should in no case be done.

A PROPOSED SOLUTION OF THE FOREST PROBLEM

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an article on the forestry problem, written by Ward Shepard, a member of the United States Forest Service.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to extend his remarks in the manner indicated in his request. Is there objection?

There was no objection.

Mr. LEAVITT. A short time ago a prize was offered by an anonymous donor, who, after the award was made, proved to be Gifford Pinchot, through the Society of American Foresters, "for the best essay describing the present forestry situation in the United States and proposing a nation-wide remedy for its solution." I am informed that the purpose in mind was to stimulate the study of the national problem of forestry and to bring out constructive suggestions for meeting it in an effective way.

The article prepared by Mr. Shepard was awarded this prize. It was prepared under the condition that all essays submitted must cover the actual forestry situation in the United States to-day; and propose a nation-wide remedy which will, if applied, solve the problem of a permanent and sufficient supply of forest products, and secure other benefits of forests essential to the public welfare; will be applicable in actual practice; and can be applied in time to meet the Nation's needs.

It has occurred to me, Mr. Speaker, that this essay should be made available to all of the Members of Congress and others who are sincerely interested in this important problem. It was printed in the February number of the Journal of Forestry. I have omitted one brief paragraph which refers to a diagram which can not be included in the RECORD.

The article is as follows:

COOPERATIVE CONTROL—A PROPOSED SOLUTION OF THE FOREST PROBLEM

By Ward Shepard

SUMMARY

Destructive forest exploitation not only takes the ripe timber (which is, of course, legitimate); but it wholly or largely destroys young growth, seed trees, and residual timber, either by the logging process or by intentional or careless fires that inevitably accompany such exploitation. Thus the once vigorous forest is broken and degraded. Publicists, foresters, legislators, and progressive forest owners have struggled with the forest problem for many years. Space forbids even brief mention of their distinguished achievements, especially in public forestry, research, and fire control. Yet all competent observers know that destructive logging is almost universal in our private forests, even those of the largest and richest corporations; that deforestation is proceeding on a scale unparalleled in history; and that no serious effort is being made to improve the practices responsible for this disastrous dissipation of our forest resources.

(2) A Federal forest loan board and Federal forest banks to furnish long-term loans at reasonable rates to assist in carrying stumpage reserves, to finance constructive forestry, and to help finance the purchase and development of public forests.

To reenforce cooperative control and safeguard public interest against failure of cooperative effort, a treaty with Canada is proposed providing for joint measures to prevent deforestation and followed by an enforcement act giving the forestry boards authority to work out local methods to assure reforestation.

The plan proposed is based on full, democratic, localized participation by forest industries in working out reasonable reforms. Lack of space prevents detailed consideration of the specific quantitative objectives to be worked toward and the presentation therefore emphasizes the functional organization of the proposed plan. The present stalemate can be broken only by creating dynamic instrumentalities of action.

I have assumed that abundant forests of high quality will be demanded by America, because renunciation is not the philosophy of a creative civilization. I have assumed also that the Nation will be ready to pay for a system that will assure them. There is no more reason for "shoestring" financing of the vast forest enterprise than there is of the farm relief or flood control enterprises. The great need is for a grand strategy, a national plan, that will unlock and creatively employ the abundant industrial and professional intelligence, good will, and energy available for the solution of the forest problem.

THE PROBLEM

The impact of modern industrialism, with its omniverous appetite for raw materials, caught the forests of America unprepared either by public safeguards or by private traditions of forest culture to withstand the onslaught made against them. Now, greatly reduced in extent and disastrously impaired in vitality by 75 years of big-scale lumbering, they face further and unprecedented inroads with wholly inadequate safeguards. The public forests and a partial system of forest-fire control have somewhat restricted the field of destructive exploitation; but essentially in the great bulk of our forests lumbering has remained unchanged except that mechanization and intensive utilization have made exploitation more severe.

Not one group but the entire Nation is responsible for forest destruction; it has grown out of a faulty public-land policy and of our national attitude toward natural resources. The solution is therefore a national responsibility, in which the public must take the lead and bear the brunt of the cost. In this discussion the facts of forest destruction are presented frankly, not with any thought of individual blame but because the facts must be faced if a solution is to be found.

Fifty years of forestry have shown notable advances in forest conservation. Nevertheless three-fourths of our forests are still being handled by destructive methods of exploitation. Without implying the feasibility of nation-wide intensive silviculture, the fact of immediate importance is that at the minimum, logging methods can and should be improved to the point of assuring forest perpetuation during the transitional period of industrial readjustment, shifting ownership, and extensive nationalization. Beyond that is a large field for aggressively promoting big-scale industrial forestry.

The present forest situation demands that improved forest practices be actively worked out by public agencies and forest owners and industries jointly. Except for fire protection, practically no effort is being made for such a direct planwise attack. The plan now proposed is based on active cooperative control, coupled with direct public control where cooperation fails to protect the public interest.

The first need to this end is to create definite instrumentalities for cooperative control, as follows:

(1) Federal, regional, and (where needed) county cooperative forestry boards, which in cooperation with regional and local associations of forest owners and producers (a) would work out better forest practices and (b) with congressional sanction, would control production. The boards would promote and coordinate Federal, regional, interstate, and State forestry programs and legislation, and would strengthen planwise, nation-wide leadership.

Stripped of ambiguity, the forest problem, in its immediate aspects, is concerned with remedying the worst phases of destructive exploitation on some 350,000,000 acres, three-fourths of our entire forest area, and much the choicest part of it. In its ultimate aspects it will no doubt involve extensive nationalization and important industrial readjustments, but during this necessarily slow process forests must be kept in reasonably productive condition. We are not now concerned with intricate silviculture or ideal sustained yield forestry, but with those elementary steps needed to preserve forests from annihilation.

Analysis of the present instrumentalities of forestry reveals several weaknesses: The slowing down of the original impetus for forest conservation; inadequate forestry efforts by the States, in spite of heroic efforts by forestry and other agencies; and lack of adequate machinery for aggressive cooperative planning. Public forestry agencies are pretty fully occupied with their assigned tasks, and forest industries and owners are not sufficiently organized for public cooperation. The weakness of the forestry machinery is evidenced by the spasmodic, intermittent, and piecemeal character of the forestry movement. There is need of a grand strategy, a continental plan, a dynamic integration of all available means to the great end of rehabilitating our forests and forest industries.

COOPERATIVE CONTROL

The first step in the solution now proposed, therefore demands the creation of specific instrumentalities for cooperative control of forest exploitation and of overproduction and the financial strengthening of the forest industries. The progress made in fire control and in better utilization through cooperation between Government and industry indicates that the time is ripe for extension of joint effort to all phases of the forest problem.

The proposed plan is direct and definitive—*i. e.*, it proposes an immediate pooling of the abundant good-will, knowledge, and skill available in industry and government by creating permanent cooperative agencies to set in motion the things that can be done locally and nationally. It proposes to develop the full possibilities of cooperation and it defines "cooperation" literally as "working together" in what Mr. Hoover has called the "difficult technology of conservation," rather than as a nebulous state of mind. It takes for granted that most forest owners are good citizens and are willing to collaborate. It assumes

that the Government is willing to adopt a policy of mastery and that the present moment is singularly propitious in great leadership and great action.

COOPERATIVE FORESTRY BOARDS

As the basic step for cooperative control, I propose the creation of a Federal Cooperative Forestry Board, Regional Cooperative Forestry Boards, and (where needed) county boards. The boards would be composed of men skilled in the economic, industrial, financial, and silvicultural problems involved. The regional boards, one for each of about 10 principal forest regions, would jointly represent Federal and State governments and forest industries and would be jointly financed. County boards would be appointed by the State foresters, and would serve without pay except for expenses.

The Federal board, financed by the Federal Government, would employ necessary assistants and would call on Federal forestry agencies for technical advice. The board would promote Federal forest legislation, regional and State cooperation, stabilization of the lumber industry, creation of a Federal forest bank system, cooperative improvement of forest practices, and coordination and expansion of Federal and State forest purchase. It would closely collaborate with the regional boards.

The regional boards would deal with problems common to the whole region, including concurrent legislation and interstate compacts on slash disposal, fire patrol, forest taxation, etc.; strengthening and coordinating Federal and State agencies and programs; organizing and conferring with forest owners and industries for cooperative control; and promoting educational and extension work. They would have important functions also in the control of production, as outlined later.

County boards would promote organized protection, demonstrations, conferences, and educational work, and would assist in carrying out State legislation on fire patrol, slash disposal, etc. Especially they would assist in organizing local forest owners as responsible agencies of cooperative control.

The forest boards would provide means for continuous consideration of forest needs and for coordinated aggressive planning, national and local. Through them the forest industries would participate in the responsibilities and advantages of cooperative control.

STABILIZATION OF THE LUMBER INDUSTRY

Cooperative control however, must not stop with the effort to develop better woods practices. It must strike also at the twin evils of overproduction and wasteful exploitation, both to conserve existing timber and to strengthen the industry to the point where it can become a constructive agency for forest perpetuation. The Government has every incentive to undertake this stabilization. From the immediate social standpoint, it is undesirable to have one of our greatest industries in a state of chronic ill health. When, in addition, this ill health expresses itself in permanent forest injury, the public interest demands a cure. Moreover, the Nation is responsible for the land policy which passed into private ownership those vast reservoirs of virgin timber which placed a staggering burden on private capital.

From the industrial standpoint the chief immediate purpose of controlled production is to assure better and more stable prices for lumber. At first glance this idea would not be popular; and yet, in principle, it is not unlike public control of railroad rates, which is so exercised as to assure the railroads a living return.

Control of production is difficult to attain because of the intense individualism and competition of the industry and because of the Sherman antitrust law. Cooperative control through the forestry boards previously described offers a solution.

I propose that (1) Federal legislation be sought permitting agreements between the Government and industry for control of lumber production coupled with controlled methods of exploitation; (2) that this control be exercised jointly by the Federal and regional forestry board in cooperation with regional associations of forest owners and lumber manufacturers; (3) that the Government organize credit facilities for the forest industries, partly to assist in carrying the immense burden of standing timber and partly to promote reinvestment of forest capital.

In return the regional associations would assist in working out reasonable standards of fire protection, slash disposal, and cutting methods. To make such standards effective and to assure controlled production, the regional association would have to represent a substantial proportion of forest ownership. Better credit facilities and control of production would give the industry a strong incentive to adopt better logging standards. Control by the boards would prevent abuse of the curtailment privilege. Regional control would be more flexible than national control.

A system of Federal forest banks would be controlled by a Federal forest loan board closely affiliated with the Federal cooperative forest board. Loans on standing timber would be amortized as the timber is cut. Loans for constructive forestry would be based on the productive capacity of the land as evidenced by cultural operations and adequacy of protection.

Forests handled for continuous yield would offer the best security for long-term loans; and as regional boards and associations progressively improved forest practices, lands meeting high standards would receive the best terms in interest rate, length of loans, and appraised valuation. To afford basic security there must be a far more adequate public fire-control system.

The Government would not furnish the capital for the banks except to help start them. The banks would market long-term bonds on individual forest mortgages. Public control of the banks, association guarantee of bond issues, the basic security of forest property itself, and increasing standards of forest practice would give the safety needed for an ample flow of capital into forest production. Here again the principle of cooperative control would richly repay public and industry.

Loans should not be confined to private borrowers, but should be available to the Federal Government, States, counties, and municipalities for purchase and development of public forests. Public forestry furnishes absolute security for long-time investments. These banks would help to solve the problem of financing public-forest purchase.

DIRECT PUBLIC CONTROL OF DESTRUCTIVE EXPLOITATION

The foregoing plan for cooperative control would progressively improve forest practices and strengthen the forest industries to grapple with their economic problems. Unquestionably great numbers of forest owners would be willing to collaborate to this end. And yet from the public standpoint there is need for more definite safeguards, making certain elementary standard of forest practice obligatory on forest owners unwilling to work them out in cooperation with the forestry boards and associations.

The need and justification for public control grow out of world-wide struggles against deforestation of private forests, and may be summed up as follows:

(a) World evidence is against reliance on private initiative for forest safeguards without a large measure of organized control. Seventy-five years of forest destruction in the United States reenforce world experience. It would be idle to deny the grave economic obstacles in the way of private forestry, and the lack of tangible evidence of any important movement toward private forestry.

(b) European private forestry is largely a survival of feudal family pride in the permanent culture of landed estates. Modern industrial forest exploitation has an entirely different motivation, so that European private forestry furnishes no precedent for the evolution of American forestry.

(c) Reliance on supply and demand for forest perpetuation is, therefore, a dangerous gamble on continental deforestation. It is not enough that government should merely encourage private forestry; it must, on the contrary, create definitive safeguards against deforestation.

(d) Forest destruction represents not merely the destruction of private values, but the confiscation of basic social capital, which can be replaced only at immense public cost.

(e) Because of this destruction of social capital, public right outweighs property right. The assumption that government can not restrict destructive forest exploitation is an uncritical misinterpretation of the functions of private property. When the unrestricted use of property becomes a social hindrance the right of public control is dominant (for widely varying examples consider slavery, liquor traffic, railroads, urban building codes).

Any plan of public control must carefully protect property rights, give offsetting advantages, and be adapted to the temper of American institutions. It must be democratic and localized, patient of obstacles and shortcomings. Such a system would not be "un-American," unless Americanism is defined as the absence of social restraints.

In order to avoid constitutional obstacles to Federal exercise of the police power, I propose that a treaty be negotiated with Canada (and perhaps also with Mexico) providing for joint action to prevent the continued destruction of the forests of the North American Continent. Canada is equally concerned with the United States over widespread deforestation and equally dependent on the continental timber supply.

The migratory-bird treaty with Canada gives a precedent, though dealing with a different problem. Missouri contested the act to enforce the treaty, and the Supreme Court in upholding the treaty and act laid down sweeping principles that are not inapplicable to the forest problem. It said:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. We do not mean to imply that there are no qualifications to the treaty-making power. * * * It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with but that a treaty followed by such an act could; and it is not lightly to be assumed that, in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found. * * *" The treaty in question does not contravene any prohibitory words to be found in the Constitution. * * * No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power.

"A national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. * * * We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forest and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is vain, and were it otherwise, the question is whether the United States is forbidden to act. We are of the opinion that the treaty and statute must be upheld."

The forest problem is a national, even an international, problem far transcending the interest of the individual States containing the forests. In watershed protection, forests perform a national function. Reliance on State action to prevent deforestation seems vain, for in practice concerted action by States is very difficult to attain. And yet the prevention of continental deforestation calls for the exercise of the sort of power that "must somewhere reside in every civilized government."

The enforcement of such a treaty, if entered into, should be carried out in a democratic, cooperative manner. Instead of an army of Federal agents enforcing regulations evolved in Washington, the forest boards and associations would locally work out simple methods to assure forest perpetuation. The purposes of such control would be to reenforce the cooperative control previously outlined and protect progressive owners from the competition of noncooperative owners.

PUBLIC FOREST PURCHASE POLICY

Lack of space forbids development of this subject. The inherent difficulties of long-time forest management, the constant threat of deforestation of private forests, and the unfairness and danger of relying on forced, reluctant, or lagging private effort point strongly to extensive world-wide forest nationalization. A major task of the forest boards would be to work out with the States a comprehensive nation-wide Federal-State plan of forest purchase including delimitation of major purchase areas. Special emphasis should be laid on immediate protection and public control of vast areas of tax-delinquent lands. Purchases and permanent improvement should be in part financed by Federal forest banks, bonds to be retired from a sinking fund derived from forest receipts. Cooperative control would greatly strengthen public acquisition.

Public forest purchase has one major purpose: To perpetuate forests. The theory that the Government should purchase the worst lands to avoid competing with industrial forestry is a fallacy, as is conclusively demonstrated by the vast area of forests destructively exploited contrasted with the minute portion under private forestry management (see diagram). Public forest purchase therefore should give preference to high-grade restocking forests.

OTHER PUBLIC UNDERTAKINGS

This plan presupposes rapid completion and extension of all existing public undertakings, especially fire protection, research, planting, national-forest development, and forestry extension and education.

CONCLUSION

If our forests are to be perpetuated, the forest industries need to become forest minded instead of lumber minded. Cooperative control, working democratically through an interlocking system of forest boards, associations of forest owners and producers, and forest loan boards and banks, and dealing day by day with the intricate realities of better protection, better logging, better financing, and better control of overproduction, would lead the industry to consider the merits of forestry and to bring forestry-minded men more into its higher councils. Cooperative control offers the industry a chance to perpetuate the sources of its power, of its greatness, and of its past contributions to the upbuilding of the Nation, and to redeem the civic responsibilities inherent in the stewardship of a great resource.

BENEFICIARIES UNDER THE FEDERAL FARM LOAN ACT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a letter from a former Secretary of Agriculture and also a letter from Mr. Legge, the chairman of the Farm Board, in regard to a certain feature of the Farm Board legislation.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave granted to me to do so, I herewith insert in the RECORD a letter from Hon. H. K. Bryson, a former commissioner of agriculture of the State of Tennessee, relative to membership in farm organizations, so as to entitle the members thereof to participate in the operations of the Federal Farm Board act. I referred Mr. Bryson's letter to Hon. Alexander Legge, chairman of the Federal Farm Board, and received a reply from Chairman Legge, which I am likewise inserting in the RECORD.

The two letters referred to are as follows:

FEDERAL FARM BOARD,
Washington, February 28, 1930.

Hon. EWIN L. DAVIS,
House of Representatives.

DEAR MR. DAVIS: Referring to the letter which you brought to our attention from Mr. Bryson, of Fayetteville, Tenn., which we are returning herewith, this problem has been a rather difficult one to straighten out.

After many discussions with the leaders of all the national farm organizations they have unanimously agreed that this requirement of having to join a general farm organization in order to participate in the commodity cooperative should be eliminated, and this is being done rather rapidly. However, there are some of the State units in these organizations who have certain investments in facilities used for cooperative purposes which have been paid for by members of one of these general organizations, and, naturally, it will take some time to adjust these matters in a way that will be fair to all.

In other words, we can not pretend that people who for years past have put in money to provide for an elevator or any other facilities should have to be compelled to take in other members who would get the benefit of such facilities without assuming their pro rata share of the investment. However, substantial progress is being made, and, to-day, we are getting very few complaints on this, while they were very general some time ago.

Very truly yours,

ALEX LEGGE,
Chairman Federal Farm Board.

FAYETTEVILLE, TENN., *February 22, 1930.*

Hon. EWIN L. DAVIS, M. C.,
Washington, D. C.

DEAR MR. DAVIS: I feel a very great interest in the success of the Federal Farm Board, having been a farmer for so long a time. Hence, I trust you will pardon a suggestion, which I believe will add to its effectiveness and its popularity.

The board has stated time and again that it could only serve farmers who were connected with some established organization. A large majority of farmers do not belong to any organization, consequently can derive no direct benefit. They are unwilling to pay what they conceive to be excessive membership fees in order to become members of the Farm Bureau, or any other organization. In my opinion, it would not be wise to lower the fees to meet their complaint, but subsidiary organizations could be formed, allowing such members to share in some of the benefits, paying a nominal fee for membership, say, $1, or even $2.50, 50 per cent of this fee to go to the State organization and 50 per cent to go to the Federal Farm Board to defray the expense of such subsidiary organization.

I believe the Farm Bureau will willingly consent to this, for it would eventually lead to most of the members of the subsidiaries becoming full-fledged members in order that they might share in all the benefits of the bureau.

This plan you will readily see will not involve the Government in additional expense, for the membership fees will pay the expense. It will increase the popularity of the attempt to benefit the farmers and place them in a position later on, so that they may be so educated by organization, that they may more easily adopt the plan used in Germany, as suggested by Hon. David Lubin before his death.

If you think well of these suggestions, I will be glad if you will present the matter to Chairman Legge and get the benefit of his judgment.

Awaiting your reply, and with best wishes, I am,

Yours very sincerely,

H. K. BRYSON.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under the special order the gentleman from North Carolina [Mr. DOUGHTON] is recognized for 15 minutes.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I feel I ought to apologize to the House for attempting at this late hour to address the House after hearing the very learned and eloquent address of our colleague from New York [Mr. SIROVICH]. If I had not gotten into a mix-up on account of the change of the special orders, I would have had opportunity to address you last Tuesday instead of this afternoon.

I read in the Evening Star of Washington a few days ago an article in which it was stated that the gentleman from Connecticut [Mr. TILSON], the majority leader, had said that the Federal reserve law and the farm loan act were worked out

under previous Republican administrations. I am willing for every individual and every party to have all the political credit to which they are entitled. I believe credit should go to whom credit is due, and that honor should go to whom honor is due. I will read the statement, so that I may not do the gentleman from Connecticut injustice. I called his attention to the fact that I would discuss the matter this afternoon. I read:

> The farm loan banking system was created in 1916 and not in 1913 and was the result of the investigations carried out by Republican administrations.
>
> The Federal reserve act was worked out in previous Republican administrations.

As much as the Federal reserve law has been discussed and complimented for the past 15 years, I had never even heard it intimated before, much less asserted through a responsible source, that the Republican Party is entitled to any credit whatever for the enactment of this legislation. Had the gentleman stated that some individual Republicans supported the measure and were entitled to credit for such support, that would have been a fact. But I deny absolutely that the Republicans, as a party, are responsible in any way for this important legislation. They could with just as much justification claim credit for the discovery of America or for writing the Declaration of Independence.

No laws placed upon the Federal statute books within the last quarter of a century have been more widely discussed or more fully approved than the Federal reserve law and the farm loan act.

In the general election of 1910 the Democratic Party elected a majority of the House of Representatives. The panic of 1907 under Republican administration, with all of its blighting effects, was still fresh in the mind of Congress and the people of the country. In fact, this was one of the greatest financial disturbances, I might even say catastrophes, that the country had ever witnessed. One of the first things undertaken by the Democratic House was an investigation by the Committee on Banking and Currency into the causes that were responsible for the 1907 panic, as well as other similar occurrences, with a view to the enactment of remedial legislation to prevent a reoccurrence of such national disasters.

The Committee on Banking and Currency of the House, of which I had the honor to be a member, proceeded to conduct what was known as the Money Trust investigation, and much valuable information was secured, which was used to great advantage in writing the Federal reserve act. There was no doubt left in the mind of the committee that the banking laws then on the statute books were responsible for the great financial crash of 1907.

If the Federal reserve act was worked out by the Republicans in previous administrations, why did not those previous Republican administrations make effective their knowledge by some remedial, constructive legislation? If they did work it out, they are the more culpable for not carrying into effect the legislation which the country so badly needed. The Bible says:

> The servant who knows his lord's will and does it not shall be corrected with many stripes.

In both the Republican and Democratic platforms of 1912 the need of currency reform, or reform in our banking laws, was mentioned. In fact, the Democratic platform severely criticized the Republican Party and the Aldrich bill, which was the solution offered by the Republican Party.

The Republicans in their platform as usual made some ambiguous promises but no definite commitments.

In 1912 the Democratic Party was successful in electing a President and a majority of both branches of Congress—House and Senate. Believing, as they always do, in keeping promises made before the election, the Democratic Congress proceeded immediately with the preparation of a bill providing an entirely new system of banking and currency, to be known as the Federal reserve banking act. This differed in almost every essential particular from the Aldrich bill and the scheme advocated by the Republican Party. Senator Aldrich had not only been chairman of the National Monetary Commission but he had also been chairman of the Senate Finance Committee for years and was the leader and the highest authority of the Republican Party on matters of finance.

The distinguished Senator from Virginia, Hon. CARTER GLASS, at that time a Member of the House and chairman of the Committee on Banking and Currency, stated that at every turn of the way, in working out the Federal reserve law in the committee and piloting it through Congress, he was met with stubborn opposition by the Republican leaders. When the bill finally came to a vote in the House, which is the real test as to how each party stood on this very important legislation, the RECORD shows that the bill passed the House with 286 votes for and 85 against. Of the 286 affirmative votes, 251 were Democrats and 35 Republicans and Progressives—mostly, however, Progressives from the West and Northwest. Of the 85 votes against the bill, 83 were Republican and 2 Democratic. In other words, the Democratic vote stood 251 yeas and 2 nays. The Republican vote stood 35 yeas and 83 nays. About 2¼ to 1 of the Republicans in the House voted against the bill. In the Senate, of the 54 votes for the measure, 50 were Democratic and only 4 Republican, and against the bill there was not a single Democratic vote. Nearly all the Old Guard Republican leaders in the House—including Fordney, Gillett, Madden, Mann, and Mondell—voted against the bill when it passed the House; also every Republican member of the Banking and Currency Committee except one voted against it. Of the Republican members on the Banking and Currency Committee, 5 voted nay, 1 yea, and 1 paired against.

When the conference report was adopted, about 40 Republicans voted for it and about 58 against. Several of the Old Guard dodged and would not vote, among whom were Fordney, Gillett, and Madden. Also, quite a number of Old Guard Republicans in the Senate dodged on the conference-report vote, and only 3 voted for it. The Senate vote on the conference report was: Yeas, 40 Democrats and 3 Republicans; nays, 25 Republicans and no Democrats.

When I saw the statement the gentleman from Connecticut [Mr. TILSON] made, I immediately called on the Senator from Virginia, who in my judgment is entitled to much more credit than any other individual for the enactment of the Federal reserve law, and showed him the statement made by the gentleman from Connecticut, and asked him what basis there was, if any, for this statement. He said, "None whatever." I then asked him what assistance he had received from the report of the national monetary commission and he said, "None in reality." He further stated he not only received no assistance from the Republicans in working out this bill but that he had encountered the opposition of their leaders continuously.

The bill as proposed and passed by Congress not only met the disapproval but the severe and caustic criticism of many Republican leaders in Congress. It was furiously assaulted by Senator Aldridge and in a speech made by him in October, 1913, in New York City before the Academy of Political Science, on the subject of "Banking Reform in the United States," he savagely assaulted this bill, using such epithets as "flat money," "Bryanism," "greenbackism," declaring that it was socialistic and unconstitutional, and assigned 21 reasons or objections to it. Summarizing his objections, he said:

> I have tried to show that the bill has serious defects. It appeals to the populists by adopting their plan of note issues; to the socialist by seeking to place the management of the most important private business of the country in the hands of the Government; it seeks the support of the bankers in great centers by its unexpected discrimination in their favor; but its dangerous doctrines and unwise methods do not appeal to the judgment of the American people. Its objectionable features have neither the support of public opinion nor the approval of the banking fraternity. They are contrary to the teaching of economists and they are not supported by the judgment of practical men. It threatens to upset business and to produce the evil results it was projected to cure.

In view of the needed reform, admitted even by the Republicans for many years during their incumbency, and of their complete failure to do anything to remedy the situation, and of their opposition at every step taken by the Democrats in the consideration and passage of the Federal reserve act, of their overwhelming vote against it, of the violent assault upon it by many of their leaders, then to come in at this late day, after the law has proven so successful and popular, and claim credit for it, appears to me to amount to almost brazen effrontery.

Of the long list of substantial achievements by the Democratic Party, including the Federal farm loan act, good roads law, parcel post law, Federal Trade Commission, Rural Free Delivery Service, creation of the Department of Agriculture, none has surpassed or equaled the Federal reserve act. Its success has been fully demonstrated by the most severe test in both war and peace. In fact, it has been admitted to be a masterpiece of financial legislation, and by its enactment the Republicans were so completely silenced that in their platform of 1916 they made no reference whatever to the matter of banking and currency. Does not everyone know that if this act had been "worked out," as claimed by the gentleman from Connecticut, in previous Republican administrations, the Republican platform would have "pointed with pride," as usual, to this legislation rather than to have passed it over in silence.

The merits of this law were described by the United States Chamber of Commerce as follows:

1. It has given business greater confidence in the ability of the banks to care for credit needs.
2. It has introduced an elastic currency and eliminated money panics.
3. It has eliminated extreme seasonal fluctuations in rates of interest.
4. It has brought business safely through the war and postwar crisis.
5. It has saved millions of dollars to business through its par payments system for check collection.
6. It has made the gold reserve more effective as a basis for credit extension in times of extraordinary demand.
7. It has aided in the financing of foreign and domestic trade by developing a discount market for acceptances.
8. It has provided a means for handling huge financial operations of the Government without interference with business.
9. It has aided in the reestablishment of the gold standard abroad.
10. It has given us an experienced banking organization which will assist us in meeting the future exigencies of business at home and abroad with courage and confidence.

The above statement from the United States Chamber of Commerce is quite different, indeed, from the view of this matter as expressed by Senator Aldridge, and the dire prophecies and caustic criticism heaped upon the measure by the Republican leaders.

The Republican Party is no more responsible for working out the Federal farm loan law than they are the Federal reserve act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to continue for 10 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HASTINGS. Will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. HASTINGS. I would like to be permitted to interject here that there was only one Republican Senator, namely, Senator Weeks, who voted for the final conference report on the Federal reserve act in the Senate.

Mr. DOUGHTON. I think there were three—Mr. Weeks, Mr. Poindexter, and Mr. NORRIS. Mr. NORRIS was a Progressive, but those three gentlemen were not Democrats. Messrs. Weeks, Norris, and Poindexter voted for the conference report in the Senate, and not a single Democrat voted against it.

It is true that most of the Republicans voted for the Federal farm loan law, but they only did so as a result of their experience in opposing and voting against the Federal reserve law. In their 1916 platform, shortly after the farm loan law had been enacted, they said, referring to rural credits, "We favor an effective system for rural credits as opposed to the ineffective law proposed by the present Democratic administration." This shows that they were ready to place all the blame on the Democratic administration if the law failed to work successfully.

The only way that I can possibly account for this desperate effort on the part of the Republican floor leader to claim credit for his party for these great Democratic measures is the very embarrassing and unenviable situation in which he and his party find themselves at this time. Having been in control of each branch of the Federal Government for the last nine years, electing a President in 1928 by the largest majority in the Electoral College ever given a candidate, and a large majority in both branches of Congress, he finds his party blindly stalling, stumbling, and blundering, hopelessly divided on almost every important question; his President evading responsibility by the appointment of commissions instead of demonstrating badly needed leadership, no one knowing where he stands on the tariff question, prohibition, Muscle Shoals, nor any of the acute questions now before the Congress.

Having maintained for more than 30 years that it was the party that guaranteed prosperity; that all that was necessary to keep the country prosperous and happy was a Republican President and a Republican Congress; and now when the country is staggering under the worst economic conditions ever known, it is not surprising that they try to claim credit for Democratic achievements.

Newspapers Saturday morning, March 1, carried figures based on the February unemployment survey by the American Federation of Labor as made public by President Green. This survey showed that in February 22 per cent of the union workers affiliated with the American Federation of Labor were out of jobs. This was an increase of 2 per cent over January and shows conditions to be growing steadily and rapidly worse instead of better, as Secretary of Labor Davis and the newspapers controlled by the big interests have tried to make the country believe. The American Federation of Labor survey covered 670,000 trade-union members in 24 cities. There are approximately 5,000,000 trade-union workers affiliated with the American Federation of Labor, and 22 per cent of them, or approximately 1,100,000 are out of jobs. If that be true of union workers, with the prestige of their great organization behind them, how much more serious must be the situation among the unorganized skilled workers and numerous kinds of unskilled workers? This same survey showed 26 per cent of union workers idle in New York City, in St. Louis 49 per cent idle, and in Chicago 51 per cent, or more than half.

The business and unemployment situation throughout the country is not only serious but it is distressing and alarming. In 1928 the number of bank failures in the United States was 372, with liabilities of $129,649,605. In 1929 the number was 437, with liabilities of $218,796,582. This is an increase for 1929 over 1928 of 65 and the amount of the liabilities $89,146,977. Compare this, if you please, with the bank failures under Democratic administration from 1916 to 1920, a period of four years; there were only 117 State-bank failures and 28 national-bank failures.

To show that business conditions have not improved thus far this year, as constantly claimed by the administration papers, Dun's Review for February 15, 1930, listed 566 commercial failures for the week ending February 14, 1930, as compared with 467 for the same week of 1929. Up to the middle of February of this year there had been a total of 3,436 commercial failures in 1930, as compared with 3,002 for the same period of 1929.

The same Dun's Review listed building permits in the major cities of the country and showed that the total of building permits for January of this year was $83,564,000, as compared with $169,133,000 for January, 1929, a falling off of more than 50 per cent. In New York the January permits dropped from $77,000,000 to $25,000,000. In Philadelphia from $16,000,000 to $2,000,000, and in Chicago from $13,000,000 to $5,000,000. A few cities, including Washington, showed an increase, largely accounted for by the Government building program in the Capital City. Yet conditions here with reference to unemployment are so bad that in the Evening Star of February 26 Director Jones, of the Department of Labor Employment Statistics Bureau, said that they were very much worse than last year or the year before. They are so bad, he said, that he declined to give any figures as to a comparison on the number of unemployed in Washington now and one year ago, because he feared the figures would have a very depressing effect.

If this is true in Washington, with the Federal Government spending scores of millions of dollars of the taxpayers' money for new and lavish buildings, what must be the conditions in cities where there is no such stimulus from the Treasury of the United States? Already there have been riots in Cleveland, Philadelphia, and Chicago, where the police have been called out to put down riots and demonstrations by suffering idle workers demanding jobs. Saturday's paper also gave a report of unemployment demonstrations in Oakland, Calif., in which several hundred jobless men participated, demanding work, some of whom were clubbed into submission by the police.

On Saturday last a Republican United States Senator introduced a resolution appropriating $50,000,000 to relieve unemployment in this country. This fund to be expended by the Red Cross and the Quartermaster General of the Army to relieve the suffering caused by unemployment. He stated that there were from three to six million people out of employment. These people are jobless and hungry, walking the streets and highways willing to work, anxious to work—yes, begging and praying for work—but finding none.

These are only a few of the things that are happening and have been happening for quite a while under Republican administration, that not only guaranteed prosperity but pledged itself to abolish poverty, or at least said we were nearer that condition than ever before.

Certainly, if the Republicans could not have prevented this dire situation they could have refrained from making false promises and pledges, and that is my chief complaint against them. I hope their present sad experience, and the serious condition that now prevails throughout the country will, in the next campaign at least, deter them from attempting to secure a renewed lease of power on the false and fraudulent claim that Republican rule means immunity from financial distress, unemployment, and poverty.

Mr. Speaker, it is a tragedy almost that President Hoover had to call a Cabinet meeting on the first anniversary of his induction into office to consider the question of unemployment, but that is what he did. At the same time, we find Secretary

of Labor Davis saying that there are 3,000,000 idle working men in this country, and suggesting a great extra appropriation to be used by the President in alleviating unemployment.

Yet in the same paper we are told that the President is so confident that the unemployment situation is taking care of itself that it is no longer regarded as a problem by the administration. Oh Mr. Speaker, such inconsistent conduct and such ridiculous talk on the part of the administration is an insult to the intelligent manhood and womanhood of America. The President dares not appoint a commission to study and make a survey of and report on the present unemployment conditions. Such a report giving the number of the unemployed and the extent of the suffering would shock the country.

On another occasion, if I can get time, I shall submit some remarks on how to remedy present conditions. [Applause.]

WATER CONSERVATION AND FLOOD CONTROL

The SPEAKER. Under the order of the House the gentleman from Nebraska [Mr. JOHNSON] is recognized for 15 minutes

Mr. JOHNSON of Nebraska. Mr. Speaker and fellow Members, this talk will naturally follow the remarks of the gentleman from Nebraska [Mr. SEARS] about a week ago on flood control and the conservation of waters in the Middle West.

Mr. Speaker and Members, a conference on water conservation and flood control was held at McCook, Nebr., January 27–28, 1930. This conference was attended by delegates holding commissions from the governors of nine States—Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming—with representatives of several other States participating, and with Hon. Arthur J. Weaver, Governor of Nebraska, as permanent chairman of the conference.

Montana: John S. James, State engineer.

Wyoming: John A. Whiting, State engineer; Charles B. Stafford.

Colorado: M. C. Hinderlider, State engineer.

North Dakota: R. E. Kennedy, Bismarck, N. Dak., State engineer.

South Dakota: Charles A. Trimmer, State engineer.

Kansas: George S. Knapp, State engineer.

Nebraska: Gov. Arthur J. Weaver; Dr. George E. Condra, dean of department of conservation and survey, University of Nebraska; Prof. Clark E. Mickey, civil engineering department, University of Nebraska; Roy L. Cochran, State engineer.

Oklahoma: Judge E. E. Blake, chairman of interstate commission for the control of the Arkansas and Red Rivers.

Texas: Hon. Leonard Tillotson, member of State house of representatives and general manager of the Brazos River conservation and reclamation district; Robert P. Hall, secretary of the Pease River and Red River district.

The following statement and declarations of policy were adopted and reported to the States participating:

THE STATEMENT

As a sound public policy we recognize the imperative need for consideration by the Federal Government of conservation of all our natural resources and especially of our agricultural soils and the fullest conservation and utilization of the water supply of the Nation.

We recognize and declare that annual losses of life and property and wastage of our natural resources have grown to such proportions as to constitute a national menace which calls for immediate action by the Federal Government for the purpose of alleviating such conditions.

Constructive action at this time for the protection and maintenance of the necessary functions of public service is of such importance to the general welfare of our country that adequate legislation should be no longer delayed by the Congress.

THE DECLARATION

We respectfully submit and recommend the adoption of the following declarations as expressing a constructive policy for the conservation of the water resources of the country:

1. We recommend that the Congress should adopt a national policy of stream regulation to conserve water and prevent floods.

2. We recommend that in the advancement of plans for the regulation of streams it be recognized that all the methods approved by engineering surveys and investigations be accepted in the accomplishment of such regulation, including storage of waters where and as may be found effective for regulation, and which will bring to the Nation and all regional areas the most beneficial uses available from the source of the rivers and their tributaries to the place of discharge.

3. We recommend any such amendments to the national flood control act, approved May 15, 1928, as may be necessary to make the general declarations of that act effective. We recognize as an indispensable factor in river control the establishment of flood-water storage on the tributaries of our rivers and emphasize the importance of the construction of such storage works as near the source of all tributary streams as is practical.

4. Soil erosion is recognized as the greatest waste of the heritage of the Nation, presenting to all constituted government a problem of increasing seriousness alike in lessened production of essential agricultural products and as materially augmenting the problems of water conservation and stream control.

The conference further approved, in resolution adopted, the various acts of the Congress relating to flood control and water conservation and use.

Approved the designation by the Flood Control Committee of the House of Representatives of Congress, of a subcommittee empowered to draft amendments to the "act for the control of floods on the Mississippi River and its tributaries," approved May 15, 1928, that may be determined upon adequate investigation and consideration, helpful in effectuating the purposes of the act.

Approved action to secure adequate surveys of the tributaries of the Mississippi River, and for appropriations necessary therefor.

Approved cooperation on the part of the Federal Government, and all its departments, with the States or political subdivisions thereof, in conserving and utilizing the available waters of the country for the greatest public interest of the States, and of the general welfare.

This conference also adopted a set of far-reaching resolutions. I will only quote the fourth, which pertains more particularly to Nebraska.

Fourth. That it is the sense of this conference that the prosperity of the States drained by the western tributaries of the Mississippi River, and the food supplies of the Nation are directly dependent upon the use for agricultural purposes of the now wasted and destructive flood waters of these tributaries to supplement the natural precipitation so as to relieve great losses to agriculture caused by drought conditions, prevent loss of soil fertility caused by erosion and insufficient moisture for proper crop rotations, and stabilization of agricultural production and marketing by insuring the quality and quantity of agricultural products which is essential to the growth of our agriculture in the Middle West, to the industry and commerce of the Nation in times of peace, as well as being absolutely essential for the common defense of the Union in time of war.

[Applause.]

It is evident to me that the representatives of the said nine States attending this conference favor the purpose and substance of the Sears bill, H. R. 9376, which was introduced in this House three days after this conference was held. This bill makes provision for construction of storage reservoirs for run-off water on streams tributary to the Mississippi River.

Nebraska has two large tributaries, the Niobrara and Platte Rivers, which empty into the Missouri River, which is one of the largest flood-water carriers to the Mississippi. The Niobrara drains northwest and northern Nebraska. The Platte has two large tributary systems, the Elkhorn and the Loup, which empty into it just before it reaches the Missouri River.

In the fifth congressional district, which I represent, we have the Republican River, which heads in Colorado and runs through 250 miles of my district. There are eight tributaries from 60 to 150 miles long that empty their flood waters into it before leaving the State of Nebraska where it turns to the south into Kansas, and there it empties all its flood water into the Kansas River, which directly conveys the combined flood waters of the two rivers into the Missouri River at Kansas City. In 1903 it delivered 350,000 cubic feet of water per second at Kansas City, which of itself raised the flood tide 5 feet at Cairo, Ill.

The streams I have mentioned drain the entire State of Nebraska, part of Kansas, a little part of South Dakota, and a large part of Wyoming and Colorado, where the flood water flows fast and furious in the springtime.

There is not a more fertile soil anywhere than along the Republican River and its tributaries, and yet I have seen it ruined for the crop season several times by flood waters. Sometimes this river, which normally is only a few rods wide, becomes a mile or more wide for nearly the length of it, destroying bridges, railroads, soils, crops of fine alfalfa and corn, and often endangering human life. The Kansas people well know what it does to them when it reaches the Kansas River.

There are many excellent sites for storage reservoirs not far from any of the rivers mentioned where nearly all this run-off flood water can be stored; for instance in Gosper County, there is one canyon, estimated by engineers to be large enough to hold the full flow of the Platte River at flood tide for seven days, thus instead of being a menace to the country it would be a large factor in maintaining a balance between the lack and excess of water and heat, and stabilize our climate, which is semiarid. Sometimes the "semi" is dropped. At such times if these storage waters were used for no other purpose they could be released to flow down over the hot sands of the respective river beds, which are nothing but hot sands during the arid period. This would cause a rapid evaporation, which might be

conducive to more rainfall and a material change in the atmosphere and relief to life and crops. That it is feasible and practical, and that it is financially justifiable to build these storage reservoirs, is widely the opinion of the engineering profession. That it is a national problem for the protection of property and of life, and that the time and money required for flood control of this kind constitutes a safe national investment appears to be the consensus of universal opinion. It seems that nation-wide cooperation should be available at this time of general unemployment. So many different causes lead to that condition.

We commenced with a great deflation in 1920. The result of this was that hundreds of thousands of men lost their farms and they and their boys were largely thrown on the labor market. For a while industrialism could absorb the great surplus. And then that was overdone. Then the era of chain stores and banking and big business has worked to throw a constantly increasing supply of men from 40 years of age upward on the labor market. Added to this there is a constant influx by way of lawful immigration and unlawful entry. Added to our own surplus, we are absorbing several hundred thousand men into the ranks of our labor from the overplus of the rest of the world. The situation is on us and is going to remain with us for some time. It will not do for small communities, State, or national authorities to say that this is no affair of ours. Hungry men are dangerous men. They are not good, law-abiding citizens. Times of depression means that the surplus labor has been saving for old age and times of need is to disappear. It is a heartless and a dangerous policy for nations to shut their eyes to the fact of unemployment.

It is a duty that can not be shirked. Means must be found whereby labor shall be employed and not remain hungrily or dangerously idle. Our greatest statesmen have taken notice of that for years. It seems that the best way whereby idleness shall be avoided and labor shall be employed with decent remuneration shall be the undertaking of great public works that are needed in times of general unemployment.

The section of my country on the west side of the valley is part of the great stretch between the Rockies and the Alleghenies that now not only needs employment for the idle but also needs for its prosperity the completion of public works that will take possession of the flood waters of the valley and make use of those waters for the benefit of those people for all time. A proper system of public works that will conserve those waters will give employment to thousands of men for many years, and not only do that but the works will pay for themselves many times over in the different localities where they are situated and to the States and the Government itself. In place of men being on charity, with their savings gone, they will be self-respecting American citizens not only keeping what they have but adding to the country's wealth instead of adding to its dependency and liability. [Applause.]

Organized common sense should lead to increased utilization of the waters in these storage reservoirs on the tributaries to the large rivers. Flood control can be made to convert water into farm crops, and incidentally into annual crops of fish, mussels, birds, and fur-bearing animals. In addition, extend waterways and safeguard property and life.

The program for accomplishing this should begin immediately by encouraging the owners of lands to construct gates in already existing ditches, and to organize the control of the waters over areas already found to have been unwisely drained. State and Federal engineers should decide upon the location and development of a method of management for larger impoundments and regulation of water to prevent it becoming "flood water" farther down the stream.

Some of the benefits would be purely local, others widely distributed. The cost, therefore, should be carried in a small part by the owners of the property benefited directly, part by the community to be benefited by the improvements, but the major portion of the cost should be carried by the State and Federal Governments, which benefit by an improved general climate, larger interstate transportation, a happier and more prosperous people, and an increased freedom from destructive floods. Therefore if we work with nature rather than in opposition to her laws we can work out a more efficient, extended, useful, and suitable system of retention reservoirs and natural floodways, designed to secure a better distribution of water to further all economic uses. We can protect our soils, our bridges, our crops, and our lives. [Applause.]

PRESIDENT THOMAS G. MASARYK

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker and gentlemen of the House, to-day the first President of the Republic of Czechoslovakia, Thomas Garigus Masaryk, statesman, philosopher, humanitarian, and with him his country, are celebrating his eightieth birthday. This distinguished statesman has devoted the greatest part of his life to the service of his fellow men and the liberty and freedom of his country.

The life of this eminent statesman and the Czechoslovakian Republic has been closely interwoven with our country. The constitution of Czechoslovakia was written in the United States by Prof. Thomas Garigus Masaryk and is in a great measure modeled after our own. It was written in 1918, immediately after the issuance of the Lansing declaration proclaiming the sympathy of the United States to the cause of Czechoslovakian and Yugoslovakian independence.

For years he has unceasingly devoted his energies in aiding in every conceivable manner to obtain freedom and liberty for his people and his country, which has been their dream and hope for centuries and generations. He is revered and honored not only in his land but by all enlightened statesmen and liberty-loving people throughout the world.

There being no precedent of passing a resolution of congratulation in this House, I feel satisfied that the President, in behalf of the American people, will extend to him our country's congratulations and best wishes. [Applause.]

Mr. Speaker, I ask unanimous consent that I may add to my remarks a short editorial appearing in this morning's Post on the activities of President Masaryk.

The SPEAKER. The gentleman from Illinois asks unanimous consent to include in his remarks an editorial appearing in this morning's Post on the life and activities of President Masaryk.

Is there objection?

There was no objection.

The editorial referred to follows:

PRESIDENT MASARYK

This is the eightieth birthday of President Thomas G. Masaryk, of Czechoslovakia. Providence has been benign to both the nation and its founder. His preparation for the supreme test was providential. He struggled in imperial politics, traveled and studied political systems, and made himself a master of the art of government. When the time came for his country to be free he was qualified to draft its declaration of independence and its fundamental charter. Then, through 12 years, he was spared to guide the infant Republic through vicissitudes wellnigh as dangerous as war. He remains in good health, with the prospect of many more useful years as the head of his country.

Doctor Masaryk went around the world during the war, incessantly working for the Allies and for the liberation of his countrymen. He directed the strategy of the Czechoslovak army that made the renowned journey from Europe through Russia across the Pacific to the homeland. It was in Washington that Masaryk drafted the declaration of independence. At first it was a demand for autonomy, as the break-up of the Austro-Hungarian Empire was not clearly foreseen. But as the United States delivered its smashing blows late in 1918, Doctor Masaryk perceived that independence, and not mere autonomy, was the destiny of his country. On the advice of friends in Washington, he boldly proclaimed independence and received immediate recognition from the allied powers.

The Republic of Czechoslovakia is a lighthouse in central Europe. Its constitution is a model upon which other nations can build self-government if they will. With the keenest insight, Doctor Masaryk worked out a structure of government suited to his people and to the problems of their environment. His work is lasting. In many respects it resembles the constructive statesmanship of George Washington. Like Washington, he is the father of his country, and while he is alive he receives the salute of liberty-loving men in all countries. His name will stand forever on the corner stone of Czechoslovakia.

JUSTICE HOLMES AND THE SUPREME COURT

Mr. McSWAIN. Mr. Speaker, to-morrow Mr. Justice Holmes, of the United States Supreme Court, will be 89 years old. I ask unanimous consent to extend my own remarks in connection with his public services.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, March 8, 1930, Mr. Justice Oliver Wendell Holmes, of the United States Supreme Court, is 89 years old. This is a fact to challenge our attention and to give us pause for contemplation. Doubtless hundreds will be speaking the praises of this great American on the eighty-ninth anniversary of his birth. This universal admiration for the public services and for the private character of Justice Holmes is convincing proof of the soundness of the American heart. Some critics have complained that Americans admire only the man who is successful in material and monetary matters. But the charge is unfounded. Of course Ameri-

cans, in common with normally minded persons of every nation and country, admire success in any line as an evidence of personal power and of individual achievement. The world admires the military career of Napoleon Bonaparte but condemns his selfish ambition that perpetuated a state of warfare in Europe for well-nigh a generation.

But when we find all Americans of all groups and sections, both the so-called conservative and reactionary part of the population, as well as the so-called progressive and forward-looking part, uniting in praise for Justice Oliver Wendell Holmes it is significant of the genuine feelings and opinions of the American people. For Judge Holmes has gone about his work in a simple and unostentatious manner; he has not amassed a fortune; he lives simply within the salary provided for his office; he is not a spectacular personality; rather is he a matter-of-fact, workaday world, unobtrusive, and perfectly natural man. Though born in an intellectual aristocracy, with the highest social surroundings, with the best possible educational opportunities, with the inheritance of a great name, with a brilliant career as a soldier sealed by his own blood and testified to by the enduring scars, he nevertheless has built a place for himself upon his own individual and personal accomplishments as a lawyer, as a teacher of law, as a philosophical commentator upon the history and doctrines of the law, and as a judge on the Supreme Judicial Court of Massachusetts and on the Supreme Court of the United States.

We could forget his father, we could ignore his education, we could wipe out his record as a soldier, and yet the personality and the official career of Justice Holmes would remain undiminished and would continue to find its full place in the mind and heart of the American people.

Ordinarily the services of a judge, however eminent, go unnoticed by the masses of the people, though approved and appreciated by the legal profession. Ordinarily the judge may hope to live only in the history and traditions of the bench and the bar. But there are certain outstanding exceptions. Preeminent among the conspicuous exceptions is the case of Mr. Justice Holmes. Though he might shun publicity, though he makes no bid to catch the popular fancy, though he avoid the reporter and the biographer, yet the attention of our people is increasingly centered upon the great judge, who grows stronger in their affections as he seems to grow broader in his sympathies and as he grows older in years and riper in service. What is the explanation of this unusual situation? It is something more than the mere fact that he is 89 years old. It is something more than that he retains at this advanced age his vigor of body, his clarity of mind, and his sprightliness of spirit. It must be the fact that in spite of his hereditary influences and surroundings, in spite of educational and local traditions, in spite of the isolated life of a judge, he is manifestly and exceptionally human and natural in both his manner of life and his official labors.

This humanness and naturalness, so unusual and unique, is what the books call "philosophy." Philosophy means merely that love of wisdom which has for its beginning understanding. The law is simply the rules prescribing human relationships. To understand these rules one must understand that humanity among whom the relationships exist. That understanding is attained only when selfishness and prejudice and partisanship are put out of view. Then, one sees facts face to face; then, understanding is possible; such a person is described as a philosopher.

By this test Mr. Justice Holmes is a philosopher. Such a philosopher must understand history, not the history merely of a period nor of one nation, nor of a race only, but all history. Such knowledge drives out dogmatism; such knowledge sets the mind free; such knowledge reflects itself in the living and the thinking of a man. Every human being is to a limited extent a philosopher, and certainly sufficiently to recognize another person who possesses philosophy to a preeminent degree. For this reason all classes, educated and uneducated, rich and poor, socially prominent and socially obscure, recognize that Mr. Justice Holmes is in the highest and truest sense a philosopher. They believe that no extraneous dust interferes with his judicial eyes; they feel that justice is safe in his hands. They have had repeated proofs of his toleration and broadmindedness.

They know that he believes in freedom—freedom of speech, freedom of action, freedom of competition, freedom for individual development. They know that he has the strength and courage to defend freedom of speech, even when he does not agree with the opinions uttered by the speaker. Our people may not all know what Voltaire said when he wrote—

I do not agree with what you say, but I would give my life to protect your right to say it—

but in the heart of every free man this sentiment lies implicit and rises to respond to its every utterance.

Mr. Justice Holmes certainly comprehends the true philosophy of the American Federal system. He is a genuine defender of the Anglo-Saxon doctrine of local self-government. The preservation of that doctrine as applied to the practical administration of government is essential to the perpetuity of free America. Consequently we find Mr. Justice Holmes insisting that the fourteenth amendment should not be used to shut off the right of experimentation in legislative matters in the several States. Wisely he insists that each State must be permitted to determine its own policies as to domestic matters. Though one or more or many of the States may enact internal legislation repugnant to his individual conception of what is best, he refuses to exercise his power as a part of the Supreme Court of the United States to deny the right of the several States to adopt governmental practices, novel and unusual, and perhaps radical, though they are.

He recognizes his duty and his mental attitude as a member of the Supreme Federal Court as different and distinct from what it would be if he were a legislator in the State of Massachusetts. If a majority of the court had always been free from this unconscious bias, and had possessed the breadth of vision of Justice Holmes, there would have been less complaint against the court. We are happy that complaints about the court have been very few, and we are exceedingly happy that such complaints are constantly growing fewer. In my humble judgment, the Supreme Court of the United States at no time in our history has possessed so fully the confidence of the people as it does to-day, and no little part of this confidence is doubtless due to the influence and work of Mr. Justice Holmes.

Therefore, it is gratifying to Americans to find that the personal greatness and the judicial preeminence of Mr. Justice Holmes, is recognized in other countries. We are pleased to note the just and able estimate and tribute published in Harper's Magazine for March, 1930, and written by Prof. Harold J. Laski, of the chair of political science in the University of London. I extract these few striking and impressive sentences for the purpose of giving a wider circulation to the opinion of an English scholar, concerning this great American judge.

He [Justice Holmes] has proved again the simple secret that a great judge must be a great man. He must have a full sense of the seamless web of life, a grasp of the endless tradition from which we can not escape. He must be capable of stern logic, and yet refuse to sacrifice to logic the hopes and fears and wants of men. He must be able to catch a glimpse of the ultimate in the immediate, of the universal in the particular. He must be statesman as well as jurist, thinker as well as lawyer. What he is doing is to shape the categories through which life must flow, and he must have a constant sense of the greatness of his task. He must know the hearts of men, and yet ask to be judged from the conscience of their minds. He must have a constant sense of essential power and yet be capable of humility in its exercise. He must be the servant of justice and not its master, the conscience of the community and not of its dominant interests.

He has recognized, as some of his colleagues have failed to recognize, that the American Constitution does not forbid experiment but asks only that experiment shall be tender to established expectation. He has never sought as, again, some of his colleagues have sought, to establish it as a standard to which other men must necessarily conform. His life on the bench has been a process of learning, a recognition that habits and principles change, that each truth must be born of some one's experience, that a golden rule is only too often an instrument of persecution. In the result he has always kept step with the march of the age. He has seen that his task is not the satisfaction of a dead past but the considered response to a living present.

He [Justice Holmes] has been a great judge because he had never ceased to be a philosopher. He has sought always to find his way from the little fact to the secrets of the universe. By temperament a skeptic, by training a scholar, one sees in his whole attitude to life the qualities which make for wisdom. He has never ceased to inquire. He has never been satisfied to stay still. He has never accepted traditional knowledge because it is traditional. He has never been content to accumulate learning merely for its own sake. His life has been passed in seeking to discover what are the right questions to ask.

For Justice Holmes has known that great thoughts come only to men who are capable of heroic self-sacrifice. Every man who is to confront the impenetrable universe proudly must, Galileo-like, face an inquisition none the less formidable because it is ceaselessly active in his own heart. To such a philosophy, optimism is a little crude and the pessimist confounded by the fruits of the yearning to know.

It is significant that he has always been loved by the young and that, down to this hour, they have never felt oppressed by the burden of his years. Partly that is because he takes endless pains to understand them; partly because he is always anxious to give them of his

best. No man of our times has been so eager to know the best there is in the experiment of the moment. No thinker, no poet, no scientist, but he is anxious to sample lest he omit some experience of what may prove precious in the heritage.

But that love of America has never been narrow or exclusive. It is not a denial of alien experience or an unwillingness to admit the value and validity of alien tradition. Nor is it merely a pride in bigness, the worst illusion of the petty mind. He has the cosmopolitanism of the great scholar, the sense that knowledge overleaps national boundaries, the power to cooperate with others that comes of the feeling that the task is great and the individual small. And his skepticism has never allowed him to build a sense of values merely in American terms, because he knows how wide and complex is the inheritance of America. No one whose mind, like his, has sought to glimpse the whole intellectual heritage of the human race can ever remain prisoned in a jealous patriotism.

These are two classes of judges; the first made up of the statesman-lawyer type who takes a broad and liberal view of his obligations, not only as to the litigants in the case before the court but also to society generally, and especially to future generations. John Marshall was an outstanding example of this type of judge. Fortunately for our Nation, we have had many such judges on our State supreme courts and on the United States Supreme Court. Outstanding among all such is Mr. Justice Holmes. He does not regard the Constitution as a strait-jacket, setting up a multitude of inhibitions to prevent States and the Federal Government from discharging obligations to the day and generation in which we live.

The other group of judges may be described generally as mere lawyer type. With ample knowledge of the doctrines and decisions of the law, with highly trained and discriminating minds, they never exactly get out of the habit of advocacy. It is so natural to form a conclusion of how a case ought to be decided and then to bend all energies by searching the face of the earth for decisions and commentaries to establish the particular thesis prematurely arrived at. These judges are just as honest and just as patriotic as the first class mentioned, but, not possessing the true philosophical spirit, they can not throw off the restraints of intellectual habits and can not forget the impressions acquired during a long, successful practice.

But we need more judges of the type first mentioned on both our State supreme courts and the United States Supreme Court. State constitutions and the Federal Constitution ought to be construed in the light of common sense and with the understanding that their makers used general language wherever possible, and where particular language was used they generally intended that such particular language should have a general interpretation so that such constitutions may continue as a framework of government from one generation to another and be so elastic as to meet the changing conditions of society and to apply to the changing instrumentalities of economical life.

Undoubtedly, supreme courts are in many cases lawmaking bodies. It is an undisputed, logical proposition that whoever has the interpretation of language has in fact the final employment of language. Every supreme court in every case involving a construction of a constitution, to the limit of the words brought under its review in the particular case, is a constitutional convention. The Supreme Court of the United States has been a continuing constitutional convention since the court was organized in 1789.

It is therefore highly important that the electing or appointing power in selecting recruits for the supreme courts of the States and of the Nation, should examine most carefully the mental and moral make-up of the persons under consideration. It by no means follows that every great lawyer will make a useful and wise supreme court judge. Oftentimes lawyers achieve professional eminence on account of a particular aggressiveness and polemic disposition that entirely unfit such persons, after arriving at the age of 50 years or more, to assume the rôle of an impartial and nonpartisan searcher after truth and justice in a genuine philosophical spirit.

For this reason, therefore, I have ventured to make the suggestion that judges ought to go through a period of preliminary service upon inferior courts before selection for a supreme court. During this period of service in inferior courts the judges display their judicial characteristics, and those judges that have manifested the spirit of philosophy, that have shown themselves to be forward looking, that have displayed broad-mindedness and great human tolerance, should be selected to supply vacancies upon the supreme courts.

In this way no chance will be taken as to the qualifications of the personnel of the supreme courts. To appoint a great lawyer, who has had no judicial experience, is certainly an experiment. He may prove himself a great judge, as did John Marshall, or he may prove himself to be a great disappointment. During the preliminary service suggested all would have a try out and no mistakes need be made.

This system would have another beneficial influence upon the judiciary. Lawyers would be more anxious to accept positions on the lower courts when they recognize that it is the only avenue and means of approach to the Supreme Court. Having obtained selection to the lower courts, they would then vie with each other in the discharge of their duties and in approaching their work in the right spirit, and in developing their latent philosophical talents, in order to commend themselves to the selecting or appointing powers when vacancies occur on the supreme courts. The direct and undisputed result would be an elevation of the tone and a lifting of the type of work and a stimulation of the energies of all the judges of the inferior courts, and would result in the choice of the very best material for the Supreme Court.

Twice before I have brought to the attention of the House and the country my estimate of the public services of Mr. Justice Holmes. The first case was on March 8, 1926, and the second was on March 8, 1928. The only reason that I did not mention the matter on March 8, 1927, and on March 8, 1929, was that Congress was not then in session. I reproduce the following brief extracts from my remarks on those occasions:

Mr. Speaker, at this point I produce some thoughts spoken by me in this connection two years ago relating to the matter of appointments of judges. The longer I live and the more I study the law and especially our American constitutional system, the more I am convinced that the stability of our institutions depends more upon the character of the judges and the quality of their decisions than it does upon any legislation that Congress or the various State lawmaking bodies may enact. Statutes are but general abstractions to the individual citizen. But when the citizen meets the statute face to face in court and finds his individual propery and liberty and life measured in terms of statutes and of common law he finds them measured from the lips of an individual judge—his fellow American, his fellow mortal, and his fellow citizen.

It is a terrific responsibility for one American citizen to be lifted to the position of judge over and above and among his fellow American citizens. If the judge by his language and his conduct shows that he is conscious of his responsibility, that he feels his moral unworthiness to sit in judgment upon the property and liberty and life of his fellow citizen, but that he discharges his duty not as a personal prerogative but as a solemn official function, then the individual citizen before him and all witnesses to the solemn ceremony will turn away with a feeling of resignation and submission to the law.

But if the judge is petulant and arrogant, if he assumes a personal superiority, and acts as though the person before him had committed lese majesty, as though exercising power by divine right, then the individual whose conduct is measured by the legal standard and the witnesses turn away with resentment and with rebellion in their hearts. If this feeling was sufficiently widespread, the security of the Government might be imperiled. For this reason I contend that the selection of judges for all grades of Federal courts is the highest responsibility that rests upon the President. I congratulate President Coolidge that in two very recent nominations he has ignored party politics in order to vest judicial responsibility in men whose character and abilities would insure its rightful and wise exercise.

There are 161 United States circuit and district judges and 217 justices of supreme courts. All these have been tried and found either fit or wanting. They have either manifested some of the ideal judicial qualifications or they are simply holding a mediocre average. Would it not be an inspiration for all of these judges to feel their work, their careers, their conduct, are constantly under the observation of those having power to say "come up higher"?

If the justices and judges of the courts above named realized that the vacancies upon the Supreme Court of the United States would be filled by the promotion of those already exercising judicial office, it certainly would stimulate their energies, and the effect would be not only to find the fitted material for the Federal Supreme Court, but would attract and hold much better material to the lower courts.

Talented lawyers would thus be encouraged to accept the humbler stations as stepping-stones to the great goal of any lawyer's ambition. Judges would be fired by a praiseworthy ambition so to serve as to deserve promotion. Then our great judicial keystone that completes the arch of our constitutional structure would always be composed exclusively of tested material. Then there would be no disappointments and misfits. There would be higher proficiency and great efficiency all along the line. Confidence in the courts would undoubtedly increase. Complaints should certainly cease. This suggestion is put forth with great humility and respect.

MOTOR BUS BILL

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I present a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 172

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10288, a bill to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways. That after general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this resolution makes in order H. R. 10288, which has commonly been designated as the motor bus bill. Six hours will be permitted for general debate, at the conclusion of which time the bill will be read under the 5-minute rule for amendment. The bill is accompanied by a report made by the committee which is very complete. It shows, however, that there is some controversy between the members of the committee as to the various provisions of the bill. It was felt, therefore, that six hours might be required for general debate. No time is desired on the rule on this side. Does the minority desire any time on the rule?

Mr. BANKHEAD. No; we do not desire any time on the rule.

Mr. MICHENER. The bill will be fully explained by the legislative committee reporting it.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RECESS

Mr. MICHENER. Mr. Speaker, the floor leader is absent momentarily from the floor. I think he desires to submit a unanimous-consent request on his return, and I therefore ask unanimous consent that the House stand in recess, subject to the call of the Speaker on the return to the floor of the floor leader.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, which I shall not do, I understood there was a tentative agreement that there would be no objection to a unanimous-consent request that the House when it adjourns to-day adjourn until Monday. I do not see why the gentleman from Michigan can not make that request in the absence of the majority leader.

Mr. MICHENER. The gentleman from Michigan will state that he did not confer fully with the floor leader, and it may be that the floor leader desires to make some other requests.

The SPEAKER. The Chair understands the gentleman from Connecticut [Mr. TILSON] desires to submit that unanimous-consent request, and also to make some statements in regard to the conduct of the bill next week. The Chair understands the gentleman will be here in a few minutes.

Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Accordingly (at 3 o'clock and 21 minutes p. m.) the House stood in recess to meet at the call of the Speaker.

AFTER RECESS

The House was called to order by the Speaker at 3 o'clock and 22 minutes p. m.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Mr. Speaker, may I inquire what the rule just adopted provides?

The SPEAKER. The rule merely provides that at any time a motion may be made to go into Committee of the Whole House on the state of the Union.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2828. An act authorizing commissioners or members of international tribunals to administer oaths, to subpœna witnesses and records, and to punish for contempt; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 2093. An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 26 minutes p. m.) the House adjourned until Monday, March 10, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 8, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To create in the Treasury Department a bureau of narcotics (H. R. 9053).

EXECUTIVE COMMUNICATIONS, ETC.

360. Under clause 2 of Rule XXIV, a letter from the Secretary of the United States Civil Service Commission, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. H. Res. 170. A resolution requesting the Secretary of State to furnish information relative to the participation of the Federal reserve system in the organization or operation of the Bank for International Settlements; without amendment (Rept. No. 855). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. Res. 171. A resolution requesting the Secretary of the Treasury to furnish information relative to the participation of the Federal reserve system in the organization or operation of the Bank for International Settlements; without amendment (Rept. No. 856). Referred to the House Calendar.

Mr. SWING: Committee on Expenditures in the Executive Departments. H. R. 6127. A bill to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands; with amendment (Rept. No. 857). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on Irrigation and Reclamation. H. R. 200. A bill granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States or any thereof are jointly interested; with amendment (Rept. No. 858). Referred to the House Calendar.

Mr. ARENTZ: Committee on Irrigation and Reclamation. H. R. 201. A bill granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; with amendment (Rept. No. 859). Referred to the House Calendar.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 3820. A bill to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; with amendment (Rept. No. 860). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 9182. A bill to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes; with amendment (Rept. No. 861). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 9996. A bill to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929; with amendment (Rept. No. 862). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on the District of Columbia. H. R. 9602. A bill to amend the act of Congress approved March 16, 1926, establishing a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; without amendment (Rept. No. 865). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 2185. A bill for the relief of Edwin G. Blanchard; with amendment (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 320. A bill for the relief of Haskins & Sells; with amendment (Rept. No. 863). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 3178. A bill for the relief of the Allegheny Forging Co.; with amendment (Rept. No. 864). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7620) granting an increase of pension to Hannah J. Macy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN (by request): A bill (H. R. 10573) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. GOODWIN: A bill (H. R. 10574) to reenact and amend the act of November 23, 1921, entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10575) to authorize the erection of an addition to the hospital at Fort Snelling, Minn., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. SIMMS: A bill (H. R. 10576) to authorize exchange of lands with owners of private-land holdings within the Chaco Canyon National Monument, N. Mex.; to the Committee on the Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 10577) authorizing the acquisition of certain real estate in the city of Washington to be a part of the park system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. EDWARDS: A bill (H. R. 10578) to authorize an appropriation for the construction of shore-protection works at Fort Screven, Ga.; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 10579) to provide for the erection of a suitable memorial to the memory of Col. Benjamin Hawkins, at Roberta, Ga., or some other place in Crawford County, Ga.; to the Committee on the Library.

By Mr. GRAHAM: A bill (H. R. 10580) to provide fees to be charged by clerks of the district courts of the United States; to the Committee on the Judiciary.

By Mr. ENGLEBRIGHT: A bill (H. R. 10581) to provide for the addition of certain lands to the Yosemite National Park, Calif., and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 10582) to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California; to the Committee on the Public Lands.

By Mr. HOCH: A bill (H. R. 10583) to provide for the method of measurement of vessels using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 10584) to authorize the Secretary of the Interior to restore natural landscape conditions in Glacier National Park, Mont.; to the Committee on the Public Lands.

By Mr. HAWLEY: A bill (H. R. 10585) to amend section 9 of the trading with the enemy act; to the Committee on Ways and Means.

By Mr. SUTHERLAND: A bill (H. R. 10586) fixing the salaries of United States commissioners in Alaska; to the Committee on the Judiciary.

By Mr. LEECH: A bill (H. R. 10587) to provide for the construction of certain public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 261) authorizing the Secretary of Agriculture to make a preliminary examination and survey as to probable cost of improving and widening the present Lincoln Highway from Washington, D. C., to Gettysburg, Pa.; to the Committee on Roads.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALDRICH: Memorial of the General Assembly of the State of Rhode Island urging the passage of Senate Joint Resolution 20 for the promotion of peace and the equalization of burdens and the minimizing of war profits; to the Committee on Foreign Affairs.

By Mr. BURDICK: Memorial of the General Assembly of the State of Rhode Island urging the passage of Senate Joint Resolution 20 for the promotion of peace and the equalization of burdens and the minimizing of war profits; to the Committee on Foreign Affairs.

By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of the State of Rhode Island, urging the passage of Senate Joint Resolution 20, for the promotion of peace and the equalization of burdens and the minimizing of war profits; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 10588) granting an increase of pension to Annie C. Snyder; to the Committee on Invalid Pensions.

By Mr. BAIRD: A bill (H. R. 10589) granting an increase of pension to Anna Kreutzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10590) granting a pension to Abigail Carter; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 10591) granting an increase of pension to Minerva J. Menefee; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10592) granting a pension to Eliza E. Sydnor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10593) granting an increase of pension to Margaret Woodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10594) granting a pension to Caroline Schroer; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 10595) granting an increase of pension to Rebecca Backman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10596) for the relief of Charles Nisbet Nicol; to the Committee on Naval Affairs.

By Mr. CROSSER: A bill (H. R. 10597) granting a pension to Pearl A. Phearson; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 10598) granting a pension to Alice Young; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 10599) for the relief of James B. Tucker; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10600) for the relief of Robert Keuthan; to the Committee on Military Affairs.

By Mr. KENDALL of Kentucky: A bill (H. R. 10601) granting an increase of pension to William Hargis; to the Committee on Pensions.

By Mr. LEECH: A bill (H. R. 10602) granting a pension to Abraham Byers; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 10603) granting an increase of pension to Velona L. Hewitt; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10604) granting an increase of pension to Willie Herschel Meek; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 10605) granting an increase of pension to Hannah E. Lavery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) granting an increase of pension to Anna Fryer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10607) granting an increase of pension to Mary Jane Long; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 10608) for the relief of R. W. Selvidge; to the Committee on Claims.

By Mr. PEAVEY: A bill (H. R. 10609) for the relief of Peter Wilson; to the Committee on Military Affairs.

By Mr. PRITCHARD: A bill (H. R. 10610) for the relief of Mack Corn; to the Committee on War Claims.

By Mr. PURNELL: A bill (H. R. 10611) granting an increase of pension to Nancy J. Stevens; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10612) granting a pension to Mary Herod; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 10613) granting an increase of pension to Catherine Wirth; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 10614) for the relief of Georgia A. Muirhead; to the Committee on Claims.

By Mr. SPARKS: A bill (H. R. 10615) for the relief of Alexander M. Proctor; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 10616) granting an increase of pension to Nicholas D. Bearly; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 10617) granting an increase of pension to Alvira Powell; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10618) granting an increase of pension to Catherine Heyl; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10619) granting an increase of pension to Agnes Maydwell; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 10620) granting a pension to Laura F. Granpner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5378. Petition of Cuyahoga County Council of the American Legion, expressing its approval of the general increase in pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service as recommended by the interdepartmental board; to the Committee on Military Affairs.

5379. Petition of sundry citizens of Stamping Ground, Ky., favoring the enactment of legislation providing for increased rates of pension to Spanish War veterans, etc.; to the Committee on Pensions.

5380. By Mr. ALDRICH: Resolution of the town council of the town of West Warwick, R. I., urging that legislation be enacted providing for the proper observance on October 11 each year in honor of the memory of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5381. By Mr. BACON: Memorial of the Federal Grand Jurors' Association for the Eastern District of New York, in support of the Porter bill creating a narcotic bureau to better cope with the existing widespread drug traffic; to the Committee on the Judiciary.

5382. Also, petition of sundry citizens of Long Beach in favor of increased pensions for Spanish War veterans; to the Committee on Pensions.

5383. By Mr. BAIRD: Petition of citizens of Perkins Township, Ohio, favoring passage of House bill 2562; to the Committee on Pensions.

5384. Also, petition of Franklin County Council, American Legion, Columbus, Ohio, favoring increased pay for members of the Army, Navy, Marine Corps, and other public services; to the Committee on Appropriations.

5385. By Mr. BRUNNER: Petition of the Woodhaven Democratic Club (Inc.), indorsing the La Follette-O'Connell Saturday half-holiday bill, and urging Congress to pass upon same favorably at an early date; to the Committee on the Post Office and Post Roads.

5386. By Mr. BUCKBEE: Petition of J. Albert Lofgren and 68 other citizens of Pecatonica, Ill., asking for early passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5387. By Mr. CHASE: Petition of certain citizens of Liberty Township, Centre County, in the twenty-third congressional district of Pennsylvania, and Beech Creek Borough, Pa., urging action during the present session on legislation providing for increases in pensions to veterans of the Spanish-American War; to the Committee on Pensions.

5388. By Mr. CHINDBLOM: Petition of Albert Hardy and 45 other citizens of Zion, Ill., indorsing House bill 2562 and Senate bill 476 providing increased pensions for Spanish-American War veterans; to the Committee on Pensions.

5389. Also, petition of Harold L. Perry and 80 other citizens of Waukegan, Ill., and vicinity indorsing House bill 2562 and Senate bill 476 providing increased pensions for veterans of the Spanish-American War period; to the Committee on Pensions.

5390. Also, petition of John R. West and 64 other citizens of Zion, Ill., indorsing House bill 2562 and Senate bill 476 providing increased pensions for veterans of the Spanish-American War period; to the Committee on Pensions.

5391. By Mr. CONNERY: Resolutions of West Boxford (Mass.) Grange in favor of debenture plan and in opposition to tariff on lumber, shingles, and building material; to the Committee on Ways and Means.

5392. Also, resolution of the City Council of Lawrence, Mass., memorializing Congress to enact legislation for the proper commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5393. By Mr. COYLE: Resolution of the city council of the city of Easton, Northampton County, Pa., urging the enactment into law of House Joint Resolution 167 directing the President to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

5394. By Mr. CULLEN: Resolution of the Sons of the Revolution in the State of New York, indorsing the principle of military training in Reserve Officers' Training Corps, and citizens' military training camp, and in high schools with Government aid; to the Committee on Military Affairs.

5395. By Mr. DRANE: Petition of citizens of Bradenton, Fla., in support of a Civil War pension bill providing increased pensions; to the Committee on Invalid Pensions.

5396. By Mr. ESTEP: Petition of Stone and Marble Masons Union of Pittsburgh, Pa., urging passage of House bill 9232 and Senate bill 3086; to the Committee on Public Buildings and Grounds.

5397. Also, petition signed by members of the Pittsburgh Hospital Association, Pittsburgh, Pa., opposing the Porter anti-narcotic bills, H. R. 9053 and 9054; to the Committee on Ways and Means.

5398. By Mr. FREE: Petition of A. J. Meidl and 92 other residents of Watsonville, Calif., urging passage of House bill 2562 and Senate bill 476 providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5399. By Mr. GARBER of Oklahoma: Petition of Corwin Johnson Drug Stores and Crown Drug Co., Ponca City, Okla., urging support of House bill 11; to the Committee on Interstate and Foreign Commerce.

5400. Also, petition of Frank Samuel & Co., Philadelphia, Pa., protesting against bill providing for duty of 10 to 30 per cent on ores containing manganese; to the Committee on Ways and Means.

5401. By Mr. HAWLEY: Petition of citizens of Gold Hill, Oreg., praying for pension legislation; to the Committee on Pensions.

5402. By Mr. HESS: Petition of various citizens of Hamilton County, Ohio, urging the passage of the Manlove bill, H. R. 8976; to the Committee on Pensions.

5403. By Mr. JOHNSON of Nebraska: Petition of Farragut Post, Grand Army of the Republic, Lincoln, Nebr., urging the passage of House bill 4898; to the Committee on the Library.

5404. By Mr. JOHNSON of Texas: Petition of W. C. Minton, C. J. Waller, K. S. Black, and J. W. Toland, of Kosse, Tex., indorsing House bill 11, Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

5405. Also, petition of J. H. Munroe, of Corsicana, Tex., indorsing House bill 11, resale price bill; to the Committee on Interstate and Foreign Commerce.

5406. By Mr. KENDALL of Kentucky: Petition of citizens of Greenup County, Ky., in which they respectfully request the early passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5407. By Mr. KENDALL of Pennsylvania: Petition of certain citizens of Somerset County, Pa., urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pensions to Spanish-American War veterans; to the Committee on Pensions.

5408. By Mr. KIESS: Petition of citizens of Williamsport, Pa., favoring Senate bill 476 and House bill 2562, granting in-

creased pensions to Spanish-American War service men; to the Committee on Pensions.

5409. Also, petition of citizens of Antrim, Pa., favoring Senate bill 476 and House bill 2562, granting increased pensions to Spanish-American War service men; to the Committee on Pensions.

5410. Also, petition of citizens of Liberty, Pa., favoring the passage of Senate bill 476 and House bill 2562, granting increased pensions to Spanish-American War veterans; to the Committee on Pensions.

5411. By Mrs. McCORMICK of Illinois: Petition of sundry citizens of the State of Illinois, urging the favorable consideration of House bill 2562, for the relief of Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

5412. By Mr. MOORE of Ohio: Petition signed by citizens of Guernsey County, Ohio, urging passage of bills providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5413. By Mr. NEWHALL: Petition of Andrew J. McNay and sundry other citizens of the sixth district of Kentucky, urging the speedy consideration and passage of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5414. Also, petition of sundry citizens of Campbell and Kenton Counties, Ky., urging the speedy consideration and enactment of House bill 2562 and Senate bill 476 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5415. By Mr. O'CONNELL of New York: Petition of the Federal Grand Jurors' Association for the Eastern District of New York, Brooklyn, N. Y., favoring the passage of the Porter bill creating a narcotic bureau; to the Committee on Foreign Affairs.

5416. Also, petition of Woodhaven Democratic Club (Inc.), Woodhaven, Long Island, N. Y., favoring the passage of the La Follette-O'Connell bill, H. R. 167, Saturday half holiday for postal employees; to the Committee on the Post Office and Post Roads.

5417. By Mr. O'CONNOR of New York: Resolution of the board of managers, Sons of the Revolution, in the State of New York, indorsing the principle of military training in Reserve Officers' Training Corps and citizens' military training camps and in high schools with Government aid; to the Committee on Military Affairs.

5418. By Mr. PARKS: Petition of Spanish War veterans, urging passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5419. By Mr. PEAVEY: Petition of citizens of Douglas County, Wis., urging immediate passage of House bill 2562; to the Committee on Pensions.

5420. By Mr. FRANK M. RAMEY: Petition of E. B. Shrout and 74 other residents of Stonington, Ill., urging the passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5421. By Mr. RAMSPECK: Petition of A. Shields, Arvel Jones, Elie Barrett, Walter K. Parks, Harvey Oliver, I. R. Williamson, and J. H. Scott, of Atlanta, Ga., in behalf of House bill 2562 and Senate bill 476, providing for an increase of pension to Spanish War veterans; to the Committee on Pensions.

5422. By Mr. SELVIG: Petition of Ingvard Lokstad, of Newfolden, Minn., urging support of the Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5423. Also, petition of Minnie Strylund, president, and Ella Golden, secretary, Women's Christian Temperance Union, for 60 members, at Warren, Minn., urging Federal supervision of motion pictures, with view to raising standards; to the Committee on Interstate and Foreign Commerce.

5424. Also, petition of Missionary Society of Warren, Minn., composed of 12 members, Grace Powell, president, and Jennie Blake, secretary, urging Federal supervision of motion pictures to establish higher standards; to the Committee on Interstate and Foreign Commerce.

5425. Also, petition of Mothers' Club, of Warren, Minn., Mrs. N. O. Stadum, president, and Mrs. A. B. Brown, secretary, unanimously adopting resolution favoring Federal supervision of motion pictures with view to raising standards; to the Committee on Interstate and Foreign Commerce.

5426. By Mr. SIMMONS: Petition of 66 citizens of Greeley, Nebr., asking for speedy consideration and passage of pending bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5427. Also, petition of 72 citizens of Scotts Bluff County, Nebr., asking for speedy consideration and passage of pending bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5428. By Mr. SPROUL of Illinois: Petition of 157 citizens of Cook County, Ill., urging the enactment of House bill 2562; to the Committee on Pensions.

5429. By Mr. STRONG of Pennsylvania: Petition of citizens of Freeport, Pa., in favor of increased rates of pension for veterans of the war with Spain; to the Committee on Pensions.

5430. By Mr. SWICK: Petition of Harvey F. Steinbrink and 73 residents of New Castle, Lawrence County, Pa., urging the enactment of Senate bill 476 and House bill 2562, providing for increased rates of pension for the men who served in the armed forces of the United States in the war with Spain; to the Committee on Pensions.

5431. By Mr. SWING: Petition of Robert M. Charles and 82 citizens of Anaheim, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5432. Also, petition of several hundred of the citizens of the eleventh congressional district of California, urging the passage of the Box bill to restrict Mexican immigration; to the Committee on Immigration and Naturalization.

5433. By Mr. TEMPLE: Resolution of Women's Christian Temperance Union, Waynesburg, Pa., in support of legislation for the Federal supervision of motion pictures establishing higher standards for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

5434. By Mr. UNDERWOOD: Petition of Corning Aerie, No. 463, Fraternal Order of Eagles, located at Corning, Ohio, approving Senate bill 3257 providing for a Federal appropriation of $10,000,000 to assist those States now having old age pension law; to the Committee on Appropriations.

5435. By Mr. WARREN: Petition of Dr. W. T. Griggs and 16 other citizens of Currituck County, N. C., in favor of increased pensions for Spanish-American War veterans; to the Committee on Pensions.

5436. By Mr. WINGO: Petition of citizens of Montgomery County, Ark., in behalf of Senate bill 476 and House bill 2562 increasing pensions of Spanish-American War veterans; to the Committee on Pensions.

5437. Also, petition of citizens of Logan County, Ark., in behalf of Senate bill 476 and House bill 2562 increasing pensions for Spanish-American War veterans; to the Committee on Pensions.

5438. By Mr. ZIHLMAN: Petition of citizens of Garrett County, Md., urging speedy and favorable action on Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish War veterans; to the Committee on Pensions.

SENATE

SATURDAY, *March 8, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

AWARDS OF MIXED CLAIMS AND TRIPARTITE CLAIMS COMMISSIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 109) extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission, which were, on page 1, after line 7, to insert a new paragraph to read as follows:

SEC. 2. Subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term "two years" in clause (1) of said subsection and inserting in lieu thereof the term "three years."

And to amend the title so as to read: "Extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission, and for one year the time within which claims may be filed with the Alien Property Custodian."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CALL OF THE ROLL

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Jones	Sheppard
Ashurst	Frazier	Kean	Shortridge
Baird	George	Keyes	Simmons
Barkley	Glass	La Follette	Smith
Bingham	Glenn	McCulloch	Smoot
Black	Goff	McMaster	Steck
Blaine	Goldsborough	McNary	Steiwer
Blease	Gould	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norbeck	Swanson
Brock	Hale	Norris	Thomas, Idaho
Broussard	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Trammell
Caraway	Hastings	Overman	Tydings
Connally	Hatfield	Patterson	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hayden	Pine	Walsh, Mass.
Cutting	Hebert	Pittman	Walsh, Mont.
Dale	Heflin	Ransdell	Waterman
Dill	Howell	Robsion, Ky.	Wheeler
Fess	Johnson	Schall	

Mr. BROCK. Mr. President, I desire to announce that my colleague the senior Senator from Tennessee [Mr. MCKELLAR] has been called home by the serious illness of his sister. He will probably be absent for several days. I ask that this announcement may stand for the day.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. BINGHAM. My colleague [Mr. WALCOTT] is absent, due to illness.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

PETITION

Mr. TRAMMELL presented a resolution adopted by the City Commission of Lakeland, Fla., favoring the passage of legislation providing for the observance of October 11 of each year as General Pulaski's memorial day for the commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

REPORT OF THE INDIAN AFFAIRS COMMITTEE

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3579) authorizing per capita payments to the Shoshone and Arapahoe Indians, reported it without amendment and submitted a report (No. 261) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HEBERT:

A bill (S. 3838) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture and Forestry.

By Mr. NORBECK:

A bill (S. 3839) for the relief of Fred N. Dunham; to the Committee on Claims.

A bill (S. 3840) granting an increase of pension to Peter C. Petersen (with accompanying papers); and

A bill (S. 3841) granting an increase of pension to Susan A. Kurtz; to the Committee on Pensions.

A bill (S. 3842) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 3843) granting a pension to Catherine Hager; and

A bill (S. 3844) granting an increase of pension to William F. Schmadeka; to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 3845) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A joint resolution (S. J. Res. 152) to extend the provisions of the joint resolution for the relief of farmers in certain storm, flood, and/or drought stricken areas, approved March 3, 1930; to the Committee on Agriculture and Forestry.

AMENDMENT OF THE RULES—CONSIDERATION OF BILLS, ETC.

Mr. SWANSON. Mr. President, several days ago I pointed out the incongruity and folly of bills being considered as in Committee of the Whole and then considered in the Senate, involving going over again the same speeches, the same consideration, and the same votes. In order to have a bill passed now it is necessary to get it through the Committee of the Whole, where motion to reconsider may be made, and then the bill goes into the Senate and the same proceedings are had all over again, and there also the action taken may be reconsidered. So in reality it requires four efforts or stages to get a bill through. I submit a resolution designed to get rid of this fake and folly, which I ask may be printed in the RECORD and referred to the Committee on Rules.

The PRESIDENT pro tempore. Without objection, the resolution will be received, printed in the RECORD, and referred to the Committee on Rules.

The resolution (S. Res. 227) was referred to the Committee on Rules, as follows:

Resolved, That hereafter bills, joint resolutions, and treaties shall not be considered as in Committee of the Whole, as heretofore required by the rules, and this stage of the parliamentary proceedings relating thereto is hereby abolished.

Resolved further, That paragraph numbered 3 of Rule XIV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following words, namely: "as in Committee of the Whole," so as to make the paragraph read:

"3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day, nor debated, except for reference, unless by unanimous consent."

Resolved further, That Rule XV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom paragraph No. 1, as follows:

"1. All bills and joint resolutions which have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed."

And by striking from paragraph No. 2, the following: ", and when again considered by the Senate it shall be as in Committee of the Whole;" so as to make said paragraph No. 2 read:

"2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar."

Resolved further, That the second subdivision of paragraph No. 1 of Rule XXXVII of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following language on page 39, namely, "as in Committee of the Whole"; and by further striking therefrom the following language on page 40, namely, "and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, 'Will the Senate concur in the amendments made in the Committee of the Whole?' And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed," so as to make the said subdivision read:

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session."

HOSPITALIZATION OF WORLD WAR VETERANS

Mr. HATFIELD. Mr. President, I send to the desk a telegram which I ask to have read.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The Chief Clerk read as follows:

CHARLESTON, W. VA., *March 7, 1930.*

Hon. HENRY D. HATFIELD,

United States Senator, Washington, D. C.:

Ninety-three World War veterans are awaiting hospitalization by the local United States Veterans' Bureau. Many of these cases have been on waiting list for months. Several of the men have died while awaiting beds which the bureau claims they can not supply. This condition is disgraceful and daily growing worse with nothing apparently being done to help the situation. We members of John Brawley Post, No. 20, the American Legion, insist and demand that immediate action be taken by our State representation in Congress to relieve this condition and save the lives of many of these World War veterans.

JOHN BRAWLEY POST, No. 20, THE AMERICAN LEGION,
HAROLD A. MOORE, *Commander.*
By FRANK F. CONWAY, *Adjutant.*

Mr. HATFIELD. Mr. President, this is only one of the experiences that I have had recently in my efforts to take care of the veterans from West Virginia who need hospitalization.

On my desk I have a telegram appealing to me to secure a bed in some hospital where a worthy veteran can secure the proper surgical treatment. He is now suffering from a toxic goiter. The only response I can get from the Veterans' Bureau here in Washington is that this veteran can be sent to the Chillicothe hospital, which is a psychopathic institution dealing with mental cases altogether, as I understand, with no possible hope of surgical relief. The only way in which this veteran can be permanently relieved is by surgical procedure, operating on his goiter, tying off the circulation that supplies the gland at the present time, and later removing it.

I am wondering what is being done by the committee of this body that has to do with the care of the veterans. I feel that the time has come when some investigation should be made, so that, if dereliction is not justly chargeable to the Veterans' Bureau, ways and means will be provided for taking care of these veterans who served our flag so faithfully when it needed service and protection.

H. U. CRUMIT

Mr. GOFF submitted the following resolution (S. Res. 228), which, with the accompanying paper, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint H. U. Crumit a messenger, who shall be paid at the rate of $2,040 per annum from the contingent fund of the Senate, until otherwise provided by law.

CONDITIONS IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, I beg to call attention to the speech of a Republican Congressman, Mr. C. G. BACHMANN, delivered in the House yesterday, which will be found on page 4964 in the CONGRESSIONAL RECORD of March 7, 1930, under the heading "District of Columbia," and I request that certain newspaper clippings which I present be published as part of my remarks, and in connection with data to be found in the CONGRESSIONAL RECORD of March 3, 1930, page 4585.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, leave is granted.

The matter referred to is as follows:

[From the Washington Post, Tuesday, March 4, 1930]

SENATE TO-DAY TO AIR CHARGES OF CARTER AGAINST CITY POLICE—PUBLIC PRINTER, PRATT, AND ROVER CALLED TO TESTIFY—INQUISITORIAL BODY HEADED BY ROBSION—PROTECTION TO GAMBLING AND BOOTLEGGING IS ALLEGED—PICKETING STIRRED IRE OF UNITED STATES OFFICIAL—HE ACCUSED DEPARTMENT OF STUPIDITY, INEFFICIENCY; JIBES AT RECORD

The senatorial investigation of Public Printer George H. Carter's charges against the police department will start at 3 o'clock this afternoon, it was announced late yesterday.

Senator JOHN M. ROBSION (Republican), Kentucky, whose subcommittee will conduct the investigation, has summoned Mr. Carter and six other witnesses to appear this afternoon. The others are Maj. Henry G. Pratt, superintendent of police; Leo A. Rover, the United States attorney; Frank Adams, his assistant; Inspector Thaddeus Bean, of the police department; Capt. Martin H. Reilly, commander of the sixth precinct; and John Boxwell, plain-clothes man of that precinct.

TRUTH OF CHARGES SOUGHT

"I have called the hearing for to-morrow afternoon," Senator ROBSION said yesterday, "to find out what is behind these charges. We want to get at the truth, and so we have called the man who made the charges and those at whom they are aimed."

In a letter sent last week to Senator ARTHUR CAPPER, chairman of the Senate District Committee, Public Printer Carter charged that gambling and bootlegging establishments have received police protection throughout the administration of Major Pratt. He also accused the police of inefficiency and stupidity.

On Friday last Chairman CAPPER turned the charges over to the subcommittee on police and fire, which is headed by Senator ROBSION.

Other members of the committee are Senators JONES, of Washington; VANDENBERG, of Michigan; COPELAND, of New York; and BLEASE, of South Carolina.

BLEASE CALLED HOME

Senator BLEASE yesterday was obliged to make a hurried trip to South Carolina, and so won't be at the hearing this afternoon. He is the only Member who has definitely expressed an opinion with regard to Carter's charges. In a speech Friday he congratulated Carter and declared that Major Pratt should be kicked off the force.

The controversy which is due to come to a head this afternoon was brought into the open early last week after the police began picketing an alleged saloon on I Street near Thirteenth Street.

The next day it was revealed that the police also were picketing four places near the Government Printing Office. Major Pratt said this was being done as the result of complaints made by Public Printer Carter.

CARTER CALLED IT STUPID

Carter declared that he had not requested that the places be picketed, and described such a method as stupid. In no way, he said, could the police better tip off bootleggers or gamblers than to picket their places.

Finally, Carter sent copies of his correspondence with Major Pratt to the Senate and House District Committees, and the hearing this afternoon is the result.

Published reports that as the result of Carter's allegations police officials plan to renew the request, made about two years ago by Major Hesse, for legislation which would permit police to raid any barricaded premises without warrant, were denied yesterday by Maj. Henry G. Pratt, present superintendent of police.

Major Pratt expressed doubt that such legislation would be constitutional, and added that even if such law were possible of enactment, he still would oppose any measure that would give the police power to make raids without warrants.

PRECEDENT IN NEW YORK LAW

The law which Major Hesse advocated was based upon a section of the New York code which gives the police power to raid without warrants any place protected by barred or reinforced doors, such barricades being held prima facie evidence of intent to violate the law.

Major Pratt said yesterday that he would not oppose legislation to make such barricading "together with other evidence," evidential basis for issuance of warrants by the police court, but added that he did not intend to request any such legislation at this time.

At the request of Mr. Carter, the headquarters detectives who have been guarding him since threats against his life were reported last week, were withdrawn from that assignment yesterday, although a uniformed policeman continued to pace a "short beat" around the Carter residence on Hobart Street NW.

While he pointed out that the police protection had been accorded him voluntarily by Major Pratt and that he had not asked for it, Mr. Carter explained that he "figured he was entitled to at least as much protection as the police give to gamblers and bootleggers."

HITS AT POLICE RECORDS

Belittling police records made public on Saturday which showed that there have been 730 alleged gamblers or bootleggers arrested in police raids between September 1 and February 1, Carter yesterday declared the report was "conspicuous in its failure to tell what disposition had been made of the cases."

Reiterating his declaration that vice is flourishing in the District with "phoney police protection," Carter asserted that "a lot of raids are made, but few gamblers are convicted in court because there is little or no evidence against them. The police either are inefficient or they don't want to obtain convictions."

[From the Evening Star, Washington, D. C., Tuesday, March 4, 1930]

PRATT ACCUSED OF "PLAYING WITH CROOKS"—ROBSION ASSAILS POLICE HEAD, ROVER, AND LETTERMAN AS HEARING IS BEGUN—CARTER AND SUPERINTENDENT CLASH, FORMER BALKING AT ANSWERING QUESTIONS EXCEPT THOSE OF SENATORS

The charge that Maj. Henry G. Pratt, superintendent of police, "is just playing with criminals" was hurled at the police head this afternoon by Senator ROBSION, Republican, of Kentucky, chairman of the Senate District subcommittee investigating the conduct of the police department, a short while after the investigation had gotten under way.

ROBSION'S charges came in the midst of a stormy session that had been marked by sharp interchanges between Pratt and George H. Carter, Public Printer, whose allegations concerning conditions in the neighborhood of the Government Printing Office was responsible for the inquiry.

OTHERS ARE ATTACKED

Hammering his fist on the committee table, Senator ROBSION also scored United States Attorney Leo A. Rover; his assistant, Frank

Adams, colored; and Sergt. O. J. Letterman, chief of the police vice squad. The Senator indicated he thought there was ample basis for charges of police inefficiency preferred by Carter.

The Kentucky Senator, shouting at the top of his voice, interrupted Major Pratt repeatedly as the chief of police attempted to defend the department, keeping the committee room in an uproar.

"Don't you think that in four years the police department should find out about a big gambling house operating here?" Senator ROBSION demanded of Major Pratt.

"We have found out about that place and we have harassed the operator," the police chief countered.

DOUBTS "HARASSING"

"It doesn't look to me like he's been harassed very much," the chairman declared as he poked his right hand almost into the police chief's face.

Turning crimson as the crowd, which filled the room, roared, Major Pratt attempted to defend himself, only to be interrupted by the Senator.

"It looks like he's harassing the citizens instead of the police harassing him," Senator ROBSION added. "Do you need a warship to get into his place and close him up?"

The Senator had reference to an establishment at 25 H Street, where Louis Hurowitz and Joseph Fitzgerald were arrested in a police raid January 4 last. Previous testimony had brought out that, although the place showed signs of being a gambling house after the policemen broke in following 10 minutes of hammering down doors, the men accused as operators were not indicted by a grand jury.

HITS DISTRICT ATTORNEY

Senator ROBSION trained his guns on Mr. Rover when witnesses testified a grand jury had failed to indict Hurowitz and Fitzgerald after Adams had nolle-prossed charges of gaming which police had placed against the pair.

At one point in his testimony Major Pratt said Sergeant Letterman had investigated two complaints that Hurowitz and Fitzgerald were conducting a gaming house. Senator ROBSION asked when the complaints were made. The witness said that they were received last June and had been investigated by Letterman in September.

"Evidently this fellow went along for years without being bothered much by police," ROBSION rebuked the police chief.

"You'll never put that fellow out of business if you wait years to get him and if when you do get him you take a trivial $25 or $50 in collateral and release him. Here's a fellow barricaded in a building in defiance of the laws of the United States. Then you get him and treat it as a minor offense. We can't treat anything like that. You ought to require a bond, and a heavy one."

DISTRICT LAWS CITED

Major Pratt attempted once more to explain his attitude, only to be interrupted by the angry chairman, who demanded:

"How can you explain that? It can't be explained to my satisfaction."

Mr. Rover interrupted with the statement that the laws of the District were such that it was necessary to accept collateral in numerous cases.

The District attorney then launched into the difficulties encountered by police in their efforts to stamp out gambling. He said it was hard to obtain worth-while testimony from witnesses found in the gambling cases.

Sergeant Letterman, without being invited to take the stand by the chairman, broke in with the statement that he had "sent a lot of gamblers to the penitentiary."

"But the worst are still here," Senator ROBSION charged.

"I beg to differ with you, sir. I can cite cases where it took from 30 minutes to an hour to break into the gambling places. I have closed 30 or 40 such clubs. Nine of those arrested were tried and seven sent to the penitentiary."

Letterman told Senator ROBSION it was almost impossible to get witnesses caught in gambling houses to testify against the operators.

"Doesn't the law give you the right to prosecute for false swearing?" ROBSION inquired.

"The law in this jurisdiction makes that difficult," Mr. Rover replied before Letterman could speak.

PADLOCK LAW ASKED

A padlock law to be applied to alleged gambling places was recommended by District Attorney Rover in the course of his testimony. He also declared that in order to secure convictions in gambling cases, the police department should be given sufficient men, so that it could use young men coming into the service to work their way into suspected places and gather adequate evidence.

CARTER'S ATTACK IS BITTER

Carter made a bitter attack on the police and officials of the district attorney's office. He contended flagrant violations of antigambling laws and the prohibition law had been permitted in the vicinity of the Government Printing Office. The Public Printer charged infrequent raids made by police in this section had resulted in practically no jail sentences.

Major Pratt testified the police had been active in suppressing vice and cited raids made by precinct police to prove his argument the department had been active.

"I have nothing to do with grand jury or court action," he asserted in replying to Carter's charges that police raids had failed to result in convictions.

Almost immediately after Maj. Henry Pratt took the witness stand he indulged in a sharp exchange with Carter.

"Mr. Carter, is your campaign——" began Major Pratt.

"Am I to understand that I am to be quizzed by the chief of police?" Carter interrupted, addressing his remarks to Senator ROBSION.

While the Senator considered the matter for a minute or so the Public Printer and the police chief glared across the table at each other.

Senator ROBSION ruled Major Pratt should ask his questions through the chairman.

The police chief then had Senator ROBSION question Carter as to whether the raid of the H Street gambling house, which brought about the investigation, was made before or after Carter complained to police. The Public Printer replied he had made no complaint prior to the time of the raid, adding he had thought it "utterly useless to complain to the police."

Carter then launched into an extemporaneous speech, in which he charged the police had been lax in their duties. He contended Hurowitz and Fitzgerald had been taken into custody 20 times on a total of 28 charges within the past five years, "and yet neither one of them ever was sent to jail with the exception of a 30-day sentence for drunkenness served by Fitzgerald.

CHARGES INEFFICIENCY

The Public Printer argued police were "either inefficient and ineffective in gathering the evidence or the district attorney's office is inefficient and ineffective in prosecuting persons arrested by the police.

Carter charged a man named Wilbur Dorsey, who said he formerly was an employee of Hurowitz, opened a gambling house in the 1900 block of Fourteenth Street not long ago. He added police entered the place on a riot call recently.

"They are bound to have seen the elaborate equipment, and yet they did absolutely nothing about it, and the gambling house ran full blast for a week longer, until the police finally started picketing the place, and operations were suspended," Carter testified.

The Public Printer also claimed he had informed police that a man named Paul Peters, who, he said, was an employee of Hurowitz and had escaped during the H Street raid, was the man police had been unable to locate and that no arrest followed.

APPEALED TO COMMISSIONERS

Chairman ROBSION opened the hearing by stating that Mr. Carter had made charges "of inefficiency, and so forth, against the police and others through correspondence," which was turned over to the subcommittee by Chairman CAPPER of the Senate District Committee.

Before Mr. Carter began his statement, Senator COPELAND, Democrat, of New York, inquired if these criticisms had first been submitted to the commissioners. Chairman ROBSION said he understood Mr. Carter had done that.

Senator COPELAND said he was trying to get at the question of why the matter was brought to the subcommittee.

"You have certain grievances," Senator COPELAND began. "If they relate to underlings, the first appeal should be to the chief of police, then to the commissioners."

Mr. Carter interposed with the statement that that had been done.

Senator COPELAND continued that the next step should have been to the District attorney, to which Mr. Carter replied that the District attorney is involved in the criticisms.

COMPLAINS AS OFFICIAL

Senator COPELAND then suggested that the next step should have been to take the complaints to the President.

To this Mr. Carter answered that the Government Printing Office is a part of the legislative establishment; that the Public Printer makes his report to Congress, rather than to the President.

"Then you are not making the complaint as a citizen?" Mr. Carter replied that he was making it as a printer and as a public official.

Senator COPELAND said in that event he supposed the subcommittee should hear the complaint.

"I think," Mr. Carter declared, "it will be conceded by the police that gambling and bootlegging have been prevalent near the Printing Office for a good many years."

He added that before prohibition the Printing Office was surrounded by saloons. He said that since he has been Public Printer he has endeavored to improve conditions, and that one of the steps taken has been to separate employees from the service.

In response to a question from the chairman, Mr. Carter testified that since 1921 there have been 39 removals from the service in the office for gambling or liquor charges and 41 suspensions.

It was then that Pratt took the stand.





[From the Evening Star, Washington, D. C., Tuesday, March 4, 1930]

THREE MEN AND $10,000 SEIZED AS POLICE RAID HEADQUARTERS OF SUSPECTED POLICY-GAME GROUP

Three alleged leaders of the policy game here were arrested, a fourth leaped through a pane of glass to escape, and $10,000 of daily receipts and two adding machines were confiscated when the detective bureau's raiding squadron descended on their fashionable headquarters in the Willard Courts Apartments, 1900 block of Seventeenth Street, shortly after noon to-day.

James B. Carroll, 45, of the 900 block of Eleventh Street SE.; Roland L. Hendricks, 28, of the 400 block of Irving Street; and Palmer Sowers, 32, of the 1200 block of New Hampshire Avenue, were charged with setting up a gaming table and later released on $2,000 bond.

The raid was conducted by Detective Sergeants Hubert Brodie and Frank Varney, along with Headquarters Chauffeur H. H. Carper, following a 3-week investigation, in which one of the three constantly "shadowed" the place. Brodie and Carper laid prone on the floor outside of the headquarters for nearly an hour this morning watching the operations of the men within the room through a crack beneath the door.

Sowers, Brodie said, finally came to the door, and when it opened they rushed into the place and arrested the men. The detectives said they caught only a glimpse of the man who leaped to safety through a window.

Three suit cases filled with "numbers slips," each valued at more than $1, were brought to headquarters.

The headquarters was elaborately furnished, with the adding machines and typewriters set up on a mahogany table. A radio was turned on full blast to drown out the noise of the clicking adding machines and typewriters.

Brodie said that with this raid they hope to have eliminated the larger headquarters of the "numbers racket." This numbers game is operated on a large scale, for, instead of the usual 1-cent-dime method, the $1-to-$5 method was used.

BILL TO INCREASE WHITE HOUSE POLICE IS PASSED UNANIMOUSLY

The House to-day, by unanimous consent, passed the Elliott bill to authorize an increase in the White House police force, as requested by the President. Under the new legislation the White House police force becomes a permanent organization under the control and direct supervision of the chief of the Secret Service division, and the members of the force are to have the same status as the members of the Metropolitan police force of the District.

The White House police force under this law consists of 1 captain, 1 lieutenant, 3 sergeants, and not to exceed 43 privates. It provides that members of this force shall be appointed from the Metropolitan police force and the United States park police. The Elliott measure authorizes an appropriation of such funds as are necessary to carry out the provisions of the act.

The Senate still must act on the measure.

YOUTH JAILED 840 DAYS ON FIVE COUNTS—CLAUDE S. INGRAM, 19, ADMITS DRINKING GIN AND COLLIDING WITH CARS

Two pints of gin and a subsequent wild ride in an allegedly stolen automobile, during which 10 cars were sideswiped Sunday will cost Claude S. Ingram, 19-year-old grocer clerk, 840 days freedom, according to the orders of two judges at police court, where the boy was arraigned to-day.

Ingram was sent to jail despite the previous pleas of Rev. Howard L. Schlinke, of Ninth Street SE., the boy's Sunday school teacher and pastor. When first Judge Gus A. Schuldt and later Judge Isaac R. Hitt ignored the minister's pleas for probation for the member of his flock, Schlinke said:

"Well, it looks like Claude will be missing from Sunday school for a long time."

ADMITS ALL CHARGES

Judge Schuldt sentenced Ingram to 60 days on each of two charges of leaving after colliding, 60 days for no permit, 60 days for driving while drunk, and a $200 fine or 200 days more on the latter charge. Judge Hitt ordered the boy to stay in jail for 360 days more for stealing the revolver of a friend.

Ingram admitted every charge which was placed against him. He said that Sunday was the first time in his life that he had imbibed gin and afterwards he did not know what he had been doing.

AUTO ALMOST WRECKED

"Drunkenness is no defense at law," said Judge Schuldt. "The young man is lucky that he is not here for manslaughter. He will get fresh air in Occoquan, and when he comes out he should know better than to drink gin."

Ingram was arrested Sunday after he had collided with 10 cars in the southeast and northeast sections of the city. A stolen automobile, which he was driving at the time, was almost completely wrecked by the many impacts. However, a charge of joy riding was nolle-prossed at court to-day.

It was said in court that Ingram's mother died when the boy was 4 years old and that he was reared in a North Carolina asylum. He came to Washington about a year ago.

THREE SUSPECTS HELD IN SLUGGING—PREVIOUS DEATH-MYSTERY WITNESS HELD IN BEATING OF CAB DRIVER

Three suspects were lodged in the Bladensburg jail to-day while Washington and Maryland police were awaiting sufficient improvement in the condition of Harry Martin Melton, 44-year-old taxicab driver, to learn from him whether or not the persons arrested thus far were members of the party of four who brutally beat him over the head with a lead pipe and left him on a lonely Maryland road early Sunday morning.

Those held are:

Jack Taliaferro, 30 years old, and Charles Fletcher and William Brown, both colored, of Hyattsville.

TALIAFERRO'S MACHINE ABANDONED

Police claim Taliaferro's machine was found abandoned near Melton's deserted taxicab. They say Taliaferro explained its presence there by declaring he ran out of gas at that point about 2 o'clock Sunday morning.

The colored suspects are said to reside near the scene of the assault. All three prisoners deny any connection with the crime, police say. At present they are booked merely for investigation.

Taliaferro was taken into custody last night by Sergeant Machen and Constable Gasch at the Bladensburg Fire House at the conclusion of an inquest into the death of Frank Earle Baldwin, at which he had been the principal witness.

VERDICT UNSATISFACTORY

Baldwin was found dead in Taliaferro's car late Friday night, and the inquest resulted in a verdict that the man "met his death through causes unknown" to the coroner's jury. The Hyattsville undertaker from whose establishment funeral services for Baldwin were conducted this morning at first refused to accept a certificate so worded. Justice of Peace Hugh O'Neill, who presided, asked the jury to attempt to reach a more specific verdict, and even the jury seemed dissatisfied with the verdict, for it endeavored to amend it with a recommendation that Taliaferro be held for the action of the grand jury.

Failure on the part of the authorities to have an autopsy performed or introduce some medical testimony to show the immediate cause of death was blamed by the jurymen for their inability to make a more specific finding.

Lengthy cross-examination of Taliaferro and other witnesses in an effort to indicate that Baldwin had met with foul play were futile, and the only abnormal symptoms any witnesses admitted noting in the man was that he had been drinking heavily. Taliaferro himself found Baldwin's body slumped over the back seat of his car near a Bladensburg barbecue stand, but attempts to trace the movements of the two men prior to that time resulted only in confusing testimony.

SECOND SUSPECT RELEASED

Taliaferro was the second suspect taken into custody by Gasch and Machen. Another man was arrested yesterday but was released after questioning.

[From the Washington Times, Tuesday, March 4, 1930]

SENATOR RAPS POLICE LAXITY—CARTER-PRATT PROBE IN UPROAR AS ROBSION CRITICIZES OFFICIALS

Apparently incensed at seeming inconsistencies in enforcement of the gambling law, Senator J. H. ROBSION, of Kentucky, interrupted an uproarious hearing caused by the Carter-Pratt feud to shout at police officials, "You can't handle this thing in any such manner as that."

The Kentuckian, who is chairman of the subcommittee of the District Committee conducting the investigation, told the crowded committee room as he pointed to law-enforcement officials, "Gentlemen, that is just playing with them."

ROBSION'S outburst developed while Maj. Henry G. Pratt, chief of police, and Leo A. Rover, district attorney, were attempting to defend their course and actions against allegations of laxity and inefficiency made by George H. Carter, Public Printer.

ROBSION clashed frequently with the witnesses, and often during the hearing four or five men were all talking at once, in an effort to answer points brought out by the chairman.

EXCLUSIVE NUMBERS GAME RAIDED, THREE HELD

Three men were arrested to-day in a raid on an alleged numbers establishment in the fashionable Willard Courts apartments, in which slips totaling more than $5,000 were seized. One other, jumping through a pane of glass, escaped from police.

The quartet had been under the observation of Detective Sergeants Hugh Brodie and Frank Varney and Private H. H. Carper for three weeks. After watching the quartet through a door crack this afternoon,

the officers rushed in and seized the three men and the equipment, which included two adding machines and the slips.

James B. Carroll, 45, 900 block Eleventh Street SE.; Roland L. Hendricks, 28, 400 block Irving Street NW.; and Palmer Sowers, 32, 1200 block New Hampshire Avenue NW., were all charged with setting up a gaming table and later released under $2,000 bond each. They will appear in police court to-morrow morning.

The officers said most of the slips showed patrons have been betting from $2 up on a number. Bets in the majority of these lotteries average 10 cents.

SAFE CRACKED AGAIN, CASH UNTOUCHED

For the third time since December burglars broke into the offices of the Consolidated Coal Co. at First and M Streets NE., and attempted to burglarize the safe, which last night contained $250.

On the two previous occasions, December 17 and 30, the safe was forced and a total of about $400 stolen. The attempt last night was frustrated, however, due to the fact that a modern burglar-proof strong box had been installed in the office.

The night prowlers gained entry by breaking the glass in a window in the rear of the office.

THREE ARE INDICTED IN THEFTS

Louis C. Parker, former office manager for Brentano's, was indicted on charges of embezzlement and larceny for the alleged withdrawal of approximately $6,500 of the funds of his employer and the appropriation of the money to his own use. All the alleged embezzlements are said to have occurred prior to January 1, 1928, and among the papers in the case is a hand-written confession purporting to have been signed by the defendant.

Ralph E. MacMichael, former agent and clerk for the Prudential Insurance Co., is indicted for embezzlement. It is alleged that during the months of May and June of last year he wrongfully took over $600 of the funds of the company that had come into his hands.

C. Marion Rhodes, a real-estate man, is held for larceny after trust. He is said to have collected $89 from Ella Bryan, colored, as advance fees in the refinancing of her home. Police declare Rhodes represented himself to be connected with a prominent real-estate firm. Officials of the firm denied knowing him. The alleged swindle occurred last August 20 and September 3.

THIEVES MAKE $6,000 HAUL ON G STREET

For the fourth time in three years burglars some time last night broke into the Breslau women's clothing store, 1300 block G Street NW., making off with stock valued at more than $6,000.

The robbery was discovered by a porter at the store, John Lyles, colored, 900 block Westminster Street, when he found that the lock on one of the front doors had been jimmied.

A. Sachs, manager of the store, said that 400 pieces of lingerie were stolen. In addition the thieves took 125 coats and about 400 dresses.

The store was robbed on previous occasions of between $3,000 and $4,000. This is the first time entrance has been forced through a door. The last time the burglars gained access to the store through a transom.

The loss was fully covered by insurance.

[From the Washington Post, Wednesday, March 5, 1930]

CARTER-PRATT BATTLE PROVOKES BITTER WRANGLE AT SENATE QUIZ—TWO LEGISLATORS WHO FORM JURY HAVE OPPOSING VIEWS—GAMING LAW ITSELF IS HIT AS ONE HINDRANCE TO PROSECUTION

The feud between Public Printer George H. Carter and Washington's policemen and prosecutors flared into the open at the Capitol yesterday, and resulted in a bitter wrangle between that official and those with whom he is at war.

The jury in the case—Senator JOHN M. ROBSION (Republican), of Kentucky, and Senator ROYAL S. COPELAND (Democrat), of New York—evidently was divided at its conclusion.

Senator ROBSION, chairman of the District subcommittee that is investigating Mr. Carter's charges of inefficiency against the police, expressed the opinion that the police have not been as vigorous as they should have been in dealing with gamblers.

Nor was he satisfied with the way the District attorney's office has prosecuted such cases.

Senator COPELAND, on the other hand, defended the police and the prosecutors, and brought out the fact that the police, in their zealousness, have violated the constitutional rights of gamblers.

In the end, the law itself appeared to be the cause of all the trouble.

Senator COPELAND promised Maj. Henry G. Pratt, chief of police, and Leo A. Rover, the United States attorney, that if they brought in the draft of a new antigambling law he would use his efforts to have it passed.

Three of the police witnesses accused Public Printer Carter of using "pressure" on his employees to make them give testimony against a handbook gambler.

The hearing was held in the office of the Senate District Committee. In the crowd of 100 present were 4 well-known members of the Ku-Klux Klan.

In the meantime, the man who precipitated the controversy, Louis Hurowitz, an alleged gambler, was idling on the sands of a Florida winter resort. It was the raid on his place at 25 H Street, just opposite the Government Printing Office, that led Mr. Carter to go into action.

Mr. Carter and Major Pratt sat almost opposite each other during the hearing, and frequently glared at each other across the green table.

Early in the hearing Major Pratt asked that he be allowed to put a question to Carter. The latter flared up at this.

"Do I understand," he said, "that I am to be put on the witness stand and quizzed by the chief of police?"

Senator ROBSION excused Mr. Carter from answering Pratt.

The alleged gambling "joint" of Louis Hurowitz was raided by sixth precinct police on January 4. On January 16 the case was nolle-prossed because of insufficient evidence.

In the meantime, Public Printer Carter obtained affidavits from four of his employees, who had been caught in the raid, and turned them over to the police. The case was taken before the grand jury, but the grand jury also held that there was not sufficient evidence.

It was around this case that yesterday's wrangle revolved, Mr. Carter insisting that there should have been a conviction and District Attorney Rover arguing that the evidence was not sufficient.

When Major Pratt cited the long record of Hurowitz's arrests, Mr. Carter said:

"I know in my experience as a police reporter in times past it has been the common practice in some cities to make arrests just for the purpose of shaking men down.

"But I am not saying that is the case in this instance."

Senator ROBSION observed, however, that that was the insinuation.

SOCIAL POKER BROUGHT UP

Senator COPELAND evidently did not agree with Mr. Carter and Mr. ROBSION that gambling was such a heinous crime. What he wanted to know was what was going to be done with gentlemen who gather around for a sociable game of poker in the evening?

Mr. Carter said that if he heard that any of his employees were indulging in poker, even though it be of the sociable variety, he would take action against them.

"I believe you would," shot back Senator COPELAND. "I am glad I don't have to work for you."

Detective John Boxwell, of the sixth precinct, who led the raid on the Hurowitz place, described an interview he had with Mr. Carter in his office. The Public Printer, he said, had called in some of the employees who had been caught in the raid.

ONE PLEADS WITH CARTER

One of the employees, he said, pleaded with Mr. Carter.

"I owe $5,000 on my home," he quoted the man as saying, "and have three children to support. For God's sake give me some consideration."

The Public Printer, Mr. Boxwell said, told the man to go out in the hall and think it over. Later, he said, the employee decided to swear out the affidavit against the Hurowitz place.

Mr. Carter told the Senators that since he took office in 1921 he had removed 39 employees for gambling and drinking and has suspended 41 others for the same reasons.

"A number of raids have been made on gambling and liquor establishments near the Government Printing Office," he said, "but little or nothing of value has resulted from them."

INTERPRETATIONS DIFFER

While Major Pratt regarded the records of Hurowitz and Joe Fitzgerald as evidence that the police have been active, Mr. Carter pointed to them as evidence that the arrests had no effect in curbing the activities of the two men.

"Just because men drink and gamble," Senator COPELAND said, "is no reason why we should jump at the conclusion that the police are at fault."

The two Senators—COPELAND and ROBSION—reacted to the testimony as two men of such varying political philosophies might be expected to react. Senator COPELAND comes from a heavily populated State and is a wet. Senator ROBSION hails from a State that is largely rural, and is a dry.

DIFFICULTY IS DESCRIBED

District Attorney Rover and Major Pratt took turns in describing the difficulty of convicting a gambler, and Sergt. Oscar Letterman cited some personal experiences to bear them out.

But Senator ROBSION could not sympathize with them. If it is known that gambling is going on in a place, he said, he didn't see why the police couldn't break it up.

"It seems to me," he said, "that we are all obsessed with the idea that we can't reach these gamblers."

Senator COPELAND observed that perhaps the best judges of the difficulty of handling the gambling evil were the men who were engaged in trying to stamp it out.

The New Yorker said that he believed that out of the hearing would grow legislation that would enable the police and the prosecutors to make real headway against the gamblers.

TWO STATUTES PROPOSED

Two laws were proposed. Mr. Rover suggested a padlock law, similar to the one under which speakeasies are closed. Major Pratt suggested a law modeled after the one in New York. Under this, the fact that a place was barricaded and would not admit a policeman would be prima facie evidence that it was a gambling den.

Mr. Carter appeared yesterday prepared to make a long, detailed statement, but Senator ROBSION refused to let him go on.

The Public Printer was allowed, however, to read a statement purporting to report a conversation between Mike McInerny, his chief machinist, and Wilbur Dorsey, described by Carter as a gambler.

The statement quoted Dorsey as saying that Maryland and Virginia gamblers, anxious to attract the local sportsmen, would give $25,000 to see gambling stopped in the District.

RACKETEER IMPORTATION HINTED

It also quoted Dorsey as saying that racketeers might be imported here to close up gambling places.

Mr. Carter said that Hurowitz and Paul Peters, alleged "lookout" for Hurowitz, had had the "effrontery" to call at the Government Printing Office and ask for an interview with him.

The hearing really developed nothing, unless it was the fact that a more drastic gambling law is wanted here by the police.

Mr. Carter said that, in his opinion, one of two things was evident—either the police are inefficient or ineffective in gathering evidence, or the district attorney is inefficient or ineffective in presenting the evidence.

BOTH CHARGES DENIED

Major Pratt insisted that his men were efficient and effective, and Mr. Rover said the same for his.

In addition to those mentioned, other witnesses were Capt. Martin Reilly, Sergt. John Mulloney, and Elizabeth Reece. The latter, a member of the Kalorama Road Citizens' Association, successfully picketed a bootleg establishment.

The hearing ended on the same sour note with which it began.

"At least," said Senator ROBSION, trying to be conciliatory, "we can agree that the place that was run by Hurowitz is closed."

"Yes," said Mr. Carter, sarcastically, "for the time being."

[From the Washington Times, Wednesday, March 5, 1930]

PRATT PROMISES POLICE REFORM—CODDLING OF CRIMINALS TO STOP, CHIEF PRATT PROMISES—"CODDLING" METHODS TO END—WILL DEMAND HIGH BAIL IN FUTURE

Immediate results are to follow the spectacular investigation of activities of gamblers, and the steps which police and the district attorney are taking to enforce the law, which was started yesterday by a Senate committee.

"Coddling" of chronic violators of the gaming laws by the police is to cease at once under an agreement which Senator JOHN M. ROBSION, of Kentucky, chairman of the investigating committee, exacted from Chief of Police Henry G. Pratt, after the hearing.

LARGER BONDS PLANNED

ROBSION accused the authorities of coddling the gamblers and "playing" with them by taking small collateral deposits when they are arrested. He demanded that this practice be broken up and the "joint proprietor" who hereafter is apprehended will be forced to place a large bond for his subsequent appearance in court.

More drastic steps also probably will be taken to force witnesses apprehended in gambling raids to appear and testify. This will be brought about through ROBSION'S criticism of District Attorney Leo A. Rover's office for not examining these witnesses and having them before the court.

In the past police have listed patrons arrested in the raids as Government witnesses, but it has generally been assumed that they wouldn't talk and listing them has been largely a formality. Now steps are to be taken to find out all they know.

The ultimate result of yesterday's tumultuous hearing unquestionably will be a tightening up of the gambling laws.

Both District Attorney Rover and Major Pratt suggested changes in the law in the course of their testimony.

Pratt wants to have a law which will enable his men to enter places suspected of being gambling houses where the doors are barricaded or where police are forbidden entrance. Rover foresees great benefits through adoption of a law which would permit padlocking of establishments known to be gambling houses under a process similar to that now in effect for locking up speakeasies and dens of vice.

PADLOCKS PUT ON TWO GARAGES

United States Marshal Edgar C. Snyder to-day padlocked the two Glassman garages—one at Fourteenth and V Streets and the other at 1309 L Street NW.

The marshal, accompanied by three of his deputies, first went to the Fourteenth and V Streets garage, where they placed the seals of the court on each of the three doors leading into the garage. They then went to the L Street garage, where a similar proceeding was taken.

OUTCOME OF RAIDS

The padlocking of the garages was the outcome of the raids made by police and Prohibition Bureau agents some time ago which resulted in the arrest of Herbert Glassman, who then ran the garages.

Since that time he has relinquished his garages and they have been occupied by others.

The V Street garage has been occupied by the Sherby Automobile Rental Co. and the new City Cab Corporation.

Francis W. Hill, sr., owner of the V Street premises, filed a cross bill in the District Supreme Court some time ago protesting against the padlock proceedings, claiming that he had notified the police of the alleged liquor violations and had assisted them in every way possible.

The court decided against him and the padlock proceedings which were finished to-day were the result.

[From the Evening Star, Washington, D. C., Wednesday, March 5, 1930]

ROVER PLANS NEW DISTRICT OF COLUMBIA GAMBLING CODE—CALLS CONFERENCE OF POLICE HEADS TO DISCUSS MORE DRASTIC MEASURE—ACTION IS OUTCOME OF HEARING BEFORE SENATE SUBCOMMITTEE FOLLOWING CHARGES BY PUBLIC PRINTER CARTER

Hard on the heels of the police probe growing out of the charges of George H. Carter, Public Printer, United States Attorney Leo A. Rover has arranged a conference this afternoon at his office with Maj. Henry G. Pratt, superintendent of police; Inspector Shelby, chief of detectives; Corporation Counsel William W. Bride, Fire Chief George S. Watson, and Building Inspector John W. Oehmann to discuss means of coordinating the various branches of the District and Federal Governments in the preparation of legislation to make more drastic the local gambling laws.

The prosecutor is of the opinion that only by the assistance of the police can he obtain knowledge of many gambling places, and through them he may keep a better check-up on establishments used for gambling and other law violations.

DESIRES LEGAL ADVICE

The aid of Corporation Counsel Bride is desired in connection with the legal phraseology of the proposed new enactments, which were suggested as necessary by Rover at the hearing yesterday of the charges of Public Printer Carter that the police and prosecutor were not doing everything in their power to stamp out gambling in the vicinity of the Government Printing Office.

Fire Chief Watson and Building Inspector Oehmann, it is expected, will be asked to cooperate with the prosecutor by reporting on the existence of barricaded doors at gambling establishments when such reports reach them from their inspectors. Such doors may be found to have been erected without permits and may also constitute increased fire hazards.

Rover seeks a general coordination of all District and Federal authorities in an effort to put a stop to gambling.

The result of the conference will not be made public, Rover said, until reported to the Senate special committee next Friday.

ROBSION CONFERS WITH POLICE

Following up the hearing that he conducted yesterday into enforcement of gambling laws in Washington, Chairman ROBSION, of the Senate police subcommittee, conferred with police officials to-day and obtained from them recommendations for new legislation.

The Senator stated that Major Pratt and Shelby called at his request and suggested a law under which the barricading of a building with special doors and electrical locking devices would be prima facie evidence of an intent to use the building for criminal purposes.

Senator ROBSION also announced he would have another meeting of the subcommittee within a day or two to develop further the constructive side of the question, including discussion of new legislation. Major Pratt, District Attorney Rover, and Corporation Counsel Bride are expected to attend the next hearing.

REFERRED TO COLLATERALS

Senator ROBSION explained to-day that when he referred to "playing with criminals" at the hearing yesterday he had in mind the testimony relative to the depositing of small collaterals in cases that arose in past years, and that he did not believe that was a criticism of Major Pratt. The Senator stated that if there was criticism of the small collateral, it was in the sixth precinct, commanded by Capt. Martin Reilly. The Senator said that he understood the small-collateral policy was prior to Major Pratt's appointment as superintendent and that it was not followed now.

Senator ROBSION also said to-day that the testimony of Public Printer Carter was to the effect that the conditions complained of in the vicinity of the Printing Office have been going on for several years. The Senator made the observation that Mr. Carter did not make complaints

until recently. The Public Printer testified, however, that since he has been in charge of the office he has removed a number of employees and suspended others for gambling or liquor charges.

After listening to charges of gross police inefficiency made by Carter, Public Printer, yesterday, which were responsible for the hearing, ROBSION upbraided United States Attorney Leo A. Rover, his assistant, Frank Adams, colored, and Sergt. O. J. Letterman, head of the police vice squad, as well as Pratt. Carter and Pratt also indulged in sharp exchanges.

Senator COPELAND, Democrat, of New York, the only other member of the subcommittee present, left the hearing before ROBSION and Pratt clashed. While present he made several caustic remarks, indicating he believed police were being criticized without justification.

Utter confusion resulted when ROBSION began hammering his fist on the committee table shortly after Pratt took the stand. The peak of the uproar was reached when ROBSION poked his right hand almost into the police chief's face and shouted:

"I think that is just playing with the criminals."

CHARGE DRAWS APPLAUSE

This charge drew applause from a portion of the large crowd jammed about the committee table and caused Pratt's face to turn crimson. The police chief then made several attempts to take issue with the chairman only to be interrupted each time by the Kentuckian:

"Don't you think that in four years the police department should find out about a big gambling house operating here?" ROBSION demanded of Pratt.

The Senator had reference to an establishment formerly at 25 H Street, where Louis Hurowitz and Joseph Fitzgerald were arrested in a police raid January 4 last, but where it was later brought out Hurowitz no longer is located. Previous testimony had brought out that the place showed signs of being a gambling house after the policemen broke in, but the men accused as operators were not indicted by a grand jury.

"We have found out about that place and we have harassed the operator," the police chief countered.

"It doesn't look to me like he's been harassed very much," ROBSION declared. "It looks like he's harassing the citizens instead of the police harassing him. Do you need a warship to get into his place and close him up?"

ROBSION opened fire on Rover when witnesses testified a grand jury had failed to indict Hurowitz and Fitzgerald after Adams had nolle-prossed charges of permitting gaming which police had placed against the pair.

Referring to Hurowitz, ROBSION said:

"Evidently this fellow went along for years without being bothered much by police. You'll never put that fellow out of business if you wait years to get him, and if when you do get him you take a trivial $25 or $50 in collateral and then release him. Here's a fellow barricaded in a building in defiance of the laws of the United States. Then you get him and treat it as a minor offense. We can't treat anything like that. You ought to require a bond and a heavy one."

Rover explained that the laws of the District were such that it was necessary to accept collateral in numerous cases. He added it was difficult to make out cases against operators of gambling houses because persons found in them by police seldom were willing to testify freely.

In response to a question by Senator ROBSION as to how enforcement of the laws against gambling could be made effective Rover urged passage of a padlock law and also said the Police Department should have more men. He said if the force was larger Major Pratt could use new men, who are unknown, to work their way into suspected places and gather evidence that would hold in court.

PHYSICAL EVIDENCE REQUIRED

Assistant District Attorney Adams told Senator ROBSION the statements of witnesses in a gaming case would not make any difference unless there was physical evidence in corroboration. The Senator said he did not agree with that.

Senator ROBSION asked Mr. Rover if the owners of property could be proceeded against under existing law. The district attorney said he did not believe owners of property could be convicted under present law unless it could be shown they knew how property was being used.

"It seems to me," Senator ROBSION observed, "that we are obsessed here with the idea that you can not reach these places."

Senator COPELAND told Rover and Major Pratt that if they would work out the kind of law they believe necessary to prevent gambling in the District he would try to have it passed. Senator COPELAND, at the outset of the hearing, indicated again his belief that the complaints of Mr. Carter should have been taken to the district attorney and to the President before being brought to Congress.

Mr. Carter, however, replied that the Printing Office is a part of the legislative establishment, that the Public Printer reports to Congress, and that he has made the complaints as Public Printer and as a public official.

CARTER REFERS TO RESOLUTION

Senator COPELAND said in that case he supposed the subcommittee should hear the matter. Mr. Carter also referred to the resolution passed by the Senate last September, authorizing an investigation of police affairs, as a basis for inquiring into the conditions he complained of near the Printing Office.

Capt. Martin H. Reilly, Sergt. John C. Maloney, and Precinct Detective John Boxwell, all of the sixth precinct, were questioned by Senator ROBSION as to the detailed steps they took in investigating conditions near the Printing Office.

As the hearing drew to a close Senator ROBSION asked the officials gathered around the table if it was agreed that Hurowitz is no longer at the H Street address. Detective Boxwell answered that was correct.

The Senator also inquired if it was agreed that small collaterals are no longer accepted by the police following raids, and Major Pratt answered in the affirmative.

Just before the hearing adjourned Senator ROBSION said he was in favor of the police pay increase bill, indicating at the same time that he wanted to see efficient law enforcement by every policeman.

Mr. Carter also declared he was heartily in favor of the police pay bill, adding that he thought it would improve the police department.

[From the Evening Star, Washington, D. C., Thursday, March 6, 1930]

GAMING PADLOCKS WILL BE SOUGHT—AMENDMENT TO LAW WILL BE ASKED OF SENATORS, ROVER SAYS AFTER PARLEY

An agreement providing for drastic amendment of the gambling laws to permit padlocking has been reached between United States Attorney Leo A. Rover and District officials, it was learned to-day. The recommendations will be submitted to-morrow to Senator ROBSION, chairman of the Senate District subcommittee on police affairs.

While Rover was reticent when asked to discuss the matter, it is understood that a provision similar to the padlock arrangement of the Kenyon "red light" law probably will be suggested.

"No matter how stringent gambling laws may be made," said Rover to-day, "we will never be able to obtain maximum enforcement until the chief of police has at his disposal sufficient plain clothes men, not known to the gamblers, who will be able actually to place bets and by prearrangement be present when the premises are raided."

DOUBTS BARRICADE AS EVIDENCE

Rover continues to doubt the validity of a proposed amendment to make the mere existence of a "barricaded" door prima facie evidence that the place is being used for gambling. He is expected to oppose the adoption of that suggestion.

There has also been suggested, it is stated, that the law be amended to make the mere possession of gambling paraphernalia a misdemeanor. Such provision, it is pointed out, would have to be carefully worded so that it would not ban the playing of private bridge games by making the ownership of a pack of cards a violation of the law.

MAY INSPECT CLUBS

Information concerning gambling establishments conducted in the name of a "club" is expected to be facilitated by a proposed addition to the license laws which would provide the right of District officials to make inspection of the premises when desired. Of course, this will not be included in the changes of the gambling code now under consideration.

The conference of officials at Rover's office yesterday afternoon lasted two hours. There were present Maj. Henry G. Pratt, superintendent of police; Inspector William S. Shelby, head of the detective bureau; Assistant Corporation Counsel Vernon E. West, representing Corporation Counsel Bride; Building Inspector John W. Oehmann; and Fire Marshal Charles G. Achstetter, representing Fire Chief George S. Watson.

Chairman ROBSION said to-day the next meeting of the subcommittee would be held as soon as possible, but the time has not been definitely fixed. When this meeting is held the subcommittee is expected to receive the recommendations and suggestions of local officials as to what additional legislation is needed to enforce the gambling laws in the District.

[From the Washington Daily News, Thursday, March 6, 1930]

SUSPEND POLICEMAN AFTER ARREST OF THREE ON DRY LAW CHARGE—CASES OF OTHER COPS BEFORE POLICE TRIAL BOARD POSTPONED UNTIL MONDAY—ONE WARNED

Policeman Thomas Henry Hook, 24, of the thirteenth precinct, and two other young men, Paul Kyle, 24, and Robert Richard Johnson, 25, both of 1118 Allison Street NW., were to be arraigned in police court to-day on charges of transportation and possession of 60 half gallons of liquor.

The trio was arrested in the 300 block of B Street SW. last night by Detective R. J. Barrett, of the fourth precinct.

KNEW OF DELIVERY

Informed of a liquor delivery, Barrett arrested Johnson in an auto at Third and B Streets SW. The officer and Kyles were standing near the car which held five cases of liquor, the detective said.

Hook was suspended and, with Kyles, posted bonds of $2,000, but Johnson was held in default. A charge of operating an auto with dead tags also confronts Johnson.

LANGDON ON TRIAL

The arrest occurred a few hours after the police trial board had continued the case of Robert F. Langdon, suspended fifth precinct detective, until Monday. Langdon was acquitted in District Supreme Court recently of transporting and possessing two 5-gallon kegs of whisky. His appearance before the board was an aftermath of the liquor charges.

W. A. Heddons, special prohibition agent, told the trial board that he arrested Langdon on information furnished by Daniel O'Connell, city editor, and Ralph Benton, managing editor, of the Washington Times.

POLICEMAN WARNED

Policeman H. C. League, of the thirteenth precinct, was warned by the trial board to be more careful in his choice of passengers for his auto. He was accused by a mother of being too interested in her daughters, 13 and 15. It was brought out, however, that League had made no overtures to the girls, only aiding them in reaching high school four times when they were late. He was advised that if anyone was to be taken riding it should be his wife and child.

The trial of Policeman R. F. Miller, third precinct, on a charge of intoxication also was continued until Monday. Two other third precinct officers testified that they were obliged to take Miller home from an apartment where he became very boisterous, because he was "too drunk to take care of himself."

GAMING BILLS DRAFTED AS RAIDERS CONTINUE TO MAKE ARRESTS—THREE DRASTIC LAWS DESIGNED TO END GAMING HERE TO BE PRESENTED BY SENATOR ROBSION

Drafts of three proposed changes in the District antigambling laws will be submitted to Senator ROBSION'S police and fire subcommittee of the Senate District Committee, probably to-morrow.

The proposed changes, worked out at a conference of District authorities yesterday in District Attorney Leo Rover's office, would extend the padlock law to gambling houses, make barricading of premises a prima facie evidence of law violation, and amend the present law governing possession of gambling apparatus.

CONTINUE RAIDS

Meanwhile, police yesterday continued their drive against gambling and bootlegging, padlocking three places and raiding two more.

An old-fashioned bar, with brass rail, mirror, and all other details, was found on Eighteenth Street NW., near L Street. Police smashed their way through four heavily barred and electrically operated doors in plain view from inside through a periscope.

DESTROY LIQUOR

Within they found one man, Frank J. Smith, 22, who was arrested on charges of possessing liquor and maintaining a nuisance. Ten gallons of liquor were destroyed.

At another place, on Twentieth Street, near L Street NW., they arrested Edward F. Kelly, 34, and Frank Thomas, 25, charged with setting up gaming tables. At this place there was an almost equally elaborate set-up, with booths for placing race bets, charts, and other paraphernalia.

[From the Washington Post, Thursday, March 6, 1930]

POLICEMAN AND TWO OTHERS ARRESTED ON RUM CHARGES—THIRTY GALLONS DISCOVERED IN AUTO, DETECTIVE REPORTS TO SUPERIOR

Thirteenth Precinct Policeman Thomas Henry Hook, 24 years old, of Mount Rainier, Md., and two other young men were arrested at an automobile parked in front of a B Street residence near Third Street SW. at 9.40 o'clock last night on charges of transportation and possession of 60 one-half gallons of liquor by Fourth Precinct Detective R. J. Barrett.

Paul Kyle, 24 years old, and Robert Richard Johnson, 25 years old, both of Allison Street near Georgia Avenue NW., were arrested at the same time. The three were booked at the precinct station, Hook and Kyle being released on $2,000 bond each. Johnson also was charged with operating an automobile with dead tags. He had not made bond at a late hour last night.

Hook immediately was suspended from the police force by Lieut. F. M. Dent, of the fourth precinct, who tendered to Lieut. J. E. Bowers, as a commanding officer of the thirteenth precinct, the policeman's .38-caliber revolver and badge, which policemen carry both on and off duty.

Acting on information to the fourth precinct that a liquor-laden machine was scheduled to make a delivery about 9 o'clock close to the corner of B and Third Streets, Detective Barrett stationed himself there. According to his report last night, he made the arrest while Hook and Kyle were standing on the sidewalk beside the car and Johnson was at the wheel of the machine. He reported he found the liquor in five cases in the car.

Before assignment to the thirteenth precinct about a year ago, Hook served a year previously in the second precinct.

THREE MEN, LIQUOR TAKEN IN TWO RAIDS—ALLEGED GAMING DEVICES ARE ALSO CONFISCATED BY POLICE

Two raids late yesterday afternoon by Sergt. Oscar J. Letterman's squad netted three arrests, 10 gallons of alleged liquor, and a large quantity of alleged gambling paraphernalia. The raids were staged within two blocks of each other.

Fifteen men found in a place on Twentieth Street NW., near L Street, were booked as witnesses against Edward F. Kelley, 34 years old, and Frank Thomas, 25 years old, who were charged with setting up gaming tables. Kelley gave his address as Twelfth Street near F Street NE., while Thomas was listed as living on I Street near Twenty-second NW.

Frank J. Smith was arrested when the squad, composed of Detectives Richard Cox, J. A. Mostyn, and P. A. Tryscott, invaded an establishment on Eighteenth Street near L NW. Smith, 22 years old, was charged with possession and maintaining a nuisance. A regular old-fashioned bar, equipped with mirrors and everything, was found, police say. Smith gave his home address as Thirteenth Street near N Street NW. Three heavily barred doors were smashed by police in effecting an entrance.

ROVER PLANS DRIVE ON CAPITAL GAMING—PROSECUTOR AND OTHER CITY OFFICIALS TO CONFER ON LAW TO CURB EVIL—RETICENT ON PROGRAM

Drastic legislation to curb gambling was discussed at a conference held yesterday in the office of United States District Attorney Leo A. Rover. Maj. Henry G. Pratt, superintendent of police, and other officials attended the conference.

A program of new legislation will be submitted to the Senate District subcommittee, headed by Senator ROBSION (Republican) of Kentucky, later this week, probably on Friday.

Extension of the padlock law to cover gambling establishments probably will be the principal recommendation which will be made to the Senate committee. Mr. Rover and Major Pratt have been at work on statistics showing arrests and the results of court action in gambling cases for several weeks, and it is known that Mr. Rover was at work on a draft of the necessary legislation when the recent flare-up of Public Printer Carter occurred.

Barricading of premises, such as is done to protect gambling places and speak-easies from easy access by police raiders, would be made prima facie evidence of law violation under another piece of legislation which is under consideration.

Under this proposed law the police would be empowered to enter barricaded premises without having legal proof of gambling behind the barricades. The right to enter premises without warrants would be extended under this proposed law. But there is a serious question of the constitutionality of such a law, and even those who propose it admit it is very drastic.

A third plan calls for amendment of the existing District law governing the possession of gambling paraphernalia.

Which of these laws will be advocated by the district attorney and police chief when they appear again before the Robsion subcommittee has not been determined. Mr. Rover has not completed his draft of new legislation nor definitely worked out a program. There is a feeling among some of the District officials charged with enforcement that if they are to be held up to harsh and often unfair criticism for the existence of gambling places they should be vested with drastic authority to combat gambling.

Those present at the conference, which was held in the office of Mr. Rover, and which lasted for almost two hours, were Maj. Henry G. Pratt, superintendent of police; Inspector William S. Shelby, head of the police detective bureau; Assistant Corporation Counsel Vernon West, representing Corporation Counsel William W. Bride; Building Inspector John W. Oehmann; and Fire Marshal Charles G. Achstetter, representing Fire Chief George S. Watson.

Mr. Rover declined to discuss what happened in the conference or to answer questions regarding possible decisions which it is believed were reached. Other participants in the conference also met similar questions with silence.

Mr. Rover explained that the result of the conference is to be communicated next Friday to Senator JOHN M. ROBSION (Republican), of Kentucky, and that he did not feel at liberty to reveal what transpired until after the report had been made.

After the hearing Senator COPELAND told Mr. Rover and Major Pratt that if they brought in the draft of a new gambling law he would use his influence to have it passed by Congress.

"CYCLONE" DAVIS ON PROHIBITION AND THE BIBLE

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD a copy of a letter from a former Congressman, Hon. J. H. (Cyclone) Davis, to the Dallas (Tex.) News, on prohibition and the Bible.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, leave is granted.

The letter is as follows:

SULPHUR SPRINGS, TEX., *February 10, 1930.*

To the DALLAS NEWS:

As long as the booze bunch moan and mouth about prohibition and their friends "the poor, innocent, suffering bootleggers" without bringing in the Bible, I care but little about what they say. But when they seek to prostitute that sacred book to the defense of the foulest,

filthiest, basest, most corrupting institution that ever beset the human family, I can't resist the impulse to reply.

In the News of February 8 Mr. Goulden, of Greenville, takes nearly a column to expose what he doesn't know about the Bible and prohibition. I make bold to say that every law that God gave to man was a prohibition law. "Thou shalt not" stands in front of every one of them. The first law that was ever given to the human race was in the Garden of Eden and said, "Thou shalt not." But according to Goulden, Adam was a bottlegger and wouldn't obey. Guess that he thought God was interfering with his "personal liberty." God gave Adam dominion over a whole glorious world except one tree and he ran a prohibition law around that and its fruits and said, "Thou shalt not."

It is a well-known principle in all civilization that a law prohibiting the doing of a certain thing carries with it the necessity of making all corollary laws required to make that law effective. The laws given by the Almighty God on Mount Sinai are the foundation for the criminal codes of civilization. I affirm that booze in every land is a violent and vicious enemy to all those laws.

God said, "Thou shalt not kill," yet booze has made a million men kill. It has made the father a fiend to cruelly murder his whole family; made the friend a foe, the brother a brute, and made them all cruel enemies to both God and man. God tells us in the fifth chapter of Isaiah that he had to make hell bigger in order to hold the criminals the liquor traffic made.

Listen to what He says: "Woe unto them that rise up early in the morning that they may follow strong drink, that continue until night till wine inflame them. The tabret, the harp, the viol, the pipe, and wine are in their feasts, but they regard not the work of the Lord; and neither consider they the operation of His holy hand. Therefore, hell hath enlarged herself and opened her mouth without measure and their multitude and he that rejoiceth shall descend into it."

Yet there are men who assume to be decent and respectable who want to keep the booze business in action so as to surfeit hell with its victims.

Respectfully,

J. H. (CYCLONE) DAVIS.

ORDER FOR RECESS

Mr. SMOOT. I ask unanimous consent that at the conclusion of its business to-day the Senate take a recess until 11 o'clock a. m., Monday next.

The PRESIDENT pro tempore. Is there objection?

Mr. BARKLEY. Mr. President, I should like to know what the request is.

The PRESIDENT pro tempore. The Senator from Utah has asked unanimous consent that at the conclusion of its business to-day the Senate take a recess until 11 o'clock a. m. on Monday next. Is there objection? The Chair hears none, and it is so ordered.

CUSTOMS CENSORSHIP OF IMPORTED LITERATURE

Mr. WHEELER. Mr. President, it is doubtful if any measure of public legislation has ever evoked such a general consensus of enlightened American opinion in its support as the Cutting censorship amendment to section 305 of the pending tariff bill.

This public opinion has been and is being expressed by eminent clergymen, public librarians, library associations, associations of college and university professors, faculty members of practically every university in America, the American Federation of Teachers, the president of the American Federation of Labor, editors of leading daily papers, university students, theological teachers, editors of such magazines and journals as the Atlantic Monthly, the Forum, Scribner's, Harper's, Plain Talk, the Nation, the New Republic, Labor, and an innumerable number of outstanding American citizens.

Quotations from some of these opinions have been compiled by the People's Legislative Service, 208 First Street SE., Washington, D. C. These are herewith respectfully submitted to the Congress of the United States, and I ask that they be published in the RECORD.

There being no objection, the quotations were ordered to be printed in the RECORD, as follows:

Bishop Francis J. McConnell, of the Methodist Church:

"I wish to express my appreciation of Senator CUTTING'S stand against the proposal to take the censorship of literature away from the courts and to put it in the hands of customs officials. No more inappropriate and inadequate dealing with censorship could be conceived than that of putting it in the hands of men selected primarily for other purposes."

Rev. Henry Sloane Coffin, D. D. (Presbyterian), New York City:

"I am sure I voice the opinion of many thoughtful men, both in the ministry and in the membership of the various Christian churches, when I say that I feel it would be a most unwise curtailment of the liberty of the press. Let the courts decide if a book is obscene or seditious and refuse to allow it to be sold, but do not let us have customs officials constitute themselves judges as to what may or may not be imported into this country."

Rev. Robert Johnston, D. D. (Episcopal), Washington, D. C.:

"I regard the censorship of books as a very dangerous experiment and one which is likely to introduce a new and terrible tyranny into our American life. * * * I question if we can shut away from people in our day the simple facts of human nature. * * * Such a book as ——— should be prevented from entering into general circulation, but it should not be made the excuse for a new Volstead Act on literature. * * * The attempt to remove all danger from life is one which increases the danger and adds sin to sin."

Rev. Remsen B. Ogilby, president Trinity College, Connecticut:

"I wish to assure Senator CUTTING of the backing of the faculty of Trinity College."

Dr. Nicholas Murray Butler, president Columbia University:

"It was most refreshing to read Senator CUTTING'S words of common sense, of broad-minded liberalism, and of understanding of fundamental principles of civil liberty. How even a single Senator could dare to vote to put some unknown official or group of officials in a Washington department in supervision of what we shall read is beyond my belief."

A group of faculty members of Harvard University:

"We are strongly opposed to section 305, paragraph (a), in the pending tariff bill. * * * Experience has shown that customs inspectors and appraisers of merchandise are ill equipped to pass judgment upon the character of such publications. * * * We believe that a political censorship of this kind by administrative officials at the customhouses is unsound in principle and likely to prove oppressive in practice."

Statement representing between 300 and 400 members of Yale faculty:

"It is our unanimous opinion that the inclusion in the tariff bill of a provision for customs censorship would be highly inimical to the interests of scholarship and learning. It is essential that we should be able to obtain freely even the most radical publications from other countries. Otherwise it is impossible to study and analyze adequately the social, economical, and governmental conditions in the foreign countries from which such publications may come."

Dr. O. O. Norris, professor of education, Michigan State Normal College:

"A man, institution, or nation that has recourse to censorship reveals by that very action a felt weakness in his or its own position. * * * Censorship is an unconscious revelation of weakness on the part of the censor and a fear that other people are as weak as he is. * * *

"It is the business of intelligent people everywhere to have free and immediate access to what all men everywhere, however intelligent or unintelligent, are thinking and saying and doing. Only as they do this can they themselves really understand our human world and help others also to understand."

Prof. Avery L. Carlson, Texas Christian University:

"I think it would be very unfortunate for our Government to set up a censorship on imported books. When our library authorities excluded certain books and magazines from the library at the State University of Iowa, when I was a student there, the news dealers reaped a harvest. * * * To exclude a book from this country * * * would immediately create a demand for that book. It would doubtless be reprinted here and sold by the thousands. * * * Our citizens are as capable of judging what they shall read and what their children shall read as any Government officer, be he a customs official or a United States Senator."

Prof. John Dewey, Columbia University:

"I am doubly indebted to Senator CUTTING for leading legislative action intended to prevent customs censorship of foreign literature. First, I am indebted as a citizen who is interested in checking the present movement toward censorship and other meddling with freedom of thought and speech in the United States. As a teacher and a member of the faculty of Columbia University I am interested, in the second place, that scholars shall be in a position to receive the printed material that they need in their researches, without suffering from the interference of officials who are certainly wholly incapable of determining what books and periodicals students should or should not receive."

Dr. W. B. Bizzell, president Oklahoma University:

"I believe that Senator CUTTING'S fight is worthy of the support of all citizens who are opposed to arbitrary restrictions on the admission of literary classics from abroad. I have had several editions of classics destroyed by customs officials, which probably can never be replaced. The absurdity of the policy appears when it is recalled that Boccaccio's Decameron, which is on the embargo list, is being freely circulated in cheap editions in this country and may be bought from almost any local dealer. This is true of numerous other literary classics."

A group of faculty members of Cornell University:

"We are opposed to the provision that requires customs officials, ill qualified for that duty, to rule upon the obscenity of books or pamphlets which it is sought to import, and that without effective appeal or

redress. We favor leaving this question to the Federal Government through its postal law and to the several States."

Prof. William Pepperell Montague, Barnard College:

"In common with all other educators with whom I have talked, I am heartily in favor of Senator CUTTING'S efforts to remove from the discretion of customs officials their power of censoring allegedly obscene literature."

Prof. Josiah Morse, University of South Carolina:

"Practically all of our faculty would agree, of course, that such censorship is a dangerous and un-American thing."

Will Irwin, publicist:

"Surely I'm with Senator CUTTING in his fight. I don't know an author who isn't."

Edward C. Aswell, assistant editor The Forum:

"The fundamental trouble with censorship is that it is based on an assumption that general human nature is weak, frail, and easily deluded, but that certain individuals do not share this common weakness and can therefore act as censors for the rest of mankind. When this assumption is examined critically, it breaks down in both of its particulars.

"Moreover, as a practical matter, censorship is silly and always tends to defeat its own purposes.

"I think this sums up as briefly as possible my feeling about censorship. I disapprove of it in theory, and its folly in practice is too evident to need elaboration."

William Allen White, editor the Emporia Gazette:

"I have written to our two Senators asking them to stand by the Cutting amendment. No form of censorship would be quite so bad as that proposed by Senator SMOOT, which would make baggage inspectors on the dock censors of our foreign literature."

Ellery Sedgwick, editor the Atlantic Monthly:

"Senator CUTTING'S vigorous and sensible speech on the censorship commanded my admiration. Beneath all the pother of the discussion the welfare of literature has been well-nigh forgotten. Instead of fortifying American ideals, the censorship is primarily useful as a gigantic advertisement to the publisher of the banned book."

Maxwell E. Perkins, editor, Scribner's Magazine:

"I have followed Senator CUTTING'S fight against censorship with sympathy and admiration. He is contending for the most important of all social principles, and the most American, that of freedom of the mind. And he is doing it in a most distinguished way."

The Southwest Review, Dallas, Tex.:

"The editors of the Southwest Review are enthusiastically in sympathy with the plan to liberalize censorship. We believe that we speak for all Texas writers."

The National Community Center Association:

"The issue is not an issue of obscenity but rather who shall decide what is obscenity. Every thinking person is against any system that will put into the hands of customs officials power to censor the reading of citizens of a free country * * *. Certainly the vast majority of those engaged in teaching or in social service regard the proposal to put into the hands of customs clerks this power as a most futile measure. It will serve to lower rather than to uphold standards, and it makes of us the laughing stock of the world."

The People's Legislative Service, Washington, D. C.:

"It is the same issue that was before the Senate on October 11. It was not then and is not now a question of obscenity and immorality versus decency and purity. It is the question of whether the American reading public shall be controlled by the literary censorship of a Federal bureau; whether Congress shall delegate to customs officials this sort of guardianship over the minds of the American people. That is the fundamental issue, and no amount of outraged sentiment stirred by fresh senatorial contact with 'indecent' literature can obscure this issue.

"If we wish to keep the American mind in the kindergarten stage, it can not be done by guarding the few ports of entry from 'contaminating' literature. This childish precaution serves only to stimulate production and increase consumption in the home market.

"Even if there were unanimous agreement on a policy of the very strictest literary censorship there would still be no need of enacting tariff legislation on the subject. The matter is amply covered in the laws of the separate States. These laws are rigid, comprehensive, entirely adequate, and with ample provisions for enforcement."

ONE YEAR OF PRESIDENT HOOVER'S ADMINISTRATION—ADDRESS OF SENATOR FESS OF OHIO

Mr. McCULLOCH. Mr. President, I ask leave to have published in the RECORD an able address delivered over the radio by my colleague the senior Senator from Ohio [Mr. FESS], entitled "One Year of President Hoover's Administration."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LEGISLATIVE ACHIEVEMENTS

In considering one year of Hoover we can not confine achievements to his legislative function, as that is the least of the duties of the President, as it is limited to his signing or vetoing bills, and his recommendations to Congress. We must consider his diplomatic, economic, administrative, and social policies in order to properly appraise the year's effort.

The administration, in its legislative duties, has been retarded because of the character of the legislation. The special session was called on behalf of farm relief and a limited revision of the tariff. Both of these measures were taken up speedily by the House of Representatives and were without delay passed through the House and sent to the Senate.

On the 15th of June, two months after the session opened, the President signed the farm relief bill, and took his time in the selection of the Farm Board, in which he literally combed the United States for the best available talent in the respective fields of agriculture. It has been conceded that this board shows a rare personnel, in which high positions in private enterprise have been forfeited for the sake of public service. This board was given ample authority commensurate with its responsibility to solve the marketing problem.

It has been, since its inception, working out the problem of stabilization of this industry in the interest of both the producer and the consumer. If the problem of placing agriculture on an equality with industry can be solved, the country believes this board has the talent, the authority, and the necessary means to find the solution.

The plan of farm relief was supported by an almost unanimous vote in both branches of Congress. It is to be hoped that the board will not be interfered with by impatient demands that it do what the law will not permit it to do. It is also to be hoped that those interested in a better condition of agriculture will lend cooperation in the interest of success rather than attempt to embarrass it by presenting obstacles in the way of its best efforts.

Congress, having enacted the farm relief measure, took up the second item for which it was called in special session. The House wasted no time in drafting and passing on tariff revision. It sent the bill to the Senate the 29th of May, which was at once referred to the Committee on Finance. Congress then took a two months' recess to allow the committee time to report the bill back to the Senate.

On the 4th of September the Senate began to consider the revised bill, and has continued the consideration every day, meeting at 11 o'clock and running into night sessions for the past six months. In the interest of expedition, the Senate has by unanimous consent excluded all general legislation until the bill is sent to conference.

Before the summer recess Congress took the time to enact the reapportionment bill, which had been neglected for the last 10 years. The census bill was also enacted as an emergency law in order to meet the requirement of a decennial enumeration.

Additional hospital facilities for the relief of veterans to the amount of $15,000,000 were also provided.

One of the most important events of the year was the adjustment of the French loan. Since December 15, 1922, when the British Government adjusted its obligation to us, we have been able to reach an adjustment with all countries to which we made loans excepting France. After long delay and unsuccessful efforts to reach an agreement, with consequent disappointments, President Hoover succeeded in inducing favorable action by France, followed by our immediate action, which ended the controversy.

Another important measure was the reduction of our tax bill to the amount of $160,000,000 per annum through a 66 per cent reduction on smaller incomes, 4 per cent on larger incomes, and 8½ per cent on the corporation tax. This is the fifth tax reduction bill since the close of the War. In 1922 our first reduction was $835,000,000, in 1924 our second was $400,000,000, in 1926 our third was $387,000,000, and our fourth was $220,000,000. The Federal Government has constantly decreased the cost of government as shown by these tax reductions. While we have thus reduced taxation, we have also paid off on the public debt $1,000,000 a year, which has been reduced from $26,500,000,000 in 1919 to $16,500,000,000 in 1930, which is paying five times as much on the public debt in 10 years as we paid in 60 years preceding the World War.

HOOVER'S FOREIGN POLICY

The country anticipated a vigorous foreign policy in the interest of world peace. Hoover's unusually well informed mind on foreign matters from actual familiarity with peoples of most parts of the world through personal contact strongly argued vital interest in proper foreign relations. His world-renowned career as a relief leader, when he literally fed starving women and children in stricken Europe, would animate him to promote a sentiment for the cooperation in the interest of world peace.

It can truly be said that this was his highest note in his inaugural address. It was the leading topic in his first message to Congress.

Within a month after his inauguration his representative sounded Europe on possible limitation of armament. This was followed by a significant utterance of General Dawes in his Pilgrim's address, which was advanced by conversations with the Prime Minister of Great Britain, his visit to America, the Rapidan conference, to lay the plan for the London Conference, now in session.

No man in America or Europe has a keener comprehension of the problems growing out of national traditions and jealousies. No public man has greater sympathy with the nations motivated by nationalistic

ambitions. The President is thoroughly familiar with the economic situations as well as the nationalistic aspirations of nations which may provoke antagonisms. It is but natural that a responsible leader familiar with the horrors of war would be animated by a desire for world peace. The President, while alive to the needs of national defense is a strong believer in the power of good will and clear understanding, as the soundest basis of world peace. He gave his full support to the Kellogg peace pact, and believed in its philosophy of international settlements without resort to force. To advance this principle he promoted the London conference, selected an able delegation, and has made known his lively interest in an agreement of parity with Britain on the sea, and a reduction of armament, if possible, as the best guaranty of peace.

Whatever be the actual agreement reached, we are already assured of a splendid spirit prevailing through this conference. Good will is evident on every hand, and a genuine desire to promote the best feeling seems to dominate the assembly. Patience on our part is essential, parity will be demanded by our people, and reduction if at all possible. If, to reach parity, Britain is willing to modify her policy of 200 years' standing, and has overturned a conservative minority as an omen of willingness, the least we can do is to be patient, and give such time as is necessary to work out the important changes.

Believing that the most powerful element in world politics is good will as expressed in a sound public opinion, and assured that a collective conviction against war in favor of peace is essential, our Government, under the leadership of President Hoover, is not only advancing the cause of peace but is developing a respect from abroad that will prove to be a great national asset. This accomplishment is achieved without involving the United States in European affairs, as evidenced by our refusal to participate in the European reparation bank.

Notwithstanding the decision, the United States did assist in the revision of the claims against Germany through the Young commission.

The United States has also indicated its willingness to adhere to the World Court on the basis of the Senate reservations as an additional step toward world peace.

Recently, when ominous clouds hovered over the Orient horizon, with Russia and China threatening each other, President Hoover did not hesitate to remind the countries of their obligations under the Kellogg pact, of which both were signatories.

Pan American relations have claimed the sympathetic attention of this administration. Mr. Hoover's visit to the South American countries as President elect was a good-will project, both in purpose and result. Personal contact and observation provided a better understanding of existing conditions, a keener appreciation of national aspirations and possibilities, and removed suspicions as to our own policies toward the American countries.

The Tacna-Arica dispute of 40 years' standing between Peru and Chili, which constantly involved the United States, was settled.

A prompt action taken in respect to the Mexican revolution assisted that Government to quell the outbreak in 60 days. The subsequent visit of the Mexican President discloses a better feeling between the two Republics than has existed for many years.

The gradual withdrawal of our marines from Nicaragua has had a like effect in Central America. One of the real problems of our country is the extent to which we should go in our efforts to stabilize conditions in the less stable countries on this hemisphere, in the light of the Monroe doctrine.

This is the basis of the President's Haiti commission to survey the situation and report the facts upon which future action may be taken; consistent with our duty of protection of life and property with due regard to the rights of a people to self-government. The reassurance that the Monroe doctrine is designed in the mutual well-being of all America, based upon good will, has produced a better feeling in the Western Hemisphere. This result has been largely aided by the reorganization of the representation of the United States in the Latin American countries by installing career men of experience in diplomacy and versed in the languages of those countries.

The commercial possibilities as shown in the last few years are inviting. Commerce between us and the countries south of us is growing by leaps and bounds. It now looks to better and closer communications by air, water, and overland. This is not only possible but assured. The growth in South America, in the near future, will not be unlike what we have experienced here. In that growth and development our country is destined to play an important part, if the proper policy is pursued.

ADMINISTRATIVE

The achievements for the year which might be termed purely administrative are notable because of the character of the personnel the President has drafted into service. This characteristic has called forth a splendid indorsement editorially of the New York World, the leading Democratic organ of the country. The World, on March 4, said, "The most impressively hopeful aspect, it seems to us, is the revival in Washington of the quality of large-mindedness in the direction of affairs. Mr. Hoover, whether he succeeds or whether he fails on the immediate issues, is in the line of the great Presidents."

The World further says: "Mr. Hoover understands, he is at home with, he has shown that he would like to rely upon, the inventive, the creative, the intellectually disciplined minds in the community. This is an intangible achievement, but it is a noteworthy achievement. A good deal of nonsense may have been talked about Mr. Hoover conducting his office like an engineer. The essential truth behind that talk is that he is using the prestige of his office, as perhaps high office has never been used before, to make trained intelligence, patient inquiry, expertness, and scientific investigation respectable.

"Mr. Hoover's difficulties have come largely from the defects of this quality. Among men of free and trained intelligence he moves easily and with assurance. He speaks their language. His conduct after the panic in the conference to stabilize business was really an amazing performance. It revealed an acquaintance with the key minds of American industry, an understanding of the nature of the crisis, a courage to conceive and to act which may have been decisive in averting what might well have become a national disaster. It is perhaps too early to say how much he succeeded. In one sense it is never possible to say exactly how much a man has succeeded in preventing what might have happened. But it is not too early to say that in the face of a tremendous danger he was neither afraid nor bewildered."

This is a notable indorsement of Mr. Hoover's policy of calling into the public service the key men of the country. The Farm Board, as an example, is composed of the leading men, especially fitted for the particular branch of the industry of which he has charge. The same thing can be said about the Crime Commission, the Haiti Commission, and, in an especial sense, the delegation to the London Conference.

It is within the facts that during the year Mr. Hoover has called to the public service the greatest number of high-grade personnel that has yet entered the service.

It is also notable that the United States Senate has confirmed every nominee sent to that body for its consideration. This fact speaks well when the general attitude of the Senate is considered.

ECONOMIC

The administration's leadership in economic matters is outstanding. The President's clear comprehension of our economic structure, his familiarity with the play of economic forces, his personal acquaintanceship with the leaders of industry, admirably fit him to handle economic crises, such as the collapse in the stock market endangered.

Back in 1921 one of his first acts as head of the Commerce Department was his unemployment conference, in which he called construction the balance wheel of American business. His major thought in the last four years is a sound remedy for the cycle of business where a low depression follows a high level in industry. Heretofore these cycles have been viewed as inevitable, some of which reach the dimensions of nation-wide crises, such as 1819, 1837, 1857, 1873, 1893, and 1907.

At such stages business retrenches, employers lay off labor or cut wages, purchasing power is weakened if not destroyed, capital seeks hiding, banking becomes difficult, interest rates increase, loans are refused and nation-wide suffering results. Regret is expressed on all hands, but total helplessness is pleaded, until the heavy inventories piled upon the shelves are disposed of or liquidated.

For eight years, as head of the Commerce Department, efforts have been put forth to induce a leadership in industry that would hold production within the limits described for needed consumption and thus stabilize price to avoid losses.

When the break came in the stock market, notwithstanding the condition of business with every factor of sound business present, the paper losses threw a fright that caused the timid to begin to withdraw deposits from the banks. Here were the ominous symptoms of a crisis which to avert required quick and definite steps. The President at once called upon industry to maintain the balance wheel of prosperity.

He first called the rail leadership and secured the promise of a construction program for 1930 of $1,050,000,000, which was $275,000,000 in excess of 1929. This insured against unemployment or a lower wage in that industry.

He called the leadership of labor and secured an agreement not to demand an increase of wages at this time.

He instructed the Cabinet officers and heads of independent Government establishments to speed up construction work under the direction of the Secretary of Commerce. He then called upon the various chambers of commerce through their national organization to mobilize the business leadership of organized industries and trades to cooperate. This was followed by meetings of local chambers of commerce throughout the Nation. He then called the aid of the governors in their respective State construction programs of over $3,000,000,000. The outcome of this leadership shows a contemplated expenditure all told of over $7,000,000,000. Here for the first time in history the head of the Government is guiding private industry through an impending crisis, which had it not been forestalled would have involved a situation not unlike that of 1907, out of which we could not have emerged for at least 18 months or 2 years, with as terrible suffer-

ing. Whatever may be the facts of the present unemployment situation, we hesitate to think what might have been the situation had not it been met by quick and decisive action by Mr. Hoover. This action was possible because of a clear conception of the problem on the one hand and a sympathetic leadership of industry which has been developed in the past 10 years on the other. The citizen must hark back to the days of crises to fully appreciate the suffering which has been averted by this leadership.

SOCIAL

Another phase of the year's achievements is the social angle, which reflects the President's interests in a better civilization. The White House Conference on Child Welfare indicates as its purpose:

1. To study the present status of the health and well-being of the children of the United States.
2. To report what is done for child health and protection.
3. To recommend what ought to be done and how to do it.

This procedure will deal with—

1. Medical service.
2. Public-health service.
3. Education and training.
4. The handicapped—prevention; maintenance; and protection.
5. Public relations.

Each of these to be under the direction of a trained leader. Quoting Mr. Hoover:

"The ideal to which we should strive is that there should be no child in America that has not been born under proper conditions, that does not live in hygienic surroundings, that ever suffers undernourishment, that does not have prompt and efficient medical attention and inspection, that does not receive primary instruction in the elements of hygiene and good health, that has not the complete birthright of a sound mind in a sound body, that has not the encouragement to express in fullest measure the spirit within which is the final endowment of every human being."

LAW ENFORCEMENT

No item in the year has claimed more of the attention of Mr. Hoover than the law and its enforcement. He has taken steps to deal with this problem. His Crime Commission, made up of a high personnel to command the confidence of all, was directed to make a survey of the field of crime and report its findings. It has already made a preliminary report. Upon this as a basis, the President recommended legislation as follows:

1. Reorganization of the Federal court structure so as to give relief from congestion.
2. Concentration of responsibility in detection and prosecution of prohibition violations.
3. Consolidation of the various agencies engaged in prevention of smuggling of liquor, narcotics, other merchandise, and aliens over our frontiers.
4. Provision of adequate court and prosecuting officials.
5. Expansion of Federal prisons and reorganization of parole and other practices.
6. Specific legislation for the District of Columbia.

This matter is still before Congress, awaiting final action on the tariff before it can be taken up. In the meantime, the President has called upon our citizenship to assist in better law observance.

No citizen can mistake the President's determination to secure law enforcement. His steps here in the Capital are noteworthy. The people must understand that in the last analysis law enforcement primarily depends upon education of public sentiment rather than more legislation.

While Congress has been engaged the entire year, save two months, on tariff discussion, the President has been active, as these stupendous achievements must demonstrate to all fair-minded citizens.

Ladies and gentlemen of the radio audience, the country can well be congratulated upon the character of leadership we have at the head of the Nation in President Hoover.

DEALING WITH COMMUNISTS

Mr. VANDENBERG. Mr. President, the New York Times prints a thoroughly rational discussion of the abortive communist demonstrations a few days ago. While I have no sympathy with the superficial thinking which dismisses all unemployment troubles as being mere "red" demonstrations, I have far less sympathy with the blind and easy opportunism which dismisses all these "red" riots as unimportant and casual. Eternal vigilance is the price of our constitutional liberty. We dare take nothing for granted. These American communists have no loyalty to American institutions. They are the deliberate and treasonable agents of Moscow. They do not want to cure our unemployment. They want to capitalize it into revolution. We are not frightened by their torches. But we are not true to our inheritance if we ignore them. I ask that the Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEALING WITH COMMUNISTS

There is undoubtedly a serious and sobering aspect of the communist manifestations on Thursday. In extent and virulence they are something new in the United States. The reason for the unaccustomed violence is plain. The Communist Party, whatever else it is, or wherever it gets its inspiration and marching orders, is the party of social disturbance and political upheaval. These ugly weeds grow best in a soil fertilized by discontent. This explains why the communists were so eager to take advantage of the recession in business and the let-down in employment. For nine long years they have been waiting and hoping for such a time favorable to their propaganda. At last they thought that their hour had come. They expected that men out of work would join their organization, or at least furnish material for their agitation. So, by word of command, communists all over the United States showed their teeth on Thursday.

It is not a phenomenon in our public life to be made light of. No sane person, to be sure, thinks or fears for a moment that anything like a dictatorship of the proletariat can be set up in this country. Armed attempts to do it would be overwhelmingly and mercilessly put down. But the grave thing, the startling thing, is the revelation that in most of our large cities there exists a body of men with minds so perverted and hearts so inflamed that they dream it to be possible to overthrow our forms of government by violence and to make life and property in this land entirely unsafe. What they look forward to will certainly not take place; but out of such mad and reckless political passion something may come with which our public men and all thoughtful citizens will have to reckon. For this it is better to be prepared. Edmund Burke said of the political devastation of 1789: "It would not have happened if anybody had believed that it could happen." Before the signs of communist rage and ferocity it will not do to stand indifferent, as if they signified nothing. They need not terrify us, but they ought to invite to a careful examination, to a close study of present conditions, in order that we may have an approximately correct idea of what the future may bring forth.

Concerning the demonstration in this city on Thursday there is little to be said except that the communist leaders were plainly out to defy the law and resist the police. They abused the tolerance shown them by the city authorities. In Paris, where there is a communist element much stronger than in New York, not a single gathering was allowed it by the police. But in New York, in accordance with the spirit of Mayor Walker's announcement and under the direct supervision of Police Commissioner Whalen, freedom and protection were accorded the communists so long as they confined themselves to their massing and speech making in Union Square. But the leaders were not content with this. They wanted a clash with the police. They were seeking what they conceived to be an immense advertisement for their cause. Obviously insincere in their professed desire to deliver a message to the mayor—which, in fact, Mr. Whalen offered personally to escort them to do—they deliberately brought about a collision between their followers and the police. If in the resulting disorder and in the proper determination of the police to clear the streets some people—and, as usual, innocent bystanders—were injured that was inevitable in such a mêlée.

Surveying the whole encounter, after it was over sensible New Yorkers felt that great praise was due the city authorities for their endeavor to make the communist rally peaceful, as also for their skillful preparations to keep the city and public property safe from rioters. Whenever sedition or incendiarism shows its head defiantly before the constituted authorities there is but one course open to them. Insensate talk may be tolerated, but violent action must at once be suppressed. Yet while dealing sternly with the leaders who promote public disorder and openly flout the law, it is at the same time incumbent upon us to look into the causes of such unrest, to find out the reasons why so many light-headed persons are caught and drawn away by the stream of social disturbance, and to plan for the removal of any grievances which may be found to be just, while strengthening our Government and our society at every point where they may appear to be vulnerable to the assault of unthinking and unscrupulous men.

TRIBUTE TO MR. JUSTICE HOLMES ON HIS EIGHTY-NINTH BIRTHDAY

Mr. WALSH of Massachusetts. Mr. President, I consider it appropriate that the Senate of the United States should pause in the midst of its deliberations to-day to pay tribute on the occasion of the eighty-ninth birthday of one of the most cultured, patriotic, and ablest Americans of his generation—the grand old man of the judiciary, Oliver Wendell Holmes.

Few men have been spared by the God of Nations to give such fullness of years to the service of their fellow countrymen as has this distinguished citizen of the United States. A soldier in the Civil War, dropping from his hand his Harvard degree for the musket, he served four years as a young officer in that momentous struggle. Shot through the breast at Balls Bluff, shot through the neck at Antietam, shot through the heel at Maryes Heights, his military record alone is a patriot's monument.

A lawyer of the highest integrity, law professor, and authoritative author in jurisprudence for 15 years, he became a member of the Supreme Judicial Court of Massachusetts, to serve on that body for 20 years, for 3 of those years as its chief justice. That service and now his distinguished labors of 27 years as Associate Justice of the Supreme Court of the United

States make a total activity in the highest tribunals of his State and Nation of more than 47 years. No man in our Nation's history has served the cause of justice more devotedly and continuously.

It is not merely his many years of service that we his fellow countrymen proclaim with pride but also the character of his service. The clarity of his vision, the tolerance and broad-mindedness of his outlook, his championing of the cause of liberality, impartiality, and truth; in a word, his untrammeled and discerning legal opinions, coupled with a great boldness, have made him a national figure both conspicuous and beloved. He has demonstrated, perhaps better than any man in American life, that not necessarily do environment, culture, and learning cause those born to ease and blessed with the advantages of educational and social accomplishments to be diverted from sympathy with the struggles of the average citizen and from the display of such sympathy, even when it requires standing alone and against his own social class, for the fullest protection of the legal rights of the humble. Truly, this man has been a veritable soldier for the right all his life.

The 89 years of honorable, useful, and patriotic life that speak to us to-day have not only earned for Justice Holmes the affection and gratitude of the Nation but also inspire all who are called to public service, in peace or in war, to emulate his industry, independence, intelligence, integrity, and devotion to his country's welfare.

The Senate of the United States, the Commonwealth of Massachusetts, justly proud of her noble son, and the whole country, felicitate Mr. Justice Oliver Wendell Holmes on this day, the happy anniversary of his birth.

Mr. LA FOLLETTE. Mr. President, I subscribe to the beautiful tribute which the Senator from Massachusetts [Mr. WALSH] has just paid to Mr. Justice Holmes, and I think it would be fitting on this occasion to have printed in the CONGRESSIONAL RECORD, following the remarks of the Senator from Massachusetts, an article by Dr. Harold J. Laski on Justice Holmes, appearing in the March number of Harper's Magazine.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. JUSTICE HOLMES FOR HIS EIGHTY-NINTH BIRTHDAY

By Harold J. Laski, professor of political science, University of London

The Supreme Court of the United States is not merely a tribunal where the controversies of men are resolved; it is also a legislature in which the life of a nation is given form and color. Since John Marshall revealed to the American people what their new Constitution might imply none has so clearly molded its texture as Mr. Justice Holmes. He stands out in its history not merely as one of the two or three most significant figures in the record, but, also, as one of the supreme expositors of principle in the annals of the common law. To read his opinions is to capture once again something of the excitement a lawyer feels when he first reads a judgment of Mansfield or Jessel or Bowen. Here is law in the grand style, law as a part of the living fabric of life, law as literature as well as technic, law as philosophy not less than science. When, 25 years ago, John Morley visited America he came back to affirm that in Mr. Justice Holmes America possessed the greatest judge of the English-speaking world. Time reinforces that emphasis; for it has made of him a member of that supreme fellowship which reaches back to the endless past in which men sought a place for plan and order in human affairs. Gaius is there, and Ulpian, Mansfield and d'Agueseau, Marshall and Savigny and Maitland. I do not think they will resent the company of Mr. Justice Holmes.

He has proved again the simple secret that a great judge must be a great man. He must have a full sense of the seamless web of life, a grasp of the endless tradition from which we can not escape. He must be capable of stern logic, and yet refuse to sacrifice to logic the hopes and fears and wants of men. He must be able to catch a glimpse of the ultimate in the immediate, of the universal in the particular. He must be statesman as well as jurist, thinker as well as lawyer. What he is doing is to shape the categories through which life must flow, and he must have a constant sense of the greatness of his task. He must know the hearts of men, and yet ask to be judged from the conscience of their minds. He must have a constant sense of essential power, and yet be capable of humility in its exercise. He must be the servant of justice and not its master, the conscience of the community and not of its dominant interests. He has to put aside the ambition which drives the politician to search for power and the thinker to the construction of abstract system. No one must be more aware of the limitations of his material, none more hesitant about his personal conviction. The great judge is perhaps the rarest of human types, for in being supremely himself he must yet be supremely selfless. He has to strive toward results he can not control through material he has not chosen. He has to be in the great world and yet aloof from it, to observe and to examine without seeking to influence. A political system which produces great judges can feel some real assurance about its future.

Mr. Justice Holmes has been a great judge because it is in terms like these that he has consistently thought of his work. Whether as chief justice in Massachusetts or as a member of the Supreme Court, he has sought to make the infinitely small illuminate the infinitely great. He has had a consistent sense of himself as the servant of great principles, bound to their application not in terms of his personal desires but of their relation to popular will. He has understood the part that development must play in law; has sought, therefore, to safeguard the present from imprisonment in the categories of the past. The test to which he has brought all principle he has been asked to judge is not whether he approved it, nor whether its results may be judged desirable; what rather he has done is to ask himself always whether a reasonable man could do what, on the evidence, a legislature has chosen to attempt. He has not made himself the jailer of experiment, nor has he ever sought to exalt the acts of government over the claims of humble citizens. He has been alert to the needs of power, but critical always of the means by which it sought to realize its end. He has recognized, as some of his colleagues have failed to recognize, that the American Constitution does not forbid experiment, but asks only that experiment shall be tender to established expectation. He has never sought as, again, some of his colleagues have sought, to make his philosophy an absolute, to establish it as a standard to which other men must necessarily conform. His life on the bench has been a process of learning, a recognition that habits and principles change, that each truth must be born of some one's experience, that a golden rule is only too often an instrument of persecution. In the result he has always kept step with the march of the age. He has seen that his task is not the satisfaction of a dead past, but the considered response to a living present. The criterion by which he has worked has been an effort so to shape constitutional dogma that it is not a Procrustes bed upon which men lose their human shape. He has never forgotten the famous admonition of John Marshall, that it is a constitution he is expounding; and he has ceaselessly remembered that the Constitution is not a gate but a road.

This is a general vision; and it is for the technician to expound the particular instance. Here one can only recall the method of approach, the incisive statement of attitude. Most of it, perhaps, is summarized in that famous phrase in the dissent of Lochner against New York, "the fourteenth amendment does not enact Mr. Herbert Spencer's Social Statics." You can not, he has said in effect, apply to child labor, or the minimum wage, to public utilities, or the exercise of governmental power the methods of the principles which the nineteenth century deemed final. We have new knowledge; we have made new discoveries. The business of the lawyer is to adapt the American Constitution to the demands which new knowledge and new discoveries enable us to satisfy. A thing is not wrong because Chief Justice Marshall could not, a hundred years ago, have conceived it to be right. The American Constitution was not made to compel the twentieth-century American to move in the swaddling clothes of his ancestors' ideas. The American Constitution must be molded by reason to fit new needs and new necessities. A world of railroads and motor cars, of wireless and the telegram, can not be governed by the standards of an eighteenth-century agrarian state. The law must recognize change and growth even where the lawyer dislikes their implications. He may be skeptical of their implications; he has not the right to substitute his own pattern of Utopia for what they seek to accomplish.

And he has insisted, second, that the American Constitution is a Federal instrument. Boston does not set the pattern of its habits, nor does New York, nor Washington.

Students of politics will not easily forget the perceptiveness of the decision in Noble State Bank *v.* Haskell, the modern charter of the federal state. For there Mr. Justice Holmes made it plain that not only does federalism mean variety in unity, it means also, in the proper sphere, a license to experiment with the unknown, a right to sail one's ship upon the rocks. He has wisely set his face against the idea that the constituent States of the American Commonwealth are to limit their activities to canons of conduct which some vital interests—the banker's, the business man's, the great corporation's—thought beneficial to themselves. He may have believed the experiment foolish; not seldom one can glimpse a smile of indulgence even in the cold print of the decision. But he has steadfastly refused to substitute his own wisdom for the foolish experiments of others, granted only that the right to experiment is there. He has been the judge and not the legislator. He has not sought to usurp the power of the legislature to discover truth even in the most unlikely places.

Nor has he been willing to fasten the grip of nineteenth-century individualism upon the activities of the Federal Government. He has seen that new administrative possibilities make new law. He has recognized that the problems of a hundred and twenty million people in the modern and positive state are not the problems of the sparse and scattered communities in the America of Hamilton and Jefferson. Where Congress has thought what, on the evidence, a reasonable man might think, he has refused to be outraged by its novelty or dismayed by the increase of its power. He has asked only for proof that the

authority sought is one not denied by the Constitution. He has realized that the conception of statehood is not a dogma fixed eternally in 1787 but an elastic formula shaped by the experiences of mankind. His refusal to make his own social philosophy the measure of congressional action has not been the least force in this last generation in making the Constitution of the United States compatible with the enlargement of American life.

No part of Mr. Justice Holmes's work upon the bench is more likely to prove enduring than the attitude he has revealed to the individual rights the Constitution has sought to safeguard. Some of his decisions, it is safe to say, will in this realm rank with the classic cases in which the frontiers of human freedom have been protected from invasion. It is not, as United States *v.* Debs is there to show, that Mr. Justice Holmes has made liberty an absolute before which all other considerations fade; his individual is always a member of society, not Crusoe on his island or Stylites on his pillar. But he has refused to say that the citizen is subject to penalties because the opinion he utters is unwise or unpopular or critical of the Government of the day. He has insisted that so long as what is said does not directly provoke immediate public disorder it is the business of the courts decisively to protect freedom of speech. His dissent on Abrams *v.* United States is in the great American tradition; and it is safe to say that it belongs with some half dozen utterances since the Civil War which show that, despite Governor Fuller and Senator Lusk, American zeal for free inquiry into political foundations can still find classic expression.

It is natural to think of Mr. Justice Holmes as, above all, the great expositor of the Constitution. But it is important to remember how much more, as a lawyer, he is than this would imply. His place is with Maine and Maitland as one of the supreme legal historians of the last 60 years. The Common Law, certain papers on agency, a dissertation on the Path of the Law, all these have been epoch-making pronouncements which definitely broke new ground in juristic science. Dean Wigmore has explained how important a part he has played in the development of the law of torts. Certain footnotes of Maitland and of Pound illustrate how much of the wider aspects of jurisprudence goes back to seminal hints which he scattered, half a century ago, with so liberal a hand. Judges of the new generation like Cardozo and Learned Hand would be the first to admit how much they have learned from his teaching and example. Mr. Justice Higgins in Australia, Lord Haldane and Lord Sankey in England have emphasized the debt that they owe him. He can claim, in a sense, to have been the first of American judges with a grasp of history sufficiently profound, and philosophic principles sufficiently articulate, to have made the law an incisive expression of general social life. To read his opinions as a whole is to know what Montesquieu would have been like had he presided over a modern court. He, too, like that great pathfinder, has made his place in the canonical succession of those who push forward the boundaries of wisdom in legal institutions.

II

He has been a great judge because he has never ceased to be a philosopher. He has sought always to find his way from the little fact to the secrets of the universe. By temperament a skeptic, by training a scholar, one sees in his whole attitude to life the qualities which make for wisdom. He has never ceased to inquire. He has never been satisfied to stay still. He has never accepted traditional knowledge because it is traditional. He has never been content to accumulate learning merely for its own sake. His life has been passed in seeking to discover what are the right questions to ask. Where he has been impatient, it has been with those who, like Hegel, make tight and rigid systems of dogma, and do not recognize the need to admit how little we can hope to know. What impresses him is the man like Darwin who by slow and patient observation builds new general principles upon the grand scale. It is Plato the artist rather than Plato the philosopher that attracts him. He is for Montesquieu rather than Rousseau, for Maitland rather than Macaulay.

He has always had a sense of the effort involved in thought, with, as a result, a high reverence for the thinker. "Great men," as he has said, "have given their lives to cut pregnant thoughts from the raw material"; and it is the recognition of the sacrifice which thought entails which has shaped the whole contour of his own construction. If I had to find a term for his own philosophic outlook, it is Roman stoicism that I should choose. The thought that Seneca put into his writings he has relived in his own career. You can not know ultimate truth. The world is there, and you must respond to the call of duty. Man lives and grows by the quality of the effort he makes to understand. Our life is a battle field in which victory comes to the stern heart and the taut mind. To expect little and to go on striving is the true secret of happiness. Work and friends sweeten the certainty of ultimate annihilation. We are not the universe but an infinitesimal fragment thrown carelessly into endless space. What becomes us most is humility, and the pride of man who thinks himself lord of creation is an inability to grasp his situation and a lack of a sense of humor. Patience, endurance, curiosity, courage—these in the permanent context that truth must stand in the first place always have been the virtues he has loved best. Lust for power, zeal for wealth have left him utterly unmoved. The men in his own life who have impressed him are those who have wrested some of its secrets from the universe or triumphed over one more barrier that nature has set in our way.

Of ordinary faith he has none; religious affirmation seems to him the expression of a claim to greater knowledge than he would admit. The ordinary political creeds have never moved him profoundly. He is not a socialist, because he is too impressed by the differences between men. He is not a conservative, because the inevitability of change seems to him to demand a ceaseless power of adaptation with which conservatism finds it difficult to make terms. "Truth," he has somewhere written, "is the majority vote of that nation that could lick all others"; and by that grim irony he meant that our perceptions become objective by the volume of assent that they win. What he has, above all, been anxious for is that men should not confound the familiar with the eternal; that they should not postulate their systems of private preference as the inescapable laws of the universe. We are, as he once happily said, private soldiers in an army, and the plan of campaign, if there is a plan, has not been confided to us.

It is a creed which teaches charity, toleration, liberalism. It recognizes without discussion that one's neighbor's view may be deeply rooted in an intimate experience, and that, so far, he is justified in its maintenance. Because it denies absolutes, it refuses persecution; all philosophies have an equal right to win adherents in the open competition of the market place. It knows that what we know is never final, and it is, therefore, insistently curious and insistently receptive. Truth is a moment's perception of what we can not help believing if we are to make our way in a direction that may answer our wants. There are no final ethics and no final social philosophy. There are first principles that we assume because there is an end we want to reach, an ideal we seek to obtain; and it is the part of a civilized man to know that those first principles can well be doubted. We have our certainties, that is, but we are not entitled to certitude about them. "Our system of morality," Mr. Justice Holmes has written, "is a body of imperfect social generalizations expressed in terms of emotion." Admit that, and the case for imposing it as final disappears. We may insist that it must be applied, but we must be sure always to count the cost of its application.

This attitude it is, I think, which explains why Mr. Justice Holmes has always seemed a radical to conservatives, and why radicals have felt that even in his rejection of their conclusions he is yet a powerful ally. Conservatives distrust his skepticism and his irreverence; they find his dismissal of principles they regard as socially ultimate destructive of the foundations of the state. They have been tutored to the belief that there are eternal truths, and they dislike their reduction to the status of codes which have no more than passing significance. They are, indeed, hopelessly wrong in attributing to Mr. Justice Holmes any corpus of radical beliefs; all that he has is a willingness to experiment with novelty in fundamentals. And it is that willingness to experiment which is the basis of his hold over the radical mind. It has its own private scheme of absolutes, but it recognizes in his temper that skepticism of the instrument which gives new experience its opportunity of new expression. The conservative believes that change is erroneous and undesirable; the radical insists that it is necessary and urgent. Mr. Justice Holmes simply urges that since change is inevitable, we must provide for its coming and see to it only that the game is played in terms of the rules. Much of what passes to-day for radical doctrine he would, I think, privately regard as politically unsound and economically unwise. For him Marx is completely unscientific, the Webbs, the spinners of ethereal Utopias, socialists, a party seeking merely to transfer the burden from the strong to the weak. But he would never admit that their philosophies are legitimately excluded from the field of potential experiment. He would fully insist that men may fight for ideals he does not share. He would postulate a recognition that he may be mistaken as the central principle of political justice.

I have called it Roman stoicism because, like that philosophy at its best, it moves upon the heights. It lacks the enthusiasm of the missionary, the radiance of the acolyte with a new god to proclaim. But it makes for the calm mind, the serene temper, the heart that spends itself in personal affection rather than intellectual hate. There has gone to it the reflective wisdom of 60 years, and it has not been born without pain. It has seen institutions wither and faiths crumble as life has been built upon a wider synthesis of experience. It has, therefore, sought to understand the crude facts of life without repining and to weigh their significance without fear. It is so conscious of the possibility of error in human constructions that it is skeptical, even a little sad, in the presence of clamant affirmation.

For Mr. Justice Holmes has known that great thoughts come only to men who are capable of heroic self-sacrifice. Every man who is to confront the impenetrable universe proudly must, Galileolike, face an inquisition none the less formidable because it is ceaselessly active in his own heart. To such a philosophy optimism is a little crude, and the pessimist confounded by the fruits of the yearning to know. There has been, let it be admitted, profound ambition behind it all; the proud sense of what he has called "the secret, isolated joy of the thinker who knows that a hundred years after he is dead and forgotten men who

never heard of him will be moving to the measure of his thought." It is a philosophy which only a mature and courageous mind may dare to accept, the creed of a soldier in the army of truth. For it is prepared to accept whatever the morrow may bring forth and to adjust its final principles to new verities. It is willing to see the world shaped by other men to a pattern it does not approve. It is content if it knows the joy of ceaseless intellectual curiosity, and has experienced something of that inner ecstasy which comes to those who have made the supreme voyages in the history of the human mind.

III

Few of us can look back on the memories which make friendship with Mr. Justice Holmes a liberal education. The Civil War, the Boston of Emerson and Lowell, the London in which Mill was still an eminent contemporary, and Morley and Leslie Stephen on the threshold of manhood—to speak with him of the past years is like a study in the intellectual development of the nineteenth century. His house in Washington, where Henry Adams would come to have his glittering generalizations pricked by the sobering nastiness of a fact, the home in Beverly Farms where he would explain to William James that he was a great psychologist and a dubious metaphysician, these have been to many of us another university where, from friendship, we have half consciously learned wisdom.

The talk of Mr. Justice Holmes is a thing that few of us who have ever heard it can forget. Nothing is taken for granted, and everything is acceptable save the pompous and the rhetorical. It is swift, racy talk, never self-absorptive, always a little ironical, happy in the marshalling of ideas, rich in allusion. Sometimes his gods have not been ours, and there has been a half amused defense in terms of an attack upon the new idols. We have not seen why he continues to respect Herbert Spencer, and we have learned something of the release Spencer implied to that generation. We have decried Emerson as excessively sententious, and there comes a reminder, verified by the right texts, of how true a poet Emerson was. We have exalted Plato or Pascal or Newman, and we are made to prove our thesis point by point until a brave epigram perishes in the acid solvent of exaggeration made manifest. We eulogize the æsthetic perception of Henry James, and we are smilingly asked whether it is not the first duty of a novelist to be able to tell a story. We hear a resounding attack upon Rousseau and make protest; we plead for a rereading of the text. Then comes a letter in which explanatory recantation is made. If I may so phrase it, talk with him is a lesson in the art of thinking quantitatively. You learn why you put a particular value upon man or book or idea and not a different value. And that vivid, restless mind plays round the whole scheme of discussion, eternally free, because eternally vigilant.

Lord Haldane used to say that Mr. Justice Holmes was, with Morley and Gambetta, one of the three best talkers he had ever known. Here one must differentiate. Gambetta, by all accounts, was not a talker but a specialist in monologue, and Morley less drew you out than made your observations the basis upon which to build reflections of his own. The judge's talk is of a different kind. It is a cooperative examination of ideas, a hunt with you after an exciting quarry which lurks just over the horizon. There is never an assumption of superiority, never an unfair use of experience, always a willingness to accept the palpable hit. It is like a platonic dialogue in which Plato allows honest play to the opponents of Socrates. It combines gaiety with illumination, wit with gravity, the flashing phrase with careful precision. No platitudes pass muster in that ample book-lined study in Washington just because they are the commonplaces of tradition; and novelty is rarely eulogized just because it is the fashion of the hour.

It is significant that he has always been loved by the young and that down to this hour they have never felt oppressed by the burden of his years. Partly that is because he takes endless pains to understand them; partly because he is always so anxious to give them of his best. No man of our times has been so eager to know the best there is in the experiment of the moment. No thinker, no poet, no scientist but he is anxious to sample lest he omit some experience of what may prove precious in the heritage. He will finger the pages of T. S. Eliot to-day in the same quick search for enchantment as 60 years ago he fingered the pages of Tennyson or Whitman or Browning. He will read the last paper of Dewey or Morris Cohen with the same grave attention he has given to Bradley and Spencer. The last great discovery in science gives him the same thrill of excitement that he had when Darwin first gave him the sense of new horizons in the universe. He is inescapably young, and the permanence of his intellectual curiosity makes him friend as well as master.

His temper is that of the soldier and the aristocrat. You see the soldier in him in his sense of the greatness of great action; even more, perhaps, in his sense of great thought as itself great action. Courage, whether it is that of Scott in those last moments in the wastes of the Antarctic, of the soldier on the battle field, the physician in the typhus-stricken zone, commands his unstinted admiration. There is a flash of the eye, a ring in the voice which are unmistakable. He is an aristocrat in curiously diverse ways. Partly one sees it in the courtesy, the grave insistence that you are his equal, the careful refusal to say one word that may inflict unnecessary pain. Partly also one realizes it in the aloofness from the battle cries of the marketplace, the exquisite sensibility, the constant search for an uncommon beauty which imposes standards as part of the quality of life. He has always wanted certain big things intensely rather than many things. He has wanted quality of selected experience rather than its amplitude. Mere possession has never interested him, but what he has possessed he has sought to make embody fineness and simplicity. He has never been the æsthete; but he has found the appeal of great art, the etchings of Rembrandt, a country scene of Ostade, a Paris bridge of Meryon ultimate and irresistible in their impact. And that aristocracy of temper can be seen again in the large part which irony has played in his temperament; for no quality of thought is less popular or less understood.

He has always been intensely American and proud of the tradition for which his America stands. The granite and barberry bushes of Massachusetts, some old house at Newburyport, a great incident in the history of America one sees as he points them out how large a part America has played in building his philosophy. Perhaps, indeed, nothing plays so much havoc with his general stoicism as the type of American who is eager, at all costs, to proclaim the superiority of Europe. He has a full sense of the romance of America, the grim conquest of inexorable nature by the pioneers who wrested civilization from a wilderness. A reverence for Athens and Oxford, Paris, and Rome has not made him forget Boston and Harvard, Washington and Virginia. Even his criticism of America is always the lover's doubt; and praise of its achievement strikes a chord of eager response in him. I have never seen him happier than on an evening in Beverly Farms when Felix Frankfurter spoke to him of the sense of emancipation America had conferred upon a young immigrant from Europe.

But that love of America has never been narrow or exclusive. It is not a denial of alien experience or an unwillingness to admit the value and validity of alien tradition. Nor is it merely a pride in bigness, the worst illusion of the petty mind. He has the cosmopolitanism of the great scholar, the sense that knowledge overleaps national boundaries, the power to cooperate with others that comes of the feeling that the task is great and the individual small. And his skepticism has never allowed him to build a sense of values merely in American terms, because he knows how wide and complex is the inheritance of America. No one whose mind, like his, has sought to glimpse the whole intellectual heritage of the human race can ever remain prisoned in a jealous patriotism.

If I had to estimate the two qualities in him that have impressed me most, they would be the depth of his sense of justice and the degree to which his mind is open. No judge has ever sat upon the bench who has been more endlessly anxious about the substance of his decisions; I have seen something of the care and pain and toil which go to their making. If they read like great literature, it is because great literature is always born of the artist's ceaseless travail. Anyone who knows what agony of mind went to the grave dissent in the Frank case or the ultimate refusal to interfere in the last tragic hours of Sacco and Vanzetti had an incomparable lesson in what justice can be at its best and highest. He has never been mistaken where effort could have repaired error. No judge has been more anxious to watch in himself and so control what he has termed the "inarticulate major premise," which is so vital a part of judgment.

So, too, with openness of mind. His critics have too seldom realized what a victory his method is of intelligence over instinctive prejudice. The Boston Brahmin is, often enough, an interesting and distinguished type; but he seldom admits, even to himself, that difference of opinion is legitimate. The supreme degree in which Mr. Justice Holmes has schooled himself to tolerance makes one humble in its presence. I have heard him seek to explain, even to defend, men who in hopes or character or ideals are utterly alien from his outlook. He is far less critical of the enthusiasm of others than he is of his own. He is more quick to accept a just criticism, more anxious to understand a view with which he does not sympathize than anyone I have ever known. He is impatient only with the bombastic, the rhetorical, and the pompous. He is prepared to examine any view, granted only that it is sincerely held and intelligently defended. Friendship with him in this realm is a great lesson in humility.

And he has indeed possessed a genius for friendship. I have come across men who have met him only once and counted that hour a landmark in their lives. I have known those who have not seen him for a 10 years' interval who yet feel that their communion with him is constant and intimate and full. Friendship with him is a bond that has made instant friendships over the spaces of the world. None of us who love him feels that he is old, only that he is more experienced than we are. None of us who love him but feel, also, that our friendship has dignified and enriched our lives. He keeps affection irresistibly. He, who can give so much, asks for so little. We can not count his kindnesses nor measure his inspiration. We know only that we are different and better because he lives and we have loved him. We feel in the things he has done and thought and felt something of that rare beauty which justifies the mystery of life.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries,

to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BARKLEY. I ask unanimous consent that the clerk may read from the desk an editorial in the Washington Post of to-day entitled "New Tariff Abominations."

The PRESIDENT pro tempore. Without objection, the clerk will read.

Mr. SMOOT. Does the Senator ask that it be read?

Mr. BARKLEY. Yes.

Mr. SMOOT. It is nothing but a rehash of what the Post publishes every day.

Mr. BARKLEY. However, it is not very long, and I ask that it may be read.

Mr. SMOOT. Very well. I shall not object.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

NEW TARIFF ABOMINATIONS

The coalition of logrollers that seems to have the upper hand in the Senate is giving a twist to the tariff bill that may powerfully supplement the bad work of the first coalition, which sought to boost agriculture by tearing down industry. The new coalition is reaching out for indefensible duties on necessities of life, such as sugar, lumber, and petroleum.

The principle of protection is outraged when a duty is placed upon lumber or petroleum. Such a duty is robbery of the people for the benefit of special interests that are not struggling against excessive foreign competition.

Foreign lumber and petroleum should be admitted duty free, not only because the domestic industries do not need protection but because foreign imports will tend to conserve the domestic supply of lumber and oil. While lumber is replaceable with new growth, the rate of destruction of timber is ruinous as compared with the insignificant rate of reforestation. Broadly speaking, the United States is rapidly denuding itself of timber.

At a time when oil exploiters are draining the country of a product that can not be restored, when overproduction is a crying evil, the proposal to impose a duty upon foreign petroleum is an unblushing fraud. It is noticeable that consumers of gasoline are still forced to pay high prices in spite of the overproduction of petroleum. What would they be forced to pay if a duty were imposed upon foreign oil? Prices would immediately soar, and the tariff would be made the excuse for cinching the public.

Every automobile owner in the United States is to be the victim of the proposed petroleum duty. A new tariff law, paving the way for higher cost of gasoline, would be an abomination and would infuriate the consumer, who is already paying too much for gasoline.

It does not seem probable that a combination can be formed in Congress which will deliberately work this outrage upon the people. But the success of the new coalition in pushing through the increased sugar duty is not reassuring. There remains, however, the question of presidential approval of an unjust law. It is inconceivable that President Hoover would wreck the Nation's policy of conservation of timber and oil by signing a tariff bill of the kind that is threatened.

Mr. BLEASE. Mr. President, if the editor of the Washington Post is as big a liar about the tariff as he is about crime in Washington, I warn the country not to pay very much attention to the editorial.

Mr. SMOOT. Mr. President, last night when the vote was taken on the item on page 40, line 19, Senators thought that the action taken would restore the 55 per cent ad valorem rate. Evidently it did not, but the result of the vote was to strike out the words "and 10 cents per dozen pieces" and leave the rate at 50 per cent. Therefore, Mr. President, I now ask unanimous consent that "50 per cent" be made to read "55 per cent," as was intended by the motion last night.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The question is on concurring in the amendment made as in Committee of the Whole, on page 47, line 10, to strike out "1⅞" and insert in place thereof "1¼."

Mr. GOFF. Mr. President, I desire to offer an amendment to paragraph 219, relating to cylinder, crown, and sheet glass. I send the amendment to the desk, and ask that it be read by the clerk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 47, line 10, it is proposed to strike out "1¼" and insert "1⅞."

Mr. BARKLEY. Mr. President, a parliamentary inquiry. Is it the object of the Senator's amendment to restore the rate which was stricken out?

The PRESIDENT pro tempore. May the Chair state to the Senator from West Virginia that no amendment is necessary in order to secure the result he desires, inasmuch as nonconcurrence in the amendment made as in Committee of the Whole will bring about the same result.

Mr. SMOOT. That, of course, means that all of the amendments in paragraph 219 will be voted on at once, because they are corelated.

The PRESIDENT pro tempore. That has not been the practice, but if it is agreed by unanimous consent that they all shall be voted on at once, of course, that may be done.

Mr. SMOOT. I am aware of that, Mr. President, but it seems to me that would be the proper way to dispose of the paragraph.

Mr. BARKLEY. I agree that they all involve the same question and all can be voted on together.

Mr. GOFF. Mr. President, I quite agree with the suggestion of the Senator from Utah, as he and I had discussed this matter before the amendment was submitted. I offered the amendment for the purpose of clarifying the situation, such as it is, and having it before the Senate so that it would appear exactly what I desire to accomplish.

Mr. BARKLEY. Of course, technically, the Senator's amendment is not in order, because what we did in Committee of the Whole was exactly the opposite of what the Senator wants done now. A vote in the negative on these amendments will accomplish what the Senator is trying to do by his amendment; so that it is really surplusage.

The PRESIDENT pro tempore. The Chair feebly undertook to point that out that all that is necessary in the circumstances is to vote nonconcurrence in the action taken as in Committee of the Whole.

Mr. SMOOT. On paragraph 219.

The PRESIDENT pro tempore. On all the items in paragraph 219; and, without objection, the vote will be taken on all the items collectively.

Mr. SMOOT. With the exception of the last two amendments, Mr. President; but as to the rates——

The PRESIDENT pro tempore. With reference to the rates, down to and including the numerals on line 19.

Mr. SMOOT. That is true.

Mr. GOFF. Mr. President, the amendment which I had offered and which, as I understand, the Chair says is not necessary in order to accomplish the purposes in point, was brought to the attention of the Senate chiefly to restore the rates on glass which were in the House bill.

In this connection I desire to review some of the features in connection with the proposed revision of paragraph 219 by restoring it to the provisions contained in the House bill.

As the paragraph now stands, the rates provided are the same rates as were carried in the existing law of 1922.

During the year 1923, the first full year of operation of the act of 1922, the importations of window glass into the United States amounted to 46,243,164 pounds, while the average annual importations for the four years, 1923 to 1926, amounted to 50,702,519 pounds. By 1927 these importations of window glass into this country reached the enormous figure of 83,204,299 pounds. As a result of this increasing menace of foreign window-glass competition the domestic producers of window glass in April, 1927, applied to the United States Tariff Commission for relief under the provisions of section 315 of the act of 1922.

In May, 1927, the Tariff Commission instituted an elaborate and extensive investigation, both in this country and abroad, for the purpose of ascertaining the differences in the cost of production of foreign and American-made window glass. The commission's investigation showed Belgium to be the principal competing country; and in the summary of conclusions, on pages 40 to 41 of its report to the President, the commission said—I quote:

The present rates of duty on cylinder, crown, and sheet glass, unpolished, do not equalize the difference in the weighted average costs of production of cylinder, crown, and sheet glass, unpolished, in the United States and in the principal competing country.

In this connection, as illustrating and exemplifying what I have stated concerning the report of the Tariff Commission to the President, I desire to introduce and have printed in connection with my remarks a summary of facts regarding window glass, Schedule 2, section 219, which was made by the Window Glass Manufacturers' Association after a very careful and exhaustive survey of the condition now existing. It is signed by Mr. William L. Mours, the president of that association.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

SUMMARY OF FACTS REGARDING WINDOW GLASS, SCHEDULE 2, SECTION 219

The report of the United States Tariff Commission recommending a 50 per cent increase in duty over the rates provided in the 1922 tariff act was filed with the President on March 26, 1929.

The presidential proclamation was issued May 14, 1929.

The increase in duty became effective June 14, 1929.

IMPORTS

Imports of window glass of all thicknesses from all countries, in pounds, from 1910 to 1929, inclusive:

	Pounds
1910 to 1914, inclusive, average per annum	26,094,278
1923 to 1926, inclusive, average per annum	50,702,519
1927	83,204,299
1928	67,870,133
1929	66,819,268

After the passage of the Fordney-McCumber Act, from 1923 to 1929, imports show an average increase per annum over the five years prior to the war of 34,006,252 pounds, equal to 130 per cent.

Imports for 1927, 1928, and 1929 averaged 72,631,210 pounds per annum, an increase over the four years immediately after the passage of the Fordney-McCumber Act of 21,928,691 pounds, or 53.8 per cent.

Imports for the year 1929 fell off only 1,050,865 pounds from the imports of 1928, equal to 1.54 per cent.

The imports for 1929, converted into 50-foot boxes of single strength on the basis of 58 pounds to the box, amounted to 1,157,056 boxes, which could have been made by American workmen.

DOMESTIC PRODUCTION

The following was the production in the United States, in square feet, for the following years:

	Square feet
1914 [1]	400,998,823
1919 [1]	368,912,209
1921 [1]	260,065,080
1923 [1]	510,214,838
1926 [1]	530,000,000
1927 [1]	481,021,350
1928 [2]	460,577,750
1929 [2]	381,829,600

From the above it will be seen that imports of all kinds of window glass increased from an average of 26,094,278 pounds in 1914 to 66,819,268 pounds in 1929, an increase of 155 per cent. United States production decreased from 1914 to 1929, 4.78 per cent.

Sales

	Boxes	
Total shipments of single-strength and double-strength window glass only, in 50-foot boxes, by all factories in the United States during the year 1928		9,713,939
Year 1929:		
Single strength	4,560,953	
Double strength	2,187,413	
		6,748,366
Decrease in shipments for 1929		2,965,573

Equal to a decrease from 1928 of 30.5 per cent.

Imports of foreign glass of all thicknesses in 1929 amounted to the equivalent of 1,157,056 50-foot boxes of single strength, a decrease from 1928 of only 1.54 per cent.

The above imports for 1929 were equal to 21.4 per cent of the total number of 50-foot boxes of single strength sold by the domestic manufacturers during 1929.

Selling prices

Average selling price per 50-foot box of single-strength window glass in 1913	$1.774
Average selling price in 1926	2.819
Average selling price last six months of 1929	2.536

The above figures show the average selling price for the last six months of 1929 to be an increase of 43 per cent over the 1913 price. They also show the average selling price for the last six months of 1929 to be 10 per cent less than the average selling price for 1926.

While the average selling price for January, 1930, has not yet been computed, it is undoubtedly more than 5 per cent less than for the last six months of 1929.

INCREASE IN DOMESTIC COSTS SINCE 1913

The following schedule of comparative costs in the Pittsburgh district of the more important items entering into the production of window glass for the years 1913 and 1929, irrespective of whether the process was a sheet-drawn or cylinder or hand-blowing process, shows that the increase in selling price of 43 per cent for that period was not disproportionate to the increase in the costs for the period:

	1913	1929	Per cent of increase
Cutters' wages per 50 square feet	$0.104	$0.255	145
Common labor per hour [1]	.175	.36	105
Natural gas, per M cubic feet	.14	.45	221
Coal, per ton	1.60	2.56	60
Boxing lumber, per M square feet	21.30	33.80	59
Raw materials used in melting, per ton	4.18	8.08	93

[1] Other skilled labor was increased in the same proportion.

CHANGES IN COMPARATIVE COSTS IN BELGIUM AND IN THE UNITED STATES SINCE THE TARIFF COMMISSION'S REPORT—SHEET DRAWN PROCESSES ONLY—TABLE 23, PAGE 29

Increase in Belgian labor costs, 15.7 per cent, equal to 0.057 cent per pound.

Increase in ocean freight rates from Antwerp to New York, 13.75 per cent, equal to 0.036 cent per pound.

Total increase per pound in Belgian costs, 0.093 cent per pound.

Increase in United States labor costs, 10 per cent, equal to 0.09 cent per pound.

Increase per pound in Belgian costs over United States costs since the Tariff Commission's report, 0.003 cent per pound.

The above increase in Belgian costs is more than offset by the fact that the ocean freight rates from Antwerp to Pacific coast points decreased 12 per cent, equal to 0.045 cent per pound.

COMPARATIVE COSTS IN BELGIUM AND UNITED STATES

The United States Tariff Commission's report was based on a comparison of the costs of production in the United States for 1926 by all processes, and in Belgium of some factories for a portion of 1926, and of other factories for a portion of the year 1927, including therein both the hand-blowing cylinder and the Fourcault sheet-drawn processes.

The basis of comparison of the costs of production for plants using the sheet-drawing processes only for 1926 in the United States and Belgium, obtained by the Tariff Commission (see Tariff Commission's report, table 23, page 29), would not be a fair basis for calculation of the duty required, for the following reasons:

	Pounds
All flat-drawn process plants in the United States, including Libbey-Owens, were costed, with a total production for 1926 of	260,112,123
While in Belgium only 10 out of 14 Fourcault sheet-process factories were costed, with a total production for 1926 of	233,588,385
The factories costed in Belgium did not include the output of the large factory at Moll, in Belgium, operating under the Libbey-Owens patents, which produced, in 1926	87,062,640
Which was equal to 37.2 per cent of the production of the Belgian factories costed.	

Evidently the costs of that factory were not available. With the knowledge of that factory and process in Belgium, its costs must have been considerably lower than the costs of the Fourcault-process factories costed by the Tariff Commission.

On the other hand, of the flat-drawn sheet processes costed in the United States—

	Pounds
Libbey-Owens produced	217,104,937
Out of a total of	260,112,123
Equal to 83.5 per cent.	

This production unquestionably greatly reduced the average costs of all flat sheet-drawn processes costs in the United States.

Respectfully submitted.

WINDOW GLASS MANUFACTURERS' ASSOCIATION,
WM. L. MONRO, *President*.

Mr. GOFF. This summary illustrates most accurately the situation as it now exists, and as it has grown to exist since this report.

The difference between the foreign and domestic costs of production shown by the commission's investigation indicated the necessity for the full 50 per cent increase in the existing duty permissible under section 315 in the attempt to equalize these cost differences. The President, accordingly, on May 14, 1929, issued a proclamation increasing the rates on window glass as provided in paragraph 219 in the tariff act of 1922 by the full 50 per cent allowable under section 315; and these increased rates of duty became effective on June 14, 1929. That these increased rates on window glass barely afford the domestic industry relief from the menace of foreign competition in the American markets is indicated by the fact that the importations of window glass for the year 1929 amounted to 66,819,216 pounds, and the importations during the last half of this year were subject to the increased rates of duty.

[1] Includes all thicknesses of window glass.
[2] Single strength and double strength only.

This result was to be expected; for, as indicated in the commission's summary of conclusions, the maximum increase possible under section 315 would not quite equalize the difference between the foreign and domestic costs.

By following two different methods with respect to the inclusion of transportation charges to New York on domestic window glass the Tariff Commission's investigation indicated that the difference in cost between Belgian and American window glass delivered at New York exceeded the average duty on imported glass in 1926 by 51.4 per cent in one case and by 52.7 per cent in another. So that the 50 per cent maximum possible increase just fell short of equalizing the difference between the foreign and domestic costs.

In the light of the testimony taken by the Ways and Means Committee of the House, and all of the evidence which was before either that committee or the Committee on Finance of the Senate, introduced by both the domestic producers and the importers, it is clear that the House was convinced of the vital necessity for granting increased protection to the domestic window-glass industry; and it accordingly wrote in paragraph 219 of the proposed new law the identical rates promulgated in the President's proclamation made on the basis of the Tariff Commission's investigation. The testimony before the Senate Finance Committee by both the importers and the domestic producers again brought out the necessity for these increased rates; and the Finance Committee accordingly accepted the rates approved by the House, and reported the bill to the Senate with no amendments to the rates on window glass.

On February 11 of this year, however, the Senate, acting as in Committee of the Whole, by a vote of 41 to 40 approved an amendment striking out all of the proposed increased duties on window glass and restoring the rates contained in the act of 1922.

In the development of this subject, as reflected in the amendment proposed, I shall reinstate in paragraph 219 the rates which were approved by the House and which are the same rates as those in the President's proclamation.

At the time the Senate, as in Committee of the Whole, took this action restoring the rates in the 1922 law in the face of the conclusions of the Tariff Commission's investigation much was made of the fact that the whole process of making window glass in the United States has undergone a revolutionary change since the commission's investigation. This is true; no one can deny it. The old process of making window glass by what is known as the machine-cylinder method has been displaced by the method known as the sheet-drawn process. This is admittedly a cheaper process of making window glass than the old machine-cylinder method, and it was claimed by those who sponsored the amendment to paragraph 219, which restored the 1922 rates, that the Tariff Commission's investigation took little or no account of this reduction in the cost of making window glass in the plants in this country.

It was further claimed that at the time the commission made its foreign investigation that most of the Belgian glass manufacturers were already using the sheet-drawn process and that the commission's conclusions therefore resulted from a comparison of Belgian costs under the modern, economical sheet-drawn process with the costs of domestic plants, most of which were using the machine-cylinder process, which has since been abandoned almost entirely in this country.

Mr. President, I desire to restate that the justification advanced as the reason for the Senate's restoration of the 1922 rate on window glass is, in the light of the facts shown in the investigation made, without any foundation whatever, and I propose to show now from the data available in 1922, if these rates are to be reinstated in the new law, that the domestic window-glass industry will face increasing foreign competition, which will inevitably lead to the ruin of many domestic window-glass producers, with resulting idleness and unemployment for the American labor now employed in these plants.

The Tariff Commission's investigation of the domestic window-glass industry covered a total of 25 plants in the United States. Of these, 18 were using the machine-cylinder process and 7 were using the newer sheet-drawn process. The total domestic production of window glass made by these 25 plants covered by the Tariff Commission's investigation amounted to 638,500,000 pounds, and of this total production for these 25 plants 260,000,000 pounds, or 40 per cent of the total production covered by the Tariff Commission's investigation, was made in the 7 plants using the sheet-drawn process.

In other words, Mr. President, the costs for the domestic industry shown by the Tariff Commission's investigation included a production of which 40 per cent was made by sheet-drawn process. And furthermore, of this total production of 260,000,000 pounds made in the seven domestic plants using the sheet-drawn process, 217,000,000 pounds, or 83.5 per cent, were made in the three plants operated by the Libbey-Owens Sheet Glass Co., which uses an exclusive, patented process, which is admittedly cheaper than the other sheet-drawn process. So that the average domestic costs of producing the window glass shown by the Tariff Commission's investigation includes, first, the production of 260,000,000 pounds made by the sheet-drawn process; and second, of this 260,000,000 pounds, 83.5 per cent is made by the exclusive Libbey-Owens process, with a resulting minimum cost, which is reflected in the commission's average domestic costs.

I might observe, in this connection, that 12 per cent of the Belgian production of window glass for the year 1926 was made by this same patented Libbey-Owens process, but the costs of the Belgian plants using this process are not included in the commission's average Belgian cost.

Mr. President, I might refer to the fact that at the time this issue was in the Committee of the Whole I covered much of this ground in the address which I then made, and in the discussion of these facts as reflected in the manufacturing by these different plants and by the different patented processes which they use.

In these facts, Mr. President, which were apparently overlooked by those who induced the Senate to restore the 1922 window-glass rates, lies my first argument in support of the amendment I offer to reinstate the rates on window glass included in the President's proclamation last June and approved by the House.

In the second place, I desire to call the attention of Senators to the wide difference in our material costs as reported in the Tariff Commission's investigation as between Belgium and the United States. The commission shows that sand in the United States costs $3.84 per ton as against 66 cents in Belgium. Soda in the United States costs $29.99 per ton as compared with $15.57 in Belgium. Salt cake in the United States costs $22.84 per ton as against $11.08 in Belgium, while lime costs $7.18 per ton in the United States and only $1.09 in Belgium. These costs are all shown in Table 18, on page 26, of the Tariff Commission's report, and I think it will at once be obvious to the Senate that the outstanding reason for these wide differences in our material costs is the labor element. These four products—sand, soda, salt cake, and lime—are all very cheap mineral products, the cost of which is due very largely to the labor costs in mining and quarrying them. My information is that labor costs in the glass industry of the United States are from four and one-half to five times the labor costs in the Belgian industry, and it is this labor cost difference which makes it so vitally necessary that the domestic window-glass industry be given the increased protection granted in the rates in paragraph 219, promulgated by the President and approved by the House.

It is no answer to say, as it was said in the Senate when these rates were restored to the 1922 levels, that Belgian labor costs have increased 30 per cent. It is true that Belgian labor rates have been increased 30 per cent since 1926, but I am reliably informed that one-half of this 30 per cent increase, 15 per cent, had been made prior to the Tariff Commission's investigation, and this much of the increase, therefore, is included in the Belgian costs as reported by the commission. This leaves only a 15 per cent increase unaccounted for in the commission's Belgian cost figures, and as against this there has been an average increase of 10 per cent in the American labor costs since 1926. Thirty per cent of the total labor cost in the domestic industry is paid in wages to the cutters, and the wages of this one group alone are now 21.45 per cent higher than they were in 1926.

These facts are all set out in detail in the summarization, based, as I have previously stated, upon the Tariff Commission's report, and as embodied in the conclusions which have been introduced in connection with my remarks.

So that the relationship between labor cost in the domestic glass industry, as compared with the Belgian glass industry, still stands at the same ratio as when the commission's investigation was made—from 4½ to 5 for the United States against 1 for Belgium.

It was also emphasized in the Senate at the time the window-glass rates were reduced that the transportation costs of glass imported into the United States from Belgium have increased 26 per cent since 1926. I have no way of knowing how this 26 per cent increase was calculated. It was set forth in the argument, and it was very seriously advanced and contended.

My information, based on the contract rates quoted by the United States Shipping Board, is that the freight rate on Bel-

gian sheet glass from Antwerp to New York has increased from 26 cents per 100 pounds in 1926 to 29½ cents per 100 pounds in 1930. This is an increase of 13.75 per cent, and not 26 per cent. And furthermore, Mr. President, I am informed that while the freight rate on Belgian glass from Antwerp to New York has increased 13.75 per cent, the rate on this glass from Antwerp to our Pacific coast ports has decreased from 37 cents per 100 pounds in 1926 to 32½ cents per 100 pounds in 1930. This is a decrease of 12 per cent, and to almost exactly the same extent, therefore, that the Belgian costs of landing their glass in New York have been increased, they have been decreased on shipments to our Pacific coast markets. These facts are mentioned in order that the Senate may have before it not only part of the story, but the entire story as it is to-day.

Finally, Mr. President, it was emphasized in connection with the profits of the Libbey-Owens Sheet Glass Co. that these did not include royalties which that company receives for the use of its patents in foreign countries, that the royalties went to a subsidiary company, and that the profits of the Libbey-Owens Co. were the result of its domestic production. I can find nothing anywhere to support this claim. My information is that there is no intermediate subsidiary company receiving the royalties on the Libbey-Owens patents. These all go to the company itself and are included in a general statement of earnings. I do not believe this to be especially important or significant one way or the other, but I mention it here merely as another indication of the misinformation given the Senate at the time the window-glass rates were reduced. I might in this connection further mention that I took occasion to look into these matters and to go over with them with great care.

I conclude with a brief reference to certain significant figures and statistics in support of the arguments advanced to restore the window-glass rates in paragraph 219 to those which were approved by the House.

Mr. McMASTER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. GOFF. I yield.

Mr. McMASTER. I did not hear all of the Senator's statement in regard to the profit of the Libbey-Owens Co. I do not know who the Senators were that made statements in regard to their profits, but I happen to be one of those Senators. The statement which I made is found in the CONGRESSIONAL RECORD on page 3437, under date of February 11. Does the Senator take any exception to that statement which was placed in the RECORD?

Mr. GOFF. I do not now recall what the figures were indicated in that statement, but I do recall this, which I think the Senator will also remember, that at the time the matter was discussed he was advancing the argument which he now mentions, and I am also advancing the argument in explanation of his statement then that the income of the Libbey-Owens Co. did include the royalties which they received on the patents in several foreign countries, mentioning them at that time by name.

Mr. McMASTER. Did the Senator state how much those profits were from royalties?

Mr. GOFF. I think it was stated and was included in my remarks, showing not the amount received from the different foreign countries, but showing that much of the glass that was coming in competition with our glass was manufactured in Czechoslovakia, Belgium, Japan, and France, and that the Libbey-Owens Co. was receiving as a part of its general income a royalty from the patent rights in this country.

Mr. McMASTER. May I state to the Senator from West Virgina that, as is often the case where a manufacturing company is contending for a higher rate on its product and the profits of the company are shown to be very large, the profits according to their idea have all been derived from some other source.

If the Senator will permit me at this point, I wish to say that the figures which I placed in the RECORD with reference to Libbey-Owens profits were compiled by public accountants by the name of Towbin & Roth, of New York. They went over the history of the company, the financial statement which they had rendered to their stockholders, the dividends paid, and so forth, and submitted a sworn statement to the effect that in 1921 Libbey-Owens had a capital of $7,600,000, and that between the years 1921 and 1928 they made $21,000,000 in profits according to the statement of the public accountant who examined the statements rendered to the stockholders, dividends paid, charges and credits to surplus account, and so forth.

Mr. GOFF. I will say to the Senator from South Dakota that I recall very definitely that in the argument which we had several weeks ago facts were adduced such as the Senator has now stated.

As I was stating, Mr. President, I indicated that the imports of foreign window glass into the United States have increased from 46,243,164 pounds in 1923 to 83,000,000 pounds in 1927, and for last year, 1929, during half of which year the increased rates under the President's proclamation were effective, these imports amounted to 67,000,000 pounds. In other words, Mr. President, the imports of foreign-made window glass into the United States for the seven years 1923 to 1929 have amounted to the enormous total of 421,406,847 pounds, every pound of which has displaced a pound of glass which could have been made in the plants of this country by American workmen. These enormous importations of window glass are having a very telling effect on the industry in this country. Already 19 domestic plants, which were in operation in 1926 when the Tariff Commission made its investigation, are no longer in operation, and I claim their closing is due in part at least to the importation of foreign window glass, every pound of which could have been made in the plants of this country by American workmen.

The production of window glass in the State of West Virginia comprises one of the chief industries of that State, inasmuch as one of the largest window-glass plants in the world is located there. This plant, together with five other plants located throughout the State, produces approximately 50 per cent of the window glass manufactured in the United States, the other 50 per cent being manufactured in factories located in California, Louisiana, Texas, Arkansas, Oklahoma, Kansas, Indiana, Ohio, and Pennsylvania. All of these factories, if operated to their capacity, could produce more window glass than the country annually consumes, or approximately 600,000,000 square feet, and would employ thousands of highly skilled and most efficient workmen.

I am sure, Mr. President, that no one wishes to increase the prices of a commodity which is so essential to the public as window glass. Neither do I think that a 50 per cent increase such as recommended by the Tariff Commission and granted by presidential proclamation would raise the present prices of the article. It would simply place the American producer in a position whereby he would not be called on to meet foreign competition which is ruinous at any time and especially at this time, when, as I have indicated by the comparative figures, the decline in the building industry has decreased by a considerable amount the number of square feet of window glass used in the United States. American manufacturers sold a total of 9,713,939 fifty-foot boxes of window glass or a total of 564,000,000 pounds in 1928. In 1929 they sold only 391,405,228 pounds. This was a 30 per cent decrease in sales as compared with 1928 and is reflected in the closing of many of the plants that are being operated in West Virginia, Ohio, Pennsylvania, Arkansas, and California.

During the same period the European importers shipped into this country and sold 1,157,056 boxes, or 67,109,248 pounds of window glass, which, by all that is economically justifiable, should have been produced and made by American workmen. The men who work in window-glass plants—and I desire to emphasize this fact—are practically all of them highly skilled workmen who have devoted years to learning their trade. They are all American citizens of the highest type who are ambitious to live decently and educate their children to become useful citizens, which they can not do if they are compelled to accept reduced wages in the face of competition from abroad.

The average glass cutter, as I am reliably informed, in the Libbey-Owens plant in Charleston, W. Va., received an average of $240 a month in 1928 and 1929. The 30 per cent decline in the amount of glass sold and the subsequent importations of such large amounts of foreign glass have affected the West Virginia plants, because of their proximity to the Atlantic seaboard, where a very large part of foreign importations are landed, to the extent that those factories are now able to sell only 50 per cent of their production, with the result that out of 18 machines formerly kept in constant operation by the Libby-Owens plant only 8 are now in operation. As a result, half of the employees would have been thrown out of work had they not graciously decided to divide equally such work as was to be had, so that they are now working only two weeks out of each month. Instead of receiving $240 a month these men are now receiving only $120 a month with which to live up to the present-day standards that they had enjoyed prior to this ruinous competition, with the result, however, that with a 50 per cent decrease in earning power many of these men, as I know from talking with them and from other reliable sources, are losing their homes because of their inability to keep up the payments due thereon. Why? Simply because of the low costs of foreign manufacturers as compared to the American costs, and an inadequate tariff protection.

The American workers can not and should not be asked to work for such low wages as those paid in foreign countries. They can not do this and still live according to the American



standard of living, educate their children, and enjoy the necessities of life.

The foreign manufacturer pays his skilled workers approximately 7 per cent of the price he receives per box of glass which he produces, while the American manufacturer pays his skilled workers 20 per cent of the price he receives for the finished article.

The same condition as to wage reductions and loss of sales applies not only to West Virginia but also to all States where window glass is manufactured.

However, the American worker is not asking for a tariff rate that would exclude all foreign imports, as he rightfully should. He is willing to face the present depression in the building field by working part time in order that all workers may make at least 50 per cent of what they have made in the past. He merely claims he is entitled to the relief recommended by the Tariff Commission and granted by presidential proclamation, and, if given this relief, he claims that the stopping thereby of some of the importations to this country will work no injury to anyone. If the rates in the 1922 law are to be continued, I see nothing but a continuation of ruinous foreign competition for the domestic window-glass industry, with the closing of more factories and greater unemployment for American workmen in that industry. That this is inevitable is apparent from the comparative statistics of domestic sales of window glass and imports for the single year 1929. During that one year the total sales of window glass by all the producers in this country were 30.5 per cent less than for the year 1928, while the imports of window glass decreased only 1.5 per cent as compared with those of 1928. An increasing share of the domestic window-glass market is being claimed by the foreign producers, and only an increase in the tariff, such as the Ways and Means Committee of the House provided, can stop this decrease in the employment of American labor and in the production of the American product.

I am therefore, Mr. President, ready to save this great American industry and prevent further unemployment for the American labor engaged therein by as speedy and rapid consideration and vote on this question as it is possible to have.

The PRESIDING OFFICER (Mr. Fess in the chair). The question is on concurring in the amendments made as in Committee of the Whole.

Mr. GEORGE. Mr. President, the Senator from Kentucky [Mr. BARKLEY] desires to be heard on this question.

Mr. SMOOT. Will the Senator permit me to speak just for a few moments until the Senator from Kentucky shall return?

Mr. GEORGE. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I want to call the attention of the Senate to the fact that a duty on silica suitable for the manufacture of glass has already been agreed to at a rate of $3.50 per ton. That means on all importations of silica there will be $3.50 a ton that will be added to whatever may be used in the manufacture of glass. That is one reason why the present rates should be retained.

Another reason is that the importations show that the manufacturers are entitled at least to the present rates. There is hardly an article in this whole bill where the proportion of importations to domestic production is larger.

Another reason is that a presidential proclamation put these rates into effect. That was done after a hearing by the Tariff Commission and a report by the Tariff Commission to the President of the United States that the conditions then existing justified the rates so afforded; those rates were reported by the committee and are the rates which are in effect to-day under the proclamation of the President.

Is there any other item in this bill that has all of those justifications for the rate of existing law? If so, I do not know what it is. It seems to me that of all the articles rates on which have been voted and in which decreases have been made below those reported by the committee cylinder, crown, and sheet glass in paragraph 219 stand almost at the head in the appeal which they make.

I have given four reasons why the present rates should apply. It seems to me if the amendments shall be concurred in as they have been voted by the Senate as in Committee of the Whole there will be a great injustice done to this great industry; and so, Mr. President, I hope that the amendments made as in Committee of the Whole will not be concurred in, but that the rates in paragraph 219 will be restored to the same level as those provided by the proclamation of the President of the United States, and which are now in effect, and which were reported by the Committee on Finance.

Mr. BARKLEY. Mr. President, this whole question was gone into thoroughly when the bill was being considered in Committee of the Whole. There is no new information that any Senator has secured since then; not even the diligent and hard-working and eloquent Senator from West Virginia [Mr. GOFF] has been able either to discover or to fabricate any additional facts. I do not mean to intimate that he would fabricate them, but merely to indicate that the facts are the same now as they were when we previously voted on this item.

Mr. GOFF. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I will yield this time, but I am not going to yield further to any Senator, because the Senator from Arizona has made the point that if a Senator yields twice he loses the floor.

Mr. GOFF. Then, according to that, this morning, in my efforts to be courteous, I lost the floor before I got it.

Mr. BARKLEY. Probably so; but I will yield to the Senator now.

Mr. GOFF. What I wanted to say was that the additional facts which I have gleaned since the argument was made a few weeks ago show that there is a greater proportionate decrease in the production of these plants and in the employment of labor.

Mr. BARKLEY. Of course, that is due to conditions that exist in the United States, and is not due to any increase of importations, because there has not been any.

Mr. GOFF. I thank the Senator, and shall not ask to interrupt him further.

Mr. BARKLEY. The increased rates were proclaimed by the President at the instance of the Tariff Commission, based upon an investigation of conditions that no longer exist in the glass industry. At the time the Tariff Commission made its investigation and its report 70 per cent of the window glass made in the United States was made by a process that is now out of date and which has been wholly abandoned. The production costs of the manufacturers were based upon their statements in the investigation, which showed that the new process of manufacturing window glass not only cheapened the output per unit but that a larger quantity of glass could be produced by fewer men. That, of course, accounts for a part of the unemployment in the glass industry.

One of the mills operated by the American Window Glass Co. in Pennsylvania has shut down, thrown all of its men out of employment, and it gave as a reason for it, through the press and by notices, that it was shutting down for the purpose of abandoning the old-fashioned machinery and installing the new modern machinery for making window glass, and that whenever it got its new machinery installed it would give employment to as many of its old employees as the new machinery and the modern method would justify. It is not fair to use instances of that kind as showing greater unemployment on which to base the claim that such increased unemployment is due to importations of window glass or that it can be corrected by a tariff, however high, on window glass.

As I stated the other day, the window-glass company which compelled all of the others to install modern machinery has from the very beginning made money, to use an expression that is common to us all, "hand over fist"; it has expanded its capital and its property by 2,500 per cent, because it had the economic foresight to realize that in the glass industry—as in the pottery industry, in the brick industry, in the steel industry, in the automobile industry, and in every other industry—the institution that keeps abreast of the times and uses modern inventions, modern machinery, and modern technique will be the institution that makes money, and that those that lag behind, just as those that lag behind in agriculture, are those who hang on to the old-fashioned, out-of-date, outworn methods of producing whatever it is they are engaged in producing. One might as well undertake to justify a tariff on an agricultural product because the farmer who is engaged in producing that product is using the old-fashioned wooden plow instead of the modern plow that is now used on the farm as to attempt to justify an increase in the tariff on window glass, because at the time the investigation was made and the increase was ordered by the President 70 per cent of the output of the window-glass factories was being made by the old-fashioned methods.

I have been informed that the American Window Glass Co., which in 1922 opposed the increase in the tariff on window glass because they were then using what was at that time the modern method of production do not recognize among the employees of their plant any labor organization that is affiliated with the American Federation of Labor. Yet we are asked to increase this tariff on the floor of the Senate, and to adopt an amendment here that will raise it 50 per cent above the point at which

we fixed it and at which it was before the President increased it, based upon information that is now no longer useful, because to do so will help men who are members of organized labor.

The one company that forced these modern methods upon the window-glass manufacturers not only is prosperous, not only has expanded its operations by 2,500 per cent since its organization, but it is now engaged in the expansion of its plants by the expenditure of hundreds of thousands of dollars for the installation of new machinery and the erection of new plants. We are asked to fix these high rates for the benefit of a company that makes 40 per cent of all the window glass made in the United States.

I admit that statistics can be brought here showing unemployment. It can be shown on the railroads of the United States. A man came into my office a few days ago from Ashland, Ky., seeking employment. I learned from him that for 25 years he had been employed by the Chesapeake & Ohio Railroad. He was up here in Washington looking for some sort of position in which he would be enabled to make a living for his family, for the reason that he and hundreds of other railroad men had been laid off because the installation of modern machinery, larger engines, larger cars, and longer trains had made it unnecessary for the railroads to keep in employment as many men as they used to keep in employment. Now, what are we going to do about that? Can we remedy that by any tariff?

We were told yesterday that the railroads are hauling more freight now than ever before, with two or three hundred thousand men less, because of the very conditions to which I refer. We can not remedy that situation by a tariff. We can not put those men back in employment by an increase in the tariff; and yet those men and their families must eat, and they must live; and by every effort that is being made here the cost of living is to be increased to them, without any compensatory opportunity to secure employment.

It is unfair here to try to shuffle one group of laboring men in one industry against other groups in other industries which we can not by any flight of the imagination assist by any tariff rates that we may enact into law. If these increased rates are voted in this bill, it will be a tribute to antiquated methods of manufacture that have been abolished and abandoned and are no longer used in a single glass factory in the United States.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield if I do not lose the floor.

Mr. SMOOT. Oh, certainly not.

Mr. BARKLEY. I do not want to lose the floor.

Mr. SMOOT. Certainly, the Senator will not. I was simply going to say that the Senator referred to these increases in rates, and the committee reported no increases.

Mr. BARKLEY. I understand that. I have not said that they did. I am talking about the increases made by the President over the act of 1922. To continue these increased rates continues a burden upon every home builder, every factory builder, every office-building builder, every hospital builder in the United States; and the colleague of the Senator from West Virginia [Mr. HATFIELD] at the outset of his remarks read a telegram here from West Virginia pleading with Congress to bring about the speedy erection of a veterans' hospital in West Virginia to take care of the veterans who need assistance; and yet he is here voting to increase the cost of constructing that hospital by putting a tariff on brick and cement and attempting to put it higher on glassware, and I suppose he will vote for it on lumber and shingles. When you have done it, you have made it still more difficult to erect a hospital in West Virginia, which our colleague is so anxiously seeking.

Mr. SMOOT. They have one.

Mr. BARKLEY. If they erect one, it will cost more money than it costs now, and we shall be here appropriating additional sums in a deficiency bill to make up for the increased cost brought about by the tariff on brick and cement and glass.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BARKLEY. I do.

Mr. HARRISON. They are going to have a hospital out in Utah, too, under the provisions of that bill.

Mr. BARKLEY. Yes.

Mr. SMOOT. Yes; and I am glad of it; and we are not crying about 5 cents increase on a piece of glass.

Mr. BARKLEY. Of course the Senator from Utah is not crying; but I judge from the telegram read this morning that the veterans are crying for a hospital and for treatment.

Mr. SMOOT. They will get them.

Mr. BARKLEY. That is only a part of what we are doing to the American people. It is only a part of the game we are playing here in the name of unemployment—to use a temporary situation, which the President says will end in 60 days, to boost the rates on everything that we are going to vote on in this tariff. I hope the President is right.

Mr. GOFF. Mr. President, will the Senator tell us how long he has had his hospital in Kentucky?

Mr. BARKLEY. I do not remember the exact date when it was constructed, but it has been some 8 or 10 years.

Mr. GOFF. It is being kept up and operated at full capacity?

Mr. BARKLEY. Absolutely; but we built it before the increased tariff on brick and cement and glass, and we covered it before there was any tariff on slate that goes into the making of roofs and other things going into the construction of buildings. I do not know what our fate would have been if we had had to wait until all these building materials are increased as they are to be under this tariff bill. We might not have had our hospital; but not only have we one now in existence that has been operating 10 years, but we have appropriated for another one in Kentucky.

Mr. SMOOT. Yes.

Mr. BARKLEY. But, of course, the cost of constructing that hospital will be increased by the rates that are being put into this bill.

Mr. SMOOT. Then the Senator should stop the erection of that hospital immediately, because a box of glass is going to cost 10 cents more.

Mr. BARKLEY. Oh, no!

Mr. SMOOT. That is the proper way to do it.

Mr. BARKLEY. We are not going to undertake to stop its erection.

Mr. SMOOT. Stop it; it is going to cost too much.

Mr. BARKLEY. Of course, the Senator's sarcasm is biting, and almost withering, but, nevertheless, I am still going to stand for the erection of this hospital in Kentucky, because I think the veterans need the relief they are seeking.

Mr. SMOOT. And that is what we are going to give them.

Mr. BARKLEY. Yes; but you are going to make it cost the people more, and it will cost the veterans more, and cost everybody else more.

Mr. SMOOT. How is it going to cost the veterans any more?

Mr. BARKLEY. Because whatever increases, by reaction, indirect or direct, the cost of living in the United States will add to the cost of living of the veterans; and thousands of them who are not asking for hospitalization are now out of employment because of conditions that can not be remedied by tariff, but that will be intensified by the tariff rates you are seeking to write.

Mr. SMOOT. Mr. President, I do not think the price of glass will be advanced one single, solitary penny from what it is to-day.

Mr. BARKLEY. No; and neither will the price of sugar, nor cement, nor brick, nor lumber, nor oil, nor any of these things. The tariff is not going to do anybody any good, because it is not going to increase the price of that which we are producing, and therefore it is a mere gesture. Does the Senator take that position?

Mr. SMOOT. No; I take the position that the rate on glass to-day is just exactly the rate that was put in force by proclamation of the President.

Mr. BARKLEY. Yes; I understand; and it is too high.

Mr. SMOOT. The Senator says it is too high.

Mr. BARKLEY. That is what I am saying. I did not say the Senator from Utah thought it was too high, because I do not think they could make it too high for the Senator from Utah.

Mr. SMOOT. The Senator is mistaken there.

Mr. BARKLEY. I am open to conviction, however.

Mr. SMOOT. The Tariff Commission said the rate was too low; and after an investigation made by the Tariff Commission, and their report to the President, the rates were increased, and the committee reported those exact rates. That is the situation.

Mr. BARKLEY. Yes; the Tariff Commission said that the rates were too low under the conditions that then existed.

Mr. SMOOT. They are worse now.

Mr. BARKLEY. What are worse?

Mr. SMOOT. Why, the Senate has just adopted, and I think the Senator from Kentucky voted for it, a duty on sand of $3.50 a ton. That is the raw material for making glass, right in the beginning.

Mr. BARKLEY. I did not vote for it.

Mr. SMOOT. Did not the Senator vote for it?

Mr. BARKLEY. I think not. There was no roll call on it, was there?

Mr. SMOOT. Would not the Senator have voted for it?

Mr. BARKLEY. I do not think I would. I did not vote for it when it was up in the Committee of the Whole, and I have

not yet changed any of the votes that I cast in Committee of the Whole. I am standing by my guns.

Mr. SMOOT. That is not even in conference. I will say to the Senator—$3.50 a ton.

Mr. BARKLEY. I am not responsible for that. Is that the kind of sand, out on the desert in Nevada, that they use in the manufacture of window glass?

Mr. SMOOT. Yes; but the amendment does not say that it shall be Nevada sand. It is silica.

Mr. BARKLEY. I know; but that is where it is, most of it—out there on the sand dunes where they make the Egyptian desert moving pictures.

Mr. SMOOT. Mr. President, the silica they use here they do not ship clear from the interior of Nevada. All of our States have sand in them.

Mr. BARKLEY. Yes; we have a lot of sand in the bottom of the Ohio River, but they do not use any of it to make glass.

Mr. SMOOT. No; but they have to use sand to make glass.

Mr. BARKLEY. How much will the duty on sand increase the price of window glass?

Mr. SMOOT. Just about as much as the Senator is now asking to have it reduced.

Mr. BARKLEY. If that is so, then it is not true that the proportion that goes into the cost of producing glass is made up of as much labor as they are claiming——

Mr. SMOOT. Oh, yes, it is.

Mr. BARKLEY. And on account of which they are asking for this increased duty.

Mr. SMOOT. That is true, too.

Mr. BARKLEY. If it is all absorbed in sand, then the laboring man is not getting his share of the profits that are being made.

Mr. SMOOT. I did not say that all of the duty was absorbed in sand.

Mr. BARKLEY. I will say that I do not think the laboring man is getting his share of the profits that are being made in the very factories in West Virginia, because the representatives of the American Federation of Labor and the State Federation of Labor in West Virginia told me that one of the troubles was that the Libbey-Owens Co. is not distributing to the laboring man a proper share of the profits that it is making.

Mr. SMOOT. I do not know——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. How many more times can I yield without losing the floor?

Mr. SMOOT. The labor organizations asked that the rate here be maintained. Not a soul came before the committee except from the labor organizations.

The PRESIDING OFFICER. The Chair will state, for the benefit of the Senator——

Mr. BARKLEY. Oh, I am not saying that anybody else came before the committee. I am talking about a situation that nobody denies—that these increased rates were put on here by the President in response to a recommendation of the Tariff Commission based on facts that no longer exist. Now, we need not be blind to these facts.

The PRESIDING OFFICER. For the sake of the Senator from Kentucky, the Chair will state that any Senator will be permitted to interrupt as often as he cares to interrupt the Senator by his consent for the purpose of asking a question; but if the Senator yields for any extended remarks he yields the floor at once.

Mr. BARKLEY. I desire to do that anyhow. I have already occupied it longer than I intended; but I did not want this vote to be taken without a statement of the situation which exists and the facts which, in my judgment, authorize the Committee of the Whole to reduce these rates to the 1922 figures. I have said all I can say about it. Therefore I shall ask for a vote.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BARKLEY. For a question?

Mr. HATFIELD. Yes.

Mr. BARKLEY. Yes; I yield.

Mr. HATFIELD. Does the Senator maintain that the machinery that manufactures window glass in America is not modern?

Mr. BARKLEY. No; I have just been contending to the contrary that it is modern, and that is why this rate ought not to be increased.

Mr. HATFIELD. I understood the Senator to state a while ago that it was due to the unmodern methods used in the manufacture of window glass, and that that was why the American industry could not compete with the importer.

Mr. BARKLEY. I am afraid the Senator was not listening carefully to what I said. I said that the increases made by the Tariff Commission were based upon the fact that 70 per cent of the product at that time was being produced by methods that were not modern, but that those antiquated methods had been abolished and abandoned, and that now 100 per cent of all the factories engaged in producing window glass are using the modern machinery. They are turning out window glass at cheaper cost per unit, and with fewer men and a greater profit.

Mr. HATFIELD. If that be true——

The PRESIDING OFFICER. Does the Senator yield?

Mr. HATFIELD. Why is it that imports are continuing to increase in America?

Mr. BARKLEY. In the first place, I deny that as a general rule that is true. There has been a falling off of imports during the last year or two, and that is attributed to the same cause which has produced a falling off in the production in the United States; that is, that there has been a decided recession in the building industry, thousands and hundreds of thousands of men are out of employment now because there is no building to any extent in progress, and of course that has affected the situation in every domestic industry in the United States. It has affected the automobile industry. As I stated last night, in the city of Ashland, Ky., the American Rolling Mills have shut down indefinitely, not because of any tariff or lack of tariff, not because of the importations of the products which they manufacture, but because the automobile industry has had a recession, and until the automobile industry picks up the American Rolling Mills can not increase their production, and, as they intimated by the public notice in the press, they can not even resume operations. No tariff bill can remedy that situation.

Mr. HATFIELD. Mr. President, if the Senator will yield further, I beg to call his attention to the fact that the only time we have had a reduction in the amount of imports was after the issuance of the President's proclamation increasing the tariff on window glass.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. BARKLEY. I ask for the yeas and nays.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, there is an important appointment in the Foreign Service which should be given the consideration of the Senate to-day, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate in open session proceeded to the consideration of executive business.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

The PRESIDING OFFICER. Are there any other reports of committees? If not, the calendar is in order.

TREATIES

The Chief Clerk proceeded to read Executive F and Executive G, arbitration and conciliation treaties with Latvia.

Mr. JOHNSON. Mr. President, I suggest that the treaties go over.

The PRESIDING OFFICER. The treaties will be passed over.

THE JUDICIARY

The Chief Clerk read the nomination of J. Duncan Adams to be United States marshal, western district of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

Mr. BLEASE subsequently said: Mr. President, I understand that in my absence the nomination of J. Duncan Adams to be United States marshal for the western district of South Carolina was acted on.

The PRESIDING OFFICER. It was.

Mr. BLEASE. I move that the vote by which that nomination was confirmed be reconsidered, and that the nomination go over until the return of the Senator from Indiana [Mr. ROBINSON].

The PRESIDING OFFICER. Is there objection? Without objection, the vote is reconsidered, and the nomination will go over.

The Chief Clerk read the nomination of Charles Hanratty to be United States marshal, district of Delaware.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of John N. Willys to be ambassador extraordinary and plenipotentiary to Poland.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nominations of Waldo E. Bailey to be secretary, to be vice consul of career, and to be Foreign Service officer, unclassified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, and the President will be notified.

The Chief Clerk read the nomination of H. Percival Dodge to be Foreign Service officer, class 1.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

CUSTOMS SERVICE

The Chief Clerk read the nomination of John C. McBride to be collector of customs for customs collection district No. 31.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Marion O. Dunning to be collector of customs for customs collection district No. 17.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Collins B. Allen to be comptroller of customs in customs collection district No. 11.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Fannie Sutton Faison to be collector of customs, district No. 15, Wilmington, N. C.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. HEFLIN. I ask that these nominations be confirmed en bloc.

Mr. PHIPPS. Mr. President, I ask that the nomination of Nellie M. Clark to be postmaster at Suring, Wis., be returned to the Committee on Post Offices and Post Roads for further consideration, without prejudice.

The PRESIDING OFFICER. Without objection, the nomination will be returned to the committee, and, without objection, the other nominations for postmasters are confirmed, and the President will be notified.

IN THE ARMY

The Chief Clerk read the nomination of Harry Gore Bishop to be Chief of Field Artillery with rank of major general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations for promotions in the Navy and Marine Corps.

Mr. HALE. I ask that the nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be notified.

This completes the Executive Calendar. The Senate resumes its legislative session.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, I desire to introduce a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The resolution (S. Res. 229) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate the following information:

First. The names of companies or organizations importing oil and/or gasoline into the United States.

Second. The amounts of oil and/or gasoline imported by each importing company or organization during the years 1927, 1928, and 1929.

Third. The names of the cities containing the customhouses through which such imported oil and/or gasoline is cleared.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

RECESS

Mr. McNARY. I move that the Senate take a recess in conformity with the order already entered.

The motion was agreed to; and the Senate (at 11 o'clock and 50 minutes a. m.), under the order previously entered, took a recess until Monday, March 10, 1930, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of January 6), 1930

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

John N. Willys, to Poland.

SECRETARY IN THE DIPLOMATIC SERVICE

Waldo E. Bailey.

VICE CONSUL OF CAREER

Waldo E. Bailey.

FOREIGN SERVICE OFFICERS

CLASS 1

H. Percival Dodge.

UNCLASSIFIED

Waldo E. Bailey.

UNITED STATES MARSHAL

Charles Hanratty, district of Delaware.

COLLECTORS OF CUSTOMS

John C. McBride, for customs collection district No. 31, Juneau, Alaska.

Marion D. Dunning, for customs collection district No. 17, Savannah, Ga.

Fannie Sutton Faison, district No. 15, Wilmington, N. C.

COMPTROLLER OF CUSTOMS

Collins B. Allen, customs collection district No. 11, Philadelphia, Pa.

APPOINTMENT IN THE ARMY

Harry Gore Bishop to be Chief of Field Artillery with rank of major general.

PROMOTIONS IN THE NAVY

John V. Murphy to be lieutenant commander.
Joseph H. Currier to be lieutenant commander.
Leo P. Pawlikowski to be lieutenant.
George R. Cooper to be lieutenant.
Jesse G. Coward to be lieutenant.
Hubert W. Chanler to be lieutenant.
Raymond H. Tuttle to be lieutenant.
Almerian R. Boileau to be lieutenant (junior grade).
Thomas White to be dental surgeon.
Robert H. Fladeland to be dental surgeon.
Rufus B. Langsford to be paymaster.
Blaine Hunter to be paymaster.
Frank C. Dunham to be paymaster.
Claude G. Alexander to be chief radio electrician.
Byron Phillips to be chief radio electrician.
Robert K. Mason to be chief pharmacist.
Herbert L. Rice to be professor of mathematics.
Guy B. Hoover to be lieutenant commander.
George E. Maynard to be lieutenant commander.
Edwin E. Woods to be lieutenant.
Herman Bullinger to be chief gunner.
Dee A. Merritt to be chief radio electrician.
John H. McElroy to be chief machinist.
Joseph J. Glawson to be chief pharmacist.

MARINE CORPS

Edward W. Sturdevant to be lieutenant colonel.
Henry F. Adams to be captain.
Merton J. Batcheider to be captain.
Vincent Usera to be second lieutenant.
Cornelius P. VanNess to be second lieutenant.
Dwight L. Harris to be second lieutenant.
George H. Cloud to be second lieutenant.

POSTMASTERS

ALABAMA

James F. Brawner, Andalusia.
Eleanor F. Whitcher, Bridgeport.
Wiley M. Bean, Clanton.
Winston C. Shotts, Hackleburg.
Robert M. Mahler, Loxley.
Nannie M. King, Midway.
Stella K. Martin, Plantersville.
Alice Wilkinson, Prattville.
George W. Graves, Russellville.
Robert Patterson, Selma.
Grover A. Bice, Thorsby.
Jacob A. Johnson, Vernon.

ARKANSAS

Selvin T. Butler, Warren.

CALIFORNIA

William H. Nicholson, Ben Lomond.
Claude A. Ritter, Calexico.
Mae A. Kibler, Del Mar.
Theodore H. Zimmerman, Fillmore.
Joseph N. Hollis, Gridley.
William B. Barber, Live Oak.
Arthur M. Becker, Visalia.

COLORADO

Henry A. Danielson, Boone.
Henry N. Chapman, Branson.
Frank S. Lucas, Clifton.
Rachel Crawford, Cortez.
Clarence A. Smith, Delta.
Edward P. Owen, Genoa.
Orpha T. Brunner, Johnstown.
Grace Conard, Olney Springs.
Anna C. Hanson, Strasburg.

GEORGIA

Acquilla M. Warnock, Brooklet.
Elisha A. Meeks, Nicholls.
Portia C. McAllister, Pitts.
Lavinia Y. Brown, Quitman.

IDAHO

Clarence M. Oberholtzer, Burley.

INDIANA

Dudley C. Engle, Albany.
Charles E. Combs, Bloomfield.
Mazie F. Cline, Camden.
Homer E. Wright, Crandall.
Clyde L. Shively, Culver.
Harvey C. Hyer, Eaton.
Gilbert M. Jordan, Flora.
Ben H. Sink, Jasonville.
William E. Kelsey, Monterey.
Fern Duguid, Ray.
Ray W. Jontz, Silver Lake.

ILLINOIS

James A. Duncan, Flat Rock.
Bessie Reynolds, Fort Sheridan.
Frank P. Cowing, Homewood.
Douglas S. Crooks, Kenilworth.
Clare D. Sherwood, Lake Villa.
Lillian M. Dilg, Morton Grove.
Homer J. Spangler, Stanford.

IOWA

Eva L. Woods, Cambridge.
Arthur F. Pitman, Lamont.

KANSAS

Debbie A. Strobel, Bunkerhill.
Kathyrn M. Matthews, Coats.
Henry A. Lacerte, Collyer.
Sidney H. Knapp, Concordia.
Howard B. Demuth, Ellsworth.
Frank E. Enlow, Galesburg.
Lorren W. Stricker, Highland.
John W. Coleman, Sylvia.
Jacob K. Luder, Waldo.

KENTUCKY

David Goin, Frankfort.
Robert Campbell, Taylorsville.
Hebron Lawrence, Tompkinsville.
Mildred A. Day, Whitesville.

LOUISIANA

Leo A. Turregano, Alexandria.
Emmie G. Webb, Minden.
Elwyn J. Barrow, St. Francisville.

MAINE

Ida P. Stone, Oxford.
Charles H. Russell, Pittsfield.
David L. Duncan, Washburn.

MARYLAND

Margaret T. Johnson, College Park.
Calvin S. Duvall, Gaithersburg.
Clayton C. Wilson, Cordova.
Annie T. Mulford, Galena.

MASSACHUSETTS

Thomas F. Lyons, Billerica.
Henry T. Crocker, Brewster.
Charles K. Houghton, Littleton Common.
Carl E. Brown, Lunenburg.
Webster L. Kendrick, West Brookfield.

MICHIGAN

Herbert T. Trumble, Elkton.
E. Harold Ormes, Marenisco.
Alfred H. Stevens, Montrose.
Ellen M. Ray, New Era.
Russell S. Kendrick, New Haven.
Claude B. Van Wert, North Adams.
James D. Housman, Petersburg.
Edward A. Gast, St. Joseph.
James E. Skidmore, Vestaburg.

MINNESOTA

George A. Etzell, Clarissa.
Mable C. Noble, Hinckley.
August F. Truwe, Young America.

MISSISSIPPI

Charles F. Harris, Bentonia.
Mattie B. Catching, Georgetown.
Maude D. Montgomery, Hermanville.
Amos D. Dorman, Myrtle.
Henry Boswell, Sanatorium.
Dora McCurley, Stephenson.

MISSOURI

Clement E. Ault, Carterville.
Henry A. Seemel, De Soto.
Jackson G. Short, Galena.
Robert R. White, Greenville.
Joel W. Sever, Hurdland.
Frank L. Neitzert, Knobnoster.
David L. Blanchfield, Martinsburg.
Henry W. Werges, New Haven.
Thomas O. Spillers, Otterville.
Carl E. Morris, Pattonsburg.
Enos D. French, Skidmore.
Leonard D. Fisher, Union Star.

MONTANA

Philip Daniels, Anaconda.
Jessie M. Tripp, Gardiner.
Earle H. Miller, Melstone.
Emil Heikkila, Roberts.

NEBRASKA

Milton L. Pittenger, Crab Orchard.
George C. Dearing, Brule.
Peter S. Petersen, Dannebrog.
George W. Miller, Harvard.
Blanche Snyder, Oconto.
Gilbert E. Swanson, Oshkosh.

NEW JERSEY

Jeanette H. Claypoole, Cedarville.
William C. Jordan, Fairview.
Clarence H. Wilbur, Freehold.
Fred P. Crater, Gladstone.
Lorenzo S. Spates, Linden.
Clark P. Kemp, Little Silver.
Lucy Lesser, Middlesex.
Christian Kuhlthau, Milltown.
William H. Cottrell, Princeton.
Herbert C. Dodge, Sparta.
Frank Wanser, Vineland.

NEW YORK

Burrell Vastbinder, Addison.
Baxter H. Betts, Argyle.
Lester J. Taylor, Arkport.
Charles Ray, Barker.
Fred H. Woolshlager, Castorland.
Charles B. Hugg, Cazenovia.
William Holmes, Clifton Springs.
Truman Y. Burr, Cochecton.
Leander C. Gregory, Croton Falls.
George W. Mohlfeld, Cutchogue.
Floyd W. Ryan, Dalton.
Edwin L. Markham, Dexter.
Lee W. Locke, Edmeston.
Charles A. Daniels, Gilbertsville.
Fred M. Sealey, Hempstead.
Wirt N. Moulthrop, Kenoza Lake.
Ella Babcock, Lake Huntington.
Wilbur M. Houston, Le Roy.
Milton C. Armstrong, Long Eddy.
Mamie B. Pierce, Machias.

Harland N. Brown, Mayfield.
Amideas J. Hinman, Mohawk.
L. Belden Crane, Mount Kisco.
Wilfred D. Cheney, Newton Falls.
Leo F. Wixom, North Cohocton.
Esther L. Smith, North Lawrence.
Deane Mitchell, Odessa.
Edward T. Sheffer, Shortsville.
Clarence B. Dibble, Sidney Center.
Carolyn E. Perkins, South Otselic.
Mabel E. Stanton, Wellsburg.
George Hubbard, West Coxsackie.
Ahava Rathbun, Williamstown.

NORTH CAROLINA

Samuel B. Edwards, Tryon.

NORTH DAKOTA

Olaf O. Bjorke, Abercrombie.
Estelle A. Kingery, Forbes.
Alf J. Dunnum, Kensal.
Anna E. Reimers, Max.
John A. Halberg, Park River.
Marvin Broton, Petersburg.

OHIO

Myrtle M. Feller, Brecksville.
Carl Ledman, Byesville.
Charles E. Schindler, Coldwater.
Allen G. Bogart, Columbus Grove.
Adda B. Henkle, La Rue.
Earl R. Burford, Minerva.
Ward B. Petty, Sycamore.
Benjamin S. Dillehay, Waterford.

OKLAHOMA

Jesse M. Kimball, Davenport.

OREGON

Ben Weathers, Enterprise.
Thomas Thompson, Pendleton.
Ellis L. Morse, Spray.
Jesse E. Tulley, Wallowa.
William E. Tate, Wasco.

PENNSYLVANIA

Eva E. Sechler, Cherry Tree.
Harry H. Arnold, Clarion.
Harry L. Koons, East Pittsburgh.
William G. Childs, Grand Valley.
Jefferson B. Hershey, McKeesport.
Wilberforce Schweyer, Mifflintown.
Benjamin L. Ross, Monongahela.
Isaac H. Snader, New Holland.
Newton E. Palmer, Oxford.
Howard O. Boyer, Rural Valley.
Albert E. Franklin, Sutersville.
Oscar Maul, Turbotville.
Dayton W. Mills, Ulster.
Hettie C. Taylor, Westtown.
Jacob M. Aiken, Yeagertown.

SOUTH CAROLINA

William W. Thornton, Enoree.
Jasper E. Johnson, Gray Court.
William B. Daughtrey, Sumter.
Loring Terry, Yemassee.

SOUTH DAKOTA

Harry E. Mosher, Dupree.

TENNESSEE

Charles S. Harrison, Benton.
Fred S. Pipkin, Lafayette.
Lorenzo A. Large, Niota.
Capp A. Richards, Saulsbury.

TEXAS

William C. Kenyon, Amarillo.
James H. Carpenter, Brownfield.
Robert H. Stone, Canadian.
George C. Young, Dallas.
Delmont Greenstreet, Ennis.
Larkin B. Richardson, Groesbeck.
George W. L. Smith, Henderson.
Sislie Curtis, Larue.

UTAH

John P. McGuire, Provo.

VERMONT

William M. Batchelder, Dorset.
Carrie E. Sturtevant, East Fairfield.
Charles F. Thurber, Fairlee.
Garvin R. Magoon, Gilman.
Ida H. Hoxton, Newbury.
Walter A. Amsden, Proctorsville.
Arthur G. Folsom, Tunbridge.
Lilla S. Hager, Wallingford.

VIRGIN ISLANDS

Bartholin R. Larsen, Christiansted.

WASHINGTON

Nicholas M. Field, Camas.
Joseph W. Chatfield, Chelan.
Theo Hall, Medical Lake.
Wayne S. Kelsey, Opportunity.
Julius O. Byron, Selah.
Laura P. McIntyre, Skykomish.
Frank Hurst, Washtucna.

WEST VIRGINIA

Calvin Shockey, McComas.
Anderson C. Early, Mullens.
Lilly Moser, Paw Paw.
Melvin O. Whiteman, Wallace.

WISCONSIN

Glenn L. Schwandt, Curtiss.
Edwin E. Weinmann, Iola.

SENATE

MONDAY, *March 10, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 109) extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission, and for one year the time within which claims may be filed with the Alien Property Custodian, and it was signed by the Vice President.

DEFICIENCY APPROPRIATIONS

Mr. JONES. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and I submit a report (No. 262) thereon.

The VICE PRESIDENT. The bill will be placed on the Calendar.

TARIFF DUTY ON CEMENT

Mr. NYE. Mr. President, to comply with the rule, I enter a motion to reconsider the vote whereby the Senate placed a duty on cement.

DEATH OF MR. JUSTICE SANFORD

Mr. BROCK. Mr. President, the sudden death of Justice Edward Terry Sanford, of the United States Supreme Court, which occurred in this city on Saturday last, came as a shock to the people of the Nation. Mr. Justice Sanford was one of Tennessee's distinguished sons and was loved and admired by all. The Nation has lost one of its greatest jurists. I offer the following resolution, which I send to the desk, and ask that it may be read and considered by the Senate.

The resolution (S. Res. 230) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the sudden death of Justice Edward Terry Sanford, which occurred in this city at 12 o'clock and 20 minutes p. m., on Saturday last, causes profound sorrow and deep regret to the Members of this body.

DEATH OF WILLIAM HOWARD TAFT

Mr. WATSON. Mr. President, it is not appropriate at this time to enter upon any extended eulogy of the life, character, and public services of William Howard Taft, but when so eminent a citizen passes from among us, one who has occupied the lofty position of President of the United States, as well as Chief Justice of the Supreme Court, it is altogether fitting and appropriate that some note of his passing should be made by this body. To that end and for that purpose I offer the resolutions which I send to the clerk's desk, for the immediate consideration of which I ask unanimous consent.

The resolutions (S. Res. 231) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sensibility and deep sorrow the announcement of the death of William Howard Taft, former President and Chief Justice of the United States.

Resolved, That as a token of honor to the many virtues, public and private, of the illustrious statesman, and as a mark of respect to one who has held such eminent public station, the President of the Senate shall appoint a committee of 20 Senators to attend the funeral of Mr. Taft on behalf of the Senate.

Resolved, That such committee may join such committee as may be appointed on the part of the House of Representatives to consider and report by what further token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the Nation.

Resolved, That the Secretary transmit these resolutions to the House of Representatives and transmit a copy thereof to the afflicted family of the illustrious dead.

Resolved, That the Sergeant at Arms of the Senate be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions.

The VICE PRESIDENT. Under the second resolution the Chair appoints as the committee on behalf of the Senate the Senator from Indiana [Mr. WATSON], the Senator from Montana [Mr. WALSH], the Senator from Utah [Mr. SMOOT], the Senator from North Carolina [Mr. OVERMAN], the Senator from Idaho [Mr. BORAH], the senior Senator from Florida [Mr. FLETCHER], the Senator from Washington [Mr. JONES], the junior Senator from Florida [Mr. TRAMMELL], the Senator from Nebraska [Mr. NORRIS], the Senator from Virginia [Mr. SWANSON], the senior Senator from California [Mr. JOHNSON], the Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. MCNARY], the Senator from Nevada [Mr. PITTMAN], the junior Senator from California [Mr. SHORTRIDGE], the Senator from Texas [Mr. SHEPPARD], the senior Senator from Ohio [Mr. FESS], the Senator from Louisiana [Mr. RANSDELL], the junior Senator from Ohio [Mr. MCCULLOCH], and the Senator from Georgia [Mr. HARRIS].

Mr. WATSON. Mr. President, I am informed that the body of the late Chief Justice will lie in the rotunda of the Capitol from 9 until 12 o'clock to-morrow morning, and that funeral services will be held at All Souls Church, Sixteenth and Harvard Streets, at 2 o'clock in the afternoon.

Mr. President, as a further mark of respect to the memory of the honored dead I move that the Senate do now recess until next Wednesday morning at 11 o'clock.

The motion was unanimously agreed to; and the Senate (at 11 o'clock and 5 minutes a. m.) took a recess until Wednesday, March 12, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

MONDAY, *March 10, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, hear us, as our hearts are heavy, because his hour has come. One of our best beloved and most eminent citizens has crossed his Jordan, and we turn to Thee. We see goodness and mercy in his face, and it was a face that never wore a veil. A smile was always in his eye, and it was never shaded only with sympathy and pity. In him was the union of the art of living and the fine grace of life, and at threescore and ten it was an unbroken idyl of tranquil happiness. Blessed Father, we are grateful for the touch of his soul, so memorable and forever beautiful.

The Lord is my Shepherd; I shall not want. He maketh me to lie down in green pastures; He leadeth me beside the still waters; He restoreth my soul; He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me. Thy rod and Thy staff, they comfort me. Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever. Amen.

The Journal of the proceedings of Friday, March 7, 1930, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 205. Joint resolution to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 3168) entitled "An act to amend the act entitled 'An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington,' by adding thereto two new sections, to be numbered sections 8 and 9," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. HOWELL, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 109) entitled "Joint resolution extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission."

The message also announced that the Vice President had appointed Mr. MOSES and Mr. FLETCHER members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Government Printing Office.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 231

Resolved, That the Senate has heard with profound sensibility and deep sorrow the announcement of the death of William Howard Taft, former President and Chief Justice of the United States.

Resolved, That as a token of honor to the many virtues, public and private, of the illustrious statesman, and as a mark of respect to one who has held such eminent public station, the President of the Senate shall appoint a committee of 20 Senators to attend the funeral of Mr. Taft on behalf of the Senate.

Resolved, That such committee may join such committee as may be appointed on the part of the House of Representatives to consider and report by what further token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the Nation.

Resolved, That the Secretary transmit these resolutions to the House of Representatives and transmit a copy thereof to the afflicted family of the illustrious dead.

Resolved, That the Sergeant at Arms of the Senate be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 11 o'clock a. m. on Wednesday next.

The message also announced that pursuant to the foregoing resolutions the Vice President had appointed Mr. WATSON, Mr. WALSH of Montana, Mr. SMOOT, Mr. OVERMAN, Mr. BORAH, Mr. FLETCHER, Mr. JONES, Mr. TRAMMELL, Mr. NORRIS, Mr. SWANSON, Mr. JOHNSON, Mr. ASHURST, Mr. MCNARY, Mr. PITTMAN, Mr. SHORTRIDGE, Mr. SHEPPARD, Mr. FESS, Mr. RANSDELL, Mr. MCCULLOCH, and Mr. HARRIS members of the committee on the part of the Senate to attend the funeral of the deceased.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 109. Joint resolution extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission, and for one year the time within which claims may be filed with the Alien Property Custodian.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on March 7, 1930, present to the President for his approval a joint resolution of the House of the following title:

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

DEATH OF MR. JUSTICE SANFORD

The SPEAKER laid before the House the following communication:

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., March 10, 1930.

Hon. NICHOLAS LONGWORTH,

SIR: In the absence of the Chief Justice, it becomes my duty to inform you of the death of Mr. Justice Sanford on Saturday last, and to request that you will inform the House of Representatives.

I have the honor to be your obedient servant,

OLIVER WENDELL HOLMES,
Presiding Justice Supreme Court of the United States.

Mr. TAYLOR of Tennessee. Mr. Speaker and Members of the House, in the death of Associate Justice Edward Terry Sanford the Supreme Court has lost one of its most brilliant and distinguished members and the Nation one of its ablest and most conscientious public servants. Justice Sanford was a native of my congressional district and was a descendant of one of the outstanding pioneer families of east Tennessee. He came of stalwart stock, inheriting strong intellectual endowments along with a fascinating personality that won him friends and admirers wherever he was known. As a lawyer, he early took rank as a leader in his profession, but he did not allow his professional duties to exclude his interest in civic activities, to which he was very greatly devoted prior to his elevation to the bench.

He was a trustee of the University of Tennessee, where he was formerly a student, and of the East Tennessee Institute. He was governor of the Knoxville General Hospital, president of the Tennessee Bar Association, chairman of the board of trustees of the George Peabody College for Teachers, and vice president of the Tennessee Historical Association. He also had honorary degrees from the University of Cincinnati and other institutions.

His legal ability was recognized by President Roosevelt in 1907, when Attorney Sanford was summoned to Washington and given a post in the Department of Justice as Assistant Attorney General of the United States. A year later, on the death of Judge Clark, Mr. Sanford was appointed by President Roosevelt United States district judge for the eastern and middle districts of Tennessee. During the 15 years that he presided as United States district judge his method of dispensing "even-handed justice" was enthusiastically remarked by both the legal profession and the laity. He was broad and tolerant on the bench, and never permitted the remotest injustice to a defendant, however poor and unfortunate, if he knew it. He took the position that it were far better that a hundred guilty escape than that one innocent man should be punished.

In 1923 he was by President Harding promoted to the Supreme Bench, the most powerful and illustrious tribunal in the world. As a member of that august body, he abundantly justified the wisdom of his promotion. No member of that great court was held in higher esteem by his countrymen than Justice Sanford. His untimely passing is universally deplored in Tennessee, his native State, which he has so conspicuously honored, as well as throughout the Nation, which he has served with such patriotic zeal and fidelity.

Mr. Speaker and my colleagues, "know ye not that there is a prince and a great man" this day being consigned to his final resting place in the bosom of his native soil, which he loved and honored even as it loved and honored him.

Mr. Speaker, I desire to offer the following resolution.

The Clerk read as follows:

House Resolution 182

Resolved, That the House has heard with profound sorrow of the death of Hon. Edward Terry Sanford, Associate Justice of the Supreme Court of the United States.

Resolved, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

DEATH OF CHIEF JUSTICE WILLIAM HOWARD TAFT

The SPEAKER laid before the House the following communication from the Acting Secretary of State:

The Acting Secretary of State presents his compliments to the Speaker House of Representatives and incloses copy of the proclamation by the President officially announcing the death of William Howard Taft, ex-President of the United States, which occurred in this city on Saturday afternoon, March 8, at 5.15 o'clock.

ANNOUNCING THE DEATH OF THE HON. WILLIAM HOWARD TAFT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

To the people of the United States:

It becomes my sad duty to announce officially the death of William Howard Taft, which occurred at his home in the city of Washington on the 8th day of March, 1930, at 5.15 o'clock in the afternoon.

Mr. Taft's service to our country has been of rare distinction and was marked by a purity of patriotism, a lofty disinterestedness, and a devotion to the best interests of the Nation that deserve and will ever command the grateful memory of his countrymen. His career was almost unique in the wide range of official duty as judge, Solicitor General, Governor General of the Philippines, Secretary of War, President of the United States, and finally Chief Justice.

His private life was characterized by a simplicity of virtue that won for him a place in the affection of his fellow countrymen rarely equaled by any man. In public and in private life he set a shining example, and his death will be mourned throughout the land.

As an expression of the public sorrow it is ordered that the flags of The White House and of the several departmental buildings be displayed at halfstaff for a period of 30 days, and that suitable military and naval honors under orders of the Secretary of War and the Secretary of the Navy may be rendered on the day of the funeral.

Done at the city of Washington this 8th day of March, in the year of our Lord 1930, and of the independence of the United States of America the one hundred and fifty-fourth.

[SEAL.] HERBERT HOOVER.

By the President:

WILBUR J. CARR,
Acting Secretary of State.

The SPEAKER. The gentleman from Texas [Mr. GARNER] will kindly take the chair.

Mr. GARNER took the chair as Speaker pro tempore.

Mr. LONGWORTH. Mr. Speaker, as the Member longest in service from the State of his nativity, as the Representative for 25 years of the district in which he was born and lived most of his superb and eventful life, I take upon myself the duty of making announcement from the floor of the House, as is the custom, of the death last Saturday at his home in Washington, as the shadows of evening were about to fall, of William Howard Taft.

I shall attempt no pronouncement of eulogy upon that illustrious man. His life and public career are well known to every Member present; they speak for themselves. Unique he was in that he held two offices of supreme command. He was both Chief Justice of the Supreme Court and President of the United States. Unique he was, too, in the possession of the heartfelt affection of more of his fellow countrymen than probably any public man in American history. He was my honored friend so long as my memory can run. I remember him well, Mr. Speaker, when I was my daughter's age and he was a student at Yale. My heart is heavy, indeed.

In respect and honor to his memory and to the memory also of his friend and colleague, the distinguished jurist who preceded him in death by but a few hours, I offer the following resolution and move its adoption:

The Clerk read as follows:

House Resolution 183

The House having learned with profound sensibility and sorrow of the death of William Howard Taft, former President of the United States and Chief Justice of the United States Supreme Court:

Resolved, That as a token of honor to the many virtues, public and private, of the illustrious statesman, and as a mark of respect to one who has held such eminent public stations, the Speaker of this House shall appoint a committee to attend the funeral of Mr. Taft on behalf of the House.

Resolved, That such committee may join such committee as may be appointed on the part of the Senate to consider and report by what further token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the Nation.

Resolved, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the afflicted family of the illustrious dead.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the present occupant of the chair will appoint the following committee.

The Clerk read as follows:

Hon. HENRY ALLEN COOPER, of Wisconsin; Hon. GILBERT N. HAUGEN, of Iowa; Hon. WILLIS C. HAWLEY, of Oregon; Hon. JAMES C. McLAUGHLIN, of Michigan; Hon. BURTON L. FRENCH, of Idaho; Hon. JOHN M. NELSON, of Wisconsin; Hon. STEPHEN G. PORTER, of Pennsylvania; Hon. JOHN Q. TILSON, of Connecticut; Hon. FRED A. BRITTEN, of Illinois; Hon. EDWARD E. BROWNE, of Wisconsin; Hon. GEORGE S. GRAHAM, of Pennsylvania; Hon. LEONIDAS C. DYER, of Missouri; Hon. JOHN G. COOPER, of Ohio; Hon. CHARLES C. KEARNS, of Ohio; Hon. WILLIAM E. HESS, of Ohio; Hon. EDWARD W. POU, of North Carolina; Hon. JOHN N. GARNER, of Texas; Hon. THOMAS M. BELL, of Georgia; Hon. HENRY T. RAINEY, of Illinois; Hon. ADOLPH J. SABATH, of Illinois; Hon. JOSEPH W. BYRNS, of Tennessee; Hon. JAMES W. COLLIER, of Mississippi; Hon. EDWARD T. TAYLOR, of Colorado; Hon. CORDELL HULL, of Tennessee; Hon. ROBERT L. DOUGHTON, of North Carolina; Hon. ANDREW J. MONTAGUE, of Virginia; Hon. HATTON W. SUMNERS, of Texas; and Hon. ROBERT CROSSER, of Ohio.

The SPEAKER pro tempore. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the late William Howard Taft and the late Edward Terry Sanford this House do now adjourn until Wednesday, March 12, 1930.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 20 minutes p. m.), in conformance with the order heretofore made, the House adjourned until Wednesday, March 12, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 11, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON ELECTION OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS

(10.30 a. m.)

Proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress (H. J. Res. 9 and 25).

Proposing an amendment to the Constitution of the United States with reference to the election of the President and Vice President (H. J. Res. 216).

COMMITTEE ON MINES AND MINING

(10 a. m., caucus room)

To authorize the Bureau of Mines to manufacture 1 gram of radium (H. R. 4811).

For Wednesday, March 12, 1930

COMMITTEE ON AGRICULTURE

(10 a. m.)

Authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire (H. R. 3245).

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To authorize the creation of Indian trust estates, and for other purposes (H. R. 6979).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To consider an engineering project for the improvement of the Bridgeport Harbor.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A subcommittee meeting to consider private bills.

EXECUTIVE COMMUNICATIONS, ETC.

361. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation for the Federal Farm Board for $100,000,000, to be immediately available, as a part of the revolving fund of $500,000,000 authorized to be appropriated by the agricultural marketing act approved June 15, 1929 (H. Doc. No. 315), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ANDREW: Committee on Naval Affairs. H. R. 6142. A bill to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 6343. A bill to provide for the extension of the boundary limits of the proposed Great Smoky Mountains national park, the establishment of which is authorized by the act approved May 22, 1926 (44 Stat. 616); without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the state of the Union.

Mr. DRANE: Committee on Naval Affairs. H. R. 6349. A bill authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.; with amendment (Rept. No. 868). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 8639. A bill to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; without amendment (Rept. No. 869). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALLGOOD: Committee on Irrigation and Reclamation. H. R. 10475. A bill to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development; with amendment (Rept. No. 870). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 3144. A bill to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia; with amendment (Rept. No. 873). Referred to the House Calendar.

Mr. LUCE: Committee on World War Veterans' Legislation. H. R. 10381. A bill to amend the World War veterans' act, 1924, as amended; without amendment (Rept. No. 874). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BRITTEN: Committee on Naval Affairs. H. R. 2388. A bill for the correction of the naval records of officers and sailors who served on the *Harvard* and the *Yale* during the Spanish War; with amendment (Rept. No. 871). Referred to the Committee of the Whole House.

Mr. HOPKINS: Committee on War Claims. H. R. 6473. A bill for the relief of William J. Cocke; with amendment (Rept. No. 872). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAUGEN: A bill (H. R. 10621) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. ABERNETHY: A bill (H. R. 10622) to provide for the payment to States of amounts equal to a part of the sums collected as internal revenue taxes on tobacco in order to foster education and road construction, and for other purposes; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 10623) to authorize transportation and traveling expenses to the dependent members of the immediate families of civilian employees of the Govern-

ment of the United States appointed, transferred, or ordered to or from positions beyond the continental limits of the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. HOWARD: A bill (H. R. 10624) authorizing an appropriation from the Federal-aid fund assigned to the State of Nebraska, and unobligated, for the purpose of constructing and maintaining a public highway within the Omaha and Winnebago Indian Reservation, in Nebraska; to the Committee on Roads.

By Mr. HUDSON: A bill (H. R. 10625) to amend the act entitled "An act to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States," approved June 7, 1924; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: A bill (H. R. 10626) to determine the nationality of persons born at sea, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT (by departmental request): A bill (H. R. 10627) to amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians; to the Committee on Indian Affairs.

By Mr. ROWBOTTOM: A bill (H. R. 10628) for the purpose of preserving life at sea, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WELCH of California: A bill (H. R. 10629) to amend certain laws relating to American seamen, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMSON: A bill (H. R. 10630) to authorize the President to consolidate and coordinate government activities affecting war veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 23) providing for the printing as a House document the proceedings held in Congress of the United States on February 22, 1930, in commemoration of the one hundred and ninety-eighth anniversary of the birth of George Washington; to the Committee on Printing.

By Mr. GIBSON: Joint resolution (H. J. Res. 262) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SPARKS: Joint resolution (H. J. Res. 263) proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 10631) for the relief of Barnet Albert; to the Committee on Claims.

By Mr. ARNOLD: A bill (H. R. 10632) granting an increase of pension to Dorothea Feldewerth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10633) granting a pension to Thomas B. Glazebrook; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 10634) granting an increase of pension to Margaret Foster; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 10635) for the relief of the Robins Dry Dock & Repair Co.; to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 10636) granting a pension to William C. Snow; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 10637) granting a pension to Hattie Elmira Smith; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 10638) granting a pension to Daisy Ballard; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 10639) for the relief of Alice May Rochow; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 10640) granting an increase of pension to Roxanna R. Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10641) granting an increase of pension to Melissa E. Henderson; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 10642) granting an increase of pension to Sarah Moore; to the Committee on Invalid Pensions.

By Mr. PITTENGER: A bill (H. R. 10643) for the relief of Charles D. Jeronimus; to the Committee on Naval Affairs.

By Mr. SANDERS of Texas: A bill (H. R. 10644) for the relief of Frank W. Childress; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 10645) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

By Mr. SWING: A bill (H. R. 10646) to extend the benefit of the United States employment compensation act to Frank A. Smith; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 10647) to extend the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," to Frank A. Boyle; to the Committee on the Territories.

By Mr. THOMPSON: A bill (H. R. 10648) granting a pension to Charles A. Fry; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 10649) for the relief of the estate of J. W. Braxton, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5439. Petition of National Camp, Patriotic Order Sons of America, Easton, Pa., requesting additional immigration restriction in order to further decrease the annual influx of aliens who enter the United States; to the Committee on Immigration and Naturalization.

5440. By Mr. ADKINS: Petition of citizens of Lovington, Ill., requesting favorable action on House bill 2562 providing for increased pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5441. Also, petition of citizens of Maroa, Ill., requesting favorable action on House bill 2562, providing for increased pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5442. By Mr. ARNOLD: Petition from interested citizens of Fayette County, Ill., favoring the passage of the Spanish War pension bill; to the Committee on Pensions.

5443. Also, petition of interested citizens of Mount Vernon, Ill., in support of the Spanish War pension bill; to the Committee on Pensions.

5444. By Mr. BRUMM: Petition of citizens of Pine Grove, Schuylkill County, Pa., urging immediate action on the pending bill to provide an increase of pension for Spanish-American War veterans; to the Committee on Pensions.

5445. By Mr. CAMPBELL of Iowa: Petition of 71 citizens of Sioux City, Woodbury County, Iowa, urging the speedy consideration and passage of House bill 2562 and Senate bill 476 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5446. By Mr. CHRISTOPHERSON: Memorial of Common Council of the city of Aberdeen, S. Dak., urging passage of Joint Resolution 167; to the Committee on the Judiciary.

5447. By Mr. COOPER of Wisconsin: Memorial of Polish Ladies' National Society, of Kenosha, Wis., urging the passage of a bill to establish Pulaski memorial day on October 11 of each year; to the Committee on the Judiciary.

5448. By Mr. CULLEN: Resolution of Federal Grand Jurors' Association for the Eastern District of New York, requesting Congress to support the Porter bill now pending, which would establish a narcotic bureau, in order that the National Government may be able to cope with the existing illicit drug traffic; to the Committee on Ways and Means.

5449. By Mr. CURRY: Petition of Lieutenant Lansdale Post, No. 67, Veterans of Foreign Wars, of Sacramento, Calif., favoring House bill 2562, providing for increased pensions of veterans of Spanish-American War, Philippine insurrection, and China relief expedition; to the Committee on Pensions.

5450. By Mr. DRANE: Petition of city of Lakeland, Fla., in support of House Joint Resolution 167; to the Committee on the Judiciary.

5451. By Mr. ELLIS: Petition of Frank L. Wimmer and 45 other indorsers, seeking consideration and passage of Senate bill 476 and House bill 2562, for relief of Spanish-American War veterans; to the Committee on Pensions.

5452. Also, petition of O. L. Barker and 86 other indorsers, seeking consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5453. Also, petition of Charles Baldwin and 53 other indorsers, seeking consideration and passage of Senate bill 476 and House bill 2562, providing increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5454. Also, petition of H. C. Asmus and 57 other indorsers, for consideration and passage of Senate bill 476 and House bill 2562, for relief of Spanish-American War veterans; to the Committee on Pensions.

5455. By Mr. EVANS of California: Petition of F. S. Schweizer and approximately 45 others, to increase the pensions of Spanish War veterans; to the Committee on Pensions.

5456. By Mr. FITZGERALD: Petition of 82 citizens of Dayton, Montgomery County, Ohio, praying for early consideration and passage of House bill 2562 to increase the pensions of Spanish War veterans; to the Committee on Pensions.

5457. Also, petition of 77 members of Company I, National Military Home, Dayton, Ohio, praying for early consideration and passage of House bill 2562 to provide increases of pension for veterans of the Spanish War; to the Committee on Pensions.

5458. By Mr. GARBER of Oklahoma: Petition of Alexander Drug Co., Oklahoma City, Okla., urging support of House bill 11; to the Committee on Interstate and Foreign Commerce.

5459. Also, petition of uncompensated disabled veterans of World War, Castle Point, N. Y., urging support of House bill 7825; to the Committee on World War Veterans' Legislation.

5460. Also, petition of McKinley Robinson, uncompensated tubercular veteran, Fitzsimons General Hospital, Denver, Colo., urging support of Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5461. Also, petition of Patriotic Order Sons of America, Easton, Pa., supporting any measure requiring registration of aliens; to the Committee on Immigration and Naturalization.

5462. Also, petition of Edward Finn, Castle Point, N. Y., urging support of House bill 7825; to the Committee on World War Veterans' Legislation.

5463. Also, petition of Joe C. Wolke, Fitzsimons General Hospital, Denver, Colo., urging support of the Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5464. Also, petition of J. Sam Lewis, Amarillo, Tex., urging support of House bill 9500; to the Committee on the Post Office and Post Roads.

5465. Also, petition of Associated Retail Credit Men of Tulsa, Okla., urging support of House bill 8526; to the Committee on the Judiciary.

5466. Also, petition of Parent Teachers' Association of Central School in Blackwell, Okla., urging support of Jones-Cooper bill, H. R. 1195; to the Committee on Interstate and Foreign Commerce.

5467. By Mr. GIBSON: Petition of citizens of Caledonia County, Vt., urging legislation for the relief of Spanish War veterans; to the Committee on Pensions.

5468. By Mr. GLOVER: Petition of McGehee and Desha Counties, Ark., urging the passage of House bill 2562 and Senate bill 476; to the Committee on Pensions.

5469. By Mr. HUDSON: Petition of citizens of Pontiac, Mich., urging favorable action of House bill 7389, known as the veterans' bonus bill; to the Committee on World War Veterans' Legislation.

5470. By Mr. IGOE: Petition of residents of the sixth congressional district of Illinois, urging prompt consideration of House bill 2562 proposing additional benefits for veterans of the Spanish-American War; to the Committee on Pensions.

5471. By Mr. JOHNSON of Texas: Petition of Hon. Ernest C. Cox, department commander, American Legion, Austin, Tex., indorsing House bill 9112 creating a board to reconsider the disallowed claims of World War veterans; to the Committee on World War Veterans' Legislation.

5472. Also, petition of B. N. Nash, of Normangee, Tex., indorsing House bill 11, Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

5473. Also, petition of R. M. Smith, proprietor of Harris Drug Store, Whitney, Tex., indorsing House bill 11, Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

5474. Also, petition of Hugh M. Hodge, manager Rice Pharmacy, Rice, Tex., indorsing House bill 11, Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

5475. Also, petition of J. B. Smith, Kerens, Tex., indorsing House bill 11, Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

5476. By Mr. KEARNS: Petition of W. E. Duncan and 73 other residents of New Boston in the sixth congressional district of Ohio, in support of the bill to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

5477. By Mr. KINCHELOE: Petition of W. J. Greenwell and 40 other citizens of Union County, Ky., urging passage of legislation providing for increased pension rates for Spanish-American War veterans; to the Committee on Pensions.

5478. By Mr. LANHAM: Petition of the city council of the city of Fort Worth, Tex., for enactment of House Joint Resolution 167; to the Committee on the Judiciary.

5479. By Mr. LINDSAY: Petition of Federal Grand Jurors' Association for the Eastern District of New York, Flatbush, and Fifth Avenues, Brooklyn, N. Y., urging support of House bill 10561, designed to create a narcotic bureau so that the Government may better cope with the drug evil; to the Committee on Ways and Means.

5480. Also, petition of 33 citizens of Brooklyn, N. Y., Indian war veterans and their friends, urging Congress to speedily pass the Manlove bill (H. R. 8976) for the relief of veterans, widows, and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

5481. By Mr. McREYNOLDS: Petition of citizens of Meigs County, Tenn., requesting immediate consideration of Senate bill 476 and House bill 2562, providing for increased rates of pensions to men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5482. By Mr. MANLOVE: Petition of 70 citizens of Wheaton, Barry County, Mo., urging Congress to pass favorably upon Senate bill 476 and House bill 2562, providing for increased rates of pension to Spanish War veterans; to the Committee on Pensions.

5483. By Mr. NEWHALL: Petition of Joseph H. Christiana and other citizens of Covington, Ky., urging the early consideration and enactment of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5484. By Mr. NIEDRINGHAUS: Petition of E. G. Brungard and 69 other citizens of St. Louis and St. Louis County, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5485. Also, petition of Margaret Hinzmann and 21 other citizens of St. Louis, Mo., urging passage of House bill 2562, providing for adequate pensions for the men who served in the armed forces during the Spanish-American War and incident insurrections; to the Committee on Pensions.

5486. Also, petition of Julia A. Roemer and 28 other citizens of St. Louis, Mo., urging passage of House bill 2562, providing for adequate pensions for the men who served in the armed forces during the Spanish-American War and the incident insurrections; to the Committee on Pensions.

5487. Also, petition of Benjamin F. Weaver and 44 other citizens of St. Louis and St. Louis County, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5488. Also, petition of Peter Richards and 30 other citizens of St. Louis, Mo., and St. Louis County, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5489. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring the passage of nominal fees for passports; to the Committee on Foreign Affairs.

5490. Also, petition of Chamber of Commerce of the State of New York, opposing the independence of the Philippine Islands; to the Committee on Insular Affairs.

5491. Also, petition of New York State Pharmaceutical Association, favoring the passage of the Capper-Kelly bill, House bill 11; to the Committee on Interstate and Foreign Commerce.

5492. By Mr. HARCOURT J. PRATT: Petition of residents of Liberty, Monticello, and Fallsburg, Sullivan County, N. Y., praying for legislation increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5493. By Mr. FRANK M. RAMEY: Petition of Illinois Farmers' Institute, urging Federal aid for the completion of the Illinois waterway; to the Committee on Interstate and Foreign Commerce.

5494. By Mr. SWING: Petition of C. A. Pender and 97 citizens of the eleventh congressional district of California, urging the adoption of the Box bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

5495. Also, petition of M. E. Clem and 48 citizens of the eleventh congressional district of California, urging the adoption of the Box bill to restrict Mexican immigration; to the Committee on Immigration and Naturalization.

5496. Also, petition of George L. Geib and 50 citizens of Riverside, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5497. Also, petition of Carl F. Smith and 67 citizens of Los Angeles, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5498. By Mr. THATCHER: Petition signed by Benjamin Weber and others of Jefferson County, Ky., supporting relief legislation for Spanish-American War veterans; to the Committee on Pensions.

5499. By Mr. WELCH of California: Petition of sundry citizens of the San Francisco Bay district of California, urging the early enactment of House bill 2562; to the Committee on Pensions.

SENATE

WEDNESDAY, *March 12, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Hebert	Pittman	Waterman
Cutting	Heflin	Ransdell	Watson
Dale	Howell	Robinson, Ind.	Wheeler
Dill	Johnson	Robsion, Ky.	
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 108)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting, pursuant to law, schedules covering certain claims allowed by the General Accounting Office, in the total amount of $2,182.30, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE—FOURTH WORLD'S POULTRY CONGRESS (S. DOC. NO. 111)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1930, amounting to $15,000 for expenses of official delegates of the United States to the Fourth World's Poultry Congress to be held in England in 1930, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

USELESS PAPERS IN THE INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, lists of documents and papers on the files of the Interior Department which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. NYE and Mr. PITTMAN members of the committee on the part of the Senate.

USELESS PAPERS IN THE CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Civil Service Commission, transmitting, pursuant to law, schedules of papers on the files of the Civil Service Commission in Washington and in the offices of the secretaries of certain civil-service districts which are not useful in the current business and have no historical interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. DALE and Mr. MCKELLAR members of the committee on the part of the Senate.

SURVEY OF UNCOMPLETED BRIDGES, FLORIDA (H. DOC. NO. 316)

The VICE PRESIDENT laid before the Senate a communication from the Chief of the Bureau of Public Roads, Department of Agriculture, submitting, pursuant to law, a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland in the State of Florida, which, with the accompanying report, was ordered to be printed with illustrations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Illinois Farmers' Institute, at Galesburg, Ill., favoring the prompt making of appropriations for the completion of the Illinois waterway, which were referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the municipal council of San Pablo, Province of Laguna, P. I., favoring the passage of the so-called King bill, providing for the independence of the Philippine Islands, which were referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate a resolution adopted by the New York State Society, Daughters of the American Colonists, favoring the passage of legislation providing for the registration of all aliens, which was referred to the Committee on Immigration.

He also laid before the Senate resolutions adopted by the Illinois Agricultural Association at Springfield, Ill., indorsing the policy and purpose of the agricultural marketing act, etc., which were referred to the Committee on Agriculture and Forestry.

He also laid before the Senate communications in the nature of memorials from Walter R. Rennecke, of Seattle, Wash., remonstrating against the United States joining the League of Nations or the World Court, and also presenting sundry corporation matters, which were referred to the Committee on Foreign Relations.

He also laid before the Senate the following resolutions of the Senate of the State of New Jersey, which were referred to the Committee on Military Affairs:

NEW JERSEY SENATE,
March 4, 1930.

Hon. CHARLES CURTIS,
President of the Senate.

The following resolution was adopted by the New Jersey Legislature on Tuesday, February 25, 1930:

"Whereas the platforms of the two great political parties of this Nation advocate the maintenance of an adequate system of national defense; and

"Whereas the people of New Jersey have ever been in the front rank when the safety of this Nation has been endangered; and

"Whereas the Organized Reserves will, in case of a national emergency, constitute by far the largest component of the Army of the United States, and should, therefore, receive proper training and equipment; and

"Whereas the Reserve Officers' Association of the United States, a patriotic body of citizens of whom the great majority have had active service in the Army of the United States during the late war, have requested the Committee on Appropriations of the House of Representatives and the Senate of the Congress of the United States to appropriate sufficient funds to carry out the training of the Organized Reserves for the fiscal year 1931: Then be it

"*Resolved by the Senate of the State of New Jersey (the House of Assembly concurring)*, That the Congress be, and it hereby is, requested to appropriate sufficient funds to carry out the provisions of the national defense act of 1920 and its accompanying legislation so that the program of the War Department may be effectively carried out; be it further

"*Resolved*, That the secretary of the senate is hereby instructed to forward certified copies of this resolution, signed by the president and secretary of the senate and the speaker and clerk of the house to the following: The President of the United States, the United States Senate, the House of Representatives, the Senators and Members of Congress from the State of New Jersey.

"ARTHUR N. PINSOR,
"President of the Senate.
"OLIVER F. VAN CAMP,
"Secretary of the Senate.
"WILLIAM E. KNIGHT,
"Speaker of the House.
"FREDERICK A. BRODESSER,
"Clerk of the House."

Mr. CAPPER presented a petition of sundry citizens of Cloud County, Kans., praying for the passage of legislation granting

increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. BLAINE presented resolutions adopted by Ashland Lodge, No. 184, Knights of Pythias, Domain of Wisconsin, at Ashland, Wis., favoring proper care and hospitalization by the Federal Government for sick and indigent Indians, through the Public Health Service or special agency of the Bureau of Indian Affairs, which were referred to the Committee on Indian Affairs.

Mr. SULLIVAN presented a petition of sundry postal employees of the city of Cheyenne, Wyo., praying for the passage of legislation providing for shorter working hours on Saturdays in the Postal Service, and additional pay for length of service, which was referred to the Committee on Post Offices and Post Roads.

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Dallas County, Tex., and of Texarkana, Ark.-Tex., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. VANDENBERG presented resolutions adopted by the common council of the city of Flint, Mich., favoring the passage of legislation providing for the observance of October 11 of each year as General Pulaski's memorial day for the commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which were referred to the Committee on the Library.

He also presented a memorial numerously signed by sundry citizens of Battle Creek, Mich., remonstrating against any change in the existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. KEAN presented a memorial of sundry citizens of Vineland and vicinity, in the State of New Jersey, remonstrating against any change in existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Hudson and Essex Counties and Pequannock, N. J., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Olympia, Wash., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Seattle and vicinity, in the State of Washington, praying for the passage of legislation to create a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. ALLEN presented a resolution adopted by Washington Post, No. 12, Grand Army of the Republic, Department of Kansas, at Lawrence, Kans., favoring the passage of legislation for the erection of a statue of Maj. Gen. George H. Thomas, the "Rock of Chickamauga," in Chickamauga Park, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by Washington Post, No. 12, Grand Army of the Republic, Department of Kansas, at Lawrence, Kans., opposing the passage of legislation for placing headstones at the graves of Confederate soldiers, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Yates Center and vicinity, in the State of Kansas, remonstrating against a revision of the present calendar unless a proviso be attached definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which were referred to the Committee on Foreign Relations.

PETITIONS FOR SHOE AND LEATHER TARIFF

Mr. WALSH of Massachusetts. Mr. President, I present for the RECORD and to lie on the table certain petitions signed by several thousand operatives and employers in the shoe industry, and merchants and other citizens, living in Massachusetts communities where leather and shoe factories are located.

These citizens petition Congress to grant an adequate tariff on women's shoes and leather "to protect the shoe and leather industries and allied trades of this country from the rapidly increasing competition of foreign-made products which is threatening the existence of our shoe and leather industry."

They add further in their petition: "The livelihood of thousands of shoe and leather workers and their families and the welfare of our respective communities as a whole is involved. We can not compete with the low-paid workers of Europe, and we must look to Congress for protection."

These petitions are from Massachusetts towns and cities where are located many leather and women's shoe manufacturing plants; the cities of Lynn and Haverhill, which are two of the largest producers of women's shoes in the country; Marblehead, Woburn, Danvers, Peabody, and Salem, where leather tanneries are located, and near-by communities.

The VICE PRESIDENT. The petitions will be received and lie on the table.

REPORT OF THE DISTRICT COMMITTEE—CHILDREN'S TUBERCULOSIS SANATORIUM

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3425) to amend the act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium," reported it without amendment and submitted a report (No. 263) thereon.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. BLAINE, from the Committee on the Judiciary, reported the nomination of James A. Cobb, of the District of Columbia, to be a judge of the municipal court, District of Columbia, which was placed on the Executive Calendar.

Mr. OVERMAN, from the Committee on the Judiciary, reported the nomination of Edgar C. Geddie, of North Carolina, to be United States marshal, eastern district of North Carolina, which was placed on the Executive Calendar.

Mr. NORRIS, from the Committee on the Judiciary, reported the nomination of Arthur Arnold, of West Virginia, to be United States attorney, northern district of West Virginia, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

ENROLLED JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 10, 1930, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 109) extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission, and of the Tripartite Claims Commission, and for one year the time within which claims may be filed with the Alien Property Custodian.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRUNDY (for Mr. REED):

A bill (S. 3846) granting a pension to George W. Beaty; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 3847) granting an increase of compensation to Levie Blanche Sharps; to the Committee on Finance.

A bill (S. 3848) granting a pension to Thomas B. West (with accompanying papers); to the Committee on Pensions.

By Mr. KEYES:

A bill (S. 3849) to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 3850) for the relief of Grant A. McNeal; to the Committee on Claims.

By Mr. GOLDSBOROUGH:

A bill (S. 3851) granting an increase of pension to Inez G. Barber (with accompanying papers); to the Committee on Pensions.

A bill (S. 3852) to authorize the Secretary of Agriculture to establish grades and an inspection service for canned foods in order to facilitate commerce therein, and to enable the consumers to purchase canned foods on the basis of quality, thereby lending encouragement to the producers of quality farm products; to the Committee on Agriculture and Forestry.

A bill (S. 3853) for the relief of Alexander M. Proctor; to the Committee on Military Affairs.

A bill (S. 3854) for the relief of Second Lieut. Charles D. Wiegand; to the Committee on Claims.

By Mr. ROBSION of Kentucky:

A bill (S. 3855) granting an increase of pension to Larry E. Gant;

A bill (S. 3856) granting an increase of pension to Sarah P. Abrel;

A bill (S. 3857) granting a pension to Charlie Hyden;
A bill (S. 3858) granting a pension to James W. Taylor; and
A bill (S. 3859) granting a pension to Priscilla Elmore; to the Committee on Pensions.

A bill (S. 3860) for the relief of Dillon A. Collett; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 3861) to provide for a home for aged and indigent Indians in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. BROUSSARD:

A bill (S. 3862) providing for the examination and preliminary survey of that composite stream, extending a distance of approximately 25 miles, from the Intracoastal Canal, as it traverses section 48, township 17 south, range 19 east, parish of La Fourche, La., down to Lake Chien, in the parish of Terrebonne, State of Louisiana; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 3863) granting a pension to Frank H. Regan (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 3864) granting a pension to Frederick W. Meyer (with accompanying papers); and
A bill (S. 3865) granting a pension to Priscilla Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3866) for the relief of Joseph N. Marin; to the Committee on Naval Affairs.

By Mr. BLACK:

A bill (S. 3867) for the relief of William J. Clark; to the Committee on Military Affairs.

By Mr. STEPHENS:

A bill (S. 3868) granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La.; to the Committee on Commerce.

By Mr. COUZENS:

A bill (S. 3869) to reorganize the Federal Power Commission, to amend the Federal water power act, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HARRIS:

A bill (S. 3870) granting an increase of pension to Annie E. Bowen; to the Committee on Pensions.

By Mr. FRAZIER (by request):

A bill (S. 3871) to amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians; to the Committee on Indian Affairs.

By Mr. HAWES:

A bill (S. 3872) for the relief of Sadie Bermi; to the Committee on Claims.

A bill (S. 3873) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 3874) to correct the military record of Gus Ryman; to the Committee on Military Affairs.

By Mr. GOULD:

A bill (S. 3875) to authorize issuance of certificates of citizenship to certain veterans of the World War;
A bill (S. 3876) relating to educational requirements of applicants for citizenship;
A bill (S. 3877) to amend the naturalization laws in respect of competency of witnesses; and
A bill (S. 3878) to amend the naturalization laws in respect of posting of notices of petitions for citizenship; to the Committee on Immigration.

By Mr. NORBECK:

A bill (S. 3879) granting a pension to Sarah Higgins; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3880) granting a pension to George W. Fawcett, sr.;
A bill (S. 3881) granting a pension to Jack Miller; and
A bill (S. 3882) granting a pension to Eliza Ellen Stewart; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3883) for the relief of Uel Stephens; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 3884) to amend section 5 of the suits in admiralty act, approved March 9, 1920; to the Committee on the Judiciary.

CENSUS AND DEPORTATION OF ALIENS

Mr. HEFLIN. Mr. President, one of the greatest evils connected with the spread of communism and in connection with the problem of unemployment is the alien question in the United States. I ask unanimous consent to introduce a joint resolution which provides for the taking of a census of all aliens. Those who are here in violation of the laws of the United States are to be immediately deported.

There being no objection, the joint resolution (S. J. Res. 153) relating to the deportation of certain aliens illegally in the United States was read twice by its title and referred to the Committee on Immigration.

Mr. HEFLIN. Mr. President, 7,000,000 aliens inhabit our land. It is claimed that more than half of them are here in violation of our immigration laws. They are "stealing into" positions that belong to American citizens. They work for half price and get jobs that were formerly filled by patriotic American citizens. They constitute the main trouble in the problem of the "unemployed." They are stealing the birthright of hundreds of thousands of American citizens who are driven out of employment by these swarms of aliens who infest the land.

My resolution provides for taking a census of them. Under its provisions we will find out who they are, where they live, how they came here, when they came, and where they came from. This will enable us to know how many of them came here under the immigration law and how many came here in violation of it. The resolution provides that the latter class shall be deported to the countries from which they came. The passage of my resolution would be a body blow to racketeering and to communism and to unemploymentism that now so sorely afflict our country. I hope to get favorable action upon the joint resolution which I have just introduced.

I desire to read an Associated Press dispatch from Detroit, Mich., which gives us additional evidence of the harm being done to American citizens by giving to aliens positions that belong to Americans.

CITY TO REMOVE ALL ALIENS FROM PAY ROLL

DETROIT, March 3.—The city council took steps to make its order sweeping all aliens from the municipal pay roll effective to-morrow night.

Only a veto by Mayor Charles Bowles of a resolution adopted last Tuesday night can save the jobs of 1,553 persons who are not citizens of the United States but are employed by various departments of the city government. The mayor has not indicated his attitude toward the resolution.

The resolution provides that if "extenuating circumstances" are found in individual cases such aliens may be reemployed. While most of those affected by the order are laborers, several are skilled workmen who have been with the various city departments from 5 to 17 years.

Mr. BLEASE. Mr. President, following the joint resolution introduced by the Senator from Alabama, I ask that the item which I send to the desk from the New York Sun may be read.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

[From the New York Sun of Wednesday, March 5, 1930]

HYPOTHETICAL

If the Federal Government and the State government would concur for a few hours; and

If they would allow the reds to assemble in hundreds of meetings to-morrow; and

If the citizenship papers, passports, etc., of each person were examined; and

If all of those not entitled to remain in the United States were deported, could any greater blessing befall this country?

CHANGE OF REFERENCE

On motion of Mr. BLAINE, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3041) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes," approved May 20, 1924, as amended, and it was referred to the Committee on Indian Affairs.

AMENDMENT OF THE OLEOMARGARINE ACT

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, which was ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 7491, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

In the item for crop and livestock estimates, on page 66, line 12, after the word "cotton," to insert a colon and the following additional proviso:

"*Provided further*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collecting, or publishing a report stating the intention of the stock growers as to the number of lambs to be produced."

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. HARRIS submitted an amendment intended to be proposed by him to House bill 7955, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

In the items for seacoast defenses, on page 29, line 17, after the name "Corps of Engineers," to strike out "$421,550" and insert in lieu thereof "$506,550, of which $85,000 shall be available for the construction of suitable shore protection works to prevent further erosion of the shore line at Fort Screven, Ga."

AMENDMENT TO THE TARIFF BILL

Mr. GOLDSBOROUGH submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

Paragraph 737 (cherries), on page 135, lines 9 and 10, to strike out the words "5½ cents per pound and 40 per cent ad valorem" and in lieu thereof to insert "9½ cents per pound and 40 per cent ad valorem," so as to read:

"Maraschino, candied, crystallized, or glacé, or frozen with sugar added, or prepared or preserved in any manner, 9½ cents per pound and 40 per cent ad valorem."

PAYMENT TO HON. MAGNUS JOHNSON

Mr. FRAZIER submitted the following resolution (S. Res. 233), which was referred to the Committee on Privileges and Elections:

Whereas a contest was filed with the Senate Committee on Privileges and Elections by Hon. Magnus Johnson for the seat in the United States Senate against the Hon. THOMAS D. SCHALL, who had been declared subsequent to the general election of November 7, 1924, to be the duly elected United States Senator from the State of Minnesota; and

Whereas by reason of said contest the said Hon. Magnus Johnson was compelled to expend various sums of money in the prosecution of the said contest such as expenses for the services of attorneys, clerks, investigators, etc.; and

Whereas the United States Senate by resolution of May 25, 1928, paid to him the sum of $2,500, which at that time it was presumed covered all items then necessarily expended by him; and

Whereas one Samuel H. Holt, on or about the 29th day of June, 1926, duly filed his claim with the Senate Committee on Privileges and Elections for services rendered and expenses incurred as an investigator in the sum of $1,475, less a credit of $600 paid by said Magnus Johnson, leaving a balance of $875; and

Whereas the said Samuel H. Holt, subsequent to the 29th day of June, 1926, brought an action against the said Magnus Johnson in the district court of Hennepin County, Minn., for the recovery of the said balance of $875, together with interest and costs. By reason of said action and on or about the 8th day of February, 1930, judgment was recovered in the said district court in favor of said Samuel H. Holt for the amount sued together with interests and costs amounting to the sum of $1,103.62; and

Whereas the said balance due the said Samuel H. Holt was for services actually performed and rendered, and is a necessary and legitimate expenditure for and on behalf of said Hon. Magnus Johnson in connection with said contest; and

Whereas the said Magnus Johnson is liable for and is compelled to pay the amount of said judgment, to wit, $1,103.62: Therefore be it

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the appropriation for the expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1930, to Magnus Johnson the sum of $1,103.62, in full payment of all additional expenses incurred by him subsequent to May 25, 1928, in connection with the prosecution of his claim to a seat in the Senate in the contest of the election of a Senator from the State of Minnesota in 1924.

AMENDMENT OF THE RULES—COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD. I send up the following notice and ask that it be read.

The VICE PRESIDENT. The Clerk will read the notice.

The CHIEF CLERK. The Senator from Texas gives the following notice:

In accordance with Rule XL, Standing Rules of the Senate, I hereby give notice that it is my intention to offer an amendment to Rule XXV, Standing Rules of the Senate, inserting a new paragraph, following the paragraph relating to the Committee on Territories and Insular Affairs, said new paragraph to read as follows:

"Committee on World War Veterans' Legislation, to consist of 15 Senators."

The purpose of the proposed amendment is the creation of a Committee on World War Veterans' Legislation.

The VICE PRESIDENT. The motion will lie on the table.

CONTEMPT-OF-COURT PROCEEDINGS BEFORE FEDERAL JUDGES

Mr. VANDENBERG. Mr. President, I have pending before the Senate Judiciary Committee a bill (S. 1726) to require the substitution of Federal judges whenever a Federal court passes upon a contempt charge arising out of an attack upon the character or conduct of such judge, and if the attack occurred otherwise than in open court.

While the need for this liberalization in contempt procedure has been frequently demonstrated at intervals over the years, the immediate impulse for the introduction of S. 1726 was the travesty in Cleveland, Ohio, last fall, when two editors were fined $500 apiece and sentenced to jail for 30 days because they dared to criticize certain dubious conclusions when the common pleas court restrained a sheriff from stopping race-track betting alleged to be in violation of the law. The same judge who was thus criticized sat in judgment upon his critics. He was both complainant and umpire. The conclusion outraged the American sense of justice and fair play everywhere.

I rise simply to advise the Senate that the court of appeals has corrected the immediate injustice involved in the Ohio case. The following language from the court decision is pertinent:

We live in an age of pitiless publicity, where the freedom of the press and freedom of speech are paramount issues, and newspapers should have the right to print what they please, always guiding themselves by the laws of libel. A free people must have a free press, and a newspaper should have the right to speak freely its views.

It now remains for Congress to set a legislative example which will tend to correct all such injustice at its source, namely, in the Judicial Code. I earnestly hope that the Judiciary Committee, which has had S. 1726 in its possession since September 20, 1929, will report the bill in the near future.

DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, I ask unanimous consent that the Senate proceed at this time to the consideration of the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

I desire to make a very brief statement with reference to the bill. The principal items in the bill calling for increases made by the Senate Committee on Appropriations are the following:

One hundred million dollars for the Federal Farm Board. An estimate came in for that item a few days ago. There is an item of $12,000,000 for rivers and harbors, and that, I think, is really the most pressing item in the bill. I understand that there are quite a number of projects which are now actually under way, but unless they get the money by the middle of this month to proceed much of the work will have to be stopped and probably 15,000 laborers will be thrown out of employment.

The other large items are $7,000,000 for farm seed, to carry out joint resolutions heretofore passed by the Senate, and $3,000,000 for Porto Rican relief, according to a joint resolution which we passed for that purpose.

Mr. HARRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. I yield.

Mr. HARRIS. I believe, if Senators understood the purpose of the items in this bill, no one would object to its immediate consideration. If the bill is not passed without delay it will result in great expense, inconvenience, and injury to the Government and to the beneficiaries of the proposed legislation.

One item in this bill is $100,000,000 for use of the Federal Farm Board, which I hope they may use wisely in stabilizing the price of cotton, wheat, and other farm products. I favor giving this board all the money that they need so they may have no excuse for their failure to help the farmers. Another item in this bill which is of great importance to the cotton growers is a $7,000,000 loan for the farmers to buy seed, fertilizer, and so forth. Many of the farmers depending upon this loan have been delayed in planting the crops, and every day's delay in the passage of this bill works a hardship on the farmers of my section. I hope there may be no objection to the immediate consideration and passage of the bill.

Mr. LA FOLLETTE. Mr. President, will not the Senator from Washington couple with his unanimous-consent request to

take up the bill a request for a limitation of debate or the fixing of a time to vote upon the bill?

Mr. JONES. Personally, I would be perfectly willing to do that, but my judgment is—and therefore I am able to say to the Senator—that I do not believe the consideration of the bill will take more than an hour. I know of no controversial item in the bill. It would be perfectly agreeable to me to consent to any proposition that might hasten the consideration of the bill.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. May I suggest to the Senator from Wisconsin that I do not believe it will take an hour to dispose of the bill? It is a measure which is a very important one and it ought to be acted upon speedily.

Mr. LA FOLLETTE. I am not disposed to make any objection to the request for the immediate consideration of the bill. I am merely suggesting to the Senator from Washington and to the Senator from Utah [Mr. SMOOT], who is in charge of the unfinished business, that some agreement shall be entered into now fixing a time for voting on the bill, in order that the debate may not drag on for some time as is often the case with such a measure.

Mr. JONES. Does not the Senator think it would be wise for us to proceed, and if any unusual discussion arises and it looks like we are going to have a considerable debate, we might then enter into an agreement such as the Senator suggests? My judgment is that we should proceed to consider the bill and that we shall probably be through with it inside of an hour.

Mr. LA FOLLETTE. It would be too late, may I say to the Senator from Washington, after the debate has developed. However, if, as the Senator says and as other members of the committee say, there are no controversial items in the bill, I can not see why we should not have an agreement that it should be voted on at or before 12.30 or 1 o'clock p. m.

Mr. JONES. That would be perfectly satisfactory to me.

Mr. LA FOLLETTE. If the Senator will yield for that purpose, I ask unanimous consent that the deficiency appropriation bill be taken up for consideration and that the final vote shall be taken upon it not later than 1 o'clock p. m.

Mr. WATSON. The Senator had better make it not later than 2 o'clock p. m.

Mr. LA FOLLETTE. The Senator from Indiana suggests not later than 2 o'clock p. m., and that is agreeable to me.

Mr. BROOKHART. Mr. President, it seems to me there might be some interest in the policy of the Federal Farm Board that will take some further time than that, so I do not believe I want to hurry it so fast as all that.

Mr. LA FOLLETTE. May I suggest to the Senator from Iowa that my request would permit three hours of debate?

Mr. ASHURST. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

Mr. JONES. Mr. President, may I suggest to the Senator from Arizona——

Mr. ASHURST. Let us go ahead and consider the deficiency appropriation bill.

Mr. JONES. I want to get along as rapidly as possible with it.

Mr. ASHURST. I have no objection to the consideration of the deficiency appropriation bill, but let us go ahead and consider it.

Mr. JONES. That is what I want to do.

Mr. ASHURST. Then let us stop talking about it and act.

Mr. LA FOLLETTE. Mr. President, is there objection to my request?

The VICE PRESIDENT. It would be necessary to call a quorum before the request could be granted.

Mr. MOSES. But, Mr. President, we have just ascertained the presence of a quorum.

The VICE PRESIDENT. That was not done before the request was made, and the Chair believes that under the rule a quorum would have to be called before the request could be granted. However, if there is to be objection it would save the time required to call the roll.

Mr. JONES. Let us proceed for a while anyway.

Mr. LA FOLLETTE. Mr. President, would an objection at any time displace the deficiency appropriation bill?

The VICE PRESIDENT. A demand for the regular order at any time would displace the deficiency appropriation bill.

Mr. LA FOLLETTE. Very well; I shall be satisfied with that arrangement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington to temporarily lay aside the unfinished business and proceed to the consideration of the deficiency appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 3, after line 9, to insert:

SENATE

To pay to Clara M. Warren, widow of Hon. Francis E. Warren, late a Senator from the State of Wyoming, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert:

For payment to Bettie H. McGhee Tyson, widow of Hon. Lawrence D. Tyson, late a Senator from the State of Tennessee, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

To pay to Grace C. Burton, niece of Hon. Theodore E. Burton, late a Senator from the State of Ohio, $10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 19, to insert:

For the payment of additional compensation at the rate of $60 a year from July 1, 1929, to March 31, 1930, inclusive, to the five messengers of the Senate (acting as assistant doorkeepers, including one for minority), $225: *Provided*, That from and after April 1, 1930, such messengers shall receive compensation at the rate of $2,460 a year in lieu of the rate of compensation provided by the act entitled "An act to fix the compensation of officers and employees of the legislative branch of the Government," approved June 20, 1929.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

For stationery for Senators, committees, and officers of the Senate, fiscal year 1930, $3,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal year 1930, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1930, $25,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to insert:

The unexpended balance for "Miscellaneous items," exclusive of labor, contingent fund of the Senate, for 1929, is reappropriated and made available for 1930.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building, and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under supervision of the Committee on Rules, fiscal year 1930, $25,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

To reimburse the official reporters of the debates and proceedings of the Senate for extra services from April 15, 1929, to November 22, 1930, $4,611.66.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 5, after line 23, to insert:

For payment to FRANK M. RAMEY for expenses incurred as contestee in the contested-election case of Major against Ramey, as audited and recommended by the Committee on Elections No. 3, $750, to be disbursed by the Clerk of the House.

Mr. NORRIS. Mr. President, the amendment just read by the clerk provides for the payment to FRANK M. RAMEY of $750, to be disbursed by the Clerk of the House. I suppose the contested-election case referred to arose in the House of Representatives?



Mr. JONES. The Senator is correct in the statement that the payment is proposed in connection with a contested election originating in the House of Representatives; but after the bill had passed the House, that body requested that the Senate committee put the item in, and the committee acted in accordance with that request.

Mr. NORRIS. Mr. President, I have no objection to the amendment when it is explained, but it is out of the ordinary for the Senate to make an appropriation for an item exclusively pertaining to the House of Representatives. It is not even courtesy to the House of Representatives.

Mr. JONES. The Senate committee would not have recommended appropriation in the bill if the request had not come from the House.

Mr. NORRIS. That makes it plain; but I think we ought to have explanations of that kind. There is no reason why we should act in the dark here in making an appropriation that is entirely contrary to the usual procedure and courtesy between the two Houses.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, after line 10, to insert:

JOINT COMMITTEE ON PRINTING

To pay Hart, Dice, and Carlson for stenographically reporting and transcribing hearings relative to the purification of wood pulp for the Joint Committee on Printing, fiscal year 1930, $74.50.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 7, after line 10, to insert:

Traffic lights, Capitol Grounds: For installation of traffic lights in the Capitol Grounds, including maintenance and operation, personal and other services, labor and material, fiscal year 1930, and to remain available during the fiscal year 1931, $2,378.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

Senate Office Building: For maintenance, miscellaneous items, and supplies, including the same objects specified under this head in the legislative appropriation act for the fiscal year 1930, to cover additional personal services, supplies, equipment, and repairs, $60,000, under the direction and supervision of the Senate Committee on Rules.

The amendment was agreed to.

The next amendment was, under the subhead "Government Printing Office," on page 8, after line 13, to insert:

The appropriation, "Public printing and binding, Government Printing Office, 1930," is hereby made available for the employment of an additional cataloguer from March 1 to June 30, 1930, both dates inclusive, to index the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing at the rate of $2,100 per annum.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

FEDERAL FARM BOARD

For an additional amount for carrying into effect the provisions of the act entitled the "agricultural marketing act," approved June 15, 1929, including all necessary expenditures authorized therein, to be immediately available, $100,000,000, which amount shall become a part of the revolving fund to be administered by the Federal Farm Board as provided in such act.

Mr. McNARY. Mr. President, I want to inquire of the distinguished chairman of the committee if the amount carried in this bill for the Federal Farm Board is supplemental to the amount of $150,000,000 carried in a bill of last year?

Mr. JONES. The amount now proposed to be appropriated is in accordance with an additional estimate sent down by the Bureau of the Budget and transmitted by the President stating that projects under way and ready to be taken up make necessary the additional appropriation of $100,000,000. The committee thought that it was really not for them to question the estimate; that the responsibility rests with the administration to carry out the legislation which we passed, authorizing the expenditure of $500,000,000, of which $150,000,000 has heretofore been appropriated. Since Congress has not appropriated the full amount authorized by law, the committee felt that whenever an estimate was submitted for an amount necessary to carry out the provisions of the agricultural marketing act we should recommend the appropriation.

Mr. McNARY. Did the estimate specify the purpose for which the money would be used?

Mr. JONES. Here is the language of the estimate:

Under date of June 18, 1929, $150,000,000 was appropriated by Public Act No. 15 for a revolving fund to be administered by the Federal Farm Board as provided in the agricultural marketing act approved June 15, 1929. It is now estimated that an additional amount of $100,000,000 will be required in the revolving fund to carry out projects now planned by the board, and that this sum should be made immediately available.

The committee did not feel that it was their duty or responsibility to inquire as to the particular projects or the particular plans of the Federal Farm Board. They felt that Congress placed upon the board the responsibility and duty of carrying out the act, and the committee assumed that the projects which the board have under way and in contemplation are for the purpose of carrying out the act and are intended to do it. So we thought we would not give them any excuse for any failure there might be in carrying out their projects by not appropriating the money which it was estimated was necessary and which it was desired should be made immediately available.

Mr. McNARY. The only amazement I entertain is because I thought they would need a larger sum than $100,000,000, and I was curious to know if the committee in any way had information as to whether the Director of the Budget denied the board a larger sum of money or whether the amount proposed was in accordance with the request of the board?

Mr. JONES. The committee assumed that the Director of the Budget sent down the estimate which the Farm Board had submitted.

Mr. McNARY. And the Appropriations Committee did not undertake to have any hearings on the subject matter or to call the board before them?

Mr. JONES. We did not.

Mr. BORAH. Mr. President, I do not desire to interpose any objection to this proposed appropriation, but I should like to know if any Senator is informed about one item, in view of the activities of the board along certain lines. Can the chairman of the Committee on Appropriations or the chairman of the Committee on Agriculture and Forestry advise us as to how much of last year's wheat is still in the hands of the farmers?

Mr. JONES. I will say to the Senator I can not give him that information.

Mr. McNARY. Mr. President, I think the quantity varies in the different sections of the country. In that part of the country which is known as the Northwest probably 35 per cent of the wheat is in the hands of the farmers.

Mr. BORAH. It is yet in the hands of the farmers?

Mr. McNARY. It is yet in the hands of the farmers, according to the best information the chairman of the Committee on Agriculture and Forestry has received from the testimony before the committee a few days ago of Chairman Legge. In the middle section of the country probably not more than 15 per cent of the wheat is still in the hands of the farmers.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Washington if there has been any explanation of the policy the Farm Board seeks to pursue? I am in accord with the statement of the Senator from Oregon, for I, too, am more surprised at the small amount for which the board is asking than at anything else. Early in the season the board "pegged" the price of wheat on a loan basis at $1.18 a bushel. Does the Senator know whether they have withdrawn that "peg"?

Mr. JONES. I will say to the Senator that the Committee on Appropriations did not go into details as to how the board is administering the responsibility placed on it. We felt that we should grant their request for whatever money they considered they ought to have, within the limits of the authorization, and we would not go further into the matter.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. BROOKHART. I yield.

Mr. HARRIS. I should like to say to the Senator from Iowa that, like him, I have criticized the Federal Farm Board for their failure during the past few months to help the price of cotton, which they could have done with the money Congress gave them had they tried, but I believe in giving them every dollar they may ask for, so that they may have no excuse whatever for not doing something in aid of cotton and wheat and other commodities. I supported this item when the bill was considered by the Appropriations Committee, of which I am a member, and I would support several times as much, if the board should ask for it.

Mr. BROOKHART. I do not object to giving them every dollar they may ask for, but I am surprised that they have not asked by this time for a sufficient amount to do some good to

the farmers of the United States. Now, as I understand, they have withdrawn their support from that $1.18 price on wheat. They seem to evade a direct answer to that question. What have they done for cotton, let me ask the Senator from Georgia?

Mr. HARRIS. A foolish statement made by the chairman of the board, Mr. Legge, sent cotton down $2.50 a bale in one day and it has been going down almost daily since that time. It has gone down about $15 a bale during the past few months. The cotton speculators on the New York and New Orleans Cotton Exchanges used Chairman Legge's statement to depress the price, as they felt sure the board would do nothing to help the price of cotton.

Mr. BROOKHART. Since the board began operating.

Mr. HARRIS. The statement of the chairman of the board, in my judgment, did more injury to cotton than anything else in several years, but that does not prevent me from voting for this appropriation. I would vote for several times as much if the board asked it, in order that they might have it and in order that the responsibility might be placed on them so that they may have no excuse whatever for any failure which may occur in their efforts to help the price of cotton. No Senator will do more to help this board make a success, but I shall not hesitate to criticize Chairman Legge again if he gives out a statement which he admitted was foolish.

Mr. BROOKHART. I think the Senator is right. The policy of the board has reduced the price of cotton below what it ought to be, and I think has reduced the price of wheat below what it ought to be. They have done nothing for corn or oats or livestock products. I think probably $500,000,000 would have been enough to stabilize the price of wheat and cotton, corn and oats, but probably not enough to stabilize also livestock products. However, instead of stabilizing them and instead of doing any good to the farmers, they have so far beaten the prices down; all those prices are greatly reduced.

Early in the season the Agricultural Department estimated that the crop of 1929 would bring a greater aggregate than the crop of 1928, but recently the prices have dropped so much that even the estimated total has been reduced.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. NORBECK. Is not that the usual forecast about agricultural crops; that they are better than ever and are going to bring more money than ever, and then later in the season comes the statement that the farmers' returns have been rather less than in the previous year, and they continue to be less as time goes on?

Mr. BROOKHART. I think there is some merit in that observation; but, Mr. President——

Mr. McMASTER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. McMASTER. The Senator from Iowa made the statement that since the Federal Farm Board has been operating in wheat the price has actually declined. Can the Senator inform the Senate as to how much the price of wheat has declined?

Mr. BROOKHART. I think it has declined about 20 cents a bushel.

Mr. McMASTER. I should judge that to be about the correct figure.

Mr. BROOKHART. It is something like that; I have not the exact figures before me.

Mr. McMASTER. Will the Senator be kind enough to explain to the Senate if he thinks that the price has declined because of the character of the operations of the board?

Mr. BROOKHART. Mr. President, the Farm Board ought to have asked for about $100,000,000 for wheat alone, or, perhaps, a little more. It ought to have figured out what would be a reasonable price for the farmers; it ought to have organized a stabilizing corporation under the law, and bid that price, and maintained it. If it had done those things, the price of wheat would not have declined. There is now no world surplus of wheat to warrant a decline.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. NORBECK. I think the Senator from Iowa forgets that Congress refused to give its approval to a provision of that kind, and I do not want to blame the board for it. The law itself provides that the farmer shall be in competition with the cheapest labor in the world; that he should be on a world basis and not on a domestic basis; and therefore there is not much chance of the Farm Board setting up American prices as against foreign prices. It would have to do that in opposition to the expressed views of Congress. So any criticism should be on the Congress, which enacted the law, rather than upon the Farm Board.

Mr. BROOKHART. Mr. President, the Senator is not entirely accurate in that observation. I think while the law lacks much of going as far as I think it ought to have gone, yet Mr. Farrand, the attorney for the Federal Farm Board, pointed out that they might organize stabilizing corporations and lend money to them with which to maintain prices; but then they discharged him or got rid of him in some way and suppressed his report.

Mr. NORBECK. There is a feeling that they did not agree with him in his interpretation of the law.

Mr. BROOKHART. Perhaps there was, but I think his interpretation of the law was perfectly sound and consistent with the idea of Congress.

Mr. McKELLAR. Mr. President——

Mr. BROOKHART. I yield to the Senator from Tennessee.

Mr. McKELLAR. Of course I believe that this appropriation ought to be made, if the board can use it; in other words, I want to give the Farm Board every fair chance; but I want to ask the Senator is there any truth in the report that the Farm Board has gone on the wheat market and on the cotton market and has gambled in cotton futures and wheat futures? That is the report, and I want to know if it be correct.

Mr. BROOKHART. I have no authentic information on that subject. I have read some accounts of that kind in the newspapers—that through their stabilizing corporations they had probably bought 25,000,000 bushels of wheat.

Mr. McKELLAR. If it is true that this board has gone on the futures market—the wheat market, the cotton market, or any other market—and is gambling in futures, it ought to be prohibited from doing so.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. BROOKHART. Just a word, and then I will yield to the Senator.

It was announced at one time by Mr. Legge that they would buy wheat only of the farmers or the farmers' cooperatives; and I took occasion on the floor to approve that idea, because that avoided the gambling which the Senator has mentioned. Since then, however, it is reported that they have bought a considerable amount of wheat in the market—in the gamblers' market, we might call it.

Mr. NORRIS. Mr. President——

Mr. BROOKHART. I yield to the Senator from Nebraska.

Mr. NORRIS. I think, in justice, it ought to be said that Chairman Legge has denied the report to which the Senator from Tennessee referred as having been in the papers. He has said that they have not gambled in futures.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. BROOKHART. I do.

Mr. McKELLAR. If that is so, I am glad to hear it. I saw the statement in the newspapers that they were gambling on these markets.

Mr. NORRIS. Yes; I saw that statement, too. I also saw in the newspapers that they denied it.

Mr. McKELLAR. I did not see that. I hope the denial is correct.

Mr. BROOKHART. I should like to ask the chairman of the Committee on Agriculture and Forestry if he knows about that policy.

Mr. McNARY. Mr. President, I hesitate to discuss and will forego the pleasure of discussing the farm problem here——

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Tennessee?

Mr. McNARY. Not at this time; no. I will forego discussing that problem while we are discussing another measure; but I can say that the Senator from Nebraska is correct. The board has not been on the futures market, dealing on the grain exchanges, either in cotton or in wheat.

I desire to say further that the board did not suppress the opinion of the attorney who declared that the stabilization corporation had a right to purchase grain in the open market. I stated on the floor during the consideration of the bill that there is ample power for the stabilization corporation, as an agency of the Farm Board, to buy in the open market and to sell and to store for the purpose of orderly marketing. The board is now doing that—buying grain, not cotton, in the open market. It is also continuing to loan, through the National Grain Corporation, to cooperatives from $1.08 to $1.16 per bushel.

That is the present policy of the board, as made known to the chairman of the Committee on Agriculture and Forestry.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Tennessee?

Mr. McNARY. Not for the moment. I have the floor.

Mr. BROOKHART. No; I have the floor.

Mr. McNARY. I am in possession of it at this time. That is the purpose and policy of the board. There has been no recession from that. I desire to continue without interruption.

Mr. BROOKHART. Go ahead.

Mr. McNARY. There is no reason to rely upon all the reports that are in circulation. There is nothing hidden or secret about the action of the board. They are not dealing in futures in cotton or in wheat. They are using this money that was appropriated for the purpose of buying grain in the open competitive market on the one hand, and loaning to cooperatives at a fixed, arbitrary price on another.

That is the attitude of the board. I have stated here frankly, and in a spirit of friendly criticism, that I think the board lost a great opportunity in not earlier forming stabilization corporations, acquiring the surplus, which I think was the fundamental part of that bill, and thereby stabilizing the price of grain, and probably cotton, in a way that would not bring suffering and loss upon the farmers of the country.

They did not see fit to do that. Now they are doing it, I think, a little late; but, mind you, the situation in the country is a desperate one. There has been depression throughout the world. There has been a surplus in the production of basic commodities. I think the board at the present time are doing all that possibly can be done by this agency; and, if given another year for the treatment of this greatest of all economic problems, I am satisfied they will do a commendable work in the field of agriculture.

Mr. McKELLAR. Mr. President, now will the Senator yield to me?

Mr. McNARY. I have not the floor.

The VICE PRESIDENT. The Senator from Iowa has the floor. Does he yield to the Senator from Tennessee?

Mr. BROOKHART. Just a moment. I want to say a word with reference to what the Senator from Oregon said, and then I will yield.

I agree with the part of the Senator's statement in which he said that the board have not done what they ought to have, or done it as quickly as it should have been done. The board had $500,000,000. The surplus of corn is not very much. They could have organized a corporation to handle all of it. The surplus of oats is not very much. They could have handled all of that, and absolutely stabilized the price of those two commodities. They had money enough to do the same thing with wheat and with cotton this year if they had used it all, and they had time to do it.

The Senator from Oregon says they did not suppress the report of Mr. Farrand; but, somehow or other, it did not get into circulation until the Senator from North Dakota [Mr. NYE] put it in the RECORD. I should like to ask him how he got that report.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McNARY. Mr. President, I can only speak from my own experience. I received a copy of the report in due course of transmission from the board. I read it over with some little pleasure and with a great deal of accord and agreement; but, so far as the question of suppression is concerned, I never heard about an effort of that kind.

Mr. BROOKHART. As I recollect, I took a copy of it to the Senator from Oregon myself.

Mr. McNARY. That may have been the second copy, then. I had one from the board.

Mr. BROOKHART. The Senator was not familiar with it at the time I took it to him. I remember that very well. I got it from the RECORD, where it had been printed at the request of the Senator from North Dakota [Mr. NYE].

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. BROOKHART. Now I yield to the Senator from Tennessee.

Mr. McKELLAR. I have been informed by a member of the Committee on Agriculture and Forestry that Mr. Legge testified before the Senator's committee that on the wheat that the board had actually bought they had lost a considerable sum, but that on the wheat they had bought in the future market they had made about a million dollars or more. I will ask the Senator whether there was any such testimony as that.

Mr. McNARY. I do not recall any testimony of that kind. It is possible that I did not hear it. I should be very frank to tell the Senator if I did.

Mr. McKELLAR. Oh, I am sure the Senator would.

Mr. McNARY. I do not remember any sum ever being stated that the board had made or had lost. The board could not make an estimate. It has six or seven million bushels of wheat on its hands, part of which comes through loans and part through acquirement by purchase; and no one can foresee the future.

Mr. McKELLAR. Then may I ask the Senator this question: Did the board take over the contracts of the cooperatives, and, among other contracts, hedging or future contracts?

Mr. McNARY. The chairman of the committee is not advised of that situation at all.

Mr. BROOKHART. Mr. President, I should like to have the exact information, if the Senator from North Dakota [Mr. NYE] can give it, about the Farrand report.

The VICE PRESIDENT. Will the Senator from North Dakota give his attention to the Senator from Iowa?

Mr. NYE. In just what connection?

Mr. BROOKHART. The Senator himself put it in the RECORD, and that is where I found it first. I refer to the report of the first attorney of the Farm Board, Mr. Farrand, from California.

Mr. NYE. Mr. President, when the report came to me, as I understand it came to others, it interested me to a point that caused me to feel that it was a thing that ought to be made a matter of permanent record; and at the time I received it—within a few days of its receipt—I asked for its printing in the RECORD, and it was so printed. Later I had it printed as a Senate document.

Mr. BROOKHART. Does the Senator remember who sent it to him?

Mr. NYE. If I am not mistaken, I think Mr. Farrand himself gave me the copy.

Mr. BROOKHART. I think that is right. I think that is the correct history of the matter; and no copies of the report had been sent to me, or, I think, to the chairman of the committee, or to anybody else, until, through some method, the Senator from North Dakota asked Mr. Farrand himself for a copy; and then, of course, after it was printed in the RECORD it might have been sent out.

Mr. McNARY. Mr. Chairman, I want this to be made plain. In my opinion, there is nothing mysterious about the Farrand report. The secretary of the Farm Loan Board gave me a copy. I did not think it was a document that challenged my immediate attention, and I laid it aside until some propitious moment. In the meantime the Senator from Iowa called my attention to it; but I think anyone in any section of the country could have had the Farrand report all the while. It is now a public document; it has been published in the RECORD; and I can see nothing mysterious about the situation.

Mr. BROOKHART. Mr. President, I desire to make this observation:

The big function of this board should be handling the exportable surplus, through its stabilizing corporation. That was the big purpose of the law. That can not be done by gambling in the markets, and it can not be done by biting off little bites of the surplus. It can be done only as Herbert Hoover himself did when he handled the surplus. He bought then all that was offered at the cost-of-production price, which his farm boards fixed; and, having done that, he was then able to compete with the combination throughout the world, because he could hold back and refuse to sell.

I think substantially the same combination is in existence now. England, France, and Italy at that time combined with one buyer to beat down the price of our wheat and our other products in the United States. I think substantially that combination at this moment is controlling the Liverpool market of wheat, and is beating down the price, and attempting even to break the Canadian pool; and, of course, I hope it will not succeed. I think it is the duty of our Farm Board to cooperate with the Canadian pool in the interest of the American farmer. I am not advised whether or not they are attempting to do that in the present situation.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. NORBECK. I want to ask my friend from Iowa whether there is not this difference—that the United States Grain Corporation, that bought wheat from the farmers, had already made an arrangement for selling that product, and knew exactly what they were going to get for it. They were not speculating. They were carrying on a business transaction in such a manner that there was not any chance for loss.

On the other hand, the situation now is entirely different. I certainly should like to see our wheat farmers get a reasonable price for their wheat; but if the Government is going to buy

it above the market, there is going to be a loss, and that loss will have to be absorbed somewhere. For five or six years we have had the equalization plan before Congress, suggesting that the farmer should absorb the loss. That was refused. Afterwards the debenture plan was before us here, by which the Government, through a small appropriation, would absorb a certain part of the loss; and that plan has not been approved yet. Therefore any losses there are will simply be charged against this appropriation that has been made; and it was not made for the purpose of absorbing losses. Let us be fair about that.

Mr. BROOKHART. There is a provision in the law, as Mr. Farrand clearly pointed out, that those losses can be absorbed by loans from the $500,000,000 fund; and of course the only method of paying them back is in case of future profits. If, instead of profits, they turn out to be losses, the law, under those circumstances, would contemplate that the losses would fall on the $500,000,000 fund. I will admit that it is rather equivocating with the proposition; it is not meeting it squarely, face to face, as it ought to be met, as the equalization fee would meet it or as the debenture fee would meet it. Nevertheless, the idea is in the law itself.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. I understand that the sum authorized in the act creating this board and the revolving fund was $500,000,000.

Mr. BROOKHART. Yes.

Mr. WALSH of Massachusetts. I understand further that already, previous to this appropriation, $150,000,000 was appropriated.

Mr. BROOKHART. Yes.

Mr. WALSH of Massachusetts. Now we are proceeding to appropriate $100,000,000 more for this fund.

Mr. BROOKHART. Yes.

Mr. WALSH of Massachusetts. Has anyone made an estimate as to when the total sum authorized in the original act will be exhausted?

Mr. BROOKHART. I think they claim that there are no losses up to date, and that there has been no exhaustion of the fund so far. It is not a question of the exhaustion of the fund. The only way in which it can be exhausted is through these loans to cover losses which I have just described; and I think they have made no such loans up to date. They have made loans to purchase wheat but not to cover losses.

Mr. WALSH of Massachusetts. Is it expected, after the $500,000,000 authorized in the original act as a revolving fund is expended, that a further authorization will be sought?

Mr. BROOKHART. I do not know what the board expect. They have said nothing about that.

Mr. WALSH of Massachusetts. What is the Senator's opinion about the matter?

Mr. BROOKHART. My own opinion is that if they had funds enough, for instance, and would, through their stabilizing corporation, buy up and hold all the surplus cotton in the United States they would have no loss in any period of five years, because we are furnishing 65 per cent of the exportable cotton of the whole world. I think that big item could be handled without any loss. I think if they would do the same thing with wheat that Hoover did when he was acting with the Democratic Party there would be no loss on wheat, especially if they cooperate with the Canadian pool, because Canada and the United States are producing 60 to 70 per cent of the exportable wheat of the world.

I think if the board would do the same thing with pork products there would be no loss, because we are furnishing 75 per cent in the United States of the exportable pork products of the whole world. Those three items amount to more than half of all the exportable agricultural surplus. I think we would need to fear no loss if we would handle it in a businesslike way. I think $500,000,000 is not quite enough to handle those three items.

Mr. WALSH of Massachusetts. That is a point I wanted the Senator to clear up. The Senator anticipates that more than $500,000,000 will be required?

Mr. BROOKHART. I certainly do.

Mr. WALSH of Massachusetts. How much more?

Mr. BROOKHART. I estimated that the highest peak we would ever reach in handling this surplus as it ought to be handled would be something like fifteen hundred million dollars, and Congress at one time voted a thousand million dollars to handle wheat alone, on the 1st of March, 1919. I think fifteen hundred million would handle them all.

Mr. GLASS. Mr. President, is anybody objecting to this appropriation of $100,000,000?

The VICE PRESIDENT. Objection has not been made yet.

Mr. BROOKHART. The objection is that the appropriation asked is inadequate and just trifling with the situation.

Mr. GLASS. It is all the President asked for just at this time. That is all the committee could do.

Mr. BROOKHART. That is true, but I would like to see the President and the board asking for more. I think they need this year this much to handle cotton alone, right now.

Mr. OVERMAN. Mr. President, we will have another deficiency bill. If we need any more money it can be provided in that.

Mr. BROOKHART. It could be provided in that, but already the chairman of the Committee on Agriculture has said that we have waited too long to ask for this amount, and with that I agree.

Mr. OVERMAN. So far as cotton is concerned, the members of the board have not only done nothing but they have been talking and talking and talking until they have run cotton down from 17 cents to 13 cents. It is a great outrage. They ought to do something, I do not care what, to help the cotton situation. They are doing all they can for wheat, I suppose, but they are doing nothing for cotton.

Mr. BROOKHART. With the Senator's statement as to cotton I am in complete accord. My objection is that they ought to be asking $200,000,000 for cotton. They ought to have been asking for it months ago, in order to prevent the recent decline in cotton.

Mr. WALSH of Massachusetts. The Senator thinks that ultimately the board will need $1,500,000,000?

Mr. BROOKHART. A year like 1926 might come along when they would need that. That is the maximum amount they would need in any year, I think, properly to handle all of this surplus in a businesslike way, just as the Senator from Massachusetts would handle it if he owned this surplus himself.

I look upon the United States as one big farm, so far as Congress is concerned, and this surplus is our surplus. What are we going to do with it? Are we going to bite off a little bit and turn the balance back to the gamblers, or handle our surplus in a businesslike way?

When the Democratic administration appointed Mr. Hoover to do that job, it was handled in a businesslike way and in a successful way and in a profitable way, and on wheat $59,000,000 of profit was turned back into the Treasury of the United States.

On pork, prices were fixed by the Farm Board, and they were maintained under the threat that the board would take over the packing plants if the prices were not maintained, and for that reason no loss occurred.

Under this situation I think there need be no loss on these great items. On the other items there might be some little, trivial loss, but the benefit that would accrue to this country in every line of business would be so great that the Treasury could stand a loss, if one occurred. It would do more for the prosperity of the country than all of these conferences of the big financiers, who simply are looking out to make more profits out of the farmers and the other people of the country.

Mr. HEFLIN. Mr. President, I believe the Senator from Iowa will agree with me that if the cotton exchange were closed and the grain exchange should be closed we would not have this fluctuation in the price of cotton and grain we are now having.

Mr. BROOKHART. Mr. President, I agree with that, and I agree with the statement Mr. Legge made at one time, that if the Farm Board or the stabilizing corporations will buy only from the cooperatives and the farmers, and if it will put up enough money to buy the surplus, the grain exchanges will cease to exist, as they did when Hoover bought wheat during and after the war.

Mr. HEFLIN. My suggestion is that when the Government is trying to help the farmer hold his cotton for a profitable price, and trying to help the grain producer hold his grain for a profitable price, and the speculator can go upon the exchanges and sell as they did in one day last week in Chicago more than a third of the wheat crop of the United States, they can beat the price down. It is fictitious stuff, it is not wheat, it is nothing but chalk marks on the blackboard. The same thing happens with cotton.

If the President will throw his great influence back of Congress, and Congress will do its duty and pass the Caraway bill, we will stop these exchanges from robbing the grain growers and the cotton producers of the United States.

I think it is an outrage when these gamblers challenge the Government and seek to defeat its purpose when it is standing back of the farmer, seeking to help him receive a price that will

yield a profit. These men should not be permitted to toss into the gamblers' till the grain and cotton crop of the United States. It is a reflection upon the Congress and a reflection upon the President that this condition is permitted in the United States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I have been told this morning by two members of the Committee on Agriculture that when Mr. Legge testified before that committee—and the chairman of the committee did not hear the statement, as he was out of the room at the time—he stated that the board was buying future contracts. I think in fairness it ought to be said that these gentlemen told me that he claimed that he was going to insist upon delivery. But when the Farm Board itself is dealing in futures, when they are gambling on the markets, where are we going to?

I want to give the Farm Board every chance. I am going to vote for this amendment. I want them to have every fair chance. But I want to say to the Senator that, as a representative in part of the people of Tennessee, I protest against the Farm Board gambling on the futures market, either in cotton or in wheat or in any other commodity.

Mr. HEFLIN. Mr. President, I have no desire to hold up this measure; I want to hasten action upon it, but I did want to say this much: I am going to urge an early hearing on the Caraway bill, as I have helped to amend it, in order that we may get it out of the committee and bring it into the Senate for immediate action.

If these exchanges were put out of business the Government could see to it that cotton and grain received a fair price.

Mr. BROOKHART. Mr. President, I am in accord with the conclusion just stated by the Senator from Alabama as to the Caraway bill. A short sale is selling something you do not own, and it is a fraud just as much when it is grain or cotton as it is when you sell a farm you do not own; and you would get in the penitentiary if you attempted to sell a farm you did not own.

Another thing that will stop this gambling to a very large degree is the amendment offered by the Senator from Virginia [Mr. GLASS] taxing stock sales up in New York. I have offered a bill prohibiting short sales of stock, somewhat as the Caraway bill does as to short sales of grain and cotton.

If Congress would act upon those measures it would stop this cycle of gamblers in this country. That is all there is to this so-called business cycle; it is not a cycle of business, it is a cycle of gamblers. They get on the bull side of the market and up things go. When it reaches the stage of inflation, and they feel it is perfectly safe to take the bear side, they take that side, and down things go. That is all there is to that cycle of business; and Congress sits impotent, doing nothing, watching it all go on, and quarreling over little bits of chicken-feed stuff in a tariff bill, when these big things would really accomplish a benefit for the whole country.

Mr. WHEELER. Mr. President, I desire to call attention to a letter which I received from the president of the Montana State Farm Bureau. Incidentally, I might say that this gentleman, as I recall it, was a delegate to the last Republican National Convention. He writes:

I note by the press that there is a possibility of you folks investigating the Farm Board. I hope you do. I am sure you will be prepared to ask them some pointed questions if that comes around.

I am sure the farmers out here are not in accord with their actions at all. To begin with, they are insisting we cut down on our acreage this spring. Now, everyone knows who knows anything about the matter at all that we never have a surplus of Montana wheat, so why should we cut down? Furthermore, we object strenuously to being requested to cut down when the rest of the United States are going full tilt. The whole thing is wrong.

Whenever an economist starts to look into the condition of a nation, the first thing they look for is the "trade balance." If the balance is in favor of the country being looked into, they at once assume the nation is prosperous. We have been priding ourselves with the large balance in our favor and using it as an indication that the Nation was prosperous. I am sure the export business of the International Harvester while Legge was at the head of the company had quite a little to do with their financial showing. Yet in the case of the farmers he would have us cut out all export business. What makes the farmer see red is to continually have them tell us that all these things are fine for industry but not for the farmer. He is way beneath industry and should not deign to enjoy the things industry does.

They should be told again that we were repeatedly assured during the last campaign that a special session would be called at once, if they were elected, to take care of the 1929 crop. Well, I can assure them that the farmers are not satisfied with the way the 1929 crop was taken care of. And what is more discouraging, we do not see signs of the 1930 crop being taken care of any better. We were repeatedly promised legislation that would give us the full benefit of the tariff. Do not see any sign of that promise being fulfilled. On the other hand, we recall that at threshing time No. 1 wheat was quoted in Minneapolis at from $1.50 to $1.55 per bushel. We were urged repeatedly by the board to hold our wheat as the prices were going higher. Recently we saw the same wheat touch a dollar on that market. Those who followed the board's advice lost far more than the profits on the year's work. You can naturally see there is not a very agreeable feeling toward the board by those who were sanguine enough to follow their advice. And they are not overly anxious to take up with the board's plan after being stung this way once.

If the board wants our support they should make some definite move to fulfill the promises that were made us before the last election, and they will then find us coming strong to help them, but we are fed up on this political-promise bunk, with no thought of delivering.

Those who hold our mortgages are urging us to expand our acreage with the use of modern tools and methods so we can meet the mortgage payment.

Mass production is looked upon as the salvation of industry, yet we are told by the board it will not do for agriculture. Nuf said.

W. L. STOCKTON.

Mr. President, I am going to vote for this increased appropriation for the Farm Board, but I do think that Mr. Stockton has very forcibly called attention to the promises that were made by the Republican Party during the last campaign, which were not kept.

As I said a moment ago, Mr. Stockton is not a partisan Democrat; on the contrary, he was a delegate to the Republican National Convention, and he is the president of one of the largest farm organizations of the State of Montana, if not the largest.

The promises that were made to the farmer during that campaign throughout Montana have not been kept by the Republican Party. When the members of the Farm Board were before the Committee on Agriculture and Forestry testimony was given by Mr. McKelvie, to which I later called the attention of the Senate, to the effect that the purpose of the board was to get the farmers to reduce their crops. I pointed out at that time that that would not work out in actual practice. Notwithstanding that fact, they have carried on that campaign throughout the United States and paid no attention to establishing an equalization board until it was entirely too late. While I do not want to condemn them, but want to do everything I can to assist them in making the law a success, yet I feel that they are subject to some criticism for not carrying out the provisions of the law as it was enacted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, at the top of page 11, to insert:

GEORGE WASHINGTON BICENTENNIAL COMMISSION

For carrying out the provisions of Public Resolution No. 38 of the Sixty-eighth Congress, approved December 2, 1924, entitled "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," and all other activities authorized by the act approved February 21, 1930, entitled "An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans," as follows: For personal services, without reference to the classification act of 1923 as amended and civil-service regulations, traveling expenses, equipment, supplies, printing and binding, rent of buildings in the District of Columbia, and all other expenditures authorized by the above acts, $20,500, fiscal year 1930, to be available until expended.

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to insert:

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of the Treasury is hereby authorized and directed, upon the request of the chairman of the National Advisory Committee for Aeronautics, to make transfers during the fiscal year 1930 from the appropriation "National Advisory Committee for Aeronautics, fiscal year 1930," to the appropriation "Printing and binding, National Advisory Committee for Aeronautics, fiscal year 1930," of sums not to exceed in the aggregate $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to insert:

PORTO RICAN HURRICANE RELIEF COMMISSION

For the purpose of making loans to individual coffee planters, coconut planters, fruit growers, and other agriculturists in the island of Porto Rico, $1,000,000; for the rebuilding and repairing of schoolhouses

damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, $2,000,000; in all, $3,000,000, fiscal year 1930, to remain available until expended, in accordance with the provisions of Public Resolution No. 74, approved December 21, 1928, and Public Resolution No. 33, approved January 22, 1930.

Mr. JONES. Mr. President, after the word "labor" in line 18, page 13, I move to insert the word "on."

Mr. SMOOT. Mr. President, I ask the Senator, if this amendment is agreed to, how much we will have advanced to Porto Rico?

Mr. JONES. About $11,500,000.

Mr. SMOOT. That was my understanding.

Mr. JONES. But we passed a joint resolution authorizing it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the heading "Public buildings and public parks of the National Capital," on page 14, line 11, after the figures "1930," to strike out "$55,460" and insert "$76,793, to remain available until June 30, 1931," so as to make the paragraph read:

General expenses, maintenance and care of buildings: For an additional amount for general expenses in connection with the maintenance and care of public buildings in the District of Columbia, including the same objects specified under the head in the independent offices appropriation act for the fiscal year 1930, $76,793, to remain available until June 30, 1931.

The amendment was agreed to.

The next amendment was, under the heading "Smithsonian Institution," on page 15, after line 19, to insert:

National Museum: For repairs and alterations of buildings, shops, and sheds, including approaches and all necessary labor, material, and furniture, fiscal year 1930, $3,500.

The amendment was agreed to.

The next amendment was, under the subhead "Public schools," at the top of page 20, to insert:

Schools for crippled children: For equipment and maintenance of schools for crippled children, fiscal year 1930, to remain available until June 30, 1931, $13,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Buildings and grounds: For an additional amount for the purchase of additional school building and playground sites authorized to be acquired in the 5-year school building program act, $100,000, which shall be available for expenditure without limitation as to price based on assessed value: *Provided*, That the part of the appropriation of $517,000 for the purchase of school building and playground sites, contained in the District of Columbia appropriation act for the fiscal year 1930, which may be expended without limitation as to price based on assessed value, is hereby increased from $165,000 to $295,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 24, after line 21, to insert:

Seed-grain loan for crop of 1930: To enable the Secretary of Agriculture to carry into effect the provisions of the joint resolution entitled "Joint resolution for the relief of farmers in the storm, flood, and/or drought stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri," approved March 3, 1930, including the employment of persons and means in the city of Washington and elsewhere, printing, rent, in the District of Columbia and elsewhere, and for the collection of moneys due the United States on account of loans made thereunder, fiscal years 1930 and 1931, $7,000,000, of which amount not to exceed $30,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 29, line 5, after the word "in," to insert "Senate Document No. 101, and," and in line 7, after the word "Congress," to strike out "$99.98" and insert "$174.98," so as to read:

Damage claims: To pay claims adjusted and determined by the Department of Commerce under the provisions of section 4 of the act approved June 17, 1910 (U. S. C., title 33, sec. 721), on account of damages occasioned to private property by collision with vessels of the Lighthouse Service and for which the vessels of the Lighthouse Service were responsible, as fully set forth in Senate Document No. 101, and House Document No. 243, Seventy-first Congress, $174.98.

The amendment was agreed to.

The next amendment was, under the subhead "Patent Office," on page 29, at the end of line 24, to strike out "$70,000" and insert "$65,666.67," so as to read:

Salaries, Patent Office: For additional amount required for personal services in the office of the Commissioner of Patents, fiscal year 1930, $65,666.67.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 33, after line 12, to strike out:

Maintenance and operation, irrigation systems, Fort Peck Reservation, Mont. (reimbursable): For maintenance and operation of the Little Porcupine division and not exceeding 4,000 acres under the West Side canal of the Poplar River division, of the irrigation systems on the Fort Peck Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, fiscal years 1930 and 1931, $5,000, reimbursable, and for construction and betterment, Big Porcupine unit, Fort Peck project, Montana, to provide an adequate water supply for the area of that unit under constructed works, $55,000; in all, $60,000 (reimbursable), to be immediately available.

And in lieu thereof to insert:

Maintenance and operation, irrigation systems, Fort Peck Reservation, Mont. (reimbursable): For maintenance and operation of the Little Porcupine division and not exceeding 4,000 acres under the West Side canal of the Poplar River division, $5,000; and for construction and betterment, Big Porcupine unit, Fort Peck project, Montana, to provide an adequate water supply for the area of that unit under constructed works, $55,000, by and under the direction of the Commissioner of Indian Affairs, fiscal years 1930 and 1931; in all, $60,000 reimbursable.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to strike out:

Support of Indian schools: For an additional amount for support and education of Indian pupils in reservation and nonreservation Indian schools, fiscal years 1930 and 1931, $1,100,000.

And in lieu thereof to insert:

Support of Indian schools: For support and education of Indian pupils in reservation and nonreservation Indian schools, as follows: For additional subsistence, $480,000; for subsistence of pupils retained in boarding schools during summer months, $40,000; for noonday lunches in day schools, $50,000; for additional clothing, $30,000; for additional personnel for enlarged program of study, $150,000; for equipment, furniture, and livestock, $350,000; in all, fiscal years 1930 and 1931, $1,100,000.

Mr. HAYDEN. Mr. President, I offer the following amendment to the committee amendment.

The VICE PRESIDENT. Let it be reported.

The CHIEF CLERK. On page 36, line 18, strike out "$30,000" and insert in lieu thereof "$200,000," and in line 19, strike out "$150,000" and insert in lieu thereof "$250,000."

Mr. HAYDEN. Mr. President, I find that the Senate Committee on Appropriations has made a radically different set-up than the House Committee on Appropriations with reference to the distribution of the $1,100,000, the expenditure of which is authorized by this paragraph. The President of the United States, through the Budget estimates, asked for a substantial increase in the clothing allowance for pupils in Indian schools. The House allowed $200,000 for that purpose. The Senate Committee on Appropriations has fixed the amount at only $30,000. That is the explanation for my first amendment.

There is urgent necessity for an increase in the teaching personnel to carry out the enlarged program of study. The text of the House committee report shows that the House of Representatives made an allowance of $300,000 for that purpose. The Senate committee reduced it to $150,000. In the nature of a compromise between the two figures, I have offered an amendment fixing the amount at $250,000.

Mr. JONES. Mr. President, I desire to say that the two amendments submitted by the Senator from Arizona are subject to a point of order. The Committee on Appropriations have given instructions to raise the point of order against amendments like these. I appreciate the situation that confronts us with reference to the items. I know that there are exceptions to all rules. I have talked the matter over very carefully with the Senator from Arizona and I believe we are justified in making an exception in this case. While I shall not myself consider it a precedent for the future, I am not going to make the point of order against the proposal of the Senator from

Arizona. I think it is very important that we should do something of the kind proposed by him.

Mr. McNARY. Mr. President, it may be a worthy project and I am willing to accept the judgment of the Senator from Arizona on that point; but I am a little confused about the present situation. The Appropriations Committee held a meeting which I attended as an ex officio member and it was agreed that there should be no exception to the rule. In a few days I shall call up the agricultural appropriation bill. I intend to enforce the rule. I do not think we ought to make any exception after we have entered into an agreement not to do so. It embarrasses the whole situation.

I simply want to say that while I concur in the purpose of the amendment offered by the Senator from Arizona, it shall not be considered a precedent when the agricultural appropriation bill comes before the Senate, because if we once start to make exceptions we destroy the rule entirely. I address these remarks largely to the chairman of the Committee on Appropriations.

Mr. JONES. I appreciate what the Senator has said and the force of it, but, of course, this is to take care of Indian children at school and I think we are justified in making an exception in this case.

Mr. DILL. Mr. President, I want to protest against a policy that has been followed in Congress for several years. This is just another example of it. The Indian Bureau comes before the committees of Congress and asks for certain appropriations. Congress agrees and makes the appropriations and expects the Indian Bureau to observe them, but almost every year—indeed it seems to me every year—we are confronted with the same situation as that which now confronts us. The Indian Bureau comes back and asks for additional appropriations in a deficiency appropriation bill. If the Indian Bureau is not going to obey the law as to appropriations, we ought to know about it.

Mr. WHEELER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. DILL. I yield.

Mr. WHEELER. I am sure the Senator is misinformed as to this particular matter. There is no blame to be placed on the Indian Bureau in this instance, which relates to the question of food and clothing. If there is any blame it is upon the committee which prepared the amendment.

Mr. DILL. What about the enlarged program for study, and what about the equipment, furniture, and livestock?

Mr. WHEELER. I am glad the Senator called my attention to that, not because of the fact that the Indian Bureau was not asking for more equipment, but by reason of the fact that the Indian children of the country were being underfed. The Indian Bureau did take the matter up with the Budget and even went to the President of the United States, and the President agreed that there should be an appropriation for an additional $1,000,000. I am not sure of the exact amount, but I believe it was $1,000,000. When the matter came before the Appropriations Committee of the House, it was there changed by the committee for the purpose of providing that it should be used for the purchase of equipment. When the matter came over to the Senate we held a hearing before the Senate Committee on Indian Affairs and asked why it was that the much-heralded claim by the President that we were going to have additional money for food had been changed to provide for the purchase of equipment. We were surprised to learn that it was not the fault of the bureau, but it was changed by the committees of Congress themselves even after the President had announced the purpose and even after the Budget had allowed the amount for food.

Mr. DILL. But here is an appropriation of $350,000 for equipment, furniture, and livestock.

Mr. WHEELER. It is not the fault of the Indian Bureau that it is so worded.

Mr. DILL. It is the thing that occurs here every year. The committees of the House and Senate provide appropriations for the Indian Bureau, and they are expected to live up to the provisions of the appropriation bills, and yet every year so far as I can recall they come back and insist upon an enlarged appropriation in the deficiency appropriation bill.

Mr. JONES. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the junior Senator from Washington yield to his colleague?

Mr. DILL. I yield.

Mr. JONES. The Senator from Montana made a correct statement in regard to this matter. The change proposed here is not urged by the bureau at all. It is not asked for by the department. They say that later on they will probably have to ask for a deficiency appropriation, but the proposed amendment makes a little different arrangement of the different items that will help out in finally adjusting the matter.

Mr. DILL. The provision offered by the Senate committee is better than the House provision, because the House provision is so general that the money could be used for any purpose the Indian Bureau might choose. I am not objecting to feeding the children, but the bureau should have known when we passed the bill a year ago that they would have to be fed. What I object to is their continually coming here at the last minute and getting more money for livestock, more money for furniture or something of that kind, and in that way enlarging the bureaucratic field of the Indian Bureau that has been growing for years and is getting worse instead of getting better.

Mr. BRATTON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. The chairman of the committee spoke a moment ago about the Bureau of Indian Affairs not asking for the increased sum. I should like to know who is advocating it if the Bureau of Indian Affairs is not doing so?

Mr. JONES. Mr. President, I have no intention to evade the question. The Bureau of Indian Affairs does not consider that it is not needed, but they have confined their request to the Budget estimate.

Mr. BRATTON. We are proposing an increase of some $270,000. Is that proposal advocated without any survey or any estimate or any deliberate judgment by the bureau or anyone else having any knowledge of the facts?

Mr. DILL. The Bureau of Indian Affairs always want money to buy more livestock to give to the Indians. They have been doing that for 20 years to my knowledge. They are always wanting more, and when Congress refuses to let them have the money then they come down here through a deficiency bill and ask for over a quarter of a million dollars of money that they could not get through the ordinary appropriation bill.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. DILL. I yield to the Senator from Montana.

Mr. WHEELER. Let me say to the Senator that the Indian children upon these reservations have not been getting sufficient food.

Mr. DILL. I am not talking about that.

Mr. WHEELER. I am leading up to another thought. They have not been getting sufficient food. The Committee on Indian Affairs made an investigation of the conditions and found the situation to be appalling. They found that the Indian children in the schools were not being given sufficient to keep their bodies and souls together, and were not provided with sufficient clothes. We took it up with the department; the department took it up with the President; the President, my understanding is, took it up, and the Budget Bureau allowed this sum after a careful survey.

Mr. DILL. But because the Indian children are hungry, must we appropriate more than $300,000 with which to buy stock, much of which gets away and is frozen and dies on the reservations?

Mr. WHEELER. The Senator is wrong about that.

Mr. DILL. I am not wrong about what has happened. I have been watching the situation for a good many years.

Mr. WHEELER. The cows which it is proposed to purchase are dairy cows, so that the children may have proper milk. It is also necessary that they should have sufficient clothing. Anyone who has made a cursory examination of the situation with reference to the Indian reservations knows that the children in the Indian schools have not been given proper nourishment. It is a crime for this Government, which has taken away the property of these Indians by legislation and otherwise, to refuse to supply the Indian children proper clothing and to furnish them adequate food, both of which it is necessary for them to have.

If the Senator will yield further, let me say that the extra appropriation recommended by the Senate committee was put in the bill not so much at the instance of the Indian Bureau, but it was inserted because of the fact that the Indian Committee itself wanted these children to be properly fed and properly clothed.

Mr. DILL. I am not raising any objection to that; no man with any heart in him could raise any objection to giving the children proper food; but what I am objecting to is enlarging this program by again buying livestock.

Mr. HAYDEN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arizona?

Mr. DILL. I yield.

Mr. HAYDEN. This appropriation applies solely to the Indian schools. It is not a proposition to buy range livestock for Indians on the reservations, as has been done in many instances heretofore. This proposed appropriation is to be used for the purchase of dairy cattle in order to provide fresh milk for the children in the Indian schools, the money to be spent for no other purpose.

Mr. DILL. In what respect have the conditions changed since we passed the bill a year ago that makes it necessary now to spend more than a million dollars that it was not thought necessary to spend a year ago? Has there been any great plague? Has there been any great flood? Has there been any great destruction, or is the extra appropriation now necessary because of the inefficiency of the department to foresee the conditions?

Mr. HAYDEN. The situation is this: There was an investigation made by a commission, carefully selected by the President or by the Secretary of the Interior, known as the Merriam Commission. That commission reported shortages in food, and particularly of fresh milk in the Indian schools. At the suggestion of Congressman CRAMTON, of Michigan, inquiry was made of all the Indian schools in the country to determine whether they could support dairy herds or whether the present dairy herds could be enlarged. It is for the purpose of purchasing the required number of dairy cows in order to provide fresh milk for the children that this appropriation is desired.

Mr. DILL. There is nothing in this proposed legislation that says that the appropriation shall be expended for buying dairy cows.

Mr. HAYDEN. The bill reads "livestock," but the purpose is to buy dairy cows, as is shown by the hearings before the House Committee on Appropriations. If the Senator will look at the House hearings he will find that to be the purpose.

Mr. DILL. The department officials, however, are not bound by the House hearings; they are bound by the provisions of the law.

Mr. HAYDEN. I am sure that the officials of the Indian Bureau will be held strictly accountable by the House Committee on Appropriations if they shall spend the money for anything other than the purchase of dairy cattle.

Mr. BRATTON. Mr. President, the Senator from Montana said something about more money being needed for food for Indian children. With that we are all in sympathy, but let me call the Senator's attention to the fact that the proposed increase of $170,000 does not involve food. It relates to clothing. So the observations of the Senator from Montana urging more money for food are entirely foreign to the situation.

Mr. WHEELER. Mr. President, those Indian children need not only food, but if the Senator from New Mexico would go in the northern part of this country, into Montana and North Dakota, and see how those children are dressed in the wintertime in a cold climate, when it is 40 or 50 degrees below zero, I am satisfied he would not have any objection to the Congress of the United States appropriating money enough to make sure that those poor Indian children should have sufficient clothing with which to cover their bodies.

Mr. BRATTON. Certainly not.

Mr. WHEELER. I will say to the Senator that the conditions are appalling. The extra appropriation has been asked because of the fact that Congress has not done its duty in the past toward the Indian children who are going to school and those who are coming on.

Mr. BRATTON. That is true, but let me call the attention of the Senator to the fact that it is now proposed, without any survey by anyone, to increase the appropriation in a deficiency bill by $170,000.

Mr. WHEELER. The Senator is wrong.

Mr. BRATTON. I should like to know what is the basis on which the $170,000 increase is predicated?

Mr. WHEELER. The conclusion as to the necessity for the appropriation was reached after a very careful survey was made.

Mr. BRATTON. By whom?

Mr. WHEELER. By the Merriam Commission, appointed by the President of the United States; by the new Commissioner of Indian Affairs, and also by everyone else who has looked into the matter at all. The new Commissioner of Indian Affairs made a very careful survey of the conditions, and, in addition to that, the Merriam Commission, which was appointed by the President, also made a survey.

Mr. BRATTON. Mr. President, of course it is the solemn duty of the Congress to provide for the Indians; indeed, no one argues against that; and if an increase of $170,000 for clothing is needed, all of us agree that it should be provided; if the increased appropriation of $100,000 for the enlarged personnel is necessary, of course we concur that it should be provided; but it is strange that on the floor of the Senate it should be proposed to increase these two items by such substantial figures, and that in a deficiency bill, a bill which is intended to take care of urgent matters. Why can not these sums be provided in the annual appropriation bill for the Interior Department, where provision is made for the Bureau of Indian Affairs? The sum may be needed; I do not intend to delay the bill on account of this item. I am going to defer to the chairman of the committee in his decision to yield the rule in this case; but I doubt the wisdom of the policy. I doubt that the rule should be abrogated in a single instance, because once we abrogate it, such action will be invoked as a precedent in the future. I repeat, I doubt the wisdom of doing it; but I am going to yield to the chairman of the committee, although the committee agreed unanimously only a few weeks ago that the rule should be rigidly enforced without exception. However, the chairman of the committee has given more thought to that than have I, and I am going to yield to his good judgment.

Mr. JONES. Mr. President, I merely wish to say that I am going to take all the responsibility on myself and shall hereafter do my part toward carrying out the rule made by the committee.

Mr. CARAWAY. Mr. President, not connected with the pending amendment, I want to ask the chairman of the committee about an amendment which has been adopted authorizing an appropriation of $100,000,000 to be added to the revolving fund for the Federal Farm Board. What activity is that appropriation to finance, I should like to ask the chairman of the committee?

Mr. JONES. We have had nearly an hour's discussion with reference to that item, and I will merely say to the Senator, as I stated before, that the Senate committee did not feel it was its duty or responsibility to enter into the details as to how the money should be expended. The duty and responsibility is put upon the Federal Farm Board. We thought we would give them no excuse whatever as to the expenditure of the money; that we would take their estimate; and we put the amendment in the bill.

Mr. CARAWAY. Then there is no information as to what particular activity they intend to finance with the $100,000,000?

Mr. JONES. I have none and the committee has none.

Mr. CARAWAY. That question was not asked?

Mr. JONES. That was not gone into at all.

Mr. HEFLIN. Mr. President, I will say to the Senator that it has been suggested that they were going to use it to aid grain and cotton.

Mr. CARAWAY. That is what I was coming to. I do want the activity of the board to be extended to aid cotton. I am not objecting to the wheat and corn raiser getting everything he is entitled to; but the board is doing nothing for cotton, and the cotton industry is in a very much more depressed condition than is grain. I had hoped at least that the chairman of the committee would have asked the board if it was their intention, after they got through speculating in grain, to do something for cotton; but the chairman of the committee says he asked no such question.

Mr. President, I want to predict that after a while, if the board makes up its mind that it owes nothing to one staple and everything to another, there is going to be some reaction to the continued financing of the board along one particular line of activity. We who represent cotton are not inclined to be at all critical of any aid that the board may extend to grain and to grapes, but we do object to its expending the whole revolving fund for that purpose and then coming back and asking a large additional sum without any kind of pledge being exacted of it that the producers of cotton will have some relief extended to them.

Mr. WHEELER. Mr. President, I hope when the Federal Farm Board starts to deal with cotton the result will be better than it has been in the case of wheat, because I pointed out a few moments ago that a gentleman from my State, who had been a delegate to the Republican National Convention, made the statement that the price of wheat dropped from $1.50 or $1.55, after the board said the price was going higher, down nearly to $1.

Mr. CARAWAY. The price of cotton has made a greater decline in proportion than that. All I want to say is that I think certainly one industry is as much entitled to aid and support as is another. Cotton is yet being marketed, while wheat is practically off the market; the farmers have already been relieved of everything they had in wheat, and I wanted to know if in the future we would have any assurance that the cotton producers would get some consideration.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. HAYDEN] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HAYDEN. Mr. President, it will be necessary to correct the total.

The PRESIDING OFFICER. The correction suggested by the Senator from Arizona will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Reclamation," on page 40, line 13, after the figures "1931," to strike out "$175,000" and insert "$275,000," so as to read:

Secondary projects: For an additional amount for cooperative and general investigations, fiscal years 1930 and 1931, $275,000, payable from the reclamation fund, of which amount not to exceed $25,000 may be used for personal services, and not to exceed $10,000 for other expenses, in the office of the chief engineer.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster General," at the top of page 57, to insert:

Travel expenses: For an additional amount for travel, etc., office of the Fourth Assistant Postmaster General, including the same objects specified under this head in the act making appropriations for the Post Office Department for the fiscal year 1930, $1,000.

Mr. McNARY. I want to ask the Presiding Officer if the item preceding the one now under consideration refers to the proposed Pan American highway?

The VICE PRESIDENT. To what page does the Senator refer?

Mr. McNARY. I have not the page, but I thought it appeared on page 45.

Mr. JONES. Let me say to the Senator that the Pan American highway item is further on in the bill.

Mr. McNARY. On what page?

Mr. JONES. On page 65.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee which the clerk has read.

The amendment was agreed to.

The next amendment was, under the subhead "International obligations, commissions, etc.," on page 60, after line 9, to insert:

Waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain: For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, including the same objects specified under this head in the act making appropriations for the Department of State for the fiscal year 1930, $6,600.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

Naval conference at London: For an additional amount for the expenses of participation by the United States in the naval conference at London, fiscal year 1930, including the same objects specified under this head in Public Resolution No. 27, approved December 18, 1929, entitled "Joint resolution to provide an appropriation for the expenses of participation by the United States in the naval conference to be held at London in 1930," $150,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 2, to insert:

Commission to study and review United States policies in Haiti: For the expenses which may be incurred by the President in making an investigation by such means as he may determine of the conditions in, and a study of, the policies of the United States relating to Haiti, including compensation of employees, travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic or other services by contract, if deemed necessary, without regard to provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent of offices and rooms in the District of Columbia and elsewhere, purchase of necessary books and documents, printing and binding, official cards, rental, operation and maintenance of motor-propelled passenger-carrying vehicles, and such other expenses as the President may deem proper, including obligations incurred subsequently to February 7, 1930, fiscal year 1930, to remain available until June 30, 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

Inter-American highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described, fiscal year 1930, to remain available until expended, $50,000.

Mr. McNARY. Mr. President, following this item, I ask unanimous consent to have inserted in the RECORD a very excellent and able statement made by the Senator from Nevada [Mr. ODDIE] before the Appropriations Committee.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE PROPOSED PAN AMERICAN HIGHWAY—STATEMENT OF SENATOR TASKER L. ODDIE, OF NEVADA

Senator ODDIE. Mr. Chairman, I have introduced the following amendment in the Senate:

"Inter-American highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable costs, the economic service, and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described, to remain available until expended, $50,000."

On October 8 I submitted to the Senate the results of the proceedings of the Second Pan American Highway Congress at Rio de Janeiro, August 16 to 28, 1929, which I attended as one of the delegates appointed by President Hoover on behalf of the United States of America.

I now desire to make some remarks upon the First Inter-American Highway Congress which was held at Panama City, Republic of Panama, October 7 to 12, 1929, and attended by direction of the Secretary of State by members of the same delegation who represented the United States at Rio. Because of the call of public business here, I regret that I was unable to attend this event which I look upon as one which marks a significant era in the march of our relations with the countries south of us.

The congress was held at the invitation of the Republic of Panama and was attended by delegates from each of the Republics of Central America and of the United States of America. Its purpose is perhaps best expressed in the words of Engineer L. F. Clement, Secretary of Agriculture and of Public Works of Panama, and president of the Panama delegation, who presided over the sessions. In opening the meeting, Mr. Clement said:

CALLED TO SOLVE MUTUAL ROAD PROBLEMS

"We have gathered here to discuss among professionals the road problems each of our countries will have to solve to make possible the inter-American highway and to fulfill the aspiration of the Americas which desire to draw closer the bonds of unity in a true Pan American Union.

"We have come here to forge the links of a chain that shall unite our countries in what could well be called the first chapter of this American aspiration."

How well the congress achieved the goal set forth by Mr. Clement's statement is perhaps best demonstrated in the resolutions passed by the delegates for submission to the proper authorities of each of the Governments which they represented.

EARLY OPENING OF ROAD URGED

Thus, the first and most important note struck by these men was that the first link in a chain of inter-American highways should be open to the public for travel from the southern boundary of the United States to Panama within five years. It was their emphatic judgment that

there exists no physical obstacle that should prevent the accomplishment of this great objective well within the limits of that time.

Recognizing the task as one which could only be accomplished through the cooperation of the several governments, the congress resolved that the Pan American Union, acting through the Pan American Confederation for Highway Education, should be called upon to create an inter-American highway commission at the earliest possible date and outlined the purpose of that body as the making of a field study of the problems involved in the location, construction, maintenance, and financing of the road.

Such a commission, it was decided, should consist of not less than three members and should have as many as eight if each of the countries through which the road will go desires representation. The commission shall carry on its work in close cooperation with the governments of the several countries, and the reconnaissance surveys that may be undertaken will be conducted over routes which the latter may indicate as serving their major interests.

EACH COUNTRY TO LOCATE ITS ROUTE

As the purpose of highways is to promote the social and economic development of the regions in which they are constructed, it will undoubtedly be the policy of the commission to have the countries themselves fix the route of the projected intercontinental highway that will most effectively secure this purpose.

The union was also asked to secure, as soon as possible, either through the commission or otherwise, a rough approximation of the cost of opening such a road, with the thought in mind that when this is once known, consideration of the financial problem involved might be undertaken simultaneously with the examination into the physical aspects of the question.

Technical headquarters would be maintained in Panama, according to the terms of another resolution.

ALL GOVERNMENTS URGED TO COOPERATE

Finally, the delegates called upon the Governments of the Republics of Panama, Costa Rica, Nicaragua, Honduras, Salvador, Guatemala, Mexico, and the United States of America "to cooperate with the inter-American highway commission and to facilitate its work, furnishing all possible facilities for the works to be carried out in their respective territories in the accomplishment of its mission; such assistance to be given with either engineers, assistants, transportation, subsistence, or in other ways."

Throughout the deliberations, which were carried on through the medium of two general groups, one dealing with questions of policy, the other with the technical phases, there was a note of urgency sounded.

Both in the recorded resolutions and in the informal addresses of the several delegates, great stress was laid upon the economic and social benefits it was felt all countries would derive from the completion of this road. In each case the speakers dwelt on the fact that early construction would be of great material value in lessening the cost of both domestic and international transportation, as well as in the accomplishment of the larger purpose of promoting social intercourse between the peoples of all nations interested.

FIRST TASK ONE OF PROVIDING COMMUNICATIONS

With respect to the type of road to be constructed, opinion was unanimous that the immediate task is one of providing a means of communication. To that end, the conference went on record as approving the progressive system of construction. In other words, it was the sense of the delegates that the first work is one of "roughing through" roads which will permit the passage of motor transportation. Once this is done and traffic begins to move, then further improvement can be undertaken as needed.

The problem of financing a highway of this character was, of course, one of the most important questions before the congress. However, delegates felt it could be dealt with in advance of factual information as to the costs involved.

One interesting proposal which was placed before the meeting was that made by Luis F. Clement, Minister of Public Works of Panama, who has been deeply interested in securing a northern outlet for his country. In effect, his suggestion was that these sections of the inter-American highway (from Panama to Texas) should be considered as a single project and should be so financed. If this could be done, then it was thought that the proposal might be handled as a single bond issue. Each country might then be ready to guarantee that part of the cost incurred in the construction of its section and each would be left free to meet these costs by whatever method of finance is most suited to its fiscal requirements. The bond-buying public would have the benefit of the several guarantees and the net effect would be to concentrate attention upon the project and probably so hasten its completion.

It was clear from the several discussions, however, that none of the countries interested is holding back its construction of roads in anticipation of any single proposal.

NOTABLE PROGRESS ALREADY MADE IN PANAMA

Both during the meetings and after them, the delegates had an opportunity to see for themselves what has been accomplished by Thomas Guardia, chief engineer of Panama, during the administration of President Florencio Harmodio Arosemena and Minister Clement. Great progress has been made since the American delegation to the First Pan American Highway Congress stopped in Panama in 1924, and there has also been a notable increase in the amount of motor transportation which is now found in every part of the Republic.

Everywhere in the Republic there is a strong public demand for more highways, including more adequate facilities for crossing the canal—a feeling, by the way, which secured the approval of the delegates to the congress. Road work is being carried on not alone to the north but also to the south, and engineers in Panama say that highways can and will be carried through to the southern boundaries of the Republic within the course of a few years without the harrowing difficulties imagined by those who have written of southern Panama without having seen it.

The activity in Panama is being duplicated in all of the Republics through which the contemplated highway will run. The Government of Mexico has already officially approved the route of a highway which will form one of the links in the projected inter-American routes. The interest of this country in the project is clearly indicated in the following statement, taken from the 1929 report of the roads commission:

MEXICAN GOVERNMENT INTERESTED

"The National Highway Commission of Mexico, realizing the enormous importance to the country and the continent of the termination of the great Pan American highway, is giving preference, within its possibilities, and without neglecting the construction of other routes of no less importance, to the building of the roads from Mexico City to Laredo, and from Mexico City to Suchiate, which will form the Mexican division of this transcontinental highway."

At the present time an improved road extends from Laredo, on the border between Mexico and the United States, as far as Monterrey. It is in excellent condition and carrying an increasing number of tourists, with the result that plans have been formulated for the construction of a hotel at Monterrey, which, it is expected, will be the largest in the Republic. Other sections are improved or now in course of improvement.

The Government of Salvador has also approved and is carrying into execution a comprehensive program of highway construction. Included in this program is a road extending from the border of Guatemala to the frontier of Honduras, which will form the Salvadorean link in the projected inter-American highway.

In Honduras an announcement recently made indicates that work will soon be started on the Pacific coastal highway, which will extend from the frontier of Salvador to the border of Nicaragua. When completed this road may be utilized as the Honduran link in the intercontinental highway.

In Guatemala, Nicaragua, and Costa Rica, preferential attention is being given to the construction of public works, including highways, and preliminary studies which have been made indicate that in none of the countries are insuperable obstacles to be encountered which would hinder construction of such a highway.

ECONOMIC SIGNIFICANCE VERY GREAT

The economic significance of roads connecting the several Republics can not be overemphasized. Not only will they serve as a means of communication between the Republics, but they will undoubtedly have the effect of bringing the people within each nation in closer contact with one another. The construction of main highways will almost certainly be followed by the building of branch roads, extending to every point of the several Republics and constituting an outlet for the products of all districts, many of which are now completely isolated because of the inadequacy or entire absence of means of communication. Improved transportation facilities will increase the production capacity of the countries, bring all sections into closer touch with the ports, and consequently with world markets, and in general improve and promote the economic status of the people.

At the present time, with the exception of the connection between Mexico and Guatemala and Guatemala and Salvador, none of the Republics through which these northern sections of the inter-American highway will pass is in direct land communication with another. It is only by way of the sea or air that one may proceed from one country to another. The completion of a continental highway will completely change this condition, and the bringing of the peoples of the several countries into closer contact with each other should be a powerful influence in promoting closer political, cultural, and economic relations between the nations.

"HISTORIC EVENT," SAYS DRAKE

The significance of the congress was well expressed by J. Walter Drake, chairman of the delegation of the United States, who said:

"The Inter-American Highway Congress, which for three days has been working in this city for the common benefit and the aspirations of all the American people, has been an historic event which is destined to inaugurate a new era of good will and understanding among the countries of America. The work of this congress, in my opinion, will be felt for a long time to come. Up to the present time the construction of an inter-American highway has been considered only as a

dream, but the meeting of this congress has introduced a fundamental change in things, and it can truly be said that the first great practical step has been taken to unite the peoples of America by means of a highway, thus initiating a new era for the countries of this continent."

He proceeded, referring to the resolutions and measures adopted by the Inter-American Highway Congress, and described them as practical and beneficial in every respect, calling special attention to the resolutions approved during the session of October 8, one of which provides for an appointment of a commission to undertake the studies, prepare the estimates, and perform other preliminary work incident to the projected inter-American highway.

EFFECTIVE AID TO BETTER UNDERSTANDING

"In my opinion," he said, "there is nothing so effective to achieve mutual understanding, mutual cordiality, and complete harmony in objectives and ideals among peoples, as the construction of highways in the manner recommended during the course of the sessions of this congress, and I believe that since the discovery of America nothing more interesting and more vitally important has been done than the work performed by this congress during the course of this week, which undoubtedly will be an historic week."

HISTORICAL DEVELOPMENT OF IDEA

As a matter of public interest it is perhaps well to trace briefly the historical development of the proposal for an inter-American highway or highways and the part which the United States has played thus far in its consideration.

While the subject of land communication between the Americas has been discussed since the earliest days of the Republics of the New World, it is only within the last few years that the subject of highway communication has taken a practical direction.

The first suggestion of official consideration is contained in the minutes of the Fifth International Conference of American States at Santiago, Chile, in 1923, when the following resolution was passed suggesting the desirability of a Pan American Motor Highway Congress.

"That there be convened at a date and place to be determined by the governing board of the Pan American Union a conference on automobile highways to study measures best adapted to developing an efficient program for the construction of automobile highways within the different countries of America and between these different countries."

When this suggestion reached the United States it was discussed by representatives of the Pan American Union, the Inter-American High Commission, the Departments of Commerce and Agriculture of the United States, the North American Board of Highway Education, the National Automobile Chamber of Commerce, and other groups interested in highway transportation. As a result of these discussions it was decided, at the suggestion of Mr. J. Walter Drake, as a preliminary step, to issue an unofficial invitation to Latin American officials interested in highway problems to visit the United States for the purpose of making an intensive study of highway and transportation problems of the United States and to exchange and discuss professional data and experiences in road building, and also to outline and submit to the Pan American Union a tentative program for the conference which had been agreed upon at Santiago.

TRIP UNDERTAKEN IN 1924

Because of the fact that there were then available no Government funds for this purpose, Mr. Drake called into Washington leaders of the motor industry, who agreed to underwrite the cost of the transportation and subsistence of these men from and to their countries and including an extended tour on the roads while they were in the United States. Invitations were issued by the Highway Education Board, a quasi-official organization of representatives of government and industry, and acceptances were received from 38 leading Government engineers, economists, and other officials representing 20 Latin American countries.

The trip was undertaken in 1924, when, with the cooperation of the interested Government departments, including the Bureau of Public Roads of the Department of Agriculture, the Departments of State and Commerce, as well as the Pan American Union, the American Automobile Association, the American Association of State Highway Officials, the National Automobile Chamber of Commerce, and the Chamber of Commerce of the United States, the Highway Education Board took these men on an inspection tour of roads in the following States: Kentucky, North Carolina, Illinois, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, and New Jersey.

At the conclusion of the tour they reassembled in Washington and organized the Pan American Confederation for Highway Education, an international organization having for its object the study and promulgation in the different countries constituting the Pan American Union of fundamental principles that contribute to the development of adequate highways. At the request of the Pan American Union they also resolved themselves into a committee on program for the first Pan American Highway Congress, to which the Argentine Government had issued invitations for a session in 1925 at Buenos Aires. The object of the proposed congress was to consider and formulate principles which might serve as a basis for the development of highway communication in the countries comprising the Pan American Union, from the technical, administrative, and financial point of view, and to suggest the methods of cooperation that must be established between the countries of America in order to carry these principles into effect.

One of the points in the program which was recommended by the group of visiting Latin American engineers was the consideration of the construction of a Pan American highway which would unite the capitals of all the countries members of the Pan American Union.

FIRST PAN AMERICAN CONGRESS OF HIGHWAYS, 1925

Authority for participation by the United States in the First Pan American Congress of Highways was provided by Public Resolution No. 72, Sixty-eighth Congress (S. J. Res. 190) as follows:

"Joint resolution to provide for the expenses of delegates of the United States to the Pan American Congress of Highways

"*Resolved, etc.*, That the President of the United States is hereby authorized to appoint delegates to enable the United States to participate in the Pan American Congress of Highways to meet at Buenos Aires, in 1925 and for the expenses of the United States in participating in such conference, including the compensation of employees, travel, and subsistence expenses (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper, there is hereby authorized to be appropriated the sum of $15,000."

Approved March 4, 1925.

In the summer of 1925 the following delegates were appointed by the President, on recommendation of the Secretaries of Agriculture, Commerce, and State, and the Director General of the Pan American Union:

H. H. Rice, chairman, representing National Automobile Chamber of Commerce.

Thomas H. MacDonald, chief, United States Bureau of Public Roads.

Frank Page, chairman State highway department, Raleigh, N. C.

Charles M. Babcock, representing American Association of State Highway Officials.

A. N. Johnson, dean of engineering, University of Maryland, representing educators.

WILLIAM E. HULL, Member of Congress from Illinois.

Pyke Johnson, executive secretary.

Guillermo A. Sherwell, Inter-American High Commission.

PRESIDENT COOLIDGE'S MESSAGE

The delegation was received by President Coolidge at his summer residence at Swampscott, Mass., on September 2, 1925. The President expressed his appreciation of the importance of the mission intrusted to the delegation and delivered to the chairman the following letter:

"On the eve of your departure for Buenos Aires to attend the Pan American Congress of Highways as delegates on the part of the United States, I desire to extend to you and, through you, to the representatives of the other countries who may there assemble, the best wishes I entertain that the meeting of the Congress may be most successful in the interest of highway development, especially in those phases of the subject regarding international treatment.

"Your mission is an important one. The purpose of the Pan American Congress of Highways to bring together representative men of the Western Hemisphere familiar with the various phases of highway research with a view to the betterment of highway construction and motor transportation has my hearty support, recognizing as I do that better facilities of road communication will be conducive to improved intercourse and good understanding and can not but react to the social and economic advantage of all the nations concerned. I look forward hopefully to the time when through the efforts of the delegates to these Pan American conferences, the two continents of North America and South America will be united in physical fact through modern highways, as they are to-day united by bonds of mutual friendship and good will. I have no doubt that your influence will be exerted toward the furtherance of this desirable end.

"CALVIN COOLIDGE."

DECISIONS OF THE FIRST PAN AMERICAN CONGRESS OF HIGHWAYS

It was decided at this first congress that the congress should be made a permanent organization, "whose purpose was to bring about the rapid and urgent development of continental highways with the greatest possible efficiency."

It was also decided to establish in each country constituting the union, a national highways division under the supervision of the minister or secretary of the department in charge of highways, and that these divisions would endeavor to put into effect the decisions, resolutions, and recommendations of the Pan American Highway Congresses, keeping in touch with the central executive committee, in the country where the next congress was to meet; and that the congress, the central committee, and the national divisions should work in conjunction with the Pan American Confederation for Highway Education and other similar organizations to further the accomplishment of their aims.

PAN AMERICAN CONGRESS OF JOURNALISTS

In the spring of 1926 there was held in the United States a Pan American Congress of Journalists. Seeing in this meeting an opportunity to acquaint a representative group of citizens of Latin American

countries with highway conditions in the United States, the temporary executive committee of the Pan American Confederation for Highway Education on January 26, 1926, decided to assume responsibility for a trip of the Latin American delegates to the congress of journalists from New York to the Central West during the months of April and May, 1926. The purpose of this trip, as defined, was to give the journalists an opportunity to see something of the social and industrial life of the United States, and to bring about a better understanding of highway transportation and other problems of the day in this country. The trip, as planned and carried out, covered the States of Pennsylvania, Indiana, Michigan, and Ohio.

TOUR OF PAN AMERICAN BUSINESS MEN

A third opportunity to demonstrate the benefits of road improvement in the United States to still another group of Latin American representatives presented itself on the occasion of the Third Annual Pan American Commercial Convention which was held in Washington in May, 1927; and, at the suggestion of the Director of the Pan American Union, this opportunity also was accepted, and the delegates were taken for a two weeks' tour by highway and railroad through the agricultural and industrial centers in the States of Maryland, Pennsylvania, Ohio, Indiana, Michigan, Illinois, and New York.

It was suggested by Doctor Rowe at the meeting of the Highway Education Board on November 30, 1926, that an invitation be issued by the board to leading business men in Latin America to make a tour through the eastern industrial section of the United States directly after the close of the Third Annual Pan American Commercial Convention to be held in Washington, May 2, 1927.

On May 13, the delegates comprising the Latin American business men's tour left Washington as guests of the Highway Education Board for a two weeks' trip by highway and railroad through the agricultural and industrial centers of the eastern and central sections of the United States.

Purpose: To acquaint delegates with industrial and social conditions in the United States and give them an opportunity to exchange views with business men of the United States on questions of mutual interest.

SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES RECOMMENDS INTER-AMERICAN HIGHWAY

The subject of an inter-American highway was again discussed at the Sixth International Conference of American States, at Habana, Cuba, and the following resolutions were adopted:

(1) "To recommend to the Pan American Congress of Highways, which will be held in Rio de Janeiro in July of the present year, the consideration and adoption of agreements looking to the construction of a road of longitudinal communication across the continent, taking up and deciding all questions relative to studies, route, branch connections, technical and economic cooperation of the different countries, and all other matters involved in the solution of such problems.

"The Pan American Union shall be charged with the assembling of informative data and with the preparation of projects that may lead to the most efficient carrying out of the present resolution, bringing them in due time to the notice of the Pan American Congress of Highways above referred to.

(2) "To give its full approval to the initiative for the building of an inter-American highway and to recommend to all Governments members of the Pan American Union that they cooperate, in so far as possible, in the prompt realization of the said project."

By official vote the Pan American Union intrusted the task with which it was thus charged to the Pan American Confederation for Highway Education, the body which had grown out of the 1924 tour of the Latin engineers and which has for the members of its executive committee the following gentlemen: Leo. S. Rowe, chairman (Director Pan American Union), Wilbur J. Carr (Assistant Secretary of State), Roy D. Chapin (National Automobile Chamber of Commerce), Fred I. Kent (American Bankers' Association), J. Walter Drake, Thomas H. MacDonald (Chief Bureau of Public Roads), W. O. Rutherford (Rubber Association of America).

GOVERNMENTS ASKED TO COOPERATE

The executive committee accepted the responsibility placed upon it by the Pan American Union and at once proceeded to place before the proper authorities in each Government member of the Pan American Union a request that they cooperate with the confederation in preparing these projects.

The subject was brought before the Committee on Foreign Affairs at the first session of the Seventieth Congress, when, after holding hearings, the Congress expressed the utmost interest of the Government of the United States in the purposes set forth in the Habana resolution and in order to promote these propositions, passed the following joint resolution:

Whereas the Sixth International Conference of American States at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is intrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways.

"Resolved, etc., That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized to lend such cooperation and assistance as may be feasible and appropriate, with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference."

Approved May 4, 1928. (Public Resolution No. 40, 70th Cong.)

At the beginning of the second session of the Seventieth Congress President Hoover suggested further procedure in his message to Congress, as follows:

"In my message last year I expressed the view that we should lend our encouragement for more good roads to all the principal points on this hemisphere south of the Rio Grande. My view has not changed. The Pan American Union has recently indorsed it. In some of the countries to the south a great deal of progress is being made in road building. In others engineering features are often exacting and financing difficult. As those countries enter upon programs for road building we should be ready to contribute from our abundant experience to make their task easier of accomplishment. I prefer not to go into civil life to accomplish this end. We already furnish military and naval advisors and following this precedent we could draw competent men from these same sources and from the Department of Agriculture.

"We should provide our southern neighbors, if they requested it, with such engineer advisors for the construction of roads and bridges. Private interests should look with favor upon all reasonable loans sought by these countries to open main lines of travel. Such assistance should be given especially to any project for a highway designed to connect all the countries on this hemisphere and thus facilitate intercourse and closer relations among them."

This was finally embodied in a resolution by a subcommittee of the Committee on Foreign Affairs of the House, headed by Congressman COLE, of Iowa, which was subsequently passed and approved, as follows:

"Whereas the Sixth International Conference to American States, by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

"Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education has requested the cooperation of the several Governments, members of the union in the formulation of such projects; and

"Whereas the Congress of the United States of America, by joint resolution approved May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000, to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys, to develop the facts, and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service, and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described."

Approved March 4, 1929. (Public Resolution No. 104, 70th Cong.)

Hearings were held on the above measure before the Committee on Foreign Affairs of the House of Representatives on January 30, 1929, at which statements were made by Hon. CYRENUS COLE; Dr. L. S. Rowe, Director General of the Pan American Union; Hon. Wilbur J. Carr, Assistant Secretary of State; Thomas H. MacDonald, Chief of United States Bureau of Public Roads; and Mr. Pyke Johnson, of the National Automobile Chamber of Commerce. A map based upon the best information available at this time was prepared by the Pan American Confederation for Highway Education and brought before the com-

mittee, together with a statement of mileages, improved and unimproved, in each of the several countries. These hearings were published as a House document.

The $50,000 authorized by the above legislation is carried in the budget of the State Department for the current fiscal year.

Since the passage of this resolution requests have been received from the Governments of Nicaragua and Guatemala for assistance in making such a reconnaissance survey.

The Governments of Mexico, Salvador, and Panama have indicated that their work was so well advanced and their highways now so located that such surveys would not be necessary.

The other countries awaited the call of the Congress on Inter-American Highways at Panama last October before taking action in the matter.

EARLY STUDY OF ROAD ASKED

Then they joined with the others, as the resolution shows, in suggesting the early crention of an Inter-American Highway Commission made up of engineers whose duty it should be to work out plans for the early construction of highways in the first link of the chain from the boundaries of the United States of America to Panama.

SECOND PAN AMERICAN CONGRESS OF HIGHWAYS

In the meantime there had been held at Rio de Janeiro, Brazil, in August, 1929, the Second Pan American Congress of Highways, at which the Government of the United States was represented by an official delegation appointed by President Hoover and consisting of the following:

J. Walter Drake, chairman, formerly Assistant Secretary of Commerce; United States Senator TASKER L. ODDIE, of Nevada; Congressman CYRENUS COLE, of Iowa; Thomas H. MacDonald, Chief of the United States Bureau of Public Roads; Frank Sheets, chief engineer Illinois State Highway Department; H. H. Rice, National Automobile Chamber of Commerce, Detroit, Mich., and chairman of the delegation to the first congress; and Frederick Reimer, consulting engineer, New Jersey, president of the American Road Builders' Association.

The technical staff consisted of the following: Pyke Johnson, National Automobile Chamber of Commerce, and executive director of the Pan American Confederation for Highway Education; William Manger, chief of finance division, Pan American Union; G. Georgens, Department of Agriculture; W. Pickens, University of Louisiana; Joseph Tercero, chief, translations, Pan American Union; and John Drake, of Detroit, Mich.

I submitted a report of this congress, which was published in the CONGRESSIONAL RECORD for October 8, 1929.

Of the resolutions adopted by the Second Pan American Congress, the following are significant in the present connection:

"The congress considers it indispensable, in order to realize the objectives of the Pan American Union, and for the efficient and economic development of the roads, that every country should prepare a complete study of its highway system plan in order to meet the needs of intercommunication of its political subdivisions and to provide the most convenient junction with the highway system of the neighbor countries.

"The Congress considers it necessary that the construction of new highways should follow closely a well-studied program, continuously maintained, so as to lend to this public work the necessary uninterrupted execution. This is an important factor in the reduction of cost of the construction.

"To recommend to the Governments represented in this Congress, that when planning or increasing its systems of improved highways, they should adopt the scheme that is most convenient for international connections, also that when carrying out the construction they should give preference, as much as possible, to said connecting highways.

"To consider as international highways those which connect capitals of countries, and for the purpose of establishing the Pan American highway system, to request the government of interested countries to send as quickly as possible the plans of those highways which should be considered international, to the Pan American Union. This institution should be kindly asked to undertake this important work."

In this connection it is perhaps desirable to note that the Committee on Foreign Affairs of the House in their consideration of this matter made the following report on the subject of Pan American highways within the United States of America:

NO SPECIAL ROAD NEEDED IN THIS COUNTRY

"So far as the United States is concerned, the building of no special highway to connect with the Mexican highway south of Laredo, Tex., is contemplated. This country is already covered with a network of hard-surfaced roads, all of which will or can be connected with roads leading to the Mexican frontier. The same is true of Canada, which is also contemplated to be made a part of this international project."

This viewpoint is supplemented by the attitude assumed by the American Association of State Highway Officials when first, by action of their executive committee and later by action of the members as a whole they took the attitude expressed in the resolutions adopted, as follows:

EXECUTIVE COMMITTEE RESOLUTION

"This committee shall adopt the policy of encouraging the connection of numbered United States highways with the highways of countries adjacent to the north and to the south of this country and all State highway departments interested are hereby so advised. However, no one route will be selected by this committee to be known as the Pan American highway."

RESOLUTION ADOPTED BY MEMBERSHIP AT SAN ANTONIO, NOVEMBER, 1929

"International Highways

"Whereas in the development of the interstate highway system already identified by United States numbers it is desirable to recognize appropriate connections with the highways of other nations; and

"Whereas the executive committee of this association within its authority to extend the numbered system of interstate highways has recognized the need for such international connections, but has wisely declined to distinguish individual highways by the adoption of suggestive names: Therefore, be it

"*Resolved*, That this association indorses the development of an international highway system and approves the policy of its executive committee in adhering to numbers rather than names for such highways."

ATTITUDE OF OUR GOVERNMENT

In summing up the situation as it exists at the present time, the whole attitude which has been taken by the Congress of the United States and by the several executive departments of the Government has been one of standing by and showing every desire to cooperate with the countries of the New World, when and as they expressed a desire for such cooperation in the development of an inter-American highway or highways.

Since our own highway program has proceeded so far that the traveler from the south, once in the United States, can travel to any part of it, over improved roads, the problem is one which belongs inherently to our neighbors rather than to ourselves, great as is our interest in it.

From the outset it has been recognized that we can not presume to suggest either the location or construction of roads in other countries. The subject is so purely one for the consideration of the several governments that any attempt on our part to intrude would be justifiably looked upon as unwarranted.

When, however, the countries come to the United States, as they have through the medium of the resolution cited, and the action of the Pan American Union, requesting cooperation, then this country should be ready at all times to cooperate and the Congress of the United States and the President have always demonstrated every readiness to do so as testified by the action cited.

PANAMA CONGRESS GREAT FORWARD STEP

The Inter-American Highway Congress held at Panama is a practical step in the direction of an early fulfillment of a long-cherished ideal. The countries of Central America have requested that we join with them in an early undertaking of the preliminary engineering aspects of this problem.

On the basis of the request as it stands and of the attitude which I know all Members of Congress have, we can now further pledge our friends to the south of us that we stand ready to give every fitting cooperation in this project which means so much to the people of the New World, and which has been so well epitomized by President Hoover:

"For many years, for perhaps half a century, the engineers have carried a dream in their minds that they might some day have a railway from Canada to Tierra del Fuego. That dream is much more likely of realization and is certain of realization through the development of the great new form of transportation by automobile, for through that we will have the extension of our road system to that point where we shall have at last and in reality, and in not many years, real communication between all the nations of the American Continent."

I now desire, Mr. President, to read into the record the names of the delegates who participated in the meeting of the First Inter-American Highway Congress, the remarks of Mr. Clement in the opening session, and the resolutions adopted by the delegates for submission to their several governments.

The delegates who participated in the deliberations were:

Canal Zone: Maj. R. A. Wheeler, assistant engineer of maintenance; Mr. George W. Green, municipal engineer.

Costa Rica: Enrique Fonseca Zuniga, minister of Costa Rica to Panama and former secretary of the department of public works; Juan Matamoros, assistant director of roads and bridges of the department of public works.

Guatemala: Eduardo Icaza A.

Honduras: Dr. M. E. Velasquez, minister of Honduras to Panama.

Nicaragua: Bernabe Portocarrero, assistant manager Pacific Railway of Nicaragua.

Panama: Luis F. Clement, secretary of agriculture and public works; Tomas Guardia, chief engineer of the central roads board and delegate to the Second Pan American Highway Congress; Enrique Linares, jr.,

acting chief of central roads board; Jose Ramon Guizado, divisional chief in charge of road work in Chiriqui Province; Leopoldo Arosemena, secretary Panama Federation for Highway Education, member Pan American Highway Commission; Macario Solis; Rodolfo Herbruger; S. Ernesto Duque.

Salvador: Manuel Lopez Harrison.

United States: John G. South, minister of the United States to Panama; J. Walter Drake, former Assistant Secretary of Commerce, one of the founders of the Pan American Confederation of Highway Education; Thomas H. MacDonald, Chief of the United States Bureau of Public Roads and chairman of the Highway Education Board, member of the executive committee on the Pan American Confederation for Highway Education; H. H. Rice, chairman of the United States delegation to the First Pan American Highway Congress, member of the Highway Education Board, treasurer of the National Automobile Chamber of Commerce; E. W. James, chief of the division of design, United States Bureau of Public Roads; Pyke Johnson, executive secretary.

MR. CLEMENT'S ADDRESS

The complete address made by Mr. Clement at the opening session is as follows:

"Gentlemen, I am pleased to present on behalf of His Excellency Engineer Florencio Harmodio Arosemena, President of the Republic of Panama, and in my own name, our most cordial welcome.

"The Panaman nation is sincerely grateful to your respective governments for the enthusiastic acceptance of our invitation for the celebration of these conferences, as shown by the distinguished representations here gathered.

"The idea that Panama should be the seat of this meeting originated in the office of the Pan American Union at Washington, and the suggestion made by its director, Dr. Leo S. Rowe, received from the first moment the most decided and warm support of the Government of my country, presided over by the eminent engineer, Florencio Harmodio Arosemena. Through the regular channels, my government proceeded to extend the corresponding official invitations, in accordance with the suggestions of the organization to which I have referred, that the delegations be formed by engineers under whose direction road work is carried out in the countries invited. We have gathered here to discuss, among professionals, the road problems that each of our countries will have to solve to make possible the inter-American highway and so fulfill this aspiration of the Americas which desire to draw closer the bonds of unity, in a true Pan American Union.

SUPPLEMENTS RIO CONCLUSIONS

"We have come here to forge the links of a chain that shall unite our countries in what could well be called the first chapter of this American aspiration.

"This meeting, modest and informal, tends only to complement in a practical manner what was agreed at the last Pan American Congress held recently in the city of Rio de Janeiro.

"Our object is to offer to the consideration of this conference the works which each of our countries have realized in the pursuit of a project of transcendental interest, to explain our future plans and discuss what we still have to conclude. Precisely in this discussion we should broach the question which most vitally interests the different delegations, because we must reach an agreement on the point and adjust our plans for the connections and junctions which this highway must make on the frontiers of each of our countries.

"I consider that a most frank intelligence should prevail in this discussion, striving always for our reciprocal benefit and considering above all, the general interest that this great means of communication should offer.

"I am confident that, this being a purely engineering problem which is being dealt with by professionals, a happy solution will be found for it in this conference.

ECONOMIC PHASE IMPORTANT

"Nor should we forget the economic phase involved in this great project. For the construction of highways technical knowledge is not the only thing needed; it is also necessary to apply the practical sense in proposing and recommending to our respective governments the manner of raising the necessary funds for carrying out what we here agree upon.

"An idea occurs to me—and I express it only as a personal suggestion—that the most practical plan for countries such as Panama, whose resources are very limited and which still have long stretches of highways to conclude, would be to jointly float a loan or bond issue for the total amount of the estimates and budgets made or which may be prepared for this work. This loan would be subscribed to proportionately, in accordance with the sum assigned to each country according to the respective estimates. Each State in turn would make itself a debtor for the corresponding sum and would redeem it in the manner agreed upon. The object of uniting ourselves for the acquisition of this loan is that of jointly pledging that the proceeds of said loan would be employed exclusively in the completion of the inter-American highway; that is to say, between the cities of Panama and Washington. This, besides being a guaranty that each of our countries would invest these sums for our reciprocal benefit, would bring it the prestige of all worth-while causes, creating greater interest among capitalists who are to subscribe to the loan bonds and who would be assured that the money devoted to this vast project would be well invested, and would surely have the approval and good will of each and every American desiring a closer union of the Americas.

"This loan, I am inclined to believe, would have the approval of the Government and people of the United States, to whom we would undoubtedly have to resort for this cooperation in order to successfully carry out such a plan. If we manage to secure this cooperation for the realization of this great work, which is to be taken for granted in view of the tour made by the eminent engineer who to-day guides the destinies of the United States through the American countries; this loan, I repeat, would receive enthusiastic support in the United States among gasoline producers, automobile manufacturers, and dealers in related products, and from all those capitalists interested in our countries, who would be those most directly benefited by the increase which this splendid work would create for their respective businesses.

SUGGESTS LIBERAL CONDITIONS

"In case this operation is carried out, it should be realized under liberal conditions, such as a low rate of interest, long terms, amortization of annuities compatible with the resources of our Government, and the payments could be estimated based on the increase of revenues to be derived by reason of the road itself. I refer particularly to the gasoline tax and general traffic licenses. Naturally, ample margin should be allowed in these payments to afford a surplus which could be properly employed in the preservation and maintenance of the American highway, which should also be occasion for reciprocal agreements.

"I must now refer to another phase of that same project—communication across the Panama Canal.

"Panama generously agreed to her territory being severed in the spirit that the motto on our national coat of arms indicates: 'Pro Mundi Beneficio,' and it is not logical, gentlemen, that we should be kept without the means of permanent communication within our territory. To-day, however, the problem assumes a different aspect; it ceases to be purely local in nature, to become a necessity for America.

TIME ELEMENT PRIME FACTOR

"It is pretended that with a so-called ferry service this communication can be obtained. I will not waste time to even discuss its inconveniences. You will not lose sight of the fact that the time element is a prime factor when considering means of communication. An intermittent service, no matter how regular or efficient it may be, will never satisfy the demands of traffic. Panama has not yet derived all the benefit or advantage that should have accrued to her from her road system, built at the cost of enormous sacrifices, precisely because of the condition indicated.

"A bridge or tunnel, or any other means of communication of a permanent nature, is an imperative necessity, for my country in particular, and in the interest of the American countries in general.

"Those who oppose this idea plead the security and defense of the canal in the event of war as though the same inconvenience which they invoke against a permanent means of communication is not to be found in the locks which serve the canal; as though the risks to which the canal would be exposed by said bridge are not offered by the same locks and also by the vessels which constantly transit the canal; and, in my opinion, the last two offer the gravest danger.

PANAMA EAGER FOR BRIDGE

"My country has been clamoring for this permanent means of communication ever since work on our national highways system was initiated.

"At the meeting held in the city of Chicago January 11, 1926, under the auspices of the American Road Builders' Association, the then official delegate from Panama, to-day President of the Republic, proposed—and it was unanimously recommended to the Government of the United States—the construction of a bridge across the canal.

"I take advantage of this occasion to request the delegation of the United States to make itself the echo of this just aspiration of my country. I do not deny that the construction of a permanent means of communication across the canal constitutes a problem, but, in my opinion, it is merely a problem of an economic nature.

"I do presume that in this we can count on the support of the United States delegates and Government officials, who would thus be demonstrating in bold relief their good faith and cooperation for the realization of the great project, the inter-American highway.

TRANSISTHMIAN ROAD PROPOSED

"Also worthy of your attention is the transisthmian road, which my country now has in project and which will unite the cities of Panama and Colon. This project, which is about to become a reality, will be the first attempt at toll roads here. Said road, until such time as it becomes possible to continue the inter-American highway toward the east from Panama, could offer certain facilities and afford neighboring countries and those of the Caribbean, especially Colombia and Venezuela, the benefits of the inter-American highway.

"Panama has already constructed in the western sections of the country 300 kilometers of roads, is now constructing 283 kilometers more, and still must construct 62 more kilometers of road to reach the frontier with Costa Rica.

"We have also begun work on that portion of the road leading toward South America. Work has been carried out between this capital and the town of Chepo, 70 kilometers from this city.

"The other members who comprise the Panama delegation will afford you all other details and explain the methods which are employed in this country for the construction and maintenance of highways, and will have, I can assure you, special interest in affording you all the information which you might deem convenient, and also present you with a detailed study of preliminary survey of the probable connection which will carry our projected highway to the frontier of our western neighbor, Costa Rica.

"In conclusion I must tell you that I cherish the utmost confidence that the results of this conference will be fruitful and that, brothers as we are in ideals and in profession, our decisions will be characterized by a most ample and generous understanding, and as professionals we can legitimately feel pride in carrying out this work to its fullest realization and thus we will have contributed toward furthering the genuine spirit of Pan Americanism.

TRIBUTE TO ENGINEERING LEADERS

"Happily, in all the countries of Central and South America there are at the head of the various Governments men who are blessed with a real practical spirit, and proof of this can be found in the general representation to be observed in this conference. And as a most satisfactory coincidence, gentlemen, the two countries forming the extremes which it is proposed to unite by this great artery of progress—the United States and Panama—have engineers at the head of their Governments, and surely they will interest themselves so that this highway may stand as a living memorial to their respective administrations. Let us all work with zeal and the constancy which such a great project demands and not hesitate an instant until we have crowned our effort with the most complete and indubitable success.

"This conference may be likened unto the surveyor's stakes over this great route which will serve to strengthen, more and more, the relations of various nature between the United States and those countries below the Rio Grande, thereby establishing a community of interests and high ideals between two races which, because of their ethnic conditions, are destined to strive together constantly for success of continental progress."

INTER-AMERICAN CONGRESS RESOLUTIONS

The resolutions adopted by the congress follow:

1. To recommend the immediate provision of a vehicular crossing of the Panama Canal and Zone, at all times adequate for the traffic.

2. First. To recommend that the Pan American Union, through the Pan American Confederation of Highway Education, appoint a commission consisting of from three to eight members to be designated as the Inter-American Highway Commission. The governments interested may be represented by delegates appointed by them.

This commission shall meet as often as may be necessary and may do business once the majority of its members are present.

The Inter-American Highway Commission shall start work as soon as possible. The commission shall render detailed reports of the result of its works, and a copy of such reports shall be delivered to each of the governments interested.

COOPERATION URGED

Second. To recommend to the Governments of the Republics of Panama, Costa Rica, Nicaragua, Honduras, Salvador, Mexico, and the United States of America, that they cooperate with the Inter-American Highway Commission and facilitate its work, furnishing all possible facilities on the works that are carried out in their respective territories in the accomplishment of its mission; such assistance to be made either with engineers, assistants, transportation means, subsistence, etc.

Third. To recommend to the Pan American Union that as soon as the favorable moment arrives and as often as circumstances may justify, it promote meetings of representatives duly accredited by the countries interested in the inter-American highway so that they can make any necessary international agreements in each case, having as a basis thereto the work previously done and the reports submitted by the Inter-American Highway Commission.

Fourth. To recommend to the Pan American Union that it obtain through the Inter-American Highway Commission or through other means, approximate data covering the probable cost of the highway in each Central American Republic, so that the financial problems may be considered simultaneously with the technical studies.

3. To make record of the interesting suggestions concerning the financing of the inter-American highway which are contained in the opening speech of the president of the conference and to forward such suggestions to the Inter-American Highway Commission as soon as the same is created.

ROAD SHOULD BE READY IN FIVE YEARS

4. To recommend to the Pan American Union that it in turn recommend to each of the countries between Panama and the United States that within a period of five years they construct a road suitable for vehicular transit between the two countries.

5. To give particular approval to the resolution of the Second Pan American Highway Congress, recommending that the traffic rule of the road shall be riding to the right when meeting another vehicle coming in the opposite direction and to ride on the left of another vehicle in the same direction, and to furthermore resolve that the recommendation for the adoption of this rule of the road be forwarded by this conference to the Government of the Republic of Panama and to the Governor of the Canal Zone.

PURPOSES OF CONGRESS

6. Whereas in the speech of President Clement important problems of improvement and utilization of highways were submitted to the consideration of the conference: Be it

Resolved, That the objectives of the conference should be stated as follows:

First. To promote the general state of betterment and utilization of highways within and between the nations represented.

Second. To enforce the resolutions adopted by the First and Second Pan American Highway Congresses.

Third. To recommend the forms and the methods with which to carry out the specific projects of highways in which the different countries are interested, particularly the project for the prompt opening of traffic over the highways across the various countries from Panama to the United States.

Fourth. To promote the advancement of the science of highway construction related to engineering, finances, and their utilization by means of the exchange of opinion, experience, and scientific data.

7. To recommend the establishment in Panama of a central technical information, to be also a central agency of all technical societies of the American Continent. To recommend to the Pan American Union that it may designate the personnel that is to work in the said office as well as the quota for its maintenance corresponding to each country represented.

PROGRESSIVE CONSTRUCTION URGED

8. To recommend to the Pan American Union that the Pan American Union recommend to each one of the countries between Panama and the United States, with a view to opening the traffic as soon as possible, that the progressive system of construction of the Inter-American Highway be adopted and to continue improving the highways as traffic conditions will require.

9. To thank the Government of Panama for the courtesies and cooperation extended, which have contributed to the success of the conference.

To also make record in the minutes of the feeling of gratitude felt by all the delegates for the courtesies extended by the commission that organized the conference, the Panama Association of Commerce, the Rotary Club, the Panama Federation of Highway Education, the Panama Automobile Club, the Panama Engineering Society, and all those institutions which in one way or another had contributed to make the stay of the delegates in this country a pleasant one.

REPORT OF TECHNICAL SECTION

In view of the adoption of the Guardia recommendation by the plenary session of yesterday, it is thought that any report on details of a technical nature becomes inadvisable at the moment. The Guardia recommendation furnishes the means for securing rapidly accurate information on which the technical standards of the proposed inter-American highway may be adjusted and fixed with greater assurance of their being satisfactory and applicable than with our present information.

The technical section, therefore, recommends that in each interested country the highway departments prepare as a preliminary step a statement in detail of the existing conditions of the route which is proposed locally as part of the highway in question. This statement should include distances, types, condition of advancement of each section; standards in force affecting width, maximum gradients, curvature, etc.; and where possible a summary statement of costs of work already done.

At the present time a brief and rapid survey of the situation as it exists to-day between Panama City and the Mexican frontier is as follows:

	Miles
Panama:	
Constructed	186
Under construction	149
Projected	40
Total	375
Honduras: Projected	93
Costa Rica:	
Graded roads	40
Unconstructed	324
Total	364

	Miles
Nicaragua:	
Constructed	102
Unconstructed	177
Total	279
Salvador:	
Graded	126
Projected	89
Total	215
Guatemala:	
Good road	19
Earth road	93
Poor road	186
Total	298

Experience indicates that it is often difficult to secure quickly statistical data regarding the population, production, traffic, automobile registration, etc., in some countries, and it is recommended by the technical section that the delegates use their best efforts on returning to their headquarters to assemble all data likely to be of service in connection with the project in hand, in order to facilitate the early work of the commission provided for in the Guardia recommendation.

Maps and old surveys should be made available and everything possible done to anticipate the needs of the permanent commission.

The interest of the Republic of Panama in bringing into actuality an inter-American highway from Panama to the United States has been shown by the recent appropriation of $20,000, through the central highway board, for preliminary expenses in connection with the reconnaissance of the estimated cost.

The plan of setting up a board consisting of representatives from each of the countries to make a reconnaissance survey of the desirable route and estimate of cost of the uncompleted sections of the highway from Panama through Costa Rica, Honduras, Nicaragua, Guatemala, and Mexico, to the United States, is the outgrowth of the inter-American conference called in Panama last October, and to the Republic of Panama goes the first credit for actually establishing funds for defraying a part of the necessary expenses of this work, although the United States has authorized an appropriation.

Mr. Tomas Guardia, chief engineer of the Central Highway Board of Panama, has cabled Dr. L. S. Rowe, director of the Pan American Union, as follows:

"I am pleased to inform you that the Government of Panama, through the central highway board, has appropriated $20,000 for preliminary expenses of the inter-American highway."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

Inter-American Congress of Rectors, Deans, and Educators: For the purpose of defraying the expenses of participation by the Government of the United States by means of delegates to be appointed by the President in the Inter-American Congress of Rectors, Deans, and Educators in general to be held at Habana, Cuba, on February 20, 1930, including travel expenses, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, compensation of employees, rent, official cards, and such other expenses as the President shall deem proper, fiscal year 1930, to be available for expenditures incurred after February 17, 1930, $4,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Coast Guard," on page 68, after line 23, to insert:

Fuel and water: The Secretary of the Treasury is authorized to make transfers during the fiscal year 1930 from the appropriation "Fuel and water, Coast Guard, 1930," to the appropriations "Pay and allowances, Coast Guard, 1930," and "Mileage, etc., Coast Guard, 1930," of sums not to exceed in the aggregate $380,000.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to inquire if it is in order at this time to offer an amendment to the motor-boat provision on page 69?

The VICE PRESIDENT. That will come later. At this time committee amendments only are in order.

Mr. BLAINE. Very well.

The VICE PRESIDENT. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, under the subhead "Office of the Supervising Architect," on page 72, at the end of line 15, to strike out "$6,000,000" and insert "$6,750,000," so as to read:

Boston, Mass., post office, courthouse, etc.: The limit of cost fixed in the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 919), is hereby increased from $4,750,000 to $6,750,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 5, to insert:

Denver, Colo., customhouse, etc.: The limit of cost fixed in the act of March 5, 1928, is hereby increased from $1,060,000 to $1,235,000, and appropriations heretofore made are hereby made available for the acquisition of additional land and toward the construction of said building.

The amendment was agreed to.

The next amendment was, on page 75, line 11, before the word "and," to strike out "$590,000" and insert "$818,000," so as to read:

Lynchburg, Va., post office and courthouse: The provision for this project in the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 921), shall include the acquisition of additional land, and the limit of cost is increased from $550,000 to $818,000 and so much of the amount appropriated under the authority of such act as may be required is hereby made available toward the purchase of such additional land.

Mr. OVERMAN. Mr. President, the committee, in considering this item, found it necessary to increase the limit of cost in order to purchase certain buildings for the extension of the post office at Lynchburg, Va. They appropriated the amount named in the bill with the understanding that the citizens of Lynchburg would purchase an old Presbyterian Church there and donate it to the Government. The citizens have declined to do it; and I think it is a wrong policy for the Government to require citizens to purchase property and donate it to the Government. The amendment that I offer is to increase the limit of cost of both buildings, so as to give the Government the amount necessary to purchase these buildings.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 75, line 11, it is proposed to strike out "$818,000" and insert "$848,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous projects," on page 78, after line 20, to insert:

Carville, La., marine hospital: For two silos, $5,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 22, to insert:

Fort Stanton, N. Mex., marine hospital: For replacement of two silos, $5,000; for a concrete bridge, $4,000; in all, $9,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 5, to insert:

New York, N. Y., quarantine station: For painting, pointing, and waterproofing walls, extension of roadway, repairs to dock, relocation of flagpole, and miscellaneous repairs, $30,000.

The amendment was agreed to.

The next amendment was, on page 79, line 21, in the subhead, after the word "buildings," to strike out "operating expenses" and insert "repairs, equipment, and general expenses," so as to make the subhead read:

Public buildings, repairs, equipment, and general expenses.

The amendment was agreed to.

The next amendment was, on page 79, after line 22, to insert:

General expenses: For salaries of architectural and engineering personnel in the District of Columbia in addition to the amount heretofore provided for that purpose in the act making appropriations for the Treasury Department for the fiscal year 1930, $64,400.

The amendment was agreed to.

The next amendment was, on page 80, after line 13, to insert:

OFFICE OF THE SUPERVISING ARCHITECT

Salaries: For an additional amount of salaries, Office of the Supervising Architect, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $7,035.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 84, after line 1, to insert:

Preservation and maintenance of existing river and harbor works: For the preservation and maintenance of existing river and harbor





works, including the same objects specified under this head in the War Department appropriation act for the fiscal year 1930, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, $12,000,000.

The amendment was agreed to.

The next amendment was, under the heading "Damage claims," on page 87, line 17, after the word "in," to insert "Senate Document No. 102, and," so as to read:

For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and establishments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Document No. 102 and House Document No. 243 of the Seventy-first Congress, as follows:

The amendment was agreed to.

The next amendment was, under the subhead "Damage claims," on page 87, after line 19, to insert:

Department of Agriculture, $3,747.88.

The amendment was agreed to.

The next amendment was, on page 87, line 21, to increase the appropriation for damage claims, Department of Commerce, from "$2,348.51" to "$2,470.01."

The amendment was agreed to.

The next amendment was, on page 87, line 22, to increase the appropriations for damage claims, Department of the Interior, from "$212.15" to "$331.55."

The amendment was agreed to.

The next amendment was, on page 88, line 2, to increase the appropriation for damage claims, "Post Office Department (out of the postal revenues)," from "$31,593.66" to "$37,429.09."

The amendment was agreed to.

The next amendment was, on page 88, line 3, to increase the appropriation for damage claims, Treasury Department, from "$3,604.30" to "$4,586.27."

The amendment was agreed to.

The next amendment was, on page 88, line 6, to increase the total appropriation for damage claims from $44,500.56 to $55,306.74.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, United States courts," on page 88, line 15, after the word "in," to insert "Senate Document No. 100, and"; in line 18, after the figures "$6,469," to insert "Post Office Department, $8,705.72"; in line 19, after the name "Treasury Department," to strike out "$250.10" and insert "$2,162.75"; in line 20, after the words "in all," to strike out "$11,381.46" and insert "$21,999.83"; and in line 22, after the words "per cent," to insert "or at such rate as may be specified in the judgments," so as to make the paragraph read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (U. S. C., title 28, sec. 41, par. 20; sec. 258; secs. 761–765), certified to the Seventy-first Congress, in Senate Document No. 100 and House Document No. 248, under the following departments and establishments, namely: Department of Labor, $6,469; Post Office Department, $8,705.72; Treasury Department, $2,162.75; War Department, $4,662.36; in all, $21,999.83, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent, or at such rate as may be specified in the judgments, from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 89, line 4, after the word "approved," to insert "June 24, 1926 (44 Stat., pt. 3, p. 1615), November 17, 1921 (42 Stat., pt. 2, p. 1569), July 3, 1926 (44 Stat., pt. 3, p. 1710)"; in line 7, after the figures "1925," to strike out "(45 Stat., pt. 3, p. 1581)" and insert "(43 Stat., pt. 2, p. 1581)"; in line 15, after the word "in," to insert "Senate Document No. 100, and"; in line 19, after the name "Navy Department," to strike out "$70,413.08" and insert "$271,534.63"; in line 20, after the name "War Department," to strike out "$69,986.88" and insert "$225,545.88"; and in line 21 to strike out "$299,122.01" and insert "$656,802.56," so as to make the paragraph read:

For the payment of the judgments, including costs of suits, rendered against the Government by United States district courts under the provisions of the special acts approved June 24, 1926 (44 Stat., pt. 3, p. 1615), November 17, 1921 (42 Stat., pt. 2, p. 1569), July 3, 1926 (44 Stat., pt. 3, p. 1710), June 2, 1926 (44 Stat., pt. 3, p. 1488), February 28, 1925 (43 Stat., pt. 2, p. 1581), February 28, 1923 (42 Stat., pt. 2, p. 1778), May 29, 1928 (45 Stat., pt. 2, p. 311), January 31, 1925 (43 Stat., pt. 2, p. 1552), September 21, 1922 (42 Stat., pt. 2, p. 1714), May 21, 1928 (45 Stat., pt. 2, p. 155), February 16, 1925 (43 Stat., pt. 2, p. 1567), and certain judgments rendered by the United States district court for the district of Colorado, all as certified to the Seventy-first Congress in Senate Document No. 100 and House Document No. 248 under the following departments or establishments: United States Shipping Board, $132,219.56; Navy Department, $271,534.63; Treasury Department, $27,502.49; War Department, $225,545.88; in all, $656,802.56.

Mr. McKELLAR. Mr. President, this amendment refers to the so-called *Norman* cases. I desire to have printed in the RECORD at this point a letter from the Hon. George R. Farnum, Assistant Attorney General, for the Attorney General, giving a complete explanation of those claims.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

STEAMSHIP "M. E. NORMAN," WESTERN DISTRICT OF TENNESSEE

DEPARTMENT OF JUSTICE,
Washington, D. C., January 18, 1930.

The SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copies of judgments which have been entered against the Government in the United States District Court for the Western District of Tennessee, in which suits were filed against the United States under authority of the special act of Congress of July 3, 1926, conferring jurisdiction on that court to hear and determine in actions at law claims against the United States arising out of the sinking of the *M. E. Norman* on the Mississippi River on or about May 8, 1925. The judgments inclosed are in the following cases:

Exhibit No.	Judgment creditor	Docket No.	Amount
1	Annette O. Shearer	3009	$7,500
2	Mrs. Sue B. Walker	3153	7,500
3	John W. Shearer, by next friend	3154	50
4	Mrs. Annette O. Shearer	3152	5,500
5	R. O. Schaefer	3026	3,450
6	Chas. W. Okey	3150	150
7	Mrs. Chas. W. Okey	3151	500
8	Munsey G. Overstreet	3156	150
9	G. M. Miller, administrator of estate of Geo. Lee Anderson	3022	7,500
10	Marion S. McNeilly, executrix	3137	7,500
11	Alfred M. Lund	3157	750
12	C. C. Cline, administrator of estate of Chas. H. Miller	3031	7,500
13	C. C. Cline, administrator of estate of Paul Norcross	3023	7,500
14	Mattie Kirkpatrick	3015	7,500
15	B. H. Klyce	3025	7,500
16	Ben. H. Jones, administrator of estate of Willye Jones Kirkpatrick	3013	7,500
17	L. L. Hidinger, administrator of estate of Lydia Hidinger	3155	5,000
18	Mrs. Annie L. Hannum	3008	7,500
19	Mrs Mildred C. Fox	3021	7,500
20	Lonnie Caldwell, administrator of estate of Martha Caldwell	3024	7,500
21	Mrs. Alice F. Bowser	2999	7,500
22	Harry M. Adams, administrator of estate of Edgar Freeman Bosard	3145	6,000
23	Harry M. Adams, administrator of estate of Grace F. Bosard	3143	7,500
24	Harry M. Adams, administrator of estate of Ralph Bosard	3144	7,500
25	H. J. Simonson, administrator of estate of Earl Simonson, deceased	3055	7,500
26	Parlee Plunkett, administrator of estate of Thomas Plunkett, deceased	3146	7,500
27	Hattie Moore, administratrix of the estate of Will Moore, deceased	3149	7,500

It will be noted that in the judgments the court has awarded costs against the Government, but an order was subsequently entered covering all the cases, certified copy of which is inclosed, eliminating the allowance of costs.

These judgments are transmitted to you for the purpose of being placed in line for payment.

You will note that in the judgment in favor of Hattie Moore, administratrix, No. 3149, the court has awarded the plaintiff $7,500, and ordered the sum of $620.65, which was paid by the United States Employees' Compensation Commission, to be refunded to that commission; in the Parlee Plunkett, administrator case, No. 3146, similar action is taken in connection with the sum of $767.17 due the commission; and in the H. J. Simonson, administrator case, No. 3055, a similar order is contained in the judgment in connection with $170 to be refunded to the commission. These sums in these three cases, as we understand it, should be deposited in the Treasury to the credit of

the United States Employees' Compensation Commission. Proper steps should, therefore, be taken in connection with these sums when payments of the judgments are made.

Respectfully,

GEORGE R. FARNUM,
Assistant Attorney General
(For the Attorney General).

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 90, line 6, after the word "in," to insert "Senate Document No. 100, and"; in line 9, after the name "War Department," to strike out "$25,276.56; in all, $37,961.33" and insert "$27,300.76; in all, $39,986.53," so as to make the paragraph read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (U. S. C., title 46, secs. 781–789), certified to the Seventy-first Congress in Senate Document No. 100, and in House Document No. 248, under the following departments, namely: Navy Department, $8,223.54; Treasury Department, $4,462.23; War Department, $27,300.76; in all, $39,986.53, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 90, line 23, after the word "in," to insert "Senate Document No. 103, and"; in line 25, after the word "namely," to insert "Alien Property Custodian, $13,680.24"; on page 91, line 2, after the name "United States Veterans' Bureau," to strike out "$62,397.82; Navy Department, $551,105.78; Treasury Department, $3,974.86; War Department, $1,246,110.53; in all, $2,096,368.89," and insert "$65,112.82; Department of the Interior, $254,632.59; Navy Department, $584,050.54; Post Office Department, $44,518.34; Treasury Department, $8,060.65; War Department, $1,253,512.23; in all, $2,456,447.31," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress, in Senate Document No. 103, and House Document No. 246, under the following departments and establishments, namely: Alien Property Custodian, $13,680.24; United States Shipping Board, $232,879.90; United States Veterans' Bureau, $65,112.82; Department of the Interior, $254,632.59; Navy Department, $584,050.54; Post Office Department, $44,518.34; Treasury Department, $8,060.65; War Department, $1,253,512.23; in all, $2,456,447.31 together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum and where specified in such judgments.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment to line 5, page 91.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 91, line 5, after the colon, it is proposed to insert:

Provided, That said payment, less fees and expenses as fixed by the Court of Claims, shall be made to the Iowa Tribe of Indians of Oklahoma, and at the Shawnee Indian Agency, located at Shawnee, Okla., pro rata, as shown by a census roll to be compiled as of the date of final judgment.

Mr. JONES. Mr. President, I shall have to make a point of order against that proviso as new legislation. I am very sorry. I understand that the Indian Bureau is in favor of it; but I suggest to the Senator that he can probably get a resolution through before this allotment is distributed, or put it on the Indian appropriation bill.

Mr. THOMAS of Oklahoma. Mr. President, the Congress gave this tribe of Indians the right to go into the Court of Claims and bring this action in the name of the Iowa Tribe of Indians. The Court of Claims heard the case and made the award to the Iowa Tribe of Indians. All that this amendment does is to provide that the award shall be paid to the Iowa Tribe of Indians at the Shawnee Indian Agency located at Shawnee, Okla., pro rata, as per the rolls that may be made of the date of final judgment. It is not legislation. It is simply following the precedent that heretofore has been inaugurated and carried out in making these payments.

Mr. JONES. May I suggest that if it is not legislation, then it is not necessary.

The VICE PRESIDENT. The Chair will hold that this is a limitation upon the appropriation and is in order.

The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 105, after line 20, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1927 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 104, Seventy-first Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For housing for war needs, $125.

For Interstate Commerce Commission, $10.52.

For National Sesquicentennial Exhibition Commission, $25.13.

For salaries and expenses, Federal Board for Vocational Education, $1.15.

For medical and hospital services, Veterans' Bureau, 73 cents.

For military and naval compensation, Veterans' Bureau, $2,298.09.

For salaries and expenses, Veterans' Bureau, $71.65.

For vocational rehabilitation, Veterans' Bureau, $552.87.

DEPARTMENT OF AGRICULTURE

For general expenses, Weather Bureau, $5.

For general expenses, Forest Service, $64.54.

DEPARTMENT OF COMMERCE

For general expenses, Bureau of Standards, $1.10.

For testing structural materials, Bureau of Standards, $189.22.

For general expenses, Lighthouse Service, $32.

DEPARTMENT OF THE INTERIOR

For Geological Survey, $2.62.

For protection of national monuments, $4.07.

For St. Elizabeths Hospital, $265.27.

For relieving distress and prevention, etc., of diseases among Indians, $33.50.

For general expenses, Indian Service, $104.80.

For Indian schools, support, $37.07.

For industrial work and care of timber, $90.55.

For payment to Clallam Indians, Washington, $2,166.99.

DEPARTMENT OF JUSTICE

For salaries, fees, and expenses of marshals, United States courts, $2,709.84.

For fees of commissioners, United States courts, $6.90.

For fees of jurors, United States courts, $21.

For fees of witnesses, United States courts, $92.

For miscellaneous expenses, United States courts, $7.40.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $179.28.

NAVY DEPARTMENT

For pay, miscellaneous, $103.47.

For transportation, Bureau of Navigation, $278.70.

For ordnance and ordnance stores, Bureau of Ordnance, $752.50.

For pay of the Navy, $1,328.09.

For maintenance, Bureau of Supplies and Accounts, $2.

For freight, Bureau of Supplies and Accounts, $30.56.

For navy yard, Puget Sound, Wash., $2.68.

For aviation, Navy, $432.

For pay, Marine Corps, $313.04.

For general expenses, Marine Corps, $62.76.

DEPARTMENT OF STATE

For contingent expenses, Department of State, $7.66.

TREASURY DEPARTMENT

For collecting the revenue from customs, $120.40.

For payment of judgments against collectors of customs, $1,245.

For collecting the internal revenue, $851.66.

For refunding internal-revenue collections, $500.

For refunding automobile and cigar taxes, $146.75.

For enforcement of narcotic and national prohibition acts, internal revenue, $1,866.10.

For Coast Guard, $564.04.

For operating supplies for public buildings, $616.30.

For repairs and preservation of public buildings, $22.74.

WAR DEPARTMENT

For registration and selection for military service, $56.

For pay, etc., of the Army (longevity act of January 29, 1927), $7,752.09.

For pay, etc., of the Army, $14,038.08.

For pay of the Army, $369.33.

For pay of the Army, war with Spain, $31.66.

For increase of compensation, Military Establishment, $24,182.89.

For apprehension of deserters, etc., $69.43.

For Army transportation, $1,892.01.

For barracks and quarters, $2,765.17.

For clothing and equipage, $98.63.

For general appropriations, Quartermaster Corps, $7,945.61.

For incidental expenses of the Army, $11.09.

For replacing clothing and equipage, $33.18.

For subsistence of the Army, $38.70.

For supplies, services, and transportation, Quartermaster Corps, $51.54.

For transportation of the Army and its supplies, $57.24.

For water and sewers at military posts, $22.75.

For medical and hospital department, $2.46.

For military surveys and maps, $17.90.

For armament of fortifications, $2,774.57.

For armament of fortifications, insular possessions, $97.46.

For armament of fortifications, Panama Canal, $1,213.16.

For Chemical Warfare Service, $451.44.

For field artillery armament, $1,751.72.

For manufacture of arms, $1.68.

For Ordnance Service, $587.56.

For ordnance stores, ammunition, $3,557.37.

For ordnance stores and supplies, $131.58.

For replacing ordnance and ordnance stores, $121.09.

For Air Service, Army, $1,538.50.

For arming, equipping, and training the National Guard (act of May 22, 1928), $4.06.

For arming, equipping, and training the National Guard, $741.09.

For civilian military training camps, $29.28.

For encampment and maneuvers, Organized Militia (act of July 8, 1912), $1.50.

For Organized Reserves, $6.25.

For pay of the National Guard for armory drills, $22.

For hospital construction, National Home for Disabled Volunteer Soldiers, $85.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For city delivery carriers, $179.40.

For clerks, first and second class post offices, $91.39.

For compensation to postmasters, $22.12.

For freight, express, or motor transportation of equipment, etc., $49.60.

For indemnities, international registered mail, $9.65.

For indemnities, international mail, $1,401.86.

For indemnities, domestic mail, $311.25.

For miscellaneous items, first and second class post offices, $1,056.18.

For post office equipment and supplies, $1.50.

For railroad transportation, $16.88.

For Railway Mail Service salaries, $97.71.

For rent, light, and fuel, $6.

For Rural Delivery Service, $745.86.

For separating mails, $81.

For special delivery fees, $16.27.

For star route service, $1,740.14.

For vehicle service, $324.44.

Total, audited claims, section 3, $97,312.38, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 112, after line 12, to insert:

SEC. 5. For the payment of sundry claims allowed by the General Accounting Office under various acts and certified to the Seventy-first Congress in Senate Document No. 108, under the following departments: Treasury Department, $1,734.22; War Department, $448.08; in all, $2,182.30.

The amendment was agreed to.

The VICE PRESIDENT. That completes the reading of the bill. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. JONES. Mr. President, I ask unanimous consent, if that is necessary, that the clerks have authority to change the section numbers and totals.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JONES. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 23, it is proposed to insert:

For payment to the widow of James P. Glynn, late a Representative from the State of Connecticut, $10,000.

The amendment was agreed to.

The CHIEF CLERK. Also the following:

For payment to the widow of James A. Hughes, late a Representative from the State of West Virginia, $10,000.

The amendment was agreed to.

The CHIEF CLERK. Also, on page 5, line 13, before the word "preceding," strike out "five" and insert "seven."

The amendment was agreed to.

Mr. JONES. Mr. President, I may say, with reference to those amendments, that they have been put in at the request of the House of Representatives, the occasion for them having risen after the bill passed the House.

Now, Mr. President, to carry out a resolution that has already passed the Senate, therefore making this amendment in order, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 39, after line 19, it is proposed to insert:

Expenses of attorneys, Fort Berthold Indians: The Secretary of the Interior is authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Fort Berthold Indians of North Dakota in the Treasury of the United States upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. B–449, including expenses of not exceeding three delegates from said tribes, to be designated by the business committee representing said Indians, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claim, said $2,000 to remain available until expended.

The amendment was agreed to.

Mr. JONES. Mr. President, to carry out a Budget estimate that came down after the bill was reported by the Appropriations Committee and to carry out a resolution that the Senate has heretofore passed I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 67, after line 7, it is proposed to insert:

Fourth World's Poultry Congress: for the expenses of official delegates of the United States to the Fourth World's Poultry Congress, to be held in England in 1930, including travel and subsistence or per diem in lieu of subsistence, and such other expenses as may be authorized by the Secretary of State, fiscal year 1930, to be available until June 30, 1931, $15,000.

The amendment was agreed to.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend by adding the following on page 25, after line 23:

For the relief of the State of Alabama, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Alabama through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear, $1,660,000. Such portion of the sum hereby appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture. Any portion of the sum hereby appropriated shall become available when the State of Alabama shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this paragraph shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of this appropriation not to exceed 2½ per cent may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures, and to incur such travel and other expense as he may deem necessary

for carrying out the purpose of this paragraph: *Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Alabama, or the necessary relocation of such roads and bridges.

Mr. JONES. Mr. President, I doubt if this amendment is in proper form, but I know the intention of it. It is to carry out a bill that has passed the Senate at the present session of Congress. Therefore the item would be in order under the rules of the Senate, and a point of order against it could not be sustained. It will be in conference.

Mr. BLACK. Mr. President, I might add also that it has passed the House and is on the desk, and according to my information has had a favorable report from the Director of the Budget, and may probably be sent down to-day.

Mr. JONES. Under those circumstances, I would like to ask the Senator if he would not withhold suggesting the amendment to this particular bill, and then when the general deficiency bill comes up, if the President has signed the measure, it can go on to that bill. I merely suggest that.

Mr. BLACK. I would be glad to do that if it were not for the fact that the roads now are in terrible condition and are awaiting action. I am informed that the President will sign the measure to-day. I had that information about 10 minutes ago.

Mr. JONES. I understand; and, of course, if the President does sign it, the conference will agree to this amendment. I will not take any further time on it.

Mr. HEFLIN. Mr. President, I hope the Senator from Washington will permit this amendment to go on the bill.

Mr. JONES. I can not prevent it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the junior Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. SWANSON. Mr. President, I wish to call the attention of the Senator from Washington, the chairman of the Appropriations Committee, to page 76, where there is an appropriation of $1,500,000 for the Richmond post office. That was included in the bill of 1928.

The appropriation is for the construction of new quarters for the handling of the parcel post, to complete and enlarge the present post-office building, and to provide space for the customs department and the courts. The bids have recently been opened, and for completing the building, which is being enlarged to accommodate the customs department, the post office, and the court, the lowest bid was $900,000.

The appropriation is segregated, $550,000 for that purpose and $950,000 for the building for the parcel post. The amendment I wish to offer is to take $350,000 from the parcel-post segregation and add it to the $550,000, not increasing the total appropriation.

The Budget has not reached a conclusion as to what the parcel-post building would cost, but everybody knows it will take $900,000 to complete the post-office building, and the department has no objection to that appropriation being employed in that way.

What I ask is to strike out "$550,000" and to insert in lieu thereof "$900,000"; to strike out "$950,000" and to insert "$600,000." With that change they will be able to proceed with the improvement of that building.

Mr. JONES. Mr. President, I feel that I would have to make a point of order against an amendment of that character, not only as not estimated by the Budget, but as not recommended by the committee and as changing existing law.

Mr. PHIPPS. Mr. President, I call the attention of the Senator from Virginia to the language following the $950,000 item on line 21. It reads:

> And for a site and building for parcel post and other governmental offices at an estimated limit of cost of $950,000 hereby fixed, and lump-sum appropriations for the continuation of public-building construction heretofore or hereafter made are hereby made available for either or both of the buildings herein named.

Mr. SWANSON. Mr. President, in the act approved May 29, 1928, $1,500,000 was authorized for public buildings at Richmond and $100,000 was appropriated. The House endeavors to segregate that $1,500,000 authorized in the present law, $550,000 to go toward improving the post-office building and $950,000 to go for the parcel-post building. It is no new item at all. The bids have been opened and the lowest bid was $900,000.

Mr. JONES. I desire to say that, on reexamining this item and also recalling the provision in the general law with reference to these buildings, which authorized Congress to limit the cost, and in view of the fact that the House has already acted in the matter, my point of order is not good. The matter was not brought up in the committee. I really know nothing about it, and I will not take time to discuss it. As a matter of fact, I do not know anything about the matter as the Senator from Virginia has presented it now. I should be glad to take it to conference and see what can be done.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment on page 69, line 7. At the end of the sentence in line 7 I move to strike out the period and insert a comma and the words, "four of which boats shall be assigned to Lake Michigan for life-saving purposes."

Mr. President, I understand that the $260,000 will provide for 30 motor boats. I ask the chairman of the committee if that is correct?

Mr. JONES. Small motor boats. I will say, further, that it is suggested that all of these 30 boats are intended for use on the Lakes.

Mr. BLAINE. I was going to inquire of the Senator whether they were especially designed for the enforcement of the prohibition law?

Mr. JONES. No; they are for the enforcement of the smuggling laws, largely. Of course, the enforcement of the prohibition law would be involved in that, but there is other smuggling. That is the purpose of the boats.

Mr. BLAINE. I thank the Senator for the information. As I view this situation, there ought to be a mandatory provision in this bill that some of these boats shall be used for life-saving purposes, and I am going to inform the Senate why there should be a mandatory provision in the bill.

I want to call attention to the fact that on October 22 and 23 last year, in a rather severe Lake storm, the car ferry *Milwaukee* was lost; it went down. The entire crew went down with that ship, and 50 men lost their lives. Every one of those lives could have been saved had the Lake Michigan Coast Guard been properly equipped with the essential motor boats for storm purposes. The *Milwaukee*, as I understand, was 22 years old, but was reported in excellent condition, and was overhauled last June. So, as a matter of fact, the disaster did not occur because of any defect in the boat, according to the information I have, but rather because of the severity of the storm.

The Milwaukee, Racine, and Kenosha Coast Guards did the best they could in the rescue work, but strewn about the car ferry on the surface of the lake were these 50 bodies. The Coast Guard was utterly helpless, because it lacked the proper equipment, to save the lives of the crew of that ferryboat.

On October 29 a second storm occurred, and with it a second disaster. That was the sinking of what was known as the Goodrich steamer called the *Wisconsin*, in which nine men lost their lives. It is true that, due to the extreme bravery and daring of the Coast Guard, 59 men were rescued. Had the Coast Guard had the proper equipment at that time, the nine lives that were lost would have been saved.

There was another disaster in a more serious storm, with fog and rain, and wind that lashed the surface of Lake Michigan into great waves, which rolled nearly as high as the waves upon the Atlantic Ocean during a storm. The ore carrier *Marquette* rammed a boat known as the *Senator*, an automobile carrier. That was on October 31 last. The *Senator* sank, with a loss of 10 men.

This ore carrier and automobile carrier were only 20 miles from the harbor of Port Washington. Yet there was no opportunity, because of the lack of equipment at the Coast Guard station for life-saving purposes on Lake Michigan, to save the lives of those men.

I want to read just briefly from a carefully prepared statement by a resident of the city of Racine, who has resided there a number of years and who is perfectly familiar with Lake Michigan and its storms and the essential requirements for the protection of life.

He said in a letter addressed to me not long ago, speaking of the Coast Guard equipment:

> In addition to being wholly inadequate, it is antiquated to the degree that if other governmental department equipment was as obsolete as the Coast Guard, our Army would be furnished sling shots, our Navy popguns, and wampum would be our medium of exchange.
>
> The surfboat used by the local Coast Guards on the *Wisconsin* disaster is an old moth-eaten design brought out at the time schooners were in their heyday, when crews would run about eight or nine in number. True, this relic has been partly modernized by the installation of a gasoline motor.

Discussing the disaster involving the boat *Wisconsin*, he said:

> It is an admitted fact here—

In Racine—

that had the temperature been below freezing, the scuppers in these heirlooms would have frozen, and none of the crew, Coast Guard or *Wisconsin*, would have come ashore alive.

He said further:

The night the *Wisconsin* foundered the wind and sea were howling from the east, our local crew wallowed in the trough for approximately 14 miles with decks awash and filled to the rails continuously. They and the *Kenosha* crew did a miraculous piece of work, and had they had modern equipment they would have taken off every member of the crew in one trip instead of two. Every person would have been saved. The boats would not have been overloaded as they were to the extent that our local boat with 19 survivors besides the crew filled and nearly dumped her load.

It is common knowledge that a speed boat would not have lasted as far as the breakwater the night of this blow, and we all admit that you can not drive any fast boat in a big sea; but there can be produced a surfboat capable in fairly heavy weather of making twice the speed of our present antiques, be dry, safer, and capable of taking off the entire crew of the commercial boats of to-day without increasing the over-all length above 50 feet.

There are two points in favor of a cutter for Lake Michigan: First, it would furnish a nice contract for some shipyard. Second, it would afford an opportunity for a lot of cornfield sailors to make a nice summer's cruise at Uncle Sam's expense.

He is discussing another proposition, however, in connection with this.

But when the greatest and richest nation in the world, with over 110,000,000 people, saddles the responsibility for the maritime life and property on 227 land stations, with a paltry personnel of 2,851 Coast Guards, the least we can do is to furnish efficient, modern, adequate equipment.

What the Coast Guards need and need immediately is one fast runabout and a modern designed and equipped surfboat. We have tried for years to get this equipment and so far all we have received is curt statements that there is no money in the Budget and faithless promises that the matter will be taken up at an early date.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. BLAINE. I yield.

Mr. VANDENBERG. I want to take advantage of the opportunity to concur absolutely in the important thing the Senator from Wisconsin is saying. In addition to the disasters which he has described, the further loss of the *Anoasic* similarly involved tragic loss of life upon Lake Michigan, partially due to the lack of adequate high-power lake-going surfboats in time of heavy storm. The situation must be remedied. I know the Coast Guard wants to remedy it and is developing essential plans. The pending amendment will facilitate these results. The need is both tragic and real. I hope in the near future to present the Great Lakes problem in detail to the Senate. I hope to present a comprehensive legislative program, thanks to the splendid cooperation the Coast Guard and the Department of Commerce have given in response to my demand for searching inquiry into the 1929 disasters. The pending amendment fits squarely into this prospectus.

In addition suffice it to say for the present that it is perfectly clear that mandatory radio upon these commerce and passenger-carrying ships upon the Great Lakes would substantially contribute a further and essential element of safety. I not only want to support the thing the Senator is now asking, but I want to tell him that we are about ready with legislation to provide compulsory radio on ships and perhaps on shore. This will supplement the life-saving equipment concerning which the Senator from Wisconsin now speaks and which will in some degree provide the further elements of safety that we owe human life and property upon Lake Michigan. Other rational reforms relating to types of life-saving equipment carried by Great Lakes ships is under consideration. The lives lost upon Lake Michigan last fall must not have been lost in vain. I support the amendment to the pending bill submitted by the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I appreciate the remarks of the Senator from Michigan. I want to close by reading some of the comment of Captain Olander, in charge along Lake Michigan on the eastern shore, as follows:

The need for a fast speed boat here, according to Captain Olander, has been confused at Washington with stormy sea work. The station here receives a dozen times as many calls for quiet-water work, such as drownings and pleasure-boating mishaps, where fast work is a crying need, he said.

"True, this fall has seen an unusual number of disasters on the Lakes, but I believe this year was an exception in this respect. Contrarily, this summer saw single drownings in Racine total about nine people. In many cases a fast boat would have saved the life.

"Another example of the need for a speed boat was shown this summer during the parachute jumps into the water from planes, or during the outboard motorboat races. The guards were helpless. All they could do was to pick up the overturned boat after faster private boats had rescued individuals from the water."

For stormy weather, the captain pointed out that rather than a huge sea cutter, which would serve nobody, 50-foot lifeboats had better be provided to each station. These boats, he said, should be faster than the present sluggish ships.

"Our boats to-day," Olander concluded, "are the products of navigation of 50 years back.

"We could get along with a small cutter in stormy seas when shipping vessels on the Great Lakes carried a proportionately smaller crew. But to-day a crew of 35 has grown to a crew of 70, as the vessels are constructed on bigger dimensions. The Coast Guard equipment should go hand in hand with progress in navigation."

Mr. President, there is a great deal more testimony that could be produced by members of the Coast Guard and by citizens of that region. I hope the amendment will be adopted. There is just one further matter in connection with it that I desire to state. I do not know whether four boats will be sufficient, but this being a deficiency bill for the fiscal year 1930, if we can get a start with four boats in 1930, then we will be well under way toward preventing the possibility of future mishaps with tremendous loss of life and property on Lake Michigan.

Mr. JONES. Mr. President, I am in full accord with the object sought by the Senator from Wisconsin. However, I should like to have the amendment read again.

The VICE PRESIDENT. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. On page 69, at the end of line 7, insert the following:

Four of which boats shall be assigned to Lake Michigan for life-saving purposes.

Mr. JONES. Mr. President, I make the point of order against the amendment on the ground that it is legislation on an appropriation bill. I will frankly say that I am inclined to think it is a limitation, but I want the decision of the Chair.

The VICE PRESIDENT. The Chair holds that it is a limitation or direction for carrying out the appropriation, and is therefore in order. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. GEORGE. Mr. President, I desire to submit an inquiry to the chairman of the Appropriations Committee. As I understand it, the $100,000,000 appropriated for the Federal Farm Board is based on the original authorization of $500,000,000?

Mr. JONES. Yes; the estimate from the Budget is based upon it.

Mr. GEORGE. Upon the original authorization?

Mr. JONES. Yes.

Mr. GEORGE. In other words, this appropriation simply carries the amount of money actually appropriated up to $250,000,000, or one-half of the amount originally authorized?

Mr. JONES. We have heretofore appropriated $150,000,000, and we now appropriate an additional $100,000,000, making the aggregate of appropriations thus far $250,000,000.

Mr. GEORGE. Or one-half of the amount originally authorized?

Mr. JONES. Yes.

Mr. GEORGE. I was called from the Chamber and would like to ask the chairman of the committee if there were any amendments or limitations placed upon the appropriation of $7,000,000 for seed loans?

Mr. JONES. None at all. It was made pursuant to the act which had just been passed.

Mr. GEORGE. Just as the committee reported it?

Mr. JONES. Yes.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there is no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, communicated to the Senate the resolu-

tions of the House adopted as a tribute to the memory of Hon. Edward Terry Sanford, late an Associate Justice of the Supreme Court of the United States.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. William Howard Taft, former President and Chief Justice of the United States.

EXECUTIVE MESSAGES AND APPROVALS

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On March 7, 1930:

S. 1487. An act authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes.

On March 8, 1930:

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.

On March 10, 1930:

S. 2668. An act granting the consent of Congress to the Missouri-Kansas-Texas Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872;

S. 3030. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928;

S. 3193. An act to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, Md.; and

S. J. Res. 109. Joint resolution extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission, and for one year the time within which claims may be filed with the Alien Property Custodian.

THE DOCTRINE OF LOCAL OBLIGATIONS (S. DOC. NO. 110)

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed as a Senate document an article by Richard Washburn Child appearing in The Constitutional Review entitled "The Doctrine of Local Obligations."

The VICE PRESIDENT. Without objection, it is so ordered.

SCIENTIFIC STUDY OF MODERN CIVILIZED MAN

Mr. COPELAND. Mr. President, I have here the manuscript of "Chapter in the Scientific Study of Modern Civilized Man," by Dr. Arthur MacDonald, which I desire to have referred to the Committee on Printing with a view of having it printed as a Senate document.

The VICE PRESIDENT. Without objection, the manuscript will be referred to the Committee on Printing.

CLAIM OF THE GOVERNMENT OF NORWAY (H. DOC. NO. 317)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway for the payment of interest on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *March 12, 1930.*

STABILIZATION OF INDUSTRY (S. DOC. NO. 109)

Mr. FESS. I ask unanimous consent to have printed as a Senate document an article on the stabilization of industry, as represented by the recommendations of the Governor of Ohio.

The VICE PRESIDENT. Without objection, it is so ordered.

CONSIDERATION OF BRIDGE BILLS

Mr. DALE. Mr. President, from the Committee on Commerce, I report sundry bridge bills, which I ask may be put upon their passage without going to the calendar.

Mr. SMOOT. I suppose they will lead to no discussion?

Mr. DALE. None whatever.

The VICE PRESIDENT. Is there objection to the request of the Senator from Vermont? The Chair hears none, and the bills will be considered in their order.

LITTLE CALUMET RIVER BRIDGES, ILLINOIS

The bill (S. 3502) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River, on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois, reported by Mr. DALE from the Committee on Commerce with an amendment (Rept. No. 264), was considered as in Committee of the Whole.

The amendment of the Committee on Commerce was, on page 1, line 5, before the word "at," to insert "Cook County, State of Illinois," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, Cook County, State of Illinois, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and thirty-fourth Street, between sections 31 and 32, township 37 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 3503) granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois, reported by Mr. DALE from the Committee on Commerce, with an amendment (Rept. No. 268), was considered as in Committee of the Whole.

The amendment was, on page 1, line 6, after the name "Little Calumet River," to insert "Cook County, State of Illinois," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to widen, maintain, and operate the existing highway bridge and approaches thereto across the Little Calumet River, Cook County, State of Illinois, at a point on Halsted Street, near One hundred and forty-fifth Street, in section 8, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 3504) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street, in Cook County, State of Illinois, reported by Mr. DALE from the Committee on Commerce with an amendment (Rept. No. 269), and it was considered as in Committee of the Whole.

The amendment was, on page 1, line 5, after the name "Little Calumet River," to insert "Cook County, State of Illinois," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, Cook County, State of Illinois, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and fortieth Street, in section 6, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PECATONICA RIVER BRIDGE AT FREEPORT, ILL.

The bill (S. 3505) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River at or near Freeport, Ill., reported by Mr. DALE from the Committee on Commerce, with amendments (Rept. No. 265), was considered as in Committee of the Whole.

The amendments were, on page 1, line 3, after the word "the" where it occurs the first time, to strike out "consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a"; in line 4, after the word "bridge," to strike out "and approaches thereto" and insert "now being constructed"; in line 5, after the word "river," to strike out "at a point suitable to the interests of navigation"; in line 6, after the word "at," to strike out "or near"; and in line 7, after the name "Freeport, Ill.," to strike out the balance of the bill, as follows:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And to insert:

by the State of Illinois, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the bridge now being constructed across the Pecatonica River at Freeport, Ill., by the State of Illinois, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across the Pecatonica River at Freeport, Ill."

ROCK RIVER BRIDGE, ILLINOIS

The bill (S. 3506) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill., reported by Mr. DALE from the Committee on Commerce without amendment (Rept. No. 266), was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Prophetstown, Ill., in section 28, township 20 north, range 5 east, fourth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISIANA AND TEXAS INTRACOASTAL WATERWAY BRIDGE

The bill (S. 3621) granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway, reported by Mr. DALE from the Committee on Commerce, without amendment (Rept. No. 267), was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That whenever the Secretary of War shall approve plans for a bridge authorized by law to be built across the Louisiana and Texas intracoastal waterway he may, in his discretion and subject to such terms as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation, municipal or private, building and owning such bridge a right of way across the lands owned in fee simple by the United States on either side of and adjacent to the said waterway; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3745) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky., reported by Mr. DALE from the Committee on Commerce with amendments (Rept. No. 270), and it was considered as in Committee of the Whole.

The amendments of the Committee on Commerce were, on page 1, line 7, after the figures "1928," to insert "and heretofore extended by the act of Congress approved March 2, 1929"; in line 8, before the word "extended," to insert "further"; and the same line, after the word "from," to strike out "the date of approval hereof" and insert "May 18, 1930," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Smithland, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE

The bill (S. 3747) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River, reported by Mr. DALE from the Committee on Commerce, with amendments (Rept. No. 271), was considered as in Committee of the Whole.

The amendments of the Committee on Commerce were, on page 1, line 7, after the figures "1928," to insert "and heretofore extended by the act of Congress approved March 2, 1929"; in line 8, before the word "extended," to insert "further"; and in the same line, after the word "from," to strike out "the date of approval hereof" and insert "May 18, 1930," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Tennessee River at or near the mouth of Clarks River, authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF IRON PIER IN DELAWARE BAY

The bill (H. R. 4767) to authorize sale of iron pier in Delaware Bay near Lewes, Del., reported by Mr. DALE from the Committee on Commerce without amendment, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRENCH BROAD RIVER BRIDGE, TENNESSEE

The bill (H. R. 7971) to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9 near the town of Bridgeport, in Cocke County, Tenn., reported by Mr. DALE from the Committee on Commerce without amendment, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHENANDOAH RIVER BRIDGE, VIRGINIA

The bill (H. R. 8287) granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50, reported by Mr. DALE without amendment, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROANOKE RIVER BRIDGE, NORTH CAROLINA

The bill (H. R. 9180) to legalize a bridge across the Roanoke River at or near Weldon, N. C., reported by Mr. DALE from the Committee on Commrece without amendment, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

QUORUM CALL FOR EXECUTIVE SESSIONS

Mr. BLEASE. Mr President, I ask permission, out of order, to offer the following resolution, and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 232), as follows:

Resolved, That when a motion is made and carried to proceed to the consideration of executive business or go into executive session, no business shall be considered in executive session until a roll call of the Senate shall be had.

Mr. SMOOT. Mr. President, if the resolution were adopted, it would involve a change of the rules. I think, therefore, the resolution should be referred to the Committee on Rules. I have no objection to the resolution.

Mr. BLEASE. I have no objection to the resolution going to the Committee on Rules. I do not think, however, that if adopted it would change the rule. The only idea involved in the resolution is this: Formerly when we had closed executive sessions and an executive session was ordered the bells would ring, and while the galleries were being cleared of their occupants Senators would have an opportunity to reach the Senate Chamber. Now, however, when executive sessions are held in the open and a motion is made to go into executive session and is agreed to, almost before a Senator who is absent from the Chamber can get his hat and reach the Chamber whatever business is to be transacted is concluded, and if an absent Senator is not in agreement with what has been done he has to move a reconsideration. I therefore really think that there should be a roll call before going into executive session, or just before executive business is transacted, so that Senators may in that way receive notice that an executive session is being held. While the roll is being called, a Senator will be given an opportunity to appear in the Chamber. I repeat, I have no objection at all to the resolution being referred to the Committee on Rules.

Mr. SWANSON. Mr. President, the objection to the adoption of the resolution just submitted by the Senator from South Carolina would be that no executive business could be transacted unless a quorum were present, and about two-thirds of the time there is not a quorum present when the Senate proceeds to the consideration of executive business.

Mr. BLEASE. It is just as well that executive business shall not be transacted unless a quorum be present as that the Senators shall have to move to reconsider action which has been taken in their absence and in which they do not concur, making it necessary again to transact it.

The VICE PRESIDENT. The resolution submitted by the Senator from South Carolina will be referred to the Committee on Rules.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, I promised a number of Senators that I would call for a quorum before the Senate resumed the consideration of the tariff bill. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Borah	Couzens	Glass
Ashurst	Bratton	Cutting	Glenn
Baird	Brookhart	Dale	Goff
Barkley	Broussard	Dill	Goldsborough
Bingham	Capper	Fess	Gould
Black	Caraway	Fletcher	Greene
Blaine	Connally	Frazier	Grundy
Blease	Copeland	George	Hale
Harris	McCulloch	Pittman	Thomas, Idaho
Harrison	McKellar	Ransdell	Thomas, Okla.
Hastings	McMaster	Robinson, Ind.	Trammell
Hatfield	McNary	Robsdon, Ky.	Tydings
Hawes	Metcalf	Schall	Vandenberg
Hayden	Moses	Sheppard	Wagner
Hebert	Norbeck	Shortridge	Walsh, Mass.
Heflin	Norris	Simmons	Walsh, Mont.
Howell	Nye	Smoot	Waterman
Johnson	Oddie	Steck	Watson
Jones	Overman	Stelwer	Wheeler
Kean	Patterson	Stephens	
Keyes	Phipps	Sullivan	
La Follette	Pine	Swanson	

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. FESS in the chair). Eighty-five Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I understand that the Senator from North Carolina [Mr. SIMMONS] desires that the mica item go over for the present. The next item in order is window glass, in paragraph 219, page 47. With respect to that item I wish to make a brief statement.

The Finance Committee agreed to the rates provided by the House bill, which represented an increase over the rates in the present law and were in conformity with the rates provided under proclamation by the President of the United States.

Before the proclamation was issued by the President the Tariff Commission made a thorough examination into the cost of production of window glass in the United States as compared with the cost of its manufacture abroad. The report of the Tariff Commission showed that a greater increase in the rates of duty should be provided than 50 per cent, but, under the proclamation of the President the rates were increased 50 per cent on the different brackets in this bill affecting window glass.

I have taken considerable time to learn what are the conditions existing in the window-glass industry in the United States, and I say to the Senate now that only about half of those heretofore engaged in the industry are working, and they are working on part time. The industry is not only not prosperous but in a very depressed condition financially. It was for that reason that the Finance Committee agreed to the rates provided in the House bill.

It is true that when the bill was before the Senate as in Committee of the Whole, amendments were offered providing in the case of window glass the same rates as those carried in the act of 1922, and those amendments were adopted. I understand the Senator from West Virginia [Mr. HATFIELD] reserved the right to have a separate vote upon the amendments when the bill reached the Senate, and that is why we are now considering the question. In view of the examination made by the Tariff Commission and the action of the President of the United States, who did all he could to give protection to this industry, I hope the Senate will now refuse to concur in the amendments which were adopted as in Committee of the Whole.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. COPELAND. Did the investigation of the Senator extend also to the plate-glass industry? Is there the same economic distress prevailing there?

Mr. SMOOT. I was discussing cylinder, crown, and sheet glass. A report was made by the Tariff Commission to the President on those items.

Mr. COPELAND. There was no report made on the subject of plate glass?

Mr. SMOOT. There was an investigation made, and I am informed that the President did take action in the case of plate glass as well as in that of window glass.

Mr. COPELAND. It may be assumed, then, that there was found the same economic distress in the plate-glass industry as in the window-glass industry?

Mr. SMOOT. I think that assumption may safely be made.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HATFIELD. Mr. President, West Virginia produces more than half of the window glass that is made in America. It is, therefore, one of our leading industries. There are eight individual factories, representing a valuation of $12,000,000, where 5,000 men are employed:

Libbey-Owens Sheet Glass Co., Charleston; Whittemore Glass Co., Dunbar; Interstate Window Glass Co., Weston; Rolland Glass Co., Clarksburg; Scohy Sheet Glass Co., Sistersville; Adamston Flat Glass Co., Clarksburg; Alliance Window Glass Co., Salem; and Modern Cooperative Window Glass Co., Salem.

Four of these plants have gone out of business since 1926, depriving 1,200 men of employment.

Glass making is more than a trade; it is a guild, handed down from father to son. These workmen are of the highest type of citizenship, and have devoted their entire lives to the industry.

They learned this trade because their ancestors before them were glassworkers. They have foregone other opportunities in life because they were impressed with the thought that Congress would protect them from unfair competition from the underpaid wage earners of Europe.

This army of 5,000 wage earners in West Virginia represent a population of 20,000 people, who receive a weekly wage of normally $50, but due to a 30 per cent falling off of American business and the imports from foreign countries of window glass they are to-day working for a wage of $25 per week, alternating with their coworkers, week about, so at the present time the best that they can get is employment 50 per cent of the time.

This condition became so acute that the representatives of labor and the owners of the industry finally asked the Tariff Commission to investigate the economic condition of the industry, calling special attention to the increased imports, which were depriving American workmen of employment in this industry.

The findings of the Tariff Commission were reported to the President; and in June, 1929, under the flexible-tariff authority vested in the President under the tariff act of 1922, and in keeping with the unanimous recommendation of the Tariff Commission, the rate of protection to this industry was increased 50 per cent. This resulted in some relief to the American manufacturer and wage earners. However, this increase in tariff rates reduced the imports but 1.45 per cent, with the result that the American manufacturer, in order that he might further meet this foreign competition, lowered selling prices 5 per cent at the time of the increase; and at a later date another 5 per cent reduction was made.

This actual happening disproves, I believe, the argument that a raise in the price will result on this commodity should the tariff be left where the presidential proclamation placed it.

We have had the argument presented in the past in this body, in discussion of tariff rates, that when the attitude of the Tariff Commission fits the arguments of the contender in his efforts to lower a tariff rate, he has presented the argument that the commission's findings did not justify an increase of the rate on the commodity under discussion; but here we have a spectacle where the Tariff Commission has unanimously agreed that an increase was justifiable, and so recommended such action to the President. In this instance, however, we have our contemporaries, in their zeal to add additional embarrassment to this industry, disregarding the conclusions of the commission.

The decision of the President was in keeping with the commission's findings. As a justification of the action of both the Tariff Commission and the President, there was a falling off of the imports, a reduction in the price to the consumer, and more steady employment for labor.

Mr. President, there are five justifiable reasons for the tariff remaining as it was fixed by the presidential proclamation:

First. The recommendation of the Tariff Commission.

Second. The approval by the President of the commission's findings.

Third. The dropping off of imports.

Fourth. The proposed tariff on sand in this bill, which means an increased expenditure in the manufacturing of glass.

Fifth. The assurance to labor that it will have an additional portion of the home market.

Some who are willing to vote for high tariffs on agricultural products, even to the point of an embargo, and claim they represent this industry, and invariably vote for a reduction on other industrial products, point out with a great deal of pride that it is the American market they wish to regulate and equalize by lowering rates, and at the same time conserve, in the face of four and one-half billions of dollars in the way of imports in the year 1929, based largely upon foreign valuations. I am impressed with the thought that these advocates overlook an important factor, since how good our American market may be depends largely on the ability of the average consumer to purchase these products produced by the American farmer, which is measured entirely by the prosperity of our home industry.

I represent 500,000 farmers; and they feel, as expressed through their commissioner of agriculture, that unless American labor interests are safely guarded by protecting the industry that gives them employment against a like European industry, there will be little encouragement and less prosperity for the American farmer to look to in the immediate years that are before him.

The same fact holds good for the coal miner in my State, represented by more than 130,000 workmen, with a population four times that number for whom this group of industrial workers are responsible. We must depend upon these American industries, Mr. President, to keep this great army of workmen busily employed. This can only be assured when we conserve the home markets.

When we trace the ramifications of these industries they are not unlike the grass roots in their meshings, which show their interdependency beyond a doubt. There are no unrelated industries. The fate of these varied industries, whether it be to protect the farmer or to fix rates, rests with the Congress, which must conserve the American market if we are to prevent idleness among the toilers of our Nation. Labor is convinced of this fact; and I can substantiate this by the statements of labor leaders.

At this point I desire to quote a paragraph from a letter dated March 5, 1930, from America's Wage Earners' Protective Conference, signed by Matthew Woll, president; Charles L. Baine, secretary; I. M. Ornburn, treasurer; and M. J. Flynn, secretary:

> In presenting these requests for tariff protection, labor realizes, after a careful analysis, that the rates which we are requesting in most cases will not equalize the difference in labor production costs, but they will, if adopted, we believe, make it possible for thousands of American workers to secure employment at the present time denied them, due entirely to imports of foreign-produced commodities which are sold in the American market on the basis of American costs or slightly lower, resulting in great unemployment for American workers and exorbitant profits for the distributors of the products of European and Asiatic industries.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yeld.

Mr. SMOOT. In that connection I might call attention to what has occurred in the way of imports of window glass.

For instance, in 1919 there were only 636,501 pounds imported. In 1921 the imports had jumped to 47,000,000 pounds—from 636,000 to 47,000,000. In 1923 the imports were 46,000,000 pounds; in 1925, 45,000,000; in 1926, 80,000,000; and in 1927, 83,000,000. In 1928 the imports were 67,000,000 pounds; and when the presidential proclamation was made they dropped still further.

This picture alone, without anything else, shows what is happening. It means that in the year 1926 European workmen made 80,884,601 pounds of glass that came in here; and what did it do? It displaced just that many employees in American factories.

That is the story as a whole.

Mr. HATFIELD. I thank the Senator for his contribution.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. HATFIELD. I yield.

Mr. BARKLEY. I simply desire to state that while the figures quoted by the Senator from Utah show a considerable falling off in importations from 1927 to 1929, the fact is that the importations for 1929 would have been much less than 66,000,000 pounds if it had not been for the fact that during the first six months of 1929 the American importers of window glass were seeking to bring in as much as possible before the 50 per cent increase was put on in the middle of the year. That accounts for the fact that the importations for 1929 were even as large as they were.

In addition to that, these importations included all kinds of glass, including photographic glass, which was more than 8,000,000 pounds, and also the thick glass which is not included in the figures of domestic production put in the RECORD last Saturday, which amounted to about 19,000,000 pounds. So when we deduct these figures from the total of 66,000,000 pounds, we have quite a different picture from that painted by the Senator from Utah.

Mr. SMOOT. The Senator is wrong there, because this covers only cylinder, crown, and sheet glass.

Mr. BARKLEY. I know; but there are three different kinds of cylinder, crown, and sheet glass made. There is one, a very light type; then there is what is known as the single-strength glass; and then there is the double-strength glass. Then, in addition to that, there is the heavy sheet glass which is brought into this country; all of which is included in the figures for importations for those two years. When comparison is made between that and the domestic production for 1928 and 1929 those glasses are eliminated, so that a false picture is presented.

Mr. SMOOT. They are included in the figures I quoted for 1923. The same articles fall in the same bracket. The importations in 1923 were 46,000,000 pounds, in 1925 they were 45,000,000 pounds, in 1926 they were 80,000,000, and in 1927 they were 83,000,000 pounds. The classifications are the same.

Mr. BARKLEY. That was at a time when the building boom was at its highest in the United States. In the same period our domestic production increased very largely, because there was a building boom on all over the United States. There has been a considerable recession, as everybody knows, in the building-trade industry in the last two years, which very largely accounts for the falling off in the domestic production and in the domestic consumption of these building materials. There is no doubt about that.

Mr. SMOOT. In 1923 the importations amounted to 83,000,000 pounds.

Mr. HATFIELD. Mr. President, I may say, in response to the Senator from Kentucky [Mr. BARKLEY] that the real explanation for the falling off of imports was the reduction of price by the home industry, in the hope of being able to cope with the imports of 20 per cent.

Mr. BARKLEY. Was that reduction made while the request was pending before the President for an increase in the tariff?

Mr. HATFIELD. It was made before that time.

Mr. BARKLEY. And made largely for the purpose of influencing the President to grant an increase in the tariff.

Mr. HATFIELD. No. The records disclose the fact that the American industry became in such dire straits that they were forced to appeal to the Tariff Commission for relief, and that relief came only to the point of 1.45 per cent.

Mr. BARKLEY. How does the Senator explain the fact that the American Window Glass Co. is now installing expensive machinery for the manufacture of window glass by the modern process? If the part of industry which is keeping abreast of the times is in such dire circumstances, how does it happen that the American Window Glass Co., which makes a very large proportion of the window glass produced in the United States, in addition to that made by the Libbey-Owens Co., which is located in West Virginia also, I believe, are now engaged in installing modern machinery for the manufacture of window glass by the new process, and are sending out glowing reports to their stockholders as to what is going to happen to them after they have finished installing new machinery?

Mr. HATFIELD. In response to the Senator from Kentucky I beg to advise him that only 15 per cent of the window glass manufactured to-day in the United States is manufactured by the old process. The industry that manufactures window glass by the old process at the present time is located in the State of Texas.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. SMOOT. I want to call the attention of the Senator from Kentucky to the fact that it was not altogether the building boom that made the difference in importations, for in 1925 the domestic production was 737,295,000 pounds, and in 1928 it was only 624,000,000 pounds; in other words, over a hundred million short. In 1928 the imports had dropped to 67,870,000 pounds. So the Senator can take the amount of production and the amount of importations, and both of them in 1928 did not equal the amount produced in the United States in 1925.

Mr. BARKLEY. Mr. President, the falling off of a hundred million pounds could not be accounted for by importations, because the importations were a little more than half that amount.

Mr. HATFIELD. Mr. President, I may say, in response to the Senator from Kentucky, that the highest imports recorded since the enactment of the Fordney-McCumber law in 1922 took place in 1929, when they amounted to more than 16 per cent.

Mr. President, on a number of occasions during the tariff debate great stress has been laid on what rates the consumers favor in tariff legislation. Some Senators have taken it upon themselves to be the authorized spokesmen for the consumers. I might ask, Who are the consumers? Are they the farmers or agriculturists, who themselves seek tariff duties higher than ever before imposed? Are they the industrial workers who are employed in producing commodities which meet the competition of the products of foreign workers in the markets of America? These industrial workers have asked for protective tariff rates, and in many instances their requests have been rejected through the votes of those who claim to be acting for the best interests of the consumers.

Therefore I take it that those Senators who have rejected the requests of the industrial workers for increased tariff protection do not look upon these industrial workers as constituting the consumers in whom they show such a great interest. Surely, according to this argument, the farmers who are demanding high-protective tariff rates as producers can not be looked upon as consumers. Therefore I will assume that the consumers, in so far as tariff legislation can define the word "consumers," are those citizens of America who are not engaged in the production of either farm or industrial products. Fortunately, there are at least 1,500,000 of these workers in one group, who with their dependents, allowing for 5 in a family, constitute an army of 7,500,000 persons who have through their authorized representatives made known their attitude on tariff legislation.

There is published within a short distance from the Capitol a publication called Labor. This publication carries no advertising; it is not issued for profit. The publication is owned and controlled by the membership of 12 railroad unions and 3 railroad brotherhoods. I find that at the top of the editorial column of the publication Labor is the following:

Ownership and editorial control: Labor is owned by the associated recognized standard railroad labor organizations and is their official Washington weekly newspaper. It is not conducted for profit and does not accept paid advertising of any kind. Its editorial policy is determined by the following committee selected by the chief executives of the associated organizations:

Representing group 1: E. P. Curtis, president Order of Railway Conductors; T. C. Cashen, president Switchmen's Union of North America.

Representing group 2: A. O. Wharton, president International Association of Machinists; H. H. Broach, president International Brotherhood of Electrical Workers.

Representing group 3: E. J. Manion, president Order of Railroad Telegraphers; F. H. Fljozdal, grand president Brotherhood of Maintenance of Way Employees.

EDWARD KEATING, *Manager.*

The organizations represented by this editorial board, the names of which I have just stated, are the following:

Railroad conductors, railroad switchmen, railroad telegraphers, railroad engineers, railroad firemen and enginemen, railroad signalmen, railway clerks, railway carmen, railroad maintenance of way, machinists, blacksmiths, boilermakers, electrical workers, sheet metal workers, and firemen and oilers.

The associated recognized standard railroad labor organizations which own and control this publication, Labor, to which I have just referred, have a membership of more than 1,500,000 railroad workers.

In the issue of Labor of February 22, 1930, I find the leading editorial is headed "Vital to American Prosperity." The editorial in full reads as follows:

HOME MARKET NINE TIMES AS IMPORTANT AS THE FOREIGN MARKET—HOW TO "STIMULATE" IT

A new financial journal, the National Sphere, has an article on its cover which begins as follows:

"With 7 per cent of the world's population, the United States consumes 48 per cent of the world's coffee, 53 per cent of its tin, 56 per cent of its rubber, 21 per cent of its sugar, 72 per cent of its silk, 36 per cent of its coal, 42 per cent of its pig iron, 47 per cent of its copper, 69 per cent of its crude petroleum, and owns twenty-three of the thirty million running automobiles.

"While the population of the United States was increasing by 60 per cent, industrial production increased by 300 per cent. The purchasing power of the 120,000,000 citizens of this country is greater than that of the 500,000,000 Europeans and much greater than that of the more than a billion Asiatics."

All of which is true. But then, on an inside page, is another article, headed "Export Trade Becomes Vital to American Prosperity." It urges the "stimulation" of foreign markets, because they take about 10 per cent of the output of this country each year.

It seems to Labor that the Sphere needs to learn on its inside pages the lesson taught on its cover.

If 90 per cent of our production is consumed at home and only 10 per cent goes abroad, then it is surely nine times as important to stimulate the home market as to stimulate the foreign market.

America's purchasing power is greater than that of a four times larger population in Europe and a ten times larger population in Asia because American wages are relatively high.

Make these wages higher still and the buying power of the home market will increase in full proportion. Wipe out the periods of unemployment or half employment and there will be another increase in buying power.

A 1 per cent gain in consuming power of the home market is equal to 9 per cent boost in the demands of the rest of the world, and the home market is in our sole control, while the foreign markets are ruled by the financiers, governments, and customs of other nations.

The thing really "vital to American prosperity" is steady employment at high wages. The foreign market is important, valuable, but the heart of our prosperity—when we have it—is at home.

I commend to the senatorial spokesmen for the consumers the views of the representatives of 7,500,000 organized American consumers.

In passing, Mr. President, might I add that the editorial which I have just read was not written by any high-tariff pro-

tectionist or any hidebound Republican. The editor of this publication is none other than a former Democratic Congressman, Hon. Edward Keating, of Colorado.

Mr. President, the membership of the railroad unions do not seek tariff legislation, yet they have shown their keen interest in the prosperity of America, which can only be secured by insuring the American workers the American market for the products of America.

I agree with the sentiment and the logic contained in this editorial. Let us adopt legislation which will insure the American market for the products of American industry and the American farm. Thus we will relieve unemployment and develop our own industries.

While the foreign markets are valuable, let us not forget that our own American market is nine times more valuable.

In a number of cases authorized and representative spokesmen for American industry, men who represent the toilers and whose only possible profit through tariff legislation is employment for American workers, have openly declared that the tariff rates adopted in certain paragraphs—pottery, 211–212; glassware, 218–230; pig iron, 301; woven-wire cloth, 318; engraved plates, 341; lithographs, 1405–1406; books, 1410; straw and felt hats, 1506–1527—will not even equalize the difference in labor costs of production between America and some of the foreign countries.

If these declarations are true, and no person really qualified has as yet proven them otherwise, then those who appealed to the American people for election to national office are right on platforms, which in the case of the Democrats stated:

(a) The maintenance of legitimate business and a high standard of wages for American labor.

(b) Actual difference between the cost of production at home and abroad, with adequate safeguard for the wage of the American laborer.

And those who stood on the Republican platform were on the principle that—

We realize that there are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and a lower cost of living abroad, and we pledge the next Republican Congress to an examination and where necessary a revision of these schedules to the end that American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field.

Mr. President, the really authorized spokesman for this army of 7,500,000 consumers have indicated that any action or legislation which will permit a gain of even 1 per cent in the consuming power of our home market is equal to a gain of 9 per cent in the markets of the rest of the world.

The testimony, under oath, of authorized spokesmen for American industry and American labor given before the Finance Committee proves beyond any possible doubt that the only way in which we can insure the home market for the products of American industry and the American farm is to place adequate and proper tariff rates on those commodities which at the present time are depriving our home producers of a market for their products.

There is not a man on this floor, yes, there is not a man in public life, who should not be willing to do anything possible to relieve the distress which exists throughout America due to the present wave of unemployment.

I admit the contention of the senior Senator from Kentucky [Mr. BARKLEY] regarding unemployment in the window-glass industry, that it is due in part to recession in the building world. I admit that importations have fallen off, but only since the 50 per cent increase made possible by the flexible feature which I am asking to be retained protecting window glass.

The senior Senator from Kentucky has proven by his statement that American labor and capital in the window-glass industry are entitled to a tariff rate high enough to keep out every pound of foreign-made window glass—which they are not asking—by his admission that the imports have fallen off due to the recession in building in this country. When he admits this he admits that if we are to become prosperous and building again developed to a parity with past years, then we will be again menaced by imports as we have been in the past.

The window-glass industry is only asking for the continuation of a rate that will exclude some of the importations, based upon the past six months' experience, with the hope of giving employment for 50 per cent of the time to the American workers with a possible additional 15 per cent more work, and that, too, without raising the price to the American consumer which has been conclusively proven since the increased rate has been in effect for nine months resulting in a decrease in prices to the consumer of 10 per cent.

When I hear the consumer discussed on the floor of the Senate, I sometimes wonder about the line of demarcation between the producer and the consumer, when statistics disclose the fact that at least 17,000,000 of our people have invested as shareholders in the industries of the country and which represent at least 65 per cent of the population of our Nation.

So frequently house building has been referred to in the debate and the increased price of same, that after development of the real facts it becomes unworthy of discussion. The average man builds one house in a lifetime. An 8-room house will cost approximately $48 for the glass alone, allowing 3 windows for each room, 16 windows for a sun parlor.

This industry is not asking for an increase in the tariff rate. It is asking only to be permitted to retain what it now has; but granting that with this protection the manufacturer would be able to raise his prices to the consumer 10 per cent; this increase in price would only add to the cost of building a home the amount of $4.80 for an 8-room house. Does anyone think for a moment that this would prevent one who is ambitious to build a home from building it?

Mr. President, I am impressed with the thought that a continuation of this tariff rate would encourage many to build homes or keep the home they have, who will not be able to do so in case they are denied this protection. Not only will it prevent the home seekers from building homes, but it will deprive many laboring men of a day's work at good wages.

No one can say because of proof or recorded facts that a request for a continuation of this rate is unjust. It will give more employment to workers that the Senator admits are suffering for the want of work because of a recession in industrial development at the present time. The conclusive proof is that a continuation of the rate will not stop imports or materially reduce them when we are prosperous.

The Senator's claim that as soon as the bill is passed prices will be raised by the American manufacturer can not be substantiated in fact, for the reason that if the producer raises his price, the foreign manufacturer can pay the existing tariff rates and export to this country and sell at a substantial profit.

For the Congress not to continue the present tariff rate would be to open the door to imports of at least 83,000,000 pounds a year, as was the case in 1927, amounting to $2,200,800, European valuation, which would be approximately 2 for 1 if we were to measure it upon American valuation.

Now that we have a recession in the building industry and our manufacturers are finding it hard to operate 50 per cent of the time, may I ask if it is fair to penalize them because of this industrial recession? It would be, Mr. President, not unlike sending for the undertaker instead of the physician when we are ill.

We can not lose sight of the fact that the rate in the way of increase that was invoked June 19, 1929, by the President did not prevent 67,000,000 pounds from being imported into this country, which should have been made by American labor in this depressed period, notwithstanding the supreme sacrifice of our own workers, who divided up the labor so that all might exist.

The senior Senator from Kentucky in his discussion claims that one firm manufacturing window glass in this country has prospered because of its foresight. Most people, Mr. President, who accumulate wealth not only have foresight, but some members of the family have made real sacrifices and denials to themselves. The one making the sacrifices does not usually enjoy the benefits but passes it on to future generations. It was stated that this company was spending hundreds of thousands of dollars expanding its plants for the manufacture of window glass. The facts are that the Libbey-Owens Glass Co. is retrenching its window-glass production. It has dismantled one plant at Lancaster, Ohio, and equipped it for the manufacture of plate glass. Likewise it has converted a number of window-glass machines in its plant at Charleston, W. Va., into plate glass manufacturing equipment. It has also spent a million dollars in equipping a polishing plant for the treatment of plate glass at Toledo, Ohio, for the purpose of making shatter-proof glass for automobiles. It is strikingly strange, if the statement be true as made by the senior Senator from Kentucky, that the Libbey-Owens process of making window glass is superior to all others in cost of production. It is only operating 8 machines at Charleston, at the present time when formerly it operated 18, and the employees are now working less than half time. That company is as much interested in the retention of the present tariff rate as are all of the other window-glass manufacturers. As a confirmation of this statement, I read a paragraph taken from a letter written by the vice president of the company, Mr. Allen:

I am not sure whether you know the number of men employed in our plant in Charleston, W. Va. We average about 1,400 men, and the

annual amount of the pay roll runs between $2,500,000 and $3,000,000, depending on the degree of operations. Unquestionably a reduction in the tariff certainly would seriously affect both the number of men and the annual pay roll.

He expressed the same convictions as other window-glass manufacturers. The point raised that the labor representatives did not appear before the Tariff Commission, when investigation was being made, was not because they were not vitally interested. It should be apparent to all that under the serious circumstances that confronted them because of lack of work and their limited means, coupled with the fact that they had an abiding faith that equity and justice would prevail, they did not deem it necessary at that time to send a representative in their behalf. When the real facts were known, they felt that their interests could be safely left to the Tariff Commission. And they were not disappointed either in the commission or in the President of the United States, who had the power to relieve the situation in part. False statements are being made as to the status of their organization in the trades-union affiliated with the American Federation of Labor, that controls these workers. It is alleged that the window-glass industry did not recognize this organization. When this information reached the representatives of this labor group they came to Washington and are here now for the purpose of informing those Senators who will hear them of their true needs.

The senior Senator from Kentucky [Mr. BARKLEY] stated that a representative of the Federation of Labor informed him that the Libbey-Owens Co. was not distributing to labor its proper share of profits. I am informed by the president of this organization, Mr. McCabe, that this statement is untrue and without foundation. There might have been some justification for such a remark in bygone days, but whatever discontent may have existed among the workmen in this field was dissipated with the 25 per cent raise which in the year 1927 was allowed by the window-glass industry to the window-glass workers.

But supposing, Mr. President, this statement were true, that the workmen did not get their share of the 50 per cent increase in tariff rates made possible by the Tariff Commission; there is no reason why we should take away their present employment because of the failure to levy an adequate tariff even though they were underpaid in the past. If excess profits are being enjoyed, we had better deal with the question by way of direct legislation instead of oppressing the wage earner by permitting foreign imports of manufactured goods.

I understand there is one company manufacturing window glass and receiving relief under the advanced tariff rate which does not recognize the workers who are affiliated with the American Federation of Labor, but which has a company union. I am informed, however, by the president of the Window Glass Cutters' League of America, whose union is affiliated with the American Federation of Labor and whose membership cut 80 per cent of the window glass produced in America, that the American Window Glass Co. does not recognize this organization. They, however, pay their workers the same price and observe the same rules as those required by the organized workers. Are we to penalize workers who produce 80 per cent of the window glass in this country because of the other 20 per cent not being unionized? Are we to penalize that 20 per cent and deprive them of work because of this fact? Are we to let down the bars to the importer and penalize these workmen, either organized or unorganized, because of this situation? I think not.

The senior Senator from Kentucky [Mr. BARKLEY] stated in his remarks that it was unfair to shuffle one group of labor in an industry against another. I am impressed with the fact that his doctrine, if carried to its final conclusion, resulting in inadequate protection, would bring about such a result, thus forcing one group to either starve, accept charity, or be forced to trespass upon another industrial group because of the failure of the industry in which they are primarily interested, thereby forcing men of both groups out of employment.

The Senator states no fact when he asserts that the increased rates, if continued in this paragraph, will constitute a tribute to antiquated methods of manufacturing window glass. On the contrary, if the rates in paragraph 219 shall be continued in force they will be a tribute in the way of protection to the industrial workers in this industry, whose representatives are here pleading and begging for a continuation of this protection, pointing to the results achieved during the operation of the present rates for the last nine months, in staying the importation of cheap window glass produced by cheap labor from abroad, to the advantage of our own American workmen.

It is true the Libbey-Owens Co. has made profits. No doubt it is able to produce glass cheaper than smaller independent manufacturers, but in this connection it must be remembered that it only produces 40 per cent of the glass consumed.

There is little doubt that in the steel industry the United States Steel Co. occupies the same position in the commerce of this and other countries as does the Libbey-Owens Co. in the glass industry. It has not been the attitude of Congress in the past to force smaller independent companies out of business, regardless of the sphere in the industrial world which they occupy by levying a tariff rate which would make it unprofitable for these independent industries to operate. I am not impressed with the thought that such is the present attitude of the Congress or of the Senate. Should we follow such a course we would place the Libbey-Owens Co. in a very enviable position, indeed, by giving it a monopoly of the window-glass business in America. Should Congress ever decide to take that attitude in dealing with the independent industries of the Nation, monopolistic trend would have little further to go.

The senior Senator from Kentucky also said:

> The decrease in domestic production is due to conditions that exist in the United States and is not due to any increase of importations, because there has not been any.

It is true that the volume of imports for 1928 and 1929 was less than for the year 1927. The Senator admitted that this falling off of imports was due to a depression in building operations in America, with a consequent lessening in the demand for window glass, and was not due, as he intimated, to the fact that all manufacturers of domestic glass are now using a sheet machine process, and are, therefore, more successfully competing with foreign manufacturers, resulting in a decrease of imports during the years of 1928 and 1929.

Let us summarize the exact relation of the imports during the past three years in comparison with the total consumption of window glass in the United States.

Comparison of imports with consumption of window glass in United States

Year	Domestic consumption	Imports	Ratio imports to consumption
	Pounds	*Pounds*	*Per cent*
1927	659,000,000	83,000,000	12.6
1928	583,000,000	68,000,000	11.6
1929	405,000,000	67,000,000	16.5

The slight decrease of imports in 1928 was due to a reduction of 20 per cent in the domestic price of window glass made by the manufacturers in November, 1927, in an effort to supplant the cheap imported commodity. That reduction, with increasing costs of labor, fuels, and materials, resulted in the inability of the home producer to break even and maintain the price.

In July, 1928, prices were advanced on homemade window glass, but not to the level before the November, 1927, reduction. Immediately imports increased to such a point that the ratio of consumption of the foreign article to the domestic for the year of 1929 was 16½ per cent, being 4 per cent higher than the ratio in 1927, increasing the competition against the home industry by that much. It was the greatest ratio of imports for any year since the passage of the 1922 tariff act, and again this increase in imports was during a year in which domestic window glass was manufactured, with the exception of 15 per cent, by the latest improved methods.

If our American plants can produce window glass at a cost that will permit them to compete with foreign manufacturers under the 1922 rate, using the same modern process that is used in the manufacture of this product abroad, why is it that our American plants are only operating in part 50 per cent of the time, while other plants are closed down entirely, or only operating periodically and thus permitting the importation of 16 per cent of the present consumption of window glass in this country at this time even under the rate proclaimed by the President?

The statement was made by the senior Senator from Kentucky [Mr. BARKLEY] in his discussion of the rate on window glass that the American Window Glass Co. in 1922 opposed an increase in the tariff on this commodity. The Senator has been misinformed. I have here in my possession a brief prepared by the National Association of Window Glass Manufacturers, which was written by the president of the American Window Glass Co. and his associates and submitted to the Ways and Means Committee. In that brief a higher rate was asked for than was granted by either the Ways and Means Committee or the Finance Committee of the Senate, which no doubt was one of the controlling factors and arguments referred to by the committee in the fixing of rates for the purpose of protecting this industry in the Fordney-McCumber Act of 1922.

Mr. President, much has been said in debate that is well calculated to develop sectionalism and strife against what is

known as industry. The manufacturing business has been made to appear as the avowed antagonist of agriculture. The advocates of these two basic industries in behalf of an adequate tariff have been accused of having designs against the consumer.

I have many times wondered how often the unseen hand of the importer was playing its part or those upholding the principles of free trade were feeding upon an opportunity so inviting.

The play is not new in tariff history. One hundred years ago the same political strategy was resorted to, the tariff then, as now, being the occasion.

Agricultural interests were arrayed against the manufacturers. The methods were successful to the point that none, I believe, would want to repeat.

The question is, Shall we be compelled to undergo the experience and adversities in the twentieth century that our forbears suffered in the last century? I hope not.

America, let me urge, is one big family, interdependent socially and economically. The entire fabric must stand or fall together, based on adequate protection for all alike, to the point of keeping our own markets for our own people.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCULLOCH in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Hebert	Pittman	Waterman
Cutting	Heflin	Ransdell	Watson
Dale	Howell	Robinson, Ind.	Wheeler
Dill	Johnson	Robsion, Ky.	
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, I do not desire to delay a vote on this amendment. The fact is, I thought the debate had concluded last Saturday, and we were about to vote, when the Senator from Utah [Mr. SMOOT] moved that we take a recess. During the interval, however, the two Senators from West Virginia have accumulated some more steam which had to be exhausted to-day; and they have submitted two or three observations which I do not feel justified in allowing to go unchallenged.

There is very little that is new that anybody can submit on the window-glass schedule. We have debated it two or three times very thoroughly; but the senior Senator from West Virginia [Mr. GOFF] on last Saturday had printed in the RECORD a report from the Window Glass Manufacturers' Association, in which there are some obvious arrangements of figures which do not quite leave the situation fairly as it ought to be.

In referring to the imports and the number of pounds of window glass made in the United States, the report of the American Glass Manufacturers' Association undertakes to make an average from 1910 to 1914 of 26,000,000 pounds plus, and from 1923 to 1926 an average of some 50,000,000 pounds plus; then for 1927, 83,000,000 pounds; 1928, 67,000,000 pounds; and 1929, 66,000,000 pounds. Then in their figures for domestic production for 1914 to 1927, both inclusive, they have the figures for the entire amount of glass produced in the United States, including photographic glass, including the lighter quality of window glass—single strength, as it is called—and also including the double strength; but the report does not include the domestic production of a very heavy quality of glass, the importations of which for 1929 amounted to probably more than half of the entire importations of the type of glass referred to. So if we add to the domestic production of 381,829,600 square feet of window glass for 1929 and 460,577,750 for 1928 these figures for the other two classes of glass, we find that the disparity between domestic production in 1928 and 1929 as compared to other years is entirely wiped out.

I do not say that the Senator from West Virginia intentionally juggled those figures, because he did not prepare the figures, and I do not think he would be knowingly guilty of any such effort; but the association, evidently trying to put its best foot forward, it seems to me, went a little beyond what would be entirely frank in dealing not only with the Senate as a body but even with the Senator from West Virginia individually, because it is not fair to include imports of all sorts of this glass in 1928 and 1929 in order to boost the figures for importations and at the same time and for the same years eliminate two very important kinds of the same type of glassware in making a comparison between domestic production and foreign importations.

On the very face of the report that fact is shown, because in a footnote at the bottom of the page, which is evidently taken from the report itself, it states that for 1928 the figures included only single and double strength glass, whereas for the importations all sorts of glass were included.

Mr. GOFF. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I do.

Mr. GOFF. To what use is the glass devoted which was not included in the reports to which the Senator from Kentucky has referred?

Mr. BARKLEY. There is a type of thin glass which is made by the same process as window glass but is used largely for photographic plate glass. Then there is a very heavy type of sheet glass, which probably competes with and is used in place of plate glass; but it is all included. It is not plate glass; it does not come under the head of plate glass, and yet it ought to be considered in estimating domestic production if the same glass is to be considered in the figures for importations; and it is considered and included in the figures for importations.

Mr. GOFF. Will the Senator state from what source his correct information comes?

Mr. BARKLEY. From two or three different sources; but, specifically, I have received the information from a letter written by the Vitrea Co. (Inc.), of New York. That is, in part, the source of the information I have just given to the Senate. In addition to that there is no doubt that the Tariff Commission's report and the speech of the Senator from West Virginia in the CONGRESSIONAL RECORD on the face of it shows that that is true; so I should only have to take the Senator's own speech to verify what I have stated about that.

There is another matter to which I wish to call attention.

In the speech of the Senator from West Virginia last Saturday, or in the remarks of the Senator from Utah [Mr. SMOOT], the suggestion was made that the Libbey-Owens Co. was making a large proportion of its profits out of its licenses and its royalties. As a matter of fact, in the literature sent to its stockholders by the Libbey-Owens Corporation it groups its income according to its source. In its statement for 1928–29—and, as a matter of fact, for all years during which the Libbey-Owens Co. made the marvelous expansion to which reference has been made so often, having multiplied its capacity and its capitalization twenty-five times, I believe, since it started its organization without any additional capital from the outside, but by plowing its profits from year to year back into the business, making, as it does now, 40 per cent of all the window glass made in the United States—in its report to its stockholders, segregating its income from manufacturing sources, it has shown an enormous increase and an enormous profit. Of course, it could not include in manufacturing processes a royalty which it enjoys by reason of a license issued by it to somebody in Belgium to make window glass under its own process, because it has a contract with those licensees that they shall not import the product of their factories into the United States in competition with the Libbey-Owens product in the United States.

Mr. SMOOT. Mr. President, the Senator in those very statements will not find a statement of the amount the Libbey-Owens people have received from royalties.

Mr. BARKLEY. That evidently is in addition to the income, because it can not be included in manufacturing processes.

Mr. SMOOT. If the Senator will get their tax returns he will see that it is not included. If they have received that, and did not put it in their manufacturing report or their report to their stockholders, then it will show in their tax returns, and all of their royalty is shown as a gain, no matter whether it is from manufactures or anything else.

Mr. BARKLEY. Of course, nobody denies that they are receiving an income from these royalties, but in their separation of the sources of the income, I think they put that under the heading of "other income," because it would be proper to place it under such a heading. It would not be properly allocated under income derived from manufactures.

Mr. President, the Senator from Utah also suggested the other day that, by reason of the increase in the tariff on sand, this increase in the tariff on window glass was justified. As a matter of fact, there is no sand to speak of being imported into the United States now out of which this window glass is made, and the slight increase in the tariff on sand, only a small portion of which really figures in the ultimate product when it is de-

livered to the consumer, will not be in any way affected so as to justify a 50 per cent increase in the tariff over that in the act of 1922.

Mr. SMOOT. Does the Senator say a "slight increase" in the tariff on sand?

Mr. BARKLEY. Yes; so far as it reflects itself in the manufacture of window glass. Of course, just as sand, it is more than a slight increase, but the proportion that is passed on ultimately in the manufacture of window glass is slight.

Mr. SMOOT. It is a raw material, and the raw material is taxed heavily.

Mr. BARKLEY. I want to say just another word, and then I will be through, because I think it is very unfortunate that we can not devise some way by which to shorten the consideration of these amendments, which have been threshed out over and over again in the Senate. If all of the 80 amendments still remaining unacted on are to consume as much time as those with which we have already dealt, then we will be here until the 1st of April considering this tariff bill in the Senate.

The truth is that all these amendments ought to have gone to conference, and the conferees allowed to work out the differences between the House and Senate. I have no doubt that the conferees not only would be in a better position to do that but would be in a better frame of mind to consider the niceties of the distinctions and differentiations of the facts submitted than the Senate of the United States is, because all of us are tired of this tariff bill, all of us want to see it passed on, either favorably or unfavorably, all of us desire to get it into conference, where these differences ought to be analyzed and composed in a way that will be just and fair to the American people.

If we are to take up all of March and a part of April going over the same matters, about which nobody can say anything new, it seems to me we will be here all summer undertaking to pass this tariff bill, and the responsibility for that will rest upon the shoulders of those who are now seeking to reopen all these amendments. We have debated weeks and weeks about them and have to continue to debate weeks and weeks about them because of those who demand a reconsideration of the votes and insist on long debates, and those of us who have been active in opposing the increases can not allow the matters to go by default and remain silent ourselves.

I hope we may at least have a vote within a reasonable length of time on this amendment and on all others, so that we may get the bill into conference and take up other important legislation pending in the Senate.

Mr. FESS. Mr. President, I want to join the Senator from Kentucky in his suggestion about expediting final action on the various amendments.

I had intended saying something about the window-glass industry, because it is one of Ohio's most important industries, but the subject has been completely covered, and I think very well covered.

Before we vote I should like to express my hope that at some time in the near future we may change the rules of the Senate so as to prevent reopening of debate on amendments after a bill has been reported to the Senate, because when we are through with votes in Committee of the Whole there is nothing to prevent any other amendment being offered, and unlimited debate being had, and, as the Senator from Kentucky has suggested, there is nothing to prevent us from being required to stay here all summer in the consideration of different amendments.

As is very well understood, in the House of Representatives only one vote is permitted after a bill gets out of Committee of the Whole, and that is usually a vote to recommit. No amendment is allowed and no debate is allowed. But in the Senate as in Committee of the Whole we discuss and amend, and then when the bill gets out of the Committee of the Whole into the Senate we go over exactly the same ground again. I do not think it tends to expedition in legislation, and certainly it is not good for the tempers of Senators.

I sincerely hope the Senate will take a sympathetic attitude toward the window-glass industry and will not concur in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring en bloc in the amendments made as in Committee of the Whole on page 47, lines 10, 12, 14, 15, 17, and 19, which the Secretary will report.

The LEGISLATIVE CLERK. On page 47, line 10, strike out "1⅞" and insert "1¼"; on line 12, strike out "2 1/16" and insert "1⅜"; on line 14, strike out "2 7/16" and insert "1⅝"; on line 15, strike out "2⅝" and insert "1¾"; on line 17, strike out "3" and insert "2"; on line 19, strike out "3⅜" and insert "2¼"; and on line 19, strike out "3¾" and insert "2½," so as to read:

PAR. 219. Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used, not exceeding 150 square inches, 1¼ cents per pound; above that, and not exceeding 384 square inches, 1⅜ cents per pound; above that, and not exceeding 720 square inches, 1⅝ cents per pound; above that, and not exceeding 864 square inches, 1¾ cents per pound; above that, and not exceeding 1,200 square inches, 2 cents per pound; above that, and not exceeding 2,400 square inches, 2¼ cents per pound; above that, 2½ cents per pound.

Mr. BINGHAM. Mr. President, I should like to inquire of the Chair whether those who are in favor of the higher rates should vote "nay" on this motion?

The PRESIDING OFFICER. Yes; a negative vote would be to raise the rates back to the House figures.

Mr. BARKLEY. And an affirmative vote would be to restore the rates to those of the act of 1922.

The PRESIDING OFFICER. The question is on concurring in the amendments.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called. On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. As yet I am unable to get a transfer, so I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. Were he present he would vote "yea."

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Wyoming [Mr. KENDRICK] and vote "yea."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I do not know how he would vote. If I were permitted to vote, I would vote "nay."

Mr. WHEELER (when his name was called). On this matter I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. If permitted to vote, I should vote "yea," and I understand the Senator from Connecticut would vote "nay."

The roll call was concluded.

Mr. BINGHAM. My colleague the junior Senator from Connecticut [Mr. WALCOTT] is detained on account of illness. As just stated, he has a pair with the junior Senator from Montana [Mr. WHEELER]. If present, my colleague would vote "nay."

Mr. WATSON. I have a general pair with the Senator from South Carolina [Mr. SMITH]. Being unable to secure a transfer, I withhold my vote; but if I were voting, I should vote "nay."

Mr. MOSES (after having voted in the negative). May I inquire if the senior Senator from Iowa [Mr. STECK] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MOSES. I have a general pair with that Senator on all matters pertaining to the tariff bill. Therefore I withdraw my vote.

Mr. McKELLAR. I find that I can transfer my pair with the Senator from Delaware [Mr. TOWNSEND] to the senior Senator from Arizona [Mr. ASHURST], which I do, and vote "yea."

Mr. WATSON. I find that I can transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. GREENE], which I now do, and vote "nay."

Mr. METCALF (after having voted in the negative). Has the Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. MOSES. I learn that I may transfer my pair with the senior Senator from Iowa [Mr. STECK] to the senior Senator from Oklahoma [Mr. PINE]. I make that transfer and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 34, nays 40, as follows:

YEAS—34

Barkley	Blease	Brookhart	Cutting
Black	Borah	Caraway	Dill
Blaine	Bratton	Connally	Fletcher

Frazier	Heflin	Norris	Swanson
George	Howell	Nye	Wagner
Glass	La Follette	Overman	Walsh, Mass.
Harris	McKellar	Schall	Walsh, Mont.
Harrison	McMaster	Sheppard	
Hayden	Norbeck	Simmons	

NAYS—40

Allen	Goldsborough	Keyes	Robsion, Ky.
Baird	Grundy	McCulloch	Shortridge
Bingham	Hale	McNary	Smoot
Broussard	Hastings	Moses	Steiwer
Capper	Hatfield	Oddie	Thomas, Idaho
Couzens	Hawes	Patterson	Thomas, Okla.
Dale	Hebert	Phipps	Trammell
Fess	Johnson	Pittman	Vandenberg
Glenn	Jones	Ransdell	Waterman
Goff	Kean	Robinson, Ind.	Watson

NOT VOTING—22

Ashurst	Greene	Robinson, Ark.	Townsend
Brock	Kendrick	Shipstead	Tydings
Copeland	King	Smith	Walcott
Deneen	Metcalf	Steck	Wheeler
Gillett	Pine	Stephens	
Gould	Reed	Sullivan	

So the amendments were nonconcurred in.

Mr. WALSH of Montana. Mr. President, I ask that there may be incorporated in the RECORD immediately after the vote on cylinder, crown, and sheet glass, the vote in Committee of the Whole on that subject.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of November 6, 1929]

The PRESIDENT pro tempore. The pending amendment is the amendment proposed by the Senator from Kentucky [Mr. BARKLEY], namely, to strike out, beginning on line 20 after the word "glass," the words "and cylinder, crown, and sheet glass."

Mr. HARRISON. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). May I inquire whether the junior Senator from Missouri [Mr. PATTERSON] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WAGNER. I am paired with the junior Senator from Missouri, and not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from Kansas [Mr. CAPPER] with the Senator from Arkansas [Mr. CARAWAY].

Mr. SACKETT (after having voted in the negative). I note that my general pair, the Senator from Missouri [Mr. HAWES] has not voted. I transfer that pair to the Senator from Vermont [Mr. DALE] and allow my vote to stand.

Mr. BINGHAM (after having voted in the negative). Has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. I transfer my pair with the junior Senator from Virginia to the junior Senator from Maine [Mr. GOULD] and allow my vote to stand.

Mr. STEPHENS. I am paired with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the junior Senator from Washington [Mr. DILL] and vote "yea."

Mr. SCHALL. I would like to have the RECORD show that my colleague [Mr. SHIPSTEAD] is absent because of illness.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is detained from the Senate by reason of illness. If he were present, he would vote "yea."

The result was announced—yeas 36, nays 33, as follows:

Yeas—36: Messrs. Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Connally, Couzens, Fletcher, Frazier, George, Harris, Harrison, Hayden, Heflin, Howell, Johnson, Kendrick, La Follette, McKellar, Norris, Nye, Schall, Sheppard, Simmons, Smith, Steck, Stephens, Swanson, Thomas of Oklahoma, Walsh of Massachusetts, Walsh of Montana, Wheeler.

Nays—33: Messrs. Allen, Bingham, Deneen, Edge, Fess, Glenn, Goff, Goldsborough, Greene, Hale, Hastings, Hatfield, Hebert, Jones, Kean, Keyes, McNary, Metcalf, Moses, Oddie, Phipps, Ransdell, Reed, Sackett, Shortridge, Smoot, Steiwer, Thomas of Idaho, Townsend, Trammell, Vandenberg, Walcott, Waterman.

Not voting—25: Messrs. Broussard, Capper, Caraway, Copeland, Cutting, Dale, Dill, Gillett, Glass, Gould, Hawes, King, McMaster Norbeck, Overman, Patterson, Pine, Pittman, Robinson of Arkansas, Robinson of Indiana, Shipstead, Tydings, Wagner, Warren, Watson.

So Mr. BARKLEY's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. The clerk will report the next amendment.

The LEGISLATIVE CLERK. The next amendment reserved is in paragraph 222, page 49, line 6, to strike out "19" and insert "15," and in line 7, to strike out "22" and insert "17½," so as to read:

PAR. 222. (a) Plate glass, by whatever process made, not exceeding 384 square inches, 12½ cents per square foot; above that, and not exceeding 720 square inches, 15 cents per square foot; all above that, 17½ cents per square foot: *Provided*, That none of the foregoing measuring three-eighths of 1 inch or over in thickness shall be subject to a less rate of duty than 50 per cent ad valorem.

Mr. PATTERSON. Mr. President, I rise in opposition to the amendment offered by the Senator from South Dakota [Mr. MCMASTER] and adopted in the Committee of the Whole. If the amendment is agreed to by the Senate, the protection to the plate-glass industry declared by the Tariff Commission, after an exhaustive investigation, to be necessary to equalize the cost of production in this country and abroad, and proclaimed by the President on January 17, 1929, will be nullified. The rates affected by the amendment are the same as in the existing law. The Tariff Commission found that the rates carried in the act of 1922 were wholly inadequate to protect the plate-glass industry, and yet it is proposed by this amendment to make those rates applicable now.

The cost of production abroad is approximately one-half the cost in America. The wage rates are more than 400 per cent greater in this country than elsewhere in the industry. There are 22 plants employing more than 13,000 men engaged in the manufacture of plate glass in the United States, thus insuring active domestic competition. The highest wage rate paid in the American industry is $7.61 per day and the lowest wage rate is $4.42, as compared with $1.79 the highest and $1.13 the lowest paid in the plate-glass industry in Belgium, our chief competitor.

The Tariff Commission in its investigation unanimously found, taking the years 1923 to 1925, inclusive, that the cost of production per square foot in this country was 46.66 cents and only 24.53 cents in Belgium, or a cost of 22.13 cents more per square foot in this country than in Belgium. The highest rate carried in the pending bill is a duty of only 22 cents per square foot—slightly less than enough to equalize the cost of production here and abroad. It should be apparent that if we give needed protection to this industry and continue the American wage scale there must be no lowering of the present rates carried in the bill passed by the House and reported by the Finance Committee to the Senate. Since the rates were increased by presidential order on January 17, 1929, there has been no raise in the price to the consumer. Both domestic and foreign competition has been keen. Since the rates recommended by the Tariff Commission have become effective, approximately 11,000,000 square feet of plate glass have been imported into this country. In 1928, under the provisions of the tariff act of 1922, importations amounted to more than 15,000,000 square feet. Thus it will be seen that raising the rates gave additional work and employment to American labor in the manufacture of approximately 4,500,000 square feet of plate glass without costing the consumer one cent.

Reduction in the rates on plate glass does not mean a cheaper article to the American consumer, but in all probability we will be compelled to pay the higher price paid by the European countries whose markets are controlled by price-fixing combinations which sell for export to the United States at prices less than one-half those charged by them in European markets. If the findings of the Tariff Commission can be relied upon, a reduction of the rates to those carried in the act of 1922 will result in the destruction of the American plate-glass industry and place us at the mercy of a European price-fixing combination with its resultant higher prices.

As this question was debated at length in the Committee of the Whole, it is not my intention to detain the Senate unnecessarily, but before closing I wish to call the attention of the Senate to a part of the report of the Tariff Commission, as follows:

The Tariff Commission in its investigation of the plate-glass industry studied these price-fixing combinations, and on page 4 of the report states as follows:

All but 5 of the 30 European factories * * * are members of an association known as the International Convention of Plate Glass Manufacturers, which was formed in 1904. The output of all the factories included in the convention is estimated for 1926 at approximately

86,000,000 square feet, or over 80 per cent of the total European production. * * * The object in forming an international convention was threefold:

(1) To have a central office where statistics and other pertinent information could be collected and distributed to all member companies.

(2) To bring about an equilibrium between the demand for and supply of plate glass.

(3) To establish uniform prices for plate glass in world markets.

And on page 5 it is stated:

The first six of the eight Belgian plate-glass producing companies listed above distribute their output through a single selling organization which buys the glass from each company at a prearranged nominal price and sells it at the best price obtainable in the markets of the world.

FOREIGN COMBINATIONS SELL PLATE GLASS FOR SHIPMENT TO UNITED STATES AT PRICES FAR BELOW THOSE RECEIVED BY THEM IN BELGIUM, FRANCE, GERMANY, AND HOLLAND

As illustrating the methods of these combinations and production, distribution, and price-fixing organizations, it was testified before the Committee on Ways and Means of the House of Representatives (page 1537, Tariff Readjustment, 1929) that as to 100-foot bracket plate glass, for instance, the combinations of foreign manufacturers sell this glass for shipment to the United States at 23 cents per square foot; for shipment to England, for 48 cents per square foot; for shipment to Germany, at 63 cents per square foot; for shipment to Holland, at 43 cents per square foot; for use in Belgium, at 38 cents per square foot; and in France for 49 cents per square foot.

It does not require a poetic imagination to understand what will happen to us if these price-fixing combinations gain control of our market.

Mr. McMASTER. Mr. President, I listened with a great deal of interest to the argument of the Senator from Missouri [Mr. PATTERSON] with reference to the necessity for increasing duties on plate glass by 26 per cent. I listened with a great deal of interest to his statement in reference to what the Tariff Commission recommended. The Senator from Missouri informed the Senate that the Tariff Commission unanimously agreed that if they should take the cost of production for the years 1923, 1924, and 1925 they would have to recommend an increase in the duties on plate glass. But the Senator from Missouri neglected to inform the Senate that all six tariff commissioners also agreed that if they took the cost of production in the year 1925 the Tariff Commission would have to recommend a decrease in the duties on plate glass.

I wish to call to the attention of the Senate the fact that in 1923 the Tariff Commission had under consideration the cost of production of wheat. The farmers of the country asked that they take into consideration several years owing to the fact that the farmers had had drought and hailstorms during certain periods, and therefore the commission should take several years into consideration. But the Tariff Commission in taking into consideration that farm problem insisted on taking the latest year of production, which was 1923, and only that year, but when the Tariff Commission had under consideration the duties in reference to plate glass or industry, three of the commissioners insisted on taking three years' production, which then would give them figures upon which they could possibly recommend an increase in the duties on plate glass.

Mr. PATTERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. McMASTER. I yield.

Mr. PATTERSON. Is it not a fact that the year 1925 was found by the Tariff Commission not to be a normal year for the reason that in that year the plate-glass manufacturers paid for improvements made in the year 1924?

Mr. McMASTER. The reason why the Tariff Commission considered that 1925 was an abnormal year was because the production of plate glass in 1925 reached what they considered was an abnormal point, but in the light of subsequent experience, during 1926, 1927, and 1928, it was discovered that the production in 1925 was but the beginning of a new era of great production. The production in 1925 was 117,000,000 square feet; the production in 1929 was more than 150,000,000 square feet.

Mr. PATTERSON. Is it not a fact that in 1925 they paid for certain expenses that were created in 1924?

Mr. McMASTER. The fact is that the Senator has the years somewhat confused. In 1924 they put in some improvements in certain plants, which greatly added to the overhead of those plants for that year; but it was due to the improvements, in order that they could install a new process, which greatly cheapened the cost of the manufacture of plate glass.

Mr. PATTERSON. Can the Senator tell the Senate how much the cost was increased by the payment in 1925 of the expense incurred in 1924?

Mr. McMASTER. It probably increased the cost by a book value of 3 or 4 cents, or something like that, per square foot; but in the following years it was because of that investment that the cost of plate glass was greatly reduced. If the Senator will let me continue just for a moment, I desire to say that the Tariff Commission held hearings in 1925; then, in 1927, there was a second hearing; and we find them in the latter part of the year 1928 making recommendations to the President. Three tariff commissioners in this case recommended a decrease of the duties on plate glass and three commissioners recommended an increase in the duties on plate glass. The President, by proclamation, increased those duties by 20 per cent, but because the President took action on a divided opinion of the Tariff Commission, President Hoover has since said that under no circumstances would he make a recommendation for a decrease or an increase on duties on any article unless he had a majority recommendation from the Tariff Commission.

Now, I want to call the attention of the Senator from Missouri to the fact at the very hour that the Tariff Commission made a recommendation to the President for an increase in the duties on plate glass—and, as the Senator from Missouri stated, the recommendation was based on an American production cost of 46 cents a square foot—plate glass in the United States was selling on an average for 35 cents per square foot, or, according to his figures, the selling price of plate glass in the United States was 11 cents below the costs on which the commission based its recommendation for an increase.

Can any Senator vote for an increase in these duties on a recommendation made by the Tariff Commission based on a cost of 46 cents a square foot, when to-day plate glass is selling for only 35 cents a square foot? Yet the Senator from Missouri asks us now to increase this duty by 26 per cent because of the fact that plate glass is costing American manufacturers 46 cents a square foot.

Frank Judson, of the Pittsburgh Plate Glass Co., expressing his opinion in reference to a certain table shown by Mr. Gilmore, stated in December, 1928, according to the National Glass Budget:

It was a great compliment to the manufacturers of plate glass, because it showed that through improved methods the producers' prices of plate glass in the last six years had been reduced from 80 to 35 cents per square foot.

Not only that, Mr. President, but the Tariff Commission, in taking into consideration the costs of 1923, 1924, and 1925, refused to take into consideration the decreased cost that was being brought about by a new process that was being installed in the industry, and in 1928, at the very hour that the Tariff Commission was making its report, 50 per cent of all the plate glass in the United States was being manufactured by this cheaper process, which reduced the cost of plate glass by 25 per cent.

Mr. President, there may be Senators who are going to vote to increase the duties on plate glass by 26 per cent upon the obsolete facts which were presented by the Tariff Commission to the President of the United States, but there is not one fact to justify such an increase.

Furthermore, I wish to say, in conclusion, that the Pittsburgh Plate Glass Co., the Libbey-Owens Co., and the Edward Ford Co., manufacture more than 80 per cent of all the plate glass which is used in the United States outside of the automobile industry. In the debate the other day I showed that the Pittsburgh Plate Glass Co. had made $94,000,000 in eight years upon a capital of $50,000,000; I showed that the Libbey-Owens Co. had made $21,000,000 in eight years upon a capital of $7,000,000; and so far as the Edward Ford Co. is concerned——

Mr. PATTERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. McMASTER. I will yield in just a moment. Let me finish this statement.

So far as the Edward Ford Co. is concerned, it is a close corporation. We could get no trace of its financial operations after the year 1921; but in 1920 that company declared a 100 per cent stock dividend; in 1921 it declared another 50 per cent stock dividend. I want to say to the Members of the Senate that those three companies, making 80 per cent of all the plate glass used in this country outside of the automobile industry, have made tremendous profits; and there is no excuse or justification on the part of any Member of the Senate to vote for higher duties upon plate glass. Now I yield to the Senator from Missouri.





Mr. PATTERSON. Is it not a fact that these companies are engaged in other businesses besides the manufacture of plate glass, and that only about 20 per cent of their business is made up of plate-glass manufacture?

Mr. McMASTER. The Pittsburgh Plate Glass Co. is engaged also in the manufacture of paints and brushes and other materials along that line, but all of those articles are highly protected, and on some of those articles they are still asking for a higher protection in this bill.

Mr. PATTERSON. Is it not a fact that only about 20 per cent of their business is the manufacture of plate glass in the case of the Pittsburgh Plate Glass Co., and also in the case of the Libbey-Owens Co.?

Mr. McMASTER. I will say to the Senator from Missouri that it is very difficult for anyone outside of the Pittsburgh Plate Glass Co. to secure any definite information. One of its representatives told me the other day, in order to make a point that he wished to sustain, that two-thirds of the Pittsburgh Plate Glass Co.'s business was plate glass. Mr. Higgins, testifying before the House committee during the hearings last spring, stated that about 30 or 35 per cent of their business was the manufacture of plate glass, but their plate-glass business is enormously profitable.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. McMASTER. I yield.

Mr. SMOOT. I notice that the unit value of imported plate glass in 1923 was 61 cents per square foot; that in 1924 the unit value was 59 cents; in 1925 it was 44 cents; in 1926 it was 33 cents; in 1927 it was 28 cents; in 1928 it was 21 cents; and in 1929 it was 20 cents.

Mr. McMASTER. The Senator refers to the value of the foreign glass?

Mr. SMOOT. Yes; the value of the plate glass imported. Has the Senator ascertained the reason why plate glass imported into the United States during those few years fell in value from 61 cents to 20 cents, or two-thirds?

Mr. McMASTER. I will say to the Senator from Utah that I presume it is for the same reason that Mr. Frank Judson, of the Pittsburgh Plate Glass Co., stated that owing to the improvements during the last six years they had been able to reduce the price of plate glass from 80 cents to 35 cents a square foot; and I presume the prices of Belgian glass have been falling for the same reason that the Pittsburgh Plate Glass Co. has been able to reduce its prices, and that is through new processes invented in the business, and also through more efficient methods of manufacture.

Mr. SMOOT. The domestic price in 1921 was 66 cents.

Mr. McMASTER. Yes.

Mr. SMOOT. And then in 1923——

Mr. McMASTER. The Senator is now referring to unit price?

Mr. SMOOT. To the unit price.

Mr. McMASTER. That is, the average price.

Mr. SMOOT. The average price in the United States.

Mr. McMASTER. I will say to the Senator from Utah that I think Mr. Judson knows what he is talking about, and just before that the price had been around 80 or 85 cents.

Mr. SMOOT. The highest price that the Tariff Commission gives is 58.7 cents.

Mr. McMASTER. Probably Mr. Judson, the manager of the Pittsburgh Plate Glass Co., does not know what he is talking about.

Mr. SMOOT. I am quoting the figures given by the Tariff Commission, and I wondered why it was that the unit value of importations had decreased two-thirds—that is, from 61 cents to 20 cents.

Mr. McMASTER. The Senator refers to the average price?

Mr. SMOOT. To the average price of plate glass imported into the United States.

Mr. McMASTER. My idea of that, I will say to the Senator from Utah, is this: The Belgian producers simply follow the American prices; they do not undercut the American price; they do not attempt to make competition in that way, I am willing to admit; but as the American manufacturers cut the price of plate glass, then the Belgian manufacturers follow. That is shown by the fact that in 1927 there were two slashes in the price of plate glass in the United States, both of them being made by the Pittsburgh Plate Glass Co.; and all the other companies followed. When the Senator from Missouri informs us about the trust operations of the Belgian manufacturer, let me say that the price of plate glass in the United States is the same on the part of all the manufacturers; the price is fixed just as the price of cement is fixed.

Mr. SMOOT. It seems to me that that great decline from 61 cents to 20 cents within a few years would not have happened without some very good reason—whether it was American competition or whether it was a cheaper mode of making the glass during that time or otherwise. I will say, however, that I do not know of another item in this bill where it can be found that the unit value of the importations dropped from 61 cents to 20 cents.

Mr. McMASTER. I think the Senator will agree that if the American prices dropped likewise, it must have been due to new processes installed in the business and to more efficient methods, because as the prices dropped the American plate-glass companies have still been able not only to make normal profits but they have been able to make abnormal profits.

The VICE PRESIDENT. Is there objection to considering the two amendments en bloc? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GEORGE. In what form is this vote?

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. The clerk will continue the calling of the roll.

The calling of the roll was resumed.

Mr. HARRISON (when his name was called). I have a pair with the senior Senator from Oregon [Mr. McNARY], so for the present I withhold my vote.

Mr. McKELLAR (when his name was called). On this question I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. Being unable to get a transfer I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. STECK]. As he is absent I withhold by vote. If at liberty to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. Not being able to secure a transfer I withhold my vote.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. GILLETT] to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Tennessee [Mr. BROCK]. If at liberty to vote, I should vote "nay." I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Vermont [Mr. GREENE], and will vote. I vote "nay."

The roll call was concluded.

Mr. MOSES. I find that I can transfer my general pair with the senior Senator from Iowa [Mr. STECK] to the junior Senator from Kansas [Mr. ALLEN]. I make that transfer and vote "nay."

Mr. OVERMAN. I transfer the pair I have with the Senator from Illinois [Mr. DENEEN] to the Senator from New Mexico [Mr. BRATTON] and will vote. I vote "yea."

Mr. GOULD. I have a general pair with the Senator from Utah [Mr. KING]. I transfer that pair to the Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. SHEPPARD. Mr. President, we have a telegram from the Senator from Wyoming [Mr. KENDRICK], which reads:

Please arrange pair for me in favor of committee rate, Schedule 222, plate glass.

Mr. FESS. I desire to announce that the Senator from Pennsylvania [Mr. REED] is paired with the Senator from Arkansas [Mr. ROBINSON]; the Senator from Connecticut [Mr. WALCOTT] is paired with the Senator from Montana [Mr. WHEELER]; and the Senator from Minnesota [Mr. SHIPSTEAD] is paired with the Senator from Wyoming [Mr. KENDRICK].

The roll call resulted—yeas 36, nays 36, as follows:

YEAS—36

Barkley	Blease	Capper	Cutting
Black	Borah	Caraway	Dill
Blaine	Brookhart	Connally	Fletcher

Frazier	Howell	Overman	Trammell
George	La Follette	Schall	Tydings
Glass	McMaster	Sheppard	Vandenberg
Harris	Norbeck	Simmons	Wagner
Hayden	Norris	Swanson	Walsh, Mass.
Heflin	Nye	Thomas, Okla.	Walsh, Mont.

NAYS—36

Baird	Gould	Kean	Pittman
Bingham	Grundy	Keyes	Ransdell
Broussard	Hale	McCulloch	Robsion, Ky.
Copeland	Hastings	Metcalf	Shortridge
Couzens	Hatfield	Moses	Smoot
Fess	Hawes	Oddie	Steiwer
Glenn	Hebert	Patterson	Thomas, Idaho
Goff	Johnson	Phipps	Waterman
Goldsborough	Jones	Pine	Watson

NOT VOTING—24

Allen	Gillett	McNary	Steck
Ashurst	Greene	Reed	Stephens
Bratton	Harrison	Robinson, Ark.	Sullivan
Brock	Kendrick	Robinson, Ind.	Townsend
Dale	King	Shipstead	Walcott
Deneen	McKellar	Smith	Wheeler

The VICE PRESIDENT. On this question the yeas are 36, the nays are 36. The Chair votes "nay," and the amendment made as in Committee of the Whole is nonconcurred in.

Mr. WALSH of Montana. Mr. President, at this point I ask that there may be incorporated in the RECORD the vote in Committee of the Whole by which the rate on this commodity was reduced to the level of the 1922 act.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of February 11, 1930]

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from South Dakota proposes the following amendment:

"On page 49, line 5, strike out the figures '12½' and insert in lieu thereof '11½.'

"On page 49, line 6, strike out the figures '19' and insert in lieu thereof the figures '13½.'

"On page 49, line 7, strike out the figures '22' and insert in lieu thereof '16.'"

* * * * * * *

Mr. MCMASTER. Mr. President, before the amendment is voted on, I ask unanimous consent that it be modified so as to read the same as the schedules of 1922.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

* * * * * * *

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a pair on tariff matters with the junior Senator from Utah [Mr. KING]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. LA FOLLETTE (when Mr. HOWELL'S name was called). I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is unavoidably absent. He is paired with the senior Senator from Missouri [Mr. HAWES]. If the junior Senator from Nebraska were present, he would vote "yea."

Mr. MCNARY (when his name was called). On this amendment I have a pair with the senior Senator from Arizona [Mr. ASHURST] and therefore withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Kentucky [Mr. ROBSION] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Nevada [Mr. PITTMAN].

Mr. PHIPPS. Repeating the announcement of my pair and its transfer, I withhold my vote. If privileged to vote, I would vote "nay."

Mr. BLEASE. I transfer my pair with the junior Senator from New Jersey [Mr. BAIRD] to the senior Senator from Iowa [Mr. STECK] and vote "yea."

Mr. HAWES. I have a pair with the junior Senator from Nebraska [Mr. HOWELL]. If he were here, he would vote "yea." If permitted to vote, I would vote "nay."

The result was announced—yeas 43, nays 36, as follows:

Yeas, 43: Messrs. Allen, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Couzens, Cutting, Dill, Fletcher, Frazier, Glass, Goldsborough, Harris, Harrison, Hayden, Kendrick, La Follette, McKellar, McMaster, Norbeck, Norris, Nye, Overman, Schall, Sheppard, Simmons, Smith, Stephens, Swanson, Trammell, Tydings, Vandenberg, Wagner, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Nays, 36: Messrs. Bingham, Broussard, Copeland, Dale, Deneen, Fess, Gillett, Glenn, Goff, Greene, Grundy, Hale, Hastings, Hatfield, Hebert, Johnson, Jones, Kean, Keyes, McCulloch, Metcalf, Oddie, Patterson, Pine, Ransdell, Robinson of Indiana, Shortridge, Smoot, Steiwer, Sullivan, Thomas of Idaho, Thomas of Oklahoma, Townsend, Walcott, Waterman, and Watson.

Not voting, 17: Messrs. Ashurst, Baird, George, Gould, Hawes, Heflin, Howell, King, McNary, Moses, Phipps, Pittman, Reed, Robinson of Arkansas, Robsion of Kentucky, Shipstead, and Steck.

So Mr. MCMASTER'S amendment as modified was agreed to.

The VICE PRESIDENT. The Chair desires to call attention to the amendment at the bottom of page 47. The question was put on the amendments en bloc; but the Chair is informed that the unanimous-consent agreement did not apply to the amendment at the bottom of the page, proposed by the Senator from Kentucky [Mr. BARKLEY].

Mr. SMOOT. Mr. President, those amendments have already been agreed to. Were they not concurred in?

The VICE PRESIDENT. The Chair is informed that that amendment was not properly included. The question now is upon concurring in the amendment at the bottom of the page, which will be stated by the clerk.

The LEGISLATIVE CLERK. On page 47, strike out after the word "provided," in line 20, down to and including the word "glass," in line 2, page 48, and insert:

That cylinder, crown, and sheet glass, imported in boxes, shall be denied entry unless packed in units containing 50 square feet or 100 square feet, or multiple of either thereof, as nearly as sizes will permit; and the duty shall be computed thereon according to the actual weight of glass.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BARKLEY. Mr. President, that requires a brief word of explanation.

Under the language of the bill, only glass packed in boxes containing 50 or 100 square feet can be imported. Under the language of the present law it is either that or multiples thereof. This simply makes it possible to ship glass in boxes of 150 or 200 square feet, or any other multiple of 50 or 100 square feet.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 221, page 48, strike out lines 6 to 17, inclusive, and insert:

Rolled glass (not sheet glass), fluted, figured, ribbed, or rough, or the same containing a wire netting within itself, 1½ cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 49, line 8, the Senate, as in Committee of the Whole, struck out "one-half" and inserted "three-eighths of one," so as to read:

None of the foregoing measuring three-eighths of 1 inch or over in thickness, etc.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The LEGISLATIVE CLERK. On line 13, strike out "17 cents" and insert "13½ cents."

Mr. SMOOT. I thought that was already agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 49, after line 17, to insert:

(d) Rolled, cylinder, crown, and sheet glass, not plate glass, if ground wholly or in part (whether or not polished), otherwise than for the purpose of ornamentation, or if one-eighth of 1 inch or more in thickness and obscured by coloring prior to solidification, shall be subject to the duties provided in subparagraph (a) or (b) of this paragraph; if any of the foregoing is subjected to any of the processes specified in paragraph 224, the additional duty provided therein shall apply.

Mr. COPELAND. I offer an amendment to this amendment.

The VICE PRESIDENT. The Senator from New York offers an amendment to the amendment made as in Committee of the Whole, which will be stated.

The LEGISLATIVE CLERK. On page 49, after line 17, in the new subparagraph inserted in Committee of the Whole, strike out "one-eighth of 1 inch" and insert "one-fourth of 1 inch."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York to the amendment made as in Committee of the Whole.

Mr. SMOOT. That amendment would apply to colored glass as provided in paragraph 222 (d); that is, it is a new paragraph. Instead of confining it to glass one-eighth of 1 inch in thickness, the Senator asks that that be increased to one-quarter of an inch?

Mr. COPELAND. I am asking that it be increased to three-sixteenths.

Mr. SMOOT. One-quarter inch is too thick, is it not? I thought the Senator's amendment said one-quarter of an inch.

Mr. COPELAND. It did as I prepared it.

Mr. SMOOT. I was going to say to the Senator that I would not object to making it one-quarter, but I do not want to go over a quarter.

Mr. COPELAND. If that is the attitude of the Senator, I think perhaps we had better let it remain as it is, then.

Mr. SMOOT. I will accept that.

Mr. COPELAND. That will make necessary certain other changes, in order to make all the amendments correspond.

The VICE PRESIDENT. Does the Senator from New York modify his amendment?

Mr. COPELAND. I modify my amendment, making it one-quarter of an inch.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

The amendment as amended was concurred in.

Mr. SMOOT. To perfect the other amendments I ask the clerk to turn to page 50, line 13, and after the word "colored," to insert the same amendment, in order that the whole paragraph may be perfected.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 50, line 13, in the amendment inserted as in Committee on the Whole, strike out "one-eighth" and insert "one-quarter," making it one-quarter of an inch instead of one-eighth of an inch.

The amendment to the amendment made as in Committee of the Whole was agreed to.

The amendment as amended was concurred in.

Mr. SMOOT. Mr. President, I now ask that the motion for a reconsideration of the vote on the amendment in the sugar schedule offered by the Senator from North Dakota [Mr. NYE] be laid before the Senate.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Hebert	Pittman	Waterman
Cutting	Heflin	Ransdell	Watson
Dale	Howell	Robinson, Ind.	Wheeler
Dill	Johnson	Robsion, Ky.	
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

Mr. NORRIS. Mr. President, has the Senator from Utah made a motion?

Mr. SMOOT. Now I ask that a vote be taken on the motion.

Mr. NORRIS. I would like to make this suggestion. Can we not have a unanimous-consent agreement fixing a time for a vote? Could we not agree to take it up to-morrow and vote on it to-morrow? My own idea is that we can go right on with the tariff bill, and will not lose anything by entering into such an agreement. If we have a definite hour fixed, it will be an accommodation to some Senators. It would be notice to everybody.

Mr. SMOOT. I think virtually everybody had notice.

Mr. NORRIS. I do not think so.

Mr. SMOOT. I think the Senator knows very well——

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. I yield.

Mr. HARRISON. I was very much in hopes that the Senator from Utah would consent to the request made by the Senator from Nebraska, and that we would fix a definite time to take up the motion for reconsideration. The Senator says that he thinks everybody knew about it. I knew about it one minute ago, when I asked the Senator when he was going to bring up the sugar question.

Mr. NORRIS. That was one minute ahead of the time I knew about it.

Mr. HARRISON. The last roll call showed certain Senators absent. I do not see that we would be doing anybody any harm if we should set a definite time, to-morrow, say 12 o'clock, or 11 o'clock, to take up the motion to reconsider the vote on the sugar item.

Mr. NORRIS. As far as I am concerned, I do not expect to debate the question if unanimous consent can be agreed to. We will save time, I think, by doing that. I am perfectly willing, so far as I am concerned, that we shall vote to-morrow immediately upon the convening of the Senate, without any debate, upon whether or not we will reconsider.

Mr. SMOOT. Well——

Mr. NORRIS. Let us agree, then, to vote at 11 o'clock to-morrow on the motion to reconsider.

Mr. KEAN. I would like to ask whether the motion in regard to the cement item would come up at the same time?

The VICE PRESIDENT. Only one can be taken up at a time.

Mr. HARRISON. I ask unanimous consent, if the Senator will yield to me——

The VICE PRESIDENT. The Senator from Nebraska has the floor.

Mr. NORRIS. I submitted a request for unanimous consent. I would like to have the Chair put that before the Senate. I ask that to-morrow when we convene at 11 o'clock without further debate the Senate proceed to vote upon the motion to reconsider.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Mr. President, reserving the right to object, I want to call attention to a situation which I think we ought very seriously to consider. I understand that on the last day when the vote was taken on sugar a lobbyist for the Idaho-Utah Sugar Co., or the Utah-Idaho Sugar Co., I do not recall just the name——

Mr. SMOOT. The latter.

Mr. BLAINE. Who is president of that company, whose name is Mr. Grant, was present in this Capitol, and was very active in his attempt to influence Members of the Senate. I think the suggestion is of sufficient seriousness to command the attention of the committee investigating lobby activities in and about Washington.

Mr. SMOOT and Mr. HARRISON addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska has the floor. To whom does he yield?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. I want to say to the Senator from Wisconsin——

Mr. NORRIS. The Senator from Wisconsin was not quite through. Let him finish first.

The VICE PRESIDENT. The Senator from Wisconsin is yielded to.

Mr. BLAINE. Mr. President, if the sort of thing is going on that has been going on here for the last few days, the country ought to know it. It has become a scandal already, and we ought to have an opportunity to drag some of these influences out into the limelight before a consummation is completely carried out through these proposals to impose certain high duties upon many necessities of life. So for the present I object.

The VICE PRESIDENT. The Senator objects.

Mr. NORRIS. Let me appeal to the Senator. If the Senator insists on it, it is in order for the Senator from Utah to move to take it up, and the only way to prevent it coming up would be a prolonged debate on it, and I do not see how we would gain anything. It will go over until to-morrow if my unanimous consent is agreed to, and the vote would be taken upon the motion to reconsider. The question itself would still be debatable, and in any case that will be debatable if it is reconsidered.

Mr. SMOOT. I would like to ask the Chair, then, if we take the motion up at the present time——

The VICE PRESIDENT. The motion is debatable.

Mr. SMOOT. I recognize that, and I do not see what we are going to gain by putting it over until to-morrow.

Mr. HARRISON. Mr. President, will the Senator having the floor yield?

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. HARRISON. The statement was made that—who was it who was referred to as president of the Utah company?

Mr. BLAINE. I understand a gentleman by the name of Mr. Grant, who is president of this sugar company operating in Idaho and Utah.

Mr. HARRISON. I do not think Mr. Grant is president.

Mr. SMOOT. I do not think he is, either. A couple of weeks ago Heber J. Grant told me he was coming down to see me, on another matter entirely. I do not know that he saw another living soul. He did not come to Washington to lobby at all. He may have spoken to some of the Senators whom he knew; I do not know. I doubt very much whether he spoke to a Senator here whom he did not know personally.

Mr. WALSH of Montana and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I was going to suggest to the Senator from Utah that it seems to me something would be gained; that is to say, instead of spending the rest of the day in useless talk on this matter we could go on and dispose of some more items, and then to-morrow morning at 11 o'clock we could vote on this question without further debate. So that I think there would be something to be gained by agreeing to the unanimous-consent request.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. There would be something gained if the Senator's proposal embraced the idea that the whole matter go over until that hour, but the present proposal is that we vote at 11 o'clock to-morrow morning. That means that we might talk from now until 11 o'clock to-morrow morning on the question of sugar.

Mr. NORRIS. I have assumed that what the Senator suggested will happen, but if my unanimous-consent proposal is agreed to, then to-morrow at 11 o'clock we would vote on the motion to reconsider, and in the meantime we could proceed with the consideration of the tariff bill. There would be no motion pending to take up the sugar amendment or anything of that kind. I am trying to accomplish just what the Senator suggests.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Nebraska?

Mr. BLAINE. Mr. President, I am advised that Mr. Grant is not president of the sugar company, but his interests in the matter are perhaps equal to those of a person holding the position of president. I think it is quite important to have an investigation made to ascertain the activities of Mr. Grant here in Washington upon this very question of sugar. I understand the unanimous-consent request is to take a vote at 11 o'clock to-morrow morning upon the motion to reconsider. I have no objection to taking a vote upon that question, but I do object to a unanimous consent that means an immediate vote upon the proposition after the question has been reconsidered. I think the Senate is entitled to such information as may be available upon the proposition which I have suggested. My suggestions are made upon information that comes to me from parties who observed the presence of this gentleman on the occasion of the vote on sugar last week.

Mr. SMOOT. Mr. President, has it come to this, that a man can not come to Washington and, even though he be interested in sugar, that he can not call to see a friend? Has it really come to that? I do not believe it has. I do not believe that any such proposition will be supported by the people of the United States.

Mr. President, Mr. Grant called to see the senior Senator from Idaho [Mr. BORAH]. He has known him for years and years. There is no question about it at all. He was here a few days. He had come to attend the meeting of the national organization of Boy Scouts here in Washington. But because he came into my office to see me, is he to be criticized?

Mr. NORRIS. That is not involved in the question now before the Senate.

Mr. SMOOT. I know it is not.

Mr. NORRIS. Of course, I can see how there might be curiosity aroused that would not be aroused under ordinary circumstances. Mr. Grant is president of the Mormon Church. It is generally believed, and stated to some extent at least, that the Mormon Church is greatly interested in the sugar-beet industry. I do not think there is any objection to Mr. Grant coming here. I have never made any objection myself. If there is any doubt whatever in the mind of the Senator from Utah, the best way to clear that doubt, it seems to me, would be to have Mr. Grant go on the witness stand.

Mr. SMOOT. Mr. President, I have no objection to the unanimous-consent request, and we will take it up to-morrow.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield.

Mr. BLAINE. I did not object to Mr. Grant coming to Washington. My suggestion was that we investigate the question of his activity here in Washington to ascertain whether it was of that character known as lobbying.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. Since the Senator from Utah has mentioned my name in connection with this matter, perhaps I should say that President Grant was here—I have forgotten the date, but I think it was the day we voted upon this matter—and called upon me. We had a conversation. He did not mention the subject of sugar or sugar tariff, and of course I did not.

Mr. SMOOT. And I will say to the Senator from Nebraska that President Grant never comes to Washington unless he does call upon the Senator from Idaho.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Nebraska? The Chair hears none, and it is so ordered. The clerk will report the next amendment reserved.

The LEGISLATIVE CLERK. The next amendment reserved is in paragraph 301, page 56, iron in pigs and iron kentledge, in line 3, to strike out "$1.12½" and insert "75 cents," so as to read:

Iron in pigs and iron kentledge, 75 cents per ton.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GRUNDY. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, I suggest that the Senator from New York [Mr. COPELAND] be sent for. This seems to be his amendment.

Mr. BARKLEY. Mr. President, I think the Senator from Pennsylvania [Mr. GRUNDY] tried to get the floor to address himself to the subject.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. GRUNDY. Mr. President, I move to amend the amendment made as in the Committee of the Whole by striking out "75 cents" and inserting in lieu thereof "$1.40," so as to read:

Iron in pigs and iron kentledge, $1.40 per ton.

In support of my amendment I will state that the matter of the importation of pig iron is one that distinctly bears upon the coast line of the United States. It does not affect the iron business at all at a distance of more than 200 miles from the coast, but foreign competition by virtue of low freight rates from abroad, in the form of Indian iron and iron from Belgium and Holland, especially the latter, has come into the United States to the destruction of the domestic business.

The matter of a duty on pig iron was so very thoroughly discussed and argued on the floor of the Senate under date of November 6 that it is not now necessary to go over the matter again. It is not a new subject, but is one with which the Senate is thoroughly familiar. Therefore, I think it is not worth while to enter into any extended argument, and I merely ask for a vote on my amendment.

Mr. SMOOT. Mr. President, the Finance Committee reported a rate of $1.50 per ton, did it not?

Mr. GRUNDY. Yes. I understand that those interested in the matter are willing to accept 10 cents less, or $1.40 per ton, as against the recommendation of the Finance Committee of $1.50 per ton.

Mr. WALSH of Montana. Mr. President, I desire to address an inquiry to the Senator from Pennsylvania. The House text fixed a duty on pig iron of $1.12½?

Mr. GRUNDY. Yes.

Mr. WALSH of Montana. The Senate Finance Committee recommended that the rate be fixed at $1.50. In Committee of the Whole the rate was fixed at 75 cents. I was not able to hear all the Senator stated, but has he contributed any information on the subject that was not before the Senate when it voted as in Committee of the Whole?

Mr. GRUNDY. I do not think I have. I think the matter was fully discussed then.

Mr. WALSH of Montana. Then let me ask the Senator upon what consideration would he now ask the Senate to reverse its previous action?

Mr. GRUNDY. If it were not for taking the time of the Senate unnecessarily, as I view it, I would be very glad to go over the ground again and show that the domestic interests are suffering very much from foreign competition. One after the other the furnaces——

Mr. WALSH of Montana. Let me interrupt the Senator to say that that was all exploited when the matter was before the Senate on a previous occasion. It was argued that by reason of importations from India the industries in the United States were in a depressed state. The senior Senator from Pennsylvania [Mr. REED] argued at considerable length. We all remember what he said about the matter. If there is nothing that the Senator has to offer on the matter in consideration that has not heretofore been adduced in discussion of the subject, upon what consideration does he ask the Senate to reverse its vote?

Mr. GRUNDY. I might possibly suggest that I think the Senate made a mistake——

Mr. WALSH of Montana. Or has the Senator made a trade by which he expects the Senate to reverse its previous action?

Mr. GRUNDY. I think the Senate made a mistake when it voted previously, and probably Senators have had a chance to think over the matter.

Mr. WALSH of Montana. Of course, if the Senator had anything new to offer upon the matter, he might convince the Senate of its mistake, but having nothing to add, upon what consideration does he seek a reversal of the vote?

Mr. GRUNDY. I would like to vote upon it myself. I was not here when the previous vote was taken.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Florida?

Mr. GRUNDY. I yield.

Mr. FLETCHER. I understand the Senator from Pennsylvania now proposes that instead of the rate of $1.50 there shall be substituted a rate of $1.40. That is a change, is it not?

Mr. GRUNDY. Yes; and I have offered that amendment.

Mr. FLETCHER. The first question, then, will be on concurring in the amendment made as in Committee of the Whole. If that is disagreed to, then the Senator would have an opportunity to offer his amendment to make the rate $1.40.

The VICE PRESIDENT. The Chair will state that the time to offer the amendment proposed by the Senator from Pennsylvania is now.

Mr. GRUNDY. I have offered the amendment.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. GRUNDY. I yield.

Mr. BORAH. Why should we reflect upon the committee by voting for a proposition which, after fair investigation, the committee rejected?

Mr. GRUNDY. I presume the Senator refers to the rate the Committee of the Whole rejected. This is not a reduction in rate. It is an increase from 75 cents to $1.40 that I am proposing.

Mr. BORAH. The Finance Committee fixed the rate at $1.50.

Mr. GRUNDY. Yes; and in Committee of the Whole it was reduced to 75 cents.

Mr. BORAH. What this would amount to is an embargo.

There are no importations into this country except along the coast, as I understand the investigation disclosed. The duty which it is proposed to lay would amount to an embargo.

Mr. GRUNDY. I do not think so. I beg to differ with the Senator from Idaho. If in the interior of the country there is, by reason of freight rates, practically an embargo on foreign iron, I do not see why the labor engaged in the pig-iron business along the coast is not entitled to a protective tariff as against the cheaper foreign labor. It does not mean an embargo, because the Tariff Commission figures and all other statistics show that there is a disadvantage of between $3 and $4 a ton in the manufacture of Pennsylvania, New Jersey, and New York pig iron or iron in pigs, as against the Indian iron that comes here and which represents about 50 per cent of the importations. Therefore, a rate of $1.40 per ton would in no sense be an embargo.

Mr. BORAH. And if that theory is correct, neither would it protect it.

Mr. GRUNDY. It would help very much as against other countries than India. It would probably not be protective against India, but it would be protective against European imports coming here in competition with the domestic pig-iron interests along the coast.

Mr. BORAH. It is possibly true that we have reached the time when under a protective system we are going to exclude importations entirely. If so, as in the cement case, I presume there is no reason why pig iron should not be included. But when we find there is complete protection of pig iron of the vast amount of production in this country and when we find importations to a small amount along the seacoast and then undertake to put a duty on which will preclude even those importations, it amounts in its practical effect to an embargo.

Mr. GRUNDY. Mr. President, I wish to insist that there can be no embargo. I further want to insist that the large and very numerous population along the Atlantic seacoast, which represents a very great percentage of the total population of the United States, have under the protective theory as much right to be protected as has any other class of people in any other section of the country, whether it be the agricultural West or the industrial East.

It has been proven by the Tariff Commission report, and by all the investigations that have been made by trade bodies, that there is a differential of three or four dollars a ton against the pig iron which is produced in eastern Pennsylvania, northern New Jersey, and southeastern New York as well as in Massachusetts. The labor there is as much entitled to protection as it is anywhere else in the United States.

The duty proposed will not be an embargo, but it will help to save the American market for the labor employed and the capital invested in this business on the seacoast. The capital invested there has gradually been shrinking year after year; one furnace after another has been going out of business; and had it not been for certain antidumping provisions of the law, which were enforced, there would have been far greater devastation in the domestic industry than there is at the present time.

For several years the industry had the benefit of the antidumping provisions of the present law, and that caused the importations to drop from about 25 per cent to somewhere between 7½ to 10 per cent of the consumption along the seacoast. The antidumping provisions have expired; the door is wide open; and with the cheap freight which the foreign producers have, being able to ship their pig iron over in ballast from Europe, it is only a question of time when the pig-iron industry will disappear to a great extent from the eastern seacoast. Now is the time to get this matter straightened out. Labor and others interested in this item are willing to compromise, and instead of a rate of $1.50, which the Finance Committee recommended, accept $1.40. I hope that they will be able to save something out of the wreck of the pig-iron business if that rate shall be provided.

Mr. BARKLEY. Mr. President, I shall take only a few moments. The facts with reference to the pig-iron situation are very simple. The act of 1922 fixed the tariff at 75 cents a ton. The Tariff Commission made a report to the President, upon which he raised the rate to $1.12½. The Tariff Commission report was based very largely upon the expensive manufacture of pig iron by the old-fashioned merchant furnaces. In their report they state that the cost of making pig-iron by the old-fashioned furnace is $2.70 a ton higher than it is in the modern steel mills of the United States.

Of course, it is true that there is depression among the old-fashioned merchant furnaces because they can not compete with the modern methods and they will have to succumb. It is unfortunate that modern invention and modern processes in the making of steel, as in the making of other commodities, drive out of business those who can not keep up with the pace; but, even at that, the situation, so far as imports are concerned, is not serious. We are producing in this country about 8,000,000 tons of pig iron per year; we import about 140,000 tons and we export about 85,000 tons, which, of course, is an offset against the 140,000 tons imported. After paying the expense of transportation and all other expenses incident to shipping pig iron abroad, the American producers are selling their pig iron at 83 per cent of what they charge the people of the United States. In other words, the American producers of pig iron are paying the freight on American-made pig iron, sending it into the other countries of the world, and selling it at 83 per cent of the price they charge the American people. It can not be assumed that they are doing that at a loss. It can not be assumed that men intelligent enough to be in the steel industry are sending American steel abroad and selling it at a loss. Furthermore, they are doing the same thing with reference to other commodities made of steel.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. BARKLEY. I will yield in just a moment. We have raised the tariff on structural steel in the United States, and yet the steel industry is sending structural steel to the markets of the world and selling it at 60 per cent of what they charge the American people for the same identical steel; and notwithstanding that, they have come here and obtained an increase in the tariff on steel. I now yield to the Senator from Idaho.

Mr. BORAH. To what extent does the United States Steel Co. produce pig iron?

Mr. BARKLEY. The United States Steel Co. does not produce pig iron for commercial purposes.

Mr. BORAH. Not for commercial purposes; but to what extent does it produce it? Of course, it works it out to its finality.

Mr. BARKLEY. It produces pig iron for its own manufacture. Of course, it produces a large portion of the pig iron produced in the United States, because it uses it in its own mills.

Mr. WALSH of Montana. The total production is 35,000,000 tons.

Mr. BARKLEY. Of course, the figures I gave a while ago are for commercial pig iron. It seems inconceivable to me, after a deliberate consideration as in Committee of the Whole and a vote of 48 to 30 for a reduction of the tariff on pig iron, that the Senate of the United States is now going to reverse itself even to the extent of 10 cents a ton, which the Senator from Pennsylvania has graciously yielded.

In 1922 the rate of 75 cents a ton was regarded as sufficiently high, but, based upon a report concerning the old-fashioned outworn methods, the Tariff Commission recommended an increase, which the President granted. In spite of that, the Senate Committee on Finance recommended an increase to $1.50 a ton; but, by nearly a 2 to 1 vote, the Senate, as in Committee of the Whole, rejected that recommendation, and restored the rate provided in the act of 1922 of 75 cents a ton.

There is no reason whatever for a duty of more than 75 cents a ton. There are no importations coming in even on the Atlantic coast or the Pacific coast that seriously interfere with the domestic manufacture of pig iron, and certainly if the pig-iron manufacturers can afford to sell pig iron abroad at 83 per cent of what they charge us, and do it at a profit, after paying the freight, it seems to me they have no standing when they come here and ask for a rate beyond that which was provided in the act of 1922. So I hope the amendment of the Senator from Pennsylvania will be rejected and that the amendment adopted by the Senate as in Committee of the Whole will be concurred in.

Mr. GRUNDY. Mr. President, I desire to state that under the Dingley Tariff Act and under the Payne-Aldrich Act when the wages both here and abroad were about 50 per cent of what they are at the present time the spread was about half of what it is to-day. A duty of $4 a ton was levied on pig iron under the Dingley Act, and $2.50 a ton under the Payne-Aldrich Act. Wages are now vastly higher and are still from two to three times greater than in Europe and ten times the wages paid in India. At a time when Europe was practically shot to pieces and nobody knew anything about industrial conditions, the provisions of the McCumber-Fordney Tariff Act put a duty of 75 cents a ton on pig iron.

As soon as the industries in Europe were reorganized, and got going, pig iron began to come into this country. In 1923 it came in to the extent of something like 367,000 tons; in 1924, 209,000 tons; in 1925 and 1926, 445,000 tons. That affected only about a million and a half tons which are produced along the Atlantic seacoast. The other six million and a half, to which the Senator from Kentucky referred, are beyond the sphere where competition is possible because of freight rates. At that time we were importing about 25 per cent of our pig iron; but an embargo was put on; the anti-dumping provisions were called into operation; and the result was that in 1927 and in 1928 the importations dropped, although in 1929 they again showed an increase. The importations will continue to increase.

So far as the merchant furnaces of the Atlantic seacoast are concerned, they are as efficient as any of the foreign furnaces. It is those furnaces which are efficient and which are constructed according to modern methods which are feeling the effect of the foreign competition to the extent of a differential of from three to four dollars a ton, dependent upon where they are located and where the location of the market is that they are endeavoring to supply on the seacoast. Boston has a much higher freight rate from the interior points than New York; New York has a slightly higher rate than Philadelphia, and so on.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. GRUNDY. Certainly.

Mr. BARKLEY. I wish to state that the figures which I gave a moment ago as to domestic production did not include more than 35,000,000 tons made by the steel companies for their own use. I was speaking only of commercial pig iron.

While the Senator has yielded to me, I will ask him if he does not know that while importations for 1926 were more than 400,000 tons, for the first six months of 1929 they were only 73,000 tons, which was a falling off as compared to the previous year and the year previous to that, and that the importations based upon that figure for the first half of 1929 would be in the neighborhood of 140,000 tons, which is the figure I stated a while ago?

Mr. GRUNDY. To be correct, it is 147,000 tons.

Mr. BARKLEY. As compared to 8,000,000 tons made in the United States for sale, and more than 35,000,000 tons made by the companies that do not sell it but make it for their own use.

Mr. GRUNDY. The 35,000,000 tons that are made by the steel companies have nothing whatever to do, in any way, manner, shape, or form, with the question now before us. They begin with the ore and the other commodities that go into the manufacture of pig iron, and in a molten condition it runs right through into steel. So pig iron of that character has nothing whatever to do with the pig iron which is produced and sold commercially to the foundries, and which is distributed among a wide range of manufacturers for light iron, malleable iron, or whatever it may be used for. There is just as much difference between the production of commercial pig iron and the pig iron made by the steel mills for their own use as there is between the cotton business and the woolen business, the pig iron produced by the merchant furnaces being sold to the trade.

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. GRUNDY. Yes.

Mr. GLASS. May I ask the Senator how far is it computed that imported pig iron may be conveyed in competition with that produced by the domestic furnaces?

Mr. GRUNDY. I am glad the Senator asked that question, and I am pleased to tell him about 200 miles is the distance at which competition is practicable.

Mr. GLASS. Then, a furnace located say 300 miles inland would not be affected by the tariff?

Mr. GRUNDY. The pig-iron furnaces, say at Pittsburgh, in the State whence I come, are not affected at all. If there were no duty on pig iron I think it is safe to say that they would not be affected at all.

Mr. GLASS. That is true with reference to a furnace located in any State 300 miles inland.

Mr. GRUNDY. Yes, sir. There is a freight rate of $4 or $5 a ton, I understand, from the seacoast to Pittsburgh on pig iron, which is three times more than the tariff we are asking for. So the producers of pig iron there are not affected, but the producers of pig iron within a distance of say 200 miles from the coast are subject to severe competition to the extent that the furnaces are crumbling; they have been going out of blast; the capital invested in them is shrinking every year, and the unemployment situation so far as those furnaces are concerned—a situation about which we are so much concerned—is progressively increasing.

I am informed that foreign pig iron, lying in stock in the markets of the East, and controlled by brokers, is freely offered at $1 a ton below any price the domestic producer can make, and under the prices the domestic producers are compelled to take to-day practically all the furnaces are showing a loss, which, of course, is the reason for the capital decreasing in the business.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. GRUNDY. Certainly.

Mr. BARKLEY. It is true that a large percentage of the pig-iron furnaces that are not now operating are what is known as merchant furnaces.

Mr. GRUNDY. Yes.

Mr. BARKLEY. And it is true that the cost of production of pig iron in those merchant furnaces is $2.70 more than in the steel mills as reported by the Tariff Commission.

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. GRUNDY. I do.

Mr. SMOOT. Take the case of the United States Steel Corporation: They make all their pig iron in liquid form. They never put it in solid or pig form.

Mr. BARKLEY. I understand. They do not make it for sale, anyway.

Mr. SMOOT. No; they do not make it for sale.

Mr. BARKLEY. It would be foolish to make it into pig and then have to reduce it back to liquid form when they just make it for themselves; but I am talking about the depression which exists and which would inevitably exist in these merchant furnaces that are trying now to compete with the steel companies that are producing more than they use, and are offering it for sale commercially. While the United States Steel Corporation is not offering any pig iron for sale, there are other steel companies that are offering it for sale, and are producing large quantities of it and selling it in competition with the merchant furnaces.

Of course, it is undoubtedly true that it costs more to produce pig iron in the merchant furnaces than it costs to produce it in the steel mills; and that really is the trouble with the merchant furnaces. It is not foreign competition; it is their inability to compete with the modern American steel mill that turns out more pig iron than it needs, and sells that in competition with these merchant furnaces.

Mr. SMOOT. Mr. President, I am quite sure the Senator understands that numerous American manufacturers have gone to India, and they are producing pig over in India now.

Mr. BARKLEY. They are not sending much of it here.

Mr. SMOOT. That is a late move.

Mr. BARKLEY. The pig iron imported from India fell off from 184,000 long tons in 1925 to 25,000 long tons in the first six months of 1929, so that is not very much.

Mr. SMOOT. No; the 25,000 tons is not hurting us at all; but that is the situation the manufacturers here are afraid of, and I can not see any reason why they should not go there and make it. They have the iron; they have the cheapest labor in the world; they have a water haul that is just as cheap as a rail haul for 75 or 100 miles.

Mr. BARKLEY. Of course, the Senator realizes that in the United States those engaged in the manufacture of iron and steel enjoy cheap hauls, so far as the raw material is concerned. They get their raw material largely up on the west shore of the Lakes, and have cheap lake transportation by which they haul it from the mines across the Lakes down to Pennsylvania and Gary, Ind., and other places, where they can unload it without very expensive transportation charges; and by reason of that they are able to undersell and undermanufacture these small merchant furnaces that are gradually going out of business, because they do not enjoy the facilities enjoyed by the larger companies. No tariff on earth would prevent that.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. GRUNDY. I yield.

Mr. GLASS. The question that I directed to the Senator from Pennsylvania was with a view to clearing up the situation in my own State, where at one time, not so long ago, we had 10 furnaces in blast, and now have but 1; but most of those furnaces—indeed, all of them—were situated more than 300 miles from the seaboard. What I am wondering is whether the tariff had anything to do with this disastrous condition, or whether it was due to obsolete methods.

Mr. GRUNDY. Of course, I can not answer for these especial furnaces; but the furnaces on the average, as investigated by the Tariff Commission, are comparable with the foreign furnaces, and they find a differential of somewhere between three and four dollars a ton in the cost of production, plus the freight landed and the cost of production in this country. That is the competition that they have to meet; and if the industry is to be preserved they are obliged to get a duty that, at least, is going to save a part of the business in this country.

Mr. GLASS. But I understand the Senator to say that a furnace located as far as 300 miles away from the seaboard would not be affected by the tariff.

Mr. GRUNDY. That is my understanding—that the furnaces, for instance, at Pittsburgh in our State would not be affected by the tariff; and that is about 350 miles from the seaboard.

Mr. BORAH. Mr. President, the Senator from Utah referred to cheap labor in India. He ought also to have said that it is the most inefficient labor in the world, and that one American laborer will produce at least five times what Indian labor will produce in this industry.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. GRUNDY. I do.

Mr. SMOOT. That would be true if it were simply a matter of labor; but they are going to take to India all the processes that they have here.

Mr. BORAH. That eliminates, then, the question of labor as an important factor. To say that they have cheap labor there, without also saying that our labor produces at least five times as much a day as they do, is not to throw very much light upon the subject?

Mr. KEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Jersey?

Mr. GRUNDY. I yield.

Mr. KEAN. As far as India goes, this plant in India was built by American engineers. As to the labor, there is a difference of a great deal more than three or four times between American labor and Indian labor. The difference is about eight or ten times; so there is still a large difference.

Mr. President, in regard to these seaboard furnaces, they are furnaces which are making a little different kind of iron from the iron made by the steel companies from Lake Superior ores. In the first place, Lake Superior ores are in the form of gravel, and it is necessary to have other ores to mix with them in order to be able to hold up the weight of the Lake Superior ores, so that the blast of the blast furnace can go through the furnace. If you put in all Lake Superior ore, the hot air forced into the furnace can not force its way through, and the fire goes out.

In the case of the Lake Champlain ores and the ores from northern New Jersey, those ores make a superior quality of pig iron for merchant furnaces and for casting purposes; and we should like to have a slightly increased duty on pig iron to provide for them. They make No. 1 foundry and No. 2 foundry gray iron, and various kinds of iron which go into making castings, and are superior to the pig made by these great companies like the United States Steel Corporation. That is the object of having these furnaces continue to exist.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania [Mr. GRUNDY] to the amendment made as in Committee of the Whole.

Mr. WALSH of Montana and other Senators called for the yeas and nays, and they were ordered.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. The vote now is a vote as between $1.40 and 75 cents, as provided in the amendment made as in Committee of the Whole?

The VICE PRESIDENT. That is the vote. It is on the amendment proposed by the Senator from Pennsylvania [Mr. GRUNDY], providing for a duty of $1.40.

Mr. WALSH of Montana. Mr. President, I find myself still altogether at sea concerning the parliamentary procedure. The question before the Senate is, Will the Senate concur in the action of the Committee of the Whole? How, then, do we vote on any other motion?

The VICE PRESIDENT. Any Senator has a right to offer an amendment to the amendment made as in Committee of the Whole which is to be voted upon in the Senate. The Senator from Pennsylvania proposes an amendment to the amendment that was adopted in Committee of the Whole.

Mr. WALSH of Montana. But the question is not, as I understand the matter, on the question as it was voted on in the Committee of the Whole. The question is, Will the Senate concur in the action taken by the Committee of the Whole?

If we were voting on the question of whether the rate shall or shall not be 75 cents, if the motion made to fix the rate at 75 cents were the matter before the Senate, I can very readily understand that some Senator might move to amend that motion by substituting $1.40 for 75 cents; but that is not the question that is before the Senate. I can not conceive, either, that this is a choice between $1.40 and 75 cents.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. From a parliamentary standpoint, when the question arises as to concurrence in an amendment adopted in Committee of the Whole, it is in order to move to concur in the amendment adopted with an amendment fixing another figure. That, as I understand, is the effect of the motion made by the Senator from Pennsylvania—to concur in the amendment made in Committee of the Whole with an amendment which fixes a different figure. Under ordinary parliamentary procedure, it seems to me that would be the motion; but whether the amendment is offered in that form I do not know.

Mr. WALSH of Montana. Mr. President, I desire to submit a further observation. As I have heretofore stated, when the bill was brought into the Senate from the Committee of the Whole certain specific votes were reserved; and then the question was put, Will the Senate concur in the action taken in Committee of the Whole except with reference to those matters that were reserved? The action was, the Senate concurs in the action taken. Now comes the question, Will the Senate

concur in the action taken in Committee of the Whole on this particular item? That is the question that is now before the Senate.

Under those circumstances, how can we entertain a motion to fix the rate at $1.40 in the Senate? It seems to me that the question is, Shall we concur? If we vote not to concur, then the matter is open to amendment by any Senator who cares to move to amend. If we do not concur in the action taken, then we have the House text before us, and we have the recommendation of the Senate Committee on Finance, and any Senator can move to amend the amendment proposed by the Committee on Finance. Until, however, we determine whether we will concur or whether we will not concur, it seems to me no motion is in order.

The VICE PRESIDENT. The Chair will have to hold that the motion is in order. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROOKHART (when his name was called). Mr. President, I still do not understand just what the question is.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Pennsylvania to the amendment made as in Committee of the Whole.

Mr. BROOKHART. If we vote "yea," we are voting for the higher rate; and if we vote "nay," we are voting for the lower rate?

The VICE PRESIDENT. That is correct.

The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from South Carolina [Mr. BLEASE] and vote "nay."

Mr. STEPHENS (when his name was called). On this vote I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Therefore I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. If I were permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], who is unavoidably absent. I am not able to secure a transfer, and therefore I withhold my vote. If voting, I should vote "yea."

Mr. WHEELER (when his name was called). On this vote I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the junior Senator from Oklahoma [Mr. THOMAS] and vote "nay."

The roll call was concluded.

Mr. McKELLAR. I transfer my pair with the junior Senator from Delaware [Mr. TOWNSEND] to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 31 nays 42, as follows:

YEAS—31

Allen	Glenn	Hebert	Phipps
Baird	Goff	Kean	Pine
Bingham	Goldsborough	Keyes	Shortridge
Broussard	Greene	McCulloch	Smoot
Copeland	Grundy	Metcalf	Vandenberg
Couzens	Hale	Moses	Wagner
Dale	Hastings	Oddie	Waterman
Fess	Hatfield	Patterson	

NAYS—42

Ashurst	Dill	Johnson	Simmons
Barkley	Fletcher	Jones	Steck
Black	Frazier	La Follette	Swanson
Blaine	George	McKellar	Thomas, Idaho
Borah	Glass	McMaster	Trammell
Bratton	Harris	McNary	Tydings
Brookhart	Harrison	Norbeck	Walsh, Mass.
Capper	Hawes	Norris	Walsh, Mont.
Caraway	Hayden	Nye	Wheeler
Connally	Heflin	Schall	
Cutting	Howell	Sheppard	

NOT VOTING—23

Blease	King	Robinson, Ind.	Sullivan
Brock	Overman	Robsion, Ky.	Thomas, Okla.
Deneen	Pittman	Shipstead	Townsend
Gillett	Ransdell	Smith	Walcott
Gould	Reed	Steiwer	Watson
Kendrick	Robinson, Ark.	Stephens	

So Mr. GRUNDY'S amendment to the amendment made as in Committee of the Whole was rejected.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent at this point that there be incorporated in the RECORD the vote taken as in Committee of the Whole by which the rate was fixed at 75 cents.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

Mr. BARKLEY. Mr. President, I desire to offer an amendment to the committee amendment. In lieu of "$1.50" I move to insert "75 cents."

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 56, line 3, in the committee amendment strike out "$1.50" and insert "75 cents," so as to read:

"Iron in pigs and iron kentledge, 75 cents per ton."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY] to the amendment of the committee.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. JONES (when his name was called). The senior Senator from Virginia [Mr. SWANSON] had to leave the Chamber for the afternoon, and I promised to take care of him. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). The senior Senator from Wyoming [Mr. Warren] is unavoidably detained. I have a general pair with that Senator, which I transfer to the junior Senator from Utah [Mr. KING], and will vote. I vote "yea."

Mr. STEPHENS (when his name was called). I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and will vote. I vote "yea."

Mr. WAGNER (when his name was called). I have a pair with the junior Senator from Missouri [Mr. PATTERSON]. I transfer that pair to the junior Senator from South Dakota [Mr. McMASTER] and will vote. I vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Washington [Mr. DILL];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Kansas [Mr. ALLEN] with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 48, nays 30, as follows:

Yeas—48: Messrs. Ashurst, Barkley, Black, Blaine, Blease, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Copeland, Cutting, Fletcher, Frazier, George, Harris, Harrison, Hawes, Hayden, Howell, Johnson, La Follette, McKellar, McNary, Norbeck, Norris, Nye, Overman, Pine, Sackett, Schall, Sheppard, Simmons, Smith, Steck, Steiwer, Stephens, Thomas of Idaho, Thomas of Oklahoma, Trammell, Tydings, Wagner, Walsh of Massachusetts, Walsh of Montana, Waterman, and Wheeler.

Nays—30: Messrs. Broussard, Couzens, Dale, Deneen, Edge, Fess, Glenn, Goff, Goldsborough, Gould, Greene, Hale, Hastings, Hatfield, Hebert, Heflin, Kean, Kendrick, Keyes, Metcalf, Moses, Oddie, Phipps, Ransdell, Reed, Shortridge, Smoot, Townsend, Vandenberg, and Walcott.

Not voting—16: Messrs. Allen, Bingham, Dill, Gillett, Glass, Jones, King, McMaster, Patterson, Pittman, Robinson of Arkansas, Robinson of Indiana, Shipstead, Swanson, Warren, and Watson.

So Mr. BARKLEY'S amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. WALSH of Montana. Mr. President, as in executive session, I send to the desk the nomination of Wellington D. Rankin, of Montana, to be United States attorney, district of Montana, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I do not want to seem to be objecting to the request of the Senator from Montana, but I have repeatedly announced that I would object to nominations being taken out of order in this way. I ask the Senator to let the nomination go over until the end of the session to-day, when an executive session may be regularly called.

I have no objection to this particular nomination, but I have repeatedly requested that nominations reported in this manner go over. I think it is a bad practice to bring in a nomination without any notice to anybody that it is to be taken up, and have it confirmed when no one expects it to be brought up.

Mr. WALSH of Montana. What is the suggestion of the Senator?

Mr. DILL. That it be allowed to go over until the end of the session to-day.

Mr. WALSH of Montana. That is, to be taken up immediately prior to the recess?

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of business to-day the Senate take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the next amendment on which a separate vote was reserved.

The LEGISLATIVE CLERK. On page 56, line 5, as in Committee of the Whole, the Senate inserted the words "granular or sponge iron, 75 cents per ton."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COPELAND. I think that is the same rate which has been fixed on iron?

Mr. BARKLEY. The committee proposed an optional amendment, fixing a tariff on sponge iron the same as on pig iron, 75 cents per ton.

Mr. COPELAND. That is entirely satisfactory to me.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT pro tempore. The Secretary will state the next amendment on which a separate vote was reserved.

The LEGISLATIVE CLERK. On page 56, line 6, the Senate as in Committee of the Whole, struck out the word "and" after the word "iron" and the comma.

The amendment was concurred in.

The next amendment on which a separate vote was reserved was on page 56, line 7, after the word "steel" and the comma, where the Senate as in Committee of the Whole inserted the words "hammer scale, roll scale, and mill scale."

The amendment was concurred in.

The next amendment on which a separate vote was reserved was, on page 56, line 18, where the Senate as in Committee of the Whole, struck out "4 cents" and inserted in lieu thereof "3 cents."

The amendment was concurred in.

The next amendment on which a separate vote was reserved was, on page 56, line 19, under "chromium content," to strike out "two-tenths" and to insert in lieu thereof "three-tenths," so as to read:

On the chromium content in excess of 0.3 of 1 per cent, shall be levied, collected, and paid on all the foregoing.

Mr. WALSH of Montana. Mr. President, that involves iron of which chromium is an alloy. There were several cases in which an amendment was recommended by the Senate committee, but which the Senate disagreed to. This was one of them, and the same action ought to be taken. I ask that the Senate refuse to concur in the action taken.

Mr. SMOOT. Mr. President, if I may explain to the Senator from Montana, in paragraph 344 the committee recommended 0.3 of 1 per cent and the Senate reduced it to 0.2. In paragraph 352 the same action was taken. If we want to carry out the action of the Senate in paragraphs 344 and 352, then we should disagree to this amendment and vote for 0.2, the same as in the other two paragraphs. But if the Senator desires a reconsideration of the vote on the amendments in paragraphs 344 and 352, and a disagreement with the amendments recommended by the Senate as in the Committee of the Whole reducing the rate to 0.2 in both cases, then the 0.3 should not be preserved in the paragraph under consideration. In other words, they ought all to be the same. If 0.3 is necessary, then it should be 0.3 in the other two paragraphs, and if in the other two the rate is only 0.2, then in this paragraph it ought to be 0.2. I rather think, of course, that it ought to be 0.3 in all the cases, but if we agree to the suggestion of the Senator, I shall ask for a reconsideration of the vote on the amendments in paragraphs 344 and 352.

Mr. WALSH of Montana. Then let this be concurred in.

Mr. HARRISON. Let the question be stated.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 56, line 19, strike out "two-tenths" and insert "three-tenths," so as to read:

On the chromium content in excess of 0.3 of 1 per cent.

Mr. WALSH of Montana. Will the Chair state the action taken as in Committee of the Whole in this matter?

The PRESIDENT pro tempore. The Senate as in Committee of the Whole struck out the word "two-tenths" and inserted in lieu thereof "three-tenths." The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. Mr. President, in order that the rate may be uniform I will have to ask the Senate to turn to paragraph 344, page 80. I ask that the committee amendment there be agreed to so as to make it conform with the action just taken.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to consider the amendment referred to by the Senator from Utah.

Mr. WALSH of Montana. This refers to a content in excess of 0.2 of 1 per cent?

Mr. SMOOT. It is the same as the amendment we just agreed to in paragraph 301. They all ought to be the same. I now move——

The PRESIDENT pro tempore. First, let us get unanimous consent to proceed to the consideration of the amendment. Is there objection? The Chair hears none.

Mr. SMOOT. I now ask that the Finance Committee amendment in lines 7 and 8 be agreed to, so that it will read:

Any of the foregoing containing more than 0.1 of 1 per cent of vanadium, or more than 0.2 of 1 per cent of tungsten or molybdenum, or more than 0.3 of 1 per cent of chromium, 40 per cent ad valorem.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. In paragraph 352, page 82, lines 18, 19, and 20, is the same amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the amendment? The Chair hears none. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT pro tempore. The next amendment reserved will be stated.

The LEGISLATIVE CLERK. On page 61, paragraph 304, lines 15 to 18, the Senate, as in Committee of the Whole, struck out the following proviso:

Provided further, That on hollow bars and hollow drill steel valued at more than 4 cents per pound, there shall be levied, collected, and paid an additional duty of 1.3 cents per pound.

Mr. GLENN. Mr. President, I desire to speak very briefly in opposition to concurring in the action of the Senate as in Committee of the Whole.

These are products, hollow bars and hollow drill steel, of which in the year 1928, being the last year for which the figures are available, the domestic production amounted to 5,000 short tons, the total consumed 8,650 short tons, and the imports 3,650 short tons, amounting to in the neighborhood of 42 per cent of the domestic consumption brought in from abroad. These products have been manufactured in the United States now for the past 17 years by the Crucible Steel Co. and for shorter periods of time by four or five other of the steel companies of America, not, however, including the United States Steel Co., which does not, I understand, produce any hollow bars or hollow drill steel.

The American mills with their present equipment are in a position to supply three times as much as the peak demand in the country, the peak demand being estimated at not to exceed 10,000 short tons. The imports come nearly altogether from Sweden, and while there is some difference of opinion as to quality, I think the weight of the evidence and recent tests go to show that the American product is superior in quality to that of the imported product.

The largest purchaser in the United States of the imported product is the Ingersoll-Rand Co. While they claim that they buy the imported product because of the difference in quality, the statement made by the chairman of the Finance Committee [Mr. SMOOT] is that the price of the imported product is much lower than the price of the domestic product.

The imported product ranges in price from 6 to 8 cents per pound, while the minimum price of the domestic product is 11 cents per pound. Adding the maximum rate of duty to the maximum price of the imported product would bring the cost of the imported product to 11 cents per pound, which is the same as a minimum cost of the American product.

I do not desire to argue the matter at length, but in my opinion it is to the interest of our capital and our labor alike that the large percentage of imports of these products be reduced and that the action of the House and the action of the Finance Committee of the Senate be adhered to rather than the action of the Senate as in Committee of the Whole.

Mr. COPELAND. Mr. President, may we have the amendment stated again?

The PRESIDENT pro tempore. The amendment will be again stated for the information of the Senate.

The legislative clerk again stated the amendment.

Mr. COPELAND. Mr. President, may I ask the Senator from Illinois [Mr. GLENN] if this proposes an increase?

Mr. GLENN. The present rate of duty is 1.7 cents per pound.

Mr. COPELAND. What does the Senator propose?

Mr. GLENN. Upon hollow bar steel and hollow drill steel of a value in excess of 4 cents per pound, an additional duty of 1.3 cents per pound.

Mr. COPELAND. This is merely an increased duty which the Senator is proposing?

Mr. GLENN. It is an increase of 1.3 cents per pound over the present rate. Under the present rate the imports comprise about 42 per cent of the total domestic consumption. The purpose is to give the domestic market to the American manufacturers.

Mr. COPELAND. These are articles used by contractors in the drilling of mines and wells; so it will increase the cost of those articles which are commonly used.

Mr. GLENN. I do not think there will be any increase in the cost of the articles.

Mr. COPELAND. What is the use of the tariff then? Why does the Senator ask an increased tariff if it will not affect the price?

Mr. GLENN. I do not think it will affect the price of a great deal of the drill machinery that is used in the drilling of wells, mines, and things of that kind. It is a very small part of the cost of such work.

Mr. BARKLEY. Mr. President, while it is true that on the surface of the situation the importations appear to be of a considerable proportion of the amount of this steel used in the United States, it has only been a few years since the importations represented all that was used in the United States.

Mr. GLENN. I think the evidence is that the Crucible Steel Co. have been producing these items for the past 17 years.

Mr. BARKLEY. Until some seven or eight years ago there was practically none of this steel made in the United States. The increase of the tariff from 1.7 cents to 3 cents will mean that the Crucible Steel Co., which makes a type of steel somewhat comparable to this, will have a practical monopoly in the United States on this kind of steel, and it will cost a considerable amount more to make the tools necessary for hard drilling in the United States. There is a certain type of drilling in this country which requires the hardest kind of steel. That not only applies to drilling for oil wells, where we drill down through solid rock, but it applies to drilling for blasting purposes in construction work anywhere, to quarries throughout the West, and to excavations for foundations in the construction of enormous skyscrapers in the cities of the United States where they have to go down through solid rock in order to secure a firm foundation.

The people of the United States who use this hard steel have testified before the Finance Committee and before the Ways and Means Committee and have stated in letters which they have written that they would prefer to buy the steel from producers in the United States, and they do buy from them as much of it as they are able to use. They purchase in a domestic way considerably more than they import. But there is a certain type of steel which they are required to have in order to make the hard drills that must be constructed with the viewpoint of availability in the hard work which they are to perform. It is that kind of steel which is not made in the United States, not even by the Crucible Steel Co. It is that kind of steel for which the American users in the manufacture of these drills pay a higher price in the imported article than they would have to pay for the best article made in the United States.

In order to obtain it for the construction of these drills they pay a higher price for the imported article from Sweden than they would be required to pay the Crucible Steel Co., which makes the only comparable steel, if it can be called comparatively comparable, in the United States. But of course the tariff means either an embargo or it means that the American consumer interested in drilling must pay a higher price for the machinery with which he carries on his work. I do not believe the increase is justified.

Mr. SMOOT. Mr. President, on February 17 the Senate rejected the provision of the bill beginning in line 15, down to and including the word "pound" in line 18, by a record vote of 39 yeas and 38 nays. At that time the Senator from Kentucky [Mr. BARKLEY], relying upon the testimony of the importers, made many statements on which he had incorrect information, and I wish now to call attention to some of them.

First, the Senator from Kentucky said—

"That the Crucible Steel Co. is practically the only domestic producer."

This statement is incorrect. The Crucible Steel Co. is the largest producer, but Colonial Steel Co., Bethlehem Steel Corporation, and Midvale Steel Co. are also producers. The Ludlum Steel Co. and Heller Bros. did produce, but competition forced them to discontinue.

Second. Mr. BARKLEY stated: "That American steel makers were not able until six years ago to manufacture hollow drill steel."

Mr. BARKLEY. Mr. President, may I inquire of the Senator from what he is reading—what is the source of his information?

Mr. SMOOT. I am quoting a statement from Mr. Nelson Franklin.

Mr. BARKLEY. Who is he?

Mr. SMOOT. I do not know who he is, but I suppose he is one of the men who are interested in the manufacture of hollow drill steel.

Mr. BARKLEY. So the Senator is reading from a letter which he received from one of the interested parties?

Mr. SMOOT. Yes; but I want to say that if there is any correction to be made, I should like to have the Senator make it as I proceed.

Mr. BARKLEY. I should like to have had an opportunity to examine the letter before it was read and before I should make any corrections in it.

Mr. SMOOT. The letter continues:

Mr. BARKLEY stated: "That American steel makers were not able until within six years ago to manufacture hollow drill steel."

The Crucible Steel Co. and Colonial Steel Co. have produced it continuously for over 17 years.

Mr. BARKLEY. Will the Senator yield there?

Mr. SMOOT. Quoting further:

The Bethlehem Co. and Midvale Co. have produced it continuously for 11 years.

Mr. BARKLEY. Does the Senator know which one of the companies Mr. Franklin represents?

Mr. SMOOT. I do not.

Mr. BARKLEY. Is the letter written on the letterhead of some company?

Mr. SMOOT. No; it is just a statement. The Senator may see it if he desires.

Mr. BARKLEY. Mr. Franklin does not write to the Senator as chairman of the Finance Committee on stationery that has no letterhead, does he?

Mr. SMOOT. I suppose this is a statement prepared for more or less general use, and I presume, perhaps, other Senators have received it, but I do not know as to that.

Mr. BARKLEY. I have not received it. Probably I do not count in his estimation, but I have not received a copy.

Mr. SMOOT. He is perfectly willing to testify to what he states. He says they are facts.

Third. Mr. BARKLEY stated: "That American mining men must buy Swedish steel in order to obtain the highest quality. That it is an accepted fact that Swedish is far superior to anything ever produced in this country."

That statement is incorrect. In a recent test made, eight brands of hollow drill were given an exhaustive test on the block, with the following results:

1. Crucible New Process, 1-inch quarter octagon, 223 minutes.
2. Colonial Red Star (carbon), 1-inch quarter octagon, 202 minutes.
3. S K F Swedish, 1-inch hexagon, 117 minutes.
4. Fagursta Swedish, 1-inch quarter octagon, 114 minutes.
5. S K F Swedish, 1-inch quarter octagon, 90 minutes.
6. John Bedford English, ⅞-inch hexagon, 48 minutes.
7. Sandviken Swedish (Ingersoll-Rand), 1-inch quarter octagon, 32 minutes.
8. Serpent Austrian, 1-inch hexagon, 33 minutes.

The above list covers the prominent brands used in this country.

The Crucible Steel new process, Senators will notice, stood the test for 223 minutes, while the Fagursta Swedish process stood it for but 114 minutes.

It is interesting to note that No. 7, Sandviken Swedish, for which steel the Ingersoll-Rand Co. are the authorized agents in this country, stands at the bottom of the list in this test. If the superior-quality contention as made by Ingersoll-Rand for Swedish steel is true, then why is it that the largest mines in this country do not use Swedish steels exclusively? Ingersoll-Rand's Sandviken was thrown out of the United Verde Copper mines four years ago and they have used domestic steel since. Anaconda never used Swedish. Calumet and Arizona have always and are now using domestic.

It is grossly unfair to deprive the American steel man of the credit which is justly his by reason of his intensive research on this subject, which has developed a steel superior to the Swedish steel and Senator BARKLEY's information on this subject is entirely at variance with the facts.

Fourth. Mr. BARKLEY stated: "That Swedish steels command a higher price due to their higher quality."

This is an erroneous statement, because the price competition has come altogether from the Swedes and from Ingersoll-Rand. They alone are responsible for the low level of prices prevailing to-day. Swedish competition is not on quality but is price competition first, last, and always, and Ingersoll-Rand is one of the worst offenders despite Mr. Schwep's testimony before the House committee that they paid more for the Swedish steel and sold it at higher prices. * * *

If the price quoted for domestic hollow drill were low enough, any domestic-steel maker could sell Ingersoll-Rand its total requirements.

Fifth. Mr. BARKLEY stated: "That American mills can not supply the demand even if they had the business."

This is also an erroneous statement. In 1928 the consumption was 9,650 tons, of which 5,000 tons were produced in America and 3,650 tons were imported. The present consumption is set at approximately 10,000 tons. The American mills now producing hollow drill steel can produce over three times the peak demand with present equipment.

On the present duty of 1.7 cents per pound the American manufacturers of hollow drill steel can not any longer compete with the Swedish price and if the additional duty of 1.3 cents per pound is not provided the American manufacturers will be forced to abandon the market on this commodity to the Swedes.

That statement is signed by Nelson Franklin, I will say to the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. SMOOT. Yes.

Mr. BARKLEY. In other words, the gentleman who has written this letter undertaking to pick flaws in what I said represents that Mr. Schwep, who is an American manufacturer of drills, and who buys both Swedish and American steel for the manufacture of his drills, has come down here and deliberately misrepresented his own prices and his own methods with reference to the purchase of American and Swedish steel in the manufacture of American products. That is the effect of his letter.

Mr. SMOOT. No; I would not say that was altogether the effect of it. The effect of the letter is to prove that the American manufacturers of hollow drill steel can manufacture just as good if not a better steel than is produced any place else in the world. That is the effect of the letter, and the tests which were made publicly, as referred to in the letter, demonstrate the fact that the American steel stands the test better than any other steel in the world.

Mr. BARKLEY. Mr. Schwep, who represents the Ingersoll-Rand Co., the largest manufacturer of drills of this character in the world, testified that he bought more steel from the American mills than he imported. He also testified that he imported Swedish steel because he had to have it, and he had to have it to such an extent that he was willing to pay a higher price for it than the price which he paid for American steel.

Mr. SMOOT. The fact of the matter is that he had to have it because he could make more profit out of it.

Mr. BARKLEY. That is the Senator's conclusion.

Mr. SMOOT. It is not my conclusion at all.

Mr. BARKLEY. The Senator does not know why he had to have it, and neither do any of us, except he came down here and testified that his great concern, a reputable manufacturing enterprise in the United States, the largest in the world of its kind, was willing to pay a higher price for an article which it had to import because it needed that particular type; and yet this man Franklin writes a letter in which he states that Mr. Schwep has deliberately falsified his own prices. I presume the man who pays the price knows more about what he pays than somebody else who has written a letter for the purpose of——

Mr. SMOOT. I presume a man who runs up against the competition and makes the tests such as are referred to in this letter, and which were publicly made, would state nothing but that which he knows to be the fact. I want to say to the Senator that I would just as lief believe an American manufacturer as I would an importer.

Mr. BARKLEY. Mr. Schwep is an American manufacturer; he operates the largest factory in the United States making these drills; he is not a foreigner; the Senator can not hurl at him the epithet of being a foreigner; he is an American citizen; and he is operating the Ingersoll-Rand factory which is the largest in the world, employing American labor and producing an American product which is used by American enterprises. I think he is entitled to as much credit when he is sworn here as a witness before the Senate committee as is some man writing a letter to the Senator from Utah.

Mr. SMOOT. I am perfectly willing to have the Senator take the two statements and compare them. The statement from which I have read came to me after the Senator had made his statement on the floor of the Senate, and I have no reason to doubt its accuracy. It may not be correct; I can not swear to it, because I have never met Mr. Franklin, but I have read what he says in a statement sent to me after the debate took place in the Senate upon this item.

Mr. BARKLEY. I suppose that if the Senator had any doubt about it he would resolve the doubt in behalf of the higher rate?

Mr. SMOOT. If I had any doubt, I would certainly give the benefit of the doubt to the American rather than to the foreigner.

Mr. BARKLEY. Certainly.

Mr. GLENN. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois is recognized in his own right.

Mr. GLENN. I desire to ask the Senator from Kentucky whether or not this great American manufacturer to whom he has just referred—the Ingersoll-Rand Co.—is protected on its products?

Mr. BARKLEY. I presume that there is a tariff on some of the products which that company makes, but I am quite certain that its representatives have not been here and asked for any increase in proportion to the increase asked for by the Crucible Steel Co., which manufactures steel that goes into drills and tools.

Mr. GLENN. I take it that they want ample protection on what they sell, but they want the commodities which they have to buy to come in free.

Mr. BARKLEY. I do not recall that they appeared before the committee of which I happen to be a member asking for an increase in the duties on their products.

Mr. GLENN. But the Senator thinks that they have ample protection now?

Mr. BARKLEY. I do think so, and so do I think that the Crucible Steel Co. is amply protected in the steel it makes, and that is why I am against the increased rate.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator a question?

Mr. BARKLEY. Yes.

Mr. WALSH of Massachusetts. Does this item cover the steel against an increased duty upon which the granite quarrymen have petitioned?

Mr. BARKLEY. It is the same steel.

Mr. WALSH of Massachusetts. And also the tool manufacturers?

Mr. BARKLEY. Not only the tool manufacturers, not only the granite quarrymen who have to use this hard drilling material for the purpose of quarrying rock and stone and granite, but the makers of tools in the United States who have to use tools for the drilling of hard steel machinery have petitioned against this increased duty.

Mr. WALSH of Massachusetts. I have some correspondence from some of those interests against this increase. I think the tool people are very insistent that the imported article is superior.

Mr. BARKLEY. That is the reason why they say they have to buy it. Not only that, but the machine shops of the United States and every machinist who is required to use one of these drills, capable of drilling into the hardest steel, will be affected by this increase.

Mr. COPELAND. Mr. President, I am not surprised that the Senator from Illinois favors this increased duty, because Chicago is built on the shifting sands, anyway, and I do not think drilling is required in order to get a foundation there; but in other cities where the foundations are solid, in many cases solid rock, it is necessary to use these drills. Furthermore, they are used by every quarryman and every contractor, and many others have occasion to make use of these devices. This particular steel is becoming more and more in common use, because in breaking up pavements such drills are used, and they are used for many other purposes. It is perfectly absurd that there should be an increase in the rates levied upon it. The Senator from Illinois tries to impress us with the idea that it would not add anything to the cost, but if it would not add anything to the cost there is no excuse for a tariff, and nothing can be gained by it. However, as I see it, it would bring harm to every State in the Union to have this amendment adopted.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. COPELAND. I yield.

Mr. BARKLEY. At this point, I should like to give a list of some of the products made by the steel industry in the United States and shipped abroad and the prices they charge for them to the foreigners as compared to the prices paid by the American people.

The steel industry ship steel billets to other nations and sell them to those nations at 66 per cent of what they charge the people of the United States.

They send steel rails to other countries and sell them to the foreigner for 74 per cent of what they charge the American people.

They send structural steel to other countries and sell it for 60 per cent of what they sell it for to the people of the United States.

They send steel bars to other countries and sell them to the foreigner for 64 per cent of what they charge the American people.

They send steel wire to other countries and sell the steel wire which they make to the foreigner for 70 per cent of what they charge the people of the United States.

They send black steel sheets to other countries and sell them there at 86 per cent of what they charge us.

They send galvanized sheets to other countries in large quantities and sell them to the foreigner at 80 per cent of what they charge the people of the United States.

They send tank plates to other countries in large quantities and charge only 77 per cent of what they charge us.

They send wire rods to other countries and charge 88 per cent of what they charge the people of the United States.

And so on down the list; and yet we find the steel industry shipping these quantities abroad, and paying all the expenses of transportation, and selling them to the foreigner who is mentioned here in terms of opprobrium for rates ranging from 60 to 75 per cent of the rates charged the people of the United States! In other words, while these American industries are complaining because Europeans are attempting to dump their products on the American market, they are themselves engaged in dumping American products in European markets, and selling them at lower rates than the domestic products in those countries are sold, and at lower rates than they charge the American people.

Mr. GLENN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BARKLEY I do.

Mr. GLENN. Is it not true that just a few moments ago the Senator from Kentucky, now criticizing the American manufacturers for such practices, was advocating low rates upon plate glass so that the Belgian manufacturers could do exactly the same thing—send their product in here in competition with the product of American factories and American labor?

Mr. BARKLEY. No. The Senator's illustration, of course, is defective, in that I do not advocate such rates as will permit Europeans to dump their stuff in the United States; and we have a provision that wherever the Secretary of the Treasury finds that there is dumping he may put into effect the anti-dumping clause.

What I say, however, is that American industries have no right to complain if foreign industries do attempt to dump in the United States, when they themselves are doing that precise thing in the foreign country to which they send their products. That is what I am talking about.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BARKLEY and other Senators called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. I am unable to get a pair, so I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. Not being able to secure a transfer, I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. WATSON. Mr. President, I find that I can transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. DALE]. I do so, and vote "nay."

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Nevada [Mr. PITTMAN], and will vote. I vote "yea."

Mr. HARRISON. On this question I have a pair with the senior Senator from Maine [Mr. HALE], who was called out of the Chamber on important business. For that reason I withhold my vote.

Mr. WHEELER. On this question I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. If the Senator from Connecticut were present he would vote "nay." I transfer my pair with him to the junior Senator from New York [Mr. WAGNER], and will vote. I vote "yea."

Mr. McKELLAR. I transfer my pair to the junior Senator from Florida [Mr. TRAMMELL], and will vote. I vote "yea."

Mr. SCHALL. Were my colleague, the senior Senator from Minnesota [Mr. SHIPSTEAD], here, he would vote "yea."

Mr. BROOKHART (after having voted in the affirmative). Has the junior Senator from Idaho [Mr. THOMAS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BROOKHART. I have a pair with the Senator from Idaho on this question, so I withdraw my vote.

Mr. HARRISON. I transfer my pair to the junior Senator from Oklahoma [Mr. THOMAS], and vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Kentucky [Mr. ROBSION] with the Senator from Arizona [Mr. HAYDEN]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK].

The result was announced—yeas 35, nays 26, as follows:

YEAS—35

Ashurst	Copeland	Heflin	Sheppard
Barkley	Cutting	Howell	Simmons
Black	Dill	La Follette	Stephens
Blaine	Fletcher	McKellar	Swanson
Blease	Frazier	McMaster	Tydings
Borah	George	Norbeck	Walsh, Mass.
Bratton	Glass	Norris	Walsh, Mont.
Capper	Harris	Nye	Wheeler
Connally	Harrison	Schall	

NAYS—26

Allen	Grundy	McCulloch	Smoot
Baird	Hastings	Metcalf	Steiwer
Bingham	Hatfield	Oddie	Vandenberg
Fess	Hebert	Patterson	Waterman
Glenn	Jones	Phipps	Watson
Goff	Kean	Robinson, Ind.	
Goldsborough	Keyes	Shortridge	

NOT VOTING—35

Brock	Greene	Overman	Steck
Brookhart	Hale	Pine	Sullivan
Broussard	Hawes	Pittman	Thomas, Idaho
Caraway	Hayden	Ransdell	Thomas, Okla.
Couzens	Johnson	Reed	Townsend
Dale	Kendrick	Robinson, Ark.	Trammell
Deneen	King	Robsion, Ky.	Wagner
Gillett	McNary	Shipstead	Walcott
Gould	Moses	Smith	

So the amendment made as in Committee of the Whole was concurred in.

Mr. WALSH of Montana. Mr. President, at this point I ask that the vote on this matter in Committee of the Whole be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of February 17, 1930]

The VICE PRESIDENT. The clerk will restate the amendment.

The CHIEF CLERK. On page 61, beginning on line 14, the Senator from Kentucky proposes to strike out the following words:

"*Provided further*, That on hollow bars and hollow drill steel valued at more than 4 cents per pound there shall be levied, collected, and paid an additional duty of 1⅞ cents per pound."

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANSDELL (when his name was called). I have a pair with the Senator from Minnesota [Mr. SHIPSTEAD]. I therefore withhold my vote on this question.

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent.

Mr. WAGNER (when his name was called). I have a general pair with the Senator from Missouri [Mr. PATTERSON]. I am informed that if he were present he would vote as I am about to vote. I therefore am at liberty to vote, and vote "nay." I understand that the Senator from Missouri is otherwise paired on this amendment.

The roll call was concluded.

Mr. KEYES. I desire to announce that my colleague [Mr. MOSES] is necessarily absent. He is paired for the day with the junior Senator from Montana [Mr. WHEELER].

Mr. WATSON (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. WALCOTT] and will permit my vote to stand.

Mr. FESS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from Alabama [Mr. HEFLIN];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Montana [Mr. WHEELER];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from South Carolina [Mr. BLEASE] with the Senator from Maryland [Mr. GOLDSBOROUGH];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Missouri [Mr. PATTERSON] with the Senator from Iowa [Mr. STECK].

The result was announced—yeas 39, nays 38, as follows:

Yeas—39: Ashurst, Barkley, Black, Blaine, Borah, Bratton, Brock, Brookhart, Capper, Caraway, Connally, Copeland, Couzens, Cutting, Dill, Fletcher, George, Glass, Harris, Harrison, Hayden, Howell, La Follette, McKellar, McMaster, Norris, Nye, Overman, Pittman, Schall, Sheppard, Simmons, Stephens, Swanson, Thomas of Oklahoma, Trammell, Tydings, Walsh of Massachusetts, Walsh of Montana.

Nays—38: Allen, Bingham, Broussard, Dale, Deneen, Fess, Gillett, Glenn, Goff, Greene, Grundy, Hale, Hastings, Hatfield, Hawes, Hebert, Jones, Kean, Kendrick, Keyes, McCulloch, McNary, Metcalf, Oddie, Phipps, Pine, Robinson of Indiana, Robsion of Kentucky, Shortridge, Smoot, Steiwer, Sullivan, Thomas of Idaho, Townsend, Vandenberg, Wagner, Waterman, Watson.

Not voting—19: Baird, Blease, Frazier, Goldsborough, Gould, Heflin, Johnson, King, Moses, Norbeck, Patterson, Ransdell, Reed, Robinson of Arkansas, Shipstead, Smith, Steck, Walcott, Wheeler.

So Mr. BARKLEY's amendment was agreed to.

The VICE PRESIDENT. The next amendment reserved for a separate vote will be stated.

The CHIEF CLERK. On the same page the Senate as in Committee of the Whole struck out "on all steel or iron, in all forms and shapes, by whatever process made, and by whatever name designated, whether cast, hot or cold rolled, forged, stamped, or drawn" and inserted "on all steel or iron in the materials and articles enumerated or described in such paragraphs."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The CHIEF CLERK. The Senate, as in Committee of the Whole, on page 62, line 6, struck out the words "tungsten, molybdenum, or" and inserted the words "tungsten or molybdenum, or more than 0.3 of 1 per cent of."

Mr. WALSH of Montana. Mr. President, I must confess to having been somewhat confused when a similar item appearing on page 56 was under consideration. My understanding about the matter now is that as in Committee of the Whole the Senate committee amendment fixing the figures at 0.3 was adopted. My purpose was to ask that the action of the Committee of the Whole be disagreed to, leaving the text as it was in the bill as passed by the House.

Mr. SMOOT. There are five places where this same amendment occurs in different parts of the bill. If we make this 0.2, then we ought to agree to the other four at the same figure.

Mr. WALSH of Montana. I agree with the Senator. I ask unanimous consent that the action of the Committee of the Whole with relation to the amendment on line 19, page 56, be reconsidered.

Mr. SMOOT. Why does not the Senator ask that the action be taken in all five of the places?

Mr. WALSH of Montana. I do so.

Mr. SMOOT. That is what we must do in order to make the bill conform to the action already taken in two places in the bill.

Mr. WALSH of Montana. Quite so.

Mr. SMOOT. I can give the pages now, if the Senator wants them.

Mr. WALSH of Montana. I will ask the Senator to do so.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and the vote to which he has referred is reconsidered.

Mr. SMOOT. Mr. President, I will get the pages and the lines and give the memorandum to the clerk so that the change may be made in the other four places where the amendments have already been passed on.

Mr. WALSH of Montana. So that wherever the fraction "0.3" occurs, it shall read "0.2."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana to the amendment made as in Committee of the Whole.

The amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

The VICE PRESIDENT. Without objection, the changes will be made in the other places in the bill.

The next amendment on which a separate vote was reserved was on page 62, line 22, where the Senate as in Committee of the Whole struck out "4 cents" and inserted in lieu thereof "3 cents."

The VICE PRESIDENT. The question is on concurring in the amendment.

The amendment was concurred in.

The next amendment on which a separate vote was reserved was on page 62, line 23, where the Senate as in Committee of the Whole struck out "0.2" and inserted "0.3."

Mr. SMOOT. That has been acted on.

The VICE PRESIDENT. It was nonconcurred in by unanimous consent.

The next amendment made as in Committee of the Whole on which a separate vote was reserved was on page 72, line 7, where the Senate as in Committee of the Whole struck out "40 per cent" and inserted in lieu thereof "50 per cent" in the paragraph relating to autoclaves, catalyst chambers, or tubes, so as to read, "having metal walls 1¼ inches or more in thickness, and parts for any of the foregoing, 50 per cent ad valorem."

Mr. COPELAND. Mr. President, I move that "25" be inserted instead of "50." The rate in the act of 1922 is 25 per cent, and my motion is to restore that rate.

Mr. SMOOT. Mr. President, this has reference to the reaction chambers, which are large, heavy steel tubes or chambers used by fertilizer, oil, and chemical manufacturers in processes requiring vessels capable of resisting high pressure and temperatures. They have been made as large as 50 feet long and 90 inches in diameter.

Production is highly specialized and difficult. The machinery and equipment used for the manufacture of these chambers is the same as that required for the making of large guns, and the War Department considers the maintenance of the industry important to the national defense.

There are but two domestic firms producing these chambers, and these have met severe competition, especially from Krupp, the large German gun manufacturers. Imports probably amount to about 25 per cent of domestic consumption. Manufacturers requested the equivalent of about 75 per cent ad valorem, and it is thought that sufficient encouragement should be given this industry to assure that its facilities will be available for the production of ordnance.

Mr. President, the House fixed the rate at 40 per cent. The Senate committee raised that, after listening to the testimony given before the committee, to 50 per cent. As I have already stated, the War Department is very much interested in keeping this industry in the United States.

Mr. BORAH. Since the signing of the Kellogg peace pact?

Mr. SMOOT. Yes. That does not mean peace forever, because the world has not yet reached the state in which people will agree that there will be no wars.

The testimony showed conclusively that if we are going to maintain this industry, difficult as it is, we must increase the duty on these articles. As I have said, the House made the rate 40 per cent, and the Senate committee recommended that the rate be 50 per cent, which the Senate adopted as in Committee of the Whole. I hope the Senate now will not make the rate 25 per cent.

Mr. COPELAND. Mr. President, I feel much disturbed that anything should be done to hurt these infant industries, the Midvale Steel Co. and the Bethlehem Steel Co. They are the firms which make these articles.

Mr. SMOOT. Yes; and they are about the only ones who can make them.

Mr. COPELAND. As a matter of fact, these articles are made on special order. Hospitals make use of autoclaves. Every hospital is equipped with these great devices for sterilizing cotton and gauze. They are used as converters in fertilization factories wherever the reduction process is used, for stewing down fertilizer.

Mr. SMOOT. Speaking of hospitals, there is no instrument used in a hospital that requires pressure above 15 pounds. This item would never come within that description, nor would a hospital ever be put to the expense of purchasing such items as these. This is to take care of such products as are illustrated in the picture I show the Senator now. The reason why there are only two concerns in the United States making these things is that there are only a very few who could make them.

There are few factories which have the facilities for making them.

Mr. COPELAND. Mr. President, I also show the Senator a picture. The Senator has not been in a hospital for a long time. In sterilizing large quantities of dressings, the hospitals have this large compressor, where pressure far beyond 15 pounds is required.

Mr. SMOOT. I am told that 15 pounds is all that is necessary in any hospital in the United States. That can be easily understood. The articles are put in these chambers and sterilized, and that is all there is to it.

Mr. COPELAND. Has the Senator ever been in a lodging house where there are great sterilizers, where they put in a whole bed and all the bed clothing, under pressure, and kill the bedbugs and other vermin? Of course he has not; there are no poor in his section of the country.

Mr. SMOOT. Fifteen pounds pressure will do all that.

Mr. COPELAND. The fact is that here are two infant industries, the Midvale Steel Co. and the Bethlehem Steel Co. These devices are made on special order. They can be brought into the United States and sold at a decent price to those who require their use.

The Senator, of course, I know will make a desperate fight for these two great corporations, located near Pittsburgh, but the fact is that it is an unnecessary tax on the American people when such a tariff as this is imposed.

Mr. SMOOT. Let me call the Senator's attention to what is necessary before the article ever takes this rate. If the Senator will read on page 72, he will see these words—

Composed wholly or in chief value of iron or steel, by whatever process made (except by casting), wholly or partly manufactured, if over 20 inches at the largest inside diameter (exclusive of nonmetallic lining) and having metal walls 1¼ inches or more in thickness.

The Senator must know there never would be one of these articles to go into a hospital that would have a wall over 1¼ inches thick; no; not over a half inch. It does not apply to such an article as would be used in a hospital, or in a laundry. It applies to an instrument which must have a wall of 1¼ inches or more. I think the Senator will admit that nothing like that goes into a hospital.

Mr. COPELAND. Mr. President, will the Senator be good enough to tell us how these infant industries do suffer by giving us the figures of the importations of these articles?

Mr. SMOOT. It is not a question of suffering; it is a question of keeping these plants going. Nobody can tell whether they have been prosperous or not. It is a new industry, and they are trying now to maintain it in this country. It is not going to touch a hospital anywhere in the United States. You would not have those walls over 1¼ inches thick.

Mr. COPELAND. I have given only one use of these cylinders.

Mr. SMOOT. Is there any other use?

Mr. COPELAND. They are used in all reduction plants where fertilizer is reduced.

Mr. SMOOT. They do not require the pressure. Nobody would want a drum with a wall 1¼ inches thick if he did not have to have a great pressure on it, four or five times more than the pressure required for fertilizer. He could not afford to buy it, and he would not buy it.

Mr. COPELAND. Does not the Senator think he is making a 13-inch-shell defense of two corporations which require no defense? The importations all together have amounted to $100,000.

Mr. SMOOT. The whole industry does not amount to very much. These things are not used by very many people. They are not used much in commerce. But we do feel, and the War Department feels, that we ought to maintain this industry in the United States for protection in case of trouble.

Mr. COPELAND. I made that plea the other day with reference to chlorate of sodium, but it did not go far with the Senate.

Mr. SMOOT. I could not help that.

Mr. COPELAND. Here is a product as to which in case of war, as the Senator has in mind, it is necessary to maintain the organization in order that we will know how to make cannon. We seemed to get along very well making cannon when we had a war. Our Navy Department is in that line of experimentation all the time. It is a perfectly absurd thing, for the sake of increasing profits of the Midvale Steel Co. and the Bethlehem Steel Co., to place upon this product a rate of 50 per cent. It is not proper to do it. I am willing to have the Senate determine for itself whether it wishes to maintain that high rate or to continue the present rate under which no one has suffered.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment made as in the Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The VICE PRESIDENT. The next amendment reserved will be stated.

The CHIEF CLERK. On page 78, paragraph 339, table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for. In Committee of the Whole the committee struck out "11 cents per pound and 55" and inserted in lieu thereof "25 per cent ad valorem," so as to read:

Composed wholly or in chief value of aluminum, 25 per cent ad valorem.

Mr. SMOOT. Mr. President, the Senator from Illinois [Mr. GLENN] is interested in this amendment.

Mr. BARKLEY. Mr. President, I will state to the Senator from Utah that the Senator from Illinois advised me that he does not desire to have a discussion of the amendment.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	McCulloch	Steck
Ashurst	Frazier	McKellar	Stelwer
Baird	George	McMaster	Stephens
Barkley	Glenn	McNary	Sullivan
Blaine	Goff	Metcalf	Swanson
Blease	Goldsborough	Norbeck	Thomas, Idaho
Borah	Grundy	Norris	Thomas, Okla.
Bratton	Hale	Nye	Trammell
Brookhart	Harrison	Oddie	Tydings
Broussard	Hastings	Overman	Vandenberg
Capper	Hatfield	Phipps	Wagner
Caraway	Hebert	Pine	Walsh, Mass.
Connally	Heflin	Robinson, Ind.	Walsh, Mont.
Copeland	Johnson	Schall	Waterman
Couzens	Jones	Sheppard	Watson
Cutting	Kean	Shortridge	
Dale	Keyes	Simmons	
Fess	La Follette	Smoot	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SHORTRIDGE. Mr. President, I request that the amendment be stated.

The VICE PRESIDENT. Let the amendment be stated.

The CHIEF CLERK. On page 78, paragraph 339, lines 16 and 17, the Senate as in Committee of the Whole, struck out "11 cents per pound and 55" and inserted in lieu thereof "25" so as to read:

Composed wholly or in chief value of aluminum, 25 per cent ad valorem.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will report the next amendment reserved.

The CHIEF CLERK. In paragraph 369, page 103, line 19, the Senate, as in Committee of the Whole, struck out the paragraph pertaining to automobiles and inserted the following:

PAR. 369. (a) Automobile trucks valued at $1,000 or more, automobile truck and motor bus chassis valued at $750 or more, automobile truck bodies valued at $250 or more, motor busses designed for the carriage of more than 10 persons, and bodies for such busses, all the foregoing, whether finished or unfinished, 25 per cent ad valorem.

(b) All other automobiles, automobile chassis, and automobile bodies, and motor cycles, all the foregoing, whether finished or unfinished, 10 per cent ad valorem.

(c) Parts (except tires and except parts wholly or in chief value of glass) for any of the articles enumerated in subparagraph (a) or (b), 25 per cent ad valorem.

Mr. COPELAND. Mr. President, I have been told by the experts that my amendment is unnecessary. I had intended to propose to insert after subparagraph (c), page 104, after line 19, a "not specially provided for" provision on the theory that there might be some article that carried a higher rate; but I have been told by the experts that it is unnecessary.

Mr. SMOOT. Yes; it is unnecessary. If it was put in the bill it would not have any effect whatsoever.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The CHIEF CLERK. The next reserved amendment is in paragraph 374, page 107, "Aluminum and aluminum scrap."

Mr. SMOOT. I send to the desk the following amendment——

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 107, line 18, paragraph 374, it is proposed to strike out "2" and insert "5"; and in line 19, to strike out "3½" and insert "7½."

The VICE PRESIDENT. The amendment is not in order. The question is simply on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. I do not think the Senate understands the situation. The Senate, as in Committee of the Whole, struck out "5" and inserted "2."

The VICE PRESIDENT. Yes; and the question is on concurring in the amendment.

Mr. FESS. A negative vote on the question of concurring in the amendment would be the same as an affirmative vote on the amendment offered by the Senator from Utah.

The VICE PRESIDENT. The Senate, as in Committee of the Whole, voted to strike out "5" and to insert "2." If the Senate desires to restore the 5-cent rate it can refuse to concur in the amendment.

Mr. FESS. That would be a negative vote.

The VICE PRESIDENT. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. HASTINGS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Montana. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	McKellar	Steiwer
Ashurst	George	McMaster	Stephens
Baird	Glenn	McNary	Sullivan
Barkley	Goff	Metcalf	Swanson
Blaine	Goldsborough	Norbeck	Thomas, Idaho
Blease	Grundy	Norris	Thomas, Okla.
Borah	Hale	Nye	Trammell
Bratton	Harrison	Oddie	Tydings
Brookhart	Hastings	Overman	Vandenberg
Broussard	Hatfield	Phipps	Wagner
Capper	Hebert	Pine	Walsh, Mass.
Caraway	Heflin	Robinson, Ind.	Walsh, Mont.
Connally	Johnson	Schall	Wterman
Copeland	Jones	Sheppard	Waterman
Couzens	Kean	Shortridge	Watson
Cutting	Keyes	Simmons	
Fess	La Follette	Smoot	
Fletcher	McCulloch	Steck	

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

Mr. WALSH of Montana. Mr. President, if anything has been added to the information which the Senate had upon this subject when it was voted on as in Committee of the Whole that information has in no manner been conveyed to the Senate. No reason has been offered by anyone why any Senator should change his vote or why there should be another vote on this item. Bear in mind that as in Committee of the Whole the Senate fixed the rate at 2 cents a pound on pig aluminum.

What information has the Senate got concerning the difference between the cost of producing aluminum in the United States and anywhere else in the world? It has only such information as I gave it. I gave the Senate information from an article written by an expert upon the subject, appearing in the Mining Journal, printed in the city of London. The author of the article is an American engineer who has been a student of this particular subject. I am going to refer again to what he states in that article concerning the difference in the cost of producing aluminum in the United States and in Europe. He says:

> Turning to the matter of aluminum reduction costs, this can not be much in excess of 12 cents per pound under the worst conditions.
>
> And the current price in the United States is 24 cents a pound.
>
> The Aluminum Co. of America in its briefs filed in connection with the aluminum tariff and in public statements alleges that the labor item makes up 90 per cent of the production cost. This allegation is so absurdly ridiculous that if taken at its face value it would mean that the production cost of aluminum would be in excess of the present selling price, to accommodate such a relation of the labor item to the total production cost. The facts in the case are that the total labor cost is not over 10 per cent of the production cost starting with the mining of bauxite, and the labor cost in the production of aluminum from alumina is 5 to 6 per cent of the total cost.
>
> Calculations for the production cost of aluminum have been made many times by those competent in the business. Thus Debar gives the cost for German practice as about 16 cents per pound, including interest and investments and amortization of plant. Clacker, of the British Aluminum Co. (Ltd.), has quoted the figure of 12 cents, Collet has given 8.6 cents for Norwegian practice, Nissen has given 12 cents for European practice in general, and Lodin has quoted 11 cents per pound. Calculations by the writer for American practice show 13+ cents, which is amply high.

Then, we give them 2 cents a pound on top of that, and no one, not even the Aluminum Co. of America, has undertaken to give any information to the Senate of the United States or either branch of Congress concerning what its own costs are, not to speak about costs abroad.

Now, upon what basis is the Senate to reverse its action and levy a duty of 5 cents a pound on pig aluminum?

SEVERAL SENATORS. Vote!

Mr. FLETCHER. Mr. President, is it the proposal of the Senator from Utah to make the duty 2 cents a pound?

Mr. SMOOT. No; my proposition is to make the duty 5 cents.

Mr. FLETCHER. That was agreed to.

Mr. SMOOT. No; it was not agreed to. The committee reported a duty of 5 cents a pound, and the Senate struck out "5" and inserted "2."

Mr. FLETCHER. Then, the Senator's amendment is to make it 2 cents?

Mr. SMOOT. No; it is to restore the duty of 5 cents.

Mr. FLETCHER. I did not so understand it.

Mr. COPELAND. Mr. President, the Senator from Montana [Mr. WALSH] wants to know what information there is that was not given to the Senate the other day. If I may say it, in all kindness, the Senator himself gave some misinformation the other day. He made a great point of the cost of fuel, and we had an argument as to how coal could go into the Saguenay River whether it should go up the St. Lawrence or down the St. Lawrence.

The fact of the matter is that at its plants at Massena and on the Saguenay the aluminum company does not use one pound of coal. That is information we did not have before us the other day. Even the water used by the employees for the washing of their hands is heated by electrodes.

Mr. WALSH of Montana. The Senator from New York gave us that information when we previously had the matter under consideration.

Mr. COPELAND. No; not when we had the matter of aluminum under consideration.

Mr. WALSH of Montana. Oh, yes.

Mr. COPELAND. The next day or two after that I called attention to it in debate on another subject.

So far as I am concerned the question is this: Are we willing to take a chance on the removal to Canada by this company of its great plants which are now operating here and which might just as well be operated in Canada, so far as the company is concerned?

I voted for the low rate on aluminum utensils and was glad to do so, but for myself I am unwilling to go farther, in view of the fact, that we have no rebuttal of the proposition that these plants will go across the border into Canada.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield.

Mr. WALSH of Montana. I wonder whence the information comes that they will go across the border.

Mr. COPELAND. Well, Mr. President, until I——

Mr. WALSH of Montana. Oh, no; let the Senator tell us where we may find testimony to that effect.

Mr. COPELAND. Until I voted on this matter the other day with the Senator from Montana I had never talked with anyone connected with the Aluminum Co. of America. But after I voted on the floor I did talk with the president of the Aluminum Co. of America. His conversation made it very clear to me that it was rather a matter of indifference to that great company what happens. It cares little whether it operates its tremendous plant on the Saguenay and enlarges it, giving Canada that great aluminum industry, using the water powers of Canada, or whether it operates it in the United States.

Mr. WALSH of Montana. That is to say, the Senator believes Mr. Andrew W. Mellon and his brother, who are the controlling factors in the Aluminum Co. of America, will be likely to close their business in the United States and move it over into Canada?

Mr. COPELAND. Yes; that is what I think.

Mr. WALSH of Montana. Very well. Perhaps Senators upon the other side have some views about that matter.

Mr. COPELAND. I have no interest in Mr. Andrew W. Mellon or the corporation as such. I fear that corporation has not enough patriotism in its make-up to care a continental whether it operates in America or in Canada.

Mr. WALSH of Montana. The Senator from Pennsylvania [Mr. GRUNDY] probably will be able to give us some information about that. Has the Senator from Pennsylvania any information that the Aluminum Co. of America will move its plants over to Canada?

Mr. GRUNDY. They have every inducement to do so. They are there already; and I am informed that instead of developing here, as they have made every arrangement to do, they will cease their development here and will develop abroad.

Mr. WALSH of Montana. That was not the question I asked the Senator. I asked the Senator if he has any information that they propose to remove their plants over into Canada.

Mr. GRUNDY. They are already in Canada.

Mr. WALSH of Montana. Oh, yes; they have a plant there, and they have various plants in the United States. Has the Senator any information that they propose to remove any one of those plants into Canada?

Mr. GRUNDY. I can say "Yes." This thing has been so sudden that, of course, they could not formulate a plan and say they are going to do it right off.

Mr. WALSH of Montana. So the Senator has not any information?

Mr. GRUNDY. My opinion is——

Mr. WALSH of Montana. I did not ask what the Senator's opinion is. I asked if he has any information that the Aluminum Co. of America, dominated by Mr. Andrew W. Mellon, proposes to dismantle its plants in the United States and move them over to Canada?

Mr. GRUNDY. I should say yes; they do.

Mr. WALSH of Montana. The Senator has information from them to that effect?

Mr. GRUNDY. Yes. Furthermore, they have here in this country very valuable water powers that they could sell at a large price, which would pay all the expense of moving their plants to Canada. As a power proposition, they can sell it.

Mr. WALSH of Montana. None of them had the hardihood to come before any committee of Congress and say so.

Mr. GRUNDY. The question was not raised at all before either the Finance Committee or the Ways and Means Committee.

Mr. WALSH of Montana. Certainly it was not.

Mr. GRUNDY. Nobody appeared on either side. It was only when the matter got into the Committee of the Whole that they——

Mr. WALSH of Montana. Let me ask the Senator whether this information was conveyed to him by word of mouth or by letter?

Mr. GRUNDY. To me?

Mr. WALSH of Montana. Yes.

Mr. GRUNDY. By word of mouth, in discussing it.

Mr. WALSH of Montana. By word of mouth. Who told the Senator they were going to move their plants over into Canada?

Mr. GRUNDY. It was stated in discussing the matter with various members of the organization.

Mr. WALSH of Montana. What member of the organization?

Mr. GRUNDY. I can not just name them, but——

Mr. WALSH of Montana. The Senator can not name them?

Mr. GRUNDY. They have been here for the last two weeks, very anxious over it.

Mr. WALSH of Montana. All right.

Mr. COPELAND. Mr. President, I am very much obliged to Senators for what they have added to the debate.

Mr. President, we do not have to ask whether the Aluminum Co. of America will move to Canada or not. They have moved to Canada. They have a tremendous plant up on the Saguenay, and I do not want to have them move the rest of their plants up there. I do not know whether Mr. Mellon owns this factory or these corporations or not. I am not interested in whether he does or not.

Mr. WALSH of Montana. Mr. President, the Senator ought to know. We were told by the junior Senator from Pennsylvania [Mr. GRUNDY] that each of the Mellons owns 16 per cent of the stock of the Aluminum Co. of America.

Mr. COPELAND. What per cent?

Mr. WALSH of Montana. Sixteen per cent.

Mr. COPELAND. How many brothers are there?

Mr. WALSH of Montana. Two brothers, each owning 16 per cent.

Mr. COPELAND. So that all together they own 32 per cent?

Mr. WALSH of Montana. Yes; they own 32 per cent of it—that is, that is what they say. No governmental institution has ever been able to get the information, but we got it from the senior Senator from Pennsylvania [Mr. GRUNDY].

Mr. COPELAND. I am glad we got it. I had an idea that they owned more than that. If they own only a third of this company, there are thousands of citizens of this country, probably very poor compared to Mr. Mellon, who own the other 68 per cent.

Mr. NORRIS. Mr. President——

Mr. WALSH of Montana. No; the Senator is in error about that. It is a close corporation, owned by Mr. Mellon and his family and his friends. The stock never has been put upon the market for sale.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. Mr. President, the suggestion I was going to make to the Senator has already been made by the Senator from Montana. I do not think there is any doubt about it. The Mellons and their immediate friends and members of their families and business associates control the entire thing, and several other corporations.

Mr. COPELAND. All right. Here is the Senator from Nebraska [Mr. NORRIS], who is arguing in season, out of season—I glory in it, and I am glad he is doing so—in favor of the development of the water powers of this country. This great corporation went up into my State and developed water power; and now there are those, including, I assume the President of the United States—certainly it was his position when he was Secretary of Commerce—who are anxious to develop the water power of the St. Lawrence. But Senators, with no accurate information as to what may happen, are willing to take a chance on the release of these thousands upon thousands of horsepower now used by the Aluminum Co. of America in my State by the removal of the aluminum plant to Canada. What encouragement then will there be for further development of our water powers?

I do not care anything about how the ownership may be, or whether they make money or not. I want the factories to operate in the United States of America and give employment to the 10,000 men and women who are now employed by that great corporation.

That is where I stand in this matter. Now, you can do as you like. I can only cast my own vote. I can speak simply for myself; but I do not propose taking any chance on the release from employment in our country of the wage earners of 10,000 families now employed by this great corporation.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I do.

Mr. WALSH of Montana. If the difference in the cost of production of aluminum in the United States and abroad is just 1 cent—the difference between 12 cents and 13 cents—is the Senator willing to give them 5 cents a pound?

Mr. COPELAND. Why did they go up into Canada then if it is to their great interest to stay here? Why did they do that?

Mr. WALSH of Montana. The Senator has not undertaken to answer that question.

Mr. COPELAND. The other question?

Mr. WALSH of Montana. Yes.

Mr. COPELAND. What is the rate now?

Mr. WALSH of Montana. The rate now is 5 cents. It was raised from 2 cents to 5 cents in 1922, and they immediately jumped the price of pig aluminum 3 cents.

Mr. COPELAND. And now the Senator proposes, in spite of the fact that these great water powers have been opened in our country, to do something which may send all of the aluminum interests into Canada. If the Senator wants to do that, that is his business. I am not going to take a chance on it.

Mr. WALSH of Montana. Mr. President, they may send them to South America. They may send them to Australia. They may do anything; but what reason, what basis has the Senator to offer in support of his contention that they may do so?

Mr. COPELAND. Mr. President, was it not one of the Senator's investigating committees that developed the fact that the Mellon interests had purchased these rights on the Saguenay? What investigation was it that brought out that fact? That move indicates what I have striven to present to the country—that the pending action of the Senate may drive beyond our borders the whole aluminum industry.

Mr. WALSH of Montana. This was the investigation that brought that out:

The Duke estate, or Mr. Duke before his death, entered into an agreement, it was alleged, with one Haskell, a resident of the State of Massachusetts, by which Haskell and Duke agreed to develop this Saguenay water power and use it in the pro-





duction of aluminum. According to averments made by him in a complaint filed in the United States court, the Duke estate then abandoned him—Duke having meanwhile died—and the Aluminum Co. of America developed the power on the Saguenay River, and built there an aluminum plant, utilizing the power thus developed which originally was owned by the Duke estate.

Haskell then brought suit in the United States court, charging this agreement and the violation of it by the Aluminum Co., contrary to the antitrust act, and asked for damages in the amount of $8,000,000, and treble damages under the act.

The case was tried, and the jury found all these facts to be established. It was reversed, however, on appeal to the circuit court of appeals; and the testimony in the case given by Mr. Mellon himself was introduced in connection with the resolution by which the Committee on the Judiciary was directed to inquire into his eligibility for the office of Secretary of the Treasury.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. SMOOT. If the Senator does not object, I should like to ask permission to withdraw the amendment I offered.

The VICE PRESIDENT. There is no amendment to withdraw. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. No; I sent to the desk an amendment.

The VICE PRESIDENT. The last part of the Senator's amendment is in order. It changes the result. The first part is not in order, because it is simply a question of voting in the Senate as to whether or not the Senate will concur in the amendment made as in Committee of the Whole.

The request for the yeas and nays is withdrawn. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The question now is on the amendment proposed by the Senator from Utah.

Mr. SMOOT. And I ask permission to withdraw that amendment.

The VICE PRESIDENT. The Senator withdraws his amendment. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 376, page 108, antimony: The Senate, as in Committee of the Whole, struck out lines 3 to 5, inclusive, and inserted:

Par. 376 (a). Antimony, as regulus or metal, of whatever grade, shall be subject to duty as follows, etc.

The VICE PRESIDENT. Does the Senator from New York insist on his request for a separate vote on this amendment?

Mr. COPELAND. Yes, Mr. President.

I hope Senators will give attention to this matter, because many of them have spoken to me about it. You have received very many letters on the subject.

The House passed paragraph 376 placing a rate of 2 cents a pound on antimony. The Senate adopted a very complicated sliding scale which nobody pretends to understand. It is my desire that we do not concur in the Senate amendment, but continue antimony under the House rate at 2 cents a pound.

Mr. SMOOT. Mr. President, the price of antimony is so unstable that it seemed to me and to the committee that there ought to be a sliding scale here.

When antimony reaches the price of 14 cents a pound, if it ever does, there is no necessity whatever of any duty on it. When it reaches the price of 10 cents a pound, not over 11 cents a pound, we provide 2 cents a pound on the antimony. That is the present rate, but sometimes it goes down to 7 cents and sometimes it goes up to 16 or 17 cents. It is a product the price of which varies sometimes very rapidly, and ranges all the way from 7 cents up to over 16 cents.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Michigan.

Mr. COUZENS. I desire to point out to the Senator the discussion we had in the Finance Committee when this matter was taken up.

What the Senator says with respect to the sliding scale seems to be correct; but on further consideration I think the committee made a grave error, because the whole temptation, based on this sliding scale, is to permit the Chinese monopoly to keep the price high.

In other words, the higher the price the less the revenue the Government will get under the tariff, and the tariff is not for protective purposes at all, but rather for revenue purposes, and largely because the production of antimony metal is a monopoly in China. So when we discussed the matter in the Finance Committee we had a view the reverse of what seems to be the correct view. I think the committee made a grave error in putting in the sliding scale, for the very reasons I have just outlined.

Mr. SMOOT. Mr. President, this is the fact, as I see it, that the foreigner will get just as much out of his antimony as he can. He will sell just cheap enough to get under the local price. If the foreign price is 14 cents, then we want a very small duty upon what is shipped into the United States for protection.

If it goes down to 7 cents, a duty of 4 cents will make it only 11 cents, and it seems to me that would be the time when it would be needed, if at any time.

Mr. COUZENS. I do not recall any testimony that there was domestic competition. The whole discussion in the committee was to the effect that there was a Chinese monopoly, and the tariff was put on for that reason.

Mr. COPELAND. Let us ask what the local production, the domestic production, is.

Mr. SMOOT. I have the statistics here. The production in the United States, by antimony content, has been as follows: In 1919, from the antimony ores, short tons, nothing; in hard lead from lead ores, 1,518 short tons. The total primary is 1,518 short tons. The secondary, from alloys and scrap and dross, was 4,300 tons, a total of short tons of 5,917.

In 1927, as far as the antimony from ores is concerned, the production was nothing. In hard lead from lead ores, 1,996 short tons. The total primary, 1,996 short tons. The secondary, from alloys, scrap and dross, 12,400 short tons. The total of short tons in 1927 was 14,396, as against 5,917 in 1919.

Mr. COPELAND. This is the fact regarding antimony, regulus, that we had no production in 1920 and 1921; four tons in 1922; 10 tons in 1923; 33 tons in 1924; 33 tons in 1925; 43 tons in 1926, and we have not had any since.

Mr. SMOOT. That refers to the antimony from the ores.

Mr. COPELAND. There is no reason in the world why we should have any rate on this form of antimony. I am sure every Senator sees that. So I have no disposition to prolong the agony.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. I have some information from battery men in Massachusetts, and they state four objections to the sliding-scale rate which has been incorporated in the bill. I repeat the objections so as to get the Senator's opinion, he having evidently made a special study of this provision.

They state—

First. That the sliding scale will raise the cost of batteries to the consumers, the majority of whom are farmers.

Second. There is no antimony ore mined in the United States.

Third. There is no antimony metal produced in the United States, so that there is no industry to protect.

Fourth. The application for the increased rates was made by the representatives of a British company, who propose erecting a smelter in Texas to smelt ore from Mexican mines.

All of the letters I have on the subject set forth in substance those objections to the committee amendment which has been incorporated in the bill.

Mr. COPELAND. They correctly state the facts.

Mr. WALSH of Massachusetts. I am, therefore, with the Senator from New York in his position.

Mr. COPELAND. The plates used in the batteries are made of antimony and lead, and if the amendment which was adopted by the Senate as in Committee of the Whole should be written into the law, it would increase the price of every battery used in the country. In every Ford car, every automobile, every electric bell, wherever they use batteries, the cost will be increased, and of course every battery maker and every battery user is interested in lowering the rate.

Mr. SMOOT. Only about 10 or 10½ or 11 per cent of antimony is used in batteries, and it is hard antimony which goes into the making of batteries. It would not amount to anything.

Mr. WALSH of Massachusetts. The fact that there is no antimony mined in the United States impresses me as a very important matter to consider in connection with this duty.

Mr. COPELAND. I do not desire to go on with the argument. The Senate is informed, and if Senators are here and vote, they will destroy this amendment, in my judgment.

Mr. ODDIE. Mr. President, I send an amendment to the desk which I would like to have read.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Nevada moves to strike out paragraph 376, and to insert in lieu thereof the following:

PAR. 376. Antimony, as regulus or metal and the antimony content of alloys containing lead and more than 1 per cent of antimony (whether or not dutiable under par. 393) 4 cents per pound; needle or liquated antimony, one-fourth of 1 per cent per pound.

Mr. ODDIE. Mr. President, I have moved to strike out paragraph 376 and insert the following:

PAR. 376. Antimony, as regulus or metal, and the antimony contents of alloys containing lead and more than 1 per cent of antimony (whether or not dutiable under par. 393), 4 cents per pound; needle or liquated antimony, one-fourth of 1 cent per pound.

At my request, a brief setting forth full data and observations on paragraph 376, the antimony schedule, prepared by Mr. H. P. Henderson, an able and reliable mining engineer and an authority on the subject, was printed in the CONGRESSIONAL RECORD of December 18, 1929, on pages 840 to 844. It will not be necessary for me to duplicate the information presented in this brief, but there are some important observations I desire to make.

REASONS FOR A PROTECTIVE DUTY

A duty on antimony, as provided for in this amendment will sustain continuous domestic operations and will be beneficial in several important respects.

This domestic industry will be of benefit to mining, smelting, and manufacturing in the Western, Southern, Central, and Eastern States, increasing labor employment and the consumption of industrial products.

Without a domestic market, no development of deposits of a base metal such as antimony is possible.

The enactment of this amendment will create a market for domestic antimony ores heretofore nonexistent.

Reasonably stabilized prices at a moderate level should result from the enactment of this amendment. Instead of being handicapped by the wildly fluctuating prices and periodically extortionate levels that have occurred under Chinese monopoly, the producers, manufacturers, and consumers of antimony alike would benefit by price stability.

In the not distant future there will be developed a domestic supply of at least one-half of our national requirements of this important war commodity for which we now depend mainly on a single source in the interior of China, a source that may be interrupted in peace, and particularly open to being cut off in the event of war.

LEVEL OF PROTECTION NECESSARY

The production cost of Chinese antimony since 1924 has been about 7.7 cents per pound delivered in the American market including the present 2-cent duty. Domestic production is estimated to cost 9.7 cents per pound, therefore, 2 cents additional protection is needed to equalize foreign and domestic production costs.

With the severe weakness of Chinese exchange during the last few months average Chinese costs are now probably one-half cent cheaper than during the average of the last few years, and for the immediate future 4 cents duty would probably be one-half cent too low for complete protection, but it is hoped that this exchange condition will prove temporary. There is ample evidence that a 4-cent duty would have been no more than sufficient at any time for the past 15 years to afford adequate protection.

OBJECTIONS TO FINANCE COMMITTEE SCALE

The sliding scale reported by the Finance Committee, though nominally including 4 cents duty, would not result in 4 cents duty until the market price should fall to 7 cents, or the c. i. f. price to 3 cents, a lower level than has been reached in 40 years, which would mean nearly 3 cents loss to Chinese industry. Such price would never be reached, and consequently the 4-cent duty of the sliding scale would never be effective. A sliding scale that would protect domestic industry against shutdowns forced by Chinese competition, and would permit growth of domestic competition, would have to provide 4 cents protection at and below 11½ cents market price.

There is, however, great objection to the step feature of the committee's scale and much objection to the principle of a change in duty with a change in market price from manufacturers of antimony products who buy antimony in China for two or three months future delivery on a c. i. f. New York basis, and wish to immediately make a corresponding price to their customers without any risk of a change in cost of their antimony through a change in duty at the date of import.

Miners also prefer 4 cents specific duty to the sliding scale.

For these reasons 4 cents duty is now proposed rather than a sliding scale changed from the committee's scale to give a necessary level of protection.

In this amendment, the antimony contents of alloys with lead has also been included, as the lead contents of such alloys is dutiable at the same rate as lead bullion under paragraph 393. This is particularly important in the case of antimony, as most antimony goes into actual use in the form of alloys with lead, such as type metal, babbitt, and so forth, which are therefore, a stage of manufacture advanced beyond antimony metal. Without this provision such alloys could be prepared abroad from antimony metal and imported free as to antimony contents; avoiding the duty on antimony metal.

The Senate has already adopted an amendment to paragraph 8, so that the same duty will apply to antimony oxide that is adopted for antimony metal under paragraph 376.

DOMESTIC INDUSTRY

The domestic antimony industry that existed during the war ceased during the postwar depression, which was especially severe in the antimony industry, due to especially large war stocks of antimony, and antimony prices fell to the lowest level on record. In 1922, at the tariff hearings for the Fordney-McCumber bill, 4 cents duty on antimony was recommended as necessary, but only 2 cents duty was enacted.

Under this duty, mine production has not been resumed in the formerly productive States of Arkansas, Idaho, Nevada, South Dakota, Utah, Washington, California, Oregon, and Alaska, and smelting has not been resumed in California, Washington, and New Jersey where antimony ores were formerly smelted. The United States has been without any market for antimony ores except a special grade of antimony-sulphide ore with almost no gangue or other impurities, used for making antimony compounds. It is impracticable that domestic mines should be operated for this grade alone, and there has been no market for the average products of domestic mines, such as afforded by smelters for other base metals. Without the market for ores afforded by domestic smelting of a base metal, the development of mines from prospects has no chance of success.

Antimony is widely distributed through the mineralized areas of our country and there is good reason to believe that many antimony deposits, both those that have been productive and prospects in the mining States that have not been productive, have not received sufficient attention in the disorganized condition of the antimony industry, and will become productive with 4 cents protection provided for in this amendment.

AMERICAN MINING CONGRESS SUPPORTS AMENDMENT

The American Mining Congress, after careful investigation, wrote me, on February 4, 1930, requesting a specific duty of 4 cents per pound of metal, as provided for in this amendment. I submit this letter for publication in the RECORD at this point.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Without objection, permission is granted.

The letter is as follows:

THE AMERICAN MINING CONGRESS,
Washington, D. C., February 4, 1930.

Senator TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: The American Mining Congress wishes to strongly indorse your amendment to paragraph 376 of the tariff bill providing for 4 cents duty on antimony and the antimony contents of alloys containing lead.

We believe that such duty would be of great benefit to all sections of our industry producing and consuming antimony, including mines, smelters, manufacturers, and ultimate consumers, and that the specific duty of 4 cents would be simple and less expensive to administer.

The extent of our national dependence on a far-distant foreign source, with price fixing at a high level, has been similar to the harmful situation which existed in our rubber supply a few years ago. There seems no reason to question that, with continuous domestic competition in the antimony industry, extremely high prices and extremely wide fluctuations will be greatly reduced in future.

Our investigation of this matter has led us to believe that 4 cents protection is necessary to keep a domestic antimony industry in operation outside of China and secure the benefits of competition.

Very truly yours,

THE AMERICAN MINING CONGRESS,
By McKINLEY W. KRIEGH,
Mineral Tariffs Division.

NEVADA'S LEGISLATIVE ASSEMBLY INDORSES AMENDMENT

Mr. ODDIE. The Legislative Assembly of the State of Nevada on March 21, 1929, passed Joint Resolution No. 18, memorializing Congress relative to the tariffs which should be provided for numerous metals and minerals deposits of which occur in Nevada. During the Great War Nevada contributed more antimony than did any other State, and the resolution

passed by the legislative assembly requests that a rate of 4 cents per pound on antimony metal be provided in order to make possible the operation of Nevada's antimony deposits.

I submit Resolution No. 18 for publication in the RECORD at this point.

The PRESIDING OFFICER. Without objection, permission is granted.

The resolution is as follows:

ASSEMBLY JOINT RESOLUTION NO. 18, APPROVED MARCH 21, 1929, MEMORIALIZING CONGRESS RELATIVE TO PRODUCTS OF THE STATE OF NEVADA

Whereas brucite, bismuth, cadmium, graphite, lime, magnesite, monazite and thorium, quicksilver, talc, lead, fluorspar, molybdenum, antimony, metallic arsenic, arsenious acid, barytes, bauxite, crude gypsum, kaolin, montmorillonite, mica, potash, pumice, garnet, tourmaline, travertine, marble, asbestos, and metallic tungsten are valuable products found within the borders of the State of Nevada; and

Whereas the production, transportation, and reduction of many of the foregoing products are extremely expensive in proportion to the same costs relative to the foreign products of the same materials, thereby resulting in stagnation in the production of said materials within this State unless the same shall be protected by proper tariff duties: Now, therefore, be it

Resolved, That the Congress of the United States be, and is hereby, memorialized by the Senate and Assembly of the State of Nevada as follows:

For a continuation of the present duties, inclusive of the increases granted by the President on bismuth, cadmium, graphite, lime, magnesite, brucite, monazite and thorium, quicksilver, and talc; to make applicable to brucite, a Nevada product, the same duties as applies to magnesite; and to bentonite and the filtering clays in general the duties now applicable to talc; for a continuation of at least the present duty on zinc and a slightly higher on lead, fluorspar, and molybdenum; for an increase on antimony of from 2 to 4 cents per pound; and metallic arsenic, 6 cents per pound; arsenious acid or white arsenic, 4 cents per pound; barytes, $8 per short ton, and bauxite, $3 per long ton; crude gypsum, $3 per ton; crushed gypsum, $3.50 per ton; calcined gypsum, not less than $4.25 per ton; and on kaolin (add montmorillonite), $3.75 per ton; on mica, potash, pumice, abrasive, garnet and tourmalines, pumice stone, travertine, marble, and asbestos the duties recommended by the American Mining Congress, and to forbid their free entry as ship ballast; on metallic tungsten, not less than 67½ cents per pound; and on manganese, of which mineral Nevada is a heavy potential producer, the duties now sought and advocated by the American Manganese Producers Association; and be it further

Resolved, That copies of this resolution, duly authenticated, be transmitted forthwith by the secretary of state of the State of Nevada to the President of the United States Senate and to the Speaker of the House of Representatives, and to each of our Senators and to our Representative in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
R. C. TURRITTIN,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly Joint Resolution No. 18 of the thirty-fourth session of the Legislature of the State of Nevada, now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of state at my office in Carson City, Nev., this 23d day of March, A. D. 1929.

[SEAL.] W. G. GREATHOUSE,
Secretary of State.

MINE OPERATORS INDORSE AMENDMENT

Mr. ODDIE. A letter from Mr. Henry M. Rives, secretary of the Nevada Mine Operators' Association, January 24, 1930, states as follows:

The attention of this organization has been called to your efforts in endeavoring to secure a tariff duty on antimony. The mining industry of Nevada is in hearty accord with your proposal, and I am directed to inform you that the association indorses the tariff duty you advocate. Protection of our domestic mining industry is just as essential as protection to other industries.

Mr. J. A. Fulton, director of Mackay School of Mines, University of Nevada, on January 17, 1930, writes as follows:

We have many excellent antimony prospects, as you know, and if these deposits can be exploited it will go a long way toward helping out the very trying condition which has been created here by the dropping in silver.

Mr. L. W. Wickes, consulting engineer, Los Angeles, January 20, 1930, makes the following statement:

Some years ago this office was materially interested in the production of antimony. If we had a higher tariff on the metal we might well have been able to have continued production. With an increase in the tariff it is entirely possible that some of the properties which we shut down might again be made to produce.

A letter from Mr. John A. Burgess, geologist, Mills Building, San Francisco, January 20, 1930, indicates the possibilities of national antimony development, as follows:

There is no doubt that the United States can produce a large amount of antimony. There are quite a number of such mines in the State of Nevada, among which are the White Caps Mine and another one in Dixie Valley in Churchill County.

* * * * * * *

I sincerely hope that the provision for which you stand shall be incorporated in the new tariff.

A telegram from Stewart Campbell, State mine inspector of Idaho, January 22, 1930, reads as follows:

Deposits of antimony, principally the sulphide, are found in Shoshone, Valley, Boise, Blaine, Idaho, Owyhee, and Custer Counties. Those in the Couer d'Alene district of Shoshone County have been extensively developed, a number of mills for the concentration of the ore have been constructed, and in the past a large tonnage has been produced and marked. The deposits in Blaine, Valley, and Owyhee Counties contain a high-grade ore, most of which can be shipped without preliminary treatment. During the war when antimony commanded a high price a large tonnage was produced and shipped from the mines in Valley County. In all the above-mentioned counties there are many deposits containing a large available tonnage of commercial ore which can be readily marketed when freight and market conditions will permit it to be produced at profit. A proper duty on antimony should establish United States market for domestic ores if so many mines in foregoing counties could be reopened at great benefit to State.

From a letter from Mr. F. W. Bradley, mining engineer and operator, San Francisco, January 15, 1930, I quote:

This is a matter that I am very much interested in, as my associates and myself have spent up to this time nearly $600,000 in developing an antimony property situated at Stibnite, Valley County, Idaho.

I hope you will continue to do all you possibly can in urging that the proposed protection on antimony be taken care of in the tariff bill. Otherwise the expenditure of my associates and myself in this enterprise can not be made a commercial success.

Mr. Bradley is one of the most prominent American mining engineers and one who as a mine operator has done as much as any other individual in the development of the mining industry of the West and Alaska. He is president of the company that brought Idaho to its leading position in silver-lead production, and was the leader of the companies that have produced most of the gold from deep deposits in Alaska. He was one of the pioneers in "porphyry" copper development on which our continued leading national position in copper has depended. He is president of the American Institute of Mining and Metallurgical Engineers. His views should be given great weight in considering the need for an increase in the duty on antimony.

SMELTERS INDORSE AMENDMENT

The following quotations from letters received show the favorable attitude of the smelting industry:

From Prof. Charles E. Locke, Massachusetts Institute of Technology and one of the prominent American metallurgical authorities, January 18, 1930:

As one who is interested in the United States mining and metallurgical industry, I wish to commend the indorsement of the American Mining Congress for a duty on metallic antimony, which duty, as I understand it, was proposed by you and which should have the effect of promoting the smelting of antimony ore in this country, and, at the same time, should not have the effect of increasing the price to the consumers, since the effect would be largely to stabilize the industry, insure a constant supply and a uniform price, which price should not be greater than the average of the wide fluctuations in antimony metal of the past due to the difficulties of securing a regular supply from China.

From H. P. Henderson, mining engineer and authority on antimony, New York, January 29, 1930, I quote as follows:

I wish to inform you of my highest approval of the amendment you have recently offered for 4 cents duty on antimony metal and the antimony contents of lead alloys, which I believe is necessary for any continuous domestic operation in this industry.

Subject only to such 4 cents protection, I want you to know that the financing and construction of a domestic antimony smelter is definitely arranged, such construction to start immediately, except for a few final details, after enactment of 4 cents duty. This smelter will be of

capacity of 3,600 tons of antimony metal annually, or one-third of United States consumption, and should be in operation in less than one year.

At present there is no domestic market for the ordinary grade of antimony ores. I believe under 4 cents duty at least one-half of domestic antimony metal requirements can be produced from domestic smelters within two or three years, and this should give much stimulus to domestic antimony mining.

From Galen H. Clevenger, consulting metallurgist, United States Smelting, Refining & Mining Co., Boston, Mass., January 16, 1930:

I wish to say that I favor the increase of duty on antimony and antimonial alloys as recommended. I know that such a measure would be of a great deal of benefit to both the mining and metallurgical industries which are attempting to produce antimony and antimonial alloys in competition with foreign producers having a very low scale of wages.

INDORSEMENTS BY MANUFACTURERS

The following excerpts from the letters I have received show the attitude of manufacturers:

From Rare Metal Products Co., Belleville, N. J., manufacturers of antimony sulphuret, January 20, 1930:

We consume about 35 tons per month of antimony oxide, most of which we import from Belgium and China. Over a period of 15 years in this field we have found these sources of this raw material unsatisfactory because of wide price fluctuations and considerable variation in quality. For these reasons we would like to see an antimony oxide industry established in the United States. The present duty on antimony oxide is 2 cents per pound. This duty has not resulted in a satisfactory domestic source.

From Antimony Products Co., New Brunswick, N. J., manufacturers of antimony oxide, January 17, 1930:

We, as importers of antimony ore from Bolivia and China, and manufacturers of antimony oxide, are very much in favor of the proposed tariff increase.

While we believe that price stabilization is a most important feature of the proposed schedule, to be brought about by the establishment of further domestic industries, and the consequent price stabilization through competition, we confess that we have what is to us a more important reason, our own salvation.

We have a plant and raw material investment of nearly a quarter of a million dollars which, with the rapidly declining price of Chinese antimony, it is not possible for us to continue to operate without showing considerable loss. Unless we receive assistance in the new tariff bill we will have no choice but to cease operations.

From Stanley Fullwood, New York, manufacturers' agent, January 17, 1930:

I have been intimately connected with the import of antimony metal for about 30 years and am heartily in accord with the proposed tariff increase. If any merchandise needs a "doctor," antimony metal surely does; due to the wide fluctuations in prices, over the past few years, no one has made any money out of the metal, and, in fact, many old-time dealers have given up the business on account of its instability.

Personally I favor a 4-cent specific duty rather than a sliding scale for the reason that it will be more feasible.

CONSUMERS SUPPORT AMENDMENT

The following excerpts show the attitude of consumers:

From Sullivan Machinery Co., January 22, 1930. General office, Chicago; works, New Hampshire and Indiana:

In reference to suggested tariff on antimony, we feel this is thoroughly warranted and strongly indorse same.

Under present conditions of practically a foreign monopoly, anything that can be done to create competition and stabilize the price and prevent the wide fluctuations over short periods of time is certainly sound and to be desired, to say nothing of the development of our own domestic deposits.

There is nothing more unjust to American industry than to have to play Santa Claus to some foreign monopoly, due to improper tariff regulations making prohibitive proper competition and development of our own resources.

From Diester Machine Co., Fort Wayne, Ind., January 22, 1930:

In view of the existing conditions in connection with the importation of this metal, I did not think that there would be any serious question raised concerning an increase of this duty, especially when all of the advantages to be derived from such an increase were taken into consideration.

I do not feel that it will be necessary to rehash in this letter any of these advantages as they are set forth so forcibly in your remarks, with which I concur whole-heartedly.

From John A. Roebling's Sons Co., Trenton, N. J., January 13, 1930:

It will undoubtedly assure the domestic smelting of antimony and it will also tend to do away with the extremely high prices and price fluctuations which have been characteristic of the Chinese antimony monopoly.

Numerous letters in support of adequate protection in this industry have been received by me from California, Illinois, Indiana, Nevada, Idaho, Kansas, Texas, New Mexico, Arizona, Mississippi, New Jersey, New York, and Massachusetts. The issue is of general rather than of sectional interest. As is well known, Americans are universally opposed to monopoly, and particularly a foreign monopoly that is beyond the reach of our laws, and American industry desires stabilized conditions as a basis for operations. Only those who profit by speculation favor highly fluctuating price conditions.

DOMESTIC COMPETITION VERSUS FOREIGN MONOPOLY

For the past 10 years or more China has had a monopoly in our domestic antimony market and in the world market, varying between 65 and 95 per cent of world production according to price conditions.

During the four years after the war large war stocks existed on the market, giving competition with current production until 1923, when such stocks were exhausted. Such competition of war stocks put the price down to the lowest level on record, and practically all production outside China ceased, with China producing at least 95 per cent of the world's antimony.

From 1923, having complete monopoly, a rising demand was taken advantage of by the Chinese to put up the price from 7.8 cents average in 1923, to 25 cents high in 1925 and 1926, the highest peace-time price on record. Following these high prices production outside of China started and grew to the extent of about 35 per cent of world production, and under such competition prices have dropped from 17.5 cents average in 1925, to 15.9 cents in 1926, 12.3 cents in 1927, 10.3 cents in 1928, to 8.8 cents in 1929.

The present price for two or three months' delivery, for cost, insurance, and freight, New York, is 6 cents, corresponding to 8 cents market price. At such price practically all world competition with China is at loss and complete shut down is imminent, which would strengthen China's world monopoly of production from about 65 per cent during the last few years to 95 per cent or more, with an expectation that the extortionate price rise to 25 cents of 1923–1925 would be repeated.

With changes between complete and partial Chinese monopoly, there have been an extraordinary series of price fluctuations in the antimony market.

From 8.25 cents in July, 1924, to 22 cents in February, 1925, the price rose 13.75 cents in 7 months.

From 22 cents in February, 1925, to 11 cents in April, 1925, the price fell 11 cents in 2½ months.

From 11 cents in April, 1925, to 17.5 cents in May, 1925, the price rose 6.5 cents in 18 days.

From 17.25 cents in October, 1925, to 25 cents in January, 1926, the price rose 7.75 cents in 2½ months.

From 25 cents in January, 1926, to 9.5 cents in May, 1926, the price fell 15 cents in 4½ months.

From 9.25 cents in May, 1926, to 16.75 cents in August, 1926, the price rose 7.5 cents in 2½ months.

No industry, subjected to such rapid and extensive price fluctuations, can long survive and, therefore, the 2-cent increase in duty provided for in this amendment is but a moderate insurance against the continuation of such fluctuations and against the repetition of the exorbitant price reached in 1925–26.

CHINESE ANTIMONY TRUST

The Department of Commerce has called attention to the bad effects of antimony prices of both interruption by local Chinese disturbances, which are not unlikely to be repeated at any time, and deliberate action in restraint of trade. Both factors are of great importance, because China has been the sole major source of antimony.

In Mineral Resources of the United States, 1924, Part I, page 106, referring to the increase in antimony price from 9.75 cents at the close of 1923, to 17.5 cents at the close of 1924, it is stated:

The primary cause of the unusual rise in price was the civil war in China in 1923 and 1924, which curtailed production, prolonged demoralization in the industry, and resulted in general world-wide shortage of antimony. Contributing causes were speculative control of Chinese stocks and Chinese output, and a comparatively large demand from Europe because of revival of European trade.

In connection with the above, it is interesting that reduction of only 2,197 tons in Chinese output from 14,256 tons in 1923 to 12,059 tons in 1924, served to accomplish this 8-cent price rise, a decrease in output that could easily have been made up by

increased output from other sources had there been going operations in other countries. Word production in 1927 was 45,676 tons, of which 28,450 tons were Chinese, or 37.7 per cent.

I also wish to quote from pages 20 to 22 of Trade Information Bulletin No. 624, issued late in 1929 by the Department of Commerce, Bureau of Foreign and Domestic Commerce:

It seems probable that the large reserves in China and the range of prices at which its ores can be mined and marketed have militated against the development of deposits in other parts of the world. Possibly due to the instability of price of antimony from a world standpoint and the wide range of these fluctuations, it would appear that the mining of antimony is not as attractive to the miner as that of some other metals.

As has been stated, the range of price at which antimony can be profitably produced in China, the cheapness with which the material can be mined and smelted, as well as the large reserves, have placed the Chinese producer in the position to dominate the world market.

From time to time there have been attempts by the merchants in Hankow and Changsha to form an association to control shipments and standardize prices. These attempts have invariably resulted in failure, due in part to the breaking of contracts by various merchants.

In connection with the continuing quotation, I wish to emphasize that the average 1926 New York price of antimony was 15.9 cents.

In 1926 a serious attempt was made with the formation of an organization known as the Sikwangshan Antimony Association. Article I of the agreement stated:

"Recently the price of antimony regulus has declined. We think that this decline is caused by manipulation of the market in Europe and America. Therefore we have consulted and organized this association of Sikwangshan antimony firms for the purpose of raising the price of antimony and safeguarding the future of our business."

This association was made up of a large number of the Changsha merchants, but did not include all of those dealing in antimony, nor did all the foreign firms lend their support to the association. The scheme failed because the association attempted to maintain the price at approximately 14 to 15 cents per pound c. i. f. New York.

Such c. i. f. price is equivalent, adding a 2-cent duty, to New York market price of 16 to 17 cents. Thus the Chinese cartel wished to standardize the New York market price at 16 to 17 cents under monopoly, as compared with a market price stabilized by continuous competition in the vicinity of 11.5 cents average desired by the domestic industry under 4 cents tariff protection.

Such Chinese monopolistic action would be unlawful in the United States under our antitrust laws. It is harmful in deliberate price raising and harmful also in the great fluctuations caused by artificial price raising followed by price reaction.

This situation is beyond the reach of our antitrust laws, and can only be benefited by a 4-cent duty balancing Chinese and domestic costs, and so insuring continuous domestic competition with China.

Obviously a tariff revision that does not permit domestic competition would increase domestic cost with no other effect. Four cents duty, equalizing Chinese and domestic costs, is necessary for benefit. With competition, the price of antimony should remain moderate, with fluctuations about in proportion to the normal of other metals. Antimony is mostly used alloyed with lead. Taking the average prices of antimony and lead for the years 1923 and 1925, the increase in the price of lead was 21 per cent and of antimony 124 per cent. With competition in the antimony market, price fluctuations similar to those of lead should be expected in future.

WAR EMERGENCY

In the recently published annual report of the Secretary of War for 1929, page 60, antimony leads the list of 26 basic war commodities for which we depend mainly on imports. The interior of China, across the Pacific, seems particularly undependable as the sole major source of supply in a war emergency. The protection of such transportation might necessitate the diversion of strength from more active service.

War consumption of antimony is nearly double that of peace. Antimony is alloyed with lead in the bullets that go into shrapnel, the largest war use, for primers, and to produce a white smoke for range finding. Industrial uses such as in type metal, storage batteries, and babbitt for the bearings of machinery, also increase in war time.

Undoubtedly the safest and most natural military position in such an essential commodity would consist in a well-established domestic industry capable of rapid expansion to meet all war requirements.

The present military weakness can be largely removed while curing an economic evil such as has existed in the antimony market. A 4-cent duty as provided in this amendment should accomplish both purposes.

SUMMARY

As shown by letters received, very general agreement in favor of this amendment that will enable domestic producers to compete with China exists—among miners, smelters, manufacturers of antimony compounds, and consumers—in all parts of the country from California to New York and New Jersey.

Although a few appear to prefer a sliding scale that would give adequate protection, there has been no important opposition to 4 cents duty and almost all prefer it. All figures submitted both in support of 4 cents duty and in opposition to the sliding scale show 4 cents protection is necessary.

There is strong opposition to the Finance Committee scale both because it would not give protection to insure the domestic industry against periodic, costly shutdowns and because it would work a hardship on manufacturers importing Chinese antimony. Four cents specific duty is adequate and simpler for customs administration. Its adoption is desirable for all reasons.

In few cases are the interests of producers, manufacturers, and consumers so unified. This is because the harm resulting from Chinese monopoly reaches all.

The definite promise of immediate smelter construction under the necessary level of protection would seem to guarantee a great improvement in the antimony industry, with 4 cents duty, over the conditions of the past.

The weight of the metal is known on entry and is not subject to change, while the value fluctuates from day to day and is difficult to determine. For the reasons stated, I believe that a specific duty of 4 cents per pound of metal would also be much more satisfactory to the trade, and from the customs standpoint would be far more simple and much less expensive to administer than would a sliding-scale duty.

In adopting a 4-cent duty the United States may expect to be free from the control and domination of the Chinese antimony monopoly and a new domestic industry will be developed to supply our antimony requirements, both in times of peace and of war.

I ask permission to insert in the RECORD at this point a telegram from the Laredo (Tex.) Chamber of Commerce and a letter from the Edison Storage Battery Co.

There being no objection, the telegram and letter were ordered to be printed in the RECORD, as follows:

LAREDO, TEX., *March 6, 1930.*

Hon. TASKER L. ODDIE,
Chairman Committee on Mining,
United States Senate, Washington, D. C.:

We heartily support plea for tariff protection for antimony industry which we consider only manner in which domestic antimony smelting can be successfully done and safeguard industry against disadvantages of foreign monopoly.

LAREDO CHAMBER OF COMMERCE.

EDISON STORAGE BATTERY CO.,
Orange, N. J., February 25, 1930.

Senator TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We are very much in favor of your pending amendment for a higher duty on antimony in connection with paragraph No. 376 of the tariff bill. We feel that your amendment is undoubtedly predicated upon laudable patriotic motives, in that it will encourage production of antimony in this country.

It is our pleasure to forward a copy of this letter to Senators H. F. KEAN and DAVID BAIRD, requesting their support to your amendment.

Very truly yours,

EDISON STORAGE BATTERY CO.,
G. E. STRINGFELLOW,
Vice President and General Manager.

Mr. ODDIE. I now ask permission to insert in the RECORD a letter from the National Battery Manufacturers' Association, of New York. W. J. Parker, the man who signs this letter as a representative of the National Battery Manufacturers' Association, opposing the amendment on antimony, makes a business of organizing trade associations and has no knowledge of economics nor the value of the duty in stabilizing antimony prices in the interest of the consumers. He has excited the members of this association to conduct a considerable propaganda opposing the amendment, especially among tire companies, and so forth. The indorsement of the Edison Storage Battery Co. should be sufficient to offset this opposition.

NATIONAL BATTERY MANUFACTURERS' ASSOCIATION (INC.),
New York, N. Y., February 15, 1930.

Hon. TASKER L. ODDIE,
United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR ODDIE: With reference to your announced intention to propose an amendment to schedule 3, paragraph 376, asking for higher rates of duty on antimony.

The original demand for this increase was made by H. P. Henderson, a director of the Republican Smelting & Metal Co., Newcastle-on-Tyne, England, supported by the American Mining Congress, the contention being that the domestic smelting of antimony was a war necessity.

Mr. Henderson stressed the fact that they proposed to erect a smelter in Texas to smelt Mexican ore. Suppose the increased rate on antimony metal is granted. Can Nevada or Idaho compete with Mexican ore? It must be perfectly obvious that a Texas smelter would be compelled to use Mexican ore. A smelter in Nevada couldn't compete because the rail freights on ore to the smelter and finished product from the smelter to points east of the Mississippi River would be prohibitive.

If your desire is to promote the mining of ore in Nevada, it would seem your remedy is in increased rates on the ore, at least equivalent to the rates on the metal. To make it effective for the Nevada mines it would have to be much higher than 4 cents per pound.

The battery manufacturers, as well as manufacturers of type, cables, bearing metal, etc., would have to pay the increased cost, which would be passed on to the consumers of whom your own constituents are a part.

We trust that you will, after further study, see your way clear to support Senator COPELAND'S proposed amendment retaining antimony at the present rate.

Yours very truly,

W. J. PARKER, *Commissioner.*

Mr. ODDIE. I now ask permission to insert in the RECORD certain other letters which I have received relative to the matter under discussion.

The PRESIDING OFFICER. Without objection, permission is granted.

The letters referred to are as follows:

THE AMERICAN MINING CONGRESS,
Washington, D. C., March 4, 1930.

Mr. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: Although no opposition to the proposed duty of 4 cents per pound on antimony metal has been expressed in committee hearings, and does not appear of record, we understand that a number of manufacturers of electric storage batteries have protested against the amendment offered by Senator ODDIE, of Nevada, and have had their customers write letters to Members of the Senate on this subject.

For your information, we are inclosing copy of our letter to Mr. W. T. Perry, president of the National Battery Manufacturers' Association, which represents about one-half of the storage-battery production of the United States.

We sincerely hope that this will clarify the situation in respect to the antimony tariff.

Very truly yours,

MCKINLEY W. KRIEGH,
Mineral Tariffs Division.

MARCH 3, 1930.

Mr. W. T. PERRY,
President National Battery Manufacturers' Association,
6501 West Sixty-fifth Street, Chicago, Ill.

DEAR MR. PERRY: We are in receipt of your wire of February 25.

The American Mining Congress first presented the case of antimony in 1921–22. At that time we advocated a specific duty of 10 cents per pound for the reason that we could see no other way of securing necessary domestic competition with Chinese antimony. At that time the battery manufacturers understood the situation and were not opposed to the 10-cent duty. We appeared before the congressional committees in favor of 40 per cent ad valorem on batteries, which it was understood carried the necessary compensatory offset for the 10-cent antimony duty asked. And that this duty is compensatory is proved by the facts set forth in the Tariff Information Surveys, the official guide to Members of the House and Senate in determining the rates that should apply on the various items. The 40 per cent ad valorem duty on batteries was successful, although Congress provided for a duty of only 2 cents per pound on antimony instead of the 10 cents per pound asked.

We have continuously favored an increased duty on antimony since that time, believing that the battery industry and other users would be saved the high prices imposed by the Chinese and New York metal brokers such as were maintained in 1925 and in 1926. We firmly believe that the establishment of a smelting industry in this country is the only means by which such excessive prices can be avoided in the future. We also believe that the duty asked of 4 cents per pound will bring about a stabilization of the prices at a reasonable amount.

You will realize, of course, that the exorbitant price of antimony at certain times has been due to dependency upon Chinese sources and on account of the lack of any domestic competition whatever.

All Government bulletins on antimony and the mineral industry for 1925 and 1926 show that antimony has been subjected to unreasonably wide fluctuations in price, and, further, that antimony brokers have taken advantage of the situation from time to time in order to make profits that never reach back to the producer. For example, in a recent bulletin of the Department of Commerce it is said:

"The price of antimony is never stable; many factors contribute to this condition. The factors listed help to influence the price: Speculation by Chinese merchants and aliens; uncertainty of demand, which is influenced by the price fluctuations of the metals for which antimony is a substitute; the ease with which China's production be increased or diminished; and the range of prices at which antimony may be produced in China. The low cost of production in China has throttled production from virtually all other sources; indeed, other countries are justified in producing only when the Chinese attempt to restrict the output in order to raise the price, a condition that makes the mining of the metal in other countries a most insecure undertaking."

Quoting from the Mineral Industry of 1925:

"The manipulation of certain dealers and speculators, both in China and in America, who realized and took advantage of the situation by accumulating large stocks, not for consumption but for the purpose of appreciation in value, tended to force the market to advance more rapidly than would have been the case without this sudden artificial demand. * * * Such high prices for antimony even at the increased demand are of course uncalled for. The manipulation of dealers, together with the hand-to-mouth buying policy of consumers who were not accustomed to the high prices of 20 to 25 cents in peace time, were mainly to blame. * * * The result therefore is that consumers in the United States paid a good hard price for their requirements, whereas the miners in China and other countries did not get such benefit."

And again, in the Mineral Industry of 1926, it is stated that:

"Unfortunately the antimony market during the last few years has been subjected to considerable manipulation by speculators. The fluctuations in price have been quite serious and also very annoying to both the producers and the consumers. Such an erratic market is certainly of no benefit to either the producer or the consumer. * * *"

"Consumers are continually being bombarded with various forms of literature regarding the antimony situation, which is sent out for various purposes. * * * Some market reports and expressions of views as to the general situation of the market are of value, but in dealing with such communications it is well for buyers to maintain a measure of caution or reserve and, in estimating their worth, to consider whether they may be regarded as really impartial or as colored by a possible market position on the part of those issuing them, either on the 'long' or the 'short' side."

These statements speak for themselves. Unquestionably the metal brokers referred to in these quotations, who have speculated, manipulated, propagandized, and otherwise have taken advantage of consumers, if these quotations are true, are seeking now to hold their dominating position in control of the total supply of antimony marketed in this country. It seems to us that such control certainly will not be in the interest of the consumers.

When we presented the case of antimony before the Ways and Means Committee in 1928, no opposition appeared. From that time on up to the present there has been no opposition of record, either before the Committee on Ways and Means or before the Finance Committee. No notice whatsoever was given us that the battery industry had any thought of opposing the proposed antimony duty.

With respect to our position on batteries, the following is quoted from the statement of our Mr. Herbert Wilson Smith before the Committee on Finance of the United States Senate in 1922:

"The storage-battery manufacturers will petition your committee for an increase in that rate to 40 per cent ad valorem, for the reason that with the duties provided on lead, which are no more than adequate to protect the lead industry—in fact they are not sufficient to protect it in the present status of business—the basic part of a storage battery could come into this country in the form of bus bars, which would bear, as a storage-battery part, a rate of 30 per cent ad valorem, which would be less than the duty on the same material if it were classified as pig lead.

"That is, this schedule offers opportunity not only for false entry and misrepresentation in importing by simply a slightly different description of two articles that are very similar, but it offers opportunity for bringing it in in that way and then marking it 'manufactures' of lead, which bear relatively a greater duty, and it puts the storage-battery manufacturers at a disadvantage which a rate of 40 per cent would take care of."

The position of the American Mining Congress as to the protection that should be afforded storage batteries has not changed. We believe that the 40 per cent ad valorem rate not only should be maintained in the present bill, but that it should be safeguarded against any possible loop holes in the automobile-parts schedule which might per-

mit entry of storage batteries and parts thereof at a lower rate because of a different classification. In our opinion this question is of such great importance that beside it the question of an increase of 2 cents per pound on antimony fades into insignificance.

We regret that there appears to exist a good deal of misunderstanding in connection with these matters, which has been fostered, no doubt, by reason of the fact that the information herein contained has not previously reached you. We have written you this frank letter that you may have a clear understanding of our connection with, and position in this matter, and in the hope that nothing will be done on the part of anyone that would create a situation that would result in misfortune possibly to both groups involved.

Very truly yours,

McKINLEY W. KRIEGH,
Mineral Tariffs Division.

GOLDFIELD, NEV., *February 11, 1930.*

Hon. T. H. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have received the extract from the CONGRESSIONAL RECORD containg the brief of Mr. H. P. Henderson on the subject of a tariff on antimony, referred to by you in the Senate on December 18 last.

I am taking the liberty herewith of informing you that I consider the data presented by Mr. Henderson in this brief is of considerable importance in considering the question of a duty on this metal, and I am entirely in accord with his views.

Certainly, I would like to see some protection afforded this industry, which I think might develop substantial proportions if it were fostered along the lines of some suitable tariff.

Very truly yours,

ARTHUR H. LAWRY.

Mr. BLEASE. Mr. President, if I understand the situation correctly, we have agreed to vote at 11 o'clock to-morrow on the reconsideration of the sugar schedule. If that is correct, I presume there will be no time for debate.

Mr. ODDIE. Mr. President——

Mr. BLEASE. I thought the Senator had yielded the floor?

Mr. ODDIE. I was hoping that we would have a vote on my amendment.

Mr. BLEASE. That is all right, so far as I am concerned.

The PRESIDING OFFICER. The Chair recognized the Senator from South Carolina.

Mr. WALSH of Massachusetts. I think the Senator from South Carolina should now have the floor.

Mr. BLEASE. I beg pardon; I thought the Senator from Nevada had yielded the floor.

Mr. ODDIE. I did not understand on what subject the Senator was speaking; I thought he was going to discuss the antimony amendment.

The PRESIDING OFFICER. The question therefore is on the amendment proposed by the Senator from Nevada.

Mr. WALSH of Massachusetts. The rate provided in the Senator's amendment, as I understand, is 4 cents.

Mr. ODDIE. Yes.

Mr. WALSH of Massachusetts. And the present rate is 2 cents. Therefore the Senator asks for an increase of 100 per cent on antimony that is not produced in this country.

Mr. ODDIE. But it will be produced in this country; it has been produced in considerable quantities in the past, and it can be produced again. The rate I propose would stabilize the price. It will be noticed that the letter I placed in the RECORD from the Edison Storage Battery Co. shows that a portion of the storage-battery industry does not oppose this amendment, because they prefer a stabilized price rather than a condition of extreme fluctuation, which is likely to occur at any time on account of the Chinese monopoly.

Mr. WALSH of Massachusetts. The motion of the Senator from New York, if adopted, would fix the rate at 2 cents.

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. I assume, of course, that the Senate will vote down the amendment offered by the Senator from Nevada.

Mr. COPELAND. Mr. President, a parliamentary inquiry. Should we not vote first on concurring in the amendment made as in Committee of the Whole, and then proceed to perfect the House language if the amendment made as in Committee of the Whole shall be rejected?

The PRESIDING OFFICER. The Chair is of the opinion that the first question to be voted on is the proposed amendment of the Senator from Nevada to the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, let us understand what the form of the motion is.

The PRESIDING OFFICER. Does the Senator request that the amendment be read?

Mr. COPELAND. I should like to know how the vote is to be taken.

Mr. WALSH of Massachusetts. A vote "aye" is for the rate and a vote "nay" is against the rate proposed by the Senator from Nevada.

Mr. McKELLAR. A vote "yea" is for the rate carried in the amendment of the Senator from Nevada.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. It is proposed to amend the amendment agreed to as in Committee of the Whole by striking out all of paragraph 376, and to insert in lieu thereof the following:

PAR. 376. Antimony, as regulus or metal, and the antimony content of alloys containing lead and more than 1 per cent of antimony (whether or not dutiable under par. 393), 4 cents per pound; needle or liquated antimony, one-fourth of 1 cent per pound.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada to the amendment made as in Committee of the Whole.

Mr. COUZENS. Mr. President, I think this is a much more important amendment than the Senate seems to consider it is, and if the 4-cent rate is likely to carry, I desire to suggest the absence of a quorum.

Mr. WALSH of Massachusetts. If it is not defeated on a viva voce vote, the Senator should have that right, but I think the amendment will be defeated.

Mr. COUZENS. Very well.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nevada to the amendment agreed to as in Committee of the Whole. [Putting the question.] The noes seem to have it.

Mr. ODDIE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. ODDIE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Jones	Shortridge
Baird	Frazier	Kean	Smoot
Barkley	George	Keyes	Stephens
Blaine	Glass	La Follette	Sullivan
Blease	Glenn	McKellar	Swanson
Borah	Goff	McMaster	Townsend
Bratton	Goldsborough	McNary	Trammell
Brookhart	Grundy	Norbeck	Vandenberg
Capper	Hale	Norris	Walsh, Mass
Connally	Harris	Nye	Walsh, Mont
Copeland	Harrison	Oddie	Waterman
Couzens	Hatfield	Phipps	Watson
Dale	Hebert	Pine	
Dill	Heflin	Pittman	
Fess	Johnson	Sheppard	

The VICE PRESIDENT. Fifty-seven Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from Nevada [putting the question] to the amendment adopted as in Committee of the Whole. The "noes" have it, and the amendment is rejected.

Mr. ODDIE. I ask for the yeas and nays.

The VICE PRESIDENT. The Chair has announced the results. The question now is on concurring in the amendment made as in Committee of the Whole [putting the question].

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Chair heard no one vote on the last question. The Chair will say to the Senator from Nevada that he announced the result on the other vote before the Senator demanded the yeas, and it is too late to call for the yeas and nays now. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.]

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Chair is in doubt. Those in favor of the amendment will stand and remain standing until counted.

Mr. WALSH of Massachusetts. Mr. President, will the Chair please state the question?

The VICE PRESIDENT. The Secretary will state the question.

The LEGISLATIVE CLERK. The Senate, as in Committee of the Whole, struck out lines 3 to 5, inclusive, on page 108, being paragraph 376, and inserted in lieu thereof a new paragraph, 376, to read as follows:

PAR. 376. (a) Antimony, as regulus or metal, of whatever grade, shall be subject to duty as follows:

4 cents per pound, if the price is not over 7 cents per pound;

3½ cents per pound, if the price is over 7 cents and not over 8 cents per pound;

3 cents per pound, if the price is over 8 cents and not over 9 cents per pound;

2½ cents per pound, if the price is over 9 cents and not over 10 cents per pound;

2 cents per pound, if the price is over 10 cents and not over 11 cents per pound;

1½ cents per pound, if the price is over 11 cents and not over 12 cents per pound;

1 cent per pound, if the price is over 12 cents and not over 13 cents per pound;

½ cent per pound, if the price is over 13 cents and not over 14 cents per pound;

If the price is over 14 cents per pound, such antimony shall be exempt from duty.

(b) For the purposes of subparagraph (a) "price" means the wholesale price (averaged for a period of one week) of ordinary brands (whether domestic or imported) in the New York market as shown by the last quotation (given in a recognized weekly trade journal to be designated from time to time by the Secretary of the Treasury) prior to the date of arrival of the imported antimony in the United States.

(c) Needle or liquated antimony, one-fourth of 1 cent per pound.

Mr. ODDIE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nevada will state his parliamentary inquiry.

Mr. ODDIE. I ask the Presiding Officer what has become of the amendment I submitted?

The VICE PRESIDENT. The amendment was rejected.

Mr. BARKLEY and Mr. ODDIE addressed the Chair.

The VICE PRESIDENT. The Senator from Kentucky.

Mr. BARKLEY. What is the rate which was stricken out as in Committee of the Whole for which the Senator from Nevada offers a substitute?

The VICE PRESIDENT. The Secretary will again state the amendment made as in Committee of the Whole.

The amendment was again stated.

Mr. BARKLEY. So that this sliding scale which went from a fraction of a cent up to 4 cents is a substitute for the 2-cent rate that was in the bill as passed by the House. That sliding scale is now in the bill.

The VICE PRESIDENT. That is the bill as agreed to as in Committee of the Whole.

Mr. ODDIE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. ODDIE. Is it in order to move to reconsider the vote by which my amendment was rejected?

The VICE PRESIDENT. The Senator may file a motion to reconsider it, if he so desires.

Mr. ODDIE. I file a motion to reconsider my amendment, Mr. President.

The VICE PRESIDENT. Does the Senator want it acted upon at this time?

Mr. ODDIE. I want action upon it at this time, and I ask for the yeas and nays.

Mr. HARRISON. Mr. President, the Senator voted in the negative, and consequently he can not make a motion to reconsider now.

Mr. ODDIE. I appeal to the Chair for the yeas and nays.

The VICE PRESIDENT. There was no yea-and-nay vote. The question is on reconsidering the vote by which the amendment proposed by the Senator from Nevada was rejected.

Mr. PITTMAN. On that I ask for the yeas and nays.

The VICE PRESIDENT. Is the demand seconded?

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada to the amendment made as in Committee of the Whole. [Putting the question.] The "noes" seem to have it. The "noes" have it.

Mr. ODDIE. A division, Mr. President.

The VICE PRESIDENT. Again the Senator is too late. The question now is upon concurring in the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, I want Senators to understand what is before us now. As in Committee of the Whole, it will be recalled, the Senate adopted the plan for a sliding scale. The House language provided a rate on antimony of 2 cents; so if we want a low rate we will vote "nay."

Mr. SMOOT. The Senate, as in Committee of the Whole, adopted a sliding scale under which the rate all depends upon the price. When antimony reaches a price of between 10 cents and 11 cents the rate is the same as under the existing law, and as the price goes higher the rate becomes lower, and when the price falls the rate goes higher.

Mr. WALSH of Massachusetts. A vote "nay" retains the rate in the present law; is that true?

Mr. SMOOT. Yes.

Mr. BARKLEY. I should like to ask whether, under the sliding scale, the average rate of duty in the amendment adopted in Committee of the Whole is higher than 3 cents?

Mr. SMOOT. This is the way to express it: The sliding scale is an increase in the rate of duty whenever the price is over 9 cents and not over 10 cents. Whenever it is over 10 cents and not over 11 cents it is a decrease.

Mr. BARKLEY. I am speaking about the average duty that the commodity will bear under the sliding scale. It seems to me that it is considerably more than 2 cents, the rate under the present law. That is what I am trying to ascertain.

Mr. SMOOT. The effect of these rates as applied to the imports of 1928, shown in a table which I have here, is to raise the average rate from 2 cents to 2.12 cents, and to raise the calculated revenue to $24,228.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. CONNALLY. The question now before the Senate is on concurring in the amendment adopted in Committee of the Whole?

The VICE PRESIDENT. It is.

Mr. CONNALLY. Would it not be in order for the Senator from Nevada to offer another amendment, so long as it did not exactly coincide with his own amendment?

The VICE PRESIDENT. That will be a question for the Senator himself to ask.

Mr. ODDIE. Mr. President, I did not hear the statement.

Mr. CONNALLY. Would it not be in order for any Senator to offer an amendment now?

The VICE PRESIDENT. The bill is before the Senate and open to amendment; certainly.

Mr. ODDIE. Mr. President, I offer my amendment in its original form.

The VICE PRESIDENT. That is not in order.

Mr. ODDIE. I offer the amendment as I introduced it originally, with the rate fixed at 4½ cents.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 382, aluminum foil: On page 110, line 6, the Senate, as in Committee of the Whole, in the case of aluminum foil less than 0.006 of 1 inch in thickness, struck out "40 per cent" and inserted "35 per cent," so that it will read:

Aluminum foil less than 0.006 of 1 inch in thickness, 35 per cent ad valorem, etc.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment reserved for a separate vote was paragraph 385, page 112, tinsel wire.

Mr. LA FOLLETTE. Mr. President, in Committee of the Whole the rates adopted in this paragraph were those of the act of 1913. The House of Representatives increased the duties above those of 1922. The Committee on Finance recommended that the duties in the existing law be adopted. There was no record vote upon the matter in Committee of the Whole and I was not present.

Since that action was taken I have made some investigation of this situation, and I find that a number of the manufacturers of these products who protested against any increase of duty in 1922 have since that time invested money and gone into the manufacture of these commodities, lame and lahn and tinsel wire. They maintain that to reduce these duties to the rates of 1913 would make it impossible for them to compete; and I am, therefore, hopeful that the action taken in Committee of the Whole will be rejected.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senate to the action that was taken by this body on these items.

The Senator from Wisconsin, I think, has stated the situation fairly well. In order that the Senate may know just what changes took place as a result of adopting the amendment offered by the Senator from Maryland [Mr. TYDINGS], I desire to place in the RECORD at this time a statement as to just what

changes that amendment meant. In other words, the Senator from Wisconsin is perfectly right when he said that the rate was less than that of the existing law.

Mr. LA FOLLETTE. No; I said that it was the rate of the act of 1913.

Mr. SMOOT. The amendment that was agreed to is even less than the rate of the act of 1922, the present law.

Mr. LA FOLLETTE. The amendment agreed to in Committee of the Whole embodied the rates existing in 1913.

Mr. SMOOT. In 1913; yes.

In the act of 1922 the rate on tinsel wire was 6 cents a pound. The Senate agreed to 6 cents a pound. On lame and lahn the rate was 6 cents a pound, and that was agreed to in Committee of the Whole. The rate on bullion and metal threads was 6 cents a pound and 45 per cent ad valorem, and the Senate voted 6 cents a pound and 20 per cent ad valorem. On the belting, and so forth, tinsel wire, the rate in the 1913 act was 40 per cent, and the Senate reduced that to 30 per cent, or 10 per cent lower than the act of 1913. The rate on toy tinsels, and so forth, in the act of 1913 was reduced by the Senate, which provided a rate of 70 per cent. The rate on woven fabrics, ribbons, and fringes was 40 per cent, and the Senate reduced it to the rate of the act of 1913.

That is the action of the Senate. Now, as I understand, the Senator from Wisconsin desires to reject the amendment offered by the Senator from Maryland [Mr. TYDINGS] and adopt the rates reported by the committee.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, what happened was this: In the Committee of the Whole the RECORD shows that first the committee amendments were agreed to.

Mr. SMOOT. Yes; that is right.

Mr. LA FOLLETTE. Then the ad valorem duties were stricken out. Now I am advised that if we disagree to the action taken in Committee of the Whole it will result in incorporating as the action of the Senate the amendments recommended by the Finance Committee.

Mr. SMOOT. That is as I understand the situation, and I think I so stated.

Mr. FLETCHER. Mr. President, if we disagree to the action approving of the Finance Committee's report, how are we then going to agree to it?

Mr. SMOOT. I am speaking of disagreeing to the amendment of the Senator from Maryland [Mr. TYDINGS].

Mr. FLETCHER. I understood the Senator from Wisconsin to say that we first agreed in Committee of the Whole to the amendments proposed by the committee.

Mr. SMOOT. It does not make a particle of difference whether we do it that way or the other way. The result of the action the Senator asks will be to agree to the rates as reported by the committee.

Mr. FLETCHER. And not the rates in the House bill?

Mr. SMOOT. And not the rates as voted for in the amendment offered by the Senator from Maryland.

Mr. FLETCHER. The point I am making is: If we disagree to the action of the Committee of the Whole and agree to the amendments proposed by the committee, then we go back to the House bill, do we not?

Mr. SMOOT. No; that would destroy the House text.

Mr. FLETCHER. No.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. If I may direct the attention of the Chair to the language on page 111, line 25, the first committee amendment begins there, where "20 per cent" was stricken out and "10 per cent ad valorem" was agreed to. Then on line 3, page 112, "30 per cent" was stricken out and "20 per cent" was agreed to; and on line 6, "45 per cent" was stricken out and "35 per cent" agreed to.

The VICE PRESIDENT. The Chair is advised that the Senator's statement with regard to the amendment on line 3 is not correct. Let us verify that.

Mr. FLETCHER. That is the amendment changing "30" to "20."

Mr. SMOOT. Mr. President, I ask unanimous consent that the vote be taken on all of the amendments reported by the Finance Committee, as a substitute for the amendment offered in Committee of the Whole.

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. May I understand the request? If, then, the vote is to disagree to the committee amendments we come back to the House bill; do we not?

Mr. SMOOT. No; we come back to the amendments made in Committee of the Whole.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none. The question is on the committee amendments en bloc.

The amendments were agreed to.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

Mr. COPELAND. Mr. President, the Senator will recall that a few minutes ago I suggested inserting in paragraph 369 (c), page 104, before the numerals "25," in line 19, the words "not specially provided for."

Mr. SMOOT. They ought to go in, because of the fact that the preceding paragraph says, "not otherwise provided for." Therefore, it should go in this one.

The VICE PRESIDENT. Is there objection to returning to that section? The Chair hears none. The Senator offers an amendment which will be stated.

Mr. COPELAND. I move that before the numerals "25," on line 19, page 104, the words "not specially provided for" be inserted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment made in Committee of the Whole, as amended, was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 394, zinc ores: On page 115 the Senate, as in Committee of the Whole, struck out lines 1 to 7, inclusive, down through the word "therein," in line 8, and inserted:

PAR. 394. Zinc-bearing ores of all kinds, except——

Mr. COPELAND. Mr. President, I withdraw my request for a separate vote.

The VICE PRESIDENT. The question is on concurring in the amendment made as in the Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The next amendment reserved for a separate vote will be stated.

The LEGISLATIVE CLERK. Paragraph 401, maple and birch lumber: On page 117, strike out lines 19 to 23, inclusive, and on page 18 strike out lines 1 to 8.

Mr. VANDENBERG. Mr. President, I move to amend the committee amendment by inserting 8 per cent ad valorem in place of 15 per cent ad valorem.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Michigan moves, on page 118, line 7, to strike out "15 per cent ad valorem" and insert in lieu thereof "8 per cent ad valorem," so as to read:

PAR. 401. Maple (except Japanese maple), birch, and beech: Flooring, 8 per cent ad valorem.

Mr. SMOOT. That was transferred from the free list, was it not?

Mr. VANDENBERG. It was reserved in paragraph 401.

Mr. SMOOT. I just wanted to get the history of it. As I remember, it was transferred by the House from the free list to bear a rate of 15 per cent.

Mr. VANDENBERG. That is correct.

Mr. SMOOT. What the Senator now desires is to strike out "15 per cent" and insert "8 per cent"?

Mr. VANDENBERG. Yes.

Mr. WALSH of Massachusetts. Mr. President, this subject was debated at length in the Senate on November 14, 1929. The question then was whether or not this flooring should be kept upon the free list or whether the committee amendment favoring a duty of 15 per cent should be approved by the Senate. After an extended debate the Senate, by a vote of 38 to 35, decided to keep this flooring on the free list, where it now is.

The facts presented at that time showed that there is a tremendous amount of hardwood lumber, including flooring, produced in this country, some 6,000,000,000 feet. The total production in Canada, from which most of our imports come, is only 150,159,000 feet. We export to Canada very much more hardwood lumber than they export to this country.

The total production of all hardwood lumber in Canada is insignificant, 150,000,000 feet. The total importations of hardwood flooring from Canada into this country are not sufficient to use in the construction of three or four large office buildings. Canada purchases from us a great deal more of the hardwoods than we import.

The only reason the committee gave for putting a duty upon this kind of flooring when imported from Canada was that

Canada places a duty of 25 per cent upon flooring from this country when imported into Canada. That was practically the only reason given.

I am not going to reargue the case. The importations are insignificant, less than 1 per cent, and the hardwood business is a tremendous business in this country.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield to the Senator from Texas.

Mr. CONNALLY. Is there any more reason for putting a duty on this character of lumber than on other lumber, which has been kept on the free list?

Mr. WALSH of Massachusetts. I do not think so. I suppose there is a little more labor involved in making flooring than in making the ordinary lumber that is used in building.

Mr. CONNALLY. On the other hand, the ordinary pine lumber is the kind consumed more generally by the public, and the hardwood is more in the nature of a luxury, is it not?

Mr. WALSH of Massachusetts. Absolutely. That is quite so. The whole matter was debated so extensively, and at such length, that I do not care to go into it any further. The issue is somewhat different now. The question then was whether the duty would be 15 per cent or this flooring should be put upon the free list. Now, the issue is whether the rate shall be 8 per cent, or the article shall be kept upon the free list.

I shall be content with having a roll call, so that the Senate may go on record and declare what duty it sees fit to levy, if it sees fit to make any change in the present law.

Mr. VANDENBERG. Mr. President, I think the situation is different in some other respects than merely the difference indicated by my able friend from Massachusetts, because I think a subsequent analysis of the figures which the Senator himself has resubmitted to-night indicates that they led the Senate to a totally erroneous conclusion.

The small amount of imports was stressed then as proof, and is again stressed to-night as proof, that the industry is not languishing as a result of foreign competition. It was charged that less than 2,000,000 feet of maple, beech, and birch flooring is imported annually. That confusion is due to the fact that much imported flooring is classified as lumber and imported as such. Both being duty free, the confusion is easy, and inasmuch as the Canadian manufacturer of flooring has been afraid of a tariff for many years, he naturally is interested in encouraging confusion in classifications if he can do so.

Let us see whether or not there has been confusion.

Mr. WALSH of Massachusetts. I used no such figures.

Mr. VANDENBERG. I am using the figures from the debate upon which the Senate made its original decision.

Mr. WALSH of Massachusetts. My statement, as I read it from page 5538 of the RECORD, was as follows:

> Mr. President, I have figures which would include hardwood flooring, but not figures as to hardwood flooring separately. The imports from Canada in 1927 of all hardwood lumber, which includes flooring, were only 69,000,000 feet. In 1928 they had shrunk to 52,000,000 feet. This was against a domestic production of 6,000,000,000 feet.

That was my statement on November 14 last.

Mr. VANDENBERG. Let me proceed now. The official figures given upon this particular type of flooring were 2,000,000 feet, whereas in October, 1925, at a Treasury Department hearing under the dumping act, Canadian witnesses themselves testified under oath that seven manufacturers had shipped over 7,000,000 feet of this particular type of flooring into the United States in the year preceding. That covers, I will say to my friend from Indiana, the three types of flooring which are mentioned in this amendment.

On the other hand, it is argued that we are large exporters of flooring to Canada, and that therefore, a domestic duty is not warranted.

Mr. WALSH of Massachusetts. I did not argue that. I argued that there were large exports of hardwood lumber, but not of flooring.

Mr. VANDENBERG. Precisely, and this type of flooring suffered under the same general type of argument, and that is what I am complaining against.

I want to point out that the trouble is that the flooring statistics are not subdivided. It is oak flooring we export to Canada, and it is oak flooring almost exclusively, because oak is a wood that does not grow in Canada. The oak-flooring manufacturers of the United States are not asking for any tariff. Almost no maple, birch, and beech flooring, however, is exported to Canada, less than 100,000 feet having been exported in 1928.

Therefore, I submit that the Senate drew erroneous conclusions from the general statistical information, which when subdivided and analyzed, creates a totally different picture.

Mr. President, no man can deny that this particular industry is in the doldrums. The evidence is available upon every hand. For many years heavy losses have been incurred in the domestic industry. There have been many failures. There will be many more failures.

Mr. WATSON. Mr. President, is that the cause of excessive importations?

Mr. VANDENBERG. It is precisely and particularly because of increased imports, because in each instance, almost, the domestic manufacturer who finds his market taken away from him can identify the Canadian product that has driven him out of his market.

Mr. WATSON. Mr. President, I want to ask another question for information, if the Senator will yield again.

Mr. VANDENBERG. I will be glad to give the information if I can.

Mr. WATSON. Then, if the facts be as stated by the Senator, why does the Senator want to reduce the rate from 15 per cent to 8 per cent?

Mr. VANDENBERG. The Senator from Michigan would be delighted to maintain the rate at 15 per cent, but there apparently was not a majority of Senators in the body who were willing to provide a rate of 15 per cent. I have been advised that some of those who opposed a 15 per cent rate are willing to concede that an 8 per cent rate is eligible and is warranted, and that is the reason why the 8 per cent rate is now proposed.

Mr. President, I have made a very careful analysis of the conditions of the various plants around the country. I am not going to take the Senate's time to read the exhibits, but I will ask that the telegrams I have received be printed in the RECORD.

Here is the testimony from 97 per cent of the total production of this type of hardwood flooring in the United States, and the unanimous testimony is that labor is out of employment, that the plants are substantially shutdown, that production is at low ebb, the minimum over a long period of years, and that there is absolutely no possibility of resuscitation except as this protection is provided.

Canada protects her operation against us. We are simply asking for a modest measure of protection against Canada.

The situation as disclosed, I repeat—and I could present the evidence for an hour—is incontrovertibly this: That Canadian competition is shutting down the American hardwood-flooring mills and it is hoped that this rate will keep them open.

Mr. WATSON. Mr. President, what is the Canadian rate against our exports of similar products?

Mr. VANDENBERG. Twenty-five per cent. I want to emphasize, in conclusion, that it is not a raw product; this is a manufactured product, and it is as such that he begs this consideration from the Senate.

I ask that the telegrams to which I have referred be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1930.

Copies of telegrams from manufacturers of maple, beech, and birch flooring stating conditions of industry and demand for tariff.

Telegrams represent about 97 per cent of the total production, using Tariff Commission estimate of total as a guide.

CADILLAC, MICH., *February 3, 1930.*

Our combined average annual sales of maple, beech, and birch flooring for 10 years ended 1926 were 17,100,000 feet. Our combined sales for 1927 were 14,300,000. For 1928, 8,600,000. For 1929, 7,300,000. Mitchell Bros. manufacturing no flooring this winter. Cobbs & Mitchell plant idle from May to December, operated December and January, and now shutting down indefinitely. Eastern States are our largest market, where, due primarily to Canadian competition, our volume has been materially reduced and prices have been depressed until it became impossible to operate normally without actual loss in the turnover.

COBBS & MITCHELL (INC.).
MITCHELL BROS. CO.

TUPPER LAKE, N. Y., *February 7, 1930.*

We have just to-day wired our New York Senators our exact flooring situation, namely, this year we have sold part and are arranging to sell all of our rough-flooring stocks in beech and birch lumber, thereby closing our flooring mill, with consequent loss of employment by operators of over four months' continuous labor, 1930. Unless protection by tariff afforded doubtful if plant will operate at all this coming year.

OVAL WOOD DISH CORPORATION.

MEMPHIS, TENN., *February 6, 1930.*

Sincerely hope you are successful in getting our legislators to see the necessity of a tariff on maple, beech, and birch flooring. United States manufacturers of these items are practically excluded from Canadian market, yet Canadian manufacturers with lower cost can undersell us without restriction. If ever a tariff was indicated it is here as protection to American industry and, particularly, American labor in this industry.

E. L. BRUCE CO.,
C. ARTHUR BRUCE, *Vice President.*

CINCINNATI, OHIO, *February 6, 1930.*

Present conditions of our maple-flooring business emphasize necessity for tariff protection. Permanent prosperity can not be had without it.

M. B. FARRIN LUMBER CO.

GRAND RAPIDS, MICH., *January 30, 1930.*

As you know, conditions in maple, birch, and beech flooring industry have been such that we were forced to suspend our manufacture here until could see possibility of at least breaking even. A large part of our business has been in eastern territory, and the most serious angle of competition in this field, as you know, is Canadian competition. Trust that relief can be afforded through provision of duty asked for in new tariff.

NICHOLS & COX LUMBER CO.

CHICAGO, ILL., *January 29, 1930.*

We sincerely hope that the tariff bill about to be passed will include adequate protection for maple, beech, and birch flooring. Such assistance is badly needed. Our plant is running two of three machines and only 40 hours per week. We anticipate closing entirely by March. Please use your best efforts.

WARD BROS.,
Big Rapids, Mich.

HERMANSVILLE, MICH., *January 28, 1930.*

We can not meet Canadian competition on birch flooring and will be compelled to cease its manufacture after 40 years of birch-flooring production unless afforded prompt relief by tariff enactment.

WISCONSIN LAND & LUMBER CO.

BAY CITY, MICH., *January 28, 1930.*

We believe Congress should provide the same tariff protection to manufacturers hardwood flooring in this country as Canada, our only competitor, imposes for benefit her manufacturers in similar industries.

KNEELAND BIGELOW CO.

GRAND RAPIDS, MICH., *January 28, 1930.*

Impress upon Finance Committee the necessity of at least 15 per cent ad valorem import duty on maple, birch, and beech flooring. For the few past years manufacturers have produced only about 50 per cent of normal capacity. Operators are not receiving sufficient profit to continue, as at present. Our manufacturers can easily produce more flooring than is consumed in the United States; besides, our Government has lost large sums of money account of operators not receiving a legitimate profit on their investment. We can not urge too strongly the necessity of bringing about an important duty on maple, beech, and birch flooring.

GRAND RAPIDS TRUST CO.
(Receiver for William Horner).

BLUE CADILLAC, MICH., *January 30, 1930.*

Our maple flooring industry is being seriously injured by competition in our natural markets, particularly noticable in New England States. We have no access to Canadian markets on account of existing duty, and we must have equal protection if the merchant flooring plants in lower Michigan are to survive.

CUMMER DIGGINS.

MENOMINEE, MICH., *January 30, 1930.*

Positively essential that we have duty on maple flooring as recommended in the House bill. Have not shipped one car into eastern market in three months. Canadians selling all being used at this time. Running two machines eight hours, about 50 per cent. Warehouse jammed.

WELLS LUMBER CO.

WELLS, MICH., *January 28, 1930.*

Senatorial action voting 38 to 35 against granting 15 per cent tariff on maple, birch, and beech flooring indicates considerable number Senators not adequately informed of manufacturers' plight. Hope you will show how imperative this protection to enable us to continue operations. Our New England representative advises can not get business account Canadian competition, even on basis prices spelling ruin for us.

I. STEPHENSON CO. TRUSTEES.

GRAYLING, MICH., *January 28, 1930.*

Canadian flooring gives us considerable competition in the New England area because of its ability to enter this country duty free. Yet with similar market lying almost at our door in the territory lying directly across the river from Detroit we are handicapped immensely by the tariff Canada imposes on our product. We would like very much to see this situation equalized.

KERRY & HANSON FLOORING CO.

CHICAGO, ILL., *January 27, 1930.*

Need for including in tariff act a duty on maple, birch, and beech flooring coming into United States is urgent and vital to American manufacturers. For some years prior to last October American plants couldn't operate over 60 per cent capacity account the shrinking demand resulting from inroads of substitutes, this shrinkage being further increased by Canadian flooring importations. Since last October American plants have had to further curtail production one-third, entailing increased cost of production and hardship to employees losing time. Our own plant since last October has had to curtail 35 to 40 per cent, and loss to our employees is serious. Tariff will help restore flooring business, also employment.

NORTHWESTERN COOPERAGE & LUMBER CO.,
Gladstone, Mich.

OCONTO, WIS., *January 30, 1930.*

We strongly urge you to call attention Senators BLAINE and LA FOLLETTE, of Wisconsin, to need of tariff on Canadian flooring. Canadian competition hurting our business seriously, particularly in eastern markets. Plants only operating 32 hours per week, affecting directly over 100 men and indirectly an additional 125 to 150 men. Account close vote in Senate on this question believe our Wisconsin Senators can aid situation materially, which should be very beneficial to business, therefore directly to employees.

HOLT HARDWOOD CO.

MARINETTE, WIS., *January 30, 1930.*

Our Wisconsin and Michigan manufacturers vitally interested having tariff placed hardwood flooring. Situation our industry critical. Meetings manufacturers Chicago and Milwaukee this week developed Canada is taking hardwood flooring business in New England and Eastern States account lower freight rates, and duty is needed for our protection. We can not ship our flooring to near-by Canadian territory on account of their 25 per cent duty. Necessity this duty so evident none of us can understand why it failed, and every possible effort should be put forth to have it replaced. If anything can be done here wire fully.

SAWYER GOODMAN CO.

MELLEN, WIS.

Our New England representative advises unable to send us flooring orders account Canadian competition. Therefore hope Senate will place maple, beech, and birch flooring on dutiable list to assist us dispose of our flooring. Further, Canada imposes duty on our flooring, and in interest of fairness, we should impose duty on Canadian flooring.

FOSTER LATIMER LUMBER CO.

RHINELANDER, WIS., *January 28, 1930.*

Relative tariff covering maple, beech, and birch flooring. We urge that every effort be used to prevail upon Congress and Senators to enact bill providing a minimum of 15 per cent ad valorem duty. According authoritative information about 70 per cent maple and birch flooring orders in New York and New England territories now being placed with Canadian mills. We can not meet their competition, with result our domestic flooring is piling up in warehouses forcing us to curtail production. You know three mills went bankrupt within last two years. Some are shut down for indefinite period. The East is largest market, and if lost to Canadian flooring there will be other mills going bankrupt, or will be obliged to discontinue operations under present conditions. It is imperative we have a protective tariff covering our commodity. Canada exacts a duty of 25 per cent on our finished products. Why should we not protect our markets by exacting a duty on their products, and thereby help our American industries? We look to you to prevail and fight.

ROBBINS FLOORING CO.

GLIDDEN, WIS., *January 28, 1930.*

Narrowing maple, birch, and beech flooring markets particularly in eastern territory due to Canadian duty-free flooring causing great loss to manufacturers and labor. Strongly urge import duty as necessary to permit established mills with large investment in stumpage and plants to operate on equal basis.

SOO LUMBER CO.

LACONIA, N. Y.

Just learned your Washington address, and wish to remind you we most urgently support tariff in maple, birch, and beech flooring. Lost excellent order last week in Vermont to Canadian mill, their price $5.50

under ours. They seem able to continually undersell, especially in that section, and frequently nearer us. We were quoted recently by Canadian mill lower prices than we can afford to sell at with 5 per cent commission deductible. So you see why we still feel a tariff is essential if we continue in the flooring business.

THE BLOUNT LUMBER CO.

CONIFER, N. Y., *February 2, 1930.*

The future of maple, beech, and birch flooring industry in this county, in my judgment, depends on the securing of a protective tariff against Canadian imports. I urge that everything possible be done to secure such legislation. Canada 25 per cent ad valorem against us should answer any opposition.

EMPORIUM FORESTRY CO.

CHICAGO, ILL., *January 28, 1930.*

We consider tariff on maple, beech, and birch flooring most essential to the prosperity of the industry.

HERMAN H. HETTLER LUMBER CO.

CHICAGO, ILL., *February 12, 1930.*

We feel that it is imperative that a protection tariff be enacted on maple and birch flooring. Some mills now shut down with employees thrown out of work, other mills running on much-reduced schedules.

BROWN DIMENSION CO.,
Manistique, Mich.

BLACKWELL, WIS., *February 12, 1930.*

This company is dependent on eastern markets for maple and birch flooring in order to have reasonable continuous sales through wide distribution. Business particularly in New England can be booked only at ruinous prices account competition Canadian flooring.

FLANNER CO.

CHICAGO, ILL., *February 8, 1930.*

Large inventory of maple flooring forcing curtailment compelled us to lay off 18 men, looking forward to complete shutdown when weather moderates; our shipments to New York have been nothing, have refused to meet Canadian competition. Tariff would bring some relief in that territory. Writing Senators DENEEN and GLENN.

NORTH BRANCH FLOORING CO.

MILWAUKEE, WIS., *February 10, 1930.*

Consider tariff necessary to stabilize the American maple flooring industry.

AUGUST C. BECK CO.

JANUARY 11, 1930.

The Acer Lumber Co., Woodsville, N. H., manufactured maple, beech, and birch flooring. This company was placed in the hands of a trustee in January, 1927, this action having been made necessary due to impossibility of competing with Canadian manufacturers shipping into our natural markets in the New England States. Approximately 100 men were thrown out of work, and the small community where the plant was situated is extremely anxious for this plant to again commence operations so that these people may again be employed in the flooring plant.

ACER LUMBER CO.,
By CHARLES H. GRANT,
Former President.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan.

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. I just came into the Chamber. May the amendment be stated?

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Michigan [Mr. VANDENBERG] offers the following amendment: On page 118, line 7, insert the following:

PAR. 401. Maple (except Japanese maple), birch, and beech flooring, 8 per cent ad valorem.

Mr. WALSH of Montana. Can the Chair advise us what action was taken by the Senate as in Committee of the Whole?

The VICE PRESIDENT. The articles were placed upon the free list in Committee of the Whole. The clerk will continue the calling of the roll.

The legislative clerk resumed the call of the roll.

Mr. GLASS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I am informed by the pair clerk that there is no available transfer, and I therefore withhold my vote.

The roll call was concluded.

Mr. BRATTON (after having voted in the negative). I have a general pair with the junior Senator from Oregon [Mr. STEIWER], which I transfer to the senior Senator from Missouri [Mr. HAWES], and will allow my vote to stand.

Mr. STECK (after having voted in the negative). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], which I transfer to the senior Senator from Nevada [Mr. PITTMAN], and let my vote stand.

Mr. BLEASE (after having voted in the negative). I have a pair with the junior Senator from Missouri [Mr. PATTERSON]. In his absence, I withdraw my vote.

Mr. FESS. I wish to announce the following pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Montana [Mr. WHEELER];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Kentucky [Mr. ROBSION] with the Senator from New York [Mr. WAGNER];

The Senator from Louisiana [Mr. RANSDELL] with the Senator from Nebraska [Mr. HOWELL]; and

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK].

The result was announced—yeas 33, nays 30, as follows:

YEAS—33

Baird	Glenn	Jones	Shortridge
Blaine	Goff	Kean	Smoot
Brookhart	Goldsborough	Keyes	Thomas, Idaho
Broussard	Grundy	La Follette	Townsend
Copeland	Hale	McCulloch	Vandenberg
Couzens	Hastings	McNary	Waterman
Dale	Hatfield	Metcalf	
Dill	Hebert	Oddie	
Fess	Johnson	Phipps	

NAYS—30

Allen	Frazier	Norbeck	Swanson
Ashurst	George	Norris	Thomas, Okla.
Barkley	Harris	Pine	Trammell
Black	Harrison	Robinson, Ind.	Tydings
Borah	Hayden	Schall	Walsh, Mass.
Bratton	Heflin	Sheppard	Walsh, Mont.
Capper	McKellar	Steck	
Connally	McMaster	Stephens	

NOT VOTING—33

Bingham	Gould	Patterson	Steiwer
Blease	Greene	Pittman	Sullivan
Brock	Hawes	Ransdell	Wagner
Caraway	Howell	Reed	Walcott
Cutting	Kendrick	Robinson, Ark.	Watson
Deneen	King	Robsion, Ky.	Wheeler
Fletcher	Moses	Shipstead	
Gillett	Nye	Simmons	
Glass	Overman	Smith	

So Mr. VANDENBERG's amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

Mr. NORRIS. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. BRATTON (when his name was called). Making the same announcement as I made on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. WATSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WATSON. I ask the Vice President if I am right in my conjecture, because there is so very much confusion as to the question upon which we are voting. Am I right in saying that the commodities were on the free list until the motion of the Senator from Michigan [Mr. VANDENBERG] was agreed to, and that then by the adoption of that amendment maple, birch, and beech were placed on the dutiable list at 8 per cent—that is, 8 per cent was inserted in lieu of 15 per cent—and in order

to have the 8 per cent duty agreed to we must vote "yea" and if we do not want it agreed to we must vote "nay"?

The VICE PRESIDENT. The question is on concurring in the amendment made in Committee of the Whole as amended, which strikes out the paragraph as amended on the motion of the Senator from Michigan [Mr. VANDENBERG] and puts the articles on the free list. A vote "yea" is to put maple, birch, and beech, flooring on the free list. A vote "nay" is to put those articles on the dutiable list at 8 per cent ad valorem.

Mr. WALSH of Montana. Mr. President, I did not hear the last part of the statement of the Vice President.

The VICE PRESIDENT. The Chair stated that the question was upon concurring in the amendment made in Committee of the Whole, as amended by the amendment of the Senator from Michigan, and if the amendment made, as in Committee of the Whole, as amended, is concurred in it places those articles on the free list; if not concurred in, they are dutiable at 8 per cent ad valorem.

Mr. WATSON. Mr. President, I ask unanimous consent that the roll call, as far as it has been taken, may be abrogated and that the roll be called from the beginning. There was so much confusion it was impossible to know on what we were voting.

Mr. NORRIS. Senators who voted under a misapprehension can change their votes if they wish.

Mr. DILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DILL. I for one am just as much confused now as I was before the questions were asked. I would like to know what the situation is. If a Senator desires to vote for an 8 per cent duty should he vote "yea" or "nay"?

The VICE PRESIDENT. He should vote "nay."

Mr. NORRIS. If he wants to put the commodities on the free list he should vote "yea"?

The VICE PRESIDENT. The Senator is correct. The clerk will continue the calling of the roll.

The legislative clerk resumed the call of the roll.

Mr. GLASS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. BINGHAM] and therefore withhold my vote. If permitted to vote, I would vote "yea."

Mr. STECK (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON (when his name was called). I am unable to secure a transfer of my pair with the senior Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

The roll call was concluded.

Mr. WALSH of Massachusetts. Mr. President, may I inquire how the senior Senator from Arizona [Mr. ASHURST] is recorded?

The VICE PRESIDENT. He is recorded as voting in the negative.

Mr. WALSH of Massachusetts. In his absence I ask unanimous consent that he may be recorded in the affirmative, as he so intended to vote. He having left the Chamber, I ask it in his behalf.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FESS. I wish to announce the following pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Montana [Mr. WHEELER];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Kentucky [Mr. ROBSION] with the Senator from New York [Mr. WAGNER];

The Senator from Nebraska [Mr. HOWELL] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK].

The result was announced—yeas 31, nays 33, as follows:

YEAS—31

Allen	Fletcher	McMaster	Stephens
Ashurst	Frazier	Norbeck	Swanson
Barkley	George	Norris	Thomas, Okla.
Black	Harris	Nye	Trammell
Borah	Harrison	Pine	Tydings
Bratton	Hayden	Schall	Walsh, Mass.
Capper	Heflin	Sheppard	Walsh, Mont.
Connally	McKellar	Steck	

NAYS—33

Baird	Glenn	Jones	Shortridge
Blaine	Goff	Kean	Smoot
Brookhart	Goldsborough	Keyes	Thomas, Idaho
Broussard	Grundy	La Follette	Townsend
Copeland	Hale	McCulloch	Vandenberg
Couzens	Hastings	McNary	Waterman
Dale	Hatfield	Metcalf	
Dill	Hebert	Oddie	
Fess	Johnson	Phipps	

NOT VOTING—32

Bingham	Gould	Patterson	Simmons
Blease	Greene	Pittman	Smith
Brock	Hawes	Ransdell	Steiwer
Caraway	Howell	Reed	Sullivan
Cutting	Kendrick	Robinson, Ark.	Wagner
Deneen	King	Robinson, Ind.	Walcott
Gillett	Moses	Robsion, Ky.	Watson
Glass	Overman	Shipstead	Wheeler

So the amendment made as in Committee of the Whole was nonconcurred in.

Mr. WALSH of Montana. Mr. President, I want to inquire now if the action taken operates to amend the House text so as to impose a duty of 8 per cent on these items?

The VICE PRESIDENT. It leaves them dutiable at 8 per cent.

Mr. WALSH of Montana. That seems strange, for we have never taken any vote that that shall be the rate. We have rejected the action taken by the Senate as in Committee of the Whole.

The VICE PRESIDENT. The vote was in the affirmative on amending the amendment as in Committee of the Whole to provide a rate of 8 per cent.

Mr. WALSH of Montana. What bothers me is how we can adopt any kind of an amendment by a negative vote.

The VICE PRESIDENT. The question was on concurring, and the Senate refused to concur in the amendment made as in Committee of the Whole. That left the amendment as amended standing, which provided for a duty of 8 per cent. That was adopted by an affirmative vote.

Mr. WALSH of Montana. I ask unanimous consent that there may be incorporated in the RECORD the vote taken as in Committee of the Whole by which these items were placed upon the free list.

The VICE PRESIDENT. Without objection, it is so ordered. The vote referred to is as follows:

Mr. WALSH of Massachusetts. I now move to strike out all of paragraph 402 as amended.

Mr. HALE. On that I ask for a division.

Mr. NORRIS and Mr. MCKELLAR called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HALE (when Mr. GOULD's name was called). My colleague the junior Senator from Maine [Mr. GOULD] has been called home on account of illness in his family. If he were present, on this question he would vote "nay."

Mr. SCHALL (when Mr. PITTMAN's name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is ill.

The roll call was concluded.

Mr. BINGHAM (after having voted in the negative). I have a pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Maine [Mr. GOULD] and allow my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Ohio [Mr. MCCULLOCH] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Vermont [Mr. DALE] with the Senator from Montana [Mr. WALSH]; and

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. OVERMAN].

Mr. SHEPPARD. I desire to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Montana [Mr. WALSH], the Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. GLASS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Mississippi [Mr. HARRISON] are necessarily detained from the Senate on official business.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is detained on official business.

The result was announced—yeas 38, nays 35, as follows:

Yeas—38: Messrs. Allen, Barkley, Black, Borah, Bratton, Brock, Brookhart, Capper, Connally, Copeland, Cutting, Fletcher, Frazier, George, Harris, Hawes, Hayden, Heflin, Howell, La Follette, McKellar, McMaster, Norbeck, Norris, Nye, Schall, Sheppard, Simmons, Smith,

Steck, Stephens, Swanson, Thomas of Oklahoma, Trammell, Tydings, Wagner, Walsh of Massachusetts, Wheeler.

Nays—35: Messrs. Bingham, Blease, Broussard, Couzens, Deneen, Dill, Edge, Fess, Gillett, Glenn, Goff, Greene, Hale, Hastings, Hatfield, Hebert, Johnson, Jones, Kean, Kendrick, Keyes, McNary, Moses, Oddie, Patterson, Phipps, Reed, Shortridge, Smoot, Steiwer, Thomas of Idaho, Townsend, Vandenberg, Walcott, Waterman.

Not voting—22: Messrs. Ashurst, Blaine, Caraway, Dale, Glass, Goldsborough, Gould, Harrison, King, McCulloch, Metcalf, Overman, Pine, Pittman, Ransdell, Robinson of Arkansas, Robinson of Indiana, Sackett, Shipstead, Walsh of Montana, Warren, Watson.

So the amendment of Mr. WALSH of Massachusetts was agreed to.

Mr. SWANSON. Mr. President, the situation is precisely similar to those we have had heretofore. When a vote is taken on a motion to concur in an amendment made as in Committee of the Whole the rule specifically says that in the Senate the matter shall be treated precisely as it was as in the Committee of the Whole. What was the situation as in the Committee of the Whole? The Finance Committee had reported a rate of 15 per cent on the lumber covered by the paragraph. The Senate, as in Committee of the Whole, voted to strike out the rate and to put lumber on the free list.

Now the bill is in the Senate, and under the rule we vote precisely as we voted as in Committee of the Whole. Before the text is stricken out, the universal rule is that there is a right to perfect it. A motion was made in the Senate, which it was proper to make; and it should be considered in the Senate precisely as is made as in the Committee of the Whole to strike out "15" and insert "8." As I understand, the Senate agreed to that. The question then recurred:

Shall the amendment made as in Committee of the Whole to put the item on the free list as against 8 instead of 15 per cent be concurred in, the Senate having adopted the 8-cent rate instead of the 15-cent rate. I voted "yea" to strike the commodity off the dutiable list and put it on the free list. A vote "nay" was to let the amendment stay in as amended in the Senate.

Mr. SMOOT. That is correct.

The VICE PRESIDENT. The Secretary will report the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 403, page 118, the Senate, as in Committee of the Whole, struck out lines 18 to 20, down to the word "timber," and inserted:

And Japanese maple: In the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring.

Mr. COPELAND. Mr. President, I send forward an amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of paragraph 403 the Senator from New York proposes to insert:

PAR. 403. Cedar commercially known as Spanish cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all tropical cabinet woods (except teak), Japanese white oak, and Japanese maple: In the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring, 15 per cent ad valorem; any of the foregoing, except French walnut and ash, in the form of veneer, 40 per cent ad valorem.

Mr. COPELAND. The purpose of this amendment, Mr. President——

The VICE PRESIDENT. The proposed amendment is not in order at this time. It will be in order when individual amendments shall have been reached.

Mr. COPELAND. Very well.

The VICE PRESIDENT. The question is on concurring in the amendment in paragraph 403, page 118, beginning in line 18.

The amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. On page 118, paragraph 404, veneers of wood, in line 25, after the words "ad valorem," the Senate, as in Committee of the Whole, inserted the following:

And in addition thereto on birch and alder plywood, 10 per cent ad valorem.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] The noes seem to have it.

Mr. VANDENBERG. I ask for a division.

On a division, the amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 411, page 120, spring clothespins——

Mr. THOMAS of Oklahoma. Mr. President, the Senator from Vermont [Mr. GREENE] is interested in that amendment. It was reserved by him, and I suggest that its consideration be postponed until he shall return to the Chamber.

Mr. SMOOT. I was going to make the same request, because the Senator from Vermont [Mr. GREENE] can not be here in the evening.

The VICE PRESIDENT. Without objection, the action on the amendment will be passed over. The Secretary will state the next reserved amendment.

The LEGISLATIVE CLERK. In paragraph 502, molasses, page 121, line 24, the Senate, as in Committee of the Whole, struck out "3.3 cents" and inserted "0.3 of 1 cent."

The VICE PRESIDENT. The question is on concurring in the amendment.

Mr. BROOKHART. I desire to offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On pages 121 and 122 it is proposed to strike out paragraph 502 and insert in lieu thereof the following——

The VICE PRESIDENT. That amendment is not in order at this time. It is an individual amendment and will come after the reserved amendments have been voted upon. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.]

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

The LEGISLATIVE CLERK. On page 121, paragraph 502, line 24, the Senate, as in Committee of the Whole, struck out "0.6" and inserted "0.33."

Mr. HARRISON. Mr. President——

Mr. SMOOT. Mr. President, the Senator from Iowa [Mr. BROOKHART] desires to offer an amendment, but he can not do it at this time; it is not in order. He intends to offer the amendments just as soon as we get through the reserved amendments.

Mr. MCKELLAR. This item is going to be passed over, then?

Mr. SMOOT. The amendment just stated should be concurred in.

The VICE PRESIDENT. The Chair will state that concurring in the pending amendment will not prevent the Senator from Iowa from offering his amendment later on. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. SMOOT. Mr. President, paragraph 503, page 132, lines 6 and 7, has reference to maple sugar and sirup. The Senator from Vermont [Mr. GREENE] can not attend the evening sessions, and he asked me to request that that go over to-night.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

Mr. HARRISON. Mr. President, there was a matter that I had spoken about to the Senator with reference to sirup, where the same proportion is not maintained in this rate that has been carried in past laws with reference to the tariff duty on sugar. If we desire to reopen that, I hope the Senator will agree that we can do it. All I want done is to have the same rate carried on sirup that has been carried heretofore, without any increase except such increase as the sugar content in it might carry.

Mr. SMOOT. I should not like to make any kind of promise on the subject until the Senator from Vermont can be here; but the Senator from Mississippi can bring up the matter to-morrow.

Mr. HARRISON. I spoke to the Senator from Vermont. He is familiar with the matter. I do not know that I shall want to bring it up; but, if I do, I do not want to be precluded.

Mr. SMOOT. It will be understood that the Senator is not precluded from bringing it up.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 601, wrapper tobacco: On page 123, line 7, the Senate as in Committee of the Whole struck out "$2.50" and inserted "$2.10."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The LEGISLATIVE CLERK. In the same line the Senate, as in Committee of the Whole, struck out "$3.15" and inserted "$2.75."

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The LEGISLATIVE CLERK. Paragraph 710, cheese, page 127.

Mr. COPELAND. Mr. President, I send forward an amendment to this item which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from New York to the amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. In paragraph 710, as amended, after the words "Romano or Pecorino," insert the words "Romanello or Kefalotyri or Vize, and Casseri"; and, after the word "pound," insert the words "Feta White, 5 cents per pound; Swiss and Gruyère cheese, 10 cents per pound," so as to read:

Cheese and substitutes therefor, unless specially provided for, 8 cents per pound, but not less than 42 per cent ad valorem; cheese made of sheep's milk and commonly known as Romano or Pecorino, Romanello or Kefalotyri or Vize, and Casseri cheese, 8 cents per pound; Feta White cheese, 5 cents per pound; Swiss and Gruyère cheese, 10 cents per pound.

Mr. NORRIS. Mr. President, there was so much confusion here that we could not hear what the clerk read. I ask that it be read again. [Laughter.]

The VICE PRESIDENT. Let the Senate be in order.

Mr. McKELLAR. Mr. President, I want to ask the Senator from New York, who is the author of the amendment, to translate it for us.

Mr. FESS. Mr. President, that amendment is not in order.

Mr. NORRIS. It did not sound as though it was in order. [Laughter.]

The VICE PRESIDENT. The way the amendment is drawn, it is in order. The question is on agreeing to the amendment offered by the Senator from New York to the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, the other day, when we had up the cheese schedule, after it had been amended, and the rates raised on cheeses which compete with American-made cheeses, we gave further consideration to the general subject. I pointed out at that time that Romano or Pecorino cheese is the Italian cheese made from sheep's milk, a very high-priced cheese, selling for from 75 cents to $1.25 per pound, and that it does not compete with our products. It is a national dish, and the price always has far exceeded that of any American product. So the Senate saw fit to except from the high rate Romano or Pecorino cheese, Italian cheeses.

Then certain of my Greek constituents told me—the Senator from Utah suggests that the whole amendment is Greek, and he is probably right!

Anyhow, it was pointed out that there are certain cheese products made in Greece from sheep's milk. One of them is Romanello or Vize, which corresponds very closely to the Romano cheese of the Italians—a high-priced cheese selling at 60 or 75 cents a pound. Casseri is another similar cheese; and I had suggested in my amendment that these particular cheeses be taxed at 8 cents, the same as we have proposed that the Romano cheese should be taxed.

Then there is another Greek cheese, known as Feta White. It is made of sheep's milk and packed in brine. It is a pickled cheese; and nobody in the world but a national of the country in which it originated would ever eat it. It is consumed by the very poorest of our Greek citizens, and I proposed a tax on that of 5 cents a pound.

Now we come to a controversial question. I am sure the rates on the varieties of cheese I have discussed would not be controverted. But we come now to a matter very close to the heart of the Senator from Wisconsin [Mr. BLAINE], and I desire to have his attention.

Of course, after I had met my Italian and Greek constituents I found that I had overlooked my Swiss constituents. They pointed out to me that Swiss cheese and Gruyère—which would not be of interest to the Senator from Wisconsin, but the Swiss cheese certainly is—that the foreign-made Swiss cheese is not competitive with the product made in Wisconsin. The foreign Swiss cheese has a popularity of its own, and in consequence of that sells for a very much higher price than the domestic article commands. Nevertheless, in view of the desire of the Senator from Wisconsin to protect the interests of his State in this—and they are very large—the proposal I make is that a duty of 10 cents a pound be placed upon Swiss cheese.

Ninety-five per cent of all the Swiss cheese made in America is made in Wisconsin. It absorbs the skimmed milk. I have sometimes wondered if my friend from Wisconsin did not oppose the casein amendment because in his State practically all the casein goes into cheese, particularly into the Swiss cheese.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. Yes.

Mr. BLAINE. Of course, the casein in milk goes into Swiss cheese, Cheddar cheese, and all cheeses.

Mr. COPELAND. Yes.

Mr. BLAINE. And in the manufacture of cheeses there is no by-product known as casein.

Mr. COPELAND. No; that is true.

Mr. BLAINE. The solid matter in the cheese industry all goes into cheese.

Mr. COPELAND. That is why I suggested that in the Senator's State there is no surplus casein to be disposed of, as there is in my State. But, of course, the American cheese which corresponds to the Cheddar cheese is a whole-milk cheese, and there is not any doubt in my mind that the farm bloc were fully justified in asking for ample protection upon that product. The Cheddar cheese is a real competitor. There is not any question about these Italian and Greek cheeses being noncompetitive; but, of course, there is a question about the Swiss cheese. That is a matter which the Senator has a right to discuss.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. COPELAND. Yes; I yield.

Mr. BLAINE. Can the Senator inform us how much Feta cheese in brine is imported into this country?

Mr. COPELAND. A lot of it.

Mr. BLAINE. How many thousand pounds?

Mr. COPELAND. I sent for my docket, and found that everybody in the office had left. On that account I have not the minute particulars; but that is the chief one of the Greek cheeses. It is brought in, however, in brine, in barrels. It is pickled. It is not cheese that anybody could enjoy except one with a cultivated taste.

Mr. BLAINE. What rate does the Senator propose to put on it?

Mr. COPELAND. Five cents.

Mr. BLAINE. There are several types of Feta cheese.

Mr. COPELAND. This is Feta White.

Mr. BLAINE. Feta White in brine?

Mr. COPELAND. In brine; yes.

Mr. BLAINE. I understand that there is 16,744 pounds imported into the United States, of a total value of $2,734. That is a very cheap cheese.

Mr. COPELAND. A very cheap cheese.

Mr. BLAINE. But the 42 per cent ad valorem is only a trifle more than 5 cents a pound—about a cent and a quarter more—of a value of 16.2 cents.

Mr. COPELAND. For the moral effect, I think it would be too bad to omit Feta White, because that is a cheap cheese, a truly national dish, consumed by the poor.

Mr. BLAINE. I desire to ask the Senator another question. Is the kassari cheese—k-a-s-s-a-r-i—included in his amendment?

Mr. COPELAND. Yes; or c-a-s-s-e-r-i; it is spelled either way.

Mr. BLAINE. Either way. It depends on whether that cheese is made in Serbia or Italy.

Mr. COPELAND. Yes.

Mr. BLAINE. That is a Serbian cheese as well as an Italian cheese.

Mr. COPELAND. And also Greek, but always a sheep's milk cheese.

Mr. BLAINE. How many pounds were imported?

Mr. COPELAND. As I say, I am at a disadvantage, because I have not my docket.

Mr. BLAINE. I am informed that of the Serbian kassari—I assume that includes all kassari cheese—about 14,050 pounds were imported. What was the other?

Mr. COPELAND. Romanello, known by several names—Romanello, Kefalotyri, and Vize.

Mr. BLAINE. Vize?

Mr. COPELAND. V-i-z-e.

Mr. BLAINE. About 885 pounds were imported, $149 of value.

Mr. COPELAND. Yes; very little of it. It is a high-priced cheese.

Mr. BLAINE. What was the rate fixed on that cheese?

Mr. NORRIS. Mr. President, I rise to inquire whether there is anything in the conversation between the Senator from New York and the Senator from Wisconsin which is confidential?

The VICE PRESIDENT. Will the Senators speak louder?

Mr. NORRIS. Would the Senators have any objection to the rest of us listening in?

Mr. COPELAND. Personally I should be delighted to have the attention of the Senator from Nebraska. I was about to say that the rate proposed on Romano cheese was 8 cents.

Mr. BLAINE. How much on Vize cheese?

Mr. COPELAND. Eight cents. The rate is 8 cents on all these—Romano or Pecarino, Romanello or Kefalotyri or Vize, and Casseri.

Mr. BLAINE. And the Feta White?

Mr. COPELAND. The Feta White I put at 5 cents, because it is a very cheap product, anyhow. Perhaps the rate ought to be lower. Does the Senator think so?

Mr. BLAINE. My view upon this proposition is that there are a number of other very cheap cheeses. For instance, there is a Scandinavian cheese as cheap as 6.8 cents a pound. We can not legislate for every conceivable type of foreign cheese. As I suggested when the Senator proposed his amendment as in Committee of the Whole, it is a question of public policy whether or not we should specify these particular foreign cheeses. I have no particular objection to the particular cheese to which the Senator has referred. The importations are very small and can not be considered as leading to any great competition as against American Cheddar cheese or American-made Swiss cheese, or other cheese. It is just a question of public policy whether we should begin to list a number of these cheeses.

Mr. COPELAND. It is very interesting to note that since publicity was given to our debate some weeks ago these are the only cheeses which have been brought to my attention.

Mr. BLAINE. I understand that all the cheeses to which the Senator has referred in his amendment, now offered, adding to his former amendment, are cheeses made from sheep's milk.

Mr. COPELAND. Yes; all except the latter part of this list. That covers Swiss and Gruyère, which we will discuss later.

Mr. BLAINE. The Senator has those listed in this amendment.

Mr. COPELAND. Yes; but that I will put aside for the moment until we settle the other, because I know the Senator wants to give consideration to the question of whether the rate I have fixed upon Swiss cheese is high enough. I placed it at 10 cents.

Mr. SMOOT. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

The VICE PRESIDENT. The Chair suggests that the Senator from Utah and the Senator from New York and the Senator from Wisconsin speak loud enough so that other Senators can hear them.

Mr. SMOOT. I think Senators can hear. Does the amendment which the Senator has just proposed include any other type of Swiss cheese?

Mr. COPELAND. Yes.

Mr. SMOOT. What is it?

Mr. COPELAND. The Swiss and Gruyère.

Mr. SMOOT. "Swiss" will take in nearly all the types named.

Mr. COPELAND. I have tried and here try to see if we can not agree on a specific rate on those cheeses.

Mr. SMOOT. Of the kind that come in competition with American cheese there are imported 15,179,053 pounds, and the percentage of the total imports of the Swiss cheese was 39.2 per cent, the total value was $4,650,118, and the price per pound was 30.6 cents. The Senator does not want that cheese to carry a rate of only 6 cents?

Mr. COPELAND. No; I had it at 10 cents. I expected to discuss the matter, because, as I view it, it would be better to have the specific rate. If we had a rate even as high as 12 cents a pound, it would be practically 40 per cent on 30 cents. I would not object to that, but I want the Senator from Wisconsin to be fully satisfied as regards the inclusion of and the rate upon Swiss cheese.

Mr. BLAINE. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. BLAINE. I want to suggest to the Senator from New York that I demonstrated from the official records the other day that it cost 13 cents a pound more to manufacture the Swiss cheese in the United States than in Switzerland, and that the 42 per cent ad valorem merely covered that difference in the cost of production.

Mr. COPELAND. What did the Senator say the difference was?

Mr. BLAINE. Thirteen cents. That is the information I get from the Tariff Commission.

Mr. COPELAND. Suppose we fix the rate on Swiss and Gruyère at 13 cents.

Mr. BLAINE. That would be 13 cents on the Swiss cheese. That is the rate the Tariff Commission states represents the difference between the cost of production here and abroad.

Mr. COPELAND. I think that represents the difference. I agree with the Senator from Wisconsin in that matter.

Mr. BLAINE. I want to call the Senator's attention to a great many cheeses. If we begin to classify these cheeses, it will be necessary for us to rewrite the entire paragraph and take into consideration every conceivable foreign cheese, or we will discriminate against a great many countries, and I think it would be unfortunate to write a tariff bill that would particularly discriminate in favor of three countries and against all the other countries of the world.

Mr. COPELAND. The Senator has provided very well for that by the 8-cent rate, but not less than 42 per cent ad valorem.

The widest publicity was given to the debate the Senator and I had in the Senate before Christmas, or about that time, and the cheeses I mentioned then were the only ones as to which there had been any request for specific mention.

As the Senator has pointed out, with this rate of 13 cents on Swiss and Gruyère cheese, those two cheeses, which represent the bulk of our importations, will be provided for, and provided for at a rate so that it will be thoroughly understood by the importers and those who consume them. All the other cheeses are rated at 8 cents a pound, but not less than 42 per cent ad valorem. So I think no injustice would be done anybody, and the cheese industry of the United States would be fully protected.

Mr. BLAINE. Mr. President, will the Senator suffer another interruption?

Mr. COPELAND. Certainly.

Mr. BLAINE. If the Senator's amendment is adopted, then we are going to discriminate against the British Isles, we are going to discriminate against Norway, Sweden, Denmark, Belgium, Holland, and France. We are going to discriminate against Czechoslovakia, the Serbian people, and Germany. I think it is not a sound public policy to specifically mention these particular cheeses when such discrimination is going to take place. It is only going to get us into trouble. It is going to result in retaliation from these other nations. My own feeling is that they all ought to be treated the same, and that the Senator's amendment ought to be defeated.

Mr. COPELAND. Mr. President, I have listened with great interest to what the Senator has said, and I recognize the force of his remarks. Of course, it is true that when I attempt to make a distinction by including Swiss and Gruyère cheese I am getting into the field of competition with American production. All the other cheeses mentioned here are made from sheep's milk. They are not comparable at all with anything produced in the United States. What suggestion has the Senator from Wisconsin to make regarding the matter?

Mr. BLAINE. Mr. President, as to the cheese to which the Senator has referred as a foreign cheese, outside of Swiss and Gruyère, of course, the importations are very small. I have no special objection to their coming in. The small quantity filtering in perhaps would do the domestic industry no harm at all. It is just a question of public policy.

I will not oppose the Senator's amendment if he strikes out Swiss and Gruyère cheese, but I do want to call the matter to the attention of the chairman of the committee that, when the matter goes into conference, serious consideration should be given to that very question of classifying the cheeses.

Mr. SMOOT. Mr. President, the wording of it will be a very particular job. We can not do that on the floor of the Senate.

Mr. COPELAND. I know that. In view of what has been said, while I am regretful indeed to omit Swiss and Gruyère cheese, yet, since they are products which are comparable with American products, and in view of the opposition of the Senator from Wisconsin, which is an opposition founded on knowledge, I am forced to consent to the omission from the amendment of Swiss and Gruyère cheese. In that event, the only exceptions which will be made to the paragraph as it is adopted, if it is adopted, will relate to sheep's milk cheese and not at all to cow's milk cheese.

The VICE PRESIDENT. The Senator modifies his amendment?

Mr. COPELAND. Since I can not pass it otherwise, I must do so. I modify my amendment.

Mr. NORRIS. Mr. President, since the Senator has modified his amendment, I ask that the Secretary read the modified amendment for the information of the Senate.

Mr. FESS. I suggest that the author of the amendment read it.

Mr. COPELAND. My amendment is this: In paragraph 710 as amended, after the words "Romano or Pecorino," to insert the words "Romanello or Kefalotyri or Vize, and Casseri"; and after the word "pound," to insert the words "Feta White, 5 cents per pound; Swiss and Gruyère cheese, 10 cents per pound," so as to read:



Cheese and substitutes therefor unless specially provided for, 8 cents per pound, but not less than 42 per cent ad valorem; cheese made of sheep's milk and commonly known as Romano or Pecorino, Romanello or Kefalotyri or Vize, and Casseri cheese, 8 cents per pound; Feta White cheese, 5 cents per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York to the amendment made as in Committee of the Whole.

Mr. SMOOT. I have no objection to the amendment at all. It is all right.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The VICE PRESIDENT. The secretary will state the next amendment on which a separate vote was reserved.

The CHIEF CLERK. In paragraph 713, page 127, line 22, the Senate as in Committee of the Whole struck out "8 cents" and inserted in lieu thereof "11 cents."

Mr. GOLDSBOROUGH. I withdraw my request for a separate vote; and will let the matter go to conference.

Mr. COPELAND. Mr. President, I made a reservation also as to the amendment in this paragraph. I think it is outrageous to have these high rates. Of course, I am willing to have the matter go to conference, and whether I might be willing or not, it would surely go there. But when egg albumen is put at 60 cents, it is an outrage. It is used in the manufacture of the cap on every coco-cola bottle and pop bottle and catsup bottle, and is a product of great commercial value. The rate is placed at 60 cents a pound. It is an outrageous rate. The rate on dried eggs is inexcusable, a product used by the poor and never by the rich.

The VICE PRESIDENT. The amendment to which the Senator refers is the next amendment and not the one now before the Senate.

Mr. COPELAND. Does not the pending amendment relate to eggs?

The VICE PRESIDENT. No; this is the amendment preceding the amendment offered by the Senator from Nebraska.

Mr. COPELAND. It is the amendment to paragraph 713, is it not?

The VICE PRESIDENT. There are two amendments to that paragraph. The Senator from New York may proceed.

Mr. COPELAND. I think I have said all I need say about it.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HOWELL. Mr. President, the able Senator from New York [Mr. COPELAND] suggests that 60 cents a pound for albumen is a high price. We have allowed the farmer 10 cents a dozen for whole eggs. The rates which were adopted are identical so far as eggs are concerned except that the eggs are dried and the higher rates are necessary to equalize the duty, and they do nothing but equalize it.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The next amendment reserved will be stated.

The LEGISLATIVE CLERK. On page 127, line 23, strike out the words "dried whole eggs, dried egg yolk, and dried egg albumen, whether or not sugar or other material is added, 18 cents per pound" and insert in lieu thereof:

Eggs, sprayed or dried, whether or not sugar or other material is added: Whole eggs, 36 cents per pound; egg albumen, 60 cents per pound; egg yolk, 30 cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The next amendment reserved will be stated.

The LEGISLATIVE CLERK. On page 134, paragraph 736, berries, in line 12, after the word "brine," insert the words "or frozen without sugar added," and in line 14, after the word "frozen," insert the words "with sugar added," so as to read:

PAR. 736. Berries, edible, in their natural condition or in brine, or frozen without sugar added, 1¼ cents per pound; dried, desiccated, or evaporated, 2½ cents per pound; otherwise prepared or preserved, or frozen with sugar added, and not specially provided for, 35 per cent ad valorem.

Mr. SMOOT. Mr. President, it has been suggested to me by the Treasury Department that we should strike out "without sugar added," and insert the words "if not sweetened," and in line 14 strike out the words "with sugar added," and insert the words "if sweetened." The Treasury Department desires to have that change made.

Mr. HALE. Mr. President, that would not take care of my objection to the Senate committee amendment. As a matter of fact, berries that are frozen when coming into this country do not come into competition with fresh berries, but with canned berries. My State is probably the largest blueberry growing State in the country. We have about $2,000,000 invested in blueberry lands which are under a state of considerable cultivation. We have about $1,400,000 invested in blueberry factories. Under the provisions of the House bill berries, edible, in their natural condition or in brine, come in at 1¼ cents per pound. Berries that are frozen come in under the provision at 35 per cent ad valorem.

The berries which are frozen before they are brought into this country come in direct competition with our canned berries. They are used largely for making blueberry pies. Most of the Canadian berries come from wild lands in Canada, especially from the Crown lands; and the price paid for them in Canada is very much below what we pay in the State of Maine. They are therefore able to deliver those berries in Boston and New York and other ports at a much less price than we can deliver our canned berries, and they come in competition with our canned berries and drive them out of the market.

What I would like to do is to have the House provisions restored so that frozen berries will come in with "berries otherwise prepared or preserved." The freezing is not a simple process at all. A great many of the fish from Newfoundland are frozen there and they have special refrigerating plants which are used for freezing blueberries also. This is true to a certain extent of Prince Edwards Island and other parts of Canada. If we are going to compete with these frozen berries by the freezing of our own berries, we will have to have refrigerating plants in this country; and that, of course, would involve a very considerable expense. My people are very much stirred up over the matter and I hope very much that the House provision will be restored.

Mr. SMOOT. Mr. President, if we disagree to the amendment in line 12 and strike out "or frozen without sugar added," it simply means that the berries will fall in the bracket carrying a rate of 35 per cent ad valorem.

Mr. HALE. That is correct.

Mr. SMOOT. That is what it means.

Mr. HALE. That is what the House provision does and that is what I hope the Senate will do.

Mr. SMOOT. I wanted to know whether the Senator agrees with my construction?

Mr. HALE. I do.

Mr. SMOOT. There is no doubt that if the amendment in line 12 is disagreed to, then berries, edible, in their natural condition or in brine, will come in at 1¼ cents per pound, but if they are frozen—and blueberries never come in except in a frozen state—and there is no sugar added whatever——

Mr. HALE. That is true.

Mr. SMOOT. Then they would take a duty of 35 per cent ad valorem.

Mr. SWANSON. Mr. President, we can not hear what is going on between the Senator from Utah and the Senator from Maine.

Mr. SMOOT. If the conversation over on the Democratic side of the Chamber were not so loud the Senate could hear what we are talking about.

Mr. SWANSON. There is no conversation over here, and we would like to know what is going on between the Senator from Utah and the Senator from Maine.

Mr. SMOOT. If the Senator will listen, he will be able to hear what we are saying.

That is what the amendment provides, and I want the Senate to decide the question.

Mr. COPELAND. Mr. President, I suppose the purpose of the amendment is to put an embargo on Newfoundland berries because they are the popular blueberries that go into the eastern market. If the amendment is agreed to then huckleberry pie will be increased in price.

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Maine?

Mr. COPELAND. Certainly.

Mr. HALE. I do not think that will follow by any means. Thirty-five per cent ad valorem, taking the price at which they can be brought into the country, which is 10 or 10½ cents a pound, would amount to slightly over 3 cents per pound. If we add the 3 cents per pound to the 10½ cents, that would make 13½ cents a pound. I do not think we can produce our

canned berries below that figure, so I do not think this will in any way mean an embargo. I think it would simply be helpful to us in enabling us to meet Canadian competition.

Mr. COPELAND. There is nothing for the Senator from Maine to worry about because his State is the only one in the Union where blueberries are canned.

Mr. HALE. Yes; but we do it on a very large scale.

Mr. COPELAND. I know it, and I am glad to see the Senator is joining the farm bloc. He will have votes enough to adopt the amendment, but it means that huckleberry pie on the seaboard will be increased in price.

Mr. HALE. Huckleberry pies for very many years have been made of the berries that we can and put on the market—and very good huckleberry pies, too.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. [Putting the question.] The Chair is in doubt.

Mr. FLETCHER. Mr. President, may I inquire of the Chair whether the amendments made as in Committee of the Whole are indicated in line 12 and line 14?

The PRESIDING OFFICER. The Senator is correct.

Mr. FLETCHER. Is there any amendment proposed to those amendments?

Mr. HALE. What I intend to do is to offer an amendment striking out the provisions. I would like to know how that may be done in a parliamentary way.

The PRESIDING OFFICER. A negative vote will accomplish the purpose of the Senator.

Mr. SMOOT. If we disagree to the amendment in line 12, then the amendment in line 14 must also be disagreed to.

The PRESIDING OFFICER. The Chair will put the question again. The question is on concurring in the amendment in line 12 made as in Committee of the Whole.

On a division the amendment was nonconcurred in.

The PRESIDING OFFICER. The question now is on the amendment in line 14.

Mr. SMOOT. That is the same thing.

The PRESIDING OFFICER. Without objection, the amendment is nonconcurred in, and the clerk will state the next amendment.

The CHIEF CLERK. The next amendment reserved is in paragraph 737, page 134.

Mr. SMOOT. Mr. President, on page 134, lines 17 and 18, relating to cherries, I move to strike out "without sugar added" and insert in lieu thereof "if not sweetened." This is an amendment that is asked for by the Treasury Department. Then, on page 135, line 8, I move to strike out "with sugar added," and insert in lieu thereof "if sweetened."

Mr. BARKLEY. Mr. President, I desire to offer an amendment to the third and fourth subparagraphs on page 135.

Mr. SMOOT. The amendment which I have offered comes first, being on page 134, lines 17 and 18.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 134, lines 17 and 18, strike out "without sugar added" and insert in lieu thereof "if not sweetened," so as to read:

> Cherries: (1) In their natural state, or frozen, if not sweetened, 2 cents per pound.

The amendment was agreed to.

Mr. SMOOT. Now, on page 135, line 8, I move to strike out "with sugar added" and insert "if sweetened."

Mr. COPELAND. Does this mean an increase in the price of cherry pies?

Mr. SMOOT. No. It is merely to insert the language that the Treasury Department wants. Instead of reading "with sugar added" it will read "if sweetened."

Mr. COPELAND. The Senator means that the rate will be no higher and cherry pies will cost no more?

Mr. SMOOT. We are not changing the rate at all.

Mr. WALSH of Montana. Mr. President, I think the Senator ought to explain the difference between "without sugar added" and "if not sweetened." What is expected to be accomplished by that change in language?

Mr. SMOOT. This is what is to be accomplished by it: Sometimes the sweetening used is honey and sometimes it is glucose, and in some cases it is impossible to tell whether sugar or honey or glucose is used. This wording covers them all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment adopted as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BARKLEY. At the bottom of page 134, the Senate Committee on Finance struck out the language contained in subsection 2 and inserted two subsections at the top of page 135. As in Committee of the Whole the amendments were disagreed to and the language of the House bill restored, which fixes a rate of 5½ and 9½ cents on cherries sulphured or in brine. I desire to offer an amendment reducing the 5½ and the 9½ cent rate, and I wish to inquire whether such an amendment is in order now or whether I shall have to wait until the reserved amendment shall have been voted upon.

The PRESIDING OFFICER. The amendment would be in order now, because the Senate is now considering amendments made as in Committee of the Whole, and as the Chair understands the Senator's amendment would restore——

Mr. BARKLEY. The Senate as in Committee of the Whole made no amendment, but as in Committee of the Whole refused to adopt the amendment suggested by the Committe on Finance, leaving the language as in the House bill, so that there is no report from the Committee of the Whole on that provision.

The PRESIDING OFFICER. The Senator is correct. The Senator's proposed amendment is an original amendment, and is not in order now.

Mr. BARKLEY. Very well.

Mr. JOHNSON. Mr. President, may I ask the Senator if his desire is, in the latter part of the provision relating to cherries, to make it conform to the original rate? Is that his purpose?

Mr. BARKLEY. I have not definitely decided whether to try to reduce it to the present rate or not, but I certainly think that an increase of over 300 per cent is not justified.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. The next reserved amendment is in paragraph 742, page 136, line 3, where, as in Committee of the Whole, the amendment reported by the committee was disagreed to with respect to grapes.

Mr. SHORTRIDGE. Mr. President, I ask the attention of the Senate to paragraph 742 as proposed to be amended by the Finance Committee. The Finance Committee recommended an amendment to strike out the words in the beginning of the paragraph reading—

> Grapes in bulk, crates, barrels, or other packages, 25 cents per cubic foot of such bulk or the capacity of the package according as imported.

And to insert in lieu thereof the following words, which are found in italics:

> Grapes, in their natural state, or sulphured, 5 cents per pound, including the weight of the containers and packing.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state his parliamentary inquiry.

Mr. WALSH of Montana. My understanding is that no amendment was made to paragraph 742, the amendment proposed by the committee being disagreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. WALSH of Montana. So that there is nothing for consideration before the Senate at this time with reference to paragraph 742 is there?

The PRESIDING OFFICER. No amendment would be in order at this time.

Mr. FLETCHER. The question is, then, as to whether the Senate will concur.

Mr. WALSH of Montana. That question does not arise because the Senate as in Committee of the Whole made no amendment, and we are now considering amendments made as in Committee of the Whole.

Mr. SHORTRIDGE. It is merely a question of time and procedure. This paragraph, then, will come up later on?

The PRESIDING OFFICER. It will.

Mr. SHORTRIDGE. Very well.

The PRESIDING OFFICER. The Senator from California did not offer an amendment. He has a right to offer one if he wishes.

Mr. SHORTRIDGE. No; I do not care to take up the time of the Senate.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. On page 136, paragraph 743, line 10, the Senate as in Committee of the Whole adopted an amendment to strike out 2 cents and insert 2½ cents so as to read:

> Lemons 2½ cents per pound.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COPELAND. Mr. President, may I inquire what is the present rate on lemons?

Mr. JOHNSON. The present rate is 2 cents.

Mr. COPELAND. And the rate adopted by the Senate as in Committee of the Whole was 2½ cents. Is that correct?

Mr. JOHNSON. That is correct.

Mr. COPELAND. Mr. President, I know how useless it is to go up against the combination now operating, but I can not let this item pass without a protest. The increased rate means that there will be added a dollar or two dollars per case to the price of lemons. It is a tax on the nursery, a tax on the sick room, a tax on hospitals. Why? Merely because this is one of the farm products that jointly must be given support.

Mr. President, I ask unanimous consent to insert at this point a statement made by the Senator from Massachusetts [Mr. WALSH]. He is detained from the Senate to-night by illness, but desired this statement to be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

BRIEF OF SENATOR WALSH OF MASSACHUSETTS ON LEMONS

Under the act of 1913 lemons were given a duty of one-half cent per pound. The 1922 act increased their protection to 2 cents per pound, which rate the House bill did not change. The Senate Finance Committee recommended a duty of 2½ cents per pound, which was adopted by the Senate.

The specific rates may seem small, but let me translate them into ad valorem terms, so that we may better understand what has happened. The 1913 rate represents an equivalent ad valorem rate of 15.92 per cent. The specific rate of 2 cents contained in the present law and retained by the House represents 63.68 per cent ad valorem. The Senate Finance Committee rate, and the rate which I desire to have reduced, represents an equivalent ad valorem rate of 79.60 per cent.

The domestic production of lemons is pursued in but a small portion of one State in the Union, namely, California, so that this duty of 80 per cent is to be levied for the benefit of only a very few lemon growers in California, but is to be paid for by every household and individual in the United States.

If there was any sound reason why the California lemon growers should be given this protection I would not protest. I do not find a condition of distress in this agricultural industry; in fact, the figures show that it is highly prosperous. Under the act of 1922 the domestic production has increased from 251,600,000 pounds in 1922 to 525,400,000 pounds in 1928. Surely it is gross absurdity to grant increased protection to an industry that has doubled its output in six years.

While the domestic market is nearly double what it was in 1922 imports have not increased but have actually decreased. Whereas in 1922 imports totaled 110,907,503 pounds, in 1928 only 69,747,436 pounds were brought into this country. All of the imported lemons come from Italy.

While it is true that imports are substantial, constituting from 14 to 16 per cent of our annual consumption, it is to be emphasized that the domestic producers of lemons can not supply the domestic market and it is therefore absolutely necessary to import lemons into the United States. Domestic lemon growers had the best years in the history of the industry in 1929 and 1928. In 1929 they produced a crop excelling by 11 per cent the crop of 1928, and it was still necessary to import well over 10 per cent of the lemons consumed by the American people. What does this mean? It means that any duty that we impose on lemons will be 100 per cent effective. I want every Senator to know this. This 80 per cent duty on lemons is not in any way like the 42 cents per bushel duty on wheat. The duty on wheat will be admittedly ineffective; it will not be passed on to the consumer; but this duty will be. The American people will pay every penny that we levy in this duty on lemons.

Now then, will greater protection aid in the development of the lemon industry? Can the American growers in the future produce enough to supply the American market? Before I answer these questions I want to say that it has not been found practical to grow lemons in other portions of the United States than in the State of California. Though insignificant quantities are produced in Florida, climatic conditions do not allow extensive production.

Now, with respect to the foregoing questions I desire to answer them by quoting from the California Fruit News, February 15, 1930. This publication contains the high lights of the California Agricultural Outlook Report for 1930, prepared by Dr. H. R. Wellman, economics specialist of the University of California Agricultural Extension Service. He has this to say:

"The lemon industry is gradually obtaining a more favorable basis than that which prevailed on the average during recent years. The production in this State is now about at the peak and there probably will be a gradual downward trend in acreage."

The only logical deduction to make from Doctor Wellman's statement is that there is no possibility of an increased production of lemons and that we will continue to be dependent upon Italy to supply our shortage.

The Tariff Commission, in the Summary of Tariff Information, has this to say about prices of the domestic and imported lemons. "The weighted average prices at New York City are given below for both California and imported lemons duty paid. When converted to a per-pound basis the simple average price for the four years is about 6.9 cents per pound for the California lemons and 6.1 cents for the imported. The slightly higher price for the California lemon is due primarily to better appearance, more uniform grading, and better packing."

Lemons were selling prior to the enactment of the law of 1922 for $1.50 to $2.50 per crate. Lemons are now selling at from $8 to $16. Think of it, an increase in the wholesale price of nearly 400 per cent in six years.

Because of the high wholesale prices now prevailing, lemons are not used outside of households that pay no attention to the element of cost and in sick rooms where they are a medicinal necessity. During September last, lemons sold wholesale for 69 cents per dozen, which means that they retailed at from $1 to $1.25 a dozen. Small dealers are dropping the yellow fruit from their stock of goods because of their excessive value and their resultant curtailed market.

There ought to be a restoration of the 1922 rate of 2 cents per pound. I can not conceive of any rational opposition to a proposal to restore the rate of 2 cents per pound under which the lemon growers are now so prosperous and under which they have doubled their output. There is no justification to increase the duty on an article necessary for use in the sick room.

Mr. COPELAND. Mr. President, I indorse every word of the statement of the Senator from Massachusetts. I can not understand what possesses the Senate that it should vote this rate on lemons, which have become a vital part of the dietary of the human family, and which are needed in every home, and the use of which is increasing daily. There is no need of any tariff in order to afford a market for every lemon that can be raised in the United States. Having made this brief and weak protest I am ready to cast my vote.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. On page 138, paragraph 751, the committee reported a substitute for paragraph 751, which was disagreed to.

Mr. JONES. Mr. President, I understand that there is no amendment pending to that item, so that it will have to go over until we reach individual amendments.

The PRESIDING OFFICER. The Senator is correct.

The next reserved amendment will be stated.

The CHIEF CLERK. The next reserved amendment is paragraph 755, page 139—cream or Brazil nuts.

Mr. SMOOT. Mr. President, on page 139, in paragraph 755, I move to strike out all of the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], already agreed to, and insert after the word "pound," in line 16, the following:

Any of the foregoing if blanched shall be subject to the same rate of duty as if not blanched."

That amendment, I will say to the Senator from Wisconsin—and I understand his attention has been called to it—simplifies the wording, and the one amendment covers all of the points the Senator desired to cover.

Mr. LA FOLLETTE. And accomplishes the same purpose.

Mr. SMOOT. It accomplishes the same purpose.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 16 it is proposed to insert after the word "pounds," "any of the foregoing if blanched shall be subject to the same rate of duty as if not blanched."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. SMOOT. On page 140, line 6, after the word "unshelled" I move to strike out the words "or blanched" as inserted by the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] and after the word "unshelled" to insert the words "whether or not blanched." The amendment is to accomplish the same purpose as the one last adopted.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 140, line 6, after the word "unshelled" it is proposed to strike out the words "or blanched", as inserted by the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], and after the word "unshelled" to insert the words "whether or not blanched."

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The CHIEF CLERK. The next reserved amendment is on page 142, paragraph 766—mushrooms—where the Senate as in Committee of the Whole struck out the words "fresh, or dried, or otherwise prepared or preserved" and inserted "fresh or dried 10 cents per pound and 45 per cent ad valorem; otherwise prepared or preserved 45."

Mr. HASTINGS. Mr. President, in paragraph 766 the Finance Committee recommended on mushrooms a duty of 10 cents per pound specific and 60 per cent ad valorem. The senior Senator from Pennsylvania [Mr. REED] was interested in the amendment thus reported by the Finance Committee. The senior Senator from Mississippi [Mr. HARRISON], after some discussion on the floor, suggested that the amendment be changed so as to read "45 per cent ad valorem." That was on November 15 of last year. After some discussion the Senator from Pennsylvania agreed to the suggestion made by the Senator from Mississippi. I think it was believed by all of us on this side who were interested in the subject that there would be no further amendment offered. Of course the Senator from Mississippi only spoke for himself, but it was believed at that time that he was speaking for those who were interested in having the duty reduced.

Some two or three weeks ago the junior Senator from New York [Mr. WAGNER] proposed an amendment which struck out in line 13 the words "10 cents per pound on drained weight." So far as I know there was no Senator in the Chamber at that time who was prepared to discuss the desirability of adopting that amendment.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Utah?

Mr. HASTINGS. I yield.

Mr. SMOOT. I want to remind the Senator that not only did I plead for the 10-cent rate but I want to say that other Senators also spoke for it, and I think they will do so to-night. I agree with the Senator that the 10 cents a pound is vital to this industry.

Mr. HASTINGS. Mr. President, I realize, of course, that the Senator from Utah did make some remarks upon this subject, but it seems to me, in view of the thousands of items in this bill, he could not have discussed the subject with that degree of thoroughness which the importance of the question requires. I made some remarks myself at the time, but I was not prepared to deny the statements made by the Senator from New York with respect to the few persons who are interested in this industry. On that date the Senator stated that there was really but one canning concern in this country interested in canning mushrooms, and that concern was operated by a man by the name of Jacobs, and his business had recently been taken over by the Morgan Co.

As a matter of fact, the statistics show that in Ohio alone there is a total investment of $1,200,000 in this industry; in Illinois, $600,000; in Missouri, $550,000; in Minnesota, $500,000; in Massachusetts, $436,000; in California, $510,000; in New Jersey, $300,000; in Colorado, $200,000; in Michigan, $148,000; in Indiana, $70,000; in Kentucky, $50,000; in Rhode Island, $300,000. The annual production in pounds in Ohio is some 2,000,000 pounds.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Iowa?

Mr. HASTINGS. I do.

Mr. BROOKHART. Do I understand that this tariff rate applies only to the canned mushrooms?

Mr. HASTINGS. Only to the canned mushrooms.

Mr. BROOKHART. It does not interfere with the fresh ones at all; so that the total production of mushrooms really has no bearing on the matter.

Mr. KEAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from New Jersey?

Mr. HASTINGS. Yes; I yield.

Mr. KEAN. If canned mushrooms are sold, they absolutely substitute and take the place of fresh mushrooms. Therefore, every can of mushrooms imported into the United States takes the place of fresh mushrooms and injures the trade just so much.

Mr. HASTINGS. As a matter of fact, it is impossible for the mushroom growers to exist unless they have a canning factory somewhere near by. What actually happens is that they send to the market all the market can absorb of the fresh mushrooms, and they take the balance of the crop and send it to the canneries, in order that they may dispose of that and make something out of it. They do not, of course, get from the canneries anything like what they get from the market where they send the fresh mushrooms; but it is absolutely essential, from the mushroom growers' standpoint, that the canning factory be protected.

I am sorry the Senator from New York [Mr. WAGNER] is not present. I desire to read a copy of a letter that was written to him by a large distributor of this kind of articles, R. C. Williams & Co., of New York. This is a copy of the letter that was sent to me and, I think, to other Senators.

In this letter the writer states:

I take this opportunity to refer to a statement attributed to you which appeared in the New York Sun, February 21, covering the item of mushrooms.

Having met you, I can not believe that it was your intention to do other than to submit to your associates actual facts. Investigation as to the probable source of the information contained in the statement attributed to you has brought out the fact that a committee representing the Associated Importers of Food Products, comprising a Mr. Murphy, representative of L. Bigeon (Inc.), of Bordeaux, France, packers of French mushrooms; Mr. George O'Hara, of La Manna, Azema & Farnan, owners of mushroom canneries in the Bordeaux district of France; Mr. Asche, of the firm of Von Bremen-Asche-De Bruyn (Inc.), importers of French mushrooms, appeared before you. If these gentlemen have submitted to you the information as covered by your argument, they have rather deviated from the facts. In other words, they have argued along the lines beneficial to themselves as packers of French mushrooms, and it is for this reason that I am submitting to your good self the facts as they actually exist.

I want you to know that we import French mushrooms. We also buy domestic mushrooms, consequently we are rather unbiased as to the actual rate of duty.

The committee that appeared before you undoubtedly based their argument against an increase in the duty on canned mushrooms as per the statement attributed to you, namely, that there is virtually only one company operating a mushroom cannery, and that at Kennett Square, Pa. This statement is incorrect, as we have been offered domestic mushrooms by several different canneries, every one of them financially responsible and reliable.

However, as we see it, the canneries do not actually enter into the situation other than as an outlet for mushrooms of a size which the growers can not profitably ship to market in their fresh condition. The mushroom growers are the ones that should be considered and protected, and they can only be protected in conjunction with the canneries, as without the canneries to fall back on from 33⅓ per cent to 50 per cent of their crops would prove a total loss, and this would mean a difference to them between an operating loss and a bare existence, such as they have been forced to accept up to the present time in order to carry on this growing industry.

The domestic mushroom industry at the present time constitutes an investment of more than $10,000,000.

As a matter of fact, in Pennsylvania alone it is more than $20,000,000.

It employs large numbers of men and women, all of whom are paid on the American wage scale. These facts and figures can readily be substantiated, and when compared to the dollar value of the imports of French mushrooms and the wages paid to labor in France it is inconceivable that the United States Congress will refuse proper protection to this growing industry.

We quote another statement attributed to you, namely, that the domestic mushroom does not compete with the foreign product because the imported mushrooms are inferior and bring a lower price. It is true that the imported mushrooms sell at a lower price than the domestic-grown mushrooms, but the reason for this is that they can be produced at a much lower cost based on the cost of the fresh mushrooms, the tins, and last, but not least, low wages paid to labor in France.

If, as stated, the imported mushroom is of inferior quality, then in justice to the consumers of the United States, the importation of this inferior product should be prohibited.

I feel that the American mushroom industry should be protected to an extent that will allow the industry to make a fair profit and not a mere existence or a loss. Proper protection to this growing industry would not in any way cause an advance in price of the American mushrooms but would facilitate an increase in the distribution and sale of this fine food product by enabling the producers to make a just and fair profit, and this would, in turn, contribute to that worthy cause now so often referred to the public press—unemployment—by giving employment to many additional men and women.

It seemed to me that that letter ought to be helpful to the junior Senator from New York, who has been contributing so many speeches and such long arguments about the cause of unemployment in this country.

I think I can add nothing to what is contained in that letter. The whole argument is printed there. I merely want to call the attention of the Senate to the fact that this is a very important industry. It is very important to the farmers. There is nothing in the neighborhood of north Delaware and the eastern part of Pennsylvania that is more important to the farmer as a means of increasing his farm returns than this business of raising mushrooms. It is part of farming; and a tariff on mushrooms is just as vital to mushroom growers as it is to farmers growing any other product.

Mr. President, what is required here, and what is requested, is merely 5 cents a can. These mushrooms are put up in half-pound cans, so that 10 cents a pound is only 5 cents a can; and it is absolutely necessary in order that we may meet the competition that comes from abroad.

I hope this amendment may be adopted.

Mr. COPELAND. Mr. President, we raise some mushrooms in my State. I suppose there is hardly a State in the Union where some mushrooms are not raised where they have hothouses, conveniences for it, so that they can be produced.

Of course, the mushroom is not suited to our climate. It grows better in other countries. It would seem to me the height of absurdity to impose a high tariff upon a product which never can be a conspicuous and valuable American product.

I think the Senator from Delaware is to be congratulated on having the rate agreed to that is now contained in this amendment. It is too high—10 cents specific duty. That should have been stricken out; but here we are proposing to enact a tariff to take care of West Chester, Pa. That is where almost all the business is. Some of these mushrooms, of course, are raised in Delaware.

Mr. HASTINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. COPELAND. I do.

Mr. HASTINGS. Did the Senator hear me read the figures as to the amount of money invested in this industry in some 12 or 14 States?

Mr. COPELAND. If the Senator listened to me, he heard me say that there is money invested in the industry in my State. I have had telegrams and letters from my State urging me to support this tariff. As a matter of fact, the American producer of mushrooms should cater to the persons who want fresh mushrooms. That is the natural market for the American mushroom. The canned and dried mushrooms are not American products, and they never can become American products, no matter what sort of tariff we place upon them.

Here, however, is a product which is very commonly used by all European immigrants to America; I do not care whether they live in my State or my city or whether they live somewhere else. They are the ones who want the dried mushrooms and the canned mushrooms. They make the wonderful sauces that you have on your meat and on other articles of food when you travel abroad; but the product that we consume is the delicious fresh mushroom. There is not any finer mushroom grown in the world; but I think it is out of all question for us even to think of increasing the rate upon mushrooms.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Delaware to the amendment made as in Committee of the Whole.

The CHIEF CLERK. The Senator from Delaware offers the following amendment:

On page 142, line 13, after "preserved," insert "10 cents per pound on drained weight and."

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. BARKLEY. Does not the vote come on concurring in the amendment made as in Committee of the Whole, striking out that language?

The PRESIDING OFFICER. That would be concurring in the Senate amendment.

Mr. BARKLEY. That is the vote, then; is it not?

The PRESIDING OFFICER. This is to perfect what was done in Committee of the Whole.

Mr. BARKLEY. It seems to me that it simply restores what we struck out in the Committee of the Whole.

The PRESIDING OFFICER. It is to perfect the part that the Senate, as in Committee of the Whole, struck out.

Mr. BARKLEY. Then the vote comes on that without any amendment being offered.

The PRESIDING OFFICER. No.

Mr. BARKLEY. The question is on concurring in the amendment as reported from the Committee of the Whole.

The PRESIDING OFFICER. No; the vote here would be on concurring in what the Committee of the Whole did. In order to get the amendment that the Senator desires, we should have to vote on that as an amendment, and then——

Mr. BARKLEY. Is the language of the amendment offered by the Senator from Delaware different from the language struck out in Committee of the Whole?

The PRESIDING OFFICER. No; it is the same.

Mr. COPELAND. Then, Mr. President, if I wish to vote for a high-priced mushroom, as the Senator from Delaware suggests, I vote "yea"? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. COPELAND. If we want them at a more decent price, we vote "nay."

Mr. BROOKHART. Mr. President, this amendment is out of order at this time.

The PRESIDING OFFICER. No; the amendment is in order, because it is an amendment to the committee amendment.

Mr. HASTINGS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HASTINGS. If my amendment is to be adopted, we should vote "yea." Is that correct?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the amendment.

The amendment to the amendment made as in Committee of the Whole was agreed to.

The amendment made as in Committee of the Whole, as amended, was concurred in.

The PRESIDING OFFICER. The clerk will report the next amendment.

The CHIEF CLERK. The next amendment is, on page 142, line 17, where the Senate as in Committee of the Whole, struck out "2 cents" and inserted in lieu thereof "3 cents," so as to read:

Peas: Green or unripe, 3 cents per pound.

Mr. ASHURST. Mr. President, I may not be strictly in order, but I will ask the indulgence of the Senate, as I would like to have the amendment I propose to offer disposed of to-night, if possible. I will ask the clerk to report the amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Arizona offers the following amendment: On page 142, line 17, after the word "pound" and before the semicolon, insert the following words, "except that between December 15 and March 15 the rate of duty on green or unripe peas shall be 1 cent per pound."

Mr. ASHURST. I think I can compress into one or two minutes all that need be said.

The bill proposes 2 cents a pound on green peas.

The PRESIDING OFFICER. Will the Senator suspend? The amendment in this form is not in order.

Mr. ASHURST. I was going to say—I will ask the indulgence of the Senate to consider it at this time. The Chair is right.

Mr. SHORTRIDGE. Mr. President——

Mr. TRAMMELL. I hope we may consider the amendment at the present time, if the chairman of the committee will agree to it.

The PRESIDING OFFICER. Is there objection to considering the amendment at this time?

Mr. SMOOT. I have no objection.

The PRESIDING OFFICER. The Chair hears none.

Mr. SHORTRIDGE. One moment.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield.

Mr. SHORTRIDGE. Does it involve a seasonal rate?

Mr. ASHURST. I am proposing a seasonal rate. The bill proposes 2 cents per pound on green peas, but I am proposing an amendment which will provide that between December 15 and March 15 the rate shall be 1 cent per pound, a seasonal rate, so that there may be a constant, continuous flow and movement of these green peas, in order that the people of the United States may have what we call "out-of-season" peas.

Mr. SHORTRIDGE. I regret——

Mr. ASHURST. I assert, respectfully, of course, that unless this seasonal tariff is adopted, during the months of December, January, February, and March it will be practically impossible to obtain green peas.

Mr. SHORTRIDGE. I understand the argument, and while I regret to do so, I shall have to object to the immediate consideration of the matter, and when it is timely will discuss the merits of the whole question.

The PRESIDING OFFICER. The clerk will report the next amendment.

Mr. TRAMMELL. Mr. President, I am very much opposed to a seasonable provision in regard to any feature of the tariff. If we attempted to apply that policy to peas, then we might with equal justification apply it to the products of all other sections of the country, and thereby deprive those sections of whatever protection they might receive under the tariff. There are sections of our country—California, Texas, Florida, and other parts of the United States—where peas are produced, and which can supply the market at any time. I have a report of marketing conditions in New York for the week ending March 2. I am not going to read all of the items, but it states the localities from which the early vegetables are coming, and it specifically mentions peas as coming from California and competing with the imported peas. It also mentions Florida vegetables which are coming into the market now.

Mr. President, I have just been informed by Senators around me that the Senator from California objected to taking up the amendment at this time.

The PRESIDING OFFICER. The amendment is not in order at the present time.

Mr. SMOOT. Mr. President——

Mr. ASHURST. Mr. President, was my amendment disposed of?

The PRESIDING OFFICER. No, it was declared out of order, upon objection. It will be taken up when we get to individual amendments.

Mr. ASHURST. Mr. President, I asked the Senate to take it up out of order, and I heard the Chair put the question, and there was no objection, and I proceeded with my very brief speech. I can call a dozen witnesses to prove it.

The PRESIDING OFFICER. The Senator from California objected.

Mr. ASHURST. I beg the Chair's pardon. The Chair plainly put the question and asked if there was any objection. The Chair paused, and there was no objection, and the objection of the Senator from California comes too late. I proceeded to speak upon the amendment before there was any objection, and I shall ask the reporter to read his notes, because that is absolutely a fact. There is no doubt about it.

Mr. SHORTRIDGE. Mr. President, when the matter was brought up we all recognized, bearing in mind the rule, that it was not in order.

Mr. ASHURST. I so stated when I asked unanimous consent for its immediate consideration.

Mr. SHORTRIDGE. Without yelling so loudly that it would lift the roof, I objected. The Chair heard me, and I stated to my friend, the Senator from Arizona, that I regretted to do so.

The PRESIDING OFFICER. If the Chair should rule technically, he would have to hold that the Senator from Arizona is correct.

Mr. ASHURST. Mr. President, the matter is so important that I must not yield on a technical point, and I must insist that this amendment is before the Senate.

The PRESIDING OFFICER. The practice of the Senate has been to permit an objection to lie at any time.

Mr. BARKLEY. Mr. President, if the Chair will permit, when the Chair put the question to the Senate, the Senator from Utah rose and stated he had no objection to immediate consideration, and there was no other objection that I heard.

Mr. SHORTRIDGE. I objected. I do not need to repeat twenty times that I objected.

Mr. ASHURST. I know my able friend, the junior Senator from California, objected.

Mr. SHORTRIDGE. Certainly I did.

Mr. ASHURST. I realize that, but it was long after I had obtained consent.

Mr. SHORTRIDGE. I had not granted consent, and as quickly as I could, I objected.

Mr. ASHURST. Mr. President, I do not wish to cavil over the matter. If it is an accommodation——

Mr. SHORTRIDGE. There is nothing in the amendment. It is all wrong; so let us vote it down.

Mr. ASHURST. I am willing to have a vote. I ask for a vote upon my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the question is on the amendment offered by the senior Senator from Arizona to the amendment made as in Committee of the Whole.

On a division, the amendment to the amendment made as in Committee of the Whole was rejected.

Mr. FLETCHER. Mr. President, the amendments made as in Committee of the Whole to paragraph 767 ought to be concurred in now. I ask that they may be concurred in.

The PRESIDING OFFICER. Without objection the amendments to paragraph 767 made as in Committee of the Whole will be concurred in.

Mr. ASHURST. Mr. President, I do not wish to bring up the tomato amendment if any Senator objects, because I doubt if it is in order, but I think we could dispose of it in a very short time. If I may have permission at this juncture to have a vote upon the tomato amendment, I should be very much obliged.

Mr. SHORTRIDGE. It involves the seasonal question?

Mr. ASHURST. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 143, line 2, after the word "pound" and before the semicolon, insert a comma and the following words: "except during the months of December, January, February, and March, when the duty shall be 1 cent per pound."

Mr. SWANSON. Mr. President, I would like to ask the Senator a question. Do we get any tomatoes from Florida or Texas——

Mr. FLETCHER. This would apply a tariff to each and every State in the country except Florida.

Mr. SWANSON. Does Florida produce any tomatoes in December and January?

Mr. FLETCHER. Oh, yes.

Mr. ASHURST. There is probably no single product concerned with the present tariff bill in which consumers, in general, are as vitally interested as the fresh tomato. The rate carried in this bill is not a protective tariff rate but is an embargo.

It is not necessary, even if I were capable of doing so, to enter into any discussion of the interesting, indeed romantic, history of the discovery and culture of this important, wholesome, and nutritious food called the tomato.

It is said that Portuguese explorers discovered the tomato in Peru in the fifteenth century and gave it to the Arabs of Morocco, who, wanderers in the desert though they be, cultivated this plant and introduced it into Europe through Italy.

During the past decade the tomato has been as highly praised for its food value as any single product, with the possible exception of milk.

The high praise which the tomato calls forth from nutrition experts rests largely upon the content of those mysterious substances that have been named vitamins and upon their food values as demonstrated to exist.

The tomato is rich in those properties, or vitamins A, B, and C, which tend, respectively, to prevent and cure rickets, neuritis, and scurvy; in other words, vitamin A is an irachitic, B is antineuritic, and C is antiscurvy.

The fact that the activity and value of the tomato vitamins are practically unchanged by cooking or canning is of prime importance. The price of tomatoes is comparatively low, and some one has aptly called this fruit the "poor man's orange."

In content of vitamin A the tomato ranks with lettuce, below spinach, and above cabbage. For vitamin B it is twice as rich as turnip or onion and half as rich as yeast. It ranks with the orange and lemon juice for vitamin C.

Nutrition specialists give great weight to the value of "appetizers" in the diet, and in this connection the tomato is accorded a high place. Tomatoes have an important use in the prevention of diseases of malnutrition common in young children.

After all the theories have been advanced and after all evidence has been brought in, the final verdict regarding the use of a food product, rests with the housewife and she is keenly sensitive to the likes and dislikes of her family. The tomato's attractive color; its delicate acidity; its tasty flavor; its refreshing juiciness; and its ability gently to titillate the appetite, all make the tomato more popular than any other vegetable except the staple crops, sweet and Irish potatoes.

The low cost now extending to all seasons of the year makes the tomato available, fresh or preserved, on practically every table.

The entire population of the United States is entitled to an opportunity to have a continuous supply of fresh tomatoes throughout the year with as much dependability and with prices as reasonable as possible. All tomato-growing districts are subject to hazards of frost, excessive rains, droughts, and insect pests and plant-disease damage. For this reason it is highly important that several sources of supply of fresh tomatoes should be available at all times. Cuba, Bahama Islands, and the west coast of Mexico are much more reliable sources of supply of fresh tomatoes during the months of December, January, February, and March than any American district, and the

imports during those months stabilize the fresh-tomato trade of the United States to the great advantage of consumers.

Even under present conditions with fresh tomato supplies available from Florida, Cuba, Mexico, and Bahama Islands from December to April, inclusive, there are, nevertheless, frequent periods when this important product is retailed at prices far beyond the means of the average consumer. Hence, further to restrict the supply by increasing the import duty during these months would be grossly unjust, placing this product definitely in the luxury class for the majority of our population for many weeks each year.

If the tomato were a nonperishable or even a semiperishable product which could stand cross-country shipment without more rapid deterioration than onions or cabbage, potatoes, or turnips; if the tomato could be produced in any section of the country during the season of tomato imports, in a reasonably dependable manner from year to year, and if that section were so located that gross injustice would not be done to the consumers in any part of our country by awarding a monopoly in one of the most important of all vegetable food products, then a higher tariff on fresh tomatoes might be tolerated.

Mr. BARKLEY. Mr. President, I desire to ask the Senator from Arizona a question. During what months does the Senator's amendment propose to "unlax" this tariff?

Mr. ASHURST. It will be 1 cent per pound between January 1 and April 30, and 3 cents per pound during the remainder of the year.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arizona.

The amendment was rejected.

Mr. ASHURST. Mr. President, with the further indulgence of the Senate—and I really appreciate Senators' kindness in permitting me to call up the amendment—I desire to offer an amendment relating to peppers.

Mr. TRAMMELL. Mr. President, should not the amendments made as in Committee of the Whole to paragraph 770 now be concurred in before we leave that paragraph?

Mr. SMOOT. That should be done.

The PRESIDING OFFICER. Without objection, the amendments made to paragraph 770 as in Committee of the Whole are concurred in.

Mr. ASHURST. I am asking a seasonal tariff on green peppers of 1 cent a pound, and offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 143, line 13, at the end of the line, after the word "pound" and before the semicolon, insert the following words: "except that between January 1 and April 30 the rate of duty on peppers shall be 1 cent per pound."

Mr. ASHURST. I need make no further argument than to say I think the Senate should pause before it lays a heavy duty on such staple foods as these out-of-season fruits. I ask for a division on my amendment.

On a division, the amendment was rejected.

WELLINGTON D. RANKIN

Mr. WALSH of Montana. Mr. President, earlier in the day I asked consideration, as in executive session, of the nomination of Wellington D. Rankin to be United States attorney, district of Montana. Objection was made at the time, and it was suggested that the matter be brought up near the conclusion of the day's session.

I ask unanimous consent, as in executive session, that the Senate now proceed to the consideration of the nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and, without objection, the nomination is confirmed, and the President will be notified.

ALBERT C. GRUWELL

Mr. WALSH of Montana. Mr. President, some time ago, it may be remembered, the confirmation of the nomination of a candidate for postmaster at Dillon, Mont., was the subject of some protracted discussion. In the course of that discussion some documents were offered by me which were construed in a way as impugning the character of Mr. Gruwell, the nominee.

I am in receipt of a petition from a large number of citizens of Dillon and vicinity as to the character of Mr. Gruwell, and I ask that one of these, without the signatures, be incorporated in the RECORD, including the certificate attached thereto attesting to the genuineness of the signatures.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

To the Hon. T. J. WALSH,

United States Senator from Montana, Washington, D. C.

SIR: On November 20, 1929, in the United States Senate, the Senate then having under consideration the appointment of Albert C. Gruwell as postmaster at Dillon, Mont., you read to the Senate certain letters and telegrams containing statements highly derogatory to the character of Mr. Gruwell.

In these letters it was stated "that Mr. Gruwell has never done anything for the community of Dillon," and "that he has been a bartender." The writer then inquires, "Does the department want an ex-bartender for a postmaster?"

We appreciate that you were deliberately misinformed and imposed upon by the writers of the letters referred to. We further know and appreciate the grave injustice that has been done Mr. Gruwell.

Therefore we, the undersigned residents and citizens of Beaverhead County residing in and near Dillon, Mont., irrespective of party affiliations, hereby certify:

1. That Albert C. Gruwell has resided in our midst for 20 years and upward.

2. That he is a sober, industrious, and valued citizen.

3. That he enjoys the respect, confidence, and esteem of the citizens of this community.

4. That he is not and never has been a bartender.

5. That the derogatory statements contained in the letters read by you to the Senate were without foundation in fact.

We therefore earnestly request that you right the grave injustice you have unwittingly done Mr. Gruwell by reading this letter to the Senate and giving to it the same wide publicity the letters received.

STATE OF MONTANA,

County of Beaverhead, ss.:

I, John S. Baker, county clerk of Beaverhead County, Mont., do hereby certify that I have examined the signatures appearing upon the within petition; that I am personally acquainted with each and all of the petitioners and with their signatures, and that the signatures appearing thereon are the genuine signatures of said petitioners; that each and all of the petitioners are residents and citizens of Beaverhead County and electors of the said county, with the following exceptions:

A. P. Williams is a householder in Dillon, Mont., but votes in Madison County, Mont.; Moses Smythe resides in Madison County and votes in Madison County, Mont., but transacts his business in Beaverhead County, Mont.

In witness whereof, I have hereunto set my hand and affixed my official seal of my office, this 6th day of January, A. D. 1930.

[SEAL.] JNO. S. BAKER,
County Clerk and Recorder in and for Beaverhead County, Mont.

CLINT W. HAGER

Mr. ROBINSON of Indiana. Mr. President, as in open executive session, I report favorably from the Committee on the Judiciary the nomination of Clint W. Hager, of Georgia, to be United States attorney, northern district of Georgia.

The PRESIDING OFFICER. The nomination will be placed upon the Executive Calendar.

UNCOMPAHGRE PROJECT, COLORADO

As in legislative session,

Mr. PHIPPS. Mr. President, I report back favorably without amendment from the Committee on Irrigation and Reclamation the joint resolution (S. J. Res. 151) to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre projects, Colorado. The joint resolution will enable one of the irrigation projects to receive water during this season upon payment by the occupants of the land for the use of the water of one year's assessment on the land. The joint resolution has been approved by practically all the members of the committee who were present. We are following a precedent, in that we have done this on two or three other occasions. I ask for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read as follows:

Whereas an economic study is now in progress on the Uncompahgre project, Colorado, constructed and operated under the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof or supplementary thereto, looking to the adjustment of water-right charges and the execution of a new contract with the water users of that project; and

Whereas the necessary action can not be completed before the beginning of the irrigation season of 1930: Now therefore be it

Resolved, etc., That the Secretary of the Interior is hereby authorized to deliver water during the irrigation season of 1930 to any water user on the Uncompahgre project, Colorado, who pays or causes to be paid, in the manner and at the time prescribed by said Secretary, one regular annual installment of construction charge and the current operation and maintenance charges, nothwithstanding any delinquencies.

Mr. BRATTON. May I ask the Senator on what river the project is located?

Mr. PHIPPS. It is on the Uncompahgre in Colorado. The water is brought through a tunnel from one of the small tribu-

taries of the Colorado. The project has been in operation for many years, having been one of the first instituted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SHOSHONE AND ARAPAHOE INDIAN PER CAPITA PAYMENTS

Mr. FRAZIER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3579, authorizing per capita payments to the Shoshone and Arapahoe Indians of Wyoming. This is a bill introduced by the senior Senator from Wyoming [Mr. KENDRICK], who is very anxious to have it passed.

Mr. DILL. Mr. President, I think that is legislation we ought to take up in the regular way.

The PRESIDING OFFICER. Does the Senator object?

Mr. DILL. I think I will object.

Mr. FRAZIER. Mr. President, I hope the Senator will withhold the objection just a moment. These Indians are in very bad condition financially. They have some $136,000 in their fund. The bill authorizes the Secretary of the Interior to make a per capita payment out of their own money to these Indians. The senior Senator from Wyoming [Mr. KENDRICK], who is very familiar with the situation, is anxious to have the bill passed, because there is great hardship among those Indians.

Mr. DILL. How much does it involve?

Mr. FRAZIER. It will be up to the Secretary of the Interior and the Commissioner of Indian Affairs. There is a total of $136,000 in their fund. The department recommends that the bill be passed.

The PRESIDING OFFICER. Does the Senator from Washington object?

Mr. DILL. I notice that the bill makes provision for reasonable per capita payments. Is not that an unusual way to write an authorization to pay money?

Mr. FRAZIER. I think not. It is left up to the department. There is only $136,000 in their fund available and it is to be paid out of their own money. The Indians are strong for it. The only thing they have to eat at the present time is horse meat.

Mr. DILL. I think it is a very bad practice to take up a measure of this kind at this hour of the night when it is understood we will not pass general legislation. But I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Shoshone and Arapahoe Indians in the State of Wyoming from their tribal funds deposited in the United States Treasury under the act of August 21, 1916 (39 Stat. L. 519).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate executive messages from the President of the United States, which were referred to the appropriate committees.

UNEMPLOYMENT IN THE UNITED STATES

Mr. McKELLAR. Mr. President, I ask to have published in the RECORD an editorial appearing in the St. Clairsville (Ohio) Gazette of March 6, 1930, entitled "No Sympathy for the Unemployed."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Clairsville (Ohio) Gazette, March 6, 1930]

NO SYMPATHY FOR THE UNEMPLOYED

If you are out of work, you are a communist, if you complain about being idle and mention so much as your family is suffering, you are a downright red. Who has given the order to condemn as communists and reds all those who complain about being unemployed? If the complainant is on the Pacific coast, on the Canadian border, Atlantic coast, or the Gulf coast, or in Boston, Philadelphia, Cleveland, St. Louis, or Chicago, they are immediately charged with being communists or reds. It's a uniform arraignment.

When these idle of to-day stood on the sidewalks in the fall of 1928, and cheered the promises of prosperity and good times promised by President Hoover and his party, they were bone and sinew of the Nation. They are the same people, but when the promises made to get votes are not made good, you are bad and an enemy of the Nation. One side can break its solemn pledges and guaranties and be applauded for what the leaders call a wonderful achievement. It knows no suffering, none of the members of its families are hungry, they have luxuries and life as far as necessities are concerned, and are happy and contented.

Some master mind, or minds, has conceived to say thumbs down for any sympathy for those who suffer, and in order to kill any feeling for the many who suffer it was conceived to call them communists or reds, to create in the minds of the people an antagonism and bitterness against those who cry for bread.

By characterizing all as bad, they hope to cover up the conditions and if possible fool a majority of the people as to the need of several million citizens, and at the same time issue from Washington the propaganda of the country being prosperous.

If these bread rioters, the men and women who are asking for work, are reds, why does not the Government deport them? Why does it permit the Nation to harbor such enemies in times of stress. It has adequate laws to send them all out of its borders, hence it must be delinquent in its duty.

One group in this Nation is riding high-handed, it bowls over any criticism, it ridicules all who warn them of their policy being wrong, but if the worst comes, we suppose we will have a commission named to investigate. It is far too serious to jest; hungry men and women deserve more than ridicule; they deserve help, and especially when all they ask is for work to provide for themselves.

This tagging all that are idle as bad citizens is having a bad effect; it may be more serious than we think. It is being resented by a large class who have a little work; it is being condemned by a large group who are out of the millionaire class.

There still exists in this Nation a large number who still are blessed with the milk of human kindness in their hearts, who have in their hearts sympathy for their fellow man, and who do not believe because their neighbor is idle of no fault of his own that he is a bad citizen.

We are just wondering when the fall election comes in November what the powers that be in Washington are going to call these men and women they are now so loudly denouncing as bad. They will want their votes in November, and will those who are now classed as communists and reds forget and rally to the support of those who now condemn them? And will they again accept the promises and pledges of those who betrayed them or will the present remain fresh in their minds, and with it a retaliation for the insults they had cast at them? November means much to both sides of this matter.

RECESS

Mr. SMOOT. Mr. President, I move that the Senate take a recess, the recess being until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until to-morrow, Thursday, March 13, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 12 (legislative day of January 6), 1930

UNITED STATES DISTRICT JUDGE

George Cosgrave, of California, to be United States District judge, southern district of California, vice Edward J. Henning, resigned.

POSTMASTERS

ALABAMA

William P. Tartt to be postmaster at Livingston, Ala., in place of W. P. Tartt. Incumbent's commission expired March 2, 1930.

James B. Washington to be postmaster at Tuskegee Institute, Ala., in place of J. B. Washington. Incumbent's commission expired February 6, 1930.

ARKANSAS

Edwin E. Blackmon to be postmaster at Augusta, Ark., in place of E. E. Blackmon. Incumbent's commission expired December 17, 1929.

CALIFORNIA

Harry R. Barden to be postmaster at Angels Camp, Calif., in place of H. R. Barden. Incumbent's commission expired March 2, 1930.

Harry A. Hall to be postmaster at Bigpine, Calif., in place of H. A. Hall. Incumbent's commission expired December 21, 1929.

Charles W. Spalding to be postmaster at Floriston, Calif., in place of C. W. Spalding. Incumbent's commission expired December 21, 1929.

Annie M. Lepley to be postmaster at Plymouth, Calif., in place of A. M. Lepley. Incumbent's commission expired December 21, 1929.

COLORADO

Frank L. Dodge to be postmaster at Denver, Colo., in place of F. L. Dodge. Incumbent's commission expires March 22, 1930.

Samuel Coen to be postmaster at Walden, Colo., in place of Samuel Coen. Incumbent's commission expired December 14, 1929.

CONNECTICUT

Edna M. Jenkins to be postmaster at Middlefield, Conn., in place of E. M. Jenkins. Incumbent's commission expired December 16, 1929.

FLORIDA

Charles W. Pierce to be postmaster at Boynton, Fla., in place of C. W. Pierce. Incumbent's commission expired December 18, 1929.

Cecilia E. Kilbourn to be postmaster at Carrabelle, Fla., in place of C. E. Kilbourn. Incumbent's commission expired February 15, 1930.

Grace M. Mashburn to be postmaster at Caryville, Fla., in place of G. M. Mashburn. Incumbent's commission expired December 18, 1929.

Rexford D. L. Graves to be postmaster at Daytona Beach, Fla., in place of R. D. L. Graves. Incumbent's commission expired March 11, 1930.

Ellsworth Morgan to be postmaster at Eau Gallie, Fla., in place of R. A. Boucher, removed.

Louis C. Lynch to be postmaster at Gainesville, Fla., in place of L. C. Lynch. Incumbent's commission expired March 11, 1930.

William C. Johnson to be postmaster at Jensen, Fla., in place of W. C. Johnson. Incumbent's commission expired February 15, 1930.

George O. Jacobs to be postmaster at Lake City, Fla., in place of G. O. Jacobs. Incumbent's commission expired January 13, 1930.

Agnes M. Moremen to be postmaster at Maitland, Fla., in place of A. M. Moremen. Incumbent's commission expired February 15, 1930.

Oren L. Elliott to be postmaster at Ojus, Fla., in place of T. E. Farrell, resigned.

Goldie B. Helm to be postmaster at Oneco, Fla., in place of G. B. Helm. Incumbent's commission expired December 18, 1929.

Pearl E. Graham to be postmaster at Orange City, Fla., in place of P. E. Graham. Incumbent's commission expired March 11, 1930.

Orville L. Bogue to be postmaster at Oxford, Fla., in place of O. L. Bogue. Incumbent's commission expired February 15, 1930.

Joseph B. Bower to be postmaster at Rockledge, Fla., in place of J. B. Bower. Incumbent's commission expired January 23, 1930.

Jennie J. Wilbar to be postmaster at Salerno, Fla., in place of J. B. Wilbar, removed.

Orrell W. Prevatt to be postmaster at Seville, Fla., in place of O. W. Prevatt. Incumbent's commission expired March 11, 1930.

Charles M. Loy to be postmaster at Stuart, Fla., in place of C. M. Loy. Incumbent's commission expired December 18, 1929.

Mary L. Woodmansee to be postmaster at Valparaiso, Fla., in place of H. J. Engel, resigned.

GEORGIA

James L. Weaver to be postmaster at Ellijay, Ga., in place of J. L. Weaver. Incumbent's commission expired January 15, 1930.

Fox D. Stephens to be postmaster at Macon, Ga., in place of F. D. Stephens. Incumbent's commission expired December 15, 1929.

Robert N. Trimble to be postmaster at Summerville, Ga., in place of R. N. Trimble. Incumbent's commission expired December 14, 1929.

Will P. Tate to be postmaster at Trion, Ga., in place of W. P. Tate. Incumbent's commission expired December 14, 1929.

HAWAII

J. Frank Woolley to be postmaster at Honolulu, Hawaii, in place of J. F. Woolley. Incumbent's commission expired March 3, 1930.

ILLINOIS

Jacob H. Maher to be postmaster at Hull, Ill., in place of J. H. Maher. Incumbent's commission expired March 1, 1930.

Claude W. McDaniel to be postmaster at Martinsville, Ill., in place of C. W. McDaniel. Incumbent's commission expired January 30, 1930.

Polona H. Callaway to be postmaster at Tallula, Ill., in place of P. H. Callaway. Incumbent's commission expired December 18, 1929.

Anna J. Black to be postmaster at Thornton, Ill., in place of C. S. Viall, removed.

INDIANA

Lee G. Corder to be postmaster at Merom, Ind., in place of L. G. Corder. Incumbent's commission expired December 15, 1929.

IOWA

Walter H. Lake to be postmaster at Bedford, Iowa, in place of W. H. Lake. Incumbent's commission expired February 6, 1930.

Edna B. Wylie to be postmaster at Derby, Iowa, in place of E. B. Wylie. Incumbent's commission expired December 18, 1929.

Augustus A. Bauman to be postmaster at Mount Vernon, Iowa, in place of F. W. Wodrich, jr., resigned.

Daniel O. Clark to be postmaster at Ogden, Iowa, in place of D. O. Clark. Incumbent's commission expires March 16, 1930.

Frerich O. Christoffers to be postmaster at Palmer, Iowa, in place of F. O. Christoffers. Incumbent's commission expired March 8, 1930.

KANSAS

John F. Heston to be postmaster at Goodland, Kans., in place of Maude Aten. Incumbent's commission expired January 28, 1930.

William M. Parham to be postmaster at Logan, Kans., in place of Abram Troup. Incumbent's commission expired January 18, 1930.

KENTUCKY

Ben D. Herndon to be postmaster at Danville, Ky., in place of L. E. Rue. Incumbent's commission expired January 5, 1930.

Anna D. Shelman to be postmaster at Pewee Valley, Ky., in place of M. O. Tschiffely, removed.

MAINE

Harvard M. Armstrong to be postmaster at Cape Cottage, Me., in place of H. M. Armstrong. Incumbent's commission expired December 14, 1929.

Clayton R. Hamlin to be postmaster at Unity, Me., in place of C. R. Hamlin. Incumbent's commission expired February 26, 1930.

MASSACHUSETTS

Perez H. Phinney to be postmaster at Monument Beach, Mass., in place of P. H. Phinney. Incumbent's commission expired December 14, 1929.

Otis E. Hager to be postmaster at North Dana, Mass., in place of O. E. Hager. Incumbent's commission expired February 26, 1930.

MICHIGAN

Herman Buby to be postmaster at Brown City, Mich., in place of Herman Buby. Incumbent's commission expired December 15, 1929.

George G. Geniesse to be postmaster at Escanaba, Mich., in place of J. A. Semer. Incumbent's commission expired December 15, 1929.

Wesley J. Morrison to be postmaster at Mount Pleasant, Mich., in place of B. M. Gould, resigned.

MINNESOTA

Robert W. Stewart to be postmaster at Ceylon, Minn., in place of R. W. Stewart. Incumbent's commission expired March 11, 1930.

Frank H. Beyer to be postmaster at Elgin, Minn., in place of F. H. Beyer. Incumbent's commission expired December 18, 1929.

Lewis Garden to be postmaster at Gary, Minn., in place of Lewis Garden. Incumbent's commission expired March 11, 1930.

Albert Myhre to be postmaster at Grand Meadow, Minn., in place of Albert Myhre. Incumbent's commission expired December 18, 1929.

Anna Johnson to be postmaster at Hastings, Minn., in place of K. M. Chase, resigned.

Minot J. Brown to be postmaster at Owatonna, Minn., in place of M. J. Brown. Incumbent's commission expired December 18, 1929.

Nels J. Amble to be postmaster at Peterson, Minn., in place of N. J. Amble. Incumbent's commission expired December 18, 1929.

George H. Tome to be postmaster at Pine Island, Minn., in place of G. H. Tome. Incumbent's commission expired December 18, 1929.

Albert H. Sugg to be postmaster at Zumbro Falls, Minn., in place of A. H. Sugg. Incumbent's commission expired January 21, 1930.

MISSISSIPPI

Reid R. Williams to be postmaster at Arcola, Miss., in place of R. R. Williams. Incumbent's commission expired February 16, 1929.

Burnell Shelton to be postmaster at Hazlehurst, Minn., in place of G. T. Hallas. Incumbent's commission expired February 21, 1929.

Florence Brady to be postmaster at Lula, Miss., in place of Florence Brady. Incumbent's commission expires March 25, 1930.

Robert E. Gryder to be postmaster at Shannon, Miss., in place of S. M. Harris. Incumbent's commission expired February 16, 1929.

MISSOURI

Earle W. Phillips to be postmaster at Henrietta, Mo., in place of E. W. Phillips. Incumbent's commission expired February 6, 1930.

George S. Brown to be postmaster at Hornersville, Mo., in place of G. S. Brown. Incumbent's commission expired February 6, 1930.

James A. Coder to be postmaster at Lewistown, Mo., in place of J. A. Coder. Incumbent's commission expired December 22, 1929.

MONTANA

Harry J. Waters to be postmaster at Rapelje, Mont., in place of H. J. Waters. Incumbent's commission expired December 16, 1929.

Margaret M. Colligan to be postmaster at Walkerville, Mont., in place of M. M. Colligan. Incumbent's commission expired March 2, 1930.

NEW HAMPSHIRE

Charles S. Hutchins to be postmaster at Charlestown, N. H., in place of C. S. Hutchins. Incumbent's commission expired January 13, 1930.

Frederick R. Jennings to be postmaster at Gorham, N. H., in place of F. R. Jennings. Incumbent's commission expired January 21, 1930.

Carrie B. Ware to be postmaster at Hancock, N. H., in place of C. B. Ware. Incumbent's commission expired January 13, 1930.

Fred W. Colton to be postmaster at Hinsdale, N. H., in place of F. W. Colton. Incumbent's commission expired January 13, 1930.

Charles Myers to be postmaster at Jaffrey, N. H., in place of Charles Myers. Incumbent's commission expired January 26, 1930.

James E. Collins to be postmaster at Lisbon, N. H., in place of J. E. Collins. Incumbent's commission expired January 28, 1930.

NEW JERSEY

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of A. B. Nafew. Incumbent's commission expired January 7, 1930.

Chester A. Burt to be postmaster at Helmetta, N. J., in place of C. A. Burt. Incumbent's commission expired February 4, 1930.

David C. Bush to be postmaster at Oakland, N. J., in place of D. C. Bush. Incumbent's commission expired February 26, 1930.

Jesse W. English to be postmaster at Wenonah, N. J., in place of J. W. English. Incumbent's commission expired January 7, 1930.

NEW MEXICO

Mary C. DuBois to be postmaster at Corona, N. Mex., in place of M. C. DuBois. Incumbent's commission expired March 1, 1930.

Helen M. Armstrong to be postmaster at Portales, N. Mex., in place of H. M. Armstrong. Incumbent's commission expired January 21, 1930.

NEW YORK

Howard McClellan to be postmaster at Greenwich, N. Y., in place of Howard McClellan. Incumbent's commission expired December 21, 1929.

Floyd B. Webb to be postmaster at Mannsville, N. Y., in place of F. B. Webb. Incumbent's commission expired January 29, 1930.

Owen J. Griffith to be postmaster at Remsen, N. Y., in place of O. J. Griffith. Incumbent's commission expired December 21, 1929.

Emil G. Schumacher to be postmaster at Valley Stream, N. Y., in place of E. G. Schumacher. Incumbent's commission expired March 2, 1930.

William R. Crawford to be postmaster at Warsaw, N. Y., in place of W. R. Crawford. Incumbent's commission expired February 6, 1930.

NORTH CAROLINA

Dan W. Hill to be postmaster at Asheville, N. C., in place of D. W. Hill. Incumbent's commission expired March 11, 1930.

NORTH DAKOTA

M. Evelyn Peavy to be postmaster at Egeland, N. Dak., in place of M. E. Peavy. Incumbent's commission expired March 11, 1930.

William C. Forman, jr., to be postmaster at Hankinson, N. Dak., in place of W. C. Forman, jr. Incumbent's commission expired December 18, 1929.

Lawrence D. Larsen to be postmaster at Kindred, N. Dak., in place of L. D. Larsen. Incumbent's commission expired March 2, 1930.

Elmer H. Myhra to be postmaster at Wahpeton, N. Dak., in place of E. H. Myhra. Incumbent's commission expired December 18, 1929.

OHIO

Ethel H. Somerville to be postmaster at Adena, Ohio, in place of E. H. Somerville. Incumbent's commission expired January 18, 1930.

Horace B. Ramey to be postmaster at Centerburg, Ohio, in place of H. B. Ramey. Incumbent's commission expired December 17, 1929.

Walter H. Scheu to be postmaster at Dover, Ohio, in place of J. A. Barr. Incumbent's commission expired December 17, 1929.

Marvin P. Devore to be postmaster at East Columbus, Ohio, in place of M. P. Devore. Incumbent's commission expired December 17, 1929.

Orin Breckenridge to be postmaster at Grove City, Ohio, in place of Orin Breckenridge. Incumbent's commission expired December 17, 1929.

Hugh C. Bell to be postmaster at Utica, Ohio, in place of H. C. Bell. Incumbent's commission expired December 17, 1929.

OKLAHOMA

Julius L. Bowen to be postmaster at Earlsboro, Okla., in place of S. S. Reed, resigned.

Charles E. Seese to be postmaster at Fairview, Okla., in place of J. W. Bishop, deceased.

Augustine Foresman to be postmaster at Gate, Okla. Office became presidential July 1, 1929.

Jason A. N. Horton to be postmaster at Hunter, Okla., in place of J. A. N. Horton. Incumbent's commission expired March 10, 1930.

Robert V. Anderson to be postmaster at Muskogee, Okla., in place of R. V. Anderson. Incumbent's commission expired March 11, 1930.

Lee R. Johnson to be postmaster at Olustee, Okla., in place of L. R. Johnson. Incumbent's commission expired March 10, 1930.

Clay Cross to be postmaster at Skiatook, Okla., in place of Clay Cross. Incumbent's commission expired January 21, 1930.

OREGON

Logan E. Anderson to be postmaster at Cove, Oreg., in place of L. E. Anderson. Incumbent's commission expired March 6, 1930.

Richard E. Tozier to be postmaster at Helix, Oreg., in place of R. E. Tozier. Incumbent's commission expired March 6, 1930.

PENNSYLVANIA

Elmer D. Getz to be postmaster at Akron, Pa., in place of E. D. Getz. Incumbent's commission expired February 23, 1930.

Ella C. Brannon to be postmaster at Centerville, Pa., in place of E. C. Brannon. Incumbent's commission expired December 21, 1929.

Frank H. Shenck to be postmaster at Landisville, Pa., in place of F. H. Shenck. Incumbent's commission expired February 6, 1930.

Raymond J. Fisher to be postmaster at Robesonia, Pa., in place of R. J. Fisher. Incumbent's commission expired February 26, 1930.

John A. Van Orsdale to be postmaster at Russell, Pa., in place of J. A. Van Orsdale. Incumbent's commission expired January 14, 1930.

James J. Neil to be postmaster at Sligo, Pa., in place of J. J. Neil. Incumbent's commission expired December 21, 1929.

RHODE ISLAND

Ralph H. Chapman to be postmaster at Esmond, R. I., in place of R. H. Chapman. Incumbent's commission expired December 18, 1929.

TENNESSEE

Terrell McIlwain to be postmaster at Parsons, Tenn., in place of Terrell McIlwain. Incumbent's commission expired February 26, 1930.

TEXAS

Clarence Walters to be postmaster at Alice, Tex., in place of Clarence Walters. Incumbent's commission expires March 15, 1930.

John F. Furlow to be postmaster at Alvord, Tex., in place of J. F. Furlow. Incumbent's commission expires March 25, 1930.

John H. Atterbury to be postmaster at Benjamin, Tex., in place of J. H. Atterbury. Incumbent's commission expired March 10, 1930.

Dave C. Dodge to be postmaster at Claude, Tex., in place of D. C. Dodge. Incumbent's commission expires March 15, 1930.

Benjamin F. Robey to be postmaster at Coleman, Tex., in place of B. F. Robey. Incumbent's commission expires March 15, 1930.

Clarence V. Rattan to be postmaster at Cooper, Tex., in place of C. V. Rattan. Incumbent's commission expired January 28, 1930.

Simon J. Enochs to be postmaster at Georgetown, Tex., in place of S. J. Enochs. Incumbent's commission expires March 15, 1930.

Charles L. Long to be postmaster at Graham, Tex., in place of C. L. Long. Incumbent's commission expires March 15, 1930.

Alfred M. Finger to be postmaster at Hondo, Tex., in place of A. M. Finger. Incumbent's commission expired March 11, 1930.

Emil Gold to be postmaster at Kerrville, Tex., in place of Emil Gold. Incumbent's commission expired March 10, 1930.

Don Parker to be postmaster at Liberty, Tex., in place of Don Parker. Incumbent's commission expired February 1, 1930.

John E. McAllister to be postmaster at Mirando City, Tex., in place of J. E. McAllister. Incumbent's commission expired December 17, 1929.

Charles L. Wiebusch to be postmaster at Riesel, Tex., in place of C. L. Wiebusch. Incumbent's commission expires March 15, 1930.

Warner W. McNaron, to be postmaster at Rotan, Tex., in place of W. W. McNaron. Incumbent's commission expires March 15, 1930.

Willie E. Penick to be postmaster at Rule, Tex., in place of W. E. Penick. Incumbent's commission expired March 11, 1930.

Ora L. Griggs to be postmaster at Sanatorium, Tex., in place of O. L. Griggs. Incumbent's commission expires March 15, 1930.

Maggie Exum to be postmaster at Shamrock, Tex., in place of Maggie Exum. Incumbent's commission expires March 15, 1930.

Morus B. Howard to be postmaster at Sweetwater, Tex., in place of M. B. Howard. Incumbent's commission expired December 17, 1929.

Peter J. Sherman to be postmaster at Whitney, Tex., in place of P. J. Sherman. Incumbent's commission expires March 15, 1930.

Leeander M. Gilbreath to be postmaster at Winnsboro, Tex., in place of L. M. Gilbreath. Incumbent's commission expires March 15, 1930.

UTAH

Lionel L. Peterson to be postmaster at Fairview, Utah., in place of L. L. Peterson. Incumbent's commission expired March 2, 1930.

VERMONT

George F. Flint to be postmaster at Chelsea, Vt., in place of G. F. Flint. Incumbent's commission expired February 6, 1930.

WASHINGTON

Gustave A. Weber to be postmaster at Odessa, Wash., in place of G. C. Schoonover, resigned.

Arthur B. Foley to be postmaster at Wilbur, Wash., in place of A. B. Foley. Incumbent's commission expired March 2, 1930.

WEST VIRGINIA

Harry E. Engle to be postmaster at Fairmont, W. Va., in place of H. E. Engle. Incumbent's commission expired March 2, 1930.

B. Hampton Gray to be postmaster at Welch, W. Va., in place of B. H. Gray. Incumbent's commission expires March 25, 1930.

WISCONSIN

Leo O. Dietrich to be postmaster at Cassville, Wis., in place of L. O. Dietrich. Incumbent's commission expired March 11, 1930.

Henry W. Lemmenes to be postmaster at Cedar Grove, Wis., in place of H. W. Lemmenes. Incumbent's commission expired March 11, 1930.

William T. Hoyt to be postmaster at Rosendale, Wis., in place of W. T. Hoyt. Incumbent's commission expired March 11, 1930.

Guilford K. Berge to be postmaster at Valders, Wis., in place of G. K. Berge. Incumbent's commission expired December 21, 1929.

CONFIRMATION

Executive nomination confirmed by the Senate March 12 (legislative day of January 6), 1930

UNITED STATES ATTORNEY

Wellington D. Rankin, district of Montana.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 12, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Magnify Thyself in us, blessed Lord. Help us to serious thought, to high spiritual thought, that we may ponder the depths and look into the heights, and thus the freshness and the joy and the hope of life shall be renewed. May we accept life with its challenge, assume its obligations, and fill its hours with faithful service. O let all our days be full of interest, enterprise, and wholesome endeavor, making them fruitful in the busy world and in our own country. Ever keep in our thought the truth that the fear of the Lord is the secret of national unity, contentment, and progress. Have us remember that happy is that people whose God is the Lord. Through Christ. Amen.

The Journal of the proceedings of Monday, March 10, 1930, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on March 10, 1930, the President approved and signed a joint resolution of the House of the following title:

H. J. Res. 210. Joint resolution to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business for to-day be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business for to-day be dispensed with. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, on the 19th day of March, in the morning hour, immediately following the disposition of business on the Speaker's table, I ask unanimous consent that I may be granted permission to address the House for 45 minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that on the 19th day of this month he may address the House for 45 minutes. Is there objection?

There was no objection.

CHARGES AGAINST A FEDERAL JUDGE

Mr. LAGUARDIA. Mr. Speaker, I have an announcement to make to the House, and I ask unanimous consent to speak for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. 'Mr. Speaker, it is again my unpleasant duty to announce to the House that I am about to file charges against another Federal judge. For many months I have had correspondence with patient and forebearing citizens of Memphis, Tenn., giving me information which they have been furnishing to the Department of Justice.

I have waited patiently for action and for an official report from the department. None has been forthcoming. So to-day I am dropping into the basket a resolution requiring the Department of Justice to transmit forthwith to the Committee on the Judiciary of the House all the information it has gathered to date concerning Judge Harry B. Anderson, a district judge for the western district of Tennessee.

And, gentlemen, I want to take this opportunity to point out to the House the need of cooperation and help on the part of the Department of Justice as well as on the part of this House. Every time a Member proceeds to obtain information upon charges of misconduct on the part of a district judge—and I have had experience of that kind—you would think that the Member himself was being impeached instead of the judge under investigation.

We have another case pending before the Committee on the Judiciary, and I ask the help of the House to get some additional information, so that finally we may intelligently and justly pass upon that case.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield there?

Mr. LaGUARDIA. Yes.

Mr. TAYLOR of Tennessee. I would like to ask the gentleman if the information he speaks of comes in anonymous letters?

Mr. LaGUARDIA. Some of it, and some is easily identified. There is nothing anonymous that bondsmen have had the bonds reduced to a small amount when criminals charged with violation of the narcotic laws absconded.

There is nothing anonymous in the fact that this judge requires receivers in bankrupt estates to deposit in the American Savings Bank & Trust Co. the funds of the bankrupt. There is nothing anonymous in the fact this bank failed at the same time that members of the judge's family were receiving loans from the bank.

There is nothing anonymous in the fact that a certain man was repeatedly named receiver and that he did not account in many bankrupt estates, and to this date there has been no proper and final accounting in many cases which resulted in losses to creditors, many in my own city. There is nothing anonymous in that, and I ask that my resolution be referred immediately to the Committee on the Judiciary.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. May the Chair have the attention for a moment of the gentleman from Nebraska [Mr. HOWARD]?

The Chair finds, on consulting the calendar, the 19th of this month is a Calendar Wednesday, and the Chair has repeatedly said he would much prefer not to recognize gentlemen for speeches on Calendar Wednesday. Would the gentleman object to modifying his request by making it either the 18th or the 20th?

Mr. HOWARD. No, Mr. Speaker; I could not object to any request of my Speaker, but let me call his attention to the fact that March 19 marks the birth anniversary of one who in my eyes was one of the greatest of earth's creatures and I just thought it appropriate that I might speak on that particular morning.

The SPEAKER. Under the circumstances, the Chair rather presumes there will not be very important business on the 19th and the Chair will not interfere. The Chair likes to be consistent, however.

Mr. HOWARD. Mr. Speaker, I yield to the request of the Speaker and will take any other day—Tuesday, the 18th.

The SPEAKER. The gentleman from Nebraska modifies his request, and asks unanimous consent that he may address the House on Tuesday next. Is there objection?

There was no objection.

WILLIAM HOWARD TAFT

Mr. HESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an outline of the life and services of William Howard Taft.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HESS. Mr. Speaker, ladies and gentlemen of the House, in the passing of William Howard Taft Cincinnati suffers the loss of its most distinguished citizen. We have always felt that he was ours. Born and reared in Cincinnati, educated in its public schools, graduated from its law college after going to Yale, married to a daughter of a famed Cincinnati lawyer, he was its assistant county solicitor from 1881 to 1883, judge of its superior court within seven years after his admission to the Ohio bar in 1880, its United States circuit judge 1892–1900, and prior to 1900 for four years professor and dean of the law department, University of Cincinnati. Thus fully 43 years of his lifetime were identified closely with Cincinnati, whose entire citizenry followed his subsequent career with admiration and delight.

Thereafter his activities broadened and became national in scope. They are known to all Americans. They lead to the inevitable conclusion that it has been given to few men to have such varied and useful life or to render such consistent and magnificent public service. He was the first civil governor of the Philippine Islands, serving for nearly three years as a pioneer in its organization; as Secretary of War in the Cabinet of President Roosevelt, he was in charge of the construction of the Panama Canal, and was sent to Cuba by the President to adjust insurrection there, acting for a short time as its provisional governor. He was a member of the National War Labor Board; president of the National Red Cross for seven years; president of the American Bar Association; president of the League to Enforce Peace for six years; Kent professor of law at Yale; chancellor of the Smithsonian Institution, Washington; and author of many pamphlets.

History will note that he alone has the distinction of having been President of the United States and Chief Justice of its Supreme Court.

During more than 20 years of his life he was on the bench, where lawyers recognize he left his lasting impress in work which was congenial to him. Those who came within the radiance of his smile will never forget the approachability of the man, his keenness of mind, his earnestness to do justice. He had in marked degree the affectionate regard of lawyers and his associate justices.

His life record of deeds done, speaks more eloquently than any words of eulogy from me. Others of greater years and closer intimacy with William Howard Taft may better assume that task. I simply desire to bear testimony that the universal sense of bereavement felt throughout the Nation in his death is most acutely felt in Cincinnati, his birthplace. All there bow in homage to his memory as that of a friend, neighbor, and great American.

RELIEVING WORLD WAR VETERANS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the Swick bill (H. R. 9687) and pending veteran legislation.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, ever since I was elected to Congress in November, 1928, the problem of the World War veteran has had the attention of my office. In my files I have case after case where the man is suffering from disability and where the Veterans' Bureau has consistently, and almost without exception, held that they would refuse to grant service connection with the disability.

I have had occasion to investigate these cases, to check over affidavits, and to examine evidence that has been submitted to the Veterans' Bureau. In practically every one of these cases I have become very much convinced that the rules and regulations and red tape with which the Veterans' Bureau has surrounded itself have led to a denial of justice to the veteran concerned.

The claim has been made, and I believe that the figures are substantially correct, that there are some 300,000 men receiving compensation in cases where the Veterans' Bureau has held that their disability was service connected. I have also been informed that there are probably an additional 250,000 men who are suffering from some disability but who are barred from compensation because they have not been able to show that their disability was service connected. I have had enough to do with these cases so that I am now convinced that the purpose of the veterans' law is not being carried out, and I believe that there are thousands upon thousands of veterans who are disabled and who ought to be receiving compensation, but who are denied that relief because of the technicalities which enable the Veterans' Bureau to bar them from the benefits of the act.

I believe that something ought to be done by this Congress to change the situation. I believe that the policy of the Veterans' Bureau has been entirely wrong. I believe it has failed in the great purpose for which it was created.

My attention has been called to various bills which are a protest against the present intolerable situation. One of these bills is the Rankin bill (H. R. 7825), which proposes to amend one section of the World War veterans' act so as to take care of a large number of tubercular cases, where the Veterans' Bureau, through its laws and rules and regulations, has been able to consistently make excuses in order to deny these men compensation which they ought to be paid. The bill is meritorious so far as it goes, but it only attacks one phase of the problem, and does not include a large number of cases which ought to receive attention at this time.

My attention has also been called to the Johnson bill, H. R. 10381, which proposes amendments to several sections of the World War veterans' act. In my opinion, this bill would still leave out of consideration a large number of meritorious cases. I have been informed that the Johnson bill would perhaps take

care of approximately 90,000 additional cases of disability, and that it might grant service connection to that number of cases which are at the present time refused service connection. The bill, so far as it goes, has a worthy purpose, but I do not believe we should pass legislation at this time without giving consideration to all classes of veterans who have actual disability and who have been denied service connection with their claims. I believe that H. R. 10381 is objectionable because it does not include within its various provisions large classes of men who are just as much entitled to compensation as those who are now receiving compensation. In other words, I do not believe that the Johnson bill, H. R. 10381, approaches this problem so as to be fair to all classes of veterans whose disabilities are now held to be nonservice connected. It still excludes from the benefits of the World War veterans' act thousands upon thousands of claims, and I submit that Congress should give consideration to all of these claims at this time. I do not believe it proper to legislate upon the World War veterans' problems in a piecemeal fashion. The Rankin bill, H. R. 7825, is subject to these same objections.

Mr. Speaker, I want to see Congress take action upon these uncompensated cases at this session, and I hope that comprehensive legislation will be enacted along these lines.

My attention has been called to H. R. 9687, introduced by Congressman SWICK, of Pennsylvania. This bill is otherwise known as H. R. 9146. An examination of this bill will show that under its provisions all cases will receive consideration, whether or not they are able to show service connection with disability. Under this bill all claims of World War veterans who have a disability are entitled to consideration. There is no discrimination, no unfairness, and no room for favoritism or unfortunate denials of justice, such as exist under the present régime. Further, the Swick bill, H. R. 9687, establishes a comprehensive program for the widows and orphaned children of World War veterans. Without going into details, the provisions of this bill are comprehensive in character, sound in principle, and will reach every class of cases which ought to have relief under the World War veterans' act.

Mr. Speaker, I think it time that we gave serious consideration to the present policy of the Government toward that class of cases where there is now held to be no service connection with disability. It is easy enough to provide rules, regulations, and red tape dealing with the question of disability, but, as a practical matter, we know that thousands of ex-veterans, when they left the service, stated that their physical condition was good, when, as a matter of fact, the opposite was true. Then there is a large class of men who did not take the time or trouble to build up medical records while in the Army. Objections without number can be raised to the present policy of establishing service connection with disability or in arriving at a conclusion that there is no service connection with disability. Speaking plainly, the present methods are entirely unsatisfactory and unfair to the ex-service man.

Official figures now show, according to last reports, that there were 23,933 employees of the Veterans' Bureau and that the aggregate annual expenses amounted to $39,707,541. In other words, the overhead of this organization is 39 per cent, and this means, roughly speaking, that out of every dollar we appropriate for the Veterans' Bureau 61 cents is paid for the relief of the veteran and 39 cents for the overhead of the department.

In order to be fair I will say that this 39 per cent includes other items besides actual cost of administration, such as hospitalization, and so forth. However, the figures will bear me out in the statement that the cost as figured by the Veterans' Bureau of disbursing $100,000,000 to World War veterans is $6,000,000 in actual overhead.

I would not call attention to this tremendous expense which goes in salaries and upkeep if I felt that any real good were accomplished as a result thereof. However, so far as I am able to judge, a large part of this overhead and a large part of this expense and a large part of the work of the Veterans' Bureau consists in writing opinions and making examinations, and so forth, all for the purpose of saying that those veterans who are not now receiving compensation shall never be entitled to receive any under the present policy of the bureau or so long as the present law shall remain unchanged.

An examination of H. R. 9687 will show that this bill adopts a proper program, not only with reference to overhead but with reference to the cases to be cared for and the payments to be made to the persons affected by the bill.

It is to be noted that under the Swick bill all cases not now compensated shall be handled by the Bureau of Pensions, where the policy of handling claims of this sort have always been fair and equitable. In the Bureau of Pensions they have at the present time 600 employees; and, with this staff, the bureau takes care of approximately 500,000 cases on the rolls. The cost of this overhead is approximately one-half of 1 per cent of the money expended in the Bureau of Pensions. In other words, to expend $100,000,000 in the Bureau of Pensions would require an overhead of approximately $500,000.

The provisions of the Swick bill, H. R. 9687, are comprehensive. This bill provides rates of pensions to veterans from $10 to $50 per month, according to the degree of disability for performance of manual labor. This covers cases not due to a disability contracted in service, but disabilities which have arisen subsequent to discharge or disabilities which were actually contracted in service but which the veteran has been unable to show were service connected.

The aggregate total of disability of the veteran is determined by medical examination by a doctor in the veteran's home town. In other words, the enormous expense which is now incurred in medical examinations under the World War veterans' act is now accomplished at an expense of $5, under the terms of this bill, by following the method of medical examination heretofore followed in the Bureau of Pensions.

The proposed legislation in this bill provides that the claims shall be handled in exactly the same way as claims of Spanish-American War veterans are now handled, and every condition is the same, with the exception of the rates provided in this bill. This bill, H. R. 9687, is universal in its application to World War veterans and is uniform in that the principles of the pension laws for Civil War veterans, Indian war veterans, and Spanish-American War veterans are made applicable in this bill. Under this bill every veteran is treated alike, and the old standard of service connection or lack of service connection with disability is discarded. It ought to be discarded.

I have heretofore said that this bill also provides for compensation for widows and orphans of World War veterans, and this is worked out in accordance with the principles of the other pension laws which have been in existence for a long time.

Perhaps something ought to be said as to the cost under H. R. 9687. I understand that figures are available which will show that within a period of five years approximately 1,000,000 persons would be affected by the provisions of H. R. 9687. All of these would be cases of actual disability or would involve the widow or orphaned children of a World War veteran. The estimated cost of this compensation over this period of time—five years—would be approximately $500,000,000.

I have been advised that the cost for either the Johnson bill, H. R. 10381, or the Rankin bill, H. R. 7825, for a 3-year period would be almost $500,000,000, and that under either bill only about one-third of the number of cases would be affected which would be covered by the Swick bill, H. R. 9687.

Then, we have the question of overhead, which will be involved as an administrative detail in either the Johnson bill, H. R. 10381, or the Rankin bill, H. R. 7825, which overhead would annually amount to millions of dollars. Under the provisions of the Swick bill, all of this overhead could be largely eliminated; and money that would have to be used for overhead and administrative purposes under the other bills would be available for the actual relief of the veterans under the Swick bill, H. R. 9687.

I am in favor of the bill that will do the most good for the largest number of veterans who are entitled to relief. I believe that bill is the Swick bill, H. R. 9687. It ought to have the careful consideration of every Member of this House.

There would appear to be no good reason why we should not here and now do away with the mistaken policy which has been followed in numerous cases where men, broken in health and ruined physically, are denied compensation. Their cases are just as meritorious as the cases where compensation is now paid. Certainly, legislation should be enacted which will cover those cases where relief is now denied.

I take from my files, and refer to them by number, several cases where I believe it is incumbent upon this Government to grant these people a measure of relief which they have failed to receive from the Government bureau where that relief should have been granted.

I call attention to a case, which I designate as case No. 1. This man is now confined in the veterans' hospital. He has a wife and two or three children, but the medical board of the Veterans' Bureau take the position that affidavits and medical evidence submitted on behalf of this man does not show a compensability degree of disability prior to January 1, 1925. His wife and children have to be taken care of through other agencies. Under the Swick bill it will be possible to pay this man compensation.

I call attention to a case, which I designate as case No. 2, from my files. In this case the veteran is suffering with what has been designated as chronic colitis. He is a married man, and has four children. He was in poor health when discharged

from the Army, and has been in ill health ever since. The rating agencies of the Veterans' Bureau held that they could not grant service connection. Under the Swick bill this man could be granted compensation. He undoubtedly contracted this disease while in the trenches in France.

I call attention to a case which I have designated as case No. 3, taken from my files, where the man is confined in a veterans' hospital; and where, in spite of his disabilities, the doctors of the Veterans' Bureau have held there was no service connection. This in spite of the fact that affidavits from medical men and others have been submitted in support of this man's claim. Under the Swick bill this man should be entitled to compensation.

Let us now take up case No. 4. It does not happen to be in my district, but I think it is a typical case. This man's application was disallowed on the ground that his dental disability was not of service origin. The bureau says, in connection with his case:

> Before compensation is payable for chronic myocarditis, such condition must be shown to have been incurred in service or have manifested itself within one year subsequent to discharge and chronic tonsillitis must be shown to have been directly incurred during the period of enlistment. Inasmuch as such showing has not been made, compensation has been denied.

My information is to the effect that he was suffering from this ailment when discharged from the Army. Under the Swick bill, he would be entitled to compensation.

Case No. 5 is an interesting case. This man is dead. He committed suicide last December. He left a wife and children. In his case he was suffering from chronic bronchitis; pharyngitis; laryngitis; perforation; hard palate. I have a letter from him in my files in which he stated that he was in unfit condition when he was discharged. He was in ill health for many years. Discussing the situation, he said:

> What do you think can be done to secure this compensation, or help for the family, as charity refers me to the Government, and the Government don't do anything for me, and I am not able to work?

Under the Swick bill, we would be able to do something for the widow and two orphan boys, aged 6 and 12, respectively.

Case No. 6 I consider a very good example of what red tape will do.

In this case the young man claimed that he was in good physical condition when he entered the Army, and this statement is borne out by numerous people. The bureau claimed he had asthma when he entered the Army. Since he returned from the Army he has been a chronic sufferer and has been in poor health. The bureau doctors say that this condition was not aggravated in the Army. They have denied him service connection. They have always held the hope out to him that if he would submit additional evidence his claim would receive additional consideration. Of course, under the rules and regulations he is barred from showing service connection with disabilities. He was considered a fit subject to take a life-insurance policy before he entered the Army. At the present time he is thoroughly unfit for manual labor. Under the Swick bill this young man's case would receive the proper consideration.

Another interesting case I will designate case No. 7. This man is suffering from syphilis. It was undoubtedly contracted while he was in the Army. He thinks that he contracted the disease by reason of using the same razor and shaving outfit used by another soldier who did have this affliction. The Veterans' Bureau has held there was no service connection with disability. This man has a large family. Some five or six children. He may, of course, end up a physical wreck in a veterans' hospital, due to the uncertain development of this ailment; he may be fortunate enough to escape this conclusion. In any event, under the Swick bill, this unfortunate family would receive care and attention in the event of his death. Under the Swick bill he would also receive compensation.

Case No. 8 is another interesting case. This man drew compensation for service-connected disability, and then when he applied for the benefits under the emergency officers' retirement act, all at once, they found that his disability was not service connected, and he was cut off entirely. The Veterans' Bureau says:

> The evidence in * * * case has been considered in accordance with the provisions of the emergency officers' retirement act and under the Attorney General's interpretation of this act, and it has been necessary that a determination be made that he is not entitled to retirement benefits for the reason that his disabilities of muscle rupture, right calf, scar chest wall with partial resection of two ribs, although shown to be the result of service and incurred in line of duty during the World War are not shown to be permanently disabling to a degree of more than 10 per cent; that his cardiovascular disability is not shown to have been the result of or aggravated as the result of his World War service and that the disability of pleurisy is not shown to exist at this time.

Under the Swick bill this case would receive the proper attention.

In case No. 9, the man is suffering from severe bronchitis, dental disability, and hyperthyroidism. The Veterans' Bureau has held that he failed to come under the presumption of service connection within the Veterans' Bureau law, and it is therefore held that there is no service connection. This is just another case where a man is suffering from real disabilities, and where the Swick bill would grant him relief.

No. 10 is another unfortunate case. The veteran is now helpless and totally disabled in a veterans' hospital. He has a wife and one small son who must depend on friends in the battle of life. In spite of the fact that affidavits and evidence has been submitted to show that his disability was of service origin, the doctors of the Veterans' Bureau have this to say:

> It has been the continued opinion of the rating boards considering the claim that the veteran's disabilities, diagnosed myelitis, degenerative, affecting lateral and dorsal columns spinal cord, etiology undetermined and tonsillitis chronic, are not due to nor aggravated by his period of service. Their reason for reaching such a decision was briefly that his military record was negative in so far as the existence of any of the conditions referred to were concerned, and further the affidavit evidence which he has submitted in support of his claim failed to contain such information as would permit the invoking of the presumption provided for by section 200 of the World War veterans' act.

I just want to say again that this is the kind of a case which would receive proper consideration if the Swick bill were enacted into law.

Case No. 11 is a little out of the ordinary. In this case, the veteran was gassed while in the Army, in 1917. He has submitted numerous affidavits to the Veterans' Bureau, and has shown that he was a hospital patient in Duluth in July and August, 1925. He was a patient at the Mayo Brothers Hospital in August, 1925. The Veterans' Bureau admitted that he was—

> Suffering from chronic tonsillitis, muscular rheumatism, and amygdalitis, following pneumonia.

In spite of other medical opinions, the doctors in the Veterans' Bureau, held that he was not entitled to compensation. The file discloses very clearly, that every presumption was raised against the veteran, in favor of the Government, in order to deny him compensation.

Under the Swick bill, it would not be necessary to go back into ancient history relative to conditions, nor would it be necessary for doctors of high standing to differ as to the cause of the broken health, nor would it be necessary for the doctors who found no service connection, to have their evidence taken at face value, and the affidavits of other physicians of high standing, entirely disregarded. Under the Swick bill, this case would receive consideration.

Case No. 12 is another case, where the veteran contracted syphilis while in the Army. One of his comrades submitted to inspection in this man's place when examination was made, so that the Army records are silent as to the origin of the disease. In other words, one of his buddies substituted for him, and answered to his name when he was called for medical examination. He is now insane and confined in a hospital, while his wife and three children are being cared for at the county's expense.

This is just another case, where the Swick bill would render some real relief.

Case No. 13 is a case very much like case No. 11 in many particulars. The man is broken in health, and the board admits that he has many disabilities but under its conclusions that the affidavits submitted are insufficient to show that disability existed to any degree prior to January 1, 1925. This man's trouble is due to the fact that he failed to build up a big medical record, and his affidavits and statements of his friends as to his condition are insufficient to entitle him to the consideration he would receive under the Swick bill.

No. 14 is a peculiar case. This man had defective vision when he entered the Army, and he is now partially blind. The doctors in the Veterans' Bureau admitted that his disability was noted at the time of his enlistment but said that it is difficult to prove aggravation of this disability during the service; that his eye condition is considered congenital. In other words, while this poor devil is practically blind at this time, he is denied any compensation whatever. Such results should not be and would not exist if the Swick bill were to become a law.

No. 15 is another of the usual cases. This man made claim for compensation in 1920. He is broken in health, but the doctors of the Veterans' Bureau give him no service connection with disabilities. He states to me that he was discharged from the Army in a disabled condition, but under the rules and regulations he is barred from receiving compensation, and relief is denied this poor fellow. I find that the Swick bill would not bar the avenue of hope for this man, who saw service overseas.

In conclusion, I want to say that I will not prolong my discussion of this legislation with further examples at this time. The above cases are typical cases and are actual cases which I have taken from my own files. They present no fine-spun theories, but they do present hard and cold facts relative to the treatment by this Government of a large number of veteran cases where relief is denied, and every one of these cases is meritorious.

When these men entered military service let us not forget that the people of this country held them in high regard. There was a fine sentiment of patriotism prevailing, and when they returned from that war the American people expressed to them the great gratitude of this country of ours. I will not here indulge in oratorical or rhetorical extravagance in connection with this line of thought, but I do say that the tendency to forget and to neglect our duty and our obligations may often prevent proper action. So, in the case of the veteran, we have a clear and well-defined duty at this time. That duty is to enact proper and suitable legislation which will do away with the mistaken policy now being pursued. I believe that the Swick bill is the answer to the question.

PERMISSION TO ADDRESS THE HOUSE

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for one hour on next Friday, immediately after the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for one hour on Friday next, after the disposition of business on the Speaker's table. Is there objection?

There was no objection.

RETIREMENT BILL

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] asks unanimous consent to take from the Speaker's table the bill S. 15, with House amendments, insist on the House amendments, and agree to the conference by the Senate. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman consulted the ranking member of his committee on this side of the House?

Mr. LEHLBACH. I have not consulted with him within 24 hours, or since my return. It was understood by the membership of the committee that upon my return, after my absence for several days last week, I would make this request, and the gentleman is one of the conferees to be appointed.

Mr. GARNER. I understand that, but there was some controversy on the passage of this bill in the House, and I did not know whether the membership on this side of the House would be willing to agree to the gentleman's request or not; but if he has consulted the minority members and feels sure they will not object to it, then I have no objection; but I do think if the gentleman is going to ask unanimous consent to send the bill to conference it is at least courteous to this side of the House to say in his statement that the gentleman has consulted with the ranking minority member of his committee and it is agreeable to him, or else I would be compelled, in self-defense, to object.

Mr. LEHLBACH. I am willing to withdraw my request for the present time.

Mr. GARNER. I would rather the gentleman would do that.

EXTENSION OF TIME TO FILE MINORITY REPORT ON H. R. 10381

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may have until to-morrow at midnight to file minority views on the bill H. R. 10381.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have until to-morrow at midnight within which to file minority views on the bill H. R. 10381. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, the gentleman from Wisconsin [Mr. NELSON] asked to address the House for one hour on next Friday?

The SPEAKER. The gentleman from Wisconsin [Mr. NELSON] received unanimous consent to address the House for one hour on next Friday.

Mr. GARNER. I would like to ask unanimous consent for permission to occupy the floor for 30 minutes following the gentleman from Wisconsin. It is a matter that must be determined by a joint committee of the House, and I may want to discuss the matter after a conclusion has been arrived at.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent to address the House for 30 minutes on Friday next, at the conclusion of the address of the gentleman from Wisconsin. Is there objection?

There was no objection.

TO RETURN TO STATES HALF OF TOBACCO TAX COLLECTED THEREIN

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that my colleague, Mr. ABERNETHY, may extend his remarks in the RECORD on the subject of the tobacco tax.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from North Carolina [Mr. ABERNETHY] may extend his remarks in the RECORD on the subject of the tobacco tax. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, for some time I have been agitating the necessity of reducing Federal taxes on tobacco that we might relieve the farmers who raise it of this most unjust and inequitable taxation. I have spoken on this subject many times, in many places, where I thought I might aid in bringing about this desirable result.

On May 4, 1929, I spoke over the radio on this subject, and my address was placed in the CONGRESSIONAL RECORD by Congressman BOLIVAR E. KEMP, of Louisiana, on May 6, 1929.

It has been my constant aim and desire to work out some feasible plan not only to reduce this tobacco tax but to at the same time provide a method whereby the benefits of this reduction would be handed back to the people of the various States affected.

In my address printed in the RECORD of May 6, 1929, I had this to say, among other things:

There is no logical reason why the tobacco tax should not be reduced. Our farmers in North Carolina are overburdened with high taxes on their lands, and to add to this enormous drain annually a tax against the production of the tobacco from their soil is more than they can bear.

Why should it not be appropriate to transfer some of this tax from the Federal Government so to relieve the State governments of the burden they are now bearing? We permitted in the Federal revenue act of 1926 (which is still the law) for estates, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia to be credited not to exceed 80 per cent of the Federal tax imposed. In the Federal revenue act of 1924 it was 25 per cent. Why would not this be a good thing for the various States for all Federal taxes paid, to be allowed such deductions as were paid the States? This could be used to relieve land taxes in the various States for the great benefit of the producers from the soil.

I have had many conferences with members of the newly created Farm Board and other experts in various departments of the Government, trying in some way to solve this difficult problem. I believe I have worked out a plan which, if enacted into law, will not only relieve the tax-burdened people of North Carolina, my State, but will benefit in various degrees every State of the Union, and this plan should have the support of the Congress and should become a law.

The bill which I have introduced, and which I hope every Member of this body will carefully consider, is as follows:

H. R. 10622

A bill to provide for the payment to the States of amounts equal to a part of the sums collected as internal revenue taxes on tobacco in order to foster education and road construction, and for other purposes

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, within the limits of appropriations made therefor, as soon as practicable after the end of each fiscal year, to each State an amount equal to one-half of the sums collected during such fiscal year from sources within such State on account of internal revenue taxes upon cigars, cigarettes, tobacco, and snuff imposed under the provisions of sections 400 and 401 of the revenue act of 1926, as amended (U. S. C., title 26, secs. 761, 783, 832, 845).

SEC. 2. Such payment shall be made to each State only after certification by the governor thereof to the Secretary of the Treasury and a finding by the Secretary that provision has been made by law of the State for the expenditure of amounts received under the provisions of this act solely for the construction, support, maintenance and improvement of schools and roads. In case any of the amounts paid to any State under the provisions of this act is used for other than the construction, support, maintenance, or improvement of schools or roads, there shall be deducted from the amounts payable to such State under the provisions of this act the amount which has been so used.

You will note that in my bill I have provided a limitation so as to provide that the relief returned to the various States shall be—

solely for the construction, support, maintenance, and improvement of schools and roads.

This is a guaranty that the money will not be used for matters other than what the Federal Government can properly aid under the Constitution.

The practical workings of my bill as it would apply to North Carolina, and I take it this is largely the situation in most of the other States that produce and manufacture tobacco, are as follows:

In North Carolina substantially 80 per cent of the taxes paid by property owners to the various counties on land and personal property are school and road taxes. Under this bill I have introduced, the Federal tobacco taxes returned to the State of North Carolina would be the aid in taking care of our schools and roads, and the people of my State would thereby have removed from their backs the burdensome taxation they now bear.

The present tax on tobacco is a war measure. The Congress by the revenue acts of 1921, 1924, 1926, and 1928 have successively reduced the internal revenue taxes, and has practically eliminated all of the war-time taxes. Among the taxes which have been eliminated are the sales, nuisance or luxury tax, including the taxes on transportation, telephone, telegraph, automobile and parts, and miscellaneous occupational taxes. The tax on admissions and dues with increased exemptions, and the tax on pistols and revolvers of all sales taxes remain in force. A number of the documentary stamp taxes have been eliminated or modified. Except the taxes on cigars, which were practically cut in half by the revenue act of 1926, the increases in the rates of tax on other tobacco products, namely, chewing and smoking tobacco products, and cigarettes, on account of the World War, are still being collected.

Take as an example the tax on small cigarettes weighing not more than 3 pounds per thousand is $3 per thousand, which tax has been collected since February 26, 1919. Since there are approximately 2½ pounds of tobacco in each 1,000 cigarettes of the popular brands, the tax approximates $1.20 per pound of the tobacco contained therein. The tax on a package of 20 cigarettes amounts to 6 cents. This tax represents 40 per cent of the regular retail price of that size package of any of the popular brands. If, however, the cut price of two for a quarter, or even lower when purchased in carton lots, is considered, the tax amounts to 100 per cent or more of the cost of the product. There is no other article taxed under the internal revenue laws of the United States upon which the proportion of the tax to selling price is as great as in the case of small cigarettes.

These war-time taxes on tobacco are unfair to those States which produce and manufacture this product.

In studying this problem of relieving the burdensome taxation on this great commodity—tobacco—I have found that practically every State in the Union would be benefited, some more than others, but in the course of time all States would be greatly relieved, and in this connection I am going to insert a table from the Annual Report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1929, on pages 64 and 65, from which the Members of Congress can see how their States will be affected by this proposed legislation.

It will also be interesting for Members to study the reports of the Commissioner of Internal Revenue for previous years with reference to tobacco taxes collected from various States:

Receipts from specific sources of internal revenue, fiscal year ended June 30, 1929, by collection districts

District	Tobacco and tobacco manufactures						
	Snuff, per pound, 18 cents	Manufactured tobacco, per pound, 18 cents	Leaf tobacco, sold, removed, or shipped in violation of sec. 3360, R. S., etc.	Cigarette papers, per package, ½ and 1 cent	Cigarette tubes, per 50 or fractional part, 1 cent	Miscellaneous collections relating to tobacco	Total
Alabama		$3.15				$95.28	$7,325.90
Arizona							100.84
Arkansas		56.15					1,355.42
First California	$2.97	32,690.87		$187,839.47		126.56	12,987,198.68
Sixth California		4,007.01				63.03	110,027.05
Colorado		1,763.08					25,283.72
Connecticut		9,830.34					134,184.58
Delaware	436,011.56	1.08				27.25	496,025.72
Florida		1,058.81		88.00		642.12	3,043,061.37
Georgia		1,081.92				33.42	61,164.65
Hawaii		3,769.25		12.80			7,187.73
Idaho		16.01				10.81	1,583.04
First Illinois	1,894,132.50	4,355,832.16				248.36	6,522,975.93
Eighth Illinois		23,258.39				6.66	67,014.01
Indiana	6,372.00	56,536.31				59.45	653,733.21
Iowa		44,434.37					96,678.08
Kansas		2,876.61					15,509.31
Kentucky		3,589,239.90	$1,500.00			1,309.05	10,150,321.01
Louisiana	630.00	15,512.27				41.96	279,940.95
Maine		11.52					26,051.32
Maryland, including District of Columbia		463.89				180.70	129,768.54
Massachusetts	49,140.18	23,243.68					506,246.32
Michigan	10,514.07	2,607,161.44				598.15	3,735,062.09
Minnesota	143.46	13,365.26					85,975.67
Mississippi							199.75
First Missouri		9,382,363.06					9,480,783.69
Sixth Missouri		744.25					58,133.18
Montana		299.27					5,175.39
Nebraska		7,462.32					27,671.26
Nevada							568.95
New Hampshire		130.77				14.13	246,985.09
First New Jersey		286.29					1,213,536.32
Fifth New Jersey	1,564,949.25	68,496.51					20,950,490.86
New Mexico		45.00					182.50
First New York		812,112.82				52,870.95	20,928,223.51
Second New York	5,286.37	42,638.19		681,492.26	$3,180.00	101.73	1,364,018.53
Third New York		6,356.88				902.67	5,777,334.94
Fourteenth New York		84,569.05					550,756.17
Twenty-first New York		142,585.78					342,724.08
Twenty-eighth New York	1,493.38	77,763.69					116,944.29
North Carolina		22,237,263.97	122.50	295,636.50			233,915,029.11
North Dakota							657.85
First Ohio	2.75	7,284,295.60				11,198.00	7,620,580.97
Tenth Ohio	1.50	3,190,021.16					3,698,019.12
Eleventh Ohio		342.00					168,204.85
Eighteenth Ohio	218.70	60,060.94				4.58	274,514.48
Oklahoma							2,704.70
Oregon		958.95					5,631.81
First Pennsylvania	183.09	221,406.77		11,233.00		429.09	12,707,127.17
Twelfth Pennsylvania	13.23	685,094.31					1,557,895.50
Twenty-third Pennsylvania	3.12	14,652.61	1,313.10			635.00	199,245.73



Receipts from specific sources of internal revenue, fiscal year ended June 30, 1929, by collection districts—Continued

District	Tobacco and tobacco manufactures						
	Snuff, per pound, 18 cents	Manufactured tobacco, per pound, 18 cents	Leaf tobacco, sold, removed, or shipped in violation of sec. 3360, R. S., etc.	Cigarette papers, per package, ½ and 1 cent	Cigarette tubes, per 50 or fractional part, 1 cent	Miscellaneous collections relating to tobacco	Total
Rhode Island	$178.41	$3,307.58					$30,633.75
South Carolina		3,415.74				$77.87	63,648.44
South Dakota		677.16				50.00	7,140.34
Tennessee	3,155,860.71	416,738.79					3,830,061.33
First Texas		26,918.65	$25.00	$43.50			83,220.26
Second Texas		152.80					1,588.45
Utah		206.06				119.73	10,905.43
Vermont		9.81					1,005.42
Virginia		3,228,028.92	17.28			30.00	66,965,129.45
Washington, including Alaska		711.80				25.10	5,567.96
West Virginia		2,249,472.06	154.75				2,415,667.14
Wisconsin	1,771.74	123,364.98	10.00				299,716.87
Wyoming		9.00					834.00
Philippine Islands		1.08					368,805.82
Total	7,126,908.99	61,159,178.09	3,142.63	1,176,345.53	$3,180.00	69,901.66	434,414,543.21

Take for instance my great State of North Carolina, of the 12 States of the Union that pay more than 80 per cent of the internal revenue of the Government, North Carolina is to-day the second largest Federal taxpayer. The order in which these States are in the payment of Federal taxes are as follows: (1) New York, (2) North Carolina, (3) Pennsylvania, (4) Illinois, (5) Michigan, (6) Ohio, (7) California, (8) New Jersey, (9) Massachusetts, (10) Virginia, (11) Missouri, (12) Kentucky.

While North Carolina is the second largest Federal taxpayer in the country, it is only the eleventh State in wealth of the 12 States heretofore named, and the tenth in wealth of manufactured products of said States, and the ninth in population of said States. I know of no other commodity raised on the farm which has been taxed to help carry on the Federal Government.

Before the days of national prohibition liquor was taxed by the Federal Government along with tobacco. It does not seem fair that since the Federal tax from liquor has been so greatly reduced on account of national prohibition, that tobacco should bear the increased burden. If the tax on tobacco is to remain, then there should be no objection raised to the Federal Government for the future paying back to the States from which these taxes originate, at least one-half for the purposes of schools and roads, as provided for in my bill, and this can and should be done, and it can be done without violating the Federal Constitution. North Carolina tobacco producers and manufacturers are being heavily penalized yearly by these war-time tobacco taxes. I am herewith inserting an interesting table which was prepared by the Internal Revenue Division of the Treasury Department which shows the amount of all Federal taxes from North Carolina since 1920 and the amount, including tobacco taxes:

Income taxes, tobacco taxes, and total of all taxes collected in the State of North Carolina, fiscal years 1920–1929, inclusive

Fiscal year	Income tax	Tobacco	Total collections
1920	$44,962,859.99	$108,457,156.85	$162,665,947.23
1921	38,664,722.96	79,573,088.76	124,890,499.06
1922	23,179,559.81	93,189,086.02	122,413,329.24
1923	18,183,734.76	118,370,325.84	140,347,306.18
1924	18,173,156.85	136,892,474.98	157,973,393.95
1925	15,877,646.25	147,221,887.03	166,992,875.15
1926	17,677,936.94	172,503,186.60	192,403,633.34
1927	19,204,557.27	185,941,504.24	205,651,675.46
1928	20,351,497.68	204,473,504.55	225,315,303.53
1929	20,036,795.21	233,915,029.11	254,494,467.51
Total	235,342,467.72	1,480,537,243.98	1,753,148,490.65

In the 10 years since the World War, North Carolina has paid the Federal Government in taxes from all sources the staggering and stupendous sum of $1,753,148,490.65, and of this sum $1,480,537,243.98 are from tobacco collections alone. The wealth of North Carolina is estimated at only $5,248,000,000. Thus we find our Government collecting from North Carolina a tax on one commodity—tobacco—since the World War of approximately 28 per cent of the total wealth of the State.

It may be interesting in connection with this subject to note that our Government has not always collected a direct tax. These direct taxes have been brought about in most cases as the result of necessity of raising war taxes. The first direct tax provided by the Government was for the post-Revolutionary period from 1791 to 1802. These taxes were on distilled spirits, refined sugar, and snuff, and other direct taxes, but by the act of April 6, 1802, were abolished.

The War of 1812 again made it necessary to have recourse to internal taxes. These taxes were from the period of 1813 to 1817, and were on distilled spirits and other things, but no tobacco tax for that period.

No internal taxes of any character were levied by the United States from 1817 until the outbreak of the Civil War, and these were provided for by acts of August 5, 1861, June 7, 1862, and the act of July 1, 1862, was the basis of the present internal revenue system. This provided for taxation of incomes, estates, public utilities, occupations, liquors, tobacco, and other things.

Then came the Spanish-American War period, and June 13, 1898, the tax was increased on fermented liquors, tobacco products, legacies, and many other things. And by the act of March 2, 1901, most of the Spanish-American War taxes were abolished and the tax on tobacco products was reduced.

Then came the World War period, and taxes begun to be raised for carrying on the Government, and we find the emergency revenue act of 1914, and the omnibus revenue act of 1916, and in this last bill it was provided that new and higher rates were imposed upon manufacturers of cigars, tobacco, and cigarettes from and after January 1, 1917.

And from 1917 tobacco products have received no reductions whatsoever save in the instance of the taxes on cigars which were reduced by the revenue act of 1926.

The brief summary which I have given of the history of internal-revenue taxes of our Government shows that after each war these taxes on tobacco were reduced to a peace-time basis. There does not seem to be any justification why the tobacco taxes made necessary as a war measure should not be relinquished by the Government to a peace-time basis, to the end that the various States making this form of revenue for the Government possible may have some of these taxes returned to them to the end that the States affected may receive some benefits for their schools and roads as provided for in my bill. The proposal which I have outlined is just and equitable, and I pray the Congress to carefully consider the facts and arguments which I have advanced to the end that the tax-burdened people of the various States affected may be given relief.

INTERNATIONAL CONFERENCE FOR THE CODIFICATION OF INTERNATIONAL LAW IN 1930

Mr. EATON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 223, to provide for the expenses of participation by the United States in the international conference for the codification of international law in 1930, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table House Joint Resolution 223 and concur in the Senate amendment.

The Clerk read the title of the resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 3, strike out "$50,000" and insert "$25,000."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. EATON of New Jersey. Mr. Speaker, I ask unanimous consent for permission to address the House for 30 minutes on next Tuesday after disposition of matters on the Speaker's desk:

The SPEAKER. The gentleman from New Jersey [Mr. EATON] asks unanimous consent to address the House for 30 minutes on next Tuesday after the business on the Speaker's desk has been disposed of. Is there objection?

There was no objection.

TRANSPORTATION OF PERSONS IN INTERSTATE AND FOREIGN COMMERCE BY MOTOR CARRIERS OPERATING ON PUBLIC HIGHWAYS

Mr. PARKER. Mr. Speaker, pursuant to the rule adopted before we adjourned on Saturday, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10288; and pending that, I ask unanimous consent that all Members may have one week within which to revise and extend their remarks on this bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10288; and pending that, asks unanimous consent that all Members may have one week to revise and extend their remarks on the pending bill. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10288, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, the legislation we are about to consider has been before several Congresses. The first bill was introduced in the Senate by the late Senator Cummins, and in the last three Congresses one bill has been introduced by the gentleman from Illinois [Mr. DENISON] and three by myself.

I will try to explain as briefly as possible the reason for the introduction of these bills and the reason for this legislation.

Up until March, 1925, every State of the Union assumed they had the right and the power to control interstate commerce traffic by motor busses in the absence of Federal regulations. On that day two decisions were handed down by the Supreme Court, one known as the Buck against Kuykendall case, and the other a case in Maryland. Those decisions clearly set out the fact that the regulation of interstate commerce by motor busses was illegal because it put a restraint on interstate commerce.

I want to describe the Buck against Kuykendall case, so you will understand just what was involved. In every State in the Union, except the State of Oregon and the State of Delaware, a certificate of public convenience and necessity is demanded to run motor busses in intrastate commerce. That is true in every State except those two States. Up until these decisions of the Supreme Court every State believed they had the right to demand that a certificate of public convenience and necessity should be granted to every operator, even though he might be running in interstate commerce.

In the State of Oregon they do not ask for a certificate of public convenience and necessity, but they ask for a permit. In the State of Washington they ask and demand a certificate of public convenience and necessity.

Now, between the cities of Portland and Seattle there were one or more bus lines running that had certificates of public convenience and necessity in Washington and also permits in Oregon. Mr. Buck started a line under a permit in Oregon, but was denied a permit in Washington. He carried the case to the Supreme Court, and the Supreme Court of the United States held that the demanding of a certificate by the State of Washington was an undue burden upon interstate commerce, and from that date until this there has been absolutely no regulation of busses operating in interstate commerce. They have been able to evade the law. Your State commissions have no control over busses operating strictly in interstate commerce unless, of course, they carry on an intrastate business. Then, they must all have certificates of public convenience and necessity; but in the majority of cases they simply do an interstate commerce business without regard to any State through which they travel.

Transportation by busses has grown very extensively, as you all know, in the last few years. It became sufficiently important that the Interstate Commerce Commission on their own initiative undertook an investigation of motor transportation throughout the United States. They started the investigation in 1926, and their report was made in 1928. They held very exhaustive hearings in more than a dozen of the principal cities of the United States. They took over 5,000 pages of testimony; they heard over 400 witnesses, and among those witnesses were representatives of every conceivable business and occupation—shippers, motor-bus people, railroads, the general public, and the utility commissions of the various States, because the utility commissions of the various States are very much exercised about this situation, for the reason that they have no power at all to control the operations of interstate busses.

The bill which you have before you, H. R. 10288, virtually follows the recommendations laid down by the Interstate Commerce Commission. The original bill, H. R. 7954, which I introduced at the beginning of the session, was drawn—and there is no question about it—by the interested parties. It was drawn by the bus people, after conferences between the bus people, the railroads, the trolley lines, and the commissions of the various States. The commissions of the various States were represented. The only opposition to this bill—except some of our own committee—is going to come from the commissions of the States, which I will explain later. They are not going to object to the principles of the bill but are going to object to its details.

Now, it is said the public was not represented at these various hearings. It is true the unorganized public was not represented, but if we here in Congress do not represent the unorganized people of the country, who does? And if our creation, the Interstate Commerce Commission, does not represent the unorganized public, and if the various State commissions do not represent the unorganized general public, then the whole theory of our Government is wrong, because the theory is that we represent the people, and the theory is that our creation represents the people. So I have no patience with the statement that the general public was not represented, because at every hearing the State commissions were represented.

So much for the need of the bill. I now want to discuss the bill itself. I am not going to make as long a speech as will appear in the RECORD for the reason it would take me too long to go into detail as to every section, every subsection, and every paragraph; but you will find in to-morrow's RECORD a discussion of this bill and a reason for every section, every subsection, and every paragraph in detail,

I am now going to proceed to discuss the bill in an offhand way, but my remarks are going to be extended and will go into a very thorough discussion of the bill itself.

SECTION 1. DEFINITIONS

This section covers the definitions used in the bill. These indicate its scope. The bill applies only to interstate and foreign transportation. The transportation covered is transportation by motor vehicle. Motor vehicles are defined as motor vehicles used for the transportation of persons—that is, motor busses—and the term does not include motor vehicles used exclusively in the transportation of property; that is, motor trucks. In limiting the scope of the bill to the regulation of bus transportation, the bill deals with the problem that requires more immediate attention of Congress; that is, the protection and promotion of the comfort and safety of the traveling public. This limitation and scope of the bill also accords with the views of the Interstate Commerce Commission that the regulation of motor-bus lines is practicable and presents fewer difficulties than the regulation of motor-carrier truck lines. The commission further states that while experience may in the future show that the interstate transportation of property by motor vehicles operated as common carriers on the public highways should be regulated there does not appear at this time public need therefor.

Substantially the sole regulations with respect to property are those which provide that the indemnity bonds and insurance policies for the protection of the public from unsatisfied judgments against motor carriers are to cover judgments involving injury to or loss of property such as baggage, other motor vehicles, or property along the highways.

The definitions show that the bill provides for three classes of carriers. First, there are those motor carriers that are excluded entirely from the regulations of the bill; that is, school busses, hotel busses for transportation of hotel patrons between hotels and railroad and other common-carrier stations, and taxicabs and other motor vehicles performing services similar to taxicabs, even though they have no meters, provided that such taxicabs and similar carriers have capacity of not more than six passengers and do not operate on regular routes or between fixed termini.

The remaining passenger-carrier transportation business is divided into two classes: That conducted by common carriers by motor vehicle and that conducted by charter carriers by motor vehicle.

Common carriers include all those who hold themselves out to transport the public without discrimination up to the limit of their capacity. These carriers will almost entirely be those operated on regular routes or between fixed termini, and their certificates are required under section 6 (a) to specify such routes and termini.

On the other hand, the charter carriers cover those who do not operate as common carriers. These charter carriers are those who do business through special contracts or arrangements which specify the character of the service to be performed. Charter carriers may either hire out the entire vehicle for a specific trip or trips or they may sell space upon tours or trips irregularly conducted without regard to permanent routes or permanently fixed termini.

While the primary basis of legal distinction between the common carrier and the charter carrier is that of common carriage, it is realized that this distinction may result in some difficulty of application in border-line cases. For this reason, one class of border-line cases is specifically cared for in the definitions. Carriers may hold themselves out indiscriminately to the public to make special contracts for the hiring or leasing of their vehicles for particular trips. This form of transportation, however, does not substantially compete with that of the common carriers operating over regular routes or between fixed termini, and for this reason the bill specifically provides that carriers engaged in hiring or leasing vehicles for specific trips shall be classified as chartered carriers instead of as common carriers.

As to the two regulated classes of carriers—that is, the common carriers and the charter carriers—much more comprehensive regulations are set up by the bill with respect to the former. For example, the common carriers by motor vehicle are subject to: First, the provisions requiring the securing of certificates of public convenience and necessity; second, requirements with respect to rendering continuous and adequate service at just and reasonable rates, with respect to a uniform system of accounts and reports, and with respect to pick-up and delivery points; third, the requirement that the commission's approval must be obtained before there can be a consolidation, merger, or acquisition of control of any such carrier; fourth, the requirement that rates shall be just and reasonable; and fifth, the provisions requiring filing, observance, and changing of rates, fares, and charges—none of which provisions applies to charter carriers by motor vehicle.

On the other hand, charter carriers by motor vehicle are subject to the provisions with respect to observing safety requirements to be established by the commission, the requirements with respect to filing bonds and insurance policies for the protection of persons and property, and the requirement that an agent must be designated upon whom service of process may be made; all of which provisions apply to common carriers by motor vehicles as well as to charter carriers.

SECTION 2. GENERAL DUTIES AND POWERS OF THE COMMISSION

This section makes it the duty of the commission to supervise and regulate both common carriers and charter carriers, as provided in the act. To take care of certain matters as to which it was believed especially important to have regulation the commission is, in the case of common carriers by motor vehicle, authorized to establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points, whether on regular routes or within definite localities or districts. In the case of charter carriers by motor vehicles the commission is specially authorized to establish reasonable requirements only with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers.

Under this section any person, corporation, or State board may complain to the commission in case of the failure of any motor carrier to comply with the commission's requirements above referred to. Provision is made for hearing and determination of the complaint and for the issuance of an appropriate order in connection therewith.

Any order of the commission under this section, like other orders of the commission, may be enforced either through mandatory court process or through a criminal penalty for violation as provided in section 13.

Under sections 6 (a) and 7 (b) the commission is authorized to attach to the certificates of public convenience and necessity for common carriers and the permits for charter carriers, terms and conditions sufficient to carry out with respect to the particular operations of the carrier, the requirements established by the commission under this section. Violation of those terms and conditions would be a basis for the suspension, change, or revocation of the certificate, thereby affording a method of carrying into effect the requirements established under this section, in addition to the methods of enforcement of criminal penalities or mandatory court orders.

SECTION 3. ADMINISTRATION OF THE ACT

The general administrative scheme of the bill is set forth in this section. The commission is charged with the administration of the act except in those cases in which the commission is directed to refer matters to joint boards.

Subsection (a) authorizes the commission to refer any matter arising under the administration of the act—except a matter required to be referred to a joint board—to any member or examiner of the commission. The member or examiner is to hear and decide the matter and recommend an appropriate order. In acting upon any such matter, the member or examiner is to have all the rights, duties, powers, and jurisdiction conferred by the act upon the commission, except that such member or commissioner may only recommend an order and may not make a final order. Such recommended orders are required to be filed with the commission and unless stayed or postponed by the commission become the orders of the commission after having been filed for 10 days. Provision is made for review of matters upon which members or examiners have entered recommended orders.

No time limit for review is fixed in the bill, since it was believed desirable to let this be taken care of by regulations of the commission. When a matter has been reviewed by the commission, the commission is to decide the matter and make appropriate order thereon. The holding of hearings by any member or examiner upon any matter referred to him, shall be at such convenient places within the United States, as the commission may direct. It is believed that these provisions will encourage the handling of matters arising under the act at various places throughout the country so as to obviate the necessity of interested parties coming to Washington. This desirable result is further made probable by the provisions of the section requiring the handling of certain matters by joint boards.

Subsection (c) provides that, in the case of a matter required to be referred to a joint board, the commission shall create a joint board to consider and decide such matter. The joint board is to consist of a member from each State in which the motor-carrier operations involved are carried on or proposed to be carried on. The joint boards are only created to handle matters involving motor-carrier operations in not more than two States. Members of such joint boards are to be nominated by the State utility commissions or similar agencies in each State from their own membership or otherwise; but if there is no such agency in a State or if it fails to make a nomination when requested by the commission, the governer of the State may nominate the member. Appointments to joint boards are to be made by the commission after receipt of such nominations, and the commission is given the power to reject nominations made until a nominee which it approves is suggested.

In case a joint board fails or refuses to act or is unable to agree, or if the State board and governor of a State fail to nominate a joint board member so that no joint board can be created, the matter in question is to be handled by the commission. It is provided that joint boards when administering the provisions of the act shall be agencies of the Federal Government and shall receive allowances for expenses as provided by the commission, but such members are not to receive additional Federal compensation for services.

The matters required to be referred to joint boards are as follows: (1) Applications for the issuance of certificates of public convenience and necessity (except in cases where such certificates are issued by the commission solely upon the basis of questionnaires and other information as provided in section 5 (b)); (2) the suspension, change, or revocation of certificates; (3) applications for the approval and authorization of consolidations, mergers, and acquisitions of control; (4) com-

plaints as to violation by a common carrier by motor vehicle of the safety and other requirements established by the commission under section 2; (5) complaints as to rates, fares, and charges; (6) the approval of surety bonds and policies of insurance or other securities or agreements in connection with the issuance of a certificate. In this subsection joint boards are vested with the same rights, duties, powers, and jurisdiction as members and examiners of the commission for the purpose of acting upon matters referred to them. Joint boards are to recommend orders to the commission in the same manner as commissioners and examiners, and such recommended orders are to become orders of the commission and be subject to review by the commission in the same manner as recommended orders of members or examiners. No provision is made for reference to joint boards of any matters relating to charter carriers.

Subsection (e) gives the commission, members, and examiners thereof and joint boards the same powers to administer oaths, require attendance and testimony of witnesses, and the production of books, papers, tariffs, contracts, agreements, and documents, and to take testimony by deposition, as though the matter in question arose under the interstate commerce act, as amended and supplemented; and further provides that persons subpœnaed or testifying shall have the same rights, privileges, and immunities, and be subject to the same duties, liabilities, and penalties as are provided in the interstate commerce act, as amended and supplemented. Among such supplementary acts would be the compulsory testimony act and the immunity of witnesses act.

Subsection (f) requires the giving of reasonable notice in connection with any proceeding under the act to all parties of record and to the governor and the board of any State in which the operations are conducted and provides for hearing and intervention.

Subsection (g) authorizes the commission to cooperate with State authorities in connection with administering the act, and also authorizes the commission to avail itself of the cooperation, services, records, and facilities of the States.

Subsection (h) provides that in the case of a final order under the act the same right of relief in court may be had by any party in interest as is provided in the case of orders of the commission made under the interstate commerce act, as amended. Under the district court jurisdiction act suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission may in general be brought in the district in which the party resides upon whose petition the order of the commission was made, or if not made upon petition of any party, then in the district in which the matter complained of arises.

No interlocutory injunction suspending or restraining the enforcement, operation, execution of, or the setting aside of an order of the commission shall be issued by the district court unless the application for the same has been presented to and heard and determined by three judges, including the district judge, the majority of whom concur in the granting of the application. The district court jurisdiction act also provides for direct appeals from this statutory court of three judges to the Supreme Court of the United States.

SECTION 4. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

The section prohibits any corporation or person operating as a common carrier by motor vehicle in interstate or foreign commerce on any public highway without a certificate of public convenience and necessity authorizing such operation. Provision is made for a period of 90 days from the effective date of the act during which such operations may continue pending action upon applications, and if application is made within such period the carrier may continue operation until otherwise ordered by the commission. This discretion of the commission permits the carrier to keep in operation until the application of the carrier can be finally acted upon by the commission, and, on the other hand, does not relieve the carrier from control by the commission during the period of its operation without a certificate.

The section also provides for the formal details as to applications for certificates.

SECTION 6. ISSUANCE OF CERTIFICATES

This section sets forth the tests governing the issuance of certificates of public convenience and necessity to common carriers by motor vehicle.

As to the so-called "grandfather" carriers, a certificate issues as a matter of course. The carriers so entitled are those as to which it appears that the carrier or predecessor in interest was in bona fide operation on January 1, 1930, as a common carrier by motor vehicle in interstate or foreign commerce and has continuously so operated since that date, and that such operations were for the purpose of furnishing reasonably continuous and adequate service at just and reasonable rates, and that the applicant is fit and able properly to perform the service required. Appropriate exceptions are made to cover interruptions in continuity of service due to the seasonal character of operations or to interruptions over which the carrier or its predecessors in interest had no control. If these facts are made to appear to the satisfaction of the commission from answers to questionnaires or information otherwise furnished it, the commission issues the certificate without hearing, but if further proceedings are necessary to obtain the facts, then the hearing may be had, and, in case 2-State operations are involved, the proceedings will, of course, be before a joint board.

As to all carriers already in operation but not entitled to a grant of certificate as just described and as to all carriers proposing to start operations in the future, the test for the issuance of the certificate is whether or not the public convenience and necessity will be served by the operations authorized in the certificate.

If the operations set forth in the application only in part serve the public convenience and necessity, then, of course, the certificate will authorize only that part of the operations. No attempt is made to further define what constitutes public convenience and necessity. The various factors to be considered are left to the discretion of the commission or a joint board in an appropriate case. These factors have, of course, been considered at length by various State utilities commissions in granting motor-bus permits, but the State utilities commissions have differed in their conclusions, due both to differences in statutory provisions governing them and in the weight that they attach to various factors. These decisions, however, while affording guides to the Interstate Commerce Commission and the joint boards in their consideration, are not binding precedents, and the commission is vested by Congress with full discretion in applying the standard of public convenience and necessity except as limited by the requirement in subsection (e) of preserving competitions in so far as consistent with the public interest.

Subsection (c) is a declaration of policy to make it clear that Congress expresses no preference with respect to any one type of transportation. Section 500 of the transportation act, 1920, declares it to be the policy of Congress to foster and preserve rail and water transportation, and it was deemed advisable to make sure that motor-vehicle transportation would not be unduly prejudiced by reason of this provision of the transportation act, 1920.

Subsection (d) is intended to make it certain that a motor carrier, by virtue of securing a certificate of public convenience and necessity under the act, shall not be held to have received any proprietary or exclusive rights in the public highways. The act confers no vested rights. Under section 16 the Congress reserves the right to alter, amend, or repeal the provisions of the act; and under section 8 certificates may be suspended, changed, or revoked not only for specific causes but whenever the public interest so requires.

Subsection (e) is intended to guide the commission in the administration of the act to the extent of requiring it to preserve competition in service so far as is consistent with the public interest.

Subsection (a) provides that any certificate issued under section 5 shall specify the routes over which and the fixed termini between which the common carrier by motor vehicle is authorized to operate, and requires that there shall be attached to the certificate such terms and conditions as the public convenience and necessity may require. Such terms and conditions are subject to change. Certain types of such terms and conditions are named specifically. These are the terms and conditions as to the furnishing of additional service over the specified routes or between the specified termini, the extension of the line or lines of the carrier, and the application of the requirements established by the commission with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points.

Subsection (b) gives authority to a common carrier by motor vehicle holding a certificate of public convenience and necessity to deviate from the route over which or the fixed termini between which it is authorized to operate under the certificate, but such deviations are to be subject to the rules, regulations, and orders of the commission. This authority is given for the purpose of permitting such carriers to provide special service in unusual cases subject to control by the commission.

SECTION 7. PERMITS FOR CHARTER CARRIERS

Subsection (a) forbids any corporation or person to operate as a charter carrier motor vehicle unless there is in force with respect to such carrier a charter carrier permit, issued by the

commission, and authorizing the operations involved. This subsection contains a provision—similar to that contained in section 4 (a) relating to the securing of certificates of public convenience and necessity—giving charter carriers in operation on the date of the approval of the act a period of 90 days in which to apply for permits. Also, as under section 4 (a), the commission is to have power to permit operations beyond the 90-day period, in its discretion. It is to be noted that this section requires the securing of a permit by any corporation or person operating as a charter carrier, and is therefore broad enough to include common carriers by motor vehicle holding certificates of public convenience and necessity, when such common carriers elect to do in addition the business of a charter carrier by motor vehicle. It is, therefore, expected that there will be instances of a motor carrier holding both a certificate of public convenience and necessity and a charter carrier permit.

Subsection (b) covers the formal details as to applications for charter carrier permits, verified under oath, and which are to contain such information as the commission may require.

No test of public convenience and necessity is applied in determining whether or not a charter carrier permit is to be issued. The only required conditions are that the applicant must make a proper application, and it must appear that the applicant is "fit and able properly to perform the service proposed." The commission is to specify the operations covered by the charter carrier permit, and is to attach to the permit at the time of issuance and from time to time thereafter such terms and conditions as are necessary to carry out the requirements established by the commission with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers. It is to be noted that the terms and conditions attached to permits are not as comprehensive as those attached to certificates of public convenience and necessity as provided in section 6. It will be observed that joint boards have no function to perform in connection with the application of the act to charter carriers and their operations.

SECTION 8. SUSPENSION, CHANGE, REVOCATION, AND TRANSFER OF CERTIFICATES AND PERMITS

Subsection (a) provides that certificates of public convenience and necessity and charter carrier permits are to be effective from the date specified therein and are to remain in effect until terminated as provided in this subsection. Suspension, change, or revocation, in whole or in part, of certificates and permits is provided for in the case of failures to comply with the provisions of the act, or with lawful orders, rules, or regulations of the commission, or with terms or conditions of the certificate or permit, or whenever the public interest shall so require. It is to be noted that the suspension, change, or revocation of a certificate or permit is not a self-executing matter but that it is necessary that a hearing shall be had and decision made with respect to the matter before the suspension, change, or revocation is effective.

Subsection (b) provides that any such certificate or permit shall be transferable, except as provided in section 9—relating to securing the approval of the commission with respect to consolidations, mergers, and acquisitions of control of common carriers.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. PARKER. I yield to the gentleman.

Mr. O'CONNELL of New York. I have had a number of inquiries about that particular part of the bill which relates to concerns that operate several busses that are used, perhaps, only on Sundays to take a picnic to some place in another State. What effect will this bill have on concerns of that sort?

Mr. PARKER. They have got to have a permit and they can not work their operatives over so many hours at a time, on account of safety, and they must carry insurance.

Mr. O'CONNELL of New York. In other words, their status will be just the same as it is now except that they will have to have a permit.

Some very important business men residing in my district have called upon me here in Washington in reference to this legislation. May I say to the distinguished chairman of the committee and my colleague from New York that the impression has gone abroad that this bill has for its purpose the eventual elimination of the small private bus operators, so far as interstate service is concerned, and that the legislation has been suggested, and is being urged by the railroads of the country. Now, let me say to my friend that I am in hearty accord with the plan which makes the carrying of insurance compulsory when these vehicles carry human beings in either interstate or intrastate. Such insurance is necessary and salutary. I am also friendly to the plan that the bill makes it necessary that a permit be obtained. No one can object to either of these recommendations. They are in the best interest of ordinary procedure, where vehicles of public convenience and necessity are concerned. I am glad to have the assurance of the chairman of the committee that the small operators who do a business in one or two States in transporting small picnic and club parties on occasional days of the week are not to be hurt by this bill.

Mr. PARKER. Exactly. They will have to have a permit from the Interstate Commerce Commission.

Mr. RANKIN. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. RANKIN. Does the gentleman from New York mean to say that under the conditions laid down in the question of the gentleman from New York [Mr. O'CONNELL] before they can take a trip like the gentleman mentioned, a pleasure trip on Sunday, or on any other day, they would have to first apply to the Interstate Commerce Commission to get a permit?

Mr. PARKER. They have got to have a permit.

Mr. RANKIN. In other words, you could not go from the State where I live across into Alabama without getting a permit from the Interstate Commerce Commission, and it would possibly be a week or 10 days before you could get it.

Mr. PARKER. What kind of vehicle does the gentleman refer to?

Mr. RANKIN. I am talking about a bus.

Mr. PARKER. No; he could not; and it is not intended that he should. It is intended he must have a permit.

Mr. O'CONNELL of New York. If the gentleman from Mississippi will permit, does the gentleman from New York mean for each individual trip?

Mr. PARKER. Oh, the permit is perpetual or until revoked.

Mr. RANKIN. I understand that, but it invariably happens with these people who own these busses that they may take a notion to go to the Shiloh Battle Field, across the State line in Tennessee, we will say, and, as I understand before they can carry a small party across there on Sunday or on a holiday or at any other time, they must first take the proposition up with the Interstate Commerce Commission and get a permit.

Mr. PARKER. But not for that particular trip.

Mr. RANKIN. I understand that.

Mr. PARKER. Yes.

Mr. RANKIN. And that happens thousands of times.

Mr. PARKER. Yes.

Mr. RANKIN. There are men who operate school busses locally and they may take a notion they want to carry a party over into Alabama or Tennessee on days when school is not in session.

Mr. PARKER. If they carry people for hire, they must have a permit.

Mr. RANKIN. Then it will simply prevent those people——

Mr. PARKER. Not at all.

Mr. RANKIN. Oh, yes; it will prevent them from making such trips and therefore it will curtail their activities.

Mr. PARKER. I wish to assure the gentleman that these permits are automatic. This is not a certificate, but is simply a permit. I think the gentleman is confusing a certificate of public convenience and necessity and a permit, and in answer to the gentleman I want to ask him one question: Does the gentleman want these people to run their busses without insurance? That is the reason we are including them in the bill.

Mr. RANKIN. Want whom to run without insurance?

Mr. PARKER. The operators of these busses that the gentleman is talking about that may go to Shiloh, for instance.

Mr. RANKIN. I want to say to the gentleman from New York that I would just as soon cross a State line in a bus without insurance as to go from one point to another within a State without insurance.

Mr. PARKER. So would I.

Mr. RANKIN. Just reading between the lines of this bill, it seems to me that the object of this legislation is to smother out the independent bus operator and to give the railroads and the big bus lines a monopoly.

Mr. O'CONNELL of New York. That is the impression that many people have.

Mr. PARKER. That impression is entirely erroneous. The permit, as I have said as plainly as I know how to say it, is automatically granted, but they must conform to the rules as far as hours of employment, insurance, and safety of operation are concerned.

Mr. HASTINGS. Will the gentleman yield, so I may ask a question on that same point?

Mr. PARKER. Yes. We have six hours of general debate and the bill will be thoroughly discussed under the 5-minute rule.

Mr. HASTINGS. Did the committee consider giving the local commissions of the States between which these busses op-

erate authority to grant the permits without coming to the Interstate Commerce Commission?

Mr. PARKER. They have not got to come to the Interstate Commerce Commission; all they have to do is to fill out a questionnaire.

Mr. HASTINGS. But did the committee consider that? That is my difficulty with the bill. Did the committee consider giving the local commissions—for instance, if the bus line operates between two States—the right to pass on or to grant the permit as Federal agencies?

Mr. PARKER. Mr. Chairman, in answer to the gentleman I wish to say that the committee did consider that, but the committee could not conceive of any reason in the world why that should be done, because it is all automatic. All they have got to do is to get a permit and to conform to regulations that are the same in Oklahoma as they are in New York and all over the country.

I will be perfectly frank with the gentleman. I do not believe any motor bus carrying passengers should run anywhere in the United States without insurance. I am not talking about private cars; I am talking about the man who holds himself out to take passengers. I do not think he should run anywhere without proper restriction and without insurance and without regulation of the hours that his operatives may work, which has to do with the safety of the operation of the machines.

Mr. HASTINGS. I agree with the gentleman, except that it seems to me that this authority could with safety be given to the local commissions of the respective States under general rules and regulations laid down by the commission.

Mr. PARKER. I will simply say to the gentleman, in answer to his question, that the State commissions and their representatives were entirely satisfied with this particular provision of the bill. The provisions of the bill they were not satisfied with referred entirely to certificates of public convenience and necessity.

I am sorry I can not yield further now.

Mr. RANKIN. I was just going to ask about the insurance feature. The gentleman spoke about insurance.

Mr. PARKER. Yes.

Mr. RANKIN. In order to cross a State line, the man has to take out insurance.

Mr. PARKER. Yes.

Mr. RANKIN. What does that insurance cost and with whom does he take it out?

Mr. PARKER. With an insurance company, under rules and regulations laid down by the commission.

Mr. RANKIN. So that a private party who wanted to run a bus across a State line for one day would not only have to go to the trouble of taking out insurance, but would also have to apply to the Interstate Commerce Commission to get a permit.

Mr. PARKER. Yes.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. O'CONNOR of Oklahoma. You can upset a bus and kill a lot of people in one day, can you not?

Mr. PARKER. Yes; and following the question of the gentleman from Mississippi, I wish to say that the permit is granted in perpetuity or until it is revoked for cause and it can not be revoked until they have had a hearing.

I will say, frankly, I do not believe that any bus should run in the United States anywhere without insurance. They can not do so in my State and they can not do so anywhere in the East. I do not know what the laws of the gentleman's State are and whether they can run there without insurance or not.

Mr. RANKIN. I agree with the gentleman to this extent, as to common carriers, but everybody who uses an automobile for hire ought to have to meet the same requirements. As I say, living in one corner of the State as I do, living near several State lines, as I see this bill it is going to smother out little fellows who are attempting to carry on this business of transporting passengers and render it practically impossible for one to make arrangements to take a short trip across the State line at any time unless he takes out insurance and applies for a permit.

Mr. BURTNESS. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. BURTNESS. I want to make this suggestion in answer to the question asked by the gentleman from Mississippi: If I understood his question, he rather assumed that a person who does an intrastate business at the present time is not protected by insurance, that this bill requires a good deal of additional cost in order for that operator to do an interstate business. The fact is that the State regulation in effect in almost all States, under their powers to regulate this business within their own State lines, have required protection for the public through proper insurance policies, so that there can be no greater burden imposed by this bill than is in existence now.

Mr. PARKER. I do not know whether the gentleman heard the illustration I gave this morning by the commissioner for Tennessee. He wrote me a letter in which he says that it is impossible to run in Tennessee without insurance to carry passengers; it is impossible to run in Kentucky without insurance to passengers. He gave an illustration of a bus that goes out with a bunch of boys in interstate commerce without insurance and kills five or six and maims several more. Does the gentleman want to indorse that state of facts?

Mr. RANKIN. You do not require railroads to take out insurance. Injured passengers may sue the railroads for damages, but bus operators are also liable for damages if passengers are damaged through their negligence.

Mr. PARKER. That will all be discussed under the 5-minute rule. Now, I can not yield further.

SECTION 9. CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

Subsection (a) provides in effect that any consolidation, merger, or acquisition of control involving a common carrier by motor vehicle, whether or not in violation of the antitrust laws, shall be invalid and unlawful unless approved and authorized by the commission. It will be observed that this section does not apply to charter carriers by motor vehicle. There are set forth in detail the circumstances under which control of a common carrier by motor vehicle shall be deemed to be acquired for the purposes of the section. Among such circumstances are the acquisition by transfer of the certificate of any common carrier, the acquisition of all or substantially all of the properties of any such carrier of use in its operations under any certificate, the acquisition of sufficient voting stock to give the acquiring party control of the carrier. On the other hand, there are excepted acquisitions of control by reason of operation of law or pursuant to court order.

As a result of this section motor carriers, railroad carriers, or other persons may not consolidate or merge with a motor carrier or acquire control of it upon the basis of their guess as to whether or not a violation of the antitrust laws will result and be prosecuted, thereby placing upon the Government the initiative of investigating and instituting suit for violation of the antitrust laws. On the contrary, under the section, consolidations, mergers, and acquisitions of control can not be availed of in any case to eliminate competition or achieve other ends without first the commission having approved the consolidation, merger, or acquisition of control as being in the public interest.

The whole subject is placed within the full control of the Interstate Commerce Commission rather than in the Department of Justice and the courts under the antitrust laws, for it is believed that such an expert tribunal as the commission is the governmental instrumentality best adapted to ascertain and protect the public interest in the matters of the interrelationship of motor-bus companies and other carriers, holding companies, and the like.

Subsection (b) authorizes the making of applications to the commission for the approval and authorization of proposed consolidations, mergers, or acquisitions. It further provides that if it is decided that the proposed consolidation, merger, or acquisition will be in the public interest an order shall be issued approving the consolidation, merger, or acquisition and granting the necessary authority. In order that such consolidations, mergers, or acquisitions may be carried into effect it is provided that any corporation or person shall be relieved from the operation of the Federal antitrust laws and from all other restraints or prohibitions of Federal or State law, in so far as may be necessary to enable such corporation or persons to carry into effect the consolidation, merger, or acquisition as approved. In case of any carrier to whom a certificate is issued by the commission or is transferred in compliance with the act the recipient is given similar relief in so far as may be necessary for it to conduct the operations authorized by the certificate.

Mr. GLOVER. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. GLOVER. I want to call the gentleman's attention to the language beginning on line 24, page 16. The language is this:

> Any such corporation or person, and any corporation or person to whom a certificate of public convenience and necessity is issued or transferred under this act, shall be relieved from the operation of the antitrust laws, as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and from all other restraints and prohibitions of Federal or State law—in so far as may be

necessary to enable such corporation or person to carry into effect the consolidation, merger, or acquisition as approved and to conduct the operations authorized by the certificate.

What was the necessity of repealing the State and Federal law in order to give them this privilege?

Mr. PARKER. It is impossible for one competing line to buy out another line when it may be in the public interest, because the Clayton antitrust law forbids it.

Mr. GLOVER. But why repeal the antitrust laws?

Mr. PARKER. The Interstate Commerce Commission has got to decide that the operation is in the public interest.

Mr. GLOVER. But suppose they decided it, why is it necessary to repeal the State and Federal law?

Mr. PARKER. It makes no difference; they could not do it. The Interstate Commerce Commission has a lot of authority, but they can not make a rule or regulation against the law.

Mr. GLOVER. I understand that, but here you repeal the State and Federal law.

Mr. PARKER. So that they may operate when the Interstate Commerce Commission has decided that it is in the public interest.

Now, on page 22 of the bill I am going to suggest an amendment—not a committee amendment but a personal amendment—which will do this: I think in the bill we, perhaps, overlooked a class of service that is very common in my part of the country—perhaps not as common in the West and South, but they have a class of service that is commonly called seasonal service. Take, for instance, the hotels in Maine and the hotels in New Hampshire and in the White Mountains and in the Adirondacks in my own district. They are many miles from the railroads. They are served almost entirely by motor busses. This is a business that has grown up in the last 10 years. I am going to offer an amendment, as I say, which is my own and not that of the committee, to extend the grandfather clause to any seasonal operator who was a bona fide operator in 1929, so that he can automatically get a permit, because these people perform two kinds of services. For instance, they take people from Boston for a five or six day trip. They pay all of their expenses, we will say, for $150, taking them from Boston up to the White Mountains, over to the Green Mountains, and down through the Adirondacks, and bringing them back to Boston, paying all hotel expenses.

They carry that kind of passengers, and also carry people from one hotel to another. Those people have to have both a certificate and a permit. We do not intend that any big operator shall operate a chartered bus without a permit. This bill specifically states that any operator, be he large or small, who operates a chartered vehicle must have a permit and must comply with the rules and regulations laid down by the commission.

There is one more amendment that I am going to suggest, not as a committee amendment, but as my own. It was stricken out of the bill by a very large vote, but I think perhaps we made a mistake. I am going to lay it before the House. It is a declaration of policy that we do not intend to interfere in any way with intrastate regulations. I do not think it is necessary, but the State commissions are particularly anxious that that shall be put back in the bill. I think it is here now, I think that the Constitution protects them, but, nevertheless, when the opportune time comes I am going to offer it as an amendment, and you can either accept it or not. It is not a committee amendment.

SECTION 10. SECURITY FOR THE PROTECTION OF THE PUBLIC

The section is applicable to both common carriers by motor vehicle and charter carriers by motor vehicle, and provides that no certificate or charter carrier permit shall be issued or remain in force unless the motor carrier involved complies with such rules and regulations as the commission shall adopt governing the filing and approval of surety bonds, policies of insurance, or other securities or agreements which will provide for the payment of final judgments recovered against the motor carrier on account of death of or injury to persons, or loss of or damage to property, resulting from the operation, maintenance, or use of motor vehicles under the certificate or permit held by such motor carrier.

The amount for which the bond policy, security, or agreement is to give protection in any one case and other terms, the particular type of protection, and the eligibility of particular surety or insurance companies, are left to administrative decision. It is contemplated that the persons who will be protected under this section will include passengers and employees of the motor carrier, as well as persons upon the highways or elsewhere, and that the property protected will include the baggage of passengers, other motor vehicles, and property along the highways or elsewhere.

The section also provides for the issuance to motor carriers of certificates of approval of bonds, policies, securities, or agreements covered by subsection (a), and requires that the motor carrier shall post in every motor vehicle operated by it a copy of such certificate of approval.

SECTION 11. RATES, FARES, AND CHARGES

Subsection (a) requires that tariffs of common carriers by motor vehicle, covering operations under certificates of public convenience and necessity, shall be stated in money and be in effect only when prepared, filed, and posted as required by regulations of the commission. It will be observed that this section does not apply to charter carriers by motor vehicle.

Subsection (b) is intended to prevent any carrier from charging a greater or less or different compensation for the transportation of persons than the rates, fares, or charges specified in the tariffs posted as required by such section (a), and prohibits refunds or the employment of any device by which any such discrimination may be made. However, authority is given to any such motor carrier to issue or give free tickets or passes, or reduced rates, to persons engaged in its service.

Subsection (c) prohibits the making of any change in any rate, fare, or charge except after 30 days' notice. However, the commission may allow changes upon less notice in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Subsection (d) declares that the rates, fares, and charges of common carriers by motor vehicle shall be just and reasonable. Complaint may be made by any person, corporation, or State board to the commission, alleging that a rate, fare, or charge is or will be unjust or unreasonable. Determination of the question is to be made in accordance with the procedure provided in section 3 (with reference to a joint board, if the matter involves two States). No power is given to the commission or to joint boards to fix rates, the only power given being the power to decide whether the rate complained of is unjust or unreasonable and to issue an order or orders in conformity with such decision. A limitation upon the power to hold a rate unjust or unreasonable is included, namely, that no rate, fare, or charge shall be held to be unjust or unreasonable on the ground that it is unjust to a competing carrier engaged in a different kind of transportation. It was intended by this limitation to preserve for the public benefit so far as possible whatever ability a motor carrier may have to serve the public at lower rates than carriers engaged in other kinds of transportation.

Subsection (e) is intended to prevent the inclusion as elements of value in any proceeding to determine the justness or unreasonableness of a rate, of certain elements which it was not deemed desirable to include. Therefore, it is provided that neither good will, earning power, nor the certificate under which the carrier operates shall be taken into consideration or allowed as evidence or elements of value of the property of the carrier in any such proceeding. It is to be noted that by the terms of this subsection the motor carrier on its own behalf and on behalf of all transferees of its certificates shall be deemed to have agreed to the provisions of this subsection.

Subsection (f) provides any remedy or right of action under other law shall not be held to be extinguished. While the common law right to sue for damages in the case of the imposition of an unjust or unreasonable rate, and the right to secure injunctive relief from such a rate in a proper case, would probably not be denied an injured party even in the absence of this subsection, it was believed desirable to specifically preserve any rights that an injured party might have in addition to his rights under this bill.

SECTION 12. ORDERS AND NOTICES

Owing to the fact that the bill will apply to motor-carrier operations throughout the whole United States it was deemed desirable to incorporate this section requiring that every motor carrier should file with the board of each State in which it operates, and with the commission, the name of an agent upon whom service of notices or orders may be made. This section will, it is believed, prevent delays and make more certain the actual receipt of notices and orders by motor carriers.

SECTION 13. UNLAWFUL OPERATION

Subsection (a) provides for a penalty of not more than $100 in the case of willful violation by any corporation or person of any provision of the act, of any final order thereunder, or any term or condition of any certificate or charter-carrier permit. After the first offense the penalty is increased to not more than $500; and it is provided that each day of violation shall constitute a separate offense.

Subsection (b) provides that in case of violation of any provision of the act or of any final order thereunder, or any term or condition of any certificate or charter-carrier permit, the commission or any party injured may apply to the proper dis-

trict court for the enforcement of such provision, order, term, or condition; and the court is empowered to enforce obedience by appropriate process.

SECTION 14. EXPENSES OF ADMINISTRATION

This section contains the ordinary authorization for appropriations necessary to carry out the provisions of the act.

SECTION 15. SEPARABILITY OF PROVISIONS

This section contains the usual provision preserving the validity of remainder of the act in the event any particular provision is held invalid.

SECTION 16. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL

This section expressly reserves the right of Congress to alter, amend, or repeal any provision of the act.

SECTION 17. SHORT TITLE

This section authorizes the citing of the act as the "Federal motor carrier act, 1930."

Mr. FRANK M. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. FRANK M. RAMEY. Mr. Chairman, I have read the report and the bill and I have listened to the gentleman's remarks. Was the matter of any tax brought before the committee?

Mr. PARKER. There will be just the State and the municipal tax. There will be no Federal tax at all. They must comply with the State laws as to taxation. There will be no Federal tax, no cost, or anything of that kind.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. FULMER. Will the gentleman explain why under the bill it is proposed to limit the powers of the State commissions to transactions in respect to complaint about rates, only within adjoining States.

Mr. PARKER. Certainly.

Mr. FULMER. Why not five States, or any other number of States?

Mr. PARKER. I will explain this, somewhat off the record, because it is a matter of compromise.

Mr. RAYBURN. Mr. Chairman, I do not think it ought to be off the record.

Mr. PARKER. Very well. I am perfectly frank about it. It was a matter of compromise entirely. I pointed out to the House the big cities that are adjacent to State lines where the traffic, while interstate, is local in character. It seems to me that two States would practically take care of all of that. Some members of the committee did not want to leave anything to the State boards at all, but they did agree on account of conditions that I have just laid down to leave it to two States and support the bill.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. HASTINGS. The gentleman made reference to a decision of local commissions on certain matters. There really is no final decision by local commissions that is not subject to appeal to the Interstate Commerce Commission?

Mr. PARKER. No.

Mr. HASTINGS. So that in the end all of the orders of the local commissions are subject to appeal to or approval or denial by the Interstate Commerce Commission.

Mr. PARKER. Yes; but I wish to say to the gentleman that I think there is a very great question there as to constitutionality.

Mr. Chairman, I reserve the remainder of my time.

Mr. RAYBURN. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, I believe on the whole that this is a good bill. Last year 1,560,000,000 people were carried on the motor busses of the United States. A considerable part of that traffic was carried in interstate commerce. Last year the busses of the United States carried 700,000,000 more people than were carried on the steam railroads of the United States. This bus traffic is rapidly being extended into interstate commerce. Every reason exists to-day for regulation in interstate commerce that exists in the States. There is nothing particularly novel about the character of the regulation proposed in this bill. On the contrary, it conforms to the general type of regulation we have in 46 of the 48 States of the United States. There are important reasons why we should have regulations. A few of those reasons, as I see them, are as follows: In the first place the public has a right to say who are going to use the public highways in interstate traffic for hire. The only way that the public can assert that control in interstate commerce is by regulation. In the second place the public has a right to require safety in behalf of passengers and the public where these operations take place. In the third place, if we give these operators a right to use the public highway, to become common carriers in the transportation of persons, we have the right in behalf of the public to require service from them. They should not be given the unrestrained privilege of running these busses at their own sweet will, going when the weather and convenience serve them. If they are going to be given that privilege, let them give the public something in return. Require them to go when and where the public interest requires they should go.

In the fourth place, if this bus business is to expand and serve the public as it should, we must have stability in investment. These busses will exceed the railroads in the number carried going in interstate commerce eventually. They will carry more than the railroads, provide sleeping-car service all over the United States, furnish regular transportation on routes where rail transportation can not go. In order to make that operation successful we must have stability of investment. In the interest of the public terminals should be established in great centers jointly used by the operators. This business can not be adequate or placed on a basis of stability until we can give stability to the operator as we attempt to do in this bill by granting him a certificate of public convenience and necessity.

Operations included in this bill are those carried on in interstate commerce by motor vehicles for the carriage of persons only for hire. Three classes of operators are covered in this bill. The first is called a common carrier by motor vehicle, but it would be more nearly correct to say "a regular carrier"; that is, carriers confined to fixed routes except where, by the consent of the commission, they are permitted to deviate. The second class is the charter class, characterized by special trips rather than by trips over fixed routes. The other class is recognized as the excluded class, such as taxicabs and school busses. The commission has the primary control in regulation under this bill.

The powers of the commission as to regular carriers are different from those of charter carriers. In the case of regular carriers the commission has the power to require continuous and adequate service. It has the right to prohibit unjust and unreasonable rates. It has the right to require uniform accounts and reports. It has the right to require safety operation and equipment, comfort of passengers, and to regulate the pick-up and delivery points.

As to the charter carriers, the commission has only the power to fix the qualifications of employees and their hours of service, safety operation and equipment, and comfort of passengers. Then the commission has the power to make general rules and regulations for the administration of the act.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield there?

Mr. LEA of California. Yes.

Mr. McMILLAN. Has the commission the power of regulation in the case of charter carriers where the routes pass State lines or solely within the State?

Mr. LEA of California. It has no power over operations wholly in one State.

The administrative provisions of this bill provide, in the first place, for hearings by the commission. These hearings may be held by the commission itself, but in order to facilitate the work of the commission and minimize its work we also provide that the hearings may be held not only by the commission itself, but by a commissioner or an examiner appointed by the commission. Then, as stated by the gentleman who preceded me [Mr. PARKER], we have a provision giving power to joint boards composed of representatives of the State commission instead of officials of the General Government.

The regulation of interstate commerce is a Federal function if there is any Federal function in our system of government. One of the fundamental reasons for the organization of this Government was to give the Federal Government control over interstate commerce. One of the reasons why the Government under the old Articles of Confederation was a failure, recognized as such everywhere in the world, was because the confederation had no power to regulate interstate commerce. The result was that the States were passing retaliatory laws against each other's commerce. The harmony developed by the war with England had been largely lost in a few years by reason of the ill feeling between the different States growing out of their unfriendly interference with each other's commerce. It is necessary for the Federal Government to perform this function in order to preserve domestic harmony in the United States. There is no reason why the States should be given power to regulate commerce between the States. It is a Federal job. But it was necessary that the power to regulate interstate commerce should be left to the Federal Government. I believe in local self-government, but just as strongly I believe in the exercise of the Federal power in interstate commerce, because

it is a Federal job. For that reason I favor the provisions of this bill.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. RANKIN. The gentleman from California says it is the function of the commission to regulate all Federal commerce?

Mr. LEA of California. Not all.

Mr. RANKIN. Then the next step would be to amend this law to include freight truck lines.

Mr. LEA of California. That is not proposed in this bill.

Mr. RANKIN. If the gentleman is right in saying that the Interstate Commerce Commission should regulate and control all interstate commerce, it necessarily follows that that commission should regulate all freight truck lines.

Mr. LEA of California. When we undertake to regulate freight between the States, I think the Federal Government should do the job.

Mr. RANKIN. That is the next step—to kill off competition among freight carriers.

Mr. LEA of California. I regret I can not yield further.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

Mr. LEA of California. Yes.

Mr. McCLINTIC of Oklahoma. Is there anything in this legislation that would give the Interstate Commerce Commission the right to require intrastate bus lines to comply with certain regulations before they would be allowed to have connecting or joint facilities?

Mr. LEA of California. That would depend on whether or not they are doing an intrastate business.

Mr. McCLINTIC of Oklahoma. The thought comes to me that the Interstate Commerce Commission could require an intrastate bus line to comply with the regulations prescribed by the Interstate Commerce Commission so as to allow interstate lines to sell joint tickets.

Mr. LEA of California. The use of through tickets would give a right of Federal control. But if the operators want to confine their business solely to intrastate business they would be outside the provisions of this bill.

Mr. RANKIN. Of course, in this bill you give the Interstate Commerce Commission the power to regulate rates. That is right, is it not?

Mr. LEA of California. No. Only to prohibit unjust rates.

Mr. RANKIN. I understand. That is the same thing.

Mr. LEA of California. No. It is quite different.

Mr. RANKIN. They can say it is unjust to the competing railroads if you make it too low or unjust to the passengers if you make it too high.

Mr. LEA of California. Not too low.

Mr. RANKIN. Then, suppose they should say "this rate which you are charging is unjust, because you are underselling the competing line." Knowing what little I do about the Interstate Commerce Commission, I think that would be one of their usual slants.

Mr. LEA of California. They are not permitted to do that under this bill.

Mr. RANKIN. Well, I rather think they are, if the gentleman has quoted the bill correctly. But, while the railroad owns its own rolling stock and also its roadbed, still, where these bus lines run along the right of way the people in the communities through which they pass build the roads for them to run on, do they not?

Mr. LEA of California. Certainly.

Mr. RANKIN. Then, if the railroads own the bus lines, which they will, and in a great many instances do now, then they will be charging exactly the same fares, and it will not be long until the regulations of the Interstate Commerce Commission require them to charge the same rate for the same distance, over a road built by taxation of the people themselves, which the railroads charge over a line where they own the entire right of way, roadbed, rolling stock, and all.

Mr. LEA of California. The control over rates which the commission has under this bill does not permit the commission to regulate rates on that basis. Bus operation must stand on the basis of its own cost and valuation, without regard to the cost or valuation of the railroads.

Mr. HARE. Will the gentleman yield?

Mr. LEA of California. I will yield for a question.

Mr. HARE. I understood the gentleman from California to say that under this bill the Interstate Commerce Commission would have the right to require uniform and regular service of anyone to whom a license was issued.

Mr. LEA of California. A certificate of public convenience and necessity.

Mr. HARE. Does that carry with it an implied obligation to this person or corporation of a guaranty of a roadbed on which to operate?

Mr. LEA of California. Not at all. It specifically declares that they have no vested right in the highway.

Mr. HARE. The question in my mind is whether or not the Interstate Commerce Commission could have authority to require you to perform uniform and regular service on a particular highway without assuming the obligation to maintain a highway on which to operate.

Mr. LEA of California. There is no such obligation.

Mr. GLOVER. Will the gentleman yield for a short question?

Mr. LEA of California. I yield.

Mr. GLOVER. In my State we have a State commission which licenses the operation of bus lines. They fix regulations under which they shall operate. Suppose we pass this bill and it provides for these bus lines doing interstate commerce, and the State authorizes the operation of one of its State busses alongside the line and fixes a price of 3 cents a mile; then another that is licensed by the Federal Government to operate one of these interstate busses over the same line fixes a rate of 5 cents a mile, would the State have to yield to the Government line, or would you have competition between the State and the United States?

Mr. LEA of California. No such fixed charges would be made under this bill by the commission. We do not give the commission that power. All the power we give them is to prohibit a rate that is unreasonable, based upon the valuation of the bus line itself and not railroad valuations.

Mr. GLOVER. Suppose they fix a rate higher than the State rate, I am asking whether or not the State would be compelled to yield to the rate fixed by them, or could they charge a different rate?

Mr. LEA of California. No. The State is independent. It can fix any rate it pleases.

As to these regulations governing the State boards: Fifty per cent of the bus lines of the United States are less than 20 miles in length. Three-quarters of them are less than 30 miles in length. The result is that a great majority of all the bus-line operations in the United States are within those limited distances. To a great extent these short lines are in the great States referred to by the gentleman from New York. These joint boards, composed of representatives of two States, will control a large percentage of all business in interstate operations. They would hold hearings on applications for certificates of convenience and necessity on nearly all these short interstate routes.

Now, going to the question of the jurisdiction of these State boards, they have a right to have hearings on applications for certificates. In fact, hearings must be referred to the joint boards in every case, except as to operators who are entitled to a certificate under the grandfather clause, and which certificates are largely granted as a matter of course. These joint boards hold hearings on proposals to change or require service; on consolidations; on complaints for violations of regulations; on complaints that the rates are unreasonable, or on the question of approving bonds. Applications for certificates must be made to the commission. Hearings in the cases where two States are involved would be referred to the joint boards.

The certificate of convenience will specify fixed routes on which these regular carriers will operate. The fixed route is a distinct feature of the regular operator. He is confined to fixed routes. The commission will prescribe reasonable terms and conditions under that certificate. It will reserve the right to require additional service; the right to require extensions of the line; the right to require compliance with the general regulations of the commission.

In the case of a permit of a charter carrier operation, no such formality is required. The applicant will be required to furnish only the information the commission requires, and comply with the provisions of this act in his operations.

Three distinct methods are provided for the enforcement of this act. The first provides that a complaint may be made to the commission to suspend or revoke a carrier's certificate because he has violated this law or any lawful order of the commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I yield the gentleman five minutes more.

Mr. LEA of California. An operator holding a certificate who violates this law is subject to the criminal penalty provided in section 13.

A third remedy is to apply to a court for a writ of injunction to restrain violations of this act or any rules prescribed by the commission, under authority given them in this act.

The bill is liberal as to who can make complaint. Any interested party can make complaint of a violation of this law by any operator.

Then we have provisions about consolidations. Consolidations must be approved by the commission. The antitrust law is waived by consent of the commission only to the extent that it is necessary to carry out the operations proposed and as the commission finds justified by the public interest.

Those are the main provisions of this bill. On the whole, I believe this is a good bill. It is one that the country needs. Doubtless it has some imperfections, as all legislation has, but in the main I believe it is a sensible and sane piece of proposed legislation.

Mr. RAGON. I am not familiar with the bill. I have only heard the gentleman's discussion. Will the gentleman, in just a few words, explain this joint board that the gentleman has referred to?

Mr. LEA of California. This bill provides that where operation is proposed to be conducted in not more than two States, the commission shall create a joint board, to be composed of one representative of the State commission of each of the two States, and the application of the operator will be referred to that joint board for hearing. It must be referred to that joint board. The joint board conducts its hearings with all the rights that the commission itself has in conducting hearings; makes a proposed order which is filed with the commission, and in 10 days that order goes into effect and becomes the order of the commission unless the commission itself reviews it, alters it, or changes it.

Mr. JONES of Texas. Will the gentleman yield?

Mr. LEA of California. I yield.

Mr. JONES of Texas. I was interested in the question asked by the gentleman from Arkansas [Mr. GLOVER] with reference to a State rate that might be considerably lower than the interstate schedules that might be filed. Might not the decision in the Shreveport rate case, for instance, cause the commission to say that that lower intrastate rate was interfering with interstate commerce?

Mr. LEA of California. No; because the reasons are different. In the transportation act we assumed responsibility for transportation in the United States, of placing it on an adequate basis. We do not assume that with reference to this bill.

Mr. JONES of Texas. The gentleman says "just and reasonable." That means just and reasonable to everybody.

Mr. LEA of California. No. We prohibit an excessive rate, but we do not attempt to fix rates. We do not attempt to give any guaranty to the operator. He depends upon his own resources, whether or not he makes a return.

Mr. JONES of Texas. And the Shreveport rate case came up before the transportation act, after your adequate-service rule?

Mr. LEA of California. But we have a system of fixing rates under the transportation act. Here we give no power to fix rates, but only to prohibit unjust and unreasonable rates.

Mr. JONES of Texas. But I do not find here anywhere where they are permitted to do other than fix just and reasonable rates. In other words, I do not see where it is a maximum rate.

Mr. LEA of California. We simply prevent an excessive rate. That is what it really amounts to.

Mr. JONES of Texas. I have not read the bill carefully, and I would like to know where that is. I notice this language on page 20:

> No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

Of course, they could not under that say that a bus line was charging less than a railway, and, therefore, could not be permitted to charge so low a rate, and I do not see how that provision would apply to the case which Judge GLOVER submitted.

Mr. LEA of California. Of course, that provision is purely negative, as the gentleman recognizes.

Mr. JONES of Texas. I realize that; but by inference it says it can be done in reference to another carrier engaged in the same line of business. I am asking for information.

Mr. LEA of California. There is no provision in the bill which gives that right.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. PARKER. Mr. Chairman, I yield 30 minutes to the gentleman from Maine [Mr. NELSON].

Mr. NELSON of Maine. Mr. Chairman and members of the committee, long ago some wise man suggested that the proper method of approach to new legislation was to consider the old law, the mischief, and the remedy. In the matter of this proposed interstate motor-bus regulation I should like for a moment to discuss with you the old law—as a background against which we may the better view the new proposal, the mischief—as evidenced by the evils of the present system, and the remedy—as set forth in the bill before you.

FOREWORD

First, a general word as to the industry which we are seeking to regulate.

INCEPTION AND GROWTH OF MOTOR-BUS INDUSTRY

On land and sea and in the air the advent of the gasoline engine has wrought a revolution in the world of transportation and presented new problems for our consideration.

The first patent for an internal-combustion engine was granted in 1895, and during that year four passenger cars were produced. It was not until 10 years later that the production of automobiles began in any considerable volume. By 1912 the annual production had increased to 365,000, and the reliability of the mechanism had become such that older forms of transportation had been materially affected. The automobile, first used as a private conveyance, then as a public taxi or transfer, gradually came to be employed as a common carrier of passengers over fixed routes in city streets and later took on intercity and finally interstate service. A year ago last September the first bus of the coast-to-coast line, now a daily service, arrived in New York City from Los Angeles, covering 3,433 miles in 5½ days.

As early as 1927, 45,000 communities removed from the railroads had been put in touch with rail transportation by means of motor-bus service. To-day some 95,000 motor busses traverse every State in the Union, and serve more than one-half of its 1,032 cities of more than 10,000 population. One hundred and eighty-six cities of this class have no other means of regular transportation. Motor busses in 1929 carried 2,000,000,000 passengers some 10,000,000,000 passenger miles. The total investment in motor-carrier properties is now estimated at $600,000,000. One hundred years ago the great proportion of all travel was by highway, and so it is to-day. Twenty-six million automobiles handle 90 per cent of the total travel by railway and highway, and the trains and motor busses handle the other 10 per cent. The motor busses alone handle about 3 per cent of the entire travel of the United States, excluding that by subway and electric cars. Of this entire common-carrier bus business about 8 per cent is interstate, and unregulated so far as the Federal Government is concerned. The remaining 92 per cent is intrastate, and regulated by the several States.

RESULTING IMPORTANCE OF HIGHWAYS

With the development of this motor-vehicle transportation, the highway has taken on a new aspect of great economic significance. More than one-fifth of our 3,000,000 miles of highways have been surfaced in varying degrees, at great expense. It is estimated that in the year 1929 the 48 States expended for construction and maintenance of State highways and local roads the sum of $1,480,000,000, while the estimated program for 1930 calls for an expenditure of $1,600,000,000.

This tremendous cost of constructing and maintaining the highways of the States is, in the last analysis, borne primarily by the noncarrier taxpayer, who is entitled to every consideration when it comes to a question of turning the public thoroughfares into places of private business. The needs and desires of the public should dictate the introduction, body, and conclusion of any regulatory act. All other interests are subservient thereto. These fundamental principles have been fully recognized in the drafting of the bill before you.

POWERS OF STATE TO REGULATE, UNDER POLICE POWER

The movement of motor vehicles over highways is attended by constant dangers to the public and is abnormally destructive to the ways themselves. In the absence of Federal legislation covering the subject, a State may rightfully prescribe reasonable and uniform regulations for the operation over its highways of all motor vehicles, public and private, State and interstate, so far as the same do not restrict or lay an unreasonable burden on interstate commerce. Such legislation is a valid exercise of the police power of the State—to preserve its highways, to restrict their use for private profit, and to protect the health, comfort, convenience, safety, and general welfare of its people. (Hendrick *v.* Maryland, 235 U. S. 610; Kane *v.* New Jersey, 242 U. S. 160.)

So far as the common-carrier motor bus is concerned, no citizen has any right as such to use the public highways as a place of private business. Rather it is a privilege which the State may grant, revoke, or deny at will.

> The streets belong to the public and are primarily for the use of the public in the ordinary way. Their use for the purposes of gain is special and extraordinary and generally, at least, may be prohibited or conditioned as the legislature deems proper. * * * Moreover, a dis-

tinction must be observed between the regulation of an activity which may be engaged in as a matter of right and one carried on by Government sufferance or permission. In the latter case the power to exclude altogether generally includes the lesser power to condition and may justify a degree of regulation not admissible in the former. (Packard v. Banton, 264 U. S. 144 (N. Y.).)

Until a comparatively few years ago, however, the States in their regulation of motor vehicles made no distinction between those used as common carriers and those in private use. In 1914 Pennsylvania definitely segregated its motor vehicles used as common carriers and placed them under the regulation of its public-service commission. To-day the laws of 47 States and the District of Columbia regulate common-carrier motor vehicles to a comparatively complete extent.

By statute and under the usual authority granted to a State regulatory body to promulgate rules and regulations, the intrastate operation of common-carrier motor vehicles is now regulated as regards safety of operation, liability guarantees, reasonableness of rates, and publicity of activity. Safety of operation is accomplished through such requirements as standards of equipment, examination and licensing of drivers, and restrictions on weight and speed. An indemnity bond or liability insurance policy for damages to persons or property, or both, is now required in 41 of the States, while in some 43 States there exists in the commission authority to regulate rates.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In practically every State regulation is secured by requiring every common carrier by motor vehicle to obtain from the State regulatory body a certificate of public convenience and necessity, subject to such reasonable, uniform, and nondiscriminatory terms as that body may impose.

Up to 1925 it had been the general opinion of State regulatory bodies, and opinion sustained by various decisions of State and lower Federal courts, that, there being no Federal legislation on the subject, a State had the power to prevent even interstate motor-vehicle operators from engaging in common-carrier service over its public highways, except in those cases where public necessity and convenience were found to exist. Consequently, up to that time we find the State commissions regulating both State and interstate common carriers by motor vehicles.

STATES MAY NOT REGULATE INTERSTATE COMMERCE

Such were the conditions obtaining throughout the country when the Duke case, so called, arose in Michigan, in the early part of 1924. Duke was a private carrier engaged under three contracts to haul automobile bodies from Ohio into Michigan. His entire business was interstate, but limited to the three contracts. He did not undertake to carry for the public. The Michigan law provided that any and all persons engaged in the transportation of persons or property for hire over the highways of the State should be common carriers and required of all such a certificate of public convenience and necessity, and an indemnity bond covering a common carrier's liability for damage to goods transported.

The United States Supreme Court held that Duke was not a common carrier, and could not be made one by legislative fiat; that to compel him to use his equipment as a common carrier in Michigan would be to take from him his instrumentalities of interstate commerce and directly burden and interfere with such commerce; that such a result would be the taking of private property for public use without just compensation and in contravention of the due-process clause of the fourteenth amendment.

It further held as regards the liability bond that the imposing upon Duke of the onerous duties and strict liabilities of a common carrier and the obligation of furnishing the bond required had no relation to public safety or order in the use of motor vehicles upon the highways, and constituted a further violation of the commerce clause as imposing an unreasonable burden on interstate commerce.

As Duke was a private carrier in interstate commerce, the question as to whether a common carrier in interstate commerce would be required to obtain the Michigan certificate of public convenience and necessity was not raised or decided. (Michigan Public Utilities Commission v. Duke, 266 U. S. 570. Decided January 12, 1925. See also Frost et al. v. Railroad Commission, 271 U. S. 583.)

On March 2, 1925, however, that question was determined by the handing down by the United States Supreme Court of two decisions. One, Buck v. Kuykendall (267 U. S. 307), involved a statute of the State of Washington; the other, Bush v. Maloy (267 U. S. 317), a statute of the State of Maryland. These two cases decided that no license from local authorities or State certificate of public convenience or necessity is required in respect of transportation that is exclusively interstate.

Buck, a citizen of Washington, desired to operate a motor-bus line, exclusively in interstate commerce, between Portland, Oreg., and Seattle, Wash. He obtained from Oregon the license prescribed by its laws, and then applied to the State of Washington for its certificate of public convenience and necessity. The Washington statute empowered the commission to grant a competitive certificate only when the existing motor carriers were not furnishing adequate service, and would not do so. Four motor carriers were already operating over the proposed route. Under this provision, the certificate was denied.

The Supreme Court held that a State statute which requires a purely interstate motor carrier to secure from State authority a certificate of public necessity and convenience is a regulation, not of the use of the highways but of interstate commerce itself; that the effect of such a statute upon such commerce is not merely to burden but to obstruct it; that consequently such State action is forbidden by the commerce clause.

In discussing this case, while upholding the right of a State to adopt appropriate regulations to promote safety upon the highways and conservation in their use, the court stated:

> The provision here in question is of a different character. Its primary purpose is not regulation with a view to safety or to conservation of the highways but the prohibition of competition. It determines not the manner of use but the persons by whom the highways may be used. It prohibits such to some persons while permitting it to others for the same purpose and in the same manner. Moreover, it determines whether the prohibition shall be applied by resort through State officials to a test which is peculiarly within the province of Federal action—the existence of adequate facilities for conducting interstate commerce.

The same day, as stated, the court passed upon the validity of a Maryland denial of certificate to an interstate carrier. (Bush & Sons Co. v. Maloy, 267 U. S. 317. Decided March 2, 1925.)

The Maryland act gave its commission power to investigate the question of granting a certificate and to deny the same if it—

> Deems the granting of such permit prejudicial to the welfare and convenience of the public.

The commission had investigated and denied the certificate to an exclusively interstate carrier. The Supreme Court held this denial as undue interference with interstate commerce and unconstitutional.

These two cases destroyed the former doctrine and practice of reasonable State regulation of interstate motor vehicles in absence of Federal regulation so far as the power of a State to deny a certificate to an interstate carrier is concerned. No State can deny to an interstate carrier the privilege of operating over its highways, provided such carrier complies with its reasonable State requirements.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. NELSON of Maine. I am pleased to yield.

Mr. MORTON D. HULL. May the Federal Government by legislation delegate that authority to the States?

Mr. NELSON of Maine. In my opinion, no. I will come to this power of delegation in just a moment. I intended to comment on this phase of the proposition, as the question of its constitutionality had already been raised.

Mr. RAMSEYER. Will the gentleman yield on that point, but not on the question asked?

Mr. NELSON of Maine. Yes.

Mr. RAMSEYER. Following these Supreme Court decisions, has there been any considerable inconvenience caused to common-carrier busses because of those decisions? What I am trying to get at is the necessity for the legislation. What evils have sprung up or what inconvenience to the public has arisen because we have not some kind of regulations of these busses such as this bill contemplates? The gentleman stated that up to 1925 everything went along all right, and the gentleman calls attention to the Supreme Court decisions, but he has not pointed out what inconvenience, either to the public or to those operating these busses in interstate commerce, was caused by the decisions.

Mr. NELSON of Maine. I will say to the gentleman that, previous to the decision in the Buck case in 1925, the State regulatory boards had been putting a reasonable limit on the number of these interstate operators, but that immediately following the Buck decision hundreds of these irresponsible interstate common-carrier operators went into operation, needlessly crowding the highways, bridges, and tunnels, bringing on the evils which this bill is intended to obviate.

These carriers are conducting their private business in the public highways, paid for by the noncarrier taxpayers, and unlimited competition in the public highways is not practical or desirable in the public interest. The Buck decision was handed

down in March, 1925, and the first regulatory bill was introduced in December, 1925.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. OLIVER of Alabama. Did it appear from the statement of facts in either of those cases that the roads over which the travel, or proposed travel, was in issue were roads to which the Federal Government had contributed funds?

Mr. NELSON of Maine. I think that was true in the Buck case, but apparently that fact was not deemed of great importance or stressed in the Maryland or other cases.

Mr. OLIVER of Alabama. Does the gentleman, in reading those decisions, construe them as holding that over a road which the State has built with its own funds the State can not impose regulations, fair, reasonable, and nondiscriminatory, which even the Federal Government would have to observe and recognize.

Mr. NELSON of Maine. I do not know that I understood the question, but I may say——

Mr. OLIVER of Alabama. If this bill passes, are the States forbidden to impose conditions and regulations which are fair and nondiscriminatory, and which even the Interstate Commerce Commission could set aside?

Mr. NELSON of Maine. Oh, no; they have the absolute right to do that under their police powers, and decision after decision of the Supreme Court has already been to that effect.

Mr. OLIVER of Alabama. So there is nothing in the two decisions to which the gentleman has referred that in any way changes that right of the States?

Mr. NELSON of Maine. Not at all. I was going to discuss at this point the very question to which you refer.

EXTENT TO WHICH STATES MAY REGULATE INTERSTATE COMMERCE

While the authority of a State to regulate motor-vehicle traffic on its highways is limited by the commerce clause of the Constitution, yet under its own police powers there is much of regulation of both State and interstate motor carriers which the State can, and does, carry on. The decisions of the United States Supreme Court are uniformly in favor of reasonable State regulation and tend to establish the principle that motor transportation engaged exclusively in interstate commerce is subject to all proper State regulations which do not impose upon it unreasonable burdens.

The individual State still enjoys the privilege of establishing reasonable rules and regulations for the preservation of the highways, for securing safety and order in their use, and for obtaining a reasonable license fee as compensation for their use. This is especially true of common-carrier motor vehicles.

The State's power to regulate the use of its highways extends to their use by nonresidents as well as residents, and it may require the registration of interstate motor vehicles and the licensing of their drivers. (Hendrick *v.* Maryland, 235 U. S. 610.)

And in advance of the operation of a motor vehicle on its highways by a nonresident the State may require him to appoint one of its officials as his agent on whom process may be served in proceedings growing out of such use. (Kane *v.* New Jersey, 242 U. S. 160.)

Provision in a State law that mere use of its highways by a nonresident is equivalent to the appointment of a State agent as his attorney upon whom process may be served in suits growing out of such use is not in conflict with the due process clause. (Hess *v.* Pawloski, 274 U. S. 352.)

A State regulation providing that, before operating over the State highways, a common carrier by motor vehicle shall apply for and obtain a certificate or permit therefor from a State commission, and shall pay an extra tax for the maintenance and repair of the highways and for the administration and enforcement of the laws governing their use is constitutional though applied to carriers engaged exclusively in interstate commerce. (Clark et al. *v.* Poor et al., 274 U. S. 554.) This tax charge may take the form of a seat tax or tax on horsepower or on bus miles operated.

A State tax of 1 cent for each mile of highway traversed in the State by any interstate motor bus, the proceeds of which are devoted to maintenance of the public highways of the State is not repugnant to the commerce clause, when not unreasonable in amount and discriminatory against interstate commerce. (Interstate Busses Corp. *v.* Blodgett, 276 U. S. 245.)

A State order limiting the maximum weight of motor trucks and loads on highways in the State is valid, if reasonable and nondiscriminatory, and is applicable to vehicles moving in interstate commerce, in the absence of legislation by Congress. (Morris et al. *v.* Duby et Commissioners, 274 U. S. 135.)

A Massachusetts statute requiring an interstate carrier by motor bus to take out a State certificate of convenience and necessity when engaged both in interstate and intrastate business was held not unconstitutional as imposing an unreasonable burden on interstate commerce. (Interstate Busses Corporation *v.* Holyoke Street Railway Co., 273 U. S. 45.)

If the interstate carrier fails to meet the valid regulations set up by a State he can apparently be excluded from the highways of that State. (Red Ball and Duke cases.)

Interstate commerce by motor bus has been greatly aided through legislation and expenditures by the States. As a rule such State statutes as have been challenged in the courts do not discriminate against such commerce, do not seriously impede it, and indicate an honest purpose to promote the best interests of all by preventing unnecessary destruction of the ways and keeping them constantly safe and fit for maximum service.

INSURANCE

Forty-one States require an indemnity bond or liability insurance of carriers of persons or freight. Interstate carriers are complying with these State requirements. The validity of such a requirement so far as intrastate commerce is concerned has already been sustained by the United States Supreme Court in the case of Packard *v.* Banton (264 U. S. 140). Whether such a State regulation if applied to interstate carriers of passengers, would unduly burden interstate commerce, has perhaps not been definitely passed on.

In the Liberty Highway case (Mich., 294 Fed. 703), decided December, 1923, the lower Federal court held that a provision for insurance and indemnity bonds for the protection of persons and property carried was a direct burden on interstate commerce, and, consequently, void. In this case, however, the carrier was transporting property only, not passengers.

In the Duke case, already referred to, it was sought to convert, by legislative fiat, a private carrier into a common carrier and to require him to give indemnity bond as such. While the case decided that the indemnity requirement was invalid as applied to a private carrier, its validity as applied to a common carrier was not directly involved.

In the Ohio case of Red Ball Transit Co. *v.* Marshall (8 Fed. (2d) 635) a similar act was in controversy also applied to a carrier of goods only, and the court seems to have based its decision on the dictum in the Duke case, yet refused to grant the injunction applied for. In the Supreme Court at the hearing of this cause the question of the validity of the indemnity bond requirement seems to have been eliminated. It is to be noted that the lower court in Clark *v.* Poor (20 Fed. (2d) 183) apparently casts doubt on its own decision in the Red Ball case. The Clark case also reached the Supreme Court (274 U. S. 554), but the question of the indemnity bond requirement, although referred to, is not passed upon.

The last paragraph of Mr. Justice Brandeis's opinion in Clark against Poor may quite properly be considered as unsettling the whole question so far as concerns liability insurance for the protection of third parties.

That the State has a right to make such requirements has been held by the highest court of Massachusetts in the opinion of justices. (251 Mass., p. 569.) This conclusion finds support in the line of cases holding that prior to Federal legislation dealing with the subject State statutes dealing with the liability of interstate carriers were valid. (Adams Express Co. *v.* Croninger, 226 U. S. 491.)

Notwithstanding the foregoing, it may not be too much to say that apparently the law as regards the application of indemnity and insurance requirements to carriers of persons and property in interstate commerce is still in the making. It may be that such requirements as applied to interstate passengers will be found to be legal as related to public safety and order on the highways, while a like provision as applied to property in interstate commerce might be found to bear no reasonable relation to such use. Again, a distinction may be made between such a provision covering the interstate passengers themselves and a similar provision for the protection of the public of the State through which the carrier passes.

Mr. RAMSEYER. Will the gentleman yield further?

Mr. NELSON of Maine. I yield.

Mr. RAMSEYER. Following the decisions of the Supreme Court the gentleman has alluded to, what does the evidence before the committee show as to the extent of the evil following those decisions, in relation to the congestion of the highways and streets? Is it localized in a few places or is it general?

Mr. NELSON of Maine. The National Conference on Street and Highway Safety, recently in session in this city, estimated the economic waste from traffic delays, congestion, and accidents at $2,000,000,000. They further found that the traffic problems with which cities and urban communities have grappled in recent years are being rapidly transferred to the rural highways. As a further suggestion, in response to the gentleman's question, I would say that not only did these irresponsible operators

spring up following the Buck decision in 1925 but many of them sought by such subterfuges as backing across a bridge into another State and then continuing on through the State in which they desired to operate, or by circling out of a State for a few miles, perhaps around some cemetery, to take on the attributes of an interstate operator and avoid the State regulation.

Mr. RAMSEYER. In a general way those are the evils that this bill seeks to cure or overcome.

Mr. NELSON of Maine. I speak of these, but there are many others which I will mention immediately.

Mr. WHITTINGTON. Will the gentleman yield right there on that point?

Mr. NELSON of Maine. I yield.

Mr. WHITTINGTON. Does the gentleman say that the Supreme Court has sustained the right of a State to levy a license tax on motor busses—that that has been upheld by the Supreme Court?

Mr. NELSON of Maine. Absolutely; you can assess the tax in the form of a seat tax or tax on horsepower or on bus-miles operated.

Mr. PARKER. I would also call the attention of the gentleman from Maine to the case where the motor bus ran from St. Louis up to Kansas City and back, entirely avoiding the regulations of the State of Missouri.

Mr. DENISON. I think the gentleman's answer to the question just propounded ought to be explained to this extent, that while a State may impose a license fee on the basis of operating over its roads in interstate commerce the license fee must be imposed uniformly upon intrastate as well as interstate, and that they can not impose a special license.

Mr. NELSON of Maine. The State may levy a tax of, say, a cent a mile on the interstate carrier for every mile the bus operates, and a tax on gross receipts of the intrastate carrier. The mere difference in the form of the taxes does not establish discrimination unless it is shown in actual practice that the tax complained of falls with disproportionate weight on the interstate carrier.

Now so much for the present laws and present conditions.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. NELSON of Maine. I yield.

Mr. HUDDLESTON. Has the gentleman figured out what part of the interstate passenger traffic will be or has been affected by this bill?

Mr. NELSON of Maine. No. Nobody could do that, I think.

Mr. HUDDLESTON. Would the gentleman again state the figures he stated a moment ago as the percentage?

Mr. NELSON of Maine. I would say, roughly, that when we started these hearings the proponents of the bill said that 3 per cent of the common-carrier bus business was interstate. That would leave the remaining 97 per cent intrastate. As near as I can tell to-day—and a comparatively short time has elapsed—the amount of interstate business is 8 per cent. It has grown from 3 per cent to 8 per cent. The balance would be 92 per cent.

Mr. HUDDLESTON. The gentleman is not advised as to the percentage of the total that would amount to?

Mr. NELSON of Maine. Does the gentleman mean the total travel in the United States?

Mr. HUDDLESTON. Of the total interstate travel, having in mind the private carrier, the rail carrier, the airplane carrier, and all forms of transportation, what percentage of it is carried by interstate busses?

Mr. NELSON of Maine. I do not believe anybody could answer that.

Mr. HUDDLESTON. I figured it out to be one-quarter of 1 per cent. If that is correct, then one-quarter of 1 per cent of the interstate passenger commerce of the United States is affected by this bill.

Mr. NELSON of Maine. If it is correct?

Mr. HUDDLESTON. Yes.

Mr. NELSON of Maine. If the gentleman is correct, of course I must agree with the gentleman. Now, as regards the evil under the present system.

THE MISCHIEF

It is not consistent nor fair to the States, the general public, or the bus operators to allow the common-carrier motor-bus business to continue, partly regulated and partly unregulated. Possibly 92 per cent of these motor carriers are now regulated most successfully by the States. State regulation has placed upon these intrastate carriers burdens to which the interstate carrier is not subject. Federal regulation of the remaining 8 per cent of interstate carriers is necessary to supplement State regulation and State laws, place competition between the two classes of carriers on an equitable basis, and protect the States in the use of their highways.

Again, if the motor bus is to supplant the electric railway and other types of transportation, as it is already doing, it must not only operate in good weather and at profitable times, but must supply service throughout the entire year and over definite routes at stated times. Federal legislation alone can compel such service.

As the State can not regulate or unreasonably burden interstate commerce, it can not refuse a certificate to any interstate carrier that may desire to traverse its highways. However needlessly its streets may be crowded and its bridges and tunnels congested, it must grant the certificate to each and every interstate carrier that asks for it. Congress alone has the power to regulate and limit the number of these interstate motor carriers.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. RAGON. I have listened to the gentleman make that statement which he just passed over twice. Suppose a State had some regulations with reference to the age requirements of a driver. Suppose the State law covered all drivers of motor busses and here comes along an interstate bus line that did not comply with that.

Mr. NELSON of Maine. I think that it would have to.

Mr. RAGON. In other words, then, to-day, unless a State makes some regulation that is unfair and unreasonable, it has no right to refuse a permit? In other words if any bus line comes along and agrees with the reasonable regulations that every railroad or bus commission lays down, then, in that event, the State has no right to refuse a permit.

Mr. NELSON of Maine. That is it exactly, and I think you can go farther and say that a State may refuse its certificate to any purely interstate carrier who refuses to comply with its proper regulations.

Continuing the subject of the evils of the present system:

As Congress has, as yet, failed to enact the necessary legislation, many undesirable conditions exist in the unregulated interstate motor bus service that do not now obtain in the regulated intrastate service. Some of these conditions for which a Federal remedy is needed are the following:

No uniform safety requirements as to the type and condition of vehicle used; no established qualifications and maximum hours of service for the driver; no provision for insurance of passengers and public; no security for redress against the carrier in case of accident or failure to perform his contract; no restrictions whatever against the unnecessary crowding and wearing out of the highways, tunnels, and bridges; no protection to the carrier against the destructive competition of wildcat operators; no protection to the public in the matters of rates, fares, schedules, and hours of service; no protection to the intrastate operator against the most unfair of competition.

These conditions are certainly opposed to the public interest and call for a remedy which Congress alone can furnish.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. PARKER. Mr. Chairman, I yield five minutes additional to the gentleman from Maine.

Mr. NELSON of Maine. Mr. Chairman, I make no claim to any unusual knowledge of constitutional law, but in answer to questions already raised would rehearse some constitutional propositions to which I think we all subscribe.

THE REMEDY—COMMERCE CLAUSE

Under the commerce clause of the Constitution, Congress has exclusive power to regulate commerce among the several States. This power was designed to secure continuous transportation from one end of the country to the other. Freedom of commercial intercourse between the States, as the Supreme Court has repeatedly held, is of such paramount importance that interference with it by the States can not be permitted. The power of regulating such commerce was deposited in Congress to relieve such commerce from the unnecessary burdens and disadvantages incident to discordant State legislation, and to establish, so far as practical, harmonious and uniform rules equally applicable throughout every part of the country.

Control of interstate motor-bus operation falls, therefore, within the domain of that great, distinct, substantive power to regulate commerce, the exercise of which can not be treated as a mere matter of local concern or committed to those immediately interested in the affairs of a particular locality.

The Constitution says that Congress shall regulate commerce between the States. The Buck and Bush cases emphatically declare that the States may not regulate interstate commerce by motor vehicle. The Supreme Court of the United States, in the

case of Cooley *v.* Board of Wardens (12 How. 229), states in these words:

> If the Constitution excludes the States from making any law regulating commerce, certainly Congress can not regrant or in any manner reconvey to the States that power.

Mr. HASTINGS. Does not the gentleman believe that the Interstate Commerce Commission however, could appoint these local commissions and use them as Federal agents, and that these commissions then, as Federal agents, could do what the Interstate Commerce Commission may do under this act?

POWER NONDELEGABLE

Mr. NELSON of Maine. This power to regulate interstate commerce is primarily a legislative one, which Congress may not delegate. As it is impossible, however, for Congress to enact a special law for each individual interstate motor carrier, if regulation of all is to be had, Congress must declare the principles which shall control such regulation, and then delegate to some administrative body the duty of determining in what cases those principles are applicable. The standards which we, as a legislative body, set up in such legislation, are of paramount importance, as they measure and limit the power of the administrative body. Without proper standards constitutional requirements are not met. Under the guise of conferring administrative discretion we can not confer authority to make the law.

It seems to me that we are violating at least the spirit of the Constitution when we delegate to local or State bodies the regulation of interstate commerce; and we avoid doing that by not giving them the final authority.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. NELSON of Maine. Yes.

Mr. ARENTZ. As I understand it, under this bill the authority is given to the members of the utility commissions of two adjoining States?

Mr. NELSON of Maine. Yes.

Mr. ARENTZ. They hear the State carrier and the interstate carrier?

Mr. NELSON of Maine. Yes.

Mr. ARENTZ. Within 10 days, regardless of the action of the Interstate Commerce Commission, they make a decision, and that decision stands and that becomes the order of the commission, as I understand it?

Mr. NELSON of Maine. That is correct.

Mr. ARENTZ. Now, if that is not delegating, if that is not usurpation of the power of the Interstate Commerce Commission by State regulatory bodies, then I misunderstand the whole situation. But I think it is justified. I even think we should go further. For example, if the utility commission of Utah and that of Arizona and that of Nevada should not have the necessary funds for proceeding with the hearings which would take place for perhaps six weeks——

Mr. NELSON of Maine. The provision to which you refer was adopted as a result of compromise between those desiring to give the local boards power to make orders and those desiring that the power be limited to recommendations only. I hardly think it subject to the objection that the gentleman raises.

IMPORTANCE OF PROPER STANDARDS

Standards uniformly applicable to widely divergent conditions and interests can not be manufactured offhand and overnight. For the purposes of this legislation we have carefully refrained from attempting to set up new standards of vague or indefinite meaning and from using as such standards words lacking in judicial definition; rather, we have adopted as the standards of this act words long used in State and Federal legislation, particularly those uniformly used in that State regulation of motor carriers which has proved so eminently successful.

Three standards are set up in this bill: The words "public convenience and necessity" as determining whether or no a certificate shall be issued in a given case; the words "just and reasonable" as applied to rates; and the words "the public interest," as determining whether or no a certificate once issued shall be suspended, changed, or revoked, and as to whether a proposed consolidation, acquisition, or merger shall be approved by the commission.

These three phrases are of vital significance in this legislation. They serve three purposes. They are a guide to the commission in applying the law; they measure the rights of the commission, the operators, the public, and the steam and electric railroad companies; and, finally, they constitute a limitation on the power of the courts in judicial review of the commission's orders. For instance, a certificate may be granted only when "public convenience and necessity" demand. If granted when this requirement does not exist, or refused when it does exist, the aggrieved party may apply to the courts for injunction or mandamus.

Through this proposed legislation Congress, which has the exclusive power to regulate interstate commerce, extends Federal regulation to the interstate motor-bus industry, declares the principles which shall control such regulation, delegates the administration of the law to the Interstate Commerce Commission, and sets up the standards which are to govern and limit the actions of the administrative body.

Mr. LETTS. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. LETTS. Is there any such disadvantage placed upon railroads or other common carriers by statute as you contemplate to set up here by providing that for rate-making purposes no value shall be assigned to a certificate of public convenience and necessity or to the element of good will?

Mr. NELSON of Maine. We have provided in this bill for a uniform system of accounting, the first requisite for successful regulation. For the purposes of rate making, at least, the committee did not feel that any value for the privilege of operating in the public streets should be considered. That is, however, a matter for the consideration of this committee.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. OLIVER of Alabama. Will the gentleman in extending his remarks set out the provisions to which he refers?

Mr. NELSON of Maine. I will.

Mr. LETTS. I have in mind this provision:

> (e) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed, as evidence or elements of value of the property of such carrier, either good will, earning power, or the certificate under which such carrier is operating.

I am asking the gentleman whether or not it is the view of the committee that they should, by legislation, create a different rule with respect to the evidence which may show value for rate-making purposes to be applied to motor busses than that which now exists as to other common carriers?

Mr. NELSON of Maine. That question is answered by the fact that we have done so. Whether that is wise or not is to be determined by the House when it proceeds to the detailed consideration of the bill.

Mr. LETTS. My question was to get the views of the committee concerning the wisdom of the matter. Is it thought wise that such policy be extended to include all common carriers and eventually embrace all utilities?

Mr. NELSON of Maine. I have not the time at this moment to discuss it more fully.

Mr. LETTS. There are two or three other considerations along this line that I would like to have some gentleman from the committee discuss, but I will seek the information from some one else.

Mr. NELSON of Maine. I do not wish to be discourteous, and I would like to answer more satisfactorily if time allowed.

Mr. LETTS. I do not want to be persistent.

Mr. NELSON of Maine. We did so consider it, because that is what we reported to the House.

Now, whether we are correct in that is another question that might admit of a great deal of debate for which I, at present, have not time.

Mr. LETTS. I will not pursue my questions now, but later on I will.

CERTIFICATE SYSTEM

Mr. NELSON of Maine. Experience has shown that the most effective method of regulating common carriers by motor bus is through the certificate system, already in successful operation in 46 States, where it has served to stabilize and improve the service through the elimination of wasteful competition and furnished the justification for increasingly large investments in the public interest. This certificate method has been adopted in this bill.

Under the so-called grandfather clause (sec. 5–b) all interstate operators, "fit and able," who, on January 1, last, were furnishing "reasonably continuous and adequate service at just and reasonable rates," are granted a certificate under which they may continue their operations. Otherwise no such certificate can be granted (sec. 15–a) unless it shall be found that the public convenience and necessity will be served thereby.

There shall be attached to any such certificate (sec. 6–a) such reasonable terms and conditions as the public convenience and necessity may from time to time require.

Any certificate may be suspended, changed, or revoked (sec. 8–a) for failure to comply with any provision of the act or any

lawful order, rule, or regulation of the commission, or whenever the public interest so requires.

It is specifically provided (secs. 5-d and e) that no certificate shall be construed as conferring any proprietary or exclusive rights in the highways traversed, and that the commission shall, so far as is consistent with the public interest, preserve competition in service.

THE PUBLIC PROTECTION SECURED BY THIS LEGISLATION

All such certificate holders must conform to the commission's requirements as to continuous and adequate service at just and reasonable rates, requirements as to uniform accounts, qualifications, and maximum hours of service for employees, safety of operation and equipment, and comfort of passengers. Also, each must furnish bond, insurance, or security for the payment of any final judgment recovered as a result of negligence of operation under the certificate. Only through Federal legislation can these benefits to the public be secured. In the absence of such legislation this much-needed protection does not obtain.

ADMINISTRATIVE FEATURES

The administrative features of the act represent an effort to relieve an already overworked commission and to take advantage, so far as is legally possible, of the peculiar knowledge and experience of local boards.

Matters arising in the administration of the act may be referred by the commission to examiners, or in case of operations involving two States only to joint boards, who severally hear the matters referred and make suitable recommendations thereon. These recommendations are in the form of orders which, unless stayed or postponed by the commission, become the orders of that body. We thus avoid giving final powers to a large number of examiners and the delegation to State authorities of the power of regulating interstate commerce.

NO MONOPOLY CREATED OR DESIRABLE COMPETITION STIFLED

The passage of this proposed legislation does not create a monopoly, de facto or de jure. Under the express terms of this bill the granting of a certificate conveys no exclusive or proprietary rights in the highway. The carrier may continue his operation only so long as it is in the public interest. The certificate is not exclusive. Competitive certificates are not prohibited. If public necessity and convenience so demand another certificate may be granted to another carrier covering the same route and service. So long as the commission has this power to grant certificates to others there can be no monopoly de jure; so long as the commission shall observe the law there can be none de facto.

Neither is desirable competition stifled. The law expressly states that—

So far as is consistent with the maintenance of adequate transportation—

the commission shall preserve competition in service. The extent to which competition is desirable in the public interest rests in the regulatory body. Desirable competition, that in the public interest, is preserved; undesirable competition, that contrary to public interest, is eliminated.

It is certainly in the public interest that the number of motor busses operating over a given route, often needlessly wearing out and congesting the highways, bridges, and tunnels, should be reduced to that number which can best serve public necessity and convenience, and should never be so large that the operators are unable to command a revenue sufficient to enable them to give reasonably continuous and adequate service in the best possible type of vehicle.

CONCLUSION

This subject of interstate motor bus regulation has been before Congress for some five years. The first proposed legislation along this line, the Cummings bill, S. 1734, Sixty-ninth Congress, evidently emanated from the railroads seeking restrictions on their newly arrived competitors. Later bills evidenced the desire of the operators to shape the course of inevitable regulation, and that of the State commissions to have returned to them in whole or in part that authority over interstate bus operations which they enjoyed prior to the decision in the Buck case.

Realizing the growing importance of this subject, on June 15, 1926, the Interstate Commerce Commission, on its own motion, entered upon a comprehensive investigation of motor-bus and motor-truck operation. Hearings were held in all of the important cities of the country, and 5,000 pages of testimony was given by some 400 witnesses. This act follows in a substantial way the recommendations of the commission made in its report of April 10, 1928.

The instant bill has been drawn primarily in the public interest to subserve public convenience and necessity. Every reasonable safeguard against the creation of undesirable monopoly and the stifling of desirable competition seem to have been adopted. It represents weeks of serious thought and hard work on the part of your committee. There were involved in this legislation many legal, constitutional, and practical problems which we have attempted to solve in a sensible way. The bill may not be perfect, but we commend it to your careful and sympathetic attention as at least a fair beginning of legislation on a subject of ever-increasing importance. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I yield one hour to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for one hour.

Mr. HUDDLESTON. Mr. Chairman, I rise in my accustomed rôle as objector. This bill is a bad bill, and as nobody else will object to it, I do it myself.

It is not a pleasant part to play. I dislike friction as much as anybody. I like to go along, and also I do not like to do any work that I do not have to do. The strain and responsibility of opposing a piece of legislation is heavy. I am sure that I do not take the part of objector out of any fondness for it. I take it solely from a sense of duty.

THE UNPLEASANT PART OF OBJECTOR

It is an unpleasant part to play, not merely because I counter against the attitude of the other members of my Committee on Interstate and Foreign Commerce; not only because I am flouting the wishes of the powerful selfish interests that want this bill passed, but chiefly because I recognize the futility of opposition.

My opposition will accomplish nothing; my efforts will be in vain. The Members of the House are not present. Probably out of 435 we have 75 in the Chamber. Half of these here will not listen and the other half do not care. Besides, I suspect that there is an occasional one who would not get anything if he did listen; and that not altogether through my fault. [Laughter.] The Members are busy in their offices, writing to their constituents. Election day is coming on. They want to keep in close touch with the people. I do not blame them for that. A Member of Congress has just as much right to save his life as anybody else. Self-preservation is the first law of nature in all walks and activities of man.

If the Members were here and if they would listen, still they would follow the committee who reported the bill. That is the practice of the House.

The responsibility is on the committee. The blame is on the committee. No citizen who may hereafter find out that this is a bad piece of legislation should point at his Congressman and say, "You voted for that; I am against you because you supported that bill." That would be unjust. It is only if his Congressman is a member of the committee and heard the witnesses who appeared before them and had an opportunity to understand the true inwardness of this bill and what is really intended to be accomplished by it that the citizen is justified in blaming his Congressman.

My efforts will fail. Members are going to follow the committee. I know that. It is the practice of the House. With the majority it would not do for them to get "irregular" and to get "off the reservation." They would lose their party standing and their share of the spoils. They must line up with the machine. The minority, of course, have no principles anyway, so it makes no difference what they think about anything. [Applause and laughter.] One Democrat and one Republican applauded that statement. [Laughter.]

But more blame for doing wrong is to be attached to the Democratic minority than to the Republican majority. Nobody expects anything of the Republicans anyway, but the people expect us Democrats to be honest. The responsibility is with the Republicans, for they have the votes. It is their province, not ours, to pass legislation. I do not find any great fault with an honest Republican, if there is any such animal—[laughter]—I do not find fault with such a Member saying, "I must 'stay on the reservation' and go along with my party."

THE DUTY OF AN "OPPOSITION" IS "TO OPPOSE"

But on this side we have no such burden of regularity; we can afford to be honest and upright. [Laughter.] We Democrats are the opposition, and the duty of an opposition is "to oppose." An opposition which does not "oppose" has no excuse for existence. The initiative is with the majority. The responsibility is theirs; they will attend to whatever is needed. They have the votes. They do not need any Democratic "yes men." They will do the thinking, and, alas for the country, they will carry out their plans. A Democrat performs no function of any value to the country merely by coming here and saying "aye, aye, aye," to whatever the Republicans pro-

pose. Indeed, his constituents might better have sent a Republican here, because he might get in on the game and get something out of the "long division" that is going on. [Laughter.]

Under our vaunted "two-party system" the duty of an opposition is to "oppose," and I say to you that never in the history of our country has intelligent and courageous opposition been more urgently needed than it is at this time. I do not oppose this bill merely for that reason, for my opposition will cut no figure. But I do say that every Democrat can afford to think for himself on legislation, and having reached conclusions, he is warranted in dissenting and voting against it if his conscience tells him to do it. He owes no duty "to go along."

There is a duty upon an "opposition" to point out the defects in legislation. There was never a bill that did not have faults either in principle or in detail. There was never a measure that something could not be said against it. There was never a proposal which did not have two sides. The function of a real "opposition" is to present the other side; to present all the arguments against a bill; to show its defects and its faults; to expose its weaknesses. Unless an opposition does that, then such opposition might as well be at home.

It is unpleasant to oppose bills. I do not do so from any natural bent. Some of my friends tease me and say, "Oh, yes; you are against everything." Of course, it is useless to deny, so I plead by way of avoidance, "Yes, I am; and the trouble about it is I am always right." I have sometimes felt that a Member might come into the Chamber and without knowing what was going on vote "no," "no," "no" on every proposal and his batting average would be at least 900. [Laughter.]

This is a typical bill, such as nearly always comes before the House. Powerful, selfish interests want this legislation. It means money in their pockets. It means opportunity and special privilege, and they want it.

"VAST AND VOCIFEROUS INDIGNATION"

A periodical writer took notice of me a few months ago with the sneer that I was "full of vast and vociferous indignations." At that it was not so bad. Indignation may be defined as "moral anger," "resentment of a public wrong," and so on. I confess to the "indignations" and I accept the "vast," but I deny the "vociferous." [Laughter.] If I only did but speak my thoughts upon all the many vicious measures that come before this House, I would indeed be "vociferous." I am a shy and quiet man, and speak only upon occasions such as this when nobody else will do it.

This is merely another selfish-interest measure, written by selfish interests and pressed by selfish interests. Who wrote the bill? The bus operators and the railroads.

Mr. PARKER. Was not that a perfectly accurate statement?

Mr. HUDDLESTON. Which?

Mr. PARKER. That the representatives of the various utility boards sat in on the writing of this bill? I make it as an absolute affirmative statement that it is so.

Mr. HUDDLESTON. The gentleman also made it this morning and his repeating it does not add to its strength. But I think the gentleman is in error the second time, just as he was the first. I have here the statement of Mr. Benton, the representative of the association, which appears on page 227 in the hearings:

> I want to say this: The State commissioners do not come here to tell what public opinion is, nor do they attempt to hold any mandate to speak for the public.
>
> * * * * * * *
>
> What the State commissioners seek to do is to lay before Congress such information as they may have touching the facts of the situation and respecting the probable operation of the proposed bill.

Mr. Benton told us—as I recollect it, and I think I can find it in the hearing—that they did not assume to speak for the public or to write a bill for the public, but that they were chiefly concerned with the provisions which related to the connection which the State commissioners should have with the administration of this law, and not with the general purposes of the statute itself.

In short, the bill as originally brought before us delegated practically all of the power of Congress to regulate busses to boards composed of the members of the State commissions. They were to be the agents of Congress to do the regulating. It was that detail of the bill in which the State commissioners were chiefly interested. It is my understanding that they did not assume to advise us upon questions of public policy, and that they did not undertake to write the provisions of the bill which related to the general subject. If this is correct it is unjust to them, I submit to the gentleman from New York, to place on them the iniquity of trying to thwart competition and to grant monopolies upon a public highway to private interests.

As I say, this bill is a typical selfish interest bill. You should have seen the committee room when we held the hearings. They were all there, the bus operators from over the whole country. The room was crowded with them, their lawyers, their strikers, and their hired hands. It was so crowded that only the railroad representatives could find a place to get into. They were all there through their counsel and their representatives and they were clamoring for this bill. They wanted it. They demanded that they should be regulated. Nothing short of the Government taking charge of their business would do them.

The people were not there, those who will ride in the busses. Not one of them was there, and not a cheep was raised on their side of this matter. The committee, representing "the people," were left to their own poor ingenuity to find if there might not be some reasons against this bill. All the hired talent present asserted emphatically that it was perfect.

The best brains that money could buy—and God pity us in these sad days, it can buy all there is—was there presenting reasons why this bill should be passed. None was there to tell us of its faults, its defects, and its iniquities. The people were not represented.

WHY "NO" IS ALWAYS RIGHT

And that was the usual situation before committees. The people are never represented. That is why a vote of "no" is nearly always right. Every measure that comes here comes because some great selfish interest stands behind it and pushes it on. We hear only their side, and the plain people are "mute, inglorious, and unknown." Nobody speaks for them. Nobody cares for them—that is, nobody but Members of Congress! I wish I could keep from being funny. [Laughter.]

Congressmen represent the people. Yes; they represent the railroads, too; and they represent the bus operators along with the people all by assumption equally. The people were willing to trust us. They did not know any better—but the railroads and bus operators, they knew better. They were not willing to trust us. They brought the very best talent in the land to control our decision. They conceded that we had sense enough to see the people's side, but not that we had sense enough to see the railroads' and operators' side. [Laughter.]

I like the method adopted by the gentleman from Maine [Mr. NELSON]. He is an able man, his method is fine. He said that wisdom required that we should first see what the trouble was with the situation we were trying to remedy.

WHAT IS THE MATTER WITH THE BUS BUSINESS

Now, let us see what is the situation that we are trying to remedy. The Interstate Commerce Commission was set to the task in April, 1928, of finding out what was the trouble with the bus situation. They scoured the country and they had before them the same selfish interests that subsequently came before us. The commission raked and scraped and got up everything they could that would look like it helped to make out a case against the interstate busses.

And what did they say the trouble was? I have it here. I read from the report of the commission, No. 18300:

> Bus service on regularly certificated routes is generally satisfactory throughout the country. Any serious complaint against bus operations appears to be directed against those conducted by noncertificated, unregulated interstate operators commencing operations after the State regulatory bodies were deprived by the decisions of the Supreme Court of such control as they had exercised over interstate motor carriers. These noncertificated bus operators, frequently referred to as "wild catters"—

Note the epithet; that is the way they start out with the propaganda—

> have worked considerable injury to the regular and responsible bus lines not only by cutting rates below what is claimed to be an economic basis but also because the financially irresponsible and reprehensible practices of some tend to discredit reputable and responsible bus operations with the public. The equipment of the "wildcat" operators is sometimes represented by a single secondhand touring car purchased with a small down payment.

This is the whole indictment; listen to it carefully—

> Some sell round-trip tickets and fail to make the return trip. Misleading advertisements are placed in newspapers. Sometimes their cars break down en route and passengers are forced to seek other transportation without reimbursement. Accidents have occurred where the operator having no liability insurance and being financially irresponsible, passengers' property has been lost with no method of recovery for the loss. On some occasions where a breakdown has occurred, passengers have been required to furnish the operator with sufficient funds for the





repair of the car in order that the journey might be continued. In other instances cars have broken down and the operators, with little equity in the cars, have abandoned them and left the passengers stranded.

This was all they were able to find; this was all they were able to charge.

This is the bill of indictment. This is the situation we are trying to cure. Is this measure designed to do that merely? No; it goes far into other fields. It is certain that it has some other purpose than merely to correct the evils set forth.

The bill does remedy the situation. It does that, but that is the smallest part of what the bill does. It does much more, and therein lies the viciousness of the bill.

The committee had before it a bill which would have corrected all of the evils of bus transportation—would have fully corrected the situation as portrayed by the commission's report. It was a bill which required interstate busses to give bond to carry out their contracts and to respond in damages to any who might suffer injuries. That is all there was in the bill. I refer to the bill introduced by myself—H. R. 7630.

That bill fitted the situation pointed out by the Interstate Commerce Commission like a glove fits the hand. Were hearings had on it? Oh, no; it was never mentioned in the committee except as a joke. Nobody wanted that bill. It was not to correct the ills mentioned by the commission that the bus operators came before the committee. It was not for that purpose that the railroad representatives came. Not at all; they did not want that bill, H. R. 7630, because they did not get anything out of it.

There was no selfish interest promoted by it. It cared for the welfare of the people only. Of course, these selfish interests did not want it. Of course, we could not get it up in the committee. Of course, it was not reported to the House. Whoever heard of a bill being reported here with nothing more in it than something for the common good!

SUFFICIENCY OF STATES POLICE POWERS

We had a lot of misleading testimony before the committee about the necessity for legislation to insure safety and a lot of talk about the long hours that the bus operatives had to work and about "crazy old busses" and reckless driving and other things. It was not in the least relevant, for the States in the exercise of their police powers have ample jurisdiction to deal with all those matters. Nobody can successfully deny it.

I hold in my hand the hearings before the committee, in which were incorporated decisions of the United States Supreme Court, from which I will read. The first is the Duke case, decided on January 12, 1925, in which Mr. Justice Butler, rendering the opinion, says:

> This court has held that, in the absence of national legislation covering the subject, a State may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles—those moving in interstate commerce as well as others; that a reasonable graduated license fee imposed by a State on motor vehicles used in interstate commerce does not constitute a direct burden on interstate commerce; and that a State which, at its own expense, furnishes special facilities for the use of those engaged in intrastate and interstate commerce may exact compensation therefor, and if the charges are reasonable and uniform they constitute no burden on interstate commerce. (Hendrick *v.* Maryland, 235 U. S. 610; Kane *v.* New Jersey, 242 U. S. 160.) Such regulations are deemed to be reasonable and to affect interstate commerce only incidentally and indirectly.

In another case, Buck against Kuykendall, to which the gentleman from New York [Mr. PARKER], referred decided on March 2, 1925, the court, through Justice Brandeis, says:

> The highways belong to the State. It may make provision appropriate for securing the safety and convenience of the public in the use of them. It may impose fees with a view to raising funds to defray the cost of supervision and maintenance and to obtaining compensation for the use of the road facilities provided. With the increase in number and size of the vehicles used upon a highway both the danger and the wear and tear grow. To exclude unnecessary vehicles—particularly the large ones commonly used by carriers for hire—promotes both safety and economy. State regulation of that character is valid, even as applied to interstate commerce, in the absence of legislation by Congress which deals specifically with the subject. Neither the recent Federal highway acts nor the earlier post road acts do that. The State statute is not objectionable, because it is designed primarily to promote good service by excluding unnecessary competing carriers. That purpose is within the State's police power.
>
> The argument is not sound. It may be assumed that section 4 of the State statute is consistent with the fourteenth amendment, and also that appropriate State regulations adopted primarily to promote safety upon the highways and conservation in their use are not obnoxious to the commerce clause where the indirect burden imposed upon interstate commerce is not unreasonable.

The States—the efforts of an element in Congress to the contrary—still have their reserved police powers; they still have the power to protect the safety of life; they still have the right to regulate, in a reasonable and proper manner, the passage of vehicles over their highways; and to limit the number of hours that an operative may serve while in charge of a public vehicle on a highway.

"THE PUBLIC BE DAMNED"

The State has the power required to correct every abuse pointed out by the Interstate Commerce Commission—every power except to require a bond to insure that the bus operators will perform their contracts and pay any damages for which they may be liable. It may yet be decided that the States have even that power. If they have there is not the slightest reason why this bill should be passed.

If there is reason for any legislation why not pass the bill H. R. 7630, which stops with requiring the giving of proper security? No; we can not pass a bill like that; that would be merely for the public benefit, and who cares anything about the public! "The public be damned!"

Now, what does this bill do? The keystone of this bill, its axis, its essential part which stands as the only real reason why it is here, is the fact that it proposes to give a monopoly on the highways. That is the purpose of the bill. Whether that should be done, whether it is right to grant monopolies, whether we should preserve competition, of course that may be a debatable question, but there can be no debate over the fact that the purpose of this bill is to control competition and to prevent it in such cases as the Interstate Commerce Commission may decide is proper. If they decide that it is not for public interest then there is to be no competition.

Mr. DENISON. Will the gentleman yield?

Mr. HUDDLESTON. With pleasure.

Mr. DENISON. Would the gentleman say that the same purpose actuated the 43 States in passing legislation with reference to the intrastate traffic under State regulation?

Mr. HUDDLESTON. I should unhesitatingly answer yes.

Bus operators and railroads have great local influence. It is not hard for them to control legislatures and they are used to doing it. The people are not usually awake, until it is too late. Before public opinion can be aroused, selfish interests often secure special privileges. Now they come before Congress and say that because the States have done wrong Congress must go on and crown the wrong with a greater wrong. Can you wonder that that arouses "vociferous indignation"?

The same powerful selfish interests that came before us went previously before the State legislatures, and by arguments fair and unfair, and influences and instrumentalities, some of which could not stand the light of day, they succeeded in getting legislators, some of whom did not know what they were doing and some who did not care what they were doing, to grant them special privileges.

Why did not the operators come to this forum first, and then say to the States, "Your national body has granted us these privileges, and now you, as separate States, must grant them to us." They worked the other way around, because it was the easiest. For after all, submissive as the National Legislature is to the power of great selfish interests, the legislatures that hover around in many of the State capitals are still more submissive, and more open in their betrayal of the public welfare. Does the gentleman get my apology? [Laughter.]

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

RAILROADS WILL ABSORB BUS BUSINESS

Mr. CRISP. What percentage of the bus lines engaged in interstate commerce are owned by the railroads?

Mr. HUDDLESTON. Nobody knows; but the percentage is very large. Some are owned openly, but many of them are owned secretly. If the gentleman had asked how many the railroads will own 20 years from to-day I would have replied: Every one worth owning will be owned by the railroads.

That is the secondary purpose of the bill.

It is highly significant that in this bill by which, for the first time, Congress deals with the bus business, we provide for the certificate which will give a special monopolistic right, and proceed with another section of the bill to provide a means by which the franchise may be realized upon. We create a special privilege, then provide a means by which the privilege may be passed on to others. The railroads are rapidly absorbing the bus business of the country. Many more of the interstate lines are trying to sell out to the railroads, but the latter say, "You

have nothing to sell." They come and get this bill, then they have a franchise to sell. Section 9 of the bill provides a means whereby they can pass that franchise to the railroads. It provides for consolidations without limit. It furnishes a means whereby the railroads may acquire the competing bus lines. It seems certain that within a few years all of the important bus lines will be owned by the rail carriers, or be affiliated with them, so that there will be no real competition between busses and railroads.

When the gentleman from Illinois [Mr. DENISON] interrupted me I was calling your attention to the fundamentals of this bill, and why it is here, and what the interests expect to get out of it. We had nobody before us opposing the bill, and we had to find out its purpose the best we could from those who favored it.

The next thing I want to get at is this report of the Interstate Commerce Commission. They used to be the "people's commission"—a long time ago. I would not like to turn my folks over to their mercies as that commission is at present constituted. If I owned a railroad, I would not mind going before them.

HOW MONOPOLY WILL BE SECURED

The monopoly that is expected to be secured by this bill is through the device of what is called a "certificate of convenience and necessity." In other words, if you get the certificate you can operate; but if you can not get it, you can not operate. And those who will decide whether you are going to get it or not are the Interstate Commerce Commission. You know what they think about competition. Here is what the commission said about it on page 737 of the report:

Certificates of public convenience and necessity are required, not so much with a view to safety or the conservation of the highways but primarily for the purpose of protecting the public interest by excluding unnecessary and wasteful competition and by determining what persons or companies are best able to serve the public. The requirement that a certificate of public convenience and necessity shall be prerequisite to motor-vehicle operation prevents duplication and unnecessary service where existing facilities are sufficient to meet the transportation needs of the public. It protects the public by preventing irresponsible operations. It gives to certificated carriers some protection against unnecessary competition.

I believe that every member of the committee will agree with me that that is the fundamental of the bill. Without it we would not have the bill; with it the bill is here.

What do the advocates of the bill say? I read what Mr. Benton said, on page 226 of the hearings:

In the first place, I think there ought not to be any question made about the primary purpose of the legislation. It is to restrict the operation of motor busses by imposing public control over such operation, so that no more shall be operated than are necessary. The unnecessary are not to be permitted to encumber the highways, and agencies of transportation which have been found necessary and authorized are to be free from their competition. The bill proposes to recognize that the common-carrier motor-bus business is one in which unrestricted competition and the rule of the survival of the fittest do not work well. It is proposed that the industry be recognized as public in its character, and that the Government, through appropriate agencies, shall determine who may operate, and the service the operator shall give, and the rates they shall exact, such regulation taking the place of competition.

At the present time the bus business is being operated on a satisfactory basis. There is free competition. Any man who has a bus can operate it on a public highway in interstate commerce and no one can say him nay. The business regulates itself through the principles of competition.

The purpose of this bill is to strike down that competition and to say that it is a business in which there should not be any competition; that we should abandon the principles of competition and accept regulation in its stead. At present the public is being protected by competition. This bill takes away that protection, that shield which the public has, and substitutes for it this poor, inefficient, and objectionable system of Government regulation.

Mr. DENISON. Mr. Chairman, will the gentleman yield there? I want to call the attention of the gentleman to one provision of the bill.

Mr. HUDDLESTON. Not now. I shall read first what Mr. Benton said. To quote further from Mr. Benton:

Of course, it is self-interest which leads the bus owners now operating and the electric and steam carriers to favor this bill.

They did not fool Mr. Benton. They can fool the committee but they did not fool him—

Having devoted their property to public service they want to make as profitable returns as they can. Most people who come before Congress come to tell how proposed legislation will help or hurt them from motives of selfish interests.

It is entirely proper that they should come. They say in this case, however, that what is to their interest is also in the interest of the public.

That is what they all say. All selfish interests say that. They spread about them the cloak of patriotism—their concern is for the public welfare. That is what everybody says—that is, when they try to get something for nothing, when they are trying to get a special privilege to oppress the public.

Benton again—

The theory of the bill is that the public will be better served at less cost if only sufficient busses are operated reasonably to take care of the traffic.

No man can read the report of the Interstate Commerce Commission, the testimony of Mr. Benton, and the other testimony in the case and reach any other conclusion than that that is the real purpose of this bill.

ARGUMENTS OF MONOPOLY SEEKERS

They say, in short, that for a man to prepare himself to serve the public adequately he must expend a large sum of money, and that he can not afford to do that unless his investment is on a permanent basis, and the field is not open for somebody to come along and take away his business. There are "wildcat" operators, and the cry of "unfair competition" and "destructive competition" goes up. These are the epithets that all of these seekers of monopolies use.

There is no more reason why the principle of denial of competition should be applied to the bus business than to the grocery business. We like to trade with an up-to-date grocer with nice things in his store, and an efficient corps of clerks. A man can not afford to enter that business and make that preparation unless it is on a permanent basis. He does not like to be open to the competition of somebody setting up across the street and "selling for less." He cries out against it as "destructive competition."

The grocer's argument against competition applies, just as in the bus business, to every business. It applies to the lawyer in his office, to the doctor, and to other professional men; it applies to manufacturing and to merchandising, and from the top of business to the bottom.

Everybody finds competition exceedingly inconvenient. That applies even to the Congressman running for Congress. You ought to hear what we say about the fellows who dare to run against us for Congress! [Laughter.] "Here am I, who have equipped myself for the office by 15 years of study and service and an extraordinary amount of patriotism; why, I can not afford to do that if I am to be turned out every two years." It is wrong! "Down with competition for office." If you were to put that question to the House you would get a unanimous "aye" vote. [Laughter.]

I would just as willingly leave to the Members of the House who were running for reelection the issue of whether they should have competition for office as I would leave such an issue to bus operators.

We hear a general clamor throughout the country against competition. Everybody wants a monopoly. But they realize that we can not leave the people to the mercies of the monopolist, and the monopolist knows he can not get away with that, so he proposes governmental regulation. The grocer monopolist says, "Let us have regulation of grocery stores and abolish these cheap little dirty stores, and do away with these shabby fellows who are willing to get along with less profit. Down with him, this little fellow who hires inexpensive help. It is not fair."

Here is a man with small capital, for instance, who can operate no more than his own one bus and drives it himself. Here, on the other hand, is a great concern, running busses from one end of the country to the other. Each one of these costs a fortune and it runs along the road like a storm out in Kansas. [Laughter.] The first little fellow runs a cheap bus, and he can do it for less. Now the cry goes up, "Away with him."

It is strange that I alone in the House have to be the champion of conservatism, to stand for the old principles, the ancient doctrine of competition, the good old doctrine of our fathers, the system upon which our whole economic structure is based. It is strange that I only am left to uphold that view. Other gentlemen have heretofore enjoyed the reputation of being conservative. But now they show themselves to be wild radicals, rushing on toward socialism with every force that they can muster.

A GENERAL DRIVE AGAINST COMPETITION

There are a great many men in this country who are dissatisfied with competition. They are going into mergers to

avoid competition with each other. They are consolidating their industries to avoid competition. They are raising up mountain-high tariff barriers to avoid competition. They are making secret trade agreements and evading the antitrust laws, to avoid competition. These men have attained a state of wealth never known before in the history of the world. Their whole existence as business men is founded on the system of competition; yet these men are now driving on toward socialism.

I warn them that those who strike at competition are striking at the fundamentals of our economic system. Do not think that the people of this country are always going to submit to compromises with monopoly. Do not think that this country can be organized into a system of monopolies and can be continued on that basis.

Government regulation is a poor substitute for competition, and it is just as poor a substitute for socialism. It is merely a compromise between the two. Mark me, if we abandon the competitive system, reliance upon regulation will be but temporary and ultimately we will embrace some system of collectivism. If we should be forced to socialism, it should be not a socialism for private gain, as proposed by this bill, not socialism for putting money into the pockets of individuals, but a socialism for the general public benefit.

I believe in the old system. I believe in competition. I am an old-fashioned man. I believe in the old-fashioned political system and the old-fashioned economic system. They are tied up with each other and can not exist independently. When one goes, the other will go.

I believe in the old-fashioned system of competition; I want to preserve it; I defend it. I want to tell you, gentlemen, that when you drive forward with such measures as this you are driving toward the day when men will say, "The system which we shall adopt shall be in the people's interest and not in the behalf of those who want to exploit the people."

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

LABOR ORGANIZATIONS—COLLECTIVE BARGAINING

Mr. DENISON. I want to ask the gentleman this question: Does the gentleman believe in collective bargaining?

Mr. HUDDLESTON. Yes.

Mr. DENISON. Collective bargaining prevents competition, does it not? I want to get the gentleman's opinion.

Mr. HUDDLESTON. The question diverts me altogether from this bill. However, I will answer it.

Wage earners have been forced to organize as a matter of self-defense. They organized to meet the organization of their employers. If we had as many employers as there are workers, so that each worker might have a separate employer, there would be no need for labor organizations and no need for collective bargaining.

In many cases a single employer interest has hundreds of employees. The employing interest is organized, and acts through a single officer or labor agent, and so is able to bargain collectively as an employer for such labor as they may require. To meet this, the wage earners must also organize, so as to be able to act through a chosen leader and also to bargain collectively. Otherwise there would be no chance whatever for the worker to meet his employer on anything like equal terms or to have an equal chance in the labor bargaining.

In the old times the workers were either their own employers or their employers worked alongside them as fellow workers. There was little need for a labor union then. The master weaver stood by the loom in the shed adjoining his humble dwelling and worked alongside of his hired helper. They understood each other, each the other's problems. They sympathized with each other.

The journeyman knew what profit his master was making. The master knew his employee's scale of living and the problems of his home. They talked with each other face to face. They bargained together on equal terms. When they failed to agree, the journeyman could find work at a neighbor's loom. It was a situation in which men could get along together.

But when the machine came in, industry was changed entirely. A simple relationship became an infinitely complex problem with both social and economic aspects. Large aggregations of capital were required, giving rise to the corporation, with a set of stockholders far removed from the plant. The workers were herded together convenient to the factories and a social gulf opened up between those who tended the machines and those who owned the machines. The owner, remote from the works, did not know the worker, knew nothing of his problems, and delegated his power and responsibility to a manager, with the chief injunction to "get profits." To meet this difficult situation the labor union was formed.

I have in my mind the steel corporation, which employs above 250,000 men, of whom some 25,000 are in my district. The stockholders, the real owners, live remote from the company's operations. They do not know the workers—few of them ever saw the works, and many do not even know where the works are located.

The labor policies, which affect the lives of 250,000 wage earners and their probably more than a million women and children, are decided upon in the back room of a Wall Street counting house, by probably two or three representatives of the vast corporation, sitting around a table with nothing in their minds above the adoption of a labor strategy planned to yield the biggest profits for their stockholders. Upon their decision depends the welfare and happiness of more than a million humble people scattered throughout the country—questions of food and shelter and decent clothing, and whether there shall be comfort or despair in 250,000 homes—whether men shall have hope and self-respect and whether there shall be the color of health in the faces of women and little children. Yet, this momentous decision is made without hearing the arguments of the workers, without even giving them the poor satisfaction of presenting their side. There is no collective bargaining. There is no bargaining at all. It is merely the ukase of an industrial despotism.

It was to meet situations like that that labor organizations were formed. It was to be able to act with a single purpose, and through a single competent head or committee, that the unions were formed.

LABOR SELLS A PERISHABLE COMMODITY

Of course, no matter how solidly organized, labor can never hope to meet employers on terms of full equality. No matter how skilled the committee nor how solidly behind them the wage earners may stand, yet there can be no real equality with the employer. For labor's commodity is perishable. Labor can not wait and chaffer. Labor's commodity is a segment of a human life—a day's work—and that day upon which the sun goes down without a buyer having been found, is lost from the worker's life forever.

Labor is a commodity which must be sold or it perishes with the setting sun. With capital it is usually merely a matter of whether the profits shall be greater or less, but with the worker it is a matter of life or death.

When capital may play the workers off against each other, may force them to compete with each other for the opportunity to earn their daily bread, labor must be oppressed. It is only when labor is thoroughly organized and is able to deal through trained representatives, meeting the employer face to face and talking with him around the table that there may be an understanding by each interest of the other's problems, some reasonable chance for labor to make a fair sale of what it has to offer. It was to gain this that the unions were organized and collective bargaining adopted as a principle.

And now having diverted me, I hope the gentleman from Illinois is happy. He and others who support this bill to monopolize the bus business and to destroy competition are driving on toward a time when those who are exploited by organized monopolies will, like labor, be forced to organize in self-defense. That time may be a time of stress and storm as mergers and monopolies are being "unscrambled."

Mr. NELSON of Maine. Will the gentleman yield?

Mr. HUDDLESTON. I know the gentleman is not going to ask me a foolish question, so I yield.

Mr. NELSON of Maine. The gentleman stated, in substance, that in his opinion this bill will foster monopoly and stifle competition.

Mr. HUDDLESTON. I have said that many times, I expect.

Mr. NELSON of Maine. May I ask the gentleman, is that fear based on the wording of this bill or on your apprehension of maladministration by dishonest officials?

Mr. HUDDLESTON. Both; and I want to say to the gentleman that I think it is something more than mere fear in both. The bill is bad and the situation will put a premium on corrupt administration.

Mr. NELSON of Maine. Will the gentleman allow me to continue?

Mr. HUDDLESTON. Certainly.

Mr. NELSON of Maine. The bill states, does it not, that certificates shall not confer exclusive or proprietary rights, and that they may be suspended or revoked at any time?

Mr. HUDDLESTON. Perhaps.

Mr. NELSON of Maine. Then, how does the gentleman say that it creates monopoly, and how does the gentleman say it stifles competition, when the bill declares as its policy and orders the commission to promote competition, as far as possible?

Mr. HUDDLESTON. My time is about exhausted, and I will ask the gentleman to excuse me from discussing that point further. I have already gone into that. I think I have fully explained my views on the subject.

Mr. NELSON of Maine. I would like to have the gentleman tell me on what his fears are based.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I yield 10 additional minutes to the gentleman.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 10 additional minutes.

CONSOLIDATION OF BUS LINES AND RAILROADS

Mr. HUDDLESTON. I wish to now discuss another feature of the bill; so I hope the gentleman from Maine [Mr. NELSON] will excuse me from attempting to answer his question, but I think I have already answered it.

There is one other feature that I now want to refer to. I call attention to section 9 of this bill. It is the consolidation section. It permits busses to consolidate with other bus lines, with competing lines, with competing railroads, with anybody else they want to consolidate with, subject to the single condition that the Interstate Commerce Commission may find the consolidation to be "in the public interest." The lid is off when this bill becomes a law. A railroad may buy a bus line or many bus lines. A bus line may buy 1 railroad or 2 railroads or 10 railroads if it desires. There is no limit on such consolidations, provided the Interstate Commerce Commission will approve.

Now, we have before the Committee on Interstate and Foreign Commerce the railroad consolidation bill. It was voted out during the last Congress. A dissenting minority report was made by seven members, six of whom are yet on the committee. They opposed it on high moral grounds and on strict conscientious principle. They opposed it in detail and in principle. Yet all of those dissenting gentlemen, with the exception of myself, joined in favorably reporting this bill, and in doing so approved section 9.

Section 9 of this bill has in it every vice that was in the railroad consolidation bill. It violates every principle violated by that bill. Every word that could be said by way of criticism of the railroad consolidation bill can be said of section 9 of this bill.

In addition numerous other things might be said against section 9. I ask your attention to some of them. It has vices that were not in the railroad consolidation bill, which I have referred to in the minority report, as follows:

> There is no protection in the consolidation provision of section 9 for short lines and feeders.

The other bill did give protection to such lines.

> Consolidations to be made under this bill are not required to be in pursuance of any general plan or system of grouping. The Interstate Commerce Commission permitting, a bus line in Maryland may consolidate with a railroad line in Oregon. They may consolidate for purely financial reasons. Consolidations permitted by this bill, under which a bus line may buy a railroad or 2 railroads or 10 railroads, and vice versa, may permit the destruction of the grouping plans of the Interstate Commerce Commission.

The railroad consolidation bill has certain limitations in it, but this bill authorizes a bus company to acquire competing rail lines and bus lines without number. A bus line that runs from New York to San Francisco may buy the Great Northern, the Chicago, Burlington & Quincy, the Southern Pacific, and every other transcontinental line if it can get the money to do it; that is, if the Interstate Commerce Commission approves.

The railroad consolidation bill took into account minority interests and minority stockholders and gave some protection to them. This bill gives them no protection whatsoever and does not pretend to. It permits them to be dealt with as ruthlessly as corporation laws permit.

VIOLATES RIGHTS OF THE STATES

Now, I wonder if Members who still believe in our ancient system of separate States have a full sense of what is in this bill. It sets aside the antitrust act and all Federal laws which prevent consolidations. But not content with that, it strikes down every State statute which would prevent consolidations. It strikes down the provision of every State constitution which forbids competing transportation lines to consolidate.

The State of Nebraska, I am informed, in chartering a carrier corporation, has the condition that it can not become the owner of any competing line. The State of Nebraska may charter a bus line and, under this bill, the bus line can go forthwith and buy all the competing bus lines in the State, and buy the railroad lines which compete with it, and then laugh at the State of Nebraska.

The constitution of the State of Texas forbids that a corporation chartered under the laws of the State shall operate in another State. This bill authorizes a Texas bus corporation to go into Arkansas or wherever else it may want to go, and buy up all the bus lines it wants to, and so strike down the Texas constitution and laws, and laugh at the State of Texas.

This bill confers upon corporations powers greater than those given them by their creator. The States create certain corporations and clothe them with certain powers. They impose upon these corporations certain duties and certain limitations. This bill wipes them all out when they interfere with consolidations. Here we clothe, with Federal powers, a corporation created by a State and authorize it to transact its business outside the laws of the very authority which created it.

And the amazing thing about it all is that the able gentlemen who could not swallow the railroad consolidation bill take this much more nauseous section down without even the batting of an eye. [Applause.]

Mr. PARKER. Mr. Chairman, I yield 40 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen of the committee, before discussing the bill I want to say just a word about my friend from Alabama [Mr. HUDDLESTON]. The gentleman from Alabama is a better man than you would think he is from hearing his speech. He is by nature an objector, a protestor; he believes the majority is always wrong and that the minority is always right. He was not discussing this bill from a partisan standpoint. When his own party was in control here he was always in the minority. If the Supreme Court renders a decision in an important case and there is a dissenting opinion, the opinion of the majority is always wrong with my friend from Alabama, and the dissenting opinion is always right. If the Interstate Commerce Commission decides an important question and a minority opinion is filed, the majority of the commission is always wrong and the minority is right. The same is true here in the House, and that is his attitude of mind.

The gentleman from Alabama rendered our committee some very valuable service. He announced in the beginning of the consideration of the bill that he was going to oppose it; but he said, "I am going to help you perfect it and make it as good a measure as possible." And he did so. He offered very valuable suggestions and brought out valuable evidence in the examination of the witnesses. His services in the consideration of the bill were valuable to the committee, and I want to give him due credit for that. Of course we knew he was going to oppose the bill. He opposes all legislation, and has done so ever since he has been in Congress; but in doing so he has rendered valuable services in many ways.

The gentleman from Alabama has just been discussing the question of competition. He is the only man in public life that I know of who believes absolutely in unrestrained competition. Why, every State in the Union has adopted the policy in legislation of putting competition, especially in public utilities, under regulation. It is the universally adopted doctrine in this country of restraining competition, especially in public services, by proper laws and by proper regulatory bodies. The gentleman from Alabama is out of harmony with the accepted economic views of our times; but not entirely, because we all know that we have found that unrestrained competition in fixing the price of labor was bad for the economic condition of the country and for the social condition of wage earners. So, in order to overcome the evil of unrestricted competition in fixing the price of labor, the laborers themselves have gotten together and formed organizations by which they fix the price of their product by collective bargaining. Of course, the gentleman from Alabama has adroitly attempted to justify that on other grounds which to him seem satisfactory.

Now, ladies and gentlemen of the committee, in considering this legislation we are entering upon an entirely new field so far as the Federal Government is concerned. Congress has never passed any legislation regulating motor carriers in interstate commerce. We had to depend upon the experience that has been gained by the States in their legislation and upon the experience we have gained in the administration of the interstate commerce law with reference to carriers by rail.

Our committee has been very slow in bringing this legislation to your attention. It has been pending for several years. There has been an urgent demand upon us for such legislation from various sources. Bills were introduced in Congress some two, three, or four years ago, by which we were asked to regulate interstate commerce in certain localities, for instance, over the Camden bridge between Camden and Philadelphia. The Senate passed a bill for that purpose and sent it to us, but our committee decided that it would not legislate upon this question in that manner but that we would wait until we were better advised

and then we would pass general legislation governing the regulation of all interstate commerce by motor busses. So it is only after this long delay, after long study by our committee, and after the most careful and painstaking investigation, that we bring this legislation to you for your consideration.

Now, what has been the extent of this investigation? Let me read to you just briefly what has been done by the Interstate Commerce Commission. They began an investigation themselves, which they had a right to do under existing law, because the subject kept coming to them in their official capacity, suggesting that there ought to be some kind of regulation of this form of transportation. Finally the Interstate Commerce Commission, of its own motion and out of a sense of consideration for the public interest, entered upon an investigation of this subject. They state in their report that in the course of the investigation hearings were held in Chicago, St. Paul, Portland, San Francisco, Los Angeles, Denver, Detroit, Boston, New York, Asheville, Dallas, Kansas City, and Washington, D. C.

At these hearings—

And I am reading from page 698 of the report—

more than 5,000 pages of testimony were given by over 400 witnesses. The evidence included 403 exhibits—

And so forth. Who was it the Interstate Commerce Commission heard? According to the gentleman from Alabama they only heard the interests—that is, the bus interests—but I read this from the report:

The witnesses included Federal, State, county, and municipal officials; railroad executives; operators of motor busses and motor trucks; farmers; livestock men; manufacturers; shippers, representatives of State regulatory bodies; motor bus and motor truck associations; chambers of commerce; traffic associations; farm bureaus; highway commissioners; and the automotive industry.

Now, it seems to me the Interstate Commerce Commission heard about every interest that could be heard in their investigation of this subject. Their investigation was very thorough, and they tried to reach every section of the country and every interest in the country, and as a result of the investigation they made a very comprehensive report, which is available to everyone who wishes to see it. Our committee had the advantage of this splendid investigation and of this illuminating report of the commission in the consideration of this bill. In addition to that, our committee held hearings in the Seventieth Congress which extended over some six days, in which we gave everyone who had any interest or felt any interest in the proposed legislation an opportunity to come before us and be heard. Then we held hearings also in this Congress. So this legislation comes before Congress as a result of a very careful and complete investigation of the subject.

Then after the hearings were completed, we gave as close consideration to the provisions of the bill in executive session as has ever been done by the committee since I have been a member of it.

To show you what the bill does, I want to read one of the first sections of it. Section 2 provides that it shall be the duty of the Interstate Commerce Commission to supervise and regulate common carriers by motor vehicles as provided under the act, and to that end the commission may establish reasonable requirements with respect to certain things, and they are as follows:

With respect to continuous and adequate service at just and reasonable rates;

A uniform system of accounts and reports;

Qualifications and maximum hours of service of employees;

Safety of operation and equipment;

Comfort of passengers; and

Pick-up and delivery points, whether on regular routes or within defined localities or districts.

So the administration of this act is placed in the Interstate Commerce Commission, and the whole duty and responsibility of regulating interstate transportation by motor bus is reposed in the Interstate Commerce Commission.

Of course, this legislation only applies to motor carriers of persons. We do not include within the provisions of the bill carriers of freight.

There will no doubt come a time before long when it will be necessary for Congress to pass legislation to regulate the transportation of freight in interstate commerce by motor carriers; but the investigation of the Interstate Commerce Commission disclosed that a very great part of the transportation of freight by motor vehicles up to this time is done by private carriers and by contract carriers and that there are very few concerns now engaged in the transportation of freight by motor carriers as common carriers, and the commission recommended that it is not necessary at this time, in their judgment, for legislation to be enacted for the regulation of motor carriers engaged in the transportation of freight; but they recommended that Congress enact legislation regulating interstate carriers of passengers.

There have been some questions asked with reference to the necessity for this legislation since the decisions in the Buck case and also in the case of Bush against Maloy, the cases that went up from the States of Washington and Maryland.

I want to read briefly from the report of the Interstate Commerce Commission upon that question, so the Members may know just what conclusions the Interstate Commerce Commission reached with reference to the necessity of legislation by Congress. I believe the gentleman from Iowa [Mr. RAMSEYER] asked this question, and perhaps some of the other Members. I read from page 741 of the report of the Interstate Commerce Commission:

The intrastate transportation of passengers in 43 States and the District of Columbia and of property in 33 States and the District of Columbia by common-carrier motor vehicles over the public highways is conducted under some measure of regulation. It does not seem consistent with sound public policy that the public, primarily entitled to use the highways, should be protected against undue and unnecessary use of such highways by common carrier motor vehicles engaged in intrastate commerce, while unlimited and unrestricted use of them may be made by common carrier motor vehicles operating in interstate commerce. Wear and damage to the highways and the hazard of transportation are the same whether a motor vehicle of a certain type is moving in interstate or in intrastate commerce. With no law regulating interstate commerce carried over the public highways, such commerce can now be, and is, carried on by as many as desire, regardless of financial responsibility and free from the slightest control or regulation as to routes, fares, schedules, public convenience, and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority and save for the police regulations of the States and municipalities are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of the public highways.

Highways belong to the public and are primarily for the use of the public in the usual and ordinary way. Their use for purposes of gain is unusual and extraordinary and generally, at least, such use may be conditioned as legislatures deem proper. The public through Congress should say in what manner and under what conditions interstate commerce carried by common-carrier motor vehicles on the public highway may be conducted.

This, it seems to me, gentlemen of the committee, is a comprehensive statement of the reasons which the Interstate Commerce Commission found should suggest to Congress the enactment of legislation governing the transportation of persons by motor vehicles in interstate commerce.

I want to speak now briefly on the administration of the act. The bill places the administration of this act primarily in the Interstate Commerce Commission. The bill that was before the committee when we entered upon our deliberations provided for the authority being granted to the commission to delegate the duties under the act to joint boards composed of members of the different State boards or commissions appointed by the commission.

There are some members of our committee who believe in this plan. There are others who disapprove of it entirely. After most careful consideration, we have finally arrived at a plan which meets the approval, I think, of practically all the members of the committee.

It provides for the creation of joint boards only for the consideration of questions arising out of motor-bus operation in commerce between two States. That has been sufficiently explained by the chairman of the committee [Mr. PARKER] and others, so it is not necessary for me to go into the reasons the committee thought justified it in authorizing the creation of the joint boards in case of commerce between two States. Suffice it to say that by far the greater part of the motor-bus business the Interstate Commerce Commission has found to be more or less local in its character, and to consist of travel between large population centers and suburbs or suburban towns, and the questions involved are so local in their character that the committee felt that we ought to utilize the services of the members of the utility commissions of these two States in solving the problems that would come up under this bill in these localities.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. MOORE of Virginia. Is it correct to say that, except so far as the two States are concerned, there would be no practical need of the joint boards? Consider for a minute a motor-vehicle line operating from Richmond through the District of Columbia and 5 miles into Maryland, involving three jurisdictions, or a line operating from the District of Columbia to New York, with the line passing through the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, and New York City. Your bill would preclude the joint board in those cases?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. What would the gentleman say to this: To add to the two States provision by vesting discretion in the Interstate Commerce Commission to create a joint board in any other instance where it deemed that desirable?

Mr. DENISON. For myself I would have to oppose that. In the first place, if you enlarge the provision for a joint board to include motor-bus operations where more than two States are involved you are going to get a machinery that, in my judgment, would be more or less unworkable.

In the next place, when a question arises, if the commission refers the matter to a joint board, they would have to communicate with the utility commission or the commerce commission of 3 or 4 or 5 States. Each of them would have to recommend some member from their own commission and then the Interstate Commerce Commission would have to approve the members recommended, and then the commission would have to fix a place of meeting of the joint board and call their meeting; the members of the joint board would have to go to the meeting and it seems to me—and it seemed to most members of the committee—that the machinery would be too cumbersome and too expensive and require too much delay if it should apply to more than two States.

Mr. MOORE of Virginia. Let me suggest that there would be no more practical delay in creating a joint board in the Virginia case or in the New York case than if there were only two States involved.

Mr. DENISON. You can imagine a case where there would not be much more delay involved, and you could say the same about four States; but as the number of States is increased the impracticability of the plan would be increased, and, of course, we would have to draw the line somewhere. The committee in its wisdom decided that we ought not to extend the provision for joint boards beyond the interstate operations involving two States only.

Mr. ARENTZ. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARENTZ. Surely the gentleman and the committee has the welfare of the individual States in mind in the creation of these boards to consider problems arising between the adjoining States. Does the gentleman state correctly that, as far as the transcontinental bus lines are concerned, they can not be reached by any action taken in a case where a board consisting of Nevada and Utah or Nevada or California utility commission members is concerned?

Mr. DENISON. Of course, the gentleman can understand that we could not afford to pass legislation authorizing the representatives of two States to fix rates governing transactions between those two States, and allow representatives from two other States to fix rates between those States and so on as to other States. The gentleman can see after a moment's reflection that a system such as that would be absolutely destructive. We have to have some uniformity in the matter of regulating the rates and operations of interstate motor-bus carriers.

Mr. ARENTZ. Then the so-called Shreveport doctrine where it applies to rates in competition with intrastate rates would apply in every case. We are trying to refer to the case where two States can discuss rates between two States and not between four or five States.

Mr. DENISON. Under this bill if there is a motor carrier whose operations are limited to commerce between those States, the bill would authorize questions arising under its administration to be determined by a joint board, but not in the case of a motor carrier that runs across the continent. The gentleman must understand why we have to put a limitation on the number of States that might be utilized in forming these joint boards. If a motor line runs from New York to San Francisco, before we could settle any question arising under this bill, if that policy were applied, you would have to call together a board made up of members of boards from every State the line crosses.

This bill does not touch the question of taxation, it does not affect that at all; it does not take away any of the rights that the States now have, so far as taxation is concerned. The State can charge a license fee to an interstate carrier to operate through its territory or over its roads, provided, of course, that no discrimination is indulged in; provided they charge the same license fee to an interstate bus that they charge for an intrastate bus. This legislation does not affect any of the rights of the States at all.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HARE. Is it contemplated in this policy that in the future, with the rights conferred upon the Interstate Commerce Commission, there would also be a corresponding right to fix the power in the Interstate Commerce Commission to regulate the character of the roadbed on which these bus lines shall operate?

Mr. DENISON. I do not think so.

Mr. HARE. Would there be any power on the part of the Interstate Commerce Commission to coerce the States in any way to maintain a certain kind of roadbed?

Mr. DENISON. None whatever. We have provided in this legislation somewhat of a new policy with reference to the administration of the interstate commerce act. We have provided here that the commission, in the performance of any duties conferred upon it by this act, can delegate the performance of that duty to any member of the commission or to any examiner of the commission, except in cases where it involves motor-bus operations between two States only, where it has to delegate that duty to the joint boards provided for in the act.

I call the attention of the House now to section 17 of the interstate commerce act, paragraphs 2, 3, and 4 of that section, which provide authority in the commission to create divisions of the commission composed of not less than three members for the transaction of any business which comes before the commission. Congress, in the interstate commerce act, authorized the commission to divide itself into divisions to perform the various and varied duties that have been assigned to the Interstate Commerce Commission by Congress. At this point I insert these provisions in my remarks, so that they may be emphasized if anyone should choose to read what I am saying on this bill.

(2) The commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

(3) The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

(4) In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the commission, subject to rehearing by the commission, as provided in section 16–a hereof for rehearing cases decided by the commission. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

I have a letter from the Interstate Commerce Commission which I received some time ago and which I shall ask the privilege of inserting in my remarks at this point. The letter shows what the commission has done under that power conferred upon it in the interstate commerce act and shows the number of divisions that have been created by the commission and what are the duties that have been assigned to these various divisions. That letter is signed by the secretary of the commission and is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, February 27, 1929.

Hon. E. E. DENISON,
House of Representatives, Washington, D. C.

MY DEAR SIR: The commission is in receipt of your letter of the 7th instant, requesting a brief statement showing the various duties which have been imposed by Congress upon the Interstate Commerce Commission and the manner in which the commission administers these various duties.

It is practically impossible to include in a brief statement the details of the various activities of the commission, and in the following statement I have indicated in a general way the duties of the commission, its organization, and the manner in which the work is carried on.

The commission is composed of 11 members, and, under authority of the interstate commerce act, the commission has divided itself into six divisions, each consisting of not less than three members. Various duties are assigned to these divisions with the right of appeal to the full commission of any decision of a division. Any matter may be referred to the entire commission by a division or by direction of the commission.

The commission for administrative purposes has distributed its work among 13 major bureaus, with several sections in each bureau. Each bureau reports to and is under supervision of an individual commissioner, who, in turn, reports to the commission through a division or the entire commission.

To division 1 is assigned the work under section 19a (valuation) and section 15a, paragraphs 5 to 9, inclusive (recovery of excess earnings).

Division 2 hears arguments in formal proceedings in rotation; has charge of matters under paragraph 7 of section 15 (suspension of rates); matters arising under paragraph 1 of section 25 (schedules to be filed by common carriers by water in foreign commerce); applications under section 4 (long and short haul clause); section 6 (publication of rates on less than statutory notice); and released-rate applications under section 20.

Division 3 hears arguments in formal proceedings in rotation. To this division is assigned all cases not orally argued and not assigned to a commissioner; bureau of inquiry matters (alleged violations of the so-called penal provisions of the act); and applications on the special docket for authority to pay reparation, the carriers admitting that the rates charged were unreasonable.

Division 4 hears arguments in formal proceedings in rotation; matters arising under sections 204, 209, and 210 of the transportation act, 1920 (claims of carriers during the Federal control and guaranty period); paragraphs 18, 19, and 20 of section 1 (certificates of public convenience and necessity); paragraphs 2, 3, 6 (a), (b), (c), and 9 of section 5 (acquisition and control); paragraphs 1 to 10, inclusive, of section 20 (statistical reports and accounts of carriers); section 20a (issuance of securities; section 15a, paragraphs 10 to 16 (contingent fund).

Division 5 hears arguments in formal cases in rotation.

Division 6, matters arising under paragraphs 9 to 17 and 21 and 24 of section 1 (service); paragraph 4, section 3 (joint use of terminals); paragraph 13a of section 6 (physical connection rail and docks of water carriers); complaints seeking construction of new roads of procurement of additional facilities; matters relating to the transportation of explosives and other dangerous articles; matters relating to efficiency and economy of operation; orders arising out of the railway labor act; section 26 of the interstate commerce act (signals and train control); safety appliances, accident reports, hours of service, ash pan and boiler inspection acts; and block signal resolution.

A copy of the publication containing the interstate commerce act and text or related sections of the other acts imposing duties on the commission is herewith inclosed. The various sections referred to are sections of the interstate commerce act, as amended.

If this does not furnish you the information desired, I shall be glad to furnish such additional information as you desire.

Respectfully,

G. B. MCGINTY, *Secretary.*

It will be seen that the letter shows that the commission has divided itself into six divisions, composed of three members each, and to each of these divisions have been assigned by the commission the administration of various acts and of various provisions of the interstate commerce act. This bill goes further than existing law and authorizes the commission to administer this act through one member of the commission or through an examiner of the commission. Why have we done that? Gentlemen, there is no public administrative body of this Government that is so overworked as is the Interstate Commerce Commission.

Congress either has to stop placing the administration of additional laws in the hands of the Interstate Commerce Commission or else we have got to pass some kind of legislation that will relieve the commission of some of the very heavy duties they now have to perform; and in order to try out this plan of relieving the commission of some of their burdens and helping them to facilitate the transaction of the business that we assign to them, this bill puts into legislation the plan of allowing the commission to delegate many of the duties arising under the act to one member of the commission or to an examiner of that commission; and then it provides that the member or the examiner shall hold hearings, hear the arguments of the interested parties, make an investigation, and render a decision in the form of an order of the commission, and file that decision or order with the commission; and if no action is taken by the commission to suspend it or to vacate it or to grant a rehearing, the order of the examiner or of the member becomes the order of the commission in 10 days.

Now, it is believed that this provision of the bill will expedite the consideration of the additional business that we are assigning to the commission, and if it is found by experience to work successfully, if it is found that this plan works all right in the administration of this act, I have no doubt it will soon be the duty of Congress to pass other legislation to apply the same plan to the administration of the interstate commerce act generally.

We will no doubt have to do something soon to relieve the commission of some of the very heavy burdens that we have placed upon them and to enable the commission to expedite the consideration of the increasing number of important questions that are coming before them for decision.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. GLOVER. In the administration of this act, which we all know will be a very burdensome proposition, under section 14, as I read the bill, it is provided:

> Whatever amount is needed for the administration of this act is authorized to be appropriated.

Has the committee given any careful consideration as to what the necessary expenses will be for the administration of this act?

Mr. DENISON. I will say to the gentleman that we have given no serious consideration to that, for this reason: This work has to be done. We did not know to whom it should be assigned except to the Interstate Commerce Commission. It is important work which has to be done, without regard to what it costs, so we have authorized such appropriations as may be necessary to properly administer the act and carry out its purpose.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. Will the gentleman allow me to direct his attention to one or two provisions of the bill?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. I believe general regulation is essential. I would like to ask the gentleman why the public welfare or the public convenience without any specification of "necessity," should not be made the determining factor in the conclusions reached by the commission? I perfectly understand, so far as railroads are concerned, that some necessity for their protection exists since railroad companies own their own tracks and have incurred heavy expediture. The public owns the highways. Why should not a motor-vehicle license be granted to operate over the public highway if that will promote the public convenience or general welfare, although it might not be a necessity? Why should Congress try to protect one common carrier over the highways as against another?

Mr. DENISON. The words "public welfare" is not a term that has received a definite construction by the commission and the courts.

Mr. MOORE of Virginia. But I notice you use the words "public convenience."

Mr. DENISON. In framing this statute we had to proceed in the light of our experience. Forty-three States, I will say to the gentleman, have enacted legislation regulating motor carriers inside of their respective borders.

They have followed the plan of granting certificates of convenience and necessity, permitting carriers to operate under a showing of public convenience and necessity; and in all the laws we have passed regarding interstate transportation by rail we have followed the same terms. In framing this legislation our committee has followed that expression, because it has received very definite interpretation by the Interstate Commerce Commission and by the courts, and we felt that inasmuch as that standard has been employed by the various States in their wisdom in paving the way and blazing the trail in matters of this kind, we might very well follow them.

Mr. MOORE of Virginia. In case of an existing service operated by a motor-vehicle corporation which is affiliated with a railroad company, a second application will be contested, and the contest will be based upon the construction of the term "necessity."

Mr. DENISON. Let me call attention to the paragraph on page 12, which the gentleman from Alabama [Mr. HUDDLESTON] apparently overlooked, and when I sought to ask him a question about that particular part of the bill he would not yield to me. We tried to provide against the very thing that the gentleman from Virginia calls attention to. I refer to paragraph (e) at the bottom of page 12, in which we prescribe the policy which we think ought to govern the commission. It provides—I quote—

In the administration of this act the commission shall, so far as is consistent with the public interest, preserve competition in service.

There were members of our committee who were afraid that the bill might be administered in such a way as to tend too much toward monopoly operation of motor busses, and by this language the committee has intended to express a general policy which should govern the commission in the administration of the act.

So we have by that provision informed the commission that it is the intention of Congress that in the administration of this act the commission should, as far as it is consistent with the public interest, preserve competition in service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

The CHAIRMAN. The gentleman from New Jersey [Mr. WOLVERTON] is recognized for 20 minutes.

Mr. WOLVERTON of New Jersey. Mr. Chairman, it is the purpose of this bill, widely known as the Parker motor bus bill, to place motor vehicles engaged in the interstate transportation of passengers, under and subject to similar regulatory measures as are now effective in 47 States and the District of Columbia.

NECESSITY FOR REGULATION

The same reasons that have impelled the enactment by our several States, of legislation to control and regulate motor carriers engaged in the transportation of passengers within the State, apply with equal force to the interstate transportation of passengers.

From the standpoint of the public welfare there is no essential difference between an interstate and an intrastate service. The mere crossing of a State line does not eliminate or change the need of regulation. There is identically the same necessity to regard and protect the public interest—and the duty to provide adequate and continuous service, at just and reasonable rates, by carriers financially responsible and otherwise qualified, is just as plain in the one case as in the other. Fundamentally, there is no difference, other than the question of jurisdiction. This arises from the fact that the power to control interstate commerce is vested by the Constitution in Congress, while commerce entirely within the State remains subject to the jurisdiction of the State government.

Prior to March, 1925, however, it had been assumed by the State regulatory bodies that until Congress should exercise the power vested in it by the Constitution to regulate commerce, and thereunder adopt legislation to regulate motor carriers engaged in interstate transportation of persons or property, the right existed in the State to do so, and that the power to regulate and control continued so long as there was an absence of Federal legislation.

DENIAL OF STATE RIGHT TO REGULATE—RESULTS

The Supreme Court of the United States, however, on March 2, 1925, held, in the cases of Buck v. Kuykendall (267 U. S. 307), and Bush Co. v. Maloy (267 U. S. 317), that State regulatory bodies could not restrict the operation of motor vehicles engaged in interstate commerce, except in the proper exercise of its police power. Consequently, from that time there has been no substantial regulation or control exercised by any agency, either Federal or State, over motor carriers engaged in interstate commerce.

Immediately after the decision had been rendered by the Supreme Court, denying the right of the State to exercise control over interstate motor carriers, a chaotic condition was created that has grown steadily worse. Interstate bus lines sprang up overnight, particularly in the sections of the country where State border lines happen to come between large centers of population. In Illinois, for example, a single bus was engaged in interstate operation from 1916 to 1920, inclusive; in 1921, two; in 1922, three; and in 1923 and 1924, six. On December 31, 1925, less than a year after the decisions in the Buck and Bush cases, there were 121 busses engaged in interstate operations, which also held certificates permitting intrastate operations, and approximately 125 uncertified busses engaged in interstate operation in Illinois.

Nowhere was the problem so acute as in New Jersey. This State, by reason of its geographic location between the States of New York and Pennsylvania and touching the large cities of New York and Philadelphia, presented an unusually attractive field for the operation of unregulated interstate motor-bus lines. In July, 1926, the Delaware River Bridge, connecting the city of Camden, N. J., with Philadelphia, was opened for traffic. This was a signal for the immediate installation of hundreds of unregulated motor busses, of every kind and condition, operating from points in New Jersey to Philadelphia. Within two months after the opening of the bridge 32 interstate bus routes were operating over the bridge, making 2,123 trips daily and carrying about 40,000 passengers. In the year 1929 the number of trips and passengers carried daily had nearly doubled. The records of the Delaware River Interstate Bridge Commission show that during the year just closed 1,272,995 single-deck busses and 40,742 double-deck busses had crossed the bridge between the States of Pennsylvania and New Jersey. This represents an approximate average of 3,600 busses each day, and indicates the tremendous problem which has confronted these two States, and particularly the two adjoining cities.

The conditions that have resulted from this vast number of busses, unregulated, and many operating with no regard for or consideration of the public good—fixing rates and fares one day and changing them another; a different charge in one direction than that returning over the same route; utilizing unsafe and insanitary vehicles, often with little, if any, financial responsibility to make compensation in case of injury or death; determining routes and schedules as best suited their own purposes and conveniences; using the streets of the municipalities and county and State highways without cost; subjecting taxpayers to increasing burdens to properly police and direct traffic, and to repair and maintain streets and highways; refusing to permit passengers to alight from busses until they had passed beyond the State line to avoid State regulation—these and many other equally objectionable practices have caused business men, municipal authorities, civic organizations, and the traveling public in the city of Camden, and in every other city, town, borough, and village of south Jersey, to insist that relief be granted by some form of adequate regulation.

Two years ago the opening of the Holland Vehicular Tunnel, connecting Jersey City, N. J., with New York City, gave rise to similar situations and traffic complications in north Jersey.

At the present time more than one-tenth of all the companies engaged, throughout the entire country, in the interstate transportation of persons by motor vehicles operate in the State of New Jersey, and nearly one-fifth of all the busses in the United States engaged in such business are operated in the State of New Jersey.

DEMAND FOR REGULATION

While the demand for Federal regulation may seem more insistent in the State of New Jersey than elsewhere, due to the correspondingly larger number of operators within that State, yet the same conditions, giving rise to the necessity of regulation and control, exist in every other State as well. Consequently, since the decision in the Buck case by the Supreme Court, the boards or departments of the State governments charged with the regulation of State-operated busses have been asking that Federal legislation be enacted to supervise bus operators in the field of operation which the State governments are unable to reach, but no definite action has been taken, and, as a result, conditions have grown steadily worse.

The Interstate Commerce Commission very early recognized the necessity for some form of regulation and instituted a series of hearings throughout the United States. At these hearings, conducted in the important cities in every locality of the country, appeared hundreds of witnesses whose testimony was duly recorded. These witnesses included Federal, State, county, and municipal officials, railroad executives, operators of motor busses and motor trucks, farmers, livestock men, manufacturers, shippers, representatives of State regulatory bodies, motor bus and motor truck associations, chambers of commerce, traffic associations, farm bureaus, highway commissions, and the automotive industry. As a result of these hearings certain conclusions were reached by the Interstate Commerce Commission (Docket 18300), and have formed the basis, in whole or in part, of all bills subsequently introduced into either branch of Congress.

That public interest required the enactment of Federal legislation to control the interstate operation of motor carriers, is clearly set forth in the findings of that commission. In language that is forceful and pertinent the commission emphasizes the reason and necessity for Federal regulation, as follows:

With no law regulating interstate commerce carried over the public highways such commerce can now be, and is, carried on by as many as desire, regardless of financial responsibility, and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority and, save for the public regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of public highways.

And in its conclusions, based upon the facts ascertained in its country-wide investigation, the Interstate Commerce Commission clearly and definitely stated:

Regulation of interstate commerce by motor vehicles operating as common carriers of passengers on the public highways over regular routes or between fixed termini should be provided for by law.

The same opinion had been expressed by every State board of utility commissioners from the time the Supreme Court had denied to the several States the right to restrain or regulate interstate motor carriers. Numerous bills have been presented in both Houses of Congress since that decision, extensive hearings have been held, but no action has been taken. There has been an opinion upon the part of some that no regulation should be enacted until sufficient time had elapsed to indicate whether motor carriers would prove a permanent and desirable means of travel and be accepted by the public as such.

DEVELOPMENT OF MOTOR CARRIERS INCREASES NECESSITY FOR REGULATION

The development that has been experienced in the last five years has justified, beyond doubt or question, the judgment of the far-seeing public officials who had recommended and urged regulation. The growth of motor-carrier traffic during this short space of time has been tremendous, as will be readily seen from the facts made public by the national motor bus division of the American Automobile Association.

In 1925 there were 53,200 motor busses operated; in 1929 there were 92,400. In 1925 the miles of route covered by motor busses aggregated 345,500; in 1929, 719,500 miles. In 1925 the number of bus miles—all common carriers—amounted to 971,000,000 miles; in 1929 it had reached 1,760,000,000. In 1925 the passengers carried numbered 870,000,000, and in 1929 the number had increased to 1,793,000,000. The gross revenue increased from $186,000,000 in 1925 to $366,000,000 in 1929, and the total investment had increased from $236,000,000 in 1925 to $531,000,000 in 1929.

It is equally interesting to note from the statistics made public by the same association that on January 1, 1929, there were 699 companies operating 3,451 motor busses over 70,951 miles of route as interstate carriers.

These figures, even though they are approximate, indicate beyond any doubt that the motor vehicle as an agency of transportation has come to stay. Its usefulness, desirability, and, we can properly say, its popularity as a means of travel, have been recognized, accepted, and utilized by the traveling public to such an extent that there is no need whatsoever of waiting until its development has further progressed. It has now reached such proportions and extensiveness that the public welfare can no longer be preserved without Federal regulation and control to supplement State regulation.

Not only has there been sufficient development to establish motor carriers as an important and established means of travel and to warrant and make necessary Federal regulation at this time, but the experience gained from State regulation and control extending over a period of years can now be utilized and applied in a helpful way in determining the kind and character of Federal regulation that would prove most effective as well as beneficial to all interested parties.

PROVISIONS OF PRESENT BILL

The bill now before you for consideration, which bears the name of the distinguished chairman of the Committee on Interstate and Foreign Commerce, represents the best thought and judgment of that committee.

It comes before the House from a committee that has within its membership some of the most thoughtful, conservative, and conscientious Members from both sides of the House, and concurred in and favorably reported by all but one of its members.

For nearly two months, and in session almost every day, the committee has carefully, zealously, and conscientiously examined, discussed, and considered every detail of this bill in the light of the testimony produced at numerous hearings, opinions expressed by public officials, and parties to be affected.

Questions of policy, administrative features, constitutional questions, and the proper use of words and terms to effectuate the purpose and intent that was sought, required careful and deliberate consideration. To know the membership of the committee is sufficient guarantee that the bill as now presented has received that careful and thoughtful consideration that a bill of such importance should have.

PUBLIC INTEREST PARAMOUNT

If careful consideration is given to the different provisions of the bill, it will be found that the fundamental theory upon which the bill has been drawn is that the public interest is paramount. Thus, while consideration has been shown to rights alleged to have been acquired by a business that has become established and reached tremendous proportions, yet, in the final analysis, the rights of the public have not only been preserved but given precedence over the private or individual rights of those whose business is being regulated.

The rights of those who have been pioneers in this new field of transportation and business endeavor, and have through investment of capital and personal effort built up and established a business that is serving the public, have been recognized by the provision in the bill that entitles all such as were in bona fide operation on the 1st day of January, 1930, to have as a matter of right or course a certificate of public convenience and necessity that would permit the operation to continue over the established route. And then, of course, other provision is made for those who shall afterwards apply for a certificate to do business, and whose applications are heard and determined from the standpoint of public necessity and convenience.

Thus, while due recognition is given to established lines of service, yet the rights of the public are amply protected and preserved. For instance, in section 5 of the bill it is provided:

No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

It is further provided in the same section:

In the administration of this act, the commission shall, so far as is consistent with the public interest, preserve competition in service.

And then in section 8 of the bill it is distinctly and specifically set forth that—

Any such certificate or permit may be suspended, changed, or revoked, in whole or in part, for failure to comply with any provision of this act, or with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term or condition of the certificate or permit, or whenever the public interest shall so require.

As further evidence of the care that has been exercised to properly protect the public, section 2 of the bill provides that it shall be the duty of the commission—

To supervise and regulate common carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points whether on regular routes or within defined localities or districts.

And in section 6 provision is made with reference to issuing certificates of public convenience and necessity that—

There shall, at the time of issuance and from time to time thereafter, be attached to the exercise of the privilege granted by the certificate such reasonable terms and conditions as the public convenience and necessity may from time to time require, including terms and conditions as to the furnishing of additional service over the specified routes or between the specified termini, and the extension of the line or lines of the carrier, and such terms and conditions as are necessary to carry out with respect to the operations of the carrier the requirements established by the commission under section 2—

And so forth.

SECURITY FOR THE PROTECTION OF THE PUBLIC

Another very important feature that has been provided as a protection not only for passengers using the motor vehicle of the carrier, but also for the benefit of the employees engaged in operating the same, as well as persons upon the highways, is the requirement contained in section 10 that—

No certificate or charter-carrier permit shall be issued to a motor carrier or remain in force unless such carrier complies with such rules and regulations as the commission shall adopt governing the filing and approval of surety bonds, policies of insurance, or other securities or agreements, in such form and adequate amount and conditioned as the commission may require, for the payment, within limits of liability fixed by the commission of any final judgment recovered against such motor

carrier on account of death of or injury to persons, or loss of or damage to property resulting from the operation, maintenance, or use of motor vehicles under such certificate or permit.

It can be readily seen that this provision gives adequate protection in damages to the traveling public, employees, and every other person in cases of death of or injury to persons, or loss of or damage to property. The damage of property would include loss of or damage to passengers' baggage, other automobiles on the road, or otherwise. This requirement meets one of the most outstanding complaints that has been charged against the unregulated interstate motor carrier, namely, lack of financial responsibility, and makes responsibility certain.

RATES, FARES, AND CHARGES

No regulation of motor busses, operating as common carriers under certificates of convenience and necessity, would be complete or effective from the standpoint of the public unless supervisory jurisdiction and power to set aside unjust and unreasonable rates, fares, and charges was given to the agency charged with the responsibility of administering the act.

Recognizing the importance of this particular feature of regulation, not only does the act in section 11 clearly and definitely require that—

The rates, fares, and charges of such carriers for operations under any certificate of public convenience and necessity issued under this act shall be just and reasonable.

But it also provides that—

Any person, corporation, or State board may make complaint in writing to the commission that any such rate, fare, or charge, in effect or proposed to be put in effect, is or will be unjust or unreasonable.

And then full and complete power is given to the commission to set aside any such—

Rate, fare, or charge complained of if it is found to be unjust or unreasonable.

And that the public may have the fullest amount of protection possible it is also provided that no tariff of rates, fares, or charges shall be effective until filed and posted with the commission, and that no changes can be made therein except upon 30 days' notice, unless the commission for good cause shown shall otherwise order.

With zealous care that every feature of protection should be accorded against unfair practices, it has been provided that—

No such carrier shall charge or demand, or collect or receive, a greater or less or different compensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs, than the rates, fares, or charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend to any person any privileges or facilities for the transportation of persons in interstate or foreign commerce, except such as are specified in such tariffs.

GOOD WILL, EARNING POWER, AND CERTIFICATE NOT CONSIDERED AS ELEMENTS OF VALUE

There is probably nothing in the whole act, however, that more clearly and forcibly demonstrates the desire and the purpose to serve the best interests of the public, and afford every possible protection against any unfair or unjust use of the privilege that is granted by a certificate to do business, than the provision contained in section 11, reading as follows:

In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed as evidence of elements of value of the property of such carrier, either good will, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this act any such carrier shall be deemed to have agreed to the provisions of this subsection, on its own behalf, and on behalf of all transferees of such certificate.

This provision absolutely precludes any carrier, after having received by virtue of this act a certificate to do business, from attaching to such certificate, at any time thereafter, a monetary value for the purpose of procuring a more favorable rate of fare. It would be manifestly unfair and unjust to the public, after having granted, without cost to the carrier, the right to operate motor buses as a common carrier, to then permit such carrier to claim a substantial value for the franchise as a basis for increased rates or charges.

Notwithstanding the apparent injustice of such a proposition, yet the fact is that the right to do so was upheld by the United States Supreme Court in the Baltimore case recently decided. It was held by the court that a street-railway company had a right to place a value upon its franchise to use the streets of the city for railway purposes. Even though the franchise had cost the street-railway company nothing whatsoever, it was nevertheless permitted to claim for it a value of $5,000,000 as a basis for rate-making purposes. While there may be legal theories to sustain such a decision, yet it is wrong in principle. There is no moral right to charge the public for a franchise that has been given to the carrier by the public free of cost.

To prevent such an unjust situation arising with reference to any certificate granted under this act and to preclude any rate-fixing body or court from considering it as having value for rate purposes, the provision, as quoted, was made a part of the act.

To further make certain that only tangible assets or property might be considered in fixing just and reasonable rates, it is further declared that neither "good will" or "earning power" should be considered as elements of value of the property of such carrier. Thus there has been preserved to the public the right to have fares fixed upon an actual property-value basis and eliminating from consideration any value of an intangible character that is alleged to attach to the certificate permitting the carrier to do business or otherwise.

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

Equally important in safeguarding the public welfare as the provisions already mentioned is the requirement contained in section 9 that no consolidation, merger, or acquisition of control of carriers operating under certificates granted by the commission shall be lawful, valid, or effectual unless approved by the commission as being in the public interest.

Consolidations or mergers may or may not be good from the public standpoint. If the effect of a consolidation or merger is to eliminate a duplication of service that is wasteful, and by such elimination lessen the cost of service, and thereby make possible a lower rate of fare or more beneficial service to the public, then it would be in the public interest to permit such consolidation or merger.

But, on the contrary, if it is apparent that the purpose is merely to eliminate competition and thereby enable the carrier, without any improvement of service, to charge a higher rate of fare or procure some other advantage to itself, then it would certainly not be in the public interest to permit such consolidation or merger to be effected, and the commission is empowered by the bill to deny the same.

The wisdom and the necessity of making such consolidations and mergers subject to the control of the commission, and, declaring the same unlawful and invalid unless approved by the commission, is readily apparent.

It has been the purpose to provide a system of regulation and control that would at all times require the operation of interstate carriers to respond to the public interest.

REMEDY FOR UNLAWFUL OR IMPROPER OPERATION

To make certain that public rights and convenience should have the fullest opportunity of expression, and to compel recognition of the same by those operating motor carriers under certificates issued by the commission, it is provided in section 2 of the act that—

Any person, corporation, or State board may make complaint in writing to the commission alleging a failure by any motor carrier to comply with the requirements established under this section. If, after any such complaint, it is decided, in accordance with the procedure provided in section 3, that the motor carrier has failed to comply with such requirements an appropriate order shall be issued.

And, the right of the public to be heard is still further recognized in section 3 of the act, where a right to intervene is given in any proceeding that may be pending, reading as follows:

In accordance with rules prescribed by the commission, reasonable notice shall be afforded in connection with any proceeding under this act, to all parties of record and to the governor and the board of any State in which the carrier operations involved in the proceeding are or are proposed to be conducted, and opportunity for hearing and for intervention in connection with any such proceeding shall be afforded to all interested parties.

To make certain that no violation of any requirement shall be permitted to continue without remedy, the act in section 13, not only provides a penalty for any corporation or person who willfully violates the act, or any final order, or any term or condition of any certificate of public convenience and necessity or charter carrier permit, but also provides:

If any motor carrier operates in violation of any provision of this act, or of any final order thereunder, or of any term or condition of any certificate of public convenience and necessity or charter carrier permit, the commission or any party injured may apply to the district court of the United States for any district where such motor carrier operates, for the enforcement of such provisions of this act or of such order, term, or condition; and such court shall have jurisdiction to enforce obedience

thereto by a writ of injunction or by other process, mandatory, or otherwise, restraining such carrier, its officers, agents, employees, and representatives from further violation of such provision of this act or of such order, term, or condition, and enjoining upon it or them obedience thereto.

POWER OF LOCAL BOARDS TO ADMINISTER THE ACT

Attention is now directed to that further important provision of the act contained in section 3, that delegates to local boards, where only two States are involved, the right to hear and determine on behalf of the Interstate Commerce Commission all questions that may arise in the administration of the act.

It is provided that such joint boards "shall consist of a member from each State in which the motor-carrier operations involved in the matter are or are proposed to be conducted, and that the members from any such State shall be nominated by the board of such—referring to board or utility commission having jurisdiction of such matters within the State—from its own membership."

The advantage to be gained by having a local board pass upon matters involved can be readily seen.

It will bring to the use of the Federal Government all the facilities as well as the experience possessed by local authorities who are engaged in dealing with local or State matters of a similar character, and without any cost to the Federal Government for salaries which otherwise would follow the appointment of additional officers. When it is considered that approximately 80 to 90 per cent at least of all matters to be heard and determined will affect only two States, and therefore will be disposed of by State authorities acting as Federal agents, it can be easily realized that the saving to the Federal Treasury will be very considerable and this will be accomplished without any additional expense to the State government.

The most important feature, however, from an administrative standpoint, to be gained by having local State authorities designated and empowered to act as a Federal agency, arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions. This is particularly desirable in view of the fact that there is no distinguishing difference between interstate and intrastate problems other than a difference in jurisdiction arising from crossing a State line. If it were not for the fact that such a boundary line intervened, the regulation or control of the carrier would and could be properly and satisfactorily exercised by the State board having jurisdiction over operations entirely within the State. It would seem, therefore, to be rational and proper to enable State representatives to act as a Federal authority in dealing with such local interstate matters.

There is also another possible advantage that might be gained from a board so formed, in the opportunity that is afforded to deal at the same time with interstate and intrastate operations that might have a relationship to one another. The authority to act on the intrastate matter would exist by reason of the power vested in the individual member as a part or representative of the State regulatory body, and the authority to act with reference to the interstate matter arises by reason of the Federal agency created by this act. Thus, by the exercise of both State and Federal power, having due regard to the restrictions and limitations of each, it would be possible to coordinate the two by appropriate orders in a particular matter in such a way that one would supplement the other to the great advantage of the public.

While the act provides that all operations involving more than two States shall be heard by the commission, or a member or examiner thereof, nevertheless, it is the opinion and judgment of many that the provisions now applying to matters involving not more than two States might very properly be extended to at least three States, and discretionary power given to the Interstate Commerce Commission to create such joint boards, no matter how many States involved, whenever in the judgment of the commission it might properly be done. There is much to be said in support of this proposition, and the adoption of it would certainly not detract or decrease in any way the effectiveness of the administrative features of the bill.

In conclusion, permit me to again emphasize the fact that every essential element necessary to preserve the public rights, and insure proper regulation and control of this new and important means of transportation, has been provided by the terms of this bill; and yet, at the same time, have been preserved the rights of those who have invested their capital and by initiative and effort built up a substantial business.

By the passage of this act, to be known hereafter as the "Federal motor carrier act, 1930", the motor vehicle takes its place as a part of the great transportation system of our country, subject, however, at all times to the same Federal regulatory power, exercised to promote the public welfare, as now prevails with respect to transportation by rail or water. [Applause.]

Mr. MOORE of Virginia. Would the gentleman object to an interruption?

Mr. WOLVERTON of New Jersey. Not at all.

Mr. MOORE of Virginia. I know it is a very able and very competent committee and I know the gentleman is one of the very able and competent members of the committee. I would like to ask the gentleman this question: What is the justification for section 4, the so-called grandfather clause? That section gives a preference to persons or corporations actually operating when the system goes into effect and after the expiration of the 90-day period which is given for the consideration of the situation by the commission. It seems to me there is no good reason for giving any such preference when a new system is being established. In addition to that may I suggest that if you accord that preference it will inure to the benefit of the very large number of lines operating over the Camden Bridge and operating through the tunnel between New York and New Jersey. The evil you have mentioned would continue.

Mr. WOLVERTON of New Jersey. I had expected to speak in reference to that feature at a different point in my remarks, but I will refer to it now if the gentleman wishes. The justification, in my opinion, for the so-called grandfather clause is this: During the five years that have intervened between 1925, when the Supreme Court rendered its decision, and the present time, interstate transportation of persons by motor carriers has been undergoing development.

When bills were first introduced to regulate interstate motor carriers—and there has not been a session of Congress since 1925 in which such bills have not been introduced in both Houses of Congress—objection was made and the thought expressed that this means of transportation had not developed sufficiently either to give the experience or to create the necessity for its regulation. The five years that have intervened have been sufficient to afford the experience necessary to regulate, and have also demonstrated the necessity for such legislation. It was recognized by the committee that there were some rights which should be preserved; that the rights of those who had pioneered in this new system of transportation, who had invested their capital, and who had by their initiative built up a substantial business, should not be entirely disregarded. It is also justified, in my judgment, for the reason that it preserves that competition which has grown up in the last five years; therefore, when this bill takes effect, instead of eliminating competition and creating a monopoly, it gives the right to those who are already in the business to continue, and to the extent that there is competition at the present time it is preserved by this bill.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HUDDLESTON. Will the gentleman yield to me?

Mr. WOLVERTON of New Jersey. Yes.

Mr. HUDDLESTON. Section 9 of the bill authorizes the consolidation of these previous competitors so that there will be no competition, even under the grandfather clause.

Mr. WOLVERTON of New Jersey. The consolidation feature of this bill, in my opinion, is one of the features that does preserve existing competition at the present time, because it specifically provides that every consolidation, merger, and acquisition of control is invalid and unlawful unless the Interstate Commerce Commission shall find it to be in the public interest.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. WOLVERTON of New Jersey. Yes.

Mr. SPROUL of Kansas. It is a fact, is it not, that the same commission or court which is empowered to regulate the rates for railroad transportation is also empowered to fix the rates in motor-bus transportation?

Mr. WOLVERTON of New Jersey. No; the power given by this bill to the Interstate Commerce Commission is not to fix rates but to set aside rates that are found to be unjust and unreasonable.

Mr. SPROUL of Kansas. Well, the Interstate Commerce Commission is created by the Congress to adjust the rates on interstate commerce by railroad, is it not?

Mr. WOLVERTON of New Jersey. I believe so.

Mr. SPROUL of Kansas. The gentleman would not like to say that it is?

Mr. WOLVERTON of New Jersey. Yes.

Mr. SPROUL of Kansas. What power or what agency does this bill authorize to regulate rates?

Mr. WOLVERTON of New Jersey. The commission has the power to set aside any rate that is unjust and unreasonable.

Mr. SPROUL of Kansas. Then, that is all the power it has—to set aside what it determines to be unreasonable.

Mr. WOLVERTON of New Jersey. Yes; in my opinion.

Mr. SPROUL of Kansas. Have the railroads the power to protest against the bus rates?

Mr. WOLVERTON of New Jersey. No; not under this bill. Particular care has been taken that such should not be the situation. Motor carriers are recognized in this bill as an independent system of transportation. [Applause.]

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, had come to no resolution thereon.

EXTENSION OF REMARKS—THE MOTOR BUS BILL

Mr. FULMER. Mr. Speaker and gentlemen of the committee, I want to warn you against swallowing the Parker bus bill lock, stock, barrel, and ramrod, as written, without giving serious consideration and support to an amendment that I propose to offer, unless offered by some Member reporting the bill, whereby the interest of the States and public will be preserved. The original Parker bill proposed that the commissioners of the States serve in connection with the Interstate Commerce Commission. Under the present provisions of the bill the State commissions will only take part in cases where a bus line operates in not more than two States. If this is fair and needful in working out complaints, regulations, and rates applied to bus lines operating in two States, why will not it apply in five States? Why will not it be helpful in every case regardless of how many States are covered by a bus line?

I think the time has come when we should have some legislation along the lines contained in this bill, but unless my amendment or a similar one is adopted I propose to vote against it. I am a great admirer of the gentleman from New York [Mr. PARKER], the author of this bill. He is always frank and sincere about all matters, but I disagree with him when he states that the public was represented before his committee by the Interstate Commerce Commission. Those of us who represent the agricultural States have just reasons for feeling that way because of the attitude of this commission toward agriculture and the public in fixing railroad rates that have helped to paralize agriculture. Mr. PARKER stated in his speech that this bill would virtually extend the interstate commerce act to the motor-bus transportation and that the commission would have an authority over rates which must be just and reasonable. Several years ago the Congress of the United States delegated its rights and powers in rate making and other matters, as to the railroads; and Members here know from experience in trying to look after the interest of their constituents that they have practically no redress in trying to hammer down unjust and unreasonable passenger and freight rates.

I am not willing to pass up further rights of the States and leave the bus lines and the public absolutely at the mercy of this commission. The committee reporting this bill based this legislation on the investigation and recommendation of the Interstate Commerce Commission. The committee did leave out the recommendation of the commission; that is, the inclusion of truck lines.

To my mind that was done for the purpose of expediting the passage of the bill. Rest assured, my friends, that the months will not be many before the truck lines will be in. For years we have tried to legislate to do away with the Pullman surcharge, but Congress has been unable to do this. The bus as well as the truck lines are growing by leaps and bounds, and the Interstate Commerce Commission and the selfish interest of the railroads is largely to blame. They have held on to the Pullman surcharge and increased rates, especially freight rates, regardless of the interest of the public, agriculture, and the shipper, until they have driven them to these lines in self-defense. Before all of this power was given to the Interstate Commerce Commission, doing for the railroads what they could not do for themselves; that is, in fixing uniform rates, cutting out rebates and other arrangements on the part of the railroads to get business from competing lines, the railroads were in as bad shape as the unorganized farmers are to-day.

Compare the value of railroad stocks at the time when they were competing and now, under the regulatory and rate-making power of the Interstate Commerce Commission.

I am not against the railroads. They should be permitted to earn a fair rate on their legitimate investment. In the meantime, this commission and the railroads should be willing to help work out regulations and legislation that would be helpful to the public interest and agriculture; especially when it would not interfere with a reasonable return to them.

I have a bill pending before the Interstate Commerce Committee which is a very short but important bill, H. R. 198. I am going to insert it in the RECORD at this point.

A bill to regulate interstate shipments of cotton, and for other purposes

Be it enacted, etc., That the Interstate Commerce Commission shall establish and enforce preferential rates on shipments of cotton based upon the cubic contents of the bale. In reaching its decision the commission shall take into consideration the density of the bale, the amount of space it occupies, its uniformity in size, the character of its covering as a safeguard against damage or fire, and any other points that seem fairly to entitle it to favorable discrimination.

If this bill is passed, it will enable the railroads to haul 100 bales of cotton in one box car, whereas, under the present worn-out, wasteful method of baling cotton they only haul from 30 to 35 bales in one car. The present method of baling and compressing cotton makes it very expensive to haul, because it is very bulky, as shown by the statement just made. To-day I can ship 1 bale of cotton just as cheap as I can ship 1,000 bales per 100 pounds. The commission states that this is a good bill, but I have been unable to get their indorsement.

Up to this time the railroads have been satisfied, because the rates received in hauling cotton are based on three cars for 100 bales. The large compress owners at central points and the ports have a monopoly on compressing cotton; therefore do not give a "rap" for farmers, and they oppose the bill. As usual, the commission having no complaints from the railroads and no request for this piece of legislation, and the compress companies objecting to same, why, it means that the public and agriculture be damned. I have letters like this from people interested in the cotton farmer:

I keep up with the efforts of Congress to help cotton farmers, and it is a puzzle to me why legislation like your bill (H. R. 198) is not promptly enacted into law.

I hope that the chairman, Mr. PARKER, will see that I have the privilege of presenting the facts to his committee on this bill. A large percentage of the cotton in the South is being transported by trucks, and this means the establishment of truck lines. Vegetables and fruits are also being transported by trucks because of the unreasonable freight rates. I have been thinking for some time that these new lines of business would either reduce these unreasonable rates or that the railroads would come in through this type of legislation and take over this business through the Interstate Commerce Commission. Producers have been driven into these lines because it is the only way to overcome the high-handed methods used by the commission in fixing, in many cases, unreasonable rates. Now the commission is coming to Congress requesting that these lines be placed in their hands on the grounds that they represent the public's best interest. The railroads, as the records will show, have bought up quite a large percentage of the bus lines, and I predict, with the passage of this bill, that "it won't be long" until they will be able to put independent carriers out of business, and the public will have to pay prevailing prices fixed by the commission and charged by the railroads. If you want this to happen vote for the bill and vote down my amendment.

The gentleman from Virginia [Mr. MOORE] offered a very important amendment, making a clear statement why his amendment should be voted up in the interest of the public. It was promptly voted down. I know of no better argument in behalf of the Moore amendment than that made by my friend and colleague [Mr. MCSWAIN] in referring to the case pending in North and South Carolina. As stated by him, these people have the money to build these lines. The public is praying for same. Those interested have proven beyond a shadow of doubt that it would be a great convenience to this splendid section, but an old-line railroad, the Southern, now established and making more money than ever before, is fearful of competition and comes stating to the Interstate Commerce Commission:

While this will be convenient to these sections, it is not really necessary, because these people can go to the expense of longer hauls and travel and be accommodated by the Southern Railroad.

Mr. HUDDLESTON, my colleague from Alabama, offered a fair substitute for the Parker bus bill. If the commission had wanted to remedy the situation that they complain about and preserve the interest of the public and the rights of the States, the Huddleston substitute should have been acceptable, but it did not enable the railroads to take over these lines; therefore was voted down.

Mr. PATMAN. Mr. Speaker, the bill now before the House, H. R. 10288, is to place bus lines carrying passengers between two or more States under the jurisdiction of the Interstate Commerce Commission. This legislation is wanted by the railroads and the bus companies. There is very little, if any, demand from the people for it. The railroads can now buy the bus lines that are doing an interstate business, but they would not be protected from other bus lines going into the business in competition with them.

If this bill passes, the railroads can purchase the interstate bus lines and be protected from future competition. The bus companies doubtless want to sell to the railroads for a big profit and, therefore, want this bill for that purpose. The interstate busses can now carry passengers a long distance for about one-half the price that must be paid over railroads, for the reason that the roadway for the bus line is furnished free and the people get a benefit in reduced rates.

I thought the Esch-Cummings railroad law was the most iniquitous piece of legislation of this character that was ever passed by a legislative body in any civilized country of the world. It raised freight rates on the people of Texas $60,000,000 a year, or $12 for each man, woman, and child. The Interstate Commerce Commission, under the authority granted it by the Esch-Cummings railroad law, has absolutely taken charge of intrastate railroads and destroyed State lines generally. A railroad can not even extend its line a distance of 10 feet in Texas without getting permission from the regulatory body at Washington. This regulatory body is not elected by the people. It is not responsible to the people directly. The only difference between this proposed bus bill and the Esch-Cummings railroad bill is that this bill is considerably worse. This bill is for the railroads and bus companies. It is against the interest of the people. I predict that within five years all these interstate busses will be owned by railroad companies.

Mr. BRAND of Ohio. Mr. Speaker, the bus bill now before the House is a matter of very grave importance, turning over the regulation of the busses in interstate traffic to the Interstate Commerce Commission and giving them the power to determine the rates charged by the busses and giving them the power to grant licenses or certificates to one bus on the public highways and refusing such a license to all others.

This same Interstate Commerce Commission has charge of the regulation of the railways, together with the naming of the rates charged by the railways for their services.

If this bill is successful, I have no doubt the trucks in interstate commerce will, in like manner, be regulated so that very shortly we will have all of the forms of transportation in the United States in the hands of these 11 men composing the Interstate Commerce Commission of the United States, with the power to say who shall use the roads and who shall not, and with the power to say what charges shall be made for the services rendered.

The States have passed laws regulating intrastate commerce within their borders carried on by busses and trucks.

The farmers generally have furnished the land upon which these roads are built, and to a very large extent have furnished the money which paid for the building of the roads. In most States the property rights still rest with those who furnished the land for the roads, and an easement vests in the county and the State over the roads, and the legislatures generally have passed laws regulating the busses and trucks and in so doing have vested a power in the public-utility commission of the State to grant licenses to people who apply for the use of the roads and also to refuse to other people similar licenses, so that monopolies exist in both bus and truck traffic in the States, and this bill now before the House will fasten this kind of a policy upon the whole country.

The question arises whether or not it is wise public policy to make the public highways no longer public and for the use of all the people upon the same terms. The person who paid for the road, for the most part, may now be limited in his use of the road. He may want to run a bus or he may want to run a truck, and the chances are he will not be able at all to secure a license or certificate for that purpose. Has the State a right to discriminate between its citizens as to the use of public highways?

Are we to turn these highways over to a few people for certain very important services such as trucking and bus lines in a manner so that others can not enter into the business even though they are just as well qualified in every way? Are we ready for this kind of monopoly? Are we satisfied to have it continued? Has the State any right to take public property such as roads and turn them over to certain individuals for their exclusive use for certain purposes?

If we pass this bus bill now before the House, we are doing the same thing nationally as the States have been doing within their own borders.

It seems to me that if a bus line or a truck line is to have an exclusive right it could only be on its own right of way. The idea of giving up the highways to monopoly is abhorrent to me, and I will vote against the bill.

When we have succeeded by law in concentrating all the transportation facilities of America in the hands of one executive and all other activities—outside of farming, perhaps—in the hands of a few other executives, while everybody becomes servants of these executives, we may hesitate and contemplate our work and wonder why we found it wise to take away from the individual the opportunity to have his own business and calling.

THE RETIREMENT BILL

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, with a House amendment, insist upon the House amendment and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the bill (S. 15), with a House amendment, insist on the House amendment, and agree to the conference asked by the Senate. The clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. LEHLBACH, SMITH of Idaho, and JEFFERS.

WILLIAM HOWARD TAFT

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks of my own, being a tribute from my State to the late Chief Justice of the United States Supreme Court.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GIBSON. Mr. Speaker, the people of Vermont join in the profound universal grief at the passing of the great jurist and executive, William Howard Taft, former President, and Chief Justice of the Supreme Court.

Ohio takes pride in the fact that he was one of her great native sons. Vermont takes pride in the fact that he was one of her illustrious grandsons, for the story of his ancestors runs through a hundred years of life along the foothills of the Green Mountains.

There his father was born, brought up and educated. His grandfather served for many years as a judge of the court of the county where I have practiced since admission to the bar. The Chief Justice loved Vermont because the ancestral homes of both the Taft and the Howard families were within its confines.

When death ends the career of one who has been the Chief Executive of the Nation its people are drawn together in a common sorrow. When death comes to one who has served faithfully and with ability at the head of two departments of the Federal Government and as the Chief Executive of a great colonial dependency; to one who has served the East and served the West, nations and races are united in appreciation of a great loss to mankind at large and are brought together in a common bond of sorrow.

Vermont humbly offers her tribute to the memory of one of the great men of a generation that spans the most important period in the development of America; to one who drew the elements of his sterling character and the inspiration for 40 years of service to his country and his fellow men from the stock of the common people who dwelt on the hills and along the valleys of that State, a people ever faithful in service to their country and their God; to one who, when the voice of the Master bade him, "Enter thou in," could hear the rising world-wide tribute of grateful homage—

Well done, good and faithful servant.

His life needs no eulogy. Words fail in an attempt to do it justice. There it stands colossal before us. It pronounces its own eulogy in mute but splendid eloquence to this and to generations to come.

In paying tribute we should give thanks that God has given to the service of the Republic such strong men as William Howard Taft, men inspired by the highest ideals of patriotism, to chart her true and safe course through the treacherous eddies of greed, passion, and prejudice to the safe haven of peace, security, and perpetuity.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that general debate on the pending motor bus bill may be extended beyond the 6-hour period and that to-morrow may be given over to general debate on the bill, and that we commence to read the bill for amendment on Friday.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate on the pending bill may be continued beyond the 6-hour period until not later than the time that the House shall adjourn to-morrow. Is there objection?

There was no objection.

CLAIM BY THE GOVERNMENT OF NORWAY (H. DOC. NO. 317)

The SPEAKER laid before the House the following message from the President of the United States; which with accompanying papers was referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway for the payment of interest on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *March 12, 1930.*

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on February 12, 1930, present to the President, for his approval, bills of the House of the following titles:

H. R. 7372. An act to revive and reenact the act entitled "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden Road between Humphreys and Benton Counties, Tenn."; and

H. R. 7373. An act to revive and reenact the act entitled "An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer Road."

ADJOURNMENT

And then, on motion of Mr. PARKER (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Thursday, March 13, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 13, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE NO. 8

(10 a. m.)

To prohibit the sending of unsolicited merchandise through the mails (H. R. 743).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the retirement of disabled nurses in the Navy (H. R. 10375).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON AGRICULTURE

(10 a. m.)

Authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire (H. R. 3245).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

362. A letter from the Secretary of the Interior, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

363. A letter from the Chief of the Bureau of Public Roads, transmitting report of the uncompleted bridges of the oversea highway from Key West to the mainland in the State of Florida (H. Doc. No. 316); to the Committee on Roads and ordered to be printed, with maps.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BRITTEN: Committee on Naval Affairs. H. R. 7639. A bill to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928; with amendment (Rept. No. 883). Referred to the House Calendar.

Mr. KNUTSON: Committee on Pensions. H. R. 10466. A bill granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; without amendment (Rept. No. 884). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 9761. A bill to authorize the issuance of patents in fee for Indian homesteads on the Crow Reservation, the Blackfeet Reservation, and the Fort Belknap Reservation, in the State of Montana, upon written application therefor; without amendment (Rept. No. 885). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10216. A bill authorizing per capita payments to the Shoshone and Arapahoe Indians; without amendment (Rept. No. 886). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the State Department (Rept. No. 887). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on Claims. H. R. 392. A bill for the relief of Hugh S. Gibson; without amendment (Rept. No. 875). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 1076. A bill for the relief of Jacob S. Steloff; with amendment (Rept. No. 876). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 2587. A bill for the relief of James P. Sloan; with amendment (Rept. No. 877). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 3187. A bill for the relief of Agnes Loupinas; with amendment (Rept. No. 878). Referred to the Committee of the Whole House.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 3422. A bill for the relief of Gustav J. Braun; with amendment (Rept. No. 879). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 3811. A bill for the relief of Elmo K. Gordon; without amendment (Rept. No. 880). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 4469. A bill for the relief of Second Lieut. Burgo D. Gill; without amend-

ment (Rept. No. 881). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Naval Affairs. H. R. 3801. A bill waiving the limiting period of two years in Executive Order No. 4576 to enable the Board of Awards of the Navy Department to consider recommendation of the award of the distinguished-flying cross to members of the Alaskan aerial survey expedition; without amendment (Rept. No. 882). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7221) granting a pension to Mae R. Braman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9252) granting a pension to Myra A. Pennington; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 10650) to amend an act creating the Federal Power Commission, approved June 10, 1920, to provide for a permanent full-time commission; to provide for the employment of the necessary technical, expert, and clerical employees; to provide for the valuation of projects constructed prior to the said act of June 10, 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 10651) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A bill (H. R. 10652) to authorize the Secretary of Commerce to purchase land and construct buildings and facilities suitable for radio research investigations; to the Committee on Public Buildings and Grounds.

By Mr. HOCH: A bill (H. R. 10653) to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes," approved March 3, 1927; to the Committee on Interstate and Foreign Commerce.

By Mr. KORELL: A bill (H. R. 10654) to authorize an appropriation to provide additional hospital facilities for persons entitled to hospitalization under the World War veterans' act of 1924, as amended, at the United States Veterans' Bureau hospital on Marquam Hill, Portland, Oreg.; to the Committee on World War Veterans' Legislation.

By Mr. LAGUARDIA: A bill (H. R. 10655) to establish a laboratory for the study of the criminal, dependent, and defective classes; to the Committee on the Judiciary.

By Mr. REID of Illinois: A bill (H. R. 10656) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, as amended, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10657) to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; to the Committee on the Territories.

By Mr. THATCHER: A bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat., 177), as amended (U. S. C., sec. 1174, ch. 21, title 26); to the Committee on Ways and Means.

By Mr. BARBOUR: A bill (H. R. 10659) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries"; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 10660) to authorize the Secretary of the Treasury to proceed with the cleaning, pointing, painting, and repairing of all exterior stone, metal, and wood facings on the United States post-office building in Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 10661) to reduce passport fees, and for other purposes; to the Committee on Foreign Affairs.

By Mr. EVANS of California: A bill (H. R. 10662) providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserves and the Fleet Marine Corps Reserves in Government hospitals without expense to the reservists; to the Committee on Naval Affairs.

By Mr. FREE: A bill (H. R. 10663) to provide for alterations and repairs to the U. S. S. *Henry County*; to the Committee on Naval Affairs.

Also, a bill (H. R. 10664) to amend section 5 of the suits in admiralty act, approved March 9, 1920; to the Committee on the Judiciary.

By Mr. MORTON D. HULL: A bill (H. R. 10665) to purchase and erect in the city of Washington the group of statuary known as the Indian Buffalo Hunt; to the Committee on Rules.

By Mr. McCORMACK of Massachusetts: A bill (H. R. 10666) to provide for the refitting of the frigate *Constitution*; to the Committee on Naval Affairs.

By Mr. SANDERS of Texas: A bill (H. R. 10667) to amend the act of August 24, 1912 (37 Stat. 555) by adding a new section, providing for additional pay for railway postal clerks when required to carry arms; to the Committee on the Post Office and Post Roads.

By Mr. CABLE: A bill (H. R. 10668) to authorize issuance of certificates of citizenship to certain veterans of the World War; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10669) relating to educational requirements of applicants for citizenship; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10670) to amend the naturalization laws in respect of competency of witnesses; to the Committee on Immigration and Naturalization.

By Mr. ELLIS: A bill (H. R. 10671) relating to sales and contracts to sell in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CABLE: A bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship; to the Committee on Immigration and Naturalization.

By Mr. McLEOD: A bill (H. R. 10673) to amend an act entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929; to the Committee on Immigration and Naturalization.

By Mr. VINSON of Georgia: A bill (H. R. 10674) authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who died while on active duty; to the Committee on Naval Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10675) relating to examination of applicants for positions under the apportionment provisions of the act of July 16, 1883, commonly known as the civil service act; to the Committee on the Civil Service.

By Mr. KELLY: A bill (H. R. 10676) to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate; to the Committee on the Post Office and Post Roads.

By Mr. REECE: A bill (H. R. 10677) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. LAGUARDIA: A resolution (H. Res. 184) directing the Attorney General to transmit to the Committee on the Judiciary all papers concerning the conduct of Judge Harry B. Anderson, a district judge of the western district of Tennessee; to the Committee on the Judicary.

By Mr. CRISP: A resolution (H. Res. 185) for the consideration of H. R. 10475, to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development; to the Committee on Rules.

By Mr. MORTON D. HULL: A resolution (H. Res. 186) expressing the belief that the incorporation into a treaty for the reduction of naval armament of a provision for conference would meet with the cordial approval of the people of the United States; to the Committee on Foreign Affairs.

By Mr. FRENCH: Joint resolution (H. J. Res. 264) making an appropriation to complete the restoration of the frigate *Constitution;* to the Committee on Appropriations.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of New Jersey urging the Congress of the United States to appropriate sufficient funds to carry out the provisions of the national defense act of 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 10678) for the relief of Ben D. Showalter; to the Committee on Claims.

By Mr. ALMON: A bill (H. R. 10679) to authorize the appointment of Roger Williams Autry as a second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. ANDREW: A bill (H. R. 10680) for the relief of William H. Carter; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 10681) granting an increase of pension to Eleanor Fleck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10682) granting an increase of pension to Sophia C. Miller; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10683) granting an increase of pension to Jennie Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10684) granting an increase of pension to Elizabeth Barr; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 10685) granting an increase of pension to Sarah R. Rodkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10686) granting a pension to Margaret O'Brien; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 10687) granting a pension to Mary A. Wiggin; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 10688) for the relief of Bertha Hymes Sternfeld; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 10689) for the relief of Royal W. Robertson; to the Committee on Naval Affairs.

By Mr. DALLINGER: A bill (H. R. 10690) for the relief of John F. Dean; to the Committee on Naval Affairs.

By Mr. DEMPSEY: A bill (H. R. 10691) to reimburse Dampskib Aktieselskap Roskva, owners of the steamship *Roskva*, for damage to said vessel; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 10692) granting an increase of pension to Anna M. Rode; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 10693) for the relief of the city of Glendale, Calif.; to the Committee on Claims.

By Mr. FULMER: A bill (H. R. 10694) granting a pension to Ella Elizabeth Ayers; to the Committee on Pensions.

Also, a bill (H. R. 10695) for the relief of George Fletcher Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 10696) granting an increase of pension to Eliza Carr; to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 10697) for the relief of the heirs of C. K. Bowen, deceased; to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 10698) for the relief of Alfred M. Hilton; to the Committee on Claims.

By Mr. GREGORY: A bill (H. R. 10699) granting a pension to Mellie M. Anderson; to the Committee on Pensions.

By Mr. HOLADAY: A bill (H. R. 10700) granting a pension to Thomas E. Roberts; to the Committee on Pensions.

By Mr. HOPE: A bill (H. R. 10701) granting an increase of pension to Willis E. Van Vranken; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 10702) granting an increase of pension to Rufus M. Barnes; to the Committee on Pensions.

By Mr. HULL of Wisconsin: A bill (H. R. 10703) granting a pension to Barbara Callender; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10704) granting an increase of pension to Mary A. Melvin; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 10705) granting a pension to Joseph Caldwell Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10706) granting an increase of pension to Sarah Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10707) granting an increase of pension to Howard M. Katz; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 10708) granting an increase of pension to Nancy L. Corwin; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10709) granting a pension to Rose Yorke; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10710) granting an increase of pension to Fatima Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10711) granting an increase of pension to George Earle Barr; to the Committee on Pensions.

By Mr. LEECH: A bill (H. R. 10712) granting an increase of pension to Albert C. Kinsey; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 10713) granting an increase of pension to Eliza Mulvania; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10714) granting an increase of pension to Susanah Kelly; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10715) granting a pension to John W. Mercer; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 10716) for the relief of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 10717) granting an increase of pension to Mary Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10718) granting an increase of pension to Cora J. Smith; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 10719) for the relief of Capt. V. V. de Sveshnikoff; to the Committee on Claims.

By Mr. PRITCHARD: A bill (H. R. 10720) to authorize a preliminary examination of the French Broad River for the purpose of flood control; to the Committee on Flood Control.

By Mr. QUAYLE: A bill (H. R. 10721) for the relief of Sara Riddle; to the Committee on Claims.

By Mr. HENRY T. RAINEY: A bill (H. R. 10722) granting a pension to Callie N. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10723) granting a pension to Lawrence Edwards; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 10724) to extend the benefits of the employees' compensation act of September 7, 1916, to Abigail Bailey; to the Committee on Claims.

By Mr. SHORT of Missouri: A bill (H. R. 10725) granting a pension to Charlottie Friend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10726) granting a pension to Hulda M. Sharp; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10727) granting a pension to Nettie Biles; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 10728) for the relief of John Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 10729) granting an increase of pension to Mary Barrows; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10730) granting an increase of pension to Mary E. Rexroat; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10731) granting an increase of pension to Catharine A. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10732) granting an increase of pension to Clayton O. Hammond; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 10733) granting a pension to Hattie J. Kingsland; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10734) granting a pension to Luvina Crawford; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10735) granting an increase of pension to Lillie H. Rice; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 10736) granting a pension to Joseph Marion Williams; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10737) for the relief of G. W. Gilkison; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5500. By Mr. ALMON: Petition of J. M. Holmes, route 1, Lacon, Ala., and a large number of the other citizens of Morgan County, Ala., asking that the bills pending in Congress providing for an increase in the pension of the men who served in the Spanish-American War be passed at this session of the Congress; to the Committee on Pensions.

5501. By Mr. ANDREW: Petition of the Common Council of Beverly, Mass., urging passage of House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

5502. By Mr. BARBOUR: Petition of residents of Fresno, Calif., urging the enactment of House bill 2562, which would





increase the pensions of Spanish War veterans; to the Committee on Pensions.

5503. By Mr. BEERS: Petition from citizens of Waynesboro and Mifflinburg, Pa., favoring the passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5504. By Mr. BLOOM: Petition of citizens of New York (not members of the United Spanish War Veterans or allied organizations), to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5505. Also, petition of board of directors of the National Unemployment League (Inc.), appealing to the President to recommend at once, and to the Congress to enact, appropriate legislation for the inauguration of a system of public works to meet the requirements of the present acute and menacing unemployment situation in our country; to the Committee on the Judiciary.

5506. By Mr. BOLTON: Petition of citizens of Cleveland, Ohio, urging favorable action on bills to increase Spanish War pensions; to the Committee on Pensions.

5507. By Mr. BUTLER: Petition of certain citizens of Harney County, Oreg., praying for increase of pensions to survivors of the Spanish-American War; to the Committee on Pensions.

5508. Also, petition of certain citizens of Ione, Oreg., praying for increase of pensions to survivors of the Spanish-American War; to the Committee on Pensions.

5509. Also, petition of certain citizens of Deschutes County, Oreg., praying for increase of pensions to veterans of the Spanish-American War; to the Committee on Pensions.

5510. Also, petition of certain citizens of Gilliam County, Oreg., praying for increase of pensions to survivors of the Spanish-American War; to the Committee on Pensions.

5511. By Mr. CHASE: Petition of certain citizens of Coalport, in the twenty-third congressional district of the State of Pennsylvania, urging action during present session on legislation providing for increases in pensions of Spanish-American War veterans; to the Committee on Pensions.

5512. By Mr. CONNERY: Petition of ex-service men of Massachusetts and Vermont favoring the immediate payment of adjusted compensation certificates; to the Committee on Ways and Means.

5513. Also, petition of Roxbury (Mass.) Post, No. 44, American Legion, favoring the immediate payment in cash of adjusted compensation certificates; to the Committee on Ways and Means.

5514. By Mr. COOPER of Wisconsin: Petition of residents of Racine County, Wis., urging the passage of a bill to increase pensions of Spanish War veterans; to the Committee on Pensions.

5515. By Mr. CRAMTON: Memorial of Forest Lawn Grange, No. 1720, Tuscola County, Mich., in favor of the export debenture amendment of the tariff bill and against a duty on shingles and lumber; to the Committee on Ways and Means.

5516. Also, petition of Unionville Grange, No. 1636, Tuscola County, Mich., in favor of the export debenture amendment of the tariff bill and as high a rate as possible on sugar and beans; to the Committee on Ways and Means.

5517. By Mr. DEMPSEY: Petition signed by 49 residents of Buffalo, N. Y., urging speedy consideration and passage of House bill 2562 and Senate bill 476; to the Committee on Pensions.

5518. By Mr. EATON of Colorado: Petition signed by 27 voters of Starbuck, Colo., urging passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5519. Also, resolution by the Ladies Auxiliary to Francis Brown Lowry Post, No. 501, Veterans of Foreign Wars of the United States, to provide that Armistice Day be made a legal holiday; to the Committee on the Judiciary.

5520. By Mr. ELLIS: Petition of Mrs. E. H. Bradford, with 21 indorsers, in support of the Robinson-Capper educational bill; to the Committee on Education.

5521. By Mr. EVANS of Montana: Petition of F. A. Williams and other citizens of Twin Bridges, Mont., urging the passage of House bill 2562 providing for increase in pension for Spanish War veterans; to the Committee on Pensions.

5522. Also, petition of wholesale fruit and vegetable dealers of Butte, Mont., protesting any increase in the duty on Mexican tomatoes; to the Committee on Ways and Means.

5523. By Mr. FULMER: Petition by D. A. Young, Neeses, S. C., and 48 citizens, in behalf of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5524. Also, petition indorsing House bill 9411 for the purpose of establishing a veterans' hospital in South Carolina, passed by the Knights of Columbus, Columbia, S. C. (by committee: Norbert A. Theodore, Charles F. J. Bultman, and E. J. Brennen; John H. Lark, grand knight); to the Committee on World War Veterans' Legislation.

5525. Also, petition of Greenville Post, No. 3, American Legion, in behalf of House bill 9411 for the purpose of establishing a veterans' hospital in South Carolina (by Reid Elkins, chairman, Broadus Bailey, and James F. Daniel, jr.); to the Committee on World War Veterans' Legislation.

5526. Also, petition of the Columbia Medical Society, Columbia, S. C., in behalf of House bill 9411 proposing to establish a veterans' hospital in South Carolina (by J. H. Gibbes, M. D., president, and William Weston, jr., M. D., secretary); to the Committee on World War Veterans' Legislation.

5527. Also, petition of the Thomos Raysor Summers Post, No. 4, American Legion, Orangeburg, S. C., signed by P. F. Haigler, chairman; S. M. Brunson, N. R. Smith, and J. B. Burch, committee, for the purpose of establishing a veterans' hospital in South Carolina under the bill known as H. R. 9411; to the Committee on World War Veterans' Legislation.

5528. Also, petition of the Civitan Club, Columbia, S. C., by T. C. Sparks, in behalf of House bill 9411 proposing to establish a veterans' hospital in South Carolina; to the Committee on World War Veterans' Legislation.

5529. Also, petition in behalf of House bill 9411 proposing to establish a veterans' hospital in South Carolina, passed by the Lions Club, Columbia, S. C., Irvin Sutphen, secretary; to the Committee on World War Veterans' Legislation.

5530. Also, petition of Loyal Order of Moose, Columbia Lodge, No. 1655, Columbia, S. C., R. B. McCauley, secretary, in behalf of a veterans' hospital for South Carolina, House bill 9411; to the Committee on World War Veterans' Legislation.

5531. By Mr. GARBER of Oklahoma: Petition of Chicago Pneumatic Tool Co., Tulsa, Okla., urging support of House bill 5568; to the Committee on the Judiciary.

5532. Also, petition of letter carriers of Ponca City, Okla., urging support of legislation providing for the 44-hour week for letter-carrier service; to the Committee on the Post Office and Post Roads.

5533. By Mr. GREGORY: Petition of Jack W. Nelson and 26 other citizens of Paducah, Ky., belonging to the George C. Saffrin Camp, No. 31, Spanish War Veterans, urging the speedy consideration and passage of House bill 2562 providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5534. Also, petition of C. T. Ray and 72 other citizens of Mayfield, Ky., urging the speedy consideration and passage of House bill 2562 providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5535. By Mr. GRIFFIN: Petition of 23 citizens of Bronx County, New York City, urging enactment of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5536. By Mr. HANCOCK: Petition of John Giminski and other members of the Syracruse Polish Citizens Club, favoring the establishment of a memorial day for General Pulaski; to the Committee on the Judiciary.

5537. By Mr. HUDSPETH: Petition of citizens of El Paso, in opposition to the Capper-Robsion education bill; to the Committee on Education.

5538. By Mr. HULL of Wisconsin: Petition of the county board of Price County, Wis., urging the National Forest Reservation Commission to approve, at its next meeting, the purchase of lands on the Flambeau unit; to the Committee on the Public Lands.

5539. Also, petition of citizens of the city of La Crosse, Wis., favoring increase in pensions for Spanish War veterans; to the Committee on Pensions.

5540. By Mr. IGOE: Petition of city council of Chicago, Ill., urging Congress to expedite action on House Joint Resolution 167, directing the President to proclaim October 11 of each year as General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimer Pulaski; to the Committee on the Judiciary.

5541. By Mr. JENKINS: Petition signed by citizens of Coolville and Troy Township, Ohio, urging Members of Congress to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5542. Also, petition signed by citizens of Athens, Ohio, urging Members of Congress to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5543. Also, petition signed by citizens of Gallipolis, Ohio, urging Congress to use every endeavor to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5544. By Mr. KORELL: Petition of residents of Multnomah County, Oreg., advocating the passage of House bill 8976; to the Committee on Pensions.

5545. Also, petition of residents of Portland, Oreg., advocating increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

5546. By Mr. LANHAM: Petition of numerous citizens of Dublin, Tex., favoring the passage of legislation to increase the pensions of Spanish-American War veterans; to the Committee on Pensions.

5547. By Mr. LEAVITT: Petition of William Meyst, jr., and other citizens of Broadview, Yellowstone County, Mont., favoring increased rates of pension for veterans of the Spanish-American War and widows and orphans of veterans; to the Committee on Pensions.

5548. By Mr. McLAUGHLIN: Petition of Charles Underwood and 60 other residents of Mason and Lake Counties, Mich., urging passage of Senate bill 476 and House bill 2562 providing increase of pensions for Spanish War soldiers; to the Committee on Pensions.

5549. By Mr. MAPES: Petition of 65 residents of Grand Rapids, Mich., recommending the early consideration and passage by Congress of Senate bill 476 and House bill 2562 proposing increased rates of pension to veterans of the war with Spain; to the Committee on Pensions.

5550. By Mr. MEAD: Petition of citizens of Erie County, N. Y., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5551. Also, petition of citizens of Buffalo, N. Y., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5552. Also, petition of New York State Farm Bureau Federation, favoring passage of the Capper-Ketcham bill, S. 3216 and H. R. 8870; to the Committee on Agriculture.

5553. By Mr. MERRITT: Petition of sundry citizens of Ridgefield in the State of Connecticut, favoring passage of legislation to increase the pensions of veterans of the Spanish War; to the Committee on Pensions.

5554. By Mr. MICHENER: Petition of a number of citizens of Ann Arbor, Mich., favoring the passage of House bill 2562; to the Committee on Pensions.

5555. By Mr. NIEDRINGHAUS: Petition of George W. Schaefer and 37 other citizens of St. Louis, Mo., urging speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5556. By Mrs. NORTON: Petition of Robert B. Crocker et al. requesting action on House bill 3397; to the Committee on World War Veterans' Legislation.

5557. By Mr. O'CONNELL of New York: Petition of Chamber of Commerce of the State of New York, opposing the passage of House bill 3547 liberalizing the naturalization laws; to the Committee on Immigration and Naturalization.

5558. Also, petition of the Merchants Association of New York, favoring certain amendments to House bill 10288 covering the regulation of transportation by motor bus in interstate commerce; to the Committee on Interstate and Foreign Commerce.

5559. Also, petition of Berlin & Jones Co., New York City, favoring the passage of the Phipps-Kelly bills, S. 3599 and H. R. 10344; to the Committee on the Post Office and Post Roads.

5560. Also, petition of Chamber of Commerce of the State of New York, favoring the recommendations for improving navigation conditions in New York Harbor; to the Committee on Rivers and Harbors.

5561. By Mr. O'CONNOR of Oklahoma: Petition of Charles F. Eckardt and 255 other citizens of Hominy, Okla., requesting early and favorable action on the measure providing for increase of pensions for the Spanish-American War veterans; to the Committee on Pensions.

5562. By Mrs. OLDFIELD: Petition of Thomas J. Mooney and others, of Grubbs, Jackson County, Ark., urging the early enactment of House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5563. Also, petition of I. C. Jackson and others, of Judsonia, Ark., urging the early enactment of House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5564. By Mr. PARKS: Petition of citizens of Arkansas, urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5565. By Mr. QUAYLE: Petition of Berlin & Jones Co. (Inc.), of New York, favoring the passage of the Kelly bill, H. R. 10344, which provides for the classification of extraordinary expenditures contributing to the deficiency of postal revenues; to the Committee on the Post Office and Post Roads.

5566. By Mr. HENRY T. RAINEY: Petition signed by Albert Emerick and various other citizens of Ashland, Ill., asking for speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5567. By Mr. FRANK M. RAMEY: Petition of Park Aerie, No. 2002, Fraternal Order of Eagles, Witt, Montgomery County, Ill., urging passage of Senate bill 3257, regarding old-age pension law; to the Committee on Pensions.

5568. By Mr. REID of Illinois: Petition of Herman J. Byrd and 77 other residents of Du Page County, Ill., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pensions to Spanish-American War veterans; to the Committee on Pensions.

5569. By Mrs. ROGERS: Petition of W. A. Fish and other residents of Massachusetts, urging Congress to grant further relief to the Spanish War veterans; to the Committee on Pensions.

5570. By Mr. ROWBOTTOM: Petition of Oliver M. Case and others, of Evansville, Ind., that Congress enact into law at this session of Congress legislation providing for increased rates of pensions to the men who served in the armed forces of the United States during the Spanish-American War period; to the Committee on Pensions.

5571. Also, petition of Roy Stone, of Dale, Ind., and others, of Dale and Buffaloville, Ind., that Congress enact into law at this session legislation now pending providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War period; to the Committee on Pensions.

5572. By Mr. SHORT of Missouri: Petition of citizens of Matthews, Mo., urging the passage of House bill 2562 and Senate bill 476, increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5573. Also, petition of citizens of Rueter and Hilda, Taney County, Mo., urging the passage of House bill 2562 and Senate bill 476 increasing the pensions of Spanish War Veterans; to the Committee on Pensions.

5574. By Mr. SHREVE: Petition of John W. Goughler and a number of other citizens of Erie and Erie County, Pa., asking for the passage of the Spanish War bill, H. R. 2562; to the Committee on Pensions.

5575. Also, petition of J. E. Kanon and a large number of citizens of Erie, Pa., asking for the passage of the Spanish War pension bill, H. R. 2562; to the Committee on Pensions.

5576. By Mr. SMITH of Idaho: Petition signed by residents of Boise, Nampa, and southern Idaho, favoring the enactment of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5577. Also, petition signed by residents of Franklin County, Idaho, favoring the enactment of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5578. Also, petition signed by residents of Lava Hot Springs, Idaho, favoring the enactment of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5579. By Mr. SPROUL of Illinois: Petition of 72 citizens of Cook County, Ill., urging the enactment of House bill 2562; to the Committee on Pensions.

5580. By Mr. STRONG of Kansas: Petition of citizens of Republic and Cloud Counties, Kans., in support of Senate bill 476 and House bill 2562 providing increased pensions to Spanish War veterans; to the Committee on Pensions.

5581. By Mr. SUMMERS of Washington: Petition signed by Alpheus T. Widdons, Vance Paul, J. M. Collins, and other citizens of Yakima County, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

5582. Also, petition signed by J. W. Curtright, E. B. Toll, F. O. Brown, and other citizens of Yakima, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

5583. By Mr. THATCHER: Petition of Nick Denunzio and others, of Jefferson County, Ky., in support of House bill 2562, Spanish-American War veterans' pension bill; to the Committee on Pensions.

5584. By Mr. TILSON: Memorial of the court of common council of the city of Meriden, Conn., urging enactment of House Joint Resolution 167 directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5585. By Mr. WALKER: Petition of B. Benson and 32 citizens of Lincoln County, Ky., urging enactment of Senate bill 476 and House bill 2562 for the relief of Spanish War veterans; to the Committee on Pensions.

5586. By Mr. WATSON: Petition of citizens of Newtown, Bucks County, Pa., favoring the Capper-Kelly bill, H. R. 11; to the Committee on Interstate and Foreign Commerce.

5587. Also, petition of citizens of Ardmore, Montgomery County, Pa., urging the early passage of Senate bill 476 and House bill 2562 granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5588. By Mr. WIGGLESWORTH: Petition of Frank L. Richards and several residents of Milton, Mass., urging the early passage of House bill 2562 providing for the increasing of the pensions of Spanish War veterans; to the Committee on Pensions.

5589. By Mr. WINGO: Petition of citizens of Fort Smith, Ark., and Polk County, Ark., in behalf of House bill 2562 and Senate bill 476 to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

5590. By Mr. WOOD: Petition of citizens of Newton and Jasper Counties, tenth congressional district, Indiana, asking the enactment of legislation increasing the rates of pension for the veterans of the Spanish-American War period; to the Committee on Pensions.

5591. Also, petition of residents of the tenth congressional district of Indiana, asking for legislation increasing the rates of pension for the veterans of the Spanish-American War period; to the Committee on Pensions.

SENATE

THURSDAY, *March 13, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Simmons
Ashurst	George	La Follette	Smoot
Baird	Glass	McCulloch	Steck
Barkley	Glenn	McKellar	Steiwer
Bingham	Goff	McMaster	Stephens
Black	Goldsborough	McNary	Sullivan
Blaine	Gould	Metcalf	Swanson
Borah	Greene	Moses	Thomas, Idaho
Bratton	Grundy	Norbeck	Thomas, Okla.
Brock	Hale	Norris	Townsend
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Johnson	Schall	Wheeler
Fess	Jones	Sheppard	
Fletcher	Kean	Shortridge	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The clerk will state the pending question.

The CHIEF CLERK. The question is on agreeing to the motion to reconsider the vote by which the Senate concurred in the amendment made as in Committee of the Whole as amended in the Senate, on page 121, line 12, sugar.

Mr. HARRISON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CONNALLY (when his name was called). On this vote I have a pair with the Senator from Wyoming [Mr. KENDRICK]. I transfer that pair to the Senator from Minnesota [Mr. SHIPSTEAD] and vote "yea."

Mr. WALSH of Montana (when Mr. KING's name was called). The junior Senator from Utah [Mr. KING] is absent on account of illness. He is paired with the senior Senator from Massachusetts [Mr. GILLETT]. If the junior Senator from Utah were here, according to my information he would vote "nay." I am informed that if the senior Senator from Massachusetts were present he would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I have been trying to obtain a transfer, but have been unable to do so. If I could vote, I would vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). I desire to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, he would vote "yea."

Mr. SIMMONS (when his name was called). I have been relieved from my general pair with the senior Senator from Massachusetts [Mr. GILLETT] on this vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. He is unavoidably detained from the Senate. I am unable to obtain a transfer, and therefore withhold my vote. If I were voting, I should vote "nay."

The roll call was concluded.

Mr. SHEPPARD. The senior Senator from Pennsylvania [Mr. REED] and the senior Senator from Arkansas [Mr. ROBINSON] are absent in attendance on the Naval Conference in London. They have a general pair with each other.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the junior Senator from South Carolina [Mr. BLEASE] and vote "yea."

The result was announced—yeas 38, nays 47, as follows:

YEAS—38

Allen	Connally	McKellar	Steck
Barkley	Cutting	McMaster	Stephens
Black	Frazier	Norbeck	Swanson
Blaine	George	Norris	Tydings
Borah	Glass	Nye	Wagner
Bratton	Harris	Overman	Walsh, Mass.
Brock	Harrison	Pittman	Walsh, Mont.
Brookhart	Hawes	Robinson, Ind.	Wheeler
Capper	Heflin	Sheppard	
Caraway	La Follette	Simmons	

NAYS—47

Ashurst	Goldsborough	Kean	Shortridge
Baird	Gould	Keyes	Smoot
Bingham	Greene	McCulloch	Steiwer
Broussard	Grundy	McNary	Sullivan
Copeland	Hale	Metcalf	Thomas, Idaho
Couzens	Hastings	Moses	Thomas, Okla.
Dale	Hatfield	Oddie	Townsend
Dill	Hayden	Patterson	Trammell
Fess	Hebert	Phipps	Vandenberg
Fletcher	Howell	Pine	Walcott
Glenn	Johnson	Ransdell	Waterman
Goff	Jones	Schall	

NOT VOTING—11

Blease	Kendrick	Robinson, Ark.	Smith
Deneen	King	Robsion, Ky.	Watson
Gillett	Reed	Shipstead	

So the Senate refused to reconsider the vote fixing the rate on sugar.

Mr. KEAN. Mr. President, I move that the Senate now proceed to the consideration of the motion to reconsider the vote whereby a duty on cement was imposed.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey [Mr. KEAN] that the Senate proceed to the consideration of the motion of the Senator from North Dakota [Mr. NYE] to reconsider the vote whereby a duty was placed on cement.

Mr. NYE. Mr. President, I should like to inquire of the Senator from New Jersey if he would object to the motion going over until to-morrow at this hour?

Mr. KEAN. If unanimous consent may be given to vote at this hour to-morrow, I will be perfectly satisfied.

Mr. NYE. I should not object to such an agreement.

Mr. HARRISON. Mr. President, why not fix the time for voting at 12 o'clock to-morrow instead of 11 o'clock? It may be that we could accomplish a little more than we did this morning if the hour were fixed at 12 o'clock.

Mr. KEAN. I am always ready to be accommodating.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Alabama?

Mr. KEAN. I yield.

Mr. HEFLIN. Why not vote on the question now?

Mr. KEAN. I would rather vote on it now.

Mr. HEFLIN. We ought to get along with this bill; there is no use dillydallying forever and ever with the pending measure. Let us have a vote to-day, and get along and pass the bill this week.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. I yield.

Mr. WATSON. I should like to plead with the Senator from North Dakota to permit the vote to be taken now. We have a very large membership present in the Senate to-day.

Mr. NYE. I realize that, and yet I understand that there is going to be difficulty in squaring off some pairs in time for a vote at this particular hour. However, if the Senate feels that it wants to vote on the question at this time I am not going to interpose any objection.

The VICE PRESIDENT. Without objection, the motion of the Senator from New Jersey [Mr. KEAN] is agreed to, and the question now is on agreeing to the motion of the Senator from North Dakota to reconsider the vote whereby the Senate imposed a duty on cement.

Mr. KEAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I ask that the question be stated.

Mr. BINGHAM. Mr. President, may the motion be stated?

The VICE PRESIDENT. The motion will be stated by the clerk.

The CHIEF CLERK. The question is on agreeing to the motion entered by the Senator from North Dakota [Mr. NYE] to reconsider the vote imposing a duty on cement.

Mr. BINGHAM. The question, then, is not on the motion made by the Senator from New Jersey?

The VICE PRESIDENT. That was agreed to. The question now is on the motion made by the Senator from North Dakota. The Secretary will call the roll.

Mr. KEAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Jersey will state his parliamentary inquiry.

Mr. KEAN. Is the question now on the reconsideration of the vote?

The VICE PRESIDENT. It is.

Mr. KEAN. And a vote "nay" is against reconsideration?

The VICE PRESIDENT. A vote "nay" is against reconsideration.

Mr. BRATTON. Mr. President, what disposition was made of the motion of the Senator from New Jersey that the motion of the Senator from North Dakota be considered?

The VICE PRESIDENT. That was agreed to. The question is on the motion entered by the Senator from North Dakota, and the Senate is now proceeding to vote upon that motion. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). On this question I have a pair with the Senator from Utah [Mr. KING]. If he were present and free to vote, he would vote "yea"; and if I were permitted to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I transfer the pair I have with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. If he were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Wyoming [Mr. KENDRICK] and vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Kentucky [Mr. ROBSION] and vote "nay."

The roll call was concluded.

Mr. SHEPPARD. The senior Senator from Pennsylvania [Mr. REED] and the senior Senator from Arkansas [Mr. ROBINSON] are absent in attendance on the Naval Conference in London. They have a general pair with each other.

The result was announced—yeas 38, nays 47, as follows:

YEAS—38

Allen	Black	Borah	Capper
Ashurst	Blaine	Bratton	Caraway
Barkley	Blease	Brookhart	Connally
Cutting	Hayden	Nye	Swanson
Fletcher	Heflin	Overman	Trammell
Frazier	Howell	Schall	Walsh, Mass.
Glass	La Follette	Sheppard	Walsh, Mont.
Harris	McMaster	Simmons	Wheeler
Harrison	Norbeck	Steck	
Hawes	Norris	Stephens	

NAYS—47

Baird	Greene	McNary	Steiwer
Bingham	Grundy	Metcalf	Sullivan
Brock	Hale	Moses	Thomas, Idaho
Broussard	Hastings	Oddie	Thomas, Okla.
Copeland	Hatfield	Patterson	Townsend
Couzens	Hebert	Phipps	Tydings
Dale	Johnson	Pine	Vandenberg
Dill	Jones	Pittman	Wagner
Fess	Kean	Ransdell	Walcott
Glenn	Keyes	Robinson, Ind.	Waterman
Goff	McCulloch	Shortridge	Watson
Goldsborough	McKellar	Smoot	

NOT VOTING—11

Deneen	Gould	Reed	Shipstead
George	Kendrick	Robinson, Ark.	Smith
Gillett	King	Robsion, Ky.	

So the Senate refused to reconsider the vote fixing the rate on cement.

PETITIONS AND MEMORIALS

Mr. JONES presented a memorial of sundry citizens of Yakima County, Wash., remonstrating against any revision of the existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. BARKLEY presented a petition of sundry citizens of Owenton, Lakeland, Eastwood, Irvington, Glencoe, New Castle, Worthville, and Frankfort, all in the State of Kentucky, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. BLAINE presented petitions signed by over 4,000 citizens of the States of Pennsylvania, Ohio, Michigan, New York, California, New Jersey, Indiana, Maryland, and Illinois praying for the repeal of the eighteenth amendment to the Constitution relative to the manufacture, sale, or transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Polish Tadeus Kosciusko Society, Branch No. 2293, Polish National Alliance of North America, of Kenosha, Wis., favoring the passage of legislation providing for the observance of October 11 of each year as General Pulaski's memorial day for the commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. SHEPPARD presented a petition of sundry citizens of Jacksonville, Tex., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. OVERMAN, from the Committee on the Judiciary, reported the nomination of Thomas D. Thacher, of New York, to be Solicitor General, vice Charles Evans Hughes, jr., resigned, which was placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3885) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture and Forestry.

By Mr. GLENN (for Mr. DENEEN):

A bill (S. 3886) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Commerce.

By Mr. SWANSON:

A bill (S. 3887) for the relief of the estate of James M. Catlett, deceased; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 3888) for the relief of the Weiser State Bank, of Weiser, Idaho; to the Committee on Claims.

A bill (S. 3889) granting a pension to James Emerson (with accompanying papers); and

A bill (S. 3890) granting a pension to Samuel P. Goble (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3891) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26); to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 3892) granting a pension to Charlie Kills-in-Sight or Kills In (with accompanying papers); to the Committee on Pensions.

A bill (S. 3893) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;* to the Committee on Naval Affairs.

AMENDMENT TO THE TARIFF BILL—COTTON

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

On page 160, after line 12, insert the following:

"PAR. 924. All the articles enumerated or described in this schedule shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length."

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to House bill 6564, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

In the item for construction, repair, and maintenance of roads on Indian reservations not eligible to Government aid under the Federal highway act, on page 66, line 23, to strike out "$250,000: *Provided,*" and insert in lieu thereof "$350,000, of which sum $40,000 shall be available for expenditure on the Rocky Boy Indian Reservation, and $60,000 on the Blackfeet Indian Reservation, Mont.: *Provided,* That Indian labor shall be employed as far as practicable: *Provided further.*"

AMENDMENT OF THE RULES—COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD submitted the following resolution (S. Res. 234), which was referred to the Committee on Rules:

Resolved, That Rule XXV of the Standing Rules of the Senate be, and the same hereby is, amended by adding after the paragraph reading as follows: "Committee on Territories and Insular Affairs, to consist of 14 Senators," a new paragraph reading as follows: "Committee on World War Veterans' Legislation, to consist of 15 Senators."

LIEUT. ALFORD J. WILLIAMS, JR.—FAST PURSUIT AND BOMBING PLANES

Mr. TYDINGS. Mr. President, I ask unanimous consent to introduce a resolution with reference to Lieut. Alford J. Williams, jr., who I learn has just resigned from the Navy. Lieutenant Williams is an aviator—the leading speed aviator of the Navy. In the course of experimenting he was attempting to develop a speed and bombing plane comparable to those of other countries. After a distinguished record, he was transferred to routine duty, and he has resigned to accept a position with a private company at $25,000 a year.

I therefore ask to have the resolution submitted at this time in order that the Committee on Naval Affairs may inquire into the matter.

There being no objection, the resolution (S. Res. 235) was referred to the Committee on Naval Affairs, as follows:

Whereas Lieut. Alford J. Williams, jr., has been officially credited by the Navy Department with extraordinary achievements in experimentation with fast and modern pursuit and bombing planes; and

Whereas the said Lieutenant Williams is generally acknowledged to be the preeminent naval pilot in the United States, having conducted pioneer tests for the Navy that resulted in the promotion and development of naval aircraft, and having been one of 12 Americans honored in 1929 by the American Society of Mechanical Engineers "in recognition of services rendered to aeronautics," and having received the distinguished flying cross from the President of the United States for his contribution to the "knowledge and safety of aviation" and for "keeping the United States well to the fore in the realm of world aviation"; and

Whereas the said Lieutenant Williams has for the last two years been conducting further experiments in the development of a fast and modern plane under the auspices and with the cooperation of a group of citizens interested in the progress of American aviation, and the prospect of important advances has been officially recognized by the Navy Department; and

Whereas a recent order transferring the said Lieutenant Williams to sea duty has had the effect of causing his resignation and bringing his valuable experiments to an end; and

Whereas the United States is known to be deficient in the very type of plane with which the said Lieutenant Williams has been experimenting: Therefore be it

Resolved, That the Committee on Naval Affairs be authorized to investigate the conditions surrounding the type, speed, and comparability of fast pursuit and bombing planes with those of other nations, and all other matters pertaining thereto.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 223) to provide for the expenses of participation by the United States in the International Conference for the Codification of International Law in 1930.

The message also announced that the House insisted upon its amendment to the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEHLBACH, Mr. SMITH of Idaho, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

MISSISSIPPI RIVER BRIDGE, TOPEKA, MINN.

Mr. SCHALL. Mr. President, out of order, I ask unanimous consent to take up for passage House bill 8423, a bridge bill.

The VICE PRESIDENT. Let the title of the bill be stated.

The LEGISLATIVE CLERK. A bill (H. R. 8423) granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Topeka, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State of Minnesota, or any political subdivision thereof, is hereby authorized, through its State highway department or other State or county agency, to construct, maintain, and operate such bridge and the necessary approaches thereto as a combined railroad bridge for the passage of railway trains or street cars, or both, and a free highway bridge for the passage of pedestrians, animals, and vehicles adapted to travel on public highway.

SEC. 3. The State of Minnesota or Morrison County is authorized to lease or otherwise convey to such person, company, or corporation as it may choose that part of the bridge constructed under this act as shall be adapted and constructed for the passage of railway trains or street cars, upon such terms and conditions as may be agreed upon between the parties for the purpose of financing the structure.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS BY SENATOR BORAH ON PEACE

Mr. THOMAS of Idaho. Mr. President, on Saturday, March 1, my colleague the senior Senator from Idaho [Mr. BORAH] delivered a radio address on peace, sponsored by the Women's International League for Peace and Freedom. I ask unanimous consent to have it printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I have been asked to discuss the subject of disarmament. Under the peculiar circumstances now obtaining it is a difficult subject to discuss. At this distance it would seem that the London conference is meeting with some discouragement. But we are represented by a delegation of able and sincere men. We have confidence in their devotion to the cause of disarmament. We should not be impatient. Disarmament must contend with the traditions and pledges and practices of centuries, must contend with the fears and suspicions inherent in international affairs, must contend at last, and by no means least, with national pride more than national security. Progress under these conditions will be often challenged. No greater responsibility has been laid upon the shoulders of any group of men

in recent days than the responsibility resting upon the delegates at the London conference. Let us hope the situation is much better than it appears to us.

I have heard it said many times of late and have seen it in print more than once that there is no real interest in the disarmament conference now meeting in London. My opinion is that there is a deep and almost universal interest, an interest which amounts to anxiety. If this conference should finally adjourn without lifting a substantial part of the burden now carried by the people for armaments—for instruments of human destruction—it would be not only a matter of great disappointment but of genuine sorrow to countless millions of thinking men and women. Armaments are no longer a matter of concern to a few people only; they are a matter of concern to the whole people in whatever walk of life they may be found. The weight reaches them all. And when we consider all the circumstances under which this conference convened, of the things which would seem to favor success, its failure would be nothing less than a catastrophe, its failure would spell nothing less than despair in the matter of relieving the world from the heaviest burden which it has to bear.

Let us consider the circumstances under which this conference was called and under which it is now meeting. The nations there assembled did not meet as antagonists or as nations charged with unfriendly purposes. The nations assembled at this conference are the nations which lately were associated as allies in the Great War; nations friendly to each other for the soundest of reasons. The endearing adjectives of four languages have been exhausted by the representatives of the nations assembled in expressing for each other their respect, their confidence, and their faith in and devotion to peace. Germany has no navy, no army of any moment. Austria is helpless. Hungary is dismembered and fighting for existence. Only the victorious friends are assembled. If these powers can not agree to reduce their fighting forces there would indeed be little hope for disarmament in the future. These nations there assembled are in a position to dictate the policy of the world with reference to armaments and with reference to war. If they agree among themselves to lift a part of this load there can be no possible danger of any moment from outside.

But even a more extraordinary fact relative to this gathering is this—all the powers assembled have signed a treaty—a solemn pledge each to the other, that never again will they seek settlement of international controversies through other than peaceful means, that they will not employ force; that they will not appeal to war in the settlement of international disputes. Here then are friendly nations, dominating nations, pledged not to go to war, meeting in conference to reduce armaments. It would seem that if success is not to crown this effort that we could hardly hope for more favorable circumstances at any time in the future. And yet, nowithstanding all this, it may not be possible even under these most favorable circumstances to sink a single ship or to discharge a single soldier. If, under these circumstances, it is found impossible to reduce these vast fighting machines, the people will have but little faith in the Kellogg pact and far less in the sincerity of governments with reference to disarmament.

In fact there is something more devolving upon this conference than that of disarmament, and that is to keep alive the confidence of the people in their governments. Current literature is crowded with discussions touching the lack of respect for authority, of loyalty to government upon the part of the people. We are told that communism threatens orderly government. Well, there is a reason for these things. Great periods of unrest do not come without cause. And the most fruitful cause at this time is the never-ending exactions of government—and 85 per cent of these exactions are for arms, for war among friendly nations pledged never to go to war. That, indeed, is a test of a people's faith in government. The people want peace. Governments hesitate. The people pray insistently to be relieved of the burden of armaments. Governments, embarrassed by ancient fears, haunted by obsolete traditions, harassed by old practices, do nothing. This is a wide gulf and may some time prove to be a dangerous gulf, which divides the people with their burdens and their cares from their governments with their almost calloused indifference to these burdens.

The President in his Armistice Day speech spoke as follows: "No one denies that the maintenance of great armament is a burden upon the backs of all who toil. The expenditure for it curtails vast projects of human betterment which governments might undertake. Every man under arms means that some other man must bear an extra burden somewhere."

This states the case as it is. There is no subject more vital for consideration, more imperative for remedial action, than that of taxation, the economic weight which the people in all these countries are carrying.

The organized military forces of the nations of the world, including the reserves, aggregate nearly 30,000,000 men. Think of this! Thirty million fighting men. At the call of nations which have bound themselves never to resort to war. What incredible insincerity! During the last year the powers assembled at London expended something like a billion dollars for naval armaments—the United States alone expending something like $374,000,000. The nations of the world are now paying out annually something like five billion to keep up their fighting forces. And by far the greater portion of that is being expended by the nations assembled at London. Can these governments indefinitely preserve the character, the moral fiber and fitness of their people and maintain and even increase this burden? I repeat, that all this is happening and these conditions are maintained among those nations pledged to peace, pledged to the outlawry of war, pledged never to seek settlement of their international controverales through these great military and naval armaments, which they are maintaining.

The King of Great Britain, in opening the present disarmament conference, expressed the hope "that there would be a reduction to a point consistent with national security." What is national security when the whole world is armed to the teeth? Can there be any national security with 30,000,000 men subject to call? And navies increasing in their fighting effectiveness each and every year. Can there be any national security when Europe is more heavily militarized than ever before in its history? And when the five nations assembled have navies without precedent for size and efficiency. It seems to be the generally accepted view that security is to be found in armaments. But there is another side to that question. Huge armaments, such as these nations now have, great military establishments, give rise to uneasiness, suspicion, distrust, enmity, and at last, war. The great World War teaches us that the more heavily nations are armed the less confidence they feel in the situation and the less sense of security they experience. When the World War broke the nations immediately concerned were heavily armed. They were all prepared for war, and being exceedingly well prepared for war, everybody expected a fight. They were like men going about the streets armed with bowie knives and revolvers—a slight movement is made, a shot is fired, and the riot starts. The world at this time is more heavily armed than at the beginning of the World War. I insist there can be no security under such circumstances. This condition of affairs is bound to create the same suspicion, the same uneasiness, and the same distrust, and, in the end, the same result. Indeed, that seems to be the situation in London now. They are so well armed they are all suspicious. There is nothing, it seems to me, which would give a sense of security, a feeling of confidence, like the drastic reduction of armaments upon the part of the nations assembled. Indeed, what, in the last analysis, is at the bottom of this hesitancy to reduce armament if not distrust?

Premier MacDonald in his address to the conference said: "The whole world, it may be said with almost literal accuracy, is turning its eyes upon us to-day. It expects that we shall deliberate and negotiate on the assumption that, having put our names to the pacts of peace, we mean to respect our signatures." Premier Tardieu declared: "The covenant of the League of Nations and the Briand-Kellogg pact have in considerable measure transformed our absolute needs into relative ones. Against the follies of the past we must now win the finest of victories—the victory of the people." Signor Grandi said: "The nations will judge us by results." Secretary Stimson declared: "Our people demand of us a success; they recognize the disaster that a failure of this conference would bring to their dearest hopes."

I would not presume to make a suggestion to that great conference; but in the light of the above expressions it would be exhilarating, and I think greatly beneficial, to have these conferences completely and absolutely in the open. It would be interesting to know just what the arguments are which make it possible and which would seem to justify a disregard for every pledge made by the leaders in the conference. There is the League of Nations, the Locarno pact, the peace pact—every conceivable means for arbitration and peaceful adjustment and every pledge which nations could possibly lay upon their conscience—and still there is maneuvering and fighting for advantage as if it were a gathering of a great aggregation of unfriendly nations free from pledges and free from all obligations of peace.

Winston Churchill, the distinguished British statesman, has expressed the fear that England would lose her long-time dominancy of the sea. She will lose it. It does not make any difference what the London conference does, no single nation in the future will dominate the seas. The sea is the commons of all humanity. It belongs to every nation and people who wish to traverse it and use it for carrying on trade and commerce. If nations are not willing to come together intelligently and agree in accordance with the decree of nature that the sea shall be free and open to all for legitimate commerce, nations will in the absence of any such agreement rely more and more upon their navies to protect their commerce. But the idea that any one nation is going to control the seas and permit all other nations to use it only by sufferance—that is to say, when it is not injurious to the dominant nation—is a thing of the past. We ought to have intelligence enough to come together as nations and people and put into law the decree of nature, that the sea belongs to all. If we do not do so, undoubtedly such failure to do so will find its expression in larger navies. But I venture the opinion that whether it is in accordance with law and understanding between nations or whether it springs from necessity of modern conditions, no one nation is longer going to be able to successfully claim it is the mistress of the seas.

It has been suggested that President Hoover should call our delegates home. I do not agree with this suggestion. In the great battle for humanity Americans should be the last to quit the field; patient, persistent, courageous, bold, to the last. If this conference is to fail, if

the world is to go forward, increasing this cruel burden of armaments, if men, women, and children are to continue to carry this load as best they may, and to be called upon year after year to sacrifice the essential elements of health and prosperity, let us not ourselves be impatient in starting such a criminal conspiracy against the human family.

The press dispatches carry the news from different quarters of the United States that the people who are seeking work are being clubbed and denounced as communists. A policy so cowardly, so inhuman, will not suffice to give contentment, or even obedience, to an overtaxed, underemployed people. If these governments and their representatives do not sufficiently realize at this time the necessity of taking some risk in order to lift this weight of armaments from their peoples, I venture to say that in due time they will have ample notice of their mistake.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

Mr. HARRISON. Mr. President, since these two votes have been taken, I ask unanimous consent that the Senate now immediately consider lumber, and, immediately following that, oil.

Mr. SMOOT. I object. Let us go on with the bill in its regular order.

The VICE PRESIDENT. The Senator from Utah objects. May the Chair call the attention of the Senator from Utah to the amendment passed over last night on behalf of the Senator from Vermont [Mr. DALE]?

Mr. SMOOT. Yes; Mr. President, I requested it, and I now ask that spring clothespins be taken up.

The VICE PRESIDENT. The amendment made as in Committee of the Whole will be stated.

The LEGISLATIVE CLERK. In paragraph 411, spring clothespins, the Senate, as in Committee of the Whole, struck out "15 cents" and inserted "10 cents," so that it reads:

Spring clothespins, 10 cents per gross.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. Mr. President, this may be considered a very small business, but it means a great deal to the State of Vermont.

The act of 1922 carried a duty of 15 cents per gross on spring clothespins. The Finance Committee increased the 15 cents per gross to 20 cents per gross. The Senate by a vote, as in Committee of the Whole, decreased the 20 cents per gross to 10 cents per gross.

Mr. President, there were seven domestic factories reporting production of spring clothespins in 1924. Three were located in Vermont, two in Minnesota, and one each in Maine—I have not the names of the other States here.

Mr. DALE. Mr. President, if the Senator will yield, the factories are located in Michigan, West Virginia, Tennessee, Maine, New York, and Vermont.

Mr. SMOOT. I thank the Senator. My memoranda did not show the States where the other factories were located.

The production of the five companies I named in 1924 was 843,570 gross, valued at $339,000. Imports are principally from Norway, Sweden, and Germany.

In 1924 the imports were 100,661 gross, of a value of $19,312, or a unit value of only 19 cents per gross.

Chandler W. Brown, representing the domestic manufacturers of spring clothespins, testified at the Finance Committee hearings, as follows:

He stated that labor forms a large part of the cost of manufacture of spring clothespins. Less than 50 per cent of the cost of the article is material. Much of the wood used is obtained from the farmers, who cut it in the winter from their wood lots.

Because of the lower cost of raw material and labor in various Scandinavian and other European countries the cost of completed spring clothespins is approximately 20 cents per gross less than in this country. The industry, while not a large one, supplies a household necessity, and furnishes an outlet for a certain grade of hardwood which is not otherwise easily marketable or usable.

The industry originated in the New England States in 1887. The wage scale in the industry in this country during the past 10 years has been 35 cents per hour, whereas the average wage scale per hour in the Scandinavian and other European countries exporting clothespins covering the same period has been 11 cents per hour; and remember that the great item of cost of the clothespins is labor. Remember also that the wood that goes into the clothespins is taken by the farmers themselves, dried through the winter, and prepared for making the clothespins.

The cost of the birch and the beech used in this country in the manufacture of spring clothespins is, on an average, $23 per thousand feet, while the cost of the same species used in the Scandinavian and other European countries is $15 per thousand feet.

The cost of the wire used in the domestic manufacture approximates $4.88 per hundredweight, as against $3.89 per hundredweight in the foreign countries.

The witness gave the free-on-board factory selling cost as 35½ cents per gross. The average unit value of the 1929 imports was but 15.6 cents per gross.

The 1928 exports of the three largest producers in the United States totaled only 1,257 gross.

Upon that statement, Mr. President, the Finance Committee recommended a rate of 20 cents per gross. The Senate, as in Committee of the Whole, struck out "20" and inserted "10."

Mr. HALE. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maine?

Mr. SMOOT. I do.

Mr. HALE. Is not the 10 cents per gross which the Senate, as in Committee of the Whole, inserted in the bill a lower duty than has been carried in the past?

Mr. SMOOT. Why, yes. Fifteen cents was the lowest duty carried in the past.

Mr. HALE. Without any reason it was lowered to 10 cents?

Mr. SMOOT. That is the case.

As I understand, Mr. President, there are large concerns manufacturing clothespins in West Virginia, too. In view of the importations, the production in the United States, and the cost of labor—labor being the great part of the cost of the clothespins—it does seem to me that we should at least impose the 20 per cent duty as provided for by the amendment reported by the Finance Committee.

Mr. HALE. I observe that the Tariff Information Survey says that the f. o. b. price at the mill in this country is 35 cents.

Mr. SMOOT. That is what I said. The f. o. b. price is 35½ cents per gross, and the price at which the clothespins are imported into this country is 15.6 cents per gross. There is a difference of 20 cents, and that is all they are asking in the way of a duty—just the difference between those two amounts.

Mr. HALE. Our figure is 35 cents at the mill, and theirs is 15.6 cents at the port of entry.

Mr. SMOOT. Yes; that is true, too.

If the Senate refuses to concur in the amendment that has already been made in Committee of the Whole, it seems to me, then, the rate would fall back to 15 cents per gross. I move that spring clothespins carry a duty of 20 cents per gross.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I do.

Mr. WALSH of Massachusetts. I should like to make an inquiry of the Senator. What action was taken in Committee of the Whole with reference to spring clothespins?

Mr. SMOOT. The rate was reduced in Committee of the Whole to 10 cents per gross.

Mr. WALSH of Massachusetts. Upon the motion of the Senator from Oklahoma [Mr. THOMAS]?

Mr. SMOOT. Yes; lower than they have even been, in spite of the sworn statement—and not only that, but the Tariff Commission verifies it—that the cost in this country is 35 cents.

Mr. WALSH of Massachusetts. What is the rate in the present law?

Mr. SMOOT. Fifteen cents.

Mr. WALSH of Massachusetts. And what was the rate recommended by the Finance Committee originally?

Mr. SMOOT. Twenty cents.

Mr. WALSH of Massachusetts. And what did the House bill contain?

Mr. SMOOT. The bill as passed by the House contained a rate of 15 cents.

Mr. WALSH of Massachusetts. Now, the Senator is moving to restore the original rate of 20 cents recommended by the Finance Committee?

Mr. SMOOT. That is true.

Mr. DALE. Mr. President, has the Senator from Utah concluded?

Mr. SMOOT. I shall conclude as soon as I enter the motion.

I desire to ask the Chair if a motion now to substitute a rate of 20 cents per gross on spring clothespins would be in order?

The VICE PRESIDENT. It is in order to move to strike out "10" and insert "20."

Mr. SMOOT. Very well; I enter that motion.

Mr. DALE. Mr. President, the Senator from Utah [Mr. SMOOT] has reviewed the conditions so minutely and exactly that it is not necessary for me to say very much about the matter.

The old rate carried under the 1922 tariff was 15 cents a gross. At the time that tariff was placed on spring clothespins, there were factories in several States of the Union, including Vermont, New York, Minnesota, Tennessee, and Maine. Under that 15 cents per gross tariff several of those factories were put out of business. There were three Chicago concerns operating factories in Michigan and in West Virginia and in some other States, and they had to go out of business as far as spring clothespins were concerned. That is, they discontinued the manufacture of spring clothespins; and yet, while under the existing tariff these concerns had to discontinue the manufacture of this article, we are coming in here and, as the matter stands to-day, attempting to reduce the tariff one-third—to lower by one-third the tariff under which they had to go out of business.

There are comparatively large importations—because this is not a very extensive business—from foreign countries. Although the industry was first established in this country, as the Senator from Utah has stated—it is an American industry; it originated here—yet there are large importations for so small an industry from Sweden, Germany, Finland, and other countries. During the month of January last some 24,000 gross were imported from Sweden alone.

Mr. President, I should like to stress a little what the Senator from Utah said respecting the wood from which these clothespins are manufactured. They really are manufactured from wood that is of no earthly use to the farmer excepting as cordwood. You can not even make toothpicks out of it, because they are made largely from white birch. You can not make last blocks out of it; you can not make bobbins out of it, because they are made from maple. This is an industry which, if carried on, will take from the farmer the wood that he could sell for nothing more than cordwood, and pay him twice or three times as much as he could get out of it for cordwood. It seems to me that that alone is sufficient reason for the increase of the duty.

We are asking only one-fourth more duty on this. We are asking, in order to save this industry, only one-fourth more than what the rate is now.

When this action was taken on the part of the Committee of the Whole, and this duty, so far as the Committee of the Whole was concerned, was lowered, this is what took place immediately, as expressed in a letter from Danville, Quebec, to agents in New York City:

> Since writing you on the 14th that the Senate have reduced the tariff on spring clothespins to 10 cents per gross, instead of 15 cents as former.
>
> We are now able to deliver in New York in bulk, at 35 cents per gross net, all charges guaranteed, and in 3-dozen-size cartons, at 36 cents per gross net.
>
> We guarantee our goods in every respect.
>
> It would now seem to be the time to get a good volume of sales to our mutual benefit, and would be pleased to have your opinion. There will no doubt be importations of this line from Sweden with the lower tariff—
>
> And from other countries—
>
> so that, if you care to take up our line, we will send samples by return of mail, and get started before the foreign importations begin to get established.
>
> There is a notice from Canada—
>
> If you reduce this duty, we are all ready to flood the country with our importations.

Mr. President, there is a great deal one could say respecting this, but I am very sure the Senate does not care to listen to long talks on any subject. The vote by which the rate was reduced carried by only one majority. Under the circumstances it does seem to me that this duty should be put back where the Finance Committee fixed it, at 20 cents per gross.

Mr. NORRIS. Mr. President, we must not forget that we are here to help the farmer, and here is an opportunity to do it again. Note, I said "again."

I want to stress the argument which has already been made in the eloquent addresses of the Senator from Utah and the Senator from Vermont. This is a contest between the washerwoman and the farmer. The manufacturer of clothespins, of course, is not interested in it; we are not considering him; but the farmer raises the wood—just think of it—out of which clothespins are made. Let us increase this tariff, and all over this broad land farmers will commence to plant trees everywhere. It will bring forth a new industry. The farmers will plant trees so that their great-great-grandchildren can make clothespins. Think of it! It is going to be pretty hard on the washerwoman who has to buy them.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. Does the Senator think that our great-great-grandchildren will be wearing clothes? [Laughter.]

Mr. NORRIS. They may not be wearing clothes, if we get the price of clothespins too high, so that the washerwoman can not operate. They will at least not be able to wear clean clothes, unless they go out in a shower.

We reduced this rate in Committee of the Whole, but that was before the new coalition was formed. Now we have to make good, and raise the tariff on clothespins.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield further?

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. If legislation and the tendency we see now in the country continue until our great-great-grandchildren are here, does the Senator think they will have anything to buy clothing with at that time?

Mr. NORRIS. That depends on whether this new coalition operates until that time. If we raise the price of sugar, and the price of lumber, and the price of oil, and the price of clothespins, and the price of plate glass, and the price of a lot of other things, it may be a question; but at least we can do our mite now.

This industry was started in 1887, we are told. It is just an infant industry yet. We have to assist it along. We must levy tribute upon the washerwoman and the farmer's wife in order that the farmer may be able to plant trees and raise timber for the clothespin business.

Therefore it seems to me that while we do not want to take much time on important things, we are justified in taking such time as has been taken this morning by the Senator from Utah, who was not so enthusiastic over clothespins when the bill was in Committee of the Whole as he is now—we are justified in taking the time of the Senate and of the country to reach out the hand of relief to these farmers who are going to plant timber to raise clothespins. That is what they will do, and therefore we should not hesitate to increase this duty.

Mr. DALE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DALE. I simply want to suggest to the Senator from Nebraska that the price of clothespins is 5 cents a dozen, and any increase of duty, while it would not even increase that price, could not increase it very greatly at any rate. The statement has been repeatedly made—it was made before the Finance Committee—that 5 cents a dozen was a convenient, business, fixed price, and that the price would remain 5 cents a dozen, that there would be no increase whatever because of this duty. The duty was requested simply to save the business.

Mr. NORRIS. That is remarkable, Mr. President. We are told again, when we are increasing the duties upon the necessaries of life, that the levying of this tariff will not increase the price. What is the object of it? Why do we levy a tariff? It is so that the man who makes the clothespins can make more. What is the object if that is not it?

Mr. DALE. Does not the Senator know what the object of this increase is?

Mr. NORRIS. Yes; I know, and I am telling the truth about it.

Mr. DALE. I am telling the truth about it.

Mr. NORRIS. And the country knows what the object is. There is no secret about it.

Mr. DALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. NORRIS. The object of a tariff is to increase the price which the man who makes the article will get. If the price is increased, the poor woman who buys the article has to pay a little more. The same argument is made in every case. This is only a little, this is just a mite. In this case it is the washerwoman's mite. It is just a little bit. It will not mean much for every American family, and the same little thing happens when we come to sugar, when we come to lumber, when we come to gasoline, when we come to glass, when we come to steel, when we come to everything; it is only a little, but in the aggregate it makes up the cost of living of the American people.

Mr. HATFIELD. Mr. President, located in the interior of West Virginia, in the agricultural section of that State, is to be found what I believe is the largest clothespin factory in the United States. It affords an opportunity for work to the farmer and it likewise gives employment to the farm laborer when they are not occupied on the farm. It gives both of these classes an opportunity for remunerative labor during the winter season.

I am impressed with the thought that in all probability, if the tariff is not changed, as it was lowered in Committee of the Whole, to a higher level, this industry in West Virginia, located in the farming section of my State, will close down, and I trust the amendment made as in Committee of the Whole will not be concurred in by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT] to the amendment made as in Committee of the Whole.

Mr. HATFIELD subsequently said: Mr. President, in making my statement a little while ago I did so under the impression that I was dealing with an amendment made by the Senate as in Committee of the Whole. I thought it was an amendment detrimental to those interested in the clothespin industry and so I urged disagreement with the amendment. However, I am informed that it is an amendment offered by the Senator from Utah [Mr. SMOOT] to increase the tariff on clothespins which was lowered in the Committee of the Whole, and of course I very much favor the amendment offered by the Senator from Utah.

Mr. HALE. I ask for the yeas and nays.

Mr. BINGHAM. I suggest the absence of a quorum.

The VICE PRESIDENT. The secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President——

The VICE PRESIDENT. The roll call has started.

Mr. DALE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DALE. An affirmative vote would be to increase the duty, would it not?

The VICE PRESIDENT. An affirmative vote would be for the amendment of the Senator from Utah. The absence of a quorum was suggested, and the secretary is calling the roll.

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Were the yeas and nays ordered on the amendment to the amendment?

The VICE PRESIDENT. They have not been ordered yet.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Simmons
Ashurst	Frazier	McCulloch	Smoot
Baird	George	McKellar	Steck
Barkley	Glass	McMaster	Steiwer
Bingham	Glenn	McNary	Stephens
Black	Goff	Metcalf	Sullivan
Blaine	Goldsborough	Moses	Swanson
Blease	Gould	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Bratton	Grundy	Nye	Townsend
Brock	Hale	Oddie	Trammell
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Patterson	Vandenberg
Capper	Hastings	Phipps	Wagner
Connally	Hatfield	Pine	Walcott
Copeland	Hawes	Pittman	Walsh, Mass.
Couzens	Hebert	Ransdell	Walsh, Mont.
Cutting	Heflin	Robinson, Ind.	Waterman
Dale	Jones	Schall	Watson
Dill	Kean	Sheppard	Wheeler
Fess	Keyes	Shortridge	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, before the vote is taken on this weighty issue I desire to make one or two observations. I was a member of the subcommittee that heard the spring-clothespin presentation. Those who favor a clothespin tariff, in my judgment, failed to make a case. When the matter reached the Senate, as in Committee of the Whole, I offered an amendment to reduce the rate from 20 cents to 10 cents and the amendment was agreed to. Now when the bill is in the Senate, the proponents of this increase in tariff from the States from whence this weighty clothespin issue comes represent that unless this raise is granted the spring clothespin industry in their States will vanish and disappear. Yet when it comes to my State with an issue of a similar nature that would be of benefit, those Senators now asking for a clothespin tariff vote for free trade.

This observation does not apply to my State alone. Look around the Senate Chamber and find a Senator who has some outstanding commodity in his State and we find a Senator who votes for tariff rates upon that commodity. The Senator from Wisconsin [Mr. BLAINE] saw to it that cheese is protected. The great dairy State of Wisconsin has the rates on cheese and other dairy products raised and sometimes doubled in this bill. The Senator from Nebraska [Mr. NORRIS] comes from a great wheat-growing State. He has seen to it that wheat is protected. He has a tariff rate of 42 cents a bushel on wheat, and then the Senator saw to it that at least one-half this rate is guaranteed by the debenture provision of this bill. I voted for the Senator's proposal and cite the record here in support of the statement made that Senators almost without exception stand for tariffs upon the products of their States.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. Why should there be any discrimination as between seasonal clothespins? The amendment provides for an increase in the tariff on "spring" clothespins. Why should summer and autumn and winter clothespins be discriminated against if we are going to increase the tariff on "spring" clothespins?

Mr. THOMAS of Oklahoma. I refer that inquiry to the distinguished chairman of the Committee on Finance who presented the amendment.

Mr. President, we have now come to the point where it is easy to analyze the votes that are now being cast. Senators vote having in mind the interests of their States. I am neither objecting to nor criticizing the vote of any Senator. Yet when I presented an amendment in the interest of tens of thousands of my constituents, in the interest of the treasury of my State, in the interest of the counties and cities of Oklahoma, and in the interest of both farmers and workers not only in Oklahoma but in 20 States I am by some criticized for standing for tariff duties. Mr. President, their veiled charges here will not deter me from representing the interests of those who sent me here. The distinguished Senator from Mississippi [Mr. HARRISON] spoke and voted for tariffs on dyestuffs and turpentine. The distinguished Senator from Alabama [Mr. HEFLIN] voted for a tariff on graphite. Senators from the Southwest voted for a tariff on wool. Others voted for a tariff on long-staple cotton. Still others voted for a tariff on rayon. Yet when I offer an amendment to protect an industry employing 1,500,000 laborers and, counting five to the family, having 7,500,000 citizens in distress, we are by some accused of lobbying.

I serve notice now that I shall call up my petroleum amendment in due time, and then I shall have something to say which will be of interest to the country, if not here in the Senate. The amendment now before us is of no particular consequence, but it is the principle that is at stake.

The tariff on clothespins should not be increased. The amendment should not be adopted.

Mr. BLEASE. Mr. President, my good friend from Oklahoma [Mr. THOMAS] momentarily overlooked the junior Senator from South Carolina. I have received numbers of telegrams from my State asking me to vote for a tariff on lumber and for tariffs on some other things. I have absolutely refused to vote for a tariff on anything. I am opposed to any tariff, and I merely want to correct his statement for fear somebody might read the RECORD and think that I was voting to protect something in South Carolina. South Carolina in that matter, as she has always done in other matters, can protect herself.

Mr. HARRISON. Mr. President, I would not now inject myself into the discussion if it were not for the remarks just made by the Senator from Oklahoma [Mr. THOMAS]. I have tried to adhere to certain principles in the consideration of the tariff bill. I have tried to adhere to certain policies in the discussion of it upon the floor of the Senate. I have refrained from saying some things at times that I wanted to say, but which I knew were not the best things to be said; and for the further reason, too, that I did not want to wound the feelings of any individual Senator. I have tried in the discussion of the various items as they arose to leave out, as far as I could, any discussion of personalities. I have refrained from any criticism of my Democratic colleagues who have not agreed with me regarding rates or believed as I did with reference to the adoption of certain amendments.

There have been at times pangs of deep sorrow in my heart for the Democratic Party and for the constituents of those whose records here as their representatives have not reflected their wishes nor shown a sympathetic attitude as to their needs. Certain things have occurred in the consideration of the tariff bill which, so far as individual Senators are concerned, the sooner they are forgotten the better it will be. Search as one may the CONGRESSIONAL RECORD through all previous tariff discussions, and he will not find in this body another instance where Senators changed their votes overnight upon certain schedules or certain rates.

When the present bill was first considered some of us familiar with the way in which it was formulated——

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. HARRISON. I would prefer that the Senator let me proceed along the line of my discussion and then I will yield to him as often as he wishes.

We criticized individual Senators who compose the majority for the manner in which their subcommittees were organized and the manner in which they wrote rates to take care of their own particular States, forgetful of other sections of the country and the high purposes for which the Congress had been called together. The manner in which the bill was originally constructed reflected no credit upon the men who constructed it or upon this body. There have been instances in the past perhaps quite as glaring as the present one, when like policies were pursued in the formation of tariff legislation; but when we consider the manner in which the bill was originally fashioned and framed, with all the condemnation that we might pour upon it, it is infinitesimal in its consequences when we compare it to the manner in which it is now being written. Those who are familiar with the situation know how it is being framed. We had complete control of the bill in this body. By a margin of 1 or 2 votes we were writing rates in the interest of agriculture and trying to equalize and deal fairly with all the industries of the country. There were no radical steps taken. The policies were framed upon the basis of conservatism.

But what happened? It was something, as I said, that has never happened in this body before in connection with the consideration of a tariff bill. The bill was rewritten in Committee of the Whole, and when reported to the Senate a complete change has taken place through a combination of votes. I do not know whether individual Senators got together and said, "I will vote for this if you will vote for that," but I say that every Senator who voted one way in Committee of the Whole and voted another way after the bill was reported to the Senate will have to defend that particular position before his constituents. It may be that they can do it. I do not know.

I have found that the American people are of good judgment, are of sound sense; and even though sometimes we think they do not know what we are doing here they do know what is going on. They can analyze the situation just as clearly as those of us who personally know what has taken place.

I am sorry that the Senator from Oklahoma, for whom I have great respect and high regard, has taken occasion upon this floor at this time, in the peculiar circumstances surrounding us, to bring my name into the discussion. I can not sit quietly by when that is done. I have not reflected upon him; I have not discussed him in this debate. When the Senator from Oklahoma says that every Senator when the interests of his own State were at stake has voted for the highest rate of duty, I deny it, so far as I am concerned. In casting my votes I have been guided on every proposition by analysis of the facts; but because I cast a vote in favor of a duty on long-staple cotton, as did the Senator from Oklahoma, he draws the deduction, perhaps, that I am in the position of having voted for a high rate on everything in which my State was interested.

The merits of the proposal to levy a duty on long-staple cotton can not be disputed; the facts are convincing. I said on the floor of the Senate that in 1921 I voted against a proposed duty on long-staple cotton. The Senator from Michigan took occasion to read what I then said. I admit that I voted then against a duty on long-staple cotton. I did not at that time think that what was being offered would do the cotton producers any good; I did not believe it would be of any benefit to the American cotton farmer. The proponents of the tariff bill then pending were at that time intending to increase the tariff on sugar, on wool, and on many other articles; and they suggested a duty on long-staple cotton as a sop to those of us who were fighting the proposed increase on sugar and wool. They perhaps thought that we could be bought by such a proposition as that; but we refused to accept their proffer. It is a pity that others now did not follow the course we then pursued.

However, it was shown the following year that the importations of long-staple cotton fell, I think it was, to 38,000 bales from, as I recall, about 300,000 bales, while to-day there are being imported into the country approximately 400,000 bales annually of long-staple cotton, one-eighth of an inch and over in staple. We produce in the United States only approximately 900,000 bales of that kind of cotton.

The trouble with some people is that they can not differentiate between cotton with a ⅞-inch staple and that with a long staple. So, if every tariff rate is to be based upon domestic production and importations, it is apparent when we produce 900,000 bales of long-staple cotton and import 400,000 bales that the importations must have some effect upon the price paid to the American producer of long-staple cotton.

I was moved not only because of that fact, but also for the reason that if there is one industry in America that has received no consideration in a single provision of the pending tariff bill it is the production of cotton in the South. Almost every proposal in the pending measure carries increased costs to the cotton farmers of the South. They can bear it; they are inured to it; in the past for generations they have borne that burden, and they can still continue to do so if no relief is to be afforded them. But, my friends, cotton has declined in price since we passed the farm relief bill from 5 to 6 cents a pound. To-day the producer can not sell long-staple cotton at all. The premium which usually exists of from 5 to 15 cents between long-staple cotton and short-staple cotton has now dwindled until it is but from one-half to 2 cents per pound. The uses of long staple are being applied to the uses of short-staple cotton, the effect of which naturally is against the short staple.

Yes; the cotton farmers of the South are in a deplorable condition. We have heard much to the effect that the condition of the oil industry is bad, but the farmers of the South who are engaged in cotton production have been harder hit than have those who are engaged in any other industry in the country. Of course the wheat producer has been hurt also, but long ago Congress gave him a tariff rate upon his product.

So I felt in duty bound, not particularly because the product involved was in my section, but because I thought the facts permitted me, to vote for the duty, and I did vote for it.

However, Mr. President, there is one industry in my State which has appealed to me more strongly and more persistently than all others in the consideration of the pending tariff bill, and that is the lumber industry. It is one of the chief sources of the livelihood of the people of Mississippi. We have still remaining much standing timber, and there are great mills in the South engaged in turning it into lumber. However, I voted not according to their request; I voted against the duty on lumber.

Oil, it is said, has been discovered in my State. It may be that in the near future oil will be produced there in two different parts of the State. At the instance of representatives from Oklahoma interested in my State, it has been said, "Oh, we are going to have oil development there." They have petitioned me to vote for a tariff on oil. I did not do it. Why? Because the Senator from Oklahoma in his speech said that there were three big concerns importing oil into the United States—the Gulf Refining Co., the Dutch Shell, and the Standard. He further said that those concerns were distributing their product, that they had a distributing system, and to-day control the price of gasoline and of oil. They pay to the independent companies whatever they wish to pay, and they will continue to retain a strangle hold upon those independents. When we put a tariff duty on oil we merely give to those great companies a greater strangle hold on the independents, and higher prices will be levied upon the millions of users of oil and gasoline in this country.

No, I have not, simply because some people in my State were interested, followed the course of voting for high duties. I could enumerate others.

Would to God that every Democrat during the consideration of this bill had stood by his vote cast as in Committee of the Whole, a vote that was voiced after full consideration, after elaborate arguments pro and con, after deliberate reflection upon the part of each individual Senator. Yet we have found here Senators who, having voted one way after that full consideration when the bill was before the Senate as in the Committee of the Whole, when it gets into the Senate, without further arguments but merely on the roll being called, have changed their votes the other way. You know, Mr. President, and I know, and the American people know that it is by virtue of such action that the people of this country will be taxed hundreds of millions of dollars because of increased rates of duty that are going to be placed in the bill by this new combination. If there had been no switching of votes, this debacle would not now be witnessed, the work of months in the interest of the American people destroyed.

Answer to your constituents for your change of heart as well as votes, but do not reflect upon some of us who have stood the brunt of attack, who perhaps have been wounded in standing firm and in the forefront for the masses of American people.

I was for the Senator from Oklahoma going upon the Finance Committee of the Senate, because I thought he had the courage, I thought he had those qualities of statesmanship that would help us to map out a course and policy with reference to tariff legislation, and that, no matter what protests might come or what admonitions might be shouted by interested individuals,

he would stand firm, and by vote and voice cooperate with us, his party colleagues on the committee to carry on whether or no.

Senators, take the case back to your people if you will. We are now whipped. Our lines have been broken. But I can assure you that with whatever feeble qualities I possess I expect as long as my voice and strength hold out to carry the fight to the American people and reveal to them those things that have happened here during the consideration of this bill, that will ever remain a stench in the legislative annals of this country.

Mr. President, more political corpses will have been made through action taken in the last few days here in this body than were ever made in the same time in the history of the United States Senate.

Mr. THOMAS of Oklahoma. Mr. President, I regret that the distinguished Senator from Mississippi has seen fit to bring this debate down to a question of personalities. I did not—and I appeal to the RECORD to sustain my statement—say anything that was intended to be personal, or that could be construed to be in any sense personal; I referred only to the record.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. THOMAS of Oklahoma. I yield to the Senator.

Mr. HARRISON. The Senator referred to me.

Mr. THOMAS of Oklahoma. I referred to the Senator's record.

Mr. HARRISON. Yes; and I referred to the record of the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. I was very much impressed by the eloquent speech made recently by the Senator in favor of a high duty on turpentine, which was advocated on the theory that it would help the naval stores interests of his State. I supported him in that effort. But, Mr. President, recently——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. HARRISON. The Senator will recall that I offered an amendment the other day which was unanimously adopted by the Senate, not a voice being raised against it—I think the Senator from Alabama raised some question at first, but withdrew it—providing that if the tariff on synthetic camphor which by the amendment offered by the Senator from New Jersey was reduced from 6 cents to 5 cents did not result in establishing a camphor industry in this country within three years to the extent of 20 per cent of the consumptive needs of the country, within four years 30 per cent of the consumptive needs of the country, and within five years to the extent of one-half of the consumptive needs of the country the tariff rate should be reduced to 1 cent.

Mr. THOMAS of Oklahoma. I was impressed by the argument made, and I supported the Senator from Mississippi.

Later, Mr. President, we had another discussion. Democratic politics was involved; and we have now in the RECORD the statement that those who framed the Democratic platform at Houston wrote the tariff plank and were responsible for its unanimous adoption, such plank providing for a competitive tariff; and yet when I presented a case fitting that plank perfectly, fitting it 100 per cent, not a Senator upon this floor responsible for that plank voted for the amendment.

The Senator says he favored placing me on the Finance Committee. I appreciate the service the Senator has thus rendered me, and I give him full credit since he assumes it.

Mr. President, last night another of those strange incidents happened here. Two members of the so-called coalition, having obtained high tariff duties on the cheese products of their States, changed their former votes on the hardwood lumber item and their votes were responsible for the high duty on that commodity.

Mr. President, there has been something said here about changing votes. Last June the distinguished Senator from Idaho [Mr. BORAH] submitted a resolution to the Senate directing the Finance Committee to strike from the tariff bill all items related to industry and directed them to bring back to this body a bill proposing rates upon agricultural products only. I supported that resolution; 38 Members of this body supported that resolution; but it failed of passage by a single vote. Thus the Finance Committee was turned loose upon the gigantic task of making a tariff bill, commencing at the top and going down to the bottom and embracing over 21,000 items. When the bill was reported to the Senate I submitted a motion to strike from the bill all rates relating to industry, leaving only the agricultural rates. The motion embodied the identical policy, the identical idea, the identical proposition urged by the Senator from Idaho; but when the roll was called upon my motion, what was the vote? Twenty-eight Senators changed their votes; and what havoc has been wrought!

At that time a discussion on the motion took place upon this floor. The Senator says that the reason Senators changed their votes was with the idea of reducing some of the 1922 industrial rates; but instead of that most of those rates have been increased.

Mr. President, I do not care to continue this discussion, but I am not going to sit silent here and be charged with voting for tariff rates merely because they affect my State. Oklahoma will get practically nothing from this bill. Unless my State shall obtain relief on oil, no good result will come to the 3,000,000 people of Oklahoma; on the other hand, they will be forced to pay a higher price for everything they are forced to buy. I am not going to sit idly here and suffer shafts of criticism sent by innuendo and by inference. At this time I ask unanimous consent to place in the RECORD the vote upon the Borah resolution, and immediately following that I ask unanimous consent to have printed in the RECORD the vote upon my motion, the two proposals being identical and showing a change of 28 votes, or, rather, that 28 Senators changed their minds.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The votes referred to are as follows:

[Vote on the motion of Senator BORAH]

The VICE PRESIDENT. The question is on the adoption of the resolution submitted by the Senator from Idaho.

Mr. BORAH, Mr. MCKELLAR, and others called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. ALLEN (when his name was called). On this question I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. If he were present he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. LA FOLLETTE (when Mr. BLAINE'S name was called). Making the same announcement as before concerning the pair of my colleague [Mr. BLAINE], I wish to state if he were present he would vote "yea."

Mr. NORBECK (when Mr. MCMASTER'S name was called). My colleague [Mr. MCMASTER] is unavoidably absent from the city. He is paired with the junior Senator from Wyoming [Mr. KENDRICK]. If my colleague were present, he would vote "yea." If the Senator from Wyoming were present, he would vote "nay."

Mr. ODDIE (when his name was called). I am paired with my colleague [Mr. PITTMAN] and withhold my vote. If my colleague were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from Alabama [Mr. BLACK] and vote "yea." I desire to state that if the junior Senator from Alabama were present he would vote "yea," and if the senior Senator from Maine were present he would vote "nay."

Mr. COPELAND (when Mr. WAGNER'S name was called). Making the same announcement as before relative to the absence of my colleague [Mr. WAGNER], I wish to announce that if he were present he would vote "nay."

The roll call was concluded.

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I have been unable to obtain a transfer of that pair. I am advised that if the Senator from Colorado were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. JONES. I desire to announce that the Senator from New Hampshire [Mr. KEYES] has a pair on this question with the Senator from Minnesota [Mr. SHIPSTEAD]. If the Senator from New Hampshire were present, he would vote "nay," and if the Senator from Minnesota were present he would vote "yea."

The result was announced—yeas 38, nays 39, as follows:

Yeas, 38: Messrs. Barkley, Blease, Borah, Bratton, Brookhart, Capper, Caraway, Connally, Copeland, Cutting, Fletcher, Frazier, Glass, Harris, Harrison, Hawes, Hayden, Howell, King, La Follette, McKellar, Norbeck, Norris, Nye, Overman, Pine, Robinson of Arkansas, Schall, Sheppard, Simmons, Smith, Swanson, Thomas of Idaho, Thomas of Oklahoma, Tydings, Tyson, Walsh of Montana, and Wheeler.

Nays, 39: Messrs. Bingham, Broussard, Burton, Couzens, Dale, Deneen, Dill, Edge, Fess, Gillett, Glenn, Goff, Goldsborough, Greene, Hastings, Hatfield, Hebert, Heflin, Johnson, Jones, Kean, McNary, Metcalf, Moses, Patterson, Ransdell, Reed, Sackett, Shortridge, Smoot, Steck, Steiwer, Townsend, Trammell, Vandenberg, Walsh of Massachusetts, Warren, Waterman, and Watson.

Not voting, 18: Messrs. Allen, Ashurst, Black, Blaine, George, Gould, Hale, Kendrick, Keyes, McMaster, Oddie, Phipps, Pittman, Robinson of Indiana, Shipstead, Stephens, Wagner, and Walcott.

So Mr. BORAH'S resolution was rejected.

[Vote on the motion of Senator THOMAS of Oklahoma]

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. THOMAS].

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. HATFIELD]. Being unable to obtain a transfer, I withhold my vote.

Mr. BLEASE (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote.

Mr. CARAWAY (when his name was called). I have a pair with the senior Senator from Illinois [Mr. DENEEN]. I can not get a transfer and withhold my vote.

Mr. MCKELLAR (when his name was called). I have a pair with the senior Senator from Delaware [Mr. HASTINGS], and I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. BURTON]. I am advised that if he were present he would vote as I intend to vote. Therefore I vote. I vote "nay."

Mr. TYDINGS (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I understand he would vote as I shall vote, and I therefore am at liberty to vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Maine [Mr. GOULD] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce that the Senator from Idaho [Mr. THOMAS] is necessarily absent on official business. If present and permitted to vote, he would vote "nay."

Mr. BINGHAM. I have a general pair with the Senator from Virginia [Mr. GLASS]. Not knowing how he would vote, I transfer my pair to the Senator from Idaho [Mr. THOMAS] and vote "nay."

Mr. FESS. I desire to announce that the Senator from Delaware [Mr. TOWNSEND] has a general pair with the Senator from Montana [Mr. WHEELER].

Mr. WALSH of Montana. I announce the unavoidable absence of my colleague [Mr. WHEELER] on official business.

Mr. BROUSSARD. I wish to announce that my colleague [Mr. RANSDELL] is necessarily detained from the Senate on official business, and that if he were present he would vote "nay."

Mr. WAGNER. I desire to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily absent from the city.

The result was announced—yeas 10, nays 64, as follows:

Yeas, 10: Messrs. Frazier, Harris, Howell, McMaster, Nye, Pine, Schall, Sheppard, Thomas of Oklahoma, and Waterman.

Nays, 64: Messrs. Allen, Ashurst, Barkley, Bingham, Black, Borah, Bratton, Brock, Brookhart, Broussard, Capper, Connally, Couzens, Cutting, Dale, Dill, Edge, Fess, Fletcher, Gillett, Glenn, Goldsborough, Greene, Hale, Harrison, Hawes, Hayden, Hebert, Heflin, Johnson, Jones, Kean, Kendrick, Keyes, King, La Follette, McNary, Moses, Norbeck, Norris, Oddie, Overman, Patterson, Phipps, Pittman, Reed, Robinson of Arkansas, Robinson of Indiana, Sackett, Shortridge, Simmons, Smoot, Steck, Stephens, Swanson, Trammell, Tydings, Vandenberg, Wagner, Walcott, Walsh of Massachusetts, Walsh of Montana, Warren, and Watson.

Not voting, 21: Messrs. Blaine, Blease, Burton, Caraway, Copeland, Deneen, George, Glass, Goff, Gould, Hastings, Hatfield, McKellar, Metcalf, Ransdell, Shipstead, Smith, Steiwer, Thomas of Idaho, Townsend, and Wheeler.

So the motion of Mr. THOMAS of Oklahoma was rejected.

Mr. HEFLIN. Mr. President, I feel that I should contribute to the harmonious situation that we have at this time on this side of the Chamber, since I was one of those who voted against the Borah resolution. I did so, among other reasons, because certain agricultural products were excluded from that resolution. One of those products, in particular, was cotton cloth. I asked the question, if cloth made out of cotton produced by the farmer could be brought in under this resolution if it passed, and I was told that it could not. That situation was so ridiculous to me that I could not give my sanction to the resolution.

I wanted a proposition, if he were going to confine the bill to agricultural matters, that would reach goods and products made out of the raw material produced by the farmer; and when I found that that could not be done under that resolution, I opposed it. That was one of my reasons.

Another reason was that it was admitted upon this floor that if we should confine the activities of the Senate to a purely agricultural program and pass that program and then turn the bill over to the conferees of the two Houses, the conferees could ignore all that we had done and write a new and complete tariff bill. Nobody can deny that now. They would have done it; of course they would.

I told Senators at that time, "You have no more chance to pass through this body a tariff bill pertaining purely to agriculture than you have to fly without wings. The other interests of this country who want a tariff, who feel that they need a tariff, have a right to ask Congress to give them that tariff." I said, "Wanting a tariff, and insisting upon having a tariff, they will not permit you to pass a bill that excludes all their interests and confines the bill to another particular interest." I said, "The only way you are going to get relief for the farmer in the way of a tariff is to write it into a bill that carries other tariff items."

Any man of practical experience in Congress knows that that is true. You have to put it into a general bill.

The Senate did not accept the Borah resolution. I voted against it. The vote was 39 to 38. I have no apology to make for my vote. I want an open and fair fight on everything. I said, "Bring in your bill here and let us consider it item by item, and not permit a conference committee to write items in it that never were considered by the Senate and then bring it back and have us take it or leave it, the whole bulk of it at once." That would have been the parliamentary situation if the resolution had been adopted.

Later on, Mr. President, the able Senator from Oklahoma [Mr. THOMAS]—and he is one of the ablest and finest Members of this body—brought forth another proposition seeking to confine this work mainly to the farmers. That motion was defeated by about 28 majority, which shows that the position I took before was sustained by the Senate when it reconsidered this question; and I may say that others who were not quite so farseeing, perhaps, at the time were able later, when the scales fell from their eyes, to see that I was right in the position that I had taken on the matter.

Mr. President, we are now approaching the close of this tariff bill, I trust. I am ready to join those who want to drive through with it, delaying it as little as possible, finish up with it, and let it go into the hands of the conferees. Every interest in this Nation has a right to be heard by Congress. I do not care who the man is, how little he is, or how big he is; if he has a matter that Congress has to do with, I will hear him, and I will not regard him as a criminal when he comes here. He has a right to be heard. All of them have. Thank God, the right of petition still belongs to the American citizen! When these people come here who know their business and who know the needs of their business, we ought to hear them; for we do not know it. It is impossible for us to know in detail the workings and the needs of the various industries of our country. When these people come here they are entitled to be treated courteously. There is a vast difference between a lobbyist who is trying to corrupt somebody—and he ought to be put in the penitentiary—and the lobbyist, so called, who comes and wants to present the facts, in order that we may get the truth, so as to be able to act intelligently and justly in the matter.

Mr. President, we have the greatest Government in all the world, and I hope to see it perpetuated. Let us be fair and just to all interests. I have no criticism to make of the distinguished Senator from Oklahoma [Mr. THOMAS] for doing whatever he believes he ought to do for his people and his country. I have no criticism to make of my good friend from Mississippi [Mr. HARRISON] for pursuing the course that he thinks he ought to pursue; and I am glad to make this contribution to the harmony situation that I find on this side of the Chamber to-day.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. HALE and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a general pair with the Senator from Utah [Mr. KING] and withhold my vote.

Mr. OVERMAN (when his name was called). I announce my general pair with the senior Senator from Illinois [Mr. DENEEN], and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from Arizona [Mr. HAYDEN], and will vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Kentucky [Mr. ROBSION] and will vote. I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Kentucky [Mr. BARKLEY] and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The junior Senator from Illinois [Mr. GLENN] with the junior Senator from Arkansas [Mr. CARAWAY]; and

The senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON].

The senior Senator from Kentucky [Mr. BARKLEY] entered the Chamber and voted "nay."

Mr. OVERMAN (after having voted in the negative). The Senator from Kentucky [Mr. BARKLEY] having entered the Chamber and voted, I withdraw my vote.

The roll call resulted—yeas 40, nays 40, as follows:

YEAS—40

Allen	Grundy	Metcalf	Shortridge
Baird	Hale	Moses	Smoot
Bingham	Hastings	Oddie	Steiwer
Broussard	Hatfield	Patterson	Sullivan
Copeland	Hebert	Phipps	Thomas, Idaho
Dale	Jones	Pine	Townsend
Fess	Kean	Pittman	Vandenberg
Goff	Keyes	Ransdell	Walcott
Goldsborough	McCulloch	Robinson, Ind.	Waterman
Greene	McNary	Schall	Watson

NAYS—40

Ashurst	Connally	Hawes	Steck
Barkley	Couzens	Heflin	Stephens
Black	Cutting	La Follette	Swanson
Blaine	Dill	McKellar	Thomas, Okla.
Blease	Fletcher	McMaster	Trammell
Borah	Frazier	Norbeck	Tydings
Bratton	George	Norris	Wagner
Brock	Glass	Nye	Walsh, Mass.
Brookhart	Harris	Sheppard	Walsh, Mont.
Capper	Harrison	Simmons	Wheeler

NOT VOTING—16

Caraway	Gould	Kendrick	Robinson, Ark.
Deneen	Hayden	King	Robsion, Ky.
Gillett	Howell	Overman	Shipstead
Glenn	Johnson	Reed	Smith

The VICE PRESIDENT. The yeas are 40 and the nays are 40. The Chair votes "yea," making 41 yeas to 40 nays, and the amendment to the amendment made as in Committee of the Whole is agreed to.

Mr. WALSH of Montana. Mr. President, I ask to have incorporated in the RECORD the vote as in Committee of the Whole by which the duty on spring clothespins was fixed at 10 cents per gross.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

[CONGRESSIONAL RECORD, November 14, 1929]

Mr. THOMAS of Oklahoma. I now offer this amendment as a substitute for the amendment before the Senate.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. The Senator from Oklahoma offers the following substitute for paragraph 411:

"PAR. 410. Spring clothespins, 15 cents per gross; house or cabinet furniture wholly or in chief value of wood, wholly or partly finished, wood flour, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for, 25 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. THOMAS] to the committee amendment. [Putting the question.] The noes seem to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. Warren]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote yea.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is detained from the Senate by illness.

The Senator from Arizona [Mr. ASHURST], the Senator from Arkansas [Mr. CARAWAY], the Senator from Montana [Mr. WALSH], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Ohio [Mr. MCCULLOCH] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Vermont [Mr. DALE] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 39, nays 37, as follows:

Yeas, 39: Messrs. Barkley, Black, Blease, Borah, Bratton, Brock, Brookhart, Capper, Connally, Copeland, Cutting, Fletcher, Frazier, George, Glass, Harris, Hawes, Hayden, Heflin, Howell, Jones, La Follette, McKellar, McMaster, Norbeck, Norris, Nye, Overman, Sheppard, Simmons, Smith, Steck, Stephens, Swanson, Thomas of Oklahoma, Tydings, Wagner, Walsh of Massachusetts, and Wheeler.

Nays, 37: Messrs. Allen, Bingham, Broussard, Couzens, Deneen, Edge, Fess, Gillett, Glenn, Goff, Greene, Hale, Hastings, Hatfield, Hebert, Kean, Kendrick, Keyes, McNary, Metcalf, Moses, Oddie, Patterson, Phipps, Ransdell, Reed, Sackett, Schall, Shortridge, Smoot, Steiwer, Thomas of Idaho, Townsend, Trammell, Vandenberg, Walcott, and Waterman.

Not voting, 19: Messrs. Ashurst, Blaine, Caraway, Dale, Dill, Goldsborough, Gould, Harrison, Johnson, King, McCulloch, Pine, Pittman, Robinson of Arkansas, Robinson of Indiana, Shipstead, Walsh of Montana, Warren, and Watson.

So the amendment of Mr. THOMAS of Oklahoma to the amendment of the committee was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole, as amended in the Senate.

The amendment as amended was concurred in.

The VICE PRESIDENT. Does the Senator from Utah desire to have taken up next the mustard-seed amendment?

Mr. SMOOT. The senior Senator from Vermont [Mr. GREENE] has asked me to agree to have the maple-sugar amendment go over for to-day, and to take it up to-morrow. I have just spoken to the senior Senator from Mississippi [Mr. HARRISON] and he said he has no objection to that course.

Mr. HARRISON. That is agreeable, if the Senator from Vermont wants it to go over.

The VICE PRESIDENT. Without objection, the amendment will be passed over. The next amendment on which a separate vote was reserved was that relating to mustard, which the secretary will state.

The CHIEF CLERK. In paragraph 779, page 145, line 15, the Senate, as in Committee of the Whole, struck out "2 cents" and inserted in lieu thereof "3 cents," so as to read:

Mustard seeds (whole), 3 cents per pound.

Mr. GOLDSBOROUGH. Mr. President, I send an amendment to the desk which I desire to offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Maryland offers the following amendment. On page 145, line 15, to strike out "3 cents" and insert in lieu thereof "1 cent," so as to read:

Mustard seeds (whole), 1 cent per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland to the amendment made as in Committee of the Whole.

Mr. GOLDSBOROUGH. Mr. President, the bill as it was reported to the House provided a tariff rate on mustard seed of 2 cents per pound, and on ground or prepared mustard of 8 cents per pound. The Senate committee recommended exactly the same rates. The Senate, as in Committee of the Whole, adopted an amendment offered by the Senator from North Dakota [Mr. FRAZIER] increasing the rate from 2 cents to 3 cents. My amendment now seeks to reduce the rate, and to substitute 1 cent per pound for 3 cents per pound.

Under the Fordney-McCumber Act of 1922 mustard seed was given a rate of 1 cent per pound, the same rate proposed in the amendment I now submit.

Under the Underwood-Simmons Tariff Act mustard seed was put on the free list as it was under the Payne-Aldrich Act.

In paragraph 779 of the pending bill the duty, as I have stated, is made 2 cents. The amendment of the Senator from North Dakota [Mr. FRAZIER] was to raise the duty to 3 cents, and my amendment seeks to cut that to 1 cent.

There are two major species of mustard seed, the brown and the yellow. They have their own distinct uses and purposes and are sold and priced differently.

The brown seed is the more valuable of the two, selling, ordinarily, for around 11 cents per pound, while the finest English yellow seed sells for 8 cents per pound, and "fair" yellow seed for 5 cents. The brown seed is by far the easiest to raise, especially in this country.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. GOLDSBOROUGH. I yield.

Mr. SMOOT. Would the Senator be willing to accept the rate of 2 cents, as provided for in the House, instead of the

amendment adopted as in Committee of the Whole? I will say to the Senator that if he will do that I will ask the Senate to agree to the 2 cents.

Mr. GOLDSBOROUGH. Yes; I will accept that.

Mr. WALSH of Massachusetts. I could not agree to any such compromise.

Mr. SMOOT. That is, the Senator wants the rate 1 cent?

Mr. WALSH of Massachusetts. I want it kept at 1 cent. There are 19,000,000 pounds of this article imported into this country and only 2,000,000 pounds produced.

Mr. SMOOT. Then the Senator from Maryland may proceed.

Mr. GOLDSBOROUGH. Mr. President, the finest yellow mustard seed is imported from England. There have been attempts from time to time to raise English yellow seed in various parts of the world, including California, but all of these attempts have been unsuccessful, for actual tests and demonstrations on a commercial scale have proven that the flavor and quality of the yellow seed produced outside of England are most inferior and unsatisfactory to the American market, and the American market will not absorb such inferior products. The mere increasing of the price of the English mustard seed through increasing the duty will not increase the market for the California product and will benefit no one, while injuring the consuming public.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. GOLDSBOROUGH. I yield.

Mr. WALSH of Massachusetts. Whatever little of this mustard seed is produced in this country is produced in California, is it not?

Mr. GOLDSBOROUGH. Yes.

Mr. WALSH of Massachusetts. Is it not a fact that large amounts of imported mustard seed are sold and used in California, the domestic supply either being inferior to the imported or the quantity not being sufficient?

Mr. GOLDSBOROUGH. That is quite true.

Mr. WALSH of Massachusetts. So that even California itself, and the manufacturers of articles into which mustard seed go, use large quantities of the 19,000,000 pounds imported?

Mr. GOLDSBOROUGH. I think the Senator is correct.

Mr. WALSH of Montana. Mr. President, will the Senator from Maryland yield to me?

Mr. GOLDSBOROUGH. I yield.

Mr. WALSH of Montana. The information given by the Senator from Massachusetts is not altogether accurate. The growing of mustard seed is a promising industry of my State—Montana—though perhaps the Senator from Massachusetts is excusable, because apparently that fact has not come to the attention of the Tariff Commission.

Mr. GOLDSBOROUGH. Mr. President, the high grade of mustard flour to be sold in the American market must be produced from English yellow seed; no other has the requisite flavor, the heat, and the sweetness which the discriminating American market demands. Whether there be a duty on mustard seed or not, this English yellow mustard seed must continue to be imported. The California yellow seed, which it is alleged is the domestic competitor of the English seed, is very different in quality and in flavor, and is produced in such small quantities that it can not and will not ever be a substitute for the English seed.

I am reliably informed that the crop of California yellow mustard seed this year will be 200,000 pounds or more.

California, in addition to producing yellow mustard seed in small quantities, produces a brown mustard seed, to which I have already referred, which is the favorite of its type on the American market, in very large quantities. The crop of California brown seed, which will be produced this year, will probably amount to in excess of 1,400,000 pounds. This seed sells at a premium higher than any other mustard seed on the American market. The net result of the proposed duty on mustard seed will be to increase the cost of mustard to the American consumer, and will, by increasing the cost of the raw material and leaving the duty on the manufactured product the same, stimulate the business of the foreign manufacturer of ground and prepared mustard, but depress the business of the American manufacturer who purchases his raw material subject to a heavy duty. No possible stimulation of the traffic in California seed can be expected, for it is reasonable to assume that since the California brown seed has for so long been selling at a premium, an additional duty will hardly stimulate its sale, and since the California yellow seed is of such a low grade and is so unmarketable that no amount of protection can force the public to consume it.

The present proposed duty on mustard seed carries no corresponding duty on prepared mustard, which retains its present rate of 8 cents per pound, while the duty on the raw material is increased from 1 cent to 2 cents. Obviously a compensating duty on the manufactured article would be, roughly, 16 cents.

The mustard industry in the United States is not asking for a higher duty on prepared mustard unless the duty on mustard seed is increased. Their desire is to see the present duties on mustard seed remain the same as they are under the 1922 act, the stated reason being that an increased duty can not advantageously affect the American producers of mustard seed because the producers of brown seed already occupy a most favorable position on the world market, and the producers of the yellow seed are few and produce an inferior product, which would not be absorbed at any price.

In the city of Baltimore there is located one of the largest spice houses in the United States. They import and pack a tremendous quantity of mustard for table use, and this portion of their business will be seriously menaced by the proposed duty, and it can only result in the increased cost being passed on to the consumer.

If it were possible for California to grow sufficient seed to supply the entire American market, and if, in addition, it were possible to grow the type of seed demanded by the American market, then a duty to protect the American grower from the competition of the foreign farmer would not perhaps be effective, but since the home demand for the home product, as differentiated from the foreign product, exceeds the quantity of the product which can be produced, and since the market for the foreign products can not be supplied by the domestic product, certainly an increased duty upon the foreign product can have no effect other than to lay a hardship upon the manufacturers and consumers of the articles made from the imported products.

In the interest of both the manufacturers and the consumers, it is eminently desirable that the duty on imported mustard seed be maintained at its present level, and the now existing differential between the duties upon unground mustard seed and prepared or ground mustard flour be rigidly maintained for the specific reason that this raw product, as required by American manufacturers, is not duplicated by any native product whatsoever, and is not competitive with any native product.

I urge the adoption of the amendment I am now submitting.

Mr. COPELAND. Mr. President, I can hardly understand why we should think of having a high rate on mustard with a total consumption of about 19,000,000 pounds in the United States, when we produce only 1,500,000 pounds in the country. While the Senator from Montana [Mr. WALSH] said that some is raised in his State, of course the great bulk of that very limited quantity is raised in California in one restricted area. If this is put forward as a farm-relief measure certainly we are not going to do something which will impose a tax upon all the farmers of the country for the sake of protecting a couple of hundred farmers who produce, as a small part of the crops they raise, mustard, and a mustard of inferior quality at that.

Prepared mustard is used almost in every home in America; I think I may say it is used in every home in America; and to impose a tax upon every home in the United States for the sake of the very small amount of money which would be received by the limited number of mustard growers, to my mind, is beyond reason. I hope sincerely that the amendment of the Senator from Maryland [Mr. GOLDSBOROUGH] will be adopted.

Mr. SHORTRIDGE. Mr. President, this matter was quite thoroughly considered by the House Ways and Means Committee and by the House, and after such consideration the rate was fixed at 2 cents per pound. I recall very well, quite distinctly, that the Finance Committee gave more or less thoughtful consideration to this particular item and that it agreed with the House for reasons to which I need not now do more than refer. It is quite true that when the item came before the Senate as in Committee of the Whole the Senator from Maryland [Mr. GOLDSBOROUGH] suggested an amendment such as he now urges, whereupon the Senator from North Dakota [Mr. FRAZIER] proposed an amendment to the suggested amendment of the Senator from Maryland, and in the hurry, may I say, a 3 cents' duty was fixed instead of 2 cents, as appeared in the bill, and 1 cent, as suggested by the Senator from Maryland.

The Senator from Maryland has stated, in response to an inquiry put by the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee, that he, the Senator from Maryland, would be willing to accept the rate fixed by the House Ways and Means Committee, the House of Representatives, and the Senate Finance Committee—namely, 2 cents per pound.

Mr. President, there were imported into this country last year, speaking in round numbers, 17,500,000 pounds of mustard seed. Forty per cent of that large amount came from China. I question very much whether the farmers of Montana or North Dakota or Nebraska or California can compete in labor costs with the unfortunate, the unhappy, the poverty-stricken labor-

ing people—men, women, and children—in China. Of course, if it is the wish to reduce the price of our labor and to put our farmers into direct competition with the poorly paid, the unhappy, and almost hopeless laboring people of other countries it can be done. But who wishes to do it?

In order that we may protect American industry on the farm, in the forest, in the mine, on the railroad, in the mill, and in the factory as against competition with men, women, and children similarly employed in foreign countries at distressingly low compensation; in order that we may keep up our level of life and living in America, we impose certain tariff duties. Of course, we have in mind also the raising of necessary revenue to carry on our great country.

Forty per cent of this product of the farm comes from China. In round figures, 38 per cent plus comes from England. The remaining part comes from other countries, some across the channel in Europe.

My learned friend from New York [Mr. COPELAND] has suggested that whereas we import 17,500,000 or, as he stated, 19,000,000 pounds of mustard seed and only produce 1,500,000 or 2,000,000 pounds, therefore—such is his logic—we should not raise the tariff; and if he were logical, his argument would lead to the conclusion that we should remove the tariff entirely and import all mustard seed from abroad.

Our purpose in levying a duty on this agricultural product is the same in purpose as the levying of a tariff on other agricultural products, and that purpose is to protect and encourage those now immediately engaged in the production of that product and to encourage others to engage in the same branch of agricultural enterprise. Our belief is that by adequate protection the American industry of mustard-seed raising will improve, develop, that more acres will be put to use, resulting in profit to those immediately engaged in the business, and by diversifying farm products be of substantial benefit to the farmer.

My friend from Maryland [Mr. GOLDSBOROUGH] quite energetically, and loyal as he is to the interests of his State, makes a plea on behalf of the manufacturer of mustard from mustard seed. He suggests that the proposed rate would be burdensome to the manufacturer, but in the next breath, forgetful of what he has just stated, he states that the added costs of mustard would be carried on to the ultimate consumer. If that were so, then, of course, the manufacturer suffers nothing.

In any event, not desiring to go into further detail in the matter, I submit to those who listen and to the Senate that the rate fixed by the House and the Senate Finance Committee, and agreeable to the Senator from Maryland, who offers the suggested amendment, should be agreed to by the Senate, namely, that the rate be 2 cents per pound—not for the protection of California alone. I repeat myself, Mr. President, when I say, as indeed I have said many times as applied to other agricultural products and manufacturing products, that I would take this position even if not one mustard seed grew in California, if it all grew in Montana, or Nebraska, or Texas, or any other one of the 48 States of this Union. Further to repeat myself, I believe in a protective tariff as a national policy, and I seek to build up an industry in Maine as cheerfully as I strive to encourage and build up an industry in California. Happily, in assisting Maine I am helping California. If I help the great imperial State of New York to set to work hundreds and thousands of men in her mills and factories I am assisting them, and at the same time I am benefiting the great and beloved State whence I come, for the great city of New York is a market for the products of California. I now look into the face of the learned Senator whose range of knowledge is to me amazing and whose industry is not exceeded by that of any Member of this body, whose devotion not only to his own State but to the Union is unquestioned. I look into the face of the learned Senator from New York and say that when he or others assist California, he and others are assisting the great State of New York; for we of California are the market for the products of his great city and State, even as they are a market for the products of California. The only difference between the two cities—San Francisco and New York—if the Senator will pardon a playful thought, is that the one is near heaven's Golden Gate while the other is near—another gate. [Laughter.]

Mr. COPELAND. Mr. President, I assume that when the Senator speaks of the other gate near which New York City is located he means the gate of heaven. I thank the Senator for his kind words. I would give him anything in the world that he asks for except a tariff on Coleman's mustard, and I can not vote for that.

Mr. HALE. Mr. President, the Senator from California said he would be very glad to help the industries of my State.

One of the industries in my State would be particularly affected by the adoption of this amendment of the Committee of the Whole proposing to increase the duty on mustard. I refer to the sardine industry. In my State sardines are put up in various ways, and one way is to put them up in mustard. Obviously the sardine packers have got to obtain their mustard somewhere; and if the price is going up on the foreign product, which seems to be about the only mustard that we can get in this country, it is going to affect the business of the sardine packers. I therefore very much hope that the amendment of the Senator from Maryland will prevail.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maine yield to the Senator from California?

Mr. HALE. I yield.

Mr. SHORTRIDGE. If the Senator from Maine will permit me, that is the argument that State men make—men who think of their own States first, last, and all the time.

Mr. HALE. Of course the Senator never thinks of California.

Mr. SHORTRIDGE. I think of California, but I also think of Maine.

Mr. BARKLEY. Mr. President, what does the Senator from California think of Maine?

Mr. SHORTRIDGE. I think fairly well of Maine. Maine has produced great men and still breeds them. One of the Senators from California, who honored this Chamber for twenty and odd years [Mr. Perkins] was borne in Maine. Of course he had the good taste to leave there when he was young. [Laughter.]

Mr. President, theoretically, levying a tariff on any article will increase the price of that article, but in practical operation we often find that competition keeps the price down. It, however, preserves the American market for the American producer. I am wondering upon what theory my amiable and beloved friend from Maine wanted an increase of the tariff on potatoes. People eat potatoes; and I understand the production of potatoes is quite an industry, that potatoes are produced in great volume in the far away northeastern State of Maine.

Mr. HALE. Mr. President, will the Senator from California yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. SHORTRIDGE. I yield.

Mr. HALE. In a favorable year we produce in this country about 60,000,000 bushels more of potatoes than we consume. I should like to ask the Senator from California if he thinks the production of potatoes is on a parallel with the production of mustard?

Mr. SHORTRIDGE. Not quite; but in time, if we shall be given ample protection, we can raise all the mustard seed in America that is or will be used in America. I am not speaking of wild mustard seed, which, of course, is a menace; but, doubt it not, the intelligent industry of our people can and will raise all the mustard seed we need, provided adequate tariff protection is given. However, whether or not we shall be able to wholly supply the American demand, I am asking for this protection for those who are now engaged in the industry. The learned Presiding Officer [Mr. FESS in the chair] recalls that when the great, thorough, 100 per cent protectionist, William McKinley, was the chairman of the House Committee on Ways and Means, and the subject matter of a tariff on tin plate was under consideration, there were a great many gentlemen who thought that tin plate was made entirely of tin! A suggested tariff on tin plate was violently opposed by those who held to the theory that we could not make tin plate as cheaply as it was made abroad and imported into this country. As of then the tin-plate industry was, indeed, an "infant industry," but think of it to-day!

If I were disposed to do so I could run down the list of practically every American industry and show that by adequate protection each and all of them have developed, giving employment to millions of skilled and unskilled labor. In other words, the proposed duty on this particular little item, which has taken up so much time—and I myself am at fault for consuming so much time—will work no injury whatever upon the manufacturer, and ultimately it will not increase the price to the consumer, but presently it will seek to keep the American market for the American producer, and will induce other agriculturists, owners of land, to plant and raise and produce this article of ordinary use and of commerce.

I think—again referring to New York and to Maine—when we stand here and favor a tariff on agricultural products which are raised in either or both of those States; when we stand here and urge, as I have urged, adequate protection for manufactured articles made in the hundreds of mills and factories of the great State of New York, that it is not a trading of votes but it is an intelligent and broad-minded reciprocity of action on their part when they vote, as I think they should, to give

adequate protection to an agricultural product raised in sister States. I hope that what is agreeable to the Senator from Maryland will be accepted here by the Senate, and that his present amendment calling for only 1 cent a pound on mustard seed may be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. GOLDSBOROUGH] to the amendment made as in Committee of the Whole.

Mr. WALSH of Massachusetts. Mr. President, this is not a question of levying a protective duty for the benefit of the mustard-seed producers; it is a question of what the rate should be. There already is a duty of 1 cent per pound. Now it is proposed—in fact, it is already incorporated in the bill as it now stands—that the duty shall be 3 cents per pound.

Let us see how these duties work out on the basis of ad valorem rates. The equivalent ad valorem of the present rate of 1 cent per pound is about 18 per cent; the equivalent ad valorem of the rate of 3 cents per pound is about 55 per cent; the equivalent ad valorem of the rate of 2 cents per pound provided in the House bill and recommended by the Senate Finance Committee is about 37 per cent. So it is proposed here to increase the duty from 18 per cent to 55 per cent, an increase in the rate of about 200 per cent upon mustard seed.

As has already been pointed out, mustard seed is used very extensively by spice and mustard manufacturers. I have rarely heard such vigorous protests and opposition to a commodity as have been presented by those manufacturers, because they claim they must import mustard seed, and therefore must pay the increased duty of 40 per cent, and must pass that duty on to the consumer. They also assert that the imported seed is superior to the domestic seed. If that be true, and the domestic industry has not been able to produce a satisfactory seed for the manufacturers of mustard and spice, it seems to me there can be no sound reason advanced for increasing this duty above 1 cent; in fact, as has been pointed out, the State of California, which produces the only substantial crop of domestic brown and yellow mustard seed, has to import a large amount of such seed for its own mustard and spice manufacturers.

I will give the Senator some figures upon that aspect of this question:

> On January 4 I wrote you, showing that the shipment of mustard seed to California from foreign countries from June 1 to January 1 (last year) was 665,000 pounds.

All that is produced in California is 240,000 pounds. So in six months there were imported 665,000 pounds, as against a domestic production of 240,000 pounds.

Mr. SHORTRIDGE. Mr. President, will the Senator allow me to interrupt him?

Mr. WALSH of Massachusetts. I will yield in just a moment. The writer of the letter further says:

> To-day I wish to add additional shipments reported by the American Spice Trade Association and confirmed by the Oil, Paint, and Drug Reporter of New York, issues January 6, 13, 20, 27, and February 3—285,780 pounds. This, added to the shipments of the previous seven months, makes a total of 950,780 pounds. This was almost all yellow seed. It is the yellow seed that our manufacturers seek, because of its color and its strength.
>
> The entire production of California yellow seed for the 12 months of 1929 was less than 240,000 pounds. Therefore, California imported foreign yellow seed, in eight months, four times the entire production of the 12 months of 1929.
>
> The arrivals the past few weeks—January 6 to February 3, 1930—were, 374 bags to Los Angeles (Joannes Corporation) and 925 bags to San Francisco (Girardelli), a total of 1,299 bags.

What is the position of the Senator from California, whose zeal and earnestness and enthusiasm for high protective duties we all understand?

Mr. SHORTRIDGE. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. SHORTRIDGE. The figures given refer to yellow mustard seed. What of the brown seed? Has the Senator the statistics as to the brown seed?

Mr. WALSH of Massachusetts. The total production in California of both brown and yellow is 240,000 pounds.

Mr. SHORTRIDGE. I inquire what year those figures cover?

Mr. WALSH of Massachusetts. The greatest quantity that has ever been produced in this country was 2,000,000 pounds, as against an importation of between twenty and thirty million pounds. That is correct; I am sure the Senator agrees to that.

Mr. SHORTRIDGE. I can not agree to those figures. I think the domestic production has gone up to 4,000,000 pounds, although I may be in error as to that.

Mr. WALSH of Massachusetts. I know the Senator has asserted that to be the fact; but I have evidence before me, if I should care to take the time to present it, which would contradict that figure, and which indicates that the domestic production has not been much in excess of 2,000,000 pounds.

Mr. SHORTRIDGE. If the Senator will permit me, he has called attention to the fact of the quantity imported, the quantity raised in California, and the quantity, in a sense, imported into California. Of course, the Senator will remember my suggestion that we seek to increase the acreage of production in order to satisfy the demands of our own people within the State and to supply the market in America.

Now, my question is, if that argument be erroneous and fallacious, if it has no persuasive weight at all, upon what theory does my learned friend stand up—and I humbly by his side—asking for adequate protection on certain types of shoes made by the skilled labor and the brawn and brain of the good men and women of Massachusetts?

Mr. WALSH of Massachusetts. I will tell the Senator upon what theory I take that position. When I rose I said that I was not discussing the question of whether mustard seed ought to have a protective duty or not.

Mr. SHORTRIDGE. The Senator agrees to 2 cents?

Mr. WALSH of Massachusetts. I was discussing whether the rate now levied was satisfactory and sufficient or, if an increase was necessary, what ought that increase to be.

Mr. SHORTRIDGE. I see.

Mr. WALSH of Massachusetts. I shall expect, when I propose a duty upon leather and shoes, that the Senator from California will first of all consider whether a case for any protection is made out——

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Massachusetts. And, secondly, whether I am asking for too high a rate—whether it ought not to be lower.

Mr. SHORTRIDGE. I shall do so.

Mr. WALSH of Massachusetts. I am voting for protective duties, and all the Members of this body are, day after day. Our differences are chiefly over rates—one element here seeking to keep the rates down, another element seeking to put the rates up. There is no longer any division in this body about protection to industries here.

Mr. SHORTRIDGE. I am glad to hear that. I hope that is so.

Mr. WALSH of Massachusetts. There is a serious difference between indefensible excessive protection and a defensible moderate protection.

In this very case the Senator is actually asking to extract from the pockets of the people of his State and from the mustard manufacturers and the spice manufacturers four times as much money as he seeks to put by this duty in the pockets of the mustard-seed producers.

Let me illustrate:

If this duty is to be effective, let us say it results in $50,000 a year more being given to the mustard-seed producers of California. The Senator goes right into the pockets of the people of his own State, to say nothing about the people of the country in general, and extracts $200,000. How can he justify that?

Mr. SHORTRIDGE. I justify it in this way: That our first duty is to try to help those in need of assistance; and the farmer of my State engaged in this particular line of business needs, as he thinks, this protection. I may relieve the Senator's mind, and perhaps calm my own, by saying that nobody in California—the imaginary consumer or the actual consumer—is protesting against the suggested rate.

Mr. WALSH of Massachusetts. Mr. President, I do not want to prolong the discussion of this matter. I do want to call attention to the fact that it is claimed that mustard seed is being produced in other States, in Montana and in North Dakota; and the able Senator from the latter State offered an amendment, which was adopted by the Senate, increasing this duty from 1 cent to 3 cents.

I should like to have the Senator's opinion upon this matter now. I invite the attention of the Senator from North Dakota [Mr. FRAZIER] to what I am about to say. I am informed that the mustard seed that is raised in his State is what is called wild mustard seed, or a somewhat similar name; that it sells for 1½ cents to 3 cents a pound on the average, while the imported mustard seed sells for 11 cents a pound; and that the mustard seed which is raised in the Senator's State has been declared by the Department of Agriculture to be unfit for use and objectionable on the ground of being in violation of the pure





food laws. I ask the Senator, in order to be enlightened, if my statement is correct.

Mr. FRAZIER. Mr. President, I will say to the Senator that his statement is not correct. The pure-food administrators have not said, as I understand, that the wild mustard is unfit for food. They say that it is an adulteration of the tame mustard and that if it is included in the preparation of mustard it must be so labeled; that is all.

Mr. WALSH of Massachusetts. Mr. President, I have here a letter, which I should like to have read by the clerk, which states the position of the Department of Agriculture upon that matter and which was, I think, written to the Senator from North Dakota by the Senator from Maryland. I ask to have the clerk read this memorandum.

The PRESIDING OFFICER. Without objection, it will be read.

Mr. WALSH of Montana. Mr. President, before that is done, will the Senator yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. WALSH of Montana. I was a little astonished at the information given us that wild mustard seed is a commercial product at all, or that it has found a use. It grows extensively all over the West and is universally regarded as a most noxious and pestiferous weed. I never heard that it had any value for any purpose; and I was astonished to learn, from the information the Senator gives us, that it sells for a cent and a half a pound.

Mr. WALSH of Massachusetts. I am so informed.

Mr. WALSH of Montana. I think that information can not be correct.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I do.

Mr. SMOOT. I will say that some of the wild mustard seed is being used in mustard plasters.

Mr. WALSH of Massachusetts. That is my information.

Mr. SMOOT. It is taken out of the screenings of wheat wherever possible; and lately it has become a commodity in trade, though not to a very great extent.

Mr. WALSH of Montana. That is to say, it is not grown for commerce.

Mr. SMOOT. No.

Mr. WALSH of Montana. Some of it is saved out of the wheat screenings and utilized for some purpose or other.

Mr. SMOOT. Most of it is derived in that way; but I think wild mustard grows in nearly all of the Western States, as far as that is concerned, and it is a trouble to get rid of it. I mean, it grows along ditch banks and on land that is not cultivated. The wind carries it and it grows, but lately it has been used by taking it from the screenings of oats and wheat and putting it in mustard plasters.

Mr. WALSH of Massachusetts. That is my information.

I will say to the Senator from Montana that the information I have obtained is as follows:

There is a wild or charlock black so-called mustard produced there—

Meaning in the Senator's State—

and offered for sale. According to the ruling of the Department of Agriculture, this seed is not true mustard. It does not even possess the properties of a true mustard. It has been offered for years at about 3 cents per pound, but better users do not buy it even at that.

There is also a limited quantity of yellow mustard grown in Montana and parts of one or two other mid-west States; and this is also a poor, pale type, not even as good as California yellows. Extensive experiments have been made, trying to grow better seed in the West by planting foreign-grown seed, but the resultant crop has always had the same poor domestic characteristics.

Mr. WALSH of Montana. Mr. President, from what does the Senator read now?

Mr. WALSH of Massachusetts. From a memorandum furnished me by spice manufacturers, and I assume they obtained this information from the Department of Agriculture.

The PRESIDING OFFICER. Does the Senator desire the article read which he sent to the desk?

Mr. WALSH of Massachusetts. In just a moment.

In reference to the seed that grows in Montana, I now read from a letter written me by the Stickney & Poor Spice Co., one of the largest spice manufacturers in the country, in reference to the efforts of this company to buy black and yellow mustard seed in Montana. This letter is dated January 10, 1930, and is, in part, as follows:

We bought a lot of brown mustard seed from them (the Barkemeyer Grain & Seed Co., of Great Falls, Mont.), also a lot of yellow mustard seed from them. We wanted to test out the quality of their seeds. We bought these goods February 21 for prompt shipment—almost 11 months ago. We have not received a pound. A few weeks after we made the purchase they wrote saying that the goods would be shipped very soon. They have defaulted on the business and we have made a report to that effect to the American Spice Trade Association.

This letter, as I say, is dated January 10, 1930. The information that comes to me from these manufacturers is that they can not get any brown or yellow mustard seed from any other part of this country except California; that they can get it from California, but only in limited amounts and of inferior quality.

I desire to say in conclusion that so far as I have been able to get the views of these manufacturers, they have no antagonism whatever to the domestic mustard-seed industry. They would much prefer to be able to buy this seed in America if it could be produced here; but they are unable to get it of satisfactory quantity and quality. The facts are that the imports are continuing to increase, that we are now importing over 20,000,000 pounds, and that the production in this country is about 2,000,000 pounds.

I do not think a case has been made out here to increase the duty beyond the present amount of 1 cent per pound. Mr. President, the manufacture of mustard in various forms is a large industry in this country for medicinal use, and it is the staple condiment of the common people, as it adds zest and makes palatable even coarser meats and foods.

The higher duty is advocated supposedly to benefit a few local farmers. It would not likely help even them but would help a few speculators and operators to get control of the small supplies and maintain unreasonably high prices, thereby causing the entire population to pay high prices for a necessity. The price the public will have to pay because of this increased duty will be tremendous compared to the few thousand dollars that will accrue to the seed producers of California.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

MARCH 5, 1930.

Hon. LYNN J. FRAZIER,

United States Senate, Washington, D. C.

MY DEAR SENATOR: This morning in a conversation with Doctor Crawford, of the Bureau of Chemistry, Department of Agriculture, I was advised that the following ruling on mustard seed was issued on June 24, 1911, by the Board of Food and Drug Inspection, which was approved by Secretary James Wilson:

"It has come to the attention of the Board of Food and Drug Inspection that the seed of charlock (*Brassica arvensis* L., or black wild mustard) is being substituted by some manufacturers, in whole or in part, for that of true mustard, to wit, yellow or white mustard.

"Brassica: It is the opinion of the board that when charlock (or black wild mustard) is substituted in part for mustard the label should clearly indicate this fact. The condiment prepared from mustard or mustard flour and charlock, with salt, spices, and vinegar, is not 'prepared mustard,' but provided when a greater quantity of mustard than of charlock is used it should be called 'prepared mustard and charlock.'

"H. W. WILEY,
"F. L. DUNLAP,
"GEORGE P. MCCAVE,
"Board of Food and Drug Inspection."

Doctor Crawford is confirming the above by a memorandum from the department, which is being sent to me by messenger, and I shall be very glad to let you have this if you so desire in order to confirm the above.

Sincerely yours,

P. L. GOLDSBOROUGH.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland [Mr. GOLDSBOROUGH] to the amendment made as in Committee of the Whole.

Mr. WALSH of Montana obtained the floor.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. WALSH of Montana. I yield.

Mr. FRAZIER. I should like to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. WALSH of Montana. I trust the Senator will not do that.

Mr. FRAZIER. If we are going to have a vote on this product, the Members of the Senate ought to hear what is said about it.

Mr. WALSH of Montana. Very well; I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	Keyes	Simmons
Baird	Glenn	La Follette	Smoot
Black	Goff	McCulloch	Stephens
Blaine	Goldsborough	McKellar	Sullivan
Bratton	Greene	McNary	Swanson
Brock	Grundy	Metcalf	Thomas, Idaho
Broussard	Hale	Norbeck	Thomas, Okla.
Capper	Harris	Norris	Townsend
Connally	Harrison	Oddie	Trammell
Copeland	Hatfield	Overman	Vandenberg
Couzens	Hawes	Patterson	Walcott
Cutting	Hayden	Phipps	Walsh, Mass.
Dale	Hebert	Ransdell	Walsh, Mont.
Fess	Heflin	Robinson, Ind.	Waterman
Fletcher	Johnson	Schall	Watson
Frazier	Jones	Sheppard	
George	Kean	Shortridge	

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, under the present law mustard seed is dutiable at the rate of 1 cent per pound, while prepared mustard is burdened with a duty of 8 cents per pound.

I can not help thinking that the information given to the Senate with respect to this particular item comes in very large part from the producers of prepared mustard, who utilize the mustard seed as the raw material of their product. Indeed, the article read to us by the mover of the pending motion, the Senator from Maryland [Mr. GOLDSBOROUGH], reads like a brief prepared by the manufacturers of prepared mustard.

That reminds me that when another infant industry of the State of Montana, the production of manganese, was under consideration, and the question of the imposition of a duty upon that particular product was before us, it, like this, was opposed by the very interests which have grown inordinately wealthy in consequence of high duties imposed upon their products, and which are here asking for increases upon them.

Mr. President, this is a new industry. Much has been said of the advisability of curtailing the production of wheat, for instance, and of how it would be good policy for the growers of wheat to engage in the production of some other kind of crops. My esteemed friend the senior Senator from Louisiana [Mr. RANSDELL] was proposing to us some time ago the extension of the culture of sugar beets and cane in order to reduce the area devoted to the culture of cotton and wheat, in order that the wheat farmer might be benefited in his economic condition. It was easy to demonstrate that it is utterly impossible to limit the production of wheat by the extension of the culture of sugar beets, sugar beets being grown only under irrigation.

Here is another infant industry in the State of Montana, gradually taking up ground which would otherwise be devoted to the culture of wheat, and we find that opposed by Senators from sections of the country whose industries are highly protected, they objecting to this small duty on mustard seed.

As indicating the possibilities of the extension of this industry, let me remark that in 1926 there were produced in Montana 11,500 pounds of mustard seed, in 1927 there were produced 72,000 pounds, in 1928 there were produced 675,000 pounds, and in 1929 there were produced 1,600,000 pounds, an increase from 1928 to 1929 of nearly a million pounds.

Let me give the Senate some reliable information upon this subject from a brief letter found in the hearings of the Committee on Ways and Means, written by Mr. Barkemeyer, of Great Falls, Mont., handling this particular product. He said:

A large number of farmers in Montana, represented by the Barkemeyer Grain & Seed Co. of Great Falls, Mont., request that the tariff on whole mustard seeds be increased to 4 cents per pound. Our reasons are as follows:

1. The feasibility of producing sufficient mustard seeds in Montana to supply the United States requirements has been amply demonstrated by the rapid increase in production of satisfactory commercial crops. The first crop ever grown in Montana was in 1926. Warehouse records show production to date as follows:

Year:	Pounds
1926	11,500
1927	72,000
1928	675,000

There are enough farmers interested in growing mustard seeds and sufficient suitable land to produce enough to meet United States requirements within a very short time if prices justified. Imports from January 1, 1927, to September 30, 1928, amounted to 34,383,991 pounds. The average prices, based on spot prices at New York City, during the same period were as follows:

Imports (per hundred pounds), $7.27; California, $8.32; Montana, $8.25.

2. The average price of mustard seeds from all countries, England excepted, for the same period was $6.57 per hundred pounds. The production for these countries during this time was 22,922,661 pounds. This fact is mentioned for the reason that Montana mustard seeds come mostly into competition with those countries outside of England who produce the bulk of the imports and with cheap labor.

3. During the period 1909 to 1926 average annual imports were 11,470,000 pounds, United States production 3,149,630 pounds, and average annual consumption 14,519,630 pounds. In 1927 imports amounted to 23,923,948 pounds, domestic production 3,220,500, the total consumption of the United States being 27,144,448 pounds. This shows that while imports have greatly increased domestic production has remained practically stationary.

4. The limited quantity of mustard seeds produced thus far in Montana has been marketed at near-by points in the West, but at present costs of production it is impossible to market any considerable quantity in eastern territory, where the bulk of it is used, against cheaply produced foreign seed.

Last and most important, Montana mustard is produced on land which is now growing wheat. It will replace this wheat acreage and not be additional acreage. It thus reduces the amount of wheat produced, of which there is an overproduction, and helps to keep the wheat price higher. It also assists in the Federal Government's scheme of diversification of agricultural production.

The foregoing presents our case in brief, and I feel sure you and your associates will give our viewpoint full consideration. If you desire further information from me I shall be glad to supply it.

Yours very truly,

A. E. BARKEMEYER,
President Barkemeyer Grain & Seed Co., Great Falls, Mont.

The junior Senator from Massachusetts [Mr. WALSH], usually accurate in the information he gives the Senate but in this respect drawing his facts, as I gather, from producers of prepared mustard, is not accurate. The figures before me, prepared, evidently with care, by Mr. Barkemeyer, disclose that the average import price from January 1, 1927, to September 30, 1928, was $7.27. That includes, I take it, the 1-cent duty, which makes the actual average import price $6.57 per hundred, or 6.57 cents per pound, and with a duty of 1 cent per pound the ad valorem rate, it will be perceived, it would be about 15 per cent.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. I am very glad to have the Senator's information about the price. My information—and I state to the Senator that this is from the spice manufacturers—is that the California brown seed sold in September at 8 cents per pound, while the imported brown seed sold in that month at 10 cents c. i. f., or 11 cents duty paid.

Mr. WALSH of Montana. Mr. President, my figures in respect to that are given at page 1497 of the Summary of Tariff Information.

Reference is made to December 15, 1928, when the California brown was sold at 11½ to 12 cents, the English yellow at from 8½ to 9 cents, and the Dutch yellow at from 7½ to 8 cents.

Another particular in which the information of the Senator from Massachusetts does not seem to be entirely accurate is as to the amount of production in the United States. According to the figures before me the average annual imports to the year 1926 amounted to 11,470,000 pounds, and during that period the production in the United States was 3,149,630 pounds.

Apparently the consumption is somewhat largely increased, for in 1927 the imports amounted to 23,923,948 pounds, while domestic production remained practically stationary, advancing only to 3,220,500 pounds. In other words, while the seeds can be produced in this country, for some reason or other the industry has not developed but has remained stationary during all the time, while the consumption of mustard has very greatly increased.

I have here a more recent letter from Mr. Barkemeyer, which I desire to read. It is dated Great Falls, Mont., February 21, 1930, and reads as follows:

We have wired you to-day, per attached copy, regarding the duty on mustard seed.

About a year ago we wrote you fully concerning mustard production in Montana. Nineteen hundred and twenty-nine was our fourth year of mustard growing in this State, and, as you will note from our brief filed with the Ways and Means Committee of the House one year ago, we produced in 1928, 675,000 pounds and in 1929, 1,600,000 pounds. This increase of 1,000,000 pounds shows you the possibilities of rapid increase, but in order to do so we must have higher duty, which will enable us to compete in the largest markets of Eastern States, such as New York, Boston, Baltimore, and Philadelphia.

Mustard production is proving quite profitable to our farmers, and more so than wheat. The only markets which we are able to reach

under the present tariff are middle western markets, such as St. Louis, Chicago, and Pittsburgh.

In view of the present low prices of wheat and the possibility of a large overproduction next year, Montana farmers are anxious to raise mustard instead of wheat on part of their acreage. This increase in tariff to 3 cents per pound will benefit both mustard and wheat. I feel sure that you will give our viewpoint full consideration and enlist the cooperation of other Senators.

Thank you for your assistance.

Yours very truly,

BARKEMEYER GRAIN & SEED CO.,
A. E. BARKEMEYER, *President*.

Mr. President, this makes a very powerful appeal to me. Here is an opportunity to do the farmer some good, to limit and narrow the area devoted to the production of wheat, and to put it into a product that is more profitable to the grower and which is now very largely supplied from foreign sources. I am convinced that the Senator from Maryland [Mr. GOLDSBOROUGH], who has with due regard to the interests of his State asked for an increase in duties upon all of his own products, including prepared mustard, will feel that there ought to be a little bit of reciprocity about this matter and that he ought to have some consideration for this industry which offers so much of promise. Indeed, Mr. President, when I find an industry, which is itself highly protected and which has in the past been highly protected, objecting to a duty upon the raw material that enters into its particular product, I feel that it exhibits a spirit that no one can commend and that ought not to be particularly approved.

I hope that the rate will stand as it was agreed to in Committee of the Whole.

Mr. FRAZIER. Mr. President, the very theory of a protective tariff is to protect infant industries. The special session which considered the tariff bill was called for the benefit of agriculture especially.

So-called tame mustard is raised in California, and in Montana to a small extent. In many of the other Middle Western and Western States the wild mustard grows to such an extent that it is a noxious weed and it is practically impossible to get rid of it. There is no question that one hundred times more mustard seed can be produced in the United States than the domestic demand will require if a price can be paid to the farmers which will give them cost of production and a little profit, thus taking the place of other acres which produce now a surplus of product.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New York?

Mr. FRAZIER. I yield.

Mr. COPELAND. No one who votes for this proposal can ever find fault with the Senator who votes for a protective tariff on anything in the world. Senators may talk about an infant industry and what can be done, but it is perfectly absurd to tax every table in the country for the sake of putting a tariff on the very small amount of mustard raised in the United States.

Mr. FRAZIER. Mr. President, on many of the schedules we have passed over in this very tariff bill the argument has been made that the tariff is granted to protect a growing industry or to keep a small industry from failing. I have a letter from the Department of Agriculture, Bureau of Agricultural Economics, in reply to a request of mine asking the number of acres it would require in the United States to raise the farm products which are imported that should be raised in the United States just as well as not. Their estimate, and they say it is only an estimate, is that it would require 14,718,000 acres of land to produce the imported farm products that come in direct competition with the products produced here at home. I think their figures are very, very conservative.

I have another letter from the Farm Journal published in Philadelphia, dated October 19, 1929, in which the editor states:

> Three-quarters of our total imports are of agricultural origin and the amount which may be regarded as competitive exceeds $2,000,000,000 a year for the last three fiscal years.

Mr. E. Clemens Horst, of San Francisco, appeared before the Committee on Agriculture and Forestry on the farm bill and made this statement:

> We are importing products of at least 80,000,000 plow-land acres, which equals 45,000,000 acres in excess of our requirements plus 35,000 acres of legitimate exports.

That is a fact on the basis of the statement of the editor of the Farm Journal. At $25 an acre it would take 80,000,000 acres to produce $2,000,000,000 of exports which he states are coming in competition with our farm products here.

Mr. President, there is no question that we can raise plenty of mustard seed in the United States if we are given an opportunity. As the Senator from Montana [Mr. WALSH] said it is an infant industry now and should be protected. If we can get a rate of 3 cents a pound in the way of a tariff I am satisfied that the production of mustard seed will increase, and will increase rapidly, so that it will supply the whole demand for mustard seed in the United States.

Mr. WALSH of Massachusetts. Mr. President, I will say to the Senator from Montana [Mr. WALSH] that the statistics which he gave me with reference to the production of mustard seed in Montana are new to me. I had no information that there was any production of mustard seed in that State that was marketable for spice making. The figures which had been given to me related to production in California. They indicate that last year there was produced in California about 1,400,000 pounds of brown mustard seed and 240,000 pounds of yellow mustard seed. Assuming that the duty becomes effective, I figure that the domestic producers will receive approximately $900,000 a year additional above what they receive now for their mustard seed, and that the American consumers will have to pay, in consequence of that duty—at least the manufacturers will have to pay it, and of course they will pass it on to the consumers—$900,000 in the first place because of the increased duty that may be levied in the bill.

I ask the attention of the Senator from Utah [Mr. SMOOT]. The present duty on manufactured mustard is 8 cents and that is based, I understand, upon some relation to the duty upon mustard seed.

Mr. SMOOT. That is supposed to be the basis.

Mr. WALSH of Massachusetts. Is it a fact, as they claim, that if the 8-cent rate is placed upon mustard seed their duty ought to be made 24 cents?

Mr. SMOOT. No; I do not think it will be that much.

Mr. WALSH of Massachusetts. There would have to be an increase?

Mr. SMOOT. Yes.

Mr. WALSH of Montana. Mr. President, I desire to remark before we conclude that I am pleased to learn from the Senator from Massachusetts [Mr. WALSH] that the information which he gave us, alleged to come from the Department of Agriculture, concerning the inferior quality of Montana-grown mustard, does not come directly from the Department of Agriculture to him, but comes in the nature of a communication from some producers of prepared mustard who do or do not accurately reproduce the communication which they had or the information they received from the Department of Agriculture.

Mr. WALSH of Massachusetts. I will say to the Senator that that is the fact.

Mr. WALSH of Montana. Likewise, the Senator read from another producer of spices or spiced products, including mustard, I suppose, a statement to the effect that they placed an order with the Barkemeyer Co., of Great Falls, a year ago and they have not had compliance with the order. I suppose probably that is not the first time occurrences of that kind have taken place. The bare fact that they did not get a reply to their letter would indicate that there is some trouble about the communication in some manner or other. I think no one will have any difficulty at all in getting filled any orders that are placed with the Barkemeyer Co. for mustard seed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. GOLDSBOROUGH] to the amendment made as in Committee of the Whole.

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

Mr. WALSH of Montana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Simmons
Ashurst	George	McCulloch	Smoot
Baird	Glass	McKellar	Steiwer
Barkley	Glenn	McMaster	Stephens
Bingham	Goff	McNary	Sullivan
Black	Goldsborough	Metcalf	Swanson
Blaine	Greene	Moses	Thomas, Idaho
Blease	Grundy	Norbeck	Thomas, Okla.
Bratton	Hale	Norris	Townsend
Brock	Harris	Nye	Trammell
Brookhart	Harrison	Oddie	Tydings
Broussard	Hastings	Overman	Vandenberg
Capper	Hatfield	Patterson	Wagner
Connally	Hawes	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Cutting	Heflin	Ransdell	Waterman
Dale	Howell	Robinson, Ind.	Watson
Dill	Jones	Schall	Wheeler
Fess	Kean	Sheppard	
Fletcher	Keyes	Shortridge	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. WALSH of Montana. Mr. President, for the benefit of those Senators who came into the Chamber on the quorum call, I want to state the question which is involved. The present law imposes a duty of 1 cent per pound on mustard seed; the House bill carries a duty of 2 cents a pound. That rate was approved by the Senate Finance Committee. On the floor the duty was raised to 3 cents per pound. Now it is proposed to put it back to 1 cent per pound. The product involved is one which is grown in California and Montana.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. If not too late, would a suggestion of amending the proposed amendment fixing the rate at 2 cents a pound be in order?

The VICE PRESIDENT. It is now too late to offer such an amendment.

The roll call was resumed.

Mr. GLENN (when his name was called). I have a special pair for the day with the junior Senator from Arkansas [Mr. CARAWAY] and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Illinois [Mr. DENEEN] and therefore withhold my vote.

The roll call was concluded.

Mr. BLEASE. Mr. President, I just came into the Chamber, and find myself in the position that I do not know exactly how to vote. Some of my friends are voting one way and others are voting the other. May the question be stated?

The VICE PRESIDENT. A vote "yea" is to vote for the imposition of a duty of 1 cent a pound.

Mr. BLEASE. How is it if a Senator shall vote "nay"?

The VICE PRESIDENT. That would be for the imposition of a duty of 3 cents a pound.

Mr. BLEASE. Then I vote "yea."

Mr. SIMMONS. I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. In his absence I withhold my vote.

Mr. BINGHAM. Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. He has not.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia and therefore withhold my vote.

Mr. WATSON. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Kentucky [Mr. ROBSION] and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

Mr. MOSES (after voting in the affirmative). I transfer my general pair with the Senator from Louisiana [Mr. BROUSSARD] to the Senator from Oregon [Mr. MCNARY] and let my vote stand.

The result was announced—yeas 28, nays 39, as follows:

YEAS—28

Baird	Grundy	Metcalf	Townsend
Blease	Hale	Moses	Tydings
Copeland	Harris	Norris	Vandenberg
Couzens	Hatfield	Patterson	Wagner
Dale	Hebert	Sullivan	Walcott
Dill	Kean	Swanson	Walsh, Mass.
Goldsborough	La Follette	Thomas, Okla.	Waterman

NAYS—39

Allen	Fess	Howell	Robinson, Ind.
Ashurst	Fletcher	Johnson	Schall
Barkley	Frazier	Jones	Sheppard
Black	George	McCulloch	Shortridge
Bratton	Greene	McKellar	Smoot
Brock	Harrison	McMaster	Stephens
Brookhart	Hastings	Norbeck	Walsh, Mont.
Capper	Hawes	Nye	Watson
Connally	Hayden	Oddie	Wheeler
Cutting	Heflin	Phipps	

NOT VOTING—29

Bingham	Glenn	Pine	Smith
Blaine	Goff	Pittman	Steck
Borah	Gould	Ransdell	Steiwer
Broussard	Kendrick	Reed	Thomas, Idaho
Caraway	Keyes	Robinson, Ark.	Trammell
Deneen	King	Robsion, Ky.	
Gillett	McNary	Shipstead	
Glass	Overman	Simmons	

So Mr. GOLDSBOROUGH's amendment to the amendment made as in Committee of the Whole was rejected.

The VICE PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. Mr. President, I have been asked by a number of Senators again to renew my request in reference to this matter. It is as follows:

That instead of a duty of 3 cents per pound on this commodity we put it at 2 cents a pound, which is the House rate. Previously I made such a request, and I think it was agreeable to all Senators present. Now, I again ask that the duty be fixed at 2 cents per pound instead of 3 cents per pound.

The VICE PRESIDENT. A negative vote would secure that.

Mr. SMOOT. Then, I ask for a negative vote.

Mr. FESS. I ask for the yeas and nays.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. DILL. I ask to have the amendment stated.

The VICE PRESIDENT. The amendment made as in Committee of the Whole will be stated.

The LEGISLATIVE CLERK. On page 145, line 15, strike out "2 cents" and insert "3 cents," so as to read:

Mustard seeds (whole), 3 cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. A negative vote makes the rate 2 cents?

The VICE PRESIDENT. That is correct.

Mr. WALSH of Massachusetts. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WATSON (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. NORBECK. On this question I am paired with the senior Senator from California [Mr. JOHNSON] and therefore withhold my vote. If he were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. MOSES (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. GLENN] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 21, nays 53, as follows:

YEAS—21

Ashurst	Frazier	Oddie	Walsh, Mont.
Brookhart	Hayden	Pittman	Watson
Broussard	Howell	Robinson, Ind.	Wheeler
Capper	Jones	Schall	
Connally	McMaster	Stephens	
Cutting	Nye	Thomas, Idaho	

NAYS—53

Allen	Glass	Keyes	Sullivan
Baird	Goff	La Follette	Swanson
Barkley	Goldsborough	McCulloch	Thomas, Okla.
Bingham	Greene	McKellar	Townsend
Black	Grundy	Metcalf	Trammell
Blease	Hale	Moses	Tydings
Bratton	Harris	Norris	Vandenberg
Brock	Harrison	Patterson	Wagner
Couzens	Hastings	Phipps	Walcott
Dale	Hatfield	Ransdell	Walsh, Mass.
Dill	Hawes	Sheppard	Waterman
Fess	Hebert	Shortridge	
Fletcher	Heflin	Smoot	
George	Kean	Steiwer	

NOT VOTING—22

Blaine	Glenn	Norbeck	Shipstead
Borah	Gould	Overman	Simmons
Caraway	Johnson	Pine	Smith
Copeland	Kendrick	Reed	Steck
Deneen	King	Robinson, Ark.	
Gillett	McNary	Robsion, Ky.	

So the amendment made as in Committee of the Whole was nonconcurred in.

The VICE PRESIDENT. The question is on the next amendment reserved for a separate vote, which will be stated.

The LEGISLATIVE CLERK. Long-staple cotton, paragraph 781, page 146, line 8.

Mr. WALSH of Massachusetts. Mr. President, since this amendment was adopted there has been some discussion about a compensatory duty. I have communications from the cotton manufacturers of my State inquiring whether or not any compensatory duties are to be levied. I should like to have a statement from the chairman of the committee on that subject.

Mr. SMOOT. Mr. President, if long-staple cotton carries a duty of 7 cents a pound, such as the Senate has already voted, I shall offer on page 160, after line 12, the following:

PAR. 924. All the articles enumerated or described in this schedule shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length.

That is the compensatory duty.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator for the record what is the production of long-staple cotton in this country compared to the consumption?

Mr. SMOOT. I will give the exact figures.

Mr. HARRISON. Mr. President, I can tell the Senator. I think it is approximately 900,000 bales.

Mr. SMOOT. I think that is approximately it. I was going to give the exact figure.

Mr. HARRISON. About 900,000 bales.

Mr. WALSH of Massachusetts. What is the consumption?

Mr. SMOOT. About 1,300,000 bales, I think—something like that. In other words, as I remember the figures, the importations are about 400,000 bales, and the production in the United States is about 900,000 bales.

Mr. WALSH of Massachusetts. Mr. President, at the time this amendment was adopted I think there was not appreciated by a good many Senators the fact that compensatory duties would have to be levied upon various kinds of cotton fabrics, including automobile tires and cotton goods of all kinds in which long-staple cotton is used. I have reason to believe that there has been some change of sentiment, not through a "deal" but through honest convictions on this subject, in the Senate. I know that some Senators would like to have their records cleared; and I am going to ask that a roll call be had. Further, I do not believe it was appreciated that the equivalent ad valorem of the 7-cent duty is about 24 per cent.

Mr. FESS. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Ohio.

Mr. FESS. I am glad the Senator has made that remark, because I assumed that, of course, there would be a compensatory duty, and I voted with the understanding that that would follow; but I propose not to vote for a duty on long-staple cotton unless I am assured that the other will follow.

Mr. WALSH of Massachusetts. Has the Senator received a great many protests from users of long-staple cotton in his State?

Mr. FESS. I have.

Mr. WALSH of Massachusetts. Expressing great surprise that this duty should be voted by the Senate?

Mr. FESS. With the statement that it would add 56 cents to the cost of each tire.

Mr. WALSH of Massachusetts. It would add 56 cents to the cost to the public of each tire?

Mr. FESS. Yes.

Mr. WALSH of Massachusetts. Has the Senator figured out how much that would mean in the way of a total extraction from the pockets of the American people for tires?

Mr. FESS. I have not. I assumed, of course, that if we put a duty on the raw material, it would be compensated on the finished product. There has been no effort on that score. Therefore, I shall reverse my vote.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. WALSH of Massachusetts. I do.

Mr. SHORTRIDGE. Mr. President, the number of pounds of long-staple cotton used in the making of an automobile tire would be a little over 4 pounds, and I have authoritative data to show that, assuming that the 7 cents a pound on long-staple would be fully effective, it would not impose upon the manufacturer more than 30 to 31 cents on a tire sold for $15 or $20 or $30 or $40.

Mr. WALSH of Massachusetts. Mr. President, on that statement I should say the Senator from Ohio ought to increase his estimate of what the increase would mean to the public, because the Senator's own statement does not provide for any pyramiding. He says the increased cost to the manufacturer would be about 30 cents; therefore, the cost to the public would be more than what the Senator from Ohio has estimated, and perhaps would reach more than double that sum, namely, 70 cents.

Mr. SHORTRIDGE. Which the manufacturer can easily absorb, and he does not need, in point of truth, any additional assistance.

Mr. WALSH of Massachusetts. I have not been able to find, as the result of my experience with the tariff, that many manufacturers generally absorb increased tariff duties.

Mr. SHORTRIDGE. The competition is such that they will very gladly do so.

Mr. WALSH of Massachusetts. I do not care to prolong the discussion, except to state that the voting of this duty has had a very depressing effect upon the cotton-textile industry. It is already in a very precarious condition, North and South. I can not adequately describe the extent of unemployment and depression in that industry to-day in this country.

I venture to say that in the last two years at least a hundred large factories employing thousands of working men and women have closed their doors. I received word the other day from the community in which I live that a factory which had been in existence there for 75 years, making at one time the finest ginghams in the world, later weaving cotton cloth, at one time employing 2,200 men, is to close down on April 1.

With that condition in this industry, the news that an increased duty was to be levied upon long-staple cotton was a very great shock to the industry, and it is unfortunate that we should have taken such action at this time.

I notice that the Senators from North Carolina, both the junior and the senior Senators, in whose State there are cotton industries and in whose State cotton is raised extensively, voted against this duty. They both feel, as I do, that it is a very serious blow to the textile industry, which is already in a very precarious condition.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. HAYDEN. If the news that the price of cotton might be raised 7 cents a pound was a great shock to the textile industry, it seems to me the industry should have been overjoyed at the drop in the price of the same kind of cotton during the past year of about 14 cents a pound. They should have been cheered up wonderfully by that. This grade of cotton is cheaper than it has ever been in history. A variation of 7 cents a pound is frequent during the year. It is no shock to the cotton market that long staple should go up or down 7 cents; that is within the range of normal price fluctuations.

I can not quite see that the mere fact that the Senate voted for an increase in the tariff of 7 cents is the trouble with the cotton industry. Frequently in a year it will change 7 or 10 or 15 cents a pound.

Mr. WALSH of Massachusetts. I did not mean to say that within three days the cotton industry had collapsed because of this increased duty. It has been in a precarious condition for many reasons and for a long period of time, but this certainly did not help.

In reply to the Senator, I will say that I do not suppose the cotton manufacturers, any more than any other manufacturers, measure the success of their business by what may be the price of the raw material on a particular day or during a particular week or a particular month. I presume they exercise reason, and that they can foresee the time when these duties will be effective; and they will be effective, probably, at a time when cotton will be at a very high price, regardless of the increased price caused by the duty. The objection they make is not so much because of the immediate effect of this duty but what the effect in the long run will be on the textile industry.

Mr. HAYDEN. When cotton is at a very high price, of course the effect is less, but now, when the cotton market is absolutely dragging at the bottom, and cotton is cheaper than it has been since before the war, it seems to me that they can not complain about a mere change of 7 cents a pound on this grade of cotton.

Mr. WALSH of Massachusetts. I have no desire to prolong the discussion. I have learned to accept the verdict of the Senate complacently, and I recognize the right of this body to increase or lower duties as it sees fit. I only ask in this instance that another record vote be had, in order that we may understand just what is the attitude of the Senate on this matter.

When the vote was taken before there was not much debate, and since that time Senators have had an opportunity to consider different phases of the question from those considered by them when they listened to the pleading appeal made by the able junior Senator from California [Mr. SHORTRIDGE] for the levying of this duty on long-staple cotton.

Therefore I ask for the yeas and nays upon this amendment, and I hope the action of the Senate will be reversed.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator to the exact figures as to the importations in 1929.

Of long-staple cotton there were imported in 1929, 315,225 bales. There were produced in the United States 694,500 bales.

Mr. WALSH of Massachusetts. Is it a fact that it was the judgment of the Senator's committee that it should recommend that no duty be levied on long-staple cotton?

Mr. SMOOT. That was the action of the committee.

Mr. WALSH of Massachusetts. And also the action of the Ways and Means Committee of the House?

Mr. SMOOT. I do not know whether it came before the Ways and Means Committee of the House or not.

Mr. WALSH of Massachusetts. They levied no duty in the House?

Mr. SMOOT. They levied no duty.

Mr. HARRISON. Mr. President, the Senator will permit me to say, however, that the chairman of the subcommittee having this particular matter in charge was the distinguished senior Senator from Connecticut [Mr. BINGHAM], and in the House the gentleman having it in charge in the subcommittee was one of the distinguished Representatives from the Senator's own State, Mr. TREADWAY.

Mr. WALSH of Massachusetts. Knowing the Senator's sound Democratic tariff views, I am sure that if the Senator from Mississippi had been presiding he would not have recommended the duty.

Mr. HARRISON. The Senator does not know that, because the Senator from Mississippi has expressed himself on the floor to the effect that as to any proposition such as the item relating to long-staple cotton, in the circumstances, with the prices, as revealed by the Senator from Arizona, having declined as they have, and the importations, as stated by the Senator from Utah, being about 60 per cent of the production in the United States, I should think it would be very fair to impose some duty. The Senator from California in offering his amendment has not offered the amendment as requested by these associations, because they wanted 24 cents on the very longest staple, but he has placed it at 7 cents, and these people for whom the Senator now speaks, echoing, of course, the viewpoint of Senator Lippitt, of Rhode Island, and the Senator who sits by the side of the Senator from Massachusetts, Mr. METCALF, of Rhode Island.

It was revealed that on cotton sewing thread this 7-cent raise would increase the cost 0.058 of 1 cent a spool. The fact is, too, as shown to the Senator from Mississippi, and I am sure to the Senator from Massachusetts, that on cotton sewing thread, in the bill as now adopted, there has been an increase of about 4 per cent ad valorem, and on certain long yarns in the cotton-cloth schedule there has been an increase as high in some instances as 12½ per cent ad valorem.

Those are really the facts about the matter, and the information that has come to the Senate and to various Senators since the vote was taken was from a man named Theall, who appeared before the Committee on Ways and Means in opposition to this proposition, representing the sewing-thread people, I believe it was, and, if I recall, he appeared also before the subcommittee of the Finance Committee presided over by the senior Senator from Connecticut [Mr. BINGHAM].

Mr. WALSH of Massachusetts. May I ask the Senator from Mississippi if he is prepared to vote for compensatory duties?

Mr. HARRISON. I do not think there ought to be any compensatory duty for the reason, as I stated before, that the increase on sewing thread carried in this bill already ought to take care of and absorb any compensatory duties, and that has been my view of it, and is now my view of it.

Mr. WALSH of Massachusetts. I am glad to have the Senator's view, but I ask the protectionist Senators on the other side to appreciate what the Senator from Mississippi has said, that he does not propose—and I assume he speaks for others—to support compensatory duties. Therefore the protectionist Senators who voted for this duty heretofore will please take notice, and be on their guard.

Mr. HARRISON. Of course the Senator understands that I am expressing merely my individual views. If there were no increase on cotton sewing thread, of course when you put a tariff on the raw material you have to put on a compensatory duty. That is the case with wool and other products.

Mr. WALSH of Massachusetts. There was an increased tariff duty in the cotton schedule in only two or three instances, and the increases were very small, 4 per cent in one case, and I think on a certain other fabric 12 per cent, but upon a large number of the items in that schedule there were no increases.

Mr. SMOOT. Mr. President, allow me to say that the final action of the Senate was to adopt the rate of the present law on the sewing thread. There is no increase in that.

Mr. HARRISON. But the Senator will recall that there was an increase, at the time we voted on this proposition, of 4 per cent ad valorem on cotton sewing thread. After that came up, and after we voted on it, there was an amendment offered by the Senator from Rhode Island [Mr. HERBERT]. I have not been able to analyze whether or not that carried an increase, and that may change the situation so far as the compensatory duty is concerned, but at the time we voted on this proposition before there was a 4 per cent ad valorem increase on cotton sewing thread.

Mr. SMOOT. With a different classification, and the request was that the rate go back to that in the existing law, and that is what is in the bill to-day.

I wanted to say also that the amount of long-staple cotton used in sewing thread is a mighty small proportion of the long-staple cotton used in the cotton industry. It goes into cloths of the finest kind, and the amendment I propose offering covers only those things in which long-staple cotton is used, and it is simply the compensatory duty necessary to cover the 7-cent duty.

Mr. HARRISON. I appreciate that; and in speaking of cloth the Senator knows, because the expert is by his side, that on certain cloth into which this long staple enters there has been an increase in some instances of as high as 12½ per cent.

Mr. WALSH of Massachusetts. I think in the case of velvets and velveteens that may be true in one instance.

But I want to say to the Senator from Mississippi that really there have been very few increases in the cotton schedule. I do not think the trouble with the cotton industry is due to the tariff. Increased duties in certain instances will improve the morale of the industry. As the Senator from New Hampshire [Mr. MOSES] just reminds me, there was only one increase in the basic rate on cotton cloth, and that was a small increase. But I want it understood now that this duty on long-staple cotton will not only wipe out any benefit whatever that may come from the liberal increase which has been given but will be a very serious blow, in my judgment, to the textile industry. That is the information I get from the manufacturers.

Mr. BARKLEY. Mr. President, I want to ascertain from some one what proportion of long-staple cotton, comprising something like 950,000 bales, including the domestic production and importations, is used in the textile mills of New England and what proportion is used in the textile mills of North Carolina, South Carolina, and Georgia and what proportion is used in the making of thread and other products.

Mr. WALSH of Massachusetts. I can not give the Senator the information except to say that it is used in conjunction with the common cotton, and it produces a finer yarn and a finer piece of cotton goods. It is rarely, if ever, used alone in the making of fabrics, but it is used in conjunction with other cotton in practically all the mills which make any fine-grade cotton goods.

Mr. SMOOT. Wherever there is a thread to be drawn very fine they use the long-staple cotton because of the fact that the short-staple cotton can not be drawn out in the way that is necessary.

Mr. WALSH of Massachusetts. In other words, no one mill and no one company uses the long-staple cotton, but they all use it to a certain extent.

Mr. BARKLEY. I understand it is mixed with short-staple cotton so as to make an average which is stronger than it would be if they used altogether the short staple.

Mr. WALSH of Massachusetts. When they want to spin a fine No. 30 thread they must use long-staple cotton, and much of the cotton cloth produced now is of the finer type.

Mr. SMOOT. They never mix long-staple and short-staple cotton. If they did they could not get the fine thread. The long-staple cotton is used almost entirely in drawing the finer threads. The Senator can see that if they are going to draw a fine thread and get it as fine as they have to they must use the long-staple cotton, and they are not going to take any chances with the short-staple cotton breaking.

Mr. BARKLEY. That may be true as to drawing a fine thread, but when they come to weaving the thread into the fabric, then what about it?

Mr. SMOOT. It may be all short-staple cotton.

Mr. BARKLEY. To what extent do they mix the thread?

Mr. SMOOT. They may use short-staple cotton for filling. They may use it for different colors. The warp has to be always stronger than the filling thread. The warp thread has to bear the wear and tear of the harness going up and down. There is more strain upon the warp, and therefore they have to have a warp always stronger than the filling thread.

Mr. BARKLEY. Can the Senator advise me whether long-staple cotton is used to any extent in the manufacture of rayon?

Mr. SMOOT. It may be used in a cloth that is rayon filled with a fine cotton warp.

Mr. PITTMAN. Mr. President, I would like to ask the Senator from Utah a few questions for information. Does the Sen-

ator know how many bales of short-staple cotton as against the long-staple cotton are used in the textile industry?

Mr. SMOOT. Does the Senator mean the percentages?

Mr. PITTMAN. I mean the total in any way the Senator can give it. I have tried every way possible to get it.

Mr. SMOOT. The total used under 1⅛ is 6,047,410 bales and over 1⅛ inches is 786,653 bales; in other words, it is about 12 per cent more.

Mr. PITTMAN. In fixing the compensatory duty the Senator would only take into consideration the fact that it will really take care of 12 per cent?

Mr. SMOOT. There are two paragraphs here. One is 1⅛ to 1$\frac{13}{32}$, and the other one is 1$\frac{13}{32}$ and over. Both of those paragraphs are 1⅛ and over, so it would be 735,079 and 786,653, or in other words about 1,500,000.

Mr. PITTMAN. As against a total of how much?

Mr. SMOOT. Under 1⅛ it would be 6,047,410. That is only the long-staple cotton.

Mr. PITTMAN. Only in proportion?

Mr. SMOOT. It is whatever the proportion may be. Some years when they are making a different class of goods they would not import as much long-staple cotton as in other years. A great deal depends on the class of goods being made.

Mr. WALSH of Massachusetts. Mr. President, will the result of the levying of the duty mean, in the opinion of the chairman of the Finance Committee, an increased cost to the public for the fine lining used in the making of suits, the fine cotton dress goods worn by women, the finer shirts worn by men, and the finer curtains that are used in the adornment of homes?

Mr. SMOOT. Wherever there is a strong thread and a fine thread, they have to use this cotton. In the wool schedule there is one paragraph that will be affected by the long-staple cotton provision, and, of course, we will offer an amendment there for a compensatory duty. Among the items falling in that paragraph are the linings that we have in our coats.

Mr. WALSH of Massachusetts. I understand that. It is used more in that way than in any other kind of goods.

Mr. SHORTRIDGE. Mr. President, when this matter was before the Senate some days ago it was very fully discussed, and doubtless it will be remembered that the proposed amendment was carried by a very substantial majority. I beg leave to observe that the proposed amendment was suggested months and months ago, was printed, laid on the table, and practically all Senators were aware that it would be called up for consideration. I beg to add also and remind the Senate that as to all the articles made in America, in the making of which long-staple cotton is used in part and only in part, there has been a substantial increase of protective duties. I had that in mind when voting for the several increases. I have before me a statement submitted by the department showing what the Senate has done, the increases provided in respect of the several cloth and other articles, in the manufacture of which cotton is used.

Frankly, in perfect friendship for the manufacturers of these goods, I think they have been amply protected, and in all sincerity I do not think that there is a call for additional so-called compensatory duties. But as to the latter proposition I am perfectly willing to listen and be guided by suggestions or facts which may be submitted. As of now, however, I undertake to say that if there be one item in the bill, particularly in what is called the agricultural schedule, which needs the protection thus far by the action of this body given it, it is the one now before us.

It is idle and a waste of time to repeat arguments heretofore made and approved. It may be irritating even to restate the problem. It is enough to suggest it. Every cotton-growing State in the Union is vitally interested in this item. As my friend from Mississippi [Mr. HARRISON] suggested, the proposed duty applies to the higher grade, more expensive cotton, of which there were over 315,000 bales last year imported into the country from Egypt. The cotton growers of the cotton-growing States can not compete with Egypt in the raising of this type of cotton.

I have never impugned the motives of any Member of the Senate. I have never questioned his high integrity and patriotic purpose. I do not now. But I venture to rap upon the breasts of Senators and tell them that if they are, as I must assume they are, the friends, the true and sincere friends, not the pretended, feigned, fake friends, of the man, the woman, the child upon the farm, now is the time to demonstrate it, now is the time to act. It is very easy to indulge in words. It is very easy to indulge in rhetorical display expressive of our love, affection, devotion for the farmer or the agriculturist, or, if you please, for the miner or the manufacturer. But there comes a time for the application of the acid test. I can understand full well the Senators from Massachusetts think first of the factory. It may well be that some of us from the broad fields and prairies think first of the field and the prairie. In effect I have been called the last of the 100 per cent protective-tariff men in this body, which distinction I do not arrogate to myself; but having been called the last of the McKinley tariff men, I say to protectionists here of Massachusetts, Rhode Island, New York, and all the great States along the Atlantic seaboard and all the great manufacturing States of the Union, that if they would be protected by adequate tariff duties they should be willing to lend an attentive and sympathetic ear to the agriculturalists, the farmers of this Nation—and this is a farming item in the bill if there be any.

It is not for my own great State that I am speaking or thinking; I would take the same position if not one pound of cotton were raised in California. Arizona, New Mexico, Texas, Arkansas, Louisiana, Georgia, Alabama, Tennessee, and Mississippi are great cotton-growing States, in all types of cotton. All of those States and their people, the men and women of those States, come here to us and ask for this aid and assistance by way of a tariff duty.

To my tariff friends, those who believe in the protective-tariff theory, I appeal; and since my friend from Massachusetts says that there is no question now between the two parties as to giving protection, that the only question is as to the rates of duty or the degree of protection to be agreed upon, I appeal to him now to listen to Mississippi and to the other cotton-growing States of the Union.

Mr. President, I am about through. The Senator from Utah [Mr. SMOOT], who thinks accurately, has indicated that if this rate of 7 cents on long-staple cotton be granted—and by that is meant cotton of 1⅛-inch length of fiber or more—an amendment will be offered providing for some additional compensatory rates on articles in the making of which this type of cotton is used. I will say that in some instances it may be proper, and it may be that in all the Senator shall suggest I shall agree; but I await, of course, the offering of the amendment.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. SHORTRIDGE. I yield.

Mr. OVERMAN. Mr. President, what cotton competes with the long-staple cotton of which the Senator is speaking?

Mr. SHORTRIDGE. The cotton that competes with this American cotton——

Mr. OVERMAN. It is the Egyptian cotton, is it not?

Mr. SHORTRIDGE. Yes, sir. If I understand the Senator's question, the competition is as between our long-staple cotton and Egyptian cotton.

Mr. OVERMAN. I understand that. I also understand from those who grow cotton—I am not thoroughly informed about it—that, if this amendment shall be agreed to, the manufacturers will be compelled to have Egyptian cotton, in any event, and will have to pay $35 a bale more for it, and that, of course, it will be necessary to impose compensatory duties on their products.

The adoption of the amendment will not help at all the cotton producers of California, because it is not the same quality as the imported cotton; it has not the same staple; and the manufacturers will have to buy Egyptian cotton. I repeat, the adoption of the amendment will not help the cotton in the State of the Senator from California, but will require the manufacturers to pay $35 a bale more. How can they do that without compensatory duties being levied on the commodities which they produce?

Mr. SHORTRIDGE. Mr. President, if I may respond to the thought suggested by the Senator from North Carolina——

Mr. OVERMAN. A million bales of cotton are raised in my State. When this question was previously before the Senate I voted against the high protection provided by the amendment, and I am against it now. The long-staple cotton produced in California does not compare with that produced in Mississippi. I understand that in California it is not called long-staple cotton, but it is called by some peculiar name.

Mr. SHORTRIDGE. Perhaps the Senator refers to Pima cotton, but "a rose by any other name would smell as sweet."

Mr. OVERMAN. I do not think it does smell as sweet, because the staple is not the same at all; the staple has not the length; and the cotton raisers in the Senator's State do not produce over 30,000 bales. Now it is proposed to impose a 7-cent duty in order to protect the 30,000 bales, when the duty, if imposed, will not help the cotton grown in the Senator's State at all, because the manufacturers will have to buy Egyptian cotton, inasmuch as the cotton which it is proposed to protect, does not compare with the foreign article. Nevertheless it is proposed to tax those who use the foreign cotton $35 a bale.

Mr. SHORTRIDGE. Mr. President, I follow the Senator's argument and respect his views. In the first place, I have heard that argument touching quality until it has become to me wearisome. During the late war when there was practically an embargo on the importations temporarily of the so-called high-grade superior Egyptian cotton, the American manufacturers used American-raised cotton. The emergency tariff bill of 1921 was passed placing a duty of 7 cents a pound on long-staple cotton. What was the result? Instead of some four hundred and odd thousand—485,000, I think—bales of cotton that had come in from Egypt the year previous, the importations fell off to something in the neighborhood of 85,000 bales. Meantime our factories were using American-grown cotton.

Now as to quality. The argument as to quality is used not only as to cotton, but it is also used by importers and by some Senators, perhaps influenced by what is told them, in respect to practically every imported article. As to cherries, almonds, walnuts, and a thousand other items of agriculture or of manufacture, we are always told that the American product is not equal in quality to the foreign.

Mr. OVERMAN. Mr. President, I am a member of the Committee on Appropriations. The Agricultural Department and the people of the South are asking for large appropriations to encourage the raising of a cotton which has a long staple, not Pima cotton, if that is what it is called; they do not want to grow that sort of cotton, but they want the real long-staple cotton. So appropriations have been made for that purpose to help them in their efforts and to show them how to restore and increase the culture of sea-island cotton, which is of very high quality and of a different class from the so-called long-staple cotton raised in the West, and of a different length.

Mr. SHORTRIDGE. Begging the Senator's pardon, let me remind him that the Legislature of Mississippi, during the month of January, considered this question and adopted a joint resolution, without a dissenting vote, indorsing a higher rate than is asked for. Many of the other cotton States have asked for a graduated increase in the rate, even up to 24 cents, on cotton running from 1⅛ inches——

Mr. OVERMAN. Mr. President——

Mr. SHORTRIDGE. Mr. President, will the Senator pardon me until I finish this sentence?

Mr. OVERMAN. Certainly.

Mr. SHORTRIDGE. Running from 1⅛ inches up to 1⅝ inches. We raise in California a great deal of cotton of 1⅛-inch staple.

Mr. OVERMAN. How many bales of cotton of the long-staple variety are raised in the Senator's State?

Mr. SHORTRIDGE. California last year raised more than 12,000 bales.

Mr. OVERMAN. California raised 12,000 bales!

Mr. SHORTRIDGE. Certainly.

Mr. OVERMAN. And the Senator proposes to put a tariff of 25 per cent on that character of cotton in order to protect 12,000 bales?

Mr. SHORTRIDGE. Of course it is all right when I vote to aid the rayon industry and the peanut producers of North Carolina. I voted for an increased duty on peanuts raised in the great State of the Senator from North Carolina.

Mr. OVERMAN. I voted for duties on some commodities produced in California.

Mr. SHORTRIDGE. As has been stated, this type of cotton is raised in the States named; and we seek to increase the acreage and improve the quality, if you please. The acreage has grown rapidly in California; Texas is increasing her cotton acreage, and, as I have said so often, we have the climate, the soil, the people, and the great American market, which we seek to supply, and the question is whether we or Egypt shall supply it.

I said the other day that there were Senators here from cotton States who could far better present this subject than I have been able to do, but still I feel that I understand the problem, and I am calling upon those who believe in the protective tariff policy to grant this relief and assistance.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HEFLIN. Mr. President, I inquire what is the parliamentary status?

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HEFLIN. And a vote "yea" is to sustain the 7 cents a pound rate of duty?

The VICE PRESIDENT. That is correct.

Mr. WALSH of Massachusetts. Mr. President, the yeas and nays have been ordered.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I have a pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from Virginia [Mr. SWANSON] and will vote. I vote "nay."

Mr. SIMMONS (when his name was called). On this question I am released from my pair with the senior Senator from Massachusetts [Mr. GILLETT]. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to my colleague [Mr. ROBINSON] and will vote. I vote "yea."

Mr. WHEELER. Upon this question I have a pair with the junior Senator from Idaho [Mr. THOMAS]. I transfer that pair to the senior Senator from Massachusetts [Mr. GILLETT] and will vote. I vote "nay."

The roll call was concluded.

Mr. MOSES (after having voted in the negative). I voted not knowing that my pair, the senior Senator from Iowa [Mr. STECK], was absent from the Chamber. I transfer my pair with him to the junior Senator from Kentucky [Mr. ROBSION] and will permit my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 44, nays 32, as follows:

YEAS—44

Allen	Dill	Howell	Ransdell
Ashurst	Fletcher	Johnson	Schall
Baird	Frazier	Jones	Sheppard
Black	George	McKellar	Shortridge
Bratton	Harris	McMaster	Steiwer
Brock	Harrison	McNary	Stephens
Brookhart	Hastings	Nye	Sullivan
Broussard	Hatfield	Oddie	Thomas, Okla.
Capper	Hawes	Patterson	Trammell
Connally	Hayden	Phipps	Waterman
Cutting	Heflin	Pittman	Watson

NAYS—32

Barkley	Glass	La Follette	Townsend
Bingham	Goff	McCulloch	Tydings
Blaine	Goldsborough	Metcalf	Vandenberg
Blease	Greene	Moses	Wagner
Copeland	Grundy	Norris	Walcott
Couzens	Hale	Overman	Walsh, Mass.
Dale	Hebert	Simmons	Walsh, Mont.
Fess	Keyes	Smoot	Wheeler

NOT VOTING—20

Borah	Gould	Pine	Shipstead
Caraway	Kean	Reed	Smith
Deneen	Kendrick	Robinson, Ark.	Steck
Gillett	King	Robinson, Ind.	Swanson
Glenn	Norbeck	Robsion, Ky.	Thomas, Idaho

So the amendment made as in Committee of the Whole was concurred in.

Mr. HEFLIN obtained the floor.

Mr. SMOOT. Mr. President, will the Senator yield to me for just a minute?

Mr. HEFLIN. Yes.

Mr. SMOOT. The Senate has just voted a duty of 7 cents a pound on long-staple cotton. I ask unanimous consent that I may offer an amendment to the cotton schedule, in the nature of a compensatory duty, by inserting, on page 100, after line 12, the following:

PAR. 924. All the articles enumerated or described in this schedule shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length.

The VICE PRESIDENT. The amendment is not in order at this time. Is there objection to its consideration?

Mr. HAYDEN. Mr. President, I suggest to the Senator from Utah that he withhold the amendment for the present. I should like to study the effect of it, inasmuch as the rate is different from the amount——

Mr. SMOOT. I can tell the Senator just how it is fixed.

Mr. HAYDEN. I should like to get a little advice with regard to it. Will the Senator have the amendment printed?

Mr. SMOOT. I send the amendment to the desk, and ask to have it printed and lie on the table.

The VICE PRESIDENT. That will be done.

Mr. HEFLIN. Mr. President, I desire to offer an amendment to come at the end of the amendment just concurred in by the Senate.

Paragraph 781 now reads:

Cotton having a staple of 1⅛ inches or more in length, 7 cents per pound.

Following that, I desire to add:

Having a staple of less than 1⅛ inches, 4 cents per pound.

Mr. COPELAND. Mr. President, when the Senator from Utah presents his amendment for a compensatory duty on cotton articles, will he have one on prepared mustard, too, so that that may have a compensatory duty to make up for the duty of 2 cents a pound on mustard seed?

Mr. SMOOT. That is already taken care of, because the House provided a duty of 2 cents a pound on mustard seed.

Mr. COPELAND. On prepared mustard?

Mr. SMOOT. No; on mustard seed.

Mr. COPELAND. Of course there should be a compensatory duty on prepared mustard.

Mr. SMOOT. There is already a compensatory duty of 8 cents a pound on prepared mustard.

Mr. COPELAND. Does the Senator think that is sufficient for a duty of 2 cents a pound on mustard seed?

Mr. SMOOT. Why, certainly.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Alabama.

The CHIEF CLERK. On page 146, after the amendment just concurred in, add the following words:

Having a staple of less than 1⅛ inches, 4 cents per pound.

The VICE PRESIDENT. That amendment is not in order at this time. It is an individual amendment.

Mr. HEFLIN. I introduced this amendment heretofore and let it lie on the table and did not press it at the time the other amendments were acted upon.

The VICE PRESIDENT. It can be offered after the reserved amendments are acted on, but not at this time.

Mr. HEFLIN. I ask unanimous consent to present it just here.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Mr. President, I think all individual amendments ought to go over until we complete our action on the reservations.

Mr. HEFLIN. I have just stated that the reason why I make the request is that we have just passed on long-staple cotton; and this amendment deals with short-staple cotton and will perfect this provision. I should like to have it passed on now.

Mr. BLAINE. There has been a general insistence that individual amendments should be permitted to go over until the reservations are acted on. Under the circumstances, I must object.

The VICE PRESIDENT. Objection is made.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GLASS. When did it get to be out of order to propose to increase any item in this tariff bill? [Laughter.]

The VICE PRESIDENT. The Chair will hold that that is not a parliamentary inquiry. The clerk will state the next amendment reserved for a separate vote.

The CHIEF CLERK. Paragraph 806 (b), fruit juice. On page 147, line 24, insert:

(b) Concentrated juice of lemons, oranges, or other citrus fruits, fit for beverage purposes, whether in liquid, powdered, or solid form, 70 cents per gallon on the quantity or equivalent of unconcentrated natural fruit juice into which such concentrated juice can be converted as shown by chemical analysis.

Mr. SMOOT. Mr. President, I send to the desk an amendment, which, I will state, is just a clarifying amendment recommended by the department in order that there may be no question as to the classification or the statistical information gathered under this provision.

Mr. JOHNSON. Mr. President, may I make an inquiry of the Senator? As I understand, this is in reality an administrative amendment?

Mr. SMOOT. It is.

Mr. JOHNSON. It does not alter in any degree the particular provision of the bill?

Mr. SMOOT. In no degree whatever. It is for the purpose of making it clear.

The VICE PRESIDENT. The clerk will state the amendment to the amendment made as in Committee of the Whole.

The LEGISLATIVE CLERK. On page 147, line 25, after the word "purposes," insert:

And sirups containing any of the foregoing, all the foregoing.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. SMOOT. The next amendment is on the next page.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 148 strike out lines 2 to 4, inclusive, and insert:

Of unconcentrated natural fruit juice contained in such concentrated juice or sirup as shown by chemical analysis.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole, as amended, was concurred in.

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD certain excerpts from Henry George's "Protection or Free Trade."

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

AN OUTLINE OF HENRY GEORGE'S "PROTECTION OR FREE TRADE"

By Will Atkinson

"It is the thorough fusion of insight into actual facts and forces, with recognition of their bearing upon what makes life worth living, that constitutes Henry George one of the world's great social philosophers." (John Dewey, professor of philosophy, Columbia University, New York.)

(Quoted verbatim from "Protection or Free Trade," by Henry George)

"Near the window by which I write, a great bull is tethered by a ring in his nose. Grazing round and round he has wound his rope about the stake until now he stands a close prisoner, tantalized by rich grass he can not reach, unable even to toss his head to rid him of the flies that cluster on his shoulder. Now and again he struggles vainly, and then, after pitiful bellowings, relapses into silent misery.

"This bull, a very type of massive strength, who, because he has not wit enough to see how he might be free, suffers want in sight of plenty, and is helplessly preyed upon by weaker creatures, seems to me no unfit emblem of the working masses.

"In all lands men whose toil creates abounding wealth are pinched with poverty, and, while advancing civilization opens wider vistas and awakens new desires, are held down to brutish levels by animal needs. Bitterly conscious of injustice, feeling in their inmost souls that they were made for more than so narrow a life, they, too, spasmodically struggle and cry out. But until they trace effect to cause, until they see how they are fettered and how they may be freed, their struggles and outcries are as vain as those of the bull. Nay, they are vainer. I shall go out and drive the bull in the way that will untwist his rope. But who shall drive men into freedom? Till they use the reason with which they have been gifted, nothing can avail. For them there is no special providence.

"Under all forms of government the ultimate power lies with the masses. It is not kings nor aristocracies nor landowners nor capitalists that anywhere really enslave the people. It is their own ignorance. Most clear is this where governments rest on universal suffrage. Workingmen may mold to their will legislatures, courts, and constitutions. Politicians strive for their favor and political parties bid against one another for their vote. But what avails this? The little finger of aggregated capital must be thicker than the loins of the working masses so long as they do not know how to use their power. * * *

"My aim in this inquiry is to ascertain beyond peradventure whether protection or free trade best accords with the interests of those who live by their labor. I differ with those who say that with the rate of wages the state has no concern. I hold with those who deem the increase of wages a legitimate purpose of public policy. To raise and maintain wages is the great object that all who live by wages ought to seek, and workingmen are right in supporting any measure that will attain that object. Nor in this are they acting selfishly, for while the question of wages is the most important of questions to laborers, it is also the most important of questions to society at large. Whatever improves the condition of the lowest and broadest social stratum must promote the true interests of all. Where the wages of common labor are high and remunerative employment is easy to obtain, prosperity will be general. Where wages are highest, there will be the largest production and the most equitable distribution of wealth. There will invention be most active and the brain best guide the hand. There will be the greatest comfort, the widest diffusion of knowledge, the purest morals, and the truest patriotism. If we would have a healthy, a happy, an enlightened, and a virtuous people; if we would have a pure government, firmly based on the popular will and quickly responsive to it, we must strive to raise wages and keep them high. * * *

"Political economy is the simplest of the sciences. It is but the intellectual recognition, as related to social life, of laws which in their moral aspect men instinctively recognize, and which are embodied in the simple teachings of Him whom the common people heard gladly. But, like Christianity, political economy has been warped by institutions which, denying the equality and brotherhood of man, have enlisted authority, silenced objection, and ingrained themselves in custom and habit of thought. Its professors and teachers have almost invariably belonged to or been dominated by that class which tolerates no ques-

tioning of social adjustments; that give to those who do not labor the fruits of labor's toil. They have been like physicians employed to make a diagnosis on condition that they shall discover no unpleasant truth. Given social conditions such as those that throughout the civilized world to-day shock the moral sense, and political economy, fearlessly pursued, must lead to conclusions that will be as a lion in the way to those who have any tenderness for 'vested interests.' But in the colleges and universities of our time, as in the Sanhedrin of old, it is idle to expect any enunciation of truths unwelcome to the powers that be."

While we may safely accept what specialists in many lines say of their special studies where there are no pecuniary temptations to warp judgment, yet the intelligence of the masses of the people must guide us in all matters concerning the production and distribution of wealth, for this common opinion makes our laws.

Fortunately only clear thinking about familiar things is needed to decide questions of political economy, and this is possible for unlearned as well as learned.

Macaulay has said that the law of gravitation would be disputed if great pecuniary interests were concerned in denying it.

The heart of the tariff question is in its relation to wages.

Adam Smith proved that protective tariffs hamper production; but he was prevented by his surroundings or his self-interest from carrying his book through to its logical end.

His great inquiry was into the causes which reduced wages from the original state in which wages were the entire products of labor to the present state in which labor gets but a small part of what it creates.

Following Smith came Malthus, who blamed the result of men's unwise laws on the Creator of the Universe and by arguments and statements which any schoolboy can prove fallacious, yet barred the gates of discussion because they harmonized with the interests of those who profit by unjust laws.

If protection really "provides employment" and raises wages, why are many idle at all times and wages lowest in our most highly protected industries?

Protectionists and tariff reformers alike shrink from carrying their arguments to logical ends. Let us follow truth wherever it may lead.

Special interests in every age have succeeded by organized effort in passing laws giving them undue advantages over their fellows.

To give our Federal Government an independent income without arousing opposition in the States, a revenue tariff was imposed whose duties were trivial compared with the British tariff then or ours now. But our Constitution prohibited State tariffs and so has brought about free trade among a hundred million people over the greater part of a continent.

The early leaders of the Republican Party were free traders.

The slogan of the Republican Party in 1856 was: "Free trade, free land, free men, Fremont."

While mothers sent their sons to the battle fields of the Civil War, selfish interests secured protective tariffs never before dreamed of, and the fear of alienating the wealthy and powerful, whose aid was deemed essential to the winning of the war, closed the mouths of the eloquent free-trade orators of the Republican Party.

If protection were needed to revive Irish industries, how can we explain Ulster's industrial progress, including her shipbuilding, for which she has no natural advantages?

Superficial thinkers attribute Ulster's greater prosperity to her Protestant faith, ignoring the fact that in Presbyterian Skye industrial conditions are as primitive as in Catholic Connemara.

In both, rapacious landlordism plunders producers and prevents the accumulation of capital, while in Ulster the land tenure leaves a larger proportion of wealth to producers. To claim that people who are annually stripped of all their produce save a bare living are poor because of their religious opinions or lack of a protective tariff is to say that a scuttled ship sinks because she has lost her figurehead.

PROTECTION AS A UNIVERSAL NEED

Protection is popular here because its advocates have claimed that its purpose is to raise wages. Does it really raise wages? Protectionists talk to workingmen in the same soft phrases they use to catch a horse they wish to saddle and ride. The pretense of tyranny has always been the protection of the masses. Kings and slave owners alike seek to justify their protection of subjects and slaves. British misrule in Ireland is said to be to protect the Irish. When has "protection" meant at any time or place anything but oppression? Special privilege "protects" labor just as farmers protect cattle—to live on them.

Does not labor produce all wealth, create all capital? Does not labor feed the world, clothe the world, house the world? Are not the three great orders of society "workers, beggars, and thieves"?

When the first man came into the world what human laws were there to "protect" him? Yet he lived and raised a family. To say that England is prosperous because she has free trade or that the United States is prosperous because it has protection is to fall into an equal error.

On a ship's deck men pull a rope and a yard rises. A man aloft clings to the tackle. His weight may help or retard, and we can only tell which by noticing what part of the tackle his weight is thrown upon. To decide whether any law helps or injures labor we must trace effects to cause.

Cities are not built on sites difficult to reach. Yet if the protective theory were true they would be. Pirates are not promotive of civilization. Yet a discriminating pirate who would seize only imports would be precisely as great a blessing as a tariff. Canals, railways, harbors, lighthouses, automobiles, everything which lessens the cost of transportation are benefits, but tariffs increase costs and neutralize these benefits.

We spend millions to make our ports more easily accessible, then erect tariff barriers to prevent our getting any benefit from that expenditure. Commerce is either a blessing or a curse. If a blessing, tariffs should be abolished. If commerce is a curse, lighthouses should be destroyed and the channels leading to our seaports filled.

If the protective theory be true, then mastery of the air, for which men have longed for ages, would be a misfortune. Not only are all improvements in transportation antagonistic to protection, but all labor-saving inventions and discoveries as well. Oil and natural gas diminish the market for coal far more than the free admission of foreign coal would. The avowed purpose of tariffs is to keep out the products of cheap foreign labor, yet machines are daily invented which produce goods cheaper than the cheapest foreign labor. Protection aims to prevent the importation of useful and valuable things in order to compel the making of such things here. But men seek not to make things but to possess things.

Protection has no scientific basis. When Texas was part of Mexico, according to the protective theory it needed a tariff against the United States. Now they assume it needs a tariff against Mexico. If the three British Kingdoms do not need tariffs against each other now, then they did not need them before they were united.

If nations need protection by tariff from other nations, do not States need it against other States? New Jersey against New York? Iowa against Illinois? City against city? Family against family? What argument for national protection exists which does not call equally for State protection and for family protection?

(The following is quoted verbatim from "Protection or Free Trade")

"It seems to me impossible to consider the necessarily universal character of the protective theory without feeling it to be repugnant to moral perceptions and inconsistent with the simplicity and harmony which we everywhere discover in natural law. What should we think of human laws framed for the government of a country which should compel each family to keep constantly on their guard against every other family, to expend a large part of their time and labor in preventing exchanges with their neighbors, and to seek their own prosperity by opposing the natural efforts of other families to become prosperous? Yet the protective theory implies that laws such as these have been imposed by the Creator upon the families of men who tenant this earth. It implies that by virtue of social laws, as immutable as the physical laws, each nation must stand jealously on guard against every other nation and erect artificial obstacles to national intercourse. It implies that a federation of mankind, such as that which prevents the establishment of tariffs between the States of the American Union, would be a disaster to the race, and that in an ideal world each nation would be protected from every other nation by a cordon of tax collectors with their attendant spies and informers.

"Religion and experience alike teach us that the highest good of each is to be sought in the good of others; that the true interests of men are harmonious, not antagonistic; that prosperity is the daughter of good will and peace; and that want and destruction follow enmity and strife. The protective theory, on the other hand, implies the opposition of national interests; that the gain of one people is the loss of others; that each must seek its own good by constant efforts to get advantage over others and to prevent others from getting advantage over it. It makes of nations rivals instead of cooperatives; it inculcates a warfare of restrictions and prohibitions and searchings and seizures which differs in weapons but not in spirit from that warfare which sinks ships and burns cities. Can we imagine the nations beating their swords into plowshares and their spears into pruning hooks and yet maintaining hostile tariffs?

"No matter whether he call himself Christian or deist, or agnostic, or atheist, who can look about him without seeing that want and suffering flow inevitably from selfishness and that in any community the golden rule which teaches us to regard the interests of others as carefully as our own would bring not only peace but plenty? Can it be that what is true of individuals ceases to be true of nations—that in one sphere the law of prosperity is the law of love; in the other that of strife? On the contrary, universal history testifies that poverty, degradation, and enslavement are the inevitable results of that spirit which leads nations to regard each other as rivals and enemies.

"Every political truth must be a moral truth. Yet who can accept the protective theory as a moral truth?"

From what or whom does a tariff protect us? Protectionists say against foreign producers. But no foreign producer can in any way force us to buy anything we do not want. Goods are not imported because Europeans want to sell them but because Americans want to buy

them. And what we import are goods; good things. Things we want so much that we are willing to pay for them.

Tariffs protect us only against ourselves. They prevent us from buying what we want and where we want and compel us to buy inferior articles at higher prices.

The natural protection to home industry given by burning deserts, stormy seas, and towering mountains would, if protectionist argument were true, give us the first steps to civilization and its most rapid growth where isolation was most complete. But the exact contrary is true. It is on accessible harbors, navigable rivers, and easy highways that cities rise and arts and sciences grow. Trade prevents war, eradicates prejudices, and diffuses knowledge.

In a world created on protective principles every part would have the same soil, climate, and production, so that each section could produce everything they need or wish at home.

But this world is one of infinite diversity in soil, climate, and products. Man can not fully satisfy his desires without trade; without exchanging wheat and corn for sugar and coffee, coal for marble, iron for fish, gold for lead, copper for tin.

If a farmer would increase quality and quantity, he must bring seed from afar, must cross native stock with imported. And with men prejudices are worn down, wits sharpened, language enriched, and new ideas enkindled by trade. "Home-keeping youths have ever homely wits" is true of nations as of men.

Protectionist restrictions no more bring prosperity than ligatures promote the circulation of the blood. Trade enables us to utilize the highest powers of nature by obtaining products from the soil and climate best fitted for each, and thereby increase enormously the returns from our labor.

But, still more important, it enables us also to utilize the highest powers of the human factor in production. The benefits of specialization are through trade shared by all. Men of different nations trade for the same reason that men of the same nation do, because they find it profitable; because through trade they can satisfy their desires with less exertion.

If any government could enforce the prohibition of trade between its own citizens, it would convert the most populous and prosperous country into a howling wilderness. And all interference with either foreign or domestic trade tends toward this—it reduces wages, increases living costs, and makes life harder.

The pioneer eats wheat of his own raising, fish caught by his boys, burns wood he cuts himself. But the wheat had to be ground, the fish brought from the lake to the pan, and the wood carried to the stove. Production is not complete until the product reaches the consumer, and whoever carries it even part way to the consumer is as really a producer as he who plants the seed or grinds the grain.

"Middlemen" save producer and consumer alike expense and trouble, and their profits are trifling compared to the enormous savings effected, like the savings each consumer makes by sharing the cost of one great water-supply system as compared with a separate system for each house.

And the middleman effects an enormous economy in the amount of commodities kept in store as compared with the amount needed if each family had to store for itself all its needs, while the saving from waste of perishable articles is equally great.

(The following is quoted verbatim from "Protection or Free Trade")

"Nor should it be forgotten that the investigator, the philosopher, the teacher, the artist, the poet, the priest, though not engaged in the production of wealth, are not only engaged in the production of utilities and satisfactions to which the production of wealth is only a means, but by acquiring and diffusing knowledge, stimulating mental powers, and elevating the moral sense, may greatly increase the ability to produce wealth. For man does not live by bread alone. He is not an engine in which so much fuel gives so much power. On a capstan bar or a topsail halliard a good song tells like muscle, and a 'Marseillaise' or a 'Battle Hymn of the Republic' counts for bayonets. A hearty laugh, a noble thought, a perception of harmony, may add to the power of dealing even with material things.

"He who by any exertion of mind or body adds to the aggregate of enjoyable wealth, increases the sum of human knowledge, or gives to human life higher elevation or greater fullness—he is, in the large meaning of the words, a 'producer,' a 'workingman,' a 'laborer,' and is honestly earning honest wages. But he who without doing aught to make mankind richer, wiser, better, or happier lives on the toil of others—he, no matter by what name of honor he may be called or how lustily the priests of mammon may swing their censers before him, is in the last analysis but a beggarman or a thief."

Tariffs for revenue are older than the Cæsars but have all the vices of other indirect taxes. They bear more heavily on the poor than on the rich, taking from the people, not according to what they have but according to what they consume.

(The following is quoted verbatim from "Protection or Free Trade")

"As much sugar is needed to sweeten a cup of tea for a working girl as for the richest lady in the land, but the proportion of their means which a tax on sugar compels each to contribute to the Government is in the case of the one much greater than in the case of the other. So it is with all taxes that increase the cost of articles of general consumption. They bear far more heavily on married men than on bachelors; on those who have children than on those who have none; on those barely able to support their families than on those whose incomes leave them a large surplus. If the millionaire chooses to live closely he need pay no more of these indirect taxes than the mechanic. I have known at least two millionaires—possessed not of one but of from six to ten millions each—who paid little more of such taxes than ordinary day laborers."

It is because they bear far more heavily on the poor than on the rich that indirect taxes have been adopted. The rich are ever the powerful, while the poor are voiceless. The first payers of indirect taxes pass them on with an added profit by insidious ways so that the final payer does not realize what he is paying.

Hence indirect taxes are favorites with all who wish to plunder the poor under any form of government. If tax gatherers stood in stores and collected a 25 per cent tax on every article bought there would be an immediate outcry, followed by repeal or revolution. But even greater taxes are collected by the storekeepers in increased prices without the people's knowledge. And even when realized indirect taxes are difficult to fight successfully. They "pluck the goose without making it cry," but any people jealous of their liberties should insist that all taxation be direct and so take from the people as little as possible above the net return to the Government.

Direct taxes would greatly lessen opportunities for governmental waste and corruption.

(The following is quoted verbatim from "Protection or Free Trade")

"Merely as a means of raising revenue it is clear that indirect taxes are to be condemned, since they cost far more than they yield, bear with the greatest weight upon those least able to pay, add to corruptive influences, and lessen the control of the people over their government.

"All the objections which apply to indirect taxes in general apply to import duties. Those protectionists are right who declare that protection is the only justification for a tariff, and the advocates of 'a tariff for revenue only' have no case. If we do not need a tariff for protection we need no tariff at all, and for the purpose of raising revenue should resort to some system which will not tax the mechanic as heavily as the millionaire, and will not call on the man who rears a family to pay on that account more than the man who shirks his natural obligation, and leaves some woman whom in the scheme of nature it is intended that he should support, to take care of herself as best she can."

(The following is quoted verbatim from "Protection or Free Trade")

"To make a protective tariff that would even roughly accord with the protective theory would require in the first place a minute knowledge of all trade and industry, and of the manner in which an effect produced on one industry would act and react on others. This no king, congress, or parliament ever can have. But, further than this, absolute disinterestedness is required, for the fixing of protective duties is simply the distribution of pecuniary favors among a crowd of greedy applicants. And even were it possible to obtain for the making of a protective tariff a body of men themselves disinterested and incapable of yielding to bribery, to threat, to friendship or flattery, they would have to be more than human not to be dazed by the clamor and misled by the representations of selfish interests.

"The making of a tariff, instead of being, as the protective theory requires, a careful consideration of the circumstances and needs of each industry, is in practice simply a great 'grab' in which the retained advocates of selfish interests bully and beg, bribe and logroll, in the endeavor to get the largest possible protection for themselves without regard for other interests or for the general good. The result is, and always must be, the enactment of a tariff which resembles the theoretical protectionist's idea of what a protective tariff should be about as closely as a bucketful of paint thrown against a wall resembles the fresco of a Raphael.

"The popular plea for protection in the United States to-day is not, however, the encouragement of infant industries, but the encouragement of home industry—that is, all home industry.

"Now it is manifestly impossible for a protective tariff to encourage all home industry. Duties upon commodities entirely produced at home can, of course, have no effect in encouraging any home industry. It is only when imposed upon commodities partly imported and partly produced at home, or entirely imported, yet capable of being produced at home, that duties can in any way encourage an industry. No tariff which the United States imposed could, for instance, encourage the growth of grain or cotton, the raising of cattle, the production of coal oil, or the mining of gold or silver; for instead of importing these things we not only supply ourselves but have a surplus which we export. Nor could any import duty encourage any of the many industries which must be carried on where needed, such as building, horseshoeing, the printing of newspapers, and so on. Since these industries that can not be protected constitute by far the larger part of the industries of every country, the utmost that by a protective tariff can be attempted is in the encouragement of only a few of the total industries of a country.

"Yet, in spite of this obvious fact, protection is never urged for the encouragement of the industries that alone can profit by a tariff. That would be to admit that to some it gave special advantages over

others, and so in the popular pleas that are made for it protection is urged for the encouragement of all industry. If we ask how this can be, we are told that the tariff encourages the protected industries, and then the protected industries encourage the unprotected industries; that protection builds up the factory and iron furnace, and the factory and iron furnace create a demand for the farmers' productions.

"Imagine a village of, say, a hundred voters. Imagine two of these villagers to make such a proposition as this: 'We are desirous, fellow citizens, of seeing you more prosperous, and to that end propose this plan: Give us the privilege of collecting a tax of 5 cents a day from everyone in the village. No one will feel the tax much, for even to a man with a wife and eight children it will come only to the paltry sum of 50 cents a day. Yet this slight tax will give our village two rich citizens who can afford to spend money. We will at once begin to live in commensurate style. We will enlarge our houses and improve our grounds, set up carriages, hire servants, give parties, and buy much more freely at the stores. This will make trade brisk and cause a greater demand for labor. This, in turn, will create a greater demand for agricultural products, which will enable the neighboring farmers to make a greater demand for store goods and the labor of mechanics. Thus shall we all become prosperous.'

"There is in no country under the sun a village in which the people would listen to such a proposition. Yet it is every whit as plausible as the doctrine that encouraging some industries encourages all industries.

"The only way in which we could even attempt to encourage all industry would be by the bounty or subsidy system. Were we to substitute bounties for duties as a means of encouraging industry, it would not only become possible for us to encourage other industries than those now encouraged by tariff, but we should be forced to do so, for it is not in human nature that the farmers, the stock raisers, the builders, the newspaper publishers, and so on, would consent to the payment of bounties to other industries without demanding them for their own. Nor could we consistently stop until every species of industry, to that of the bootblack or ragpicker, was subsidized. Yet evidently the result of such encouragement of each would be the discouragement of all. For as there could be distributed only what was raised by taxation, less the cost of collection, no one could get back in subsidies, were there any fairness in their distribution, as much as he would be called upon to pay in taxes.

"This practical reduction to absurdity is not possible under the protective system, because only a small part of the industries of a country can thus be 'encouraged' while the cost of the encouragement is concealed in prices and is not realized by the masses.

"We see the large smelting works and the massive mill without realizing that the same taxes which we are told have built them up have made more costly every nail driven and every needleful of thread used throughout the whole country. Our imaginations are affected as were those of the first Europeans who visited India, and who, impressed by the profusion and magnificence of the rajahs, but not noticing the abject poverty of the masses, mistook for the richest country in the world what is really the poorest.

"But reflection will show that the claim popularly made for protection that it encourages home industry (i. e., all home industry) can be true only in one sense—the sense in which Pharaoh encouraged Hebrew industry when he compelled the making of bricks without straw. Protective tariffs make more work, in the sense in which the spilling of grease over her kitchen floor makes more work for the housewife, or as a rain that wets his hay makes more work for the farmer.

"It may be to the interest of a shopkeeper that the people of his neighborhood shall be prohibited from buying from any but him, so that they must take such goods as he chooses to keep, at such prices as he chooses to charge; but who would contend that this was to the general advantage? It might be to the interest of glass companies to restrict the number and size of windows, but hardly to the interest of a community. Broken limbs bring fees to surgeons, but would it profit a municipality to prohibit the removal of ice from sidewalks in order to encourage surgery? Yet it is in such ways that protective tariffs act. Economically, what difference is there between restricting the importation of iron to benefit iron producers and restricting sanitary improvements to benefit undertakers?

"To attempt to make a nation prosperous by preventing it from buying from other nations is as absurd as it would be to attempt to make a man prosperous by preventing him from buying from other men. What protectionists ask us to do to ourselves in reserving our home markets for home producers is in kind what the Land Leaguers did to Captain Boycott. They ask us to boycott ourselves."

EXPORTS AND IMPORTS

(The following is quoted verbatim from "Protection or Free Trade")

"The aim of protection is to diminish imports, never to diminish exports. On the contrary, the protectionist habit is to regard exports with favor and to consider the country which exports most and imports least as doing the most profitable trade. When exports exceed imports there is said to be a favorable balance of trade. When imports exceed exports there is said to be an unfavorable balance of trade. In accordance with this idea, all protectionist countries afford every facility for sending things away and fine men for bringing things in.

"If the things which we thus try to send away and prevent coming in were pests and vermin—things of which all men want as little as possible—this policy would conform to reason. But the things of which exports and imports consist are not things that nature forces on us against our will, and that we have to struggle to rid ourselves of; but things that nature gives only in return for labor, things for which men make exertions and undergo privations. Him who has or can command much of these things we call rich; him who has little we call poor; and when we say that a country increases in wealth we mean that the amount of these things which it contains increases faster than its population. What, then, is more repugnant to reason than the notion that the way to increase the wealth of a country is to promote the sending of such things away and to prevent the bringing of them in? Could there be a quicrer inversion of ideas? Should we not think even a dog had lost his senses that snapped and snarled when given a bone, and wagged his tail when a bone was taken from him?

"Yet, are these arguments for protection a whit more absurd when addressed to one man living on an island than when addressed to 60,000,000 living on a continent? What would be true in the case of Robinson Crusoe is true in the case of Brother Jonathan. If foreigners will bring us goods cheaper than we can make them ourselves, we shall be the gainers. The more we get in imports as compared with what we have to give in exports, the better the trade for us. And since foreigners are not liberal enough to give us their productions, but will only let us have them in return for our own productions, how can they ruin our industry? The only way they could ruin our industry would be by bringing us for nothing all we want, so as to save us the necessity for work. If this were possible, ought it seem very dreadful?

"Exports and imports, so far as they are induced by trade, are correlative. Each is the cause and complement of the other, and to impose any restrictions on the one is necessarily to lessen the other. And so far from its being the mark of a profitable commerce that the value of a nation's exports exceed her imports, the reverse of this is true.

"In a profitable international trade the value of imports will always exceed the value of the exports that pay for them, just as in a profitable trading voyage that the return cargo must exceed in value the cargo carried out. This is possible to all the nations that are parties to commerce, for in a normal trade commodities are carried from places where they are relatively cheap to places where they are relatively dear, and their value is thus increased by the transportation, so that a cargo arrived at its destination has a higher value than on leaving the port of exportation. But on the theory that a trade is profitable only when exports exceed imports, the only way for all countries to trade profitably with one another would be to carry commodities from places where they are relatively dear to places where they are relatively cheap. An international trade made up of such transactions as the exportation of manufactured ice from the West Indies to New England, and the exportation of hothouse fruits from New England to the West Indies, would enable all countries to export much larger values than they imported. On the same theory the more ships sunk at sea the better for the commercial world. To have all the ships that left each country sunk before they could reach any other country would, upon protectionist principles, be the quickest means of enriching the whole world, since all countries could then enjoy the maximum of exports with the minimum of imports.

"It must, however, be borne in mind that all exporting and importing are not the exchanging of products. This, however, is a fact which puts in still stronger light, if that be possible, the absurdity of the notion that an excess of exports over imports shows increasing wealth. When Rome was mistress of the world, Sicily, Spain, Africa, Egypt, and Britain exported to Italy far more than they imported from Italy. But so far from this excess of their exports over their imports indicating their enrichment, it indicated their impoverishment. It meant that the wealth produced in the provinces was being drained to Rome in taxes and tribute and rent, for which no return was made.

"Many Englishmen already own American land by the hundred thousand, and even by the million acres, and are only beginning to draw rent and royalties. Punch, recently, had a ponderous joke, the point of which was that the British House of Lords had much greater landed interests in the United States than in Great Britain. If not true already, it will not under present conditions be many years before the English aristocracy will draw far larger incomes from their American estates than from their home estates—incomes to supply which we must export without any return in imports."

ADVANTAGES AND DISADVANTAGES

We have seen that low wages do not mean low production costs and that high wages are an advantage.

But protectionists claim a country of great natural advantages needs protection to develop them and also that a country with less advantages can not produce in competition.

But any country always increases its wealth by foreign trade.

Where one country has marked advantages in some branch of production and equal disadvantages in another it is evident that free exchange will benefit both. But take two countries in which one has advantages over the other in all production. Would one country do all the exporting and the other all the importing? Evidently not. Would trade, then, be impossible? No. Trade would go on to mutual benefit. The country of greater advantages would import those products in which its advantage was least and export those in which its advantages was greatest. Both would gain.

One because it thereby shared the greater advantages of the other and the other by being thereby enabled to concentrate production where its advantages were greatest. Just as a skilled workman gains by having an unskilled helper to do the rougher work.

So neither advantages nor disadvantages afford any real reason for restraining trade. Trade never arises unless both parties are benefited.

Tea used here can be produced in the United States at less labor cost than in China because of savings in transportation, packing, etc.

But in many other things, such as oil, cloth, clocks, watches, etc., our advantages over China are enormously greater than in growing tea. Hence by producing these things and trading them for tea, we get tea here for less than by growing tea here.

Free trade is voluntary. It benefits both parties, but more relatively undeveloped countries than those already rich.

To trade with Robinson Crusoe would be of mutual advantage. But how infinitely greater the benefits to Crusoe!

Some admit that free trade is good in itself, but would injure us if we adopt it before other countries do.

But they ignore the fact that it is our own people who are restrained from trading by tariffs and who are thereby the greatest sufferers. Our tariffs curtail our trade with all the world but restrain foreigners only in dealing with us. Protective tariffs injure everyone, but that injury is diffused and slight to other nations as compared with the direct injury to ourselves.

He who does most good profits most by it. Who so does evil injures most of all himself. Those who advocate a policy essentially bad because other nations embrace it are preaching, "Lie because others lie; be idle if others are lazy; refuse knowledge if any are ignorant."

PROTECTION AND WAGES

Advocates of protection claim that it raises wages or prevents wages from falling, but both claims are mere unproved assertions.

The direct object and effect of protective tariffs is to raise the price of commodities. But men who work for wages are buyers of commodities, not sellers; they sell their labor in order to buy commodities. How can any increase in the price of commodities benefit them?

Imagine a country of high wages and one of low wages, side by side, separated only by a wall which freely permits goods to pass but not men. Would the high-wage country do all the importing and the low-wage country do all the exporting? That would be absurd, for it would mean that the low-wage country would get nothing for its goods. What would happen is an exchange of products to mutual advantage based on the comparative cost of production.

If, now, we imagine a wall impassable to goods but passable to men, would that prevent a reduction of wages? Manifestly not. The aim of protection is not to protect labor, but to protect the buyers of labor. It is intended to increase profits, not wages.

The effect of encouraging any industry by taxation is to discourage other industries and thus force labor into protected industries by driving it out of others.

Nor could wages be raised by bounties paid direct to workmen. That was tried in England a century ago with agricultural laborers. Just as these grants were made did the wages paid by farmers sink.

To claim that raising wages in the protected industries would raise all wages is like saying that you can raise the level of the Atlantic Ocean by a dam across the Hudson River. To raise the level of all wages it is necessary to raise the wages of unskilled labor.

This was shown by the discovery of placer mines in California in 1849 which raised all wages so long as access to these mines was free.

But when the land there became private property, shutting off men's opportunities for employing themselves, wages went down.

Theory thus shows that protection can not raise wages, and facts prove it just as conclusively. In Spain, in France, in Mexico, in England during protection times and always and everywhere that protection has been tried.

THE ABOLITION OF PROTECTION

Beneficiaries of protection claim that since capital has been invested and industries organized under tariffs that we are bound to continue tariffs.

But there can be no vested right in a wrong. What is created by a legislative act may be destroyed by another legislative act. The true doctrine is as stated in our Declaration of Independence, the self-evident doctrine that men are endowed by their Creator with equal and inalienable rights and that any law or institution which denies or impairs this natural equality may at any time be altered or abolished. Justice is an element in the safety of investments and who so trades upon any people's ignorance or enslavement does so at his own risk.

Any community loss by flood, fire, war, or any cause will fall more lightly on the poor and more heavily on the rich if met promptly by taxation.

If the expenses of the Civil War had been met by taxes levied at the time, they would have been paid by the rich. But by the device of a public debt (a twin invention to indirect taxation) the cost of the war was met by taxation spread over a term of years and fell upon individuals not in proportion to their means but to their consumption, thereby inflicting far heavier relative burdens on the poor than on the rich. One of the surest ways to discourage war and war profiteers is to adopt the pay-as-you-go principle and adhere to the idea of no public debts and no indirect taxes.

INADEQUACY OF THE FREE-TRADE ARGUMENT

"If the protective theory is really so incongruous with the nature of things and so inconsistent with itself, how does it still obtain such wide and strong support?"

We have gone further than most free traders, but what have we proved? Merely that free trade tends to increase the production of wealth and protection tends to decrease it and to foster certain monopolies. But what benefit is there here for labor?

In our own time the workingman has seen wealth enormously increased without adding to his earnings; so even where he knows the fallacies of protection he makes no effort to abolish it.

And when an interest is already intrenched in law and habit of thought those who are not against it are for it.

Statistics may be marshaled so as to prove to those who wish to believe it that the condition of the average man is better to-day than ever. The rewards to unusual ability and unusual opportunity are more glittering. Millionaires are common, multimillionaires abound; but the lot of the average man is harder, his job less secure, his chances to rise, to employ himself are vanishing. No one who reads the papers can doubt these things.

Five centuries ago the wealth-producing power of men in England was trifling as compared with to-day. Mechanical industry was undreamed of, and even agriculture ruder and less productive. Potatoes, turnips, carrots, beets, and other vegetables had not been introduced. Cattle averaged half the size; sheep gave but half the fleece. Roads were bad, wheel carriages scare and rude, and places within a hundred miles practically as far apart as San Francisco and New York are to-day.

Yet patient students of those times, like Prof. Thorold Rogers, tell us from the records of manors, colleges, and public offices that the English laborer was not only relatively, but absolutely, better off than the English laborer of to-day.

He did not work so hard and lived better. Plagues came and occasionally famine, for poor transportation made it impossible to relieve scarcity promptly. But men did not, as they do now, starve in the very midst of abundance. If this be the result of five centuries of astounding increase in productive power, what hope is there for the laborer in the mere abolition of protection?

THE REAL STRENGTH OF PROTECTION

In the fact, ignored by both protectionists and free traders, that modern machine civilization produces more laborers seeking employment than can find it, makes work a privilege and work itself is deemed a good, lies the real strength of protection.

Protection lessens the amount of wealth a given amount of exertion can produce. It "makes more work" in the same sense as Pharaoh made more work for Hebrew brickmakers when he refused them straw; in the same sense that grease spilled on the floor makes more work for the housewife. To the scrubwoman that spilled grease may be a boon. Rain on his hay harms the farmer, but how does it look to the day laborer who gets an extra day's work by it?

In most civilized countries the majority of the people can not employ themselves, and without employers are helpless.

Hence they regard work as desirable in itself and all labor-saving devices as an injury to them. And this constitutes the real strength of protection. No man ever wanted work for its own sake. The natural reward for work is the product of that work. But under modern conditions most men get not any portion of what they produce, but wages in money.

So the idea has grown up that what men want is work when what they really want is the wages. But the fact that the wages are apparently not based on the work done tends to eliminate from the minds of the workers the fact that the natural wage of labor is what that labor produces.

Most men to-day have only the power to labor. Labor on land produces all wealth. But divorced from land, labor is helpless and can produce nothing. So landless men are forced to sell their labor to those who have access to land.

Who so sells goods may hold them for a future market, if to-day's does not suit him. But who has naught to sell save his labor must take what he can get to-day. If his work produces nothing to-day, that day is forever lost. And those who have nothing to sell save their labor are the poorest class, the least able to bear the loss.

Even when in good health and in the best of times some men find it difficult to sell their labor and suffer from anxiety, privation, and even physically.

So has grown the belief that capital employs labor; that the employer is a benefactor. This colors all our thought, speech, and literature. This idea that work is a boon is desirable in itself, leads men to welcome a system which assumes that it "benefits one country to take work away" from other countries.

And it makes workers indifferent to the fact that protective tariffs really reduce the effectiveness of labor.

The burning of a city is a real economic loss, but the fact that men by thousands are idle even in good times because they are unable to employ themselves or to find others willing to employ them involves a loss far greater. And when such a catastrophe gives employment to those idle, is it any wonder that they see in it only the advantage to themselves?

The belief that labor-saving machinery injures workers by depriving them of the opportunity to work is in itself as absurd as the idea that a protective tariff benefits labor.

An examination shows that machinery enormously increases the production of wealth and that this increase inures primarily to labor and is diffused by exchange through all other branches of labor.

It can be proved that labor-saving inventions tend to benefit labor, but that this tendency is aborted is even clearer to-day than when John Stuart Mill doubted that mechanical inventions had lightened the day's toil of any human being. It is trades-union and not machinery which, in many occupations in Great Britain, have reduced hours and increased wages.

It is legislation which has stopped the harnessing of women in mines and the working of little children in mills and brickyards.

To decide why free trade or labor-saving invention fail to produce the benefits we naturally expect, we must examine into the distribution of wealth. When increased production fails to benefit labor it must be due to increased inequality of distribution.

Suppose Robinson Crusoe's island to be visited at frequent intervals by ships. His wants could not only be satisfied by less exertion but his wealth would be increased by the ready market this would afford for his produce.

But this increase would all go to Robinson Crusoe as owner of the island. Friday, a slave, would still get only a slave's wages, just enough food and lodging to maintain his working efficiency. And if there were 1 or 100 free men on the island, but owning no land, their share would be no greater.

Let the island pass to Crusoe's heir and though wealth production be multiplied the lot of both slave and free men might become not only relatively but actually harder.

And, though statisticians might set forth, in "figures which can not lie," how their condition had improved, better housed, better fed, freed from fear of cannibals; yet condemned to a round of dreary toil, unlightened by variety, undignified by responsibility, they would be less men, more machines than Friday. Men whose freedom does not include free access to the earth, to the raw materials necessary to make labor productive, do not and can not share the increased wealth due to improvements in production or exchange. Those who want them to work give them enough to live on and maintain their strength, but if they find no one who wants them to work they are free only to beg, to freeze, or to starve.

The prodigious forces man has harnessed by invention and discovery are good or evil according to our use of them. They become our slaves or our masters as we use them wisely or not.

Where the planet is held to be private property and children born upon it are denied the right to use its opportunities save by paying rent to the heirs of some dead man, improvement in production, increase in wealth makes their lot harder and harder.

THE ROBBER THAT TAKES ALL THAT IS LEFT

To abolish protection is to drive off one robber of labor. That will help but little if we leave a stronger and more rapacious one to plunder him.

The robbers which plunder labor by diverting earnings from producers to nonproducers include monopolies of machinery and of transportation and exchange, protective tariffs, bad systems of currency and of finance, corrupt government, public debts, standing armies, war, and preparations for war. But these are the lesser robbers and to abolish them all would not really benefit labor so long as land remains private property, for increased rent swallows up all we thus save.

Land in itself has no value. It is only when the ownership of land becomes equivalent to the ownership of laborers that value attaches to it. Where population is sparse and vacant land plentiful, labor can obtain the use of land on nominal terms. It is only when all accessible land has been appropriated that the robbery of labor by the private ownership of land becomes increasingly apparent and life harder and more hopeless for those who own only their labor.

The power which the ownership of valuable land gives is that of getting human service without giving human service, which is, in essence, the same as the ownership of slaves.

Land and labor are the primary factors in production. Capital is their product and is, in itself, powerless to oppress or harm labor.

It is not as a capitalist but only as a landowner that wealth has power to harm.

No matter how simple or how complex civilization may be, wherever land is all privately owned there is always a class who can never hope to get more than a bare living by hard and unremitting toil, and whose constant anxiety is that even this bare living may fail them.

TRUE FREE TRADE

(The following is quoted verbatim from "Protection or Free Trade")

"Come with me," said Richard Cobden, as John Bright turned heart-stricken from a new-made grave. "There are in England women and children dying with hunger—hunger made by the laws. Come with me, and we will not rest until we repeal those laws."

In this spirit the free trade movement waxed and grew, arousing an enthusiasm that no mere fiscal reform could have aroused and intrenched though it was by restricted suffrage and rotten boroughs and aristocratic privilege, protection was overthrown in Great Britain.

And—there is hunger in Great Britain still, and women and children yet die of it.

But this is not the failure of free trade. When protection had been abolished and a revenue tariff substituted for a protective tariff, free trade had only won an outpost. That women and children still die of hunger in Great Britain arises from the failure of the reformers to go on. Free trade has not yet been tried in Great Britain. Free trade in its fullness and entirety would indeed abolish hunger.

This we may now see.

Our inquiry has shown that the reason why the abolition of protection, greatly as it would increase the production of wealth, can accomplish no permanent benefit for the laboring class is that so long as the land on which all must live is made the property of some increase of productive power can only increase the tribute which those who own the land can demand for its use. So long as land is held to be the individual property of but a portion of its inhabitants no possible increase of productive power, even if it went to the length of abolishing the necessity of labor, and no imaginable increase of wealth, even though it poured down from heaven or gushed up from the bowels of the earth, could improve the condition of those who possess only the power to labor. The greatest imaginable increase of wealth could only intensify in the greatest imaginable degree the phenomena which we are familiar with as "overproduction"—could only reduce the laboring class to universal pauperism.

Thus it is that to make either the abolition of protection or any other reform beneficial to the working class we must abolish the inequality of legal rights to land, and restore to all their natural and equal rights in the common heritage.

How can this be done?

Consider for a moment precisely what it is that needs to be done, for it is here that confusion sometimes arises.

Here are two simple principles, both of which are self-evident:

I. That all men have equal rights to the use and enjoyment of the elements provided by nature.

II. That each man has an exclusive right to the use and enjoyment of what is produced by his own labor.

There is no conflict between these principles. On the contrary, they are correlative. To fully secure the individual right of property in the produce of labor we must treat the elements of nature as common property. If anyone could claim the sunlight as his property and could compel me to pay him for the agency of the sun in the growth of crops I had planted, it would necessarily lessen my right of property in the produce of my labor. And, conversely, where everyone is secured the full right of property in the produce of his labor, no one can have any right of property in what is not the produce of labor.

No matter how complex the industrial organization, nor how highly developed the civilization, there is no real difficulty in carrying out these principles. All we have to do is to treat the land as the joint property of the whole people, just as a railway is treated as the joint property of many shareholders, or as a ship is treated as the joint property of several owners.

To make land virtually the common property of the whole people, and to appropriate ground rent for public use, there is a way that involves no shock, that will conform to present customs, and that, instead of requiring a great increase of governmental machinery, will permit of a great simplification of governmental machinery.

In every well-developed community large sums are needed for common purposes, and the sums thus needed increase with social growth, not merely in amount but proportionately, since progress tends steadily to devolve on the community as a whole functions which in a ruder stage are discharged by individuals. Now, while people are not used to paying rent to government, they are used to paying taxes to government. Some of these taxes are levied upon personal or movable property; some upon occupations or businesses or persons (as in the case of income taxes which are in reality taxes on persons according to income); some upon the transportation or exchange of commodities, in which last category fall the taxes imposed by tariffs; and some, in the United States at least, on real estate—that is to say, on the value of land and of the improvements upon it, taken together. That part of the tax on real estate which is assessed on the value of land irrespective of im-

provements is, in its nature, not a tax but a rent—a taking for the common use of the community of a part of the income that properly belongs to the community by reason of the equal right of all to the use of land.

It is only necessary to abolish, one after another, all other taxes now levied, and to increase the tax on land values till it reaches, as near as may be, the full annual value of the land.

Whenever this point of theoretical perfection is reached, the selling value of land will entirely disappear, and the charge made to the individual by the community for the use of the common property will become in form what it is in fact—a rent. But until that point is reached, this rent may be collected by the simple increase of a tax upon the selling value of land irrespective of improvements—a value that can be ascertained more easily and more accurately than any other value.

For a full exposition of the effects of this change in the method of raising public revenues, I must refer the reader to the works in which I have treated this branch of the subject at greater length than is here possible. Briefly, they would be threefold:

In the first place, all taxes that now fall upon the exertion of labor or use of capital would be abolished. No one would be taxed for building a house or improving a farm or opening a mine, for bringing things in from foreign countries, or for adding in any way to the stock of things that satisfy human wants and constitute national wealth. Everyone would be free to make and save wealth, to buy, sell, give, or exchange, without let or hindrance, any article of human production the use of which did not involve any public injury. All those taxes which increase prices as things pass from hand to hand, falling finally upon the consumer, would disappear.

In the second place, a large and constantly increasing fund would be provided for common uses, without any tax on the earnings of labor or on the returns of capital—a fund which in well-settled countries would not only suffice for all of what are now considered necessary expenses of government, but would leave a large surplus to be devoted to purposes of general benefit.

In the third place, and most important of all, the monopoly of land would be abolished, and land would be thrown open and kept open to the use of labor, since it would be unprofitable for anyone to hold land without putting it to its full use, and both the temptation and the power to speculate in natural opportunities would be gone. The speculative value of land would be destroyed as soon as it was known that, no matter whether land was used or not, the tax would increase as fast as the value increased, and no one would want to hold land that he did not use. With the disappearance of the capitalized or selling value of land, the premium which must now be paid as purchase money by those who wish to use land would disappear, differences in the value of land being measured by what would have to be paid for it to the community nominally in taxes but really in rent. So long as any unused land remained, those who wished to use it could obtain it, not only without the payment of any purchase price but without the payment of any tax or rent. Nothing would be required for the use of land till less advantageous land came into use, and possession thus gave an advantage over and above the return to the labor and capital expended upon it. And no matter how much the growth of population and the progress of society increased the value of land, this increase would go to the whole community, swelling that general fund in which the poorest would be an equal sharer with the richest.

Thus the great cause of the present unequal distribution of wealth would be destroyed, and that one-sided competition would cease which now deprives men who possess nothing but power to labor of the benefits of advancing civilization, and forces wages to a minimum no matter what the increase of wealth. Labor, free to the natural elements of production, would no longer be incapable of employing itself, and competition, acting as fully and freely between employers as between employed, would carry wages up to what is truly their natural rate—the full value of the produce of labor—and keep them there.

"A tax on land values is of all taxes that which best fulfills every requirement of a perfect tax." As land can not be hidden or carried off, a tax on land values can be assessed with more certainty and can be collected with greater ease and less expense than any other tax, while it does not in the slightest degree check production or lessen its incentive. It is, in fact, a tax only in form, being in nature a rent—a taking for the use of the community of a value that arises not from individual exertion but from the growth of the community. For it is not anything that the individual owner or user does that gives value to land. The value that he creates is a value that attaches to improvements. This, being the result of individual exertion, properly belongs to the individual and can not be taxed without lessening the incentive to production. But the value that attaches to land itself is a value arising from the growth of the community and increasing with social growth. It, therefore, properly belongs to the community, and can be taken to the last penny without in the slightest degree lessening the incentive to production.

Taxes on land values are thus the only taxes from which, in accordance with the principle of free trade, any considerable amount of revenue can be raised, and it is evident that to carry out the free-trade principle to the point of abolishing all taxes that hamper or lessen production would of itself involve very nearly the same measures which we have seen are required to assert the common right to land and place all citizens upon an equal footing.

To make these measures identically the same, it is only necessary that the taxation of land values, to which true free trade compels us to resort for public revenues, should be carried far enough to take, as near as might practically be, the whole of the income arising from the value given to land by the growth of the community.

But we have only to go one step farther to see that free trade does, indeed, require this, and that the two reforms are thus absolutely identical.

Free trade means free production. Now, fully to free production it is necessary not only to remove all taxes on production but also to remove all other restrictions on production. True free trade, in short, requires that the active factor of production, labor, shall have free access to the passive factor of production, land. To secure this all monopoly of land must be broken up, and the equal right of all to the use of the natural elements must be secured by the treatment of the land as the common property in usufruct of the whole people.

Thus it is that free trade brings us to the same simple measure as that which we have seen is necessary to emancipate labor from its thraldom and to secure that justice in the distribution of wealth which will make every improvement or reform beneficial to all classes.

The partial reform miscalled free trade, which consists in the mere abolition of protection—the mere substitution of a revenue tariff for a protective tariff—can not help the laboring classes, because it does not touch the fundamental cause of that unjust and unequal distribution which, as we see to-day makes "labor a drug and population a nuisance" in the midst of such a plethora of wealth that we talk of overproduction. True free trade, on the contrary, leads not only to the largest production of wealth but to the fairest distribution. It is the easy and obvious way of bringing about that change by which alone justice in distribution can be secured, and the great inventions and discoveries which the human mind is now grasping can be converted into agencies for the elevation of society from its very foundations.

FREE TRADE AND SOCIALISM

(The following is quoted verbatim from "Protection or Free Trade")

"Individualism and socialism are in truth not antagonistic but correlative. Where the domain of the one principle ends that of the other begins. And although the motto laissez faire has been taken as the watchword of an individualism that tends to anarchism, and so-called free traders have made 'the law of supply and demand' a stench in the nostrils of men alive to social injustice, there is in free trade nothing that conflicts with a rational socialism. On the contrary, we have but to carry out the free-trade principle to its logical conclusions to see that it brings us to such socialism.

"Whether businesses in their nature monopolies should be regulated by law or should be carried on by the community is a question of method. It seems to me, however, that experience goes to show that better results can be secured, with less risk of governmental corruption, by state management than by state regulation. But the great simplification of government which would result from the abolition of the present complex and demoralizing modes of taxation would vastly increase the ease and safety with which either of these methods could be applied. The assumption by the state of all those social functions in which competition will not operate would involve nothing like the strain upon governmental powers, and would be nothing like as provocative of corruption and dishonesty as our present method of collecting taxes. The more equal distribution of wealth that would ensure from the reform which thus simplified government, would, moreover, increase public intelligence and purify public morals, and enable us to bring a higher standard of honesty and ability to the management of public affairs.

"There is another way, moreover, in which true free trade tends strongly to socialism in the highest and best sense of the term. The taking for the use of the community of that value of privilege which attaches to the possession of land would, wherever social development has advanced beyond a certain stage, yield revenues even larger than those now raised by taxation, while there would be an enormous reduction in public expenses consequent, directly and indirectly, upon the abolition of present modes of taxation. Thus would be provided a fund, increasing steadily with social growth, that would be applied to social purposes now neglected. And among the purposes which will suggest themselves to the ready by which the surplus income of the community could be used to increase the sum of human knowledge, the diffusion of elevating tastes, and the gratification of healthy desires, there is none more worthy than that of making honorable provision for those deprived of their natural protectors, or through no fault of their own incapacitated for the struggle of life."

PRACTICAL POLITICS

(The following is quoted verbatim from "Protection or Free Trade")

"Free trade, narrowed to a mere fiscal reform, can only appeal to the lower and weaker motives—to motives that are inadequate to

move men in masses. Take the current free-trade literature—its aim is to show the impolicy of protection rather than its injustice; its appeal is to the pocket, not to the sympathies. Yet to begin and maintain great popular movements it is the moral sense rather than the intellect that must be appealed to, sympathy rather than self-interest. For however it may be with any individual, the sense of justice is with the masses of men keener and truer than intellectual perception, and unless a question can assume the form of right and wrong it can not provoke general discussion and excite the many to action. And while material gain or loss impresses us less vividly the greater the number of those we share it with, the power of sympathy increases as it spreads from man to man—becomes cumulative and contagious.

"But he who follows the principle of free trade to its logical conclusion can strike at the very root of protection; can answer every question, and meet every objection, and appeal to the surest of instincts and the strongest of motives. He will see in free trade not a mere fiscal reform but a movement which has for its aim and end nothing less than the abolition of property, and of the vice and crime and degradation that flow from it, by the restoration to the disinherited of their natural rights and the establishment of society upon the basis of justice. He will catch the inspiration of a cause great enough to live for and to die for, and be moved by an enthusiasm that he can evoke in others.

"It is true that to advocate free trade in its fullness would excite the opposition of interests far stronger than those concerned in maintaining protective tariffs. But on the other hand it would bring to the standard of free trade forces without which it can not succeed. And what those who would arouse thought have to fear is not so much opposition as indifference. Without opposition that attention can not be excited, that energy evoked that are necessary to overcome the inertia that is the strongest bulwark of existing abuses. A party can no more be rallied on a question that no one disputes than steam can be raised to working pressure in an open vessel.

"The working classes have been awakened to the fact that there is some deep wrong in the constitution of society, although they may not see clearly what that wrong is. They have been gradually coming to feel that to emancipate labor radical measures are needed, although they may not know what those measures are.

"And scattered through the great body thus beginning to stir and grope are rapidly increasing number of men who do know what this primary wrong is—men who see that in the recognition of the equal right of all to the element necessary to life and labor is the hope, and the only hope, of curing social injustice.

"It is to men of this kind that I would particularly speak. They are the leaven which has in its power to leaven the whole lump.

"To abolish private property in land is an undertaking so great that it may at first seem impracticable.

"But this seeming impracticability consists merely in the fact that the public mind is not yet sufficiently awakened to the justice and necessity of this great change. To bring it about is simply a work of arousing thought. How men vote is something we need not much concern ourselves with. The important thing is how they think.

"Now the chief agency in promoting thought is discussion. And to secure the most general and most effective discussion of a principle it must be embodied in concrete form and presented in practical politics, so that men, being called to vote on it, shall be forced to think and talk about it.

"The advocates of a great principle should know no thought of compromise. They should proclaim it in its fullness, and point to its complete attainment as their goal. But the zeal of the propagandist needs to be supplemented by the skill of the politician. While the one need not fear to arouse opposition, the other should seek to minimize resistance. The political art, like the military art, consists in massing the greatest force against the point of least resistance; and to bring a principle most quickly and effectively into practical politics, the measure which presents it should be so moderate as (while involving the principle) to secure the largest support and excite the least resistance. For whether the first step be long or short is of little consequence. When a start is once made in a right direction, progress is a mere matter of keeping on.

"It is in this way that great questions always enter the phase of political action. Important political battles begin with affairs of outposts, in themselves of little moment, and are generally decided upon issue joined, not on the main question but on some minor or collateral question. Thus the slavery question in the United States came into practical politics upon the issue of the extension of slavery to new territory, and was decisively settled upon the issue of secession. Regarded as an end, the abolitionist might well have looked with contempt on the proposals of the Republicans, but these proposals were the means of bringing to realization what the abolitionists would in vain have sought to accomplish directly.

"To secure equal rights to land there is in this stage of civilization but one way. Such measures as peasant proprietary, or 'land limitation,' or the reservation to actual settlers of what is left of the public domain, do not tend toward it; they lead away from it.

"The only way to abolish private property in land is by the way of taxation. That way is clear and straightforward. It consists simply in abolishing, one after another, all imposts that are in their nature really taxes, and resorting for public revenues to economic rent, or ground value. To the full freeing of land, and the complete emancipation of labor, it is, of course, necessary that the whole of this value should be taken for the common benefit; but that will inevitably follow the decision to collect from this source the revenues now needed, or even any considerable part of them, just as the entrance of a victorious army into a city follows the rout of the army that defended it.

"Thus it is that when men take up the principle of freedom they are led on and on, and that the hearty advocacy of freedom to trade becomes at length the advocacy of freedom to labor. Once the tariff question becomes a national issue, and in the struggle against protection, free traders will be forced to attack indirect taxation; while before the abolition of indirect taxation is reached, the incidence of taxation and the nature and effect of private property in land will have been so well discussed that the rest will be but a matter of time.

"Property in land is as indefensible as property in man. It is so absurdly impolitic, so outrageously unjust, so flagrantly subversive of the true right of property, that it can only be instituted by force and maintained by confounding in the popular mind the distinction between property in land and property in things that are the result of labor. Once that distinction is made clear—and a thorough discussion of the tariff question must now make it clear—private property in land is doomed."

A NOBLER CAREER

(The following is quoted verbatim from "Protection or Free Trade")

"That which is good harmonizes with all things good; and that which is evil tends to other evil things. Properly does Buckle, in his History of Civilization, apply the term 'protective' not merely to the system of robbery by tariffs, but to the spirit that teaches that many are born to serve and the few to rule; that props thrones with bayonets, substitutes small vanities and petty jealousies for high-minded patriotism, and converts the flower of European youth into uniformed slaves, trained to kill each other at the word of command. Fortifications and navies and standing armies not merely suit the protectionist purpose in requiring a constant expenditure, and developing a class who look on warlike expenditures as conducive to their own profit and importance, but they are of a piece with a theory that teaches us that our interests are antagonistic to those of other nations.

"Unembarrassed by hostile neighbors; unentangled in European quarrels; already the most powerful nation on earth, and rapidly rising to a position that will dwarf the greatest empires, the American Republic can afford to laugh to scorn any suggestion that she should ape the armaments of Old World monarchies, as she should laugh to scorn the parallel suggestion that her industries could be ruined by throwing open her ports to the commerce of the world.

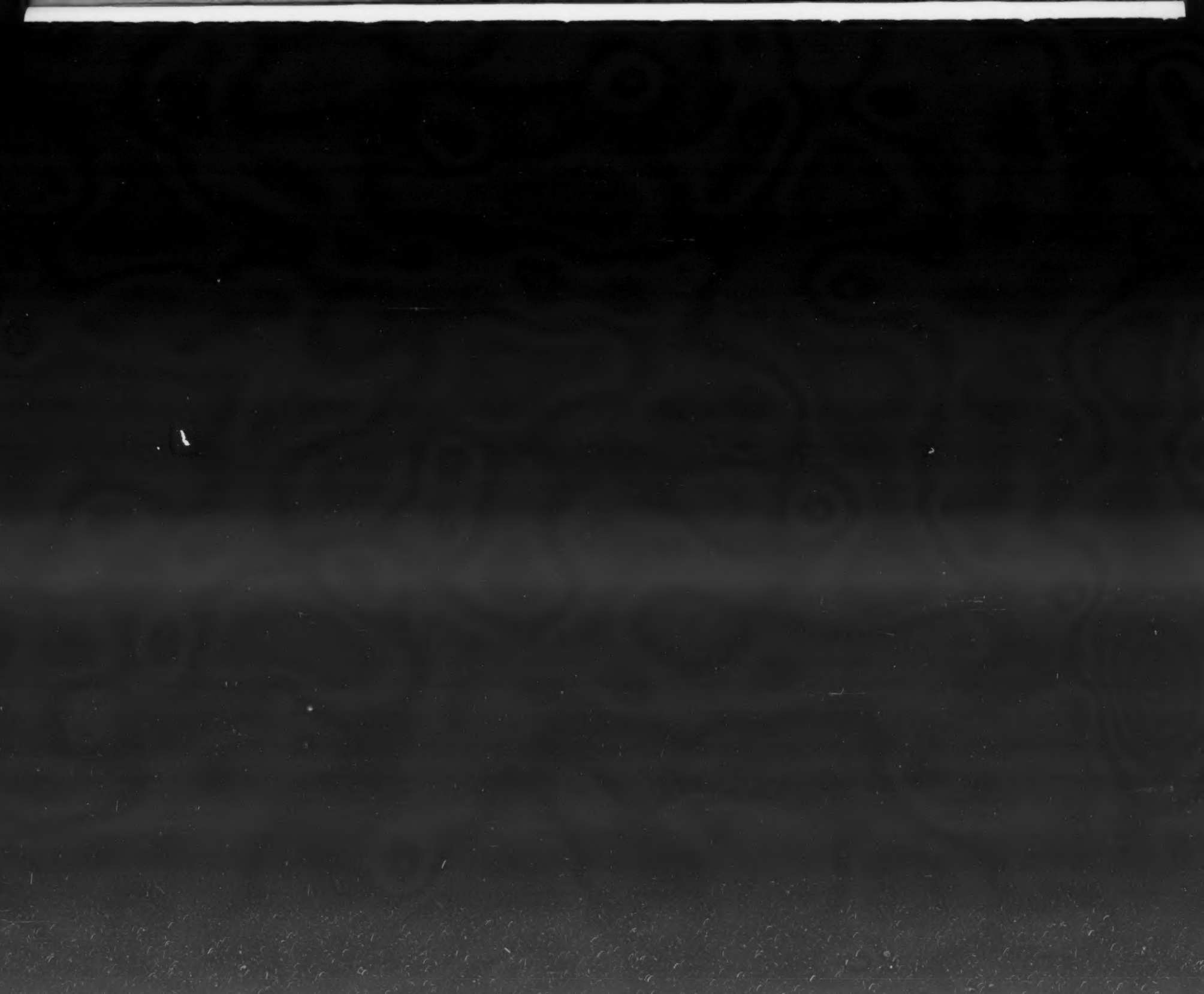
"The giant of the nations does not depend for her safety upon steel-clad fortresses and armor-plated ships which the march of invention must within a few years make, even in war time, mere useless rubbish; but in her population, in her wealth, in the intelligence and inventiveness and spirit of her people, she has all that would be really useful in time of need. No nation on earth would venture wantonly to attack her, and none could do so with impunity. If we ever have a foreign war it will be of our making. And too strong to fear aggression, we ought to be too just to commit it.

"In throwing open our ports to the commerce of the world we shall far better secure their safety than by fortifying them with all the 'protected' plates that our steel ring could make. For not merely would free trade give us again that mastery of the ocean which protection has deprived us of, and stimulate the productive power in which real fighting strength lies; but while steel-clad forts could afford no defense against the dynamite-dropping balloons and death-dealing airships which will be the next product of destructive invention, free trade would prevent their ever being sent against us. The spirit of protectionism, which is the real thing that it is sought to defend by steel plating, is that of national enmity and strife. The spirit of free trade is that of fraternity and peace.

"A nobler career is open to the American Republic than the servile imitation of European follies and vices. Instead of following in what is mean and low, she may lead toward what is grand and high. This league of sovereign States, settling their differences by a common tribunal and imposing no impediments to trade and travel, has in it possibilities of giving to the world a more than Roman peace.

"What are the real, substantial advantages of this Union of ours? Are they not summed up in the absolute freedom of trade which it secures, and the community of interests that grows out of this freedom? If our States were fighting each other with hostile tariffs, and a citizen could not cross a State boundary line without having his baggage searched, or a book printed in New York could not be sent across the river to Jersey City without being held in the post office until duty was paid, how long would our Union last, or what would it be worth? The true benefits of our Union, the true basis of the interstate peace it secures, is that it has prevented the establishment of State tariffs and given us free trade over the better part of a continent.





"We may 'extend the area of freedom' whenever we choose to—whenever we apply to our intercourse with other nations the same principle that we apply to intercourse between our States. We may annex Canada to all intents and purposes whenever we throw down the tariff wall we have built around ourselves. We need not ask for any reciprocity; if we abolish our customhouses and call off our baggage searchers and Bible confiscators, Canada would not and could not maintain hers. This would make the two countries practically one. Whether the Canadians chose to maintain a separate Parliament and pay a British lordling for keeping up a mock court at Rideau Hall need not in the slightest concern us. The intimate relations that would come of unrestricted commerce would soon obliterate the boundary line; and mutual interest and mutual convenience would speedily induce the extension over both countries of the same general laws and institutions.

"And so would it be with our kindred over the sea. With the abolition of our customhouses and the opening of our ports to the free entry of all good things, the trade between the British Islands and the United States would become so immense, the intercourse so intimate, that we should become one people and would inevitably so conform currency and postal system and general laws that Englishman and American would feel themselves as much citizens of a common country as do New Yorker and Californian. Three thousand miles of water are no more of an impediment to this than are 3,000 miles of land. And with relations so close, ties of blood and language would assert their power, and mutual interest, general convenience, and fraternal feeling might soon lead to a pact which, in the words of our own, would unite all the English-speaking peoples in a league 'to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.'

"Thus would free trade unite what a century ago protectionism severed, and in a federation of the nations of English speech—the world tongue of the future—take the first step to a federation of mankind.

"And upon our relations with all other nations our repudiation of protection would have a similar tendency. The sending of delegations to ask the trade of our sister Republics of Spanish America avails nothing so long as we maintain a tariff which repels their trade. We have but to open our ports to draw their trade to us and avail ourselves of all their natural advantages. And more potent than anything else would be the moral influence of our action. The spectacle of a continental republic such as ours really putting her faith in the principle of freedom, would revolutionize the civilized world.

"For, as I have shown that violation of natural rights which imposes tariff duties is inseparably linked with the violation of natural rights which compels the masses to pay tribute for the privilege of living. The one can not be abolished without the other. And a republic wherein the free-trade principle was thus carried to its conclusion, wherein the equal and inalienable rights of men were thus acknowledged, would, indeed, be as a city set on a hill.

"The dangers to the Republic come not from without but from within. What menaces her safety is no armada launched from European shores, but the gathering cloud of tramps in her own highways. That Krupp is casting monstrous cannon and that in Cherbourg and Woolwich projectiles of unheard-of destructiveness are being stored need not alarm her, but there is black omen in the fact that Pennsylvania miners are working for 65 cents a day. No triumphant invader can tread our soil till the blight of 'great estates' has brought 'failure of the crop of men'; if there be danger that our cities blaze it is from torches lit in faction fight, not from foreign shells.

"Against such dangers forts will not guard us, ironclads protect us, or standing armies prove of any avail. They are not to be avoided by any aping of European protectionism; they come from our failure to be true to that spirit of liberty which was invoked at the formation of the Republic. They are only to be avoided by conforming our institutions to the principle of freedom.

"For it is true, as was declared by the first National Assembly of France, that 'ignorance, neglect, or contempt of human rights are the sole causes of public misfortunes and corruptions of government.'

"Here is the conclusion of the whole matter: That we should do unto others as we would have them do to us—that we should respect the rights of others as scrupulously as we would have our own rights respected is not a mere counsel of perfection to individuals but it is the law to which we must conform social institutions and national policy if we would secure the blessings of abundance and peace."

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 1001, on page 160, crin vegetal: The Senate, as in Committee of the Whole, inserted on line 18, after the word "pound" and before the semicolon, the following:

Flax tow and flax noils, 1 cent per pound; crin vegetal, twisted or not twisted, 4 cents per pound.

Mr. COPELAND. Mr. President, crin vegetal is a substance used in upholstering. It is used largely by the steamship companies for filling mattresses. They are required by the regulations to destroy these mattresses at regular intervals; and this, being a very cheap product, is used for that purpose. Furthermore, it has the property of repelling vermin, and on that account is particularly suitable for this use.

It has been proposed to raise this rate from 1 cent to 4 cents a pound, and on the theory that that would help the moss-growing people of the South.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. The present rate is three-fourths of a cent per pound?

Mr. COPELAND. It is.

Mr. WALSH of Massachusetts. I understand that represents an equivalent ad valorem rate of 33 per cent.

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. And the rate of 4 cents per pound incorporated in the bill represents an ad valorem rate of 176 per cent.

Mr. COPELAND. That is right.

Mr. WALSH of Massachusetts. How can any such rate be justified?

Mr. COPELAND. It can not be justified, of course, and the theory that by making this price high there is going to be an increased use of substitutes is absurd, because crin vegetal does not have the same use that the moss has, and there can be no possible excuse for increasing the rate as was done in Committee of the Whole.

Mr. WALSH of Massachusetts. Has the Senator received protests from the upholsterers and manufacturers of the country?

Mr. COPELAND. It is a remarkable thing that I have had very few letters from my own State. I am very happy to say that. But I have received protests from Pennsylvania, and even from Louisiana and Massachusetts and many other States, and from Michigan, where cheap furniture is made.

Mr. WALSH of Massachusetts. I have also received protests from the railroads, which use, of course, a great deal of upholstery, protesting very vigorously against this duty. They state this is a commodity they must import, and it means a very large increase in the cost of their upholstering if this increased duty stands.

Mr. COPELAND. Mr. President, I thank the Senator for what he has said. The present rate is three-fourths of a cent. The House increased that to 1 cent. Those who are standing for high rates ought certainly to be satisfied with that. But on top of that to add another 3 cents makes the duty almost a hundred per cent rate on the article itself.

Mr. WALSH of Massachusetts. The motive behind this increase is a desire to cause the upholsterers to use a substitute which is inferior and which is subject to being infested with vermin.

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. So that we are confronted with an attempt to put an embargo on a material which must be used in upholstering if we are to have our upholstery vermin proof.

Mr. COPELAND. That is right. I have no disposition to prolong the argument, but I urge the Senate to oppose the amendment and to let the bill stand as it came from the House. The rate as it came from the House is too high; it ought to go back to the old rate.

Mr. WALSH of Massachusetts. I hope the Senator will have a roll call.

Mr. SMOOT. Mr. President, let me ask the Senator if he would not agree to a rate of 2 cents a pound. That is 100 per cent increase.

Mr. COPELAND. What rate?

Mr. SMOOT. Two cents, instead of 4 cents. I think it ought to be increased over the 1 cent, and I believe the figures will demonstrate that; but I do not think 4 cents is justified. I ask the Senator if he will not accept a rate of 2 cents a pound.

Mr. BROUSSARD. Mr. President, I would like to make a statement for the RECORD, if the Senator from New York will yield to me.

Mr. COPELAND. I yield.

Mr. BROUSSARD. Mr. President, people do not understand this proposition, and I want to say that the amendment was not proposed in a spirit of trying to grab anything. I want the Senate to understand why this rate was fixed.

Crin vegetal is a fiber from the palm that grows wild in Algeria and Tunis. The people who gather these wild palms receive from 1 to 2 francs a day. For years this fiber was used on steamships, and when they arrived in port it was

thrown overboard. Much of it was used for packing and was left in the harbors of the various ports of entry of this country.

It began to be used then. It was an article of such little value that nobody used it before that, excepting that people picked it up, and the poorest classes got it free.

I want to tell the Senate just what the moss industry in my State means; and this statement applies to Texas and Florida and Mississippi, and some of the other States.

I want the Senate to know that the facts disclose that there were in 1925 in my State 15,000 people engaged in gathering Spanish moss. There were 64 gins, which employed 700 people. The Summary of Tariff Information shows that the importations of crin vegetal increased so rapidly that in two years' time 50 per cent of the gins in my State were closed.

I wish to state to the Senator from New York that many of the protests I have received have been from citizens of the city of New York and upstate New York, people who own and operate about 20 of those gins in my State.

The industry is very important. As I have said, in 1925 the total number of people employed as gatherers was about 15,700, and there were 700 people employed in the gins. We find that in 1928 there were only 6,310 people altogether employed in the industry.

We are competing with negroes in Tunis and Algeria who get 1 or 2 francs a day, while our people get $4.50 a day for gathering this moss. They get 4½ cents a pound, and one ton of it will yield 300 pounds of the finished product. So that it can be seen that it is impossible to sell it in competition with the imported fiber.

My people appeared before the Ways and Means Committee and asked for a tariff rate of 4 cents. I offered the amendment which now appears in the bill, and it was accepted. It is a meritorious one. I say to the Senator from New York that he has stood manfully by the people in his State who are unemployed, and I ask him to reflect that in 1925 there were nearly 17,000 people in Louisiana alone employed in the industry.

I hope that if I accept this amendment, the conferees on the part of the Senate will try to secure the rate suggested, and with that hope, anyway, I am willing to accept the suggestion made by the chairman of the Finance Committee.

Mr. COPELAND. Mr. President, if I felt that hundreds and thousands of persons in this country were to be put out of employment unless there was a tariff on crin vegetal, I would vote for 15 or 20 cents, if need be. I might even have done that as to mustard seeds. But the situation is this: Kauffman & Son, of New York, are the jobbers in this product.

Mr. BROUSSARD. Mr. President, I told the Senator that I had received a number of letters from the State of New York. One of the first witnesses appearing before the Ways and Means Committee was a citizen of New York State, and I think perhaps the Senator knows him. The first man was Mr. Selle, of Minneapolis, Minn.

Mr. COPELAND. That is not in my State.

Mr. BROUSSARD. I will get to New York in a moment.

The next was the statement of C. C. Martin, of Minneapolis, Minn. Then there was the statement of Walter Wilhelm, of Gowanda, N. Y. He is a man who operates 15 or 20 gins in my State. He is very largely interested in this matter.

Then I find that a Member of Congress from Florida appeared. I am referring now to the tariff readjustment hearings. If the Senator will consult the report of those hearings, he will find that everything I have said is absolutely correct, and that although these people, 15,000 of them, do not devote their entire time to this industry, this is a work which the poorer classes of people who are out of employment will resort to at any time there is any lack of employment in my State, and the poorest people are the ones who make their livelihood out of gathering this moss.

I may say to the Senator from New York that in my State, where we have frequent overflows, where thousands of farmers are wiped out, they make enough money in picking this moss to go back on their farms.

Mr. COUZENS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Michigan?

Mr. COPELAND. I yield.

Mr. COUZENS. I would like to ask the Senator from Louisiana if this is not a case of putting a tariff on bananas to make people eat apples? In other words, it is just to compel them to use a substitute for this palm fiber or vegetal.

Mr. BROUSSARD. I do not think that is true, because one who eats a banana knows he is not eating an apple, but if he will sit in an automobile or a cheap chair he will not know whether the upholstery on which he is sitting is crin vegetal or on moss.

I wish to say to the representatives of States producing cotton and flax that if they will look at the Summary of Tariff Information and look at the evidence before the Ways and Means Committee they will find that this crin vegetal has absolutely knocked these domestic products out of the market. When flax tow is used, cotton is used over it, and this vegetal has not only practically ruined the moss industry in my State, but it has affected the flax people and the cotton people of the United States. It is not a question of a man sitting on one chair or the other where he can tell which is which in certain grades. I do not subscribe to the statement about the substitution of the banana for the apple.

Mr. COUZENS. One is forced to use a different article from what he wants to use because a prohibitive tariff is put on the imported article.

Mr. BROUSSARD. If a man ate an apple and did not know the difference between an apple and a banana, I would say it was a similar case. But that is not true. The fellow who eats a banana knows he is not eating an apple.

Mr. COUZENS. But the fellow who pays for the moss about which the Senator is talking knows he is paying for it, and he has to pay more for it because a prohibitive tariff is put on the stuff he wants to have, which is not produced in this country.

Mr. BROUSSARD. It is not only not produced in this country, but it is produced so cheaply that it is thrown overboard in our ports. It is used as packing material and for bedding where it is necessary to destroy the beds. It is not anything like the moss the Senator knows, and the people who came here from the State of Minnesota are people who have been using moss for years, but they are using vegetal to-day and they say there is no comparison between the two; but the man who purchases the furniture does not know the difference when he pays for it. It is all concealed.

Mr. COUZENS. He pays an excessive price because of the fact that there is a demand for a tariff on something we do not produce. Certainly he knows that, because he has to pay more because of the tariff on something we do not produce.

Mr. BROUSSARD. I will say to the Senator from Michigan that when we adopted this amendment there was not a man on the floor of the Senate who knew what crin vegetal was.

Mr. COUZENS. Senators did not know because it was not an amendment considered by the committee. That is a danger I pointed out some time ago; amendments are offered on the floor to raise or lower rates and votes are taken without any committee having considered any evidence at all.

Mr. BROUSSARD. The Senate adopted the amendment without protest.

Mr. COUZENS. We did not know anything about it.

Mr. BROUSSARD. That is what I have said.

Mr. COUZENS. As a matter of fact, the rate the Senator suggests is 200 per cent ad valorem, is it not?

Mr. BROUSSARD. It is a rate that is amply justified.

Mr. COPELAND. Mr. President, the Senator from Louisiana spoke about having a letter from one of the citizens of my State. I think probably I have a thousand letters from citizens of my State who own stock in oil wells urging me to vote for a tariff on oil, which I did not do. There is no reason why the Senator from Louisiana should complain.

I started to relate what these jobbers, Kauffman & Son, of New York City, said. They deal largely in the various upholstery materials. That has been their line for 35 years. They have no prejudice in the matter, because they not only deal in crin vegetal but also in flax straw, moss, and tow.

Mr. BROUSSARD. Who is the firm the Senator mentioned?

Mr. COPELAND. I. Kauffman & Son, of New York, who are jobbers in these upholstery materials.

Mr. BROUSSARD. Are they importers?

Mr. COPELAND. They are jobbers who deal in all upholstery materials, including those from the Senator's State, and the flax straw and tow as well as crin vegetal.

Mr. BROUSSARD. Are they importers?

Mr. COPELAND. I think probably they do import.

Mr. BROUSSARD. Of course, we know the importers are always for free raw material.

Mr. COPELAND. This is the statement that they make: They say that their sales of moss have not decreased, and their various accounts throughout the country would not and could not use fiber in the place of moss or tow. They say there never has been a surplus of moss, and at this time there is a scarcity.

Mr. BROUSSARD. If crin vegetal is denied a low rate, there will be no moss on the market at all. Moss is used in the making of upholstery of the higher quality.

Mr. COPELAND. And the price of the moss is twice as high as the price of the crin vegetal, and it does not compete at all with crin vegetal, which is used in the very cheap upholstery,

largely for mattresses on railroads and steamships. The moss is a superior article which will always be in demand because of its superior quality.

When we come to flax at the present selling price crin vegetal at this moment is twice as high as flax tow. It does not compete in any sense whatever. There is no argument, no reason, or logic that can justify a 4-cent rate on this cheap product. So far as I am concerned I want the Senate to vote upon it, and I hope we may have a record vote.

Mr. WALSH of Massachusetts. There is no domestic production at all, is there?

Mr. COPELAND. Not at all.

Mr. WALSH of Massachusetts. It all has to be imported?

Mr. COPELAND. Every bit.

Mr. WALSH of Massachusetts. Therefore the increased duty would be effective to the last dollar.

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. Let us have the yeas and nays.

Mr. BROUSSARD. Mr. President, I stated for the sake of having an adjustment of this matter that I would be willing to accept the suggestion, but if there is to be a vote I must say something additional and I must insist upon the full duty.

Mr. SMOOT. Of course, if it is not satisfactory to the Senator I shall withdraw my request and then the Senator can speak.

Mr. BROUSSARD. I do not want to appear here in the attitude of accepting 2 cents when really I want to have a vote on the 4-cent proposal.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. WALSH of Massachusetts. Let us have the yeas and nays.

The yeas and nays were not ordered.

The amendment made as in Committee of the Whole was nonconcurred in.

Mr. BROUSSARD. I now offer an amendment to make the figure 2 cents instead of 4 cents, the same as the amendment just voted on except that I have changed the figure.

The PRESIDENT pro tempore. That amendment can not be entertained except by unanimous consent.

Mr. BROUSSARD. I shall wait until it is in order.

The PRESIDENT pro tempore. Upon reaching the stage of individual amendments the amendment will be in order.

Mr. VANDENBERG. Mr. President, on last evening the Senate voted upon my amendment on page 118, paragraph 404, line 25, proposing to add 10 per cent to the ad valorem duty on birch and alder plywood, making a total duty of 50 per cent on these plywoods. According to this morning's CONGRESSIONAL RECORD, at page 5092, on a division the amendment was concurred in. But according to the clerk's official Senate record the amendment was rejected. This must be cleared up.

There was a general misapprehension regarding the proposal anyway. There is absolutely no difference of opinion between the Senator from Massachusetts [Mr. WALSH], who was in charge of the wood schedule for the Democrats, and myself regarding this item. This is in fact an amendment originally proposed by the Senator from Massachusetts. I am very sure the Senate, if the amendment was rejected as shown by the clerk's record, rejected it under a misapprehension, because there is no disagreement and no basis for argument. In view of the fact that the record is wrong at one point or the other, I ask unanimous consent for reconsideration of the item and submission without debate.

The PRESIDENT pro tempore. Is there objection?

Mr. WALSH of Massachusetts. I have no objection. I simply want to confirm the statement made by the Senator. If I remember rightly, the Senator, in Committee of the Whole, proposed an amendment for a very substantial increase of duty. I could not agree to that but did propose to him that I would accept, so far as I could for the minority, a duty of 50 per cent.

The PRESIDENT pro tempore. There being no objection, the question is on concurring in the amendment made as in Committee of the Whole.

The amendment made as in Committee of the Whole was concurred in.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H. R. 4767. An act to authorize sale of iron pier in Delaware Bay, near Lewes, Del.;

H. R. 7971. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9 near the town of Bridgeport in Cocke County, Tenn.;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States Route No. 50;

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.; and

H. J. Res. 223. Joint resolution to provide for the expenses of participation by the United States in the International Conference for the Codification of International Law in 1930.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDENT pro tempore. The clerk will report the next reserved amendment.

The LEGISLATIVE CLERK. Paragraph 1105, page 172, wool waste and rags.

Mr. WALSH of Massachusetts. Mr. President, it is quite apparent that a rediscussion of the particular paragraph now before us will result in the same action being taken in the Senate that was taken as in Committee of the Whole. I regret very much that the Committee of the Whole voted by a substantial majority in favor of increasing the duty on virgin wool from 31 to 34 cents and increasing the duty upon wool rags to 16 cents. I think it is most unfortunate that the action was taken, but I recognize there has been no change in sentiment and that there will be without question a reaffirmation of the vote taken in Committee of the Whole.

I can not let the occasion go by without pointing out the very serious consequences this increased duty on virgin wool and more particularly on wool rags will have upon the woolen industry as a whole in a very substantial increased cost of woolen fabrics to the American public. I think it was the Baltimore Sun which a few days ago stated that the estimated increase in the cost of cloth by reason of these increased duties to the American public would be $125,000,000. It is bound to be very substantial and it is unfortunate that it is occurring at this time with the industry in such a depressed condition. The woolen industry, as the Senator from Utah [Mr. SMOOT] knows, is in a very sad plight. I have grave fears as to whether it will be able to withstand the financial depression that now surrounds it. At this time increasing the duty upon its raw product, virgin wool, and increasing the duty upon wool rags is going to be very detrimental. It is another serious impediment to the industry because it increases the cost of production.

Gentlemen on the Republican side of the Chamber, you have done and are doing a bad day's work for your party when you increase the duty upon long-staple cotton, as you have done to-day, and also when you increase the duty upon virgin wool and woolen rags. There is some justification for Senators from the Southern States; but when Senators who come from States where there is not a single bit of cotton grown, and even where there are cotton-textile industries, vote for these increased duties it is indefensible, and the blame is on the Republican side of the Chamber for the increase of 7 cents on long-staple cotton. There were more votes on the Democratic side against that duty than in any other vote that could be classed as an agricultural product. I think there were at least 11 votes upon this side of the Chamber against it, and yet we were not able to get enough votes on the other side of the Chamber to prevent this body blow, this stiletto in the back of a tottering industry, the cotton-textile industry. Now comes the second body blow, through virgin wool and wool rags, to the woolen-textile industry.

The Republican Party will have much to defend in this bill, but, in my judgment, they are going to have requests come pouring in here in the next few weeks, before the bill is finally passed, from industries of the country urging that the industries be saved from ruin because of these increased rates. One of the serious objections to the bill is that it has piled up increased duties upon the many raw materials that are used by all our industries. Practically every industry in the country has had additional burdens placed upon it without any increased protection to speak of. Do not think for one moment that many of the largest industries of the country are not going to be opposed to this bill. How is the Republican Party going to have the hardihood to face the people of the country with most of the industries of the country opposed to their protective tariff bill? In fact, before the Senate gets through with this bill it will not have any friends. The members of the farm bloc are now turning the other way.

Industries are getting nothing but burdens. The consumers are being penalized by duties that will increase prices. Who is going to be benefited? There will be a demand from the people

of the country to kill the bill and let the present tariff law remain effective. There can not be any other sane result or decision reached, in view of the changes that have been voted in recent days upon such rates as wool, lumber, cement, sugar, cotton, casein, china clay, and all food products and raw materials of every kind.

I was astounded at the last roll call. I can not now understand some of the votes. I can understand how Senators from cotton-growing States can favor a duty on long-staple cotton, but, when it is made manifest that the cost of tires will thereby be increased, to the extent, even, upon the admission of the Senator advocating the increase, of 35 cents to the manufacturer and from 60 to 70 cents to the consumer, I can not understand how Senators not coming from cotton States can vote to impose a duty of from 50 to 75 cents upon each tire purchased by thousands of people in their respective States. How do they ever expect to get back here? With an intelligent, progressive, live candidate against them who can make plain the facts, how do they ever expect to return?

Mr. WHEELER and Mr. BROOKHART addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I heard first the voice of the Senator from Montana, and I yield to him.

Mr. WHEELER. Mr. President, I agree with a great deal the Senator from Massachusetts has said, but I want him to bear in mind that it has been the tariff-protected industries that have gone out and sold the idea to the farmers of the country that high tariff rates are needed in order to benefit the farmer.

Mr. WALSH of Massachusetts. O Mr. President, it is always some Democrat who spoils a good Democratic speech. [Laughter.] Here I was lecturing the Republicans, and a Democrat had to remind me that I was not on sound ground. It is ever thus; no wonder we are a minority. [Laughter.] I now yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, as I understand the Senator's argument, he is opposed to the protection of raw materials.

Mr. WALSH of Massachusetts. I was trying to show that the Senator from Iowa would, in all probability, vote against this bill if the present method of shaping it continues. Perhaps I am mistaken as to that.

Mr. BROOKHART. I can tell the Senator about that in just a moment. Since, however, 70 per cent of the raw material used by the factories of our country comes from the farm, it seems to me the Senator's argument is pretty hard on the farmer.

So far as voting for the bill is concerned, let me say that the part of this bill which is effective is the debenture. I can vote for the debenture, but if the debenture goes out, the Senator will find me voting against the bill. I do not propose that we shall levy from ten to twelve hundred million dollars of taxes on the farmers of this country by high tariff rates without affording the farmers the benefit which can be given them by the debenture plan, which will make the farm rates effective.

Mr. WALSH of Massachusetts. Has the Senator any doubt about the debenture plan going out of the bill?

Mr. BROOKHART. I have not conceded as yet that it is going out; I am still fighting for it.

Mr. WALSH of Massachusetts. I am glad the Senator has his courage with him, but, in view of some recent roll calls, I should think he would be getting a little bit nervous about this bill. I think there is every reason why the Senators who have been espousing the cause of the farmer should feel a little bit discouraged. I think that they should put their mourning bands on, for the situation looks very grave.

Mr. BROOKHART. I thought, perhaps, we might secure a little help from the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, not having succeeded in arousing upon the Democratic side of the Chamber any sympathy, or very little, for my protest against the wickedness of the Republicans in increasing tariff duties upon cotton and wool and lumber and sugar and cement, upon everything the people eat and everything they wear, I think I ought to yield the floor, stating first that I do not want to be grieved further by hearing another roll call upon the question of whether the increased duties upon wool rags and virgin wool shall be sustained. I prefer to try to forget what has happened, to sit silently by, let the chorus of "ayes" confirm the action taken as in Committee of the Whole, and let a few of the minority be content with trying to shout "nay" as loud as they can.

Mr. WHEELER. Mr. President, I was not trying to spoil the speech of the Senator from Massachusetts; I was trying to help it out a little, but I could not help but call his attention to the fact that he has quite consistently voted for high duties upon manufactured articles which affected New England. I am not blaming him for that at all, because I realize——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WHEELER. Yes.

Mr. WALSH of Massachusetts. Once again I have to explain my record as a Democrat. I consider it no offense to vote for protection or increased protection when a case is made out for the need of it to protect the domestic industry against excessive imports.

Mr. WHEELER. No.

Mr. WALSH of Massachusetts. I do not think it is becoming of a Democratic Senator to embarrass another; but I want to say to the Senator that if he will look through my record he will find that the increased duties for which I have voted have been fully justified on the facts, and my votes in those instances have been based upon what seemed to be, to me, at least, very sound reasons for increasing the duties. I intend to prevent a depressed industry from being ruined by unchecked imports that rob it of the domestic market.

Mr. WHEELER. I have not the slightest doubt of that, but the Senator takes offense because I called his attention to the fact that the manufacturing interests have sought to create the impression among the farmers that high tariff rates on industrial commodities are for the benefit of the farmer. I agree that many of the tariff rates which have been written in this bill will not do the farmers any good at all, and I have been opposed to many of them——

Mr. WALSH of Massachusetts. I called attention to a series of commodities upon which increased duties have been levied in this bill which I supposed Democrats would take advantage of to present as issues to the country.

Mr. WHEELER. I was directing attention to the fact that tariff leagues and others in the East have caused the farmers of the country to believe if anything is wrong with any of their industries the thing that is necessary for them to do to help themselves is to have high tariff duties. That is what has brought about this situation. The result is that the manufacturers themselves are going to suffer.

I can agree and did agree with a great deal the Senator said, and I think he is right about it in many respects, but I can not quite understand why he should protest when I merely called attention to the fact that the manufacturers themselves or those that claim to represent them have been responsible for these high duties upon farm products and upon all other commodities.

Mr. CONNALLY. Mr. President, I ask unanimous consent to print in the RECORD an article from this morning's New York World with relation to the tariff. I ask leave to have the article printed in the RECORD at this particular time because it contains a very illuminating letter from the present Secretary of the Navy, Mr. Adams, reflecting his views on the tariff in 1909, when he expressed himself along the lines of free trade. I thought probably, in view of the fact that the tariff is now occupying so much time and there being so much doubt as to the views of the President, whether he favors the former coalition bill or the new coalition bill, that it might be interesting to know the views of the Secretary of the Navy, one of the members of the Cabinet, the same Secretary who some time ago made a speech in Boston taking to task Senators on the other side of the aisle who are supposed to be progressives and insurgents from the party organization.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Utah?

Mr. CONNALLY. I yield.

Mr. SMOOT. I take it for granted that the Senator approves of the letter written by Secretary Adams.

Mr. CONNALLY. Oh, no. The Senator from Utah is a very astute Senator, but he ought not to reach that conclusion, I am sure, with all due respect to him.

Mr. SMOOT. The Senator referred to the Secretary of the Navy as being a free trader in 1909.

Mr. CONNALLY. I had supposed, the Senator from Utah being a very stalwart administration leader, that his views would more nearly coincide with those of a member of the Cabinet of the President whose banner he is always following than would those of the Senator from Texas, who rarely if ever can be found in that camp.

Mr. SMOOT. I do not know what the viewa of the President are as to the items of this bill.

Mr. CONNALLY. The Senator does not suffer any distinction in that regard when he says he does not know what the views of the President are.

Mr. SMOOT. Nor do I know what the views of Mr. Adams are, and if I did know his views they would not make a particle of difference to me.

Mr. CONNALLY. In view of that statement I do not see why the Senator wanted to associate my views with those of the Secretary of the Navy, because if the Senator from Utah has no respect for the views of the Secretary of the Navy I do not see how he can expect the Senator from Texas to have any respect for them.

Mr. SMOOT. I did not say I had no respect for the views of the Secretary of the Navy, but I do not agree with him; that is all.

The PRESIDENT pro tempore. Without objection, the article referred to by the Senator from Montana will be printed in the RECORD.

The article is as follows:

[From the New York World March 13, 1930]

POLITICS FROM THE SIDE LINES

By Elliott Thurston

WASHINGTON, March 12.—It seems incredible that Charles Francis Adams, now Secretary of the Navy, really wrote this amazing letter classifying people who profit by high tariffs as "hogs" or "thieves." Secretaries of the Navy are notoriously reckless. The present Secretary, now detailed to the London Naval Conference, already has lived up to that tradition. But this letter—with its admission that Mr. Adams himself is a "tariff thief," its terrific indictment of the tariff, its solemn notice to the administration that the public is in a state of revolt—well, it just seems incredible, that's all.

Adamses are so numerous around Boston Common that there is an outside chance that some other Charles Francis Adams penned this astounding document; and yet who but "the" Charles Francis Adams, son of John Quincy, and, as Who's Who neatly puts it, g. g. g. s. of John Adams, could have written it? Who else would have inherited the noncomformity to speak out in this devastating fashion?

Why, nothing so bluntly, brutally frank, so mercilessly scalding has been uttered in all the long, weary days of tariff debate. Nothing could be more appropriate. Astonishing as such sweeping candor is, particularly from a member of President Hoover's own Cabinet, it is even more surprising to think that no outraged GRUNDY, no son of a wild jackass, nobody at all has risen in the Senate to exhibit this letter to the Nation and to the world as a shocking example of what a Cabinet member should not say out loud, or even breathe, for that matter, to the family cat.

But let the letter speak for itself. Here is what it says of those who actively seek or passively profit by high tariffs:

"Speaking after the fashion of men, they are either thieves or hogs. I myself belong to the former class. I am a tariff thief, and I have a license to steal. It bears the broad seal of the United States. I stole under it yesterday. I am stealing under it to-day. I propose to steal under it to-morrow. The Government has forced me into this position, and I both do and shall take full advantage of it. I am therefore a tariff thief with a license to steal. And what are you going to do about it?"

What a confession! But wait; there is much more. Thus:

"The other class comes under the hog category—that is, they rush squealing and struggling to the great Washington protection trough and, with all four feet in it, they proceed to gobble the swill. Well acquainted with those of this class, you know their attitude and their utterances. It is useless for me to dilate upon either. To this class I do not belong. I am simply a tariff thief, but, as I have said, with a license to steal."

What does old JOE GRUNDY think of that? What do all the rest of the party's protectionist seekers think of that? But the letter goes on:

"But, on the other hand, I am a tariff reformer. I would like to see every protective schedule swept out of existence, my own included."

A free trader in the President's own camp? Charles Francis Adams would like to toss the party's magnificent tariff into the sea, would he? It takes one's breath away to think that such a man sits at Mr. Hoover's Cabinet table.

And still the dumfounding letter continues. Alluding to the unfortunate consumer and the futility of his trying to come to Washington to plead for mercy before the tariff-fixing committees, Charles Francis Adams declares:

"Meanwhile, what inducement have I to go to Washington on a public mission of this sort? A mere citizen, I represent no one. If I went I would receive from the committee scarcely a respectful hearing—if any hearing at all. My position in these respects is exactly the position of myriads of others. And they say we do not exist.

"Meanwhile I do know this: On every occasion when, of late, I have had occasion to address an audience any reference to 'protection run mad' or to the tariff as the 'mother of trusts,' it has invariably elicited a more spontaneous response than any other utterance I could make. This feeling is abroad, becoming stronger, and will certainly, soon or late, be in evidence at the polls."

Has the White House failed to hear this ominous warning from the Secretary of the Navy?

"Meanwhile," says this unbelievable letter, "the tens of thousands of persons who feel in that way, like myself, can not afford either the time or, more frequently, the money to go to Washington to ask to be heard before a committee which they know in advance is both prejudiced and packed against them."

Just let REED SMOOT and WILL HAWLEY and their committee colleagues lay to that. Prejudiced and packed against the public, eh?

"I have in this letter," adds the dauntless Mr. Adams, "set forth the situation, so far as a revision of the tariff is concerned, as it exists within your personal knowledge and my personal knowledge. You are welcome to make such use of it before the committee or elsewhere as you see fit. I should have no objection to seeing it in print. Meanwhile have it well understood that my position is exactly the position of tens of thousands of others scattered throughout the country."

So this incorrigible Adams is so lost to all proper Republican feelings that he wants to see these scandalous heresies in print, does he? Well, there they are. So far as I can discover, nobody has obliged him since he wrote this letter to a Massachusetts Congressman, a member of the very committee now headed by WILL HAWLEY, back in November, 1908.

Mr. COPELAND. Mr. President, I do not think it is fair that one Democrat should criticize another for his views regarding a tariff item. The Senator from Montana made a vigorous fight for a 30-cent-a-pound rate on rayon but he was not for free rayon.

Mr. WHEELER. The Senator is entirely wrong. If he will confine himself to the facts——

Mr. COPELAND. Very well. Suppose the Senator correct me and give us the basis of the facts.

Mr. WHEELER. So that the Senator from New York may know the facts, I favored taking off the 45 cents specific duty on rayon. I said that there was not any Senator upon the floor who attempted to justify the rate proposed or to dispute the facts presented by me. I was perfectly willing——

Mr. COPELAND. Did the Senator want to take all the duty off?

Mr. WHEELER. All the specific duty. I was perfectly willing to let the ad valorem duty remain. I have repeatedly said upon the floor of the Senate that I am perfectly willing to give the manufacturers of this country a rate of tariff equal to the difference between the cost of production at home and abroad. I have felt that way with reference to manufactured articles produced in Massachusetts or any other State.

Let me say further to the Senator from New York that I have not criticized the Senator from Massachusetts for anything that he said or anything that he has done upon the floor. I do not know why the Senator from New York should be called upon to rise in his seat and defend the Senator from Massachusetts, who, I am sure, is perfectly capable of taking care of himself.

Mr. COPELAND. The Senator from Massachusetts needs no defense from me or from anybody else; but the Senator from Montana admits that he is in favor of a tariff, and so the only difference is as to how much the tariff rate shall be. Whether inadvertently or otherwise, the impression was given by the Senator to the citizens of my State that because I did not vote with him on the rayon schedule therefore I had violated my duty as a Democrat, and that I should have followed the Senator from Montana. As a matter of fact, the only difference between us is that the Senator from Montana desired one rate of duty, while the Senator from New York felt that another rate of duty was needed. It was not a question of whether there should be free trade or protection, but merely a question of judgment as to how much the rate should be.

The Senator from Utah [Mr. SMOOT], when the rayon item was previously under consideration, convinced me that there was a difference between the cost of production here and abroad of 42½ cents a pound, I think, in addition to the ad valorem rate.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WHEELER. Let me say that the Senator from Utah did not cite any figures given him by the Tariff Commission to substantiate his statement, because the Tariff Commission figures do not show that a 45 per cent specific duty is justified.

Mr. COPELAND. It was a matter of judgment. I had to form a decision in my mind as to whether the Senator from Utah was right or whether the Senator from Montana was right. I reached a certain conclusion, and voted accordingly. I voted for protection. So did the Senator from Montana. There is not the slightest difference from the Democratic standpoint between the Senator from Montana and myself, because

we were both for a tariff. It was only a question of how much the rate should be.

So far as the Senator from Massachusetts [Mr. WALSH] is concerned, he needs no defender. He has stood on the floor of the Senate since the middle of last September, and, in season and out of season has fought for the consumers of America; and many many times he has taken a position here in opposition to his selfish interests. If he had sought only to follow "Massachusetts—there she stands"—he would have been for higher tariffs time and time again. I think the Senator from Massachusetts this afternoon has well presented his case. So far as I am concerned, I applaud it, and thank him from the bottom of my heart.

Mr. SMOOT. Mr. President, now that we have had this little family row over the tariff, I hope we can get a vote upon the next item—knit goods.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. Without objection, the vote will be taken upon all the amendments contained in paragraph 1105.

Upon this question the yeas and nays have been demanded. A sufficient number not having seconded the demand, all those in favor of concurring in the amendment made as in Committee of the Whole will say "aye." [A pause.] Those opposed to concurring in the amendment made as in Committee of the Whole will say "no." [A pause.] The amendment is concurred in.

The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 1114, knit goods, page 177.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from Utah [Mr. SMOOT], I desire to ask him a question.

The criticism made by the manufacturers in my State is that the rate fixed on knit fabric in paragraph 1114 does not correspond to the rate on wool yarn in paragraph 1107. The criticism is that there is a lack of 5 per cent protection in paragraph 1114 if the rate on the fundamental yarn is to be left as it is in paragraph 1107. What does the Senator say about that?

Mr. SMOOT. Mr. President, the Senator will notice that the rate on knit fabric in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, is 33 cents per pound and 40 per cent ad valorem; valued at more than $1 per pound, 46 cents per pound and 50 per cent ad valorem.

A knit fabric the price of which——

The PRESIDENT pro tempore. May the Chair interject to say that under the parliamentary situation the only amendment which can now be dealt with is the amendment on lines 6 and 7, "finished or unfinished." If other amendments are to be considered, they will have to be offered as individual amendments when that stage of the procedure has been reached. At the present moment the only thing that may be dealt with is the amendment the Chair has stated.

Mr. COPELAND. I am satisfied with the ruling; but it may be that the interchange of two or three sentences will end the matter, so far as the future is concerned.

The PRESIDENT pro tempore. So far as the Chair is concerned, anything for the enlightenment of the Senate.

Mr. SMOOT. As I was saying, knit fabric in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, must of necessity have some by-product, I will call it, of wool. It would not be all wool—I mean, in the sense of virgin wool—if it is knit into a fabric selling at that price. Therefore, we impose a duty of 33 cents per pound and 40 per cent ad valorem. In other words, the specific rate, the Senator will notice, is a little less than some of the other rates and the ad valorem rate is 40 per cent, which on that class of goods, being a coarser yarn and made into coarser goods, is certainly sufficient protection. When the value is over $1 a pound, however, we get into a finer piece of cloth, and there we impose a duty of 46 cents per pound and 50 per cent ad valorem. Those are the finest goods that are made in knit fabrics in the piece, and there should be that differential. As to the cheaper goods, I will say that the yarn that goes into that perhaps may be 50 per cent reworked wool; and that is why the rates are so different in the two values.

Mr. COPELAND. Mr. President, may I hand to the Senator three letters from Brooklyn knitting mills and ask him if he will give them consideration through his experts?

Mr. SMOOT. I will.

Mr. COPELAND. They are from Meyer Dorfmann, the Bristol Knitting Mills, and the Mayflower Knitting Mills. I shall be glad if the Senator will be good enough to study their criticisms.

Mr. SMOOT. I will; and I will answer the Senator by letter.

Mr. COPELAND. I thank the Senator very much. I withdraw the reservation.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT pro tempore. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Paragraph 1122, page 180: The Senate, as in Committee of the Whole, inserted a new paragraph, reading as follows:

PAR. 1122. For the purposes of this act all fabrics in the piece containing 15 per cent or more in weight of wool, whether or not in chief value thereof, and whether or not more specifically provided for, shall be dutiable under the appropriate provision of this schedule for fabrics in the piece wholly or in chief value of wool.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. Mr. President, I desire to add to the amendment the words "except printing-machine cylinder lapping in chief value of flax."

There is none of this product made in the United States. I think that ought to be excepted from this paragraph. I have taken up the matter with a number of Senators, and also with the department; and they say that no harm could come to any local industry by excepting printing-machine cylinder lapping in chief value of flax.

The PRESIDENT pro tempore. Does the Senator offer that as an amendment to the amendment made as in Committee of the Whole?

Mr. SMOOT. I do. In order that the Senate may know just what the amendment is, I send it to the desk, and offer it as a substitute.

The PRESIDENT pro tempore. The clerk will state the proposed substitute for the information of the Senate.

The CHIEF CLERK. On page 180, it is proposed to strike out paragraph 1122, inserted by the amendment of the Senator from Idaho [Mr. THOMAS], and in lieu thereof to insert the following:

PAR. 1122. For the purposes of this act all fabrics in the piece or otherwise (except printing-machine cylinder lapping in chief value of flax) containing 15 per cent or more in weight of wool, whether or not in chief value thereof, and whether or not more specifically provided for, shall be dutiable under the appropriate provision of this schedule as if wholly or in chief value of wool.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah as a substitute for the amendment made as in Committee of the Whole.

Mr. BLAINE. Mr. President, I am not going to discuss the amendment offered by the Senator from Utah. I desire, however, to call the Senator's attention to the fact that this amendment, paragraph 1122, whether amended as suggested by the Senator from Utah or not, is going to override every other schedule relating to textiles. It is going to dislocate practically every rate that has been fixed in the cotton, the rayon, the silk, the flax, and the hemp schedules as relates to fabrics.

Take, for instance, the cotton schedule, paragraph 906—cloth, in chief value of cotton, containing wool, 60 per cent ad valorem. I have not any doubt but that the proposed amendment will give an increase over that rate perhaps more than twofold. The same thing is true with reference to wool fabrics, increasing the rate on the present values as high as 135 per cent ad valorem.

This proposal is the most outrageous proposal that has been made in the consideration of the tariff bill. There is no excuse for it. It is wholly indefensible.

So, Mr. President, while I am convinced that it is perfectly useless to undertake to defeat this amendment, I desire to call the attention of the Senate to the fact that it is going back to the scheme and plan that was engaged in in the tariff building of the law of 1909. Here it is proposed to impose, upon fabrics containing 15 per cent of wool, the wool rates, whether the other material is cotton, hemp, rayon, or in any other textile.

So, Mr. President, I ask for a roll call on this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole. On this question the yeas and nays are demanded. Is the demand seconded?

Mr. BLAINE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Blease	Copeland	Frazier
Baird	Borah	Couzens	George
Barkley	Bratton	Cutting	Glass
Bingham	Brookhart	Dill	Goff
Black	Capper	Fess	Goldsborough
Blaine	Connally	Fletcher	Grundy

Hale	Keyes	Overman	Swanson
Harrison	La Follette	Patterson	Thomas, Okla.
Hastings	McCulloch	Phipps	Townsend
Hatfield	McKellar	Pine	Trammell
Hawes	McMaster	Pittman	Vandenberg
Hayden	McNary	Robinson, Ind.	Wagner
Hebert	Metcalf	Sheppard	Walsh, Mass.
Heflin	Moses	Shortridge	Walsh, Mont.
Howell	Norbeck	Simmons	Watson
Johnson	Norris	Smoot	Wheeler
Jones	Nye	Steiwer	
Kean	Oddie	Stephens	

The PRESIDENT pro tempore. Seventy Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. METCALF. Mr. President, unless this amendment prevails wool may come in duty free in cloth, instead of paying a duty, as when it is in the bale.

Mr. GEORGE. Mr. President, I realize that it is entirely useless to quarrel about high rates in this bill, since the junior Senator from Pennsylvania formed his organization. All of the trouble did not occur when we reached sugar, or oil, or cement, or wood, or shingles. It occurred when we reached the wool schedule. That is where it had its inception. This wool schedule has been the backbone of unconscionable protective rates for 40 years or more. It still is.

I do not want to argue this matter again, but I want to say this: That if the Senate is now to vote to make dutiable at the high rates given the woolen fabrics any article which contains, by weight, 15 per cent or more of wool, it will take an additional step which heretofore no one has been inclined to ask.

Under the present leadership, however, which has taken complete charge of the Republican Party, the Senate a few days ago voted for this increased rate.

Not only is the rate increased but the whole principle upon which tariffs have been made is repudiated, thrown in the discard, perchance because of the desire of the coalition between the worsted manufacturers and the wool growers, under the generalship of the junior Senator from Pennsylvania, who, in vacation, at odd times, is the collector of the revenue for the Republican Party.

It has been the traditional policy of the protectionists themselves to fix a duty, whatever the duty might be, upon any fabric according to the material constituting the chief value of the fabric. In other words, if the chief value of the cloth was of cotton, then that particular cloth was dutiable as cotton. If the cloth was composed wholly or in chief value of wool, the article was dutiable as wool. But now, if the cloth contains 15 per cent or more of wool by weight, although 85 per cent of it may be cotton, or may be some other material, the cloth is made dutiable as wool.

When the Senate Finance Committee submitted this bill to the Senate, it contained a provision that hose containing any part of rayon, though made of cotton or of silk, should be dutiable as rayon, under a particular provision in the rayon schedule. The Senate, after full deliberation, voted that provision out because it was contrary to the principle upon which tariffs had been made, voted it down in the cotton, wool, and other textile schedules. Now it is proposed to make any fabric, any cloth, containing as much as 15 per cent by weight of wool, dutiable at the high rate.

Mr. President, I do not think it worth while to argue the case. I do not think the country thinks it is worth while to argue the case, because I am satisfied that the country knows that this woolen schedule is not based upon reason. It is not based upon facts.

I have not protested, since the Senate fixed an increased duty upon virgin wool, or even upon wool waste, against a just compensatory to take care of the increases, but there can be no possible excuse for the amendment now before the Senate, except the disposition of the woolen and worsted manufacturers, mainly the worsted manufacturers, because the woolen manufacturers are the victims of the conspiracy between woolgrower and worsted manufacturer. In the long run they will find this statement to be true.

There is no excuse for this provision in the bill, contrary, as it is, to the traditional policy of levying tariffs.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. GEORGE. I yield.

Mr. NORRIS. I would like to submit an inquiry to the Senator. I was called out of the Chamber temporarily. Upon what page of the bill is the amendment which we are discussing to be found?

Mr. GEORGE. It is a new amendment offered by the junior Senator from Idaho [Mr. THOMAS] a few days ago. It is not in the printed text.

Mr. NORRIS. That is not the pending amendment.

Mr. GEORGE. I understood that it was.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole, and that amendment is not in the printed text of the bill.

Mr. GEORGE. There is no opposition to the amendment offered by the Senator from Utah to the amendment.

Mr. SMOOT. I understood that to be the case.

Mr. GEORGE. I therefore thought the question was on the amendment made as in Committee of the Whole as amended.

The PRESIDENT pro tempore. That is not the question yet. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. GEORGE. There was no objection, and I thought it was stated that the amendment was agreed to.

The PRESIDENT pro tempore. If there is no objection, the amendment submitted by the Senator from Utah to the amendment made as in Committee of the Whole will be regarded as agreed to, and the question now recurs upon the amendment made as in Committee of the Whole as amended by the amendment proposed by the Senator from Utah. Upon that question the yeas and nays have been demanded.

Mr. NORRIS. Let us have the amendment reported.

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 180, strike out paragraph 1122 as inserted by the amendment of the Senator from Idaho [Mr. THOMAS] and in lieu thereof insert:

PAR. 1122. For the purposes of this act all fabrics in the piece or otherwise (except printing-machine cylinder lapping in chief value of flax) containing 15 per cent or more in weight of wool, whether or not in chief value thereof, and whether or not more specifically provided for, shall be dutiable under the appropriate provision of this schedule as if wholly or in chief value of wool.

Mr. WALSH of Massachusetts. Mr. President, may I have the attention of the Senator from Utah [Mr. SMOOT] and the Senator from Georgia [Mr. GEORGE]. Let me see if I understand how this amendment works out in practice. The general principle to which everybody agrees is that when goods are shipped into this country that have more than one kind of material in them, the customs officials determine which of the two or three kinds of material used in the finished goods is of the highest value and levy the duty on that material. If it is a mixture of cotton and woolen yarn, they find that the cotton is of the highest value and therefore apply the duties levied upon cotton finished goods.

Mr. SMOOT. Yes; but that does not apply to weight.

Mr. WALSH of Massachusetts. If they find that wool is of the chief value, the customs officials apply the duties in the wool schedule.

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. Now it so happens, as I understand it, because virgin wool and wool rags are dutiable in this country, that knit cloth or cloth made of both cotton and wool, woven fabric, can come into the country where measured upon terms of foreign valuation. There may be 40 per cent of wool and 60 per cent of cotton and because of the foreign valuation the customs officials would have to say that cotton is the chief value and apply the cotton rate. Am I correct as to that?

Mr. SMOOT. That is substantially correct.

Mr. WALSH of Massachusetts. It often happens because of a high protective duty upon virgin wool that upon the basis of American valuation the wool might be 75 per cent of the cloth and the cotton only 25 per cent.

Mr. SMOOT. In value, of course; but the wool in that case must be on the foreign value and not on the American value.

Mr. WALSH of Massachusetts. I am using an illustration. If the law provided that the chief value should be based upon American valuation, it might reverse entirely the situation under the present law.

Mr. SMOOT. That is true.

Mr. WALSH of Massachusetts. The woolen manufacturers complain that because they have to pay 34 cents a pound for virgin wool and 18 cents a pound for woolen rags, they are at a disadvantage with the European manufacturers when cotton and wool yarns are blended into cloth.

Mr. SMOOT. There is no doubt about it. If it applied to the American value of wool, then nobody could support it, but it applies to the foreign value of wool.

Mr. WALSH of Massachusetts. But my objection is to the unscientific claim made that if we find 15 per cent of wool in the cloth, then the principle of chief value will be abandoned and we will put that cloth, mixed cotton and wool, in the wool schedule. My objection is to the arbitrary figure of 15 per cent. I would in conscience be obliged to vote for an amendment which placed the determination of chief value upon the basis of the American valuation, because I can see the disadvantage to which the American woolen manufacturer would be placed. But the Senator who proposed the amendment has seen fit to choose an arbitrary figure, 15 per cent, which in some instances may make the wool, when only 15 per cent, the chief value, and in other instances make it a very insignificant amount of the chief value of the garment.

I can not go to the extreme to which this amendment goes, although I recognize the grievance the woolen manufacturer has that because he has to pay these duties on the theory that in his goods the chief value of wool is 75 per cent, when it may be only 30 per cent of the content is wool, and upon the foreign basis the chief value would be cotton. I see that hardship, and I would like to remedy it. If an amendment was proposed saying the chief value shall be on the American valuation, I would have to vote for it in conscience; but I can not open the door to the incorporation of a principle here that chief value of cotton and wool will mean 15 per cent of wool, and chief value of silk and wool will mean 15 per cent or 20 per cent of wool, and the chief value of rayon and cotton, if it is 15 per cent of cotton, will mean cotton is of chief value. I do not like the arbitrary and unscientific way in which the amendment seeks to place 15 per cent as the determining point between chief value and nonchief value.

Mr. SMOOT. Everybody recognizes the fact that unless there is some provision for that class of goods the industry would be simply destroyed.

Mr. WALSH of Massachusetts. I agree.

Mr. SMOOT. They could not live.

Mr. WALSH of Massachusetts. It is true that everybody who voted for these increased wool duties and increased duties upon woolen rags must support this amendment. Fortunately, I did not so vote, or else I would feel in conscience bound to go along.

Mr. SMOOT. I agree with the Senator.

Mr. WALSH of Massachusetts. But they must go ahead with it, or else they are discriminating against their own American wool when it is in the mixed imported garment.

Mr. SMOOT. Unless the amendment is made they might just as well have no increased duty on wool. This is only to carry out the action of the Senate on the rate on wool, and I do not see any other way in the world to meet the situation.

Mr. WALSH of Massachusetts. Could not the Senator say "the chief value being determined upon the basis of the American valuation"?

Mr. SMOOT. I do not see how we could do it. That would throw another question in here that would be harder to settle than the question of foreign valuation.

Mr. WALSH of Massachusetts. I appreciate that that is probably true.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. Certainly.

Mr. NORRIS. I do not understand yet the logic of the Senator's position. The amendment provides that where 15 per cent of the fabric is wool the duty shall be assessed as though it were all wool.

Mr. WALSH of Massachusetts. I am objecting to that.

Mr. NORRIS. That is the only thing involved here, is it not?

Mr. WALSH of Massachusetts. Yes.

Mr. NORRIS. Why is it said that we must depart from the ordinary procedure of providing where the chief value is of a certain kind it shall be assessed as though all were of that kind of fabric?

Mr. WALSH of Massachusetts. The amendment seeks to make 15 per cent of wool the chief value where the article contains wool and cotton. The difficulty is that because of our high duties upon wool and our manufacturers having to pay so much more for wool that a smaller percentage of wool when mixed with cotton makes wool the chief value.

Mr. NORRIS. I understand that; but it seems to me the Senator is not trying to remedy the situation when he seeks to make that valuation. That is simply saying that where we have 15 per cent of wool the tariff shall be assessed the same as though it was all wool.

Mr. WALSH of Massachusetts. I am objecting to that because of the fact that it violates the fundamental principle of chief value.

Mr. NORRIS. The object is to raise the tariff. I do not suppose there is any other object. It is simply to raise the tariff.

Mr. WALSH of Massachusetts. I can not go as far as that.

Mr. NORRIS. What does it mean, then?

Mr. WALSH of Massachusetts. I think it is an honest, conscientious attempt upon the part of the woolen manufacturers to get the benefit of American valuation of their wool in determining what is the chief value.

Mr. NORRIS. We have not provided for the American valuation.

Mr. WALSH of Massachusetts. I know it.

Mr. NORRIS. What is the difference, if we are going to make 15 per cent represent 100 per cent, whether it is American valuation or foreign valuation?

Mr. SMOOT. It makes a lot of difference.

Mr. NORRIS. The principle is the same. We are making 15 per cent of a commodity affect the tax on the entire 100 per cent of the commodity. That is not right.

Mr. WALSH of Massachusetts. Does the Senator agree that there is a difference in determining the chief value of wool and cotton when mixed into a fabric under the foreign valuation and under the American valuation?

Mr. NORRIS. Oh, yes; of course there would be a difference, but in either case 15 per cent, a small minority, is made the basis of chief value.

Mr. WALSH of Massachusetts. I am objecting to that. I say it is too arbitrary. I make the same objection the Senator does, and that is why I can not vote for it. But I do recognize that there is a grievance here and that grievance I would like to find a remedy for if I can.

Mr. NORRIS. Perhaps I do not understand it, and if I do not I want to understand it. Is not the object of this amendment simply to increase the tariff on all the fabric to which it applies? Will not that be the effect of it?

Mr. WALSH of Massachusetts. That will be the effect; but the purpose is, and I concede it to be such although I voted against it, to put the American woolen manufacturer on a more equitable basis with the foreign woolen manufacturer. That is the purpose of it and I have to concede that. If they could show me an exact percentage, 20 or 25 or 30 per cent, that would indicate the difference between what is chief value and what is not chief value, I would vote for it; but I can not if somebody takes the arbitrary figure of 15 per cent and says that is the chief value and that is going to be substituted for the principle of chief value and that is what is going to determine what the difference will be between the woolen rates and the cotton rates. There is my difficulty.

There is my difficulty; but I would say—and I want to be on record as saying—that if an amendment were proposed providing that the chief value shall be determined upon the basis of the American valuation, I would, in conscience, have to vote for it.

Mr. BLAINE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. WALSH of Massachusetts. I yield the floor.

Mr. BLAINE. I want to ask the Senator from Massachusetts a question. If this amendment shall be adopted is not this what will happen: Under paragraph 1109 woven fabrics of a certain weight are made dutiable at 50 cents per pound; that is a compensatory rate. Thus, in the case of a fabric 85 per cent cotton and 15 per cent wool, we are granting a compensatory rate of 50 cents a pound on cotton; and the manufacturers are paying no tariff on cotton.

Mr. SMOOT. But the wool duty is not on the basis of the American price but on the basis of the foreign price.

Mr. BLAINE. I understand that.

Mr. SMOOT. If we took the American price, then, at 34 cents a pound and 40 per cent ad valorem, the aggregate rate would be between 80 and 90 per cent; and I do not propose to stand for that.

Mr. NORRIS. There is nobody advocating such a proposition as the Senator from Utah advances.

Mr. BLAINE. I should like to have the Senator from Massachusetts answer if I have stated the proposition correctly.

Mr. WALSH of Massachusetts. I think the Senator has.

Mr. BLAINE. That is, by this amendment we are imposing 50 cents a pound on cotton as a compensatory duty on wool that is not in the fabric at all?

Mr. WALSH of Massachusetts. As I understand, the Senator has stated the objection correctly.

Mr. BLAINE. Only 15 per cent is wool, but it is proposed to grant 50 cents a pound compensatory duty on the remaining 85 per cent of the fabric.

Mr. NORRIS. Mr. President, may I ask the Senator from Wisconsin a question?

Mr. BLAINE. Certainly.

Mr. NORRIS. Then the effect is, is it not, simply to increase the tariff on the particular fabric mentioned?

Mr. BLAINE. Exactly.

Mr. NORRIS. In other words, it amounts to taxing something that is only 15 per cent wool at the same rate it would be taxed as if it were 100 per cent wool?

Mr. BLAINE. Yes; and it gives the wool industry the opportunity to tax at the rate of 50 cents a pound, the compensatory rate on wool, the cotton that is in the fabric.

Mr. NORRIS. To tax the cotton.

Mr. BLAINE. To tax the cotton.

Mr. NORRIS. Exactly.

Mr. BLAINE. Which is 85 per cent of the fabric.

Mr. NORRIS. How can anybody defend that?

Mr. SMOOT. Mr. President, let me call the attention of the Senator to another matter. If the fabric is only 15 per cent of wool, and the tariff rate applies on the 15 per cent based on American valuation, as it would if the wool were imported, the American manufacturer has to pay out the 34 cents duty immediately in a duty on the wool; but in this case if the wool comes in here and is only carrying the rate that is carried on the piece goods, it is not assessed on the American or any other valuation. Therefore the only way we can meet the situation, the only way we can protect that class of goods is, I think, under the amendment that is suggested. I can not see any other way.

Mr. GEORGE. Mr. President, I should like to suggest that we could restore the provision, which also has been stricken out of this bill at the demand of the woolen interests, making the wool content and not the article dutiable. There would be no objection to that.

Mr. BLAINE. No; I would have no objection to that.

Mr. NORRIS. That would be fair.

Mr. WALSH of Massachusetts. Will the Senator amplify that?

Mr. GEORGE. Heretofore the provision was incorporated in paragraph 1108. The provision as now framed is just an effort to raise duties. I gave as an illustration previously the case of an ordinary cotton blanket containing 30 per cent wool and 70 per cent cotton. The ad valorem duty on such a blanket would be about 93 per cent, and in some instances it would actually run above 100 per cent.

Mr. BLAINE. I am informed in some cases it will run 135 per cent.

Mr. GEORGE. I have no doubt it will run 135 per cent ad valorem in some cases. It is a simple proposition. If 10 pounds of cloth contains only 1.5 pounds of wool, or 15 per cent, by weight, then the compensatory duty as fixed in the wool schedule is applied not only to the 1.5 pounds of wool in the goods but to the remaining 8.5 pounds of cotton, let us say, though cotton is on the free list.

Mr. BLAINE. Mr. President, I notice from the letter which Mr. Adams wrote with reference to tariff legislation in 1909 that he classified tariff grabbers in two classes, first, thieves, and, second, hogs. That is the language Mr. Adams used; he made that classification. It seems to me the woolen manufacturers fall in the first classification in their attempt to tax cotton as wool. They are scarcely willing to let anybody else get their snout in the swill. That is the language that Mr. Adams used; and, remember, Mr. Adams comes from the State of Massachusetts, where the Lowells and the Cabots reside. I am using Mr. Adams's language; it is not mine.

But the worsted interests want to give the wool producers 7½ cents a pound on the 15 per cent wool content. The compensatory rate is 50 cents a pound on wool and the wool content is only 15 per cent. The wool producer is going to receive a fraction of 7½ cents a pound and the wool manufacturer is going to run away with the loot of 42½ cents a pound. According to Mr. Adams, that is just ordinary, common thievery. It is not a matter of hogs who want to get their snout in the swill, as Mr. Adams suggests; they want to have practically all the swill, and become ordinary thieves, according to the classification made by Mr. Adams.

Mr. WALSH of Massachusetts. Does the Senator refer to Mr. Hobbs or to Mr. Adams?

Mr. BLAINE. Mr. Adams wrote this letter. The junior Senator from Texas [Mr. CONNALLY] submitted it, and by unanimous consent it will be printed in to-day's RECORD. I am going to read the classification.

Mr. NORRIS. Mr. President, what Adams is that?

Mr. BLAINE. It is Charles Francis Adams, who is now in the President's Cabinet, I am informed.

Mr. WALSH of Montana. I think it is his father.

Mr. BLAINE. Probably so; but that is wholly immaterial. I do not know the identity of Mr. Adams.

Mr. NORRIS. Mr. President, if the Senator will permit me, let us get the identity correct. Mr. Thurston, the correspondent who wrote the article, says that Mr. Adams is the gentleman who is now Secretary of the Navy.

Mr. BLAINE. I will read what Mr. Thurston says. I am not acquainted with Mr. Adams, so I can not be a witness for the purpose of identification; but here is what Mr. Thurston writes in the New York World of Thursday, March 13, 1930:

> It seems incredible that Charles Francis Adams, now Secretary of the Navy, really wrote this amazing letter classifying people who profit by high tariffs as "hogs" or "thieves."

Mr. Thurston has identified him as the present Secretary of the Navy. Now, I want to read the language that Mr. Adams used:

> Speaking after the fashion of men—

I am quoting now from Mr. Adams—

> they are either thieves or hogs—

Speaking of the tariff; and then he goes on to characterize himself. He says:

> I myself belong to the former class. I am a tariff thief, and I have a license to steal. It bears the broad seal of the United States. I stole under it yesterday. I am stealing under it to-day. I propose to steal under it to-morrow.

He is perfectly frank.

> The Government has forced me into this position, and I both do, and shall, take full advantage of it. I am therefore a tariff thief, with a license to steal.

Then he asks the question:

> And what are you going to do about it?

This is exactly the same kind of a proposal. Here is a license for the woolen manufacturer to steal 42½ cents a pound as a tariff on cotton, when the wool content is only 15 per cent. I observe that the distinguished junior Senator from Pennsylvania [Mr. GRUNDY] seems very much amused about this, and I am wondering if he is doubting the truth as set forth by Mr. Adams. The Senator from Pennsylvania remains silent, so I assume that he accepts Mr. Adams's classification of tariff grabbers.

Mr. WALSH of Massachusetts and Mr. GRUNDY addressed the Chair.

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Assuming to be correct what the Senator said—and I am inclined to agree with him—about the woolen manufacturers, in case this amendment becomes operative, getting the benefit of a compensatory duty to which he is not entitled, what troubles me is this aspect of the case: A manufacturer used in the finished product, say, 60 per cent of cotton and 40 per cent of wool.

Mr. SMOOT. It is the other way around.

Mr. WALSH of Massachusetts. No; I am using an illustration under which the chief value is cotton. Therefore it falls under the cotton rate. That woolen manufacturer gets nothing in the way of a compensatory duty or a protective duty for his 40 per cent of wool. Am I correct, I ask the Senator from Pennsylvania, who I know is an authority on this subject?

Mr. SMOOT. If the chief value is of cotton——

Mr. WALSH of Massachusetts. The Senator from Pennsylvania nods his head.

Mr. GRUNDY. I did not catch the point, I am sorry to say.

Mr. WALSH of Massachusetts. Leaving out the question of chief value entirely, if the fabric is composed of 60 per cent cotton and 40 per cent wool, it falls under the cotton schedule.

Mr. GRUNDY. It falls under the cotton schedule; that is right.

Mr. WALSH of Massachusetts. Because the customs officials contend that cotton is the article of chief value. The woolen manufacturer producing that kind of cloth in competition gets no compensatory duty for any of his wool and he gets no protective duty for any of his wool; he has a protective duty only under the cotton schedule.

So the other side of this question is troubling me. There is an injustice. I agree in part with what the Senator says in his criticism of this amendment; but considering the other side of the question, the amendment may result in serious injury and

disadvantage to the woolen manufacturer. I should like to see that condition remedied. I do not believe, I will say to the Senator, that this is the way to remedy it. It is a bad practice to build a tariff bill by designating a given per cent as indicative of the value when really the commodity so designated is not the commodity of chief value.

Mr. NORRIS. Mr. President——

Mr. BLAINE. I will yield in just a moment to the Senator from Nebraska.

I suggest to the Senator from Massachusetts that we take the reverse of his proposition so that the chief content of the fabric is wool, and only 60 per cent of it is wool. The other 40 per cent is cotton.

Mr. WALSH of Massachusetts. I share, in part, the criticism of the Senator.

Mr. BLAINE. In that case, the woolen manufacturer gets a protective duty in the nature of a compensatory duty that the manufacturer does not pay the wool producer, because he is using only 60 per cent of wool. Reduce it down to 51 per cent of wool, chief value of wool, and out of the 50 per cent a pound on wool as a compensatory duty he is getting a clean grab—Mr. Adams calls it a steal—of over 24 cents a pound as a protective duty out of a compensatory duty of 50 cents a pound, because he does not pay any duty on the cotton that is in the fabric containing 49 per cent of cotton and 51 per cent of wool.

I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I am impressed with what the Senator from Massachusetts [Mr. WALSH] has just said. I do not think anybody wants to do an injustice to a manufacturer. I know I do not. It seems to me we could reach the matter easily if we levied a tariff upon the wool that is in the fabric.

If it is 40 per cent, it is easily determined what the tariff should be; but in order to save Mr. A, who is getting an injustice now, why should we jump on B and rob him in order that A may not be robbed? We are only jumping out of the frying pan into the fire, it seems to me; and we are putting the burden where, if it must be borne by somebody, it can not be borne, because we say 15 per cent of the fabric shall fix the duty on 100 per cent of the fabric.

Mr. WALSH of Massachusetts. That is my difficulty—the arbitrary fixing of the percentage.

Mr. NORRIS. If it were 51 per cent, or the chief value, it would not be nearly so bad; but I do not see any excuse for this.

Mr. BLAINE. Mr. President, I desire now to analyze this proposition upon the basis of Mr. Adams's letter.

Mr. WALSH of Massachusetts. I hope the Senator does not think I am defending it.

Mr. BLAINE. The Senator is not defending it. Let me continue with what Mr. Adams said:

> The other class—

He described the thieves. He says:

> The other class comes under the hog category—that is, they rush squealing and struggling to the great Washington protection trough and, with all four feet in it, they proceed to gobble the swill.

All that the junior Senator from Pennsylvania [Mr. GRUNDY] is willing to give the farmers is a portion of 7½ cents a pound on the wool, and he desires to take 42½ cents a pound on the cotton that is contained in the fabric containing 15 per cent of wool. That is not a fair division of the swill. That is unfair and unjust, and, I think—characterizing it very frankly—rather reprehensible. In fact, the farmer does not get the 7½ cents; he gets less than one-third of 7½ cents.

> Well acquainted with those of this class—

That is, the class who get 42½ cents.

I am reading from Mr. Adams—

> You know their attitude and their utterances. It is useless for me to dilate upon either.

And then, clearing himself from this category, he says:

> To this class I do not belong. I am simply a tariff thief, but, as I have said, with a license to steal.

There was perfect justification for Mr. Adams to have written that letter; and he made a prediction. I am going to read some more from this letter and then try to draw, just briefly, a parallel between those times and the tariff bill of that day and these times and the tariff bill of this day.

Proceeding further, he declares:

> Meanwhile, what inducement have I to go to Washington on a public mission of this sort? A mere citizen, I represent no one. If I went I would receive from the committee scarcely a respectful hearing—if any hearing at all. My position in these respects is exactly the position of myriads of others. And they say we do not exist.

Continuing to quote from Mr. Adams's letter:

> Meanwhile, I do know this: On every occasion when, of late, I have had occasion to address an audience, any reference to "protection run mad" or to the tariff as the "mother of trusts," it has invariably elicited a more spontaneous response than any other utterance I could make. This feeling is abroad, becoming stronger, and will certainly, soon or late, be in evidence at the polls.

And in 1912 the people of this country cast their ballots and rendered the verdict that Mr. Adams prophesied.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. BLAINE. I do.

Mr. BORAH. It ought to be said, in the interest of reality, however, that if there should be a revolution in 1932 Adams would be on the other side now. If the Senator should compare the speech which he made last spring, when this fight started, with this speech, he would not believe that the two speeches were made by the same man.

Mr. BLAINE. I am thoroughly convinced about that; but Mr. Adams has had some 22 years in which to change his mind. Here in the Senate, however, it seems that minds are changed overnight on some of these propositions.

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

Mr. BLAINE. I yield.

Mr. SMOOT. The Senator knows very well that in 1912 there were three tickets in the field The Democrats did not get as many votes as they did in 1908. Mr. Roosevelt, Mr. Taft, and Mr. Wilson were all in the field.

Mr. BLAINE. Yes.

Mr. SMOOT. Mr. Taft carried only two States; but the Republican vote, divided between two Republicans, let in Mr. Wilson as President.

Mr. BLAINE. Mr. President, that has not anything to do with these two categories that Mr. Adams described. Mr. Adams was right then. I have not any doubt but that his change of mind has brought him to an entirely different position, but a position which he condemned in those days.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. BLAINE. I do.

Mr. BARKLEY. In the interest of fairness, I should like to inquire whether it is certain that this is the same Mr. Adams who is now Secretary of the Navy. My reason for inquiring is that privately it is stated that that statement was made by the elder Charles Francis Adams and not by the present Secretary of the Navy. I do not know myself, but I am wondering whether there is any mistake about that.

Mr. BLAINE. Mr. President, as I indicated early in my remarks, Mr. Thurston, the writer of the article printed in the World, says this:

> It seems incredible that Charles Francis Adams, now Secretary of the Navy, really wrote this amazing letter classifying people who profit by high tariffs as "hogs" or "thieves."

I do not know whether it is the same person or not; but it is not important whether he is or is not the same person. I am concerned only with the statements in the letter.

Mr. BARKLEY. I agree to that.

Mr. BLAINE. I am not reading this letter in condemnation of Mr. Adams's alleged present position. I am reading the letter simply to draw a parallel between the tariff bill of those days and the tariff bill of this day. When I opened my remarks I used language to the effect that Mr. Adams had classified tariff grabbers into two classes—thieves and hogs—and I explained that that was not my language, but it was the language of Mr. Adams, and proceeded to offer the letter of Mr. Adams in evidence of that fact.

Mr. BARKLEY. If what the Senator has read was a proper description of these classes as applied to the very mild tariff bills of 20 years ago, what sort of language would Mr. Adams be able to use or find now in English lexicography that would describe the same type of man as applied to the bill that came to us from the House of Representatives, and which seems in a fair way to go back there even worse?

Mr. BLAINE. I should hesitate to get into that field of speculation. I do think that Mr. Adams described the tariff grabbers of those days exactly as the truth was. I think the same application can be made to-day on the amendment now under discussion.

Mr. SMOOT. And perhaps it would apply to both sides of the Chamber.

Mr. BLAINE. I am not criticizing either side of the Chamber. I am not criticizing any Member of this body. I am criticizing this amendment, and asserting that those engaged in the woolen industry are attempting, by this effort in this tariff grab, to become ordinary thieves, as classified by Mr. Adams, and to take 42½ cents a pound as a protective duty arising from a compensatory duty of 50 cents a pound on wool, when, as a matter of fact, they are entitled to only 7½ cents a pound where the wool content is 15 per cent, as provided by the amendment now before the Senate.

So, Mr. President, I am discussing this amendment from the viewpoint asserted by Mr. Adams then, which viewpoint I believe is correct. His discussion is absolutely within the realm of facts. His prophecy has come true. So, Mr. President, I trust that in 1930 we will not make the same mistake that was made in 1909, and permit the thieves—as Mr. Adams characterized them—to get away with this loot, as proposed by this amendment.

Mr. President, I want to say also that it is offering a small morsel of consolation to the woolgrowers to tell them that they may have a fraction of 7½ cents out of the 50-cents-a-pound compensatory duty when the woolen industry proposes to get not only its snout into the trough but all of its feet into the trough, and grab off the swill, as so well described by Mr. Adams.

I hope the amendment will be rejected; and I ask for the yeas and nays, if they have not already been ordered.

Mr. SMOOT. I understand, of course, that the Senator has no objection to the pending amendment.

Mr. BLAINE. I assumed that that had been adopted.

Mr. SMOOT. I do not think so.

Mr. NORRIS. We have agreed to it.

Mr. SMOOT. I do not think it has been agreed to.

Mr. BLAINE. I understood the Chair to hold, there being no objection, that the amendment had been agreed to.

Mr. SMOOT. I ask the Chair if the amendment has been adopted.

Mr. NORRIS. We had a different occupant of the chair then. We are changing now.

The PRESIDENT pro tempore. The present occupant of the chair was in the chair at the time the action of the Senate was taken. The action taken by the Senate was an agreement to the amendment proposed by the Senator from Utah. The pending question is on concurring in the amendment made in Committee of the Whole, as amended. On that question the yeas and nays have been demanded.

Mr. GRUNDY. Mr. President, after this characterization of the woolen manufacturers of the country I think it is only fair that something should be said.

The proposition which has been discussed at such great length by the Senator from Wisconsin [Mr. BLAINE] is not a problem that has been created at all by the wool manufacturers. It is a problem that is created because and on account of a duty on raw wool.

If wool were on the free list, like cotton and silk and rayon and these other textile fibers, there would be no occasion for any consideration of this kind.

The moment a duty is put on wool, then that must be taken care of completely down the line, from yarn to cloth, and into the finished garment. That is the reason why this proposition is necessary in this bill. All of the protective tariff bills since the Civil War, so far as we have had provisions affecting wool in them, have specified goods made "wholly or in part of wool."

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. GRUNDY. I yield.

Mr. WALSH of Montana. If I understand this amendment aright, I do not quite follow the Senator from Pennsylvania when he seeks to pass off to the producer of the wool whatever odium may attach to this and exonerate the manufacturer.

There is, indeed, a duty on wool, and a compensatory duty occasioned by that, but this also provides that a protective duty shall be computed upon exactly the same basis. The manufacturer of this particular article, only 15 per cent of which is wool, gets a wool compensatory return, and he gets a wool protective return. How can the Senator assign to the duty on wool the responsibility for this situation any more than to the manufacturer?

Mr. GRUNDY. May I lead up to that, if the Senator will permit? From the Civil War period on down to the present law, the language in the wool schedule was "wholly or in part of wool," and if that language had been in the present law, this situation never would have arisen. But instead of that, the provision was changed so as to base the duty on the content of "the chief value" in the article, whether it be wool or cotton.

What has developed is this: Certain goods have been made, not by the worsted process abroad but by the carded-wool process abroad, and they have been made, according to the declarations in the customhouse, out of 51 per cent of long-staple cotton and 49 per cent of wool—reworked wool—which is claimed to be of less value than cotton. Those goods have progressively been coming in under the cotton schedule—not under the wool schedule but under the cotton schedule—with a declared content of 49 per cent wool and 51 per cent long-staple cotton, and the chief value has been declared to be of cotton and under the cotton schedule. And they have been taxed under the cotton schedule.

The result is that they have been paying simply a duty of 40 per cent ad valorem, and yet the 49 per cent of wool, if brought in as wool, would have paid at the wool rate of 31 cents a pound, or the compensatory of 44 cents a pound, or 40 per cent on the cotton and 45 on the wool.

Owing to that decision of the Customs Court and of the appraisers permitting those goods to come in as cotton goods and not as woolen goods, because the claim was made that they were of chief value of cotton, the result has been that for the last three years, beginning, I think, with 1926, perhaps for four years, they have been bringing in from next to nothing up to nearly 350,000 yards a month of this cotton-mixed goods under the declaration of cotton. They have displaced, according to the declared invoice from abroad, somewhere around 200,000 pounds of clean wool a month, which has been coming in without any duty on it at all in these goods, or probably equal to about 5,000,000 pounds of wool a year. That has been coming in free of duty, with simply a 15 per cent ad valorem duty and no compensatory duty on the cotton.

Those importations are increasing by leaps and bounds in quantity. As I said, they grew from practically nothing to somewhere around 350,000 yards a month during 1929.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GRUNDY. I yield.

Mr. NORRIS. In order to get the facts right, so that there may be no mistake, I want to ask a question. The Senator has said two or three times that the goods he describes come in free of duty. He does not mean that?

Mr. GRUNDY. Free of duty under the woolen schedule, and with no compensatory duty.

Mr. NORRIS. They pay a duty under the cotton schedule?

Mr. GRUNDY. Yes.

Mr. NORRIS. Which, as I understand, is 40 per cent.

Mr. GRUNDY. Yes.

Mr. NORRIS. So that they are not coming in duty free; they are paying a lower duty than if they came under the wool schedule.

Mr. GRUNDY. They come in without any compensatory duty. As I have said, if we had had the language which had been in the law from the time of the Civil War down as affecting wool—if the language had been "wholly or in part of wool"—we would never have had this trouble; but when the language was changed to "in chief value," and the authorities, either the appraisers or the Customs Court, have declared the chief value of cotton, as declared by the importer, the goods have come in under the cotton schedule, with the result that these goods displace somewhere around 5,000,000 pounds of such wool as would be grown in the intermountain country, while paying no wool duty at all. So this is a compensating proposition, just as it is when you provide for wool goods 44 cents a pound as against the 31 cents that is on the raw wool in the present act. This matter has been one that has been given a great deal of thought by the wool manufacturers.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. GRUNDY. Certainly.

Mr. BLAINE. To take care of the situation which the Senator describes, is not all that is necessary, the amendment of this new section by providing that the wool content shall bear its tariff rate, the cotton content its tariff rate, the rayon content its tariff rate, and the silk content its tariff rate? The manufacturer then would be fully protected on the smaller amount of wool, it would give the woolgrower any possible benefit that could come to him, and would not permit the woolen industry to "hog it all," to use the language of Mr. Adams. Why does the Senator want to take 42½ cents a pound and give the producer only 7½ cents a pound, when the fabric contains 15 per cent of wool?

Mr. GRUNDY. Mr. President, if the Senator from Wisconsin would be good enough to look over the statement of the American Woolen Co., which has just been published, I think he would be very well satisfied that there is no woolen manufacturer who is "hogging" anything just now.

Mr. BLAINE. Mr. President, will the Senator yield again?

Mr. GRUNDY. Certainly.

Mr. BLAINE. That does not answer the question I have propounded. My question was, Why should this section not provide that the wool content should bear the wool rate and the other content bear the rate provided in the other textile schedule? That would be perfectly fair to the woolen industry, it would give the producer all that he can possibly expect, and it would not then result in the woolen industry getting the 42½ cents a pound, which they do not pay as a compensatory duty on cotton or any other textile other than wool.

Mr. SMOOT. But under the cotton schedule it would be impossible for them to get any protection whatever if we say "of chief value," because the chief value of those goods, the 15 per cent, would fall in the cotton schedule.

Mr. BLAINE. Mr. President, permit me to suggest to the Senator that it is just a mechanical operation to remedy that whole situation on each one of the schedules. It is merely a clerical matter. Any of the experts here could do that in a few moments and hand the perfected amendment over to the Senator that would accomplish exactly what is desired.

Mr. SMOOT. The Senator's suggestion would be impossible to put into operation and would not give any kind of protection at all on the wool content.

Mr. BLAINE. Oh, no; you could make the same provision under every one of these textile schedules, just exactly as you are attempting to do here with wool.

Mr. SMOOT. On cotton, outside of the long-staple cotton, there is no duty at all. It is free of duty. So we could not apply that to any other schedule.

Mr. NORRIS. We are talking about the manufactured article.

Mr. SMOOT. So am I talking about the manufactured article.

Mr. NORRIS. The raw material has nothing to do with this proposition.

Mr. SMOOT. But the manufactured article must be considered whenever there is wool in it.

Mr. NORRIS. Then levy a tariff on wool according to the wool schedule; if it is 50 per cent, it would be 50 per cent, and levy a tariff on the cotton according to the cotton schedule.

Mr. SMOOT. In the past the situation has always been just as the Senator from Pennsylvania has described it. Now the whole thing is changed as to the value. Therefore, without this amendment, all of those goods, every bit of them, coming into this country would come under the cotton schedule. That is what is happening now.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. GRUNDY. I yield.

Mr. WALSH of Massachusetts. Could not the matter be worked out in this manner: First of all, assess the cloth as if it were all wool. Let us say the duty is $100. Then assess the cloth as if it were all cotton. Let us assume that to be $50. Then weigh the amount of wool, and if it is found to be 75 per cent, let the duty levied be 75 per cent of $100, and the 25 per cent of cotton to be 25 per cent of the $50, and let that be the duty. Why is not that a fair way?

Mr. GRUNDY. I think from an administrative standpoint, from what I know of the administration of the customs, it would be impossible, in the first place, to tell the percentage of wool in the mixed goods.

Mr. WALSH of Massachusetts. They have to do it now in order to determine the chief value.

Mr. GRUNDY. Where it is over 15 per cent.

Mr. WALSH of Massachusetts. No; disregarding the 15 per cent, leaving aside this proposed amendment, to-day they have to determine the chief value of the weight of wool and of cotton.

Mr. NORRIS. They would have to determine the percentage under this very amendment, which provides for 15 per cent.

Mr. GRUNDY. Only one determination.

Mr. NORRIS. If it is cotton and wool, and you have 15 per cent of one, and you subtract that from 100, you have 85 per cent.

Mr. GRUNDY. Of course, as a practical proposition these goods come in and are passed practically on the invoice declaration.

Mr. WALSH of Massachusetts. There would be difficulty in doing it accurately, but they have to do it to-day.

Mr. GRUNDY. It would be a great invitation for fellows to shift around from one percentage to another. The goods pass into consumption; long after, when domestic manufacturers realize that they are meeting this competition, the goods are used up and gone, and nobody can tell anything about them. From the practical standpoint, therefore, there is only about one thing to do; if you want to keep those goods out you have to provide that when they contain over 15 per cent of wool they should go into the wool schedule as if they were woolen goods.

The statement of the Senator from Wisconsin and the concern of the Senator from Nebraska are all theoretically sound; but as a practical proposition for the thousands of mills which are making tens of thousands or hundreds of thousands of different designs of these goods—which are all competitively sold—it is impossible for anyone to take advantage of any such situation as has been described here.

There has never been, anywhere in the woolen trade, any combination in restraint of the most acute competition in the woolen-goods business.

Every year there are two seasons in the wool business, and the mills making goods for the market get out thousands of patterns that are put on the market, and from those patterns selections are made and final orders are assembled, and they are sold in close and acute competition, which prevents, no matter what the tariff might be, anybody getting away with practically anything more than what would be, under the best circumstances, a fair business profit.

Therefore, in handling a business of this sort you have to make your protection on the maximum, and let domestic competition take care of the rest. That is one of the great disadvantages of the woolen business. The woolen business has been obliged always to carry a duty on its raw material. The raw material is not like silk or ramie; it is of a wide variety of qualities, and there is a very wide variety of prices abroad, as in this country, and as the duty is levied on the foreign value of the goods it results in a wide range of duties. If we can not put this on the maximum cost of the minimum amount of wool in it, we are going to fail to give the protection to which they are entitled.

Again I say that this is not a worsted proposition. These goods are made in the carded-wool business, so the worsted man is not in the picture at all. In the second place, it is primarily a wool proposition, because were it not for the duty on wool there would be no difficulty at all about this class of goods. If wool were on the free list like cotton, we would simply have a protective duty to protect the manufacturer and there would be no problem involved incident to the duty on the raw material.

Mr. NORRIS. What the Senator has said is exceedingly interesting, but it seems to me he has not approached an answer to the question that has been submitted. The point upon which I would like to get information is this: The Senator from Utah [Mr. SMOOT] said if we had a provision here that would levy a tariff under the wool schedule on the wool content of the article and under the cotton schedule on the cotton content of the same article, it would be impracticable because they could not figure out just how much cotton and how much wool there was. That might be difficult. Perhaps it often is difficult, perhaps always difficult. But I want to call the attention of the Senator from Pennsylvania and the attention of the Senator from Utah to the fact that the very amendment which they are advocating makes it necessary to do that same thing. They provide in the amendment for 15 per cent of the content. It must be determined whether there is 15 per cent of wool in the fabric. If that can be determined under this amendment when in force, it could be done under the other suggested amendment.

Mr. SMOOT. Where there is cotton and wool, it can be determined; but suppose in the same piece of cloth they have cotton, rayon, and wool?

Mr. NORRIS. All right, let me take that situation and suppose it is true. Suppose this amendment prevails. We still must determine whether it is 15 per cent of wool and we have the same question before us whether we have this amendment or a fair amendment, it seems to me. I can not see any difference. It may be a difficult thing to determine. I am not discussing that, but the Senator is not trying to escape that difficulty through this amendment. He has gotten into it just as deeply as though he had agreed to the suggested amendment that everybody concedes would be fair, and the Senator himself says that in theory it is all right, but it is impracticable.

If we have half a dozen different materials in the same fabric and the amendment now pending becomes the law, it is necessary to determine whether it has 15 per cent more or less of wool in the fabric. The Senator is not escaping the difficulty. The same thing happens under this amendment that would happen under the suggested amendment.

Mr. GRUNDY. How would it be possible, may I ask the Senator?

Mr. NORRIS. We might have a different piece of cloth, like the Senator from Utah suggested, composed in part of cotton, in part of wool, in part of rayon, and in part of silk or linen. We would have to know under this amendment whether 15 per cent of it was wool. That could not be escaped. That would be just as difficult if we were finding it for that purpose as if we were finding it for any other purpose.

Mr. GRUNDY. I think from an administrative standpoint it would be vastly more difficult to grade from 15 to 20 to 25 to 30 to 40 to 45 and to 50 per cent, as the case might be.

Mr. SMOOT. Ninety-five per cent of the goods that come in carry more than 15 per cent of wool.

Mr. METCALF. Somewhere between 35 and 50.

Mr. NORRIS. I anticipate if the amendment is agreed to that we will have a different condition after it becomes the law than we have now. Then the foreigners will commence to bring in more of goods with less and less wool in them because they can bring them in for a less tariff duty.

Mr. SMOOT. The 15 per cent, I think, would bar that class of goods.

Mr. NORRIS. The Senator ought not to try, it seems to me, with due respect, to bar any class of goods. I do not believe we ought to ask an embargo here. That is not the rule for any protective tariff with which I have ever had anything to do.

Mr. SMOOT. What I meant by barring was that the manufacturer would bar himself as to the class of goods he would make.

Mr. NORRIS. Yes; he might change his use of goods.

Mr. SMOOT. I did not mean to bar them from coming into the United States.

Mr. NORRIS. I understand the Senator now. No one has yet offered any suggestion that when a by-product comes in here composed of a different material we ought to determine what per cent of each one of the materials is in the fabric, and then levy the tariff duty according to that determination. There is no objection offered to that except the difficulty of finding what the percentage is. The Senator is not escaping that difficulty by the present amendment, but, on the other hand, he is doing an injustice.

The manufacturers of wool are going on the theory that they are getting a compensatory duty, because a duty has been levied on raw wool, and yet the fabric upon which the Senator is going to compute that tariff may have only 15 per cent of wool in it and he is giving a compensatory duty the same as though it were 100 per cent wool. That is unfair. No one can justify that in the name of protection. That can not be done and the Senate ought not to try to do here by indirection what, perhaps, could not be done by direction. In other words, that will have the effect of increasing the tariff. If the tariff ought to be increased, let us do it openly and provide specifically what the tariff shall be.

Mr. SMOOT. We do not want to raise the rate except on this class of goods, and the importations of this class of goods demonstrate the fact that there ought to be something done.

Mr. NORRIS. I concede that.

Mr. SMOOT. As to the examination of these goods, I think I myself—and I have not been in the business of manufacturing woolen cloth for some time—could take goods that land here at the port of entry and I could take one bolt of the cloth and tell within 5 or 10 per cent of the amount of cotton that is in it.

Mr. NORRIS. That makes the problem easy. If we can get officials of the Senator's ability, it would easily solve the problem. If we do not have them, then we will have to give the Senator from Utah leave of absence and let him determine the percentage of the various materials in the fabric without any difficulty. I thought it was more difficult than that.

Mr. SMOOT. The examiners can do it even better than I can.

Mr. NORRIS. That is better yet.

Mr. SMOOT. I do not think there is any question about it at all, from what I have heard stated time and time again from the department. We have had the matter discussed in the committee, and I know from personal experience that it can be done. I do not say that I can tell whether it is 7 or 8 per cent or 14 or 15 or 16 per cent, but I can tell whether it is 25 per cent, and there is no question about that.

Mr. HEBERT. Mr. President——

The PRESIDENT pro tempore. The Senator from Pennsylvania has the floor. Does he yield to the Senator from Rhode Island?

Mr. GRUNDY. I yield.

Mr. HEBERT. If we adopt the suggestion of the Senator from Wisconsin and impose this wool rate upon the 15 per cent content of wool and the cotton rate upon the 15 per cent of cotton in the piece, would that duty equalize the cost of production here and abroad?

Mr. GRUNDY. Of course, as I understand it, this is a compensating duty and not a protective duty.

Mr. HEBERT. Would it compensate for the difference?

Mr. GRUNDY. Of course, if it could be accurately determined. But the great difficulties of administration will enter in there. The vast variety of goods coming into the customhouses are classified as cotton goods or as woolen goods, and the situation slides along under the examiners, who probably have a great deal to do. They simply take the invoice description of the goods, and there is no one in the domestic field who knows anything about it until after those goods are in consumption, and then some one who ought to have had a domestic order for that type of material finds that he has lost it and that it has gone to a foreigner. That is six months or a year after the goods pass through the customhouse. When we have a provision of this kind we have to have it on some maximum or minimum that will be safe and that will be protective. There is no other way that either the men in the cuostomhouses or the men in the business could work to correct this evil which has grown up under the present law and under the change from "wholly or in part wool," which was the language used for 70 years, to "chief value" of the material used as the basis for the classification for duty purposes.

There is no desire on the part of anybody to commit any skullduggery or highway robbery, or anything of the sort at all. It is a serious business proposition. There are thousands and hundreds of thousands and millions of yards of these goods coming in which are displacing a large quantity of wool, and also are clothing a certain part of the American people.

If they are clothed with these goods from Czechoslovakia and Italy, which are the two sources whence they come in great quantities now, it is just that much labor lost in our domestic mills at a time when unemployment is getting greater and greater all the time and when every effort is being made to secure work for our people.

The thing is growing, as I said. In the last four years at least, it has grown from nothing up to something like 350,000 yards of double-width goods per month that is coming in. If there was any way that it could be practically worked out, this suggestion would not be here. There is no such desire on the part of anybody. Above everything else with the mills not running more than 50 per cent—in fact, the whole woolen industry not running more than 50 per cent—the competition is so keen that I think every woolen mill in the country is losing money on the average. In a condition like that there is no danger of anybody taking advantage of something that is provided here for the purpose of safeguarding the situation, and there does not seem to be any other practical way of protecting them. Having gone into the matter, or being identified with trade organizations which have carefully gone into the matter and have consulted with the authorities in the Customs Service, I can say that this is the best suggestion which could be worked out. There are a great many provisions in the law, and if we want to have a protective law we have to put this matter on the basis of the minimum amount.

Mr. WALSH of Massachusetts. I understood the Senator to say that this matter did not particularly affect the worsted branch of the business. Is that true?

Mr. GRUNDY. Not at all.

Mr. WALSH of Massachusetts. Therefore it is a condition that has arisen largely because of our increased duty upon wool rags?

Mr. GRUNDY. No; that increased duty has not yet gone into effect. It is under the present law that the increase has occurred.

Mr. WALSH of Massachusetts. The woolen mills use rags?

Mr. GRUNDY. Oh, yes; the woolen mills use rags.

Mr. WALSH of Massachusetts. It is that branch of the industry that suffers by reason of the importation of these mixed goods?

Mr. GRUNDY. Yes; very largely.

Mr. WALSH of Massachusetts. I can not understand why the worsted part of the industry is not affected also.

Mr. GRUNDY. It is affected to the extent that it displaces that many yards of goods that might otherwise have been worsted goods if the cheap Czechoslovakian and Italian goods had not come into the country.

Mr. WALSH of Massachusetts. In other words, the mixed cloth containing a mixture of cotton and wool, compete largely with the woolen goods manufactured by the woolen branch of the industry, which is a cheaper grade of goods than the carded goods?

Mr. GRUNDY. If the Senator from Massachusetts should ask me out to dinner and I should accept his invitation, and subsequently the Senator from Utah should ask me out to dinner, I should have very little interest in the invitation of the Senator from Utah, because I would have had one dinner; and the same is true as to suits of clothing.

Mr. WALSH of Massachusetts. I should be glad to take the Senator from Pennsylvania to dinner, but I hope the lobby committee would not investigate us.

The PRESIDENT pro tempore. The question is on agreeing to the amendurent made as in Committee of the Whole as amended.

Mr. GEORGE. Mr. President, I wish again to call attention to the act of 1922. In paragraph 1108, in paragraph 1109, and in other paragraphs of that act there will be found this provision—I shall read the language, however, but once—

Forty-five cents per pound—

Referring to the compensatory duty—

Forty-five cents per pound upon the wool content thereof and 50 per cent ad valorem.

That, of course, was the duty fixed upon the woven fabrics weighing more than 4 ounces per square yard under paragraph 1109.

Mr. President, in the pending bill the language "upon the wool content thereof" has been omitted so that a compensatory duty is given, although 49 per cent of the fabric may be of some material other than wool. That is the language of the pending measure.

In the first place, in the pending bill all the lower brackets in the yarns and in the fabric paragraphs have been omitted. The effect of that is to throw all the products into a higher bracket and make them dutiable at a higher rate.

In the second place, its framers went through this bill and combed out the provisions which gave a compensatory duty only upon the wool content, which was fair, which was just, which was right. Of course, it is easy enough to find experts who will say that such legislation is very difficult of administration. It is. What we ought to have in the Tariff Commission at the head of every division in that commission is a great economist who can weigh things in their proper light and not a mere fact-finding expert who can procure a lot of statistics so as to confuse the very elect.

But, anyway, on behalf of the woolen and worsted manufacturers and the woolgrowers, those responsible for this bill went through the tariff act of 1922 and where a compensatory rate was given upon a woven fabric but was confined only to the wool content of the fabric, they omitted it throughout the entire bill. Yet to-day we are led to believe from the remarks of the able Senator from Pennsylvania [Mr. GRUNDY] that the whole trouble here is that we have adopted a new method of imposing tariffs on woolen fabrics; that heretofore if the product were composed wholly or in part of wool it was dutiable at the woolen rates.

Let me read from the tariff act of 1922. I read from paragraph 1119, as an illustration:

All manufactures not specially provided for—

It is a catch-all provision—

wholly or in chief value of wool.

Not in part but "in chief value." There has been a deliberate intent, by changing brackets, by omitting the provision confining the compensatory duty to the wool content only of the fabric, to increase the rates.

What sort of sophistry have we heard? The sophistry that if a manufactured product which contains 16 per cent, let us say, of wool is permitted to come in under the cotton schedule the woolgrower will not receive any compensatory duty at all. Why not look at it in a broad way? If 50 per cent of the product is wool, under this bill and under the provisions of all the tariff acts, there is a compensatory duty upon the remaining 49 per cent, although it is not wool at all, for the benefit of the woolgrower in the United States.

Assuming the rates of duty to be fully effective, taking the imports year after year, and figuring out what the woolgrower and the woolen manufacturer and the worsted manufacturer receive, in every year it will be found that, although there is only 55 per cent or 60 per cent of wool in the article, yet a compensatory duty is given upon 100 per cent wool, and the gains will more than make up for the loss that will be suffered by the woolgrower or by the wool manufacturer or by the worsted manufacturer when the wool is not of chief value, and therefore no compensatory duty should be imposed. That is a fair way of looking at it.

In this amendment cotton flannels with about 20-odd per cent of wool would actually have to pay nearly 100 per cent ad valorem duty to get into the country.

What is the use of it? What is the sense of it?

Look back at former tariff acts. Heretofore when fabrics have come in, and a compensatory duty was fixed to take care of the woolgrower, it was provided that the compensatory duty would be levied upon the wool content of the fabric, but now that language is omitted and that does not satisfy.

Back in 1922 in the catch-all provision and in other provisions of the act there was not imposed the high duties upon woolen fabrics unless composed wholly or in chief value of wool. All those provisions have been omitted from the yarn paragraph through the schedule. That has the effect of increasing the protective duty. There has been omitted the limitation as to "wool content." We need not be worried about compensating the manufacturer, anyway; whether he be a woolen manufacturer or a worsted manufacturer he is compensated. On every pound of goods that he makes and on every pound of wool that he uses he is given a full compensatory duty under this bill. What does he care where he buys his wool if he is compensated anyway for the difference in the price in the American market and the foreign market?

The compensatory duty is the antidote of the manufacturers for the farmers' protection. It was devised for nothing else. It had its origin in that philosophy. What difference does it make to the manufacturer if he is fully compensated? If he buys abroad, he pays the duty to get his wool in; if he buys at home, under this bill he is given a compensatory duty against all competitive imports equal to the duty that he would have paid and more if he had bought abroad and brought his wool over and paid the duty on it himself.

There need not be any concern about the compensatory duty. So far as the manufacturer is concerned, he is taken care of here, and there is no occasion to be worried or alarmed about the woolgrower, because against every article imported into this country a full compensatory duty in addition to the protective duty must be paid.

Mr. President, this tariff bill is duplicated in our history. Within the present week this Nation has, in sorrow, buried a former President of the United States, Mr. Taft. That genial man held the love and affection of the American people almost without exception. Back in his administration, and in the first year thereof, the Congress was occupied in the consideration and passage of a tariff bill. Later President Taft, writing of that act, wrote the history of this hour, under the generalship of my genial friend across the aisle, the junior Senator from Pennsylvania [Mr. GRUNDY], about whom I have had a good deal to say and for whom personally I have a great deal of admiration. Let me read the language of President Taft, subsequently Chief Justice, who died within the last few days, and who this week was laid away in the national cemetery across the river.

The interest of the woolgrowers in the far West and the interest of the wool manufacturers in the Eastern States, and in other States, reflected through their Representatives in Congress, were sufficiently strong to defeat any attempt to change the wool tariff, and had it been attempted it would have beaten the bill reported from either committee.

Senators, history is rewriting itself. The language of former President Taft is as applicable to the pending bill as it was to the bill of which he was speaking.

The interest of the woolgrowers in the far West and the interest of the wool manufacturers in the Eastern States, and in other States, reflected through their Representatives in Congress, were sufficiently strong to defeat any attempt to change the wool tariff.

So it is to-day. Sophistry comes to the easy command of any man who wants to justify this outrageous imposition upon the American people, and experts can be found who will present figures to sustain any view when it is desirable to sustain that view.

Mr. President, I am laboring under no misapprehension. The same combination is yet strong enough to defeat any amendment to the bill. I am sure of that. Convinced as I am that that is true, I am willing to take the vote upon the amendment proposed by the Senator from Wisconsin, if he has perfected that amendment, as he stated to me he desired to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	Kean	Robinson, Ind.
Baird	Frazier	Keyes	Schall
Barkley	George	La Follette	Sheppard
Black	Goff	McCulloch	Shortridge
Blaine	Goldsborough	McKellar	Smoot
Blease	Grundy	McMaster	Steiwer
Borah	Hale	McNary	Swanson
Bratton	Harris	Metcalf	Thomas, Okla.
Brookhart	Harrison	Moses	Townsend
Broussard	Hastings	Norbeck	Trammell
Capper	Hatfield	Norris	Tydings
Connally	Hawes	Nye	Vandenberg
Copeland	Hebert	Oddie	Walsh, Mass.
Couzens	Heflin	Phipps	Walsh, Mont.
Cutting	Howell	Pine	Waterman
Dale	Johnson	Pittman	Watson
Fess	Jones	Ransdell	Wheeler

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state it.

Mr. WALSH of Massachusetts. Could a substitute be offered for the pending question?

The PRESIDENT pro tempore. Not at present.

Mr. WALSH of Massachusetts. Could an amendment be made?

The PRESIDENT pro tempore. Not at present.

Mr. WALSH of Massachusetts. May I be enlightened by the Chair as to the reasons?

The PRESIDENT pro tempore. The amendment offered by the Senator from Utah was, in form, a substitute for the amendment made as in Committee of the Whole. That being the case, there is nothing to do except to accept or reject the amendment as now modified, and await the stage of individual amendments before any change can be made.

Of course, it is possible to reconsider the entire action taken up to the present minute. That, however, would require unanimous consent.

Mr. WALSH of Massachusetts. In the event of the amendment offered by the Senator from Utah being rejected, I shall offer the amendment which I send to the desk and ask to have read, in the event that a more satisfactory amendment is not offered in the meantime.

The PRESIDENT pro tempore. The Chair will say to the Senator from Massachusetts that the question will not arise in that form.

Mr. WALSH of Massachusetts. May the clerk in my time, while I am addressing the Senate upon the pending amendment, read the document which I send to the desk?

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The LEGISLATIVE CLERK. On page 180, strike out paragraph 1122, inserted by the amendment made as in Committee of the Whole, and in lieu thereof insert the following:

PAR. 1122. Fabrics, except printing-machine cylinder lapping, in chief value of flax, in the piece or otherwise, containing 15 per cent or more in weight of wool, but not in chief value thereof, and whether or not more specifically provided for, shall be dutiable as follows:

That proportion of the duty on the article computed under this schedule which the amount of wool bears to the entire weight, plus that proportion of the duty on the article computed as if this paragraph had not been enacted, which the weight of the component materials other than wool bears to the entire weight.

The PRESIDENT pro tempore. The only manner in which that amendment can be considered now is by reconsidering the vote of the Senate whereby the substitute proposed by the Senator from Utah was agreed to.

Mr. WALSH of Massachusetts. I understand that; and I am content to wait until after the action of the Senate on the amendment offered by the Senator from Utah, whether or not it concurs in the action taken in Committee of the Whole upon this amendment.

The PRESIDENT pro tempore. As modified.

Mr. WALSH of Massachusetts. I desire to say, very briefly, that this amendment, drawn by some of the experts here, seeks to remove the objections made to the pending amendment by the Senator from Wisconsin and the Senator from Nebraska, and also recognizes the grievance which the woolen manufacturers have by reason of the fact that cloth is being imported into this country which contains a large amount of wool, but where the wool is not the material of chief value, and therefore is given only the duties levied in the cotton schedule, and is operating to the disadvantage of the woolen manufacturer.

Briefly, this amendment seeks to provide that upon this cloth, composed of both cotton and wool, shall be levied, first, a duty as if it were all wool; secondly, a duty as if it were all cotton. Then the content of wool will be determined. If it is 75 per cent, 75 per cent of the wool duty will be levied. If the remaining 25 per cent is cotton, 25 per cent of the cotton duty will be levied. The purpose is to eliminate the objections made by the Senator from Wisconsin, claiming that the compensatory duty would operate too much to the advantage of the woolen manufacturer in case the amendment adopted in Committee of the Whole were concurred in.

Everybody agrees that there is a grievance here; that there is 200,000 pounds of wool coming into this country, mixed with cotton, carrying only the duty levied in the cotton schedule. We all recognize that disadvantage to the domestic woolen manufacturer and the woolgrower, and that cloth mixed with wool is coming in here without being subjected to the duty of 31 cents a pound upon virgin wool, or subjected to the duty of 18 cents a pound upon wool rags. This amendment would seek to find out the amount of that wool content and apply the wool duty so far as wool content is found to exist in the cloth, and then find out what the cotton content is and apply the rates in the cotton schedule.

It is the best amendment that we could hurriedly prepare to remove the objection made by the Senator from Nebraska and the Senator from Wisconsin. I understand that the answer made by the Senator from Pennsylvania and other Senators is this: They concede that there is an excessive protection in certain instances in the operation of the amendment adopted in Committee of the Whole, but they say the competition is so sharp and so general among the woolen manufacturers that the public will not be the sufferer; but no one has denied the fact that there is a possibility of the woolen manufacturer getting the full compensatory duty as if his cloth were 100 per cent wool when, as a matter of fact, it may be only 40 or 50 per cent, or indeed, 15 per cent, as in this case.

I agree that this is a very difficult problem to solve. It is very difficult to work out any amendment that will cover the situation. The Senator from Utah [Mr. SMOOT] has expressed that difficulty several times, and admits that his amendment is perhaps subject to some objection; but it is the best he could get after consulting all the experts. I think the amendment that I shall offer in the event of the Senate not confirming the action taken in Committee of the Whole would remove some of the difficulty. I offer it in the hope it will help to do justice by the woolen industry in competition with imports of mixed cotton and wool.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, as amended by the amendment proposed by the Senator from Utah. On this question the yeas and nays have been demanded.

Mr. WALSH of Montana. I ask that the amendment which the Senator from Massachusetts said he would tender be again read.

The PRESIDENT pro tempore. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 180 strike out paragraph 1122, inserted by the amendment made as in Committee of the Whole, and in lieu thereof insert:

PAR. 1122. Fabrics (except printing-machine cylinder lapping, in chief value of flax), in the piece or otherwise, containing 15 per cent or more in weight of wool, but not in chief value thereof, and whether or not more specifically provided for, shall be dutiable, as follows:

That proportion of the duty on the article, computed under this schedule, which the amount of wool bears to the entire weight, plus that proportion of the duty on the article, computed as if this paragraph had not been enacted, which the weight of the component materials other than wool bears to the entire weight.

Mr. WALSH of Montana. I wonder if some one will explain to us the significance of that amendment.

Mr. SMOOT. The significance of the amendment is that a piece of goods comes into this country containing 20 per cent cotton——

Mr. WALSH of Montana. In weight?

Mr. SMOOT. In weight; and 80 per cent wool, or just the reverse, 80 per cent cotton and 20 per cent wool. Then the duty collected upon the goods will be based upon the percentage of wool in the article, and then, of course, cotton having no duty whatever, it is not taken into consideration; there is no duty.

Mr. WALSH of Massachusetts. In my amendment there are provided two duties—one under the wool schedule and one under the cotton schedule.

Mr. SMOOT. I am speaking of the raw material. The duty upon the cotton is the duty on the goods, as if it were cotton. The Senator from Montana was asking me to explain the whole thing from beginning to end.

Mr. WALSH of Massachusetts. Which amendment?

Mr. SMOOT. The amendment of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The Senator from Montana has an amendment which perhaps he wants to explain.

Mr. WALSH of Montana. I want to see whether any other proposal would be desirable. I do not understand the amendment as the Senator from Utah has indicated he understands it. If I understand the matter aright, the duty upon virgin wool is a matter of no consequence at all, and the fact that there is no duty on cotton is a matter of no consequence at all.

Here is a fabric in part of wool and in part of cotton. Wool fabrics have a duty and cotton fabrics have a duty. The intention, I imagine, was to have a duty on that part of the fabric which is assignable to wool on the basis of the duty on wool fabric, and a duty upon that part of the fabric which is represented by the cotton on the basis of the duty on cotton fabrics.

Mr. SMOOT. That is true, and that is what I was coming to.

Mr. WALSH of Montana. Let me remark, having some idea in mind, that I have tried my maiden hand at an amendment, and have worked out this:

On fabrics (except printing-machine cylinder lapping, in chief value of flax) composed in part of wool, the duty shall be the sum of the duty on so much of the fabric as in value is represented by the wool content computed as though such part of the fabric were all wool and on the remainder as though such part were all of the other material entering into the fabric.

The difference between the two is that I thought it was intended to compute the duty not upon the basis of weight but on the basis of how much in value was of wool and how much in value was of cotton.

It is a matter of no consequence to me whether it is put upon the basis of weight or upon the basis of value. It seems to me, however, that the idea could be expressed very much more clearly than in the amendment suggested by the Senator from Massachusetts.

Mr. SMOOT. I think basing the duty on the weight would make very much simpler the administration than if value were taken as the basis.

Mr. WALSH of Montana. I dare say that is true. I only spoke of value because we have so many provisions in which duty is imposed upon an article if "in chief value" it is of so-and-so—not based upon weight, but on value.

Mr. SMOOT. This is a different proposition. Here we take virtually two parts of the bill and apply them to these goods—that is, the cotton schedule and the wool schedule. Of course, to arrive at the duty we want, we must get at the amount of the wool and the amount of the cotton in the piece of goods. I think taking weight as the basis is very much simpler than taking value.

Mr. GEORGE. Mr. President, may I inquire of the Senator from Utah whether he has accepted the amendment offered by the Senator from Massachusetts?

Mr. SMOOT. I think we had better vote upon the amendment pending.

The PRESIDENT pro tempore. It would not be possible, under the parliamentary situation, to deal with the suggestion made by the Senator from Massachusetts unless the vote on the amendment proposed by the Senator from Utah were reconsidered.

Mr. WALSH of Montana. It would be very simple to deal with it if the Senator from Utah would accept the amendment, would it not?

The PRESIDENT pro tempore. Not after the Senate has acted. The Senate has already acted upon the substitute proposed by the Senator from Utah. Therefore the only question now before the Senate is upon concurring in the amendment made as in Committee of the Whole, as modified by the amendment of the Senator from Utah.

Mr. GEORGE. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GEORGE. I gave attention to the reading of the amendment by the clerk, and I heard language and provisions in it which I had not heard in it before, and I did not know how they got into it. I assumed the Senator had accepted some modification.

The PRESIDENT pro tempore. The Chair thinks the Senator from Georgia is in error about that. Inasmuch as the reading of the amendment suggested by the Senator from Massachusetts was requested by the Senator from Montana, what was read was the suggested amendment of the Senator from Massachusetts, which will not be in order under any circumstances until the period for individual amendments is reached.

Mr. GEORGE. I thought the amendment reported was the amendment of the Senator from Utah.

The PRESIDENT pro tempore. No. The question now is on concurring in the amendment made as in Committee of the Whole as amended by the amendment proposed by the Senator from Utah. On this question the yeas and nays have been demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore (when the name of Mr. MOSES was called). I have a general pair with the senior Senator from Iowa [Mr. STECK]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Kentucky [Mr. ROBSION] and vote "yea."

Mr. WHEELER (when his name was called). On this matter I have a pair with the junior Senator from Idaho [Mr. THOMAS]. If I were permitted to vote, I would vote "nay," and I understand the junior Senator from Idaho would vote "yea."

Mr. BLEASE (after having voted in the negative). I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST], and allow my vote to stand.

Mr. HAWES. I have a pair with my colleague the junior Senator from Missouri [Mr. PATTERSON]. If he were present, he would vote "yea," and if permitted to vote I would vote "nay."

Mr. WHEELER. I transfer my pair to the junior Senator from Washington [Mr. DILL], and vote "nay."

Mr. VANDENBERG. The senior Senator from Michigan [Mr. COUZENS] is unavoidably absent. If present, he would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Illinois [Mr. GLENN] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Vermont [Mr. GREENE] with the Senator from Arizona [Mr. HAYDEN];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 29, nays 32, as follows:

YEAS—29

Allen	Hale	McNary	Smoot
Baird	Hastings	Metcalf	Stelwer
Broussard	Hatfield	Oddie	Townsend
Dale	Hebert	Phipps	Waterman
Fess	Jones	Pine	Watson
Goff	Kean	Ransdell	
Goldsborough	Keyes	Schall	
Grundy	McCulloch	Shortridge	

NAYS—32

Barkley	Cutting	Johnson	Swanson
Black	Fletcher	La Follette	Thomas, Okla.
Blaine	Frazier	McKellar	Trammell
Blease	George	McMaster	Tydings
Borah	Harris	Norbeck	Vandenberg
Bratton	Harrison	Norris	Walsh, Mass.
Brookhart	Heflin	Nye	Walsh, Mont.
Connally	Howell	Sheppard	Wheeler

NOT VOTING—35

Ashurst	Gillett	Moses	Simmons
Bingham	Glass	Overman	Smith
Brock	Glenn	Patterson	Steck
Capper	Gould	Pittman	Stephens
Caraway	Greene	Reed	Sullivan
Copeland	Hawes	Robinson, Ark.	Thomas, Idaho
Couzens	Hayden	Robinson, Ind.	Wagner
Deneen	Kendrick	Robsion, Ky.	Walcott
Dill	King	Shipstead	

So the amendment made as in Committee of the Whole as amended was nonconcurred in.

Mr. WALSH of Massachusetts. Mr. President, I offer the amendment which I send to the desk. It is the amendment I explained a few moments ago. I ask unanimous consent for the submission of the amendment at this time.

Mr. GEORGE. Mr. President, I do not want to delay a vote upon it, but I want to read the amendment.

Mr. WALSH of Massachusetts. I ask the clerk to report it.

The VICE PRESIDENT. Let the amendment be reported.

The LEGISLATIVE CLERK. On page 180, strike out paragraph 1122 inserted by the amendment in the Committee of the Whole, and in lieu thereof insert:

PAR. 1122. Fabrics (except printing-machine cylinder lapping, in chief value of flax), in the piece or otherwise, containing 15 per cent or more in weight of wool, but not in chief value thereof, and whether or not more specifically provided for, shall be dutiable as follows: That proportion of the duty on the article computed under this schedule, which the amount of wool bears to the entire weight, plus that proportion of the duty on the article, computed as if this paragraph had not been enacted, which the weight of the component materials other than wool bears to the entire weight.



Mr. WALSH of Massachusetts. I hope the Senator from Georgia will not object to the immediate consideration of the amendment, because several Senators voted "nay" on the last amendment with the expectation that this amendment would be offered immediately and they would have an opportunity to vote upon it now.

Mr. GEORGE. I do not want to object to unanimous consent for its present consideration, but I want to have some time to see just what the amendment is.

Mr. LA FOLLETTE. Mr. President, I suggest to the Senator from Massachusetts that the amendment will be in order at a later stage of the proceedings and, as stated by him, it has been very hastily prepared. May I suggest to him that he withdraw the amendment and take sufficient time to work with the experts upon it until it is in the best possible form before it is presented.

Mr. WALSH of Massachusetts. I would be inclined to follow the suggestion of the Senator if it were not for the fact that I know that certain Senators voted "nay" on the last roll call with the expectation that they would have a chance to vote upon the amendment at this time. If this amendment had not been read at the desk and if it had not been stated that it would be presented immediately following the amendment then under consideration, the decision would have been different.

Mr. LA FOLLETTE. That may be true; but may I say to the Senator from Massachusetts that the Senators who desire to vote on his amendment will not be foreclosed if the Senator takes sufficient time to get it in proper form. It does seem to me that the interests of those who desire to have the amendment adopted would be better served by having it offered in the best possible form in which it can be prepared.

Mr. WALSH of Massachusetts. I think, perhaps, it may help to take further time and improve its form, although I will say the experts have been for more than an hour laboring upon the drafting of the amendment and they agreed upon this form.

Mr. NORRIS. Mr. President, I want to suggest to the Senator from Massachusetts that he let the amendment go over for the present. There has been very little opportunity to examine it, even though it has been prepared by the experts. Perhaps a suggestion from the experts to-morrow would simplify it. It seems to me it is rather cumbersome, but perhaps upon a more closer analysis of it I would have to reach a different conclusion. I do not want to take any advantage of anyone, of course; but it can be offered to-morrow.

Mr. WALSH of Massachusetts. The only hesitancy I have is that I do not want to seem to be taking advantage of Senators.

Mr. NORRIS. I do not want to put the Senator in the attitude of doing any such thing.

Mr. WALSH of Massachusetts. It is true that certain Senators would have voted the other way on the last amendment if they had not understood this amendment was to be offered immediately.

Mr. MOSES. Mr. President, may I make the further suggestion that the amendment be offered and printed and lie on the table to await the proper time for presentation, and then we will have an opportunity to consider it fairly.

The VICE PRESIDENT. Without objection, the amendment will be printed and lie on the table.

Mr. WALSH of Massachusetts. In view of the fact that I am sure the Senator from Nebraska and the Senator from Wisconsin are acting in the utmost good faith, I am glad to comply with their request.

Mr. GEORGE. Mr. President, if the effect of the amendment is going to make dutiable the wool content only of wool—and I believe that is the purpose of the amendment—I shall certainly have no objection to it, and I do not think there will be any objection to it.

Mr. WALSH of Massachusetts. I am glad to hear the Senator say that. That is the sole purpose.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. Will the amendment be in order at any time; and if so, when?

The VICE PRESIDENT. It will be in order as an individual amendment after the amendments which were reserved in Committee of the Whole are disposed of. It can be offered now by unanimous consent.

Mr. WALSH of Massachusetts. I hope I shall be able to call it up to-morrow while the subject is still fresh in our minds.

Mr. NORRIS. So far as I am concerned, there will be no objection to doing that. I do not know of anyone who will object to taking it up to-morrow.

Mr. WALSH of Massachusetts. I want to carry out the good faith which resulted from the discussion we had here previous to the last vote.

Mr. LA FOLLETTE. I would like to say that so far as I am concerned I shall have no objection to it being taken up to-morrow.

The VICE PRESIDENT. The clerk will report the next amendment reserved.

The LEGISLATIVE CLERK. Paragraph 1301, rayon, page 183: The Senate, as in Committee of the Whole, struck out lines 8 to 14, inclusive, and down to and including the word "pound" in line 15, and inserted in lieu thereof the following:

PAR. 1301. Filaments of rayon or other synthetic textile, single or grouped, and yarns of rayon or other synthetic textile, singles, all the foregoing not specially provided for, weighing 150 deniers or more per length of 450 meters, 45 per cent ad valorem; weighing less than 150 deniers per length of 450 meters, 50 per cent ad valorem; and, in addition, yarns of rayon or other synthetic textile, plied, shall be subject to an additional duty of 5 per cent ad valorem: *Provided*, That none of the foregoing shall be subject to a less duty than 45 cents per pound. Any of the foregoing yarns if having more than 20 turns twist per inch shall be subject to an additional cumulative duty of 50 cents per pound.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GEORGE. Mr. President, as I understand it, the only reservation made is that portion of the amendment just read by the clerk which refers to the rate of 45 cents per pound. I understand there is no purpose to raise any question concerning the ad valorem duty upon the rayon filaments and yarns of 45 per cent and 50 per cent; but the reservation was made in order to preserve the question of the proper specific duty. I move to strike 45 cents as it occurs in line 25, page 183, and insert in lieu thereof "38 cents," so that the minimum specific provided will be not less than 38 cents per pound.

Mr. President, I do not see that there would be any purpose in discussing the amendment at length, I want to call attention to the fact, however, that I share the view of the Senator from Montana [Mr. WHEELER] that this specific ought to be even less than 38 cents per pound, that upon the present value of rayon yarn of 150 denier or coarser 38 cents rather than the ad valorem duty would certainly be the effective duty. That is to say, the equivalent of 38 cents minimum specific would be higher than 45 per cent and 50 per cent ad valorem, respectively.

Let me explain this to the Senate in this way. There is no opposition here and the amendment does not suggest opposition to a proper ad valorem rate on rayon filament or yarn. The rate fixed in the bill is acceptable, to wit, 45 per cent ad valorem and 50 per cent ad valorem. That is not to be disturbed, but the minimum specific of 45 cents per pound under the present price level becomes an equivalent ad valorem rate of some 85 to 90 per cent. That is entirely out of line with the protection given all other textiles. The Senate will remember that cotton yarns are dutiable, if they are not finer than 90, at 5 per cent ad valorem and in addition thereto three-tenths of 1 per cent for each number; exceeding No. 90, which is the very fine cotton yarn, 32 per cent ad valorem. All-wool yarns, about which we have heard a great deal and about which I have said a great deal, are dutiable at 40 cents per pound plus 35 per cent ad valorem, if not of a greater value than $1 per pound, and if of a value of more than $1 per pound wool yarns are dutiable at 40 cents plus 45 per cent ad valorem, but the 40 cents per pound in each instance is a compensatory rate, so the protective rate is 40 and 45 per cent on wool yarns. Rayon yarns are dutiable at 45 per cent ad valorem and 50 per cent, according to weight, and there is no quarrel with that provision. The minimum specific of 45 cents per pound actually carries the rate up to 85 to 90 per cent ad valorem all coarse yarns on the basis of the present price levels.

If the Senate will bear with me, there can be no question that rayon yarn is on a declining price level. In other words, it is being made cheaper and will continue to be made cheaper. If Senators will consider the actual cost, the industrial cost, per pound of rayon manufactured by the American Viscose Co., it will be found that the actual cost is only 47.83 cents per pound. If the minimum specific duty is kept at 45 cents, we have a balance or difference of 2.83 cents to cover the entire difference in cost of manufacture abroad, including the raw material, labor, and so forth. If we take the highest industrial cost of producing rayon in this country—and I believe that the highest cost is registered by the Acme Rayon Co. which manufactures not quite 1 per cent of the rayon manufactured in the United States—we find it is 70.80 cents per pound. De-

ducting 45 cents, the minimum specific if it shall be retained, we have a balance of 25.8 cents to cover the entire difference in the cost of manufacture abroad, including material, labor, and so forth.

That is the highest cost of producing rayon in the United States, I believe. It is not the wholesale selling price but the cost; and 25.8 cents specific duty would certainly compensate even in that extreme case. There can be no possible reason for a 45 cents per pound specific minimum or any other specific minimum except upon the theory that rayon manufacturing abroad is controlled by a cartel; and it is claimed by the American manufacturers that that cartel might allocate the American selling territory to the lowest-cost producing country in Europe, and, therefore, the industry needs a minimum specific. As it stands to-day, the ad valorem rate of 50 per cent is not effective except upon the very fine yarns. When we get to 150 deniers or coarser, the ad valorem rate is not effective and the minimum specific becomes the actual rate.

If the rate is retained at 45 per cent, we shall have an unusually high rate for rayon filaments or yarns as compared to wool or to silk or to cotton or to any other yarns made of any other material.

Now, let me call attention to the fact that the raw material of rayon is on the free list; wood pulp, cotton linters, and whatever other material is used for the manufacture of rayon are on the free list. There is no necessity for a high duty on rayon—that is, for a duty entirely out of line with the duties upon all other yarns.

I again direct the attention of the Senate to the fact that the very finest wool yarns spun under the tariff rates in Schedule 11 of the pending bill are dutiable at 45 cents—that is, the rate is not higher than the lowest ad valorem rate which rayon enjoys under this schedule.

Mr. President, the Tariff Commission itself was called upon to say what specific duty would be adequate and proper in the case of rayon, and when we take the Tariff Commission's figures and analyze them it will be found that for 150–A grade a specific duty of 35 cents per pound is adequate; that for 150–B grade a specific of 38 cents is adequate; that for 300–A grade a specific of 38 cents is adequate; and for 300–B grade a specific of 41 cents is adequate.

However, the figures upon which this classification is based do not take into consideration all of the elements that should be considered in arriving at a proper minimum specific rate. If all of the elements are taken into consideration, it will be found that the specific rate on 150's, both A and B, and 300's A and B, would run roughly from 22 cents a pound to 30 or at most not over 32 or 33 cents per pound. It would be possible to arrive at a little higher specific minimum by eliminating certain factors from this calculation, but taking any view of the matter, a specific minimum of 38 cents a pound will give the rayon manufacturers all the protection they could reasonably ask.

Mr. President, the true friends of this industry will not seek to give it excessive protection, for excessive protection will lead to overproduction capacity in rayon, as it has in cotton, as it has in wool and worsted. The real trouble with cotton, wool, worsted, and silk manufacturers in this country is overproduction capacity.

Mr. President, rayon is a big man's game. The little producers must go down and out. The 18 or 19 great corporations, with a minimum of 38 cents specific, or without any specific whatsoever, and with the high ad valorem given them in the pending bill, would be able to control their market, just as they are now controlling it against all foreign competition; but if there can be anything in the suggestion that the foreign cartel can allocate the American territory to the lowest-cost producing country, then certainly 38 cents minimum specific would be an adequate protection against any disadvantage that the American rayon manufacturer may reasonably anticipate.

I want to call attention to the fact that rayon filament or yarn is not, as a rule, converted into cloth or finished fabric by the manufacturer of the filament or yarn, but rayon yarn or filament is the raw material of the woolen manufacturer, of the cotton manufacturer, and even of the silk manufacturer. Therefore, if the 45 cents minimum specific is retained in the bill there will be a specific compensatory duty of 45 cents, plus the high-protective rate upon all rayon products, just as we have in the case of wool, when everything that goes to make rayon is on the free list. In other words, Mr. President, the minimum specific in this paragraph of the schedule becomes the compensatory rate—and the proper compensatory rate, I grant you—for all finished rayon products.

Therefore, the materiality and the necessity of placing this specific, if it is to be retained, at not exceeding 38 cents per pound.

Personally I believe that the minimum specific might well be eliminated. I have no difficulty in arriving at the conclusion that 30 cents a pound would be adequate; but, in deference to others upon this side, and other members of the committee, I am offering the amendment to strike out 45 cents and to insert 38 cents in line 27, page 183, paragraph 1301.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. GEORGE] to the amendment made as in Committee of the Whole.

Mr. FESS. Mr. President, I shall detain the Senate for only a few moments, only long enough to make a mere statement, because I agree with those who are anxious to expedite the consideration of the pending bill.

I know of no industry that has had such remarkable growth as has that of rayon. While it has been operating for a good many years from the period of its infancy it has been operating for only a short time under the encouragement of protection. I note that in 1922, when the protection was first given, there were produced only 25,000,000 pounds of rayon. In seven years afterwards there were produced 120,000,000 pounds, or an increase of 400 per cent.

The imports in 1922 were only 2,100,000 pounds, while the imports in 1927 were 18,000,000 pounds, an increase of 900 per cent. Those figures indicate that, while the industry was growing rapidly in our own country, it was also growing rapidly in foreign countries, and that the importations were increasing by leaps and bounds. In the domestic industry, which is comparatively new, there is now invested $260,000,000 of capital, and it now employs, it is stated, 45,000 people who are actually at work in the industry. The wages paid amount to $51,000,000. The value of raw material used, that purchased in the home market, is at least $20,000,000, and it includes not only cotton linters but corn sugar.

The profits of the industry, under severe competition, have been growing less. The domestic competition has constantly reduced the price. Ten years ago the price was $2.75 a pound, but it has been reduced until now it is just a little over $1 a pound, or $1.15 a pound, while, of course, the cost of labor in our country is something like four times, indeed, it is really over four times, what it is in competing countries. While under the ægis of protection there has been a very large increase in production, it will be noted that the price to consumers has largely decreased, but, in face of that decrease in price, there is a severe competition because of the difference in the cost of labor.

I wanted merely to make the statement that an industry in which $260,000,000 are invested, employing 45,000 people, paying $51,000,000 in wages, operating in 14 different States, and which is really only about 10 years old, ought to make such an appeal to the Congress that nothing will be done detrimental to its growth. For that reason, I sincerely hope that, whatever may be the reduction in the rate of duty, it will not be to the point where it will be embarrassing to the industry.

Mr. WALSH of Massachusetts. Mr. President, I submit an amendment which I propose to submit to one of the paragraphs of the bill, and ask that it may be printed. As it is a very important amendment, I also ask that it may be printed in the RECORD.

The amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WALSH of Massachusetts to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, viz: On page 224, after line 20, insert the following:

"PAR. 1530. (a) Leather (except leather provided for in subparagraph (c) of this paragraph), made from hides or skins of cattle of the bovine species:

"(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting, 5 per centum ad valorem;

"(2) leather welting, 5 per centum ad valorem;

"(3) side upper leather (including grains and splits), patent leather, and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing whether or not grained, boarded or embossed, 8 per centum ad valorem;

"(4) upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white crust, or russet, partly finished, or finished, 9 per centum ad valorem;

"(5) all other, rough, partly finished, finished, or curried, not specially provided for, 8 per centum ad valorem.

"(b) Goat, kid and other leather (except leather provided for in subparagraph (c) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 8 per centum ad valorem; rough-tanned or semitanned leather made from genuine reptile skins, 5 per centum ad valorem; vegetable-tanned rough leather made from goat and sheep skins (including those commercially known as India-tanned goat and sheep skins), vegetable rough-tanned pig and hog skins, and rough-tanned skivers, 4 per centum ad valorem. If cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, such articles shall be subject to the same rate of duty as the leather from which they are manufactured.

"(c) Leather of all kinds, grained printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 12½ per centum ad valorem. Leather shall not be considered within the provisions of this subparagraph by reason of there being placed thereon the trade-mark, the trade name, the name and address of the manufacturer, and the name of the country of origin.

"(d) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, if women's or misses', 12½ per centum ad valorem; if men's, boy's, or children's, 8 per centum ad valorem; boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 35 per centum ad valorem.

"(e) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per centum ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 35 per centum ad valorem."

Mr. WHEELER. Mr. President, when this item was before the Senate as in Committee of the Whole I offered an amendment proposing that the specific duty of 45 cents be eliminated entirely. I think I proved conclusively, at least to my own satisfaction, that it was not necessary to have a 45-cent specific duty upon rayon yarn.

The Tariff Commission have made a cursory study of this subject; and their figures show very clearly, taking the sales prices, that in estimating the specific duty required of 150 A denier yarn, a 26.7 cents specific duty is all that is necessary. As to 150 B, they show that 30.8 cents specific duty is all that is necessary; and 150 denier constitutes the vast percentage of the imports of rayon yarn.

Of 300 A there is only 1.8 per cent of the total imported into the United States. The Tariff Commission's figures show that on 300 A a specific duty is required of 30.7 cents, and on 300 B that 34.7 cents specific duty is necessary.

So much for the figures of the Tariff Commission.

I ask to have the table to which I have just referred inserted in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated specific duty required to cover differences between invoice value plus landing charges and net wholesale selling prices of typical sizes and grades of imported rayon yarns after deduction of importers' selling expenses

Type of yarn	Average invoice (dutiable) value per pound	Transportation, insurance, etc. (5 per cent)	Landed cost, exclusive of duty	Estimated specific duty required
150 A	$0.740	$0.037	$0.777	$0.267
150 B	.657	.033	.690	.308
300 A	.571	.029	.600	.307
300 B	.490	.025	.515	.347

Type of yarn	Landed cost plus estimated required specific duty	Importers' charges and profits (6 per cent)	Wholesale selling price of domestic and imported yarns		Equivalent ad valorem of estimated required specific duty
			Net	List	
					Per cent
150 A	$1.044	$0.083	$1.127	$1.15	36.08
150 B	.998	.080	1.078	1.10	46.88
300 A	.907	.073	.980	1.00	53.77
300 B	.862	.069	.931	.95	70.82

Mr. WHEELER. I had offered, and there is lying on the table, an amendment proposing to reduce the specific duty to 30 cents; but because of the fact that I felt that we would not be able to pass that amendment, I consented not to offer it and that the amendment providing for the reduction only to 38 per cent should be voted upon at this time.

Mr. President, the figures that have been given to me by one of the manufacturers of cotton goods in the State of New York who uses a large amount of rayon—and I might say that these figures have been submitted to experts in the Treasury Department and they have been submitted to other experts—show that taking the figures submitted by the Tariff Commission and carrying them out so that we would take into consideration the 5 per cent quantity discount, in 150A denier yarns it was only necessary to have a specific duty of 21.37 cents; that on 150B denier it would only be necessary to have a specific duty of 25.8 cents; that on 300 A it would only be necessary to have a specific duty of 26.2 cents, and on 300 B it would only be necessary to save a specific duty of 30.5 cents. The 21.37 cents would be equivalent to 28.87 per cent ad valorem, and the 25.8 cents would be equivalent to 39.13 per cent ad valorem. Under 300 A the 26.2 cents would be equivalent to 45.88 per cent ad valorem, and the 30.5 cents on 300 B would be equivalent to 62.24 per cent ad valorem.

Mr. President, I do not see how it is possible, in the face of the figures furnished by the Tariff Commission, for any Senator to vote against a 38-cent specific duty. As a matter of fact, a 38-cent specific duty would mean, for the Viscose Co., in the neighborhood of probably 75 per cent ad valorem. I have not figured it out exactly.

I do not want to take up the time of the Senate this evening in showing the enormous profits that have been made by the American Viscose Co., which is part and parcel of the Courtauld's Co.; nor do I want to take up the time of the Senate to rehearse again the figures showing their labor cost. I do not want, either, to take up the time of the Senate to-night to show that the profits from the money invested in rayon in this country go largely into foreign hands; but I do want to call attention to the fact that, as a matter of fact, here is one of the highest-protected industries in the United States, if not the highest, and it is paying the poorest wages in the United States.

I have heard Senator after Senator on the other side of the Chamber rise in his place and plead and plead for labor; yet down here in Tennessee at the present time the men and the women working in the rayon plants are on strike because of the fact that they are hardly getting enough money to keep their bodies and souls together; and yet the industry is enjoying the highest protection of any industry in the United States of America.

The Senator from Ohio [Mr. FESS] pointed out just a moment ago how this industry had grown. It has grown, and, of course, everybody is glad to see that the industry has grown in the United States; but all it is necessary to do is to look at the profits, examine the income-tax returns of these concerns, as I did on a similar occasion heretofore, and see the tremendous profits that they earn, how they have declared in some instances stock dividends of 100 per cent in addition to other regular cash dividends, and then see the miserable wages that they are paying to their employees down in some of the factories where their labor is employed.

Not only are they grinding down the labor on the one hand, but, on the other hand, if we give them this high tariff, it permits them to charge the poorer classes of people exorbitant prices for the underclothing and the socks and the stockings that the poorer classes of men and women in this country have to wear.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. WHEELER. I do.

Mr. WALSH of Massachusetts. The Senator undoubtedly has given this subject a great deal of study. Can he inform us how many plants or companies are engaged in producing the filaments of rayon that fall under this paragraph?

Mr. WHEELER. Yes; I have the figures.

Mr. BARKLEY. Mr. President, if the Senator will yield, 19.

Mr. GEORGE. Nineteen.

Mr. WALSH of Massachusetts. I understand that these filaments of rayon are the raw material which is used by those who spin the rayon yarn and manufacture or make rayon cloth from the rayon yarn. Of course, that number of factories is exceedingly large.

Mr. WHEELER. Yes. I was going to say to the Senator from Massachusetts that if the Senators who come from the cotton-textile States really want to render a service to the

cotton manufacturers of their States, I do not know of any way in which they can render a better service than to try to reduce the tariff upon this rayon yarn.

Mr. WALSH of Massachusetts. The Senator will recall that I very vigorously opposed an increased duty on the filaments of waste rayon included in the following paragraph.

Mr. WHEELER. Yes.

Mr. WALSH of Massachusetts. I was unable to convince the Senate that it was a mistake to raise the rates; and against my protest the rates were raised upon what would correspond t wool waste, namely, the filaments of rayon that are of short lengths, that are waste rayon, known as staple fiber. The Senator states that these 19 concerns making the filaments of rayon are in competition with each other?

Mr. WHEELER. Practically all of these manufacturers who are manufacturing filaments of rayon belong to one or two combinations, and they in turn in practically every instance are owned by British and other foreign companies. The Courtauld's, of England, for instance, own the American Viscose Co.; and, as the Department of Commerce has pointed out, they are practically all controlled either by the Courtauld's or some other foreign companies, and it is these foreign-owned concerns that are really holding up the cotton manufacturers in this country.

I might say to the Senator from Massachusetts that I talked with a representative of the cotton manufacturers I think from his own State, or from some part of New England; and I asked him why it was that they did not protest and that their Senators on this floor coming from those States did not protest against it. A man who was standing by said, "He can not tell you, but I can. The reason why they do not protest is because they are afraid to protest against it."

Mr. WALSH of Massachusetts. Mr. President, I am pleased to know that the Senator from Montana has retained pleasant relations with the manufacturers of New England, notwithstanding some of his tariff views.

Mr. WHEELER. I am glad to try to do justice to the manufacturers of New England.

Mr. WALSH of Massachusetts. I think this is one of the few times when the Senator has been on the side of the manufacturers. I congratulate him.

Mr. WHEELER. It is one of the few times; but in being on the side of the manufacturers of cotton goods in this instance I feel that it is not only doing justice to the manufacturers of cotton goods, but I likewise feel that it is rendering a service to the women who use rayon manufactured goods, and I feel that it is rendering a service to the consumers of rayon generally throughout the United States.

Mr. WALSH of Massachusetts. I am very happy to hear that, because the Senator can all the more sympathize with the consistent and persistent fight I have been making here for low duties upon the raw products, so that the consumers would benefit in lower prices for the finished goods.

Mr. WHEELER. I appreciate that fact, of course. I have not any fault to find, let me say, with the Senator. If I were a manufacturer of woolen manufactured goods I, of course, would want to have my wool on the free list. That is a perfectly natural thing; and I can readily understand why, if he had free wool, he would sell it cheaper to the people of the country. As I have said before, however, the great trouble with the situation is that many of these "tariff leagues," and so forth, propaganda organizations for high tariff, have sent out the word to the farmers and to everybody else, "You must have a high tariff upon wool, and you must have a high tariff upon mushrooms, and you must have a high tariff upon wheat, and you must have a high tariff upon corn, and you must have a high tariff upon everything else," until, in my judgment, the manufacturers who are asking for these exorbitant high tariffs are really, in the long run, going to injure themselves.

Mr. President, I am not going to take up much more time of the Senate with reference to this matter. I discussed it on a former occasion for several hours, went into all phases of it, and I really do not feel that anything would be accomplished by rehashing many of the statements I made before.

No claim can be made for this high tariff in the name of labor. No claim can be made for this high tariff in the name of the consumer. No claim can be made by this high tariff in the name of labor, because of the fact that those who use the rayon yarn and make it into cloth, the employees engaged in that industry, far outnumber those engaged in the manufacture of the yarn itself.

So, Mr. President, when we consider all of the facts and circumstances concerning this item it does seem to me that it is one of the most indefensible items in the whole tariff bill, and I sincerely trust that the rate will be reduced, although I must confess that I am disappointed that the Senate did not reduce it much more and that the amendment that is offered, instead of making the rate 38 cents, did not lower it to as low as 30 cents or do away with the specific duty altogether.

It was only because of the fact that I listened to some of my friends upon this side, who urged me not to offer an amendment providing a lower duty, that I consented to withdraw the suggestion of a specific duty of 30 cents, and I am willing at this time under the circumstances to vote for a duty of 38 cents.

Mr. COPELAND. Mr. President, do I understand that the Senator from Montana has consented to a specific rate of 38 cents a pound?

Mr. WHEELER. I am consenting to it in this sense, that I am withdrawing the amendment which I have offered reducing the rate to 30 cents, and I am doing so because of the fact that I felt that the Senator from New York and other Senators would not agree to vote for as low a rate as that, and I thought possibly they might vote for a rate of 38 cents.

Mr. COPELAND. Then the Senator from Montana, the champion of cheap dresses for the women——

Mr. WHEELER. This is cheap underwear.

Mr. COPELAND. Very well, cheap underwear—has decided to accept a rate of 38 cents as against 45 cents, and all the rayon it would take to make a dress would weigh only a pound. In other words, the Senator is willing to take 38 cents, but he condemns us for proposing 45 cents, and our proposal would cost 7 cents on a dress.

Mr. WHEELER. I am not condemning the Senator. Let me say that I am not agreeing to this. I am just tired and sick of hearing the Senator stand on this floor day after day pleading for these high duties, and pleading for them in the name of labor. I want to point out in this instance that he can not plead in the name of labor for this high duty.

Mr. COPELAND. Mr. President, I do make a plea for this rate in the name of labor. The Senator from Ohio a moment ago, if I heard him correctly, said there were 45,000 men engaged in this industry in this country. There are 10,000 in my State.

It was largely upon what the Senator from Utah said the other day that we voted for the 45-cent duty. The Senator from Montana has now gotten up to 38 cents. There is just 7 cents a dress between the Senator from Montana and me.

Mr. President, I have great respect for the Senator from Utah, and if I have no other opportunity, I want to thank him now for the patience he has shown here for six or eight months. He has showed a degree of Christian fortitude which entitles him to a seat on the edge of the throne when he goes to heaven; but I hope he will stay here for many years to grace the Senate.

Mr. President, I want to ask the Senator from Utah to justify a specific rate of 45 cents on this item, the rate which was reported by the committee, and I beg him now to make the statement.

Mr. SMOOT. Mr. President, the House justified it in the hearings held before the Ways and Means Committee.

Mr. COPELAND. At how much?

Mr. SMOOT. Forty-five cents. The House acted upon the 45-cent rate. When the bill came before the Finance Committee, hearings were held, and I think they were virtually the same as the hearings in the House. The same people appeared and made the same kind of arguments. The Finance Committee, after hearing the testimony that was presented to it, decided that the House was correct in providing the specific duty of 45 cents.

I do not think I can say any more than I did say when we had this item up in Committee of the Whole. It was thoroughly discussed. The Senator from Montana took one side, and I presented the case as best I could for the 45-cent duty.

I want to say to the Senator now that if the information I have received within the last week is correct, stocks of rayon are being piled up. I think there are now over 10,000,000 pounds over and above the stocks held a year ago. The demand is nothing like it was a year ago; and that applies not only to rayon, but it applies to many other commodities, and it is due to the fact that the people have not the money to buy with on account of the condition brought about by the debacle on the stock exchange.

Mr. COPELAND. And the wickedness of the Republican Party.

Mr. SMOOT. Of course, some may approach half way to the wickedness of the Democratic Party, but I will not even admit that.

Mr. WHEELER. Mr. President, will the Senator from New York yield to me to ask the Senator from Utah a question?

Mr. COPELAND. I yield.

Mr. WHEELER. The Senator from Utah will concede that the Tariff Commission's figures do show that, as a matter of fact, as to the 150 denier yarns which represents the bulk of the importations, a specific duty of 30.8 cents would be sufficient. I want to call attention to page 4½ of their report, a copy of which they have furnished to the Senator.

Mr. SMOOT. I have that.

Mr. WHEELER. The Tariff Commission, in that report, states the estimated specific duty on rayon for 150 denier A grade as 26.7 cents.

Mr. SMOOT. Yes.

Mr. WHEELER. One hundred and fifty denier B grade, 30.8 cents.

Mr. SMOOT. If the Senator will look at the lower part of the page, he will find that the transportation, insurance, and so forth, amount to 8.3 cents. I refer to 150 A grade. It is 8.3 cents, and on B grade it is 8 cents. When we add the 8 cents to the 30.8 cents for the 150 denier——

Mr. WHEELER. You can not add that.

Mr. SMOOT. Yes; that is transportation, insurance, and so forth.

Mr. WHEELER. You have $1.127 as the wholesale selling price for A grade and $1.078 for B grade.

Mr. SMOOT. That is true. It seems to me 40 cents is justified.

Mr. WHEELER. But the Senator does not follow the figures given by the Tariff Commission. What is the use of having a Tariff Commission, what is the use of having them make findings, if we are not going to follow them?

Mr. SMOOT. The Senator has not followed them in the consideration of this bill.

Mr. WHEELER. I am following them certainly with reference to this item.

Mr. SMOOT. Certainly, because the Senator desires to follow them.

Mr. WHEELER. Where have I not followed them?

Mr. SMOOT. If the Senator wants me to go through the bill and show him where he has not, I will be glad to do so.

Mr. WHEELER. Will the Senator show me some item on which I have not followed them?

Mr. SMOOT. I am quite sure I could do so.

Mr. WHEELER. I wish the Senator would.

Mr. SMOOT. I will comply with the request with the greatest of pleasure.

What I say is this: I think that, taking everything into consideration and the conditions existing to-day—and I have no doubt but that the Senator from Montana, if he inquires, will find out that the situation to-day is quite different from what it was when this report was made——

Mr. WHEELER. The goods are selling at a much lower price to-day.

Mr. SMOOT. I am perfectly willing to say that it applies to many other industries the same, but whenever there is a slacking up it is always first with the higher-priced commodities. That, I suppose, everybody will agree to. In other words, when people can not buy the higher-priced products they go to the lower-priced. That is natural. That has been the case in every part of the world and with all classes of people.

I do not want to make this rate higher than is necessary. If 40 cents is ample to protect, I do not want more than 40 cents. Is not that fair?

Mr. COPELAND. Perfectly. But the Senator's view is that that is not enough.

Mr. SMOOT. I think when this tariff report was made it was enough, but conditions have changed since the report was made, and I think any member of the Tariff Commission will make that statement.

Mr. COPELAND. Does the Senator get the same reports I do of increasing unemployment, short hours, and lower prices abroad, and of the material being brought in from over there?

Mr. SMOOT. I have letters making those statements, and I suppose the same class of letters the Senator is receiving.

Mr. BARKLEY. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. BARKLEY. I wanted to inquire of the Senator from Utah, or of the Senator from New York, if a part of the changed conditions referred to, aside from the decrease in the price of rayon, have not been due to the improvement in the methods of manufacture by the installation of newer machinery?

Mr. COPELAND. In the United States?

Mr. BARKLEY. In the United States; which has increased the production of the article and reduced the price per unit, which has enabled the American manufacturers and the European manufacturers, too, who own most of the American factories, to reduce the price without materially reducing their percentage of profit.

Mr. SMOOT. The Senator understands that the selling price of the rayon goods has greatly decreased in the last two years, and that is brought about by the cheaper cost of manufacturing the product.

Mr. BARKLEY. That is what I said.

Mr. SMOOT. That also has happened in all parts of the world. It has happened in Germany; it has happened wherever rayon is made.

Mr. BARKLEY. The price of $2.50 to $3 a pound was an abnormal price.

Mr. SMOOT. Certainly.

Mr. BARKLEY. And that abnormal price has gone down to the region of normality or normalcy, whichever it happens to be, or, as the old colored man said, "Nor-mál-ty," by reason of the improvement in the methods of manufacture, but that has not interfered with the profits of the manufacturers. So the cheapness of the goods is hardly a criterion for the fixing of the tariff.

Mr. SMOOT. I did not refer to the cheapness of the goods. I referred particularly to the piling up of goods and the overproduction of goods. The Senator knows very well that it not only happened in this country but it is happening in other countries. Of course, whenever that happens the Senator knows that the manufacturer in the foreign country is not going to force his prices down at home when he can put an extra amount of goods into some other country that does not interfere with his own local business. That is just as natural as life.

Mr. BARKLEY. But that can not be charged to the tariff because the proportion of importations has gone down from about 20 per cent in 1921 to 10 per cent in 1928, so that neither the decline in price nor the piling up of stocks in warehouses is due to any increase of importations, because there has been a decrease.

Mr. SMOOT. There is no decrease going on now.

Mr. BARKLEY. There has been a gradual decrease from 1921 to 1929. I think the percentage of imports between those two years was 16 per cent, but in 1928 it had declined to 10 per cent.

Mr. SMOOT. That is taking the percentage of the amount made in the United States.

Mr. BARKLEY. Of course; but the total quantity has been increasing all the time because we have become users of rayon. We have increased our demand for it. It has become a universally used product, and while the consumption has grown by leaps and bounds, the proportion of imports has gone down by one-half. The total imports probably might be larger for 1928 than for some other year, but the proportion of imports as compared with the total consumption has gradually decreased during the last 10 years.

Mr. SMOOT. Of course, if we should go back to the time when rayon was first manufactured and went into commerce, when the foreigners made all of it and we did not produce any at all, and then come on up to the time when we started to produce only very small quantities, we would find that naturally the percentage would go down. But to-day the situation is this, and we might as well meet it. Whether we want to take into consideration any tariff bill that will cover a number of years is for the Senate of the United States to decide. Under the present situation, with the purchasing power of the people of this class of product and the prices being cut as they are, not only in this country but in the world, it does seem to me that we ought at least to protect the industry as it exists to-day.

As I said to the Senator, I think under the conditions existing to-day if we take the tariff report into consideration that was made months ago, 40 cents was shown by that report to be the correct figure.

Mr. BARKLEY. Of course, I do not think we ought to take advantage of a temporary situation to fasten upon the people of the United States tariff rates from under which they may not be able to crawl during the whole period of 10 years. That situation was illustrated by the fact that in 1922 the tariff rate on woolen clothing was fixed on the basis of a depreciated currency in Great Britain, which was at that time depreciated to the point of about $3.25 per pound. After that the British Government stabilized its currency so that the rate of exchange was put back to the normal rate of about $4.86, and by that process alone automatically the tariff on those goods was increased about 52 per cent.

That was a temporary situation, which no doubt the Senate and the House thought justified putting a higher rate than otherwise would have been assessed against the goods. But it is not fair, in my judgment, to use a temporary situation brought about not by imports, not by lack of protection, but brought about by economic conditions which are wholly inde-

pendent of any tariff action we might take, to fasten on the people of the United States rates which they must bear until there is another revision of the tariff, when it may be that within six months or a year the temporary economic situation from which everybody in the country is now suffering will have passed and still the people will be suffering under the high rates levied upon them under the stimulus of unemployment now existing, brought about by conditions outside of tariff legislation altogether.

Mr. SMOOT. I disagree with the Senator when he says that in 1922 the rates in the wool schedule were fixed.

Mr. BARKLEY. I did not say in the wool schedule. I said the tariff on ready-made woolen clothing, and that is all I referred to. It was true, because practically all of it came from England and the complaint was made, as I recall, that woolen clothing was being made over there cheaply because of the cheapness of British money; and the tariff rate was raised because of that situation, which existed for only a year or two.

Mr. SMOOT. I think the Senator is mistaken.

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. COPELAND. Mr. President, I am very much obliged to all of the Senators who have participated in the debate. Certainly the Senator from Utah has access to all of the figures which any agency of the Government can produce. Through his committee he is in touch with the economic conditions in all the industries. He justifies the 45-cent rate.

Here we have an industry which, in my opinion, is bound to become the great outstanding industry of the United States. We have accessible the pulpwood necessary to make the material. We have the cotton. As I understand, it takes three parts of pulpwood and two parts of cotton to make the material. It is an American product. Already we have 45,000 men and women employed in the industry in the United States. There is no reason why that number should not be increased to 145,000. The popularity of this product is beyond all comprehension.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. There seems to be a difference of opinion as to the number of people employed in the production of rayon. The figures which I have fix it at 26,000 for those engaged in the production of rayon yarn as a raw material. It may be that there are 45,000 engaged in the production of yarn and rayon cloth; but how does even 45,000 compare with the number of employees engaged in the textile industry in the United States, those who are engaged in the production of cloth and fabric out of the rayon yarn which is required as a raw material?

Mr. COPELAND. Frankly, I am not interested whether there is one person born every minute or 1¼ persons born every minute. I do not care, for the purpose of the argument, whether the number of rayon employees is 45,000 or 26,000. There are thousands of our people engaged in that industry, and there is no reason why that number should not be enormously increased, as it will be.

Mr. BARKLEY. The point I am trying to bring to the attention of the Senator is that while there are, we will say for the sake of argument, 45,000 people engaged in the production of rayon raw material, there are from 1,500,000 to 2,000,000 employees engaged in making textiles and using rayon as a part of the component ingredient that goes into the production of the finished product. If we were permitted to consider the 25,000 or 45,000 engaged strictly in making rayon yarn alone without any effect upon the 1,500,000 or 2,000,000 engaged in making fabrics and cloth out of rayon yarn, the argument of the Senator might be forceful; but when we consider that every time we add a dollar to the cost of the raw material that goes into the production of textiles, an industry that is probably more distressed now than any other industry in the United States, is it not fair to consider the effect this increase in the price of the raw material will have upon the 1,500,000 or 2,000,000 employees who are working in these mills that use rayon yarn in the production of the finished product?

Mr. COPELAND. What the Senator has in mind is that as the numbers employed in the rayon industry increase, there may be a decrease in the silk industry.

Mr. BARKLEY. No; not at all. Without any increase in the number of men and women employed in producing rayon, there may be a decrease in the number of employees in the textile industry because we are making the price of the raw product here and therefore contributing to a still further depression in the textile industry and thereby throwing out other thousands of men and women who are now employed in the textile industry.

Mr. COPELAND. I see the point the Senator makes.

Mr. BARKLEY. For instance, there are three or four mills in North Carolina engaged in making rayon. There are 241 mills in North Carolina engaged in making fabric out of rayon. How have we benefited North Carolina—if we might say we are doing it—by keeping all of the men and women employed in the three or four rayon mills, by keeping up the price of rayon, if by doing that we are still further depressing the 241 textile mills using rayon yarn and throwing other thousands of employees in the textile mills out of work?

Mr. COPELAND. This is the fact, that with the development of the rayon industry there has been an amazing decline in the silk industry. Of course, we do not produce the raw material for the silk. We need not be unduly concerned in America because the silk industry declines, if another industry outstrips it, particularly a truly American industry. We have the raw material grown in our own country to make the rayon. It is essentially an American industry, and even though it should result in the death of the silk-textile business, it will mean the upbuilding in America of a great industry which will take over all the employees who are in the silk business and at the same time make a demand for our own raw products.

Mr. BARKLEY. I am not concerned primarily about the fate of the silk industry as such. I realize that the introduction of rayon as a fabric out of which garments are made has largely taken the place of the silk industry, because women are able to purchase rayon garments which resemble silk at a smaller price than they would be able to purchase the silk itself. The introduction of the rayon industry has enabled the women of the country and of the world to enjoy an article midway between cotton and silk. By reason of this industry and this invention they are able to afford garments that are pleasing to the eye, that are comfortable to the body, and which at the same time afford the wearing and durable qualities probably that are combined in silk and cotton and wool.

What I have in mind is not the fate of the textile mills engaged in the production of pure silk articles but the fate of the employees in the mills that are engaged in using raw rayon, such as I have in my hand, which is known under the old-fashioned name of a hank of rayon yarn of 150 deniers. There are 139 such mills in the State of Tennessee using yarn similar to that which I have in my hand in the production of rayon articles out of which all manner of clothing is made. If our action shall increase the price of this yarn to the 139 textile mills in Tennessee, and to the 241 textile mills in North Carolina, and to the other hundreds in all the other States where the textile industry exists, will we not injure the textile industry, and will we not injure more men and women employed in that textile industry than we will help in the rayon industry alone, by increasing to the textile mills the price of this yarn, out of which they are compelled to make fabrics such as I have here in my hand and many others which are universally used in the United States?

Mr. COPELAND. Is that the Senator's fear?

Mr. BARKLEY. Yes; I entertain that fear.

Mr. COPELAND. Would the Senator, because of that fear, seek to impose a duty so low upon rayon as to cripple the industry?

Mr. BARKLEY. No; I would not.

Mr. COPELAND. Then, if the Senator would not do that——

Mr. BARKLEY. I am not seeking to reduce the rate; I would not vote to reduce the rate on rayon below the rate in the present law, which is 45 cents a pound, which is a fair measure of protection. At the price for which rayon is selling to-day the equivalent ad valorem duty, based on a minimum of 45 cents a pound, will range from 75 per cent to 110 per cent. What I contend is that it is not fair to the textile industry, which uses raw rayon as the material out of which it makes garments, it is not fair to the million and a half employees engaged in those textile mills, it is not fair to the 95 per cent of the women of America to raise the price of their rayon garments by providing a minimum of 45 cents a pound tariff on rayon, regardless of the price of rayon in the markets of the world. That is my contention.

Mr. COPELAND. But does not the Senator realize even that if, by any chance we should fix a rate so low upon rayon as to destroy the American mills, rayon is still going to be used? Our women have learned its value; they appreciate its cheapness. They are going to use it, and if we do not make it in America it will be imported. Then the thing which the Senator has in mind will come about, namely, the southern textile mills will suffer as he has suggested and at the same time the rayon factories already established in our country will be put out of business.

Mr. BARKLEY. I can not understand the basis of such a contention, I will say to the Senator, because the rayon industry

is essentially an American industry. We are now producing 90 per cent of all the rayon we use and practically 90 per cent of that rayon is produced by factories owned in Europe.

One company in the United States, owned by a British concern, produces 54 per cent of all the rayon produced in the United States. Producing 90 per cent of it, as we are now doing, the imports having fallen off in proportion in the last 10 years, and the European manufacturers of rayon being compelled to buy an American raw product, cotton linters, out of which in part they make their own rayon, and being compelled to import into their country from Sweden, Norway, and other northern nations the wood pulp which goes partly into the manufacture of rayon, how can those foreign manufacturers, under those circumstances, come in here under a tariff of 45 cents and 50 per cent ad valorem and undersell the American-produced rayon so as to injure the American factories which are owned by the very European interests against which the Senator expresses his fear?

Mr. COPELAND. It is very clear to me why they can do so. One has but to travel over mid-Europe to see great forests which under their system of perpetual reforestation will never be less. They have the wood.

Mr. BARKLEY. But they can not use that wood without cotton, and they have to get the cotton from us.

Mr. COPELAND. I will come to that. They have the wood; they have to buy our cotton. But when it comes to wages it can be put down as a pretty safe rule that the wage paid in America by the hour is the wage paid in Europe by the day.

Mr. BARKLEY. On that point the Tariff Commission estimated that the difference in cost of producing abroad and in the United States was 40 per cent. That represented the difference in the labor cost. The average labor cost going into the manufacture of rayon is 50 per cent; so if we take 40 per cent of 50 per cent we get the difference in the labor cost between Europe and the United States. That amounts to 20 per cent. So according to the Tariff Commission's own figures, based upon a 50 per cent labor cost in the production of rayon, which I think is a very liberal allowance, the result is that a 20 per cent ad valorem duty would cover the difference in the labor cost of production between Europe and the United States. I do not think anybody contends that it would absorb the entire 45 per cent, but, assuming that as the percentage of labor cost, a tariff sufficient to cover the difference in labor cost would be 30 per cent, and there would still be 15 per cent ad valorem tariff over and above that, which may be considered as a protective tariff to the American industry.

Mr. COPELAND. Does the Senator wish to preserve the rayon industry in America?

Mr. BARKLEY. Certainly.

Mr. COPELAND. He does not want to take any step that will interfere with or hamper it?

Mr. BARKLEY. Of course, not within reasonable limits. I do not say that I would not be willing to take any step that would hamper it if by that is meant that I would not in some way make it impossible for them to do injustice to the American people by reaping unfair and exorbitant profits. Within those limits I would say that I would not, of course, vote for any measure or any rate that I thought would seriously interfere with the economic condition of any business in the United States.

Mr. COPELAND. Now, let us assume that we are going to regulate somehow the profits which are made.

Mr. BARKLEY. I refer to exorbitant profits.

Mr. COPELAND. I share the views of the Senator; I do not want them to pile up inordinate surpluses or profits. But, assuming that those profits are not going to be inordinate, the Senator is anxious to have the industry developed as much as it can be and to have as many employees and do as much business as it can within reason. Am I right in that?

Mr. BARKLEY. Of course.

Mr. COPELAND. Then the only difference in the world between the Senator and myself is as to the amount of a tariff which represents the difference between the American cost and the European cost, is it not?

Mr. BARKLEY. If the Senator does not accept the figures which I just recited to that extent, he and I differ.

Mr. COPELAND. Mr. President, when I see an advertisement as I did in a newspaper yesterday of one of the great stores in New York saying:

> Did you ever dream you could have a hand woven, embroidered Russian smock for only $13.74? Of course, you did not. And you may never have the opportunity again, because the duty has been raised. It is very unlikely that they will be offered again at such a low price. If you know Russian smocks you will not need to be told that they are beautifully made and painstakingly embroidered in red or black or red or blue.

Mr. President, I want to have a tariff sufficiently high not to keep our beloved women from having hand-embroidered smocks but sufficiently high so that when those fair ones of ours purchase smocks they shall be American-made smocks and smocks made of American products.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. Yes.

Mr. BARKLEY. Of course, I myself would regret very seriously to see a situation brought about where the American women would be compelled to buy Russian smocks and wear them instead of what they are wearing now; but I have not assumed that the Russian smock was about to invade the American market to the extent of displacing the beautiful garments made of rayon now worn by the American women. I have not heard of that.

Mr. COPELAND. The Senator misses the point.

Mr. BARKLEY. I may be responsible for that or the Senator from New York may be responsible.

Mr. COPELAND. I am not seeking to have our women all wear Russian smocks, but since some of them are going to wear Russian smocks, or some other kind of smock, I want them to wear our kind of smock.

Mr. BARKLEY. I do not know what proportion of American women are going to wear Russian smocks, unless it be artists or sculptresses. The ordinary garment worn by the women of the United States in the household and on the street is not a smock, whether a Russian smock or an American garment.

Mr. COPELAND. Let me present my friend with a picture of a smock. [Laughter.]

Mr. BARKLEY. I would rather have the smock.

However, Mr. President, I have here in my hand a clipping from the Daily News Record, of New York, dated Friday, March 7, a well-known and well-recognized and reputable trade journal in the United States; and I have here a clipping, with the date line of London, March 6, which refers to a statement made by Mr. Courtauld, who is at the head of the British Courtauld's rayon trust, which owns a considerable portion of the American rayon manufactures, in a report to his stockholders. I quote as follows:

> Despite persistent requests by shareholders, Samuel Courtauld, chairman of Courtauld's (Ltd.), declined to disclose the American Viscose profits and sales figures at this morning's meeting of the company beyond stating that much more than half of Courtaulds's profits in 1929 were dividends from America and also that the valuation of the ordinary shares of American Viscose remained the same as two years ago but that the preference shares had since been sold.
>
> Mr. Courtauld characterized as extremely inaccurate the figures on American Viscose recently cited by Senator WHEELER in the United States Senate.

Regardless of that, the point which I make is that the British president of this British-owned rayon company which owns the American Viscose Co., making 54 per cent of all the rayon made in the United States, reported to his shareholders that more than half of the profits of this British concern were made in the United States of America. In view of that, I think there is no basis for the claim that the American rayon makers are now losing money or that they will lose money under the tariff rates that have been in effect for the last 10 years, to wit, 45 per cent ad valorem.

Mr. COPELAND. Mr. President, the Senator did not read the rest of the article.

Mr. BARKLEY. The Senator took it away from me before I got through.

Mr. COPELAND. It is further stated that Mr. Courtauld declared:

> Overproduction imminent as a result of checked consumption last fall.

Mr. BARKLEY. Of course, overproduction is imminent just as it is imminent in every other industry, because of a recession in the buying power of the people, which has compelled them to curtail their purchases, not only of rayon but of every other necessity of life. That is not due to the tariff.

Mr. COPELAND. My friend and I have occupied the attention of the Senate too long perhaps, but I want to summarize the question as I see it.

Criticism was brought upon me in certain sections of my State because of the charge that I had attempted to materially increase the cost of rayon, "the poor woman's silk." I want to make it clear that the only difference between the Senator from Montana [Mr. WHEELER], who is the champion of the poor woman's silk, and myself is 7 cents a pound. I voted for 45 cents, and I am going to vote again for 45 cents in view of what the Senator from Utah has said. The Senator from

Montana has stated that he is going to vote for 38 cents. So, Mr. President, let it be clear that the difference between us is 7 cents a pound and no more. The tariff expert over here tells me it takes a pound of rayon to make a woman's dress. Seven cents, then, is the difference between us, and on a "step-in" the difference would be less than 2 cents, and a 2-cent stamp would just about cover one of those articles, as I understand from my friend the Senator from Utah.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. COPELAND. No; I am not going to yield any more. I am about to yield the floor, and then the Senator can go on in his own time. He will pardon me, I am sure, because I want to finish to attend a committee meeting, if he will permit me.

I am not going to let the difference between 2 cents or 3 cents and 7 cents keep me from voting for a rate which is more or less guaranteed by the Finance Committee as a rate necessary to give protection to this industry.

Furthermore, Mr. President, I do not found my statement and my position wholly upon what has been told me here in the Senate. Mr. Kernan, whose grandfather was an honored Member of this body, one of my predecessors from the State of New York, is in the rayon industry in Utica, N. Y. He has given me his word—and I accept it because I know the man—that they must have this much protection if the industry is to survive.

I am not going to take any chances, for my part, of putting the rayon industry on the rocks or destroying it. Furthermore, I am not going to leave the Democratic Party just because I am willing to have a tax 7 cents more than the Senator from Montana proposes on a woman's dress, and 1 or 2 cents on a piece of underwear.

Mr. WHEELER. Mr. President——

Mr. COPELAND. I know the women of my State well enough to know that they are unwilling to have men and women unemployed in the State of New York. They are unwilling to have the children of these employees of the rayon factories without the wherewithal to buy for themselves such rayon garments as we are discussing. Therefore, Mr. President, so far as I am concerned, I am going to vote to sustain the 45-cent rate.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. The Senator from Georgia [Mr. GEORGE] has offered an amendment providing a duty of 38 cents. Would the offering of an amendment providing a duty of 40 cents as a substitute for the amendment of the Senator from Georgia be in order?

The VICE PRESIDENT. The Chair understands this is a motion to strike out and insert. If so, the amendment would be in order.

Mr. McKELLAR. Mr. President, in order to end this controversy, I offer as a substitute the figures "40 cents per pound" instead of "38 cents per pound."

The VICE PRESIDENT. The question is on the amendment in the nature of a substitute offered by the Senator from Tennessee [Mr. McKELLAR].

Mr. BARKLEY. Mr. President, I hesitate to take any more of the time of the Senate than has already been taken by me in the time of the Senator from New York [Mr. COPELAND]. I do not know that anything I shall say or could say will influence a single vote; but I am unwilling to have this schedule voted on without at least a word of protest on behalf of those who wear rayon garments in the United States.

I am quite unable to understand the psychology of the Senators who argue that when rayon was selling at $2 or $2.50 a pound a rate of 45 per cent ad valorem was regarded as sufficient, but when rayon goes down to $1.10 a pound—not on account of importations, but because the efficiency of the industry has made it possible for the industry to produce rayon and sell it at $1.10 a pound and make practically the same amount of profit that they made out of it when they sold it at $2.50 a pound—we are asked to put a tariff of 75 to 110 per cent ad valorem upon an article of such universal use and consumption in the United States as rayon.

Rayon is used very largely by the women of our country. Ninety-five per cent of the rayon consumed in the United States is consumed by the American women.

Mr. HASTINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HASTINGS. The Senator made some statement as to what the ad valorem duty would amount to. Does he know what rayon is selling for in Europe at this time? Does he know that it is selling for 50 cents and less?

Mr. BARKLEY. No; I did not know that, and I do not know it yet.

Mr. HASTINGS. I am telling the Senator that that is true, whether he knows it or not.

Mr. BARKLEY. The latest report I had was that the lowest price in Europe is 60 cents, and the lowest price in the United States is $1.10.

Mr. HASTINGS. Assuming it to be 60 cents, what will the ad valorem duty amount to?

Mr. BARKLEY. If it is selling at 60 cents, a tariff of not less than 45 cents a pound would be almost the equivalent of 100 per cent ad valorem.

The reduction in the price of rayon in this country from $2.50 to $1.10 has not been brought about by importations of foreign rayon, because in 1921 the proportion of rayon used in the United States that was imported was 20 to 21 per cent. In 1928 it was only 10 per cent; and the highest proportion in any year from 1921 to 1929 was 16 per cent. So over a period of 10 years we have seen our importations of rayon decline from 20 per cent to 10 per cent because the American manufacturer of rayon yarn has been able to produce it by these modern methods of efficiency of which we hear so much and sell it at $1.10 at a profit to such an extent that the president of the British company that owns the concern that makes 54 per cent of American rayon told his shareholders on the 6th day of March that more than half of their profits were made out of the American manufacture of rayon.

I do not desire to see a single employee in a single rayon mill in the United States thrown out of employment; but while I am concerned about the 26,000 or the 45,000 employees in those mills, whichever may be the correct number—probably somewhere half-way between the two is more accurate—I am not only concerned about them, but I am concerned about the million and a half men and women who are working in the textile mills of the United States who use rayon yarn like this which I hold in my hand in the production of rayon cloth like these samples which I also hold in my hand. My contention is that by every dollar or by every dime that we raise the price of raw rayon to these textile mills, we make it more impossible for them to make these textile cloths and employ a million and a half laboring men and women; and everybody here knows, because we have heard it time and time again, from the time the consideration of this tariff bill began until to-night, that there is more depression in the textile industry of the United States than in almost any other industry, unless it be the building trades, which have suffered a very severe slump in the last two or three years.

To raise the price of rayon is to levy tribute upon every working girl in the United States who prefers rayon hosiery and underwear to cotton. Many of them can not afford to buy the more expensive pure silk articles. They do not desire to wear cotton, because it is neither as comfortable to the body nor as attractive to the eye as rayon. Therefore they prefer the rayon garment, although they can not buy pure silk. Yet to raise this tariff to an equivalent of 75 per cent or 85 per cent or 110 per cent ad valorem is to levy tribute upon every woman who buys rayon hosiery, rayon dresses, rayon underwear, or rayon garments of any kind. It is a tribute upon every housewife who buys a rayon bedspread. It is a tribute upon every American housewife who buys draperies for her windows, and for the other beautification processes by which she undertakes to make her home livable and comfortable and beautiful.

I have here a few samples of rayon cloth. Here is a dark gray made of cotton warp and rayon filling. It is used as a lining fabric for men's clothes. Every time you increase the price of that you increase the price of a suit of clothes.

I have here a very beautiful sample of rayon goods out of which women make their dresses for spring and summer and even for winter, perhaps. This is a garment that is beautiful. It is soft and pliable. It is comfortable. It is made of cotton warp and rayon filling, and sells for 89 cents per yard. If it were pure silk, it would sell for $1.50 a yard. Senators can realize that the average woman in the spring or summer or autumn, going out to fill her wardrobe with the necessities of wearing apparel, must consider the difference in price between 89 cents a yard and $1.50 a yard in figuring how much her income may allow her to buy in the way of clothing.

This is the raw material of the mills of which I have been speaking. I have not the number of these mills in all the States; but, as I said a while ago, there are 139 of them in Tennessee using this raw rayon yarn as a raw material out of which to make these fabrics. There are 241 of them in the State of North Carolina. Every textile mill in Massachusetts, in New England, in Georgia, in New Jersey, or in New York uses this raw rayon yarn in the production of rayon cloth. By every dime or dollar that we raise the price of this yarn we raise the price of the finished article, the garment, the yard

cloth such as I have here as a sample; and we make it more impossible for the American woman to buy it, and by that means we make it more impossible for these mills to keep employed the million and a half men and women who are now working for them.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BARKLEY. I yield to the Senator.

Mr. WALSH of Massachusetts. Will the Senator explain why we have received no protests from the users of rayon yarn who convert the yarn into rayon cloth and rayon fabrics?

Mr. BARKLEY. I will say to the Senator that I am not in a position from my own knowledge to give the reasons why they have not protested; but I have been reliably informed that they are really afraid to protest, because they are more or less at the mercy of the men who produce the raw material out of which they make the finished article.

Mr. WALSH of Massachusetts. The situation, then, is somewhat similar to that which we have encountered in the case of wool. The woolen manufacturers, privately regretting very much these increased duties on virgin wool and on wool rags, were unable publicly to make their protest for fear their duties would be pushed down.

Mr. BARKLEY. Yes; the same situation no doubt exists there.

Mr. WALSH of Massachusetts. I assume that the situation is somewhat the same. It is a singular thing that with that large number of textile industries using rayon yarn so few protests have come. In fact, I have received none.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. BARKLEY. I yield to the Senator.

Mr. WHEELER. Let me say to the Senator that I have received protests. On the last occasion when this subject was under consideration I read a communication from one large manufacturer and user of it, a man by the name of Bennett, who is protesting very vigorously. He has factories in New England and in other places; and as I said a while ago, I talked with the representatives of some of the New England factories, and I know that they are very much interested in seeing this rayon duty reduced. As a matter of fact, they felt that it ought to be reduced down to at least 30 cents specific.

Mr. BARKLEY. Mr. President, I have no doubt that those facts submitted by the Senator from Montana are correct, and account for the absence of protest on the part of the textile mills with reference to the increase in the price of rayon.

Simply, as another example of the widespread use of rayon, I hold in my hand a pink bedspread made of cotton warp and rayon filling. This retails for $4.50, and there are other types which retail for from $2.50 up to $12.

This article is made of rayon. If it were made of pure cotton, no woman would want it. If it were made of pure silk, no average woman could buy it. Yet we are asked to increase from 45 per cent ad valorem to 75 or 100 per cent ad valorem the rate on the raw material which goes into the making of this bedspread, which the American housewife now may be able to buy, which she could not buy if it were made of pure silk, and which she would not want if it were made of pure cotton.

We are asked to levy this tribute upon the womanhood of the Nation. We are asked to levy a tribute which will require them to pay more for every pair of hose, for every suit of underwear, for every sample of goods out of which they make their dresses, or line their coats, or drape their windows.

So far as I am personally concerned, I think the minimum of 30 cents per pound would be sufficient to protect the American rayon industry, because rayon already bears a 45 per cent ad valorem duty. I think a minimum of 30 cents a pound would be ample protection. It would compensate for the difference in cost of producing this article abroad and in the United States, and would not result in the levying of an indefensible tribute upon the women of this Nation who are compelled, either by their circumstances or by their tastes and limitations, to buy rayon rather than to attempt to buy pure silk.

Certainly I shall not vote for the 45-cent minimum. As between it and 38 cents, I shall vote for the 38 cents. I only regret that it is impossible for us to adopt a rate of not less than 30 cents a pound, but always, of course, being 45 per cent ad valorem, which is the rate carried in the present law.

I said a moment ago that there are textile mills all over the United States using this raw material. I desire to call attention to the States in which this raw material is produced for the use of these textile mills.

In the State of Pennsylvania there is 1 company with a mill at Marcus Hook, 1 at Meadville, and 1 at Lewiston. They are owned altogether by the British company headed by Mr. Courtauld, who made the report to his stockholders on the 6th day of March.

In the State of West Virginia, at Parkersburg, there is one concern—the American Viscose Co.—owned by the same British company. How many textile mills are there in West Virginia and in Pennsylvania using raw rayon as a raw material out of which they manufacture the finished rayon product?

In the State of Virginia, at Richmond, the Du Pont Rayon Co. owns one mill, and there is a mill also at Waynesboro owned by the same company, and that is affiliated with the Comptoir des Textiles Artificielles of France. At Hopewell, Va., there is a mill owned by the International Holding & Investment Co. (Ltd.), who also control both French and Belgian tubize companies. At Roanoke the American Viscose Co. owns a mill. At Covington there is the Industrial Rayon Co., which is an independent, but its bonds and patents are owned abroad.

In the State of Tennessee there is the Du Pont Rayon Co., at Old Hickory, affiliated with the French Comptoir. At Livingston there is the American Glanzstoff Co., owned by the German Glanzstoff Co. Also there is at Elizabethton the American Bemberg Co., owned by the German Bemberg Co.

In New York, at Buffalo, there is the Du Pont Rayon Co., affiliated with the French Comptoir.

At Utica there is the Skenandoah Rayon Co., affiliated with Sories de Strasbourg, which is not strictly an American concern.

In the State of Maryland there is a plant at Amcelle, the Celanese Corporation, owned by the British Celanese Corporation.

In North Carolina, at Asheville, there is the American Enka Co., owned by "Enka," of Holland. There are the A. M. Johnson Rayon Mills at Burlington, which are not now in commercial operation.

In Rome, Ga., there is a factory owned by the American Chatillon Co., owned by the Italian Chatillon Co.

In the State of Ohio, at Cleveland, there is the Industrial Rayon Co., controlled by the Durant interests, whose bonds and patents are owned abroad, and they operate under foreign patents. Also, in Cleveland there is the Acme Rayon Co., which also operates under foreign patents.

In Delaware, at New Castle, there is the Delaware Rayon Co., which is an independent, but pays royalties abroad on patents.

In Connecticut, at Rocky Hill, there is the Belamose Co., which operates under patents owned abroad.

In New Bedford, Mass., there is the New Bedford Co., owned by the Delaware Rayon Co.

In other words, I have given the list of the factories of the United States making this raw rayon material, and yet if I had the complete list I have no doubt that it would run into the thousands of American textile mills which use the products of these factories owned abroad and not in the United States. Yet we are asked, in behalf of them, to levy tribute upon the American textile industry, to levy a tariff of not less than 75 per cent and in some cases 100 per cent ad valorem on this article of universal consumption and necessity throughout the United States.

So far as I am concerned, I can not vote for the 45 per cent or for the 40 per cent, and if there is any lower rate offered than 38, I will vote for that. But if it comes to a choice between 38 and 45, I shall vote for the 38.

Mr. McKELLAR. Mr. President, awhile ago, when I offered a substitute for the amendment of the Senator from Georgia, providing for 40 cents, I did so under the apprehension that the matter might be immediately disposed of. It has not been, and I therefore withdraw the amendment.

The VICE PRESIDENT. The Senator from Tennessee withdraws the amendment.

Mr. HASTINGS. Mr. President, I have listened with much interest to the speech of the Senator from Kentucky [Mr. BARKLEY]. I must confess that it is not at all a new speech. It is the same kind of speech that has been made by the Senator from Kentucky upon every subject that has been considered in connection with the pending tariff bill. It makes little difference what is the article, whether it be clothespins or something else, he finds there is a tribute to be paid by the American public. If it be mustard seed, then he is afraid those who use mustard plasters will have to pay an additional amount for the mustard plaster they use in order to cure their headaches.

Mr. BARKLEY. Mr. President, I am afraid the Senator has not listened to me accurately and attentively, because I made no speech on mustard seed at all.

Mr. HASTINGS. I assume that if the Senator did not make one it was because he did not have the opportunity. I am sure I stated his position with respect to it.

Mr. BARKLEY. The Senator's assumptions in that regard are just as far afield as with reference to anything else he has stated.

Mr. HASTINGS. If the Senator from Kentucky has been for a tariff on anything, I can not recollect what it was.

Mr. BARKLEY. I have uniformly been for the rates in the 1922 act, about which the Republicans have been boasting for the last eight years; and only in one instance have I voted to reduce the rates below those of 1922.

Mr. HASTINGS. I will read the rayon schedule in the act of 1922 in a moment or two. My clear recollection is that an effort was made to frighten the Senate when we were considering the tariff on window glass because of the possibility of it costing more to build a hospital in Kentucky. It makes little difference, I presume, whether it be window glass, whether it be pottery, whether it be pig iron, or whether it be rayon, the Senator from Kentucky always finds a way in which to convince people that a tribute is being levied upon the American people.

It is all right to speculate upon a tariff that has not been tried and tested, it is all right to speculate, as all of us must necessarily do, when we put a new tariff on a new article. It is difficult for anyone to say distinctly and positively how much of an effect it will have upon the American public and how much more the customer will have to pay for the article. That is not true, I submit to the Senate, with respect to rayon, because for as much as eight years we have seen rayon with a tariff on it equal to that which is now requested, and we have seen the price being reduced from $2.75 to $1.15.

I ask the Senator from Kentucky to produce any bit of evidence, any suspicion of evidence, that will tend to prove that if this tariff is placed on rayon at this time there is any possibility of increasing the price of rayon.

I say that it is possible, in certain instances, to speculate upon what effect a tariff will have upon the consumer. I say it is impossible to speculate upon it when it comes to considering the question of rayon.

Mr. BARKLEY. Mr. President, the Senators says, by inference, I suppose, that an increase in the tariff on rayon will not result in an increase in the price. By analogy, I suppose, he would contend that a tariff would not increase the price of any article where the tariff is increased. Is that the Senator's contention?

Mr. HASTINGS. I contend that we have in this instance positive evidence that it does not, because the price of rayon has been reduced, under the existing tariff, from $2.55 to $1.15.

Mr. BARKLEY. It has been reduced because of the efficient processes by which the American manufacturer has been able to produce it, without a reduction of his profits, it has not been reduced by compulsion on account of imports.

Mr. HASTINGS. And the American producer of this article was able to put in that new system because he was protected by a Republican tariff, placed on the statute books by the Republican Party.

Mr. BARKLEY. Why is not the Senator from Delaware content to leave the protective tariff where it was placed by the Republican Party in 1922, under which the Senator has been boasting in every campaign speech he has made of the prosperity brought about by the tariff of 1922?

Mr. HASTINGS. I will read the provision as to rayon in the act of 1922 to the Senator from Kentucky, if he does not already know it; but I assumed that when the Senator made his speech he knew what the 1922 tariff provision was. If he does not know, I will read it to him.

Mr. WHEELER. Mr. President, I would like to call the Senator's attention to the fact——

Mr. HASTINGS. Just a moment until I read this, because I do not want to get away from the Senator from Kentucky until he finds out what the 1922 tariff on rayon was. The provision reads:

> Yarns, threads, and filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known and by whatever process made, if singles, 45 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 50 cents per pound; products of cellulose, not compounded, whether known as visca, cellophane, or by any other name, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, 55 cents per pound; but none of the foregoing yarns, threads, or filaments, or products of cellulose shall pay a less rate of duty than 45 per cent ad valorem.

Mr. WHEELER. Mr. President, will the Senator yield now?

Mr. HASTINGS. I yield.

Mr. WHEELER. A 45 per cent ad valorem duty was put on rayon in 1922, and a 45 cents specific duty was put on in 1922. The Senator does not now contend, does he, that the 45 cents specific duty does not equal a much higher ad valorem duty now than it did in 1922?

Mr. HASTINGS. At the time the 45-cent specific duty was put on, in 1922, rayon was being sold in Europe for $1.60 per pound. It is being sold in Europe now at 50 cents per pound. The 45-cent ad valorem duty, with a specific duty of 45 cents per pound, is not unreasonable, and will not in any sense increase the price to the consumer in this country. There is no evidence of that, notwithstanding the interesting speeches we have heard from the Senator from Kentucky [Mr. BARKLEY] and the Senator from Montana.

Mr. WHEELER. Will the Senator contend that if we take off the 45-cent specific duty it would not reduce the price to the American public? Will the Senator answer that question?

Mr. HASTINGS. Yes; I will answer it, but I do not propose to answer the Senator's question "yes" or "no" because if I do he will have me in a place where I do not want to be. [Laughter.] I want to answer the Senator's question in my own way. Certainly I will answer it, and I will answer it in this way. The Senator may speculate all he pleases on things that have not been tried, but here we have an illustration of the tariff reduced from $2.75 to $1.15, and I predict that on that particular thing the Senator can not frighten the American people by trying to make them believe the price is going to be increased.

Mr. WHEELER. Will the Senator now answer my question?

Mr. HASTINGS. I have forgotten what it was. [Laughter.]

Mr. WHEELER. I asked the Senator, if we took off the 45 cents specific duty, whether it would not lower the price to the American public?

Mr. HASTINGS. I do not think so.

Mr. WHEELER. The Senator does not think so?

Mr. HASTINGS. No; I do not.

Mr. WHEELER. In other words, the Senator thinks that if we took off the 45 cents specific duty the price would remain as it is to-day?

Mr. HASTINGS. I think there is sufficient competition in the rayon industry in America to take care of the American public. That is what I think. Does that answer the Senator's question?

Mr. WHEELER. Certainly not. The Senator has not answered my question nor has he attempted to answer it. I want to call the Senator's attention to this fact. He said that under this tariff the American manufacturer has made great advances in the production of the article. The Senator contends that the American manufacturer by reason of the tariff has been able to build up the industry.

Mr. HASTINGS. That is right.

Mr. WHEELER. I agree with him. He likewise contends that the American manufacturers' inventions have assisted in cheapening the article.

Mr. HASTINGS. No; that was the argument of the Senator from Kentucky [Mr. BARKLEY].

Mr. WHEELER. Then the Senator does not contend that at all?

Mr. HASTINGS. No; but I am not denying it. It may be true.

Mr. WHEELER. Let me call the attention of the Senator from Delaware to the fact that practically every one of the American manufacturing companies is either owned outright by German or English or French interests, or else controlled by them.

Mr. HASTINGS. I do not care who owns them or controls them just so we have the industry employing American labor and paying them reasonable wages and selling to the American customers at reasonable prices. I do not care whether they are owned in the United States or in Germany or in Belgium or in China or in Montana. It does not make any difference to me.

Mr. WHEELER. Then I assume the Senator does not care whether the money that is paid in the form of the exorbitant profits which are being made in this country from American women and from American laboring men are shipped abroad to Great Britain, to Germany, to Italy, and to France?

Mr. HASTINGS. No; I am glad to have them operating in this country employing American labor. I am glad to have it all the time.

Mr. WHEELER. Yes, but the Senator knows, if he knows anything at all about the industry, that this industry which

has been afforded the highest protection is paying the American laboring man the most miserable wages of almost any industry in the United States, and it is doing that under this 45-cent specific duty which the Senator is in favor of retaining.

Mr. HASTINGS. Of course, if I denied that, it would simply be a question between the Senator and myself. I have not the figures here, but I am satisfied they are paying a reasonable wage to the American workingman.

Mr. WHEELER. Of course, I appreciate the fact that the Senator perhaps is perfectly willing to have women working in the mills down in Tennessee for $8, $9, $10, or $11 a week, working nights and working 54 hours a week. I presume the Senator does not know anything about the conditions that have existed there.

Mr. HASTINGS. What has that to do with the tariff on rayon?

Mr. WHEELER. I think it has a great deal to do with it. When these great industries come here pleading in the name of labor for a higher tariff and we can show that they have amassed great profits and great wealth, and when we can show that while they have been doing that they have been grinding down American labor and shipping their profits to foreign countries, I think it has something to do with the tariff.

Mr. HASTINGS. Is that in the rayon industry in the South?

Mr. WHEELER. That is in the rayon industry itself.

Mr. HASTINGS. Is that owned by Germans?

Mr. WHEELER. It is owned by Germans down in Elizabethton, Tenn., where they are striking at this moment for a decent living and for a decent wage.

Mr. HASTINGS. I should like to join the Senator at any time to relieve that situation, but I do not think we can do it by this amendment.

Mr. WHEELER. I am not sure that we can not help it by raising this duty, but I am sure that when the Senator has had an opportunity to relieve the situation he has not been very anxious to do so; or, rather his colleagues on the Republican side of the Chamber who have had an opportunity to investigate conditions down there and have refused to go into the situation.

Mr. President, I desire to have inserted in the RECORD at this point a chart of comparative domestic and foreign selling prices based on Tariff Commission figures, and likewise I desire to have inserted in connection with it an explanation of the chart of domestic and imported rayon prices.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Chart of comparative domestic and foreign selling prices based on Tariff Commission figures

FIRST TABLE.[1]—SUBMITTED TO THE SENATE AT THE REQUEST OF SENATOR SMOOT BY THE TARIFF COMMISSION

Type of yarn	Average dutiable value	Transportation, insurance, etc., 5 per cent	Landed cost exclusive of duty and importers' charges	Importers' charges and profits, 8 per cent	Landed cost including importers' charges and expenses (8 per cent) but no duty	Landed cost plus estimated required specific duty (without importers' expenses)	Wholesale selling price of domestic and imported yarns			Estimated Specific duty required[2]	Equivalent per cent ad valorem of estimated specific duty
							List	Net (less 2 per cent)	Domestic net less 5 per cent quantity discount		
1	2	3	4	5	6	7	8	9	10	11	12
150 A	0.74	0.037	0.777	Not given...	Not given...	Not given...	1.15	1.127	Not given...	0.35	Not given.
150 B	.657	.033	.69	do	do	do	1.10	1.078	do	.388	Do.
300 A	.571	.029	.60	do	do	do	1.00	.98	do	.38	Do.
300 B	.49	.024	.514	do	do	do	.95	.931	do	.417	Do.

SECOND TABLE—SUBSEQUENTLY SUBMITTED BY THE TARIFF COMMISSION AS PAGE 4 1-2 TO THEIR ORIGINAL REPORT

150 A	0.74	0.037	0.777	0.083	Not given...	1.044	1.15	1.127	Not given...	0.267	36.08
150 B	.657	.033	.69	.080	do	.998	1.10	1.078	do	.308	46.88
300 A	.571	.029	.60	.073	do	.907	1.00	.98	do	.307	53.77
300 B	.49	.024	.514	.069	do	.862	.95	.931	do	.347	70.82

THIRD TABLE—PROPER TABLE IN ACCORDANCE WITH TARIFF COMMISSION'S FIGURES AND TAKING INTO CONSIDERATION THE 5 PER CENT QUANTITY DISCOUNTS

150 A	0.74	0.037	0.777	0.079	0.856	Not given...	1.15	1.127	1.07	0.2137	[3] 28.87
150 B	.657	.033	.69	.076	.766	do	1.10	1.078	1.024	.258	[3] 39.13
300 A	.571	.029	.60	.069	.669	do	1.00	.98	.931	.262	[4] 45.88
300 B	.49	.024	.514	.066	.58	do	.95	.931	.885	.305	[4] 62.24

[1] Tariff Commission footnote to Table 1 stated: "The difference indicated in the last column of the above table [column 11 of this chart] would be still less if the 5 per cent quantity order discount were subtracted from the domestic net price and also if allowance were made for importers overhead and profit."

[2] Tariff Commission still neglect to subtract the 5 per cent quantity discount from domestic prices; therefore the figures in column No. 11 of this table are too high by that amount.

[3] These two comprised 62 per cent of rayon imports for 1929.

[4] These two comprised 1.8 per cent of rayon imports for 1929.

NOTE.—The figures in all of the above tables refer only to market or selling prices and show no comparison of costs of production. On the basis of selling prices, column 11 in Table 3 shows that from 25 to 30 cents per pound would be a full and adequate protection to the domestic producer.

NOTES AND EXPLANATION OF CHART OF DOMESTIC AND IMPORTED RAYON PRICES

The two tables on rayon yarns furnished by the Tariff Commission are difficult to compare as the columns are not arranged in corresponding order. For the purpose of quick reference and ease in understanding the order of the columns has been rearranged in the accompanying chart so that like columns will be under one another in the respective tables. The figures used in the first two tables are only the figures given by the Tariff Commission.

An explanation of the origin and meaning of the figures in each column is as follows:

Column No. 1: Size and quality of the principal items falling under the specific duty. One hundred and fifty denier A and B constitute the bulk of both imports and domestic consumption. Three hundred denier A and B represent only 1.8 per cent of the 1929 imports.

Column No. 2: "Average dutiable value" is taken from the foreign invoices, is the price paid by the importers, and is the price on which ad valorem duty would be computed.

Column No. 3: "Transportation insurance, etc. (8 per cent)" covers cost of bringing the yarn across the ocean, and is paid by the importer in addition to the foreign price of the yarn.

Column No. 4: "Landed cost, exclusive of duty and importers' charges" is the sum of columns 2 and 3.

Column No. 5: "Importers' charges and profits (8 per cent)." This covers importers' overhead, including selling expenses, trucking, warehousing, freight to consumer's mill, and profit.

Column No. 6: "Landed cost, including importers' charges and expenses (8 per cent), but no duty" is the sum of columns 4 and 5.

Column No. 7: "Landed cost, plus estimated required specific duty." This column of figures, used only in the Tariff Commission's second table, is really superfluous. It is the sum of columns 4 and 11, but without importers' charges and expenses.

Column No. 8: "Wholesale selling price of domestic and imported yarns" is the published list price, without consideration of discounts or cut prices.

Column No. 9: This is column 8 less 2 per cent cash discount. (It is trade custom to sell rayon yarn subject to a discount of 2 per cent for payment within 30 days from date of invoice.)

Column No. 10: This is column 9 less the usual 5 per cent quantity discount given by the domestic producer.

Column No. 11: "Estimated specific duty required." This is arrived at differently in the three tables. In table No. 1 it is the difference

between (a) the landed cost, exclusive of duty and exclusive of importers' charges (shown in column 4) and (b) the selling price of domestic yarns, less 2 per cent cash discount (shown in column 9). The Tariff Commission, in their paragraph following this table No. 1, clearly indicate that these figures justly should be reduced by deducting both the 5 per cent quantity discount on domestic prices and also deducting the amount of importers' charges and profits. Therefore, the estimated specific duties in table No. 1 are too high by these amounts.

In table No. 2 the "estimated specific duty required," as shown in column No. 11, is the difference between (a) the landed cost (exclusive of duty and exclusive of importers' charges) (shown in column No. 4) plus the importers' charges (shown in column No. 5) and (b) the domestic price less 2 per cent cash discount (shown in column No. 9). In this table the Tariff Commission have corrected their figures to include the importer's expenses, and therefore have reduced by that amount their estimate of the specific duty required; but still do not subtract the 5 per cent quantity discount allowed by domestic producers, and their estimated specific duty required still is too high to that extent.

In table No. 3 the "estimated specific duty required" (shown in column No. 11) is the difference between (a) the landed cost (exclusive of duty and including importers' charges) (as shown in column No. 6) and (b) the net domestic price (shown in column No. 10). If therefore we are to base our tariff rate on selling prices rather than on costs of production, at the risk of supporting exorbitant and monopolistic prices, these figures shown in table No. 3, column No. 11, are the highest specific rates that could be justified and show that 25-cent to 30-cent per pound specific duty is all that is needed to support such a price level.

Column No. 12: "Equivalent ad valorem of estimated specific duty." These percentages are obtained by dividing the figures in column No. 2 into the figures in column No. 11.

Column No. 12 shows how deceptive is a specific rate of duty and how high it actually is on an ad valorem basis.

Since 1922 the basic minimum rate has been 45 per cent ad valorem. A specific rate of 30 cents per pound still would equal far more than 45 per cent ad valorem.

Mr. GEORGE. Mr. President, I suggest the absence of a quorum.

Mr. SMOOT. Mr. President, will the Senator from Georgia withhold the suggestion for just a moment?

Mr. GEORGE. Certainly.

Mr. SMOOT. I ask unanimous consent that when the Senate concludes its business to-day it recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, in view of the fact that the Senator from Delaware [Mr. HASTINGS] stated that rayon is selling in Europe for 60 or 70 cents a pound, I desire to call attention to a statement from the Tariff Commission showing the average valuation of the prices of Class A 150-denier rayon yarn imported into the United States without payment of duty at 74 cents for the year 1929. When we add the duty to that figure it amounts to about $1.20 per pound for the imported rayon, 150-denier Class A, which is even higher than the $1.10 or $1.15 for which the Senator said it is now selling in the United States.

Mr. WHEELER. Mr. President, I would like to call attention also to the fact that the labor cost of the American Viscose Co. was something like 47 cents, as shown by taking their output of labor and dividing it by the number of laboring men they employ.

Mr. HARRISON. Mr. President, will the Senator from Georgia withhold his suggestion of the absence of a quorum for a moment longer?

Mr. GEORGE. Very well.

Mr. HARRISON. May I ask the Senator from Utah if he does not think it a very proper time to submit a unanimous-consent request to limit debate from now on to the end of the controversy?

Mr. SMOOT. I intend to make such a request to-morrow.

Mr. HARRISON. Why does the Senator wait until to-morrow? Why not submit the request to-night?

Mr. SMOOT. The reason is that there is one Senator who has requested of me that I should never submit a unanimous-consent request without first calling a quorum. I do not want to take the time to do that to-night.

Mr. HARRISON. But the point of no quorum has already been made and the Senator from Georgia has kindly withheld the suggestion for the time being. Can not the Senator then submit his request so that we may get rid of the bill?

Mr. SMOOT. I will see how many Senators respond when the quorum is called.

Mr. WALSH of Massachusetts. Mr. President, I do not think there is any occasion for complaint about the manner in which the bill has been considered in the Senate to-day. I think we have made a great deal of progress in the last day or two. The pending amendment is one of the most important in the bill. I think that many consider it really the most important amendment in the whole bill, and we have only spent about an hour and a half debating it. There are other important amendments upon which we ought to be able to spend a reasonable time. I agree that heretofore there has been a great deal of time wasted, but I do not think there is any occasion now for putting a limit upon debate.

The PRESIDING OFFICER. The Senator from Georgia [Mr. GEORGE] has suggested the absence of a quorum.

Mr. HEFLIN. Mr. President, before the roll is called may I say that I agree with the suggestion of the Senator from Mississippi [Mr. HARRISON]. We have heard to-day some matters gone over three or four times just as they were discussed when the bill was in Committee of the Whole. I think I recall one speech that was an hour and a quarter long, and some other rather lengthy speeches, too. If we are going to discuss these questions over and over again like they were discussed in Committee of the Whole, we will be at work on the bill for two or three weeks yet. I think we ought to finish it in four or five days.

To-morrow when the Senator from Utah suggests a limitation upon debate, and a Senator rises to discuss an amendment, let the question be propounded to him as to whether or not the matter was fully discussed in Committee of the Whole, and if so inquire if he will agree to a limitation upon debate. If not, then we must reach the point where we will move to lay such matters upon the table.

Mr. NORRIS. Mr. President, I would like to make this suggestion to the Senator from Alabama and to other Senators who are seeking a limitation upon debate. When we get through with the amendments made in Committee of the Whole the bill will be open to amendment, and there are some amendments which will be offered that have never been debated. So far as I am concerned, I am willing to vote without any further debate on every amendment that has been made as in Committee of the Whole, but some amendments are very likely to be offered that will be practically new propositions and we ought not to cut off debate on them.

Mr. HEFLIN. I would make an exception in a case like that.

Mr. BARKLEY. Mr. President, I think it ought to be stated that the time we are spending now on these matters is time wasted in view of the fact that those who were defeated in Committee of the Whole were not satisfied with having the amendment threshed out there and acted upon, but they have come here for a further discussion of the very things that were discussed for weeks in Committee of the Whole. If anyone's amendment was defeated in Committee of the Whole, then he comes here when the bill is in the Senate and wants to discuss it all over again.

So far as I am concerned, where I am interested in an amendment which was debated in Committee of the Whole and the minority, being dissatisfied with the action there, seeks to reopen the question and discuss it, now that the bill is in the Senate, I propose to exercise my right to discuss it in the same way. I am as anxious to get through with the bill as anybody. I am as sick of it as anybody; and I think I am going to be still sicker by the time we get through with the bill in the Senate. But I am not going to sit silently by and allow those who were defeated in Committee of the Whole to discuss the amendments again, and then allow them to be voted on without some rebuttal statement by some of us who are opposed to their position.

Mr. SMOOT. I do not understand that the Senator would object to a limitation of debate when it applies to all alike?

Mr. BARKLEY. Oh, no; but the constant complaint is made that we have discussed all of these amendments previously, that they were fully considered in Committee of the Whole, and I simply want it understood that most of that complaint is at the instance and upon the demand of those who were defeated in Committee of the Whole and who are trying now to reverse the action of the Senate taken as in Committee of the Whole.

Mr. SMOOT. That would be the natural thing. Those who are defeated, of course, are the only ones who really want to have another chance.

Mr. BARKLEY. It could have gone to conference, and let the conferees adjust the differences between the House and the Senate, and we would have had this bill out of the Senate long ago.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HEFLIN. I yield.

Mr. FESS. I think the suggestion which has been made ought to be seriously considered. I do not understand the Senator from Mississippi to ask that the debate be limited on every item from now on, but there are 32 amendments left on which a separate vote has been reserved. Some of them are quite important and others are not so important; probably some of them may not be controversial at all. It seems to me that the Senate should receive with approval the suggestion that as to each item on the list a limitation of debate be sought, and if that can not be had, then go ahead. I think, however, if the chairman of the committee would feel free to ask for a limitation of debate on each item as we go along, and the request were granted, that we would get along pretty well.

Mr. HEFLIN. That was my suggestion. I want to say to the Senator from Kentucky that I had no idea of yielding time to a Senator who favors an amendment and then turning off those who want to reply.

Mr. BARKLEY. I am not attributing such a suggestion to the Senator from Alabama; I did not have him in mind.

Mr. HEFLIN. I wanted to say that if, for instance, we should limit debate to five minutes on a given proposition any Senator could speak five minutes on one side, another on the other side of the question could reply to him, and so with other Senators. If we would do that we would soon get through with the bill; but if we do not put a limitation on debate—we have seen it every day and every night—some Senator will get up and talk about an amendment, and some other Senator will ask a question and will hold the floor for an hour or so, and when we have got through we have gone over the same thing we have already gone over time and time again.

Mr. BARKLEY and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. HEFLIN. I yield first to the Senator from Kentucky.

Mr. BARKLEY. I simply wish to say that we started in a few days ago with a program of limiting debate. We agreed unanimously to limit debate to 15 minutes on a number of amendments, until we came to cement; then there was no limitation on the debate, and there has been none since. I do not know just who may be responsible for that, but it so happened that when we reached cement nobody made any effort to limit debate, and none has been made since, I will say to the Senator from Alabama, and I think he will agree with me.

Mr. SMOOT. There was no time taken on cement; we acted on it yesterday without any discussion.

Mr. McKELLAR. Mr. President, certainly we have exhausted debate on the amendment now pending. Can we not have a vote on the amendment? Let us have a vote now.

Mr. HEFLIN. I have no objection.

Mr. BORAH. Mr. President——

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. BORAH. I was going to suggest that we try to put a limitation upon the debate as to whether we will limit debate.

The PRESIDING OFFICER. The Senator from Georgia has suggested the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Keyes	Shortridge
Baird	Glass	La Follette	Smoot
Barkley	Goff	McCulloch	Steiwer
Black	Goldsborough	McKellar	Sullivan
Blaine	Grundy	McMaster	Swanson
Blease	Hale	McNary	Thomas, Idaho
Borah	Harris	Metcalf	Townsend
Bratton	Harrison	Norbeck	Trammell
Brock	Hastings	Norris	Tydings
Brookhart	Hatfield	Nye	Vandenberg
Broussard	Hawes	Oddie	Walsh, Mass.
Capper	Hayden	Phipps	Walsh, Mont.
Connally	Hebert	Pine	Waterman
Copeland	Heflin	Pittman	Watson
Cutting	Howell	Robinson, Ind.	Wheeler
Dill	Johnson	Robsion, Ky.	
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment proposed by the Senator from Georgia [Mr. GEORGE] to the amendment adopted as in Committee of the Whole.

Mr. GEORGE. I ask for the yeas and nays.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. I ask that the substance of the amendment be stated at the desk.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 183, paragraph 1301, rayon, in line 25, it is proposed to strike out "45" and insert "38," so that it will read:

> That none of the foregoing shall be subject to a less duty than 38 cents per pound.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment adopted as in Committee of the Whole.

Mr. GEORGE and Mr. HASTINGS asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HAYDEN (when his name was called). On this question I have a pair with the Senator from Vermont [Mr. GREENE], which I transfer to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I find I can transfer that pair to the junior Senator from Connecticut [Mr. WALCOTT]. I make that transfer and will vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. DALE] and vote "nay."

The roll call was concluded.

Mr. BLEASE (after having voted in the affirmative). I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the Senator from Oklahoma [Mr. THOMAS] and let my vote stand.

Mr. GLASS. I have a pair with the senior Senator from Connecticut [Mr. BINGHAM], but being assured that he would vote as I shall vote, I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the senior Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The senior Senator from Illinois [Mr. DENEEN] with the junior Senator from North Carolina [Mr. OVERMAN];

The junior Senator from Illinois [Mr. GLENN] with the junior Senator from Arkansas [Mr. CARAWAY];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

The Senator from Louisiana [Mr. RANSDELL] with the Senator from North Dakota [Mr. FRAZIER]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 31, nays 38, as follows:

YEAS—31

Barkley	Connally	Hayden	Nye
Black	Cutting	Heflin	Pittman
Blaine	Dill	Howell	Sheppard
Blease	Fletcher	Johnson	Trammell
Borah	George	La Follette	Walsh, Mass.
Bratton	Harris	McMaster	Walsh, Mont.
Brookhart	Harrison	Norbeck	Wheeler
Capper	Hawes	Norris	

NAYS—38

Allen	Hale	Metcalf	Sullivan
Baird	Hastings	Oddie	Swanson
Brock	Hatfield	Phipps	Thomas, Idaho
Broussard	Hebert	Pine	Townsend
Copeland	Jones	Robinson, Ind.	Tydings
Fess	Kean	Robsion, Ky.	Vandenberg
Glass	Keyes	Schall	Waterman
Goff	McCulloch	Shortridge	Watson
Goldsborough	McKellar	Smoot	
Grundy	McNary	Steiwer	

NOT VOTING—27

Ashurst	Gillett	Overman	Smith
Bingham	Glenn	Patterson	Steck
Caraway	Gould	Ransdell	Stephens
Couzens	Greene	Reed	Thomas, Okla.
Dale	Kendrick	Robinson, Ark.	Wagner
Deneen	King	Shipstead	Walcott
Frazier	Moses	Simmons	

So the amendment of Mr. GEORGE to the amendment adopted as in Committee of the Whole was rejected.

Mr. HAWES subsequently said: Mr. President, I cast a vote in error on the last roll call, having forgotten my pair with my colleague, the junior Senator from Missouri [Mr. PATTERSON]. I ask that that record be changed.

Mr. GLASS. Mr. President, I move that the rate be made 40 cents.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Virginia [Mr. GLASS].

Mr. GLASS. On that I ask for the yeas and nays.

Mr. GEORGE. Mr. President, I desire to be heard for just a minute.

One of the biggest rayon mills in the country is in my State. I have considered this tariff fairly and honestly. There is no justification under the facts for a specific duty of more than 30 cents per pound. Even the Tariff Commission has said that 38 cents was liberal to the manufacturer; and yet, in the face of that, the Senate has refused to reduce this specific duty to 38 cents upon an article that is to-night the aluminum of the wardrobe of every woman in America, in a tariff that will be generally effective. Such tariffs as those on cement and brick and lumber are effective only locally. This tariff will be effective generally throughout the Nation upon every user of rayon.

I have not a great deal of interest in voting for a reduction to 40 cents specific duty when it is admitted here to-night on this floor by the spokesman of the rayon industry—that is, the Senator who advocated the high duty; I say that without meaning any offense—that rayon to-day is being made in Europe, I believe he said, at 50 cents a pound. Therefore, 40 cents a pound is a duty of 80 per cent, whereas upon the finest woolen yarn made on earth there is an ad valorem duty of 45 per cent. Cotton has as its maximum protection upon yarn 32 per cent, as it actually figures out, in no case exceeding 37 per cent; and even silk—and this is only artificial silk—even silk is protected by a duty of only 40 and 45 per cent upon singles and ply yarns or dyed yarns, respectively.

So 40 cents does not make any strong appeal to me, I say, because it amounts, as we vote it, to an 80 per cent ad valorem duty upon the aluminum of the wardrobe of the American woman, and the most prosperous industry, barring none, in the United States at this time. It could buy, sell, and throw overboard, unit for unit, all of the other textiles combined.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. GLASS] to the amendment made as in Committee of the Whole. On that amendment the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a nontransferable pair with the senior Senator from Connecticut [Mr. BINGHAM]. If I were at liberty to vote I should vote "yea."

Mr. HAWES (when his name was called). I have a pair with my colleague the junior Senator from Missouri [Mr. PATTERSON]. If at liberty to vote, I should vote "yea," and he would vote "nay."

Mr. HAYDEN (when his name was called). Making the same announcement as before, I vote "yea."

Mr. ROBINSON of Indiana (when his name was called). Reannouncing my general pair with the junior Senator from Mississippi [Mr. STEPHENS], I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WATSON (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the Senator from Oklahoma [Mr. THOMAS] and will vote. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Illinois [Mr. GLENN] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 32, as follows:

YEAS—34

Allen	Bratton	Fletcher	Howell
Barkley	Brookhart	George	Johnson
Black	Capper	Harris	La Follette
Blaine	Connally	Harrison	McMaster
Blease	Cutting	Hayden	Norbeck
Borah	Dill	Heflin	Norris
Nye	Sheppard	Tydings	Wheeler
Pittman	Swanson	Walsh, Mass.	
Schall	Trammell	Walsh, Mont.	

NAYS—32

Baird	Hale	McKellar	Smoot
Brock	Hastings	McNary	Steiwer
Broussard	Hatfield	Metcalf	Sullivan
Copeland	Hebert	Oddie	Thomas, Idaho
Fess	Jones	Phipps	Townsend
Goff	Kean	Pine	Vandenberg
Goldsborough	Keyes	Robsion, Ky.	Waterman
Grundy	McCulloch	Shortridge	Watson

NOT VOTING—30

Ashurst	Glass	Overman	Smith
Bingham	Glenn	Patterson	Steck
Caraway	Gould	Ransdell	Stephens
Couzens	Greene	Reed	Thomas, Okla.
Dale	Hawes	Robinson, Ark.	Wagner
Deneen	Kendrick	Robinson, Ind.	Walcott
Frazier	King	Shipstead	
Gillett	Moses	Simmons	

So Mr. GLASS's amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question is upon concurring in the amendment made as in Committee of the Whole as amended.

The amendment, as amended, was concurred in.

Mr. GEORGE. Mr. President, I ask unanimous consent that the experts of the Tariff Commission be permitted to change the specific duty of 45 cents to 40 cents where it occurs throughout the rayon schedule.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the next amendment reserved for a separate vote.

The CHIEF CLERK. Paragraph 1306, page 185, woven fabrics of rayon.

Mr. COPELAND. Mr. President, I take it that my amendment is not proper at this time, because there was no change made in this paragraph.

The VICE PRESIDENT. It is not in order at this time.

Mr. COPELAND. I thank the Chair.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The CHIEF CLERK. Paragraph 1402, page 188, paper board.

Mr. LA FOLLETTE. Mr. President, I have no objection to concurrence in the first amendment in that paragraph which was made as in Committee of the Whole.

The VICE PRESIDENT. The question is on concurring in the first amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. Amendment made as in Committee of the Whole, on page 189, line 1. After "ad valorem" insert:

Pulpboard in rolls for use in manufacture of wall board, 5 per cent ad valorem.

Also, in lines 7 to 16, both inclusive, strike out all after the word "valorem," in line 7.

Mr. LA FOLLETTE. Mr. President, the amendment to which I desire to direct the attention of the Senate is the amendment which was read from the desk which appears in line 1, page 189, following the words "ad valorem."

The CHIEF CLERK. On page 189, line 1, after the words "ad valorem," insert:

Pulpboard in rolls for use in manufacture of wall board, 5 per cent ad valorem.

Mr. LA FOLLETTE. Mr. President, the duty on wall board is 10 per cent ad valorem. The House struck out the provision which was inserted as in Committee of the Whole, and the Senate Finance Committee concurred in that action.

I am informed that pulpboard in rolls to be used for the manufacture of wall board is 85 per cent manufactured when it enters the country. Therefore, obviously, if the completed or finished product—namely, wall board—is to bear a rate of duty of 10 per cent ad valorem it is absolutely unfair to the American manufacturers to permit the pulpboard in rolls, which is 85 per cent manufactured, to come in at 5 per cent—half of the duty provided on the finished product.

There is only one manufacturer in the United States, according to my information, who will receive any benefit from this provision. That is a manufacturer who has a plant across the line in Canada, and brings in the pulpboard in rolls 85 per cent processed or manufactured, and finishes the other 15 per cent of the manufacture in the United States.

I am not discussing the question of whether or not the duty of 10 per cent ad valorem on the finished product is a proper duty, but it does seem to me perfectly obvious that if we are to have a 10 per cent duty on the finished product, it is absolutely unfair to the other manufacturers who complete the entire manufacturing process in the United States to permit one manufacturer to bring into the country at one-half the duty provided on the finished product, a product 85 per cent manufactured.

I therefore hope the amendment adopted as in Committee of the Whole will be nonconcurred in.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. Is there any change in the situation by reason of the removal of the countervailing duties?

Mr. LA FOLLETTE. I do not think so, and I am not directing my remarks to the countervailing duties, although I know a number of Senators have received letters from wall-board manufacturers concerning the removal of the countervailing duty. I am simply directing my attention to this one amendment, and for the reasons which I have already stated I concur in the action taken as the result of the meeting of the Committee on Finance for the elimination of all of the countervailing duties.

Before the Senator brings up that question, I hope he will permit us to have a vote upon this other amendment.

Mr. WALSH of Massachusetts. Mr. President, some of the facts in connection with this matter have passed out of my mind. If I recall the story correctly, pulpboard in rolls for use in the manufacture of wall board bore a rate of 10 per cent in the House bill.

Mr. LA FOLLETTE. The amendment which the Senator from Massachusetts secured in Committee of the Whole is a reenactment of the phraseology contained in the law of 1922, which was eliminated by the House and by the Senate Finance Committee. The Senator had that language reinserted. Since that has been done I have made some investigation of this question, and I am informed by the experts of the Tariff Commission that pulpboard in rolls for use in the manufacture of wall board is 85 per cent manufactured. In other words, there is only 15 per cent more work to be done on it before the product is completed. Therefore it does seem to me entirely unjust to permit one American manufacturer to bring in his product 85 per cent manufactured at one-half the duty that is given as protection on the finished product.

Mr. WALSH of Massachusetts. Mr. President, the result of the action in Committee of the Whole was to put the duty at 5 per cent.

Mr. LA FOLLETTE. The Senator is correct.

Mr. WALSH of Massachusetts. That was a restoration of the rate in the present law.

Mr. LA FOLLETTE. The Senator is correct.

Mr. WALSH of Massachusetts. I remember that at the time I found a great deal of fault with the fact that pulpboard in rolls, when it was passed through the process of being stained, had a duty that was entirely out of proportion with the duty on pulpboard in rolls. Does the Senator recall what duty was levied on pulpboard stained?

Mr. LA FOLLETTE. That was under paragraph 1413. That does not refer to this paragraph. Under paragraph 1413, as I understand it, it would take a duty of 30 per cent ad valorem.

Mr. WALSH of Massachusetts. The Senator does not propose to change that?

Mr. LA FOLLETTE. No. At the time I reserved a vote on these paragraphs, it was just before the vote was taken on concurring in the amendments, and I reserved as to both because I was not certain at the time which one of the paragraphs it was that I desired to have a separate vote upon. Since I have had a chance to look into the matter, I have found that the amendment to which I am particularly opposed is the one which appears on page 189 in line 1, in the print of the bill at the desk, and for the reasons which I have stated, I am anxious that the action taken as in Committee of the Whole should not be concurred in.

Mr. WALSH of Massachusetts. The Senator's amendment is to make the duty 8 cents?

Mr. LA FOLLETTE. No; I am asking to eliminate the provision and let the language stand as it was when the bill came from the House and from the Committee on Finance.

Mr. WALSH of Massachusetts. I wish the matter could go over. I must frankly say that this matter is entirely out of my mind. I remember giving a good deal of study and thought to the subject at the time it was before us in Committee of the Whole, and I talked at length upon it, but the details have entirely disappeared from my mind, and I can not recall the facts and circumstances in connection with the matter. I am not in any state of mind to make an argument on the matter to-night.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. FLETCHER. I was going to suggest that I think what the Senator is mainly interested in appears in paragraph 1413. Now the Senator is simply asking that we nonconcur in the amendment made as in Committee of the Whole.

Mr. SMOOT. No. If this amendment is agreed to on line 6, page 180, and we adopt the 10 per cent, we will turn then to page 200 and disagree to the amendment in paragraph 1413, because they are exactly the same, and if we do it in one case we must do it in the other.

I think if the Senator from Wisconsin will look at page 200, line 7, he will find that he himself offered the amendment on pulpboard, to make the rate 5 per cent when it was in rolls.

Mr. LA FOLLETTE. No; I did not offer that amendment. The Senator from Massachusetts offered that amendment.

Mr. SMOOT. Then the Senator from Massachusetts offered it.

Mr. WALSH of Massachusetts. I offered the amendment.

Mr. SMOOT. The Senate took the same action in one case as in the other, so if we adopt the suggestion of the Senator from Wisconsin and make the rate 10 per cent, on page 189, paragraph 1402, I shall ask unanimous consent that we turn to page 200, paragraph 1413, and make the same amendment there.

Mr. WALSH of Massachusetts. Mr. President, since I was on my feet a few moments ago I have sent for the debate which took place on January 29, 1930, on this item, and I find that I stated at that time:

> There are two kinds of pulpboard in rolls imported into this country: From Norway pulpboard in rolls is imported for use in the manufacture of containers which are so commonly used to-day in the shipping of foods and other products of merchandise; but we are only concerned now with pulpboard in rolls for wall board, which comes from Canada, and is used for making wall board.
>
> What is wall board? Wall board is sometimes called the "poor man's lumber." It has become a commodity increasing in use as a substitute for lumber in the building of garages, poultry houses, barns, stables, outbuildings, and for small and cheap homes. Up to the present time, for 18 years pulpboard used in the manufacture of wall board carried the duty of 5 per cent.
>
> The question which is before the Senate now is whether or not we intend to increase the duty upon this raw product used in making wall board from 5 to 10 per cent; and later, when we come to paragraph 1413, we shall be confronted with the question whether we want to increase the duty on stained pulpboard from 10 to 30 per cent.

The result of the discussion and debate was that the Senate, as in Committee of the Whole, decided to retain the present duty of 5 per cent. The Senator from Wisconsin, for the reasons stated, desires to go back to the rate named in the House bill of 10 per cent.

In view of the great popularity of wall board—it having become a substitute more and more for lumber, and, as I stated in my remarks previously, is referred to as the poor man's lumber—I still think that we should not increase the duty upon this raw product.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

Mr. SMOOT. Mr. President, I ask unanimous consent that we turn now to page 200, paragraph 1413, and nonconcur in the amendment made in Committee of the Whole.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 200, line 7, after the word "pulpboard," an amendment was inserted reading:

> Except pulpboard in rolls for use in the manufacture of wall board, but.

The VICE PRESIDENT. The question is on concurring in the amendment.

The amendment was nonconcurred in.

The VICE PRESIDENT. The Secretary will state the next amendment on which a separate vote was reserved.

Mr. HEBERT. Mr. President, an amendment is pending to paragraph 1413, offered by my colleague [Mr. METCALF], which was passed over temporarily.

Mr. McKELLAR. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McKELLAR. I notice that at the top of page 2 of this list of amendments passed over the clerk did not call the amendment on "Plain basic paper, sensitized paper," and then later on "Paper board, pulpboard."

The VICE PRESIDENT. The Chair is advised that there is no amendment pending to be concurred in in connection with those items. The committee amendments were rejected.

The clerk will state the amendment offered by the Senator from Rhode Island.

The CHIEF CLERK. The senior Senator from Rhode Island [Mr. METCALF] offers the following amendment on page 201, line 2, after "thousand," insert "tubes wholly or in chief value of paper, commonly used for holding yarn or thread, if parallel, 5 cents per pound and 25 per cent ad valorem; if tapered, 10 cents per pound and 35 per cent ad valorem."

Mr. SMOOT. Mr. President, I do not believe that is in order under the unanimous-consent agreement. It is an individual amendment, and when individual amendments can be offered, the Senator can offer the amendment.

The VICE PRESIDENT. The Chair is advised that this is an amendment to a committee amendment; and if so, it would be in order.

Mr. SMOOT. I did not so understand it from the reading of it. I may be mistaken.

The VICE PRESIDENT. The clerk will report the amendment again.

The amendment was again read.

Mr. WALSH of Montana. That would not be an amendment to the committee amendment.

Mr. SMOOT. Not at all.

Mr. WALSH of Montana. That would be an independent amendment.

Mr. SMOOT. Let the amendment again be read.

The amendment was again read.

The VICE PRESIDENT. The Chair will hold that the amendment is not in order at this time.

Mr. SWANSON. Mr. President, it seems we have made pretty fair progress, although slow progress, and I believe the Senate is in a position now to get a unanimous-consent agreement to limit debate on matters which have been debated as in Committee of the Whole. It does seem to me we ought to do that.

Mr. SMOOT. I hope to be able to work out something by to-morrow.

Mr. SWANSON. Every Senator with whom I have spoken has indicated a willingness to have debate limited to 10 minutes.

POLITICAL SITUATION IN ALABAMA

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New Age regarding myself and a statement from myself regarding the political situation in my State.

There being no objection, the article and statement were ordered to be printed in the RECORD, as follows:

[From the New Age, a Masonic magazine, Washington, D. C., February 1930]

PRAISE FOR SENATOR HEFLIN—CREDIT GIVEN

The recent alleged disbandment of the Fascist League of North America caused considerable speculation as to the processes that were used to effect the dissolution of this seemingly strong group. As we are dealing with this matter in another column of comment, we will confine ourselves to a brief study of the situation.

The reader will recall that Secretary of State Stimson "investigated" the un-American league and gave it a clean bill of health. So far as he was concerned, American Fascism had never, by thought, word, or deed, committed any act contrary to pure American ethics. Apparently Mr. Stimson has overlooked a great deal in this respect, but we are not concerned at this writing with his opinion anent American Fascism.

The Fascist League of North America, it need not be thought for one moment, disbanded from motives purely patriotic. Their activities had reached a point that threatened a senatorial investigation. In the event that such an investiagtion were made it would, no doubt, have resulted in wholesale deportations. This, of course, would be exceedingly harmful to the cause of Fascism, so disbandment—or rather a gesture in that direction—resulted.

Perhaps no other man in the United States fought the un-American Fascist movement in this country, with its many avenues of propaganda, as conscientiously as did Senator J. THOMAS HEFLIN, of Alabama. But, strange to say, when the dissolution of the Fascist League was announced Mr. HEFLIN'S name was not mentioned in the press. Mr. Stimson seemed to be receiving all the publicity. However, in the CONGRESSIONAL RECORD of January 13, 1930, appears a just tribute to the Alabama Senator's courageous fight offered by Representative ALBERT JOHNSON, of Washington. Mr. JOHNSON is chairman of the Committee on Immigration and Naturalization, and in a lengthy speech dealing with the restriction of immigration, during which his clear-cut statements drew repeated applause, he spoke of Mr. HEFLIN'S notable work in opposing the Fascisti as follows:

"We owe something to a former colleague of ours, who sat in this Chamber years ago—HEFLIN, of Alabama—who has just accomplished something that your committee had tried to do.

"In extended hearings published in this volume we exposed the American Fascisti; the oath of allegiance to Mussolini; the fact the Sons of Italy in America in annual convention were only saved from giving a majority vote of allegiance to the dictator by the efforts of the order's president, Mr. Cotillo, now a New York State supreme judge. The 1,000 copies printed were snapped up by the members and the public. The testimony created little or no stir. Last November a magazine—Harpers, I believe—printed an exposure of the workings of the Fascisti in the United States of America.

"It attracted a little attention. The exposure would have been dead in a month but for this former colleague of ours, TOM HEFLIN. * * * I am proud that he had the power in the legislative body to read that entire article. He thundered it. He made the public wake and see beyond what was simply a part of our knowledge on the subject with no action taken. But HEFLIN made the dictator in Italy call back the Fascisti. Every Fascist organization in the United States has been closed. Their flags, their oaths to be first and to be forever Italians, even though naturalized here, are suppressed for the moment, thanks to that orator who, when he means business, shoots both barrels."

Mr. JOHNSON evidently believes in rendering credit where it is due and his tribute to the Senator from Alabama is no more than that solon deserves.

L. W.

Senator HEFLIN expresses the belief that the use of money and whisky on certain members of the State committee and outside influences are directly responsible for the action taken by the Alabama State committee, December 16, 1929.

He charges that one of those who participated as a member in the committee meeting and helped to arrange the primary plan for the State of Alabama was brought to Montgomery for that purpose from Norfolk, Va., and that he went there at the instance and at the expense of those who wanted done just what was done at the Montgomery meeting.

Here is his statement:

"One member of the State Democratic executive committee who voted to penalize Alabama Democrats who supported Hoover was R. W. Patrick, of Norfolk, Va. He had no right to participate in the meeting held at Montgomery, Ala., December 16, 1929.

"The Virginia record shows that this same R. W. Patrick paid his poll tax at Norfolk, Va., and became a qualified voter of that State in 1928. This same R. W. Patrick's name appears in the State poll tax list of qualified voters in the city of Norfolk, Va., issued December 10, 1929, just six days before Patrick went to Montgomery, Ala., and declared himself to be a qualified voter of the State of Alabama by participating in the proceedings of the Alabama State committee and casting his vote to penalize and punish Democrats who did not support Smith. This is but one of the many ugly spots in the trickery and corruption employed by the Roman-Tammany bunch to "get me" and humiliate and punish other Alabama Democrats who did not support Smith."

RECESS

Mr. SMOOT. I move that the Senate take a recess, the recess being until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Friday, March 14, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 13, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our Father, give all of us some small, sweet way to inspire some life and send it on its way rejoicing. Make the ordinary things of each day subservient, and keep us heroic and eager by the romance of spirituality which may enter our commonest tasks. Oh, if life is of high value to us, it must come out of the living present and must throb with the blood of our daily lives. Father of mercy, forgive our sins and blot them out, not only in Thy book of remembrance but out of our minds and



hearts. Clothe us with a deep sense of our responsibility, and may we faithfully and wisely fulfill the mission Thou hast given us. In the name of Christ, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4767. An act to authorize sale of iron pier in Delaware Bay near Lewes, Del.;

H. R. 7971. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9 near the town of Bridgeport, in Cocke County, Tenn.;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50; and

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9979. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3502. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River, on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois;

S. 3503. An act granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois;

S. 3504. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street, in Cook County, State of Illinois;

S. 3505. An act to legalize a bridge across the Pecatonica River at Freeport, Ill.;

S. 3506. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.;

S. 3579. An act authorizing per capita payments to the Shoshone and Arapahoe Indians;

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway;

S. 3745. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

S. 3747. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; and

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado.

The message also announced that the Vice President had appointed Mr. DALE and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Civil Service Commission.

The message also announced that the Vice President had appointed Mr. NYE and Mr. PITTMAN members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments." for the disposition of useless papers in the Interior Department.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES

Mrs. RUTH PRATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by the President of the United States over the radio on March 10 in behalf of the Boy Scouts of America.

The SPEAKER. The gentlewoman from New York asks unanimous consent to print in the RECORD an address delivered by the President of the United States to the Boy Scouts. Is there objection?

There was no objection.

Mrs. RUTH PRATT. Speaking at the dinner given by the Boy Scouts of America, the President said:

You have met in the special interest of boys. I am a willing ally in that interest. There is no feeling of exclusion of their sisters from our concern, but their similar problems are to be considered elsewhere.

Together with his sister the boy is the most precious possession of the American home. I sometimes think that one of the sad things of life is that they will grow up. Literature and lore have established our boys invaried relations to life: As a growing animal of superlative promise, to be fed and watered and kept warm; as a periodic nuisance; as a joy forever; as the incarnation of destruction; as the father of the man; as the child of iniquity; as the problem of our times and the hope of the Nation.

In any event he is a complex of cells teeming with affection, filled with curiosity as to every mortal thing; radiating sunlight to all the world; endowed with dynamic energy and the impelling desire to take exercise on all occasions. He is a perpetual problem to his parents, and the wisdom in his upbringing consists more often in the determination of what to do with him next rather than in what he shall do when he goes out into the cold world.

The problem that we are considering here is not primarily a system of health or education or morals. It is what to do with him in his leisure time that will, of course, contribute to his health and his education and his morals, but in the main what will direct his interests to constructive joy instead of destructive glee and will yield him constructive joy for the balance of his life.

The Declaration of Independence calls special attention to him and his sister in the reference to the inalienable right to liberty and pursuit of happiness. At least in the practical workings of the Republic we find it easier to realize these rights for boys than we do for the grown-up, tax-paying citizen.

As civilization becomes more complex, and as the number of human beings per acre increases, as we live more and more in towns and cities than in the countryside, and as the necessity of submitting to all forms of mechanical device carries us further and further from the simpler and more primitive forms of life, we are unconsciously decreasing liberty for boys and diminishing the opportunities for pursuit of happiness, because the boy is a primitive animal and takes to primitive life. His true life should be one of discovery, adventure, and great undertakings not to be found in either the squalor of the tenement house or the drawing room of palatial apartments.

The Boy Scout movement has opened for him the portals to adventure and constructive joy by reviving the lore of the frontier and the campfire; by establishing contacts with the birds and sometimes with the bees; by matching his patience to the deliberative character of fish; by efficient operation of the swimming hole; and by peeps into the thousand mysteries of the streams, the trees, and the stars. And it is more than this. By the promotion of sense of sportsmanship it builds character. Contest and competition with zeal, but without unfair advantage and without bitterness; restraint that remarks nothing of others which can not be at once forgiven; willingness to subordinate one's self into the teamwork for the common aim—that is sportsmanship.

There can not be boy scouts without organization and leaders.

And by leaders I include particularly those devoted men who as troop leaders become the inspiration and friends of boys and upon whom rests the responsibility of actually administering constructive joy.

Through its organization our boys learn of discipline; they learn the unity of effort, cooperation, and the democracy of play and work; they learn of the duties and satisfactions of service. All of these are the foundations of life, the basis of liberty and happiness, the safeguards against destructive joy in the grown-up life hereafter.

The priceless treasure of boyhood is his endless enthusiasm, his store of high idealism, and his fragrant hopes. His is the plastic period when indelible impressions must be made if we are to continue a successful democracy. We assure ourselves that the cure of illiteracy and the fundamentals of education to be the three R's—readin', rightin', and 'rithmetic. To this we must add one more R, and that is responsibility—responsibility to the community—if we are not to have illiteracy in government. The conviction that every person in the Republic owes a service to the Republic; that the Republic rests solely upon the willingness of everyone born in it to bear his part of the duties and obligations of citizenship is as important as the ability to read and write—that is the only patriotism of peace.

The idea that the Republic was created solely for the benefit of the individual is a mockery that must be eradicated at the first dawn of understanding. It is true that many of our schools have recognized

this obligation. It is true that our teachers are guiding our children in the first steps of democracy, but I know of no agency that can be more powerful in support of this purpose than the scout movement. If we look over the Republic to-day, we find many failures in citizenship—we find many betrayals of those who have been selected to leadership. I can not conceive that these failures would take place if every citizen who went to the polls was a good "scout" and every official who was elected had ever been a real boy scout.

I give you a powerful statistic. There are about 1,000,000 boy scouts in the United States. There is raw material for 10,000,000 more.

EXTENSION OF REMARKS

Mrs. RUTH PRATT. Mr. Speaker, I ask unanimous consent also to extend my remarks in the RECORD by printing therein a communication received by me from the Merchants' Association of New York.

The SPEAKER. The gentlewoman from New York asks unanimous consent to extend her remarks in the RECORD by printing a communication received by her from the Merchants' Association of New York. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

Mr. PEAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter received from a daily newspaper in my district and my reply thereto.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing therein a letter received by him from a newspaper in his district and his reply thereto. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

IMMIGRATION—MINORITY VIEWS ON H. R. 10343

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on Immigration may have five days from the filing of the majority report, which I understand will be to-day, within which to file minority views on the bill H. R. 10343.

The SPEAKER. The gentleman from New York asks unanimous consent that the minority members of the Committee on Immigration may have five days within which to file minority views on the bill H. R. 10343. Is there objection?

There was no objection.

RETIREMENT LEGISLATION

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to have ordered a reprint of the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, with the accompanying amendment. I make this request at the suggestion of the superintendent of the document room. All copies of the bill have been exhausted and no authority exists for a reprint without an order of the House. There are great demands from Members and others who are entitled to receive copies of the bill for such copies.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for a reprint of the bill S. 15, with the accompanying amendment. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, that only goes to the limit provided under the rule?

Mr. LEHLBACH. Yes; that is under the rule.

The SPEAKER. Is there objection?

There was no objection.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference, and the appointment of House conferees.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 9979, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman from Indiana discussed the advisability of sending this bill to conference with the gentleman from Tennessee [Mr. BYRNS] or the gentleman from Texas [Mr. BUCHANAN]?

Mr. WOOD. I have not.

Mr. GARNER. Mr. Speaker, I wish the gentleman from Indiana would withhold his request for the moment until he can confer with these gentlemen with reference to sending this bill to conference. This bill contains an appropriation put on in the Senate as I understand it of $100,000,000 for the Farm Board. Examining the record this morning I find there was no hearing on that item, nothing in the record except the language of the Budget in sending the item up to the Congress. It occurs to me, and I think it will to other members of the House, when they recall the history of it, that we ought to have some information as to the necessities of that board. While I am on my feet let me say to the gentleman from Indiana that at the time the conference was held and we agreed to reduce taxation by $160,000,000, it was stated by the Undersecretary of the Treasury, or by the Secretary himself, I do not recall which at the moment, that the necessities of the Farm Board would require $200,000,000 additional appropriation in this Congress.

I want to know why the necessities of the board have been reduced since December from $200,000,000 to $100,000,000. Without any hearing in the Senate, without any opportunity for investigation, it seems to me that the gentleman from Indiana ought to consider the propriety of taking this bill to his committee and ascertaining some of the facts with reference to this item. I ask the gentleman to withhold his request until the gentleman from Tennessee [Mr. BYRNS] and the gentleman from Texas [Mr. BUCHANAN] can be consulted about the matter.

Mr. WOOD. Mr. Speaker, I have no objection to withholding my request, and I will withhold it and have the consultation spoken of. There is a very great necessity why this bill should be passed, if it is to be passed, very quickly, because there are many activities of the Government that are now in distress on account of this deficiency bill not having passed at an earlier date.

Mr. GARNER. While I realize that some of these items should become law at an early date, yet I take it that 24 hours would not be an unreasonable time in which to consider the matter.

Mr. WOOD. Mr. Speaker, I will withdraw the request for the present and will renew it later in the day.

Mr. GARNER. I hope the gentleman will consider the matter and look over the record and consider the question of getting some information for this House and for the country on the necessity of the Farm Board, and what is the reason for the $100,000,000 at this time.

Mr. WOOD. I agree with the gentleman on that proposition. It was the intention of the Committee on Appropriations of the House to have made some investigation upon this request for $100,000,000 and the statement that they would need $100,000,000. But we assumed that hearings were held over in the other body.

Mr. GARNER. But there were no hearings, and the chairman of the Senate committee said that he knew nothing about it except the recommendation of the Budget. If you take testimony you must take it before your committee. It is not often that you summon witnesses before a joint conference?

Mr. WOOD. No.

Mr. GARNER. Then it seems to me advisable to get these facts before you go to conference.

Mr. WOOD. Mr. Speaker, I withdraw the request for the time being.

STATISTICS CONCERNING DEBENTURES ON FARM PRODUCTS

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I asked for this time in order to get permission to insert certain tables in the RECORD showing the burdens on the Treasury, on the one hand, and the benefits to the different agricultural commodities, on the other hand, of the Senate debenture amendments in the pending tariff bill. I do not at this time wish to discuss the merits or demerits of the debenture. The tables can be used later for study and discussion, either for or against the debenture proposal.

The agricultural commodities in these tables are in three groups: First, agricultural commodities and manufactured food

products, containing 135 items; second, tobacco and tobacco manufactures, containing 6 items; and, third, cotton and cotton manufactures, containing 64 items.

I ask unanimous consent, Mr. Speaker, to extend my remarks by printing these tables in the RECORD and also a letter which I have here from the chairman of the Tariff Commission explaining the tables.

Heretofore there have been estimates on the costs and benefits of the debenture, which were largely guesses. It occurred to me we should have something more reliable and accurate. So about a month ago I called on the Tariff Commission for such reliable and accurate information. I received these tables a few days ago.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing the tables referred to, including the letter from the Tariff Commission. Is there objection?

Mr. JONES of Texas. Reserving the right to object, Mr. Speaker, I wish to ask if these tables were prepared by the Tariff Commission?

Mr. RAMSEYER. They were.

Mr. JONES of Texas. What period do they cover?

Mr. RAMSEYER. I am glad the gentleman asked that question. They are based on the exports for the calendar year 1929. Instead of using the tariff rates of existing law I asked the commission to use the rates in the House tariff bill.

Mr. JONES of Texas. That debenture amendment was put on in the Senate bill rather than on the rates as established here?

Mr. RAMSEYER. Of course, the debenture has general application to any rate in the tariff law when the debenture operates. But at my request the commission took the rates in the House bill, because that will present a more accurate picture of costs and benefits if the pending tariff bill with the debenture becomes law.

Mr. JONES of Texas. I take it that these tables are carried on the assumption that the debenture on all these items would be effectively in operation all the time.

Mr. RAMSEYER. The Norris amendment makes the operation of the debenture optional with the Federal Farm Board. However, there is pending in the Senate the Brookhart amendment to make the debenture operation mandatory on the exports of all agricultural commodities. The tables give the effect of the operation of the debenture on each agricultural commodity separately. If you want the costs and benefits of the debenture, either on all or any one or more agricultural commodities, you can readily get the desired information by consulting these tables. If you want the figures on all, the tables give them. If you want the figures on wheat, cattle, cotton, or tobacco, or any other agricultural product, all you will have to do is to consult the tables.

Mr. JONES of Texas. On the assumption, of course, that the House rates were in effect?

Mr. RAMSEYER. Yes.

Mr. COLE. Mr. Speaker, will the gentleman yield there?

Mr. RAMSEYER. Yes.

Mr. COLE. In these computations has consideration been given to possible countervailing duties?

Mr. RAMSEYER. No.

Mr. COLE. That would affect the practical outcome very seriously?

Mr. RAMSEYER. It might. My purpose in presenting these tables is not to furnish ammunition for or against the debenture. I simply want to get the facts before the House, so that if this proposition comes before the House for consideration again, the House will have the accurate information at hand to intelligently discuss and consider the debenture proposed.

Mr. COLE. Those who seek to secure benefits under this debenture must take into consideration the laws of other countries and the effect of such laws on the operation of the debenture, should they not?

Mr. RAMSEYER. That matter can be discussed when the debenture proposal comes again before this House for final action.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. KETCHAM. May I ask the gentleman what was the source of the tables? Who prepared them?

Mr. RAMSEYER. The experts in the Tariff Commission. I called upon the chairman of the Tariff Commission to furnish the data contained in these tables. The tables I have here and which I intend to have printed in the RECORD are the work of the agricultural experts in the Tariff Commission.

Mr. KETCHAM. From the gentleman's examination was he inclined to think that they were prepared with absolute impartiality?

Mr. RAMSEYER. I do not think there is any question about that.

Mr. KETCHAM. The gentleman knows they can be so prepared.

Mr. RAMSEYER. There is nothing like that in these tables. There is nothing in them but facts and figures. They were not prepared as an argument either for or against the debenture proposal.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Following are the matters inserted by Mr. RAMSEYER:

UNITED STATES TARIFF COMMISSION,
Washington, March 6, 1930.

Hon. C. W. RAMSEYER,
House of Representatives, Washington, D. C.

MY DEAR MR. RAMSEYER: In response to your request of February 25 for an estimate of the cost to the Treasury of the Brookhart substitute for the Norris debenture amendment to the tariff bill, H. R. 2667, we are sending you the inclosed tabulation.

The Brookhart and Norris amendments alike provide that the debenture rate upon a manufactured food product of an agricultural commodity or upon a manufacture of cotton or tobacco shall be an amount sufficient, as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the raw material consumed in the manufacture of such product.

In the inclosed tabulation we have attempted to roughly estimate for cotton and tobacco manufactures, as best we could on the basis of statistics available, the amounts of the debenture according to the Brookhart and Norris formula. But for manufactured food products, in accordance with your suggestions to Mr. Juve and Mr. Lewis, we have merely used in each case the rate of duty provided in the House bill on such food products as the basis of calculating the rate of the debenture.

In making up this table we have gone over the entire table of exports during the calendar year 1929 and have segregated all agricultural commodities, manufactured food products of agricultural commodities, cotton and cotton products, and tobacco and tobacco products. Throughout, we have taken the rates in H. R. 2667 as passed by the House as the basis for calculating the debenture rates, the only exception being that of cotton, for which the amendments provide a basic debenture rate of 2 cents per pound of raw cotton.

As indicated in the note on the table, deduction has been made for exports of wheat flour made in bonded mills from foreign wheat. No attempt has been made to account similarly for any other manufactures of foreign raw material.

In calculating the debentures no account has been taken of the Cuban preferentials.

As appears in the notes on the table the lack of sufficiently detailed statistics has necessitated the making of a number of assumptions and estimates.

The estimated debenture payable on agricultural commodities and manufactured food products amounts to $89,000,000; on cotton and cotton manufactures to $87,000,000; and on tobacco and tobacco manufactures to $104,000,000. The total debenture on all products included in the Brookhart substitute amounts to $280,000,000.

If we can be of further service to you in this connection, please let us know.

With kind personal regards, I am sincerely yours,

E. B. BROSSARD, *Chairman.*

Proposed export debenture rates applied to exports of agricultural products and manufactures thereof, calendar year, 1929[1]

1. AGRICULTURAL COMMODITIES AND MANUFACTURED FOOD PRODUCTS

Commodity	Unit of quantity	Paragraph No. of House bill	Tariff classification of commodity, the rate on which is used	Tariff rates	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Hogs	Number	703	Hogs	2 cents per pound	27,017	$464,998	$67,542	On assumption of average weight of 250 pounds per head.
Sheep	do	702	Sheep	$3 per head	15,431	211,770	23,146	
Poultry, live	Pound	711	Poultry, live	6 cents per pound	448,611	301,301	13,458	
Beef and veal, fresh	do	701	Beef and veal, fresh	do	2,917,859	661,669	87,536	
Beef and veal, pickled or cured	do	706	Meats preserved	6 cents per pound but not less than 20 per cent.	10,824,870	1,321,092	324,746	
Pork:								
Fresh	do	703	Pork, fresh	2½ cents per pound	13,539,070	2,169,025	169,238	
Wiltshire sides; shoulders, sides, and hams.	do	703	Other pork, prepared or preserved	3¼ cents per pound	5,039,034	717,892	818,843	
Hams and shoulders, cured	do	703	Hams and shoulders	do	125,796,826	26,461,981	2,044,198	
Bacon	do	703	Bacon	do	138,423,370	20,850,928	2,249,380	
Cumberland sides	do	703	Other pork, prepared or preserved	do	5,858,054	1,123,875	95,193	
Pickled	do	703	do	do	44,787,116	6,403,050	727,791	
Mutton and lamb	do	702	Mutton, fresh Lamb, fresh	5 cents per pound 7 cents per pound	835,411	210,807	27,569	On assumption that exports are 80 per cent lamb, 20 per cent mutton.
Sausage, not canned	do	706	Meats, preserved	6 cents per pound, but not less than 20 per cent.	3,724,042	1,124,153	112,415	Calculated on the ad valorem rate.
Canned meats:								
Beef	do	706	do	do	2,606,162	945,462	94,546	Do.
Pork	do	703	Pork, prepared or preserved	3¼ cents per pound	10,239,014	3,694,820	166,399	
Sausage	do	703	do	do	2,139,100	706,424	34,760	
Other	do	706	Meats preserved	6 cents per pound, but not less than 20 per cent.	2,266,448	614,887	67,993	Calculated on the specific rate.
Poultry and game, fresh	do	712	Chicken, ducks, geese, and guineas Turkeys	8 cents per pound 10 cents per pound	2,472,574	842,302	98,903	Assuming exports are all chickens.
Other meats (including edible offal)	do	706	Meats preserved	6 cents per pound, but not less than 20 per cent.	41,422,103	4,610,789	1,242,663	Calculated on the specific rate.
Sausage casings:								
Hog casings	do	1756	Sausage casings	Free				
Beef casings	do	1756	do	do				
Other casings	do	1756	do	do				
Oleo oil	do	701	Oleo oil	1 cent per pound	68,208,850	7,501,270	341,044	
Oleo stock	do	701	Tallow	One-half cent per pound	8,095,202	859,633	20,238	
Tallow	do	701	do	do	3,840,020	326,851	9,600	
Lard	do	703	Lard	3 cents per pound	847,867,918	107,976,396	12,718,019	
Lard compounds containing animal fats	do	703	Lard compounds and lard substitutes	5 cents per pound	3,632,219	457,229	90,805	
Oleo and lard stearin	do	701	Oleo oil	1 cent per pound	3,930,682	440,075	19,653	
Oleomargarine of animal or vegetable fats.	do	709	Oleomargarine	14 cents per pound	901,625	152,401	63,114	
Milk and cream:								
Fresh and sterilized	Gallon	707	Whole milk	5 cents per gallon	180,217	103,571	4,505	
Condensed, sweetened	Pound	708	Milk, condensed or evaporated, sweetened.	2¼ cents per pound	41,242,812	6,459,419	463,982	
Evaporated	do	708	Milk, condensed or evaporated, unsweetened.	1.4 cents per pound	68,942,613	6,844,208	482,898	
Dried	do	708	Dried whole milk	4⅘ cents per pound	5,342,301	1,366,794	126,880	
Butter	do	709	Butter	14 cents per pound	3,724,245	1,750,278	260,697	
Cheese	do	710	Cheese	7 cents per pound, but not less than 35 per cent.	2,646,009	735,333	128,683	Calculated on the ad valorem rate.
Infants' foods, malted milk, etc	do	708	Malted milk and compounds or substitutes for milk or cream.	30 per cent ad valorem	2,126,136	655,844	98,377	
Eggs in the shell	Dozen	713	Eggs of poultry, in the shell	10 cents per dozen	12,074,830	4,081,363	603,742	
Eggs and yolks, frozen, dried, and canned.	Pound	713	Whole eggs, egg yolk, and egg albumen, frozen.	8 cents per pound	325,706	61,644	13,028	
Meat extracts and bouillon cubes	do	705	Extract of meat, including fluid	15 cents per pound	185,116	400,077	13,884	
Gelatin	do	42	Edible gelatin, valued at 40 cents or more per pound.	20 per cent and 7 cents per pound	269,620	168,696	26,306	
Hides and skins, raw:								
Cattle hides	do	1530	Hides, cattle	10 per cent	22,544,535	3,516,494	175,825	
Calf skins	do	1530	do	do	6,977,438	1,539,559	76,978	
Sheep and goat skins	do	1766	Skins of all kinds, raw, and hides, n. s. p. f.	Free				
Other hides and skins	do	1766	do	do				
Horses other than breeding	Number	714	Valued at not more than $150 per head Valued at more than $150 per head	$30 per head 20 per cent ad valorem	7,358	722,202	110,370	Assuming all exports valued at not more than $150 per head.
Mules, asses, and burros	do	714	do	$30 per head 20 per cent ad valorem	15,295	1,812,965	220,425	Do.
Barley	Bushel	722	Barley	20 cents per bushel (48 pounds)	29,523,077	24,154,866	2,952,308	
Malt	do	722	Barley malt	40 cents per 100 pounds	3,380,783	3,334,438	229,803	Assuming 34 pounds per bushel.
Buckwheat	do	723	Buckwheat	25 cents per 100 pounds	191,141	212,981	11,468	Assuming 48 pounds per bushel.

Corn	Bushel	724	Corn	25 cents per bushel (56 pounds)	33,745,270	34,058,510	4,218,159	
Corn meal	Barrel	724	Corn meal	50 cents per 100 pounds	267,121	1,330,468	130,889	Assuming 196 pounds per barrel.
Hominy and corn grits	Pound	724	Corn grits	do	14,383,857	304,761	35,960	
Corn breakfast foods ready to eat	do	732	Cereal breakfast foods	20 per cent ad valorem	6,157,114	525,341	52,534	
Oats	Bushel	726	Oats	15 cents per bushel (32 pounds)	6,608,727	3,389,111	495,655	
Oatmeal, flaked and rolled oats	Pound	726	Oatmeal and rolled oats	80 cents per 100 pounds	81,245,501	4,220,140	324,982	
Rice	do	727	Rice	1¼ cents per pound	315,441,412	12,129,009	1,971,509	
Rice flour, meal and broken rice	do	727	Broken rice, rice meal, flour, polish and bran.	Five-eighths cents per pound	70,593,596	1,980,679	220,005	
Rye	Bushel	728	Rye	15 cents per bushel (56 pounds)	3,433,576	3,612,596	257,518	
Rye flour	Barrel	728	Rye flour and meal	45 cents per hundredweight	14,764	84,699	6,511	Do.
Wheat	Bushel	729	Wheat	42 cents per bushel (60 pounds)	90,129,600	111,500,615	18,927,216	
Wheat flour	Barrel	729	Wheat flour	$1.04 per hundredweight	13,663,457	80,788,765	10,633,038	Assuming 196 pounds per barrel; obtained by deducting $3,292,757; debenture on export of wheat flour made from foreign wheat from original total of $13,925,795.
Biscuits and crackers:								
Plain	Pound	733	Biscuits, etc	30 per cent ad valorem	6,743,348	1,114,887	167,233	
Sweetened	do	733	do	do	3,874,556	916,221	137,433	
Macaroni, etc	do	725	Macaroni, etc., containing no eggs	2 cents per pound	10,740,479	925,004	107,405	
Wheat breakfast foods ready to eat	do	732	Cereal breakfast foods	20 per cent ad valorem	1,961,627	181,511	18,151	
Wheat breakfast foods to be cooked	do	732	do	do	1,242,040	140,740	14,074	
Cereal foods, n. e. s	do	732	Cereal breakfast foods, etc	do	4,638,529	496,361	49,636	
Other grains and preparations	do	732	Cereal preparations	do	12,373,749	952,442	95,244	
Hay	Ton	777	Hay	$4 per short ton	11,073	267,046	24,804	
Kaffir and milo	Bushel	1558	Raw product, n. s. p. f	10 per cent	2,694,978	2,337,928	116,896	
Beans, dried	do	763	Beans, dried	2½ cents per pound	291,218	1,162,488	218,414	Assuming 60 pounds per bushel.
Peas, dried	do	767	Peas, dried	1¾ cents per pound	114,320	483,963	58,017	Assuming 58 pounds per bushel.
Potatoes, white	do	769	Potatoes, white or Irish	75 cents per 100 pounds	2,734,530	3,223,436	615,269	Assuming 60 pounds per bushel.
Onions	do	768	Onions	2 cents per pound	580,273	786,507	330,756	Assuming 57 pounds per bushel.
Other fresh vegetables	do	772	Vegetables, all other	50 per cent	199,043,905	6,340,092	1,585,023	
Vegetables, canned:								
Asparagus	Pound	73	Vegetables, prepared or preserved, n. s. p. f.	35 per cent ad valorem	22,834,475	3,544,726	620,327	
Baked beans and pork and beans	do	763	Beans, prepared or preserved	3 cents per pound	7,664,894	667,013	114,973	
Corn	do	773	Vegetables, prepared or preserved, n. s. p. f.	35 per cent ad valorem	8,366,230	629,133	110,098	
Peas	do	767	Peas, prepared or preserved	2 cents per pound	8,384,573	739,789	83,846	
Soups	do	773	Soups	35 per cent	28,751,205	2,722,575	476,451	
Tomatoes	do	770	Tomatoes, prepared or preserved	40 per cent	4,674,113	340,078	68,016	
Other canned vegetables	do	773	Vegetables, prepared, n. s. p. f	35 per cent	13,126,129	808,444	141,478	
Pickles	do	773	do	35 per cent ad valorem	4,136,192	386,367	67,614	
Catsup and other tomato sauces	do	773	Vegetables, prepared or preserved	35 per cent	11,014,301	1,490,084	260,765	
Other sauces and relishes	do	773	Vegetables, preserved, n. s. p. f	do	3,732,241	769,847	134,723	
Vinegar	Gallon	738	Vinegar	6 cents per gallon	318,511	167,680	9,555	
Yeast	Pound	24	Unenumerated manufactured article	20 per cent	3,584,074	652,894	65,289	
Other vegetable preparations	do				2,969,034	411,648		No corresponding rate.
Grapefruit	Box	743	Grapefruit	1½ cents per pound	976,264	3,619,743	512,539	Assuming 70 pounds per box.
Lemons	do	743	Lemons	2 cents per pound	266,358	1,410,485	197,165	Assuming 74 pounds per box.
Oranges	do	743	Oranges	1 cent per pound	5,510,514	18,745,561	1,928,680	Assuming 70 pounds per box.
Pineapples	do	746	Pineapples, per crate of 2.45 cubic feet	35 cents per crate	50,791	149,126	8,888	
Apples:								
In boxes	do	734	Apples	25 cents per bushel of 50 pounds	9,452,588	20,671,242	992,522	Assuming 42 pounds ber box.
In barrels	Barrel				2,467,948	12,467,077	1,011,859	Assuming 3.28 bushels per barrel.
Berries	Pound	736	Berries	1¼ cents per pound	14,728,517	1,424,532	92,053	
Grapes	do	742	Grapes	25 cents per cubic foot	47,306,879	2,463,724	153,747	Duty, 0.65 cent per pound.
Pears	do	748	Pears	½ cent per pound	69,995,885	4,831,872	174,999	
Peaches	do	745	Peaches	do	19,947,316	896,111	49,868	
Other fresh fruit	do	750	Other fresh fruit	35 per cent	58,955,119	2,070,470	362,332	
Dried and evaporated fruits:								
Pears	do	748	Pears, dried	2 cents per pound	4,576,466	573,302	45,765	
Raisins	do	742	Raisins	do	149,685,659	8,390,051	1,496,867	
Apples	do	734	Apples, dried	do	37,889,187	4,633,109	378,892	
Apricots	do	735	Apricots, dried	do	21,264,616	3,515,207	212,646	
Peaches	do	745	Peaches, dried	do	7,785,897	842,091	77,859	
Prunes	do	747	Prunes, dried	One-half cent per pound	197,227,583	14,837,915	493,069	
Other, dried and evaporated	do	750	Fruits, dried, n. s. p. f	35 per cent	13,568,690	1,489,398	260,645	
Canned fruits:								
Berries	do	736	Berries, edible, prepared or preserved	35 per cent ad valorem	12,684,141	1,307,719	228,851	
Apples and applesauce	do	734	Apples otherwise prepared or preserved.	2½ cents per pound	22,963,281	1,185,349	287,041	
Apricots	do	735	Apricots otherwise prepared or preserved.	35 per cent ad valorem	30,246,105	2,947,925	515,887	
Cherries	do	737	Cherries, prepared or preserved in any manner.	5½ cents per pound and 40 per cent	2,069,091	353,039	127,508	
Prunes	do	747	Prunes, otherwise prepared or preserved.	35 per cent	2,616,486	264,293	46,251	
Peaches	do	745	Peaches, otherwise prepared or preserved	do	90,040,895	8,315,560	1,455,223	
Pears	do	748	Pears, otherwise prepared or preserved	do	56,075,297	6,241,697	1,092,297	
Pineapples	do	746	Pineapples, otherwise prepared or preserved.	2 cents per pound	46,153,359	4,557,493	461,534	
Fruits for salad	do				33,874,645	5,139,561		No corresponding rate.
Other canned fruits	do				10,643,848	1,051,967		Do.

[1] Upon request the debenture rates upon manufactured food products have been calculated at one-half the duty on such products in H. R. 2667 as passed by the House instead of at the rates on the basic material raw as proposed in the Norris and Brookhart amendments.

Proposed export debenture rates applied to exports of agricultural products and manufactures thereof, calendar year 1929—Continued

1. AGRICULTURAL COMMODITIES AND MANUFACTURED FOOD PRODUCTS—continued

Commodity	Unit of quantity	Paragraph No. of House bill	Tariff classification of commodity, the rate on which is used	Tariff rates	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Preserved fruits, jellies, and jams	Pound	749	Jellies, jams, marmalades	35 per cent	2,413,139	$455,325	$79,682	
Other fruit preparations	do	750	Fruits otherwise prepared or preserved	do	23,915,146	1,225,209	214,412	
Peanuts	do	757	Peanuts (Shelled)	7 cents per pound	4,880,038	408,004	154,026	Assuming an average of 75 per cent shelled, 25 per cent not shelled, the ratio of imports into Canada from United States, fiscal year 1929.
			(Unshelled)	4¼ cents per pound				
Other nuts	do				6,020,135	1,072,886		No corresponding rate.
Cottonseed oil:								
Crude	do	55	Cottonseed, oil	3 cents per pound	19,172,131	1,542,241	287,582	
Refined	do		do	do	6,902,890	845,415	103,543	
Corn oil	do	54	Oils, n. s. p. f.	20 per cent	315,255	42,329	4,233	
Vegetable-oil lard compounds	do	703	Lard compounds and lard substitutes	5 cents per pound	6,342,631	866,597	158,566	
Other edible vegetable oil and fats	do				3,893,049	616,804		Do.
Molasses	Gallon	502	Testing not above 48 per cent total sugar.	3.3 cents per gallon	8,577,399	768,897	450,313	Assuming an average of 60 per cent.
			Testing above 48 per cent total sugar	6 cents additional each per cent total sugars.				
Honey	Pound	716	Honey	3 cents per pound	8,675,707	775,340	130,136	
Glucose (corn sirup)	do	503	Dextrose	2 cents per pound	118,523,086	4,412,137	1,185,231	
Grape sugar (corn sugar)	do	503	do	do	7,238,983	268,664	72,390	
Sirup, including maple	do	503	Maple sirup	5 cents per pound	3,175,595	972,814	79,390	
Cornstarch and corn flour	do	85	Starches, n. s. p. f.	1½ cents per pound	235,041,590	8,857,751	1,762,812	
Other starch	do	85	Potato starch	2½ cents per pound	3,779,129	181,513	47,239	
Broomcorn	Long ton	777	Broomcorn	$10 per short ton	4,371	597,292	24,478	
Hops	Pound	778	Hops	24 cents per pound	7,677,157	1,383,841	921,259	
Wool and mohair, unmanufactured	do	1102	Wool in the grease of washed per pound of clear content.	34 cents per pound	239,336	87,592	19,123	Assuming exports are of 47 per cent clear content.
Agricultural total							89,063,140	

2. TOBACCO AND TOBACCO MANUFACTURES

Commodity	Unit of quantity	Paragraph No., House bill	Tariff classification on commodity, the rate on which is used	Tariff rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture cost	Notes
						Quantity	Value			
Leaf tobacco	Pound	601	Filler tobacco, if unstemmed.	35 cents per pound.		555,415,451	$145,810,570		$97,197,704	
Stems, trimmings, and scrap tobacco	do	601	do	do	1.000	10,549,278	318,904		1,846,124	Debentures on tobacco products have been calculated on the basis of equivalent exports of leaf tobacco at the leaf-tobacco debenture rate.
Cigarettes	Thousand	601	do	do	(1)	8,455,851	16,706,421	[2] 24,099,175.35	4,217,356	
Chewing tobacco, plug and other	Pound	601	do	do	.759	3,885,754	1,944,027	2,949,287.29	516,125	
Smoking tobacco	do	601	do	do	.759	1,120,235	733,565	850,258.36	148,795	
Other tobacco manufactures	do	601	do	do	.759	197,734	111,273	150,080.11	26,264	
Total									103,952,368	

[1] 2.85 pounds per 1,000.

[2] Pounds.

3. COTTON AND COTTON MANUFACTURES

Commodity	Unit of quantity	Basic commodity for which rate is taken	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
					Quantity	Value			
Cotton, unmanufactured	Pound	Cotton	2 cents per pound	1.0	3,981,509,485	$770,830,254	3,981,509,485.00	$79,630,190	
Cotton mill waste	do	do	do	1.1	59,129,559	6,744,096	65,042,514.90	1,300,850	Debentures on cotton products have been calculated on the basis of equivalent exports of raw cotton at the raw cotton debenture rate.
Cotton rags, except paper stock	do	do	do	1.18	21,095,634	1,541,930	24,892,848.10	497,857	
Cotton batting, carded cotton, and roving	do	do	do	1.05	446,301	85,812	468,616.05	9,372	
Cotton yarn:									
Carded yarn, not combed	do	do	do	1.18	13,919,250	4,681,954	16,424,715.00	328,494	
Combed yarn	do	do	do	1.43	13,571,962	10,843,493	19,407,905.66	388,158	
Cotton thread and cordage:									
Sewing thread	do	do	do	1.43	1,053,882	1,149,515	1,507,051.26	30,141	
Crochet, darning, and embroidery cotton	do	do	do	1.43	82,825	96,781	118,439.75	2,369	
Twine and cordage	do	do	do	1.18	4,588,069	1,811,740	5,413,921.42	108,278	

Cotton cloth, duck and tire fabric:									
Tire fabric—	Square yard	do	do	1.25	4,969,963	2,217,421	6,212,453.75	124,249	
Cord	do	do	do	1.25	1,355,239	472,945	1,694,048.75	33,881	
Other	do	do	do	2.36	688,618	421,641	1,625,138.48	32,503	
Cotton duck:									
Heavy filter-paper dryer, hose and belting duck	do	do	do	1.18	6,045,770	1,712,012	7,134,008.60	142,680	
Unbleached—				1.18	4,249,118	1,720,523	5,013,959.24	100,279	
Ounce	do	do	do	1.18	2,293,417	743,777	2,706,232.06	54,125	
Number	do	do	do	1.18	1,842,948	631,575	2,174,678.64	43,494	
Bleached	do	do	do						
Colored	do	do	do	.22	12,469,675	1,580,059	2,743,328.50	54,867	
Cotton cloth, unbleached (gray):				.30	82,174,153	7,166,814	24,652,245.90	493,045	
Drills and twills	do	do	do	.30	1,561,372	170,747	468,411.60	9,368	
Sheetings, 40 inches and under	do	do	do	.60	22,581,106	2,292,148	13,548,663.60	270,973	
Sheetings, over 40 inches	do	do	do	.30	19,050,736	1,235,158	5,715,190.80	114,304	
Osnaburgs	do	do	do						
All other unbleached	do	do	do	.22	4,507,030	678,925	991,546.60	19,831	
Cotton cloth, bleached:				.20	10,421,548	1,076,341	2,084,309.60	41,686	
Drills and twills	do	do	do	.30	33,575,043	3,849,494	10,072,512.90	201,450	
Pajama checks	do	do	do	.30	12,960,689	1,712,039	3,888,206.70	77,764	
Sheetings, 40 inches wide and under	do	do	do	.20	27,839,039	3,273,673	5,567,807.80	111,356	
Sheetings, over 40 inches	do	do	do						
All other bleached	do	do	do	.13	56,378,646	8,048,951	7,329,223.98	146,584	
Cotton cloth, colored:									
Voiles	do	do	do	.20	29,991,139	3,114,296	5,998,227.80	119,965	
Percales and prints—				.20	11,595,083	1,610,203	2,319,016.60	46,380	
32 inches and less	do	do	do	.30	4,451,811	684,812	1,335,543.30	26,711	
Over 32 inches	do	do	do	.22	4,526,474	904,219	995,824.28	19,916	
Flannels and flannelettes	do	do	do	.60	17,229,538	3,152,250	10,337,722.80	206,754	
Khaki and fustians	do	do	do	.60	30,343,950	4,927,863	18,206,370.00	364,127	
Denims	do	do	do	.22	14,001,954	1,466,375	3,080,429.88	61,609	
Suitings (drills, etc.)	do	do	do	.22	16,447,828	1,751,199	3,618,522.16	72,370	
Gingham	do	do	do						
Chambrays				.16	27,556,474	4,451,922	4,409,035.84	88,181	
All other printed fabrics—				.22	20,847,631	3,691,987	4,586,478.82	91,730	
7½ yards per pound and lighter	do	do	do						
Heavier than 7½ yards to a pound	do	do	do	.18	24,717,573	3,704,941	4,449,163.14	88,983	
All other piece dyed fabrics—				.26	19,201,400	2,808,208	4,992,364.00	99,847	
5 yards per pound and lighter	do	do	do	.22	19,807,137	2,963,458	4,357,570.14	87,151	
Heavier than 5 yards per pound	do	do	do	.22	18,766,787	5,174,491	4,128,693.14	82,574	
All other yarn dyed fabrics	do	do	do						
Cotton and rayon mixtures (chief value cotton)				1.25	1,569,156	885,311	1,961,445.00	39,229	
Other cotton fabrics:				.37	780,072	244,629	288,626.64	5,773	
Blankets	Pound	do	do	.74	494,061	412,193	365,605.14	7,312	
Damasks	Square yard	do	do	1.00	293,125	305,280	293,125.00	5,862	
Pile fabrics, plushes, velveteen, corduroys	do	do	do	1.17	10,129,620	3,756,248	11,851,655.40	237,033	
Tapestry and other upholstery goods	do	do	do						
Cotton fabrics sold by the pound	Pounds	do	do	1.20	125,563	219,413	150,675.60	3,014	
Cotton wearing apparel:									
Knit goods—				1.80	1,941,831	3,442,369	3,495,295.80	69,906	About 1½ pounds per dozen, finished weight, 20 per cent waste allowed.
Gloves	Dozen pairs	do	do						Do.
Hosiery—								27,044	
Women's	do	do	do	1.80	751,213	1,143,977	1,352,183.40	26,028	About 1 pound per dozen, finished weight, 20 per cent waste allowed.
Children's	do	do	do	1.20	1,084,490	1,855,703	1,301,388.00		Only rough estimate possible.
Men's socks	do	do	do					146,548	Do.
Underwear	Dozen	do	do	12.00	610,616	2,194,452	7,327,392.00	15,147	
Sweaters, shawls, and other knit outerwear	Number	do	do	1.50	504,912	419,844	757,368.00		
Collars and cuffs	Dozen	do	do		231,206	311,029	(4)		
Cotton overalls, breeches, and pants	do	do	do		53,965	662,670	(4)		
Underwear, not knit	do	do	do		116,511	538,583			
Shirts	do	do	do	8.00	236,450	2,072,998	1,891,600.00	37,832	
Dresses, skirts, and waists	Number	do	do	(4)	610,126	596,177	397,451.33	7,949	
Other cotton clothing		do	do	(5)		1,310,938	1,048,750.40	20,975	
Other cotton manufactures:									
Handkerchiefs	Dozen	do	do	(7)	213,752	145,355	76,423.02	1,528	Assuming 75 per cent of imports to be men's handkerchiefs 3 square yards per dozen; 25 per cent women's, 1.361 square yards per dozen.
Laces, embroideries, and lace window curtains	Yard	do	do	(8)	4,264,710	215,750	71,916.67	1,438	
Woven belting for machinery	Pounds	do	do	1.18	424,119	242,368	500,460.42	10,009	
Cotton bags	do	do	do	1.17	5,906,326	1,209,801	6,910,401.42	138,208	
Quilts, comforts, counterpanes, and bedspreads	Number	do	do	4.00	184,863	272,529	739,452.00	14,789	
Bed sheets, pillow bolster, and mattress cases	Dozen	do	do	18.00	36,803	276,563	662,454.00	13,249	
Towels, bath mats, and wash cloths	do	do	do	4.00	907,073	1,326,797	3,628,292.00	72,566	
Other cotton manufactures						4,686,196	(4)		
Cotton, total								86,725,885	
Grand total								279,741,393	

[4] Statistics for estimates not available.
[5] $1.50 per pound.
[6] $1.25 per pound.
[7] Men's, 1.4; women's, 1.25.
[8] $3 per pound.

PERMISSION TO FILE MINORITY VIEWS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that I may have permission to file, not later than midnight to-night, my own minority views on the Johnson bill (H. R. 10381) as a member of the Committee on World War Veterans' Legislation.

The SPEAKER. The gentleman from Indiana asks unanimous consent that he may have until midnight to-night to file his minority views on the bill H. R. 10381. Is there objection?

There was no objection.

TAFT AND THE FILIPINOS

Mr. OSIAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD as an extension of my remarks, a brief tribute to the first American civil governor of the Philippine Islands.

The SPEAKER. The gentleman from the Philippine Islands asks unanimous consent to extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. OSIAS. Mr. Speaker, the Grim Reaper once again claimed another victim. It was William Howard Taft in life. Hereafter history will immortalize him as Taft, the good and great American, the good and great servant, the good and great man.

When I was a student I recall reading a magazine article about Taft. I do not recall the author, the magazine, or the exact year. But I do distinctly remember that the writer presented Taft's as a career of big tasks. Taft's death closed a veritable career of great tasks performed conscientiously, faithfully, and well.

Taft was a big-hearted man. And he was a man—good and great. History does not need to honor him. He made history, and his record of deeds and accomplishments constitute his best monument.

His genial nature was a great factor in winning the Filipino people's confidence in the aims and purposes of the American Government. Taft helped lay the foundation for the stable government which has long obtained in the Philippines. He assisted in the permanent solution of the Philippine agrarian problem. He was greatly instrumental in the establishment of self-government in the municipalities and provinces of our island nation. He was the first American civil governor. He inaugurated the first Philippine Assembly while he was Secretary of War. As governor, as Secretary of War, as President of the United States, Taft steadfastly held to his Philippine policy tersely expressed in five words which should forever be remembered:

The Philippines for the Filipinos.

I repeat, Taft was not only a good and great American. He was a good and great man. A little song that has for years been popular among certain circles and hilarious stag parties used to be sung for the purpose of making fun of Taft and to reflect upon the Filipino, whom he called "our brown brother." The refrain runs thus:

He may be a brother of William H. Taft, but he ain't no brother of mine.

I wonder if those men who used to delight in singing that song do not now realize what pigmies they are by the side of that great and good man, who could look upon his fellow man as his brother regardless of nationality or race!

Let these insignificant words serve as a wreath coming from the grateful people of the Philippines at the tomb of Taft—the governor, the Secretary of War, the President, the Chief Justice, the man, good and great. The people and Government of the United States could build no greater monument to Taft than to free the people whom he helped prepare for independent self-government and thus make real Taft's fond desire of truly making—

The Philippines for the Filipinos.

COMMERCIAL POST OFFICE STATION AT ST. PAUL, MINN.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the post-office situation.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the post-office situation. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker, recently the House adopted an amendment to the annual appropriation act providing the money for rent, light, and heat of postal quarters, forbidding the payment of any rent for the commercial post-office station at St. Paul, Minn., because the Government has condemned the property and given the Post Office Department possession of the building, which is to be torn down to make way for a new Federal building which has been appropriated for.

Two years ago the Post Office Department stopped paying the rent on this station, alleging fraud and excessive rental terms of the lease, and the Government entered suit for $280,000 overpayment of rent on the basis of the real valuation of the property. This case is still pending in court, as is also an appeal on the condemnation order. The Post Office Department had no business inserting in their estimates for rent an item for St. Paul for the next fiscal year. When the House removed this item the Postmaster General and his assistants appeared before the Appropriations Committee of the Senate and requested that the amendment be stricken out of the bill, alleging that the department had no intention of paying this rent anyway, and that the money was needed for the rent of temporary quarters when the Government should move out of the present commercial station to make way for its demolition. The effect and purpose of the amendment was to definitely terminate this lease by statute and eliminate a long-drawn-out court trial. The effect of eliminating the amendment would be to ratify this lease and destroy the Government's case in court and force the Government to continue to pay $120,000 per year for the next 12 years for this postal station, which has a value of less than $200,000 and which is falling down through cheap and faulty construction, and which the city of St. Paul has condemned as unsafe, insanitary, and dangerous to life.

The court has condemned the property and given the Government possession, but the Post Office Department has not moved out, although plenty of available temporary quarters have been offered to the Government at but a fraction of the rental paid for this station. When the commissioners appointed by the court made their award under the condemnation proceedings, they took into consideration the value of the land, the building itself, and the lease and made an award of $317,000. Now, the Post Office Department admits that it prejudiced the Government's case by inserting the item for rent in the appropriation bill in the first place, and the Postmaster General has suggested to the Senate Appropriations Committee that to meet the situation they reduce the total lump-sum appropriation by the amount of $60,000, admitting now that the other $60,000 of the $120,000 for St. Paul is all he will need for rent of temporary quarters. This move, however, is simply a subterfuge and will not accomplish the purpose.

The lump-sum appropriation is made up of explanatory estimates, which are in printed form and can be submitted as documentary evidence in the court trial. This document shows that $120,000 was allocated for St. Paul, which is the exact amount of rental called for under the terms of this lease that the Government seeks to cancel.

The effect of leaving this item in the lump sum appropriation act without a specific elimination could be only to ratify the lease.

I wish to quote from a letter addressed to an Assistant United States Attorney General by the then First Assistant Postmaster General, dated May 4, 1929, in regard to the make-up of the estimates for the fiscal year 1930:

It will be noted that we start with an amount representing the actual obligations in force at the time the estimate is prepared. Included in this, of course, is the amount required to pay the rent for the commercial station.

You will note that he says that the estimate represents actual obligations and that can mean nothing else than a ratification of the lease, one of the most unconscionable contracts the United States has ever entered, which provides for the payment of $120,000 per year on a property worth less than $200,000. The building although only eight years old has deteriorated so rapidly that it is falling apart; it is settling and has huge cracks in the walls and the roof is built of second-hand planks and is in danger of collapse. This lease should be terminated and there should be no "ifs" and "ands" about it.

If it is the intention of the Post Office Department to make no more payments of rent under this lease, it should be made plain by statute, which will be done by the adoption of the House amendment. This will settle the question without any long, drawn out court interpretations as to what might or might not be the effect or have been meant by the reduction of $60,000 in the lump-sum appropriation.

If there is no intention on the part of the Government to pay this rent, it should be specifically so stated in the law, then there can not be any possibility of misinterpretation by anyone later. When the Senate was considering the amendment apparently a well-organized campaign of protest was received from bondholders all over the country by Senators and Representatives against the amendment.

The same man that owns this postal station owns a great number of other postal stations upon which there has been practiced the worst kind of high financial juggling in exorbitant

bond issues upon fictitious and fraudulent values. He has been permitted to indulge in an orgy of high finance. On this one station alone, at St. Paul, he has bonded the property for 600 per cent more than its value and had prospective additional bond issues that would have brought it up to over 1,000 per cent of its actual value. He has done the same thing with postal leases throughout the United States, from coast to coast; he has misled the public into buying these bonds on the representation that they were Government bonds. As a matter of fact, they are not obligations of the United States Government in any sense of the word; they are obligations of a private corporation and these bondholders can still look to the corporation for redemption. My interest is in protecting the public against these exorbitant and fraudulent rentals. This one man who has specialized in postal properties in the wholesale issuance of bonds on such properties has been successful in having practically all of these leases made noncancelable.

In one issue of bonds on the St. Paul station the records show that he received 30 per cent commission. The issue was for $300,000, and he personally received $90,000 in commission. This is typical of his whole policy. This has been made possible only by exorbitant rentals and unfair questionable leases. It seems that no matter who bid on these postal stations this one man, Jacob Kulp, always got the contracts. This can easily be understood when you find the type of building that has been put up as represented by the inadequate cheaply and dangerously constructed building at St. Paul.

There have been rumblings about the leasing policies and the situation in the Post Office Department for a number of years, and it is high time that this matter be thoroughly aired and investigated and all of the facts brought to the full view of public examination. This policy has been going on for at least 10 or 12 years, and it is time that this policy be discontinued. I am sure that if Congress will ascertain all of the facts in the case it will summarily demand an immediate change of policy.

I have introduced a resolution asking for a House investigation of all of the facts. If there is nothing to be covered up and nothing wrong in the department or its leasing policy the department should welcome such an investigation. Serious charges have been made and the public is entitled to a full examination of the facts. Recently Postmaster General Brown gave Mr. SPROUL of Illinois a memorandum which was read on the floor of the House in connection with postal leases.

Among other things he said that all post-office leases had cancelable clauses. I have checked this matter up and find in the Director of the Budget's office that practically no leases have the cancelable clause any more with the exception of those where Government projects have already been authorized. In other words, practically all post-office leases are now noncancelable. The Postmaster General also included an appraisal of the St. Paul commercial post-office station that was one of the most astounding things I have ever seen. It was nearly $300,000 more than an appraisal made by the Post Office Department just two years previous. One item alone is typical; he listed the furniture and fixtures at $63,000. I have been advised by the county assessor of the county in which this building is located that he has a sworn statement for the year 1928 by the owners that the equipment was valued at $29,462. In 1929 the owners made no return at all on the equipment. I have since located the manufacturers of the equipment and they advise me that the equipment was sold for $25,000. The owners listed in their cost of the whole project $12,500 as payment for the use of a party wall, when in reality they paid but $300 for this privilege. In the second appraisal, which was sent to Mr. SPROUL and read on the floor of the House, citing a value of some $677,000 in face of the fact that commissioners appointed by a Federal court in condemnation action gave an award of $317,000 for the building land and value of the lease, the Postmaster General used the owners own figures as the basis for the valuation of this property. This appraisal is made up in just such ways as I have indicated and it is a fictitious, untrue, and fraudulent representation of the value.

I have just learned that the Post Office Department has recently ordered a reappraisal of all leased properties, possibly anticipating just such an investigation as the House has been asked to make, to determine the reasonableness of the rentals made in reference to the value of the property. In any event, it is very enlightening to find that it was on this new appraisal that nearly $300,000 was added to the Post Office Department's own appraisal of two years previous. If similar increases have been added throughout the whole country, it would certainly be well for Congress to investigate and to have a true appraisal made of these properties and then check the rentals paid.

I think that if this is done you will find that the annual appropriation item for rent of leased post-office stations can be reduced 8 or 10 million dollars a year, if not more. The Postmaster General and his assistants opposed the amendment which was adopted by the House forbidding the payment of any rent for the St. Paul Commercial Post Office Station under the terms of the lease before the Senate Appropriations Committee.

Why are they so interested in protecting this lease, because that is the only possible effect striking the amendment out would have—to protect this lease and the lessor.

PROHIBITION—PERISHABLE AGRICULTURAL PRODUCTS

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement which I made before the Committee on Agriculture of the House on the so-called Summers bill to regulate the sale of perishable products in interstate commerce; also a statement which I made before the Judiciary Committee of the House on the question of prohibition.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to print in the RECORD two statements made by him—one before the Committee on Agriculture and the other before the Committee on the Judiciary. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Speaker, under leave granted to extend my remarks, I include herewith a statement made by me before the Judiciary Committee of the House of Representatives on March 6, 1930, in connection with its hearings on proposals to repeal the eighteenth amendment and the Federal prohibitory laws.

A special reason for including this statement in the RECORD is the fact that representatives of the press, who apparently have very "wet" leanings, sent out a misleading and garbled report with reference thereto. On the basis of this unfair report some caustic criticisms have been made about me in my State.

Such report, for instance, stated that I testified that the farmers of North Dakota since the advent of prohibition are drinking milk instead of intoxicating liquor. A reading of the remarks I made will indicate that the only reference which I made to milk was that this product of our American farms is now being consumed by American workmen in our factories with their noon meal while before prohibition many of such workmen patronized the corner saloon for a can of beer.

The report also attributed to me certain claims made with reference to the prosperity of North Dakota since prohibition, which I did not make at all. Some general assertions as to such prosperity were included in a statement signed by leading farmers, professional men, and business men of North Dakota, which I gladly presented to the committee at the suggestion of leading "dry" organizations of our district. I have made so many speeches on the floor of the House during the past six years asking for Federal legislation that will help to solve our many farm problems that it should not be necessary for me to indicate to my colleagues that the farmers of the Northwest are not enjoying the prosperity which they richly deserve, but are in many cases in desperate straits.

I regret that the situation seems to be such that the large news agencies of the country very seldom report any so-called "dry" speeches made in Congress or before congressional committees in a fair manner. A cursory reading of my statement before the Judiciary Committee plainly shows that such a contention is well founded. It is as follows:

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, the principal reason for my appearing here this morning is the fact that one Mr. Pierce Blewett, of Jamestown, N. Dak., appeared before this committee some 10 days ago, and from his testimony, apparently, wanted the committee and wanted the country to believe that all we need to solve the many farm problems existing throughout the country, and particularly in the Northwest, would be the repeal of the eighteenth amendment and of the Volstead Act.

That is not the unanimous sentiment of the people of my State, nor, in my opinion, is it the view of a majority of our people.

North Dakota occupies rather a singular position in this; that it was the first of the States which wrote a prohibitory clause into its Constitution when it became a State, and, I believe, the only other State that has followed North Dakota in that respect is Oklahoma.

It is rather difficult for the people of our State to follow the logic of those who are urging the repeal of this amendment and of our prohibitory legislation, when they say, first, that more liquor has been consumed since prohibition than was the case before. If they are correct in that regard, that, of necessity, must mean that more barley, more rye, more corn, and more other cereal grains have been used for the illicit manufacture of liquor than were used for the legal manufacture of liquor before prohibition.

I say it is difficult for us to follow their logic when they first make that assertion, and then almost immediately present a witness who tells you that the farming industry of the country, particularly the producers of cereals—barley, corn, and rye, and products of that sort—have been destroyed because of prohibition.

Now, I think most of us out in the grain-growing sections agree that the prohibition law did take away some of the markets for our crops. But, on the other hand, we also feel that the prohibitory laws gave us different markets for these same crops and substantial markets for other farm products. For instance, the tremendous amount of near beer that is consumed throughout the country to-day, with which we are all familiar, of necessity means that barley is used in the manufacture of that near beer.

In the 14 trips that I have made by automobile within the last eight years from Washington to North Dakota I have driven through many factory towns—some large, some small. Whenever I would drive through one of those towns on a fairly mild, sunshiny day at the noon hour I would see large groups of men employed in those factories eating their lunch on the premises adjacent to the factories. And without exception, in those groups of men you would see milk trucks or milk wagons, where the driver was selling bottles of milk to those men, like the veritable sale of hot cakes. That is surely another type of market coming to the farmers of this country because of the prohibitory laws. You know what they drank in pre-Volstead days, the product of the corner saloon.

But perhaps of even greater importance than that is the fact that at least many of our people believe that since the advent of prohibition, more of the money of the wage earner has gone into the home of that wage earner and has made it possible for that wage earner's family to eat a piece of fruit for breakfast, to eat bacon and eggs and toast, accompanied by a fairly liberal supply of butter and plenty of cream for his coffee; enlarging, as some of us believe, the markets for some of our crops and products.

But I did not come here to make any extended argument at all. I simply wanted to preface a statement, signed by a number of people in our State, with these brief remarks. The statement that I will read is signed by a substantial number of persons; and I hope all of the signatures will appear in the RECORD. It is signed by leading professional men, leading business men, and leading farmers of North Dakota; and I believe that it fairly represents the viewpoint of a majority of our people. It is as follows:

"FARGO, N. DAK., *February 28, 1930.*

"To the JUDICIARY COMMITTEE
OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.:

"Our attention has been called to the testimony given by Mr. Pierce Blewett at hearings before the Judiciary Committee of the House of Representatives in which he is reported to have said that prohibition had ruined North Dakota. This statement is not true. North Dakota has had prohibition 41 years. During this time it has been clearly demonstrated that prohibition has brought lasting benefit to the citizens of our State, it has increased the economic well-being of our people, has increased savings, has decreased poverty, and has made North Dakota a safe place to rear our children, where the contaminating influence of strong drink has been greatly curbed.

"North Dakota, being almost wholly an agricultural State, we feel the general depression in agriculture which is in no wise aggravated by prohibition. Notwithstanding this general depression, the wealth of North Dakota has increased materially during the years of national prohibition. According to figures compiled by the Greater North Dakota Association, the value of North Dakota agricultural products has increased from $206,364,000 in 1921 to $339,355,260 in 1929. During this time the value of dairy products has increased 78 per cent, of beef 114 per cent, hogs 202 per cent, sheep 402 per cent, and poultry 186 per cent. In per capita wealth the State of North Dakota stands eighth among the States of the Union."

(Signatures omitted herein, but statement was signed by a great many of the leading farmers, business and professional men of the State of North Dakota, the names thereof appearing in the printed hearings of the Judiciary Committee.)

Our people do feel that our general economic situation will be best subserved by the continuance of prohibitory legislation, but even if that should not be the case we feel that there are greater and more important problems involved in this general question than merely checking up, on the one hand, some economic benefits from the sale of one or two crops enjoyed before prohibition, and comparing those only to material advantages gained therefrom.

We believe in the greatest good for the greatest number of all the people of the country.

Mr. LAGUARDIA. May I ask you a question?

Mr. BURTNESS. Certainly.

Mr. LAGUARDIA. Let us see if we can not agree upon existing facts, without seeking to convert each other as to the good or evil of prohibition. Mr. Blewett says that—

"I do not mean to say that barley alone caused the breakdown of the farming in the United States. But between the barley and the rye and the corn that were used for manufacturing liquor, it took up the slack, so that the farmers in our country would plant a good field of barley, with the idea of getting a sale for that and a market for it in the fall."

Is that correct?

Mr. BURTNESS. If you refer to the use of barley in our crop system, in our general rotation system, it is true that the cultivation of barley works in very well, and it is an important crop in North Dakota.

Mr. LAGUARDIA. Then he said:

"In that area they would reduce their wheat acreage, and for that reason we had no wheat surplus."

Mr. BURTNESS. Well, of course, anyone who says that we had no wheat surplus prior to the advent of prohibition simply does not know the facts. The surplus of our wheat has not been larger in recent years in totals or percentages than it has been on the average for decades. We have always had to export, on the average, approximately 200,000,000 bushels of wheat. Our wheat acreage, of course, increased by tremendous bounds during the war, due to the propaganda carried on by the Government for the planting of more wheat to win the war; and without giving the exact figures, roughly, our wheat acreage increased from something like 52,000,000 acres throughout the country to something like 75,000,000 acres because of that propaganda—almost a 50 per cent increase in the acreage. This was brought about not because of the prohibition law, not to any decrease in the barley acreage, but was due to the fact that the Government sent out word to us that we must, throughout the wheat districts of the West, increase our wheat acreage; and it has been rather difficult to get that wheat acreage down again to the pre-war level. But it has gradually come down and it is now substantially down to the general average. The marginal lands due probably to the agricultural depression seem to be getting out of production.

Mr. LAGUARDIA. But the fact remains that the farmers are planting wheat, where heretofore they planted rye and barley and the crops mentioned by Mr. Blewett.

Mr. BURTNESS. No; I would not agree to that. I think our barley acreage now is fully as large as before the war and rye about the same. I have not the exact figures with me, but my judgment is that the barley acreage in the last few years has been greater than it was prior to 1919.

Mr. LAGUARDIA. A moment ago you stated that you believed that manufacture of near beer consumed a great deal of barley and those other crops.

Mr. BURTNESS. It does. I have not the exact figures.

Mr. LAGUARDIA. Well, in 1917 there were 2,770,984,000 pounds of malt, 125,632,269 pounds of rice, 41,958,753 pounds of hops consumed for beer, while since prohibition—let us take 1928—there were only 152,382,000 pounds of malt, 4,417,000 pounds of rice, and 3,317,000 pounds of hops. So you see there is quite a reduction in the consumption.

Mr. BURTNESS. Oh, I did not say there was not a reduction. I only contended that there are other lawful markets, and the use of barley for near beer is one. But there are various other ways in which the demands for farm products—not simply barley, but other farm products—have been increased because of the prohibition law, in my judgment.

Mr. LAGUARDIA. Then you stated that you could not reconcile the statement that more alcohol is consumed now and less agricultural products than before prohibition——

Mr. BURTNESS. More intoxicating liquors, not alcohol.

Mr. LAGUARDIA. More intoxicating liquor. You are aware of the fact that enormous quantities of alcohol are made from Cuban blackstrap?

Mr. BURTNESS. I am not an expert on the subject.

Mr. LAGUARDIA. Well, what do you know about the increase in corn sugar? You are aware of the fact that we produced 152,000,000 pounds of corn sugar in 1921, and it jumped to 904,803,000 pounds in 1927?

Mr. BURTNESS. It was one of the items that I overlooked including in the credit column. Corn sugar is a farm product. My friends from Iowa are tremendously interested in it. They are very anxious that corn sugar be used in the making of jams and jellies, the canning of vegetables, and a lot of other products, without requiring a specific label; and, of course, we all know that many plants are now producing corn sugar made from a product of the American farm.

Mr. LAGUARDIA. You would not say that this remarkable increase of 400 per cent is due to increased consumption of jam in the country, would you?

Mr. BURTNESS. I will not say jam alone. Undoubtedly, corn sugar—we must admit the facts—much corn sugar is going into the illicit manufacture of intoxicating liquors; but much of it is also going into perfectly legitimate enterprises, whose use of corn sugar is increasing tremendously.

Mr. LAGUARDIA. As to that portion of it which is going into the manufacture of illicit alcohol, have you heard a single, solitary Member from the dry State of Iowa protest or try to stop it?

Mr. BURTNESS. Your observation and opportunities for hearing the protests of the people from Iowa are just as good as mine, so I can not see that I can add anything to that.

Mr. LAGUARDIA. Mr. Green, the president of the American Federation of Labor, in a communication addressed to Mr. Wickersham, and also in a letter to the President, in which he inclosed his communication, stated that $110,000,000 worth of farm products would be used in the produc-

tion of beer, if the law was so amended as to permit the manufacture of light beer.

I want to ask you, assuming that the modification of the Volstead law, to the extent of permitting the manufacture of beer, would consume sufficient farm products to take up the slack, and thereby stabilize prices, would you, as one of the best friends of the farmers in Congress, resist such a modification?

Mr. BURTNESS. Of course, I do not agree with you in your premise——

Mr. LAGUARDIA. Well, let us assume it to be right. I do not say it is, I say, assuming those facts.

Mr. BURTNESS. Because it leaves out so many other factors. I am one of those who believe that if beer, for instance, was manufactured to the extent suggested, the sale thereof would use up so much of the funds of the people of this country for that purpose that our other farm products would be just as seriously hurt by that result as the benefit arising therefrom would amount to.

But, answering your question more specifically, I think I presented my viewpoint and the viewpoint of the people of my State, that we feel that this question is of greater importance than simply trying to check up the benefits with reference to one or two crops with the detriments to those specific crops. And I will say that I would not vote for it.

Mr. LAGUARDIA. We had a great many statements yesterday as to the increased prosperity of the country since prohibition. You and I both served in Congress before prohibition. Is it not true that we were never faced with the necessity of farm relief legislation, to the extent of the enormous appropriation authorized, before prohibition?

Mr. BURTNESS. I was not a Member of Congress until 1921.

Mr. LAGUARDIA. Well, you were an authority on farming conditions then, before that?

Mr. BURTNESS. I am entirely too modest to make that assertion. But I would express this thought to the gentleman: That we have had many problems presented in Congress since the war that were not presented to the Congress of this country prior to the war.

Mr. LAGUARDIA. And prohibition being one of them?

Mr. BURTNESS. Of course, prohibition and the problems involving the sale of intoxicating liquors is one of such important problems.

Mr. SWANSON. Mr. BURTNESS——

Mr. BURTNESS. I am glad to yield to the gentleman from Iowa.

Mr. SWANSON. Your answer to Major LAGUARDIA was that you had never heard any protest on the part of Iowa in connection with the use of corn sugar for the making of alcohol?

Mr. BURTNESS. I did not say that I had never heard any such protest. I said his opportunities in that respect were fully as good as mine.

Mr. SWANSON. But the inference was that there had been no protest.

Mr. BURTNESS. Well, I am sorry if I left that inference.

Mr. SWANSON. The fact is that the Members of Congress from Iowa and the people from Iowa that you have heard talk of this subject have generally expressed the opinion that the corn sugar should not be used for making illicit alcohol or for the manufacture of any illicit liquor?

Mr. BURTNESS. I do know this, that any representation on the part of the people of Iowa with reference to corn sugar bills in Congress has been based entirely on the tremendous opportunities which they have to encourage development in that business in perfectly legitimate enterprises.

Mr. LAGUARDIA. But, if my colleague from Iowa will permit, the bill has not passed the Senate, and there is no very strenuous effort being made to pass it, notwithstanding the fact that both houses are overwhelmingly dry, and notwithstanding the fact of prohibition, the acreage grown and the quantity of corn sugar increases each year in the State of Iowa.

Mr. SWANSON. There are many legitimate uses for corn sugar, as the gentleman knows, and the uses for corn sugar are increasing, as the gentleman from New York knows; because corn sugar is a cheaper product than cane sugar.

Mr. LAGUARDIA. The gentleman is correct, that the use of corn sugar constantly grows; likewise the use of corn whisky constantly grows.

Mr. SWANSON. Speaking for myself, and a great many of my constituents, I want to say to the gentleman from New York that we are opposed to the use of corn sugar for the making of illicit liquor, or any misuse of that product.

Mr. BURTNESS. I thank the committee for its consideration.

Mr. BURTNESS. Mr. Speaker, I also include herewith a statement made by me before the Agricultural Committee of the House of Representatives on February 18, 1930, in support of the bill H. R. 5663, introduced by Mr. SUMMERS of Washington, the object of which is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

Briefly, it provides for licensing those who operate as commission merchants, dealers, or brokers in fruits and vegetables in interstate commerce. The administration of the act is by the bill placed under the jurisdiction of the Department of Agriculture.

The statement made by me before the committee is as follows:

Mr. Chairman and gentlemen of the committee, the interest of our section of the country in this proposed legislation is limited largely to the problem of the potato grower and those who grow and market potatoes. In view of the many other witnesses who will appear here I will make my remarks brief, because I think it is not necessary in addressing men like those on this committee to tell you of the chaos which exists in the marketing of almost all perishable products.

As I say, my familiarity is limited to potatoes, but I take it the situation is very much the same in the case of all the perishable commodities whenever there are violent fluctuations in the market. Naturally shippers do not encounter a great deal of trouble with reference to carrying out the agreements in the contracts when the market is a rising one, because then the factors, commission men, or brokers at the other end of the line are ready, in fact anxious, to comply with the terms of the contract. But in such a commodity as potatoes, when there may be a drop of 10, 20, or 30 cents per hundredweight in the course of a few hours or in the course of a day, and much larger drops from time of shipment till the car reaches the destination point, we know that the incentive to try to do everything possible to get away from a contract entered into is so tremendous that very often human nature can not stand up against it. You also know the difficulties of enforcing that kind of a contract when the deal is made, for instance, between a person in my State of North Dakota and some commission merchant in Illinois, Texas, Iowa, or some other distant State. There is always an opportunity to go to the courts, but that opportunity to go to the courts does not give the shipper an adequate remedy, even if the individuals and the corporations that you are dealing with were in all cases financially responsible, which unfortunately is not always the case.

One of the men who has had experience with potatoes as a grower, a dealer, and as a shipper and as representing potato associations, an official in various capacities, in our country is Mr. O. J. Barnes in my home city of Grand Forks, and I want to ask the liberty of quoting two or three sentences from one of his letters (reading):

"I have read this bill very carefully, and it is exactly the kind of bill that all honest dealers have been wanting passed for some years."

* * * * * * *

"I might cite just two instances that have come up in the last week or two in which I would have saved at least $400 had this bill been in operation. One concern in Illinois wired me an order about the middle of February for two cars of potatoes for deferred shipment. When the shipping dates came we wrote them we were making shipment. We shipped the cars and invoiced them, and they never replied to our letter advising that the shipment was made, nor did they wire or write us when they received the invoices telling us that the shipment would not be accepted. They waited until the cars got there and then rejected them without even looking at them. They were sold at $1.25 per hundredweight, and the best offer that we were able to draw was 45 cents per hundredweight, and the freight was 52 cents per hundredweight."

So you note that when that car of potatoes got down to this point in the great State of Illinois the amount realized on the potatoes—this was last year—was less than the amount of the freight, although they had a contract for the sale of those potatoes at $1.25 a hundredweight, which would have given the shipper 73 cents per hundredweight above the freight. This is a specific loss and a big one.

Mr. KINCHELOE. Does not that sort of thing occur in every kind of business as well as potatoes—the grain and stock business, for example?

Mr. BURTNESS. The incentive for taking advantage of that sort of a situation is, of course, so much greater with reference to perishable commodities than with any other commodity. It could not easily happen with such a commodity as wheat or something of that sort, because such commodities are not perishable. But I take it that similar situations apply to all perishable commodities.

Mr. KINCHELOE. It does happen in relation to a good many other products, I happen to know.

Mr. BURTNESS. But the nonperishable product remains there; it does not deteriorate and does not spoil.

Mr. KINCHELOE. That does not alter the principle of the bill, whether it deteriorates or spoils or not. It is a question of going to court or whether you are going to have a Federal collection agency to kill the offenders and put them out of business. The difficulty rises in the case of hay raised in my district and everything we ship.

Mr. ASWELL. What about livestock; is it not perishable?

Mr. KINCHELOE. Certainly.

Mr. BURTNESS. It simmers down to a practical question as to whether the difficulties in respect of perishable products like fruit and vegetables are different from the rest of them, and I assume that the witnesses who have appeared before have plainly shown the differences between perishable products, fruits and vegetables on the one hand, and other products which may or may not be perishable. Have you heard of

any differences of this kind arising with reference to livestock, beef or——

Mr. KINCHELOE. Certainly; I have sued railroads for losses incurred.

Mr. BURTNESS. The railroads causing loss of livestock, but the railroads are not buying livestock; that is in reference to the contract of carriage, as insurers or for negligence, and you can get service on the railroad companies in your own jurisdiction. You do not have to travel a thousand or fifteen hundred miles in order to get service on a railroad company. But I am talking of commission men.

Mr. KINCHELOE. I realize there is crookedness in the trade. I do not know how diligent your firm was, whether you looked up that man to see whether he was a responsible business man before you shipped or not. But whatever applies in the fruit and vegetable business applies to every other business that goes in interstate commerce, especially livestock.

Mr. BURTNESS. I am not going to argue that feature with you, as I can not take the time on it. I do say and contend there is a big, practical difference between the situation in the case of perishable fruits and vegetables on the one hand and products such as livestock, which goes to a packing plant. A few large packing plants throughout the country have most of the business, together with some independent packers, and they are subject to Federal regulation. I have never heard of any complaint being made along that line; that is, making a complaint over the condition of the products when they arrived there, or something of that sort. Sometimes people are disappointed in the receipts they get. That is human nature. But there has not been the fraud committed with reference to these other products that are not perishable that, I believe, have been committed in the vegetable and the fruit markets of this country on the part of a great many commission men.

And, after all, what does this bill attempt to reach? It attempts to reach, as I read it, only fraudulent practices. That is all it does; and if there are fraudulent practices in the livestock market or in any other market that might be referred to, then I think it also is a problem that should be tackled by Congress; and if such a situation exists I would not say we have not the power or should not consider it. But the situation before this committee to-day is that fraudulent practices are brought to your attention in a very important industry in this country; that is, the fruit and vegetable industry.

Let me give you one other reference that Mr. Barnes made, and then I will be through. [Continues reading:]

"Another concern in Iowa ordered a car of seed potatoes, and when they arrived they rejected them on the ground they were very, very dirty, large amount of small potatoes, wet and moldy."

Note the ground for rejection. [Continues reading:]

"We sent C. L. Fitch of the Agricultural College of Ames to inspect the car and he wired us that they were strictly U. S. 1, no small potatoes, no wet potatoes, and no mold and stock bright and clean, all of which was directly opposite to the statement made to justify the buyer's rejections."

Surely you do not want much better authority for the inspection of a car of potatoes that has been rejected on specific grounds than the authority of the representative of the Agricultural College at Ames, Iowa, one of the outstanding educational institutions of this country.

Mr. KETCHAM (presiding). Right at this point, will you please say whether the gentleman, Mr. Barnes, whose letter you have been reading, is a representative of the dealers or producers?

Mr. BURTNESS. He is a large producer himself. He is also, in a way, a commission man.

Mr. KETCHAM. A dealer?

Mr. BURTNESS. Yes. He buys from farmers. He produces, himself; he has a number of farms; he is possibly a dealer more than anything else, although he is a large producer.

Mr. ADKINS. He is not interested in cooperative marketing?

Mr. BURTNESS. There is no potato cooperative association at Grand Forks, N. Dak., where Mr. Barnes lives, but as a producer he attends many meetings of producers. He is a member of the board of directors of associations in which producers are included, which possibly takes in the cooperative associations.

Mr. ASWELL. As a matter of fact, this man you quoted is opposed to cooperatives. He is not connected in any way with them.

Mr. ADKINS. That would put him out of business with a cooperative.

Mr. BURTNESS. He himself is not managing a cooperative association; no.

Mr. ASWELL. He is not a member of one, either?

Mr. BURTNESS. Not that I know of.

Mr. ASWELL. There seem to be conflicting reports—one by Ames, Iowa, and one by another. How would this bill cure that without carrying it to court?

Mr. BURTNESS. The bill, in my judgment, will cure it, for this reason: That these men who are to be engaged in the business of commission merchants, brokers, and so on—whatever you want to call them—under the terms of this bill must have a license, and they will be afraid to raise that sort of a question without justification, inasmuch as you are making it unlawful for them to make any fraudulent representation with respect to any shipment made, and all of the other provisions of the bill, including power of revocation of license.

Mr. JONES. Let me ask you a question right there. I am interested in this. I am not prejudging the measure or expressing an opinion but I notice in section 4 that every commission merchant, dealer, or broker would have to secure a license. I have a number of small dealers in towns in my section—and I am sure they are likewise found all over the country—who just sell these fruits and vegetables in a little confectionery store. Would they have to secure a license?

Mr. BURTNESS. Oh, no.

Mr. JONES. They are dealers in vegetables and these things. I was wondering if your language was not broad enough to cover them.

Mr. BURTNESS. The definition of "dealer," in subdivision 6, page 2, is "any person engaged in the business of buying or selling, other than at retail."

Senator JONES. That is all right.

Mr. BURTNESS (continues reading):

"That this act shall not apply to retailers buying in less than carload quantities"—

As well as other limitations.

Senator JONES. That is satisfactory.

Mr. KINCHELOE. Why is it these potato growers could not go into an association and establish these clearing-house associations?

Mr. BURTNESS. That is a big problem.

Mr. KINCHELOE. It is a big problem, of course.

Mr. BURTNESS. The difficulties of getting started under the Federal marketing act, or otherwise, are as well known to you as to me.

Mr. KINCHELOE. They will never start if they have a club over some fellow, saying, "If you do not do that we will put you out of business."

Mr. BURTNESS. The people who would be put out of business here are only one type. It will not have any effect whatsoever upon the middleman that is not guilty of fraudulent practices, but it will reach the fellow who is guilty of fraudulent practices; and there seems to me at least to be absolutely no danger in this bill for any commission man who wants to deal honestly with the people he is representing and who desires in good faith to live up to his contracts.

Someone mentioned livestock a few minutes ago. You have passed the packers and stockyards act for the control of the packing industry, and which is no way different in principle from the control of this industry, only in a different form. Federal legislation also regulates the grain exchanges.

Mr. ADKINS. Do you know there are thousands of pigs, sheep, and cattle sold on mail order? As a concrete example, one that could very well illustrate thousands of instances, a man buys a pig on a mail order. The seller guarantees it to be so-and-so. I saw the pig shipped. It got there and he wrote a letter back that the pig did not quite come up to the specifications, but that he could use him at so much less money or ship him back. We get lots of that kind of thing.

Mr. BURTNESS. Those pigs are mostly for breeding purposes?

Mr. ADKINS. Why, yes. In fairness to those men, why not include them? Why make a collection agency for one class of people? He could not go into the courts over a pig. There are hundreds of that class of cases.

Mr. BURTNESS. Oh, yes. Here is a question of drawing an arbitrary line, not on principle but simply drawing a line between what is practical, what is required, and the situation as it has developed in our business progress, and what is not required. Of course, the incidents you speak of are largely intrastate, an infinitesimal percentage as compared with the amount of business that is done by commission merchants.

Mr. ADKINS. Men are making their living out of that just the same?

Mr. ASWELL. One question for my information: In the long hearings on the Farm Board it was agreed to establish fruit and vegetable divisions, and we had extensive hearings, and then one of the fruit and vegetable men was selected as one of the members of the Farm Board. Every man interested in agriculture admits the necessity of the Farm Board above any other boards. What effect would the passage of this bill have on the operations of the Farm Board?

Mr. BURTNESS. I think it would be helpful.

Mr. ASWELL. In what way?

Mr. BURTNESS. I think we will all agree, or if we will not all agree it is at least my judgment, that regardless of what the success of the operations of the Federal marketing law may be we are not going to eliminate all the so-called middlemen, whether it be in the meat business, the grain trade, or in the fruit and vegetable business.

Mr. ASWELL. It does not necessarily have that object?

Mr. BURTNESS. No. Many feel, however, that such is going to be the result; that all of the products in a certain line, all of the grain or all of the produce of a certain kind, will eventually be handled by cooperatives and the agency that is encouraged by the Federal Farm Board, the national agency that is set up. Personally I do not think that will ever be the result. If these agencies ever handled 50 per cent of the products of the country, I think they will be doing very well; and if they can do that I believe they will accomplish what was hoped for by the farm bill; that is, that they will be able to stabilize prices; but there will still be a tremendous amount of wheat, corn, livestock, fruit, and vegetables, as well as butter, and so on, handled very much the same as they are handled now but, let us hope, under more stabilized prices.

Mr. ASWELL. Would not the passage of this bill encourage the handling of fruits and vegetables outside of the Farm Board?

Mr. BURTNESS. Not at all.

Mr. ASWELL. You have just said so, practically.

Mr. BURTNESS. There will be the necessity then, as now, for honesty among middlemen.

Mr. ASWELL. You do not have much faith in the Farm Board?

Mr. BURTNESS. Oh, yes.

Mr. ASWELL. You did not vote for it.

Mr. BURTNESS. Oh, yes; I surely did.

Mr. ASWELL. Then I beg your pardon.

Mr. BURTNESS. I actively supported the bill on the floor of the House. I must say that I did not have quite the faith in this last bill I did in the equalization-fee bill, for I want to be frank. I hope some day I will be forced to change my mind. I have not seen anything yet in the results to cause me to change my mind with respect to that, but I have every hope for the Farm Board. I want the Farm Board encouraged in every way possible.

Mr. ASWELL. You do not really think this bill encourages the Farm Board?

Mr. BURTNESS. It certainly is not discouraging it in any shape, manner, or form; and I venture this suggestion: That if anyone went and discussed this matter with, for instance, the chairman of the Farm Board, Mr. Legge, I think you would find that he would welcome legislation of this sort.

Mr. ASWELL. Did you discuss it with the fruit and vegetable man?

Mr. BURTNESS. I do not know him; but I know Mr. Legge, and I think I know something about his general views.

I thank you for your sympathetic consideration.

TRANSPORTATION OF PERSONS IN INTERSTATE AND FOREIGN COMMERCE BY MOTOR CARRIERS OPERATING ON PUBLIC HIGHWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

Mr. RAYBURN. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman and members of the committee, I believe that the longer I remain in this House my embarrassment increases in proportion every time I ask the privilege of claiming the attention of the Members to discuss legislation.

Also, having been a member of the Committee on Interstate and Foreign Commerce for 16 years, and in that time, after listening to witnesses who are presumed to know more about the great question of transportation than anybody else, and after sitting in the committee throughout months trying to whip into proper form legislation that we intend to present to the House for consideration, the more and more I go into the great and seemingly unsolvable questions of transportation, each and every time I rise on this floor to discuss any element of it I do it with more and more humility.

In the years I have sought to make a study of transportation it appears to me that it is farther and farther from solution.

Transportation and the taxation are the two most vital things with which legislative bodies and governments have to deal. Therefore, as I say, realizing that, after these years of listening and some degree of absorption, it is more with humility and more of the knowledge of things that I do not know about this great question than that I do know, that I approach them.

I am a member of the minority of the Committee on Interstate and Foreign Commerce. Yesterday the gentleman from Alabama [Mr. HUDDLESTON] took occasion to give what he thought to be the duty and function, and the sole duty and sole function, of a member of the minority.

Although being a member of the minority, I heartily support this bill and shall vote for its enactment. There are some minor matters in this bill that I would not have written as they are, but fundamentally and generally the bill has my support. Allow me to say that I do not subscribe to the strange and novel philosophy of my friend from Alabama [Mr. HUDDLESTON] when the gentleman says to the other members of the minority, all of whom are supporting this bill, that he thinks the sole and only function of a legislator who sits in the minority is to say "no."

I have served in this House in the majority and in the minority, and I would have regretted very much when I was serving with the majority if all of the members of the minority on the committee of which I was a member had resisted every species of legislation and every action that the committee of which I was a member took.

I believe that it is my duty, as a member of the Committee on Interstate and Foreign Commerce, to fight and seek to defeat all legislation that I do not believe is in the public interest and that should not become a part of the law of the land. With a strong feeling, I am also convinced that I was elected as a Member of Congress to seek to serve the people by writing necessary and needed legislation as much as to seek to defeat unnecessary and vicious legislation. [Applause.]

This committee of which I am a member has, I think, fewer partisan questions before it than any other committee of the House of Representatives, because you can not make transportation a partisan or a party question. I have served upon that committee under five chairmen—the gentleman from Georgia, Mr. Adamson, a man of outstanding ability; the gentleman from Tennesee, Mr. Sims; the gentleman from Wisconsin, Mr. Esch; the gentleman from Massachusetts, Mr. Winslow; and our present genial and able chairman, the gentleman from New York, Mr. PARKER. Not one out of a hundred questions before that committee involves the question of partisanship, because they are too big and too broad to be considered from the standpoint of the partisan. I have thought it my duty since I became a member of that committee to sustain the majority of the committee when they were writing needed and necessary laws. [Applause.]

That has been my theory and that shall continue to be my theory, and I should regret the day when I would feel called upon, simply because I was a minority member of a committee, to oppose legislation, it matters not whether it be good or whether it be bad.

A great deal has been said about the necessity for this legislation. A great deal has been said about whether there was any public demand for this legislation. A great deal has been said one way and the other about whose interest this legislation is in and whose interest this legislation opposes.

Frankly, when I begin the study of a measure before the committee of which I am a member I trust I can divest myself of the influence of who opposes or who supports the legislation.

There must be some public demand for this regulation in the country or legislative bodies would not have responded. Forty-six out of the forty-eight States in the Union have, through their legislatures, recognized that there was a public demand for the control of motor carriers, because they have responded with legislation controlling them. That would evidence to me that there is a general public demand throughout the land for the control of this new and novel system of transportation.

The States have passed laws upon this subject as broad as under their constitutions and the Constitution of the United States they were empowered to pass. They began four or five years ago to pass legislation to control busses. They found they could control the traffic within their borders and strictly intrastate traffic. They also found that they could not, under the decisions of the Supreme Court and under the law of the land, control one kind of bus traffic and that was busses which operate in interstate commerce.

Is there a public demand? The representative of all of the State commissions in the land came before our committee and recommended the passage of legislation for the control and regulation of interstate transportation by busses. Their designated representative here in Washington, Mr. Benton, represented them before the committee, and he said he spoke for every State commission in the Union, and that they were coming to Congress and pleading with us that we pass legislation giving some agency of the Government power to control and to regulate traffic by interstate busses.

All of the indictments which have been made against this bill upon this floor could with the same force and the same consistency have been made against any regulation by any State legislature in the Union.

They say we are creating a monopoly. They say we are passing a bill that will allow the railroads to take over all the bus lines from one end of the land to the other; but allow me to call your attention to the fact that there is nothing in the law of the country now that will keep the railroads from buying all the bus lines in the United States, but in this measure there is a provision that no railroad shall acquire an interstate bus line and that no bus line shall acquire a railroad unless and until they have come to the Interstate Commerce Commission, made their case, and received the approval of the Interstate Commerce Commission. Under this bill the Interstate Commerce Commission is compelled to find that it is in the public interest for a railroad to be able to acquire a bus line. As I say, at the present time there is nothing to prevent a railroad from acquiring any bus line or all the bus lines it desires.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HUDDLESTON. Can a rail carrier purchase a competing bus carrier under the law as it is now?

Mr. RAYBURN. No; not a competing carrier. On that point my assertion was too broad.

Now, as to this monopoly. They talk about the certificate of convenience and necessity being a grant of monopoly. Well, that is nothing new. If this bill, by the granting of a certificate of convenience and necessity, grants a monopoly, then forty-odd States in the Union have granted a monopoly, because they require a certificate of convenience and necessity from the commissions of those States before a bus line can operate within their borders.

Then the only thing that is left to be controlled is the percentage of busses that operate in interstate commerce.

Are we going to allow the States to regulate intrastate busses? Are we going to have it so they can say and shall say whether or not a bus shall operate in intrastate commerce upon the roads in that State and leave unregulated the 10 per cent of interstate busses that are allowed to clutter up the roads and do as they please and the passengers carried on those busses not insured?

The Supreme Court, in what is known as the Sprout case, held that a State or that a municipality could require that a bus line conform to all of the police regulations of the municipality or of the State.

They could force them to insure themselves against injury to property or injury to persons not riding upon the bus. They did not hold it specifically, but inferentially they held that they could not force them to carry insurance sufficient to cover the passengers traveling upon interstate busses. This legislation is, therefore, necessary if we are going to control the interstate busses.

I think I have stated what is the public necessity and the public demand for this bill.

It is true that the State commissions, the bus owners, the railroads, and some other parties got together and wrote a bill, handed it to us, and asked us to adopt it. When they brought it before the committee I asked each one of them what was his individual opinion with reference to the specific provisions of the bill, and each and every one of them said, "I do not feel free to say what my individual opinion is, because I have said I will support this particular bill before this committee."

In that bill was a provision about which practically every Member of Congress has received telegrams and letters from their State commissions. That bill provided, where an interstate bus touched a State, it mattered not whether it was two, three, or a dozen States, that a State board should be set up in each one of the States, or representatives of the State boards, and that these representatives of the State boards should meet somewhere as Federal agents and determine whether or not a certificate of convenience and necessity should be granted to the applicant to operate in interstate commerce.

I, with a majority of the committee, did not indorse that provision of the bill, because I looked upon it as a legislative monstrosity. We finally reduced it to where we allowed a State board to be created where only two States are involved and where that community of interest is only involved, believing that that would bring into existence as many of these State boards for which the Federal Government would want to pay the expenses, and believing that in those two States, lying side by side, there would be interest enough so that they might be able to get together. I believe that if we had given the consent of Congress for the formation of these boards in 3, 5, and 10 States they would have developed into great debating societies and probably never have come to any reasonable conclusion. I realize some will say we have given away the principle when we allow two States to sit upon these cases. That is true, but it is practical for two States, and there will be enough of these joint boards where only two States are involved, but if we had even three States it would probably increase the number of these State boards by a dozenfold, and if we had four or five then we would likely increase these State boards a hundredfold, which would result, in my opinion, in making a cumbersome and unworkable provision of the law, and too expensive to be justified.

We provide that where two States are involved the Interstate Commerce Commission shall designate whomever the State commissions or State utility boards designate; that they shall sit upon the case and determine whether it involves the granting of a certificate of convenience and necessity; whether it involves matters of rate regulation; whether it involves safety or involves anything with reference to the bus line or its operation, and determine whether under the regulations and under the law it deserves and needs to be considered or set up.

This recommendation of the board is filed with the Interstate Commerce Commission. Within 10 days it becomes the order of the commission unless complaint is filed or unless the commission itself revises it, opens it for hearing or for further consideration; and in this event, the commission shall make whatever order, whatever amendment or whatever revision it deems necessary in the premises.

Mr. RANKIN. Will the gentleman yield there?

Mr. RAYBURN. Yes.

Mr. RANKIN. The reports of these joint boards must be unanimous to be effective?

Mr. RAYBURN. Yes.

Mr. RANKIN. And if any member of the Interstate Commerce Commission should object to a report, that would simply set the proposition aside, would it not?

Mr. RAYBURN. No; it would not set it aside. It would open it for hearing and for decision by the Interstate Commerce Commission.

Mr. RANKIN. In other words, any member of the Interstate Commerce Commission could veto any effort being made by this joint board and then the Interstate Commerce Commission would take entire jurisdiction of the proposition.

Mr. RAYBURN. Absolutely; and I think, in the first place, the Interstate Commerce Committee ought to have entire jurisdiction of it. I was opposed to organization of any of these State boards, because I want the responsibility not put in Texas or in Mississippi but I want the responsibility here in Washington where it belongs. [Applause.]

Mr. RANKIN. The gentleman got practically what he wants, because this proposed law virtually puts these State boards out of the picture.

Mr. RAYBURN. I trust I did. I am not deceiving the gentleman at all with reference to my belief with regard to that matter.

Mr. MOORE of Virginia. Will the gentleman yield for a brief question?

Mr. RAYBURN. Yes.

Mr. MOORE of Virginia. Did the Interstate Commerce Commission, in its report in 1928, recommend that joint boards should be set up in every case?

Mr. RAYBURN. It did. The Interstate Commerce Commission, saying that it is overworked, saying that it did not want to take on this additional work, recommended that in every instance one of these State boards be set up. I did not agree to that and the committee did not.

Mr. COX. Will the gentleman yield there?

Mr. RAYBURN. Yes.

Mr. COX. The Interstate Commerce Commission in that recommendation, of course, reserved the right to review?

Mr. RAYBURN. Yes.

Mr. COX. If, then, the recommendation of these two State boards are simply advisory to the Interstate Commerce Commission, why set them up at all, just as the gentleman has stated?

Mr. RAYBURN. Well, that is the question that has been in my mind all the time. I think the Interstate Commerce Commission ought to conduct this business just exactly like it grants certificates of public convenience and necessity to the railroads, and when an application is made and an investigation is called for an examiner or a commissioner should be sent out to produce all the facts and submit them to the commission for their approval, revision, or disapproval.

Mr. COX. What is the difference in the obligation of the bus operator to the public and that of the street-car operator or the railroad operator? They are all public carriers for hire, are they not?

Mr. RAYBURN. I think so.

Mr. WINGO. I would like to ask the gentleman a question for information. I have not had an opportunity to study this bill very closely, and I want to use a concrete illustration. Take a bus line that runs from Texarkana in Texas, a short distance through Arkansas, and then into Oklahoma and back into Arkansas, which is an interstate line, three States being affected; would you have two different boards handling that proposition?

Mr. RAYBURN. No; that would be handled, in the first instance, by the Interstate Commerce Commission.

Mr. WINGO. And that would also be true of a line that runs from Oklahoma through Fort Smith and then on up into Missouri; no State commission would have anything to do with that.

Mr. RAYBURN. No; except any application that is made touching any State, the State commission or the governor, in the absence of a State commission, is notified, allowed to come in and enter into the hearing, produce any facts or any evidence he has before the commission, and appear as a witness and as a representative of his State and its interests.

Mr. WINGO. Let us consider another actual case of a concern in Fort Smith with one line of busses running into Missouri and another into Oklahoma. On these two different lines you would have two different sets of special commissions to

report to the Interstate Commerce Commission. Suppose the one that is set up between Oklahoma and Arkansas adopts one standard or makes one set of findings and the one that is set up to handle the line that runs from Arkansas into Missouri makes a conflicting set of findings, the owners being the same for both lines—who would settle that dispute?

Mr. RAYBURN. The Interstate Commerce Commission. I presume, in a case like that, there would be a complaint made by somebody, and then the case would be opened by the Interstate Commerce Commission.

Mr. WINGO. Suppose no one made a complaint within the 10 days and the Interstate Commerce Commission did not hear about it in that time, which is possible——

Mr. RAYBURN (interposing). It would then go into effect, but the Interstate Commerce Commission even after that would have the right, under this bill, to go into the question and revise the findings.

Mr. WINGO. They could reopen it, when they did hear about it, and revise the findings?

Mr. RAYBURN. Yes.

Mr. DENISON. Will the gentleman yield there?

Mr. RAYBURN. Yes.

Mr. DENISON. Of course, the bill provides that when the joint board makes a finding it must file its report and its order with the commission, so the commission would know what the order is.

Mr. WINGO. But I am talking about actual facts. The commission is busy. The finding, of course, would be filed with an employee or with some agency of the commission, but the commissioners themselves might not hear about it for 10 days.

Mr. DENISON. The bill provides, if I may so state in the gentleman's time, that the order must be filed with the commission. The commission will, of course, by its general rules, make provision for the handling of these decisions or orders of the joint board immediately after they are received.

And may I ask the gentleman from Texas to yield further for an opportunity to correct what I think was an error on his part in answer to the question submitted by the gentleman from Mississippi [Mr. RANKIN]?

When the decision of the joint board is filed with the commission it is not set aside or opened up on the action of any one member of the commission; it must be the action of the commission. So that no single member of the commission has a right to set aside or open it up.

Mr. RAYBURN. My answer to the gentleman from Mississippi meant that any member could make complaint; but, of course, any finding of his would not amount to anything—it must be the finding of the commission. But one member of the board or the commission could complain about the order the same as a bus owner or a private citizen or a municipality, or anybody else.

Mr. DENISON. The gentleman from Mississippi seems to be under the impression that one member can set it aside.

Mr. RAYBURN. Oh, if the gentleman gets that impression from my answer he received a wrong impression.

Mr. RANKIN. I understand that there might be one member representing the Interstate Commerce Commission——

Mr. RAYBURN. Oh, no; there will be no member of the Interstate Commerce Commission on the joint board.

Mr. RANKIN. Suppose there is no unanimity of agreement, if all present do not agree it will go right back to the commission.

Mr. RAYBURN. No; the decision shall be by majority.

The CHAIRMAN. The Chair will suggest to the gentleman from Texas that he has consumed 30 minutes.

Mr. RAYBURN. I yield myself 10 minutes more.

Mr. RANKIN. As I read the bill all these matters are thrown back into the lap of the Interstate Commerce Commission, and all these provisions about the State board are superfluous and mean nothing in the practical working of the bill.

Mr. RAYBURN. The gentleman from Mississippi has a right to his opinion, and I said candidly that in the first instance I was not in favor of joint boards at all, because they are expensive and useless things, in my opinion. I said also, and I say now, that if an amendment by some member of the committee is going to be presented restoring the provisions in the bill as originally introduced I would vote for it.

Mr. RANKIN. I understood the gentleman to say that he was in favor of the elimination of the State boards. I want to ask the gentleman if that will not be the practical effect of the bill as it now is written?

Mr. RAYBURN. I do not think so; I think the State boards will make findings that will never be challenged by anybody.

Mr. COX. The boards are nothing but fact-finding commissions, anyway.

Mr. RAYBURN. But the findings go into effect, unless challenged.

Mr. RANKIN. It may be challenged by any member of the State board or the Interstate Commerce Commission.

Mr. RAYBURN. It may be challenged by anybody, a member of the board, a bus owner, a citizen, a groceryman, or anybody.

Mr. RANKIN. And unless the Interstate Commerce Commission agrees to it it will not amount to anything.

Mr. PARKER. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. PARKER. The gentleman remembers that the principal reason that the agreement was made for the 2-State provisions when the line was to go through two States, was on account of the condition that I mentioned yesterday, where the big cities of the country are right on the border line—where they are practically local in character, and where as a matter of theory they are interstate. That is why we agreed to the 2-State proposition—take New York and Philadelphia, the local people are better able to judge of it than the people in Washington.

Mr. GREEN. Will the gentleman from Texas yield?

Mr. RAYBURN. I yield to the gentleman.

Mr. GREEN. I have a telegram here from the Florida Railroad Commission, as follows:

> Respectfully urge you to endeavor to restore original provisions of the Parker bus bill, House Resolution 10202 to provide for joint boards primarily to handle all cases.

Mr. RAYBURN. That is what I am talking about. We eliminated that and an amendment is to be offered by the gentleman from Michigan [Mr. MAPES] to restore that.

Mr. HASTINGS. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. HASTINGS. Does the gentleman entertain any doubt about the power of Congress to give this authority as a Federal agency to this joint board?

Mr. RAYBURN. Mr. Chairman, I agree partially with the gentleman from Maine [Mr. NELSON], but not wholly. I heard the question of the gentleman from Oklahoma [Mr. HASTINGS] yesterday. Congress in the first instance is charged under the Constitution with the duty of regulating interstate commerce. Congress can not delegate to anybody the power or the authority to write a law. Congress itself must set up the standard through statutes; but the Congress in the administration of that law can delegate that to an administrative body. It has delegated it to the Interstate Commerce Commission as the administrative body to handle the working out of all these things with reference to transportation under the interstate commerce act. I do not think there is a doubt in the world about the authority of Congress to pass this administrative function onto these State boards.

Mr. HASTINGS. I am very glad to know the gentleman agrees with me.

Mr. RAYBURN. I do not think there is a wider power granted in the Constitution of the United States than the power to delegate administrative functions. I do not doubt for a moment that the Federal Government under its law can delegate or make its agent a member of a State commission to do a specific thing, of course, without salary. That is my opinion with reference to it.

Another thing that came up during the consideration of this bill, and that was aired out in the Senate while the confirmation of Chief Justice Hughes was under consideration, is the question of the value of a franchise. As I understand the decision of the Supreme Court in the Utilities case, which came over from Baltimore, which raised a storm of protest over the country, and I think justly so, they allowed the Utilities Co. of Baltimore to capitalize their franchise, something that the people of Baltimore had given them, the right to use the street, without money and without price, at a reasonable rate of charge, that charge to be determined according to the value of the property devoted to the service of transportation. The commission of Maryland and the Supreme Court of the United States granted them the authority to collect a return upon a $5,000,000 value upon the franchise, something which was given to them by the people of Baltimore. I think it is one of the most monstrous things that has ever been done. In order to avoid that, for the first time in Federal legislation that I know anything about, we have placed in this bill a provision that at no time in the valuing of the property for rate-making purposes of an interstate bus company shall the franchise be considered a thing of value. We go farther than that and say that at no time in the granting of a certificate of convenience and public necessity shall there be considered to have been

granted any proprietary interest in these roads over which they operate.

Mr. CLARK of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. CLARK of Maryland. The United Railways of Baltimore got around the franchise question by calling it an easement instead of a franchise. Does that possibility exist in this bill?

Mr. RAYBURN. I do not think so. If there is any doubt about it we will put that in, because I think our committee is of the deliberate opinion that nothing like that should take place, and that the law should be so definite on that point that the courts and the commissions hereafter will understand what Congress means.

Mr. CLARK of Maryland. Did the gentleman's committee also consider the question of the advisability of allowing rail carriers to control motor bus carriers?

Mr. RAYBURN. Yes. They will be allowed to buy them and consolidate with them if, after hearing, the Interstate Commerce Commission finds that it is in the public interest.

Mr. CLARK of Maryland. Does the gentleman not believe that is a departure from congressional policies with respect to such matters?

Mr. RAYBURN. No, it is not; because in the transportation act of 1920 we inserted a provision empowering the Interstate Commerce Commission to allow railroads to consolidate if they find it in the public interest.

Mr. CLARK of Maryland. Yes; but if the gentleman will look at the act carefully, he will see that, although there is permission and direction really to set up the transportation business of this country into a certain number of systems; those systems are supposed to be competitive, and it is so provided in the law.

Mr. RAYBURN. Yes; and we have provided in this bill, and if this bill is passed it will be the mandate of Congress that competitive systems shall be considered by the Interstate Commerce Commission and that it is the wish of Congress that competition be preserved. That is in this measure.

Mr. CLARK of Maryland. I know that particular statement is in the measure, but the whole bill outside of that particular statement denies it.

Mr. RAYBURN. I do not think so.

Mr. CLARK of Maryland. Is the gentleman familiar with the provisions of the Panama Canal act with reference to competition?

Mr. RAYBURN. I do not recall it at the moment.

Mr. CLARK of Maryland. Under the Panama Canal act carriers were compelled to divest themselves of any interest in water carriers competing with the rail carriers. That I believe to be the policy of Congress to this day.

Mr. RAYBURN. That is the policy with reference to rail and water carriers.

Mr. CLARK of Maryland. In this bill it is possible for the rail carriers to absolutely control competition with the motor bus which they now have on the highways of the country. That is true, is it not?

Mr. RAYBURN. They can consolidate if the Interstate Commerce Commission finds it is in the public interest; yes.

Mr. CLARK of Maryland. The committee thoroughly discussed the advisability of wiping out that form of competition between two forms of transportation?

Mr. RAYBURN. Oh, not at all. The committee specifically says in this bill that it is its idea and that it shall be the policy of Congress established in this bill that competition shall be preserved wherever it is in the public interest, but sometimes it is not in the public interest to preserve competition of certain sorts.

Mr. CLARK of Maryland. Can the gentleman anywhere point to the use of the certificate of convenience and public necessity by one corporation or by one form of corporation as against another?

Mr. RAYBURN. I think I do not understand the gentleman's question.

Mr. CLARK of Maryland. We have rail transportation and motor-bus transportation.

Mr. RAYBURN. And our interstate motor-bus transportation is unregulated at this time.

Mr. CLARK of Maryland. I understand that. We have the principle of convenience and necessity with respect to each?

Mr. RAYBURN. I do not know; we will if we pass this bill. There is no such thing as convenience or necessity for an interstate bus line now.

Mr. CLARK of Maryland. I know; but wherever franchises of bus companies are exercised there is a consideration of necessity and convenience.

Mr. RAYBURN. The State laws would regulate them.

Mr. CLARK of Maryland. Yes; and I assume that a certificate of convenience and necessity will be required of interstate carriers before they begin to exercise their franchise.

Mr. RAYBURN. Yes.

Mr. CLARK of Maryland. Under those conditions this bill would permit a rail carrier to interpose an objection to a certificate of convenience and necessity upon the motor-bus carriers of the country. Does the gentleman think that would be a wise provision?

Mr. RAYBURN. I do not think that Congress ought to prevent anybody from interposing an objection. I think when an application is made for a certificate of public convenience or necessity anybody who has an interest should be allowed to file an objection; not that his objection would be final, but that the Interstate Commerce Commission should pass on it and find out whether or not his objection, or the advocacy of somebody else, should prevail.

Mr. CLARK of Maryland. I am only speaking of the possibility of the rail carriers monopolizing this motor-bus business on the plea of convenience and necessity. If the gentleman thinks competition should be preserved, why not put in the bill a guaranty of competition between the motor-bus and the rail carriers, just as you do in the canal act?

Mr. RAYBURN. If I thought the Interstate Commerce Commission had broken down; if I thought the Interstate Commerce Commission, as some gentlemen say, is an instrumentality of corporate interests; and if I thought they were not reasonably honest, then I would be willing to surround them with such a strait-jacket as the gentleman would indicate by his question. But I do not believe that a majority of the Members of Congress are dishonest. I do not believe that any great percentage of the Members of the different State legislatures are dishonest.

I do not believe that a majority of the executive departments of this Government are controlled and dominated by dishonest and unpatriotic men, and God forbid that I should ever believe that. But when I do believe that, I will have the courage to stand in my place on this floor and discharge my duty as a Member of this body and move their impeachment. [Applause.] And I believe that if a member of this commission is dishonest and is indisposed to give consideration to the rights of the people of this country, it is the duty of a Member of Congress to impeach him, or else refrain from making irresponsible statements. [Applause.]

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. LINTHICUM. What was the reference that the gentleman made to a case in question? Was it the case of the United Railways?

Mr. RAYBURN. I think that is the case.

Mr. LINTHICUM. Something has been said about the decision in the case of the United Railways. That does not apply to other railroads in this country. That has nothing to do with it.

Mr. RAYBURN. Probably not; but there is always an escape when somebody wants to reflect on something that does not really belong to the question at issue.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. RANKIN. I would like to ask the gentleman what would be the cost of this administration?

Mr. RAYBURN. I do not know; but I know that the cost of administration would not be one-tenth as much by referring to only two States as it would be if it applied to all the States. We could not call on the State commissioners and entail that expense on the States.

Mr. RANKIN. This bill turns over to the Interstate Commerce Commission the power to make rates on bus routes?

Mr. RAYBURN. To this extent: They file their tariffs with the commission, and the commission on complaint has the right to approve or disapprove them.

Mr. RANKIN. The bill provides that they can fix the charges.

Mr. RAYBURN. Specifically we give the Interstate Commerce Commission the power to do that under the transportation act as to railroads but we do not do it under this.

Mr. RANKIN. This is the real gist of the bill, this proposition:

> No such carrier shall charge or demand, or collect or receive, a greater or less or different compensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs, than the rates, fares, or charges specified in the tariffs in effect at the time.



The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Texas has consumed 15 minutes.

Mr. RANKIN. I should have read section 8 first. I read:

Any such certificate or permit may be suspended, changed, or revoked, in whole or in part, for failure to comply with any provision of this act, or with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term or condition of the certificate or permit, or whenever the public interest shall so require.

Now, until those fares are approved by the Interstate Commerce Commission they do not issue these permits.

No such carrier shall refund or remit in any manner or by any device any portion of the rates, fare, or charges so specified, nor extend to any person any privileges or facilities—

And so forth.

Mr. RAYBURN. Just read on after the "and so forth" and see what is stated. It just prevents rebates and discriminations.

Mr. RANKIN. And also prevents the bus line from lowering rates without the consent of the Interstate Commerce Commission. Does not the gentleman think so?

Mr. RAYBURN. No; I do not think so.

Mr. RANKIN. I will read that again:

No such carrier shall charge or demand, or collect or receive, a greater or less or different compensation for the transportation of persons, or for any service in connection therewith——

Mr. RAYBURN. Than is set out in its schedule.

Mr. RANKIN. The Interstate Commerce Commission can refuse to issue that order if they want to.

Mr. RAYBURN. Yes; or revise it or make suggestions, any way they please.

Mr. RANKIN. Certainly, they can fix rates.

Mr. RAYBURN. But I want the gentleman to go back to where he said they can not lower the rates without the specific approval of the Interstate Commerce Commission.

Mr. RANKIN. I just read it to the gentleman.

Mr. RAYBURN. Well, it is not in there; that is the trouble.

Mr. RANKIN. It says that after this schedule is approved and the permit issued—

No such carrier shall charge or demand or collect or receive a greater or less or different compensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, or charges specified in the tariffs in effect at the time.

Mr. RAYBURN. And that is true of any rate that was ever filed with the Interstate Commerce Commission. When the bus carrier would file another schedule of rates, even though it were lower, then, unless there was complaint, under this bill it would go into effect.

Mr. RANKIN. It would first have to have the approval of the Interstate Commerce Commission.

Mr. RAYBURN. I have just told the gentleman that there is not a member of the committee or anybody else who has ever made an understanding study of transportation that agrees with him with reference to that.

Mr. RANKIN. The gentleman from Texas did not agree with me until I read it the third time.

Mr. RAYBURN. And I do not agree now.

Mr. RANKIN. The bill says they can not charge less.

Mr. RAYBURN. I do not care what the gentleman's interpretation of it is. I say that if the gentleman would read it a little more calmly, he would see that there is nothing in this bill that prevents a bus line from filing another and a different schedule of rates than that in effect.

Mr. RANKIN. But it must be approved by the Interstate Commerce Commisdon before it could go into effect.

Mr. RAYBURN. I can not convince the gentleman that my position is correct.

Mr. HOCH. The language which the gentleman from Mississippi has read does not include the word "approval" at all. The gentleman read paragraph (a), which provides that the rates shall be in effect only when prepared, filed, and posted in such manner as the commission shall by regulation prescribe. It would be an unconscionable thing if we would permit a carrier, after it had posted its rates, to then give a discriminatory rate to some one; give them a lower rate than the rate that was posted. If the gentleman's proposition were in effect, we would return to the old days of discrimination between shippers, and we would have all the evils which went with the provision at that time.

Mr. RAYBURN. That is my interpretation of what the gentleman read.

The CHAIRMAN. The gentleman has consumed 55 minutes.

Mr. RAYBURN. I yield myself five additional minutes.

I tried to state what the gentleman from Kansas just read, that the provision which the gentleman was talking about was one of the good provisions of the bill that prevented discriminations which we think ought to be against the law. I do not agree with him, and I have said it so many times and he has said that he does not agree with me so many times that it seems there is no use for further argument on the point.

Mr. RANKIN. On page 20 you have this language:

No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

It could not, of course, be unjust to a competing carrier unless it was less, could it? If I am wrong about their right to regulate rates, why put that provision in the bill?

Mr. RAYBURN. Because we do not think that if a bus line wishes to put in a lower rate than some competing carrier it should be denied on that ground only.

Mr. RANKIN. Then the gentleman admits that the Interstate Commerce Commission would have a right to prevent it lowering its rates below a competing carrier?

Mr. RAYBURN. The provision says exactly the opposite thing. If the gentleman will just read it, it says exactly the opposite thing. It says it shall not deny a rate because it is presumed to be lower than a competing carrier, or unfair to a competing carrier.

Mr. RANKIN. It says, "a competing carrier engaged in a different kind of transportation."

Mr. RAYBURN. Yes; that means a railroad or an interurban.

Mr. RANKIN. Very well. But if it were another bus line the commission would have the right to fix the rates, would they not?

Mr. RAYBURN. They have the right to file their rates and they become effective unless there is complaint and they are disapproved.

Mr. RANKIN. Then the gentleman agrees with me that if there are two competing bus lines and one of them charges $10 between two points and the other one publishes a schedule to charge $9, the Interstate Commerce Commission, under this bill, can prevent that.

Mr. RAYBURN. I want to see what the gentleman has read.

Mr. RANKIN. I am reading from page 20. I understood that some member of the committee yesterday said that the committee did not write this bill. Did I understand some Member to say that the committee did not write this bill?

Mr. PARKER. Oh, no; absolutely not. It was written by the committee.

Mr. RAYBURN. There is no use making such aspersions as that on this committee. Not at all.

Mr. RANKIN. What was said about these boards coming in and helping to compile this bill?

Mr. RAYBURN. Why, they wrote a bill and handed it to us; that is, the bus lines and the State commissions, but that is not this bill.

Mr. RANKIN. The gentleman from Texas intimates that I do not understand this. Possibly I do not, but I am trying to get information from those who are supposed to understand it.

Mr. RAYBURN. I have given the gentleman all I have, and I have told him all I can about it. When I make a statement the gentleman says he does not agree with me. When the gentleman makes a statement I say that, in the light of all the knowledge I have about this, I think he is wrong; and then we go over the same thing. I can not convince the gentleman against his will.

Mr. RANKIN. I am not trying to be convinced against my will, but if the Interstate Commerce Commission does not have the right to prevent an interstate bus line from lowering its rates under this measure, then why was this provision at the top of page 20 put in the bill?

Mr. RAYBURN. This says that:

No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

The reason why that was put in the bill was this: We do not want the railroads or the interurbans to come in and say that a rate is so low it is unjust to them and that therefore it ought not to be permitted.

The CHAIRMAN. The gentleman from Texas has consumed one hour.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. If it is competing with another line engaged in the same kind of transportation, as I have pointed out, and it attempts to lower its rates, then the commission can prevent it.

Mr. RAYBURN. If complaint is made and the Interstate Commerce Commission found that in the public interest it was an unjust and unreasonable rate, of course, it would not put it into effect.

Mr. RANKIN. That is what I wanted to find out. The Interstate Commerce Commission could prevent it from lowering rates.

Mr. RAYBURN. The Interstate Commerce Commission can prevent a railroad from lowering its rates. It has the power to set the maximum or minimum and the maximum and minimum.

Mr. RANKIN. All right. Here is a railroad company owning a line of railroad between two points. The fare on that road is $10 between those two points. It also owns a bus line, and the fare on the bus line is the same. Now, an independent bus owner, or a man or firm owning an independent bus line, could not be prevented from reducing rates on the ground that the bus line is competing with the railroad but could be prevented from reducing rates below those of a bus line owned by the railroad.

Mr. RAYBURN. Yes; of course it could, and that is true about all rates. Everybody who has made an understanding study of transportation understands that to be true.

Mr. COX. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. COX. You are simply extending to the bus business, in a limited way, the same principle of control that is applied to the railroads.

Mr. RAYBURN. Absolutely.

Mr. COX. All in the public interest?

Mr. RAYBURN. Yes.

Mr. BURTNESS. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BURTNESS. But the commission can not prevent a bus operator from putting a lower rate into effect except upon a finding that such lower rate is unjust to other bus operators.

Mr. RAYBURN. I just indicated to the gentleman from Mississippi that if the Interstate Commerce Commission, after hearing, found it was an unjust and unreasonable rate it would have the right and power to set it aside.

Mr. BURTNESS. The fact that it is simply a lower rate carries no inference with it that it is unjust, and the burden will be on the complaining carrier to show that the lower rate is unjust to it.

Mr. RAYBURN. Certainly.

Mr. GLOVER. Will the gentleman yield for one question?

Mr. RAYBURN. Yes.

Mr. GLOVER. I hold in my hand two bills, one introduced on the 6th of January and the other on the 26th of February. To me they do not look like twins at all. They contain different provisions and, as I read them, they are as far apart as the poles. I find that the language contained in section 14 of the first bill introduced is stricken out of the second bill. That section takes care of the States in regard to intrastate business, and everything of that kind, and preserves the rights of the States.

Mr. RAYBURN. The gentleman from New York is going to offer an amendment to restore all this language about State commissions; but that, in my opinion, is not going to mean anything after it is restored, for the simple reason that for 50 years it has been held that interstate commerce is the business of the Federal Government and that when it is found that the Federal Government has the power under the Constitution to enter a field of activity or a field of legislation it occupies it to the exclusion of everybody else.

Mr. GLOVER. But this section 14 would preserve the rights of the States.

Mr. RAYBURN. What rights?

Mr. GLOVER. The rights of taxation and other things.

Mr. RAYBURN. I do not think any language you would put there would preserve to the States any rights they would not have without such language.

Now, Mr. Chairman, let me say this: I am sorry I have been unable to convince some gentlemen with regard to my reasoning upon this bill. However, allow me to say this: We were importuned by everybody who had anything to do with interstate busses. We were importuned by bus owners; we were importuned by railroads; we were importuned by chambers of commerce; we were importuned by vast sectors of people; we were importuned by all of the State commissions in the United States which have already through legislation had some control over intrastate business. They have come to us and said: Here is an uncontrolled field of transportation. We can not reach it. We come to Congress as the only body in the world which can reach it. Now, your committee has done the best it could, after laboring for months, in trying to bring out legislation that would control this uncontrolled interstate commerce in motor busses. You can take it or leave it as far as I am concerned. [Applause.]

Mr. PARKER. Mr. Chairman, I yield 40 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, this bill has been ably debated. There is little that one can add that is new that has not already been brought out in debate. I am in favor of its passage. It was painstakingly considered by the Committee on Interstate and Foreign Commerce and I believe that it is a good bill. It embarks upon a new field as far as Federal legislation is concerned. For that reason, as well as because of the ever-increasing complexity of the problem of regulating motor traffic, it will not be surprising, or at all unusual, if, in the practical administration of it, experience suggests some amendments to it; but I believe that a careful study of its provisions will convince almost anyone that it is a constructive piece of legislation, drawn in the public interest, and that it covers the subject in a comprehensive and intelligent manner.

There are differences of opinion about the necessity or urgency for Federal legislation to regulate the operation of motor busses engaged in the business of common carriers of persons in interstate commerce and how far such legislation, if enacted at all, should go. As is quite apparent to anyone who has followed the debate, those different views were represented in the membership of the committee. They were earnestly and ably argued in the committee by different members of it. It is undoubtedly true that the Government would not fail if legislation on the subject should not pass immediately, but that may be said of almost any proposal for legislation that comes before us.

Every State in the Union, with possibly one or two exceptions, regulates the operations within the State of common carriers by motor busses; and why should the Federal Government delay any longer to regulate their interstate operation? With the rapid increase in motor transportation no one will contend that the passage of such legislation can be indefinitely postponed.

Do we not owe it to those who adopt that mode of travel to give them now the additional protection to life and property that the passage of this legislation will give and to the owners of private cars to protect them as much as possible from the unnecessary or reckless operation of motor busses on our highways?

As the Interstate Commerce Commission, in its report on the subject, has said:

> Wear and damage to the highways and the hazard of transportation are the same whether a motor vehicle of a certain type is moving in interstate or in intrastate commerce.

The gentleman from New York [Mr. PARKER], the chairman, and other members of the committee have carefully analyzed and explained the different provisions of the bill. Without attempting to go over the same ground again in detail, briefly, the bill places the operation of common carriers of passengers by motor vehicle between the States under the jurisdiction of the Interstate Commerce Commission. It does not include trucks or common carriers of freight. It requires those who desire to act as common carriers of passengers by motor vehicle in interstate commerce to secure a certificate of public convenience and necessity from the Interstate Commerce Commission before engaging in the business and makes it the duty of the commission to supervise and regulate their operation after they have been given a certificate.

Mr. LANKFORD of Georgia. Will the gentleman yield there?

Mr. MAPES. I yield to the gentleman.

Mr. LANKFORD of Georgia. Can the gentleman state why the carriers of freight were not included in this bill?

Mr. MAPES. Because this is new legislation, and those interested in it thought it advisable not to attempt too much at the outset and it was therefore decided not to include the carriers of freight at this time. It is recognized by most students of the question, I believe, that there is not as much necessity for regulating carriers of freight at the present time as there is carriers of passengers, and the committee decided to be conservative and not include the carriers of freight at this time.

Mr. LANKFORD of Georgia. Are we to expect a bill including carriers of freight in the near future?

Mr. MAPES. As years go by probably attempts of that kind will be made, but there is no definite proposal of that kind pending before the committee and, as far as I know, no one has any idea of proposing that in the immediate future.

Mr. BURTNESS. Will the gentleman yield there?

Mr. MAPES. I yield.

Mr. BURTNESS. And, in addition to the reasons the gentleman has given, is it not also true that most of the carriage of merchandise, the great bulk of it, is purely intrastate at the present time and that there is very little interstate traffic as compared with interstate passenger-bus traffic?

Mr. MAPES. Yes; that is true. The common-carrier freight by motor vehicle in interstate commerce is very limited, indeed.

Mr. LANKFORD of Georgia. Do many of the carriers of passengers also deal with freight, or do they handle passengers exclusively?

Mr. MAPES. This bill relates exclusively to the carriers of passengers.

Mr. LANKFORD of Georgia. I mean did the evidence before the committee disclose that many of the companies or corporations engaged in the handling of passengers also engaged in the handling of freight, or did most of them carry or handle passengers exclusively?

Mr. MAPES. I do not think that was gone into to any great extent before the committee, but my observation is that the same motor vehicle does not as a rule carry freight and passengers at the same time.

Mr. WOLVERTON of New Jersey. Will the gentleman yield there?

Mr. MAPES. Yes.

Mr. WOLVERTON of New Jersey. Did it not also appear to the committee, from the facts that were ascertained by the Interstate Commerce Commission in its country-wide investigation, that motor trucks engaged in interstate operations, in most instances, were engaged by private contract and by private letting, and that common-carrier service by trucks had not developed sufficiently to require or make necessary their regulation in the public interest, thus the purpose of this bill is merely to control common carriers engaged in the interstate transportation of persons by motor vehicles?

Mr. MAPES. That is true. That is the thought I wished to convey when I answered that the common carriers of freight by motor vehicle in interstate commerce were very limited.

Mr. LANKFORD of Georgia. Carriers of freight do not operate on a general schedule, but operate usually under special contract.

Mr. MAPES. That is true, to a large extent.

It is made the duty of the commission to establish reasonable requirements with respect, among other things, to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualification and maximum hours of service of employees, safety of operation and equipment, and pick-up and delivery points.

Matters arising out of the administration of the act may be referred by the commission, in its discretion, for hearing to any member or examiner of the commission except those relating to carriers operating between two States only, in which case they must be referred to a joint board consisting of a member of the State utility commission, or similar body, from each State in which the operations involved are conducted; provided, of course, that the State authorities are willing to act. The member or examiner of the commission, or the joint board, as the case may be, is required to hear and decide the matter referred and to recommend an appropriate order thereon. Any order thus recommended by a member or examiner of the commission or by a joint board becomes the order of the commission after the expiration of 10 days unless it is stayed or postponed by the commission.

Mr. CLARK of Maryland. Will the gentleman yield there?

Mr. MAPES. I yield to the gentleman.

Mr. CLARK of Maryland. The bill uses the language "any matter."

Mr. MAPES. Yes.

Mr. CLARK of Maryland. Does that mean that a board must be set up for each matter that arises with respect to a rate or a service, or any other matter, coming up in the course of regulation?

Mr. MAPES. I think if the gentleman will complete his reading of the section he will see it refers to any matter with reference to certain particular subjects which are set out at length.

Mr. CLARK of Maryland. Exactly; and I am led to believe from that language that a board must be set up when any one of these matters may arise.

Mr. MEAD. I have a question that bears on that subject. Will the gentleman yield right there?

Mr. MAPES. I will yield, very briefly.

Mr. MEAD. I just want to ask why, in section 5, paragraph (b), we set arbitrarily the date of January 1, 1930, when a company must have been in operation in order to get a certificate from the commission.

Mr. MAPES. Some arbitrary date has to be fixed, if any date is fixed at all. Different dates were proposed before the committee and the committee felt that those who had pioneered in this field and had made big investments in it, had, for example, established depots and terminal facilities and had been in operation in good faith for a given length of time, should be allowed to continue in operation, and the committee finally fixed upon the date of January 1, 1930. Other dates were proposed, some going back as far as two years, and some proposed that the date be the time that the bill goes into effect; but the committee finally decided on January 1, 1930. Of course, people may have differences of opinion about the advisability of this date, but some arbitrary date has to be named, if any date is to be fixed at all.

Without further reference to other provisions of the bill, there is one phase of it in particular to which I wish to call attention and which some of us would like to see amended. That is the provision which limits the jurisdiction or reference to joint boards of busses when their operations involve two States only.

A brief history of the agitation for the legislation and the different steps leading up to it may help to give a better understanding of this part of the bill especially.

It was comparatively only a few years ago that the States made any distinction in their laws regulating automobile traffic between motor busses and the private car. Pennsylvania, I believe, in 1914, was the first State to do so. A few other States followed in 1915, 1916, and 1917, but up to 1921 only 11 States out of the 48 had passed such legislation. Now, the laws of practically all the States provide for additional or different regulation over the operations of busses engaged as common carriers than they do over the operations of private cars.

Automobile traffic is much more local in character than railroad transportation. Because of its local character and the preemption of the field by the State regulatory laws the State commissions assumed jurisdiction and for a number of years regulated the operation of motor busses engaged in interstate the same as they did those engaged in intrastate commerce. Conceding that Congress had jurisdiction over the subject matter in so far as interstate commerce is concerned, if it saw fit to exercise it, they assumed that they had jurisdiction in the absence of legislation by Congress or until Congress saw fit to exercise its jurisdiction.

Accordingly operators of interstate busses applied to the State commissions for certificates of public necessity and convenience to operate within the States through which they desired to travel and were subjected to the same regulations and control as operators of intrastate busses within the respective States. During this period it was generally conceded that one who desired to operate a bus in interstate commerce must first obtain a certificate of public convenience and necessity from the State before he could operate within that State. This was the situation until the decision of the Supreme Court in the two cases, both decided on the same day, March 2, 1925, one arising from the State of Washington, known as the Buck case, and the other from the District of Columbia, known as the Bush case, to which reference has frequently been made in the debate.

Buck desired to operate a motor bus between Portland, Oreg., and Seattle, Wash. He applied for and was granted a certificate of public convenience and necessity to operate in the State of Oregon, but was refused a certificate by the authorities of the State of Washington.

The ground of refusal was—

As stated in the opinion of the Supreme Court of the United States—

that under the laws of the State the certificate may not be granted for any territory which is already being adequately served by the holder of a certificate; and that, in addition to frequent steam railroad service, adequate transportation facilities between Seattle and Portland were already being provided by means of four connecting auto State lines, all of which held such certificates from the State of Washington.

The Supreme Court held that the State could not compel Buck to obtain a certificate in order to travel its highways as a common carrier engaged in interstate commerce. Justice Brandeis, in giving the opinion of the court, said:

It may be assumed * * * that appropriate State regulations adopted primarily to promote safety upon the highways and conservation in their use are not obnoxious to the commerce clause, where the indirect burden imposed upon interstate commerce is not unreasonable. * * * The provision here in question is of a different character.

Its primary purpose is not regulation with a view to safety or to conservation of the highways, but the prohibition of competition. It determines not the manner of use, but the persons by whom the highways may be used. It prohibits such use to some persons while permitting it to others for the same purpose and in the same manner.

The opinion goes on to say that—

The provision of the Washington statute is a regulation, not of the use of its own highways but of interstate commerce. Its effect upon such commerce is not merely to burden but to obstruct it. Such State action is forbidden by the commerce clause.

Soon after the decisions of the Supreme Court in the Buck and Bush cases the National Association of Railroad and Utilities Commissioners appointed a committee to study the situation and recommend Federal legislation.

I think it is fair to say that that association took the initiative in advocating Federal legislation and, of course, in doing so it undoubtedly had in mind the rights and jurisdiction and prestige of its own members in connection therewith. The committee of the association, after conferences with others who believed that Federal legislation was desirable, submitted a draft of a bill which was first introduced in both Houses of Congress in the Sixty-ninth Congress—in the House of Representatives by the gentleman from New York [Mr. PARKER], the chairman of the Committee on Interstate and Foreign Commerce of the House, and in the Senate by Senator Cummins, the then chairman of the Committee on Interstate Commerce of the Senate. Hearings were held on that bill by the Senate committee in the Sixty-ninth Congress, but not by the committee of the House. The bill was not reported by either committee in that Congress.

The bill was again introduced in slightly amended form, although the same in substance, in the Seventieth Congress and again in this Congress. Hearings were had on the House bill by the House committee in the Seventieth Congress, but the bill was not reported either in the House or in the Senate. It developed that there was a wide divergence of views on the part of the members of the House committee on what ought to be done, and the bill was finally laid upon the table.

The gentleman from New York [Mr. PARKER] again introduced the bill in this Congress. Hearings were again held by the House committee. Because of the previous hearings and the general sentiment in favor of legislation along the line proposed the chairman of the committee announced at the beginning of the hearings that it was thought that better progress would be made and that the hearings would be completed much more quickly if the committee heard all those who desired to oppose the bill first and then let one man appear for the proponents. That course was followed.

The principle of that provision to which I desire to direct special attention has been the same in all the bills to which I have referred. That principle has been that the regulation of motor busses should be left to State commissions or a representative of the State commission from each State through which the busses proposed to operate, without limitation as to the number of States. The bills as introduced originally in the Sixty-ninth, Seventieth, and Seventy-first Congresses were based on that principle, no matter how many States were involved. In rewriting the pending bill the majority of the committee has restricted that principle and limited the jurisdiction of the State commissions to cases where the operations are conducted between two States only. Some of us do not believe that such restriction is wise. We believe that to thus restrict the jurisdiction of the joint boards is a mistake. Six members of the committee joined in a statement briefly stating our position, headed "Additional Views," which is attached to the report of the committee.

We appreciate the difficulties that might arise in the administration of the act to refer matters to joint boards in all cases where a great many States are involved, but we believe that the bill goes too far in limiting the jurisdiction of the joint boards when it confines their jurisdiction over motor busses which operate in two States only.

Mr. RANKIN. Will the gentleman yield?

Mr. MAPES. I will yield.

Mr. RANKIN. This bill, according to the statements of gentlemen who have spoken on it, follows as near as possible the Esch-Cummins railroad law, does it not?

Mr. MAPES. I would not say that it followed the Esch-Cummins railroad law, but the study of the members of the Committee on Interstate and Foreign Commerce of the Esch-Cummins law, of the different provisions in that law, and the way it has operated, and the interpretation by the courts of its provisions was a guide to the committee in the framing of this bill.

Mr. RANKIN. I was wondering why the committee did not put in the same recapture clause that is in the Esch-Cummins law.

Mr. MAPES. Because there is a vast difference between motor-bus transportation and railroad transportation. The provisions of the Esch-Cummins railroad law are not applicable in that respect to regulations of motor-bus transportation.

Mr. RANKIN. Let me say to the gentleman——

Mr. MAPES. I do not want the gentleman to take too much of my time, but if the gentleman wants to ask me a question I will do my best to answer it.

Mr. RANKIN. I will say to the gentleman that it looks as if the committee was rather sensitive about giving information on this bill.

Mr. MAPES. I think the gentleman from Mississippi should be the last one to make that complaint, because he has occupied so much of the time of the different Members who have discussed the bill.

Mr. RANKIN. I have done it trying to get information.

Mr. MAPES. I may say to the gentleman that judging from the questions he has put from time to time I am in general sympathy with the position he takes in regard to some of the features of this bill.

Mr. RANKIN. I did finally get an answer to my question. Now I want to ask the gentleman this question: Under the Esch-Cummins railroad law you have a recapture clause—that is, if the road makes an unreasonable profit, it reverts to the Federal Government.

Mr. MAPES. I may say that that provision is because the country is divided into regions as far as the railroads are concerned, and a rate must be allowed that will give a fair return on the aggregate value of all the roads in that region. It contemplates that such rate will permit some roads to earn more than a fair return on their property. There is no such principle involved in the regulation of motor traffic, because each case is decided by itself.

Mr. RANKIN. Not altogether. The only difference is that with the railroad they furnish the road, and the rails, and so forth. With the motor busses the people own the land along the right of way and furnish the road for the bus line, and they are permitted to make any kind of a profit they can.

Mr. MAPES. Yes; but every bus operator that comes under this law comes as an individual operator, and his case is treated by the Interstate Commerce Commission as such. The rates which the Interstate Commerce Commission allows that operator to charge will not contemplate that there will be any excess profits which ought to be turned over to the Government or otherwise.

Mr. RANKIN. They may start out independent, but they will not be that way long.

Mr. MAPES. But as far as the rates are concerned for travel on these motor busses, they will not contemplate allowing the operator to make any more than a reasonable return on his investment.

Those of us who support the amendment which I have been discussing believe that the joint boards should have jurisdiction of operations at least in all cases where not more than three States are involved, and that the Interstate Commerce Commission should be given authority, in its discretion, to refer matters to joint boards where more than three States are involved.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. CRISP. I am in sympathy, I think, with the gentleman's amendment. If it is agreeable to him, I wish he would explain briefly the difference between his amendment and the provision in the bill. Under the amendment the gentleman advocates, with a representative of each of the States, still the Interstate Commerce Commission would have, with an objection filed, the veto power.

Mr. MAPES. We think that the provision in the bill, as it is in that respect, is a very happy provision, and we have no desire to change the provision so far as it relates to procedure.

Mr. CRISP. Then the difference between the gentleman's proposed amendment and the provision in the bill is that under the bill we have now only two States represented, whereas the gentleman wants all of the States affected represented.

Mr. MAPES. No; not all of them. I shall discuss that in just a moment.

Mr. RANKIN. Mr. Chairman, will the gentleman yield for a question?

Mr. MAPES. I am sorry, but I feel that I must go on; I must decline to yield at this time.

I want to commend the frankness of the gentleman from Texas [Mr. RAYBURN], who said very frankly that he is not

in sympathy with the provision in the bill as far as the reference to joint boards is concerned, at all, but that he accepted it as a compromise. However, if he referred to the amendment which I propose to make, and I assume that he did, because he mentioned my name later on in his remarks, he was mistaken when he inferred that I proposed to offer an amendment to require the reference to joint boards, no matter through how many States the busses operated. I do not intend to go as far as that. Those of us on the committee who favor this amendment recognize that it might be cumbersome and impractical to carry out a provision that went as far as that. We do not propose to do that. We believe the joint board should have the jurisdiction of operations, at least in all cases where not more than three States are involved, and that the Interstate Commerce Commission should be given authority in its discretion to refer matters to joint boards where more than three States are involved.

Amendments will be offered during the consideration of the bill under the 5-minute rule in accordance with these views.

We believe that to give the joint boards jurisdiction over as broad an area as it is practicable to do is more in harmony with the plans of the proponents of the original legislation. It certainly is more in harmony with the views of the State public utility commissioners. To do so complies also with the recommendations of the Interstate Commerce Commission in that regard and would, to that extent, relieve or protect from additional burdens the already overburdened Interstate Commerce Commission. The operation of motor busses is of such a local character that it is believed that the joint boards can supervise and regulate their operation to much better advantage and with greater satisfaction to the public than the Interstate Commerce Commission here in Washington can do it.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WHITTINGTON. Would the extension of these boards materially increase the cost of operation?

Mr. MAPES. Personally, I do not see how it could.

The Interstate Commerce Commission itself has declared that—

> In the course of hearings [which it conducted] the administration of State regulatory laws by State commissions was commended by shippers and motor-vehicle operators generally, as was also the regulation they exercised over interstate motor-vehicle operations during the period in which they assumed jurisdiction over such operations. If interstate commerce by common-carrier motor vehicles is to be regulated at this time, original jurisdiction in the administration of such regulatory laws should, so far as possible, without contravention of the commerce clause of the Federal Constitution, be vested in State regulatory bodies or officials, with the right of appeal to us.

In order to show just how the provision relating to the joint boards in the pending bill differs from the provision in the bill as originally introduced in this Congress let me read from the two bills.

The original bill in this Congress is H. R. 3822. That bill provides, page 4, line 22:

> For the purpose of carrying out the provisions of this act the commission shall refer all matters over which it has jurisdiction—

Except certain matters specifically referred to—

> to joint boards made up in each case of representatives of the boards of the several States in which any part of the interstate operation is or is proposed to be conducted.

You will notice that there is no restriction as to the number of States.

The committee has substituted for that provision of the original bill the language in the pending bill on page 7, beginning with line 14, paragraph (d), which is as follows:

> The commission shall, when operations of common carriers by motor vehicle conducted or proposed to be conducted between two States only are involved, refer to a joint board for hearings and decision and recommendation of appropriate order thereon—

And so forth.

It will be seen that this language expressly limits the jurisdiction of the joint board to those cases where two States only are involved.

In this connection the findings and recommendations of the Interstate Commerce Commission are interesting and very much to the point.

On June 15, 1926, as has already been brought out in the debate, that commission, on its own motion, started an investigation of the operation of motor busses and motor trucks. In the course of that investigation hearings were held by an examiner of the commission at different points over the United States; more than 5,000 pages of testimony were taken and over 400 witnesses heard. It has been stated in this debate that the public has not been heard or has not been represented in the consideration of this legislation. Well, the Interstate Commerce Commission in its report said that—

> The witnesses included Federal, State, county, and municipal officials; railroad executives; operators of motor busses and motor trucks; farmers; livestock men; manufacturers; shippers; representatives of State regulatory bodies; motor-bus and motor-truck associations; chambers of commerce; traffic associations; farm bureaus; highway commissions; and the automotive industry.

It would be difficult to hear a more inclusive representation of the public.

On April 10, 1928, after due consideration of the record in that proceeding, the commission filed an exhaustive report (Rept. No. 18300), in which, among other things, it said:

> The transportation of passengers and property by motor vehicle is at present a distinctly local proposition, the character of which is not changed by the mere incident of crossing a State boundary line.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MOORE of Virginia. The Interstate Commerce Commission, which the gentlemen of the committee have time and time again vouched as their authority, has expressed the opinion recently that matters of this kind should be referred in every instance to joint boards. They seem to consider that practical, and so far as we can ascertain they consider it free from undue expense. I ask the gentleman why that should not be done.

Mr. MAPES. I believe that the Interstate Commerce Commission certainly ought to be given authority in its discretion to refer matters to such joint boards where more than three States are involved. Certainly there could be no harm in leaving it to the discretion of the Interstate Commerce Commission.

Mr. MOORE of Virginia. But the Interstate Commerce Commission says no harm will come from directing them to make reference in every case to joint boards.

Mr. MAPES. I am inclined to have a good deal of sympathy with the views of the gentleman from Virginia, but the gentleman knows, as a matter of practical procedure, in passing legislation, compromises are often accepted, and realizing that the commission is sympathetic with this idea and has recommended it in its report, those of us who signed the additional views statement believe that it is safe and fair to leave it to the discretion of the Interstate Commerce Commission to refer the cases to joint boards where the operations involve more than three States.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield to one more question?

Mr. MAPES. I do.

Mr. HASTINGS. As I understand it, then, the gentleman did not give any final authority to any of these joint boards, but all their decisions and orders would be subject to the approval of the Interstate Commerce Commission?

Mr. MAPES. I am inclined to agree with the constitutional lawyers on our committee, who say that the commission must be given the final authority.

Mr. HASTINGS. Then the gentleman does not agree with the gentleman from Texas [Mr. RAYBURN] that the Congress of the United States could designate the joint boards as Federal agencies to make these orders and decisions?

Mr. MAPES. I did not quite understand the gentleman from Texas to go as far as that. It would at least create a doubt in the minds of some to go as far as the gentleman suggests. I do not think there can be any doubt of the constitutionality of the provision in the bill, and for all practical purposes it seems to me to accomplish the same result.

Mr. HASTINGS. I regret the gentleman from Michigan is not willing to go that far, because I think that amendment is one that I would like to vote for.

Mr. MAPES. As it stands, we are raising no question about the constitutionality of the provision.

Mr. HASTINGS. But with the outstanding bus business throughout the United States there would be hundreds of thousands of these different orders that would have to come up to the now overburdened Interstate Commerce Commission.

Mr. MAPES. That may be true; but leaving the matter to the discretion of the commission will give an opportunity to see how the principle will work in practical operation. If it is deemed desirable to change it, that can be done in the future.

Mr. HASTINGS. But the gentleman would anticipate many vexatious delays in passing on minor matters by the commission?

Mr. MAPES. That may be true.

The Interstate Commerce Commission further says, what I understand to be the law—page 743 of its report—that—

State officers, unless prohibited by the constitution or laws of the State, may be authorized by Federal statutes to perform duties conferred by a Federal statute, but they can not be compelled to perform such duties.

And again:

It would appear that Congress has the right to delegate to State agencies the administration of Federal statutes, and it seems reasonably free from doubt that it can do so in the administration of laws regulating interstate commerce, particularly if provision is made for an appeal from the action of such agencies to a Federal tribunal.

Such provision for appeal from the action of the joint boards is made in this bill.

In view of the predominantly local character of motor transportation at this time—

The report of the commission continues—

Congress should vest in State regulatory bodies original jurisdiction in the regulation of interstate commerce by common-carrier motor vehicles operating on the public highways within general lines marked out by the statute.

The bill as originally drafted had that recommendation of the Interstate Commerce Commission in view. The commission summarizes its conclusion on this point as follows (p. 746):

Original jurisdiction in the administration of regulation over motor-bus lines operating in interstate or foreign commerce as common carriers over the public highways should be vested in such State regulatory bodies or officials as are, or may be, charged with the administration of laws and regulations covering intrastate commerce by motor-bus lines in their respective States and who notify the Interstate Commerce Commission within a reasonable time that they will act.

What will be the effect of this 2-State limitation? It will give State commissions jurisdiction over a few local situations, but the great mass of interstate bus operations will come under the jurisdiction of the Interstate Commerce Commission here in Washington.

Busses running between New Jersey and Philadelphia, between New Jersey and New York, between St. Louis and east St. Louis, and a few other interstate operations, will come under the jurisdiction of the local State commissions, but an operator in New England will scarcely be able to turn around without coming under the jurisdiction of the Interstate Commerce Commission, and those who run between Philadelphia and New York will come under the Interstate Commerce Commission. The 2-State limitation will take away from the State commissions jurisdiction over operators in the Middle West running, for example, between Detroit and Chicago, between Chicago and Minneapolis and St. Paul, and between Cleveland and Chicago.

I have here a letter from the general counsel of the National Association of Railroad and Utility Commissioners, Mr. John E. Benton, in which he says:

The 2-State plan will be of very limited value in the West and is simply not workable in the East. If you go from Baltimore to Richmond, you run into 3 States—counting the District as 1; from Washington to Philadelphia you run into 3—or 4 via Wilmington; from Philadelphia to New York you run into 3; from New York to Boston 3—or 4 via Providence; from Portland to Boston you run into 3, and to New York 6 or 7.

The commissioners of both large and small States alike unite in saying that the 2-State plan does not meet their need. For example, Hon. Mayland H. Morse, chairman of the Public Service Commission of New Hampshire, under date of March 3, 1930, before receiving a copy of the bill, wrote me:

"Although as yet I have had no opportunity to see the amended Parker bus bill, so called, I have been advised that if more than two States are involved, jurisdiction would be had only by the Interstate Commerce Commission. This feature appears to me objectionable from the standpoint of New Hampshire, because a bus line from Boston to Maine will naturally pass through three States and might possibly pass through four. Accordingly, on this one feature of the bill alone, I believe the number of States involved would be increased from two to five."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PARKER. Mr. Chairman, I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 10 additional minutes.

Mr. MAPES. Now, I wish those of you who are interested in this subject would pay particular attention to this statement of Mr. Benton that I read a moment ago:

The commissioners of both large and small States alike unite in saying that the 2-State plan does not meet their needs.

I respect the judgment of those who do not accept the judgment of the State commissioners as to the advisability of this provision, but the men who have the most to do with the regulation of motor traffic, the State commissions, supplemented by the recommendation of the Interstate Commerce Commission, which has control of the regulation of the railroads, recommend that these matters be referred to the joint boards made up of members of the State commissions.

I submit that there is no reason why these operations between the States I have mentioned should not come under the jurisdiction of the local commissions as well as operations between two States only, and the commission should be given the power, in its discretion, to refer to the local commissions any or all cases where more than three States are involved if it sees fit to do so.

Those familiar with the problem have for years been alarmed at the ever-increasing work of the Interstate Commerce Commission and the almost impossible task which it has to perform. The problem is how to lessen rather than to increase that burden.

In the last two annual reports of the commission, at least, in speaking of its inability to keep up with its work, the commission has used this language:

The continual growth in variety and volume of the work devolved upon the commission has made the performance of our duties less and less current. For the more prompt disposition of matters intrusted to us there should be express statutory authority for the commission to delegate to individual commissioners and employees of the commission the power to perform specified duties, and to consider and determine specified matters and subjects, subject to the general control and supervision of the commission, and the exercise by it of appropriate powers of review either through the commission or a division thereof.

Of course, this statement of the commission refers to its existing duties and has no reference to the additional burdens which will be placed upon it by the enactment of this motor bus legislation.

The pending bill, in so far as it places this additional work on the commission, authorizes the commission "to delegate to individual commissioners and employees of the commission the power to perform specific duties, and to consider and determine specified matters and subjects, subject to the general control and supervision of the commission" and the right of appeal to the commission, as the commission has indicated should be done in connection with its railroad work. This is a very desirable feature of the pending bill and if it works out well in the administration of this act there is no reason why it should not be made to apply in the administration of the transportation act in its application to railroads.

Another proposal frequently suggested for the relief of the commission is to divide the country into regions and to create regional boards to hear and determine cases in the first instance, with the right of appeal to the commission. Another proposal sometimes suggested has been to work out some way in which some of the work of the commission could be properly and constitutionally delegated or referred to State commissions.

This bill proposes to do that where two States only are involved. In so far as it goes, that, too, is a very desirable provision. It recognizes the policy of referring matters to the State commissions. If it is constitutional to refer cases where two States only are involved, of course, it is just as constitutional to refer them to State commissions where more than two States are involved.

Those of us who believe that the operations of motor vehicles should be referred to joint boards where more than two States are involved do not question the exclusive jurisdiction of Congress over the regulation of interstate commerce. Nor do we question that Congress can not require State agencies to act against their will in connection with the delegation of any of the regulatory provisions of this bill.

We do understand, however, it is perfectly legal to make use of State agencies in that connection if such State agencies are willing to act, and the State regulatory bodies are willing and anxious to act under this bill.

Mr. ARENTZ. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. ARENTZ. Does the gentleman propose to offer an amendment to authorize the Interstate Commerce Commission to delegate this authority to boards in more than two States?

Mr. MAPES. Where more than three States are involved.

Mr. ARENTZ. But delegation is made in the bill to two States.

Mr. MAPES. Delegation is made in the bill to two States, but we propose to offer an amendment to change that to three.

Mr. ARENTZ. Then you give authority to the Interstate Commerce Commission to delegate this authority to more than two States?

Mr. MAPES. I propose to offer an amendment to strike out the word "two" and insert the word "three," so that it will be obligatory to refer all matters, where three States only are involved, and leave it in the discretion of the commission to refer other matters where more than three States are involved.

Those of us who believe that the State regulatory bodies should be made use of to a greater extent than the bill permits approve of the set-up, as far as delegation of power is concerned, and recommendation of orders which shall become the orders of the Interstate Commerce Commission after the expiration of a certain period of time. We think that arrangement is a very happy one. It avoids any question as to its constitutional effect and accomplishes the purpose. Our only contention is that the reference to joint boards should include operations where more than two States are involved.

State rights and the tendency to centralize governmental authority here in Washington are popular subjects for academic discussion and debate. Here is an opportunity for those who sincerely believe in State rights and who feel that the tendency to centralize authority in the Federal Government should be resisted as much as possible to put their views into practical operation. [Applause.]

Mr. CLARK of Maryland. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. CLARK of Maryland. I would like to know whether the committee considered the question of authority in the commission to fix a minimum rate of charge?

Mr. MAPES. Yes; the committee gave a good deal of consideration to that question.

Mr. CLARK of Maryland. And finally decided not to give that authority to the commission?

Mr. MAPES. It gives the commission authority to determine whether or not a rate is just and reasonable, and if it finds that it is either unjust or unreasonable then it may set it aside and require the operator to submit a new schedule of rates.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAYBURN. I yield five minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, this is an excellent bill. Anyone who knows the personnel of the committee which considered it would have to agree that only a good bill could emanate from such a committee.

I am in favor of this bill, and I believe the country favors some method of regulation and control of this industry, but in reading the bill in an endeavor to find some paragraph or section worthy of criticism, I came upon section 5 (b), on page 11. I find that January 1, 1930, is the date set for operating companies to be in existence in order that they may receive a certificate of convenience and necessity.

If there is any weakness in the bill, it is in that section. If there is any unfairness in the bill, it is in that section. I would like to say to the members of the committee and to the Members of the House that I hope they will consider amending that section and changing that date to a later date, preferably the date when the bill becomes effective. No one knows whether the bill will become law in May or June or in the next session or in some subsequent session of Congress. Therefore I think a great deal of opposition, either in this Chamber or another, might be eliminated by changing the date on which the bill will affect existing lines.

May I say, by way of illustration, that some companies which have been operating prior to January 1, and since January 1 have seen fit to extend their lines and enlarge their service, will find this legislation confiscatory, because it may apply to the extensions and enlargements of their service. In that measure it injures those who have since January 1, 1930, invested their money in this method of transportation. They did so in order to improve the service, in order to give the public better service. I do not believe that Congress ought to enact legislation that would confiscate the legal property rights of these people.

I have been told that this date as set forth in the bill favors the largest operating bus company in the United States. I know the committee does not intend that this bill should savor of monopolistic control. I know the committee means to be fair, as was indicated in a question which I directed to the distinguished gentleman from Michigan [Mr. MAPES], who answered by explaining why the committee set this particular date. I am told, however, that the largest operating company in the United States, with close connection or control over 70 smaller bus lines, will be favored by this particular date, and that this company is closely allied with one of the large railroads of America. There could be no criticism or question of this section of the bill; there could be no possible confiscation of property if the date were changed to March 1, 1930, or the date when this bill becomes a law. Therefore my suggestion to the distinguished chairman of the committee and to his colleagues is that when we reach this section of the bill that the date be made March 1, or the later date when the bill becomes effective.

I say, in all fairness, Mr. Chairman, and I am for the bill because I believe the public demands such regulation, that this amendment should be considered. We now regulate the railroads, and we find the railroads of America caring for the traveling public in such a splendid way as to be almost free from criticism and censure. We find the employees of the railroads to be of the highest possible type of men. They are subject to investigation and examination for the protection of the traveling public and for shippers who use the railroads. The engineers, firemen, trainmen, conductors, switchmen, and other employees on our railroads are splendid men, members of splendid organizations, and through legislation and agreements with their employers have raised the dignity of their calling to a high level, indeed. No other competing industry should be permitted to develop and expand except by fair and reasonable means, which not only protect the public and the motorist but the railroader as well.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. I yield the gentleman two more minutes. I may state that any arbitrary date set is going to work a hardship on somebody. It is impossible to set any arbitrary date, be it the date of the enactment of the law, the 1st of January, or the 1st of March, that will not, theoretically at least, work a hardship on some particular individual. I am not opposing the gentleman's amendment. I am simply stating this as an abstract fact.

Mr. MEAD. Of course the chairman will agree there can be no suggestion of criticism and the property of anybody will be confiscated if the effective date be set when the bill itself becomes a law.

Mr. BURTNESS. Will the gentleman yield?

Mr. MEAD. Surely.

Mr. BURTNESS. The suggestion is made that the effective date of the grandfather clause be the date of the enactment of the law. Does not the gentleman realize that if the bill should pass the House in that form there would be a tremendous incentive on the part of a great number of people to rush in and establish new lines, and thus avoid the necessity of coming in and obtaining a certificate of convenience and necessity, and would not the result of that sort of action be that you would get a tremendous number of useless lines and further encumber the highways of this country with useless busses and perhaps irresponsible operators?

Mr. MEAD. Of course, the answer to that question lies in the fact that the State and Federal bodies have the authority or will have to eliminate worthless companies, companies that would prove injurious along the lines the gentleman has suggested. There is sufficient regulation in this bill and in our State regulatory laws to eliminate the danger of which the gentleman speaks.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. PARKER. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, it is not my purpose to detain you at any length. The provisions of this bill have been thoroughly presented by those who have preceded me. I think it fair to state that the consideration of the bill thus far discloses two problems; one, the problem of administration. That was the most serious and complex problem confronting the committee. The second problem was one of regulation so as not to interfere with the full exercise of the police powers of the States.

What is the purpose of this legislation? What interest has Uncle Sam in this measure that he is now so strenuously presenting for your favorable consideration? Why absolutely nothing except the convenience and safety of the traveling public. He has turned all the revenue over to the States. All of the revenue is to be collected by the States.

I want to state very frankly to the members of this committee that when I first approached this question I was against any regulation. I was prejudiced against the proposition, and it was only after long study and a careful investigation and consideration of the law and the need, especially in the Eastern States, that I reached the conclusion that regulation was necessary.

I want to say to the Members here representing Eastern States that the need is not imperative in the Western States; that we are coming to you now giving you our support and

assistance because we recognize your need is greater than any such need in the States which we represent. In return we expect you gentlemen representing Eastern States to come with us at a later day and provide an administrative agency that will give reasonable regional administration of transportation for the convenience of all of the States of the Union. If we had such regional administration now, as I advocated over a year ago on this floor in support of a bill introduced by me, the problem of administration for the pending bill would be simplified. What did my bill provide? The commission, in conformity with the 1920 act, divided the United States into four rate-making districts for rate-making purposes. The commission took a valuation of the property in those respective districts and fixed the rates on that basis. My bill provided that a commissioner should reside in each one of those districts and exercise the power of the commission, sitting as the commission in three or four convenient places annually in each district, appeals on the record lying from his decision. If we had such regional administration now we could refer the administration of this act to the commissioner in each of the rate-making districts of the country.

Mr. HOCH. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. HOCH. I have been very much interested in the proposition which the gentleman is discussing. I am wondering whether he has given consideration to the possibility of drawing a line that would give final jurisdiction in any considerable body of cases to these regional commissioners? My thought in asking that question is that if you do not have a final jurisdiction may you not simply increase the delay? The gentleman realizes that the railroads are better able to take appeals than the ordinary shipper, particularly the small shipper. If they had an appeal in these cases might you not by that procedure simply interpose another body between the shipper and the ultimate decision by the general commission?

Mr. GARBER of Oklahoma. Well, I think not. While I have great respect for the gentleman from Kansas and recognize him as one of the most careful students of the question of transportation, yet may I ask the gentleman this question: Under the existing practice do not examiners go out and take testimony and make a decision which is called a report, and if that report is not appealed then does it not become operative and effective?

Mr. HOCH. My question is not in opposition to the gentleman's suggestion, but I gave considerable thought to that question several years ago in an effort to find some way of drawing a jurisdictional line, if I may call it that, so we would have final jurisdiction in a considerable number of cases in these regional boards. I came to the conclusion that you could not draw it on the basis of the amount of money involved, such as the line drawn in Federal practice, because there are many cases which involve only a small amount of money but nevertheless involve a very great principle of transportation.

I would be very much interested in getting some suggestion as to some way we might provide for final jurisdiction in the case of those regional boards. What the gentleman said about examiners, I think, is true, and for that reason I have opposed—and opposed in the preparation of this bill, as the gentleman knows—the making of a report by an examiner the final judgment of the matter, because I believe that final judgment should only be exercised by a more responsible body than an examiner. I do not say that to discredit the examiners. But the examiners are not subject to confirmation by the Senate and they do not occupy the same position of responsibility that the commission occupies. However, I agree with the gentleman that the examiners do exercise a great deal of power. I live as a neighbor of the gentleman, and I am quite sure that if we in the West had depended upon final determination by examiners of many of the great cases in which we are concerned, we would have been out of the picture.

Mr. GARBER of Oklahoma. Yes; we would have been out of the picture if we had depended upon the report of the examiner in this case. The examiner in the case of the legislation now being considered by the committee reported and recommended that motor-bus transportation be brought within the jurisdiction of the commission and within the provisions of section 15 (a).

Regional representation by a member of the commission sitting as the commission, in my judgment, would afford a hearing by a member of the commission direct and would relieve the commission of a vast number of cases coming up on appeal, because it would be a more satisfactory adjustment and determination of the matter in controversy at the time; certainly a hearing before a commissioner would be more satisfactory and decrease the number of appeals.

The present system is wrong. It is a makeshift. It is exercising legislative power never delegated by Congress. It is not giving the people the quality of service demanded. The examiners may be good fellows, all right, but there is a vast difference between good fellows and good judges.

The system is not representative, responsible, nor efficient in the public interest. It is too slow, tortuous, painful, costly, unwieldy, and cumbersome, trailing along too far behind in its administration to afford relief when needed anywhere, any time during this generation or the next. Its service is of value only to those interested in the preservation of existing conditions. It is doing that work well.

The power to fix rates is equivalent to the power to tax the rail commerce of the country. Rates on commerce determine its flow; they determine the amount of profit or loss to the producer, whether an industry or section of country shall flourish or languish, shall prosper or perish.

With a commission exercising the power to levy this tax, every section of the country is entitled to have its equal representation on its membership. The law should be amended so as—

(a) To require the President in all future appointments to fill vacancies on the commission with due regard for such representation.

(b) To effect a reorganization of the commission. Its administration should be decentralized. Its membership of 11 is to large to act collectively. The commission should redelegate its power to any individual member subject to review on appeal by a division of five members.

(c) To require the commission, through one of its members, to hold annual sessions at convenient places in each of the four group rate-making districts of the country.

With the power of the commission thus delegated and exercised by one of its members, the holding of such annual sessions would provide a convenient tribunal for the hearing of complaints and their prompt disposition for the people of every section of the country. Instead of compelling litigants to come to Washington, it would provide an agency in their midst for their convenience. Such procedure would require a commissioner to hear the evidence in person and supervise the proceedings so as to bring into the record all the evidence of which the case was susceptible. It would provide the process of the elimination of cases through appeal, the same as we now have in civil procedure, and relieve the congestion in the appellate division at Washington. It would more than double the efficiency of the commission. It would be representative and more satisfactory to the people. It would restore their confidence in its sincerity and efficiency. In time it would enable the appellate division to currently administer its duties as the Supreme Court now administers and enjoy in equal degree the confidence, the respect, and appreciation of the country.

This bill proposes to delegate the power of the commission to one member of it. Why? Because the need of regional administration is recognized as essential to its administration.

In addition to this, the bill delegates the power of the commission to an examiner to sit as a member of the commission, with power as a member of the commission, except in making a final order, and provides for joint boards, as has been so ably presented by the gentleman from Michigan [Mr. MAPES].

The great trouble in the administration of transportation is that your first requirement is one of uniformity, and you can not have uniformity of administration in a multiplicity of independent agencies. So in this case we were required to limit the jurisdiction of a member of the commission or an examiner or the joint board; we were required to limit their jurisdiction to a report or a decision or an order, subject to review by the commission, and effective only after a period of 10 days if unappealed from. This provides uniformity in administration, because it is always under the supervision of the commission and subject to readjustment by that body.

There are several subjects that might be taken up and considered here in view of what has been urged against the bill.

The main objection, as I gather from the various suggestions made, is that the bill does not cut loose, clearly and satisfactorily, from rail transportation and its influences; that it will be inferior and subject to rail and water transportation.

An examination of the provisions of this bill will disclose that motor-carrier transportation is placed upon the same independent plane of equality as rail and water transportation. If the railroads were writing this bill, they would not have written into the bill the section to which I refer, and I call your attention to this section very briefly, paragraph (c), on page 12:

Nothing contained in section 500 of the transportation act, 1920, shall be construed as expressing a preference by Congress for rail or water transportation over transportation by motor vehicle or to affect in any manner the issuance of a certificate of public convenience and necessity.

The section—section 500—referred to therein reads:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

When you construe the two sections together you have a declaration by Congress of a policy whereby rail, water, and motor-carrier transportation are to be preserved and fostered with full vigor upon an equality one with the other. Did the railroads write that policy in the bill?

I have here an amendment which I think embodies the intent of the amendment suggested by the chairman of this committee. It answers the objections, fears, and suspicions of those who have suggested that a certain paragraph of a former bill has been omitted in this one. This amendment, briefly, is that all the existing powers of the State shall be preserved intact and that no section of the bill shall be construed as authorizing the Interstate Commerce Commission to exercise any authority or jurisdiction over intrastate commerce.

Mr. BURTNESS. Will the gentleman yield?

Mr. GARBER of Oklahoma. Yes.

Mr. BURTNESS. If the gentleman has his amendment there, I think it would be well to read the exact form of it so that it may appear in the RECORD. It is a substitute, as I understand, for section 14 of the original bill, but it is very much shorter and I think covers the situation admirably, and I think the membership of the House would be interested in reading the amendment in the RECORD.

Mr. GARBER of Oklahoma. This is the amendment referred to:

On page 22, after line 10, insert a new paragraph, as follows:

"(c) Nothing in this act contained shall be construed as in any wise limiting or restricting the powers of the several States as now existing to control and regulate intrastate transportation by motor vehicle; neither shall this act be construed so as to give the commission or any joint board any authority or jurisdiction whatsoever over such transportation, and the exercise of any such power by said commission or joint boards is expressly prohibited."

I do not think, speaking from a strictly legal standpoint, that the amendment is necessary for the preservation of the independence of the State authority under the terms of this bill.

Mr. BURTNESS. Will the gentleman yield there?

Mr. GARBER of Oklahoma. I yield.

Mr. BURTNESS. I am pleased to hear the gentleman make that statement, especially for this reason: In the event the House should not see fit to adopt such an amendment, it is true, is it not, that it was not the intent of the committee in any way to deprive State regulatory bodies of complete authority over intrastate regulation?

Mr. GARBER of Oklahoma. The gentleman is certainly correct in his statement as to the intention of the committee in every provision in this bill. The rights of the Federal States have been safeguarded in every particular that is commensurate with the minimum degree of regulation necessary to supply the existing needs.

The Supreme Court has frequently held that the several States in the exercise of their police powers could do almost all the essential regulating of interstate commerce, with one exception. The Supreme Court has held that the States can levy a tax; the Supreme Court has held that the States can require a license; it has held that the States can govern the weight and the construction of the equipment; it has held that they can, in the exercise of their police powers, regulate in every respect with the exception of one, and that is that they can not limit the number of carriers in interstate transportation.

Up to 1925, as frequently stated, it was the accepted general belief that under the doctrine of reasonable regulation in the absence of congressional action, the State could exercise full power of regulation of interstate motor-carrier transportation. And motor-carrier transportation accepted complete regulation up to that time. But when objection was made the decision was rendered that the commerce clause of the Constitution was self-executing; that while Congress had enacted no legislation prohibiting the State from regulating interstate commerce, yet the clause was self-executing, sufficiently to remove all obstruction to interstate commerce.

Following that decision violations of the interstate regulation immediately multiplied. The several States were helpless to impose any regulation as to the number of carriers in interstate transportation.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. GARBER of Oklahoma. I will.

Mr. LANKFORD of Virginia. Do I understand from your amendment that the State can fix the rates in intrastate transportation?

Mr. GARBER of Oklahoma. Under the decision these intrastate regulatory agencies have full power to fix rates. In this bill we do not propose to fix any rate; we do not confer that power on the commission. We simply confer the power of approval or disapproval in the matter of rates.

Now, that matter was discussed at some length by the gentleman from Mississippi [Mr. RANKIN], who was insisting that this bill gives the commission the power of fixing rates. This bill uses the language that was in the interstate commerce act, and that language was construed by the Supreme Court.

I am glad to see that the gentleman from Mississippi is now present. I was answering his contention, as I understood it, that this bill would give the commission power to fix rates. I have just stated that the language used in the present bill is that the rate shall be just and reasonable and was taken from the interstate commerce act, which has been frequently construed by the Supreme Court, and they construe the power conferred by that language as follows:

Congress has not conferred upon the Interstate Commerce Commission the legislative power of prescribing rates either maximum or minimum or absolute; and, as it did not give the express power to the commission, it did not intend to secure the same result indirectly by empowering that tribunal to determine what in reference to the past was reasonable and just, whether as maximum, minimum, or absolute, and then enable it to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just. New Orleans & Texas Pacific Railway *v.* Interstate Commerce Commission (162 U. S. 184), affirmed and followed.

This construction left the roads—

Free to make special contracts looking to the increase of their business, to classify their traffic, to adjust and apportion their rates so as to meet the necessities of commerce, and, generally, to manage their important interests upon the same principles which are regarded as sound and adopted in other trades and pursuits.

Mr. RANKIN. Mr. Chairman, what is the date of that case?

Mr. GARBER of Oklahoma. It is in One hundred and sixty-second United States Reports, 184.

Mr. RANKIN. That is many, many years ago. Give the date of the decision.

Mr. GARBER of Oklahoma. Certainly. This is the language construing the interstate commerce act, which was enacted in 1887, with the identical phraseology that we use in this bill in limiting the power of the commission in the matter of fixing rates. The reason the fixing of a minimum or maximum rate in this transportation is unnecessary and does not apply, as in transportation by rail, is because rail transportation is monopolistic in its character. It was deemed essential there to fix a maximum and minimum rate, but in this bill the commission has been given no authority to fix rates.

Mr. MOORE of Virginia. Is not this the fact: That under this bill as drawn these motor-vehicle carriers will file their schedules with the Interstate Commerce Commission, and then those schedules, in general or in detail, are liable to complaint upon the ground that the rates are unreasonable? Then, the Interstate Commerce Commission proceeds to pass on such a complaint and determines whether or not it is well grounded, and if it is, declares what rates shall be charged in substitution for those rates contained in the schedule.

Mr. GARBER of Oklahoma. No; the commission makes no such finding. The commission was not permitted to make any such finding in the cases cited. The commission can only make the declaration that it approves or disapproves of the rates. The court holds such specifically, because if held as the gentleman states the law to be it would be permitting the commission to do indirectly what Congress did not permit it directly to do.

Mr. MOORE of Virginia. But the court in all those cases took cognizance of the orders of the commission in which the commission condemned certain cases and said the rates should not exceed a certain standard, which was practically fixing rates.

Mr. GARBER of Oklahoma. That is an entirely different statement. The commission can either approve or disapprove of the rates. In the first place, the tariff of rates that the gentleman from Virginia refers to is proposed by the applicant and not by the commission. The commission does not fix the rates in the tariff. The applicant presents the tariff to the commission. It is posted, it becomes the rate, and can not be deviated from without the consent of the com-

mission. That is to require a uniformity and to stabilize the condition of rates throughout the country to everybody alike.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Oklahoma. For a question.

Mr. RANKIN. The gentleman was discussing me when I came into the Chamber.

Mr. GARBER of Oklahoma. I was discussing the statement of the gentleman to the extent of his contention that the commission fixed the rate.

Mr. RANKIN. That is what I want to ask the gentleman about. The gentleman must understand that nearly all the time on this bill has been taken by those who favor it, and that those who are opposed to it can get in apparently only by asking questions.

Mr. GARBER of Oklahoma. If I had known the gentleman desired time——

Mr. RANKIN. I do not care to use it now. The gentleman says the commission does not have the right to regulate rates under this bill.

Mr. GARBER of Oklahoma. No; I said the commission did not have the right to fix rates.

Mr. RANKIN. What does this mean? Under paragraph (d) on page 19 the following language is used:

> The rates, fares, and charges of such carriers for operations under any certificate of public convenience and necessity issued under this act shall be just and reasonable.

That means they shall not be too low or too high in the estimation of the Interstate Commerce Commission, does it not?

Mr. GARBER of Oklahoma. Why, no.

Mr. RANKIN. What does it mean?

Mr. GARBER of Oklahoma. In the first place anyone can make a complaint against the rate; and in the second place, if it is referable, the commission must refer it to the joint boards; and in the third place, if it is not referable, it must refer it to a member of the commission acting for the commission or an examiner acting as such, and then they hear the evidence as to whether the rate is just and reasonable.

Mr. RANKIN. Whether it is too low or too high?

Mr. GARBER of Oklahoma. Yes.

Mr. RANKIN. Does not the commission have the right to say what is just and reasonable and unfair and in that way fix the rates?

Mr. GARBER of Oklahoma. No; the commission can only approve or disapprove after hearing.

Mr. RANKIN. I understand. I have not denied that they have a right to hear the evidence.

Mr. DENISON. The commission does not do that at all. The commission does not say what is just and reasonable. It says whether or not the rate in effect is just and reasonable, and if they find——

Mr. HASTINGS. It has no power of substitution.

Mr. GARBER of Oklahoma. Yes. It has no power to fix the rates.

Mr. DENISON. If the commission finds the rate that is mentioned is unreasonable——

Mr. RANKIN. Is too low.

Mr. DENISON. Either too low or too high, and if too high it is unreasonable.

Mr. RANKIN. And if it is too low?

Mr. DENISON. They say it is unjust.

Mr. RANKIN. Unjust or unreasonable.

Mr. DENISON. And then when they make that finding it is up to the carriers to make another rate.

Mr. RANKIN. Or get out of business, and in that way they fix the rate.

Mr. DENISON. The gentleman from Mississippi is the only person I have ever heard of yet who says that that is fixing the rates.

Mr. RANKIN. I am glad that the gentleman has found one man who understands what this bill means in reading it in plain English.

Mr. DENISON. I have found at least one man who does not know what it means.

Mr. RANKIN. Oh, the gentleman found that man without leaving his seat.

Now, on page 20, let me call the attention of the gentleman from Oklahoma [Mr. GARBER] to this, because I have great respect for his judgment; otherwise I would not be asking this question.

Mr. GARBER of Oklahoma. I thank the gentleman for his compliment.

Mr. RANKIN. On page 20, to show what it means, I read:

> No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

Now, no rate would ever be held to be unjust to a competing carrier unless it was too low. He would not kick if you were charging too much, because that would send the traffic to his line. I submit that under this bill the Interstate Commerce Commission has the power to fix the rates that these lines shall charge. The Supreme Court has held to the contrary.

Mr. GARBER of Oklahoma. I will read another extract from its decisions. I read:

> Cincinnati, New Orleans & Texas Pacific Railway Co. *v.* Interstate Commerce Commission. Interstate Commerce Commission *v.* Cincinnati, New Orleans & Texas Pacific Railway Co. Appeals from the Circuit Court of Appeals for the Fifth Circuit. (162 U. S. 184)
>
> The Interstate Commerce Commission is not empowered, either expressly or by implication, to fix rates in advance; but, subject to the prohibitions that their charges shall not be unjust or unreasonable, and that they shall not unjustly discriminate, so as to give undue preference or disadvantage to persons or traffic similarly circumstanced, the act to regulate commerce leaves common carriers as they were at the common law, free to make special contracts looking to the increase of their business, to classify their traffic, to adjust and apportion their rates so as to meet the necessities of commerce, and generally to manage their important interests, upon the same principles which are regarded as sound, and adopted in other trades and pursuits. (162 U. S. 184.)

> Interstate Commerce Commission *v.* Alabama Midland Railway Co. Appeal from the Circuit Court of Appeals for the Fifth Circuit. No. 203. Argued March 12, 15, 16, 1897
>
> Cincinnati, New Orleans & Texas Pacific Railway *v.* Interstate Commerce Commission (162 U. S. 184) and Interstate Commerce Commission *v.* Cincinnati, New Orleans & Texas Pacific Railway Co. (167 U. S. 479) adhered to, to the points that Congress has not conferred upon the Interstate Commerce Commission the legislative power of prescribing rates, either maximum or minimum or absolute; and that, as it did not give the express power to the commission, it did not intend to secure the same result indirectly by empowering that tribunal, after having determined what, in reference to the past, were reasonable and just rates, to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just. (168 U. S. 144.)

These decisions effectively answer the gentleman's contention in the negative.

Mr. RANKIN. Now, if a bus line undertook to publish another schedule of rates—say they were charging $10 between two points and undertook to publish another schedule of rates reducing the charge to $8—any person or corporation could protest to the Interstate Commerce Commission, and if the commission found that rate was "unjust" because it was too low, they would refuse to approve that schedule of tariffs or rates.

Mr. GARBER of Oklahoma. In that case, the only complainant would be the people or competing motor-carrier lines, because the section that the gentleman has just read would preclude any railway transportation company from making such a complaint.

Now what is the object of this? Did the railroads write this provision?

Mr. RANKIN. It says:

> Any person, corporation, or State board may make complaint in writing to the commission that any such rate, fare, or charge, in effect or proposed to be put into effect, is or will be unjust or unreasonable.

Any human being on earth can raise the question, or any corporation; and then if the Interstate Commerce Commission decides that it is "unjust" if it is too low, or "unreasonable" if too high, the Interstate Commerce Commission would refuse to permit it to go into effect.

Mr. DENISON. The gentleman understands, of course, that the person making that complaint would have to show some particular interest. The gentleman can not say a rate is unjust in general terms. If a rate is so low as to be unjust to another carrier, that would not be justified.

Mr. RANKIN. I do not expect people in masses, who are riding in these busses, to complain that the rate was too low. But such complaint could come from any railroad or any human being in the United States who would contend that it was "unjust" because it was too low, and the Interstate Commerce Commission could arbitrarily refuse to approve such rates and could continue to refuse to approve them until one was made that suited them.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARBER of Oklahoma. I have yielded a good deal of my time.

Mr. PARKER. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes more.

Mr. DENISON. Of course, the fundamental object of giving the commission control of that question is to prevent one carrier who may have been a little more fortunately situated than another from running another carrier out of business who was situated not so fortunately. This provision is to compel competition and prevent that.

Mr. RANKIN. I have been all day bringing members of the committee around to admit that this gives the Interstate Commerce Commission power to fix these rates.

Mr. GARBER of Oklahoma. And you have not yet succeeded? May I ask, Is the gentleman opposed to that part of the section which he has read? Is he opposed to that provision in the bill?

Mr. RANKIN. In its present form.

Mr. GARBER of Oklahoma. Are you opposed to this provision?

Mr. RANKIN. Yes.

Mr. GARBER of Oklahoma. This provision recites that—

> No such rates, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

It is for the very purpose of protecting motor-carrier transportation against rail or water competition, and to estop the rail and water carriers from complaining that the rates of motor carriers are too low.

Mr. O'CONNOR of Oklahoma. If somebody objected to this, what would happen?

Mr. GARBER of Oklahoma. It would be ruled out as immaterial. I think it is one of the most beneficial provisions in this bill to protect motor carriers engaged in transportation. And let me say in this connection that the commission has the power to issue a certificate to competing carriers whenever an existing carrier persists in charging unjust and unreasonable rates. The constant presence of that power is the suspended sword that hangs over the motor carrier refusing to comply with the requirement that rates must be just and reasonable.

Mr. RANKIN. Will the gentleman agree to an amendment on page 20, line 5, to strike out the words "a different" and insert the word "any," so as to give real competition under the bill?

Mr. GARBER of Oklahoma. "Different" includes "any" in this case. I will ask the gentleman this question, although I am not expecting a reply——

Mr. RANKIN. I yield to the gentleman from Oklahoma. [Laughter.]

Mr. GARBER of Oklahoma. Do you believe the railroads wrote the provision that the certificates should convey no vested right in a highway or no interest in a highway; that the certificate shall be subject to change, amendment, revocation, or cancellation whenever the commission finds it to be in the public interest?

Mr. RANKIN. I did not quite understand that.

Mr. GARBER of Oklahoma. Whenever the commission finds it to be in the public interest?

Mr. RANKIN. Does the gentleman ask me if I think the railroads wrote that?

Mr. GARBER of Oklahoma. Yes. Does the gentleman believe the railroads or railroad influences wrote that provision in this bill?

Mr. RANKIN. I asked this morning if the members of the committee wrote the bill, and one member got offended, so I withdrew the question. I am taking it for granted that the committee wrote this bill, although I think it would be to their credit if they could prove an alibi.

Mr. GARBER of Oklahoma. Absolutely; and frankly and thoroughly discussed every provision and feature in it for days and days, because they were conscientious and just as anxious as is the distinguished gentleman from Mississippi to safeguard every right and interest of the public. We have not been able to do it perfectly, but we have done the very best we possibly could with the agencies that we have had.

Mr. RANKIN. The statement was made yesterday that only representatives of the railroads and bus lines were heard. Is that correct?

Mr. GARBER of Oklahoma. Let me answer that. In the first place, I attended all the sessions of the committee in the hearings on this bill, and I do not recall a single representative of any railroad that ever appeared before the committee in the hearings on this bill.

Mr. RANKIN. Representatives of the bus lines were there, were they not?

Mr. GARBER of Oklahoma. Representatives of the bus lines were there; yes.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RANKIN. But nobody representing the general public.

Mr. PARKER. I yield five additional minutes to the gentleman from Oklahoma.

Mr. O'CONNOR of Oklahoma. You did not call in these fellows on the little peanut and tamale wagons?

Mr. GARBER of Oklahoma. No; we called in the utility commissions of the various States.

Let me say this in regard to the personnel of the committee. I believe it is one of the most representative committees of the House; that is, to say, it represents 18 different States in the Union. It is composed of 21 members, and represents 18 different States. The majority of these States are what you would call Western agricultural States, whose Representatives, with those of the Eastern States, are equally concerned in safeguarding the public interests.

We put in this bill every provision that we thought was constitutional and workable to protect and safeguard the interests of the traveling public. Take the certificate itself. It provides that there must be continuing control after it has been issued. The commission does not simply issue a certificate of public convenience and necessity and give it no further consideration. The certificate provides for a continuing control; for adding new duties, requiring new service, and the cancellation of it for any violation of the orders of the commission. How much stronger could you make it?

This certificate of public convenience and necessity, and this control is only used to promote public interest. It is not used to promote a monopoly. I deny that. It conveys no interest and is subject to revocation, and hence is simply a revocable license. It seems to me that that provision ought to be satisfactory in every detail to the scrutiny and the discriminating mind of the gentleman from Mississippi

Mr. RANKIN. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. RANKIN. If I thought it was in the best interest of the public I would feel as the gentleman from Oklahoma feels. It seems to me that under the provisions of this bill you are going to put the independent bus operators out of business.

Mr. GARBER of Oklahoma. It is a device used by 41 States to eliminate wasteful competition, minimize the wear and tear on the highways, and provide dependable and substantial service for the people; also adequate insurance and indemnity bonds for the protection of the traveling public.

Objection has been made to the provision authorizing consolidation. That is a protective provision of the bill that prohibits monopolization of the lines. No control of the equipment of the company, no control of the stock of the company, no control of anything pertaining to a competing carrier is permitted under this section. It is absolutely and expressly prohibited under this section of the bill. Merger and consolidation are only permitted after a hearing and after approval by the commission, and the commission is empowered to impose such conditions as it may find to be in the public interest on any proposal for a consolidation or merger.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. O'CONNOR of Oklahoma. There is not anything wrong with mergers or consolidations or monopolies if they are used for the public interest?

Mr. GARBER of Oklahoma. Certainly not, and especially when accompanied with the regulatory provisions in this bill.

Consolidation and mergers in this bill would be for the purpose of improving the service to the public and for simplifying the administration. To-day there are over 699 companies operating interstate motor busses. The number may be materially increased within a few years. Consolidation will minimize the number to that necessary to preserve competition in the public interest and facilitate efficient administration of the act. [Applause.]

The general inquiry of western Representatives is: Has the transportation of passengers by motor bus now reached a stage in its development requiring regulation? A brief survey of its operations and growth during the last several years effectively answers the question in the affirmative.

In 1928, 92,325 busses were in operation as against 55,001 steam-railroad passenger cars and 80,014 electric passenger cars. This latter figure represents surface and rapid-transit cars.

During 1928 motor busses covered 710,250 miles, the steam-railroad passenger cars 249,308, and the electric passenger cars 39,090 miles.

During the year 1929, 92,500 busses carried 1,768,000,000 passengers over 10,835,000,000 passenger-miles.

Using an estimated population of 122,000,000, every person in the United States paid in bus fares an average of $2.66 each during the past year.

The total investment in rolling stock for this period was $450,000,000, and in terminals, garages, and so forth, $110,000,000.

The total revenue derived from interstate busses during 1929 amounted to $47,500,000. Carrying 38,000,000 passengers over a total of 2,160,000,000 passenger-miles, the average fare on these interstate busses was estimated at the rate of 2.2 cents per mile.

Out of a total estimated revenue of $310,000,000 derived from common carriers operating in city, intercity, and interstate service during 1929, 43 per cent of this amount was paid to manufacturers for materials and supplies for the upkeep, maintenance, and repair of 45,600 busses. Information upon which these figures are based was obtained from 26 companies operating 5,073 busses, representing all classes of service.

The Public Service Coordinated Transport of New Jersey, said to be the largest bus operators in the United States and probably in the world, outside of London, operate 2,500 busses in the carrying of passengers. Six hundred and fifty of these are operated in interstate commerce, the rest in intrastate. They carry over a million passengers per day, 70,000 of which are carried in interstate commerce. This business represents an investment of more than $45,000,000.

A further interesting fact, and one which indicates that the industry has become deeply rooted in solid ground, is the ever-increasing number of new terminals and garages that are being erected throughout the country, representing investments of no small amounts of money. These investments may be considered an expression of increasing confidence in the stability of the traffic and the continuous future growth of the industry.

In Kansas City the world's largest bus terminal is now being completed at a cost of $3,000,000. It is a project of the Pickwick-Greyhound Lines (Inc.), which established its headquarters in that city but six months ago. The building covers practically an entire block and is a combination of terminal and hotel. The terminal will handle the arrival and departure of 200 busses daily, requiring a staff of 35 employees. The hotel consists of 400 rooms with bath, and showers are provided for the traveler whether remaining overnight or not.

The following figures, taken from the February, 1930, issue of Bus Transportation, while not authenticated, are approximately correct as any given and may be of interest, showing the extent of the development of travel by motor bus:

Busses	1929
Number of operating companies	[1] 23,928
Motor carriers	[1] 6,000
Electric railways and subsidiaries	262
Steam railroads and subsidiaries	66
Schools	[1] 16,525
Sight-seers (included in motor carrier, electric railway, and steam railroad figures).	
Other users	[1] 1,075
Number of busses operated (total)	[1] 92,500
Motor carriers	[1] 35,640
Electric railways and subsidiaries	11,256
Steam railroads and subsidiaries	1,454
Schools	[1] 42,000
Sight-seers (included in motor carrier, electric railway, and steam railroad figures).	
Other users	2,150
Total investment in rolling stock	[1] $450,000,000
Total investment in terminals, garages, etc	[1] $110,000,000
Total gross revenue (revenue busses only)	[1] $322,000,000
City service	[1] $109,000,000
Intercity service	[1] $201,000,000
Sight-seeing and charter-hire revenue (does not include charter-hire revenue of common-carrier busses)	[1] 12,000,000
Passengers carried (revenue busses only)	[1] 1,768,000,000
City service (revenue only)	[1] 1,346,000,000
Intercity service	[1] 422,000,000
Passengers carried, school busses	[1] 400,000,000
Other noncommon carriers	[1] 18,800,000
Other highway transport	
Number motor trucks registered	[1] 3,370,000
Motor-vehicle license fees	$350,000,000
Gasoline-tax receipts	$415,000,000
Federal-aid highways:	
Total mileage improved and paid for	80,464
Disbursement (Federal)	$82,736,879
State expenditures	$112,561,289
Total cumulative cost	$1,529,173,445

[1] Estimated.

Business done by busses in revenue service during 1929

	Operating revenue	Passenger miles	Passengers (revenue only)	Average fare	
				Per passenger	Per passenger-mile
City busses	$109,000,000	4,038,000,000	1,346,000,000	$0.081	2.7
Intercity	153,500,000	4,637,000,000	384,000,000	.40	3.3
Interstate	47,500,000	2,160,000,000	38,000,000	1.25	2.2
Total and average, common carriers	310,000,000	10,835,000,000	1,768,000,000	.175	2.9
Sightseeing and for hire	12,000,000	150,000,000	6,000,000	2.00	8.0
Total and average revenue, busses	322,000,000	10,985,000,000	1,774,000,000	----------	3.0

NECESSITY FOR INTERSTATE REGULATION

Highway traffic is becoming more and more congested each year, and especially is this true in the States of New York, California, Ohio, Pennsylvania, Illinois, and New Jersey, in each of which there are in excess of a million private cars and from 175,000 to 300,000 private motor trucks, demanding a place and the unimpeded use of the public highway.

In all the large States of the East the ever-increasing number of interstate carriers by motor bus is adding to the increased congestion of the streets and public highways leading into and out of the great cities, making regulation and control essential to the protection and safety of life and property.

Private passenger cars and private motor trucks in the United States have reached the enormous total of 22,000,000, each of which contends that it is entitled to the use of the public highways, unhampered and unhindered by those who use them for private gain.

This represents the viewpoint of the private citizens of the United States, and in contending for the preservation of the highways for public use they logically insist that if their use for private gain is to be permitted, it shall be only under such rules and regulations as will fully compensate the States for the use of the roads and protect the traveling public from congestion and the hazards and risks incident to such operations.

Surely the size and extent of the industry, growing as it is by leaps and bounds and necessitating constant and more constant use of the public highways, is in itself strongly indicative of the need of regulation.

The necessity for regulation of transportation by interstate motor carriers is further well answered in the fact that 47 States out of 48 have regulatory laws governing motor-carrier intrastate transportation.

The States of the Union, with one exception, have found it necessary to enact laws regulating the operation of common-carrier busses. These regulatory laws universally require—

First. A certificate of public convenience and necessity for such operation to be issued only upon proof that the convenience and necessity of the public require such operation.

Second. Adequate insurance.

Third. Financial responsibility.

Fourth. Supervision of rates and service.

The public using busses operating solely in intrastate commerce is protected by State laws. Busses that transport passengers exclusively in the field of interstate operation are without supervision by public authority.

RESULTS OF STATE REGULATIONS

Substantial responsible companies have engaged in the business. Wise regulation has induced capital to invest, resulting in the employment of the latest and most highly improved equipment, trained and efficient operators, a marked decrease in accidents, insurance of passengers, indemnity bonds to protect the traveling public, operations over fixed and definite routes, dependable time schedules, adequate terminal facilities, and a minimization of the use of the highways and their congestion, wear, and tear by motor-carrier busses. All of which has resulted in a service so satisfactory to the traveling public that during the year 1929 1,768,000,000 passengers indirectly approved the State regulations by taking advantage of such service.

In the face of these results, who now would advocate the extinction of State regulation and a return to the chaotic conditions which existed prior to such regulation?

What State regulation has done to stabilize, build up, and improve the service of intrastate transportation so will the regu-

lation now proposed in the pending bill stabilize, build up, and improve the service in interstate travel.

In Buck v. Kuykendall (267 U. S. 307, 45 S. Ct. 324, 69 L. Ed. 623, 38 A. L. R. 286) it was held that a statute requiring a certificate of public convenience and necessity was unconstitutional as applied to one using Federal-aid highways as a common carrier purely in interstate commerce because in violation of the commerce clause of the Federal Constitution, and also as defeating the purpose of the Federal-aid statute. (23 U. S. C. A., secs. 1–53.) The statute (Laws Wash. 1921, 341, sec. 4) requiring the certificate applied to transportation "for compensation between fixed termini or over a regular route in this State." It did not exclude interstate carriers. In Bush v. Maloy (267 U. S. 317, 45 S. Ct. 326, 69 L. Ed. 627) it was held that a somewhat similar statute was unconstitutional as an interference with the interstate commerce when applied to a common carrier engaged exclusively in interstate commerce, irrespective of the fact that the highway over which it traveled was not a Federal-aid highway. * * *

In Frost v. Railroad Commission (271 U. S. 583, 46 S. Ct. 605, 79 L. Ed. 1101, 47 A. L. R. 457) it was held that an auto transportation statute, in so far as it prevented private carriers by auto from operating over the State highways between fixed termini without having first secured a certificate of public convenience and necessity, was unconstitutional.

That case does not affect the case before us because our statute applies exclusively to common carriers. The statute there defined a transportation company as one using motor vehicles "in the business of transportation of persons or property, or as a common carrier, for compensation, over any public highway in this State between fixed termini or over a regular route," and so forth. (Stat. Cal. 1919, p. 458, ch. 280, sec. 2c.) It was not limited to common carriers.

This legislature may not by its declaration make a carrier for hire a common carrier and so compel it to devote its property to a public use. (Producers Transp. Co. v. Railroad Co., 251 U. S. 228, 40 S. Ct. 131, 64 L. Ed. 239; Michigan Pub. Util. Com. v. Duke, 266 U. S. 570, 45 S. Ct. 191, 69 L. Ed. 445, 36 A. L. R. 1105; Frost v. Railroad Com., 271 U. S. 583, 46 S. Ct. 605, 70 L. Ed. 1101, 47 A. L. R. 457.) Doing so constitutes a taking of private property for public use without compensation and violates the fourteenth amendment.

STATES CAN NOT LIMIT NUMBER OF INTERSTATE CARRIERS

The foregoing citations settle the question of the regulation of at least the number of interstate carriers using the highways of the State. In other words, the Supreme Court in the decisions just cited has held that the denial by the State of the use of the highway by an interstate carrier in interstate transportation is an obstruction to interstate commerce and therefore violative of the commerce clause of the Constitution, so that the States can no longer regulate the number of interstate motor carrier busses running over their highways.

Seizing upon the opportunity thus afforded by this unregulated condition, 54 interstate carriers sprang into existence in the territory comprising New York City and the State of New Jersey. It is the loophole through which interstate motor bus carriers are finding their way, unhindered and unregulated to add to the use and congestion of the public highways, and through which incompetency and inefficiency enter and take possession of the highways to the disadvantage and ofttimes danger to the traveling public.

On page 741 the Flynn report states:

> It does not seem consistent with sound public policy that the public, primarily entitled to use the highways, should be protected against undue and unnecessary use of such highways by common-carrier motor vehicles engaged in intrastate commerce, while unlimited and unrestricted use of them may be made by common-carrier motor vehicles operated in interstate commerce. Wear and damage to the highways and the hazards of transportation are the same whether a motor vehicle of a certain type is moving in interstate or in intrastate commerce.
>
> With no law regulating interstate commerce carried over the public highways, such commerce can now be, and is, carried on by as many as desire regardless of financial responsibility and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority, and, save for the police regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of the public highways.

To weed out of the public service the reckless and incompetent operator, to eliminate useless and wasteful competition, to limit the number of motor carrier busses to the actual need and thus preserve the highways and lessen the hazards to the traveling public are the most essential and valuable purposes of regulation and constitute the protection which the general public is entitled to have and enjoy.

The futility of the continuation of attempted regulation of interstate transportation by motor bus in the twilight zone of State regulation becomes clearly apparent. The public is entitled to the enactment of law that will fully protect it in the preservation of its highways and from the hazards and risks of unregulated commerce. It should not be compelled to wander aimlessly around in the twilight zone of the police powers of the State, looking and groping for remedies under a misapprehension that protection is to be found therein.

FEDERAL LEGISLATION NECESSARY

No such remedy can be found in the police powers of the State. The remedy is in the Federal powers of Congress, exercised in the enactment of this bill to put a stop to the indiscriminate use of the public highway for private gain by inefficient and irresponsible operators, the very thing which the Supreme Court has said the States could not do.

Section 4 (a) provides that no corporation or person shall operate as a common carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a certificate of public convenience and necessity authorizing such operation.

Under this section denials of certificates are authorized and this authorization affords the remedy for the preservation of the highway and the rights of the public.

GENERAL DUTIES AND POWERS OF THE COMMISSION

SEC. 2 (a) It shall be the duty of the commission—

(1) To supervise and regulate common carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points, whether on regular routes or within defined localities or districts;

(2) To supervise and regulate charter carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers; and

(3) To prescribe rules and regulations for the proper administration of this act.

Section 10 (a) provides that—

No certificate or charter carrier permit shall be issued to a motor carrier, or remain in force, unless such carrier complies with such rules and regulations as the commission shall adopt governing the filing and approval of surety bonds, policies of insurance, or other securities or agreements, in such form and adequate amount and conditioned as the commission may require, for the payment, within limits of liability fixed by the commission, of any final judgment recovered against such motor carrier on account of death of or injury to persons, or loss of or damage to property, resulting from the operation, maintenance, or use of motor vehicles under such certificate or permit.

Section 6 (a) authorizes the commission—

to attach to the exercise of the privileges granted by the certificate such reasonable terms and conditions as the public convenience and necessity may from time to time require, including terms and conditions as to the furnishing of additional service over the specified routes or between the specified termini, and the extension of the line or lines of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the commission under section 2 (a) (1).

Under section 2 (a) it becomes the duty of the commission—

(1) To supervise and regulate common carriers by motor vehicle and to establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points, whether on regular routes or within defined localities or districts.

The suspension or revocation of a certificate or permit is the effectual remedy provided for any failure to comply with the provisions of the act. Under section 8 (a) the commission is authorized to change or revoke, in whole or in part, any certificate for failure to comply with any provision of the act, or with any lawful order, rule, or regulation of the commis-

sion promulgated thereunder, or with any term or condition of the certificate or permit, or whenever the public interest shall so require.

The bill proposes to regulate and control the interstate transportation of passengers for compensation by motor vehicle. The carriers engaged in such transportation are divided into two classes, common carriers by motor vehicle and charter carriers by motor vehicle.

The common carrier by motor vehicle is required to operate over fixed routes and fixed termini. It must procure a certificate of public convenience and necessity and meet all the requirements of regulation, including the adoption of a uniform accounting system, the filing of reports, and furnishing of insurance and indemnity bonds, to be approved by the commission before beginning operations.

Common carriers operating on January 1, 1930, and having continued such operations since that date, will be granted certificates by the commission without hearing upon furnishing required evidence in the form of answers to a questionnaire to be submitted to them by the commission in regard to such operations and ability to comply with the rules and regulations of the commission. All other applications for a certificate must be filed with the commission, which applications must be referred by it to joint board, if referable, and if not to be heard by the commission through a member or an examiner empowered to act for it.

Charter carriers are required to file their applications with the commission and will be authorized to operate interstate by the issuance to them of a permit. The application must be verified and contain such information as the commission may require. The commission shall specify in the permit the operations covered thereby as near as practicable and shall attach to the permit such terms and conditions as the commission may deem necessary.

The commission may establish reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation, equipment, and comfort of passengers. There is no regulation of the rates or of consolidations and mergers and acquisition of control relating to charter carriers.

Motor vehicles employed solely in transporting school children and teachers, taxicabs, or other vehicles performing a similar service, having a capacity of not more than six passengers and not operated on a regular route or between fixed termini, and motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroads or other common-carrier stations, are excluded from the regulatory provisions of the act.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

The certificate of convenience and necessity is primarily the instrumentality through which the proposed regulation and control is to be effected. No interstate operation can be had without first obtaining such certificate, excepting during a period of 90 days when application for such is pending and undetermined.

The certificate conveys no vested right to the use of the highway. It is subject to change or revocation upon hearing by either the commission or joint boards having jurisdiction for violation of any orders of the commission or whenever the public interest may require. It can not be taken into consideration in the valuation of the company's property for rate-making purposes. It is to be used to limit the number of carriers on any given route when in the public interest and to be issued to competing carriers when the service requires. The constant threat of its issuance is an ever-deterrent influence against high rates.

RATES, FARES, AND CHARGES

During all the hearings held on the various kindred bills for the regulation and control provided for in this bill no complaint was made that the rates, fares, and charges were too high. In fact, the absence of such complaint was one of the conspicuous features of the hearings conducted over a period of many months. Yet this bill amply safeguards the interest of the public by requiring in paragraph (d) of section 11 that all rates, fares, and charges shall be just and reasonable and that no such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board under this act on the ground that it is unjust to a competing carrier engaged in a different kind of transportation. In determining the justness or reasonableness of any rate, fare, or charge under paragraph (e) of section 11 the good will, earning power, or the certificate under which such carrier is operating shall not be considered in the valuation of the carrier's property.

Under the above sections the certificate of public convenience and necessity can not be included in any valuation of carrier's property for rate-making purposes such as was done with the easements valued at $5,000,000 in the United Railways & Electric Co. of Baltimore against West and others, decided by the Supreme Court on the 6th day of January, 1930.

The certificate of public convenience and necessity being granted solely for the promotion of the public interest can not be subject to capitalization against the public in the fixing of rates.

Under the provisions of this bill the commission is not authorized to fix rates. It is only authorized to approve or disprove them after hearing. While the fixation of maximum and minimum rates in railway transportation became necessary because of their monopolistic character, yet such does not apply to motor-bus transportation because of the absence of any such monopoly by any motor carrier in the right to use the highway and because of the fact that the commission may at any time issue additional certificates and increase the number of competing carriers whenever such competition is found to be in the public interest. The constant threat of the issuance of an additional certificate to a competing carrier will be the effective instrumentality to keep the rates, fares, and charges within the requirements of being just and reasonable to the public.

RIGHT TO SELECT MODE OF TRAVEL

The highways of the country have been constructed at a cost of a billion and a half dollars. Two hundred and sixty-three thousand miles have already been completed. In this vast country of scenic beauty, industrial, and agricultural activity, the people should have the right to select their mode of travel, to use their highways as they may prefer—in the palatial Pullman motor bus, or otherwise, even though such bus may parallel railroad or electric lines.

This bill recognizes that right of selection in the requirement for a certificate of public convenience and necessity.

Section 5 (a) provides:

Except as provided in subsection (b), a certificate of public convenience and necessity shall be issued to any applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the public convenience and necessity will be served by the operations authorized.

Upon a hearing to determine whether or not a certificate of public convenience and necessity shall issue, the question involved is not whether the commission should extend a favor to existing operators by refusing to permit another to enter the field of transportation, or whether it shall extend a favor to the applicant by permitting him to compete with existing companies. Neither the applicant nor the operators have any vested right in the use of the public highway for private gain. It is a matter of public concern whether the convenience and necessity of the general public will be promoted as distinguished from the private benefit or advantage that may accrue to any particular person.

PUBLIC CONVENIENCE AND NECESSITY—INTERPRETATION BY THE COURT

In Rock Island & Pacific Railroad Co. against Oklahoma, 1926, it was held that in granting a certificate the commission must be convinced that the proposed service will accommodate the public and that a reasonable public demand exists.

"Necessity does not mean essential or absolutely indispensable" but the resulting condition where the proposed service would be such an improvement in the existing mode of transportation as to justify the expense of making the improvement.

In 1917 the New York commission held that public convenience and necessity exists when the proposed facility will meet a reasonable want of the public and supply a need if the existing facilities, while in some sense sufficient, do not adequately supply that need.

Two conditions must be satisfied before the issuance of an order requiring the construction: First, that the extension is reasonably required in the interest of public convenience and necessity, and second that the expense involved will not impair the ability of the carrier or carriers involved to perform their duty to the public. (Construction of Lines in Eastern Oregon, 111 I. C. C. 3; Los Angeles Passenger Terminal Cases, 142 I. C. C. 489; Gunderson *v.* Chicago, M. & St. P. Ry. Co., 91 I. C. C. 702; Cooke *v.* Chicago, B & Q. R. Co., 66 I. C. C. 452; Ridge Coal Mining Co. *v.* Missouri Pac. R. Co., 62 I. C. C. 259.)

The public convenience and necessity is the only test.

Section 5 (c) provides that—

Nothing contained in section 500 of the transportation act, 1920, shall be construed as expressing a preference by Congress for rail or water transportation over transportation by motor vehicle or to affect in any manner the issuance of a certificate of public convenience and necessity under the provisions of this act.

Section 500 of the transportation act of 1920, referred to in section 5 (c) just quoted, reads:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

When these sections are construed together it will be seen that it is equivalent to a declaration of Congress that its policy shall be to promote, encourage, and develop water, rail, and motor-bus transportation in connection with the commerce of the United States and to foster and preserve them in full vigor.

What is the legal effect of the certificate of public convenience and necessity authorized in section 5 (a)? Does it convey a vested right? Does it create a monopoly in the use of the public highways for motor-carrier transportation as charged in the minority report? Paragraphs (d) and (e) of section 5 provide:

(d) No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

(e) In the administration of this act, the commission shall, so far as is consistent with the public interest, preserve competition in service.

The certificate conveys no vested interest, no exclusive right on the public highway. It is issued for the sole and only purpose of promoting the public convenience and necessity. It is simply a revocable license which confers no property rights upon the holder.

Any such certificate or permit may be suspended, changed, or revoked, in whole or in part, for failure to comply with any provision of the act, or with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term or condition of the certificate or permit, or whenever the public interest shall so require.

While the certificate aims to restrict the number of operators on the same route so as to limit the number to the convenience and necessity of the public, it does not create a monopoly. The public convenience and necessity is the only limit placed upon the number of certificates to be issued and that limit is to be in the public interest to restrict the number so as to produce as little inconvenience as possible to the public using the highway and protect the carrier against such competition as would render him unable to give the necessary service.

The certificate of convenience and necessity is simply used as an instrument of necessary control and regulation in the public interest and not as a device to create a monopoly or to convey a vested right.

Under the provisions cited it is declared to be the policy of Congress to promote, encourage, and develop rail, water, and motor-carrier transportation in connection with the commerce of the United States and to foster and preserve them in full vigor without preference to either. Thus, the traveling public is assured the right of selection of its mode of transportation wherever it is determined that the public convenience and necessity warrants, and that determination is not to be affected in any way by the existence of competing rail or water carriers.

Through the device of the certificate, revocable for violation, all are subject to such conditions as may be imposed from time to time, and, as a result, the efficiency of the service is under constant regulation, the wear and tear on the public highway minimized by restricting the number of operators compatible with the preservation of competition in the public interest, while the power of revocation of a certificate and the issuance of another to a competing carrier is the ever-present regulating power assuring just and reasonable rates to the public.

CONTROL AND CONSOLIDATIONS

Control of one carrier by another is prohibited unless authorized by the commission for the purposes of merging or consolidation. Mergers and consolidations are prohibited except upon the approval of the commission after hearing and upon such conditions as it may impose.

The bill will permit of the merger or consolidation of a common carrier by motor vehicle with that of any other carrier by rail or water.

ESTABLISHMENT OF JOINT BOARDS

Where any application requests authority for operation in two States, the commission is required to create a joint board to be composed of a member from each State in which the proposed operations are to be conducted, the member to be nominated from the board of such State from its own membership or otherwise. If there is no board, or in the event of its failure to act, then the governor of such State may nominate such member and the commission is authorized to appoint such nominees when approved by it.

The decisions and recommendations of the joint board are to be made by unanimous vote. In the event that the joint board fails or refuses to act, or is unable to agree upon any matter submitted, then the commission, itself, shall determine the matter.

In paragraph (d) of section 3, the commission is required to refer the following matters to a joint board for hearing, decision, and recommendation of appropriate order:

Applications for the issuance of certificates of public convenience and necessity (except in cases where applicants were in operation on January 31, 1930, and have maintained as such, and who are permitted to support their applications with answers to questionnaires).

The suspension, change, or revocation of such certificates; applications for the approval and authorization of consolidations, mergers and acquisitions of control; complaints as to violations by common carriers; complaints as to fares, rates, and charges of common carriers by motor vehicle; and the approval of surety bonds, policies of insurance, or other securities or agreements for the protection of the public, required on the issuance of a certificate.

In acting upon such matters the boards are vested with the same duties, powers, and jurisdiction as are vested in the members or examiners of the commission when acting under its orders in the administration of the act.

Orders recommended by joint boards are to be filed with the commission to become orders of the commission and effective, but subject to the review of the commission upon appeal or upon its own motion.

Joint boards when acting upon such matters are made agencies of the Federal Government.

In résumé, we find the essential provisions of the bill to be:

(a) The administration of the act is placed primarily in the Interstate Commerce Commission.

(b) The Interstate Commerce Commission is authorized to act through one of its members or examiners or joint boards.

(c) The decisions and orders of such agencies, if appeal is not taken, become final after 10 days unless stayed by the commission.

(d) Joint boards may be appointed where application for certificate shows operations to be limited to two States.

(e) The joint board is to be made up of one representative from each State in which operation is proposed, the representative to be nominated by the State utility board and appointed by the commission.

(f) With the exception of applications showing operations on January 1, 1930, and their continuation, all other applications must be referred to joint boards where referrable.

(g) No common carrier by motor vehicle can engage in interstate commerce without first obtaining a certificate, furnishing insurance, indemnity bond, and evidence of ability to comply with all the rules and regulations of the commission.

(h) Certificates of public convenience and necessity are subject to change and revocation for violation of any order or whenever found to be in the public interest.

(i) Certificates of public convenience and necessity convey no vested interest in highways and represent no value for rate-making purposes.

(j) Rates, fares, and charges must be just and reasonable.

(k) Refunds, rebates, and discriminations prohibited. Reduced fares and free transportation can only be extended to employees.

(l) Control and consolidation permitted only after hearing before the Interstate Commerce Commission, and then upon such conditions as it may impose.

(m) The bill does not impinge in any way upon the States' complete control and jurisdiction over intrastate transportation by motor carrier.

Such is a brief analysis of the regulatory and administrative provisions of the bill.

Its provisions for adequate notice, hearings, appeal, review, and appeal to the courts we believe meet all the constitutional requirements. Its penal and civil provisions, including those of extraordinary remedies, are adequate for the prompt and effective regulation and enforcement of its provisions.

This bill embodies needed constructive legislation.

Its enactment will safeguard the public interest.

It will encourage capital to invest, resulting in commodious terminal stations, substantial equipment, employment of skilled and dependable operators, and the carrying of sound insurance for the protection of passengers and indemnity for damages to the public.

It is impossible to adequately visualize the rapid growth and development of this mode of transportation during the next five years. It will surpass that of any other period in its history.

During this period connection of lines through consolidation will have been effected, regular coast-to-coast schedules will have been established, motor-carrier transportation will have been securely founded upon a financial basis which will enable it to grow and expand to meet the ever-increasing demands of the traveling public.

Mr. PARKER. I yield 15 minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I had not intended to speak on this bill in general debate, or until it reaches the amendment stage, but in view of some of the questions which have been suggested and some of the objections that have been raised by some of the Members, particularly in colloquies, I felt it proper for me to express, as briefly as possible, just a few observations with reference to my views thereon.

If you will pardon a personal reference, I will say this: That when this question first came before our committee three or four years ago I was not particularly impressed with the necessity for legislation. I did know at the time that there were some evils; that there were a number of fly-by-night irresponsible operators that really ought not to be permitted to gather in the shekels of the public for any service they were pretending to give, because that service was most unsatisfactory indeed. Nevertheless I then joined with those who felt that the business had not progressed to the extent where it was possible for us to consider it carefully and fully and pass proper permanent legislation. At that time I did feel, however, that it would have been advisable to have provided for a sort of licensing system by which all interstate carriers would have been compelled to at least furnish public indemnity insurance and matters of that sort. But the fact is that Congress did not then legislate to that end.

We are now, several years later, confronted with the situation where this business has progressed until it has become one of the principal and important industries of our country. We find a good many evils. I will not take the time to relate them as they have already been referred to in this debate, but I do desire to emphasize one type of evil which may not have been emphasized sufficiently.

As has been stated time and again, 47 States have provided for bus regulation within their borders. It is done in my State and it is done in every State of this Union but one State.

Mr. HASTINGS. What State is that?

Mr. BURTNESS. I think it is Delaware. I happen to live on the border between Minnesota and North Dakota. A bus line, for instance, that wants to do business from my home at Grand Forks to Devils Lake or Minot would have to obtain a certificate of convenience and necessity for that purpose. It obtains that certificate and it goes into business. It renders good service, and then some irresponsible operator may see that that line is fairly successful. What can the latter do under the present law and under the present situation? All that irresponsible operator has to do is to establish a place of business just across the river, two or three blocks away, in East Grand Forks, Minn., and start out doing business upon that identical line.

There is not business enough for two lines, but there is ample business for one line. Who eventually suffers when that sort of competition arises? Not primarily the line that is in business, but the people along that route, who have become accustomed to depending upon the service of that line. They are the people who are the most injured. It was because of situations of that sort—not particularly situations with which I was personally familiar, but situations that were brought to the attention of the committee by competent and credible witnesses—that I reached the conclusion the time had come when we ought to legislate upon this subject in a fair, reasonable, and comprehensive way.

Without going into any detail as to the methods set up in this bill, I want to touch upon just two features which to my mind are of considerable importance in a sort of experimental way. Time and again Members have spoken about the tremendous work the Interstate Commerce Commission must do and have stated that it is an overworked commission, so that various suggestions have been made as to how the work of the individual commissioners might be lessened to some extent.

While this bus industry and regulation thereof is important, on the whole this legislation is not of as great importance as the regulation of the rates of rail carriers. So there are two provisions written into this bill which I think are of a great deal of importance if considered only from an experimental viewpoint.

One of those provisions gives to an examiner or to an individual member of the commission the power to go out and hold complete hearings and virtually render decisions upon the evidence taken. Of course the decisions, as a matter of form under this bill, take the form of recommendations; but it is contemplated that in 9 cases out of 10, if not in 99 cases out of 100, the decisions of individual commissioners or of examiners will become the decisions and the orders of the commission after the expiration of 10 days. I say it is of value to find out whether that sort of a method, whether making use of examiners or individual commissioners in cases of this sort could not later, after some experience in this line, be extended to some of the other work of the commission.

So, we are also setting up an experiment in this bill by the provisions for the use of joint boards. There has been much objection raised from time to time with reference to the work of the commission in other matters on the theory that sometimes they have not been fully informed as to the local situation and local conditions as well as the physical impossibility for them to become fully informed in all cases. The State commissions in every State of the Union seem not only ready and willing but anxious to use their ability and to use the information they obtain in the conduct of their work in their respective States in connection with the administration of some such law as this. I happen to be one of those who, with the gentleman from Michigan [Mr. MAPES], signed additional views. I feel we ought to use these State commissions more than is proposed by the bill in the form in which it has been recommended by the committee.

Mr. FULMER. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. FULMER. Is it not a fact that under the bill State commissions do not take any part in this law except as to bus lines operating within two States?

Mr. BURTNESS. From the statement I just made, I believe the gentleman will understand that I feel it was a mistake for our committee to limit the jurisdiction of the State commissions to that extent, and I shall probably speak upon that feature more directly under the 5-minute rule, when I shall support an amendment which will make it mandatory to use these State commissions where three States are involved, and leave it in the discretion of the commission to refer questions to such joint boards where more than three States are involved. I think that will be a practical improvement in this bill.

Mr. FULMER. For the special reason that they would more nearly represent the interests of the public.

Mr. BURTNESS. I agree thoroughly with the gentleman, and I hope he will defend that amendment on the floor of the House when it comes up for consideration.

I know some question has been raised by constitutional lawyers and others to the effect that it is contrary to the letter of the Constitution, as some say, and to the spirit of it in the view of others, to make use of State agencies for any Federal purpose. To start with, in very specific language found in this bill the person selected by the State commission or by the governor, where there is no State commission, becomes a Federal agency by the terms of this bill. So I think that language at least meets the objection that it is contrary to the letter of the Constitution. They will act for the Federal and not for the State governments when serving on the joint boards.

Mr. GARBER of Oklahoma. Will the gentleman yield there for the interpolation of an authority supporting that view?

Mr. BURTNESS. Yes; gladly.

Mr. GARBER of Oklahoma. In Holmgren *v.* United States (217 U. S. 517) the Supreme Court of the United States said:

> It is undoubtedly true that the right to create courts for the States does not exist in Congress. The Constitution provides (Art. III, sec. 1) that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Mr. BURTNESS. I take it the gentleman is quoting from the decision of the Supreme Court with reference to naturalization powers of State courts?

Mr. GARBER of Oklahoma. Yes.

> But it does not follow that Congress may not constitutionally authorize the magistrates or courts of a State to enforce a statute providing for a uniform system of naturalization, and defining certain proceedings which, when complied with, shall make the applicant a citizen of the United States.

Mr. BURTNESS. I am pleased to get the specific language in the Supreme Court decision. I was just going to give a couple of illustrations generally that have been used, that every Member of Congress is familiar with, and that ought to dispose of the entire question. The gentleman from Oklahoma has quoted from the decision of the Supreme Court with reference



to one of the illustrations I was going to give, namely, where the Congress of the United States has used the State courts for the purpose of passing upon the very important question of naturalization.

If you want another illustration which goes fully as far as that, I call your attention to what those of you who served here during the war did when you provided for draft boards throughout the country, and every one of you is familiar with the practice that existed in every county of the various States where local county officials were serving as members of the draft board. If I remember the situation correctly, I believe the President did, by general order, appoint these particular individuals, but that does not change the constitutional question one iota, because by this bill Congress itself, rather than the President, designates these agencies, if they are to be used, as Federal agencies, thus plainly obviating any constitutional question that may be involved.

Mr. GARBER of Oklahoma and Mr. HASTINGS rose.

Mr. GARBER of Oklahoma. My colleague from Oklahoma will add one additional authority supporting the gentleman's statement of the law, if the gentleman will permit.

Mr. BURTNESS. I will be pleased to have the citation.

Mr. HASTINGS. Parker against Richards, 250 United States at page 235, involving an act of Congress which created probate courts as Federal agencies in Oklahoma in the approval of deeds of restricted Indian heirs.

Mr. BURTNESS. Yes; that decision is identical in principle.

So this bill, on the whole, simply provides for regulation of interstate business which will dovetail with the regulation that you people from 47 States have already provided through your own State legislatures; supplement such legislation, in fact, provide legislation so that individuals or others can not simply come in and do away with what your people are trying to do in your own States. This is about all there is to the bill in so far as its practical, general purposes are concerned.

O, yes; I hear other objections raised with reference to the bill, and hear some say it will reduce competition, and so forth.

Well, I want to be perfectly frank and fair with you, and I want to admit very specifically that the result of this bill will be to reduce competition to a certain extent. You are here confronted, of course, fundamentally with the issue of whether you are going to permit unrestrained, expensive, destructive competition on the one hand or regulated monopoly on the other.

Mr. GARBER of Oklahoma. And if the gentleman will permit, that restriction of competition is always in the public interest.

Mr. BURTNESS. Oh, yes; I am coming to that. The gentleman is just anticipating me.

Perhaps a little history with respect to this legislation may not be amiss. When one of the first bills was introduced we found, upon examination, that the result thereof would tend toward the establishment of a monopoly, and in the first bills, upon examination, it was found that they overlooked what I think is vitally necessary whenever any monopoly is established; namely, a complete regulation and control of such monopoly.

This objection does not apply to the Parker bill, introduced at the beginning of this session. This bill does carry with it a complete, and, I think, a practical and a fair regulation of the monopoly that is established—a regulation in the public interest.

Oh, yes; it is true, as my good friend the gentleman from Mississippi [Mr. RANKIN] has stated in his colloquies from time to time, that now and then some person who might want to enter into the business will not be permitted to do so, and it is also true, as he has suggested, that bus operators who may want to put their rates to such a low basis as to be unfair and unreasonable and unjust to their competitors, will not be permitted to do so.

The CHAIRMAN (Mr. CULKIN). The time of the gentleman from North Dakota has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BURTNESS. It simply comes down to a question of whether you are going to permit some irresponsible operator, or some stronger operator, better financed, in a given case to come into a line that has been developed by an independent operator, put down the rates temporarily to such an extent as to drive out of business the man who has been operating and developed the business on that line, and then when he is driven out of business let the stronger operator raise the rates to whatever point he is able to keep them until some third operator, perhaps stronger than the one who did the mischief, comes in and, in turn, drives the second out of business.

It seems to me that to preserve and promote the public interest, it is necessary to maintain a continuous and an adequate service, and if you are going to do this, and if you are going to attempt any regulation whatsoever, it is absolutely vital that some authority must be given to some judicial body somewhere to say that a rate is too low, just as well as to give that tribunal the authority to say that a rate is too high.

Mr. BRIGGS. Will the gentleman yield?

Mr. BURTNESS. I will.

Mr. BRIGGS. From the study the committee has made of the question, has it reached any conclusion as to whether or not the regulation by the State service commissions have up to this time resulted in higher or lower rates to the public and a better or less desirable service?

Mr. BURTNESS. Of course, it was manifestly impossible to make a thorough study of that question. Generally speaking, all we had with reference to it was the viewpoint of various State commissions throughout the country, who very forcibly presented their views, both in the hearings two years ago and in the last hearings, and in letters and communications we have received, that the regulations in the States have been very satisfactory and in the public interest, both as to rates and service.

Mr. HASTINGS. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. HASTINGS. If it is safe to permit the authority in North Dakota to regulate bus transportation within that State, and safe to lodge the authority in South Dakota to regulate bus transportation in that State, why would it not be safe without any control by the Interstate Commerce Commission to leave interstate transportation between North and South Dakota to a joint board created as a Federal agency for that purpose?

Mr. BURTNESS. That involves quite a number of questions. Those of us who signed the additional views have taken what we think is a practical viewpoint of the entire situation as a whole, taking into consideration the earnest views of those who object to giving any State regulatory body any part of the administration of the act. The gentleman and I might have no dispute if we were trying to decide the question, but I think it would be unwise to raise that issue here.

I do not think you could get a majority of the House with you. If you want to be practical, and yet follow the spirit of the Constitution, I hope that the gentleman will join with us who are attempting to amend the bill in the manner suggested this afternoon by the gentleman from Michigan [Mr. MAPES], and in the additional views signed by us in the report on the bill.

Mr. HASTINGS. I will go that far, but I was in hopes that we could go still further and that the gentleman from North Dakota would go as far as we want to go.

Mr. BURTNESS. I have occasionally found that it is not advisable to butt one's head against a stone wall.

Now, coming back to the matter of competition, I hope the gentleman from Mississippi will pay particular attention to paragraph (e), page 12, of the bill, where it says:

> In the administration of this act the commission shall, so far as is consistent with the public interests, preserve competition in service.

Of course, we can all imagine that it might be possible for a tribunal to act in such a way, if they started out with a fraudulent purpose, if they started out with a purpose in mind not to carry out the best interests of the public, to so administer this act, but I will not believe that with reference to the Interstate Commerce Commission. I would not believe it with reference to the State commissions. I have no doubt that there are viewpoints in various commissions that might tend further toward the establishment of monopolies more than some of us would like to have. I have one case in mind coming before our committee. I recall that between Boston and Worcester, Mass., there is only one organization permitted to do business and which is very extensive. The entire bus traffic between those two points is controlled by one operator.

I am not here to criticize the administration of the law in Massachusetts; not at all—they say they are obtaining good service—but I am here to say that I hope at least that under similar circumstances that exist up there the Interstate Commerce Commission will not leave all of the business to one concern, and I do not think it will do so when the Congress of the United States writes the mandate into the law which I have quoted that in the public interest competition shall be preserved. I think it will be preserved.

Then, again, several questions have been asked as to the rates. Just as we thought it advisable to let the country know, to let the Interstate Commerce Commission and everybody else interested know that we here in Congress look to it to preserve competition in connection with our transportation problems we also wrote into this bill another sentence which I think will mean a good deal to the country under the conditions as now exist.

That is when we wrote this clause into the bill:

(e) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier there shall not be taken into consideration or allowed as evidence or elements of value of the property of such carrier either good will, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this act any such carrier shall be deemed to have agreed to the provisions of this subsection on its own behalf and on behalf of all transferees of such certificate.

Did the bus operators write that provision into the bill that we have reported? Did any vested interest such as the gentleman from Alabama [Mr. HUDDLESTON] yesterday charged is responsible for this bill write that provision into it? The question answers itself. The committee wrote this provision after long and mature consideration and in the public interest. What is the purpose of it? Of course, the protection of those using the service against unfair charges.

Is there any member of the general public who is not willing to pay a reasonable compensation for any transportation service? With a limitation of that sort, when it comes down to a question of passing on whether a rate is just or reasonable, can anyone conceive of a situation where a rate you or I would hold to be unjust or unreasonable would not be similarly held by the commission?

There has been a tendency in this country on the part of some public-utility corporations to insist upon large valuations for their franchises, for easements and rights they may have in the streets of the city, in the case of street-car franchises or something of that kind, and we have also seen some decisions of the courts touching such questions rather severely criticized. I am not here to-day analyzing or criticizing any of those decisions, but I am here to say that the country as a whole, the courts and commissions and Members of Congress and everyone else, might well take notice of the fact that Congress by a mandate here says that in so far as this industry at least is concerned, when it comes to a question of passing on rates, neither the commission nor any other body set up to administer this law can put a capitalized value on something which the people themselves have given to the licensee or permittee or whatever you desire to call him. [Applause.]

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. HARE. The gentleman intimates that it would be impossible under this bill to have anything but a just and reasonable passenger or freight rate. Does the gentleman believe that under existing law the rates of freight are now reasonable and just in all cases?

Mr. BURTNESS. I do not see what that has to do with this bill.

Mr. HARE. It will be under the same management and direction, under the same head, and under the same people, and if they are not willing to make a fair and just and reasonable rate under existing circumstances, would they be willing to do that under the circumstances which the gentleman has so lucidly set forth?

Mr. BURTNESS. The gentleman plainly overlooks the fact that the provision with reference to rates in this bill is wholly different from the mandate of Congress given to the Interstate Commerce Commission in the fixing of rates for rail carriers. You have a different legislative act and mandate. I am not so sure but that Congress would be acting quite wisely if it repealed the provisions of section 15a of the transportation act and adopted some such sort of mandate as is contained in this bill. I have not given enough consideration to the question to make that statement as an advised one, as a particularly intelligent or well-considered one, but I do think in its larger aspects it presents a question which deserves very serious consideration. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and members of the committee, each and every member of the Louisiana delegation has received the following telegram from the Louisiana Public Service Commission:

BATON ROUGE, LA., *March 2, 1930.*

Hon. JAMES O'CONNOR, M. C.,
Washington, D. C.:

This commission is informed that H. R. 10202, commonly known as the Parker bus bill, will come up in the House for debate and action probably on March 4. In common with what we understand to be the unanimous conclusion of public-service commissions of the several States it is the belief of this commission that the provision that cases arising thereunder may come to joint boards created by the act only when two States are involved is entirely too narrow and restricted to permit of the effectual regulation of this fast-growing type of transportation and does not afford the States whose highways are being used an adequate voice in the regulation thereof. We are informed that amendments will be proposed from the floor by minority membership of Committee on Interstate and Foreign Commerce which will have the effect of broadening the scope of the joint-board provision, and we urgently request that you give these amendments your favorable action.

LOUISIANA PUBLIC SERVICE COMMISSION,
FRANCIS WILLIAMS, *Chairman.*

After consulting with my colleagues from the State of Louisiana with respect to this telegram, it seemed to us that the proper action to take would be to insert it in the RECORD and make it a part of these proceedings. The gentlemen who comprise that commission are, like the gentlemen who comprise all of the other State commissions, honorable, patriotic, and have the esteem and affection of the people of the State whose affairs in the field in which they are clothed with jurisdiction they try to regulate in accordance with the law of that State. In this connection it might not be amiss for me to say that I was disposed to vote against this bill when I first read it. I suppose I am like the fellow who "came to scoff and remained to pray." After having heard the distinguished gentleman from Alabama [Mr. HUDDLESTON], for whom I entertain the highest esteem, regard, and a very warm friendship, and the reply of the gentleman from Illinois [Mr. DENISON], I came to the conclusion that there is a principle now involved in the contemporaneous construction of the measure and that in the discussions which have revolved around this bill a principle which has been brought forcibly to the attention of the House, and which transcends in importance all that may be in the bill as a regulatory measure.

I am not disposed to acquiesce, either inferentially or otherwise, in the idea or suggestion that unrestricted and unlimited and unrestrained competition should be made an accepted policy in the United States of America, for the reason that I do not want it to apply to the toilers, the laboring people of his country or of any other country. The night was too long and too dark for them, and they have secured what they have secured from the thoughtful people of this country in way of legislation, that which protects their afteryears of effort, struggle, and moil and toil. And I do not want by any act of mine to endanger what has been won at such a cost by denying the worth or the virtue of the great policy for which labor advocates have fought through the years. It should not be forgotten that Woodrow Wilson was the great exemplar of that policy of collective bargaining, which is the very soul of organized labor and the antithesis of that unrestricted competition which constantly seeks to defeat the purpose of unionism. That great forerunner of President Wilson, President Roosevelt, proclaimed it and insisted upon it as a policy that would make America great, strong, and powerful. Gladstone gave it his support. And I need hardly say that he will be regarded as one of the great statesmen of all time.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. RAYBURN. Mr. Chairman, I yield three minutes more to the gentleman.

The CHAIRMAN. The gentleman from Louisiana is recognized for three minutes more.

Mr. O'CONNOR of Louisiana. Leo XIII would have immortalized himself by his wisdom and writings on many other subjects, but his great work, the encyclical on the Condition of Labor, has secured for him a place in the niche of fame that time can not wither and no prejudice wane. And he gave his support to the policy of collective bargaining which is at eternal war with the destructive theory of free and unrestricted competition. When a proposition is so adroitly submitted as was submitted by my distinguished friend and our colleague from Alabama with a forensic force which could proceed from intellectual conviction only, I begin to apprehend that his conclusions concerning the advisability of unrestricted and unlimited competition which goes to the very heart of the legislation that we have built up in this country for many years may come to plague us if adopted as a new policy of the Congress. And I suggest at this time for the thoughtful consideration of the House the grave danger of setting the seal of our approval upon the theory of unlimited competition in the field of labor, in the operation of public utilities, such as gas, electric lights, telephones, railroads, and railways. Chain stores, which threaten the very life of our country and which present a problem that will have to receive the attention of every State legislature in America and be brought to this Congress for solution, are a terrible example of the destruction that may be done to

millions of independent men by the unrestricted competition of giant monster creations like the chain-store creation. Free and open competition may sound feelingly in the ears of those who are not by training accustomed to consider carefully the effect of appealing and seductive sentences that need strict analysis and construction and thoughtful consideration to expose their fallacy, all the more dangerous because uttered and proclaimed by honest and sincere men who are striving to express economic and governmental truth.

I am for regulation. The greatest ecclesiastical institution in the world has sustained itself through centuries by its ability to ascertain the ineradicable instincts and tendencies of humanity and then by wisely regulating and controlling them make them an asset instead of permitting them to grow and develop along distorted lines so as to become a curse to their unfortunate possessors and to mankind. And so should government endeavor to find the natural tendencies of people and their institutions and by wise regulatory measures and regulations make those tendencies an asset to the Nation instead of the terrible liability that uncontrolled inclinations may become. Legislation should be the highest wisdom of a State, and legislation which will promote the unification of railways, highways, and waterways will make for the advancement, the security, and the happiness of our country and fellow citizens. I am not meticulously concerned about the forms of securing the public welfare and the public convenience. I believe it was Pope who said:

> For forms of government let fools contest;
> That which is best administered is best.

That may not be a true statement when fundamentals are concerned, but in matters of detail it is common sense itself.

Of course, if we can promote the public welfare and advance the interests of all concerned in transportation, let us do it through this bill and not resort to measures that might make it so impracticable in its operation as to defeat the very purpose we have in view.

Before closing, Mr. Chairman, I can not but make reference to the splendid attitude of the trainmen and the workingmen of the railroads of this country who have given their approval and indorsement to this proposed legislation.

Recognizing the growing needs of the people of the United States and their right to a comprehensive transportation system, these great workers on the trains that are such a factor in civilization have cried out their approval, though it is a measure ostensibly to promote the interest of a rival transportation agency. I understand from my good friend Congressman JAMES MEAD, who is one of them, that the railroad employees and workers are for this bill. Apparently there is an antagonistic interest, but realizing the public necessity, I repeat, and the need for a proper and adequate transportation system that will promote the national welfare and its glory these unselfish toilers of the railroads say "amen." To them all the country may say: "Well done, good and faithful servants."

I repeat, "I came to scoff, but remained to pray." I will vote for the bill and hope it will pass. [Applause.]

My friend Congressman SAM RAYBURN has told me that the suggestions of the Louisiana Public Service Commission were considered and were determined, as has been frequently stated on the floor during this debate, to be absolutely impracticable. It has been said several times yesterday and today, as if it were something fearful to contemplate, that the railroads will soon acquire the bus lines. I hope they do—it will make for economy of operation, for efficiency of operation, and make for a responsibility to citizens and communities in the way of satisfying damages for negligence and carelessness that bus lines can not give or render as a result of financial inability. And who can operate bus lines more safely than old railroad employees, with their training and experience? And I hope the day may not be far distant when railroads will be permitted and encouraged to operate water craft. Why not? If waterways are, as their advocates contend, a more economical means of transportation, who can develop them and make them a national asset as well as the railroad companies? To say that the railroads would not operate water craft if it be more economical to do so than to run a train is to suggest that railroad executives should be in the insane asylum instead of managing great business enterprises.

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. LETTS].

The CHAIRMAN. The gentleman from Iowa is recognized for 15 minutes.

Mr. LETTS. Mr. Chairman, ladies and gentlemen, I quite thoroughly approve of the purposes of this bill. Indeed, it seems to me it is quite necessary that we should provide by legislation such control and supervision over these common carriers as is necessary under the circumstances as we know them to-day. Yet the bill is so good that I dislike to see it made the vehicle of a purpose which is quite foreign to the objects of the bill and one which deserves the individual and collective care of the Members of the House if we are to embark on the policies announced.

I particularly call attention to subsection (e) of section 11 of the bill, found on page 20. The language found there provides:

> In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed, as evidence or elements of value of the property of such carrier, either good will, earning power, or the certificate under which such carrier is operating.

I submit for the consideration of the Members of the House that this presents a matter which is not inherently involved in the problem before us and one which would embark this Nation upon a new course. I am sure that it lays down a policy with respect to motor busses which is not applied to any other common carrier or to any public utility, or in other lines of business.

This committee has jurisdiction of all carriers and of the utilities, and if they feel this is a wholesome doctrine they should start out with the railroads or some other utility where it would mean something, and not start out with motor busses.

In my judgment we are treading upon dangerous ground when we attempt by legislation to say that the courts shall not be permitted to take into consideration all the elements of value which they have found, whether the issue be rates or something else.

Our court decisions have been built upon human experience; the experience, the care, and the reasoning of the best legal minds for many generations. Here, in a few moments time, without debate and without great concern, we would attempt, in a bill that is far removed from that subject, to dispose of a very important matter, and thus embark upon a new policy, contrary to the form and spirit of our National Government.

Mr. DENISON. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. DENISON. When the operators of motor busses want to do business upon the public highways they get a certificate of public convenience and necessity, and the Government gives that to them for nothing. It is a franchise. Does the gentleman from Iowa think that in the fixing of rates to be charged the public for riding on their vehicles they should be allowed to place a valuation on that franchise for the purpose of raising the rates—valuation on a franchise which they receive absolutely free, such a gift carrying with it the splendid privilege of the use of the public highways? Does the gentleman think that they should be allowed to place a value on that franchise in order to raise their rates or to justify such rates?

Mr. LETTS. I do think that if a franchise of that kind has value, we can not take it away by legislation. If a franchise has value, if this certificate of public convenience and necessity has value, then why should not the courts deal with that element of value as they do with any other element of value?

Mr. HOCH. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. HOCH. It seems to me the gentleman from Iowa confuses the question of values. The value of property for the purpose of sale is one thing. There is no attempt to interfere with that. We are talking about property value as a basis upon which earnings shall be required. That is an entirely different proposition. For instance, take the question of earning power, which is also excluded here: If this carrier is given a large earning power by virtue of the generous patronage of the public, and we are then compelled to capitalize that earning power, we have forced the public to pay for patronizing the carrier, and the more the public patronizes the carrier and the more earning power it has, the more the property value has increased, and we have compelled the public to pay an earning upon that property value.

Mr. LETTS. Does not the gentleman know that in almost every case where franchises have been granted, it has been for the purpose of encouraging men with financial ability and vision to render a service which the public demands?

Mr. HOCH. Certainly. But why should the public then be compelled to pay on a capital valuation for that thing which the public has granted to the carrier? The gentleman refers to the railroads and suggests, "Why do we not do this with the railroads?" We have done this with the railroads, and the transportation act provides that the return shall be based upon the aggregate value of the railway property held and used in the service of transportation. No property value is given by the Interstate Commerce Commission now to any franchise right or any easement right or any earning capacity. It is based solely upon the value of the property used in the transportation service.

Mr. LETTS. Does not the gentleman speak of the guaranty that we give to the railroads as to earnings? And is that not quite different from what we are talking about here, where definite restrictions are proposed?

Mr. HOCH. That is the purpose of this, that if in determining a rate on the question of whether a fair return has been made upon the rate base for rate-making purposes in the case of the transportation act the rate base does not include any element of franchise value or earning capacity or good will.

I do not always agree with the commission as to the particular property valuations that they give on the physical property. I am not attempting to defend the findings that are made as to property values. I am only calling attention to the fact that in the transportation act and in the regulation of railroads there is not included in the rate base any franchise value.

Mr. LETTS. All I can say in reply to the gentleman from Kansas is that I imagine he confuses the obligation which we have placed upon ourselves, to see that the railroads earn a stated per cent on the rate base, with the provision that we have here, which excludes from all consideration this element of value.

I would like to ask the gentleman from Kansas and the gentleman from Illinois if a franchise be taxed by a State or by a municipality, should it then be excluded as an element of value in establishing the rate base?

Mr. DENISON. I do not think it is taxed.

Mr. LETTS. I put that question to the gentlemen, because I have in my mind the great furor that arose about this matter and because of the debate which recently occurred in another body of this Congress with respect to the confirmation of a very high official of the Government. In the case that was there so freely debated, United Railways against West, the Baltimore rate case, Justice Brandeis in his dissenting opinion, which is the basis for all of the debate that I have referred to, states the fact that the easements in the streets of Baltimore were taxed.

Mr. DENISON. I think the gentleman will find, if he will read that case, as was referred to by the gentleman from Maryland [Mr. LINTHICUM], that the franchise in that case carried with it certain rights which did have a material and physical value, but, generally speaking, over the country, you will find that franchises are not taxed. But, let me say to the gentleman from Iowa, that when I drafted a general bridge bill during the last Congress, before this late discussion over the appointment of a Supreme Court justice arose, I placed a provision in that general bridge bill exactly similar to this; and in all of the bridge bills which we have passed in the last three or four years, where there is a recapture clause provided, we have provided in them that in fixing the value there shall not be taken into consideration earning power, going value, or prospective profits, and so forth. That has been in all of the privately owned bridge bills that have been passed by the Congress in the last four or five years.

Mr. LETTS. There is a distinction in that case, and the gentleman from Illinois has stated it. It lies in the fact that we have reserved the right of recapture.

Mr. BURTNESS. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. BURTNESS. Is this not also true, that regardless of what may be said for or against the majority or minority decision in the Baltimore case, that in that case there was a specific easement and, as the gentleman has already suggested, an easement which was taxed by the State authorities of the State of Maryland, and does not that present a totally different situation from that which exists under this legislation, where a bus operator will simply use a highway that has been provided by the public for the general use of the public, and where we go on further and say that the operator obtains no proprietary interest in the highway as such, because he may obtain a certificate of convenience and necessity. Under such conditions is there not a much greater reason for such a provision as we have inserted here, that no right shall be given to the holder of the certificate to obtain a return upon any alleged value of the certificate itself, and which amounts simply to a license or franchise to conduct this business, and for which he has paid nothing either directly or indirectly.

Mr. LETTS. My particular concern about this matter is that it is an assault upon the principle that the three coordinate branches of our Government should be independent. The Executive has, and the legislative branches of the Government have in times past asked the Supreme Court to give advisory opinions, to analyze foreign treaties, and matters of that kind; but the Supreme Court has always kept its hands off, saying that there must be no interference with the rights or powers that belong to other departments of government. Yet here we are attempting to say to the Supreme Court, which is one of the guardians of our liberties, that we propose to say how it must function.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LETTS. We are attempting to say how the courts must function in order to meet the will of the Members of Congress, whereas the issues before the courts are the human and property rights of persons, whether individual or corporate, who have their affairs before the court.

Mr. BURTNESS. Will the gentleman yield further?

Mr. LETTS. Yes.

Mr. BURTNESS. Primarily this provision is one that is binding upon the Interstate Commerce Commission and upon the examiners and joint boards, and will not the gentleman agree that the commission and the joint boards are agencies of Congress rather than a coordinate branch of the Government?

Mr. LETTS. However, it is an unwarranted interference in the free exercise of the functions of the courts. It provides that evidence shall not be introduced to show this element of value, and that no value shall be allowed for a franchise or good will in determining the rate base. I have faith in the courts. Our courts will take into account all proper elements of value in finding a rate base, whether it is physical property or whether it be intangible. It seems to me that is exactly what ought to be done, and certainly we believe in that great constitutional provision which provides that no individual shall be deprived of his property without due process of law.

Mr. BURTNESS. Will the gentleman yield again?

Mr. LETTS. Yes.

Mr. BURTNESS. How much value would the gentleman give, for rate-making purposes, to a certificate of convenience and necessity granted to a bus operator to run his busses over a highway furnished by the people?

Mr. LETTS. That is not the issue. I do not know that I would place any value on it, but if there is any value it should be considered. Would the gentleman say that it would be proper to say by legislative enactment that the street cars of a street-car company shall not be assessed for the purpose of finding the value upon which to base rates?

Mr. BURTNESS. We have not said that the busses of a bus company shall not be included for rate-making purposes.

Mr. LETTS. But suppose, instead of excluding an intangible value you exclude a physical value, would the gentleman then contend as he does now?

Mr. BURTNESS. Of course we would not contend that any physical property used in the conduct of the business should be eliminated for rate-making purposes, and no one has ever so suggested.

Mr. LETTS. But the courts will not grant a rate upon the assumption that there is a value; they must first find that there is value and appraise it.

Mr. BURTNESS. How can the gentleman assume a situation where there would actually be any value to a franchise of the sort that is involved in this legislation?

Mr. LETTS. Why can a public-service corporation go to a bank and borrow money? It is not only because of its physical assets and its intangible values but because of the franchise which permits it to do business upon the streets and to make an earning upon its capital. Take away the element of the franchise value and no company could borrow money from a bank.

Mr. BURTNESS. Does the gentleman contend that this provision in this bill will injure the company in that respect and in any way affect its permanency as a going concern when it comes to the question of using its credit or any purpose of that sort?

Is there not a great difference between the value of a certificate of convenience and necessity for that sort of a purpose, for the purpose of establishing its credit with people with which it does business, or even for the purpose of establishing a price at which the entire business may be sold to some one else? Is there not a great deal of difference between those aspects of the case and the aspect which deals solely with what the public shall pay for the service rendered by a public utility?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LETTS. I hear the gentleman then say that he would have value recognized for certain purposes, but when it comes to fixing the rate which passengers are to pay he would exclude it from consideration. That is just the point I am making, and the gentleman has admitted my contention. He would recognize that the franchise has value for sale purposes or as security

for a loan but would fly in the face of the fourteenth amendment when it comes to making rates.

Mr. DENISON. Will the gentleman from Iowa yield?

Mr. LETTS. Yes.

Mr. DENISON. The franchise which has to be obtained before a person can operate busses at a profit on the highways is a gratuity which the sovereign or the Government gives to him. Does not the gentleman think that when the Government gives a franchise to operate a business on a public highway that in making the grant it can attach to it a condition that for the purpose of fixing rates the licensee or grantee shall not place any value upon the franchise being granted?

Mr. LETTS. I fear the gentleman is making it a legal proposition, but I am questioning the wisdom of it. We are applying a different rule to this kind of a common carrier than we do to others.

Mr. DENISON. And I call the gentleman's attention to the further provision that when a person applies for a certificate to do business——

Mr. LETTS. He has got to surrender this contention.

Mr. DENISON. He has to agree to this provision in the bill.

Mr. LETTS. I understand that, but why should any American citizen to attain a franchise, be required to consent that his property has no value.

Let us turn from the consideration of franchise value to the element of good will in business.

Good will is that benefit which arises from the local position or general reputation of a particular establishment for fair dealing, skill, affluence, or punctuality, and peculiar to that particular establishment.

Clearly it is an asset, an intangible asset, and a productive one. It is that something which enables one individual with a reputation for skill and honesty to borrow; whereas another perhaps equally skillful and honest is refused. In short, it is the value, the benefit derived from a good reputation. As all businesses operate for profit, that benefit will be reflected in net income.

Webster defines good will as being—

the advantage in trade which a business has beyond the mere value of what it sells.

Competition is a vital factor in determining whether or not the element of good will exists.

In the absence of competition, it is apparent that no value for good will should be included in invested capital. In such cases income may be attributed solely to commodities sold. Necessity may compel its use to the exclusion of all others and no other commodity may satisfy the economic desires of the customers.

Where monopoly exists, little consideration, if any, can be given to the skill or reputation of the corporate entity.

Good will, once established, is not easily destroyed. Temporary financial distress alone is generally insufficient. It is often during such periods of adversity that the value of good will asserts itself, just as the reputation of an individual is often the factor enabling him to overcome misfortune. The good character of one accused of crime may be, and often is, the best, if not the only, evidence by which he may defend himself.

Good will may be intangible, but nevertheless it is very real and has value. That value is difficult of ascertainment does not refute the idea of value, but only increases the problem of dealing with it.

The value of good will in business has long been recognized. Formulas have been universally resorted to by which good will is appraised. For income-tax purposes value is attributed to good will based on the capitalization of earnings not in excess of a fair return on the tangibles.

As applied to the value of corporate stocks, it is common knowledge that the price at which stock is sold is generally indicative, not only of the earning power of the stock, but also of the reputation of the concern itself.

The substance in part of my remarks concerning good will and some of my language on that subject is found in an article on good will as an element of value in administering the income tax law. I am not informed who wrote the article and can not give credit where credit is due.

You are setting up a common carrier in competition with other bus drivers, with the railroad that runs along the side of the road, and with the interurban. Is it not conceivable that a bus driver, because of his skill, because of his care, because of his punctuality, because of his fair dealing with the public, will get the trade on his line to the disadvantage of his competitors? Is not that good will worth something to him?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. I yield the gentleman two more minutes.

Mr. LETTS. It seems to me quite plain that where there is monopoly there can be no good will. There can be no good will value with monopoly, because whether you like the concern or not you may be required to ride on their busses or on their streets cars; but where there is competition, you make your choice and you make your choice because a particular driver has treated the public fairly and has won its esteem. In such a case there is good will, and it has a value.

Mr. DENISON. Of course, the gentleman will see at a glance that we could not make one rule applicable to one carrier and a different rule applicable to another. That is the answer to the gentleman's question. There will be cases, under the application of this law, where there will be monopolies, well regulated, and we could not make one rule for them and a different rule for others.

Mr. LETTS. There would be no purpose in taking away good will from a carrier that has a monopoly, for there is no good will in such cases.

Mr. LANKFORD of Georgia. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. LANKFORD of Georgia. Could not a bus line build up a better good will over a good highway than over a poor one?

Mr. LETTS. Why, of course.

Mr. LANKFORD of Georgia. Would not the State and the Nation in helping to build up a good highway, help to build up the good will of the bus line and then the public be forced to pay a higher rate, because of the good will which it had helped to build up?

Mr. LETTS. Good will can only be acquired in competition with other carriers where the conditions and circumstances are alike for each of them.

Mr. LANKFORD of Georgia. But you have the Government building up the carriers' good will for them and then the people paying additional or increased fares.

Mr. LETTS. Incident to the matters which I have discussed, I may call attention to the fact that, on January 28, 1930, the Legislature of the State of New York, because of a situation with respect to telephone rates of the New York Telephone Co., passed a resolution memorializing Congress to enact legislation which will prevent action by the Federal courts in all cases in respect to public utilities in which local judicial authorities and local regulatory agencies are empowered to prevent the abuse of exorbitant or confiscatory rates by a local utility company until the highest court of the State has passed thereon.

Anticipating the suggestion contained in such resolution the gentleman from New York [Mr. LAGUARDIA], in April, 1929, introduced in the Seventy-first Congress, first session, H. R. 132 and H. R. 135; the gentleman from New York [Mr. DICKSTEIN] introduced in the Seventy-first Congress, second session, H. R. 9712, H. R. 9185, and H. R. 9225; the gentleman from New York [Mr. O'CONNELL] introduced in the Seventy-first Congress, first session, H. R. 161; the gentleman from New York [Mr. CULLEN] introduced H. R. 9484 in the Seventy-first Congress, second session; and the gentleman from New Jersey [Mr. BACHARACH] introduced H. R. 9330 in the Seventy-first Congress, second session.

All of these bills, or most of them, seek to amend the Judicial Code, limiting the jurisdiction of the district courts of the United States over suits brought by or against public-utility corporations.

All such legislative effort is directed to the purpose of destroying the independence of the judicial branch of the Government. It indicates a lack of confidence in that branch of the Government which facts do not justify. If it is proposed to legislate to that end, the legislative issue should be fairly and squarely presented to the Congress of the United States and it ought not to be found as a stray paragraph in a bill which has for its main purpose something quite foreign to this constitutional consideration. It is my purpose when the bill is read for amendment to present an amendment which will strike out the subsection of which I have complained. Let the committee bring out a bill to make the principle here advanced one for general application. It will challenge the best thought of the House.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman, ladies, and gentlemen of the House, I have given this bill a careful study which if enacted into law will put bus lines or busses doing an interstate business of carrying passengers under the control of the Interstate Commerce Commission and giving the commission the power to prescribe rules and regulations governing them, and the power of saying who shall and who shall not be authorized to do this

character of business, and it is my conclusion that the bill should not be passed, but that it should be defeated.

A careful study of this bill will convince anyone, it seems to me, that it is not a bill demanded by the traveling public, but it is a bill sponsored by the big bus lines and is for the purpose of cutting out any competition against them and building up a monopoly for them.

The States have gone to a heavy expense to build up fine roads in the States. In many of the States the property of the landowners and their homes have been bonded with a first-mortgage lien against them for the building of these great highways by a legislative enactment, and in many cases against their will, and in these acts passed there has been a legislative declaration that the lands would be bettered to an extent greater than the tax placed on them, and the supreme courts of the various States have sustained the acts by reason of this legislative declaration.

It was believed by the landowners that if their lands were to be taxed in this way to build highways, that the laws of the State where the lands were situated and taxed would exercise control over the highways and that they would be protected by their State laws, but now before the bonds are half paid out you come with this bill in case the line extends over a State line and give the full power of control over to the Federal Government, and take it away from the States.

The large bus lines are now principally owned by the railroad companies, and all of them will be owned by them if this bill passes. They have taken off many of their local trains and are using bus lines instead, and they now come and want you to give them a monopoly on it so as not to have any interference or competition by perchance some one of the landowners who has his farm mortgaged to help build the road and wants to operate a bus line, to help pay his taxes.

What was the attitude of the railroad corporations when they were building these highways? You know that many of them went into the court just as they did in my State and resisted the payment of taxes on their property to build roads and made the argument that the building of the roads paralleling their roads would be an injury to their business instead of being a benefit to it. In many cases they escaped taxation and in all cases they had it reduced to the lowest possible figure. Now, since the highways are built they want to discard their local trains and take charge of the passenger traffic on these same highways and that, too, before the bonded debt on the farmers' property is half paid off. Do you think that is right or fair? I do not, and I will not lend my support to such a bill.

These railroads are operating their bus lines now under States law and the laws of each State they run through decide their rights upon the highways, and it should forever be kept under this control. If this bill passes, if they run 10 feet out of one State into another they are taken out of the control of the States and they are licensed and controlled by the laws made by the Interstate Commerce Commission, or will be made by them if this bill passes. Do you know the kind of regulations they will make for the government of these lines? No, you do not know and you will not know until they make them, and then change them at their will.

I am sick and tired of commission government and government by bureaus. If you go now to try to find out what the law is in some department and inquire of the Department of Justice, you have to wait until that department can confer with some bureau or commission to find out what law they have made to govern it. This will soon be a bureaucratic Government unless this practice is stopped, and it is almost that now.

If these bus lines need regulation by Congress, why not pass a law prescribing what they shall and shall not do if engaged in interstate commerce, and not pass a law turning the whole thing over to a commission to fix and prescribe the law to govern them?

I say you do not need to do but one thing and that is let it alone and let the States make their own regulation and control their own highways that they have built with their own money, that many of their homes are mortgaged for to-day. I shall not vote to take this right away from the people of my State. I have confidence in my State and all the States in this Union, that they will be just and fair in dealing with this situation as they have been in all things in the past.

In this act you are going to double the cost of one of the costliest commissions that has been created, the Interstate Commerce Commission. You voted here a few days ago an appropriation to this commission, the Interstate Commerce Commission, the sum of more than $8,000,000. This bill authorizes an appropriation of just as much as they find will be needed to carry out this act, with no limit to it. I shall not be surprised if the cost of the enforcement of this act is not almost as great in a few years as the present cost of the Interstate Commerce Commission if this bill passes. You fellows that have been criticising the President for appointing so many commissions—and I think the criticism is well founded—will likely be met by this statement from him, that when one is created you keep enlarging its powers.

If this bill is passed you will find that the corporations operating the bus lines will be incorporated in some other State than the one they are operating in, and if one of you Congressmen should get killed by the negligence of the operator of one of the busses and your wife or estate should happen to think that your life was worth more than $3,000, she would not be permitted to try her case in the State court, but her case would be transferred to the Federal court for trial, because it would be a foreign corporation, engaged in interstate commerce.

Are you willing to say that your State courts are not capable of handling them and cede this power to the Federal Government? I am not. The Federal courts are now overburdened with cases and we are having to create more judges and more court districts and create more court costs to relieve them, and in this act you would place an additional burden on them.

I say let them incorporate in the State, get their right to use the highway from the State that built the roads and be subject to State regulation, and you will get much better service and preserve your State rights.

The law of the United States permits the running of interstate trains over our highway where the road crosses their tracks, and no State law can prevent it, because they are engaged in interstate commerce and interstate passenger service, and the courts have held that they have this right.

Many of the big bus lines are not now as considerate as they should be for the rights of other persons using the highways. If you have them under the control of the Interstate Commerce Commission and engaging in interstate business, many of them will monopolize the highways that the people have built for their own use. You will not have the protection under this proposed law as you now have.

The Interstate Commerce Commission will fix the fare to be charged and will do it as they have the freight rates, fix a definite charge to be made and provide a penalty to severely punish them if they should charge a higher or a lower rate than that fixed by this commission. By this act they would destroy competition in rates and the public will be at the mercy of another monopoly.

If this power is given this commission, as is provided for in this bill, there will be no competitive lines, as only one permit will be given to operate over a certain line of road that the State has built and will cut out competition.

You say they want to build up long lines for the operation of busses. If they desire to do that, let them incorporate in each State they operate in and subject themselves to the State law, and connect their State lines in this way.

If this bill should pass, the next Congress will be asked to amend the law and give them the exclusive right to handle interstate freight over the highways built by the States, with the taxpayers' money. I appeal to you who have been standing here and contending for State rights. Here is a time when you can assert your belief in State rights, by casting a ballot against this, another encroachment on this sacred privilege.

Mr. DENISON. Will the gentleman yield?

Mr. GLOVER. I yield.

Mr. DENISON. Why does the gentleman say that the Interstate Commerce Commission will do that when they never did it to the railroad?

Mr. GLOVER. I will say to the gentleman that I have had a great deal of experience in the practice of law with the Interstate Commerce Commission. It has been stated that in a very short time they would be back here asking for the control of interstate freight. Now, what did they do to the South? They practically ruined the South by fixing the rate that was absolutely prohibitive. We had some protection down there, we had rates fixed. Now they are fixed by the Interstate Commerce Commission, and the railroads and the express companies can not fix them. No one except the Interstate Commerce Commission can lower them or raise them.

Mr. DENISON. And that is done under the transportation act of 1920. This bill does not contain any of those provisions. This is done under the old interstate commerce act.

Mr. GLOVER. I know what the bill does, and I do not want the gentleman to take up my time.

Here is what is intended by this, and they want legal authority to do it. The railroad companies have taken over the bus lines that follow the lines of their railroads.

Mr. BURTNESS. Will the gentleman yield again?

Mr. GLOVER. I yield.

Mr. BURTNESS. Does not the gentleman think that section 14 under the original bill sufficiently safeguards the rights of the State?

Mr. GLOVER. I think it is a very fine provision and I hope it will be written into the bill.

Mr. BURTNESS. Does the gentleman think that the Interstate Commerce Commission ought to be abolished?

Mr. GLOVER. I would vote to-morrow to abolish the Interstate Commerce Commission, and I would stay here all summer to have the rates fixed by Congress, as ought to be done.

Mr. BURTNESS. The gentleman feels that Congress ought to legislate and determine what the rates should be?

Mr. GLOVER. I absolutely do, and I believe that when Congress delegates authority to a bureau or commission to do that thing you are going far afield.

There will be a great revenue from the privilege this bill gives and which will be given in many instances to foreign corporations and sent out of the State to the great money centers, which ought to be left in the State and given to its citizens to build homes, and to support churches and schools. We are told that there are now in the United States over 5,000,000 children under 10 years of age that can neither read nor write. Why this condition? It is easily answered. The great wealth of many States has been gathered in by the monopolies and trusts which should have been left in the States to build them up and support their schools and churches and community enterprises.

Let us now examine this bill by sections and see what it does. In the definition of terms the word "commission" is defined to mean the Interstate Commerce Commission. They have so many commissions the big bus men wanted to be sure that there was no mistake about them getting under the wing of the all-powerful Interstate Commerce Commission.

In defining what they mean by "public highway" it is defined as to include public roads, highways, streets, and ways in any State. I presume that when they put in this definition the word "ways" they wanted to be sure they could travel all roads, streets, alleys, and byways without interference from anyone.

Section 1, subdivision (b), states in this act that—

> Taxicabs or other motor vehicles performing a similar service having a capacity of not more than six passengers and not operated on a regular route or between fixed termini—

are excluded from the provisions under this act. Well, why not? But they are not permitted to operate on a regular route given to some one else and between fixed points.

Section 2, in defining the powers of the commission, states that it is—

> To supervise and regulate common carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications, and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points, whether on regular routes or within defined localities or districts.

In short, it gives the Interstate Commerce Commission absolutely unlimited power to make such rules and regulations as they see fit and to cut out competition at their will.

Under section 3, of this act any particular matter or class of matter arising under the administration of this act may by the commission be referred to hearing to any member or examiner approved by the commission. So, hearings in these matters will not be before the entire commission, but will be before a single man who may hear the complaints and pass on them.

Subdivision (b) of section 3 says hearings by any member or examiner upon any matter referred to him may be heard at any point in the United States where the commissioner may direct, and may be at different places.

If some man down in the State of Arkansas should violate any of the rules, orders, or regulations that will be made by the Interstate Commerce Commission, his investigation may be conducted out of his own State and at some other point in the United States that will be exceedingly expensive to him and many injustices will be suffered and wrongs done because of this provision.

Each subsection under section 3 is exceedingly objectionable. But the venom and poison is largely centered in this section. This apparently shows that the effect of the bill will be to favor large bus lines and to exclude any competition. This section and the other sections following it set out a provision for mergers and combines on the part of these big bus lines so as to absolutely cut out any competition whatever and give them a monopoly on the passenger-service business when it passes out of one State into another.

In subdivision (a) of section 3 of this bill it is provided that the commissioner and the members and examiners thereof and joint boards shall have the power to administer oaths and require by subpœna the attendance and testimony of witnesses and production of books and papers, tariffs, contracts, agreements, and documents, and to take testimony by depositions, relating to any matter under investigation as though such matters arose under the interstate commerce act as amended and supplemented.

The application to the commission in this bill is designed as follows:

> Application for certificates of public convenience and necessity.

It ought to have gone further and said "application for certificate of public convenience and necessity for mergers of big bus lines hereafter to be formed and created."

Section 4 of this bill provides that no corporation or person shall operate as a common carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a certificate of public convenience and necessity authorizing such operation.

Section 5 provides, under subdivision (b), that the big boys now in business may continue on and within 45 days shall answer a little questionnaire, and of course will be authorized to continue and to merge and to monopolize as he has not been permitted to do heretofore.

Subdivision (d) under section 5 is certainly a very remarkable statement, and reads as follows:

> No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

I guess they mean by this that the public will be permitted to pass one of these big busses without violating the law if he can do so. But the whole of this act is contradictory of this subdivision, because when he gets the permit it is exclusive to him and does vest him with certain rights that is not given to any one else who is denied this certificate of public convenience and necessity.

Section 9 provides that corporate consolidation or merger of two or more corporations, at least one of which is a common carrier by motor vehicle, and any acquisition of control of any common carrier by motor vehicle, shall be invalid and unlawful unless approved and authorized as hereinafter provided.

Under this provision one man having a right to operate on a permit from an Interstate Commerce Commission could not sell out or combine with anybody else unless authorized by the Interstate Commerce Commission. That is going some, is it not?

One of the most vicious provisions of this bill, as I see it, and it has many that are vicious, is under section 9, subdivision (b), and it reads as follows:

> Any such corporation or person, and any corporation or person to whom a certificate of public convenience and necessity is issued or transferred under this act, shall be relieved from the operation of the antitrust laws, as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and from all other restraints and prohibitions of Federal or State law in so far as may be necessary to enable such corporation or person to carry into effect the consolidation, merger, or acquisition as approved and to conduct the operations authorized by the certificate.

Not only our State laws under this provision governing antitrust agreements and punishing combines and trusts are denied the right of enforcement by this act but the act goes further than that and provides that the law that prevents the unlawful restraints and monopolies approved October 15, 1914, and from all other restraints and prohibitions of Federal or State law is set at naught under this bill.

Section 10 of the bill is not clear as to what it means. It provides for the filing of a surety bond, or policies of insurance, or other securities or agreements in such form and adequate amount and conditioned as the commission may require for the payment within limits of liability fixed by the commission of any final judgment recovered against such motor carrier on account of death or injury to persons. If it means to fix the amount that can be recovered for death, it is wrong, because every case should stand on its own merits. There will likely be nothing back of them to protect one who is killed, so any way you take it you are permitting them to fix the only amount that can be recovered and that will be the amount fixed in the bond.

Under subdivision (b), section 11, of this bill, it destroys competition by saying that no such carrier shall charge or demand or collect or receive a greater or less or different com-

pensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs, than the rates, fares, or charges specified by the tariffs in effect at the time.

In other words, the Interstate Commerce Commission, under this provision and authorization, will make a rule and regulation like they have done in respect to freight rates, that a certain rate shall be charged for carrying the different character of freight from a point in one State to a given point in another, and no competing line of railroad is allowed to charge a greater or a less freight rate than that fixed by the commission, and if he does charge it he is brought in before the Interstate Commerce Commission and severely punished and denied the right to do business which competes with one of their commission-made laws.

Under subdivision (d) of this same section it is said that the charges shall be just and reasonable. But when they determine what is just and reasonable the public is not taken into account, but it is the showing made by the bus lines themselves, and they can always find an excuse for a high rate to be charged.

Section 13 of the act provides for a penalty of $100 for the first violation of any of these commission-made rules and regulations and $500 for any subsequent violation made of it.

If there is a violation under section 13 of any of the rules and regulations made by the commission, the exclusive jurisdiction is given to the United States district court to hear and determine all questions which take the jurisdiction away from the States.

The most important section of this bill is section 16, which gives the right to repeal this act if it should be passed.

I hope the Members of this Congress will not pass this bill.

Mr. BURTNESS. Does the gentleman think these operators as common carriers should be permitted to discriminate between the members of the public and charge different rates to different people?

Mr. GLOVER. I do not think one carrier ought to charge one man more than another, but if some man is operating over the same route and can do it for less, he should be permitted to do it, just as the gentleman, if somebody wanted to charge him $5 for a meal and he could get one as good for a dollar, would go and get the dollar meal.

Mr. BURTNESS. There is nothing in this bill to prevent a company from doing that.

Mr. GLOVER. I say there is.

Mr. BURTNESS. All you have to do is to file a tariff.

Mr. GLOVER. But when you have a bus line that operates in interstate commerce they will not allow you to operate another over the same line in competition, with less fares than are fixed in this tariff of rates, because it would be an interference with interstate commerce; and they would hale you into the Federal courts, and there you would be stopped.

Mr. BURTNESS. Does the gentleman argue seriously that if a bus carrier having a certificate takes the position that it is able to do business for a lower rate, and proves that fact to the commission, proves that it can do business for a lower rate than its competitor, that the commission will not permit it to put the lower rate into effect?

Mr. GLOVER. That is an argument that I do not want to get into, and I do not want to answer that.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. PARKER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. CLARK].

Mr. CLARK of Maryland. Mr. Chairman, ladies and gentlemen of the committee, we are here considering a bill which in its main provisions would put interstate motor-bus carriers under the jurisdiction of the Interstate Commerce Commission; compel such carriers to secure certificates of convenience and necessity before beginning operations; authorize transfer of such certificates; give preference to those in operation January 1, 1930; require surety bonds protecting the public against property damage and person injuries; permit consolidations and mergers with competing railroads; and limit such carriers to just and reasonable charges. The bill nowhere defines or designates the basis of just and reasonable charges, and makes no provision for supervision or control of capital issues, without which rate regulation is a mere gesture.

I regret that I can not follow the majority report of the committee on this bill. My nonconformity or disagreement with the majority of the committee is a matter of conviction growing out of some experience on this general subject.

I am opposed to the delegation by Congress, or any other legislative body, of its regulatory powers to effect results which can be obtained by direct legislative enactment.

The things which have brought the utility administrative commissions and boards into existence are conspicuously absent in the interstate motor-bus business—namely, rates, charges, valuation, and related questions, requiring constantly recurring investigations and checkings, which the legislative bodies are unable to make. The legislative body determines or declares the rule of law as to rates, charges, and service, and then delegates to the administrative commissions or boards the fact-finding and law-applying authority.

But in the interstate motor-bus business the question of rates, charges, and services have not yet become a matter of public concern and complaint, and probably never will so long as monopoly can be avoided, or competition can be continued.

It was unfair, unduly discriminatory, and preferential railroad rates and services that in 1887 brought the Interstate Commerce Commission into being; and the necessity of the State utility regulation as to rate charges and services, which in 1907 brought into existence the first State utility commission, and such commissions are now found in every State except, I think, Delaware. The committee hearings developed—and the committee now admits—that no such questions are important in this bill, as they are not arising. Then why delegate their regulation and require an army of rate clerks to handle thousands of changing rate schedules? Is it not to give the bill a good or reasonable face and thus to escape the charges of absurdity or perhaps design?

After the Buck and Bush cases of 1925 the States quickly adjusted themselves to these decisions, and by the exercise of their police powers have met every need of interstate bus regulation, except only two that are of any importance, that is, the issuance of certificates of convenience and necessity, and surety bonds assuring compensation for personal injuries and property losses or damages, resulting from negligence. These two needs can be met by direct congressional enactment. No delegation of regulatory power is needed. This bill should be recommitted, with directions that such a bill be reported—directory and not regulatory.

Another striking feature of this bill is that it clearly delegates the determination of an important policy. It gives to the commission the power to say whether the rail carrier can merge or consolidate with, or acquire control of, a competing interstate motor-bus carrier. This is not a matter of regulation, but of legislative policy. Why can not Congress meet its responsibility and determine whether such competition is to be preserved? Twelve years ago rail carriers were compelled to divest themselves of all interest in competing water carriers. This was then declared as a policy. Shall that policy now be reversed as to competing motor-bus carriers? If so, let us say so in so many words and not delegate this legislative power of determining policy to a commission. I question its constitutionality. This bill says the commission may wipe out such competition, if public convenience or necessity requires it. Why should we, the elected representatives of the people, delegate to any hand-picked commission of a few men the responsibility of determining what is necessary for the public? What were we sent here for? Already have we too much Government now by appointed boards feeling no responsibility to the public, and yet presuming to decide what is necessary for the people.

It is a serious question whether competition between two distinct systems or forms of transportation shall be eliminated. This bill is condemned in its merger, consolidation, and rail control provisions by our antitrust laws, and to get around this condemnation it contains a paragraph relieving such provisions from the operation of these antitrust laws.

This bill as reported, Mr. Speaker, is not in the interest of the general public. It is not conceived in public need or demand, but, rather, in corporate demand. This is not the time nor the occasion for the use of equivocal or doubtful language. No Federal or State regulatory law has attempted to go as far as this bill goes. It represents a reversal of present Federal policy and shows the extreme to which a well-identified school of industrial thought, chiefly in the utility field, is ready to go to graft upon our great competitive system a certain false doctrine of so-called destructive competition. Gentlemen, in its final analysis this bill represents a carefully planned attempt on the part of railroads to control now and forever the interstate motor-bus industry of this country, as I shall presently show. And not only to control it, but to control it without adequate or efficient regulation. If this is the purpose of the bill, why not say so and omit the many provisions not applying to busses between fixed termini which will almost certainly result in nuisance regulations and confusion?

In fact, the bill provides no plan of adequate regulation for public protection. Such plan as proposed is entirely in the interest of the corporation and against public interest.

I do not impugn the motives or purposes of the committee, but I am forced to question the philosophy and wisdom of their report and recommendation in this matter. I am not opposing legislation providing for necessary regulation and within proper limitations, but this bill is simply impossible as it now stands. The hearings show that it is sponsored chiefly by the railroads of the country, who desire to control and eventually destroy the motor-bus form of competition. It is also supported by the present motor-bus operators, who are preferred under the so-called grandfather clause of the bill, and who, in my judgment, naturally desire to unload on the railroads at a handsome profit. Nowhere in the hearings or in the report is there any denial of the railroad intent in this bill. In fact, it is admitted. Officials of the Pennsylvania Railroad Co., of the Baltimore & Ohio Railroad Co., the Association of Railway Executives, the American Electric Railway Association, all the railroad brotherhoods, the National Association of Motor Bus Operators, and the National Association of Railroad and Utilities Commissioners, and many others similarly identified are entered upon the record favoring this bill.

Mr. Speaker, let me make a prediction: Both the Federal and State Governments are going to be told by the public before long in no uncertain terms that legal protection of monopoly against open, free, and fair competition must stop. Most certainly the public will not stand for competing transportation systems, merged by law, and against public interest, such as proposed in this bill; not even in the utilities field, when there is no public reason or necessity for closing the door to competition.

I am not opposed to big business as such, but it must attain its growth, its size, its supremacy through merit, not special favors and privileges granted by law. It must win against fair competition; and then, although it should win its way to virtual or actual control and demonstrate its ability to remain there in spite of competition, no one could or would justly complain. During the period of rivalry and competition no greater protection should be asked than that furnished by the Federal Trade Commission.

Now, Mr. Speaker, while there are some who, with me, have no complaint even against the most exclusive industry which has earned its way fairly and in spite of competition, I can not believe this bill, which proposes to create by law a dangerous monopoly, should have the approval of any Member of this representative body. Such artificial restraint of trade should not be created or sanctioned by any form of legal subvention.

Exclusive corporate control should be tolerated only when it is the inevitable result of sound, irrevocable economic development, and this should be left open to the challenge of free and fair competition. It should never be created by law, as in this bill, nor even be permitted to exist by agreement, secret or open. If a corporation can not stand on its own merit, it should go down. Such is the penalty of progress. Legal protection has its limitations.

When and if the interstate motor-bus operator, by sound, economic processes through fair competition, wins the field over all competitors and the public has to purchase service from one line on each route, then would be the time for the Federal law to intervene for public protection. In the meantime State police powers can meet all protective requirements of the public. During the period of development repressive measures under congressional sanction, such as proposed in this bill, would destroy or retard progress. Competition is the best regulating force the economic world has ever discovered and is the surest means of business growth and development. The wisdom and philosophy of competition in the growth of business and the incidental development of the character of a people is an American discovery. Nowhere else in the world prior to our Republic was competition recognized as the secret or active force in the development of business and individual initiative. No other force or principle has meant so much to our development as a Nation or people.

And America should erect a monument to free business competition, to stand forever as a reminder to the people of its contribution to America's greatness, and of the false and specious deceptive doctrine that such competition is destructive. This is of greed and gouge. There is not a force in the economic world more potent for good or more constructive than fair competition.

The best and soundest thought of the world yields to exclusive business control only when it has won its way through competition, and in spite of competition to a place where it stands alone in its chosen field. Unfair competition should everywhere be condemned. Our law does condemn it. I will say this, however: In the transportation field no competition should be permitted which bids only for the cream of business on the heavy-traffic routes, upon which the competitor depends to offset losses from the nonpaying parts of the system. Such competition would be manifestly unfair, and unfairness should nowhere be encouraged or permitted.

There is a dangerous school of economic thought teaching that business rivalry is bad both for the public and for business. This is a deceptive and dangerous doctrine, which is contrary to all history and experience, as no principle is more clearly identified with the industrial growth of our country than that of open, free, and fair business rivalry.

In some places some lines of business are fully developed, such as gas, electric, water, telephone, and railroad transportation, and have outgrown or outstripped through the decades before commission regulation began all competition or rivalry and now occupy exclusive fields of operation. These respective fields are preempted by general consent. But this preemption does not extend to any new competitive product or service which science or progress has developed. Regulation follows monopoly. Law does not create monopoly and then use it as a reason for regulation.

No business can be protected by law against supercession. Such, as already said, is the penalty of progress. Such is the program of business and of all civilization. The benefits of new ways and new methods can not be denied to the public through ingenious circumventions. And I might add right here that the "certificate of public convenience and necessity" has been diverted from its original purpose and is to-day being used largely as a device against progress and in the interest of monopoly. Whenever this certificate is provided for it should be hedged with public-safety limitations.

In this bill we have an infant industry, which is growing rapidly, with more frequent service and better equipment practically every month. Its growth in one State is shown by a table taken from the hearings on this bill.

There has been a substantial increase in the operation of interstate buses in New Jersey, as is represented in the following:

	1928	1929	Per cent increase over 1928
Number of busses	668	1,250	87
Number of routes	106	122	15
Number of operators	70	69	
Seating capacity	18,704	37,500	100

The center of the development of busses as common carriers was the city of Newark, N. J. The actual facts are best illustrated by the following:

Year	Number of passengers carried	Percentage increase over 1920
		Per cent
1920	41,501,854	
1925	103,062,094	148
1929	135,689,542	226

All of this expansion has been under regulation. Following the city of Newark, the State of New Jersey developed its bus operations under State regulations, and this is well shown in the following:

Year	Number of routes	Per cent increase over 1922	Number of busses	Per cent increase over 1922	Number of passengers (approximate)	Per cent increase over 1922
1922	174		1,722		250,000,000	
1926	322	85	2,143	47	300,000,000	20
1929	423	143	3,330	93	450,000,000	80

The door of competition must not be closed to American initiative, ingenuity, and genius, as in effect this bill proposes, in an infant public service, which, if left alone subject to economic laws and proper State police restraints and requirements, will develop more in the next 5 years than in 10 or 15 years under railroad monopolization. Our present policy is to regulate after monopoly comes as an inevitable economic consequence, not to deliberately plan and bring about a monopoly by law as this bill would do.

Mr. Speaker, it is aggregated wealth and greed in certain kinds of big business to-day that is using every opportunity to get legislative sanction and judicial rulings to the effect that "rivalry in the business field is bad both for business and the

public." Their doctrine is the discouragement rather than encouragement of competition, and challenges some of the first postulates of economic science.

Mr. Speaker, this bill goes further than any Federal or State regulatory law. It means simply this: Is Congress going to reverse its present policy of encouraging competition? Is Congress going to create and protect monopolization by rail carriers of all forms of interstate transportation?

In the Sherman Act of 1890 Congress provided:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court. (U. S. C., title 15, sec. 1.)

In the Panama Canal act of 1913 Congress provided:

From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly or indirectly, through any holding company or by stockholders or directors in common or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense. (Act of Mar. 4, 1913, 37 Stat. 560, sec. 11.)

As the result of this law our rail carriers had to divest themselves of all interests in competing water carriers in the Great Lakes, in the Chesapeake Bay, and everywhere else.

In the Clayton Act of 1914 Congress provided:

No corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition or the use of such stock by the voting or granting of proxies or otherwise may be to substantially lessen competition between such corporations or any of them whose stock or other share capital is so acquired, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition. (U. S. C., title 15, sec. 18; act 1914, ch. 323, sec. 7.)

In the Federal Trade Commission act of 1914 Congress, in pursuance of its policy of competitive business, and in its desire to protect and perpetuate fair competition, said:

That unfair methods of competition in commerce are hereby declared unlawful.

And to remove any doubt as to the effect of said trade commission act upon the antitrust acts, provided in section 11, as follows:

Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof.

In the transportation act of 1920 Congress authorized the consolidation of a limited number of systems and relieved such consolidations from the operation of the antitrust acts, but took care to make it clear that such consolidations were not to include competing lines, but that such consolidations or systems were to compete with each other. The act in section 5 says:

The commission shall, as soon as practicable, prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible, and whenever practicable the existing routes and channels of trade and commerce shall be maintained.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. PARKER. Mr. Chairman, I yield five minutes more to the gentleman from Maryland.

Mr. CLARK of Maryland. It has only been in recent years that we have heard so much of this principle that, wherever a company can do the work that is necessary to be done, another company should not be allowed in that field. That is the application that has practically been given to the certificate of convenience and necessity by commissions all over this country.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Maryland. Yes.

Mr. PARKER. Does the gentleman believe that we should have two telephone systems?

Mr. CLARK of Maryland. No. As I have already stated, the fallacy of this particular bill is that it considers all utilities in the same class. When you speak of a utility that is serving the needs of a community, as in the case of a telephone or gas company, then to give a franchise to another company to come in and tear up all the streets would be wrong. That is the kind of case to which a certificate was originally meant to apply. I remember when I first started to practice law in Baltimore city I had three telephones on my desk owned by three companies. There was continual confusion and inconvenience. The certificate of convenience and necessity was originated to apply to a case of that kind, but what are you dealing with here? You are dealing with a great industry in its infancy, when it needs the impetus of rivalry, when it needs the benefits of competition.

Mr. Speaker, the public is not asking for this bill as reported. Why should Congress enter this field more for economic than for legislative reasons? The sooner Congress decides to limit its functions to legislation in governmental matters and refuses to be drawn into the field of complex economics as an adjuster and adjudicator of purely economic disputes between competitors the better it will be for Congress and the country. It is not the function of law to protect one competitor against another in the absence of unfairness. Where unfair competition or practices exist we have a fair trade law, which applies to all. One of the most dangerous tendencies of our times is the drawing of our Government into the controversial and complex economics of not only this country but internationally, where no real governmental question is involved. We must take our hands off the business affairs of the people until the need of protection against the invasion of rights is shown. Then, if there is no law to cover the case, make one and enforce it. We could almost stop enacting police legislation for the next five years and more profitably spend our time properly enforcing what laws we already have.

Now I shall take up some of the minor and yet important questions raised by the bill, which, not yet touched upon, show that its real purpose is to accommodate the interests and not meet any real bona fide public demand. I refer to the absence of any provisions for control over capital issues or for determining the just and reasonable rate base, the fixing of a minimum rate, and, most of all, the tremendous additional cost of administering this act.

As to control over capital issues, it is a matter of common knowledge that through a manipulation of capital issues by even the most reputable bankers and fiscal agents a large portion of the revenues that would otherwise turn up in the fair return figures find their way into the hands of the parent or holding company or the banker or fiscal agent. The public in the end pays the bill.

As to the determination of the rate base, I presume that the sponsors of the bill would say that the decisions of the courts have settled that question for us. But some corporations have a habit of putting their own construction or interpretation upon court decisions. In fact, they seems always to know how to get what they want in some other way apparently not found in the decisions. Some rate-base rule with definite and lawful limitations should be put into this bill.

As to a provision authorizing the commission to fix a minimum rate, its absence in this bill would enable any railroad to eliminate any motor-bus line competing with its own line or lines. This minimum-rate authority should be given to the commission. Undercutting in fares, which the commission is not given authority to prevent in this bill, is still the prevailing

but expensive method adopted by ambitious corporations to get rid of competitors. Again, in the end, the public pays the bill.

But, Mr. Chairman, we must not overlook the broad field covered by this bill and the tremendous additional expense it would entail upon the commission, under the joint board plan provided in the bill, extending over all the 48 States in the Union, which would mean hundreds of boards with from 2 to 20 members, in addition to examiners, floating around the country practically all the time. The commission, or Federal Government, pays all expenses. And all these boards under the bill would be reporting their findings and recommendations to the commission, which would require a large additional force in Washington and a corresponding increase in the expenses of the commission. Mr. Chairman, we had better look into this bill carefully and be sure of the demand and need for it as it is reported before we put the Government to this large added expense and further add to our Federal bureaucracy.

Mr. Speaker, it is sought to justify this bill upon the decision of the Supreme Court in the Buck case (1925) (267 U. S. Repts. 307) and the Bush case (1925) (267 U. S. Repts. 307), but these cases do not show any need of or demand for legislation in this bill. As already stated, the States have practically adjusted themselves to these decisions and through their police powers are meeting all present legislative or protective needs, with two or three exceptions, which alone this bill should provide for.

In conclusion, Mr. Speaker, permit me to make one other observation: Because of the bulk of money already invested in railroads, if these railroads controlled the interstate motor-bus business, the bus operations would be pushed only to the point to which the railroads were compelled to push them. If interstate bus lines remain independent they will grow in accordance with the wishes and demands of the public and they should be given this chance regardless of the effect upon other competing lines and forms of traffic.

Unless this bill shall be amended to meet these views, which I vigorously urge, I shall have to oppose it on the final vote. If this bill should be passed in its present form, I feel sure the Senate would amend it to preserve to the people the benefits of competition between rail and motor-bus carriers.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. PARKER. Mr. Chairman, I yield five minutes more to the gentleman from Maryland.

Mr. CLARK of Maryland. It has only been in recent years that we have heard so much of this principle that wherever a company can do the work that is necessary to be done another company should not be allowed in that field. That is the application that has practically been given to the certificate of convenience and necessity by commissions all over this country.

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Mr. CLARK of Maryland. Yes.

Mr. PARKER. Does the gentleman believe that we should have two telephone systems?

Mr. CLARK of Maryland. As I have already stated, the fallacy of this particular bill is that we are considering all utilities in the same class. When you speak of a utility that is serving the needs of a community, as in the case of gas companies in a city, then to give a franchise to another company to come in and tear up all the streets would be wrong. That is the kind of a case that a certificate was originally meant to apply to. Take also the telephone. I remember when I first started to practice law in Baltimore City I had three telephones on my desk owned by three companies. There were all sorts of confusion as to telephone calls and so on. The certificate of convenience and necessity was originated to apply to a case of this kind, but what are you dealing with here? You are dealing with a great industry in its infancy, when it needs the impetus of competition, when it needs the benefits of competition.

Mr. Chairman, the public is not asking for this bill as reported. Why should Congress enter this field more for economic than for legislative reasons? The sooner Congress decides to limit its functions to legislation in governmental matters and refuses to be drawn into the field of complex economics as an adjuster and adjudicator of purely economic disputes between competitors the better it will be for Congress and the country. It is not the function of law to protect one competitor against another in the absence of unfairness. Where unfair competition or practices exist we have a fair trade law, which applies to all. One of the most dangerous tendencies of our times is the drawing of our Government into the controversial and complex economics of not only this country, but internationally, where no real governmental question is involved. We must take our hands off the business affairs of the people until the need of protection against the invasion of rights is shown. Then, if there is no law to cover the case, make one and enforce it. We could almost stop enacting police laws for the next 10 years and more profitably spend our time properly enforcing what we already have.

Now, I shall take up some of the minor and yet important questions raised by the bill, which, not yet touched upon, show that its real purpose is to accommodate the interests, and not meet any real bona fide public demand. I refer to the absence of any provisions for control over capital issues, or for determining the "just and reasonable" rate base, the fixing of a minimum rate, and most of all, the tremendous additional cost of administering this act.

As to control over capital issues, it is a matter of common knowledge that through a manipulation of capital issues by even the most reputable bankers and fiscal agents, a large portion of the revenues that would otherwise turn up in the fair return figures, find their way into the hands of the parent or holding company or the banker or fiscal agent. The public in the end pays the bill.

As to the determination of the rate base, I presume that the sponsors of the bill would say that the decisions of the courts have settled that question for us. But some corporations have a habit of putting their own construction or interpretation upon court decisions. In fact, they seem always to know how to get what they want in some other way not apparently found in the decisions. Some rate base rule with definite and lawful limitations should be put into this bill.

As to a provision authorizing the commission to fix a minimum rate, its absence in this bill would enable any railroad to eliminate any motor-bus line competing with its own line or lines. This minimum-rate authority should be given to the commission. Why is it not in the bill? Could it be for any other reason than to enable any company to quickly dispose of competitors that can not be shaken off in any other way? Undercutting in fares, which the commission is not given authority to prevent in this bill, is still the prevailing but expensive method adopted by ambitious corporations to get rid of competitors. Again in the end the public pays the bill.

But, Mr. Chairman, we must not overlook the broad field covered by this bill and the tremendous additional expense it would entail upon the commission. Under the joint board plan provided in the bill, extending over all the 48 States in the Union, which would mean hundreds of boards with from 2 to 20 members, in addition to examiners, floating around the country practically all the time. The commission, or Federal Government, pays all expenses. And all these boards under the bill would be reporting their findings and recommendations to the commission, which would require a large additional force in Washington and a corresponding increase in the expenses of the commission. Mr. Chairman, we had better look into this bill carefully and be sure of the demand and need for it as it is reported before we put the Government to this large added expense and further add to our Federal bureaucracy.

Mr. Chairman, it is sought to justify this bill upon the decision of the Supreme Court in the Buck case (1925), Two hundred and sixty-seventh United States Reports, 307, and the Bush case (1925), Two hundred and sixty-seventh United States Reports, 307, but these cases do not show any need of or demand for the legislation in this bill. The States have practically adjusted themselves to these decisions and through their police powers are meeting all present legislative or protective needs, with two or three exceptions, which alone this bill should provide for.

In conclusion, Mr. Chairman, permit me to make one other observation. Because of the bulk of money already invested in railroads, if these railroads controlled the interstate motor-bus business, the bus operations would be pushed only to the point to which the railroads were compelled to push them. If interstate bus lines remain independent they will grow in accordance with the wishes and demands of the public, and should be given this chance regardless of the effect upon other lines of traffic.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, reported that that committee had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of

the following titles, which were thereupon signed by the Speaker:

H. R. 4767. An act to authorize sale of iron pier in Delaware Bay near Lewes, Del.;

H. R. 7971. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9, near the town of Bridgeport, in Cocke County, Tenn.;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States Route No. 50;

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.; and

H. J. Res. 223. Joint resolution to provide for the expenses of participation by the United States in the International Conference for the Codification of International Law in 1930.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, March 14, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 14, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To provide for medal of honor and awards to Government employees for distinguished work in science (H. R. 9755) and also proposals for the erection of monuments.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills.

COMMITTEE ON ELECTION OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS

(10.30 a. m.)

Proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress (H. J. Res. 9 and 25).

Proposing an amendment to the Constitution of the United States with reference to the election of the President and Vice President (H. J. Res. 216).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Indian Affairs. H. J. Res. 188. A joint resolution authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim; with amendment (Rept. No. 892). Referred to the House Calendar.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 8583. A bill for the relief of the State of Maine; with amendment (Rept. No. 893). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on Flood Control. H. R. 8799. A bill to provide for a survey of the Choctawhatchee River, Fla. and Ala., with a view to the prevention and control of its floods; without amendment (Rept. No. 894). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10583. A bill to provide for the method of measurement of vessels using the Panama Canal; without amendment (Rept. No. 895). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10627. A bill to amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians; without amendment (Rept. No. 897). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 10343. A bill to provide quota limitations for certain countries of the Western Hemisphere, and for other purposes; without amendment (Rept. No. 898). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 10296. A bill to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served the United States in the war with Spain; without amendment (Rept. No. 900). Referred to the Committee of the Whole House on the state of the Union.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 10380. A bill adjusting the salaries of the Naval Academy Band; with amendment (Rept. No. 901). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CLARK of North Carolina: Committee on Claims. H. R. 768. A bill for the relief of Anna Lohbeck; with amendment (Rept. No. 888). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 1063. A bill for the relief of Alice Hipkins; with amendment (Rept. No. 889). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1313. A bill for the relief of estate of Katherine Heinrich (Charles Grieser and others, executors); without amendment (Rept. No. 890). Referred to the Committee of the Whole House.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 10117. A bill authorizing the payment of grazing fees to E. P. McManigal; without amendment (Rept. No. 891). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 1135. A bill for the relief of Lieut. S. Jacobs, United States Navy; with amendment (Rept. 896). Referred to the Committee of the Whole House.

Mr. SMITH of Idaho: Committee on Irrigation and Reclamation. H. R. 9987. A bill to provide for the relinquishment by the United States of certain lands to the city of Rupert in the county of Minidoka, in the State of Idaho; with amendment (Rept. No. 899). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE of Ohio: A bill (H. R. 10738) authorizing the examination of persons insured by United States Government life insurance; to the Committee on World War Veterans' Legislation.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 10739) to provide the American Legion, department of Wisconsin, with a building site for Legion purposes at the Northwestern Branch of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 10740) to extend the facilities of the Public Health Service to seamen on Government vessels not in the Military or Naval Establishments; to the Committee on the Merchant Marine and Fisheries.

By Mr. WELSH of Pennsylvania: A bill (H. R. 10741) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. McLEOD: A bill (H. R. 10742) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT: A bill (H. R. 10743) to amend the naturalization laws and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 10744) to repeal part of section 4813 of the Revised Statutes, as amended; to the Committee on Naval Affairs.

By Mr. REED of New York: Joint resolution (H. J. Res. 265) to authorize the return of flying pay drawn by certain officers; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 266) to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 10745) granting an increase of pension to James J. Kadien; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 10746) granting a pension to Eliza Davis; to the Committee on Pensions.

Also, a bill (H. R. 10747) for the relief of Laura Goldwater; to the Committee on Claims.

By Mr. BOWMAN: A bill (H. R. 10748) granting an increase of pension to Mary E. Robinson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10749) granting an increase of pension to Sarah V. Stokes; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10750) granting a pension to Cecil R. Fulghum; to the Committee on Pensions.

By Mr. CULKIN: A bill (H. R. 10751) granting an increase of pension to Lizzie Green; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10752) for the relief of Noah M. Banks; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 10753) granting an increase of pension to Katie Sparks; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 10754) granting a pension to Henry Aughinbaugh; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 10755) granting an increase of pension to Rachael Bledsoe; to the Committee on Pensions.

By Mr. KINZER: A bill (H. R. 10756) granting an increase of pension to Sarah J. Lafferty; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10757) granting a pension to Emily Jane Poe; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 10758) for the relief of Alice May Rochow; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 10759) granting an increase of pension to America E. Walton; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 10760) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes; to the Committee on Foreign Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 10761) for the relief of Julia Kerr O'Bleness; to the Committee on Claims.

Also, a bill (H. R. 10762) granting a pension to Elizabeth Crawford; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10763) granting an increase of pension to Sarah E. Richardson; to the Committee on Invalid Pensions.

By Mrs. OLDFIELD: A bill (H. R. 10764) for the relief of Charles O. Teter; to the Committee on Claims.

Also, a bill (H. R. 10765) for the relief of Bert Moore; to the Committee on Claims.

By Mr. SIMMS: A bill (H. R. 10766) granting a pension to Andrew M. Hall; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 10767) granting an increase of pension to Emma R. Northup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10768) granting an increase of pension to Michael H. Daly; to the Committee on Pensions.

Also, a bill (H. R. 10769) granting an increase of pension to Clara Beach; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10770) granting an increase of pension to Louisa Stevens; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10771) for the relief of John Gray; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 10772) for the relief of Albrecht Nest, apothecary of the Navy; to the Committee on Naval Affairs.

By Mr. WOODRUFF: A bill (H. R. 10773) granting a pension to Mary Ellen Gardner Owens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5592. Petition of Kinnear & Falconer, Stonehaven, Scotland, relative to bonds issued by the State of Mississippi in the year 1838; to the Committee on the Judiciary.

5593. Petition of the board of aldermen of the city of New York, opposing the two proposed registration bills known as House bills 9147 and 9101 as un-American, reactionary, and injurious to the process of Americanization; to the Committee on Immigration and Naturalization.

5594. By Mr. BLOOM: Petition of citizens of New York (not members of the United Spanish War Veterans or allied organizations) to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5595. By Mr. BOYLAN: Letter from the Merchants' Association of New York, urging the passage of the tariff bill in order that business may know the conditions to which it must adjust itself and be enabled to pursue its normal course of development; to the Committee on Ways and Means.

5596. Also, letter from Brown, Lent & Pett (Inc.), manufacturing stationers of New York City, urging the passage of the Capper-Kelly fair trade bill, H. R. 11; to the Committee on Interstate and Foreign Commerce.

5597. Also, letter from New York State Pharmaceutical Association, urging the passage of the Capper-Kelly resale price measure; to the Committee on Interstate and Foreign Commerce.

5598. Also, resolution adopted at meeting of the New York State Chamber of Commerce, urging the passage of Senate bill 2627 and House bill 6803, providing nominal passport fees; to the Committee on Foreign Affairs.

5599. Also, resolution adopted by Chamber of Commerce of the State of New York, opposing the Philippine independence bills now before Congress; to the Committee on Insular Affairs.

5600. By Mr. CABLE: Petition of citizens of Piqua, Miami County, Ohio, urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5601. By Mr. CARTER of California: Petition signed by W. P. Hodgkins and many others, of Hayward, Calif., urging the passage of House bill 2562, increasing pension of veterans of the Spanish war; to the Committee on Pensions.

5602. Also, petition signed by Mrs. E. C. Webber, Mrs. Hope M. Moore, and 16 others, of Berkeley, Calif., urging the passage of House bill 2562, granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

5603. Also, petition signed by John Behrsin, George W. Anderson, and others, of Alameda, Calif., urging the passage of House bill 2562, granting increase of pension to veterans of the Spanish War; to the Committee on Pensions.

5604. By Mr. COLLIER: Petition of the residents of Yazoo County, Miss., urging speedy consideration and passage of House bill 2562 and Senate bill 476, providing for increase in pensions to Spanish-American War veterans; to the Committee on Pensions.

5605. Also, petition of the residents of Warren County, Miss., urging speedy consideration and passage of House bill 2562 and Senate bill 476, providing for increase in pensions to Spanish-American War veterans; to the Committee on Pensions.

5606. By Mr. CULLEN: Petition of the citizens of the fourth congressional district of New York, requesting Congress to bring about the early passage of Senate bill 476 and House bill 2562, which provide for increased pensions for men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5607. Also, petition of citizens of Brooklyn, N. Y., urging Congress to bring about the early passage of House bill 2562, which provides for an increase in pension for men who served in the armed forces of the United States during the Spanish-American War period; to the Committee on Pensions.

5608. Also, resolution of the trustees of the New York Public Library protesting against the provisions of section 305 of House bill 2667, which will prohibit importation of printed matter

advocating treason as abstract conceptions; to the Committee on Ways and Means.

5609. By Mr. DALLINGER: Petition of certain citizens of California praying for the enactment of House bill 7979; to the Committee on the Civil Service.

5610. By Mr. DOWELL: Petition of citizens of Polk County, Iowa, urging the passage of House bill 2562 granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5611. By Mr. DOYLE: Petition memoralizing Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year a General Pulaski memorial day; to the Committee on the Judiciary.

5612. By Mr. FENN: Petition of 10 residents of East Hartford, Conn., and 17 residents of Burnside, Hartford, and East Hartford, Conn., favoring the so-called Robsion-Capper school bill; to the Committee on Education.

5613. By Mr. FITZPATRICK: Petition of the New York State Ladies Auxiliary to the New York State Association of Letter Carriers, urging the passage of House bill 6603 providing for a short Saturday workday for letter carriers in the postal service; to the Committee on the Post Office and Post Roads.

5614. By Mr. HALL of North Dakota: Petition of the Albert Block Post, No. 56, of the American Legion, of Goodrich, N. Dak., that amendment be made to the gold-star pilgrimage act so that mothers and widows of soldiers buried at sea or in unknown graves may make the pilgrimage to Europe; to the Committee on Military Affairs.

5615. By Mr. HALSEY: Petition of Bruce O. Floyd and others, of Cass County, Mo., urging speedy consideration and passage of Senate Bill 476 and House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5616. By Mr. JOHNSON of Texas: Petition of 60 citizens of Mexia, Tex., favoring House bill 2562 and Senate bill 476, providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5617. By Mrs. LANGLEY: Petition of Harling W. Reed, H. H. Ramey, Myrtle Cooper, and 55 other citizens of Magoffin County, Ky., urging the speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5618. By Mr. LANKFORD of Georgia: Petition of 20 citizens of Lowndes County, urging the passage of House bill 2562 and Senate bill 476 increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5619. By Mr. LOZIER: Petition of numerous citizens of Galt, Grundy County, Mo., urging the enactment of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the Spanish-American War period; to the Committee on Pensions.

5620. By Mr. MAPES: Petition of 43 residents of Grand Rapids, Mich., recommending the early consideration and passage of Senate bill 476 and House bill 2562, proposing increased rates of pension to veterans of the war with Spain; to the Committee on Pensions.

5621. Also, petition of members of Bowne Center Grange, No. 219, Alto, Mich., urging the retention of the export debenture amendment in the tariff bill; to the Committee on Ways and Means.

5622. By Mr. O'CONNELL of New York: Petition of Priscilla Council, No. 43, Sons and Daughters of Liberty, favoring further restriction of immigration of the Western Hemisphere; to the Committee on Immigration and Naturalization.

5623. By Mr. O'CONNOR of Oklahoma: Petition of P. P. Barlow and 65 other citizens of Shidler, Okla., requesting early and favorable action on the measure providing for further relief of the Spanish-American War veterans; to the Committee on Pensions.

5624. Also, petition of Percy Crandall and 41 other citizens of Salain, Okla., requesting early and favorable action on the measure providing further relief of Spanish-American War veterans; to the Committee on Pensions.

5625. By Mr. FRANK M. RAMEY: Petition of Aerie No. 2023, Fraternal Order of Eagles, Nokomis, Montgomery County, Ill., urging passage of Senate bill 3257, regarding old age pension law; to the Committee on Pensions.

5626. By Mr. REED of New York: Petition of the so-called Six Nations of Indians of Iroquois Confederacy, protesting against House bill 9720; to the Committee on Indian Affairs.

5627. By Mr. SELVIG: Petition of Mrs. Elmer Rosendahl, president, and Mrs. V. E. Holmgren, secretary, Legion Auxiliary, Warren, Minn., unanimously in favor of Federal supervision of motion pictures to establish higher standards; to the Committee on Interstate and Foreign Commerce.

5628: Also, petition of Maude Zuerold, president Rebekah Lodge, Warren, Minn., unanimously urging Federal supervision of motion pictures to establish higher standards; to the Committee on Interstate and Foreign Commerce.

5629. By Mr. SMITH of West Virginia: Petition of citizens of Rupert, Greenbrier County, W. Va., urging the passage of House bill 2562 and Senate bill 476 providing for increased rates of pension to the men who served in the armed forces of the United States during the war with Spain; to the Committee on Pensions.

5630. By Mr. SPEAKS: Petition signed by 43 citizens of Columbus, Ohio, urging passage of House bill 2562 proposing increased pension allowances for veterans of the Spanish War; to the Committee on Pensions.

5631. By Mr. STALKER: Petition of the citizens of Peruville, Tompkins County, N. Y., urging Congress for the passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5632. Also, petition of the citizens of Chemung County, N. Y., urging Congress for the passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5633. By Mr. STONE: Petition of 200 or more residents of the State of Oklahoma, asking Congress to pass favorably on House bill 9233, to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5634. By Mr. TAYLOR of Colorado: Petition of citizens of Fairplay, Colo., urging favorable action on House bill 2562 for increase of pension of Spanish-American War veterans; to the Committee on Pensions.

5635. Also, petition of citizens of Gunnison, Colo., urging the enactment into law of House bill 2562 for increase of pensions for Spanish-American War veterans; to the Committee on Pensions.

5636. By Mr. WALKER: Petition of leading tobacco growers of central Kentucky, urging Congress to reduce the tax on tobacco one-third of the present rate; to the Committee on Ways and Means.

SENATE

FRIDAY, *March 14, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kean	Sheppard
Ashurst	George	Keyes	Shortridge
Baird	Glass	La Follette	Simmons
Barkley	Glenn	McCulloch	Smoot
Bingham	Goff	McKellar	Steiwer
Black	Goldsborough	McMaster	Stephens
Blaine	Gould	McNary	Sullivan
Blease	Greene	Metcalf	Swanson
Borah	Grundy	Moses	Thomas, Idaho
Bratton	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Connally	Hatfield	Overman	Vandenberg
Copeland	Hawes	Patterson	Wagner
Cousens	Hayden	Phipps	Walsh, Mass.
Cutting	Hebert	Pine	Walsh, Mont.
Dale	Hedin	Ransdell	Waterman
Dill	Howell	Robinson, Ind.	Watson
Fess	Johnson	Robsion, Ky.	
Fletcher	Jones	Schall	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. MCKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

SUPPLEMENTAL ESTIMATE—BUREAU OF CUSTOMS (S. DOC. NO. 113)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department—Quarters allowance, United States Customs Agency Service, 1931—amounting to $50,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

VESSEL AND TENDER, COAST AND GEODETIC SURVEY (S. DOC. NO. 112)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the completion of a vessel and tender for the Coast and Geodetic Survey, fiscal year 1931, amounting to $106,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. OVERMAN presented a memorial of sundry citizens of Old Fort, N. C., remonstrating against any revision of the existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented a memorial of sundry citizens of Barton County, Kans., remonstrating against the passage of the so-called Capper-Robsion bill, to create a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. McCULLOCH presented a petition numerously signed by sundry citizens, being retail druggists and their customers, of Cleveland, Ohio, praying for the passage of the so-called Capper-Kelly fair trade bill, to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name, which was referred to the Committee on Interstate Commerce.

Mr. DILL presented a petition of sundry citizens of Spokane, Wash., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Eureka, Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

He also presented a resolution adopted by Sunflower Aerie, No. 123, Fraternal Order of Eagles, of Pittsburg, Kans., favoring the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. HOWELL presented a memorial of sundry citizens of the State of Nebraska, remonstrating against any revision of the existing calendar unless a provision be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. HALE, from the Committee on Naval Affairs, reported the nomination of Capt. Walter R. Sexton to be a rear admiral in the Navy from the 31st day of March, 1930, which was placed on the Executive Calendar.

Mr. GREENE, from the Committee on Military Affairs, reported the nominations of sundry officers of the Army, which were placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported the nomination of Edward M. Kent to be a constructor in the Coast Guard of the United States, to rank as such from March 3, 1928, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. HEBERT, from the Committee on Post Offices and Post Roads, reported the nomination of Ralph H. Chapman to be postmaster at Esmond, R. I., in place of R. H. Chapman, which was placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3894) to correct the military record of J. F. Johnston; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 3895) to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1290, 1300, and 1935; to the Committee on the District of Columbia.

A bill (S. 3896) granting an increase of pension to Tirzah Z. Ingersoll (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3897) to provide for the disposition of certain revested Oregon & California Railroad Co. and Coos Bay Military Wagon Road Co. grant lands; to the Committee on Public Lands and Surveys.

A bill (S. 3898) granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 3899) to amend section 23 (c) (3) of the revenue act of 1928, as amended; to the Committee on Finance.

By Mr. McCULLOCH:

A bill (S. 3900) granting an increase of pension to William L. Schulz (with accompanying papers); to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 3901) to establish a commercial airport for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALE:

A bill (S. 3902) granting a pension to Lottie A. Crouch (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3903) granting a pension to Anna Haag; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3904) granting a pension to Horace Willie Howard; to the Committee on Pensions.

A bill (S. 3905) for the relief of Oscar J. Conners; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3906) granting a pension to Reuben Samson;

A bill (S. 3907) granting an increase of pension to Cad W. Savage (with accompanying papers); and

A bill (S. 3908) granting an increase of pension to Rebecca J. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. PINE:

A bill (S. 3909) granting a pension to Wilson H. Spangenberg (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 3910) to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list; to the Committee on Naval Affairs.

By Mr. NORBECK:

A bill (S. 3911) granting a pension to Denny Moran; to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL

Mr. GOLDSBOROUGH submitted an amendment proposing to increase the duty on mustard, ground or prepared, in bottles or otherwise, from 8 cents per pound to 10 cents per pound, intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed.

RETIREMENT OF CLERKS OF COURTS

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 3418) to establish a retirement and disability service for clerks, deputy clerks, and clerical assistants of the United States circuit courts of appeals, and clerks, deputy clerks, and clerical assistants of the district courts of the United States, which was referred to the Committee on Civil Service and ordered to be printed.

HANNAH F. PARKER

Mr. HALE submitted the following resolution (S. Res. 236), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Hannah F. Parker, widow of Ferd W. Parker, late the keeper of stationery of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LITERARY DIGEST PROHIBITION POLL

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement regarding the Literary Digest prohibition poll, being an article printed in the American Issue. It contains some very interesting facts regarding the last poll conducted by the literary Digest on the subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REASONS WHY DRYS SHOULD NOT VOTE IN THE LITERARY DIGEST POLL

Friends of the eighteenth amendment to the Federal Constitution and of the national prohibitory law should refuse to take any part in the Literary Digest poll on the three proposals which that magazine is submitting to 20,000,000 people; and for the following reasons:

NOT RELIABLE INDEX OF PUBLIC SENTIMENT

First. Whatever the results of this poll, they can not in any sense assume to be the consensus of the opinion of the people of the United States—not even the opinion of the 20,000,000 who received the ballots mailed from the Digest office.

There will be hundreds of thousands of drys who of their own accord will refuse to participate. They have no incentive to do so. On the other hand, most of the wets receiving these ballots will vote. They have nothing to lose. The small fraction of drys who are inclined to vote should not do so, for by so doing they will merely give a semblance of a real contest to the poll. They should not fall into this trap. But on the other hand, they should not leave their ballots where a wet may pick them up and vote them. They should destroy them.

INDIRECT METHOD VERSUS DIRECT

Second. The enemies of prohibition are seeking to do by a straw vote what they have failed to accomplish by direct, orderly, and legal process. The eighteenth amendment was adopted by the regular process, the same process as that used for every other amendment to the Constitution. The vote was overwhelming; larger than any other vote for any other amendment or for the original Constitution itself.

The minority opposed to prohibition, disregarding all rules of sportsmanship, have defied the law, advocated nullification, and are now determined by some process or other to compel the dry majority to accede to the demands and threats of the wet minority.

Ten years ago their first step to this end was an effort to defeat the dry Congressmen and elect wet Congressmen. That failed, with the result that the drys in Congress have increased in number while the number of wets has steadily decreased.

The wets' next step was the demand for a referendum to the voters of the Nation, with the idea that the wet cities and the wet States could possibly muster a majority of the total votes cast, it being understood by those who were proposing a national referendum that New York State, for instance, in a general election, casts as many votes as are cast in the aggregate by more than 20 States that could be named. When it became apparent that this was an insidious move to deprive the smaller States of their part and voice in government and was the first step toward the elimination of real State representation on national issues, this project failed.

The next movement was an appeal to the States to call State referendums. Referendums were held in some four or five States with but partial success for the wets. This wet hope has now exploded and the possibility of a referendum by States has vanished.

The next move was to have some sort of unofficial referendum taken by some individual or some group or by some journal. Mr. Du Pont started the proposition by furnishing the money and having ballots sent to all the voters in the entire State of Delaware. And now comes the Literary Digest with its project of a nation-wide prohibition poll.

Evidently those who are responsible for the Literary Digest poll are against prohibition. On the face of it, the literature sent out, the letters mailed to 20,000,000 persons, the cost of returning these marked ballots, which is part of the expense of the poll, and other necessary clerical work connected with the enterprise, will cost at the very minimum at least three-quarters of a million dollars. Of course, this money is being furnished by those who are particularly interested in the outcome, and it is not being furnished by those who, like Mr. Hoover, "wish prohibition to succeed." It can hardly, therefore, be suggested that this attempted poll is of a disinterested character.

This sort of poll would be open to the same general objection if it were being conducted, for instance, by the American Issue at Westerville, Ohio, and it would be open to the same general objection were it on any other question upon which there are radical differences of opinion.

IGNORES MAJORITY OF VOTERS

Third. Approximately 36,000,000 of the 56,000,000 qualified voters registered their convictions on prohibition in the presidential election of 1928. The Digest arbitrarily selects 20,000,000 persons to vote in its poll, a number equivalent to but 55 per cent of those who voted for President in 1928 and less than 36 per cent of all the qualified voters. To get a real index of the sentiment on prohibition every legal voter should be given an opportunity to vote. Regardless of the good intention of those back of the poll, it is giving too much power into the hands of any man or group to select the millions who are to be ignored on so important an issue as this. Furthermore, if the same proportion is maintained in this poll as that which prevailed in the Literary Digest poll in 1922 on these three identical propositions, only a decided minority will record its convictions.

UNFAIR WORDING OF BALLOT

Fourth. There are three propositions submitted—one dry and two wet. Everyone who is not for both the amendment and the Volstead law as is, has an opportunity to make a choice of two, but whatever the choice, it will count against prohibition.

NO SAFEGUARDING BALLOTS

Fifth. There is no possible way of checking up to find whether the person who marks any of these ballots is an alien, a citizen, a voter, a repeater, a child under age, or some one who has been disfranchised.

PREVIOUS POLL FAILURE AS INDEX

Much is being made of the accuracy of forecast of Literary Digest polls. The Literary Digest points with pride to the fact that it forecast the Harding landslide in 1920, a 99 per cent accuracy of the Coolidge election in 1924, and the prediction in 1928 of Hoover's overwhelming victory and the Southern States which he carried. On this ground the Digest is assuming that its present poll on the three proposals submitted will be an accurate forecast.

With no desire to detract from the Digest's glory in predicting these presidential elections, but in order to get it into the record, we submit the results of the Digest poll on these three identical propositions submitted by the Digest in 1922. It is significant that the Digest in its letter accompanying the ballots mentioned the accuracy of the poll of sentiment in presidential elections, but was silent on the accuracy of the wet and dry poll of 1922 on the prohibition issue.

The total votes cast in that poll are as follows: For enforcement, 306,255; for modification, 325,549; for repeal, 164,453. This gives a total vote of 490,002 wet as against 306,255 for retention of the law and its enforcement.

How far this poll was off in recording the sentiment of the people is shown in the congressional and presidential elections which followed. Each succeeding Congress since that 1922 Digest poll has been drier than its predecessor. But a more striking evidence is found in the direct vote of the people on the prohibition question in three States—California, Massachusetts, and Ohio—in each of which States there was a legal direct vote of the people upon the State's attitude toward the liquor question. In California and Massachusetts the vote was on the adoption of a State enforcement code. In Ohio the vote was on an amendment to the Constitution to permit the manufacture and sale of 2.75 per cent beer. What were the results in these legal referenda in these States two months after the poll of the Literary Digest in the same States?

The Literary Digest poll in Massachusetts was: For enforcement, 13,029; for modification, 13,927; for repeal, 8,260; or a total anti-enforcement vote of 22,187 against 13,029 for enforcement. At the election that same year the enforcement code was defeated by a wet majority of 103,876. In both election and the poll the result was wet, but in the poll the wet-dry vote was in the ratio of 22 to 13, whereas in the election vote the ratio was 4 to 3.

GLARING INSTANCES OF FAILURE

California, according to the Literary Digest poll of 1922, voted as follows: For enforcement, 15,565; for modification, 20,479; for repeal, 8,418; almost two to one against strict enforcement. This poll was taken in September. Two months later at the November election California voters participated in a real referendum on a State enforcement code, which is a duplicate of the Volstead law, and adopted this law by 33,943 majority. And four years later on a vote to repeal the State enforcement code gave a majority to retain the code of 63,617.

In Ohio the Digest poll missed the mark even farther in registering the sentiment of the State on these three proposals. The Digest poll showed for enforcement, 20,285; for modification, 17,169; for repeal, 8,342; or a combined antienforcement vote of 25,511 against 20,285 for. But two months later Ohio on an amendment to the State constitution to legalize 2.75 per cent beer rolled up a majority of 189,472 against beer.

In the light of these figures might not the question reasonably be asked, Is the effort worth the large expenditure involved? Certainly it is not worth a thin dime as furnishing a true indication of the sentiment on the wet-and-dry issues. As a publicity stunt or a subscription campaign effort the Literary Digest may consider the money well spent. Accompanying each ballot is another returnable postcard offering a reduction on a short-term subscription to the Literary Digest.

It is easy to estimate a portion of the enormous cost involved. Twenty million ballots mailed under 1-cent postage is $200,000 for postage; another 1 cent each for 20,000,000 ballots, cost of printing (a conservative estimate) is another $200,000, a total of $400,000. This does not take into account the tremendous expense of clerical hire, addressing the envelopes, making the inclosures, assorting the lists, etc., which would add perhaps another $200,000, or a total of $600,000.





Assuming that the Digest receive in return 10 per cent of the number sent out, or 2,000,000, requiring 2-cent postage to be paid on receipt by the Digest, this would add another $40,000, to which must be added the cost of tabulating, counting, etc. It is not an extravagant estimate to say that this futile effort to obtain the sentiment on the repeal or modification of the prohibition law represents an expenditure of three-quarters of a million dollars.

Is it worth it? Certainly not to either wets or drys. Its result is not binding, nor does it even remotely indicate the sentiment of the people on this issue.

Moreover, it is significant that in the Literary Digest prohibition poll of 1922 an analysis of that poll clearly shows that a disproportionate part of it came from the 15 former wet States which had not adopted state-wide prohibition before national prohibition became a fact. These 15 States had 47 per cent of the population of the Nation, but they cast 53 per cent of the total vote in the poll. They cast 55 per cent of the beer and wine votes and 63 per cent of the repeal votes.

Twenty-seven States containing 57 per cent of the population each gave a plurality for strict enforcement. Twenty-three of these 27 States had enacted state-wide prohibition before the eighteenth amendment became effective.

Fifty-five per cent of the beer and wine vote came from 12 States which had large financial beer and wine interests, which formerly manufactured 93 per cent of the beer and most of the wine produced in the United States. Moreover, these 12 States contain 72 per cent of the foreign-born population of the United States.

The sum total of the 1922 poll is that the longer a State is dry the drier it is.

WHENCE COMES THE DEMAND?

The significant thing about the organized efforts now being made against prohibition is that a comparatively few men with vast amounts of money are so determined to defeat prohibition either by securing its nullification, encouraging its violation, or securing its repeal, that they are willing to use their money to promote objects which in the end will tend to undermine not only the laws but the Constitution itself and the very form of government under which we live. They are not willing to take the constitutional methods. They are not willing that those methods of measuring public sentiment shall prevail. They are determined to get some method that in some way or other will indicate a public sentiment against prohibition, and if they can not get it in one way they are bound to get it some other way, by means constitutional or otherwise, and by methods fair or foul.

Can it be that this demand for the Literary Digest poll comes from the same element that is demanding, and in some States securing, meaningless straw votes in state-wide elections, and from the same element that is making such a noisy demand in Congress for a referendum?

There is just one way to get rid of national prohibition, and that is to repeal the eighteenth amendment, and that can't be done by straw votes or mere noise.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, on March 4 I offered two amendments on page 170, in lines 14 to 16, relating to a definition of wool in the grease. Inadvertently the words "shall have been" were not stricken out in line 14. I now ask unanimous consent for a reconsideration of the votes by which those two amendments were agreed to.

The PRESIDENT pro tempore. Is there objection?

Mr. GEORGE. Mr. President, there is no objection to a reconsideration of the votes as requested by the Senator from Utah.

The PRESIDENT pro tempore. Without objection, the votes are reconsidered.

Mr. SMOOT. In lieu of the amendments previously offered, I offer the following in the form of one amendment, being identically the same as those intended to be offered the other day and carrying out exactly the same purpose as explained at the time:

On page 170, line 14, strike out all after "as" down to and including the word "condition" in line 16 and insert in lieu thereof "are in their natural condition as shorn from the animal, and not cleansed otherwise than by shaking, willowing, or burr picking."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMOOT. On page 45, in line 17, in the amendment agreed to on March 7, after the word "glass," I move to insert the words "including cased glass." It is necessary that those words be inserted on account of similar words having been inserted in line 13 in accordance with the amendment offered by the Senator from New York [Mr. COPELAND].

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to is reconsidered; and without objection, the amendment proposed by the Senator from Utah is agreed to.

Mr. BINGHAM. Mr. President, I desire to move a reconsideration of the action taken by the Senate on March 12, as set forth on RECORD page 5092, whereby the duty on wrapper tobacco was reduced from $2.50 to $2.10, the Senate at that time concurring in the amendment made as in Committee of the Whole. I also desire to move to reconsider the vote by which the duty was reduced from $3.15 to $2.75. I ask unanimous consent that the motions to reconsider both votes may be taken at once, in order to avoid two votes on the matter.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum, in order that Senators may be brought into the Chamber to know what is taking place. This is to be an important vote.

The PRESIDENT pro tempore. Business having been transacted since the previous quorum call, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kean	Sheppard
Ashurst	George	Keyes	Shortridge
Baird	Glass	La Follette	Simmons
Barkley	Glenn	McCulloch	Smoot
Bingham	Goff	McKellar	Steiwer
Black	Goldsborough	McMaster	Stephens
Blaine	Gould	McNary	Sullivan
Blease	Greene	Metcalf	Swanson
Borah	Grundy	Moses	Thomas, Idaho
Bratton	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Connally	Hatfield	Overman	Vandenberg
Copeland	Hawes	Patterson	Wagner
Couzens	Hayden	Phipps	Walsh, Mass.
Cutting	Hebert	Pine	Walsh, Mont.
Dale	Hefiin	Ransdell	Waterman
Dill	Howell	Robinson, Ind.	Watson
Fess	Johnson	Robsion, Ky.	
Fletcher	Jones	Schall	

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Connecticut moves a reconsideration of the vote affecting paragraph 601, page 123, line 7; and in the event that the vote is favorable on that motion, he asks unanimous consent that both amendments may be voted upon at the same time. The question is on agreeing to the motion of the Senator from Connecticut.

Mr. BINGHAM. Mr. President, I desire to take but a very few moments in order to explain the reason for this motion. Last summer in the Connecticut Valley there was a very severe storm, which destroyed a large part of the tobacco crop. It is estimated that the farmers of the Connecticut Valley suffered to the extent of nearly $4,000,000. At the time it was thought that the only thing to do was to ask the Federal Government for aid in their distress, as has been done so frequently by many other States, and also by some of our insular possessions. After giving the matter careful consideration, however, it was decided that the farmers would struggle along as best they could in the hope that Congress might give them aid of a different sort; and so no aid of the Federal Government was asked with regard to the loss of nearly $4,000,000 which the tobacco growers of Connecticut suffered at that time.

There is a slight division of opinion among the farmers as to the question of the increase in the duty on wrapper tobacco, but the New England Tobacco Association has gone on record in favor of the increase, and the farmers who have suffered the most are of the opinion that the increased duty which was granted by the House of Representatives, if agreed to, will bring them relief and will restore their business.

I may say, Mr. President, that there are two other States that are affected seriously by this item, the States of Georgia and of Florida, where wrapper tobacco is grown. Unfortunately, some of the States which do not grow wrapper tobacco, notably the States of Kentucky, Ohio, and Wisconsin, feel that it would hurt their business, as the producers of a different type of tobacco, if the increase on wrapper tobacco were granted as proposed by the bill as it came from the House of Representatives.

Mr. HASTINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Delaware?

Mr. BINGHAM. I yield.

Mr. HASTINGS. I should like to inquire whether this matter has not been fully considered twice in the Senate?

Mr. BINGHAM. I do not think it has been considered twice, Mr. President. It was considered when it was before the Senate as in Committee of the Whole.

Mr. HASTINGS. And was then considered again by the Senate.

Mr. BINGHAM. It came up the other night at a night session, when I was not present, and it was not considered at all but was merely voted on by a viva voce vote. It was because it was not considered the other night, and I did not know that it was coming up, and because no record vote was had at that time, that I am now moving to reconsider.

As I have stated, Mr. President, I shall take only a few moments to give the reasons why I hope that the vote on this amendment may be reconsidered. It is one of the very few items in the entire bill in which the farmers of New England are particularly interested. They ask for additional protection; and I hope that they may be granted this relief. It will help their business; it will help their morale; and they believe it will help the whole industry of the manufacture of cheap American cigars.

There are some of the cigar manufacturers, notably the larger ones, who are opposed to this increase of duty, but many of the independent cigar manufacturers, notably in the State of Pennsylvania, have put themselves on record as being in favor of it. They believe it will not hurt their business. There is a difference of opinion as to the sale of the 5-cent cigar when the American wrapper is used, but the greater weight of opinion is that it will not hurt that sale, but will encourage the farmers who engage in the growing of wrapper tobacco. I therefore hope that the vote may be reconsidered.

Mr. SMOOT. Mr. President, I am not going to go over this subject again. There is a difference of opinion as to what effect the proposed increase in the duty on wrapper tobacco would have. After the most thorough investigation that I could give to the subject, it is my opinion that if the proposed increase shall be granted the manufacture of the 5-cent cigar will be a thing of the past. If the manufacture of that cigar shall be destroyed, how in the world are the growers of wrapper tobacco to get any advantage from the duty? That is the whole proposition.

In 1922 this same question arose. Most of the witnesses who appeared before the committee at that time were against the increase in the duty on wrapper tobacco. Now, they claim, in view of the price of tobacco, that, if this increased duty shall be granted, the manufacture of the 5-cent cigar will be entirely destroyed. In that event the tobacco grower must know what is going to happen to him. That is all there is to it.

Mr. SIMMONS. Mr. President, I think this is the second time this question has been threshed out in the Senate. The last time it was considered the debate was very exhaustive, and my recollection is that the vote in favor of reduction of the House rate was a very decided one.

A rate of $3.15 a pound on wrapper tobacco would not seem to be justified, when there is little high-grade wrapper tobacco grown in this country except, possibly, in Connecticut——

Mr. SMOOT. And in Georgia.

Mr. SIMMONS. And in Georgia; and when that which is grown here does not sell in the open market and has not sold in the open market at any time for as much or anything like as much as $3.15 a pound; in fact, Mr. President, domestic wrapper tobacco grown outside of Connecticut is not to-day selling for as much as $1 a pound, and, of course, it does not come in competition with the higher grade of foreign wrapper upon which it is proposed to place a duty of $2.50 or $3.15, depending upon whether stemmed or unstemmed.

Mr. President, if we should impose this duty it would be merely a revenue measure. The finer grade wrapper would be imported, although it costs twice as much as the domestic wrapper, because of its superior quality and because it is necessary to produce high-priced cigars. While the higher duty would be a very good revenue producer, as the present rate has been and will continue to be, if retained, so as long as fine cigars are made in this country, it would place an additional burden upon the tobacco industry already loaded down and overburdened with excessive internal-revenue taxation.

Furthermore, Mr. President, it would probably not result in the curtailment of importations, but in a reduction of our production of moderate and high-class cigars. I think probably the latter would be the effect. As a consequence, we would produce less in this country of the moderate and high-grade cigars, but would import them from abroad. So, instead of foreign importations of the raw material we would have increased importations of the finished cigars.

What the Senator from Utah [Mr. SMOOT] says is absolutely true. The adoption of the amendment proposing the increased rate would probably put an end to the high-grade 5-cent cigar in this country; that is, the long-filler 5-cent cigar; such a 5-cent cigar as the American people demand.

I do not wish to detain the Senate further than to say that I see in the higher rate of duty not only an increased burden upon the tobacco industry, without any resulting benefit to the people of this country or to the producers of the so-called wrapper tobacco; but I see the destruction of the manufacturers of a cigar which has been recently welcomed by the smokers of this country and which has resulted in largely increasing the uses of tobacco, especially of wrapper tobacco. That cigar can not be made for 5 cents and be smokable unless it has an attractive wrapper around it, and the foreign wrapper is used to save it from the condition of undesirability in which it was plunged by the internal-revenue tax rates, which we placed upon it during the war.

I trust, Mr. President, that we may dispose of this item speedily and that we may be done with it until the conference report shall have been submitted on the bill. It does seem to me that we are trifling with a situation when every day or two we have to have a new vote upon nearly every material question of controversy in this bill.

Mr. GEORGE. Mr. President, I desire that the Senate know exactly what this case is.

There was a discussion of this question when the provision was first reached in the Senate. Last night, or the night before, I believe, the vote upon the amendment was reached, and without any discussion whatever it was passed over, because I happened to be out of the Chamber at the time; the Senator from Connecticut [Mr. BINGHAM] happened to be out; and, indeed, the Senator from North Carolina [Mr. SIMMONS], whom I knew to be interested in the matter, does not generally attend the night sessions of the Senate.

There is a dispute about this matter. Wrapper tobacco is a farm product. It is exclusively a farm product. It goes directly from the farmer to the manufacturer, and it is used by the manufacturer in the condition in which the farmer places it. Therefore this is one of the farm products, distinctly a farm product under the terms of this bill and in fact.

When we considered the duty upon wrapper tobacco there were those of us who thought that the duty ought to be increased. We made an earnest fight for the increase in this duty; but this wrapper tobacco is grown only in the State of Georgia, the State of Florida, and the State of Connecticut. It is used in the other States. The manufacturers of cigars—some of them, at least—have contended——

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. GEORGE. Yes; I yield.

Mr. SIMMONS. I wish to ask the Senator from Georgia if I did not correctly state the fact when I said that wrapper tobacco grown in this country outside of Connecticut sold for less than a dollar a pound.

Mr. GEORGE. Oh, yes; I do not want to discuss the merits of the matter now, but I will do so.

Mr. SIMMONS. And that is about one-third of the duty proposed to be imposed upon this wrapper tobacco.

Mr. GEORGE. No; I think the Senator is mistaken.

Mr. SIMMONS. One dollar a pound is somewhere about one-third of $3.15 and $2.75.

Mr. GEORGE. Yes; it is about one-half. I shall be glad to discuss the merits of it, but I did not want to go into the merits of the matter.

Mr. SIMMONS. I simply wanted to verify that statement.

Mr. GEORGE. Yes; that is correct.

Mr. SIMMONS. The Senator lives in a State where this wrapper tobacco is produced, and I wanted to verify that statement.

Mr. GEORGE. Yes, Mr. President; and peanuts are selling for around $60 a ton, although the actual duty is $85 a ton. There are many worthless farm tariffs in the bill.

Mr. THOMAS of Idaho. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. GEORGE. I yield to the Senator.

Mr. THOMAS of Idaho. I merely desire to call the attention of the Senator to the fact that when we were discussing the wool schedule I made the remark that I had voted for the high rate on every agricultural product, and he stated that I had voted against the high rate on wrapper tobacco. At this time I want to say to the Senator that the RECORD shows that I voted for the high rate, and I am going to vote for his reconsideration to-day.

Mr. GEORGE. The Senator is quite right. I had confused the Senator with some others who did vote for all other farm products, but voted against this one.

It is true that domestically grown wrapper tobacco does not sell for as much as the duty. It is also true that peanuts do not sell for as much as the duty; but the Senator from North Carolina, and all the other southern Senators favored that duty. I have said frankly on this floor that the duty was not effective, and it is not effective on numbers of farm products—not at all effective. I know that; but the fact that the duty on wrapper tobacco is not effective, or at least the reason why the price does not advance to the height of the duty, is due to this reason:

Domestically grown wrapper tobacco practically has only one-half of the wrapping capacity per pound of the imported tobacco. I am speaking in round terms, of course. Therefore it takes approximately 2 pounds of domestically grown wrapper tobacco to cover or wrap as many cigars as 1 pound of the imported tobacco. That is the principal reason why there is a difference between the imported and the domestic wrapper tobacco.

This is a farm product. It is grown only by farmers. It goes to the factory in the form in which the farmer himself processes it; and these farmers believe that an increase in this duty will be of substantial and material help to them.

The manufacturers are opposed to an increase, because they buy; but when the matter was under discussion in the Senate before the able Senator from Kentucky, Mr. Sackett, who sat on the committee, and who himself came from a tobacco-growing State, stated—and the RECORD will bear me out—that the duty asked would not increase the cost of the 5-cent cigar. He stated deliberately, and after a complete review of the facts, that the increase would be too small to be passed on to the consumer, and that it would be absorbed by the manufacturer.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Washington?

Mr. GEORGE. I do.

Mr. DILL. I am very much interested in that statement, because, as I understood the statement of the Senator from Utah, it was to the effect that if this tariff was increased it marked the end of the 5-cent cigar.

Mr. GEORGE. Yes.

Mr. DILL. The Senator disagrees with that?

Mr. GEORGE. Oh, entirely. That is what the manufacturers say.

Mr. DILL. I should not be willing to vote for a tariff that would drive the 5-cent cigar off the cigar counter.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. GEORGE. I yield.

Mr. BINGHAM. I should like to ask the Senator whether it is not true that the General Cigar Co., which is the largest concern manufacturing cigars, and one of the largest importers of Sumatra wrappers, has been carrying on a propaganda throughout the United States against this tariff with a view to trying to frighten people away from it by the very statement which was disproved by the Senator from Kentucky, Mr. Sackett, that it would drive out the 5-cent cigar.

Mr. GEORGE. Oh, yes; that is entirely true. As a matter of fact, about half of the 5-cent cigars are to-day wrapped by the domestically grown wrapper. Therefore, it can be used; it is being used; and the propaganda against the duty comes from the manufacturers.

I do not know that I particularly censure the manufacturers. They do not want to pay any more for their wrappers, and they believe that they will have to pay a slightly increased price for their wrappers; but the point is that we have given in this bill, time after time, increases on farm products which would not be effective.

I voted for the duty on long-staple cotton. I must say I do not believe that duty will do the cotton producers any good. I do not believe it will; but I voted for it, nevertheless, because I am willing to give to the farmer the benefit of the doubt upon that proposition. Yet when the tobacco growers who are producing about one-half of the wrappers used in this country for 5-cent cigars come before the Congress and ask to be classed as all other farmers have been classed, and ask to be treated as all other farmers have been treated, the manufacturers say that we are going to drive off the market the 5-cent cigar, and that it is not going to do the farmer, the producer of wrapper tobacco, any good.

The manufacturers have said that about long-staple cotton, and about every other farm product. Only yesterday the Senator from New York [Mr. COPELAND] pointed out that an increase of 100 per cent on mustard seed would do nobody in this country any good, because we were producing something like four or five hundred thousand pounds, as I recollect the Senator's statement, and actually using some 19,000,000 pounds, or some other large amount. So here is a case where the farmer is producing wrappers to wrap one-half of the 5-cent cigars to-day, and the users of the domestic wrapper favor this duty, but the manufacturers who use the imported wrapper oppose this duty. That is the case in a nutshell.

It may be that the duty would not benefit the farmer, but he thinks it would; and he thinks so upon just as substantial grounds as every other farmer who has asked for and received an increase in the duty for the protection of his product in the consideration of this bill.

Mr. COPELAND and Mr. BINGHAM addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from New York.

Mr. COPELAND. The Senator is interested not alone in the wrapper but in the binder; is he not?

Mr. GEORGE. Oh, yes.

Mr. COPELAND. If this wrapper rate is materially increased, so that the manufacture of the 5-cent cigar is impossible, is not that going to have an adverse effect upon the sale of binder tobacco?

Mr. GEORGE. It is not going to be increased so that the manufacture of the 5-cent cigar is impossible I will say to the Senator.

Mr. COPELAND. That is the testimony of every cigar maker that I know anything about.

Mr. GEORGE. Oh, no; that is the testimony of the cigar manufacturers who use the imported wrapper. The testimony of the cigar manufacturers who use the domestic wrapper is directly to the contrary.

If the issue must be drawn, this issue is squarely between the great Tobacco Trust and the farmer. I said it before, and I repeat it now, that is what it is. The trust is probably stronger than the farmer when the product is grown in only two or three States.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. COPELAND. Is it not true that the wrapper is produced by two great corporations?

Mr. GEORGE. The wrapper is grown by any number of very humble farmers in the Connecticut Valley and in Georgia and in Florida.

Mr. COPELAND. All under the control of two great corporations?

Mr. GEORGE. Oh, no; not at all; individual farmers, personally known to me, who would not know a corporation if they met it.

Mr. President, my State grows other tobacco. My State grows cigarette tobacco, bright-leaf tobacco; but it also grows wrapper tobacco. The production of wrapper tobacco is less than the production of the bright-leaf flue-cured tobacco, so far as that is concerned; but I know that this issue is simply one between the manufacturer who desires to bring in the imported wrapper as cheaply as he can—without any duty if he could—and the farmers who produce this wrapper.

Mr. BINGHAM. Mr. President——

Mr. GEORGE. I yield to the Senator from Connecticut.

Mr. BINGHAM. Did I understand the Senator to say that binder tobacco also is grown in Georgia?

Mr. GEORGE. No; I said I was also interested in binder tobacco.

Mr. BINGHAM. Binder tobacco also is grown in the Connecticut Valley. In fact, the larger part of the tobacco grown in the Connecticut Valley is binder tobacco. When the Senator spoke of the manufacturers opposing this tariff he did not, when he first spoke of it, qualify the statement as he did later on. A large number—in fact, a majority—of the smaller manufacturers who have communicated with us about the matter are in favor of the tariff which the Senator from Georgia is in favor of, because they are at present using American wrapper tobacco and desire to continue to use it. It is only the very largest manufacturers who are opposing it.

The General Cigar Co., I think the Senator will agree, has been carrying on propaganda to try to teach those who grow fillers in the Mississippi and Ohio Valleys that this increase would hurt their business by killing the 5-cent cigar, whereas the manufacturers who are now using American wrapper—and about half of the 5-cent cigars are at present wrapped with American wrappers—are of the opinion that it will not hurt their business, but will benefit it. Therefore the propaganda which has been carried on by the Tobacco Trust is directly at variance with the beliefs and wishes of the small manufacturers. Is not that the case?

Mr. GEORGE. Mr. President, the Senator from Connecticut has made an entirely accurate statement of the case. The only conflict of interest here is between the big manufacturer and the grower. It is not between the smaller manufacturers, it is not between the most numerous class of manufacturers, because the larger number of manufacturers are small manufacturers; that is, the manufacturers of the 5-cent cigar are small manufacturers.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. COPELAND. How does the Senator account for the fact that these great cooperatives, real dirt farmers, in Ohio and Pennsylvania are in opposition to this proposal to increase the rate on wrappers? They state as the reason that they are satisfied that if the rate is increased there will be less demand for the binder which they supply, and they are on record absolutely as opposed to this increase.

Mr. GEORGE. Some of them may have been misled by the same propaganda which seems to have misled the Senator from New York and other Senators in this body. But the farm organizations, so far as I know, are in favor of it, and at the time the debate was had in the Senate certainly I had in my possession the indorsement of this duty from practically all of the farm organizations of the country.

Mr. COPELAND. Mr. President, I want the Senator to recall that when we had the debate on the 18th of November it was shown conclusively that the farm cooperatives, leaf growers in Wisconsin and Ohio and Pennsylvania, representing 85 per cent of the growers of tobacco of this type, were in bitter opposition to the increased rate upon wrapper tobacco.

Mr. GEORGE. I think the Senator is wrong about that. But I have said they could easily be misled by the propaganda of the big manufacturers if Senators can be, and I want to repeat that the propaganda did mislead some of the growers of other kinds of tobacco. But there is no conflict here in interest between any people except the manufacturer, who would, of course, be called upon to pay a slightly increased price for his wrappers, and the growers of wrapper tobacco.

Mr. President, I called attention to this situation when the matter was up in the Senate before. I think it is one of the most striking evidences of the power of the big man as against the little man to be found in the act, the fight and the propaganda which has misled many open-minded men against a reasonable duty upon this one farm product, when we have practically closed our eyes and given to all farm products very high rates, in many instances extremely high rates. It has been said in many quarters that the duties would do the farmer no good. Many men have believed that the duties would not benefit the farmer, although they voted for them. But in this instance they deny one class of farmers a reasonable increase in the duty upon a product of the soil.

I do not see how Senators who have voted consistently for all of the increases asked on farm products can harmonize a vote against this particular farm product.

I want to assert it as a fact again that all of the smaller manufacturers, practically without exception, who use the domestic wrapper, have joined with the growers and said they were entitled to this duty, but that the large manufacturers, few in number, relatively, have opposed it, and although the distinguished Senator from Kentucky comes from a State where none of the wrapper tobacco is grown, and himself doubted whether the duty would be of any benefit to the farmers, he admitted upon this floor that the increased cost to the 5-cent cigar maker would not drive the 5-cent cigar out of the market and would not be passed on to the consumer of the 5-cent cigar, but would be absorbed, because it would be so infinitesimal upon every cigar, or even box of cigars, as to make it imperative that the manufacturer himself absorb that loss.

That is all I have to say about the matter, but I do want the Senate to understand that this matter has been before the Senate but one time. It came informally before the Senate night before last, when neither of the Senators who were directly interested in wrapper tobacco happened to be upon the floor.

Mr. HEFLIN. Mr. President, may we have the amendment reported?

The VICE PRESIDENT. The pending question is on the motion of the Senator from Connecticut to reconsider the votes on the amendments which will be stated by the clerk.

The CHIEF CLERK. On page 123, line 7, the Senate, as in Committee of the Whole, struck out "$2.50" and inserted "$2.10," and on the same line struck out "$3.15" and inserted "$2.75."

Mr. FLETCHER. Mr. President, it will be recalled that the Finance Committee reported an amendment to this paragraph 601, and embodied in their report a recommendation to strike out the House provision in 601 and to insert a new paragraph 601, with subdivisions (a), (b), and (c).

The subject was quite fully discussed when the Senate, in Committee of the Whole, had the matter under consideration, and the conclusion was finally reached to disagree to the Senate Finance Committee proposed amendment, and also to disagree to the House provision in paragraph 601, and change in line 7 the figures "$2.50" to "$2.10" and the figures "$3.15 to "$2.75," the $2.10 referring to unstemmed wrapper tobacco and the $2.75 referring to stemmed wrapper tobacco. In other words, the action of the Senate at the time was to return to the existing law, to stand on the provision of the present law as the best solution of this matter.

I happen to come from a State where wrapper tobacco is grown, grown under shade, and a very fine kind of tobacco is produced. It is of the type known as Sumatra tobacco. It is an important industry, particularly in Madison, Leon, and Gadsden Counties, and they must have a high duty on wrapper tobacco to survive in the face of the competition of imported Sumatra wrappers.

The Sumatra wrapper is one thing, and the Havana wrapper is another thing. We have growers producing wrapper known as the Sumatra wrapper, and I am in favor of their having as high a rate of duty as the industry warrants, as high as they wish. I have no objection to the rates proposed so far as Sumatra tobacco wrapper is concerned. On the other hand, the large manufacturers of cigars in Tampa and Key West, and other points in the State, and in other parts of the country, are importing Havana wrapper; not Sumatra, but Havana wrapper.

There is no distinction made in the provisions of the bill between Sumatra wrapper and Havana wrapper. It seems to be impossible to designate one country as against another country, or to name the product so that the provision would apply to one country and not to another. Therefore the language is general and broad, "wrapper tobacco." That means any kind of wrapper tobacco, Sumatra wrapper or Havana wrapper or any other kind of wrapper, just so it is a wrapper tobacco. That is the provision in the law.

The Senate Finance Committee, in proposing their amendment, while they did not specify Sumatra or Havana, subdivided the paragraph in a way that would have taken care of that situation, and would have enabled a classification that would have provided for a duty on Sumatra at one rate and a duty on Havana at another by subdivisions (b) and (c). In other words, they provided that wrapper in mixed bales would be classified in a certain way, and the duty would be paid in a certain way on mixed bales.

The Havana wrapper does come into the country in mixed bales. The manufacturer imports tobacco from Habana, and a portion of the bale may be classified as wrapper and another portion of it as filler. The Havana wrapper tobacco is usually imported in mixed bales. The committee subdivided this paragraph, and included a reference to mixed bales. That would have applied to Havana wrapper; it would not have applied to Sumatra wrapper at all, because the Sumatra wrapper does not come in in mixed bales. It is all in bales, unmixed. There was a chance to make a distinction.

I think the committee rate in subdivision (b) was too high. They had the rate 87½ cents a pound on filler tobacco mixed or packed with more than 5 per cent of wrapper but not more than 35 per cent, whereas it ought to have been about 40 cents a pound, and I am perfectly willing to accept the committee amendment provided they change the 87½ cents to 40 cents. That would have been taxing the manufacturer using Havana wrapper just about what he is taxed under the present law.

After a thorough discussion of the whole subject, however, the Senate rejected the committee amendment, and then reduced the rates as specified in the House text from $2.50 to $2.10 on unstemmed wrapper and from $3.15 to $2.75 on stemmed wrapper. Those are the rates in the present law. It was concluded finally by the Senate, when we discussed the subject fully, that that was the best solution of the problem. We could not agree on the committee amendment and could not agree on the House rate, so we agreed on continuing the existing law.

So far as the interests of Florida are concerned, with respect to the Sumatra wrapper, we have no objection to increasing the rates, provided they can be applied to the Sumatra wrapper. We favor all the duty the producers in this country want, but we do object to increasing the rates on wrappers generally, because that would apply to Havana as well as to Sumatra, more especially as it would apply to Havana wrapper. There seems to be no way of separating these wrappers under the law. The duty on Havana wrappers ought not to be increased. The producers of Sumatra wrapper do not want that. The manufacturers who use Havana wrappers do not oppose a duty on Sumatra.

Our manufacturers can not afford to pay more duty on the Havana wrapper than they are paying at the present time. The manufacturers are having quite a struggle to maintain their in-

dustry, and it is an important industry. We can not ignore it. One manufacturer in Tampa, for instance, pays to the Government of the United States every year $460,000 in customs duties, in stamp taxes, and similar charges. Another manufacturer pays pretty nearly as much. It is a very important industry and those engaged in it are taxed to the limit in the way of internal-revenue taxes. The Government derives revenue from manufacturers in Tampa using Havana wrappers of some $3,000,000 per annum. They are taxed to the limit. They can not stand any more, and it is on their account that we feel that the duty on Havana wrappers ought not to be increased. If there is any way of separating the Havana from the Sumatra they have not any objection to the highest duty desired on Sumatra so far as that is concerned, because we are very much interested in the industry, the production of shade-grown tobacco making the finest kind of wrappers.

Mr. GEORGE. Mr. President, I hope the Senator will not take offense, but I wish to ask if he favors an increased duty on the wrapper tobacco grown in Florida, Georgia, and Connecticut?

Mr. FLETCHER. That is, what we call Sumatra wrapper?

Mr. GEORGE. Yes.

Mr. FLETCHER. That is my understanding. I have no objection; on the contrary, I favor all the duty they ask on Sumatra tobacco. The manufacturers I speak of are concerned with Havana wrappers, not Sumatra. The committee tried to separate them by provisions with reference to mixed bales, but the Senate rejected the committee amendment. The Sumatra wrapper does not come in mixed bales, but the Havana wrapper does.

Mr. GEORGE. It does, indeed. I do not think there would be the slightest actual difficulty in separating the two. One comes in as a pure wrapper and the other mixed.

Mr. FLETCHER. I have reference to the Havana wrapper tobacco, and the language in the bill refers to Havana wrapper as well as Sumatra or any other kind of wrapper tobacco. The question is whether we shall reconsider that vote and go back to the House rate, it seems.

Mr. GEORGE. I do not know what the amendment of the Senator from Connecticut will be.

Mr. FLETCHER. He has not yet offered any amendment.

Mr. GEORGE. No. He has asked only to reconsider the vote, and if it is reconsidered and if the duty on wrapper tobacco is increased, does not the Senator think a provision should be made for the Havana wrapper that comes in in mixed bales always?

Mr. FLETCHER. Under paragraph (b), if the rate be made 40 cents instead of 87½ cents a pound, I would not object to the committee amendment at all, but it seems that we could not agree on that. The 87½-cent rate on mixed bales is a tremendous increase on Havana wrapper that is imported into the country to-day. It is a complicated situation. It seems to me the best we can do is to stand on the present law. The rate of $2.10 a pound is a pretty considerable rate. I am rather inclined to think that the growers are not getting the benefit of the present rate, so how would it benefit them to increase the rate? They sell their product now at something like $2.50 a pound and the duty is $2.10. Suppose we raise the duty to $4 a pound? If they do not get the benefit of the present rate, as it seems to me they do not, how can they expect to get the benefit of a higher rate? They think they can, and I accept their view, but I can not understand why they only get—and often they get less—$2.50 when the duty is now $2.10? I am inclined to think that perhaps the best we can do is to let the matter go to conference under the present arrangement and as we have determined it heretofore. There are those who believe the duty should be reduced. I do not share in that view. The Senate considering the subject in Committee of the Whole and again in the Senate decided to abide by and stand on the present existing law, $2.10 and $2.50 per pound. This modifies the House provision and the subject will go to conference. If the conferees can devise a method of separating Sumatra from Havana wrappers and agree that the duty on Havana wrappers shall not be increased over existing rates, I hope they will. There is no need of any conflict. The rates can be made satisfactory to the growers of wrappers and to the manufacturers using Havana wrapper, and I would like to see this done.

Mr. SIMMONS. Mr. President, the Senator from Georgia [Mr. GEORGE] brought out the fact—for it is a fact—that it takes about 2 pounds of the Georgia wrapper tobacco to wrap as many cigars as 1 pound of Havana or Sumatra wrapper tobacco wraps. That is true, but their tobacco sells at much less than $1 a pound, and allowing 2 pounds of it to equal 1 pound of the other wrapper tobacco, it would be $2 a pound, or much less than $2 a pound, and still only about two-thirds of the amount of the duty proposed.

I simply wanted to make that statement and to ask that there be printed in the RECORD at the end of my remarks some data upon the subject which I am presenting without reading to the Senate.

The PRESIDENT pro tempore. Without objection, permission is granted.

(See Exhibit A at the end of Mr. SIMMONS's speech.)

Mr. SIMMONS. I do want to say further that it is the consensus of opinion among tobacco manufacturers that these duties very materially affect the continuance of the production in this country of the high-class 5-cent cigar that we have now. I have abundant evidence as to that fact in the data which I have submitted. There are only 11,800 acres cultivated in wrapper tobacco in this country. The production, not all used as wrapper, amounts to a very small percentage of the amount of wrapper tobacco that is used in making cigars. It is estimated that the reduction made in the internal-revenue tax on 5-cent cigars from $4 to $2 per thousand resulted in an increased output from 1925 to 1928 of over 600,000,000 cigars. This reduction was $2 per thousand and resulted favorably in the prices paid for tobacco to the 40,000 farmers producing filler and binder tobacco. The increase in value of production in wrappers from 1925 to 1928 was some $3,000,000, or over 50 per cent.

The interest of the farmer in this country is in production of the filler and binder tobacco, and not in the Sumatra tobacco. Millions of acres are planted in the filler and binder tobacco and only 11,800 acres planted in wrapper tobacco. It is not a controversy between the Tobacco Trust and the farmer. It is a controversy between the seekers of an unnecessary and excessive duty and the farmers of the country. In my State the tobacco farmers have finally realized that these excessive taxes, both tariff and internal revenue, upon the finished product for which they produce the raw material, have become a burden upon the industry and that the farmer has to bear a large part of that burden; that it is not true, as has been commonly supposed, that that burden is passed on to the consumer. A part of it is passed on to the consumer in the higher price of the finished product, and a part of it is passed back to the farmer in the lower price of his product.

In my State the demand that I am voicing here comes from the farmers. In their organizations and in their meetings they have expressed a will that their representatives in Congress shall exercise such influence as they might have toward bringing about the lower taxation of the products of their industry, and it is as representing that voice that I appear here to-day. The trust, so far as I know, is not particularly concerned about this matter, but all of the producers and manufacturers of tobacco in the country are not in the trust. So far as I know, the demand comes not only from the manufacturers but from the producers of the raw material for the manufactured product that these excessive duties should be greatly abated or removed.

EXHIBIT A

TOBACCO—SCHEDULE 6

Page 123, committee print.

Paragraph 601, relating to wrapper tobacco, was the only paragraph changed by the House.

The Senate committee struck out the House increases, but, in turn, increased the rates on certain leaf tobacco. This increase would apply to all leaf tobacco packed with in excess of 5 per cent, and not of 35 per cent, of wrapper, an increase of 150 per cent, or from 35 cents per pound to 87 cents per pound.

The reduction of internal-revenue duty upon the 5-cent cigar of $2 per thousand resulted in an increased output in 1928 over 1925 of over 600,000,000 cigars, while the amount paid for tobacco to the 40,000 farms producing fillers and binders was increased during the same period over 50 per cent or some $3,000,000.

The $2.10 per pound tax on Sumatra wrapper now is about $4.20 per 1,000 cigars. If this is increased as proposed by the House, the present long-filler 5-cent cigar will be driven from the market.

The average farm price of domestic wrapper tobacco for the last three years has been:

	1926	1927	1928
	Cents	*Cents*	*Cents*
Connecticut Valley shade.....per pound...	97.7	105.5	100.0
Georgia-Florida shade.....do.....	65.0	65.0	55.5

Or less than one-half of the present duty of $2.10 per pound.

BENEFIT OF CUBAN TOBACCO

The imported leaf tobacco, almost all from Cuba, creates an additional market for the domestic leaf, as a little Cuban leaf blended with domestic filler and binder results in an improvement in flavor and aroma, increasing the salability of the product. The use of Sumatra wrapper yields a smoother, better-looking cigar.

Production of wrapper tobacco in the United States

Year	Acreage	Crop in pounds	Value	Value per pound
1925	6,480	6,832,000	$6,127,000	$0.896
1927	9,900	9,768,000	8,905,000	.912
1928	11,800	11,166,000	9,262,000	.829

United States imports (unstemmed)

Year	Pounds	Value	Value per pound	Stemmed
1925	5,868,385	$14,160,320	$2.41	
1927	6,058,314	13,387,768	2.21	[1] $354.00
1928	5,879,104	12,515,302	2.13	

[1] 196 pounds.

This indicates that the imported tobacco is much higher in price than the domestic.

United States production of filler and binder tobacco

	1925		1928	
	Pounds	Farm value	Pounds	Farm value
Filler	67,210,000	$6,610,000	60,252,000	$10,355,000
Binder	69,487,000	13,709,000	84,361,000	16,782,000

United States imports: Leaf for cigar filler. From Cuba, 98 per cent of total imports.

UNSTEMMED

	Pounds	Value	Value per pound
1925	7,813,793	$7,461,735	$0.955
1927	8,389,241	7,086,655	.845
1928	7,683,879	6,069,444	.790

STEMMED

	Pounds	Value	Value per pound
1925	11,826,547	$13,555,164	$1.146
1927	14,935,832	13,808,177	.924
1928	14,560,500	13,714,620	.942

The Cuban leaf is supplementary and necessary to the domestic leaf. If the Senate committee rate upon leaf packed with an excess of 5 per cent of wrapper is adopted, much of the above will pay 70 cents per pound instead of 28 cents, an increase of 150 per cent.

The proposed increase of the duty on wrapper tobacco will drive out of existence the present long filler 5-cent cigar. Only the scrap 5-cent cigar can then be made. This will materially reduce the number of cigars consumed, and consequently the pounds of wrapper used, thus nullifying any advantage obtained by increased duty on such wrapper. The reduction made in the internal revenue duty on the 5-cent cigar from $4 to $2 per thousand resulted in an increased output, 1925 to 1928, of over 600,000,000 cigars. This reduction was $2 per thousand, and resulted favorably in prices paid for tobacco to the 40,000 farmers producing fillers and binders and in a superior 5-cent cigar. The increase in value of the production in wrapper, 1925 to 1928, was some $3,000,000, or over 50 per cent.

Mr. COPELAND. Mr. President, I can not see why the Senator from Connecticut [Mr. BINGHAM] should be unduly distressed over this matter. The wrapper tobacco produced in his State is used largely for covering expensive Havana cigars.

As a matter of fact, the tobacco farmers interested in raising the binder or filler are in opposition to the increased rate, and why? Because if, as the Senator from Georgia said, the 5-cent cigar should continue to be a 5-cent cigar, it follows naturally that the filling of that wrapper must be reduced in price, otherwise the 5-cent cigar can not be made and sold at a profit at 5 cents.

The cooperatives of Connecticut—I mean the actual raisers of tobacco—the tobacco farmers of Connecticut, New York, Pennsylvania, Ohio, and Wisconsin, are in bitter opposition to the increase.

As a matter of fact, the amount of wrapper tobacco raised in this country is infinitesimal compared to the total amount consumed. I can see no reason in the world why a total production of 11,000,000 pounds should offset about 200,000,000 pounds brought into the country. It is exactly like putting a 2-cent rate on mustard seed, to tax the consumer a large sum to benefit a few persons a mere trifle. I hope the Senate will not concur in the request of the Senator from Connecticut.

POLITICAL PATRONAGE IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I desire the attention of the Senator from Iowa [Mr. BROOKHART], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Georgia [Mr. GEORGE]. Some time ago, I do not exactly remember the date, the Senate passed a resolution to investigate patronage in South Carolina.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. BLEASE. I yield.

Mr. BROOKHART. A full report of that investigation was signed this morning and has gone to the printer and will be presented to the Senate upon convening to-morrow.

Mr. BLEASE. I want to add something to it that I think will be very interesting. Some time after the resolution was passed the Senator from Iowa [Mr. BROOKHART] went off of the Committee on Post Offices and Post Roads. The Senator from Georgia [Mr. GEORGE] requested that the subcommittee be continued as it was notwithstanding that fact, and it was so continued. The Senator from Iowa has just stated that the report will be here to-morrow. In view of that fact, I shall withhold certain criticisms which I had proposed to make in reference to the matter. But I now want to call the attention of the Senate to a letter which I ask the clerk to read, an original letter from the chairman of the Republican State Advisory Committee of South Carolina. I ask the clerk also to read the names on the left-hand side of the letter, showing who composed the committee.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

James C. Hambright, chairman; W. R. Hale, vice chairman; C. F. Anderson, treasurer; A. B. Kale, secretary; at large, James C. Hambright, Rock Hill; congressional district No. 1, G. J. Cherry, Charleston; L. C. Fischer, Charleston; congressional district No. 2, George W. Beckett, Beaufort; R. B. Vance, Allendale; congressional district No. 3, A. McD. Singleton, Greenwood; J. Duncan Adams, Walhalla; congressional district No. 4, W. R. Hale, Greenville; J. T. Robinson, Spartanburg; congressional district No. 5, Dr. R. E. Sumner, Rock Hill; C. F. Pendleton, Cheraw; congressional district No. 6, A. B. Kale, Hartsville; C. F. Anderson, Marion; congressional district No. 7, George D. Shore, Sumter; Fred Wannamaker, Orangeburg

REPUBLICAN STATE ADVISORY COMMITTEE FOR SOUTH CAROLINA,
Rock Hill, S. C., December 19, 1929.

Mr. J. T. ROBINSON,
Spartanburg, S. C.

DEAR MR. ROBINSON: Upon my instructions and guaranty, my company has financed the operation of this headquarters office since the organization of your committee. This account covers a cash outlay for stenographic services, printing, postage, and stationery, telephone, telegraph, and traveling expenses. The exact amount of same can not be determined until all December bills are in, but it will be quite a little over $2,000. It includes nothing for any of my time nor for my expenses in making almost innumerable visits throughout this particular congressional district. If my company is willing to contribute one-half to two-thirds of my time and I am willing to absorb my expenses within my own district, this should be as much, if not more, than could be rightly expected by your committee and the account, therefore, liquidated promptly.

In addition to the above, arrangements must be made whereby sufficient funds will be available in the treasury at all times to take care of the future operation of your committee. This can be expected to run from $300 to $500 monthly. If this is not done there is no alternative but that your headquarters here and my acting as chairman will cease January 1, 1930. From this you will observe the treasurer must receive around $175 through each of you committeemen at once so as to clean the slate on January 1, and each of you must obligate yourself for at least $50 monthly in the future if it is your wishes to continue operating as at present.

These are the cold facts, and am putting them squarely up to you now in order that you might know what to expect, and giving you time to act in the matter prior to the date mentioned above. Please give same your personal attention and advise promptly.

Faithfuly yours,

J. C. HAMBRIGHT.

Mr. BLEASE. Mr. President, the letter just read at the desk is an original letter from the chairman of the Republican State advisory committee for South Carolina. January 1, 1930, has passed, but the headquarters have not closed. I suppose he got the money asked for in the letter.

I have this morning a letter from Joseph W. Tolbert, chairman of the South Carolina Republican committee and member of the Republican National Committee for South Carolina, which is written under the following letterhead:

THE REPUBLICAN NATIONAL COMMITTEE

Chairman, Claudius H. Huston; vice chairmen, Ralph E. Williams, Mrs. Alvin T. Hert (women's division), Daniel E. Pomeroy; Franklin W. Fort, secretary; J. R. Nutt, treasurer; Joseph W. Tolbert, member for South Carolina

GREENWOOD, S. C.

DEAR SENATOR—

Omitting some personal matters—

You see that this letter applies to all 14 members of this committee, each one being required to raise stated amounts of money at regular intervals, this being collected from postmasters and rural carriers by the use of printed pledge cards, all against the rules and regulations of the department.

Yours respectfully,

JOSEPH W. TOLBERT.

As I have said, Mr. Tolbert is the Republican national committeeman for South Carolina; he is chairman of the Republican Party of South Carolina. I am reliably informed that he has placed in the hands of the Postmaster General one of the pledge cards referred to and a receipt for $300 paid by a man for a position as rural carrier.

I am further informed that every postmaster, with few exceptions, in that State who is being appointed to-day is being made to pay for his appointment; that rural carriers are being made to pay for their appointments.

I have also a letter from Spartanburg, S. C., addressed to me, and reading as follows:

507 NORWOOD STREET,
Spartanburg, S. C., March 12, 1930.

Hon. COLE L. BLEASE,
Washington.

DEAR SIR: I have been asked to contribute. I can't contribute. I have had two deaths in family, and if the census supervisor of the third district of South Carolina, Mr. Henry W. Moore, still insists on me paying money—

To Robinson, who is a member of the committee in the fourth congressional district—

then I will have to let some other more fortunate man have the enumerator place. My rating on his register for the examination is 83 plus.

Assuring you of a whole heart full of gratitude for past favors, I remain,

Yours truly,

ANDREW F. MCKNIGHT.

What proof does the Republican Party want? The national Republican committeeman from South Carolina, Joseph W. Tolbert, makes the direct absolute charge that men are paying for positions; he has furnished the evidence to the Postmaster General; but, in the face of that, the Postmaster General has sent recommendations to the Committee on Post Offices and Post Roads while charges of bribery were being made.

Here is a man who simply wanted a job as census enumerator, but, in order to raise money for J. C. Hambright, chairman of the Republican State advisory committee, Henry W. Moore advises this man if he does not pay the money he can not be appointed to the position.

Senators, I want to know what the subcommittee of the Committee on Post Offices and Post Roads has been doing. I am glad it is going to submit a report. I also want to know why the Post Office Department, in the face of the facts, continues to send to the Senate the names of nominees for postmasters in South Carolina, when the direct charge is made to the Postmaster General that particular nominees for postmasters have paid the representative of the Republican Party in the respective districts for such appointments.

Mr. President, this is not a charge made by me. I am a Democrat. I do not propose to try to help the Republican Party build up a respectable party in South Carolina; I want that understood; I want South Carolina to be let alone and to remain politically as it is. I do not think the Republican Party wants to build up a respectable party there. If it did, it would not put the kind of men in charge of its affairs to try to build it up who are going around and charging for Government appointments.

Certain nominations are soon to come before the Senate for confirmation. That is why I call particular attention to this matter this morning. Remember, I am not charging the national committee with anything; Tolbert used their letterhead, as he had a right to do; I am not charging any Senator on this floor with anything improper; but I am charging—and furnishing the proof to the world—that those seeking Government positions in South Carolina have been made to pay for them; and I am calling upon Postmaster General Brown and President Hoover, regardless of the action of the committee of the Senate, to have the conditions investigated and to stop such practices.

I do not believe all those who have been appointed have paid for their offices, because I believe some men have been appointed as a blind, as a bluff; but here is the proof, that some have paid.

Postmaster General Brown has got the card as a receipt for the money. I think it is time for the Republican Party at least to step in and say that post offices shall not be sold in the manner charged by the Republican national committeeman in South Carolina, who in point of service is the oldest member of the Republican National Executive Committee.

I am not defending him; I have been told that he collected money; he told me so himself; but he said he collected that money to go into the treasury of the Republican National Committee, and he said that every dollar he had ever collected went there. I do not know whether that is true or not; but the charge here is that Hambright has received money for himself and for the committee in South Carolina. Why should a man be required to pay for a little job as census enumerator? What is going to be done about this man Moore? Here is this letter. The man who wrote it will come here and swear to it if he can get here, or he will go anywhere else and swear to it. Joe Tolbert has the proof and has furnished it to Postmaster General Brown, but notwithstanding that, the Postmaster General continues to send appointments to the Senate when he knows that they have been paid for.

Senators, I do not believe the Republican Party wants such things to occur; I know the best element of the party does not; I know the Republican leader of the Senate does not, and I know other Senators here who do not want it—plenty of them—but there is somebody in the Post Office Department getting money out of South Carolina. Who is it? I should like to have that question answered.

There is another thing I have been noticing here in the Senate, where so much has been said about lobbying. I do not know who it is in that gallery yonder, the one over the place where they were putting that map on the wall just now, but there are certain Senators who signal to that gallery all the time and get a signal back. Sometimes a Senator goes out, and sometimes somebody in the gallery goes out, too; I do not know what it is all about. I do not charge anything corrupt, but all Senators have got to do is to watch. It would seem that we may have a third house of Congress which sits right over in that gallery, and I think it is time for the Senate to get itself in shape and think about something besides robbing the farmers and everybody else on the tariff.

Mr. BROOKHART obtained the floor.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Iowa yield to the Senator from Georgia?

Mr. BROOKHART. I yield.

Mr. GEORGE. Mr. President, I merely wish to make a brief statement. I call the attention of the Senator from South Carolina to the fact that while I introduced the resolution asking for an investigation of patronage in the Southern States, the resolution as originally introduced called for an investigation of Federal patronage in Georgia. By the committee it was widened to include other States, and, of course, I had no objection to that.

It is true that the committee actually appointed was made up of the Senator from Iowa [Mr. BROOKHART] and others. Subsequently, the Senator from Iowa went off the Post Offices and Post Roads Committee, and I did request of the Senate that he be continued on the special committee because he was in the midst of the work and was more familiar with it than any other new Senator would have been.

I call the Senator's attention to the fact that I am not a member of the committee; I have never been a member of the committee; but I stand ready to join with the Senator in opposition to the confirmation of any appointee from South Carolina against whom it can be shown that money was used to obtain his appointment.

Mr. MCKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. BROOKHART. I yield for a moment.

Mr. MCKELLAR. I merely wish to say to the Senator from South Carolina, inasmuch as he has mentioned my name in connection with the matter he has discussed, that I think I took the place of Senator GEORGE on the special committee when he left the Committee on Post Offices and Post Roads; at any rate, I was appointed.

Mr. GEORGE. I will say to the Senator I never was on the committee; I merely asked for the appointment of the committee.

Mr. McKELLAR. At any rate, I was appointed.

Mr. BROOKHART. Former Senator Locher, of Ohio, was appointed on the committee.

Mr. McKELLAR. Yes, and I was appointed to take the place of Senator Locher. So I did not hear all the testimony. None of the charges which the Senator from South Carolina now suggests has been brought before our committee. I want to assure him that if they had been, there would have been a careful investigation and a report in reference to them.

I want to say further that if any official in South Carolina or anywhere else shall be shown to have paid any sum for his office, I will join the Senator from South Carolina and other Members of the Senate, and we will see that that man is not confirmed.

I think the only case that I remember from South Carolina where charges of fraud and corruption were brought was against an official connected with the enforcement of the prohibition law. I was deeply impressed not only with the charges but with the evidence; and I wrote a letter to the President of the United States urging that a certain official in South Carolina be dismissed, because I thought he had been unfaithful in the performance of his duties and that fraud and corruption existed in connection therewith. The department permitted that official to resign; and to that extent I think we have done some good in South Carolina.

Mr. BROOKHART. Mr. President, I want to say to the Senator from South Carolina [Mr. BLEASE] that I regret that he did not bring his charges to the committee. This is the first I have heard of this line of charges.

The Senator from Tennessee [Mr. McKELLAR] is not quite accurate. We did have plenty of evidence with reference to Joe Tolbert himself, and his career in selling post offices is described in the report; but, as I understand the Senator now, the new referee or new organization appointed to displace Joe Tolbert is as bad as Tolbert himself, and Tolbert is making the charges against them.

We had hoped on to-morrow to get a final discharge of this committee and end these investigations; but I will look into the letters that the Senator has put in the RECORD, and I will consult with the Senator, and if there is any real evidence here that demands a further investigation of this new régime set up to displace Joe Tolbert I am just as ready to investigate that outfit as I was to investigate Joe Tolbert himself.

The situation in South Carolina was deplorable. There is no doubt about it; and I think there is no doubt that Joe Tolbert, in his career down there, was just about as bad as Perry Howard in Mississippi. All of those facts are set out quite in detail in the report we will present to-morrow; but the Senator from South Carolina, while he asks what our committee has done, was very careful not to bring any of these charges to the attention of anybody on the committee. The first knowledge I had of these matters was his presentation of them to the Senate here this morning. I shall look into them and see what merit they have, Mr. President.

Mr. BLEASE. Mr. President, I brought this matter to the attention not only of the Senate but of the United States of America. I did not bring it to this committee because the committee has been in existence about two years, and if it has done anything I do not know it. I am glad to hear it has done something and that we are going to get a report. That is the reason why I did not carry the matter to this committee. I wanted action, and I am going to get it, because I know there are enough honorable men in the Republican Party to see that Brown takes action and that so-called Republicans in South Carolina quit selling Federal jobs and pocketing the money.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the conference.

APPROVAL OF THE JOURNAL

Mr. McNARY. I ask unanimous consent for the approval of the Journal from February 24 to and including March 13, 1930.

The VICE PRESIDENT. Is there objection? The Chair hears none.

FARM RELIEF—ADDRESS BY SENATOR DENEEN

Mr. McNARY. Mr. President, recently the senior Senator from Illinois [Mr. DENEEN] made a very able and interesting speech on farm relief, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR CHARLES S. DENEEN ON FARM RELIEF THROUGH A PROTECTIVE TARIFF AND THE FEDERAL FARM BOARD

The Republican Party by an overwhelming vote was returned to power on March 4, 1921, after eight years of Democratic administration. The Democrats had achieved power on March 4, 1913. We have, therefore, eight years of administration of each from which we may make some comparisons. When the Republican Party was defeated business was good, wages were high, employment was general and satisfactory, prices were rising, and the country was prosperous.

DEMOCRATIC TARIFF OF 1913

In framing the tariff act of 1913 (known as the Underwood bill) the Democratic Congress placed on the free list such important commodities as cattle, meats, sheep, swine, milk, cream, fresh eggs, buckwheat, corn, rye, wheat and wheat flour, fruits in brine (cherries particularly), cottonseed, soybeans, grass seeds, certain of the garden and field seeds, and potatoes. Practically all of the dutiable rates in their tariff law were very low and offered no adequate protection to the people of the United States against foreign competition. Immediately after the passage of the Underwood bill there was a marked recession in business, prices, exports, and employment, which grew steadily worse until the opening of the World War afforded a market for all that America could produce. No sooner was the World War ended than the effect of the Underwood bill was felt anew in decreased business, lessened exports, increased imports, lowering of wages, and lack of employment. Every business was affected, and Mr. Samuel Gompers stated that in 1920, 5,000,000 men were out of employment.

EMERGENCY TARIFF OF 1921

When the Republican Party came into power Congress was convened in extraordinary session and it enacted an emergency tariff act, which was limited to agricultural products. This was known as the farmer tariff act, because the rates were written by the representatives of agriculture, and duties were placed on cattle, beef, veal, sheep, mutton and lamb, pork, meats of all types, milk, cream, butter, cheese, corn, rice, wheat, apples, cherries, lemons, olives, olive oil, coconut oil, peanut oil, peanuts, flaxseed, beans, onions, potatoes, sugar, wrapper tobacco, and wool.

The Tariff Commission, summarizing later the effects of the emergency tariff act of 1921, stated that the duties in the act on agricultural commodities had prevented as sharp a decline in the United States of farm prices as was felt in other leading producing countries, particularly in Canada. The Tariff Commission also reported that—

"Under conditions of free trade between the United States and Canada Winnipeg prices of No. 1 Manitoba wheat normally exceeded Minnesota prices of No. 1 wheat by 5 or 6 cents per bushel. After the passage of the emergency act, however, Minnesota prices gradually came to exceed Winnipeg prices by 35 to 40 cents per bushel. Therefore, if allowance is made for the higher quality of the Canadian wheat, the differential between the prices in the two markets is now (1922) almost equal to the duty.

"It is significant, however, that this increase in the differential after the passage of the emergency act is not due to an increase in American prices but rather to a relatively greater decrease in Canadian prices. Minneapolis prices gradually declined throughout the whole of 1921, but Winnipeg prices went down still more precipitously, with the result that the differential was about equal to the duty by the time the Canadian crop reached the market in the fall of 1921.

"The emergency tariff act became effective on May 28, 1921. Thereafter the decline in prices of choice or prime beef steers ceased in the United States until the close of the grazing season, when a seasonal decline always occurs. However, because of a slack demand for other qualities, and despite smaller market receipts, the price of animals below top grade fell somewhat after June 1. It is significant, however, that in Canada prices fell much lower than in the United States."

TARIFF ACT OF 1922

The Republican tariff act of 1922 (known as the Fordney-McCumber Act) completely reversed the policies of the Democratic tariff act of 1913 and placed important duties on practically every agricultural commodity in which there was competition with foreign products in the United States. The act, furthermore, provided for the first time in the history of the United States the flexible provisions which empowered the President, after investigation by the Tariff Commission, to increase or decrease tariff rates not more than 50 per cent of the rate, as stated in the act. These provisions have been more widely applied by the President to farm commodities than to any other group of products produced in the United States. Furthermore, the investigations made by the Tariff Commission have been used as bases for the determination of rates of duty during the present consideration of the tariff.

FARM PRODUCTS AND FLEXIBLE PROVISIONS

The following rates of duties on farm products have been increased by the President under the flexible provisions:

Wheat, from 30 cents to 42 cents per bushel of 60 pounds.

Flour, from 78 cents to $1.04 per 100 pounds.

Butter, from 8 cents to 12 cents per pound.

Swiss cheese, from 3 cents per pound but not less than 25 per cent ad valorem to 7½ cents per pound but not less than 37½ per cent ad valorem.

Cherries, from 2 cents to 3 cents per pound.

Onions, from 1 cent to 1½ cents per pound.

Peanuts, shelled, from 4 cents to 6 cents per pound.

Peanuts, not shelled, from 3 cents to 4¼ cents per pound.

Frozen whole eggs, egg yolk, egg albumen, from 6 cents to 7½ cents per pound.

Flaxseed, from 40 cents to 56 cents per bushel of 56 pounds.

Milk, fresh, from 2½ cents to 3½ cents per gallon.

Cream, from 20 cents to 30 cents per gallon.

Flaxseed oil, from 3.3 cents to 3.7 cents per pound.

In addition to the above increases in duties which have been granted by the President, the Tariff Commission has also made reports to the President as the result of investigations on the following products: Casein, sugar, maple sugar and maple sirup, corn, canned tomatoes, and tomato paste. Although the President proclaimed no changes in the rates of duty on these products, the reports of the Tariff Commission have been used as the bases for the determination of tariff rates during the present consideration of the pending tariff bill by the Congress.

It is interesting to note that a number of the increases proclaimed by the President under the flexible provisions of the tariff act of 1922 have been made on commodities which were carried on the free list in the Democratic tariff act of 1913. The emergency act of May, 1921, the Republican tariff act of September, 1922, and the proclamations made by the President under the flexible provisions of the tariff act of 1922 have greatly aided the farmers of the United States in recovering from the depressed condition in which they found themselves in 1920 and 1921 and in rehabilitating the farm enterprises which had gone through a tremendous period of over-expansion during the war years.

The Republican Party has recognized in the pending tariff revision that the act of 1922 does not go far enough in protecting the farmer under present conditions in his most important market. In many cases the reports of the Tariff Commission have indicated that the duties needed to equalize the cost of production in the United States and abroad were not fully met by the increases through the flexible provisions of the tariff act of 50 per cent. In the preparation of the present tariff bill in some cases rates have been set to equalize fully the differences of cost of production as reported by the Tariff Commission. In many of the Tariff Commission's reports divergent views were expressed by the commissioners. For example, in the case of corn, three commissioners (Republicans) rendered an opinion that the duty on corn should be increased 50 per cent, and the other three commissioners (Democrats) reported that the duty should be left unchanged. The basic cause of this wide difference in opinion was the cost of the transportation of our domestic corn to the principal competing markets. Since imports of corn from Argentina come to Pacific and to Atlantic ports mainly, the cost of transportation of our corn to these ports is the main factor in determining the tariff rates. In all such cases the Republican Members of the Senate resolved the doubts in favor of the American farmer.

THE PENDING TARIFF ACT

The special session of Congress called by the President was for the purpose, among other things, to bring tariff rates in harmony with present conditions with respect to farm products. In calling the special session of Congress to revise the tariff laws, President Hoover said, in his message to Congress on April 16, 1929:

"I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

"An effective tariff upon agricultural products that will compensate the farmers' higher costs and higher standards of living has a dual purpose. Such a tariff not only protects the farmer in our domestic market but it also stimulates him to diversify his crops and to grow products that he could not otherwise produce, and thus lessens his dependence upon exports to foreign markets. The great expansion of production abroad under the conditions I have mentioned renders foreign competition in our export markets increasingly serious. It seems but natural, therefore, that the American farmer, having been greatly handicapped in his foreign market by such competition from the younger expanding countries, should ask that foreign access to our domestic market should be regulated by taking into account the differences in our costs of production.

"In considering the tariff for other industries than agriculture, we find that there have been economic shifts necessitating a readjustment of some of the tariff schedules. Seven years of experience under the tariff bill enacted in 1922 have demonstrated the wisdom of Congress in the enactment of that measure. On the whole, it has worked well. In the main our wages have been maintained at high levels, our exports and imports have steadily increased; with some exceptions, our manufacturing industries have been prosperous. Nevertheless, economic changes have taken place during that time which have placed certain domestic products at a disadvantage and new industries have come into being, all of which creates the necessity for some limited changes in the schedules and in the administrative clause of the laws as written in 1922.

"It would seem to me that the test of necessity for revision is in the main whether there has been a substantial slackening of activity in an industry during the past few years, and a consequent decrease of employment due to insurmountable competition in the products of that industry. It is not as if we were setting up a new basis of protective duties. We did that seven years ago. What we need to remedy now is whatever substantial loss of employment may have resulted from shifts since that time."

When we examine the farm rates as shown in the agricultural schedule there can be no question but that the Republican Party has favored a program of giving the farmer any possible assistance that may come to him out of tariff protection. The policy may be further described as one which protects in the United States the products of the farmer and also places either on the free list or at relatively low duties those commodities needed by the farmer to produce crops and livestock and livestock products. Farmers of Illinois will recognize the wisdom of this policy when they note that the free list provides for the free importation of agricultural implements, such as plows, tooth or disk harrows, headers, harvesters, reapers, drills, and planters, mowers, horse rakes, cultivators, threshing machines, cotton gins, wagons and carts, and cream separators valued at less than $40 each; animals for breeding purposes; binding twine made from New Zealand hemp, henequen, manila, istle or Tampico fiber; sisal grass; bones, crude, steamed or ground; bone meal, bone ash, bone dust, and animal carbon suitable only for fertilizing purposes; burrstones; calcium acetate or chloride crude; nitrate and cyanamide or lime nitrogen; calcium arsenate; natural flints and natural flint stones; grasses and fibers (henequen, sisal, manila, jute, kapok, etc.); guano or basic slag; manures and all other substances used chiefly as fertilizer; cod oil and cod-liver oil; Paris green; phosphates, crude; plaster rock or gypsum, crude; potassium chloride, potassium sulphate, wood ashes, crude potash salts (not specially provided for); sheep dip; shingles of wood; sodium nitrate, sulphate, salt cake, and niter cake; sulphur; tankage, fish scrap, fish meal, etc.; tar and pitch of wood; urea; all barbed wire, plain or galvanized; logs; pickets, palings, etc.

RATES ON CATTLE, MEATS, AND POULTRY

In examining the agricultural schedule as so far approved by the Senate hours could be spent in discussing individual rates which will be of benefit to the farmers. I am limiting myself to those basic changes which are of outstanding importance. Let us examine the meat rates. The duty on live cattle has not only been increased but the weight bracket has been reduced, so that more of the importations will come in at the higher rate than formerly. In the tariff act of 1922 cattle weighing less than 1,050 pounds each were dutiable at 1½ cents per pound, and weighing 1,050 pounds each or more, 2 cents per pound. The pending tariff act carries the following provisions: Cattle weighing less than 700 pounds each, 2½ cents per pound; weighing 700 pounds or more each, 3 cents per pound. The rates on live cattle thus approved by the Senate when taken in conjunction with the rates on beef and veal, which have been doubled, will mean that the raising and feeding of cattle in the United States will become more profitable and that the cattle raisers and individual farmers who send steers to the beef packer occasionally will be greatly benefited and will be permitted to rehabilitate this farm enterprise upon which our people are so dependent for an important food. The duties on sheep, lambs, and goats have been increased 50 per cent, and the duties on mutton and goat meats have been doubled, while the duty on lamb has been increased 75 per cent. The duties on swine and pork products of all types have been greatly increased. In the case of live poultry, including turkeys, the duty has been increased from 3 cents to 8 cents per pound. In the case of dead poultry the duty has been increased from 6 cents to 8 cents per pound on chickens, ducks, geese, and guineas. The duty has been increased from 6 cents to 10 cents per pound on turkeys and all other types of dead birds.

TARIFF RATES ON DAIRY PRODUCTS

One of the most important series of tariff changes has been made in what is known as the dairy schedule. The duty on whole milk has been increased from 2½ cents to 6 cents per gallon, or 140 per cent; cream has been increased from 20 cents to 56.6 cents per gallon, or 185 per cent; and similar increases have been made on various milk products. The duty on butter has been set at 14 cents per pound; on cheese at 8 cents per pound, but not less than 42 per cent ad valorem, or an increase of more than 76 per cent. The rates on all dairy products are greatly in excess of the rates originally carried in the tariff act of 1922. Even on those commodities such as milk, cream, and butter, in which the President has proclaimed increases of 50 per cent under the flexible provisions of the tariff act, the rates have been further increased because of the fact that the reports of the Tariff Commission showed that further increases were necessary to equalize differences in costs of production. In studying the dairy schedule the Republican members of the

Senate Finance Committee recognized the fact that butter dominates the entire dairy field and must be looked upon as the basic commodity. For that reason all of the rates in the dairy schedule have been based on the duty on butter, 14 cents per pound.

The increases in the various duties of the dairy schedule are intended to grant to the American dairy farmer as complete control as possible of his home market. They are not intended to be embargoes because we all recognize that imports of butter, cream, and cheese will continue to come into the United States, but these rates will permit the American dairy farmer to ship his products into the markets in the United States which under the present tariff acts are in a considerable measure supplied by imports. These tariff duties will open up to the farmers of Illinois and middle Western States the New York and the New England market for milk and milk products.

TARIFF RATES ON EGGS

The duties on fresh eggs in the shell have been increased from 8 cents to 10 cents per dozen, and the duty on frozen eggs has also been increased from 6 cents to 11 cents per pound. The farmers throughout Illinois should receive a distinct benefit, particularly from the increase in the duty on frozen eggs. The imports of these frozen-egg products come to this country from China. An investigation made by the Tariff Commission and reported to the President showed that the costs in China were decidedly below the costs in the United States. The new duty will enable the freezers of eggs in the United States to take over a larger portion of the domestic market. This, of course, will mean that the domestic freezer of eggs will come into the egg-producing regions and compete for eggs with the distributors of fresh eggs. It is hoped that the increase of the duty on frozen eggs will result in better prices to the producer of fresh eggs, particularly in Illinois and neighboring States.

RATES ON GRAINS AND CEREALS

It has been repeated time and again in tariff debates that the duties on certain of our schedules, such as wheat, corn, barley, oats, and buckwheat, are ineffective and are useless because of the fact that we are on a heavy export basis. The Republican Party, in considering the pending tariff bill, has followed the policy adopted when it passed the emergency tariff act of 1921 and the tariff act of 1922 of placing protective rates of duty on our various cereals. It is hardly necessary at this time to restate that the tariff act of 1922 placed a duty of 30 cents per bushel on wheat, which was on the free list of the Democratic tariff act of 1913, and that in 1924, as a result of the proclamation of the President, the duty on wheat was increased to 42 cents per bushel. We all recognize now that the duty on wheat is effective in raising the prices of certain types of wheat in the United States and that the increase in tariff rates to 30 cents and then to 42 cents per bushel has meant millions of dollars to the wheat growers of the United States.

Similarly, the Republican Party and its representatives in the Congress feel that although the imports of many of the grains, such as barley, buckwheat, corn, oats, and rye, may not be important, nevertheless these duties which were placed in effect in the act of 1922 and which have been continued in the present tariff bill have kept imports to a minimum and have enabled the American farmer to control at least his home market without suffering from the competition of imports. It is true the surplus of these products must go into the foreign market at the world price, and that in some of these grains the domestic price has practically amounted to the world price, making allowance for the cost of transportation and marketing. However, if all of this be admitted what harm can such protective duty have done? If we admit that these duties have not been effective in raising the price in most years they have had this advantage, that in those years when we have suffered from short crops the tariff has prevented a great inflow of foreign grains, which would tend to cut the price of our domestic product. It is a well-recognized phenomenon, and has been fully explained in the Tariff Commission's report to the President, that in the case of corn imports are practically negligible when the price of corn is low in the United States because of a bumper crop, but in those years when we have a short crop and the price of corn begins to increase imports of corn from Argentina begin to flow into the eastern and the western coast markets. The duty on corn has been increased from 15 cents to 25 cents per bushel and it is expected that this increase will prevent to a degree large importations of corn in those years when our prices are high, so that the farmer in the Corn Belt may have the protection of the tariff in the marketing of his crop. In 1919, under free trade in corn, we imported 11,213,000 bushels. When the tariff of 15 cents per bushel went into effect with the passage of the emergency tariff act of 1921 imports declined sharply. However, high prices of corn in the United States in 1924 and in 1927 promptly attracted imports from Argentina, and in those years the imports were, respectively, 3,906,000 and 4,917,000 bushels.

TARIFF RATES ON RICE

The duties on rice and the various forms of rice have been increased. The growers of rice in the United States in recent years have been in a very difficult position because of the sharp decline in prices. Here, again, it is claimed that because we are on an export basis on rice that the duty is not effective. When we examine the history of our domestic rice and of imports in recent years, we find that imports have increased sharply when the price of our rice was somewhat above the world level, and then when the price declined the imports immediately fell off. It costs more to grow rice in the United States than in oriental countries, and the rice growers, in order to carry on, must produce a fancy type of rice at an increased cost, for which he must receive a price greater than that received by the oriental producer. The duty granted on rice will enable the rice growers in the United States to meet better the competition of imported rice in those years when imports flow in because of better prices in the United States.

FOSTERING THE GROWING OF SOYBEANS

The duty on soybeans has been increased from one-half cent to 2 cents per pound. The duty on soybean oil cake and soybean oil cake meal has been set at 0.3 of 1 cent per pound, or $6 per ton, and the duty on soybean oil set at 2.8 cents per pound but not less than 45 per cent ad valorem. The duties on these three commodities are some of the most important measures of farm relief in the pending tariff act. The growing of soybeans, which is fostered by these rates, is now becoming important in Illinois. Soybeans have been grown in the United States for a number of years, but largely as a forage crop, with only a small portion of the beans being harvested.

The Senate Finance Committee, in placing the duties on soybeans and the various soybean products, had in mind the establishing in the United States of an important industry based on the domestic production of soybeans. If this can be achieved, there is no reason why the United States should not grow all of the soybeans it needs for oil production. The tariff rate on soybeans means the diversification of crops, especially in the Corn Belt and throughout our State. The soybean is a crop which may be grown with great benefit to the farmer, especially in those regions in the Corn Belt now infested by the corn borer. In the growing of the plant the soil is enriched, since the soybean, in common with other legumes, takes nitrogen out of the air and enriches the field in which it is grown. The development of important harvests of soybeans will mean that the United States can establish within its own boundaries crushing plants where these beans can be crushed for soybean oil, which is in demand for important industrial uses, and for soybean cake or meal, which is a most valuable nitrogenous feed, particularly for dairy cattle. In growing soybeans on corn land, the soil is enriched, and, with proper rotation, will give the farmer better corn crops as well as a good cash crop, since soybeans find a good cash market. Mills in Bloomington, Decatur, Taylorville, Peoria, and Chicago are now engaged in the crushing of soybeans for oil. The three rates of duties on soybeans and their products are intended to protect the farmer not only against imports of soybeans, which are now unimportant, but against imports of soybean cake and soybean oil, which amount to large quantities each year. If the imports of soybean oil are converted back to the quantity of soybeans from which the oil was produced, we find that in 1928 the soybean oil imported was the equivalent of approximately 1,613,000 bushels and in 1929 of 2,050,000 bushels. It is plain that we have the land and the ability to produce the quantity of beans so that we can make the soybean oil we need in the United States from domestic soybeans. In Illinois in 1928 the United States Department of Agriculture reports that the farmer price on the farm of soybeans was $1.60 per bushel. If we had raised the additional beans needed to supply the oil that was imported, the farmers in our State would have received an additional return of $2,580,000.

TARIFF RATES ON FRUITS

The next big group of farm products which are provided for in the present tariff bill is the fruits. There have been but few important tariff problems in the fruit schedule under the present tariff act, but some have arisen because of new technical developments. For example, when the act of 1922 was passed the quick freezing of berries and fruits was not important commercially. At the present time the technical developments have gone so far that in large cities frozen berries in small packages are being marketed direct to the consumers. For that reason certain amendments to the phraseology have been made in the berry paragraph and in the cherry paragraph to provide for these commodities when they are frozen without sweetening or with sweetening.

Other increases have been granted in the fruit paragraphs which will be of distinct benefit to the producers of lemons, grapefruit, figs, and olives. These increases are designed to equalize differences in costs of production when they can be determined from available data and to enable the domestic farmers to better meet the competition of the imports, particularly in the large consuming centers of the eastern cities. In many of these commodities violent price fluctuations have resulted because of the dumping of large quantities of competitive foreign fruits in our important domestic markets, particularly New York. The increased rates will tend to prevent such violent fluctuations and to make for a more stabilized marketing system for domestic farm products of this type.

TARIFF RATES ON SEEDS

Certain groups of commodities are of primary interest to the farmer because he is, to a large extent, one of the leading buyers as well as producers. This is particularly true in the case of the various types of grass and forage crop seeds, garden and field seeds. In dealing with

these various seeds, the Republican Party members of the House and Senate Committees have taken the angle that the farmers know best their needs. Increases have been granted on many of these seeds where the representatives of the farmers have produced data showing the general need of the farm group as a whole for such added protection.

TARIFF RATES ON BULBS

The rates on the various flower bulbs have been increased in order to help stabilize this relatively new enterprise in the production of flower bulbs. It will without doubt help to relieve the consumers of the United States from the domination exerted in various years by the foreign producers of flower bulbs, particularly from Holland.

FLAXSEED AND THE TARIFF

The growers of flaxseed in the United States located in our Northwest have had a difficult time under the present tariff act. Imports have been extremely large and prices have been at too low a level to prove profitable for our domestic farmers. The Tariff Commission investigated this matter, and, as a result, the President increased the duty from 40 cents to 56 cents per bushel. The Senate has further increased this rate to 65 cents per bushel and made a compensatory increase in the duty on linseed oil from 3.3 to 4.5 cents per pound. These two increases should be of great benefit to the growers of flaxseed in the United States. Not only should they result in higher prices but they undoubtedly will aid in an increase in the acreage so that more of our domestic needs will be supplied by our own producers.

PROTECTING THE GROWERS OF VEGETABLES

Probably no more important group of increases has been granted in any section of the agricultural schedule than is true in the case of vegetables. The producers of early vegetables in our Southern States have suffered severe competition of imports in the winter months from Mexico and the West Indies. The rates of all of these vegetables have been greatly increased and should be of great assistance to the growers of such vegetables. The duty on onions has been increased to 2½ cents per pound. This duty was the subject of a report to the President by the Tariff Commission which resulted in an increase in the duty from 1 to 1½ cents per pound. The Senate has granted this further increase. The growing of onions is one of our highly important farm enterprises, and the duty will widen the market for our onions produced in Illinois and in many of our Northern and Southern States.

The duty on canned tomatoes has been increased from 15 per cent to 50 per cent ad valorem. This should prove of great value to the farmers who grow tomatoes for the canners. Under the present tariff act the imports of canned tomatoes have increased tremendously. The new duties should help the canner meet the competition exported by the foreign canned tomatoes and should enable him to buy more tomatoes from the American farmer at a better price.

DUTY ON SUGAR

The tariff bill as passed by the House carried a rate for raw sugar coming from Cuba of 2.4 cents per pound as compared with the rate of 1922 of 1.76 cents per pound. The Senate Finance Committee, after careful consideration of all the facts, including the needs of the farmers growing sugar beets and sugarcane and the requirements of the consumer, decided that the increase agreed upon by the House was too large and reported a rate of 2.2 cents per pound on Cuban raw sugar.

This rate was disagreed to by the Senate and the rate as it now stands carries the same rate as in 1922. The increase in the rate of sugar reported by the Senate Finance Committee was believed sufficient to help in accomplishing two things; one, to aid the farmer growing sugar beets and sugarcane, as the facts indicate that this branch of farm enterprise has not been profitable, because of the very low price that Cuban sugar was offered in the United States; and two, to aid in determining our national policy of having a sufficient domestic supply of sugar in case of war. It is hardly necessary to recall to our consumers the tremendously high prices they paid during and immediately after the war, when we were almost completely dependent upon Cuba for our supply.

The rate proposed by the Senate Finance Committee of 2.2 cents per pound is moderate when the rates imposed by other countries on sugar are examined. For example, the duty per pound on refined sugar in the following countries is: Brazil, 17.5 cents; Italy, 12.7 cents; Peru, 6.6 cents; France, 4 cents; Germany, 3.8 cents; England, 2.7 cents; and Australia, 2 cents.

DUTY ON HORSERADISH

The two States leading in the growing of horseradish in the United States are Illinois and Missouri. Under the tariff act of 1922 crude horseradish was on the free list and prepared horseradish came under the nonenumerated manufactured articles at 20 per cent ad valorem. The growers of horseradish roots, therefore, have been suffering from severe competition from the importation of horseradish from Germany. The Senate, with a view to help the home growers, has set the import duty on crude horseradish root at 3 cents per pound and the rate on prepared horseradish at 35 per cent ad valorem.

RECOMMENDATIONS OF PRESIDENT

The pending tariff bill in dealing with agriculture has granted increases in duties to virtually every branch of farming. Great benefits should accrue to the farmer from the increases carried in the cattle, meats, poultry, and egg schedules. The needs of the dairy farmer have been safeguarded. The growing of soybeans and the manufacture of soybean products have been adequately protected. Specialized farming in fruits, nuts, and vegetables has been given full consideration and increases granted in every case where a tariff benefit might be realized. The agricultural schedule as it stands at present in the pending tariff bill is carrying out the recommendations of the President in his special message to the Congress that a tariff on farm products be enacted to provide that "foreign access to our domestic market should be regulated by taking into account the differences in our costs of production."

THE FEDERAL FARM BOARD

For a number of years the farmers in their associations and their organizations have been considering measures for farm relief. A number of bills to that end have been introduced into the Congress.

REPUBLICAN PARTY PLEDGE FULFILLED

The Republican Party, in its national platform of 1928, pledged itself—

"To the enactment of legislation creating a Federal Farm Board clothed with the necessary powers to promote the establishment of a farm marketing system of farmer owned and controlled stabilization corporations or associations to prevent and control surpluses through orderly distribution."

President Hoover, in his message of April 16, 1929, calling the Congress together in extraordinary session to consider farm relief and changes in the tariff, recalled the pledge in the platform for a Federal Farm Board and urged the enactment of such a law.

POLICIES OF FEDERAL FARM BOARD

The measure was enacted into a law and became effective on June 15, 1929. The policies which the board must follow are outlined in the act creating the board itself, and are as follows:

1. To minimize speculation.
2. To prevent inefficient and wasteful methods of distribution.
3. To organize producers into effective associations to handle each major product and to finance their activities.
4. To aid preventing and controlling surpluses of agricultural commodities through a program of orderly production and distribution so as to maintain advantageous domestic markets for the producers of these commodities.

The Farm Board has adopted two general plans to carry out the foregoing policies: First, farmer cooperative marketing associations; and second, stabilization organizations.

AGRICULTURAL COMMODITIES DESIGNATED BY BOARD

On October 14, 1929, the Federal Farm Board announced that it had designated as agricultural commodities the following:

1. Cotton.
2. Dairy products, including fluid milk, cream, cheese, condensed milk, butter, ice cream, evaporated milk, whole and skim milk powder.
3. Grains, including wheat, rye, corn, oats, barley, flax, grain sorghums, and buckwheat.
4. Rice.
5. Livestock.
6. Wool and mohair.
7. Tobacco.
8. Poultry and eggs.
9. Seeds, including alfalfa, clover, timothy, redtop, and other field seeds.
10. Potatoes.

Later the board will designate other commodities.

FARMERS MUST COOPERATE WITH BOARD

The purpose of the Federal Farm Board is to give to the farmer equal bargaining power through agricultural cooperative associations with those who deal in or consume agricultural products. To this end agricultural cooperative organizations will be increased and enlarged and coordinated.

It is the policy of the board to require all local, State, and regional cooperative associations to affiliate in the organization of a great corporation for each commodity, and in this way control in a measure the distribution of the product and through orderly distribution to affect prices and profits. A provision in the law is aimed at overproduction by directing the board to withhold loans where the surplus of that commodity is unduly increased.

CONGRESS AUTHORIZED APPROPRIATION OF $500,000,000

The Congress authorized the appropriation of a revolving fund of $500,000,000 to be at the disposal of the Federal Farm Board, and, out of this fund, $150,000,000 has already been appropriated. The total loans and commitments to farmers on January 14, 1930, amounted to $58,690,000. The rate of interest on loans to the cooperative associations is limited to 4 per cent per annum.

COTTON

To January 15, 1930, the Federal Farm Board had made loans to the American Cotton Cooperative Association amounting to $30,000,000. This association is farmer owned and farmer controlled. This new as-

sociation is handling over a million bales of cotton per year for its farmer members. This corporation has power to do anything that a commercial association or corporation may do in the handling, processing, or marketing of cotton and its products, and of cottonseed and its products.

RICE

Loans have been advanced to the American rice growers by the Federal Farm Board and to the Arkansas Rice Growers' Cooperative Association. The board is now endeavoring to coordinate the rice growers of California, Arkansas, Louisiana, and Texas into one central cooperative agency.

GRAIN

The Farmers' National Grain Corporation has been organized with a capital stock of $10,000,000. This was the first cooperative organization effected under the supervision of the Federal Farm Board. About 40 per cent of the grain that is harvested in the United States is handled by cooperative associations. There are 4,000 such grain cooperative associations in this country. The central office of the Farmers' National Grain Corporation is in Chicago, and the cooperative associations which wish the benefit of this organization will be required to affiliate with the National Corporation. The corporation will be able to handle 500,000,000 bushels of grain per annum.

The corporation is expected to reduce marketing cost, eliminate much waste in marketing, and exert a strong influence toward greater market price stabilization. It is endeavoring to expand its cooperative marketing activities, both domestic and foreign.

POULTRY AND EGGS

The cooperative associations dealing with poultry and eggs are being coordinated. The value of chickens and eggs in the United States is over $991,318,000. The plan is to subdivide the functions of the organization so that it may serve the industry in all its departments in all parts of the country.

DAIRY PRODUCTS

Another organization which is in the making relates to dairy products; fluid milk and cream, butter, cheese, and dairy by-products. It is stated that two-fifths of the milk used in our towns and cities and one-third of the butter and cheese which is manufactured in the United States are handled by cooperative associations. These associations are to be coordinated under the same general plan as heretofore outlined for the organization of poultry and eggs.

Similar organizations are being effected by fruits and vegetables and livestock and tobacco associations, respectively.

FARM BOARD AND GOVERNMENTAL AGENCIES

The Farm Board has adopted the policy of avoiding duplication of governmental agencies wherever possible. It is developing a plan for the interlocking of its work with all of the Federal and State governmental agencies, including the Federal Departments of Agriculture and Commerce, the Federal intermediate-credit banks, the Federal Farm Loan Board, the Federal Reserve Board, the State departments of agriculture, 4,000 vocational teachers, and 5,700 cooperative extension workers. The board believes that it will receive the full cooperation of the agencies and persons mentioned.

PROBLEMS OF THE FARM BOARD

The farm problem may be considered from the standpoint of production and overproduction and surpluses; the cost of transportation to the ultimate consumer; the farm credits and financing; and from the standpoint of warehousing, storage, and orderly marketing.

The phase of agriculture that is now being considered by the Federal Farm Board relates to overproduction and surpluses; and the policies which have been applied in mass production in our industries and in the marketing of their output is to be applied to agriculture with this difference: That the Government is to advance the money to the farm cooperative organizations at not more than 4 per cent per annum.

The next step is to reduce the cost of transportation through the development of the greatest interior waterway systems within any continent.

The domestic market is to be protected by an adequate tariff.

These great legal forces which are being set up and set in motion by the Federal Government are bound to affect favorably American agriculture in this country in all its branches.

LEGISLATION ENACTED TO AID THE FARMER

In addition to the foregoing, may I call attention anew to some of the other great acts in aid of agriculture which have been enacted since 1920, without commenting upon them:

1. The emergency tariff act of 1921.
2. The revival of the War Finance Corporation to assist livestock raisers, cotton producers, and others.
3. The establishment of the intermediate credit banks for agricultural purposes.
4. The Purnell Act for agricultural research, especially in the field of economic investigation.
5. The Capper-Volstead Cooperative Marketing Act.
6. The cooperating marketing act of 1926 (establishing a division of cooperative marketing in the Department of Agriculture).
7. The amendments facilitating the services under the Federal warehousing act.
8. The enlargement of the activities of the Department of Agriculture, such as the creation of the Bureaus of Dairying, Foreign Service, enlarged market news service, crop-reporting service, cotton services, etc.
9. The enlargement of the scope of loans by the Farm Loan Board.
10. The tariff on agricultural products, including special actions by the President under the flexible provisions of the tariff act.
11. The great Federal expenditure in the improvement of highways and waterways.
12. The acts for special relief in flood-stricken areas of the Southeast, the drought-stricken areas of the Northwest, the European corn-borer control, and the Mediterranean fruit-fly control, etc.
13. The grain futures act regulating grain trading.
14. The packers and stockyards act regulating trade in livestock and its products, poultry products, etc.
15. The Hare Act preventing dumping and requiring proper accounting by commission men.
16. The Ketcham Act enlarging college extension work and boys and girls' club work in all States.
17. The act regulating imports of milk and cream by establishing rigid health standards in relation to same.
18. The act authorizing research to discover new uses for American-grown cotton and its by-products.

The foregoing measures indicate the character and scope of the steadily expanding services which the Federal Government is rendering to agriculture, and I think that they may be compared favorably with the attitude and the actions of any other government toward agriculture at the present or at any other time. The Federal Government will go as far in the aid of agriculture as sound economic principles will permit.

DEFICIENCY APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

STATEMENT REGARDING COL. R. V. TAYLOR—CORRECTION

Mr. McKELLAR. Mr. President, on February 19, 1930, the Hugh Tate nomination for interstate commerce commissioner was being considered in the Senate, as shown by the CONGRESSIONAL RECORD of that date. In the course of the debate I said:

Mr. McKELLAR. It was commonly understood in my part of the country that Judge Taylor, although claiming to be a Democrat, had failed to vote for the Democratic nominee for President three successive times.

A little later, as shown in the RECORD, I said:

Mr. McKELLAR. It was commonly reported at the time that Mr. Taylor had not voted for Mr. Bryan under any circumstances.

Mr. President, I have received a letter from Colonel Taylor in which he states that the first quotation above set out was published generally in the newspapers, but that the second statement was not published, and that many got the idea that Colonel Taylor had not voted for the Democratic nominee in the last three presidential elections, and that this had caused him embarrassment and injury.

Colonel Taylor writes me that my information was incorrect—that he had voted for the Democratic nominee every time he had voted in his life; that he had not only voted for Mr. Bryan three times but also voted for Judge Parker, for Mr. Wilson, for Mr. Cox, for Mr. Davis, and for Governor Smith.

Therefore, I take great pleasure in saying that I had been misinformed about Colonel Taylor's failure to vote for Mr. Bryan, and I regret that both statements in the RECORD had not been published by the newspapers. I make this statement for the purpose of setting Colonel Taylor right in the RECORD.

Col. R. V. Taylor, of Point Clear, Ala., and former interstate commerce commissioner, is a gentleman of high character and standing, and I regret putting into the RECORD the misinformation that he had three times voted against Mr. Bryan. I regret

also that the newspapers did not quote the entire statement which I did make.

In addition, Mr. President, let me say that Colonel Taylor's friends here, including the Senators from Alabama, Mr. HEFLIN and Mr. BLACK, tell me he is a lifelong Democrat and outspoken in his allegiance to the principles, policies, and candidates of his party at all times.

I take pleasure in making this statement for the RECORD.

TARIFF LEGISLATION

Mr. FLETCHER. Mr. President, I ask to have inserted in the RECORD an editorial from the Minneapolis (Minn.) Tribune of the 12th instant entitled "Time for the Senate to Wake Up."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME FOR THE SENATE TO WAKE UP

The tariff prospects of the agricultural Northwest looked very bright a few days ago, but some disturbing clouds have appeared on the horizon. The upward revision of the agricultural rates still seems assured, but the danger that this upward agricultural revision may be at once matched and neutralized by a similar and upward nonagricultural revision has with very little warning suddenly become acute.

The Republican Party solemnly pledged itself to revise the tariff in such a fashion as to give agriculture equality with industry. It is recognized that complete equality with industry is not to be obtained through tariff revision, but the obligation none the less rests on the Republican Party to do everything that legislation can do to redress the balance. The best practical chance for realization of this goal has seemed to lie in the program of holding the nonagricultural rates static while tilting the agricultural rates upward. That has been the program which until recently the Senate has been following.

In the agricultural rates as they stand to-day there are undoubted benefits to agriculture. But what will be said if last-minute harmful nonagricultural increases undo the good of the helpful agricultural increases? What will be said if the farmer's losses as a consumer equal his gains as a producer? Where can the Republican Party show that it has corrected a disparity if it adds an equal sum to each side of the equation?

The reception accorded the original Hawley bill should have taught the Republican Party that agriculture is not going to be taken in by a bill which imposes added costs with one hand and distributes benefits with the other. The idea that agriculture can be fooled is nonsensical. The Republican Party is going to have troubles enough during the next few months without committing the crowning folly of alienating the good will of agriculture. The Senators may have been discussing the tariff for so many months that they have lost their sense of perspective; but even if the will to discharge an obligation is weak, political instinct should awaken them to the peril of a last-minute change of front. To throw away, at the last minute, a bill which gave promise of fulfilling in some decent measure the party pledges, and of satisfying, within limits, agriculture's sense of fair play, would be an act of outright madness. These wavering and bargaining Senators should come to their senses quickly.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, I hope now that we may have a vote. An hour and a half is gone, and I ask the Senate now to pay attention to the tariff bill.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is on the motion of the Senator from Connecticut [Mr. BINGHAM] to reconsider the vote on wrapper tobacco.

Mr. BINGHAM and Mr. GEORGE called for the yeas and nays.

Mr. TRAMMELL. Mr. President, I merely desire to express the hope that the action taken in Committee of the Whole will not be reconsidered. I think, everything considered, that it is better to leave the matter standing just as it is, and if any further consideration has to be had, let the matter come up before the conference committee.

The PRESIDING OFFICER. A negative vote will accomplish that. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. WALSH of Montana. Mr. President, I am quite unable to understand how the motion to reconsider it before the Senate.

The PRESIDING OFFICER. The motion was made by the Senator from Connecticut [Mr. BINGHAM].

Mr. WALSH of Montana. To reconsider what? We can scarcely reconsider in the Senate, can we, a vote taken in Committee of the Whole?

The PRESIDING OFFICER. The Senator from Connecticut is within the rules, because the vote was taken only two days ago in the Senate, not in the Committee of the Whole. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). On this matter I have a special pair with the junior Senator from Arkansas [Mr. CARAWAY]. Accordingly, I refrain from voting.

Mr. OVERMAN (when his name was called). Announcing my general pair with the senior Senator from Illinois [Mr. DENEEN], I observe from the RECORD that he voted as I am about to vote. Therefore I am free to vote. I vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Iowa [Mr. STECK] and will vote. I vote "nay."

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Tennessee [Mr. BROCK]. I transfer that pair to the Senator from Connecticut [Mr. WALCOTT] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I am unable to secure a transfer of my pair with the Senator from South Carolina [Mr. SMITH]. I therefore refrain from voting.

Mr. WALSH of Montana (when Mr. WHEELER's name was called). My colleague [Mr. WHEELER] is necessarily absent. He is paired with the Senator from Illinois [Mr. DENEEN].

The roll call was concluded.

Mr. ROBINSON of Indiana (after having voted in the negative). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I understand that on this question he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

Mr. SHEPPARD. I desire to announce that the Senator from Mississippi [Mr. STEPHENS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Mississippi [Mr. HARRISON] are detained from the Senate on official business.

The result was announced—yeas 27, nays 43, as follows:

YEAS—27

Baird	Goldsborough	Kean	Steiwer
Bingham	Grundy	Metcalf	Sullivan
Borah	Hale	Oddie	Thomas, Idaho
Brookhart	Harris	Patterson	Thomas, Okla.
Cutting	Hayden	Phipps	Townsend
Dale	Hebert	Pine	Waterman
George	Jones	Ransdell	

NAYS—43

Allen	Fess	La Follette	Sheppard
Barkley	Fletcher	McCulloch	Simmons
Black	Frazier	McKellar	Smoot
Blaine	Glass	McMaster	Swanson
Blease	Goff	Moses	Trammell
Bratton	Greene	Norris	Tydings
Capper	Hatfield	Nye	Vandenberg
Connally	Hawes	Overman	Wagner
Copeland	Heflin	Robinson, Ind.	Walsh, Mass.
Couzens	Howell	Robsion, Ky.	Walsh, Mont.
Dill	Johnson	Schall	

NOT VOTING—26

Ashurst	Gould	Norbeck	Steck
Brock	Harrison	Pittman	Stephens
Broussard	Hastings	Reed	Walcott
Caraway	Kendrick	Robinson, Ark.	Watson
Deneen	Keyes	Shipstead	Wheeler
Gillett	King	Shortridge	
Glenn	McNary	Smith	

So the Senate refused to reconsider the vote fixing the rate on wrapper tobacco.

Mr. WATSON. Mr. President, I offer the mica amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Indiana offers the following amendment: Strike out paragraph 208, as amended, and in lieu thereof insert the following:

PAR. 208. (a) Mica, unmanufactured; valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 per cent ad valorem.

(b) Mica, cut or stamped to dimensions, shape, or form, 40 per cent ad valorem.

(c) Mica films and splittings, not cut or stamped to dimensions: Not above 0.0012 of an inch in thickness, 25 per cent ad valorem; over 0.0012 of an inch in thickness, 40 per cent ad valorem.

(d) Mica films and splittings cut or stamped to dimensions, 45 per cent ad valorem.

(e) Mica plates and built-up mica, and all manufactures of mica, or of which mica is the component material of chief value, by whatever

name known, and to whatever use applied, and whether or not named, described, or provided for in any other paragraph of this act, 40 per cent ad valorem.

(f) Untrimmed phlogopite mica from which rectangular pieces not exceeding in size 1 inch by 2 inches may be cut, 15 per cent ad valorem.

(g) Mica waste and scrap, valued at not more than 5 cents per pound, 25 per cent ad valorem; mica waste and scrap valued at more than 5 cents per pound shall be classified as mica, unmanufactured.

(h) Mica, ground or pulverized, 20 per cent ad valorem.

Mr. FESS and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. FESS. Mr. President, I am going to submit a request for unanimous consent.

Mr. SMOOT. Just a moment. I am perfectly willing to accept that amendment, but I want to say frankly to the Senate that as a conferee I am not going to stand by the last rates named in this amendment. The other conferees may, but I can not. But it has been discussed time and time again, so let us agree to it and then let it go to conference.

The PRESIDING OFFICER (Mr. COUZENS). The Chair as a Senator desires to enter an objection to accepting that amendment. The rates are unreasonable and exorbitant.

Mr. SMOOT. I will accept the amendment and let it go to conference.

Mr. FESS. Mr. President, I want to make a request for unanimous consent.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. FESS. I ask unanimous consent that in the debate upon this amendment each Senator be limited to five minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so agreed.

Mr. LA FOLLETTE obtained the floor.

Mr. SIMMONS and Mr. WALSH of Massachusetts addressed the Chair.

The VICE PRESIDENT. The Senator from Wisconsin was recognized. Does he yield to the Senator from North Carolina?

Mr. SIMMONS. Mr. President, I want to speak on this amendment. If the Senator wants to limit debate to 10 minutes, I shall not object to that.

Mr. LA FOLLETTE. I understand that the Senator from North Carolina desires to object to the unanimous-consent agreement that was entered into.

Mr. SIMMONS. I would rather have the limitation made 10 minutes.

Mr. FESS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield.

Mr. FESS. I change the request and ask that no Senator may speak longer than 10 minutes, or more than once on the amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, the chairman of the Committee on Finance has just made the statement that he would accept this amendment in so far as he can do so individually, and take it to conference, although he was opposed to some of the rates contained in it. It seems to me that before this action is taken there should be an explanation of what is accomplished by the amendment. In other words, I would like to know what the amendment does in so far as the classifications are concerned as compared with the existing law, and also I would like to be informed as to what increases or decreases this amendment provides in so far as the existing law upon the commodities covered by this paragraph is concerned.

I think the Senate is entitled to that information before any action is taken accepting an amendment covering an entire paragraph.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Michigan. I will yield to any Senator who will give us any information.

Mr. COUZENS. I have not the information as to the necessity for the rates, but when the matter was up before I pointed out that there were 100 per cent increases in some of the items or specifications in the amendment. It certainly needs to be discussed.

Mr. SMOOT. Mr. President, I refer to mica waste and scrap, appearing on page 2 of the amendment, and valued at more than 5 cents a pound, to be dutiable at 25 per cent ad valorem. There is no justification for that, in my opinion.

Mr. COUZENS. Mr. President, will the Senator from Wisconsin yield further?

Mr. LA FOLLETTE. I yield.

Mr. COUZENS. I desire to point out that that is not the only rate that is unjustified. But when the Senator says he will accept the amendment and let it go to conference I would like to know what his intentions are, whether he is going to fight in conference to have these rates adopted or whether he is going to submit to lower rates.

Mr. SMOOT. I am going to insist upon the lower rates. I made the statement because I did not want any misunderstanding as to my attitude when it went to conference.

Mr. COUZENS. The Senator does not represent the Senate in conference when he disagrees with an amendment adopted by the Senate.

Mr. SMOOT. I have given the notice now to that effect.

I would like to get along with the bill. We have been in session this morning nearly two hours and have not done a single thing on the bill, and I believe we ought now to confine ourselves to these amendments and get the amendments the best we can and get the bill to conference.

Mr. LA FOLLETTE. Mr. President, I am as anxious as is the Senator from Utah to make progress with the bill, but I do not think we are making progress with the bill if we accept these amendments without knowing what changes they make in existing law.

I have a table in my hand. I would like to read it, so that Senators may know exactly what this amendment does. The table is furnished me by one of the experts from the Tariff Commission.

Unmanufactured mica under the act of 1922 was dutiable at 4 cents per pound. The House of Representatives continued the duty at 4 cents per pound. The Senate Finance Committee reported it at 4 cents per pound, and the pending amendment maintains the duty at 4 cents per pound. This refers to unmanufactured mica valued at not over 15 cents per pound.

On unmanufactured mica valued at over 15 cents per pound the act of 1922 provided a duty of 25 per cent ad valorem, the House of Representatives gave an increase of 2 cents per pound plus 25 per cent ad valorem, the Senate Finance Committee reported 2 cents per pound plus 25 per cent ad valorem, and the proposed amendment increases that bracket from 2 cents per pound to 4 cents per pound plus 25 per cent ad valorem. In other words, a compound duty is provided, and as compared with the act of 1922 there is a specific duty of 4 cents per pound added to the 25 per cent ad valorem which is carried in the present law.

On cut or trimmed, dimensioned mica, the rate under the act of 1922 was 30 per cent ad valorem. The House of Representatives fixed the rate at 30 per cent ad valorem, the Senate Finance Committee recommended 35 per cent ad valorem, the pending amendment steps that up to 40 per cent ad valorem, or an increase of 10 per cent ad valorem over the existing law.

Films and splittings, uncut, not over 0.0012 of an inch thick, under the act of 1922 carried a rate of 30 per cent ad valorem; the House of Representatives made the rate 30 per cent ad valorem, the Senate Finance Committee made the rate 25 per cent ad valorem, and the proposed amendment fixes the rate at 25 per cent ad valorem, or a reduction of 5 per cent ad valorem under the rate in existing law.

On such mica over 0.0012 of an inch thick the rate in the 1922 act was 30 per cent ad valorem, the House of Representatives made the rate 30 per cent ad valorem, the Senate Finance Committee lowered the rate to 25 per cent ad valorem, in the proposed amendment the rate is raised to 40 per cent ad valorem, which is 10 per cent higher than the rate in existing law.

I would like to know why there should be a reduction of 5 per cent ad valorem under the rate in existing law on films or splittings not over 0.0012 of an inch thick, and why there should be a 10 per cent increase in the ad valorem rate on films or splittings over 0.0012 of an inch.

Mr. SMOOT. I will tell the Senator.

Mr. LA FOLLETTE. Just a moment. I would like to get my questions in. I will not have time to argue the matter, but I would like to ask some questions about it.

On films and splittings dimensioned, under the act of 1922 the rate was 40 per cent ad valorem, in the House of Representatives it was left the same, and in the Finance Committee the rate was made the same, but the proposed amendment increases the rate 5 per cent ad valorem.

On plates built up and manufactured, the rate is 40 per cent ad valorem in the act of 1922, the same in the bill as it passed the House, the same recommendation was made by the Senate Finance Committee, and the same rate is carried in the proposed amendment.

The VICE PRESIDENT. The Senator has three minutes left.

Mr. LA FOLLETTE. On phlogopite, untrimmed, the rate in the act of 1922 was 10 per cent, in the House of Representatives 20 per cent, in the Senate Finance Committee 5 per cent, in the proposed amendment 15 per cent, or an increase of 5 per cent over the rate in existing law and 10 per cent over the recommendation of the Finance Committee.

On waste valued at not over 5 cents per pound, the act of 1922 made the rate 10 per cent ad valorem, the House of Representatives made it 20 per cent, the Finance Committee recommended 5 per cent, and the pending amendment proposes 25 per cent, or a 15 per cent increase over the rate in existing law and a 20 per cent increase over the recommendation of the Finance Committee.

On such material valued at over 5 cents per pound, the rate was 10 per cent ad valorem in the act of 1922, in the bill as it passed the House 20 per cent, the Senate Finance Committee recommended 5 per cent, and the proposed amendment imposes a specific duty of 4 cents a pound, equivalent to 35 per cent ad valorem.

In other words, in ad valorem equivalents, the proposed amendment recommends a 23 per cent increase over the existing law.

On ground mica the act of 1922 imposed a rate of 20 per cent ad valorem, the House of Representatives fixed the rate at 20 per cent ad valorem, the Finance Committee recommended a reduction to 5 per cent ad valorem, and the proposed amendment restores the duty to 20 per cent ad valorem.

Mr. President, it does seem to me that with a complicated amendment of this kind, with all of these changes, which to the casual reader do not seem to be consistent, there should be an explanation before the Senate takes action upon the amendment.

Mr. SIMMONS. Mr. President, I discussed this matter a few days ago when we had it up, and I do not like to have to go over it again.

The Senator complains about the increase in the rate on certain raw materials of mica. He has very little to say about the decreased duties upon the raw materials. He refers to ground mica, which was made dutiable in the bill as it passed the House at 20 per cent and by the Senate Finance Committee reduced to 5 cents a pound. He refers to that as one of the excessive increases. The present rate and the rate of the 1909 act was also 20 per cent.

The truth is, the reduction made by the Senate committee from the bill as it passed the House was an excessive reduction. The Senate committee reduced the rate 75 per cent from that proposed by the House, and the proposition in this amendment is simply to restore the House rate.

Now, with reference to unmanufactured mica, the Senator from Wisconsin makes objection to the fact that the House and the Senate Finance Committee rate on unmanufactured mica selling at more than 15 cents a pound, being 2 cents a pound and 25 per cent ad valorem, was raised to 4 cents a pound plus 25 per cent ad valorem. The amount of the specific duty upon mica is of very little consequence, because the mica averages about 60 cents a pound and some a dollar a pound, and as it goes up in value or price, of course, the benefit of the specific rate disappears to a large extent. That rate was raised to 4 cents. Why? Because the statistics show that the importations of mica unmanufactured valued at above 15 cents a pound during the last three years amounted to over $1,751,000, while the total production in the United States of all mica was $1,343,000. In other words, the importation of this grade of mica into the United States was over one and one-fourth times the actual production in this country of all mica. Under these circumstances it was supposed that that grade of mica was entitled to an increase in tariff duty.

Again, Mr. President, it is contended that there is an increase in the rates on splittings. The duties on splittings are increased. Due to the wonderful development in the use of films, the use of mica films has increased, and they demand a new classification. The grade of splittings that now compete with the American industry was increased. The 1913 act, the 1922 act, and the House bill carried a duty of 30 per cent. This grade exceeds 0.0012 of an inch in thickness. Because our imports were largest in this grade, the rate was made 40 per cent. The grade that needed less protection was reduced to 25 per cent. My only interest——

Mr. KEAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. If the Senator will pardon me, I have only 10 minutes.

Mr. KEAN. Very well.

Mr. SIMMONS. My only interest in the matter is to secure for the producers of the raw material of mica in this country a duty which is commensurate with the duty which has been imposed in the bill upon the finished product.

The trouble with the amendment adopted as in Committee of the Whole is that it imposed very high rates of duty upon the finished product as compared to the rates imposed upon the raw product. I announced at the time the amendment was before us that I had discovered, after consultation with experts of the Treasury and the Tariff Commission, that the paragraph was unbalanced and that I thought the whole paragraph ought to be written not with a view to raising the duties on the manufactured products, because they were already high enough as a rule, but rewritten for the purpose of imposing a higher duty upon the raw material, much of which is produced in my State, North Carolina being one of the largest mica-producing States in the Union.

My information is that nearly every mine in North Carolina is to-day closed down. We now produce chiefly the cheaper class of mica. We produce what is known as splittings, which is nothing more than the result of tearing the different films apart. They produce largely what is known as scrap mica. Every one of these raw materials in the bill is subject to very active foreign competition, every one of them is carried in the bill at an extremely low rate, and mica mines in this country which produce this class of mica are, according to my information, not about to shut down, but are already shut down, because while the manufacturers of mica in this country have enjoyed a high rate of protection the producers of the raw material, who own the soil in which God placed the mica, and who dig that product out of the soil, many of these mines being owned by farmers, have been neglected in tariff making upon this question. My interest is solely the interest of the landowner, the farm owner, the mine owner, and the men who work in the mines, to see that the raw material is treated upon a parity with the manufactured product—that and that only.

Large amounts of mica are imported, not under the mica schedule but under the waste provision in the general tariff. This so-called waste could be used to some extent in producing splittings. Instead of being classed as an unenumerated waste it is here placed in the mica schedule so that if it is really mica waste it pays less than 1 cent a pound, while if it is too valuable to be waste it pays duty as unmanufactured mica.

Mr. WATSON. Mr. President, white mica, so called, is produced abroad, largely in Madagascar and India, and is split by the very cheap labor of those two countries and sent to this country in competition with mica produced in North Carolina and in the State of my friend the Senator from New Hampshire [Mr. KEYES]. The Tariff Commission can give really no definite figures of the cost of production in either Madagascar or India, because they have not been able to find it definitely, but we all know that in those two countries labor is very cheap. We all know these products are coming into the United States from those countries and that the mines in North Carolina and New Hampshire are closed down because of that competition. As to whether or not the figures are exactly right, I do not know, and I do not pretend to know.

There is another mica that comes here in crude form, nearly altogether from Canada. That is an amber mica. It is split by machinery, and the machinery is set up in my State at Valparaiso, Ind. That product is called phlogopite. Personally the one section of the bill in which I was interested had to do with phlogopite untrimmed, and there is a provision for a rate of 15 per cent ad valorem. That is not in competition with the white mica produced in the other States, and in order that I might get this rate, if I could, in the bill for the protection of my people, I had to consult with the Senator from North Carolina [Mr. SIMMONS] about the mica produced in his State and also with the Senator from New Hampshire [Mr. KEYES]. The Tariff Commission then said that the whole thing ought to be rewritten for the purpose of clarification, that it is not now susceptible of proper administration because of the language of the paragraphs. Therefore, they rewrote the paragraphs.

Mr. SIMMONS. Mr. President, may I say to the Senator that the experts at our instigation proceeded to try to balance the rates, and they found that the increases on the raw material were necessary to balance the paragraph.

Mr. WATSON. That is true. At all events they rewrote the provision for clarification purposes. The rates relating to white mica were then suggested by the Senator from North Carolina, with which I had nothing to do. The rates on phlogopite were the rates suggested by my manufacturing friends in my State. Of course, that is a reduction on what they are getting, because at present what they get comes in

at 25 per cent, and the amendment provides for a lower rate, so that so far as amber mica is concerned it is a reduction and not an increase, and if all that is desired is a reduction regardless of anything else, then those who desire it get what they want so far as that particular phase of the paragraph is concerned.

Mr. SIMMONS. Mr. President, may I say to the Senator that the producers of mica were here demanding rates on the raw material three or four times higher than those written in the bill, but the experts were told to figure it out with a view to finding out what rates on the raw material would be commensurate with the rates on the finished product.

Mr. WATSON. Yes; that is true.

Mr. SMOOT. Mr. President, in just a few words I want to state what the changes really are in ad valorem duties, translating the specific duties into equivalent ad valorem duties upon each of the paragraphs.

The unmanufactured mica, valued at not over 15 cents a pound, has the same rate to-day, 4 cents a pound, but valued over 15 cents a pound the equivalent ad valorem is 31 per cent as against 25 per cent. Of course, that is a high-grade material.

The next is cut or trimmed mica, which all comes from India. The present rate is 30 per cent and that has been increased to 40 per cent.

Films or splittings, uncut, not over twelve ten-thousandths of an inch thick, carry a present rate of 30 per cent and the proposed rate is 25 per cent.

That is made in India, is not made in this country, and therefore there is a 5 per cent decrease from the present rate. Over 0.0012 of an inch thick—the present law is 30 per cent—and the rate has been raised by the amendment to 40 per cent. Of course those are all made from the finer articles to which I have just referred.

The plates and built-up mica, manufactured, are unchanged in rate. They carry 40 per cent clear through.

Phlogopite, untrimmed, is increased from 10 per cent to 15 per cent. I will state, however, that that is in litigation at the present time, and of course I do not know what the decision of the court will be.

On the waste, from either the mine or the manufacturing of the present product, the rate has been increased from 10 per cent to 25 per cent. Mr. President, I say there is no justification for that increase. That is the one to which I referred in my opening statement when I said that I certainly would not agree to it in conference if I could help it. That is on the waste, where the rate has been increased from 10 per cent to 25 per cent.

Mr. President, the other item covers mica valued at over 5 cents per pound, the rate on which was 10 per cent. The rate now proposed is 4 cents per pound, which is equivalent to 33 per cent; in other words, it is an increase from 10 per cent to 33 per cent. Those are the two items, I will say to the Senator from North Carolina, to which I said I could not agree, and I would not agree to them in conference, if I could prevent it. That is the picture as it is.

Mr. KEAN obtained the floor.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. I yield.

Mr. SIMMONS. I desire to interrupt the Senator from Utah. I simply want to put in the RECORD a statement that the production in the United States of mica built up, manufactures of mica, known as waste and scrap, was 6,280,000 pounds in 1927, and the importations were about 8,000,000 pounds.

Mr. SMOOT. Yes.

The VICE PRESIDENT. The Senator from New Jersey has the floor.

Mr. KEAN. I yield.

Mr. SMOOT. But the rate proposed is an increase of 250 per cent.

Mr. SIMMONS. It is the same increase as that made by the House bill.

Mr. SMOOT. No; the provision in the House bill was 20 per cent.

Mr. SIMMONS. On scrap.

Mr. SMOOT. Yes; the rate in the House bill was 20 per cent, which was an increase of 100 per cent.

Mr. SIMMONS. That particular item was never dutiable as mica; it is known as waste; but the situation with reference to the scrap mica is that there is a domestic production of 6,000,000 pounds and importations of 8,000,000 pounds which come from the country of the cheapest labor in the world.

Mr. KEAN. Mr. President, if mica were found in the United States as it is in India or Madagascar, I would be in favor of an increased duty, but God Almighty has not placed the deposits of mica in America in such quantities that mica can be obtained in sheets such as are necessary for electrical purposes and for many other uses.

I think an increase in the duty would be a mistake, because in New Hampshire, north of Lake Superior, and in the State of the distinguished Senator from North Carolina it is found only in comparatively small sheets. In India mica is found in sheets as large as the top of one of these desks, whereas in this country a sheet of mica large as this piece of paper [indicating] is considered to be a large piece.

Under those circumstances it does not seem to me that it would be in the interest of the manufacturers or in the interest of the people of the United States to increase the rate of duty on mica.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Indiana. [Putting the question.] By the sound the noes have it, and the amendment to the amendment is rejected.

Mr. WATSON. Now, Mr. President, I wish to offer the amendment which I send to the desk, being a part of the previous amendment.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. SIMMONS. Mr. President, there has been a misunderstanding about the vote which was taken a moment ago. I did not know the vote was being taken.

The VICE PRESIDENT. Is there objection to reconsidering the vote referred to by the Senator from North Carolina? The Chair hears none.

Mr. SIMMONS. Was the vote just had on the amendment offered by the Senator from Indiana?

The VICE PRESIDENT. It was.

Mr. SIMMONS. I desire a yea-and-nay vote upon that amendment.

The VICE PRESIDENT. The vote whereby the amendment was rejected has been reconsidered, and the question now is upon agreeing to the amendment offered by the Senator from Indiana.

Mr. SIMMONS. The amendment of the Senator from Indiana was one amendment, was it not, I will ask the Senator from Indiana?

Mr. WATSON. I will say, with the consent of the Chair, that it was all one amendment, but when the Chair declared our amendment defeated—and I say "our amendment" because we were both interested in it—I offered the one in which I was interested as a separate proposition.

Mr. SIMMONS. I ask for a yea-and-nay vote upon the original amendment of the Senator from Indiana, and I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator desire a reconsideration of the former vote, so that he may request the yeas and nays on the original amendment, or does he merely want the yea-and-nay vote on the amendment now proposed by the Senator from Indiana?

Mr. SIMMONS. I want a reconsideration of the vote had a few moments ago, and a yea-and-nay vote on the adoption of the original amendment.

The VICE PRESIDENT. The vote has been reconsidered. The Senator from North Carolina suggests the absence of a quorum, and the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Simmons
Ashurst	George	La Follette	Smoot
Baird	Glass	McCulloch	Steck
Barkley	Glenn	McKellar	Steiwer
Bingham	Goff	McMaster	Sullivan
Black	Goldsborough	McNary	Swanson
Blaine	Greene	Metcalf	Thomas, Idaho
Blease	Grundy	Moses	Thomas, Okla.
Borah	Hale	Norbeck	Townsend
Bratton	Harris	Norris	Trammell
Brookhart	Harrison	Nye	Tydings
Capper	Hastings	Oddie	Vandenberg
Connally	Hatfield	Overman	Walsh, Mass.
Copeland	Hawes	Patterson	Walsh, Mont.
Couzens	Hayden	Phipps	Waterman
Cutting	Hebert	Pittman	Watson
Dale	Heflin	Robinson, Ind.	Wheeler
Dill	Johnson	Robsion, Ky.	
Fess	Jones	Schall	
Fletcher	Kean	Sheppard	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. WATSON] as a substitute for the paragraph adopted as in Committee of the Whole. The Senator from North Carolina has demanded the yeas and nays. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). Announcing my pair with the senior Senator from Illinois [Mr. DENEEN], I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the senior Senator from Virginia [Mr. SWANSON] and will vote. I vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Tennessee [Mr. BROCK]. If I were at liberty to vote, I should vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. WALCOTT] and will vote. I vote "yea."

The roll call was concluded.

Mr. ROBINSON of Indiana (after having voted in the affirmative). I note the absence of the junior Senator from Mississippi [Mr. STEPHENS], with whom I have a general pair. I transfer that pair to the junior Senator from California [Mr. SHORTRIDGE] and will permit my vote to stand.

Mr. GLENN. Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The VICE PRESIDENT. He has not.

Mr. GLENN. I have a special pair with the junior Senator from Arkansas, and accordingly refrain from voting.

Mr. BINGHAM (after having voted in the affirmative). Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BINGHAM. I have a nontransferable pair with the junior Senator from Virginia, and therefore withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 36, nays 32, as follows:

YEAS—36

Allen	Greene	Jones	Robsion, Ky.
Ashurst	Grundy	Keyes	Simmons
Baird	Hale	McMaster	Steiwer
Bratton	Hastings	McNary	Thomas, Idaho
Brookhart	Hatfield	Moses	Townsend
Cutting	Hawes	Oddie	Trammell
Dale	Hayden	Phipps	Walsh, Mass.
Fletcher	Hebert	Pittman	Waterman
Goff	Heflin	Robinson, Ind.	Watson

NAYS—32

Barkley	Couzens	La Follette	Sheppard
Black	Dill	McCulloch	Smoot
Blaine	Fess	McKellar	Steck
Blease	Frazier	Metcalf	Thomas, Okla.
Borah	Goldsborough	Norris	Tydings
Capper	Harris	Nye	Vandenberg
Connally	Harrison	Patterson	Walsh, Mont.
Copeland	Kean	Schall	Wheeler

NOT VOTING—28

Bingham	Glass	Norbeck	Shortridge
Brock	Glenn	Overman	Smith
Broussard	Gould	Pine	Stephens
Caraway	Howell	Ransdell	Sullivan
Deneen	Johnson	Reed	Swanson
George	Kendrick	Robinson, Ark.	Wagner
Gillett	King	Shipstead	Walcott

So Mr. WATSON's amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. Maple sugar and sirup, paragraph 503, page 122.

Mr. HARRISON obtained the floor.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. I yield to the Senator. I desire to offer an amendment; that is all.

Mr. FESS. I submit a unanimous-consent request that the debate on this paragraph be limited to not more than 10 minutes to each Senator, and not more than one speech to each Senator.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. President, I move that in paragraph 503, page 122, line 6, the 9 cents a pound be made 6 cents a pound, and that on line 7 the 6 cents a pound be made 4 cents a pound.

Mr. SMOOT. I think we have already agreed that the rates should be 8 cents in line 6 and 5½ cents in line 7.

Mr. HARRISON. I think that is what was done as in Committee of the Whole. There was some change made in it.

Mr. SMOOT. Yes; I think that is correct.

Mr. HARRISON. Be that as it may, whatever the figures were, I desire to make them on maple sugar 6 cents and on maple sirup 4 cents.

Now, Mr. President, if I may have the attention of the Senate, when this matter was discussed in Committee of the Whole and the action of the Committee of the Whole was taken, it was on the theory that Canada, from which maple sirup and maple sugar come, had imposed a bounty payable to the producers of maple sugar and maple sirup in that country. I should like to have the attention of the chairman of the committee, and I want to ask him now, in the beginning of the discussion, because I do not want to take up any unnecessary time, if that was not a fact?

Mr. SMOOT. My attention was called away. Will the Senator please repeat his question?

Mr. HARRISON. I said that the action of the Committee of the Whole in increasing from the present figure the rate on maple sugar and maple sirup was taken because it was represented to the Committee of the Whole that Canada had given a bounty on maple sugar and maple sirup.

Mr. SMOOT. That is the statement that was made, Mr. President.

Mr. HARRISON. And upon that statement the Committee of the Whole acted.

Mr. President, the present duty on maple sirup and maple sugar is 4 cents. I have moved to make it on maple sugar 6 cents. I have given an increase of 2 cents a pound on maple sugar, and on maple sirup I propose that it shall remain as it is. I do that because, on an investigation by the Tariff Commission, they found that as to maple sugar the difference in the cost of production here and abroad was 5½ cents a pound. My amendment carries half a cent more than the Tariff Commission recommended. They found, as to maple sirup, that the difference in the cost of production was 3½ cents. I have given half a cent more than that.

When this matter was before the Senate as in Committee of the Whole, the chairman of the committee [Mr. SMOOT] made this statement:

> If it had not been for a bounty, the committee would not have recommended the rate in the bill.

And so, running throughout, that statement was made.

Mr. SMOOT. Mr. President, will the Senator yield so that I can answer?—because we are limited in time.

Mr. HARRISON. Yes; I yield.

Mr. SMOOT. There is a bounty now, Mr. President.

Mr. HARRISON. There is no bounty in Canada on maple sugar and maple sirup.

Mr. SMOOT. Not a direct bounty, but what amounts to a bounty.

Mr. HARRISON. I hope the Senator will not confuse the issue.

Mr. SMOOT. I am not going to confuse it.

Mr. HARRISON. I am going to read and submit here some letters from the governments of the Provinces of Canada; and the Senator from Utah also has in his possession a letter which I hope he will read to the Senate which says that there is no bounty.

If there were a bounty up there, I would not fight a reasonable increase; but I submit, in view of the situation, that there is no justification in the world for rates over 4 and 6 cents a pound; and 6 cents on maple sugar is 2 cents more than the present law. Indeed, in the Underwood law it was 3 cents on each. There is one interest that dominates the market, both in Canada and here—the Cary sugar interest.

Here is a letter from the department of agriculture, Ottawa, Canada:

> DEPARTMENT OF AGRICULTURE,
> *Ottawa, January 22, 1930.*
>
> The JOHN G. PATON CO. (INC.),
> *230 Park Avenue, New York City.*
>
> GENTLEMEN: Replying to your inquiry as to whether or not this department has done anything in the way of bounties or assistance to the maple-sugar industry in Canada, I beg to advise you that the Federal Government has absolutely no appropriation for such a purpose and has never made any contribution toward the assistance of this industry, nor does it anticipate doing so. I may say that the Canadian minister at Washington has been advised to this effect.
>
> I may say further that I know that no bounty on maple sugar has been paid by either of the Provinces of Ontario or Quebec, and since

about 98 per cent of all the maple sugar produced in Canada comes from these two Provinces, it is quite safe to say that absolutely no bonus of any kind is paid by any government in Canada to this industry.

Yours very truly,

J. H. GRISDALE, *Deputy Minister.*

Here is one from the department of agriculture of Quebec:

DEPARTMENT OF AGRICULTURE, PROVINCE OF QUEBEC,
OFFICE OF THE MINISTER,
Quebec, January 21, 1930.

JOHN G. PATON & CO.,
230 Park Avenue, New York City.

GENTLEMEN: At your request and referring to the statement made in the United States Senate on Friday, January 17, that the Canadian Government or the Province of Quebec government are paying a bounty to Canadian producers of maple products of about 4½ cents per pound, I beg to inform you that the government of this Province, of which the production of maple products represents approximately 75 per cent of the total value for Canada, has never paid and does not pay any bounty to its producers of maple products.

Furthermore, you may state that we have no intention of paying any bounty to these producers at any time, now or in the future.

Yours truly,

J. L. HERRON, *Minister of Agriculture.*

Mr. DALE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Vermont?

Mr. HARRISON. I yield to the Senator.

Mr. DALE. I do not want to take the time of the Senator; but while those letters both say that they have not paid a bounty, the question simply turns on the meaning of the word "bounty." They do not deny that they have done what is substantially the same thing as paying a bounty.

Mr. HARRISON. They have done this up there in one of the Provinces, just as we have done in this country. We have appropriated money to farm bureaus in this country in order to help them. One case in Canada will be cited where $10,000, or some amount, was appropriated by the Government to help in the erection of a refinery somewhere. We cooperate all over this country in experimental work in this industry and that industry; but that is not any bounty at all.

I submit that the whole testimony and all the facts show that there is no bounty paid, and it seems to me that it ought not to be represented to the Senate that there is a bounty paid to those people at all, and that the amendments I have offered giving a differential on maple sugar and maple sirup of 2 cents should be agreed to. Such a differential has never been granted before in any tariff bill. In the Payne-Aldrich bill the rates were 4 and 4, in the Underwood bill 3 and 3, in the act of 1922 4 and 4. There ought to be some differential, and I have made it 2 cents. The Tariff Commission holds that all that is needed is 3 cents on the maple sirup and on the maple sugar 5 cents. I have made the rates 6 and 4. I submit that no argument can be made for making them anything else.

I was in hopes that the chairman of the committee, in view of these facts, would say that the Senate ought to rescind its action as in Committee of the Whole, holding that these rates were fair.

Mr. SMOOT. The House made the rate 7½.

Mr. HARRISON. Oh, yes; the rate was put at that figure because it was represented that there was a bounty paid, and there is no bounty paid, and no evidence can be produced that there is a bounty paid. Here are letters from the secretaries of agriculture of those countries, and the Senator himself has a letter which shows there is no bounty paid. The only thing that can be shown is that they appropriated some money to help carry on experimental activities up there, just as we have done in this country, except that we have appropriated a hundred times as much as they have up there.

I reserve the balance of my time.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HARRISON. Did I talk 10 minutes?

The VICE PRESIDENT. The Senator did.

Mr. COPELAND. Mr. President, I regret that there have been few opportunities when I could speak for a farm product raised in quantities in my State, but here is one in which my State is greatly interested. Not alone is New York interested but New England and the North Atlantic and Lake States generally, Vermont, New York, and Ohio being the leading producers. If we are going to do anything to help the farmer in any matter whatever, I am sure we should give relief in this particular item.

I find that the importations for last year, largely from Canada, of course, amounted to 6,954,530 pounds, over $1,000,000 worth of maple sugar coming into this country from abroad. Besides, we imported a very large quantity of maple sirup.

It is needless to say that the labor cost in Canada is less than it is here. We find that to be true also with regard to wheat. The wheat farmer of Canada has a great advantage over the American wheat farmer.

There are thousands of farmers in the northern section of our country who depend largely upon what comes from the sugar sap. It would seem to me a great mistake to lower the rate beyond the point to which we have already gone.

When the matter was in Committee of the Whole the Finance Committee amendments were reduced. The proposed rates were reduced both on sirup and sugar, and it is too bad if we are to think of going further than that.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. HARRISON. They were reduced because it was represented that there was a bounty, and the Senator from Utah, in charge of the bill, stated, as appears on page 1773 of the RECORD, on January 16:

> Why can we not agree to the rate as proposed; and if the Senator ascertains there is no bounty paid on the commodity, then we will reconsider it?

Mr. COPELAND. Anyhow, because of the possibility that the statement about the bounty was a mistaken one, the Senate did lower the rate.

There are some products raised upon the farm which are essentially the products in which the women folks and the children of the household are interested. The fourth greatest industry in the United States to-day is the poultry and egg business. The eggs which are gathered on the farm are sold to get the money to buy the hair ribbons and the shoes and the pair of skates and some of the luxuries in the farm home. It is likewise true that there is a great deal of maple sirup and maple sugar made in humble farm homes, not where they have a great sugar bush, but where they have simply a small number of trees, perhaps shade trees.

On my own farm in New York I have probably 150 sugar maples. I have never tapped them, but they are very old trees, and when one of them is blown down, as happens occasionally because of their age and their being rotten at the core, it is interesting to find the number of tap scars that have been left in those trees. I have no question but that on the old farm where I live the women of the household and the children in olden days were the recipients of the income which came from the sale of maple sirup and maple sugar made from the sap of those ancient trees.

We have reduced the rate from that proposed by the committee, and I trust there will be no further reduction. I make this plea in the name of a great many farm homes in my State, from which I have received letters urging that this rate be maintained. I trust that the amendments proposed by the Senator from Mississippi will be defeated.

Mr. DALE. Mr. President, the tariff act of 1922 fixed the rate on maple sugar at 4 cents a pound, and on maple sirup the same, by the pound on maple sirup, 4 cents on each. A gallon or sirup weighs 3½ pounds more than the sirup itself would weigh and does weigh when it is reduced to sugar. Therefore, at 4 cents a pound it would be subject to 14 cents more duty as sirup than as sugar.

The result of that has been that nearly all the maple imports have been reduced to sugar. The shippers have been forced to bring it in as sugar in order to get the advantage of the duty. To bring this inequality of duty as nearly as possible up to an even balance, when the bill came from the House it carried a duty on sugar of 7½ cents a pound and on sirup of 5 cents per pound. That was done merely for the equalization, so to speak, of the two products, the sugar and the sirup.

The Finance Committee of the Senate fixed the duty on sugar at 9 cents a pound and on sirup at 6 cents a poupd; that is, they raised the duty on the sugar a cent and a half and on the sirup 1 cent.

What was the result of the old duty on the importations? Of course, it is well known that nearly all the importations of maple products come from Canada, in fact, from the Province of Quebec. When the old tariff carried in the 1922 act took effect, there were imported into the United States from Canada a little short of 2,000,000 pounds of maple sugar and about 9,000 gallons of sirup. Immediately from that time the importations rose steadily in quantity each year until in 1929, as per the records of the customs in the State of Vermont alone, there were imported 10,418,764 pounds of sugar, as compared with less than 2,000,000 pounds when the duty was put on in 1922.

Mr. HARRISON. Mr. President, it is a fact, however, that the importations of maple sirup constantly decreased, so that

they were converting it into sugar and bringing it in in the sugar state.

Mr. DALE. No, Mr. President; the Senator is wrong about that. The importations of maple sirup also increased. The importations of maple sirup increased from 9,000 gallons to more than 40,000 gallons. And largely as a result of the greatly increased importations, the production of maple sirup and maple sugar has fallen off on this side of the line, directly as a result of the tariff.

The importations have increased five or six times, and yet on our side of the line the production of maple sugar has decreased; and to-day, as per statements of the Department of Agriculture, in the State of Vermont the farmers are tapping only about half the trees they could tap. Not only that, they are cutting down their sugar trees because under the present tariff there is no use trying to compete with the Canadian importations.

That condition alone, it would seem, is sufficient to cause us to raise the tariff. But there is another reason why we are asking for this increase. When the bill was under consideration, dealers in maple products did state before the committee that there were inducements made by the Canadian Government under which the producers of sugar were greatly helped. That is what they call a bounty. If I had more time, I would like to go into that a little more in detail; but speaking of the very letter which the Senator from Mississippi has read, this is what is stated. This letter is from the Canadian legation, and goes on further to state:

> It is desired to point out that the activities and cooperation extended to the maple-sugar industry by the provincial authorities of the Province of Quebec is solely for the purpose of improving the quality of the products of that industry, particularly with a view to the production of grades lighter in color.

Of course we concede that, but it has the same effect. They state in that very letter that the Government is helping the producers, and they give the reasons for the help; but that reason does not change the fact. It has the same effect as a bounty.

On January 27 my colleague the senior Senator from Vermont [Mr. GREENE] sent to the chairman of the sugar division of the United States Tariff Commission a group of documents. I want to quote a little from some of those documents. The following statement is based upon the exhibits that were sent up there.

An examination of the public accounts of the Province of Quebec shows that appropriations are made annually by the Quebec government for the improvement of grades of maple sugar and maple sirup and for educational work.

Exhibits 4 to 11 relate to gifts, loans, and bonuses from the Quebec government to the cooperative association, as follows: Mr. Albert Savoie, a merchant of Plessisville, made affidavit on the 20th day of January, 1930, that he was present at a meeting of the sugar producers, at which meeting Mr. Caron, minister of agriculture, declared in public that he gave a bonus of $10,000 and that he loaned $5,000 more to that company. It is not a bounty, no; but it is a bonus. What is the difference?

Here is a translation of a letter from the minister of agriculture, in which he states:

> Your letter of the 3d instant has been handed to me, and I am pleased to give you the following information: The department of agriculture has given a bonus of $10,000 to the producers of sugar in Quebec to help them in building a warehouse, and has also loaned them $5,000 besides.

They may not be bounties, but they are loans and bonuses, and this is exactly what the officials of Canada say they are doing. Taken with our low duty, that is largely the reason why the importations of maple sugar have so greatly increased and why the production on this side of the line has decreased.

It seems to me that under these conditions we can do no less than grant this little increase in rate on which we agreed in Committee of the Whole, and the only reason for changing what we agreed to in Committee of the Whole is because of a little play on the word "bounty."

Mr. LA FOLLETTE. Mr. President, if loans made to cooperatives in Canada is a bonus or bounty, as the advocates of this increase in duty have contended, then every expenditure made by the Department of Agriculture of this Government for the improvement of standards for agricultural products and for the experimental stations which are conducted by the Department of Agriculture of this Government is a bonus or a bounty to the agricultural products produced in the United States. If the argument is sound as made by the advocates of this duty that this expenditure on the part of the Province of Quebec is a bonus or bounty, then all the activities of the Department of Commerce and the Bureau of Standards in endeavoring to improve the methods of manufacture and to improve the standards of manufactured products of this country is a bonus or bounty to the manufactured commodities produced in the United States.

I do not believe that a careful analysis of the argument will permit any person with an open mind to come to the conclusion that the activities which have been entered into by the Canadian Provinces for the improvement of the standards of maple sugar produced in that country is or can legitimately be called either a bonus or a bounty. Would we want the Canadian Government to list as a bonus the appropriation made for the Department of Agriculture for the improvement of the kind and quality of agricultural products produced by this country and have them base a tariff rate against those commodities with that factor taken into consideration? Of course, we would not want it done, and if the Canadian Government attempted to do it we would make a protest against such an impossible and illogical argument being considered by that Government in the fixing of tariff duties.

Mr. President, assuming for the moment that the argument is sound——

Mr. DALE. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. LA FOLLETTE. I yield.

Mr. DALE. How would the Senator construe the lending of money to concerns without interest? Would he construe that as a bounty or bonus?

Mr. LA FOLLETTE. I understand that the loans do bear a rate of interest.

Mr. DALE. It is stated that they do not.

Mr. LA FOLLETTE. I have a photostatic copy of a letter of the department of agriculture of the Province of Quebec, dated September 7, addressed to the Senator from Utah [Mr. SMOOT], in which it is stated:

> At the request of the John G. Paton Co., 230 Park Avenue, New York, I take pleasure in informing you that the Department of Agriculture has given a grant of $10,000 to the Quebec Maple Sugar Producers' Association as an aid for the erection of their plant at Plessisville. The department has also made a loan of $5,000 at 5 per cent interest, payable in five years, for the same building. The association has paid for the balance of the building with its own money. When complete the Plessisville plant will cost between $45,000 and $50,000.
>
> The department supplies graders in order to protect the buyers against any falsification.
>
> These are the only grants and loans paid to the society since the erection of its plant up to date. The work of the department is exclusively of an educational character with a view to improving the quality of the maple products and insuring the best possible guaranties of purity and quality to the producers and buyers as well.

Mr. President, if we justify this increase in duty on the ground that loans made to cooperatives in Canada are a bonus then the Federal Farm Board in making loans through the stabilization corporations to the farmers of this country is a bonus and bounty. Canada will then be justified in taking the amount loaned through the Farm Board to the stabilization corporation and listing that sum as a bonus or bounty upon which they would establish duties against the agricultural products of this country. It seems to me that the argument does not stand analysis.

But assuming for the moment that the argument is sound, I desire to read paragraph 303, on page 283, which is still in the pending bill:

> Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so

determined or estimated. The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of such additional duties.

Mr. President, as I said a moment ago I do not believe that this bounty argument will stand analysis. It is neither a bounty nor a bonus. It is similar to the activities conducted by the Federal Government of the United States in endeavoring to improve the quality of the products produced by American farmers through the Department of Agriculture. It is similar to the amounts of money expended by practically every State in the Union through their county agents and through their State agricultural experiment stations in an effort to improve the methods of farming and the quality of the products grown by American farmers. I think it would be a great mistake for the Congress of the United States, in the face of declarations made by these governments through their official representatives that such bonuses or bounties do not exist in their respective countries, to take that as a basis for our action. I hope the amendment offered by the Senator from Mississippi will prevail.

The VICE PRESIDENT. Is there objection to considering the two amendments en bloc?

Mr. HARRISON. I think they ought to be considered en bloc as a matter of fact.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. FESS. Mr. President, I would like to know of the Senator from Vermont [Mr. DALE] whether he has any documentary evidence as to the interest charged by these governments which make the loans?

Mr. DALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Vermont?

Mr. FESS. I yield.

Mr. DALE. The letters seem to be somewhat contradictory, as illustrated by the one read by the Senator from Wisconsin [Mr. LA FOLLETTE], but I have a letter also from the department of agriculture, signed by Mr. Vaillancourt. After asking that the different societies subscribe to an agreement engaging themselves to consign their production to the society, which I assume to be a sort of assignment of them, this statement is made:

We will be able to loan 50 per cent of the purchase price of material up to $500 per member without interest.

Mr. HARRISON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FESS. I yield.

Mr. HARRISON. May I ask the Senator from Vermont what is the date of the letter from which he quoted and who it is from?

Mr. DALE. I can not tell the Senator from Mississippi the date of the letter, because I handed the chairman of the Finance Committee the first two or three pages of it. It is evidently a circular issued by Mr. Vaillancourt, secretary and treasurer of the cooperative society.

Mr. HARRISON. May I point out to the Senator from Ohio that the letter read by the Senator from Wisconsin was a letter addressed immediately to the Senator from Utah [Mr. SMOOT], chairman of the Finance Committee. I think it is from one of the Provinces of Canada. I have read and I have here at this time authentic letters from the ministers of agriculture of Quebec and of Ottawa, Canada, which state specifically that there is no bounty. The Senator's letter stated there was only a loan to help them build the plant.

Mr. FESS. It was my understanding that, whether we call it a bounty or not, there was assistance given by the Government of Canada to this industry, and that is why I wanted to know whether there was any documentary evidence to that effect. I think that there is a basis for the increased duty, and I hope the amendment of the Senator from Mississippi will not prevail.

Mr. HARRISON. Mr. President, will the Senator yield further?

Mr. FESS. Certainly.

Mr. HARRISON. The Senator wants to be fair in this matter. The Senator said that he believed in retaining the rates adopted as in Committee of the Whole.

Mr. FESS. Yes.

Mr. HARRISON. Namely, 8 cents and 5 cents. Does the Senator from Ohio know that the chairman of the committee stated that the only justification for an increase in the rate is the report that a bounty is being paid? It has been clearly demonstrated that there is no bounty. Does the Senator know that when Mr. Coolidge, who came from Vermont, was President of the United States, the Tariff Commission made an investigation and presented the facts to the President, stating that if the maple-sugar duty was to be 5½ cents the rate on sirup should be 3½ cents, and he refused, even under that statement, to raise the rate on maple sugar, as he had a right to do, to 6 cents. President Coolidge did not even take that action. My amendment proposes to levy a duty half a cent a pound more than the Tariff Commission, after investigation, unanimously reported the industry was entitled to.

Mr. FESS. Mr. President, I do not want to continue the debate, but I understood what the Senator stated. I also recall what the chairman of the committee stated. He used the word "bounty," but if there is assistance afforded under a different name than bounty, of course, the result would be the same. I take it for granted, however, that there is no bounty granted, according to the technical meaning of that word.

Mr. HARRISON. Absolutely not.

Mr. FESS. I think that is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi to the amendment adopted as in Committee of the Whole.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. A vote "yea" would be for a duty of 6 cents a pound on maple sugar and 4 cents a pound on maple sirup instead of the amendment adopted as in Committee of the Whole, would it not?

The VICE PRESIDENT. That is correct. The question is on agreeing to the amendment proposed by the Senator from Mississippi to the amendment adopted as in Committee of the Whole. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK], which I transfer to the Senator from Oklahoma [Mr. PINE], and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Washington [Mr. JONES], who is detained from the Senate by official business, and vote "nay."

The roll call was concluded.

Mr. SIMMONS. I transfer my general pair with the senior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from Florida [Mr. TRAMMELL] and vote "yea."

Mr. STEPHENS. Has the junior Senator from Indiana [Mr. ROBINSON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. STEPHENS. I have a pair with that Senator. I transfer that pair to the Senator from Missouri [Mr. HAWES] and vote "yea."

Mr. BINGHAM (after having voted in the negative). Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BINGHAM. I have a general pair with that Senator; and he not having voted, I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

Mr. HARRISON. I change my vote from "yea" to "nay."

The result was announced—yeas 27, nays 42, as follows:

YEAS—27

Allen	Capper	La Follette	Stephens
Ashurst	Caraway	McMaster	Swanson
Barkley	Connally	Norris	Thomas, Okla.
Black	Cutting	Ransdell	Tydings
Blaine	Harris	Sheppard	Walsh, Mont.
Bratton	Hayden	Simmons	Wheeler
Brookhart	Heflin	Steck	

NAYS—42

Baird	Goldsborough	Keyes	Smoot
Borah	Greene	McCulloch	Steiwer
Broussard	Grundy	McNary	Sullivan
Copeland	Hale	Metcalf	Thomas, Idaho
Couzens	Harrison	Moses	Townsend
Dale	Hastings	Nye	Vandenberg
Dill	Hatfield	Oddie	Wagner
Fess	Hebert	Patterson	Waterman
Frazier	Howell	Robsion, Ky.	Watson
Glenn	Johnson	Schall	
Goff	Kean	Shortridge	

NOT VOTING—27

Bingham	Glass	Norbeck	Shipstead
Blease	Gould	Overman	Smith
Brock	Hawes	Phipps	Trammell
Deneen	Jones	Pine	Walcott
Fletcher	Kendrick	Pittman	Walsh, Mass.
George	King	Reed	Robinson, Ark.
Gillett	McKellar	Robinson, Ind.	

So Mr. HARRISON's amendment to the amendment made as in Committee of the Whole was rejected.

Mr. HARRISON. I now move a reconsideration of the vote whereby my amendment was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. HARRISON. Mr. President, just a moment. I know that many Senators came into the Chamber for the roll call who had not heard the discussion and who, perhaps, were not familiar with the facts. They made inquiry and found that the Vermont Senators were interested in the item and voted against the amendment. I want to state to those Senators who cast their votes in the negative on the roll call that they have voted to increase the price of one of the essentials that go into the manufacture of tobacco in this country; that they have done it over the protest of the Tariff Commission; that they have done it over what was stated by the chairman of the Committee on Finance; and I was surprised to find that he had voted in the negative in this instance.

As was stated in the discussion, the present duty is 4 cents a pound on maple sugar and 4 cents a pound on maple sirup. When the committee acted it recommended a large increase in those rates. The Senator from Utah, as I read from the RECORD, stated that it was because there had been a bounty granted in Canada. He was convinced, because he himself had the letters, but to-day letters were read from the ministers of agriculture of the Provinces of Quebec and Ontario, in Canada, stating that there was no bounty.

It has been shown that the Tariff Commission investigated this subject when Mr. Coolidge was President, who, I dare say, was interested in the maple sugar of Vermont as much as are the present Senators from Vermont or as is anyone else. When the Tariff Commission found that the difference in the cost of production of maple sirup in Canada and the United States was 3½ cents a pound and 5½ cents a pound in the case of maple sugar, the producers of those commodities asked for the increase at the hands of the President under the authority of law, as he had a right to grant it, but he refused to give the increase.

Yet, it being shown that there is no bounty, it being shown by the chairman of the committee, when the measure was in Committee of the Whole, that the only reason for the increase was that a bounty was being paid, we find that Senators come in and vote for this enormous increase, I believe up to 8 cents and 5½ cents, respectively. Such action is not justified by any facts presented.

I know some of the Senators voted under a misapprehension. The amendment I offered did not propose to reduce the rates below those in the present law, and, if adopted, it would increase those rates. The tariff on maple sirup in the law to-day is 4 cents a pound and on maple sugar it is 4 cents a pound. The Tariff Commission said the rates ought to be 3½ and 5½ cents, respectively, giving a differential of 2 cents on maple sugar as against maple sirup. My amendment put the rate at 6 cents a pound on maple sugar and 4 cents a pound on maple sirup—half a cent a pound more than the Tariff Commission, from its investigation, unanimously ascertained to be the proper rate—and yet the Senate, under this new scheme, under the new order of things, have now voted this enormous increase.

Mr. President, I have moved a reconsideration because I know that Senators voted under a misapprehension of this fact, and I desire another vote on the matter.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to reconsider the vote whereby the amendment proposed by him to the amendment made as in Committee of the Whole was rejected.

Mr. HARRISON. And if I have misstated any fact, Mr. President, I wish the Senator from Utah would tell the Senate what it is.

Mr. FESS. Mr. President, I submit a unanimous-consent request that no Senator be permitted to speak longer than five minutes nor more than once on the motion to reconsider.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, I did state, among other reasons why the increase should be made, that I was informed that a bounty was given in Canada.

What is the difference between a bounty and a gift? I can not see any difference at all. I have here the report, which says:

BONUS

In regard to the payment of a bonus, Mr. Cary stated before the Finance Committee, page 338 of the printed hearings:

"My argument has simply been that this duty should be increased to 9 cents rather than 7½ cents that the House gave, for the reason that the Government is paying the large bonuses. * * *

"The Government loans the money and builds the buildings for them and they sell the product at way below the price of our production on the American side."

On January 27 Senator GREENE, of Vermont, sent to the Chief of the Sugar Division of the United States Tariff Commission a group of documents in the form of exhibits bearing upon the question of a bonus paid by the Quebec Government to maple-sugar and maple-sirup producers through the Cooperative Maple Sugar Producers' Association, with the request that a memorandum be prepared on the question for his use. The following statement is based upon these exhibits: An examination of the public accounts of the Province of Quebec (Exhibits 1, 2, and 3) indicate that appropriations are made annually by the Quebec Government for the improvement of grades of maple sugar and maple sirup and for the educational work in the maple industry, as set forth in the statement quoted above from the memorandum of the Canadian legation. Exhibits 4 to 11 relate to gifts, loans, and bonuses from the Quebec Government to the Cooperative Association as follows: Mr. Albert Savoie, a merchant of Plessisville, made affidavit on the 20th day of January, 1930, that he was present at a meeting of the sugar-products companies in 1928, at which meeting Mr. Caron, minister of agriculture, declared in public that he gave a bonus of $10,000 and that he loaned $5,000 to the said company.

That is one company.

Mr. J. H. Vilandre, a resident of Danville, Province of Quebec, made affidavit under date of January 22, 1930, that he was present at a meeting of the Maple Sugar Producers' Association, held at their factory at Plessisville, Quebec, in November, 1928, and that Hon. J. E. Caron, minister of agriculture, stated among other things:

"You had a bonus from the Government of $10,000 and a loan from the Government of $5,000. Up to date you have a business turnover of $171,000."

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. I have not the time. I have only a minute or two more.

Mr. HARRISON. Will not the Senator read the letters that he received in reference to this matter?

Mr. SMOOT. I have not the time, Mr. President.

An excerpt from Le Soleil, August 29, 1929, makes the statement with reference to a meeting of the Cooperative Society of Maple Sugar Producers of Quebec, about 700 farmers from all counties of the Province being present, that the government made to the maple-sugar producers the following proposition:

"If you give 1 cent per pound to the reserve fund, we will double it. If you give it to the capital, we will equal it. In addition to that every $30 subscribed by a member will be equaled. According to these propositions, for instance, if the makers give $17,000, the government will give $34,000."

What is the difference between a bounty and a gift? That is all there is in this question.

I thought at the time, and I was so informed when I made the statement that the Senator attributed to me, that it was a direct bounty given by the Government. The Province of Quebec is a part of the Canadian Government. They do it. Individuals do it, and Provinces do it. What difference does it make whether it is a Government or whether it is a Province?

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BORAH. Mr. President, as I have some time under this program of economy of time, I will ask the Senator what are the importations into this country.

Mr. SMOOT. I have not the figures here; but they are about 13,000,000 pounds, as I remember.

Mr. BORAH. What is the consumption?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BORAH. Yes; if the Senator has the figures, I should be glad to have him give them.

Mr. COPELAND. The importations are nearly 7,000,000 pounds—6,954,000 pounds last year—and a very large amount of maple sirup besides.

Mr. SMOOT. I have the figures here now, Mr. President.

I do not want the Senate or the Senator from Mississippi to think that I tried in any way, shape, or form to deceive the Senate when I made that statement. I made the statement because of the fact that I was told by the Senator from Vermont that there was a bonus or a bounty. All I know is that these figures are absolutely correct. They are sworn to, and I have not any doubt but that the amounts are correctly given.

Mr. HARRISON. The Senator knows that when we appropriate money to help an experiment station, or to stabilize industries, it is not a bounty. The Senator knows that. Now, I ask the Senator to read the letter that he has received from the Department of Agriculture of the Province of Quebec, dated September 7, 1929, which was two months before the Senator made the statement here in which he said that if there was no bounty there would not be the same reason for giving this high rate.

I want to have read this letter that was written to the Senator on September 7, 1929, showing that they have appropriated some money to help build a refinery; and I also want to have read the two letters written, one from the minister of agriculture of Quebec, the other from the deputy minister of agriculture of Ottawa, Canada, showing that there is no bounty.

I do not care anything about this matter, but I want to submit it upon the facts.

Mr. SMOOT. I want the facts, too; and there is no need of quibbling over the thing. Grant that there is not any bounty but that it is a gift—what is the difference? None whatever. A gift of $100 will go just as far as a bounty of $100 will go.

Of course, in the case of our appropriations to assist the farm experiment stations throughout the country, we do not ask the farmers to put up exactly the same amount of money that the Government of the United States appropriates.

Mr. HARRISON. Does the Senator think that is a bounty? Of course he does not. I can answer for him.

Mr. SMOOT. Well, no. Perhaps it could be construed as a bounty, but it is never appropriated as a bounty.

Mr. HARRISON. If the Senator wants to give this increase, I suggest that it be given upon the same basis that you want to give an inordinate, inexcusable, unjustified increase; but do not come before the Senate and say that it is done because the Canadian Government authorities pay to the maple-sugar producers of Canada a bounty, when they do not pay any bounty, as the letters show, and the Senator can not prove that they do.

Mr. SMOOT. Does the Senator deny the figures I have just read as to the assistance that has been given to them?

Mr. HARRISON. Oh, there may have been gifts. I care nothing about giving them something.

The PRESIDING OFFICER. The Senator from Idaho has about a minute of time remaining.

Mr. BORAH. If I could settle this matter, I would contribute that minute.

Mr. DALE. Mr. President, will the Senator yield to me to answer his question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. Yes.

Mr. DALE. The Senator asked for the domestic consumption. The domestic consumption last year was 8,635,252 pounds.

Mr. HARRISON. Mr. President, I ask unanimous consent to have these two letters from the minister and deputy minister of agriculture of Quebec and the letter from the minister of agriculture of Ottawa read for the information of the Senate in answer to the Senator from Utah, when he says that a bounty is paid.

The VICE PRESIDENT. Is there objection to reading the letters? The Chair hears none, and the letters will be read.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE, PROVINCE OF QUEBEC,
OFFICE OF THE DEPUTY MINISTER,
Quebec, September 7, 1929.

The Hon. REED SMOOT,
United States Senate Office Building,
Washington, D. C.

HONORABLE SIR: At the request of the John G. Paton Co., 230 Park Avenue, New York, I take pleasure in informing you that the department of agriculture has given a grant of $10,000 to the Quebec Maple Sugar Producers' Association as an aid for the erection of their plant at Plessisville. The department has also made a loan of $5,000 at 5 per cent interest, payable in five years, for the same building. The association has paid for the balance of the building with its own money. When complete the Plessisville plant will cost between $45,000 and $50,000.

The department supplies graders in order to protect the buyers against any falsification.

These are the only grants and loans paid to the society since the erection of its plant up to date. The work of the department is exclusively of an educational character with a view to improving the quality of the maple products and insuring the best possible guaranties of purity and quality to the producers and buyers as well.

I remain, sir, yours very truly,

J. ANTONIO GRENIER,
Deputy Minister of Agriculture.

DEPARTMENT OF AGRICULTURE, PROVINCE OF QUEBEC,
OFFICE OF THE MINISTER,
Quebec, January 21, 1930.

JOHN G. PATON & CO.,
230 Park Avenue, New York City.

GENTLEMEN: At your request and referring to the statement made in the United States Senate on Friday, January 17, that the Canadian Government or the Province of Quebec government are paying a bounty to Canadian producers of maple products of about 4½ cents per pound, I beg to inform you that the government of this Province, of which the production of maple products represents approximately 75 per cent of the total value for Canada, has never paid and does not pay any bounty to its producers of maple products.

Furthermore, you may state that we have no intention of paying any bounty to these producers at any time, now or in the future.

Yours truly,

J. L. HERBON, *Minister of Agriculture.*

DEPARTMENT OF AGRICULTURE,
Ottawa, January 22, 1930.

The JOHN G. PATON CO. (INC.),
230 Park Avenue, New York City.

GENTLEMEN: Replying to your inquiry as to whether or not this department has done anything in the way of bounties or assistance to the maple-sugar industry in Canada, I beg to advise you that the Federal Government has absolutely no appropriation for such a purpose and has never made any contribution toward the assistance of this industry, nor does it anticipate doing so. I may say that the Canadian minister at Washington has been advised to this effect.

I may say further that I know that no bounty on maple sugar has been paid by either of the Provinces of Ontario or Quebec, and since about 98 per cent of all the maple sugar produced in Canada comes from these two Provinces it is quite safe to say that absolutely no bonus of any kind is paid by any government in Canada to this industry.

Yours very truly,

J. H. GRISDALE, *Deputy Minister.*

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to reconsider the vote whereby the Senate rejected the amendment offered by the Senator from Mississippi to the amendment made as in Committee of the Whole.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. SULLIVAN (when his name was called). Making the same announcement as to my pair and its transfer that I made before, I vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. SMITH] to the senior Senator from Washington [Mr. JONES], who is unavoidably detained from the Senate on official business, and vote "nay."

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS], and in his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. GLENN (after having voted in the negative). I find that the junior Senator from Arkansas [Mr. CARAWAY], with whom I have a pair, has not voted. Therefore I ask leave to withdraw my vote.

Mr. WALCOTT (after having voted in the negative). I have a pair with the junior Senator from South Carolina [Mr. BLEASE]. I, therefore, withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas, 26, nays 39, as follows:

YEAS—26

Barkley	Connally	La Follette	Swanson
Black	Cutting	McMaster	Thomas, Okla.
Blaine	George	Norris	Tydings
Borah	Harris	Sheppard	Walsh, Mont.
Bratton	Harrison	Simmons	Wheeler
Brookhart	Hayden	Steck	
Capper	Heflin	Stephens	

NAYS—39

Baird	Couzens	Fess	Goldsborough
Broussard	Dale	Frazier	Greene
Copeland	Dill	Goff	Grundy

Hale	McCulloch	Ransdell	Thomas, Idaho
Hastings	McNary	Robinson, Ind.	Townsend
Hatfield	Moses	Schall	Vandenberg
Hebert	Nye	Shortridge	Wagner
Howell	Oddie	Smoot	Waterman
Kean	Patterson	Steiwer	Watson
Keyes	Phipps	Sullivan	

NOT VOTING—31

Allen	Gillett	King	Robinson, Ark.
Ashurst	Glass	McKellar	Robsion, Ky.
Bingham	Glenn	Metcalf	Shipstead
Blease	Gould	Norbeck	Smith
Brock	Hawes	Overman	Trammell
Caraway	Johnson	Pine	Walcott
Deneen	Jones	Pittman	Walsh, Mass.
Fletcher	Kendrick	Reed	

So the Senate refused to reconsider the vote whereby Mr. HARRISON'S amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next amendment.

The LEGISLATIVE CLERK. On page 201, line 9, the Senate, as in Committee of the Whole, struck out the words "articles in" and inserted in lieu thereof "articles, in."

Mr. COPELAND. I withdraw my request for a separate vote.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next amendment.

The LEGISLATIVE CLERK. On page 201, line 11, the Senate, as in Committee of the Whole, struck out the words "cement, 30" and inserted in lieu thereof the words "cement or synthetic resin, 25."

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next amendment.

The next amendment was in paragraph 1511, page 208.

Mr. KEAN. I withdraw my request for a separate vote.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next amendment.

The next amendment was on page 208, paragraph 1513, "Toys."

Mr. CUTTING. Mr. President, I made a reservation for a separate vote on the amendment in this paragraph, but I find that I can not call it up at present. It will be in order when individual amendments are reached.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the next amendment.

The next amendment was on page 210, line 23, "Firecrackers."

Mr. COPELAND. Mr. President, I send an amendment to the desk, which I ask to have stated.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. FESS. I ask unanimous consent that on this amendment no Senator shall speak more than once or longer than five minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary will state the amendment offered by the Senator from New York.

The LEGISLATIVE CLERK. The Senator from New York offers the following amendment: On page 210, to strike out all of line 23 and to insert in lieu thereof the following:

> Firecrackers of more than five-sixteenths inch outside diameter or more than 1¾ inches in length, 25 cents per pound; all other firecrackers, 8 cents per.

The VICE PRESIDENT. The Chair is advised that that amendment is to strike out House text, and it would not be in order at the present time.

Mr. COPELAND. It is simply to amplify a change made as in Committee of the Whole.

The VICE PRESIDENT. The Chair is advised that the amendment will be in order when individual amendments are reached.

Mr. COPELAND. Through inadvertence the other day by an amendment I offered I shut out the little, tiny firecrackers. No doubt every Senator has received word from people who are interested. The Senator from Maryland [Mr. TYDINGS] had a conference of all concerned, and I ask unanimous consent that this amendment may be adopted now in order that the matter may be settled, because otherwise we will be beset by numerous importers of the small firecrackers.

Mr. SMOOT. Mr. President, the Senator asks that it may be considered, not adopted.

Mr. COPELAND. I ask that it may be considered at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the question is on agreeing to the amendment offered by the Senator from New York.

Mr. COPELAND. I assure Senators that, so far as I know, everybody is satisfied with this arrangement.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. GEORGE. Let me make some inquiry. What is the present rate on these firecrackers? What was the rate adopted?

Mr. COPELAND. The rate on these we are excepting will be the rate in the bill—8 cents. We placed a high rate on the big explosive things.

Mr. GEORGE. That is an increase, is it not?

Mr. COPELAND. Oh, yes.

Mr. GEORGE. An increase over what we agreed upon?

Mr. COPELAND. I said when I introduced the amendment that if I could make it $9 I would do so, because those firecrackers are extremely dangerous.

Mr. GEORGE. The Senator does not do that; he is simply increasing the cost of them.

Mr. COPELAND. The Senator can make his argument.

Mr. GEORGE. Mr. President, I rose merely to inquire the reason why the duty should be increased from 12 cents to 25 cents, without any explanation whatever.

Mr. TYDINGS. Mr. President, what really happened was that in Committee of the Whole the amendment of the Senator from New York was adopted. Following the adoption of that amendment it was found that in an effort to keep out the giant cannon crackers coming into the country, against which practically every State and every municipality now has prohibitory legislation, all firecrackers have been shut out. There was no objection to letting the small firecrackers come into the country. Personally, I would rather see them all excluded, but in an effort to be fair the rate was restored on the small firecrackers, which are not dangerous. The rate adopted in Committee of the Whole is kept on the big firecrackers, because if a child gets hold of one of them it is apt to cause great injury. I may say that practically all the firecrackers used in the United States are imported.

Mr. GEORGE. Is the rate the same that was adopted in Committee of the Whole?

Mr. TYDINGS. The rate in the Senator's amendment is the rate adopted in the Committee of the Whole. There is no increase.

Mr. SMOOT. Under "Firecrackers of all kinds," in Committee of the Whole the amendment was to strike out "8 cents" and increase the rate to 25 cents. The proposed amendment takes out the small firecrackers and leaves them at 8 cents, as the House had them.

Mr. TYDINGS. In other words, the amendment is the same as that adopted in Committee of the Whole, except that it is reduced from the rate adopted in Committee of the Whole for the small firecrackers.

Mr. BRATTON. Mr. President, what is the rate under the 1922 act on the small firecrackers such as boys from 8 to 12 years of age use?

Mr. COPELAND. Eight cents, the same that we are proposing now. This continues the rate on the firecrackers about which the Senator is talking.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment on which a vote was reserved.

The CHIEF CLERK. On page 212, paragraph 1517, cartridge shells.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BLACK. I yield.

Mr. FESS. I ask unanimous consent that no Senator be permitted to speak longer than five minutes or more than once on the pending amendment.

Mr. BLACK. I would have no objection to the request myself, but I must object because one Senator who is interested in the

question is not on the floor. I shall have to call for a quorum in order to get him here. I know he is interested in this particular item.

Mr. FESS. Would the Senator agree to 10 minutes?

Mr. BLACK. Oh, yes; I have no objection personally, but I want to suggest the absence of a quorum so that a Senator who is not here and who is interested in this item may have an opportunity to be here.

Mr. FESS. Very well.

The VICE PRESIDENT. The Senator from Ohio withdraws his request temporarily.

Mr. BLACK. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Smoot
Baird	George	McCulloch	Steck
Barkley	Glenn	McKellar	Steiwer
Bingham	Goff	McMaster	Stephens
Black	Goldsborough	McNary	Sullivan
Blaine	Greene	Metcalf	Swanson
Bleuse	Grundy	Moses	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Bratton	Harris	Nye	Townsend
Brookhart	Harrison	Oddie	Trammell
Broussard	Hastings	Overman	Tydings
Capper	Hatfield	Patterson	Vandenberg
Caraway	Hawes	Phipps	Wagner
Connally	Hayden	Pittman	Walcott
Copeland	Hebert	Ransdell	Walsh, Mass.
Couzens	Heflin	Robinson, Ind.	Walsh, Mont.
Cutting	Howell	Robsion, Ky.	Waterman
Dale	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Fess	Kean	Shortridge	
Fletcher	Keyes	Simmons	

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present. The amendment will be reported.

The CHIEF CLERK. On page 212, line 2, in Committee of the Whole an amendment was agreed to providing 30 per cent ad valorem on percussion caps, cartridges, and cartridge shells, empty. The Senator from Alabama moves to strike out "30" and insert "15," so as to read:

> Percussion caps, cartridges, and cartridge shells, empty, 15 per cent ad valorem.

Mr. FESS. Mr. President, I would like to submit my unanimous-consent request.

Mr. BLACK. I yield to the Senator for that purpose.

Mr. FESS. I ask unanimous consent that no Senator shall speak longer than 10 minutes or more than once on this amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLACK. Mr. President, I shall not take 10 minutes; in fact, I shall conclude in half of that time.

The amendment I have proposed to the amendment would reduce the tariff on empty shells from 30 per cent to 15 per cent ad valorem. The House increased the duty to 40 per cent. The Senate Finance Committee reduced it to 30 per cent.

The facts are very easily understood. We produced in this country in the year 1927 of loaded and unloaded shells, the statistics not being available as to the different items, $30,984,182 worth. We exported $2,948,291 worth. We imported less than $1,300 worth per year since 1922. Those are the facts. Why there should be any tariff I can not understand. With less than $1,300 worth of imports since 1922 each year and a production of $30,000,000 worth per year and exports of $3,000,000 worth per year, the House raised the tariff to 40 per cent, and the Senate Finance committee put it back to 30 per cent.

The complaint that has been made with reference to the situation is based upon this state of facts: A gentleman has invented a method of loading shells which will permit him, as he believes and as has been demonstrated, to sell shells which can be shot with better success and which can be sold cheaper than the loaded shells being sold to-day. There are five companies, which practically have control of the shell business. He has written these five companies seeking to purchase empty shells. Three of them have declined to sell him any shells at all. They say they will not sell him empty shells.

They base their statement on the ground that they need all they produce to sell as loaded shells. One of the companies said that they would sell this gentleman shells at $4.12 per thousand. Their catalogue price for loaded shells, according to their letter, which he sends me, is $3.25 per thousand. They will sell the loaded shells at $3.25 per thousand, but they want to charge him $4.12 for the unloaded shells. That is the result of a 30 per cent tariff on a product where we export $3,000,000 worth annually and produce $30,000,000 worth and import about $1,300 worth a year.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. Certainly.

Mr. SMOOT. The Senator's figures are right as to the importations, but they only apply to percussion caps. The Senator will notice that empty shells were imported in 1922 to the extent of $18,852 and in 1928 to the extent of $79,659. The statement is true, so far as just the percussion cap is concerned; but this paragraph applies not only to the percussion caps but it also takes into consideration the empty shells.

Mr. BLACK. All I am seeking to do is to reduce the rate on empty shells.

Mr. SMOOT. The imports of empty shells in 1924 were in value $156,155.

Mr. BLACK. Less than $1,300 worth per year, according to the statement which I have before me. I obtained this information from the Tariff Commission's summary.

Mr. SMOOT. The statement was just handed to me from the Tariff Commission, and I was quoting the figures published by them.

Mr. BLACK. I have the tariff report, which I will cite to the Senator in a moment.

That is the situation. I have on my desk letters from the companies declining to sell this gentleman unloaded shells at all.

Mr. SMOOT. Will the Senator yield while the amendment is read again so I can see exactly what it is?

Mr. BLACK. Certainly.

The VICE PRESIDENT. The clerk will again report the amendment.

The Chief Clerk again read the amendment to the amendment.

Mr. SMOOT. That would take in all the items, just as I stated.

Mr. BLACK. It says "cartridge shells, empty."

Mr. SMOOT. But that is not all the amendment says. That is the point I am trying to make. The amendment takes in percussion caps, cartridges, and cartridge shells, empty. They would all come under the amendment.

Mr. BLACK. If there is anything wrong with the wording of the amendment, I will change it to refer only to empty shells. That is the only thing in which I am interested. I have just examined the amendment again and the Senator is correct. It should read as follows:

> Percussion caps and cartridges, 30 per cent ad valorem; cartridge shells, empty, 15 per cent ad valorem.

Mr. SMOOT. That is right.

Mr. BLACK. That is the amendment which I offer.

The VICE PRESIDENT. The Senator modifies his amendment, and the amendment as modified is before the Senate.

Mr. BLACK. Of course, if there is not any objection to the amendment, I do not care to present any further facts. I have stated the situation briefly. It is manifestly not fair. This man has had quotations from Germany on empty shells at 71½ cents per thousand. The lowest quotation he has been able to receive from any company in the United States is $4.12 per thousand, and that is manifestly not fair. It should not be tolerated.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Alabama.

Mr. BINGHAM. Mr. President, I appreciate what the Senator from Alabama has just said, and, of course, anyone who wants to buy something and is told that he can not buy it, or is charged what he considers an exorbitant price, naturally feels that there ought to be a law passed against that sort of practice, and if he can hurt the manufacturer by changing a tariff rate, so much the better.

As a matter of fact, Mr. President, the manufacturers of cartridges and cartridge shells have had a very bad time in recent years. Perhaps one of the best known of those factories, one of the most widely known all over the world, is the Winchester factory, which has not paid a cent in dividends either on common or preferred stock for the last 10 years.

Mr. BLACK. Mr. President, will the Senator yield there?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. BINGHAM. I yield.

Mr. BLACK. The Winchester factory is one of the factories to which my constituent wrote which would not even reply to him and give him a quotation.

Mr. BINGHAM. I am very sorry that they were so rude as that, Mr. President, but I am not responsible for their correspondence bureau or for their methods of doing business. However, I am interested in the people who work in the Winchester factory who are endeavoring to earn their living in the manufacture of cartridges and cartridge shells. The present rate of

30 per cent has been the rate on these articles for a number of years. It has not worked any hardship; and it has aided in keeping out foreign competition, as the Senator from Alabama pointed out.

There was no warning given in the last campaign that if the Democrats came into power they were going to reduce this duty; there was no complaint offered of the duty. This is one of the instances where we are asked to reduce the existing rate without any real reason being given in regard to an excessive price of the commodity or anything of that kind.

As a matter of fact, the munition manufacturers have had a very difficult time, indeed, and have been unable to pay dividends. It seems to me it would be a very serious blow to them if we should lower the tariff bars so as to permit foreign competition in this particular item; and I very much hope that the amendment may not be agreed to.

Mr. HAWES. Mr. President, the shell manufacturers of America asked for an increase in the tariff duties, but their request was refused. Now, at the eleventh hour, the Senator from Alabama [Mr. BLACK] has discovered that one of his constituents is having difficulty in purchasing empty shells. Empty shells are a rarity. I will say that some 30 years ago most sportsmen were loading their own brass shells; there followed a period during which many sportsmen loaded their own shells; but to-day the demand for empty shells has become so small that the local gun dealers and hardware merchants do not carry empty shells in stock. There is practically no demand for them, because the sportsman knows that he can buy a loaded shell cheaper and better balanced, with better tests, than one that he himself loads. The result is that many dealers in the various States do not carry empty shells.

The constituent of the Senator from Alabama may have had some trouble in purchasing empty shells, but he is wrong in his statement that he can not purchase them. I have before me a communication from the Western Cartridge Co., whose factory is located adjacent to my city, and from some other manufacturers telling me that all five of the cartridge manufacturers in America will sell empty shells; but they are not a usual commodity. The sportsmen do not want them; they do not need them. The scientific adjustment of different loads of shells has set up certain standards, and each factory produces standard shells with different loads for different kinds of game, and that satisfies the sportsmen.

Mr. President, we must constantly keep in mind another thought besides that of protection by tariff duty. I refer to the fact that in time of war we must have our cartridge factories running. They must be made reasonably profitable; they must be supported in time of peace, for the great cartridge companies in the United States can not be called upon in time of war if they are neglected or stricken down in time of peace. The Government can not supply these shells but must rely upon the private manufacturers to do so.

Mr. BLACK. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. HAWES. I yield.

Mr. BLACK. I understood the Senator to say that he has quotations now before him from the cartridge companies?

Mr. HAWES. I not only have quotations but I have advertisements.

Mr. BLACK. From what companies does the Senator have them?

Mr. HAWES. I have them from the Remington Arms Co.

Mr. BLACK. That is one of the companies which declined the request. From what other company has the Senator communications?

Mr. HAWES. I have communications from the Peters Cartridge Co., the Western Cartridge Co., the Winchester Cartridge Co., and the Remington Arms Co.

Mr. BLACK. May I say to the Senator from Missouri that they probably sent the quotations to the Senator after this amendment was submitted. I have a letter here from the Western Cartridge Co. stating that they have no shells to sell but that they use them all to load. Here is the letter [exhibiting].

Mr. HAWES. I should like to ask the Senator from Alabama a question.

Mr. BLACK. Certainly.

Mr. HAWES. Why does not the Senator from Alabama suggest to his constituent that he make his own shells?

Mr. BLACK. For the simple reason that if the law provides that an industry—in reality a monopoly, in this instance, for there are only five companies engaged in this line of manufacturing—shall have a tariff, the law ought to provide that the public may buy the product. Of course, if the law does not so provide, if we are going to have to levy a high tariff for a monopoly and then it will not sell the article which is protected, it is carrying monopoly one step further than customary.

Mr. HAWES. I do not know what the Senator means when he refers to a monopoly, for there is keen competition in the industry.

Mr. BLACK. Not in unloaded shells.

Mr. HAWES. There are five companies engaged in the business, I will say to the Senator. It is true that they do not push the sale of empty shells, because very few people want them. Now, a customer has been discovered in Alabama who instead of making his own shells complains of the price he has to pay for shells from somebody else. Why does he not make his own shells?

Mr. BLACK. Will the Senator yield?

Mr. HAWES. Yes.

Mr. BLACK. The Senator states that he has quotations from the Western Cartridge Co. Here is a letter from the Western Cartridge Co., dated February 25, 1929:

> We acknowledge your letter of February 18, further concerning your requirements in empty primed shells upon which we regret not to be in position to quote you.

Mr. HAWES. Every time a man orders an organ from New York and the reply goes back to him, "We have not one to sell you," according to the logic of the Senator's remarks, we should reduce the tariff duty on organs.

Mr. BLACK. Yes; we should reduce the duty on organs if the company manufacturing them will not sell them. They have no right to tell to one prospective purchaser that they will not sell to him, but will sell to some one else.

Mr. HAWES. I am quite sure that the constituent of the Senator from Alabama can buy all the shells that he wants. I recommend to him that he make his own shells, if he is dissatisfied; but the whole ammunition business of the United States should not be disarranged and the thought of preparation of war set aside because a man is dissatisfied with the market he has in which to purchase empty shells.

Mr. PITTMAN. Mr. President, I am sorry that I can not agree with my hunting partner as to this one item. I know that the Senator from Missouri has written a great book on bass fishing, and that he is an excellent shot, but I do not think there is any manufacturing concern in the United States which manufactures empty shotgun shells for sale. They manufacture them for the purpose of using them to load them and sell the loaded shells. So long as there is no business of manufacturing and selling empty shells in this country there is nothing to protect; there is no such industry. The only industry we have in the country with regard to shotgun shells is the selling of loaded shotgun shells ready for use.

The shotgun-shell manufacturers fabricate their own shells, and do everything in connection with them; that is perfectly natural; but if there is no industry here engaged in manufacturing empty shells, there is no competition and there is no industry to be injured by foreign competition. As the Senator from Missouri says, there is no market for empty shells; there is no more market for empty shells than there is for muzzle-loading shotguns; but, nevertheless, if a man wants a muzzle-loading shotgun and the manufacturers of the United States do not make them, but they are manufactured elsewhere, there is no reason why an individual wanting one should have to pay a duty in order to secure a muzzle-loading shotgun. The industry does not need protection on empty shells because the manufacturers do not sell empty shells; there is no question about that; nobody buys empty shells; but if some one wants to start an industry loading shells; if he has a process by which to load them, and does not desire to manufacture his empty shells, but desires to buy them and can not buy them in the United States, because there is no industry engaged in the business, he ought to be allowed to import them. I think so long as the Senator from Alabama puts the word "empty" in the amendment that it will not hurt any of the manufacturers.

Mr. HAWES. Mr. President, it so happens——

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senator is limited to one speech of 10 minutes. The Senator from Missouri has spoken once for five minutes. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. HAWES. I will ask the Senator to yield to me one minute of his time.

Mr. PITTMAN. I can not do that, but the Senator can ask me a question and I will answer it.

The VICE PRESIDENT. It is not permissible for the Senator from Nevada to yield his time under the rule. Is there objection to the Senator from Missouri occupying a minute? The Chair hears none.

Mr. HAWES. Mr. President, I will merely ask the Senator from Nevada a question. The Senator is aware of the fact that there are five great factories in the United States, all of which do sell empty shells. Here [exhibiting] are the advertisements for the sale of empty shells. So I presume the constituent of the Senator from Alabama did not make the proper approaches, for he can buy the shells if he wants them.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. PITTMAN. I yield.

Mr. BLACK. I happen to have letters here from three of those companies. When a desire was expressed to buy empty shells they would not sell, but now since the question has arisen about a tariff rate under which a man might have an opportunity to buy shells abroad, they write the Senator they are ready to sell them.

Mr. GLENN. Mr. President, as I understand the situation, the Senate is now asked to reverse the action of the House and cut the duty fixed by it in two; to reverse the action of the Finance Committee and the action of the Senate as in Committee of the Whole, because the Senator from Alabama has one individual constituent who makes complaint. There is no other complaint from anybody in the United States, so far as I have heard. The constituent of the Senator is an inventor, an alleged inventor, I understand, who has a patent on a design which he thinks will enable him to load shells more cheaply than they can be loaded by the established ammunition factories.

It does seem to me that this is a rather slight reason to cut in two the duty upon which these great factories, useful not only in time of peace but in time of war, are proceeding in this country because one Member of the Senate has one constituent, whose name is not even revealed, who has some grievance against some ammunition company!

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. GLENN. I yield.

Mr. BLACK. He has no grievance.

Mr. GLENN. He claims to have.

Mr. BLACK. He has a grievance against the law which puts a tariff on a product of which there are no imports and which they will not sell to the trade. Does the Senator believe in putting on an embargo and absolutely prohibiting all imports?

Mr. GLENN. The whole argument of the Senator from Alabama is based upon a letter which he says informs him that some constituent down there has been unable to purchase shells. That is the only reason for it.

Mr. BLACK. The Senator is not correct about that. The argument is based on the fact that we made $30,000,000 worth of this product, that we exported $3,000,000 worth, and that for seven years we have not imported annually as much as $1,300 worth. Of course, if the Senator believes in an embargo and thinks it is right for every hunter in this country and for everybody who uses a cartridge to have to pay an extra price to some factory in Illinois that is the only argument there is for the matter.

Mr. GLENN. The Senator from Alabama would upset and undermine an industry doing a business of $3,000,000 a year and giving employment to thousands and thousands of American workmen, not because even one man who ever bought a shell complains but because some man in Alabama who thinks he is an inventor has been unable, so he says, to buy raw material or partly manufactured material from these factories. He may be irresponsible. His credit standing may not be good. His name is not even given; and yet the Senator would reduce the tariff upon which this great industry in America—useful, as I have said, both in time of peace and in time of war—has proceeded, because one man in Alabama has some petty grievance!

Mr. BLACK. Mr. President, this matter was not considered before; and I desire to reply to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Alabama has spoken once.

Mr. BLACK. If I am not permitted to reply, I shall vote against my amendment and then ask for a reconsideration in order that I may reply.

Mr. FESS. Mr. President, can I yield a minute or two minutes of my time to the Senator from Alabama?

The VICE PRESIDENT. Is there objection?

Mr. BLACK. I ask unanimous consent to be allowed five minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLACK. Mr. President, in reply to the Senator from Illinois, who is weeping about some employees up in Illinois, I desire to call attention to the fact that there is somebody concerned besides two or three men who may be making unloaded shells. These manufacturers are not selling them in this country. They will not sell them in this country. They claim the right to have a monopoly of loaded shells. This gentleman is not only responsible but they did not raise any question about his responsibility. These shells go not only to one or two places in Illinois but they are used on every farm in America. They are used by every man who needs to shoot a gun. To get up here with the specious argument that because, forsooth, somebody is employed in Illinois, it is all right and proper to put an embargo on loaded shells, when the manufacturers will not sell them to customers in America, is protection gone stark crazy.

The people of this country are beginning to wake up to some of the evils of this system now; and they will wake up more if the Senators who believe in high-protective tariffs on which to try to base embargoes stand on the absurd proposition that without imports, and with $30,000,000 worth of production in this country, and $3,000,000 worth of exports, they still insist on a duty of 30 per cent ad valorem, when it is impossible to buy the product in the market. Let the Senate speak now and see if it believes in that kind of a tariff.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The amendment will be stated.

The CHIEF CLERK. On page 212, line 1, it is proposed to strike out all after "caps," down through the word "valorem," in line 2, and insert:

> And cartridges, 30 per cent ad valorem; cartridge shells, empty, 15 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK] to the amendment made as in Committee of the Whole.

Mr. BLACK. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). Upon this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and will vote. I vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Virginia [Mr. SWANSON] and will vote. I vote "yea."

Mr. WALCOTT (when his name was called). I have a pair with the Senator from South Carolina [Mr. BLEASE]. I transfer that pair to the Senator from Oklahoma [Mr. PINE] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. JONES] and will vote. I vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce that the Senator from Washington [Mr. JONES] is detained at a committee meeting.

Mr. THOMAS of Idaho (after having voted in the negative). I am paired with the Senator from Montana [Mr. WHEELER], who is absent. I therefore withdraw my vote.

Mr. STECK. Has the senior Senator from New Hampshire [Mr. MOSES] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STECK. I have a pair with the Senator from New Hampshire. I transfer that pair to the junior Senator from Arizona [Mr. HAYDEN] and will vote. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 31, nays 38, as follows:

YEAS—31

Barkley	Cutting	Howell	Schall
Black	Dill	La Follette	Sheppard
Blaine	Fletcher	McKellar	Simmons
Borah	Frazier	McMaster	Steck
Brookhart	George	Norbeck	Stephens
Capper	Glass	Norris	Thomas, Okla.
Caraway	Harris	Nye	Walsh, Mont.
Connally	Heflin	Pittman	

NAYS—38

Allen	Goldsborough	McCulloch	Townsend
Baird	Grundy	McNary	Trammell
Bingham	Hale	Metcalf	Tydings
Broussard	Hastings	Oddie	Vandenberg
Copeland	Hatfield	Patterson	Wagner
Couzens	Hawes	Phipps	Walcott
Dale	Hebert	Robinson, Ind.	Waterman
Fess	Johnson	Robsion, Ky.	Watson
Glenn	Kean	Smoot	
Goff	Keyes	Steiwer	

NOT VOTING—27

Ashurst	Greene	Overman	Smith
Blease	Harrison	Pine	Sullivan
Bratton	Hayden	Ransdell	Swanson
Brock	Jones	Reed	Thomas, Idaho
Deneen	Kendrick	Robinson, Ark.	Walsh, Mass.
Gillett	King	Shipstead	Wheeler
Gould	Moses	Shortridge	

So Mr. BLACK'S amendment to the amendment made as in Committee of the Whole was rejected.

The PRESIDING OFFICER. The question now is upon concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FESS. In the next paragraph, "Jewelry," there is no specific amendment designated upon which there is a separate vote reserved. I ask the Senator from New York on what particular amendment in paragraph 219 he reserved a vote.

The PRESIDING OFFICER. The clerk will state the next amendment on which a vote was reserved.

The CHIEF CLERK. Paragraph 1527, page 219, "Jewelry."

Mr. COPELAND. I desire to have the rate returned to that in the present law so that it will read:

Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof), 80 per cent ad valorem.

Mr. FESS. My inquiry was to determine whether or not there is only one amendment.

Mr. COPELAND. It is just one amendment.

Mr. FESS. I ask unanimous consent that on this amendment no Senator shall speak longer than 10 minutes or more than once.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, what the Senator read is not what the present law provides.

Mr. COPELAND. How does the present law read?

Mr. SMOOT. The present law reads:

Jewelry, commonly or commercially so known, finished or unfinished, of whatever material composed, valued above 20 cents per dozen pieces, 80 per cent ad valorem.

Mr. COPELAND. The reason why this amendment is presented is that there has been a division made, and provision is made for a duty on "Rope, curb, cable, and fancy patterns of chain."

Mr. SMOOT. That is true.

Mr. COPELAND. My amendment is to insert as a substitute for paragraph 1527 (a) the following language:

Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof), 80 per cent ad valorem.

The point about it is that we are taxing novelty jewelry, which is worn by servant girls and poor young women, a rate of 150 or 200 per cent ad valorem, while diamonds and platinum jewelry and gold and other articles of like nature come in at 80 per cent. I presented the argument the other day, and it is for the Senate to decide whether it cares to tax this novelty jewelry, this cheap jewelry, worn by the poor, at an excessive rate, or whether it proposes to be so modest and lenient as to place it on the same basis with expensive jewelry.

Mr. SMOOT. Mr. President, the Finance Committee followed out the suggestions of the Treasury Department as to the classification of this jewelry, and I want to say to the Senator that the novelty jewelry found in subsection (b) on page 219, beginning with line 7, is the jewelry to which he refers. Of course, if the amendment were adopted as suggested, it would all be in one paragraph, and that, of course, the Senator does not desire.

Of that novelty jewelry, there is imported into the United States $38,178,894 worth. The rate has not kept the goods out of the country by any manner of means. That covers all jewelry other than gold or platinum jewelry. It seems to me there is no necessity for the amendment. I can not see why there should be such an amendment.

The Senator will notice in subsection (b), "Rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 30 cents per yard."

Mr. COPELAND. Mr. President, I do not have any interest in subsection (1) or (b) or (2).

Mr. SMOOT. All the Senator would be interested in would be subsection (1), jewelry "composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum."

Mr. COPELAND. And the next.

Mr. SMOOT. Subsection (2):

All other, of whatever material composed, valued above 20 cents per dozen pieces, 1 cent each, and in addition thereto three-fifths of 1 cent per dozen for each 1 cent the value exceeds 20 cents per dozen, and 50 per cent ad valorem.

Mr. COPELAND. That is it. That makes a rate of about 110 per cent.

Mr. SMOOT. Practically that, taking it as a whole.

Mr. COPELAND. That is the part to which I refer. My amendment would cover subsection (1). Would the Senator prefer that we let this go over so that we can agree upon the amendment I desire to have included?

Mr. SMOOT. We can not consider it now, because there is no amendment offered.

Mr. COPELAND. I will ask the expert if he will help me prepare an amendment covering novelty jewelry.

Mr. SMOOT. That comes in subsection (2).

Mr. COPELAND. I will ask the expert, who has heard what I have in mind, to prepare the amendment and give a copy of it to the junior Senator from Rhode Island [Mr. HEBERT], because he is in opposition to it.

Mr. HEBERT. Mr. President, is it the intent of the Senator to eliminate all the provisions of subsection (2) in paragraph 1527?

Mr. COPELAND. I want to reduce the rate.

Mr. HEBERT. As I understood the Senator it was the purpose of his amendment to eliminate this per dozen rate on importations.

Mr. COPELAND. That is it. I want to place an ad valorem rate on all jewelry of the novelty type, such as is included in subsection (2) of paragraph 1527.

Mr. HEBERT. At 80 per cent, as in subsection (1)?

Mr. COPELAND. Exactly.

Mr. HEBERT. And bring it all into one subsection at 80 per cent?

Mr. COPELAND. Yes. I will ask the expert if he will be good enough to let the Senator from Rhode Island have a copy of the amendment when it is prepared.

Mr. HEBERT. I shall be obliged to the Senator from New York.

Mr. SMOOT. I ask that this amendment may go over temporarily.

The PRESIDING OFFICER. Without objection, the amendment will be passed over temporarily, and the Secretary will state the next amendment.

The CHIEF CLERK. The next amendment is in paragraph 1529, page 222, "Laces."

Mr. COPELAND obtained the floor.

Mr. FESS. Mr. President, how much time will the Senator from New York want?

Mr. SMOOT. I do not think it will be necessary to discuss this amendment, because the Senator from New York submitted his amendment to me, and I have no objection to it.

Mr. COPELAND. We have all agreed on the amendment. We did before when the matter was considered as in Committee of the Whole, but we wish to have the language revised. I ask unanimous consent that the matter may be considered now.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the amendment? The Chair hears none. The clerk will state the amendment to the amendment made as in Committee of the Whole.

The CHIEF CLERK. The Senator from New York moves, on page 223, line 14, after the period to insert:

Hose and half-hose wholly or in chief value of cotton or of wool shall not be dutiable under this subparagraph by reason of being embroidered if embroidery is such as is commonly known as clocking or clockwork and does not exceed 1 inch in width or 6 inches in length, exclusive of fork.

Mr. SMOOT. Mr. President, that simply means that wherever there is a clock put upon a pair of hose, that clockwork will not result in the article being thrown outside of this paragraph. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. Paragraph 1530 (c), page 226, line 7, "Kid leather."

Mr. SMOOT. Mr. President, I ask the Senator making the reservation, the Senator from Delaware [Mr. HASTINGS], whether it would not be better to take up hides and leather before we take up kid leather?

Mr. HASTINGS. I am anxious that that should be done, because if the other amendment should be adopted I will not offer my amendment.

Mr. SMOOT. I would like to have the Senator request unanimous consent that his amendment go over until after the hides and leather question is disposed of.

Mr. HASTINGS. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. There was no amendment made as in Committee of the Whole on hides and leathers.

Mr. SMOOT. The Vice President is not in the chair, but I am told that under his decision it could be taken up at this time. Am I correct, I ask the Senator from Nevada?

Mr. ODDIE. That is correct.

Mr. BARKLEY. It could only be done by unanimous consent.

Mr. SMOOT. No; there is no question of unanimous consent. That is the ruling. Was the unanimous-consent request preferred by the Senator from Delaware agreed to?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware? The Chair hears none.

Mr. HEBERT. Mr. President, I have an amendment pending to paragraph 1529, page 222, affecting laces. I understand, however, that the amendment is not in order at the present time and can not be taken up until individual amendments are in order. I merely wished to make that statement for the RECORD.

The VICE PRESIDENT. Does the Senator's amendment propose to amend an amendment made as in Committee of the Whole?

Mr. HEBERT. It does not propose to amend any amendment made as in Committee of the Whole.

The VICE PRESIDENT. Then it is not in order at this time. The clerk will report the next amendment on which a separate vote was reserved.

The CHIEF CLERK. Paragraphs 1530 and 1531, page 225, "Hides and leather."

Mr. BARKLEY. Mr. President, I make the point of order that no quorum is present.

The VICE PRESIDENT. The Senator from Kentucky suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Simmons
Ashurst	Glass	McCulloch	Smoot
Baird	Glenn	McKellar	Steck
Barkley	Goff	McMaster	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Robinson, Ind.	Waterman
Dill	Johnson	Robsion, Ky.	Watson
Fess	Jones	Schall	Wheeler
Fletcher	Kean	Sheppard	
Frazier	Keyes	Shortridge	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

Mr. ODDIE. Mr. President, I send to the desk an amendment, and ask that it be read.

The VICE PRESIDENT. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 224, strike out all after line 20, down through and including line 16, on page 228, and insert the following:

PAR. 1530. (a) Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or salted or pickled, 4 cents per pound; if dried (including dry salted), 8 cents per pound.

(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

(1) Sole, belting, or harness leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery, 6 cents per pound and 10 per cent ad valorem;

(2) Leather welting, 6 cents per pound and 10 per cent ad valorem;

(3) Side upper leather (including grains and splits) and patent leather, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 5.2 cents per square foot and 10 per cent ad valorem;

(4) Leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 3.6 cents per square foot and 10 per cent ad valorem;

(5) Upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 4.6 cents per square foot and 20 per cent ad valorem;

(6) All other, rough, partly finished, finished, or curried, not specially provided for, 6 cents per pound and 10 per cent ad valorem.

(c) Goat, kid, and other leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 17½ per cent ad valorem; rough-tanned or semitanned leather made from genuine reptile skins, 15 per cent ad valorem; vegetable-tanned rough leather made from goat and sheep skins (including those commercially known as India-tanned goat and sheep skins), vegetable rough-tanned pig and hog skins, and rough-tanned skivers, 10 per cent ad valorem. If cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, such articles shall be subject to the same rate of duty as the leather from which they are manufactured.

(d) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 5.2 cents per square foot and 10 per cent ad valorem. Leather shall not be considered within the provisions of this subparagraph by reason of there being placed thereon the trade-mark, the trade name, the name and address of the manufacturer, and the name of the country of origin.

(e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, 14 cents per pair and 10 per cent ad valorem; boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 6 cents per pair and 35 per cent ad valorem.

(f) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 40 per cent ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 50 per cent ad valorem; saddles and harness, not specially provided for, parts thereof, except metal parts, and leather shoe laces, finished or unfinished, 20 per cent ad valorem.

Mr. FESS. Mr. President, will the Senator from Nevada yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. ODDIE. I yield.

Mr. FESS. I desire to submit a unanimous-consent request. I ask unanimous consent that upon this amendment no Senator shall speak longer than 30 minutes or more than twice.

Mr. ODDIE. I object.

Mr. HOWELL. I object.

The VICE PRESIDENT. Objection is made.

Mr. FESS. Mr. President, will the Senator yield further?

Mr. ODDIE. I yield.

Mr. FESS. I ask unanimous consent that a vote be had upon the amendment at not later than 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. HOWELL. I object.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Mr. President, that seems to be a very fair proposition. It would give us seven or eight hours for the discussion of the amendment.

Mr. BRATTON. Mr. President, I have no doubt we can reach a vote sooner than that time, but I shall be constrained to object to the request.

The VICE PRESIDENT. Objection is made.

Mr. FESS. If the Senator from Nevada will permit me further, we have gotten along so handsomely this afternoon and everyone seemed to be in such a good humor that I had hoped we might get a limitation on debate upon the pending amendment, but it appears that we can not do so, and therefore I will withdraw the request.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Is the amendment offered as a single amendment?

The VICE PRESIDENT. It is offered as a substitute.

Mr. BARKLEY. Is it divisible?

Mr. ODDIE. It is offered as one amendment.

The VICE PRESIDENT. The motion is to strike out and insert, and in the opinion of the Chair it is not divisible. It is open to amendment, however.

Mr. BARKLEY. It is offered as a substitute for an amendment made in Committee of the Whole?

The VICE PRESIDENT. It is.

Mr. SWANSON. Mr. President, my understanding of the rule is that it provides that upon any question which contains different propositions we can ask for a divided vote. This proposal contains three different questions, one on hides, one on leather, and one on boots and shoes. The rule distinctly states that where there are different propositions contained in an amendment, a separate vote may be taken. I do not see why the rule should not apply to the present amendment.

The VICE PRESIDENT. Rule XVIII provides:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

This is a motion to strike out and insert. Therefore it can not be divided, but it can be amended. It is open to amendment.

Mr. SWANSON. What is the difference? It is a motion to strike out and insert, it is true. Would a motion to strike out from line 1 to line 6 be in order?

The VICE PRESIDENT. Does the Senator mean to strike out from line 1 to line 6 of the amendment of the Senator from Nevada?

Mr. SWANSON. Yes.

The VICE PRESIDENT. That would be in order.

Mr. SWANSON. What is the difference?

The VICE PRESIDENT. The Chair has simply read the rule to the Senate. The question is on agreeing to the amendment of the Senator from Nevada. The Senator from Nevada is recognized.

Mr. ODDIE. Mr. President, I have a statement to make regarding this amendment; and I will ask that I be not interrupted until I complete the statement. Then I shall be glad to answer any questions which may be asked.

Mr. McMASTER. Mr. President, will the Senator yield for just a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. ODDIE. I yield.

Mr. McMASTER. Does the Senator understand, from the ruling of the Chair, that even by unanimous consent it is impossible to vote upon the various items of this amendment separately?

The VICE PRESIDENT. By unanimous consent the Senate can do almost anything.

Mr. McMASTER. I want to suggest to the Senator from Nevada that he has an amendment here covering leather, covering shoes, covering hides; he has an amendment in reference to articles made out of goat skins, an amendment covering shoes made out of silk and wool and cotton, and with wooden soles. In other words, the Senator has here an amendment that covers from 12 to 15 separate and distinct industries and he asks us to vote upon all of those items in one amendment. It amounts practically to voting upon a whole tariff bill in one amendment. I for one object to that kind of procedure.

Mr. ODDIE. Mr. President, if the Senator will permit me, I will state that the Senate previously took one vote on all of these items under the Borah amendment. After I shall have completed my statement I will be glad to answer any questions.

Mr. President, the compensatory specific duties on leather for a 4-cent per pound duty on green cattle hides and calfskins computed by the United States Tariff Commission and set forth in the following table are the rates used in the amendment which I have submitted:

Compensatory specific duties on leather for a 4-cents-a-pound duty on green cattle hides and calfskins

(Calculated by the United States Tariff Commission on basis of yield data furnished by tanneries on each of the leather classifications)

Leather classification	Unit of quantity	Yield [1]	Compensatory duty on leather
			Cents
Sole, belting, and harness leather	Pounds	66.8	6.0
Upholstery and bag, case and strap leather	Square foot	87.5	4.6
Side upper and patent side leather	do	77.5	5.2
Calf and whole kip leather	do	110	3.6

[1] Quantity of leather (pounds or square feet) produced from 100 pounds of imported green cattle hides or calfskins.

Mr. President, I will now indicate the changes made in the Finance Committee provisions of paragraph 1530 by the amendment submitted by me on February 6, 1930, and now under consideration.

Section (a). The 10 per cent ad valorem duty on cattle hides and skins is replaced by a 4-cent per pound duty on green and an 8-cent per pound duty on dry hides and skins.

SECTION (B). LEATHER

First. To simplify the schedule, harness leather has been included with sole and belting leather, and the 15 per cent ad valorem duty replaced by a specific compensatory duty of 6 cents per pound and a protective duty of 10 per cent ad valorem.

Second. Leather weltings: The 15 per cent ad valorem duty is replaced by a specific compensatory duty of 6 cents per pound and a protective duty of 10 per cent ad valorem.

Third. Calf and kip skins are eliminated, leaving only side uppers and patent leather, and the ad valorem duty of 17½ per cent is replaced by a specific compensatory duty of 5.2 cents per square foot and a protective duty of 10 per cent ad valorem.

Fourth. This is a new section covering calf and kip skins alone, and the ad valorem duty of 17½ per cent is replaced by a specific compensatory duty of 3.6 cents per square foot and a protective duty of 10 per cent ad valorem.

If both side, upper, and calf and kip skins were put in one section, the importer would classify on the lower rate for calf and kip skins, and there would be no adequate protection for side upper leather.

Fifth. Upholstery, bag, strap, and so forth, leather without change in wording was substituted for subsection (4) of the bill, and the 20 per cent ad valorem duty replaced by a specific compensatory duty of 4.6 cents per square foot and a protective duty of 20 per cent ad valorem.

Under the Borah amendment striking out paragraph 1530, this subsection reverted to the 1922 act which provides for free hides and a 20 per cent duty on leather under this classification, and therefore it is necessary to include a specific compensatory duty of 4.6 cents per square foot on account of the duty of 4 cents on hides in subsection (6).

Sixth. The "catchall" provision substituted without change in wording for subsection (5) of the bill and the 15 per cent ad valorem duty replaced by a specific compensatory duty of 6 cents per pound and a protective duty of 10 per cent ad valorem.

The specific compensatory duties included under section (b) are the data supplied by the United States Tariff Commission.

Section (c): This is identical with section (c) of the bill.

This section is unrelated to the hide duty, which the Borah amendment restored to the free list, and consequently this subsection should be included in this amendment.

Section (d): This is substituted without change in wording for section (d) of the bill, but the ad valorem duty of 20 per cent is replaced by a specific duty of 5.2 cents per square foot, and a protective duty of 10 per cent ad valorem.

Section (e): This is identical with section (e) of the bill, except for the rates. The 20 per cent ad valorem duty on leather shoes is replaced by a specific compensatory duty of 14 cents per pair—equal to the 4-cent duty of 3½ pounds of green hides, which is about the average of all shoes—and a protective duty of 10 per cent ad valorem; and on shoes only partially leather the 35 per cent ad valorem duty is replaced by a specific compensatory duty of 6 cents per pair—equal to a duty of 4 cents on 1½ pounds of green hides—and a protective ad valorem duty of 35 per cent.

The Borah amendment restored other than all leather shoes to the provisions of the 1922 act, in which the rate is 35 per cent ad valorem.

Section (f): This is identical with section (f) of the bill except for the increase of 5 per cent, from 35 to 40 per cent ad valorem, on harness valued at more than $70 per set and on

saddles valued at more than $40 each, the increase of 5 per cent being justified on account of the increase to 4 cents per pound duty on green hides; saddles made of pigskin are given the Finance Committee rate of 50 per cent ad valorem and no compensatory duty on account of the duty of hides; and harness not especially provided for the duty of 15 per cent ad valorem is replaced by 20 per cent ad valorem in order to compensate for the duty of hides.

DUTY REDUCTION ON HIDES

The amendment which I originally introduced providing for a duty of 6 cents per pound on green cattle hides and which failed of enactment by the narrowest margin in the Senate, was indorsed by most of the cattle and farm organizations of the country as affording the minimum necessary protection to the cattle industry. Consequently, the amendment to paragraph 1530, which is now before the Senate providing for a duty of 4 cents per pound on green cattle hides represents a reduction of 33⅓ per cent from the original request. On this basis, I consulted with the leather manufacturers representing the many varieties of leather and with the aid of the technical experts of the Tariff Commission on hides, leathers, and shoes, the duties provided for in this amendment were determined.

DUTY REDUCTION ON SOLE, BELTING, AND HARNESS LEATHERS

The Finance Committee recommended a duty of 10 per cent ad valorem on green hides which would have amounted to 1.71 cents per pound on the import value of green hides for the period 1924–1928; and, on the basis of value of the 15 per cent ad valorem recommended by the Finance Committee on sole, belting, and harness leathers, would have amounted to 5.88 cents per pound. Had the Finance Committee recommended the same amount of protection on the basis of the 4-cent duty provided for hides under this amendment, it would have amounted to an equivalent specific duty on the same basis of value of 13.7 cents per pound. The total equivalent specific duty on this group of leathers under this amendment amounts to 9.9 cents—a decline of 3.8 cents from the amount the Finance Committee would have allowed on the basis of their original recommendation, or a decline of 28 per cent.

DUTY REDUCTION ON UPHOLSTERY AND BAG, CASE, AND STRAP LEATHERS

The Finance Committee recommended a duty of 10 per cent ad valorem on green hides which would have amounted to 1.71 cents per pound on the import value of green hides for the period 1924–1928; and on the same basis of value the 20 per cent ad valorem recommended by the Finance Committee on upholstery, case, and strap leather would have amounted to 9.86 cents per pound. Had the Finance Committee recommended the same amount of protection on the basis of the 4-cent duty provided for hides under this amendment, it would have amounted to an equivalent specific duty on the same basis of value as 23 cents per pound. The total equivalent specific duty on this group of leather under this amendment amounts to 14.5 cents—a decline of 8.5 cents from the amount the Finance Committee would have allowed on the basis of their original recommendation, or a decline of 37 per cent.

DUTY REDUCTION ON SIDE UPPER AND PATENT SIDE LEATHER

The Finance Committee recommended a duty of 10 per cent ad valorem on green hides which would have amounted to 1.71 cents per pound on the import value of green hides for the period 1924–1928; and, on the basis of value of the 17.5 per cent ad valorem recommended by the Finance Committee on side upper and patent side leathers, would have amounted to 5.36 cents per pound. Had the Finance Committee recommended the same amount of protection on the basis of the 4-cent duty provided for hides under this amendment, it would have amounted to an equivalent specific duty on the same basis of value as 12.5 cents per pound. The total equivalent specific duty on this group of leathers under this amendment amounts to 8.3 cents—a decline of 4.2 cents from the amount the Finance Committee would have allowed on the basis of their original recommendation, or a decline of 33 per cent.

DUTY REDUCTION ON CALF AND WHOLE KIP LEATHERS

The Finance Committee recommended a duty of 10 per cent ad valorem on green hides, which would have amounted to 2.54 cents per pound on the import value of green calf and kip skins for the period 1924–1928; and, on the basis of value of the 17.5 per cent ad valorem recommended by the Finance Committee on calf and whole kip leathers, would have amounted to 5.36 cents per pound. Had the Finance Committee recommended the same amount of protection on the basis of the 4-cent duty provided for hides under this amendment, it would have amounted to an equivalent specific duty on the same basis of value as 12.5 cents per pound. The total equivalent specific duty on this group of leathers under this amendment amounts to 8.3 cents—a decline of 4.2 cents from the amount the Finance Committee would have allowed on the basis of their original recommendation, or a decline of 23 per cent.

DUTY REDUCTION ON SHOES

The Finance Committee recommended 15 per cent on sole and 17½ per cent on side upper leather, which would average 16.25 per cent ad valorem and 20 per cent on shoes. The average specific duty provided for in this amendment on all leathers amounts to 4.875 cents per pound, or the equivalent ad valorem rate based upon the average import leather values for the period of 1924–1928, presented in the accompanying table by the United States Tariff Commission would be 12.9 per cent, which, including the 10 per cent ad valorem protection, would make a total of 22.9 per cent ad valorem in this amendment. Had the Finance Committee allowed the same amount of protection on shoes, based upon the 22.9 per cent ad valorem equivalent in this amendment as the 20 per cent on shoes, which it did recommend on the basis of an average 16.25 per cent ad valorem duty on sole and side upper leather, the amount would be 28 per cent ad valorem. The average import value of shoes for the period 1924–1928, in accordance with the accompanying table by the United States Tariff Commission, amounted to $2.66 per pair.

The 14 cents per pair specific duty provided for in this amendment would amount to slightly over 5 per cent ad valorem, which, including the 10 per cent ad valorem, would be slightly in excess of a total of 15 per cent. The duty in this amendment on shoes, therefore, represents a reduction from the amount the Finance Committee would have allowed of 13 per cent in the ad valorem rate or a reduction of 45 per cent. This reduction, it will be observed, is greater than the amount of reduction of 33⅓ per cent in the protection originally asked for hides but seemed justified on the basis that the rate recommended by the Finance Committee in relation to the 10 per cent ad valorem duty on the hides was relatively higher than the duties provided for leather. The amendment as it stands with provisions for all of its many items is equitable and well balanced. To change the rate of one item materially would disturb this desirable relationship and throw the interrelated hide, leather, and shoe industries out of balance.

DUTY ADJUSTMENTS IN ODDIE AMENDMENT

As a basis for making comparison between the duty adjustments made in this amendment on the different items on hides, leathers, and shoes the United States Tariff Commission has supplied me with tables showing the quantities and values of hides, leathers, and shoes imported into the United States during the five years 1924 to 1928, inclusive. These tables I herewith submit for publication in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—*United States imports of wet salted cattle hides (over 25 pounds), green calfskins and kipskins*

1924–1928

	Quantity	Value	Unit value
Cattle hides, wet salted (over 25 pounds):	*Pounds*		
1924	172,182,487	$22,242,049	$0.129
1925	149,561,273	23,347,595	.159
1926	138,600,964	19,863,193	.143
1927	218,973,302	37,086,780	.169
1928	254,555,588	57,455,288	.226
Total	933,873,614	159,994,905	
Average	186,774,723	31,998,981	.171
Calfskins, green:			
1924	22,291,560	5,378,391	.241
1925	17,725,234	4,631,561	.261
1926	30,093,970	6,635,743	.221
1927	30,249,303	7,867,889	.260
1928	28,247,620	9,152,203	.324
Total	128,607,687	33,665,787	
Average	25,721,537	6,733,157	.262
Kipskins, green:			
1924	7,529,145	1,376,203	.183
1925	3,156,769	664,282	.210
1926	4,579,899	855,315	.187
1927	5,153,157	1,171,314	.227
1928	7,556,021	2,100,640	.278
Total	27,974,991	6,167,754	
Average	5,594,998	1,233,551	.220
Grand total	1,090,456,292	199,828,446	
Average	218,091,258	39,965,689	.183
Weighted average value of calf and kipskins			.254

Prepared by the U. S. Tariff Commission, Feb. 18, 1930.

TABLE II–A.—*United States imports of leather, 1924 to 1928—Summary table of averages*

	Average quantity	Average value	Average unit value
Group 1:	*Pounds*		
Sole leather	7,718,690	$2,836,737	$0.368
Belting leather	468,852	345,812	.738
Harness leather	1,159,219	483,803	.417
Total	9,346,761	3,666,352	.392
Group 2:	*Square feet*		
Enameled upholstery leather	65,104	22,151	.340
Bag, strap, case, and football leather	536,814	274,345	.511
Total	601,918	296,496	.493
Group 3:			
Side upper leather	3,297,135	711,678	.216
Patent leather	5,124,393	1,866,643	.364
Total	8,421,528	2,578,321	.306
Group 4:			
Calf and whole kip leather	21,297,540	6,918,827	.325

TABLE II–B.—*United States imports of sole, belting, and harness leather, 1924 to 1928*

	Quantity	Value	Unit value
Sole leather:	*Pounds*		
1924	4,784,813	$1,748,874	$0.366
1925	6,356,269	2,202,920	.347
1926	7,773,982	2,351,525	.302
1927	10,257,414	3,435,388	.335
1928	9,420,974	4,444,978	.472
Total	38,593,452	14,183,685	
Average	7,718,690	2,836,737	.368
Belting leather:			
1924	295,578	170,108	.576
1925	273,802	189,411	.692
1926	285,615	287,628	1.007
1927	828,370	550,805	.665
1928	660,893	531,109	.804
Total	2,344,258	1,729,061	
Average	468,852	345,812	.738
Harness leather:			
1924	931,190	336,666	.362
1925	990,618	377,514	.381
1926	996,711	379,134	.380
1927	1,195,215	472,957	.396
1928	1,682,360	852,744	.507
Total	5,796,094	2,419,015	
Average	1,159,219	483,803	.417
Grand total	46,733,804	18,331,761	
Average	9,346,761	3,666,352	.392

United States imports of upholstery and bag, case, and strap leather, 1924 to 1928

	Quantity	Value	Unit value
Enameled upholstery leather:	*Square feet*		
1924	15,696	$10,723	$0.683
1925	5,176	4,131	.798
1926	34,895	18,332	.525
1927	164,726	44,294	.269
1928	105,029	33,274	.317
Total	325,522	110,754	
Average	65,104	22,151	.340
Bag, strap, case, and football leather:			
1924	534,761	238,161	.445
1925	392,322	212,185	.541
1926	771,176	404,119	.524
1927	656,461	304,831	.464
1928	329,349	212,427	.645
Total	2,684,069	1,371,723	
Average	536,814	274,345	.511
Grand total	3,009,591	1,482,477	
Average	601,918	296,496	.493

Prepared by the U. S. Tariff Commission Feb. 6, 1930.

United States imports of side, upper, and patent leather, 1924 to 1928

	Quantity	Value	Unit value
Side upper leather:	*Square feet*		
1924	425,825	$116,345	$0.273
1925	702,440	214,075	.305
1926	473,127	111,647	.236

United States imports of side, upper, and patent leather, 1924 to 1928—Con.

	Quantity	Value	Unit value
Side upper leather—Continued.	*Square feet*		
1927	5,934,838	$1,269,492	$0.214
1928	8,949,449	1,846,832	.206
Total	16,485,679	3,558,392	
Average	3,297,135	711,678	.216
Patent leather:			
1924	2,726,813	865,114	.317
1925	4,856,068	1,582,827	.326
1926	4,945,297	1,607,468	.325
1927	7,278,238	2,802,457	.385
1928	5,815,547	2,475,348	.426
Total	25,621,963	9,333,214	
Average	5,124,393	1,866,643	.364
Grand total	42,107,642	12,891,606	
Average	8,421,528	2,578,321	.306

United States imports of calf and whole kip leather, 1924 to 1928

	Quantity	Value	Unit value
	Square feet		
1924	14,161,148	$3,995,805	$0.282
1925	13,391,683	4,520,383	.336
1926	20,210,182	6,880,520	.340
1927	32,102,925	9,969,592	.311
1928	26,621,760	9,227,834	.344
Total	106,487,698	34,594,134	
Average	21,297,540	6,918,827	.325

TABLE III–A.—*Leather boots and shoes, imports for consumption, calendar year 1929*

Class	Pairs	Value	Unit value	House bill, 20 per cent	Senator ODDIE's amendment, 14 cents per pair and 10 per cent
Men's and boys'	419,845	$2,224,797	$5.299	1.060	$0.670
Women's and misses'	5,514,870	14,347,273	2.602	.520	.400
Children's	248,537	454,340	1.828	.366	.323
Slippers	975,166	1,432,901	1.469	.294	.287
Total	7,158,418	18,459,311	2.579	.516	.398

Preliminary statistics.

TABLE III–B.—*Imports of leather boots and shoes, calendar years 1924 to 1928, free of duty*

Class	Pairs	Value	Unit value
Men's and boys':			
1924	275,614	$1,070,977.00	$3.89
1925	310,660	1,239,368.00	3.99
1926	241,385	1,150,487.00	4.77
1927	306,473	1,562,270.00	5.10
1928	390,816	1,991,563.00	5.10
Total	1,524,948	7,014,665.00	
Average	304,990	1,402,933.00	4.60
Women's and misses':			
1924	264,359	888,194.00	3.36
1925	272,930	1,021,432.00	3.74
1926	506,041	1,913,627.00	3.78
1927	980,327	3,234,651.00	3.30
1928	2,023,125	5,843,254.00	2.89
Total	4,046,782	12,901,158.00	
Average	809,356	2,580,232.00	3.19
Children's:			
1924	45,771	34,554.00	.755
1925	231,675	168,903.00	.729
1926	332,163	322,237.00	.970
1927	188,987	402,323.00	2.129
1928	202,912	419,331.00	2.067
Total	1,001,508	1,347,348.00	
Average	200,302	269,470.00	1.35
Slippers:			
1924	581,130	301,826.00	.519
1925	180,371	130,886.00	.726
1926	368,469	316,187.00	.858
1927	464,243	408,484.00	.880
1928	633,086	1,019,258.00	1.610
Total	2,227,299	2,176,641.00	
Average	445,460	435,328.00	.98
Grand total	8,800,537	23,439,812.00	
Average	1,760,107	4,687,962.00	2.66

Prepared by the U. S. Tariff Commission, Feb. 19, 1930.

CATTLE INDUSTRY IN DEPRESSED CONDITION

Mr. ODDIE. Recently when I addressed the Senate on the importance of the duty on hides I presented figures to show a decline of nearly 30 per cent in the beef-cattle census of the United States since 1921. I also presented market information from nearly every important hide center demonstrating that at the present time there is practically no market for country hides and that the prices were at so low a level that it hardly pays to remove the hide.

When the Senate passed an amendment to the tariff act increasing the duty on live cattle and dressed beef there was a wrong impression among certain people that this would create a prosperous condition in the cattle industry and make less necessary a duty on hides. The hide is an independent and very important factor in determining the price of live cattle, and when country-hide prices decline to such extremely low levels as prevail at the present, and it does not pay to remove the hide, the hide is practically a complete loss and contributes nothing to the value of the live cattle.

In a letter dated February 28, 1930, C. V. Wahlin, in charge of the livestock, meats, and wool division of the Department of Agriculture, explains the importance of hide prices in determining the value of livestock, and I quote from this letter, as follows:

Hide and skin prices, as well as the prices of other inedible and edible products derived from the slaughter of livestock, have an important bearing on livestock or dressed-meat prices, or both, other factors being the same. The cost of dressed-beef carcasses, for example, is determined by the cost of the live animal, the dressing percentage, the cost of slaughter, and other overhead charges, against which is credited the edible and inedible offal, bones and other products. Naturally, the credits vary with the market value of these by-products, and when hide prices are relatively low as compared to the cost of the live animal the credit from the sale of the hide will also be relatively low. This means that the slaughterer, in order to make a normal profit, must either pay less for his livestock or obtain more for his meat, or both. * * * Since the wholesale meat business is highly competitive and the product is quite perishable, the selling prices may not always be higher than the cost of the meat plus profit, although in the long run the selling price must show a profit if the concern is to stay in business.

Mr. F. E. Mollin, secretary of National Livestock Association, under date of March 4, 1930, has written me concerning conditions in the livestock industry, and I herewith submit his letter for insertion in the RECORD at this point.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Without objection, the letter will be printed in the RECORD.

The letter is as follows:

WASHINGTON, D. C., *March 4, 1930.*

To Members of the United States Senate:

GENTLEMEN: The writer has just returned from a trip through the principal range-cattle-producing States of the West and Southwest where he attended several meetings and met individually many of the leading cattlemen of the West. Without such contact it would be impossible to realize their intense interest in the matter of a tariff on hides. The vote a month ago left them completely discouraged. They can not understand how this Congress, whose special mandate is to consider the needs of agriculture, can fail to provide a tariff on an item the imports of which are so heavy as to completely demoralize domestic prices.

Part of the shoe industry, wholly without regard for the welfare of the vitally important meat producers of the Nation, are fighting desperately to keep hides on the free list. It has been clearly shown that shoe prices bear little, if any, relation to hide prices, and hence the charge that a 4-cent tariff on hides would add 50 cents to $1 to the retail price on a pair of shoes is a misstatement of fact. Retail shoe dealers all over the country are responding to the tremendous propaganda of these powerful shoe manufacturers and raising a great hue and cry against a duty on hides, innocent of the fact that the manufacturers themselves are the principal beneficiaries of free hides and that a duty on same would stabilize hide prices with little, if any, effect on retail shoe prices.

An attempt is being made to show that the cattle industry is in a very prosperous condition and that with added tariffs on live cattle and dressed beef a tariff on hides is of lesser importance. Neither assertion is correct. Cattle prices have been somewhat better the last two years, but the recovery from the postwar depression is still far from complete, and the outstanding hazards must be removed before our cattle growers can go about their business of producing the beef supply of the Nation with any peace of mind or dependable profit. The tariff on dressed beef and live cattle could not be placed high enough to make a tariff on hides unnecessary. Beyond a certain point such duties would not be effective and in no event would they relieve the demoralized hide-price situation.

To-day over much of the western area lack of moisture is a cause of serious concern. Our cattlemen have always to contend with droughts and severe winters with no remedy at hand. That makes it all the more important that the tariff be used to the fullest possible extent to stabilize and protect the industry.

The steel industry demands and gets protection on every item down to the last pin, nut, or washer. Why pretend to help the cattle industry by propping it up with a tariff on live cattle and dressed beef and then removing the prop with free hides?

The Oddie amendment puts the issue squarely before you. It does not give us the protection we believe the record entitles us to. It will, however, increase the value of each animal by approximately $2 per head and will be of substantial benefit to every important cattle-producing section. Without question it is far better than remaining on the free list.

We earnestly urge that you consider the welfare of the producers and the distressed industries as against the admittedly profitable ones who are fighting them and work for an amendment along the lines suggested by Senator ODDIE. The adoption of such an amendment will do more than anything else possible to hearten the producers of the Nation and make sure a dependable beef supply for the consumers.

Yours very truly,

AMERICAN NATIONAL LIVESTOCK ASSOCIATION,
By F. E. MACE, *Secretary.*

Mr. ODDIE. In regard to the economic condition of the cattle industry and the importance of considering the hide duty as an independent factor, I quote the following paragraph from Mr. Mollin's letter:

An attempt is being made to show that the cattle industry is in a very prosperous condition and that with added tariffs on live cattle and dressed beef a tariff on hides is of lesser importance. Neither assertion is correct. Cattle prices have been somewhat better the last two years, but the recovery from the postwar depression is still far from complete and the outstanding hazards must be removed before our cattle growers can go about their business of producing the beef supply of the Nation with any peace of mind or dependable profit. The tariff on dressed beef and live cattle could not be placed high enough to make a tariff on hides unnecessary. Beyond a certain point such duties would not be effective and in no event would they relieve the demoralized hide-price situation.

The duty of 4 cents per pound on green hides provided for in this amendment will be a great assistance in reestablishing sound economic conditions in the cattle industry.

The ranges over a large part of the United States are suffering from drought at the present time and to make this needed protection on hides available will increase the saleability of hides at a price which will enable them to be removed and marketed.

DEPRESSED LEATHER INDUSTRY ADVERSE TO EMPLOYMENT

Whatever the diagnosis of the general business conditions of to-day might be, the leather industry has represented a weak spot in the economic structure of the Nation for some years past. An average of the earnings of seven of the principal leather companies in the United States compiled as a part of a general industrial review disclosed a deficit in the earnings for 1925 of $2.33 per $100 share of common stock, in 1926 a deficit of $9.11 per share, in 1927 an earned profit of $3.61 per share, and in 1928 a deficit of $2.48 a share.

The financial reports of three of the principal leather companies in 1929, which have not yet been made public, disclose deficits which are greater than those reported for 1928, which demonstrates that the leather industry is getting in a still worse condition as free trade continues.

In the past 10 years 85 tanneries have been compelled to close their doors and have been dismantled, thereby reducing materially the capacity of this industry to employ labor. In addition to this plant abandonment approximately 40 per cent of America's tanning capacity has remained idle during the past three years. So serious has the unemployment in the leather industry become that Mr. W. E. Bryan, Kansas City, Mo., general president United Leather Workers' International Union, sent me a letter on February 14, 1930, indorsing the provisions of this amendment as a basis for aiding in the solution of the unemployment problem. His letter states so clearly the economic conditions in the leather industry that I will read the following excerpts from it, and will ask that the letter be published in full at this point:

I have the honor and the privilege to speak for thousands of wage earners and their dependents directly dependent upon the successful



operation of the leather tanneries in this country for their daily subsistence; their standard of living is determined by the continuity of employment and the adequacy of wages received. It will be unnecessary for me to reproduce the figures showing the rapid and alarming increase in the importation of the different kinds of leather free of duty or to call to your attention the fact that foreign leather is made from foreign hides and skins and by foreign labor at an average wage 58 per cent below the average wages paid by American tanners. This information is now a part of the record in the hearings before the Ways and Means Committee in the House of Representatives, before the Finance Committee in the United States Senate, and the discussions which have taken place from the floor in both Houses of the Congress.

I shall devote some attention to the minority opposition on the part of some leather tanners and some boot and shoe manufacturers, who for obvious and selfish reasons are opposing this much-needed legislation. The product of such interests, because of a distinctive character, does not need protection, as the importations are of a grade and character not produced by these American manufacturers; they, for selfish reasons, want a free United States market in which to buy their raw material, regardless of the inevitable effect it will have to materially reduce the buying and consuming power of their own customers—composed collectively of the hundreds of thousands of people whose economic well-being is solely or very largely dependent upon the successful operation of these corelated industries—hides, skins, leathers, and shoes.

Speaking from a labor-union standpoint, I desire to say, unreservedly, we are in favor of your amendment to paragraph 1530, H. R. 2667. * * *

The PRESIDING OFFICER. Without objection, the letter will be printed in full in the RECORD.

The letter is as follows:

UNITED LEATHER WORKERS' INTERNATIONAL UNION,
Philadelphia, Pa., February 14, 1930.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: My purpose in addressing you upon the substitute you have introduced in the Senate of the United States for paragraph 1530 of H. R. 2667, covering the proposed duties on hides, leather, and shoes, is:

I have the honor and the privilege to speak for thousands of wage earners and their dependents directly dependent upon the successful operation of the leather tanneries in this country for their daily subsistence; their standard of living is determined by the continuity of employment and the adequacy of wages received. It will be unnecessary for me to reproduce the figures showing the rapid and alarming increase in the importation of the different kinds of leather, free of duty, or to call to your attention the fact that foreign leather is made from foreign hides and skins and by foreign labor at an average wage 58 per cent below the average wages paid by American tanners. This information is now a part of the record in the hearings before the Ways and Means Committee in the House of Representatives, before the Finance Committee in the United States Senate, and the discussions which have taken place from the floor in both Houses of the Congress.

I shall devote some attention to the minority opposition on the part of some leather tanners and some boot and shoe manufacturers, who for obvious and selfish reasons are opposing this much-needed legislation: The product of such interests, because of a distinctive character, does not need protection, as the importations are of a grade and character not produced by these American manufacturers; they, for selfish reasons, want a free United States market in which to buy their raw material regardless of the inevitable effect it will have to materially reduce the buying and consuming power of their own customers, composed collectively of the hundreds of thousands of people whose economic well-being is solely or very largely dependent upon the successful operation of these correlated industries—hides, skins, leather, and shoes.

Speaking from a labor-union standpoint, I desire to say, unreservedly, we are in favor of your amendment to paragraph 1530, H. R. 2667. While primarily we are more concerned in the protection of finished leather, yet we fully realize there is a community or correlated interest which can not justly or equitably be separated. Some Senators have opposed the proposed tariff rates on certain commodities upon the theory that labor will not share in the protection afforded the industry. In this connection I desire to say this line of reasoning does not warrant the assumption, as, in effect, it is a denial of the opportunity for labor to seek its own economic betterments, strengthening the opposition on the part of employers in their resistance to granting better wages and better working conditions. This is not to be interpreted to the extent that we favor the granting of all rates upon the various commodities embodied in the pending tariff legislation but simply to dissent and oppose the defeat of any tariff rate upon the above-mentioned theory.

The record is extensive and quite complete upon paragraph 1530, H. R. 2667, but as your proposed amendment will come before the Senate of the United States for consideration and action, I take the liberty in addressing you to acquaint you with our views upon the subject and that our position may be made known to all by being made a part of the record.

Very sincerely yours,

W. E. BRYAN,
General President United Leather Workers' International Union.

Mr. ODDIE. Further emphasizing the beneficial effect upon the employment of labor which may be expected to result from the enactment of this amendment. I received a resolution from the Central Labor Union of Wilmington, Del., and vicinity, dated March 4, 1930, which I offer for publication in the RECORD and desire to quote the following important paragraph from it:

Resolved, That the Central Labor Union, of Wilmington, Del., and vicinity, hereby goes on record as indorsing Senator Oddie's amendment because it is in the interest of protecting the interests of American labor and encouraging American capital and American business; it being our firm belief that if our American kid tanners are able to secure the rate of production now lost because of the cheap-labor competition of foreign tanners and importers it will be possible to afford employment to more than 4,000 leather workers in the Wilmington-Camden-Philadelphia kid leather producing district once this market is regained.

The PRESIDING OFFICER. Without objection, the entire letter will be printed in the RECORD.

The letter is as follows:

CENTRAL LABOR UNION,
Wilmington, Del., March 4, 1930.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: The Central Labor Union, at its regular monthly meeting to-night, after receipt of a full and complete report on the status of the movement to secure adequate tariff protection on hides, skins, leathers, and shoes, and after studying closely the effect of adoption of your amendment to H. R. 2667, paragraph 1530, providing for duties on hides, leathers, and shoes, adopted the following resolution and instructed the secretary to send an attested copy to you, and to Senators HASTINGS and TOWNSEND, of Delaware:

"Resolution

"Whereas United States Senator TASKER L. ODDIE, of Nevada, after mature deliberation over the need for a tariff on hides, skins, leathers, and shoes, has presented an amendment to H. R. 2667, paragraph 1530, which has the indorsement of a practical majority of the interests of labor, industry, and the public who have studied the need for tariff protection; and

"Whereas our own community is known nationally as one of the centers of the production of kid leather in the Wilmington-Camden-Philadelphia district and our leather workers and tanners have been seriously affected by the ravages of foreign competition: Therefore be it

"*Resolved*, That the Central Labor Union, of Wilmington, Del., and vicinity, hereby goes on record as indorsing Senator ODDIE's amendment because it is in the interest of protecting the interests of American labor and encouraging American capital and American business; it being our firm belief that if our American kid tanners are able to secure the rate of production now lost because of the cheap-labor competition of foreign tanners and importers it will be possible to afford employment to more than 4,000 leather workers in the Wilmington-Camden-Philadelphia kid-leather producing district once this market is regained.

"*Resolved*, That attested copies of this resolution be forwarded to Senator ODDIE, Senators HASTINGS and TOWNSEND, of Delaware, Brother W. E. Bryan, general president of the United Leather Workers' International Union, and Mr. Frederick J. Blatz, chairman of the joint committee of manufacturers and workers in the kid-leather industry; and furthermore that our action be given full publicity."

It is the sincere hope of the Central Labor Union that the United States Senate will consider the needs of both labor and industry and provide for the necessary protection, for it is our firm belief that at least a part of the present unsettled state of affairs in labor and industry is due to economic problems which need the careful attention of Congress.

Yours most respectfully,

CENTRAL LABOR UNION,
JOHN C. SAYLOR, *Secretary.*

Mr. ODDIE. If in this one locality the effect of this amendment will be to provide employment for 4,000 additional workers, it is obvious that considering the employment possibilities in the leather industry throughout the United States that this figure will be greatly expanded and materially assist in solving the present unemployment problem.

One of the most constructive and effective means of aiding in the matter of unemployment in this country is to insure sound industrial conditions; and the cattle, leather, and shoe industries of this country can no longer survive foreign competition on a free-trade basis.

FOREIGN SHOE COMPETITION INCREASES

In 1924 there were 264,359 pairs of women's shoes imported into the United States, valued at $888,194, increasing continuously to 5,514,870 pairs in 1929, valued at $14,347,273. This increasing importation of women's shoes since they are on the free list produced no revenue to the Government and deprived the buckaroo, dairy farmer, and the laborer engaged in the leather and shoe industries of the purchasing power in the United States market of over $14,000,000, and rendered less productive the capital which is invested in the cattle, leather, and shoe industries. With wages in European factories at a level lower by 58 per cent than the wages in the United States, the manufacturers of women's shoes in the United States can no longer maintain operations on a profitable basis and are greatly in need of the protection and stabilized prices in leather which will result from this amendment; and next, Mr. President, will be the question of men's shoes, which are very likely to share the same fate as women's shoes.

I do not believe that it is practicable to provide a duty for women's shoes and not for the shoe industry generally, for the reason that the foreign manufacturer would readily be able to shift his operations to the product upon which he would have to pay no duty in order to enjoy the benefits of the American market. In imposing a duty on women's shoes alone, one door would be closed while several others would be left open to the damaging threat and possibility of low-wage European competition. I, therefore, urge the enactment of the provisions in this amendment for a specific duty of 14 cents per pair to compensate for duties on hides and 10 per cent ad valorem on shoes for protection. I do not believe that the protective duty of 10 per cent provided for in this amendment will increase the price of shoes, as both the domestic and foreign competition is extremely keen and may be relied upon to hold prices at the lowest possible level. It must be remembered that the leather and shoe productive capacity in the United States is very greatly in excess of the Nation's requirements, a fact which insures ample competition. In view of the present and prospective leather and shoe manufacturing activities in European countries, it will be necessary to hold domestic prices at the bottom of the tariff wall in order to keep out a flood of imports.

Another adverse effect of the increasing importation of shoes is the tendency which it exercises in restricting the cattle market. Women's shoes are made very largely of sole leather and calfskins. The 5,515,000 pairs of shoes imported in the United States in 1929 would have consumed the hides of 110,285 head of cattle and the skins of 827,000 head of calves. In 1928 the cattle would have averaged $80 per head and the calves a little over $22 per head, which would make a total value of both cattle and calves of $27,130,000, which indicates still further the adverse effect on the cattle industry of the increasing imports of shoes made from foreign hides.

HIDE AND SHOE PRICES UNRELATED

There is considerable propaganda to the effect that the proposed duty of 4 cents per pound on green hides would materially increase the price of shoes to the consumer.

I have carefully investigated this subject and, based upon the official data on wholesale prices supplied by the Bureau of Labor Statistics, have prepared a table and chart which show the monthly percentage changes which have occurred in the wholesale prices of country hides in the Chicago market and men's black shoes made of cattle side upper leather, based upon the average prices of December, 1926, and covering the period up to July, 1929.

The chart is hanging on the wall in the rear of the Senate and I call the attention of the Senators to it.

It will be observed that the price of hides increased 108 per cent from December, 1926, to April, 1928, while the price of medium-grade shoes for the same period increased only 11 per cent. The table further demonstrates that, for the entire period, hide and shoe prices are unrelated and that a small duty of 4 cents per pound on hides would have little, if any, effect upon the price of shoes; while, on the other hand, it would have a very beneficial stabilizing effect upon the price of hides.

During a period of rising hide prices the use of substitutes for leather becomes greater as the peak in prices is reached. The duties provided for in this amendment on hides and leather will prevent the recurrence of peaks in hide and leather prices and will have a marked tendency to stabilize prices with narrow variations which will make competition of substitutes with leather more difficult and materially restrict their use. Under these favorable conditions the consumption of leather in the United States will expand and, with this larger volume of business, the overhead cost of the leather business will be greatly reduced so that the industry will be better able to meet domestic and foreign competition.

I ask that the table I have prepared be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Prices and percentage change—Hides and shoes

(Prices taken from Monthly Bulletin of U. S. Bureau of Labor Statistics entitled "Wholesale prices of commodities")

	Country cows, No. 1, Chicago	Percentage change	Black dress shoe, side leather	Percentage change
	Per pound		*Per pair*	
December, 1926	$0.103			
January, 1927	.111	7.8	$3.150	
February, 1927	.106	2.9	3.150	
March, 1927	.110	6.8	3.150	
April, 1927	.121	17.5	3.150	
May, 1927	.128	24.3	3.150	
June, 1927	.151	46.6	3.185	1.1
July, 1927	.173	67.9	3.250	3.2
August, 1927	.171	66.0	3.400	8.0
September, 1927	.176	70.9	3.400	
October, 1927	.174	69.0	3.400	
November, 1927	.181	75.7	3.400	
December, 1927	.191	86.2	3.400	
January, 1928	.203	97.0	3.420	8.5
February, 1928	.197	91.3	3.500	11.1
March, 1928	.195	89.3	3.500	
April, 1928	.214	107.7	3.500	
May, 1928	.205	99.0	3.500	
June, 1928	.186	80.6	3.500	
July, 1928	.189	83.6	3.500	
August, 1928	.179	73.8	3.500	
September, 1928	.175	70.0	3.500	
October, 1928	.148	43.7	3.417	8.2
November, 1928	.151	46.7	3.500	11.1
December, 1928	.155	50.5	3.461	9.9
January, 1929	.142	37.9	3.350	6.3
February, 1929	.113	9.7	3.350	
March, 1929	.118	14.6	3.350	
April, 1929	.116	10.6	3.350	
May, 1929	.110	6.8	3.350	
June, 1929	.120	17.7	3.350	

FLORSHEIM AND THE OPPOSITION

Mr. ODDIE. Mr. President, when Mr. Florsheim was before the Finance Committee, Senator THOMAS of Oklahoma asked some questions with reference to the earnings of his shoe company, and the following testimony is quoted from pages 491 and 492 of the hearings:

Senator THOMAS. I will quote some figures that I have to see whether they are correct.

For 1926 I have figures before me showing that you reported to the New York Stock Exchange a net profit of $2,384,505; is that approximately correct?

Mr. FLORSHEIM. Yes, sir.

Senator THOMAS. And in 1927 you reported approximately $2,273,250 profit; that is approximately correct, is it?

Mr. FLORSHEIM. I think so.

Senator THOMAS. And in 1928 you reported an approximate profit of $2,240,482.

Mr. FLORSHEIM. Yes, sir.

Senator THOMAS. The figures I have show that in 1927 your net profit upon the invested capital amounted to 21.52 per cent, and in 1928 it was 22.53 per cent. Are those profits approximately correct?

Mr. FLORSHEIM. I think so.

Senator THOMAS. During those years?

Mr. FLORSHEIM. I can not carry the figures in my mind, but you have them there, and I assume that they are accurate.

Senator THOMAS. So this statement shows that for three years your company made a net profit of $7,102,238. That would be evidence that in your particular manufacturing plant you are showing a reasonable degree of prosperity.

Mr. FLORSHEIM. As I said before, I am not talking for myself, and am not appealing for any help for myself. I am talking for a group of manufacturers who are equally as successful as we are. * * *

On page 494 of the hearings Mr. Florsheim submitted a brief on behalf of his company and others to which is also attached the name of the International Shoe Co., of St. Louis Mo., which is fighting this amendment.

It is generally recognized that Mr. Florsheim imports from Germany and England a very large part of the leather which he uses, and that the United States Leather Co. are also opposing the provisions of this amendment, and are very large importers of foreign hides. Mr. Florsheim in 1928 made a profit in excess of 22 per cent by the importation of foreign leather and at the expense of the American leather manufacturer. The

United States Leather Co. in 1929, it is generally understood, had an operating deficit of over three million and a half, which resulted largely through the shrinkage in hide inventories. The United States Leather Co. is a very large importer of foreign hides, and its losses were sustained through the heavy decline in hide prices. The deficit was created on a free-trade basis, with the prices of hides and leather largely under the control and domination of foreign producers. Had hide prices been more stable there would have been little if any loss in inventory, and this operating deficit of the United States Leather Co. would not have been created. Hide prices will be more stable under the 4-cent duty proposed in this amendment.

Hide and leather prices during the period of the Dingley tariff, when there was a 15 per cent ad valorem duty on hides, were remarkably stable.

I have had a chart prepared, which is on the wall of the Senate, showing the prices of hides from 1897 to 1920, and I wish particularly to call attention to the relatively greater stability of hide prices and lower price levels during the Dingley tariff period, from 1897 to 1909, than have existed since.

After hides went on the free list in 1910 prices suffered an abrupt but brief decline to about 12 cents per pound in 1911, and then rapidly increased to more than double, or over 25 cents per pound, in 1915. Even if the irregular prices during the war period be disregarded it will be noted from the other price chart on the wall that hide prices in 1926, 1927, and 1928 showed serious and rapid changes which greatly disturbed and made less profitable the leather business, but which had little if any effect on the price of shoes.

It is to be expected that the enactment of this amendment will set in motion the same forces of price stability, and that the hide and leather price curves of the future will show more nearly horizontal lines. Such a condition will obviously be in the interest of restricting the use of substitutes for leather, such as rubber, the use of which is now permitted to increase because of the great and sudden variations of hide and leather prices.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

Mr. ODDIE. I yield.

Mr. ROBSION of Kentucky. In view of that statement as to the profits of the shoe people, how could we justify a duty on shoes?

Mr. ODDIE. Mr. President, the duty I am proposing is a very small duty, but it is necessary. The particular shoe concern which has made this profit has made it because it has imported a large majority of its hides from foreign countries, and, with a reasonable duty on shoes and on leathers such as I am proposing, the prices would be stabilized, the American producers would be induced to buy American products, and the American industry would prosper.

ORGANIZATION SUPPORT GENERAL

Strong letters indorsing the provisions of the amendment have been received from the following organizations:

The American Live Stock Association, of Denver, Colo.
National Live Stock Producers' Association, of Chicago, Ill.
The American Farm Bureau Federation.
The Central Cooperative Association of South St. Paul, Minn.
The Calf Tanners' Association.
The Cattle Side Upper Leather Tanners, and the
Chicago Tanners' Association.

Reference has already been made to the indorsement from the Leather Workers' International Union and the Central Labor Union. These I will not read but offer them for publication in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo., February 10, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: I was glad to get your long telegram the other day telling me what has been done about a compromise on the hide, leather, and shoe schedules.

We certainly appreciate very much the manner in which you have stayed with this proposition, and, as we wired you, we feel your amendment should command the support not only of all Senators from the West and Middle West but also of those other Senators who are truly interested in the welfare of agriculture.

It goes without saying that not only our association but all those affiliated with us will back you to the limit on this amendment. While it does not give the cattle producer the protection he should have, and to our mind is the very minimum which should be accepted, nevertheless, it is a means of settling once for all the question of whether hides, leather, and shoes should be on the free list. It gives substantial protection to the leather and shoe industry, and it is now admitted that certain elements of this industry need this protection.

The opposition to your amendment will be limited to those heavy leather tanners who have, without rime or reason, made an uncompromising fight for free hides, and to those elements of the shoe trade who have been making tremendous profits using our cheap raw material and who have not, as yet, felt the competition of foreign-made shoes.

As stated above, you can feel sure that you have behind you the support of practically every cattle producer in this whole western area. We register our hope that your amendment will meet with the success it so richly deserves.

Yours very truly,

F. E. MOLLIN.

NATIONAL LIVE STOCK PRODUCERS ASSOCIATION,
Chicago, February 11, 1930.

Senator TASKER L. ODDIE,
Washington, D. C.

DEAR SIR: I want you to know you have the support of this organization on the amendment you recently introduced in reference to duties on raw and dry hides. It would seem that this amendment should meet with the support of all those in positions of authority and responsibility that are at all interested in the preservation of the cattle industry of our country.

Other lines of American industry have found a protective tariff beneficial. We see no reason why the principle should not apply to agricultural commodities, particularly livestock and its by-products.

The pledge of the present administration that agriculture is entitled to and will receive its just share of protection under the tariff can not be fully discharged unless the cattle producer is fully recognized. An adequate tariff on hides is vitally necessary to the future of that industry.

Very truly yours,

C. A. STEWART, *Executive Secretary.*

WASHINGTON, D. C., *February 10, 1930.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR ODDIE: I have noticed on page 3229 of the CONGRESSIONAL RECORD of February 7 an amendment to be proposed by you to H. R. 2667, relative to the duty on hides, leathers, and shoes.

I note in this amendment that you are proposing to ask a 4-cent-per-pound duty on hides if raw or uncured or salted or pickled, and 8 cents per pound if dried, including dry salted.

I think these rates on hides are reasonable from every point of view. While they are not as high as our statistics of cost of production of hides here and abroad would justify us in asking, and although they are not as high as formerly you and farm organizations supporting your efforts have fought for, nevertheless, they will give a degree of protection to our farmers who produce and sell hides which will be a very material advantage, and incomparably better than the situation which exists in the bill now pending, or than the situation following the adoption of the Borah amendment, which amendment places hides, leathers, and shoes on the free list.

I note also that you have collaborated with the experts in the United States Tariff Commission and have placed the duties on leather and shoes at such figures as are not out of line with the basic rates asked for on hides.

It occurs to me that your amendment will prove a very happy solution of the entire controversy relative to the tariff on hides, and I trust it will be adopted by the Senate and later retained in the tariff bill in conference.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

CENTRAL COOPERATIVE ASSOCIATION,
South St. Paul, Minn., February 10, 1930.

Senator ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: I have just received a copy of your amendment to the tariff act providing for tariff on hides and a compensatory tariff on leather, and on articles manufactured therefrom.

We certainly appreciate your efforts to secure for the livestock producer this much-needed tariff, and I wish to say that the Central Cooperative Association, with a membership of approximately 125,000 livestock producers in the States of Minnesota, North Dakota, South Dakota, Wisconsin, and Montana, are strongly back of this movement and anything which we can do to aid in its passage we will gladly do.

I will say for your information that I was chairman of a tariff committee representing not only our own organization but the National Livestock Producers' Association, which claims a membership of about 250,000 producers, also the Farmers' Union Livestock Commission agencies at St. Louis, St. Joseph, Sioux City, Omaha, and Kansas City,

which have a total membership of probably 150,000 livestock producers. Our original recommendations provide for an ad valorem duty of not less than 45 per cent. The more I have studied the matter, however, the more I feel that a specific tariff such as you have provided in your bill would be fully as satisfactory to us, and I hope you are successful in securing the enactment of this amendment.

Very truly yours,

J. S. MONTGOMERY,
General Manager.

CALF TANNERS' ASSOCIATION,
Washington, D. C., February 11, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On behalf of the calf and kip leather tanners I wish to express to you our appreciation of your amendment to paragraph 1530 of the tariff bill relating to hides and leather. But, as our members feel that the 10 per cent protection is not sufficient to take care of the cheaper labor costs in Europe, it was not easy to secure unanimous support for the amendment. However, they feel that you have been very fair and that the amendment as drawn by you shows the great amount of thought and consideration which you have given to the economic phases of this situation; therefore, they pledge you their unanimous support for the proposed compromise.

Very truly yours,

V. G. LUMBARD, *President.*

CHICAGO, ILL., *February 11, 1930.*

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: The Cattle Side Upper Leather Tanners have examined the paragraph of your amendment to the pending tariff bill relating to hides and leather, and they are of the opinion that 10 per cent protection on their product, as proposed, is not adequate to cover the difference between the low tannery wages of Europe and the high rates in this country. Nevertheless, these tanners, appreciating the earnest effort which you have made to effect a compromise that will afford some tariff relief to the industries involved, have authorized me to inform you that your amendment will be given their individual and collective support.

Very truly yours,

E. T. KEIRNAN,
For Cattle Side Upper Leather Tanners.

CHICAGO, *February 18, 1930.*

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

ESTEEMED SIR: The following resolution was this day unanimously adopted by the Chicago Tanners' Association:

"Whereas the tanning industry of the United States has been suffering from the importation of foreign leathers, by reason of the failure of the present tariff act to provide for any duties thereon.

"Whereas the Chicago Tanners' Association, consisting of 12 firms, employing upwards of 3,000 persons in the city of Chicago and Waukegan, Ill., believe it absolutely essential for the preservation of the business of the members of the association and for the prosperity of their employees that a duty be fixed upon foreign leathers imported into the United States: Now, therefore, it is unanimously

"*Resolved*, That all possible support and cooperation be obtained for and accorded to the Oddie amendment to bill H. R. 2667, heretofore introduced into the Senate, to the end that said amendment to the bill may be adopted."

Respectfully yours,

CHICAGO TANNERS' ASSOCIATION,
LEWIS F. JACOBSON, *Secretary.*

Mr. ODDIE. Mr. President, I have presented the case in a brief manner. I have given figures which can be vouched for. They have been worked out very carefully. I have discussed this problem with livestock people from all over the country, with farm organizations, with various groups of leather manufacturers, with numbers of shoe manufacturers, and with many union-labor people, who are interested in these various branches of the industry.

Mr. President, this amendment of mine is a compromise. The first amendment I offered on hides, which proposed a higher rate, failed. Then I offered the 4-cent rate, and that failed. The people representing the three interests were not coordinated. I have worked hard for weeks with these various representatives I have mentioned, and the result is a compromise, which possibly nobody will be absolutely pleased with or satisfied with. I am not. I would like to see a higher duty on hides. But in securing a higher duty on hides we would be doing an injustice to something else, if our object is to secure cooperation.

I would like to see prosperity in the leather industry and in the shoe industry, as well as in the cattle industry, because if either of those industries suffers and is not prosperous, the cattleman will be deprived of a good part of his market.

We must maintain prosperity in all of our industries in this country, and we must look out for the interests of the hundreds of thousands of workers and the families of the workers in this country.

If this amendment is not agreed to, or if something is not provided which will maintain these industries, there will be men by the hundreds of thousands walking the streets of this country, and the responsibility will be on us. We dare not shirk our responsibility. The urge of humanity is too strong in this case. We must use intelligence and judgment, a little giving here and there, a little compromising here and there, as we have tried to do, in order to get through some legislation which will bring stability to these industries and more prosperity to the people of our country, and prevent suffering and privation and starvation and hardship to hundreds of thousands of the workers of our country.

I hope the amendment will be agreed to.

Mr. HOWELL. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. The Senator from Nebraska offers the following amendment to the amendment of the Senator from Nevada: On page 1, line 4, to strike out the figure "4" and insert in lieu thereof "5," and in line 5, to strike out the figure "8" and to insert in lieu thereof "9," so as to read:

Raw or uncured, or salted or pickled, 5 cents per pound; if dried (including dry salted), 9 cents per pound.

Mr. HOWELL. Mr. President, this amendment proposes a 5-cent specific rate on green hides and a 9-cent specific rate on dry hides. I do not propose to take very much time, but this is a very important amendment and should be considered fully by the Senate, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Robinson, Ind.	Waterman
Dill	Johnson	Robsion, Ky.	Watson
Fess	Jones	Schall	Wheeler
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present. The Senator from Nebraska has the floor.

Mr. HOWELL. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HOWELL. I yield.

Mr. WALSH of Massachusetts. What is the amendment the Senator has offered? I understand he has offered an amendment to the amendment of the Senator from Nevada.

Mr. HOWELL. The first paragraph of the amendment of the Senator from Nevada [Mr. ODDIE] provides for a specific rate of 4 cents a pound on green hides and 8 cents a pound on dried hides. The amendment which I have offered provides for a specific duty of 5 cents a pound on green hides and 9 cents a pound on dried hides. I have offered the amendment because 4 cents a pound on green hides is nothing but skim milk to the farmer. He is entitled to 6 cents a pound, at least.

The chief country which exports hides to the United States produces them for one-half the cost of their production in the United States. In other words, if we were to equalize the American farmer with the Argentine producer, the rate of duty would be 7½ cents a pound on green hides. We came before the Committee of the Whole and asked for 6 cents and were denied. Then we asked for 5 cents and were denied. Now it is proposed that we be granted 4 cents and, as I have stated, 4 cents means nothing but skim milk to the farmer, whereas if the rate were made 5 cents there might be added just a little

cream. In order that this may be fully understood and the necessities of the stock-raising interests appreciated, I shall ask the attention of the Senate for just a few moments to pertinent facts.

The average price for hides at Chicago for the five years beginning with 1909 and ending with 1913 was 15.6 cents and the average price of a pair of dress shoes during that period was $2.68. In other words, 17 pounds of green hides would during that period purchase a pair of dress shoes. But to-day, through the unnecessary competition with which the American farmer is confronted, he has to pay 44 pounds of green hides for the identical shoe. This is a fact that can not be controverted. It indicates the plight of the industry.

I do not feel that any further argument is necessary than to state these bare facts. I might add that the amendment of the Senator from Nevada would result in the farmer being able to purchase that pair of shoes for 34 pounds instead of 44 pounds of green hides. I might further add, inasmuch as the Senator from Nevada stated that his proposal is a compromise, that however much I hesitate and regret to disagree with him, in my opinion his heralded compromise is nothing but a surrender.

Mr. NORRIS. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. Certainly.

Mr. NORRIS. My colleague has stated that it would require 34 pounds of green hides to buy the identical pair of shoes. If the so-called Oddie amendment were agreed to and the tariff were added to the shoes, that same pair of shoes, assuming that the tariff was added, which I think is a fair assumption, could not be bought for the price the Senator has given, but would be increased.

Mr. HOWELL. They could not be bought for 34 pounds of green hides, but to-day the farmer is paying 44 pounds of green hides for a pair of shoes which he could purchase during the 5-year period ending 1913 for 17 pounds of green hides.

As I said, in my opinion, the amendment proposed by the Senator from Nevada is a surrender. Why do I say it is a surrender? He proposed in Committee of the Whole a 5-cent rate. With the tariff he has provided on a pair of average shoes manufactured in this country, the price of which is $2.63, the tariff on that pair of shoes would be 43½ cents specific if the tariff on green hides were 5 cents a pound, and with a rate of 4 cents a pound on green hides, the duty on that pair of shoes would be 40 cents, a reduction of 3½ cents. When he agreed to surrender 20 per cent of the tariff he was asking on green hides, and then, in accord with the demand of the shoe producers, he only reduced the tariff he proposed on shoes 3½ cents, I insist that was a surrender and not a compromise.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I yield.

Mr. ODDIE. I will ask the Senator to correct the last statement he made. I know he does not mean to insinuate anything of the kind he has stated. Nobody has caused me to surrender anything; nobody has dictated anything to me at all. The Senator has been misinformed, because this amendment has been worked out by consultation with a great many people. The shoe manufacturers have not dictated to me. On the other hand, some of them are fighting me, I think, harder than any Senator in this body has ever been fought by any industry. They have sent out circulars to retail dealers all over the United States condemning my amendment and using my name. The result will be that I shall not be a welcome customer in retail shoe stores from now on unless I can persuade their proprietors that my amendment is the correct thing. I know the Senator from Nebraska will correct what he has said in view of the statement I have just made.

Mr. HOWELL. Mr. President, my remarks are not intended in a personal sense. I realize that the able Senator from Nevada is tremendously interested in securing a tariff on hides, and I feel that in his great anxiety to gain his point he has surrendered. It is no reflection except upon his judgment in this connection; that is all.

It is my feeling, so far as this matter is concerned, that whoever agrees to a reduction of 25 per cent of what we have asked for the farmer and receives merely a reduction of 3½ cents per pair of shoes, or from 43½ cents to 40 cents, that is not a compromise.

The farmer is entitled to 5 cents on his green hides, and I feel that that is the lowest limit to what he should accept. Therefore, in view of the facts I have stated, I trust that the Senate may do justice by the farmer and afford him at least this relief, that he need not pay 44 pounds of raw hide for a pair of shoes that he purchased before the war for 17 pounds of raw hide, but that at least we shall give him a tariff such as will afford him the opportunity of purchasing a pair of shoes for 32 pounds of raw hides. That is all that I am asking, and I am ashamed to ask so little. I do feel that 5 cents a pound specific duty is the minimum the farmer should accept.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. HOWELL. I ask for the yeas and nays on the amendment to the amendment.

Mr. ODDIE. Mr. President, I should like to make one observation before the vote is taken. I can not agree with the Senator's statement regarding the increased price of shoes because of the duty proposed on shoes. The chart which I have had placed on the wall, and which is taken from official figures, shows that the price of shoes goes along in a very stable way, while the price of hides fluctuates to a large extent. I share very largely the feelings of my friend from Nebraska [Mr. HOWELL] on this subject. We are both working for the same object; we both want to help the farmers of the country and the livestock growers and the different branches of the industry. There may be a difference between us of 1 cent as to the tariff on hides, but as my amendment has been worked out with the leather, the shoe, and the hide industries, I feel I can not support the Senator's amendment, because I would not thereby be doing justice to other branches of the industry.

Mr. FESS obtained the floor.

Mr. HOWELL. I wish one thing to be distinctly understood.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. I was going to suggest that if a vote is now to be had we ought to have a quorum present. Is there any Senator who desires to speak?

Mr. HOWELL. I merely wish to make one observation.

Mr. FESS. I yield to the Senator.

Mr. HOWELL. I am absolutely agreeable to providing a proper compensatory tariff if a duty of 5 cents shall be levied on green hides, just as the Senator from Nevada has provided for a compensatory tariff on the basis of 4 cents. I am not proposing now that a rate of 5 cents should be imposed without any change in the compensatory tariff rates. I believe we should be perfectly fair in this matter, and it was my intention to offer the proper amendments hereafter in order that the necessary changes in the other rates might be made.

Mr. PITTMAN obtained the floor.

Mr. ODDIE. Mr. President, will my colleague yield for an observation?

The PRESIDING OFFICER. Does the Senator from Nevada yield to his colleague?

Mr. PITTMAN. I yield.

Mr. ODDIE. I wish to correct the statement made by the Senator from Nebraska. The Senate voted down a 4-cent rate when this question was previously under consideration. I offered a 4-cent rate when the first proposal was defeated, and that was voted down.

Mr. PITTMAN. Mr. President, what my colleague has just spoken of is largely the matter I had in mind. I was unavoidably absent from Washington at the time this question came up as in Committee of the Whole, but I am informed that a rate similar to the one that is now offered by the Senator from Nebraska was voted on at that time, but was defeated, and that another provision was offered in the amount now suggested by the junior Senator from Nevada, and that, too, was defeated.

I do not think there is any difference of opinion between the Senator from Nebraska and the junior Senator from Nevada or the senior Senator from Nevada as to the requirements of the hide-producing industry nor with regard to the relative purchasing power of hides and shoes. The thought that occurs to my mind is that legislation is in the very nature of things a compromise of judgments. It is not improper that there should be such compromise, for the only way we have of determining what is right or wrong in a legislative body is by the majority judgment of the body. What I am getting at is that there is no doubt that those who agree with the Senator from Nebraska and agree with the two Senators from Nevada and others who have heretofore supported a duty equal to that now proposed by the Senator from Nebraska would like to have such a duty levied. The question may arise, If we should be successful in that effort at this time, would such an amendment result in the defeat of the amendment of the junior Senator from Nevada, as amended, or would it strengthen it? It would strengthen it with some of us, but I have in mind the opposition that previously defeated the proposal.

We do not frame a tariff bill except every seven or eight years; it will probably be that long a time before we shall con-

sider another. Would the Senator rather have no tariff duty levied on hides for seven or eight years or would he prefer to have 4 cents a pound on green hides? So far as I am concerned that may sound like a surrender; it is a surrender of my judgment as to the validity of the claim of the producers of hides; there is no doubt about that; but it is not a surrender of my judgment with regard to the parliamentary strategy or with regard to legislation, because I have already said I must bow to the judgment of the majority, as must everyone else, and I would rather have 4 cents a pound protection on raw hides and 8 cents on dry hides than to have nothing. That is the position I am in, and I hope, even if the Senator from Nebraska does consider it a surrender of our judgment as to what should be done in the event his amendment is defeated—and I hope it will not be defeated—that still he will support the amendment of the Senator from Nevada. Let us see if we can not get some help, because I realize, as I have realized all the time, that it requires a desperate fight to get the same treatment with regard to a tariff for industries producing raw materials as that accorded to industries producing manufactured products.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I yield.

Mr. HOWELL. I should like to ask the senior Senator from Nevada if he does not think that there should be a just relation between the tariff imposed on shoes and the tariff granted to the farmer on hides?

Mr. PITTMAN. I certainly do, and I am not prepared to say, because I am not capable as yet of saying, not having studied the statistics or heard the arguments, whether the compensatory duties carried on the other articles, manufactured or partially manufactured, are too high or whether they are right. I am now only considering the first paragraph and when we get to the others in due time we will consider them.

I feel that the greatest complaint that may be made against tariff laws, other than those rates that make for monopoly and unjust profits, is that they result in unjust discrimination in their burdens and benefits. It is just like living in a community where all wages are $5 a day, where foods and clothes are on that level, and one individual is compelled to work for $1 a day in the same community, when we have manufactured articles with a high tariff on them while those engaged in the production of raw materials, such as farm products and minerals, find their products either on the free list or on a much lower level.

I thoroughly agree that one of the most important things we must consider here is the question of discrimination. When we shall once adopt, if we ever shall, a duty on the raw material, then we shall, in view of that duty on the raw material, whatever it may be, consider the relation of the industry producing the raw material to the manufacturing industry. That is the question that I will take up next for consideration.

Mr. HOWELL. Mr. President, the average cost of children's shoes is about $1.60; 10 per cent ad valorem is 16 cents; add 14 cents, which, together with 16 cents, makes 30 cents; divide that by $1.60, and see where we are.

The same rate, except the ad valorem factor, would apply to a pair of men's shoes costing to manufacture $4. It is the inequality that I am emphasizing.

Furthermore, it is recognized that men's shoes are not entitled to a protective factor in any rate. Less than 1 per cent of the shoes produced in this country in 1928 were imported. In that year only 1.6 per cent of the women's shoes produced in this country were imported. The manufacturers of men's shoes have been here and urged before the committee that they wanted free hides; that they did not want any protection whatever. In the amendment that the junior Senator from Nevada [Mr. ODDIE] has offered, however, he affords the same protective factor to those who do not need any protection that he affords, for instance, in the case of women's shoes of the Mackay type of manufacture that do need protection.

That is what I am objecting to. I feel that to apply a uniform tariff on all grades of shoes, to make the specific duty absolutely uniform, so far as the model is concerned, whether they are children's shoes or whether they are shoes that cost eight or ten dollars to manufacture, is inequitable; it is not right; and we can not justify such a course. If the farmer gets only 4 cents a pair or 4 cents a pound on green hides and 8 cents on dry hides, I am fearful that the tariff that he pays on shoes will amount to more than the tariff he receives on his hides.

Mr. SMOOT. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow morning. To-morrow being Saturday I trust we shall have a quorum present. While I do not expect to have a night session, I should like to have a few hours at least spent in the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it so ordered.

Mr. WALSH of Massachusetts. Mr. President, I have pending an amendment which I shall discuss at length and in detail after the amendment offered by the Senator from Nevada [Mr. ODDIE] is disposed of. I feel that those who favor a duty upon hides and a duty upon leather and a duty upon shoes should have the right of way, have an opportunity to present their case to the Senate, and have a vote recorded. After the vote on the pending amendment I shall ask the indulgence of the Senate to listen to the presentation of a claim for extending protection to the leather industry and to the shoe industry.

Briefly stated, the duties which I ask to have levied in the case of leather are about one-half the rates compensatory and protective named in the House bill and in the amendment recommended by the Finance Committee. That is largely due to the fact that the duty upon hides is eliminated in my amendment. The duty upon shoes in the amendment which I propose to offer because of no duty on hides is about one-half the duty levied in the House bill upon shoes, and about one-half the duty levied in the amendment favored by the Finance Committee.

My amendment has been arrived at as the result of a large number of conferences with various groups in the tanning business and various groups in the shoe business who believe that the Senate should levy a protective duty for their industries independently of the action of the Senate upon the question of hides. Of course if a duty were levied upon hides, the cost of leather would be increased, and the rates on shoes would have to be correspondingly increased.

The rates that are proposed in my amendment are the lowest that can possibly be levied and give any semblance of protection to the leather industry and to the shoe industry and result in the least possible increase in the price of shoes to the American public.

My amendment asks no protective duty upon men's shoes. It asks only for a compensatory duty on men's shoes based upon the duty which it is proposed to levy upon sole leather and upper leather.

I want to be perfectly frank and fair with those Senators who want to have a test of the strength of the Senate on the question of a duty upon hides, a duty upon leather, and a duty upon shoes taken together; but in the event that that amendment fails I do hope that the Senate at least will listen to the petition of the leather industry and the boot and shoe industry for a protective duty, granted separately from hides.

Let me say here that there are only two substantial manufacturing industries in the whole United States of America that are on the free list—the tanning industry and the shoe industry. Every other large industry is on the protected list. I submit that these important industries have a right, because of the fact that they operate in a protective business field, to be heard now and here with special and sympathetic consideration.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. HOWELL. Is it not a fact that because leather has been on the free list, and the free list has been accorded to hides, the United States has become the greatest producing and exporting nation of leather in the world? And is it not a fact that nowhere else in the world has the shoe business been so prosperous as in the United States of America?

Mr. WALSH of Massachusetts. I concede, sir—I could not do otherwise—that up to the present time the men's shoe industry has been prosperous; that up to within two or three years the women's shoe industry was also prosperous, but is not now; and that up to within perhaps four or five years the leather industry was generally prosperous, but now is far from prosperous.

I appeal therefore for thoughtful consideration of the petitions of two industries that have not sought to come under the mantle of tariff protection in all these years, that have been content to carry on and succeed as they have succeeded without seeking tariff protection of any kind. But, as I have said before, and I repeat it, in the last few years a tremendous economic change has taken place in the world in regard to these industries.

Up to within a few years Americans had the advantage in many particulars over any other group of investors engaging in the boot and shoe or the leather industry in any part of the

world. We had free hides, as they had free hides, and in that respect were on a basis of equality. But we had more highly skilled and trained workmen. The shoe industry was born here. The inventions that made it so profitable a business and that gave to the public such a comfortable and attractive shoe were the product of American genius and American brains. The machinery invented and made here, the patents owned and controlled here, gave us an advantage over all the world; the most modern, the latest, the best and fastest machines, and in comparison with the old-fashioned and the old-style hand and obsolete methods of making shoes in Europe so that competition with our shoes from abroad was inconceivable and unbelievable and could not exist. Then, though we had higher wages, our special highly developed machines offset the disadvantage that came to our American shoe manufacturers by reason of the cheap labor of their European competitors.

All this has changed, unfortunately—unfortunately for the manufacturer, unfortunately for the consumer. No longer has America any advantage with respect to shoes, upon the method of tanning leather, or upon the machines for making shoes. The advantage is gone, never again, I fear, to return. We are now entering into a terrific struggle for the maintenance of the American leather and shoe market for our own producers.

Only within three days I received a telegram from a leading citizen of my State, a shoe manufacturer with whom I had the privilege of discussing this question several months ago. The telegram was most significant. It was decidedly impressive, not so much for what it said as for the circumstances under which it was sent to me.

He said:

I am in Czechoslovakia, courteously received, visiting the factory of Bata. They have as fine machinery as we have, and they have the mass production; the competition is growing and dangerous.

For the first time he saw at first hand that we no longer had the advantage of mass production, or the latest patented machinery. We are at no disadvantage with respect to hides, as we pay the world price; but when it comes to labor, there is the difficulty. There is the problem. If there ever was before this body a question of protection that could be justly asked for to offset the difference in the cost of labor here and abroad, we have it now in the consideration of this question.

Let me say with pride what I have said before, I can not find the words to describe to Senators the thrill of joy and pleasure I have experienced in the years I have campaigned in my State, when I have entered a community where boots and shoes are made in contrast to a community where the textile workers live. It is the difference between contentment and struggle.

The boot and shoe industry pays higher wages to women operators than any other industry in the United States.

Mr. HAWES rose.

Mr. WALSH of Massachusetts. I find myself making the speech I intended to make later. If the Senator wants me to yield for a quorum call, I am willing to do so, because I think there ought to be a fair representation of the Senate present.

Mr. HAWES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Glass	McCulloch	Smoot
Barkley	Glenn	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Moses	Swanson
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hale	Norris	Thomas, Okla.
Brookhart	Harris	Nye	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Robinson, Ind.	Waterman
Dill	Johnson	Robsion, Ky.	Watson
Fess	Jones	Schall	Wheeler
Fletcher	Kean	Sheppard	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WALSH of Massachusetts. Mr. President, I appreciate what a tax it is upon the patience and strength of Senators to have to remain in this Chamber hour after hour and listen to discussion of these various tariff topics, but I want particularly to request the Senators who are interested in a duty on hides to listen to me, because I think I can convince them that a specific duty levied upon hides would be a very grave burden to the leather industry and to the shoe industry, and I think I can also convince them, on the other hand, that unless some protective duty is levied upon leather and shoes, the hide producers of this country are going to be among the sufferers. I have some figures before me showing the very large number of hides now used in shoes worn by Americans which are manufactured in Europe, of course, from hides that are obtained in Europe.

But first I want to finish the picture of the present condition of the industry I was attempting to draw. The shoe industry alone employs 250,000 people, with an annual pay roll of $250,000,000, and a production of shoes in value of about $1,000,000,000 annually.

It is proposed first of all to put a duty upon hides. What would be the effect of that action upon the leather industry and the shoe industry?

One of the visitors to my office used a very good word a few days ago when we were discussing a raw material tariff question, and said, "You can put on compensatory duties." He said, "That is not it; it is an impediment, and that can not be fully offset by compensatory duties. It is an impediment when you increase the cost of production and interfere with the choice of materials."

What are we proposing to do? If we put a duty upon hides, of course, that is going to increase the cost of leather and the cost of shoes. We are immediately putting our shoe manufacturers and our leather manufacturers at a further disadvantage in their competition against the tanners of Europe and the shoe manufacturers of Europe, who get their hides duty free. So the very levying of this duty would be putting a further impediment in the way of these industries, two branches of which—the tanning and the production of women's shoes—are in a depressed condition.

What is the second burden we would put upon the industry by our own acts, our own deeds, our own votes here? I put into the RECORD in 1922, as appears on page 2373 of the RECORD, a list of 79 materials that are used in the production of a shoe. On every one of those materials an increased duty was levied in the act of 1922. To be sure, some of them were trivial articles. There were thread and eyelets, various chemicals, linings, rubber, pegs, and a large number of other things.

In the pending bill we have increased those duties in several particulars. And yet we are asking the shoe industry and the leather industry to compete with European industries, without duties on their raw materials, and with all the modern machinery, and with the newly created methods of mass production, and with cheap labor against our high-priced labor.

This movement to produce shoes in Europe was not a suddenly devised scheme. The managers and superintendents and some of the operatives came over to the United States, studied our system of production, worked in our factories, and went home and copied in every detail the methods under which we produce here.

I am going to ask Senators to examine, while I am talking, some of the shoes which I have here as samples. They will notice upon the back of each shoe a designation showing which is imported and which is domestically produced. Every one of the shoes exhibited, if purchased here, would show a variation in price in favor of the imported shoe of from $1 to $3.

Mr. President, the first question we ought to ask ourselves in determining whether an article on the free list ought to be given the benefit of a protective duty is whether the industry is distressed. If it is, what is the cause of the distress? Is it inefficiency, mismanagement, the marginal producer who is being destroyed by reason of the mergers that have made it possible for the consolidation of capital and the enlargement of production to squeeze out the smaller man? Or is the cause of the depression imports and foreign competition? I do not think there is a man in the Chamber, Democrat or Republican, who does not want the American market preserved for honestly managed and efficiently conducted American industry. I think he believes in equality of opportunity for American industry in the enjoyment of the American market, just as he believes in equality of opportunity for the individual in the recognition of his civic rights.

Is the leather-tanning industry depressed? I am sure I do not have to argue that question. Even President Hoover concedes that it is. It was one of the few industries designated by him as "lagging behind." It is the one industry that has shown, in all the financial reports that have come to us in recent years, that both its large and small units are in red ink. It is in a serious financial condition. No industry in America, not even the women's shoe industry, is in such a plight to-day as is the tanning business. I doubt if any amount of tariff protection we levy can save it. However, protection will help some and

will encourage the industry. Production of leather has dropped in recent years to 40 or 50 per cent. In some lines of leather the imports are 40 per cent of the American production and the imports continue to flow in here. I am going to assume that Senators agree with me that all financial reports and returns indicate this depression. I do not think it is necessary to argue that point in view of the information that has been given heretofore to the Senate.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from California?

Mr. WALSH of Massachusetts. I yield.

Mr. SHORTRIDGE. Not to interrupt the Senator unduly, I understand his position to be in favor of free raw hides.

Mr. WALSH of Massachusetts. Yes. I believe that is the sound position to take, for a duty on hides will not help the farmers. If anyone is helped, it will be the packer. I would vote for a small duty on hides to help get protection for leather and shoes.

Mr. SHORTRIDGE. But with a certain tariff duty levied on leather and also on shoes?

Mr. WALSH of Massachusetts. Yes. I will say to the Senator that I would vote, if opportunity were given me, for the Senate Finance Committee duty on hides or for the House rate on hides in order to help the shoe and leather industries. Personally, I think, and perhaps it is because I have the atmosphere of the shoe manufacturer, that the little duties upon hides will not benefit the farmer one iota, but, on the contrary, will be a burden to him in increased costs of leather products. That may be due to the locality in which I live. I think the duties proposed are insignificant to the farmer; that they will benefit, if anybody, only the packer. I think that it is better to drop all hide duties and to confine ourselves to fixing a very moderate duty on leather and shoes. I would suggest no protection on men's shoes, but a small protection of 5 per cent in addition to the compensatory duty of 7½ per cent on women's shoes in order that they may get under cover and see if this slight protection, without burdening the American people, will stop imports and preserve the American market for the American manufacturer.

Mr. SHORTRIDGE. Of course, among the many things we can protect are the three steps or branches of the whole industry; that is, by levying an appropriate duty on hides and then an appropriate duty on leather and then an appropriate duty on the manufactured article.

Mr. WALSH of Massachusetts. I want to discuss that matter and show that the moment we get beyond 2 cents per pound on hides, or 10 per cent, we rapidly begin to increase the cost of shoes. The figures presented to me indicate that the Oddie amendment rate should provide a compensatory duty to the shoe manufacturer of 37 cents per pair. There is as a fact a compensatory duty provided in the Oddie amendment of only 14 cents per pair. Are we going to take the women's shoe industry, which is prostrate now, and put a duty upon hides and a duty upon leather and then a compensatory duty of one-half on the manufactured product?

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. I was very much interested in what the Senator said about the 79 different materials that enter into the manufacture of a shoe.

Mr. WALSH of Massachusetts. A good many of them are chemicals.

Mr. NORRIS. I was wondering if the compensatory duties which the Senator feels ought to be placed upon shoes should include something besides the compensatory duty upon leather, or that would come from leather. Are the other items of such importance that we will have to take them into consideration to equalize fairly the compensatory duty?

Mr. WALSH of Massachusetts. No; they have been absorbed already. I was reciting that fact as some evidence to the credit of the industry, that it had borne this burden and had made profits and given employment to a large army of Americans without any compensatory or protective duty. All duties on materials in the shoe are additional impediments.

If I may pass on from leather, does anybody in this Chamber doubt that the leather industry is the most distressed of all our industries? I am not speaking alone for my own State, because, after all, there is a limited number of tanneries in my State. Small tanneries are to be found in every State in the Union, from California to Maine, from the far North to the far South. They are not only up against the problem of importations from Europe, but they are subjected to a backfire from the packer, because they have to go out in the open market and buy their skins and their hides from independent sources, whereas the packer has his raw material if he wants to go into the tanning business—and he is in it to a very definite degree—at first-hand cost.

Some of the objections to a tariff on hides are understood better, I think, by this illustration than anything I know of: After all, what is the hide? It is the wrapper, it is the covering, it is the container in which is encased the thing of value, the meat. The value is inside the hide. The hide is only the outer incasement, of little value, never considered in terms of value when the cattle are purchased. It is the meat, the flesh, that is inside of the hide that the packer thinks of, and the value of the cattle depends upon the demand of the American people for the beef and not the demand for the hides.

Mr. HOWELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I yield.

Mr. HOWELL. Is not the trouble with the tanners in this country due to just exactly what the Senator has stated, that they have been cutting each other's throats? The trouble is that they are overbuilt.

Mr. WALSH of Massachusetts. I think in a measure that may be true. I think one of the great troubles in America to-day is excessive production and excessive capacity for production. I think one of the painful things we have had to deal with in the discussion of this tariff is that every producer in the country who is suffering from the difficulties of overproduction has been here wringing his hands and claiming, mistakenly, that tariff duties would help him. I frankly concede that never before in tariff procedure have I been so impressed with the distressing plight of men driven against the wall by excessive production in every line, and each one hoping against hope that he will get a little relief from the tariff.

Mr. HOWELL. But, I call the Senator's attention to the fact that in sole-leather production alone there is more sole leather exported than there is imported. There were only about 9,000,000 pounds of sole leather imported in 1928, and there were 10,000,000 pounds exported. That does not indicate that the sole-leather industry is in trouble.

Mr. WALSH of Massachusetts. The sole-leather industry is not in as bad a plight as is the calf-leather industry, but there has been and is a steady increase in the importations even of sole leather. The tide is turning very rapidly toward the imports becoming in excess of the exports of sole leather.

Mr. HOWELL. Has the Senator the data for 1929?

Mr. WALSH of Massachusetts. I have it; yes, and I will come to it a little later.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield.

Mr. TYDINGS. Assuming that hides are on the free list, what tariff does the Senator think is fair on tanned leather?

Mr. WALSH of Massachusetts. I have an amendment, as I stated in the absence of the Senator, which I shall later discuss. I will come to that in a moment or two. All leather is tanned. You mean finished leather?

Mr. TYDINGS. If the Senator will be good enough to give me the approximate figure, I would like to ask him another question.

Mr. WALSH of Massachusetts. Between 5 and 8 per cent ad valorem, dependent on the kind of leather.

Mr. TYDINGS. What is the tariff now?

Mr. WALSH of Massachusetts. There is no tariff duty now.

Mr. TYDINGS. What does the Tariff Commission recommend in reference to this duty?

Mr. WALSH of Massachusetts. The Tariff Commission can not recommend any duty. It is not allowed by law to do so.

Mr. TYDINGS. What do the experts say?

Mr. WALSH of Massachusetts. The Tariff Commission is not allowed by law either privately or publicly to recommend any tariff. If a tariff upon hides is proposed, they can state what would be the compensatory duty. Is that what the Senator has in mind?

Mr. TYDINGS. I thought the Tariff Commission from its statistics had perhaps shown that a tariff to some extent might be justified. I was wondering whether the Senator's amendment was based upon the results of research of experts in this particular matter.

Mr. WALSH of Massachusetts. I will say that the amendment was drafted upon consultation with the tariff experts, but the rates named were not suggested by them and they had no part in naming them. My amendment I shall discuss in

detail a little later. I would like to give the Senate first an outline of the picture of the condition of the industry.

Mr. TYDINGS. If the Senator will permit another interruption, I was wondering whether the amendment emanated from the tanneries or was predicated upon statistics and research of the Tariff Commission.

Mr. WALSH of Massachusetts. My amendment is the result of the tanners and the representatives of the shoe industry getting together with the best experts they could find and proposing the lowest possible duty that could be levied to give the minimum degree of protection. It is down to bedrock.

Mr. TYDINGS. If the amendment proposed by the Senator is adopted on tanned leather, what percentage of the cost of the manufactured shoe is represented by the increased tariff on tanned leather, approximately?

Mr. WALSH of Massachusetts. I can not give that definitely to the Senator. But it is estimated about 5 cents a pair more to the manufacturer of shoes. Possibly it would reach 10 cents per pair.

Mr. TYDINGS. I was just wondering to what extent it would add to the cost of the finished product if the Senator's amendment on tanned leather were adopted.

Mr. WALSH of Massachusetts. I will say to the Senator from Maryland in answer to his question that the shoe manufacturers do not think that very much of an increase would be made in the cost of shoes—about 5 to 10 cents—but I am one of those who believe that every tariff duty does ultimately at some time result in an increased cost to the consumer. However, the shoe manufacturers say the increased cost is so small it will not immediately increase the retail price.

Mr. TYDINGS. My question was prompted, may I say to the Senator, by the fact that I have heard that several tanneries tanning the same character of leather are subject to very severe competition, particularly from Canada. I was wondering, if we should adopt the Senator's amendment, to what extent the duty would be translated into the ultimate cost of the shoe.

Mr. WALSH of Massachusetts. I will discuss that later, if the Senator will wait. May I ask not to be interrupted, because later I am going to discuss in detail the proposed rates and compare them with those carried in the amendment offered by the Senator from Nevada [Mr. ODDIE].

I have discussed the depression in the leather industry. Now, may I call attention to the shoe industry? I make no plea for the men's shoe industry. I think I ought to say, however, that a large number of the manufacturers of men's shoes are fearful of what is happening in Europe. They very naturally would like to get under cover; they would like to have their product taken off the free list.

High-class men's shoes are now being imported in increasing quantities from England, but in volume such imports are not as yet dangerous. Switzerland sends children's shoes, slippers, and high-grade ladies' shoes; France sends Deauville sandals; Czechoslovakia almost entirely ladies' shoes.

There has been an increase in the imports of all these shoes, but an especially heavy increase in the ladies' oxford shoes, the increase being graphically exhibited by the chart I have had placed in the Senate Chamber. Only a short time ago I asked a leading manufacturer this question: "Do not women wear the high shoe?" I was surprised to find that the poorest of the poor wear to-day the low shoe—the oxford. The importations from Czechoslovakia of women's shoes are especially heavy.

Let me segregate the shoe industry into its chief branches. Of the total production of shoes, women's represent 30 per cent of pairs and 40 per cent of value; men's, 25 per cent of pairs and 30 per cent of value; boys' and youths', 8 per cent of pairs and 7 per cent of value; slippers, 10 per cent of pairs and 5 per cent of value; misses' and children's, 15 per cent of pairs and 10 per cent of value; infants', 8 per cent of pairs and 4 per cent of value.

There are 1,300 units manufacturing shoes in this country, and no unit controls more than 15 per cent of the output. It is the one large industry supplying a commonly used commodity that is not trust controlled. Food supplies of all kinds, clothing of all kinds, cotton goods, woolen goods, almost every conceivable kind of a manufactured product to-day is more or less controlled by large financial units so far as prices and output are concerned. If there were operating in the United States large plants manufacturing at the same time men's shoes, the various kinds of women's shoes, slippers, and children's shoes, we would not feel so quickly the sudden importations from Czechoslovakia of the women's shoes. In that event the imports could be absorbed until they became larger than they are now; but unfortunately the industry is specialized, so that of the 1,300 plants a number of them manufacture just one grade and class of shoes. Some companies manufacture only low-grade men's shoes, others only medium-grade men's shoes, and others only the high-grade men's shoes. The shoe industry is largely specialized and divided into many branches.

Senators will be surprised to know that in my State we manufacture many high-class men's shoes, but men's shoes made in Massachusetts are mainly of the medium and low price grade. In certain localities in my State only women's shoes are manufactured. Eighty-five per cent of all shoes made in America sell for less than $6. You and I, Mr. President, hear about $12, $15, and $18 shoes; but the common shoe which is worn by the workingman, retails for under $5 a pair. Eighty-five per cent of all shoes sell for less than $6 a pair. I think that is astounding information for the Members of this body, who think only of the expensive shoe.

Mr. SMOOT. The Senator is speaking of the retail price?

Mr. WALSH of Massachusetts. I am referring to the retail price. I recently talked with a gentleman who is the president of the Shoe Manufacturers' Association, who has a factory in Nashua, N. H., which turns out one of the most popular brands of shoes. The Senator from New Hampshire [Mr. KEYES] knows to what shoe I refer. It retails for $4, and the factory has a tremendous output. The gentleman to whom I refer says that the working man gets more in quality and style in shoes to-day than he ever got before, more than he got before the war; that he is paying a dollar more than he did before the war, but in quality and style and improvements it is a better shoe, and the purchaser gets more for his money.

Now, let me eliminate men's shoes from the discussion with this one further comment: It is my honest judgment that the manufacturers of men's shoes are going before long to meet foreign competition to a substantial degree. Nevertheless, as it has not yet come, I am asking in this amendment no protection for them; I am leaving them on the free list.

But the foreign competition for women's shoes is here, and women's shoes are made largely in small factories. I suppose in the city of Haverhill—and I am now speaking generally—there are perhaps 30 to 40 factories employing from 100 to 200 hands each and turning out various types of women's Oxford shoes. The same situation exists in Lynn. It is a strange thing that the women's shoe factories congregate in one community and men's shoe factories in another; a women's shoe factory is rarely, if ever, found in the same town where men's shoes are made. Therefore when we begin to discuss the importations of women's shoes we must think of the communities that are making that character of shoes. It is because certain factories and localities produce only women's shoes that the increasing importations are causing these particular factories keen distress.

The chart which I have had placed on the wall shows the tremendous increase in the importations of women's shoes. In 1922 the number of pairs of women's shoes imported into this country was 47,000, whereas the number imported in 1929 was 5,514,499 pairs—47,000 pairs in 1922 as against over 5,000,000 in 1929, an increase of several thousand per cent. In 1928 the imports were something over 2,000,000 pairs. Mark that! The importations grew from 2,000,000 pairs to 5,514,000 pairs in one year.

I have here the figures for the month of January, 1930, which disclose an importation of over 600,000 pairs of women's shoes for that month. During the course of the 12 months, at the same rate, there will be an importation of over 7,500,000 pairs for 1930 as compared with 5,514,000 pairs in 1929.

Where is it going to stop? Do we owe any responsibility to stop it?

Mr. SHORTRIDGE. How are we going to stop it unless we put a tariff on the article?

Mr. WALSH of Massachusetts. Is there any obligation on our part to stop it or shall we fold our hands and let it go? It is a serious question.

What has been the effect on these communities? Maine has some women's shoe factories; New York State has some factories where women's shoes are made; Massachusetts has some, and I think there are others scattered throughout the country. All are facing unemployment, a serious depression in business, with concerns going out of business almost every day. Why should we wonder at that in view of the competitive conditions? A woman can go into a store and have two comparable pairs of shoes shown her such as these [exhibiting], and one pair is offered to her for $3.95 and the other is offered to her for $5.50. Which is she going to take? She will take the cheaper shoe, which is the imported shoe.

I have had placed upon the wall another chart. Upon it is pasted a page advertisement from the Chicago Tribune containing an announcement issued only a few days ago that Bata,

the manufacturer of women's shoes in Czechoslovakia, was to open five retail stores in the city of Chicago and sell shoes which he describes as "Paris style" shoes for $3.95 a pair. There [indicating] is the advertisement.

Mr. SMOOT. Will the Senator read the guaranty on it?

Mr. WALSH of Massachusetts. At the request of the Senator from Utah I will read the guaranty. It is as follows:

GUARANTY

We guarantee the Bata Paris style shoes to be the equal of shoes selling as high as $8. If, for any reason, you are not satisfied with a pair of Bata shoes, your money will be cheerfully refunded. This is the broadest guaranty ever made in the shoe business.

How long can the American manufacturers face competition of that kind? How would a Senator feel if he were an American businessman with a little money invested in a women's shoe factory; how would he feel if he were a man with a family who had given his whole life to learning the shoe-manufacturing trade, and read such an advertisement in the newspapers threatening the very existence of his business? Has he a right to turn to his Government for relief? This is a case where imports can be seen, can be understood, and the effect of them appreciated. This is a case where imports cause depression, and where it is in the power of our Government to lift its hand and put up a bar against the competition of the cheap labor of Europe.

Mr. SHORTRIDGE. Mr. President, will the Senator suffer another interruption?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from California?

Mr. WALSH of Massachusetts. I yield.

Mr. SHORTRIDGE. I very fully agree, I think, with the Senator and in the conclusions he reaches; but what becomes of the consumer argument of which we have heard so much here?

Mr. WALSH of Massachusetts. The consumer argument should be made again and again; we can not hear too much about the consumer. I say to my colleagues it is not pleasant for me to make this plea here because I realize what the effect is of even slightly increased tariff duties, but in this case there is a prospect of destroying a whole industry, an American invention, an American business, and in such an extremity we are compelled to go to the consumer and say, "Are you not willing to bear a slight burden in order to protect this industry?" I think this step is necessary in the case of the manufacture of women's shoes. I do not think it is reached in the case of men's shoes; I am not asking for a duty on men's shoes and yet the men engaged in the manufacture of men's shoes must soon be given protection.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. Mr. President, I fully agree with the Senator in every respect. The Senator asks how we would feel. I say I would feel just the same as the Senator does, and just the same as I felt when I saw the sugar industry in the United States at the brink of destruction.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I will yield to the Senator from Nebraska in just a moment.

Unfortunately, we can not all get into the environment and atmosphere of all the industries of our vast country. It is very hard to visualize the conditions in other parts of the country. I observe two of the Senators here smiling at my urging a protective duty in this case; but I have never run away from voting for a protective tariff duty of a reasonable amount where it was clearly demonstrated that the existence of the industry was threatened by importations.

I repeat what I have previously said, that I have seen many American manufacturers asking for tariff protection whose trouble was due not to importations but to overproduction, and I have tried to distinguish between such cases of distress due to domestic competition and those accountable to foreign competition.

I now yield to my friend from Nebraska.

Mr. NORRIS. Mr. President, response has come to the Senator's inquiry as to what Senators would do. The Senator from Utah [Mr. SMOOT] says, "That is what we are up against in sugar." The Senator from California [Mr. SHORTRIDGE] says at once, "What is the remedy? Increase the tariff on everything." But the Senator from Massachusetts was exceedingly fair in his argument. He called attention to the environment in which he lives. I think he has been fairer in his argument and presentation of his case than any other person I have heard asking for a duty on anything contained in this bill, because he recognizes human nature as it is; and he asks, "What are you going to do about it?"

Mr. President, we can not pull ourselves over the fence by our boot straps. We can not cure all the evils by a tariff. Perhaps we can do it in this case. When I am convinced that that is the way to do it, so far as I am concerned, I shall not hesitate to do it; but when the answer comes, "Increase the tariff; give us a tariff, no matter what it is," then if somebody says anything about the consumer they say, almost with a sneer, "Why, put him out. You must not talk about the consumer"; and yet it is upon the back of the consumer that this burden must rest—all of it; every bit of it.

When you say, "Put on a tariff," what is the answer to the farmer who is producing wheat? Everybody knows that a tariff will not do him any good. You add to the burden of that man, already bowed down almost to the earth, producing the food of the entire country at a financial loss. What are you going to do about him? If we say "debenture," if we say anything else that will equalize his condition under the tariff, we are called Bolshevists and socialists; and yet we are passing a burden on to him, already overburdened, where a tariff will not save him.

I think the Senator from Massachusetts was honest and fair when he said, "Perhaps a tariff will not always do it. Perhaps I am biased." Somebody said, "It is not only the shoe industry; other major industries are suffering in the same way"—some of them that we know a tariff will not help.

God knows all honest men want to help the unfortunates if they can; and I think I have felt for some time that this branch of the shoe industry for which the Senator is pleading does deserve our honest and fair consideration.

We ought to give it relief if we can without ruining somebody else, and perhaps we can; and I share with the Senator the belief that the men manufacturing men's shoes, while not now up against this proposition, if they are ordinarily intelligent men—and we know they are—can look into the future and see the same thing confronting them.

Personally, I can not see any other outlook. The men who have come over here and copied our machinery and gotten together machinery and erected factories in Czechoslovakia to make women's shoes can do the same thing with men's shoes. There is no reason on earth why they can not.

Now I want to ask the Senator a question, in an honest attempt to do the best we can—and when we do our very best we will relieve our countrymen only in part, in my judgment.

Several years ago, when I was still in the House of Representatives, there was quite an extended investigation conducted by the Judiciary Committee over there—of which I was a member, and I participated in it to some extent—of what was then termed the "Shoe Machinery Trust." I want to ask the Senator, are the American manufacturers of shoes handicapped now in any degree by a combination of the makers of shoe-manufacturing machines, so that they have to pay tribute to some trust, and thus add to the cost that they must ask the consumer to bear?

Mr. WALSH of Massachusetts. They never can buy outright their machines. They lease them, and pay a royalty.

Mr. NORRIS. What do the foreigners do about that?

Mr. WALSH of Massachusetts. The foreigners are pretty smart. They have stolen the machines. They have exported some of these machines and reproduced them—copied them.

Mr. NORRIS. Have not our manufacturers of shoes paid royalties and operated under leases long enough so that they could afford the machines too without being morally reprehensible?

Mr. WALSH of Massachusetts. Unfortunately, there is a law in this land against violating or infringing on patents and violating leases.

Mr. NORRIS. Perhaps, to give relief, we ought to change some laws of that kind.

Mr. WALSH of Massachusetts. Perhaps that is true.

Mr. NORRIS. Perhaps we shall have to go into that matter to solve this problem if it can not be done entirely by a tariff without an unjust burden being put upon somebody else.

Mr. WALSH of Massachusetts. But I am informed—I wonder if the Senator's information is as mine is—that these foreigners have taken the American machines and reproduced them, patents and all, and are using them. The patents have expired, I assume, in many instances, but the leases for 99 years hold the American manufacturer to his bargain with the United Shoe Machinery Co.

Mr. NORRIS. If the Senator will permit me, I should like to make just one further suggestion along that line. I am speaking from memory, and have not read about this matter for a long time, and more than 15 or 16 years have elapsed since I heard the testimony; so I may be somewhat in error.

As I remember, however, one of the things brought out very clearly in that investigation that impressed me very deeply, was that the expiration of a patent did not bring about the loosing of the grip of the trust on the shoe manufacturer.

New things were continually being invented; and they would get some patent that had not expired on some little part that had nothing to do, except in a small way, with the shoe, but in a modern factory was essential and necessary; and in order to get the use of that patent and the lease of it the manufacturers had to make an agreement to buy of the lessor other things, like wooden pegs or something of that kind, that went into the shoe, for which they had to pay an exorbitant price and which they could not go out in the open market and purchase. Does that condition exist now in shoes?

Mr. WALSH of Massachusetts. Not to the extent, I think, that it did exist at the time of the investigation. I think things have improved somewhat; but the United Shoe Machinery Co. still have a monopoly of all shoe machinery, and everybody who goes into the shoe business has to do business with them, has to pay them a royalty.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Utah.

Mr. SMOOT. There is another thing that has been worrying me somewhat of late, and it is this:

In the past we have had to compete with foreign money. I look for the time at a very early date when we shall have to compete with American dollars. I think American capital is going to Europe to go into different lines of manufacture. We have billions of dollars loaned over there now, and every once in a while we hear of this or that industry starting up in a foreign country, financed by American capital. I think that means that there will be American management; the systems in use here in the United States will be put in vogue in a foreign country, manufacturing there, just as they are in use in American mills here to-day, and will bring about mass production there.

Mr. WALSH of Massachusetts. I am told that is true more largely in regard to shoes than anything else. Does the Senator from Utah agree with me in that?

Mr. SMOOT. I could call the Senator's attention to some other things that are going on that I know of to-day.

Mr. WALSH of Massachusetts. But it is true about shoes?

Mr. SMOOT. Yes; and it is going to grow. That is one thing that we shall have to meet in the United States; I have not any doubt about it; and it is going to grow very rapidly, indeed. The competition is there. They will not only have the cheap labor that they have always had—and I think, of course, that will gradually increase—but they will have the advantage of all the patents and all of the administration that has been so highly perfected in the United States that it is going to be harder for the wage scale of America to be maintained and meet the competition that is bound to come from foreign manufacturers.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. WALSH of Massachusetts. I must hurry on, because I am afraid I am consuming too much time. I will yield for a minute; and then I shall ask to be allowed to finish my argument without interruption if I may.

Mr. ODDIE. Mr. President, in line with the thought that has just been discussed, I mentioned in my speech when the hide duty was previously considered that American capital invested in foreign countries at the end of 1928 amounted to fifteen and six-tenths billion dollars. Europe has received four and eight-tenths billions, and South America two and five-tenths billions.

Mr. WALSH of Massachusetts. Let me say to the Senator from Nebraska—and I know he will accept this in good part—I wonder if his farmers are worse off than industrial workers who are without a job? They have not even a home. They have not a postage stamp of land. Their children are hungry and can not be fed with the shoes made in the factories.

Mr. NORRIS. The Senator has expressed a wish that he should not be interrupted, but if he wants an answer to any of those questions I shall be very glad to respond to them.

Mr. WALSH of Massachusetts. I ought not to make such a comparison.

Mr. NORRIS. I am not objecting to it.

Mr. WALSH of Massachusetts. I want the Senator to have that picture as well as the picture of the farmer.

I never shall forget the impression made upon me in 1922, in the month of October, when I traveled for the first time through the western country, traveling extensively by automobile through the States of Utah, Idaho, and Colorado. I never shall forget that I had difficulty in keeping the tears from my eyes when I saw caravans, with a man and his wife in the front seat and a little table and bed and furniture in the back seat, leaving their home and their farm and all they had, going, going—God only knew where they were going—failure; everything lost; ruin. I saw many instances of it in the few days that I traveled in these States; and I have, therefore, been able to visualize how sincerely and deeply you Senators from the West must feel about the situation of the farmer and the need of some relief for him. But I never have been able to visualize, exactly, poverty on the farm. I have seen it in the industries. I have seen, in the faces of children, lines that I never thought I could see, that were depicted by the cartoonists in the newspapers—sunken cheeks, pale, emaciated faces and bodies, placed there by dire want. There never was a time in my public career when there was so much of it as there is this very night, I think in all parts of the country, but particularly in the part of the country from which I have the honor to come. But let me pass on from this picture.

I want to call attention to the fact that every country in the world except England places a protective tariff duty upon our leather and our shoes. England does not do it.

Mr. President, I want to call attention to another thing: That we, under existing law, the statute law of this country to-day, protect leather when it goes into ladies' handbags and into coats for women, but give no protection to the leather manufacturer who makes leather for shoes. How can that be justified? Leather is leather. The same process, workmanship, and expense are involved whether the leather goes into shoes or goes into a lady's traveling bag, or a suit case, or into a coat.

Further—this is surprising—there is a protective duty to-day upon shoes if they are made of something besides leather; a protective duty upon shoes even when the sole is leather, if there is above the sole rayon, felt, wool, cellulose, or straw, or anything except leather, although the sole itself may be leather. How can we draw such fine distinctions as that?

I think I have said enough to impress the Senate with a realization of the threatened extinction of the women's shoe business and the leather business. Let me be frank about that. I personally think the leather business is probably in a worse condition than the women's shoe business. That is a pretty hard thing for me to say, because the number of depressed families dependent on the shoe business is very much larger than in the tanning business, but I personally think the tanning business has reached the lowest stage a business can reach in the United States and yet exist. Unlike most other lines of business, all the tanners, particularly those making calf leather, all of them, whether they are big or small concerns, are depressed.

What are we going to do about protecting these industries—let them be destroyed? If I thought we were going to have another revision of the tariff in three years I do not think I would feel quite so keenly and deeply about this. I am going to make a prophecy. I do not know how long I shall be in the Senate, but I am going to make the prophecy that not a man in this Chamber listening to my voice will be in this Chamber when there is another tariff bill taken up for a general revision of the tariff laws. I do not think any President of the United States ever again will advocate a revision of the tariff in a wholesale way. Just stop and think about that. Would any one of you do it? This is the last revision, and therefore it is very important, if what I say is true about this industry, that it should be extended the same advantages that others have; and if the flexible-tariff provision exists, it should in future years have the same right other industries have. Under the present law shoes are on the free list. However depressed the business may be, however ruined it may be, the producers have no opportunity given them at the other end of the Avenue under the emergency flexible provisions of the tariff law to get relief.

I am sorry to digress in the midst of an argument upon one commodity in a tariff bill to say that, in my judgment, in the long vision of the future, the best service we could render our country would be to make some rules and regulations in the Congress that would restrict and limit the consideration of the tariffs to specific schedules and specific items.

Mr. President, I now propose an amendment, which I am going to read. I am going to compare my amendment with the Oddie amendment, with the House provision, and with the Senate committee provision. My amendment is based upon the theory that it is impossible to levy a substantial duty upon hides that would be beneficial to the farmer, without putting such a burden upon the ultimate consumer that it is out of the question. The figures are astounding. I have heard it said that, if the Oddie amendment became operative, it would

amount, in the cost of a shoe, to an increase of 50 cents to $1 a pair. That may be large, but it would be somewhere between 50 cents and $1 a pair.

This amendment is based upon the theory that relief should be given to the tanning industry and to the women's shoe industry with the least possible burden to the consumer. It is the bedrock rates. It is this or no protection. If Senators have reached the state of mind where they will consider under no circumstances a duty upon leather and upon shoes without hides being included, you must vote against my amendment. Let us compare these rates.

Mr. ODDIE. Mr. President, will the Senator yield just for one observation?

Mr. WALSH of Massachusetts. Certainly.

Mr. ODDIE. I feel quite sure the Senator is in error in saying that the farmer will not get the benefit of the duty on hides, because it has been shown conclusively that he will get the benefit, and the farming organizations and the livestock organizations are very strongly in favor of the amendment.

Mr. WALSH of Massachusetts. Is it the truth that the hide is 6 per cent of the value of the animal?

Mr. HOWELL. Six and one-half per cent of the weight.

Mr. WALSH of Massachusetts. So we are starting out with the hide being 6½ per cent of the weight of the animal, and we are giving a duty of 4 cents per pound upon that part of the animal which represents 6 per cent of it.

Mr. ODDIE. Mr. President, I think it is not quite fair to use such an estimated calculation. It is so much a pound to the owner of the animal, and to help cut down the loss that exists to-day——

Mr. WALSH of Massachusetts. My dear friend from Nebraska referred to the 4-cent rate as being sour milk, and his rate of 5 cents as being cream. I wondered where the sweet milk comes in.

Mr. ODDIE. The cattle organization of the United States, the National Livestock Association, has agreed to the 4-cent rate as being very helpful. They are strongly for it. They have indorsed it, and they have said it is necessary for the cattle industry; and they are a very strong organization.

Mr. WALSH of Massachusetts. I will concede that for the sake of the argument, and ask the Senator what he has to say about these figures. The Senator's duty translated into benefits for the farmer, assuming it becomes effective, will take out of the pockets of the public $144,000,000, of which $30,000,000 will come out of the pockets of the farmers. The packers rather than the farmers will get what benefit the duty on hides causes.

Mr. ODDIE. Mr. President, I will have to disagree very strongly with the Senator in that statement. I contend that the duty will not necessarily raise the price of shoes. It will help stabilize the price of raw materials used in the manufacture of shoes, and it will enable the shoe manufacturers to draw on the American leather, which will be stabilized in price. They will know they can get a certain amount of leather at a certain price, and it will discourage and help to stop this enormous importation of foreign hides and foreign leathers.

Mr. WALSH of Massachusetts. I suppose we could discuss that all night, and we would not get anywhere. The Senator would still claim that the farmer is going to get some benefit, but the hide is the wrapping paper of the animal. This duty proposed means the wrapper of the carcass would cost proportionately more than the content per pound. The reflected cost, when you get to the shoe, is tremendous, as I will show before I finish, and analyze briefly the Senator's amendment and my own amendment.

The Oddie amendment places a duty of 4 cents per pound on green hides. The House put the duty at 10 per cent ad valorem, the Senate committee recommends 10 per cent ad valorem, and I place no duty in my amendment.

Let me point out a serious objection to the Oddie amendment. The compensatory duty represented by 4 cents per pound on hides is 26 per cent, as against the House recommendation of 10 per cent, and as against the Senate Finance Committee's recommendation of 10 per cent. So we are starting out, before we begin building and finding out how much this is going to burden the leather industry and the shoe industry, with a 26 per cent increase in the chief, the principal—largely the sole—raw product of the tanner and of the shoe, an increase of 26 per cent ad valorem. Of course, the Senator's 5 cents a pound duty adds to that still further, and brings it over the 30 per cent mark.

Now we come to sole leather.

Mr. HOWELL. Mr. President, I would like to ask the Senator at what price he figures hides on that basis.

Mr. WALSH of Massachusetts. At the average price during the recent years.

Mr. HOWELL. How many cents a pound?

Mr. WALSH of Massachusetts. It is the average fixed, from 15 to 17 cents.

Let us come now to sole leather. The Oddie amendment proposes a duty of 5.2 cents per pound upon sole leather, and 10 per cent ad valorem, which represents, in ad valorem equivalents, a duty varying from 22 to 54 per cent, depending upon the part of the hide that is made into leather. That is one of the serious objections to the Senator's amendment and to all specific duties, and especially in matters of leather.

A variation in the sole leather—and the same is true of upper leather—of from 22 to 54 per cent means what? The poor, inferior leather has an ad valorem duty of 54 per cent—the leather that goes into the shoes of the farmers and the farmers' children; and the leather which goes into the shoes of the most expensive kind, the most expensive leather, has a duty of only 22 per cent.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ODDIE. I made a statement a short time ago which I will make again on this very matter. I said that the Finance Committee recommended a duty of 10 per cent ad valorem on green hides, which would have amounted to 1.71 cents per pound on the import value of green hides in the period from 1924 to 1928, on the basis of value of the 15 per cent ad valorem recommended by the Finance Committee on sole, belting, and harness leathers, would have amounted to 5.88 cents per pound. Had the Finance Committee recommended the same amount of protection on the basis of the 4-cent duty provided for hides under this amendment, it would have amounted to an equivalent specific duty on the same basis of value of 13.7 cents per pound. The total equivalent specific duty——

Mr. WALSH of Massachusetts. I want to be indulgent and kind, but I do not think the Senator should, in the midst of my speech, make another speech.

Mr. ODDIE. May I finish this one thought?

Mr. WALSH of Massachusetts. Very well.

Mr. ODDIE. The total equivalent specific duty on this group of leathers under this amendment amounted to 9.9 cents, a decline of 3.8 cents from the amount the Finance Committee would have allowed on the basis of the original recommendation, or a decline of 28 per cent.

Mr. WALSH of Massachusetts. Let me develop the argument I was about to make when interrupted. I was asking the question, What would these duties on sole leather mean in ad valorem terms? They would mean 22 per cent on bends, 25 per cent on belly, 45 per cent on shoulder, and 54 per cent on head, based upon the value of the average imports. It is again to be noted that the much higher duties fixed by the Oddie amendment are imposed on the leathers that go into shoes of the lower class. I am told that those shoes are made up largely of leather from the shoulders and the head, and their duty under the Senator's amendment is 45 per cent and 54 per cent, while the duty upon bends is 22 per cent and upon belly is 25 per cent.

On sole leather the House rate is 12½ per cent, 7 of it being compensatory and 5½ protective. In the Senate Finance Committee amendment the duty was raised to 15 per cent on sole leather, 7 of it being compensatory and 8 of it being protective. My amendment makes the sole and only duty 5 per cent, there being no compensatory duty. In other words, the House amendment of 12½ per cent, the Finance Committee amendment of 15 per cent, and the Oddie amendment of 22 to 54 per cent are completely wiped out and a bare duty of 5 per cent put upon sole leather.

Let us turn to side and patent leather. The Oddie amendment provides a rate of 5 cents plus 10 per cent. The equivalent, when we get it translated into its equivalent ad valorem, is 20 to 40 per cent on side upper leather. The House fixed the rate at 15 per cent, 10 per cent being compensatory and 5 per cent protective. The Senate Finance Committee fixed a rate of 17½ per cent, 10 of which is compensatory and 7½ protective. My amendment is 5 per cent as against 15 per cent in the House text, 12½ per cent as fixed by the Senate Finance Committee, and 25 to 40 per cent as fixed in the Oddie amendment.

Now, we come to calf and kip: The Oddie amendment provides 3 cents plus 10 per cent, or an equivalent of 18 to 25 per cent; the House rate is 15 per cent, 7 of it being compensatory and 8 protective; the Senate Finance Committee rate is 17½ per cent, 7 of which is compensatory and 10½ protective. The rate in my amendment, there being no compensatory duties, is 8 per cent. Even the protective rates in the amendment proposed by me are lower than those proposed in the House text or in the Senate Finance Committee proposal. The manufacturers prefer the committee rates because they are higher, but the purpose in the construction of the amendment was to keep down the cost to the ultimate consumer. Now, let us turn to shoes.

I will not discuss goat and kid leather, because the same principle has been carried out there, but I shall now turn to shoes.

The Oddie amendment proposes a duty of 14 cents per pair upon shoes, both men's and women's shoes, and 10 per cent ad valorem, the equivalent ad valorem duty being from 12 to 17 per cent only. The Senator from Utah knows how inequitable that is—12 to 17 per cent equivalent duty upon shoes, both men's and women's, when the equivalent ad valorem duty upon calf and kip leather is from 18 to 25 per cent, and on sole leather from 22 to 54 per cent. In other words, on leather which is less advanced in the process of workmanship than shoes there is a higher duty levied than upon the shoes themselves. As the Senator from Utah suggests, that is the trouble with it.

In other words, the Senator from Nevada is proposing to levy upon the women's shoe industry a duty for the leather that they use varying from 22 to 54 per cent in the case of sole leather, and from 18 to 25 per cent in the case of calf and kip leather, while he gives them a duty compensatory and protective of only about 17 per cent. The Senator from Utah has stated the proposition exactly. It is out of balance. It is bad enough for these industries to be depressed and ruined as the result of imports without having a law enacted which increases the cost of their leather and does not give them any appropriate compensatory duty. The compensatory duty which they ought to have is about 36 cents per pair of men's shoes and 30 cents on women's.

What did the House do on shoes? The House levied a duty of 20 per cent on shoes and the Senate Finance Committee levied a duty of 20 per cent on shoes. My amendment separates men's and women's shoes first of all, and it is the only amendment here that does so. It proposes a duty on men's shoes of 8 per cent, the exact and only compensatory duty based upon the sole-leather rate of 5 cents, and a rate upon the upper calf leather of 8 per cent.

Now, we come to women's shoes, 12½ per cent, as against 20 per cent in the Senate Finance Committee amendment, as against 20 per cent in the House text, and as against 12 to 17 per cent in the Oddie amendment, which does not give them any protection on shoes and which deprives them, as they claim, of half their compensatory rights. My amendment makes the duty upon men's shoes 8 per cent and upon women's shoes 12½ per cent. Of that 12½ per cent 7 per cent is compensatory by reason of going out and helping the leather industry, and an insignificant protective duty of 5 per cent is all I ask for women's shoes.

Mr. HOWELL. Mr. President, may I ask the Senator a question?

Mr. WALSH of Massachusetts. Certainly.

Mr. HOWELL. Is that the protective duty for women's shoes?

Mr. WALSH of Massachusetts. Yes.

Mr. HOWELL. Not taking into account the compensatory duty?

Mr. WALSH of Massachusetts. No. The total is 12½ per cent, the compensatory being 7½ and the protective about 5 per cent.

Mr. President, I want once more to refer to what is happening in regard to hides. The attention of the Senate has been insistently and ably called again and again during the tariff discussion to substitution. The record of substitution for the use of hides already is astounding. The extent to which substitutes are being used to-day is growing by leaps and bounds. If we increase the price of hides by 26 per cent ad valorem, which is the proposal here, do not Senators think that substitutes are going to be used for sole and other leathers?

This is a digression. One of the pairs of shoes which I have displayed here has fancy leather upon it as a decoration, reptile leather coming in from Europe. It bears no duty because the leather is not of chief value. But if the whole shoe was leather it would bear a duty, yet it can be used for shoe purposes.

Mr. HOWELL. What is the objection to using substitutes?

Mr. WALSH of Massachusetts. There is no objection so far as I am concerned; but I am speaking of how an attempt to help the cattle producer by increasing the duty on hides might result in being an injury to him by reducing his market for hides.

Mr. HOWELL. But 32 per cent of the hides we use are imported. We are not producing hides enough within 32 per cent of our consumption, so there is no immediate danger of substitutes affecting the farmer.

Mr. WALSH of Massachusetts. Does not every substitute that is invented and used instead of hides diminish by that much more the market that our hide producer might keep?

Mr. HOWELL. There is no question about that, but if we give protection to the American hide producer we have 30 per cent to go before we can meet the requirements of this country, so there is no immediate danger from that source.

Mr. WALSH of Massachusetts. Artificial leather in this country has grown from $6,000,000 in value in 1914 to $40,000,000 in value in 1925. That is the extent to which it has grown.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McCULLOCH in the chair). Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. WALSH of Massachusetts. I yield for a question only.

Mr. ODDIE. In regard to the question of substitute leather that the Senator from Nebraska has just mentioned, I can also see the danger from it, but if we have an adequate tariff on hides the price will be stabilized and the price of leather will be more stabilized, and it will increase the use of leather and prevent much of the substitution.

Mr. WALSH of Massachusetts. I want to put one question to the Senator. If we can succeed in shutting out this large importation of shoes alone, leaving out of consideration now the question of leather, how much more leather or hides, to say nothing of the workers employed, will be put upon the market for use by the domestic manufacturer of shoes?

How many more American workmen will go to work? Considering now the importation of 6,000,000 pairs of shoes last year, promising, according to the imports of the first months of this year, to reach 7,500,000 during the year 1930, if we could succeed in preventing that importation, 4,000 men for one year would be given employment in the manufacture of shoes alone, to say nothing of the number of men who would be employed in the making of leather, in the making of lining, and in the making of the other materials which are used in the manufacture of shoes. The average rate of wages for the operators in the shoe industry is about $1,000 a year, the number of employees being about 250,000, and the pay roll being about $250,000,000.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. ODDIE. Mr. President, in line with what the Senator has just said, if the five and a half million pairs of shoes which were imported in 1929 had been made in the United States they would have required the hides of 110,285 head of cattle and the skins of 827,000 head of calves.

Mr. WALSH of Massachusetts. The Senator has anticipated me. He realizes, of course, that if we can shut out the imports of shoes it will markedly increase the domestic demand for hides. I have some figures that may not exactly correspond with those of the Senator from Nevada, but I will give them to the Senate. The shoes imported are estimated at about 6,000,000 pairs. If those shoes were made in this country they would consume approximately 12,000,000 square feet of leather, or nearly 800,000 hides or skins, for the upper leather alone. The sole leather used in the making of 6,000,000 pairs of shoes, including both heels and soles, would require over 80,000 hides. In other words, if we could shut out imports of shoes alone—I am not talking about leather now, although that is a very important factor—the American manufacturers would be in the market for 800,000 more hides.

Mr. HOWELL. Yes, Mr. President; and those hides would come from Argentina and from Europe, because we are not producing sufficient hides in this country, within 32 per cent, to meet the domestic demand.

Mr. WALSH of Massachusetts. That has already been referred to and discussed.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. WALSH of Massachusetts. I yield.

Mr. ODDIE. The number of cattle in the United States has decreased to a very large extent during the last few years, and one reason assigned for the decrease is the lack of protection on hides. If we could stimulate the cattle industry to a greater extent, as a tariff on hides would stimulate it, the number of cattle would increase, and in a very few years we would not be dependent in any manner upon foreign importations.

Mr. WALSH of Massachusetts. Mr. President, I am not going to burden the Senate much longer. I will not move my amendment until after the amendment offered by the Senator from Nevada has been acted upon. Then I hope the Senate will conclude that it is justified, in view of the evidence presented, in levying the modest duties which I seek to have levied in my amendment upon various kinds of leather and upon women's shoes.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. I want to ask the Senator a question. Suppose the Senate votes a duty upon hides—and I think there is a strong inclination on the part of the majority of the Senate to do so—would the Senator then think that the compensatory

duties provided in his amendment on all the different items in this schedule would be satisfactory to the shoe manufacturers?

Mr. WALSH of Massachusetts. No, sir. I repeat, my amendment is drafted upon the assumption that it is not expedient or desirable to levy a duty upon hides, because of the fact that the farmer would get so little in return for a meager duty, and if a large duty were imposed, the burden would be too great for the consumer, as I have tried to show by the figures produced. Therefore, I have sought to present to the Senate the situation with regard to the leather-tanning business, and to the shoe business, and requested that there be given consideration to the levying of a very small duty upon leather and women's shoes, with the idea of protecting this great industry from further depression as a result of the large and growing importations. If a leather duty shall be imposed in the Senate, of course, there will have to be a readjustment of the compensatory and the protective duties on shoes.

Mr. SMOOT. Mr. President, I asked the question for this reason: The Finance Committee reported a duty on hides, and I should feel it my duty, if not my inclination, to do what I can, having reported the bill, to have placed in the bill the duty which the Finance Committee reported.

Mr. WALSH of Massachusetts. I would vote for that if I could get a chance, although I think there are Senators here who think there ought not to be any duty.

Mr. SMOOT. What I mean to say is this: I also understand the terrible condition in which the women's shoe industry of the United States is because of the very severe competition from Czechoslovakia.

Mr. WALSH of Massachusetts. A competition which is growing and increasing and becoming more and more destructive every month.

Mr. SMOOT. The chart which the Senator has placed on the wall is sufficient to tell the story. What I wanted to say is that if we had a duty placed upon hides I think that no Senator who is in favor of such a duty would not be willing to allow compensatory duties to the shoe manufacturers.

Mr. BORAH. The Senator means as to women's shoes?

Mr. SMOOT. Certainly.

Mr. BORAH. And not as to men's shoes?

Mr. SMOOT. The Senator from Massachusetts is only asking for a duty in respect of women's shoes.

Mr. WALSH of Massachusetts. Of course, the compensatory duty must be applicable to both kinds of shoes, and in addition there should be a slight protective duty on women's shoes. Does the Senator agree with me that under the Oddie amendment the compensatory duty upon shoes would be about 36 or 37 per cent?

Mr. SMOOT. The compensatory duty, of course, would be based on the rate on hides. I have not figured it out, but I hardly think it would be as much as the Senator suggests on shoes.

Mr. HOWELL. What is the price of the shoe under consideration?

Mr. SMOOT. The compensatory duty, of course, would be made to cover the average shoe just as in the case of all other commodities.

Mr. HOWELL. Then, I presume the Senator in referring to the "average shoe" means the figure derived by taking the total number of shoes produced and dividing it into the value of those shoes?

Mr. SMOOT. No; the ad valorem duty on a cheap shoe would not amount to as much, of course, as a similar duty in the case of a real expensive shoe.

Mr. HOWELL. That is true, but it is necessary to have an average shoe from which to determine the ad valorem duty. The average shoe costs about $2.60. Is the Senator from Massachusetts talking about 36 per cent upon a shoe priced at $2.60?

Mr. SMOOT. I do not know upon what the Senator from Massachusetts bases the ad valorem duty, but we would have to treat the ad valorem duty on shoes just as we would any other commodity on which an ad valorem duty is levied.

Mr. HOWELL. But when the Senator talks about a compensatory duty he must give us a price of the shoe.

Mr. SMOOT. Of course the Senator understands that the rate would have to be figured out as nearly as it could be figured. As I have said to the Senator, I do not know whether 36 per cent is correct or not.

Mr. WALSH of Massachusetts. Let me quote a paragraph from my notes here about the compensatory rate.

The necessary compensatory rates, if the Oddie amendment of 4 cents per pound on green hides and the resultant compensatory and protective duties on all kinds of leather goes into effect, on women's shoes made of all leather would be 30 cents a pair on the average and a duty of 37 cents a pair on men's shoes.

Of course, a protective duty would have to be added to that.

For each 1 cent of duty on hides there is an additional expense to the shoe manufacturer of 6 cents per pair on men's shoes and 5 cents a pair on women's shoes. For each 1 per cent of protective duty on the various leathers consumed in the manufacturing of shoes there is an increased manufacturing cost of approximately 1 cent per pair.

Mr. SMOOT. May I call the Senator's attention to the fact that the ad valorem duties apply to the foreign value of the shoe and not to the American value of the shoe at all? And, of course, the foreign value of the shoe is very much less than the American value of the shoe.

Mr. WALSH of Massachusetts. It is much less. The Oddie rate is 14 cents a pair plus 10 per cent ad valorem. That is the duty on shoes under the Oddie amendment. I ask that several tables and communications that I have in reference to this subject be annexed to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE PROPOSED DUTY ON SHOES

In the debate in the Senate reported in the RECORD of September 16 this statement was made:

"I have here upon my desk a statement signed by 40 per cent of the manufacturers of shoes in the United States who are opposed to this duty, either upon men's shoes or women's shoes."

This statement, as well as others upon the same subject, indicates that the attitude of the manufacturers, and the shoe industry generally, is not clearly understood. The further statement:

"In support of the proposition that it (the duty on shoes) is unreasonable just as many manufacturers of shoes will appear against it as for it."

This does not, I believe, correctly represent the attitude of any manufacturers in this industry. The manufacturers whose names are signed to the statement referred to are at most indifferent in regard to protective duties on shoes. It is not likely that one of them objects to it, or would appear against it, on its own merits. They are opposed to it only as an item in a schedule which carries with it a duty on hides and skins. If a duty is levied on hides and skins, the cost of all classes of shoes will be increased. These manufacturers know full well the serious consequences of having the cost of their product increased, and, as they have been told many times there will be no duty on shoes unless there is a duty on hides, they are disposed to give up the protection on shoes for the sake of preventing any tax on hides and skins, and only for that reason.

It may be said if the shoe manufacturers have been able to operate successfully for 15 years without any protection, why do they need it now?

It is only within the past few years that a foreign manufacturer, trained in this country, has succeeded in so organizing his business, both in the manufacturing department and the marketing end of the business, as to equal the American-made women's shoes in style and appearance, at a materially lower price. This explains the rapidly increasing importations of women's shoes, which have so demoralized American manufacturers and led to the urgent demands for a protective tariff.

This condition is a real injury to the American manufacturer, and unless checked will certainly cause continued unemployment among workmen engaged in the making of shoes of that class. That this is a "distress" situation no one will deny—and it is in no way helpful to point out that the importations amount to slightly less than 2 per cent of the total number of shoes produced.

Is it desirable to put out of business the makers of one kind of shoes simply because that sort represents less than 2 per cent of all shoes produced?

It is important to consider the very significant fact that this particular manufacturer has found the way to meet American demands in style, and has found a large market for his goods in the leading cities of the East where competition is very keen and prices of American goods are on the lowest possible level. If these imported shoes can be sold in these cities, they can be sold anywhere as soon as the maker of them is able to organize to distribute them satisfactorily. If nothing is done toward protection in this situation, it looks like a certainty that before many years they will be introduced into all the principal markets, west as well as East, and their sale will be so large and the unemployment resulting so widespread that serious injury will result to shoe workers in this country.

The debate, as reported, shows that the most determined champions of the farmers concede the need of a tariff on this particular kind of shoe. It shows also that they resent the suggestion that men's shoes be protected also. Again the situation is misunderstood.

It would do the farmer no injury to put a duty on all shoes, as the prices of shoes to the wearer would not be increased in consequence. Women's shoes from the foreign manufacturer have been sold to the dealers at from 30 to 40 cents per pair less than the American manufacturer can afford to sell them, but the price of the shoes at retail

has been the same for both. Later on competition among dealers here might lead to a reduction in the price of the foreign shoe, but for various trade reasons this is not likely. On men's shoes no change in price would result, for the reason that very few men's shoes are imported, and these few are of a class in which the farmer is not interested. So a duty on men's shoes will certainly not do any harm.

What use is it, then? If not needed, why levy such a duty?

It should be levied for insurance. We think it would be wise to prevent such an experience as we have had with these women's shoes. Men's shoes are being made abroad to-day at much less than they can be made here. This is just as true of men's as of women's.

If that is true, why have they not been imported in the same quantities as women's

Only for the reason that no foreign maker of men's shoes has as yet had the enterprise and courage to meet the American style demands and the problems of distribution. Together these present difficulties to which the foreign manufacturer is not accustomed, and these difficulties present the only barrier which has kept foreign shoes out of this country for several years. This means that if shoes of both men and women are left without protection by this bill, some foreign manufacturer will be encouraged by the success of the women's goods in this market to equip to introduce men's in a large way, and we shall see large quantities of shoes of all kinds coming in from abroad. It has seemed wise to shoe manufacturers to prevent this, and so a very small protective duty is desired to safeguard the industry and prevent extensive unemployment.

If there is any good reason why it should not be granted, that reason has not yet been stated.

NATIONAL BOOT AND SHOE MANUFACTURERS' ASSOCIATION,
NEW ENGLAND SHOE AND LEATHER ASSOCIATION,
By CHARLES H. JONES.

STATEMENT IN RE TARIFF ON HIDES, LEATHER, AND SHOES TO MEMBERS OF THE SEVENTY-FIRST CONGRESS

While report of the Ways and Means Committee is before the House we wish to sum up very briefly the tariff situation in the shoe and leather industries. These industries employ large numbers of highly skilled and highly paid operatives. They are threatened at this time with a recently developed and genuine competition from abroad. They have appeared before the committee and have asked for protection. There would seem to be no room for doubt that they are entitled to such rates as the investigation of the committee indicated were necessary.

The fact that we have been for years without protection is wholly the fault of the Democratic Party, which removed, against our protest, the low rates which had been in force up to 1914. We believe that the committee was impressed with our need and was disposed to grant us the protection required.

We are informed by some who represent the farmers that with the protection we ask must go duties on hides and skins as part of the program of farm relief or we get no protection at all. The bill as reported indicates that the representatives of the agricultural interests are strong enough to prevent any protection being granted to us, unless we compromise on their terms. We wish to protest in the strongest language which can be used against the injustice of this proposal. The two subjects are entirely separate, and each should be considered on its merits. It has been shown over and over again, and can be definitely proved, that a duty on hides and skins will prove but a small and very uncertain advantage to the stock raiser. The ordinary farmer will receive no benefit at all, and as an economic proposition it is preposterous.

The Farm Bureau Federation declared in December, 1921 (see brief of Mr. Grey Silver filed with Ways and Means Committee):

"Cattle production needs stimulation, but the increased return from 15 per cent on 6½ per cent of the weight of the animal is so small as to be of no importance as a means of increasing cattle production. The cost to consumers of leather products would more than offset the increased return to hide producers, even if all the increased price was passed on to the producers, of which there is no assurance. Therefore we believe that hides, leather, and leather products should remain on the free list."

Coming from this source, this statement should be considered conclusive on this point.

No competing country imposes such a tax, and, if imposed here, the compensating duties on leather and shoes would necessarily be so high that the country would be burdened with additional charges for footwear and leather goods of hundreds of millions of dollars and the industry would be completely revolutionized. Such a schedule, which would inevitably increase the current prices for shoes very seriously, would make it necessary for every manufacturer to readjust his line of shoes to meet the new conditions. Old customers would not be able to use the shoes at the new prices, and a new distribution would be necessary. Substitutes tending to cheapen the product would be rapidly developed and generally used. Pending the adjustment of this situation, which would take many months, production would be reduced, many long-established connections would be broken. The many grades of shoes long advertised at fixed prices would necessarily be readjusted to match increased cost of material and a condition in the industry would result that would be wholly undesirable from every point of view. It is fair to assume that quite a serious unemployment situation would develop before the industry could be made to run smoothly under the new conditions.

We share in the very general desire to help the farmers but protest that such "relief" as this would be nothing but a purely deceptive gesture for him and a very costly one for the industry and the people as a whole.

We believe also the political effect of such an act would be most unfortunate. To have 20,000 retail shoe dealers explaining to their customers that the large advance in the cost of shoes was due to the tariff schedules forced on the trade by the farmers would certainly bring a reaction most unfavorable to existing political conditions.

Under the present circumstances there is but one sound straightforward course to pursue.

Keep hides and skins on the free list and place low protective duties on leather and shoes. No other schedule will help the farmer and at the same time meet the needs of industry.

If this is done, no business will be disturbed, all branches of the industry will be strengthened, and the wrong done the whole industry by the Underwood bill will be at last wiped out. The farmers and stock raisers will be better off financially than they could be under taxed hides, and all the rest of the people will be saved the unnecessary burden of higher priced footwear.

We call attention to the fact that representatives of the agricultural interests claimed in their statements before the committee that they wanted only what was fair and did not desire to put a burden on any of their fellow citizens. Is this statement consistent with the attitude which they now take? They have claimed that the protected industries received far more benefit from the tariff than they did; that duties on manufactures averaged over 49 per cent, and their protection amounted to but 22 per cent. What is the justification for their refusal to grant the shoe industry any protection at all? This industry has asked very few tariff favors—those asked at this time are simply to prevent importations which will cause a considerable unemployment.

If those representing the farmers refuse this modest request they must answer later on an aroused and critical public sentiment. They will be obliged to explain to their constituents why they insisted on conditions burdensome to the people and productive of no advantage to anyone.

CHARLES H. JONES.

(Representing National Boot & Shoe Manufacturers' Association and New England Shoe & Leather Association.)

[Reprinted from Shoe and Leather Reporter, February 13, 1930]

THE LATEST TARIFF DEVELOPMENTS FROM HIDES TO SHOES—SENSATIONAL CHANGES PROJECTED—DOUBLE DUTIES SPECIFIC AND AD VALOREM—HIDES, LEATHER, AND SHOES ALL TAXED—TREMENDOUS EFFECT UPON TRADE

As briefly announced in this paper last week, a compromise has been effected in Washington between the Senators from the far Western States and the Senators representing States where tanning and shoe manufacturing are important industries. After the passage of the Borah amendment, which relegated hides, leather, and shoes to the free list, there was general dissatisfaction. To the tanners it appeared that all the work of two arduous years had been wasted. But the men who have been foremost in the fight for protection from the cheap labor of Europe determined to carry on. They decided to accept the inevitable high tariff on hides and calfskins if in return they could get compensatory taxes on leather and shoes plus reasonable protective duties. Senator ODDIE, of Nevada, the man who proposed 4 cents a pound on green salted hides and 8 cents a pound on dry hides, was informed that these abnormal rates would be accepted if in return he consented to specific duties on the pounds and feet of leather imported and in addition reasonable ad valorem duties.

THE COMPROMISE

Senator ODDIE agreed to this, and it was determined that when the opportunity comes, which will be upon the second reading of the bill, he (Senator ODDIE) would present the amendment to the Senate which apparently will be accepted by all parties to the controversy. Of course, it should be understood that Senator ODDIE represented the coalition group of Senators and the tanners present spoke for all branches of the industry, including the shoe manufacturers, who have been adversely affected by the great increase in the imports of shoes.

The leather schedule as amended will read as follows:

THE NEW DUTIES PROPOSED

Green salted hides and calfskins, 4 cents per pound.

Dry hides, 8 cents per pound.

Sole, belting, and harness leather, 6 cents per pound and 10 per cent ad valorem.

Welting, 6 cents per pound and 10 per cent ad valorem.

Side upper and patent leather, 5.2 cents per foot and 10 per cent ad valorem.

Calf and kip leather, 3.6 cents per foot and 10 per cent ad valorem.

Goat, kid, fish, bird, and reptile, 17½ per cent ad valorem.

Rough or semitanned from genuine reptile, 10 per cent ad valorem.

Vegetable tanned goat, sheep, pig, hog, and skivers, 15 per cent ad valorem.

Leather grained, printed or ornamented, or made into fancy leather, 5.2 and 10 per cent.

Shoes of leather, 14 cents per pair and 10 per cent ad valorem.

Shoes with textile uppers, 6 cents per pair and 35 per cent ad valorem.

Leather shoe laces, 20 per cent ad valorem.

This double system of duties is first to compensate for the high tax on hides and calfskins and second to provide a duty for protection.

REVOLUTIONARY CHANGES

This reconstruction of the hide and leather clauses is extreme and revolutionary. It is the most drastic and sensational program ever suggested. A few years ago such a list of tariffs would have been received with scorn and derision. It may be that conservative opinion will be strenuously against it. It must be realized, however, that conditions have radically changed since our industry made its historic and successful campaign for free hides in 1909. To-day the balance of power in the Senate is held by the far western Senators and there is no possibility of obtaining free hides and even moderate duties on leather and shoes.

THE RAISON D'ETRE

Our industry is squarely confronted by the alternative of an unparalleled duty on its raw material as the price to be paid for any protective rates on leather and shoes. The question of abstract right, political economy or even common sense had to be waived in a spirit of expediency and compromise. It was necessary to enter the proceedings with the premise that hides must be taxed whatever else were done. It should be obvious that nothing could possibly be gained by reopening the old contention that hides should be free. It was necessary to face at the outset the fact that anything bearing the label of farm relief could not be defeated.

PROPOSED DUTIES ADEQUATE

Tanners who have worked out the percentages feel that the specific and compensatory duties will suffice to give our trade the needed relief from the higher cost of raw material, as well as from imports of leather and shoes made abroad at a labor expense about two-thirds below the wages paid in the United States. There is some complaint that the rate is too low on kip leather, and that it should be rated between the amounts fixed for side leather and calf leather. Under skillful buying methods a liberal share of the hide duty will be absorbed by the foreign exporters.

HIGHER PRICES CERTAIN

It would be idle to ignore the fact that the market prices of leather and shoes must be raised. The amount reduced to a pair of shoes, however, should not be excessive. One of the advantages of the change should come through the complete breaking down and building anew of the entire price structure in our industry. During the past lustrum prices have been so low that the making of profits in the business was almost impossible. Many corporations have liquidated and the plants have been scrapped. Others have declared that without tariff protection against foreign imports they would discontinue manufacturing. The revision of prices upward should include commensurate profits to tanners and shoe manufacturers. If this is not done, the long and arduous struggle for relief from free-trade conditions will have been in vain.

GOOD PROSPECT OF PASSING

Our enthusiasm must be qualified by the consideration that the new bill has not been enacted. The outlook is favorable for the measure passing both the Senate and the conference committee. Of course, the element of risk is always present. There will be orations to go into the CONGRESSIONAL RECORD and later be mailed to the constituencies of the Senators, but the compromise bears the visa of farm relief, and thus is sacrosanct in a Congress that tried to give debentures to agriculture.

FAVORABLE REACTION

Let us hope that all departments of our industry will react favorably to this compromise. It is the best that could be done. It should not be condemned untried. The probability is strong that the elastic clause will be retained in the new revenue law. As long as we were on the free list nothing could be done for us pending another general revision of the tariff 10 years hence. Once hides, leather, and shoes are on the dutiable list there is always opportunity to effect changes up or down. Under the present law the President has power to raise or lower tariffs 50 per cent. If the proposed rates do not prove workable or just the necessary alterations can be made later.

LYNN, MASS., *February 20, 1930.*

Senator DAVID I. WALSH,

United States Senate Office Building, Washington, D. C.

DEAR SIR: Referring to the amendment recently offered by Senator ODDIE, of Nevada, proposing a specific duty of 4 cents per pound on green hides, it is my firm belief that this amendment should be defeated because it would make the cost of leather high and inevitably mean substitutes.

I sincerely hope that you will find it in accordance with your ideas to use your efforts to have the bill go to conference with free hides and free leather.

Very respectfully yours,

LOUIS M. NEWHALL.

(This is the seventh in a series of editorials based on the belief that New England is no mere corner but rather the corner stone of the United States and that her demands must receive due consideration at Washington.)

If John Smith can manufacture shoes cheaper than James Jones, who is in business peril? How foolish!

But it is not so foolish when John Smith represents a foreign shoe manufacturer exporting his product to the United States and James Jones represents the American manufacturer of women's shoes, especially as in Essex County, Mass.

Let us bring it home to you—and maybe, by some miracle, to the present tariff tinkerers at Washington—in dollars and cents and increasing amount of shoes imported to this country.

Czechoslovakian manufacturers of women's footwear, who exported millions of pairs to the United States during 1929, figure their labor cost per pair of shoes at only 32 cents.

This is according to statement by a representative of the T. & A. Bata Shoe Co. of Zilina, Czechoslovakia, at a tariff readjustment hearing at Washington last year.

The average labor cost in a pair of Lynn-made shoes, as stated in a brief filed at Washington by the Lynn Shoe Manufacturers' Tariff Committee, is 95 cents per pair.

Do you wonder that the Essex County manufacturer of women's shoes and the employees on his pay roll call for a protective tariff on shoes?

Furthermore, the Lynn manufacturers submitted in their brief that the difference in the cost of producing shoes in Lynn and in Czechoslovakia is more than $1.10 per pair, as based on the manufacturing cost price of Lynn shoes of more than $3.22 per pair average against the wholesale price of imported Czechoslovakian shoes in New York City of $2.25 per pair.

The difference between 32 cents labor cost in Czechoslovakia and 95 cents in Lynn accounts for 63 cents of the $1.10 of total manufacturing difference.

That leaves 47 cents in manufacturing difference to be explained. Lynn manufacturers, in their brief to Washington, account for the remainder thus:

"It must be apparent that the other 47 cents or over to make up the difference of over $1.10 per pair is caused by the cheaper cost of materials abroad, due to the cheaper cost of labor entering into the manufacture of such material."

So the Czechoslovakian and general European manufacturer hits his American manufacturing rival with both barrels—cheaper labor and cheaper materials.

So long as Uncle Sam permits these shoes to come in duty free this peppering of the American shoe manufacturer with duty-free, foreign-made competition will keep up—and wax bigger and bigger.

This importation of foreign-made women's shoes is increasing about two and one-half times every year. The 1928 imports amounted to 2,019,275 pairs. In 1929 the figures leaped to 5,514,447 pairs.

Beginning this year these imports of women's footwear amounted in January to 623,776 pairs.

Is it any wonder that the Massachusetts manufacturer of women's shoes anticipates that sister Europe will shove some eleven or twelve million pairs of their duty-free product into the complacent United States ere New Year bells ring merrily again—merrily for the Czechoslovakian manufacturer who gets his labor at 32 cents per pair.

How about it, Congress?

HE LEARNED IN LYNN—AND NOW SEE WHAT MR. BATA, OF CZECHOSLOVAKIA, IS DOING TO LYNN'S SHOE INDUSTRY

Great colored signs on Essex Street near Atlantic Avenue tell the visiting shoe buyer that here is "headquarters for Czechoslovakian shoes" or sandals.

They need no such signs in Lynn to tell the shoe worker and shoe manufacturer of the menace to their happiness which has been thrown up in the region of the Blue Danube by a Czech who learned his trade, in part, at Lynn benches.

This foreign manufacturer, who made a large part of the 4,500,000 pairs of shoes which came to the United States last year, is Thomas Bata.

With a brother, now dead, and two other young Czechs, Bata came to Lynn a number of years ago and for more than a year was employed in one factory. His friends went to three others. On their way back home they were employed in like manner in shoe factories in England and Germany. Then they returned to Zilina and opened their first factory. * * * To-day there are many Bata factories. They have





adopted the mass-production methods of the most modern American establishment. They make 35,000,000 pairs of shoes a year!

The Bata shops are said to be "strangling" the shoe industry of Lynn, for Bata makes women's shoes—good shoes, up to Lynn quality—that are sold at retail throughout the United States of America for from $2.50 to $3.95 a pair.

And how is this possible?

This has been made possible because there is no tariff—none whatever—on shoes.

So far as paying a nickel for the privilege of placing his shoes on the American market is concerned, Mr. Bata might be turning them out in Augusta or Manchester or Haverhill or Lynn—where he learned the trade.

We can not believe it possible that the United States Senate, advised of this situation, will be deaf, dumb, and blind to the interest of those American homes whose well-being depends upon the well-being of the shoe industry.

THE FARMER AND THE HIDE TARIFF

By Armand Schmoll, jr., president Schmoll Fils Associated (inc.)

How will a duty on hides or leather or leather manufactures, or on all three commodities react on agricultural and industrial America? That is what is puzzling the farmer, the packer, tanner, and leather manufacturer.

The agricultural sections of our country are of the impression that a duty on hides will benefit the farmer.

I refer you to the very illustrative years of 1918 and 1919. In April and May of 1918 light native cow hides brought from 16 to 21 cents a pound. In August of 1919 these same hides reached the highest price in history, that of 61 cents a pound.

Did the farmer receive as much more for his cattle? Let the facts speak for themselves. In June, 1918, when hides were valued at the lower price, prime to good cattle at Chicago brought $17.25 a hundred pounds, while in August, 1919, when hides were at their highest in history, the same cattle brought $17.70 per hundred pounds. The hide brought some $22 more per animal, but the farmer received only $4.50 on the whole animal. It is evident, therefore, that the farmer did not benefit from the higher price of hides.

Again, if we examine the price of meat we find the very interesting fact that in June, 1918, the wholesale price of choice dressed meat at New York, when hides were 16 to 21 cents a pound, was $25.98 per 100 pounds, while in August, 1919, when hides were 61 cents per pound, the same grade of meat sold at $24.35 per 100 pounds. This clearly establishes the fact that the higher price of hides did nothing but help reduce the cost of meat.

On the other hand, if we look back and verify what the average American citizen, including the farmer, paid for his shoes in the same period of 1918 and compare it with the extraordinarily high shoe prices which followed the high peak of hide prices in 1919, we see that not only did the farmer receive no benefit from the advanced price of hides, but that he paid a good deal more for his shoes. The index of wholesale shoe prices shows up as follows:

Wholesale shoe price index

1918	
(When hides sold at 16 to 21 cents)	
April	89.5
May	91.4
1919	
(When hides reached the 61-cent peak)	
August	156.2
September	161.3
October	159.2
November	159.8
December	160
1920	
January	160.1
February	164.9
March	165

All one needs is to recall those high shoe prices, and considering the effect on the farmer, it seems clear to me that, as he can derive no advantage but he most likely will have to pay more for his shoes, a duty on hides is not desirable from his point of view.

DANVERS, MASS., *February 21, 1930.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Attached hereto find article in last night's Salem Evening News, written by Mr. Fred Gannon, who has charge of the shoe and leather column, and it contains some horse sense.

Of what use is it for us to have free hides if the tanners of this country have their plants only running 30 per cent capacity and can not buy hides or skins? Free hides, free leather, and free shoes means no business, unemployment, and an empty stomach. We have had seven years of it, and it is enough.

Yours very truly,

CREESE & COOK CO.,
By WALTER T. CREESE.

NOBODY KNOWS THE EFFECT OF TARIFF ON COST—WHETHER DUTY ON HIDE WOULD BOOST PRICE OF SHOES IS PROBLEMATICAL; SOME SHOPS TO RUN FEBRUARY 22

Maybe a duty on hides would increase the prices of shoes and maybe it wouldn't. Nobody knows for sure. This is the new view. It follows after a few tons of declarations that a duty on hides would increase the price thereof and that an increase in the prices of hides would cause an increase in the prices of leather and shoes. But prices of hides have been going up and down, and down and up for the past 10 years, and all the while prices of shoes have been going down and down.

Native cowhides, of the Chicago packer class, a common raw material of local tanners, have been as high as 29 cents a pound and as low as 11 cents a pound during the past decade, and all the while prices of shoes have been tending downward, regardless of whether hides were high or low, for major movements. During the year 1928, the latest of the Government index of prices, these native cowhides were up as high as 25 cents a pound and were as low as 18 cents a pound. They varied month by month. If a shoe merchant were following a policy of fixing his prices on footwear according to the way the hide market was acting, then he would have had to change his price tags every month, instead of keeping them at the fixed quotation of $5 a pair.

While hides have been doing their dips and climbs during the past 10 years the price of men's Goodyear welt shoes made of cowhide leather has dropped from $5.34 a pair wholesale to $3.70 a pair wholesale. This downward movement of prices on footwear has gone on with little if any regard to the way that hide quotations went. The chances are that the consumers fix prices anyway, and producers, tanners, and shoe manufacturers and farmers, too, have to meet them. So it is quite possible that a duty on hides, providing it was within the bounds of reason, would not start prices of shoes to climbing above the present popular quotations.

[From Hide and Leather, March 1, 1930]

THE WEEK'S RECORD—JANUARY IMPORTS OF SHOES AND CALF MAKE BIG INCREASE—CAUSTIC COMMENT ON UNITED STATES SENATE—LEATHER DRAGS PENDING TARIFF ACTION—APPROXIMATELY 130,000 PACKER HIDES SELL AT STEADY PRICES

The first month of the new year starts off well—that is, for foreign tanners and shoe manufacturers. Imports of calf and kip leather for January amount to 3,505,025 square feet valued at $1,115,588, against 2,082,602 square feet valued at $739,080 in January, 1929. Shoe importations amounted to 683,753 pairs valued at $1,706,215 against 424,531 pairs valued at $1,197,989. The export of shoes shows a material decline, dropping from 193,239 (men's); 149,892 (women's); 79,387 (children's) in January, 1929, to 144,073 (men's); 117,607 (women's); and 27,957 (children's) last January. Foreign tariffs are shutting out American manufacturers from the foreign field while free trade permits the entry of cheap foreign-made shoes into the United States.

ARE SHOE PRICES REALLY HIGH?

A careful survey develops the fact that at least 85 per cent of all the men's and women's shoes in the United States retail for $6 and less. The statement attached, compiled from Department of Commerce census figures for 1927 on boots and shoes, would indicate that the average would be under $5, figuring that the retailers' mark-up was 50 per cent. But even if it were necessary for 100 per cent mark up, 85 per cent of the American consumers would still buy their shoes at $6 and less. It is very easy to see from the figures presented here how unfair and misleading were the statements made on the floor of the Senate that shoes retail from $14 to $16.

Shoes retailing at $6 and down are made by mass production and, in most cases, are made of good leather and will give sturdy wear and satisfaction as purchasers of the lower-priced shoes expect and demand more wear than those who can afford to buy luxury shoes.

When it is considered that not over 15 per cent of all the shoes in the United States retail over $6 per pair and that the ones that do are shoes that represent highly advertised or specialized style shoes, and are sold to people who can afford to pay for the very best workmanship and style. The best brains, thought, labor, and artists in this country develop these luxury shoes and, considering how specialized they are, the prices charged for them are most reasonable.

Type	Number of pairs [1]	Value [1]	Wholesale price per pair	Retail price, allowing 50 per cent mark up
Men's leather shoes	93, 012, 560	$298, 683, 879	$3.21	$4.85
Boys' leather shoes	26, 914, 871	60, 810, 145	2.26	3.40
Women's leather shoes	123, 516, 708	394, 327, 726	3.19	4.80
Misses' and children's leather shoes	51, 386, 467	89, 499, 333	1.74	2.70
Infants' leather shoes	24, 101, 295	25, 335, 287	1.05	1.60
Athletic and sporting shoes	1, 403, 137	4, 150, 603	2.96	4.50
Canvas, satin, and brocade	5, 276, 244	20, 059, 099	3.80	5.70
Leather slippers for house wear	12, 940, 606	14, 541, 137	1.12	1.75

[1] Figures taken from p. 21, Census of Manufactures, 1927—Leather and Its Manufactures, of the Bureau of the Census, Department of Commerce.

PENN LEATHER CO.,
PHILADELPHIA, PA., *February 15, 1930.*

Hon. DAVID I. WALSH,
United States Senator for Massachusetts, Washington, D. C.

MY DEAR SENATOR: We vigorously protest against a duty on hides as benefiting only the big packer tanners. Unless the packers are dead to its opportunities, a duty on hides will ultimately create a packer-tanning shoe monopoly, to which every man, woman, and child will pay tribute. We stand for free hides, free leather, and free shoes, as a square deal to the American public.

Respectfully,

PENN LEATHER CO.,
W. S. ANDERSON, *President.*

SOLE & BELTING LEATHER TANNERS,
TARIFF COMMITTEE,
Philadelphia, Pa., January 13, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Supplementing our letter to you of yesterday, requesting transfer of sole and belting leather from the free list to the dutiable list at 20 per cent in the pending tariff bill (Par. No. 1530), may we call attention to the following sentence in President Hoover's recent message to Congress:

"Progress has, of course, been unequal among the industries and some, such as coal, lumber, leather, and textiles, still lag behind."

The President, of course, would not characterize any specific industry as still lagging behind without first making a painstaking and thorough investigation. Mr. Hoover's conclusion as regards leather substantiates the picture we have been attempting to place before you in our briefs and previous correspondence.

Any further facts you may desire with reference to this very important schedule will be gladly furnished if you will communicate with us.

Very truly yours,

CHARLES S. WALTON, Jr.,
Chairman Tariff Committee, Sole and Belting Leather Tanners of the United States.

UNITED LEATHER WORKERS,
Philadelphia, Pa., February 7, 1930.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Speaking for the thousands of tannery workers in the United States, I desire to call to your attention some outstanding and important facts in support of the tariff protection we are seeking on finished leather, the importation of which has been increasing in leaps and bounds, while the exports have been decreasing.

Aside from the importance of the industry in the United States as a going business enterprise it is more important that we do not lose sight of the vital interests of the thousands of wage earners and their dependents directly dependent upon steady employment in the tanneries for their daily subsistence.

I commend for your study and consideration the disinterested statistical reports upon the leather-producing industry showing the alarming decline of employment in recent periods, the financial deficits and quoted prices of the stock, this being conclusive that the entire producing leather industry is doomed to destruction unless our home market is protected against the foreign invasion.

It is important for you to know that the great bulk of imported leather is of "top grades," leather which is only used in the production of high grade shoes, and other expensive leather products. This has the effect of depressing the market for choice hides and skins resulting from the inability of our American tanners to compete with the foreign product in finished leather, the labor cost of which is 58 per cent below the cost in this country.

I respectfully solicit your support of section 1530, and the several paragraphs thereof, in the pending tariff legislation, not upon the basis of a selfish interest, but as an obvious necessity for protection for the industry and the dependent employees.

Respectfully submitted.

W. E. BRYAN, *General President.*

BROCKTON, MASS., *February 7, 1930.*

DAVID I. WALSH,
Senator, Washington, D. C.

MY DEAR SENATOR: The recent action of the United States Senate in eliminating from the pending tariff bill the protection accorded to the shoe and leather industries of Massachusetts is viewed with much concern by the shoe trade interests of this State. In the past few years the sale of foreign-made shoes in this country has assumed such proportions as to cause much unemployment among the workers engaged in the manufacturing line. Lack of protection on certain styles of shoes has made it possible for large department stores and retailers to sell these products at a lower price than they can be made for in the shoe centers of Massachusetts. During the summer of 1929 while the shoe workers in many of the manufacturing centers of Massachusetts were suffering from unemployment, these foreign-made shoes were sold over the bargain counter in some of the large department stores in the cities of this Commonwealth. The shoe workers of Massachusetts now turn to their Senators in the National Congress with the appeal to protect the workers and their families in this crisis. At a meeting of the regional conference of the Massachusetts Federation of Labor held at Brockton, Mass., on Sunday February 10, 1930, at which delegates were assembled from all parts of southeastern Massachusetts where the shoe trade predominates, it was voted unanimously to take this action.

Very truly yours,

EUGENE J. SWEENEY.

SOLE AND BELTING LEATHER TANNERS
OF TANNERS' COUNCIL OF AMERICA,
Washington, D. C., February 6, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: At a meeting of the Heavy Leather Tanners, assembled in Washington, D. C., on February 4, 1930, the following resolution was adopted:

"*Resolved*, That we are unalterably opposed to a duty of 3 cents or 4 cents per pound on green hides, even though a compensatory and a protective duty is placed on leather. Any such duty will increase the price of leather to such a degree that substitutes will inevitably displace leather.

"We therefore request that the schedule (par. 1530), so far as it relates to the heavy leather group, as passed, stand as it is until the bill is placed in the hands of the conference committee."

Submitted by the Sole and Belting Leather Tanners:

American Oak Leather Co., Cincinnati, Ohio; Cover & Co., Philadelphia, Pa.; the Deford Co., Baltimore, Md.; the Graton & Knight Co., Worcester, Mass.; J. W. & A. P. Howard Co., Corry, Pa.; International Shoe Co., St. Louis, Mo.; McAdoo & Allen, Philadelphia, Pa.; Michigan Tanning & Extract Co., Petoskey, Mich.; Moench Tanning Co., Boston, Mass.; Pine Grove Tanning Co., Boston, Mass.; Proctor-Ellison Co., Boston, Mass.; Hans Rees' Sons Co., New York City; Chas. A. Schieren & Co., New York City; Toxaway Tanning Co., New York City; United States Leather Co., New York City; and Wagner Leather Co., Stockton, Calif.

Very truly yours,

ALBERT M. PIERCE.

PHILADELPHIA, PA., *January 27, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Last week I was very much interested in attending the debate on the Senate floor on the hide, leather, and shoe schedule.

As tanners of sole and belting leather our position is desperate. It is not only the influx of rough leather and sole leather from foreign nations, but it is the fact that when a tanner tries to put a price on his leather which will give him a living wage he is immediately met by quotations from abroad, and both the tanner and buyer of the leather knows that any higher prices for American leather open the "flood gates" for foreign leather. The result is, that the tanner is being "squeezed" out of business.

It is my belief that from a 15 to 20 per cent duty on leather would not increase the cost of leather at all as it would allow the American tanners to run at a higher rate of capacity, which always reduces the cost of their finished product. Leather could not advance much beyond to-day's level because of the "over-hanging cloud" of substitutes replacing leather whenever there is an abnormally high market for it.

The tanners must have protection on leather, and if it is necessary to give 10 per cent, or even 15 per cent, on hides to secure this it should be done, provided the tanner receives an addition to the compensatory duty, enough to equalize the difference in labor and manufacturing costs between Europe and here. We estimate this to be about 10 per cent.

We want to thank you for your work on the Senate floor for the American tanners. The American sole and belting leather tanners must be protected. Leather is a war commodity, and at the rate that the tanneries are now being scrapped and abandoned, it would be impossible, in case of emergency, to supply the United States Army with leather sufficient for shoes should this emergency arise.

Knowing that you are favorable for fair treatment to the American tanners, would you kindly write us, giving us the benefit of your knowledge, advising just what the sole and belting leather tanners might do toward a compromise which would give them protection against the lower cost leather of Europe?

Would appreciate your taking the time to answer this in detail, as I know that you are thoroughly experienced and familiar with the proper procedure, and your advice would be most helpful.

Awaiting your reply, we are

Yours very truly,

CHARLES S. WALTON & CO. (INC.),
By CHARLES S. WALTON, Jr.

WASHINGTON, D. C., *February 26, 1930.*

DEAR COLLEAGUE: Here are the official figures of the Endicott-Johnson Co., manufacturers of boots and shoes in my district, that show, by comparison, the average wage of the Endicott-Johnson workers with the average wage of the shoe workers in Missouri.

In addition to high wages there are numerous other benefits that the Endicott-Johnson workers enjoy—wonderful playgrounds, swimming pools, etc., and the kindliest soul, who is always available to every shoe worker, is the directing genius, the beloved George F. Johnson.

We feel the hide-shoe-leather schedule of the tariff bill, as passed by the House of Representatives, is fair. That a tariff is very necessary for the future can be gleaned from the advertisement in the Chicago Tribune of February 18, 1930, which says, regarding the foreign Bata Shoe Co., with its cheap labor:

"Our factory is located in Zilina, Czechoslovakia. In it we employ over 12,000 craftsmen, whose fathers and their fathers before them have made shoes. They know as only old craftsmen know how to fashion shoes from pure leather so that every Bata shoe is a quality product of the finest make.

"Directing this big factory are fashion experts, who, like myself, are always on the lookout for the new and the different. We see the new styles that the Parisian designers sponsor and we adapt the new colors and the new lines expressly for the women to whom we sell. Bata shoes for this reason have met with favor all over the world. We have 700 stores in 600 cities throughout the world—stores in France, England, Germany, Egypt, Persia, India, China, Argentina, and America—every store selling shoes that are made to please the women of the many different nations."

Cordially yours,

JOHN D. CLARKE.

Earnings of workers in the boot and shoe industry

(Endicott-Johnson, as compared with the industry generally and with the States of New York and Missouri)

Year	U. S. Department of Labor, average per capita yearly earnings of wage earners	Average Endicott-Johnson workers	U. S. Department of Labor, average per capita yearly earnings of wage earners, New York	U. S. Department of Labor, average per capita yearly earnings of wage earners, Missouri	Endicott-Johnson percentage above average	Endicott-Johnson percentage above Missouri
1921	$1,116.90	$1,570.89	$1,338.20	$955.77	40.64	64.35
1923	1,111.58	1,469.55	1,325.50	965.93	32.20	52.13
1925	1,090.81	1,537.66	1,384.63	954.01	40.96	61.17
1927	1,108.22	1,573.82	1,450.51	942.22	42.01	67.03

Endicott-Johnson Corporation—Annual earnings of workers

Year	Actual wages	Bonus	Medical, relief and legal	Total
1921	$1,275.04	$200.20	$95.65	$1,570.89
1922	1,249.56	245.44	84.61	1,579.61
1923	1,270.88	92.56	106.11	1,469.55
1924	1,257.88	96.72	142.84	1,497.44
1925	1,321.84	87.36	128.46	1,537.66
1926	1,309.36	30.68	128.30	1,468.34
1927	1,343.68	97.76	132.38	1,573.82
1928	1,306.76	23.92	150.20	1,480.88
1929	1,300.00		135.86	1,435.86
Average	1,292.77	97.18	122.71	1,512.66

SPRINGFIELD, MASS., *March 3, 1930.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR: Am inclosing an article which I recently read relative to the New England shoe industry.

No doubt you have read the article or know about the fact contained herein. It certainly shows a deplorable condition in the face of which the present administration shows little concern.

Everyone in Massachusetts and in New England is conscious of the great fight you are waging for the shoe industry and confidently hopes that your efforts will be crowned with success.

Yours for more democracy.

Very truly yours,

JOHN J. CALDON.

SOLE AND BELTING LEATHER TANNERS OF TANNERS' COUNCIL OF AMERICA,
Washington, D. C., March 6, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to our letter to you of March 4, in opposition to Senator ODDIE'S amendment to paragraph 1530 of the pending tariff bill, providing for 4 cents per pound duty on hides, I inclose herewith a statement showing by States what this proposed duty on hides would mean to the shoe bill of the country.

We have made up the figures showing what this additional cost would mean to your individual State. We have also taken into consideration what your State would receive if it obtained the entire 4 cents per pound derived from this duty. In figuring this credit, we use figures furnished by the Department of Agriculture, showing the cattle shipped from each State.

The fourth column shows the net cost to each State, based on the assumption that each person used two and a half pairs of shoes per year.

With these figures before you we hope that you will vote against the Oddie amendment.

Very truly yours,

JOSEPH J. DESMOND.

Cost of 4 cents per pound duty on hides, by States

State	Additional cost of shoes as a result of 4-cent duty on hides assuming conservatively that 50 cents per pair will be added to the retail price of the shoes	Additional income from duty on hides of 4 cents per pound, assuming that the price will be increased by the full amount of the duty and that the farmer will get the full benefit of the duty	Net cost to each State
New England:			
Maine	$993,750	$12,160	$981,590
New Hampshire	570,000	60,266	509,734
Vermont	440,000	173,866	266,134
Massachusetts	5,362,500	94,533	5,267,967
Rhode Island	895,000	14,400	880,600
Connecticut	2,083,750	75,200	2,008,550
Middle Atlantic:			
New York	14,437,500	1,006,400	13,431,100
New Jersey	4,776,000	85,866	4,690,134
Pennsylvania	12,317,500	710,400	11,607,100
East North Central:			
Ohio	8,532,500	866,133	7,666,367
Indiana	3,970,000	717,866	3,252,134
Illinois	9,245,000	1,037,333	8,207,667
Michigan	5,738,750	764,800	4,973,950
Wisconsin	3,691,250	1,578,666	2,112,584
West North Central:			
Minnesota	3,402,500	1,416,533	1,985,967
Iowa	3,035,000	1,984,000	1,051,000
Missouri	4,403,750	1,124,800	3,278,950
North Dakota	801,250	535,466	265,784
South Dakota	880,000	803,633	76,367
Nebraska	1,760,000	1,533,333	226,667
Kansas	2,293,750	1,314,666	979,084
South Atlantic:			
Delaware	305,000	26,133	278,867
Maryland	2,020,000	146,666	1,873,334
District of Columbia	690,000		690,000
Virginia	3,218,750	403,200	2,815,550
West Virginia	2,155,000	262,400	1,892,600
North Carolina	3,672,500	282,133	3,390,367
South Carolina	2,330,000	163,200	2,166,800
Georgia	4,005,000	460,266	3,544,734
Florida	1,761,250	284,265	1,476,985
East North Central:			
Kentucky	3,191,250	534,933	2,656,317
Tennessee	3,127,500	510,933	2,616,567
Alabama	3,216,250	3,818,132	[1] 601,882
Mississippi	2,238,750	468,800	1,769,950
Arkansas	2,430,000	435,660	1,994,320
Louisiana	2,437,500	308,800	2,128,700
Oklahoma	3,032,500	918,933	2,113,567
Texas	6,858,750	2,990,400	3,868,350
Mountain:			
Montana	686,250	595,733	90,517
Idaho	682,500	313,600	368,900
Wyoming	308,750	402,666	[1] 93,916
Colorado	1,362,500	702,400	660,100
New Mexico	495,000	542,400	[1] 47,400
Arizona	592,500	291,200	301,300
Utah	762,500	251,733	510,767
Nevada	96,250	262,933	[1] 166,683
Pacific:			
Washington	1,983,750	286,800	1,696,950
Oregon	1,127,500	362,666	764,834
California	5,695,000	1,054,000	4,641,000
Total	148,112,250	32,991,325	115,120,825

[1] Figures indicate a profit to the State.

THE SMITH-WORTHINGTON SADDLERY CO.,
Hartford, Conn., February 24, 1930.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

In re paragraph 1530, H. R. 2667.

DEAR SENATOR WALSH: Knowing of your interest in this paragraph, am taking the liberty of referring to advices which reached me through Hide and Leather, a Chicago trade paper, referring to liberal-spaced newspaper advertising by Bata, of Czechoslovakia, announcing the opening of shoe stores in Chicago.

I quote from this publication of February 22:

"The Bata advertisement declares, 'We are able to sell you shoes for which, ordinarily, you would have to pay three or four times the price we ask.' There are cuts of Zlin, Czechoslovakia, and map of the Eastern Hemisphere, dotted with the '700 stores in 600 cities throughout the world' maintained by Bata."

Hide and Leather also quote Trade Commissioner Douglas Cook, of Berlin, who states that the Federal Association of German Shoe Dealers of Berlin has applied for an injunction against Bata to prevent this company advertising "factory" prices, which petition is also supported by the Purchasing Association of German Shoe Dealers. Bata has advertised that his local stores retail their shoes at Zlin "factory" prices. Bata wholesales shoes at a price about 20 per cent lower than those quoted by the Bata retail stores.

My company is very much interested in paragraph 1530, and is earnestly hoping that the Senate will work out in the proposed Oddie amendment a ratio of rates and duties that will be equitable and fair to all interests concerned.

Respectfully,

J. A. ROBERTS.

ESSEX CLUB,
Peabody, Mass., February 19, 1930.

Hon. DAVID I. WALSH,
United States Senator, Senate Office Building, Washington, D. C.

DEAR SENATOR: In accordance with a vote of the executive council of the Essex Club, the men's Republican organization of Essex County, I inclose copy of resolution relative to the tariff adopted at a meeting in Salem, February 6, 1930. The fact that the executive committee of this club, representing nearly 1,000 members, believes this matter to be of great importance to the Commonwealth at large at least would signify that the people of Essex County are almost in despair concerning the future of these basic industries in Massachusetts under the present conditions.

I might add a personal word in saying that the members of the Essex Club generally are very grateful for everything that the representatives from Massachusetts in the House and Senate at Washington have done in reference to the tariff on leather, shoes, and textiles.

Very sincerely yours,

S. HOWARD DONNELL,
President.

[Inclosure]

At a meeting of the executive council of the Essex Club held at Salem, February 6, 1930, the club having a membership of nearly 1,000 members throughout Essex County, the following resolve was unanimously adopted:

"*Resolved*, That the industrial prosperity of Massachusetts imperatively demands the enactment of a tariff on leather, shoes, and textiles sufficient to protect American labor in these industries from the menace of cheap foreign labor and sufficient to protect these industries from the flood of importations of foreign products manifestly threatening the very life of these basic industries of Massachusetts.

"*Be it further resolved*, That a copy of this resolution be forwarded to each member of the Massachusetts delegation in the House of Representatives and the United States Senate at Washington, D. C."

ESSEX CLUB,
By S. HOWARD DONNELL,
President.

NEWBURYPORT, MASS., *February 24, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Respectfully ask for your cooperation in securing adequate protection for the shoe industry. Please use your influence with conference committee. We approve the position as outlined by the National Boot and Shoe Manufacturers' Association. We need your support.

ROWE & THURLOW,
Shoe Manufacturers.

NEWBURYPORT, MASS., *February 24, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Respectfully ask for your cooperation in securing adequate protection for the woman's shoe industry. We approve the position as outlined by the National Boot and Shoe Manufacturers' Association. Please use your influence with conference committee. We need your support.

FERN SHOE CO.

LYNN, MASS., *February 28, 1930.*

Senator DAVID I. WALSH,
The Capitol, Washington, D. C.:

Cutters Local No. 2, United Shoe Workers' Union, with a membership of 800 members, went on record by a unanimous vote last night for a tariff on shoes in order to save the industry in New England.

EDWARD M. DEAN,
Business Agent Cutters Local No. 2.

BOSTON, MASS., *February 27, 1930.*

Hon. DAVID I. WALSH,
United States Senate:

Feel sure leather and shoes will be more certain to receive adequate protection if Senate schedule with everything free is allowed to stand. Believe this would be far better for all branches than the schedule reported by the Finance Committee. The Oddie amendment would ruin the entire industry.

CHARLES H. JONES.

NEWBURYPORT, MASS., *January 28, 1930.*

Senator DAVID I. WALSH,
Washington, D. C.:

Please do all in your power to continue fight for tariff on manufactured shoes. Deplorable situation will occur if tariff not put on. The matter is very serious.

HARRY M. HUSK CO.

NEWBURYPORT, MASS., *January 28, 1930.*

Senator DAVID I. WALSH,
Washington, D. C.:

Unless tariff is placed on manufactured shoes New England manufacturers are going to be seriously handicapped. Urge you to use every effort to see that we are protected.

CHARLES H. PHELPS.

SPRINGFIELD, MASS., *February 18, 1930.*

Senator DAVID I. WALSH:

Kill Oddie amendment on hides. Its passage would be disastrous to shoe industry and increase shoe-wearers' bills $1 to $5 annually.

MORSE & HAYNES CO.

WORCESTER, MASS., *February 18, 1930.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Washington amendment to tariff bill proposed by Senator ODDIE on hides would mean approximately $1 per pair men's shoes; small sizes proportionately; great injury to consumer and retailer. Please do what you can to stop it.

SHEAN'S SHOE SHOPPE,
H. P. SHEAN.

HOLYOKE, MASS., *February 18, 1930.*

Senator DAVID I. WALSH:

Hope you will vote against the coming amendment by Senator ODDIE for a duty of 4 cents on green hide and 8 cents on dry hide, as this would be a great injury to the shoe industry. We urge you to do all you can to defeat this amendment.

THOS. S. CHILDS (INC.).

LYNN, MASS., *February 20, 1930.*

Hon. DAVID I. WALSH,
Care United States Senate, Washington, D. C.:

No tariff on shoes means death to that part of the industry making women's shoes. Over 200,000 people depend on this industry for their daily bread. These people must live whether the tariff goes on or not, and the only answer to their problem will be the "dole" and God help the farm bloc and all the other blocs when we are forced to take on the "dole" in America.

RALPH S. BAUER.

BROCKTON, MASS., *January 23, 1930.*

Hon. D. I. WALSH,
United States Senator, Washington, D. C.:

Members of Cutters' Local No. 35, Brockton, Mass., numbering 1,300 in session this evening voted that you use all your influence in the passage of the tariff bill on the importation of shoes to this country which they consider of vital importance to the shoe industry of this district.

Respectfully yours,

CUTTERS' LOCAL NO. 35,
CHARLES HALL,
Recording Secretary.

SALISBURY, MASS., *February 24, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Respectfully ask for your cooperation in securing adequate protection for the shoe industry. We approve the position as outlined by the National Boot & Shoe Manufacturers' Association. Please use your influence with conference committee. We need your support.

RUTH SHOE CO.

BROCKTON, MASS., *February 24, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

The W. L. Douglas Shoe Co. representing a large production of footwear with many of its own retail outlets agrees with the tariff committee of the National Boot & Shoe Manufacturers' Association that the Oddie amendment will not give proper protection to boots and shoes. We urge you to do everything possible to have this question decided with conference committees rather than through adoption of Oddie amendment.

HERBERT L. TINKHAM, *President.*

NEWBURYPORT, MASS., *February 24, 1930.*

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.:

Earnestly and respectfully request your cooperation in securing adequate protection for the women's shoe industry. Please use your influence with conference committee to this end. We approve position outlined by National Boot & Shoe Manufacturers' Association appreciating all you have done. We need your continued support.

BLISS & PERRY CO.

BROCKTON, MASS., *February 24, 1930.*

Senator DAVID I. WALSH,
United States Senate:

Appreciate your splendid cooperation with representative National Boot & Shoe Manufacturers' Association on shoe tariff. Hope for continued effort to protect our industry from unfair competition.

M. A. PACKARD (INC.).

NEW YORK, N. Y., *March 3, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Understand Oddie amendment relative to hide and leather duties comes up for action to-day or to-morrow. We are depending on your very best effort that this unjustifiable measure be defeated.

HARALD B. REES,
President Hans Rees Sons (Inc.),
Boston, New York, and Asheville, N. C.

LOWELL, MASS., *March 14, 1930.*

Hon. DAVID I. WALSH,
United States Senate:

Heartily indorse your compromise plan for tariff on shoe and leather, but must have free hides or consumer will be obliged to pay more for shoes.

JOHN PILLING SHOE CO.

LYNN, MASS., *February 10, 1930.*

Senator DAVID I. WALSH:

As a director of National Boot and Shoe Manufacturers' Association and chairman of Lynn Shoe Tariff Committee, I believe that the trade would suffer severely if the amendment as outlined by Senator ODDIE is passed. Would be in favor to leave this to conference committee.

W. W. BURDETTE,
BURDETTE SHOE CO.,
Lynn, Mass.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. BORAH. Mr. President, I was not in the Chamber when the Senator offered the amendment. I ask to have the amendment of the Senator from Nevada stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Nebraska proposes to strike out the numeral "4" in line 4 and insert "5"; and in line 5, to strike out the numeral "8" and insert "9," so that it will read:

Raw or uncured, or salted or pickled, 5 cents per pound; if dried (including dry salted), 9 cents per pound.

Mr. BORAH. What is the Senator from Nebraska proposing to do, as the result of that, on leather and shoes?

Mr. HOWELL. I have certain amendments to offer, and I propose to afford the necessary compensatory duty.

Mr. BORAH. Mr. President, I should like to see the other amendments, and know something about them. I do not propose to pay an exorbitant price for a more or less illusory protection on hides. If we are going to put a duty on hides and then put a duty on leather and shoes so that it will come back to the farmer with about centuple addition to his expense, I am going to vote for free hides.

Mr. HOWELL. Mr. President, so far as shoes are concerned, the only character of shoes that needs protection at this time consists of women's shoes of the Mackay type of manufacture. I propose a compensatory duty on all other shoes that will correspond to the rate placed upon hides; and, in addition, in the case of women's shoes of the Mackay type of manufacture, I propose a 20 per cent duty, because that is necessary, and, in addition thereto, an 8-cent specific duty. The 8-cent specific duty or the 10-cent specific duty would be what was necessary in connection with 5 cents a pound on green hides.

It is admitted that in the average woman's shoe there is not included more than 2 pounds of green hides. When I speak of an average woman's shoe I am speaking of a shoe with a cowhide sole and a kid upper. Ninety-five per cent of all women's shoes are made of cattle hides for soles, with kid uppers. That is what I propose in connection with shoes.

Men's shoes are not entitled at the present time to any protective duty; but the manufacturers of these shoes will be entitled to a compensatory duty in accord with the rate placed upon hides. My amendments take these matters into account, and they will be offered hereafter; and they accord in a measure with the proposals made by the Senator from Massachusetts [Mr. WALSH].

Mr. BORAH. Mr. President, there has not been any proposition offered here yet that will not be very expensive to the producers of hides. Therefore, when I cast my vote upon these different proposals, I do not want it to be any indication of what I shall do when we finally get all these different propositions before us.

Mr. HAWES. Mr. President, we should consider this subject from the standpoint of its national cost.

I occupied considerable time upon this matter upon a previous occasion. I shall not occupy much time now. One thing is certain: This duty will add to the shoe bill of our people over $100,000,000 a year.

Comparing the benefit to the farmer as against his shoe bill, he will lose money. It is conceivable that we may take five States in the Union and place the advantage of an increased duty on hides as against the shoe bill and show a profit for the farmer, but in no others.

Our sugar bill will run over $100,000,000 a year. This amendment, if it is adopted, according to figures which I have, will cost over $148,000,000. The benefit to the cattle States will be $29,000,000 and the cost to the various States in an increased shoe bill will be over $117,000,000.

While we are discussing rates let us think something of the general cost. These figures may not be exactly right. But they were prepared by experts, and they are certainly approximately correct. I have not heard them disputed.

I can read to each Senator what this will cost the people of his State. It interests me to know that it will cost the people of Missouri $4,403,750; and we raise cattle in Missouri. It would bring to the cattle raisers $1,124,800; but the cost to the people of Missouri, including the farmer, will be $3,278,950.

Mr. WHEELER. Mr. President, what has the Senator on Montana?

Mr. HAWES. Montana's shoe bill will be $686,250. The cattle raisers will be benefited $595,733. There is a loss of $90,517.

Mr. President, we make more shoes in the State of Missouri than in any other State. We do not require a duty upon hides, because we know it will add to the cost of shoes, and will, in addition, force the use of many substitutes that take the place of leather and compete with the leather shoe. So this is a very simple story; but in order that it may be understood, I ask permission to place in the RECORD what the shoe bill of each State will be if this amendment is adopted. I am attempting to show the exact benefits to the cattle raiser in each State, and the total cost. It is an astounding bill that we are asked to pay.

On the question of sugar, we had some 9 or 10 States raising beets, and 1 that raised sugarcane that depends almost exclusively upon the success of its cane product. When we discuss this question, we find that only five or six States will be benefited, and the bill to the American people is over $100,000,000, and the question each Senator must answer is, Is he willing for his State to pay the bill and to have the wearers of shoes pay the bill?

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the matter referred to by the Senator from Missouri will be printed in the RECORD.

The matter referred to is as follows:

Cost of 4-cents-per-pound duty on hides, by States

State	Additional cost of shoes as a result of 4 cents duty on hides, assuming conservatively that 50 cents per pair will be added to the retail price of the shoes	Additional income from duty on hides of 4 cents per pound, assuming that the price will be increased by the full amount of the duty and that the farmer will get the full benefit of the duty	Net cost to each State
New England:			
Maine	$993,750	$12,160	$981,590
New Hampshire	570,000	60,266	509,734
Vermont	440,000	173,866	266,134
Massachusetts	5,362,500	94,533	5,267,967
Rhode Island	895,000	14,400	880,600
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Michigan	5,738,750	764,809	4,973,950
Wisconsin	3,691,250	1,578,666	2,112,584
West North Central:			
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South Dakota	880,000	803,633	76,367
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Kansas	2,293,750	1,314,666	979,084
South Atlantic:			
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District of Columbia	690,000		690,000
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East North Central:			
Kentucky	3,191,250	534,933	2,656,317
Tennessee	3,127,500	510,933	2,616,567
Alabama	3,818,132	601,882	3,216,250
Mississippi	2,238,750	468,800	1,769,950
Arkansas	2,243,000	435,680	1,994,320
Louisiana	2,437,500	308,800	2,128,700
Oklahoma	3,032,500	918,933	2,113,567
Texas	6,858,750	2,990,400	3,868,350
Mountain:			
Montana	686,250	595,733	90,517
Idaho	682,500	313,600	368,900
Wyoming	308,750	402,666	93,916
Colorado	1,362,500	702,400	660,100
New Mexico	495,000	542,400	47,400
Arizona	592,500	291,200	301,300
Utah	762,500	251,733	510,767
Nevada	96,250	262,933	166,683
Pacific:			
Washington	1,983,750	286,800	1,696,950
Oregon	1,127,500	362,666	764,834
California	5,695,000	1,054,000	4,641,000
Total	148,714,132	29,775,075	117,735,193

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. BRATTON. Will the Senator tell us who prepared the table of costs to which he refers?

Mr. HAWES. This table was furnished by one of the big shoe manufacturers of St. Louis.

Mr. BRATTON. It does not come from the Tariff Commission?

Mr. HAWES. No, sir.

Mr. BARKLEY. Mr. President, if the Senator will yield there, I think some of the tanners, especially the independent tanners, collaborated in working out this table with some of the shoe manufacturers. The Senator will recall that here in Washington recently there was a conference or convention of tanners, claiming to represent about 80 per cent of the tanned product of the United States, who passed a resolution opposing this tariff on hides; and I think they worked together with the shoe industry referred to by the Senator in arriving at this expense to which he refers.

Mr. HAWES. That is my information.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Keyes	Shortridge
Barkley	Goff	La Follette	Smoot
Black	Goldsborough	McCulloch	Steck
Blaine	Gould	McKellar	Steiwer
Blease	Grundy	McMaster	Stephens
Borah	Hale	McNary	Swanson
Bratton	Harris	Metcalf	Thomas, Idaho
Brookhart	Harrison	Moses	Townsend
Broussard	Hastings	Norbeck	Trammell
Capper	Hatfield	Norris	Vandenberg
Connally	Hawes	Nye	Wagner
Copeland	Hayden	Oddie	Walsh, Mass.
Cutting	Hebert	Patterson	Walsh, Mont.
Dale	Heflin	Pine	Waterman
Dill	Howell	Pittman	Watson
Fess	Johnson	Robinson, Ind.	Wheeler
Fletcher	Jones	Schall	
Frazier	Kean	Sheppard	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Nevada.

Mr. HOWELL. I ask for the yeas and nays.

Mr. DILL. Let us have the amendment to the amendment reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Nebraska proposes to amend the amendment of the Senator from Nevada, on page 1, in line 4, by striking out "4" and inserting in lieu thereof "5," and in line 5 by striking out "8" and inserting in lieu thereof "9," so as to read:

Raw or uncured, or salted or pickled, 5 cents per pound; if dried (including dry salted), 9 cents per pound.

Mr. HOWELL. Mr. President, I wish it understood that if these rates are agreed to, absolutely compensatory rates will be provided in the remainder of the amendment.

Mr. DILL. Mr. President, I want to ask the Senator from Nebraska a question. The Senator says the compensatory rates will be changed. As I understand it, this amendment contains tariffs on leather which are more than the compensatory rates. There is a tariff protection in addition to compensatory rates on the leather.

Mr. HOWELL. Mr. President, the amendment upon which we are now about to vote has to do with green and dried hides only. The amendment which follows adds compensatory protection on a 4-cent basis, and what I wished to convey was that if this amendment which I propose is adopted, then the compensatory features thereafter will be in accord with the 5 cents a pound on green hides.

Mr. DILL. The point I was trying to make was this, that there is a 10 per cent ad valorem tariff in addition to the compensatory rate in these next paragraphs.

Mr. HOWELL. Yes; but I wish to say to the Senator from Washington that I have an amendment affecting the protective factors on these rates which I will proceed to offer after this amendment has been voted upon.

Mr. DILL. Does the Senator propose to strike out the protective feature and simply leave the compensatory rates?

Mr. HOWELL. What I propose to do is this, to strike out the protective factor in these rates and substitute therefor the protective factor granted by the House.

Mr. DILL. I do not know what that was.

Mr. BORAH. Mr. President, naturally, representing the portion of the country from which I come, I should like to see a duty on hides. But my study of these propositions convinces me that we can not put a duty on hides without putting not only a compensatory duty but a very sufficient protective duty on leather and shoes.

I am aware of the fact that both the Senator from Nevada and the Senator from Nebraska have given a vast amount of time and study to this question, and I have no doubt they have worked out the best possible plan that could be worked out, in the hope of serving the producer of hides; but the very fact that they can not do it, and have not been able to, is convincing to me that if we put a duty on hides, we will not only put an additional tax on the farmer, but we are going to put an additional burden on all the people of the United States.

I have made up my mind, therefore, to vote against all these proposals, with the idea of leaving the matter as it is. I believe that is the best we can possibly do for the farmer. He buys leather goods, he buys shoes, and at the end of the year he would be the loser. I believe furthermore that the leather people and the shoe people can get along. They may not make great profits, but they will make more than the farmers are making.

Mr. BARKLEY. Mr. President, I want to ask the Senator from Nebraska a question. If the levying of a duty on hides makes necessary a compensatory duty on leather and shoes, then the higher the duty on hides the higher will have to be the compensatory duty on leather and shoes. Therefore the Senator's amendments means, if it is adopted, that a higher compensatory, and, if a protective duty is also added, a higher protective duty, will have to be put on leather and shoes than would be the case if the Senate adopted the amendment offered by the Senator from Nevada. That is true, is it not?

Mr. HOWELL. Mr. President, I think probably it would be best for me to state now what these amendments will be.

If 5 cents a pound is granted on green hides, then the other amendments will be changed as follows: Those who have the Oddie amendment before them, if they will follow it, will note the language. On sole, belting, or harness leather—including offal—rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery I propose a duty of 7½ cents a pound instead of 6 cents, as provided by the Senator from Nevada, and 5.4 per cent ad valorem instead of 10 per cent ad valorem provided in the amendment of the Senator from Nevada.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. HOWELL. I propose on leather welting 7½ cents a pound, and 5.4 per cent ad valorem.

Mr. BARKLEY. The point I am seeking to draw to the attention of the Senator is that whatever may be the proper compensatory rate, assuming that it would be proper, whatever the rate on hides may be, the compensatory rate will have to be higher if the amendment of the Senator from Nebraska is adopted on green and dried hides than it would be on the basis of the rate fixed by the Senator from Nevada.

Mr. HOWELL. That is true, but so far as the protective factor is concerned, my protective factor is less. It is in accord with the protective factor afforded by the House, and as a consequence the resulting equivalents in ad valorem are, in some cases, below the rates appearing in the Finance Committee amendment and some are just a trifle higher.

Mr. BARKLEY. Of course that would indicate, if the Senator's compensatory rates are proper, that the rates of the Senator from Nevada are too high; but regardless of anybody's rates it is undeniable that the amendment which the Senator from Nebraska has offered will require higher compensatory rates on leather and shoes if a proper proportion is carried out than would the amendment offered by the Senator from Nevada.

Mr. HOWELL. Of course that is true, but, as I stated earlier in my remarks, before the war we could buy a pair of shoes for 17 pounds of green hides while to-day it costs 44 pounds of green hides to buy the same pair of shoes. That is the situation in which the American farmer finds himself. Why is it? It is because of the importations of cheap hides from Argentina, because of the competition we have from Argentina where they can raise hides at a cost of one-half of that which attaches here in the United States.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HOWELL. I yield.

Mr. McKELLAR. If that is the case, why does not the Senator let his amendment apply to the tariff on hides and not upon leather and shoes, and especially not upon shoes? I will say to the Senator that when the matter was up in Committee of the Whole I voted for quite a rate, I think in the first instance 8 cents and in the next instance 6 cents, as a duty on hides, but when it came to putting a corresponding duty on leather and shoes I voted against it for the very reason that the Senator has just stated—that we bring in the free hides and in that way the manufacturers here have been able to increase their profits. I think they make profits enough now. If the Senator is going to couple shoes in his amendment with hides, I can not vote for a duty on hides, much as I would like to vote for it in the interest of the farmer. Of course I understand that it is argued by many that the tariff on hides will go to the packer, and probably to some extent that is true. But I do think I would give the farmer the benefit of the doubt, and I am willing to vote for a duty on hides, but I am not going to include the manufactured products.

Mr. HOWELL. I would beg the Senator to consider that we can amend the amendment offered by the Senator from Nevada, and finally, when we are through, if we do not approve of the amendment as the whole, we can reject it. But I urge upon the Senator to give the farmer the benefit of the doubt, to afford 5 cents upon green hides, and of course, if we afford 5 cents on green hides, we must give a compensatory duty on the manufactured product.

Mr. McKELLAR. I would be very happy to do that, but when the Senator couples it with an increased duty on leather and shoes, I am afraid I have to part company with him. If we are going to be induced to vote for a tariff duty on hides and then after that determine whether we should give a duty on the manufactured product, I am afraid I can not go with the Senator, much as I would like to do so. I would like to help the farmers. I want to give them the benefit of the doubt, but I am not going to vote to put an enormous tax on the consumers of shoes throughout the United States.

Mr. HOWELL. But may we not take one step at a time? The steps will not be irrevocable.

Mr. McKELLAR. I understand that, and I might even do that, but I doubt if that is the way to get at the matter. I am afraid the Senator, having coupled the two propositions, as is done in the Oddie amendment, is not going to get me to support him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. BORAH. It is very apparent to my mind that, if we put 5 cents on raw hides, the Senate will put a sufficient compensatory rate and also a protective rate upon leather. It will do the same thing with reference to shoes, possibly with the exception of men's shoes. The Senator has figured this out very carefully. Does he not know, according to his own figures, that any rate which can be placed upon hides will be a loss to the farmer if it is followed up by any other possible rate the Senate may adopt on shoes?

Mr. HOWELL. I believe after the investigation I have made that if we can get 5 cents a pound on green hides, the result will inure to the benefit of the farmer. I am fearful if we drop below 5 cents, I am frank to say. I believe we ought to have 6 cents; in fact, I thought we ought to have 7½ cents, because hides can be produced in Argentina for 7½ cents a pound, and they can be laid down in New York at less than we can produce them for in the United States. But the farmers agreed they would be satisfied with 6 cents. We abandoned that rate and ask only for 5 cents. We voted upon 5 cents when the bill was in Committee of the Whole and rejected it. I think 5 cents is the dead line. That is my opinion and, as I said before, if we get 4 cents, it will be but skim milk for the farmer, and if we get 5 cents there will be a little cream in it for him. That is the situation which is presented at the present time. If we want to do something for the farmer, here is the opportunity to do it.

It is suggested that a hide is simply a wrapping for the animal. Swift & Co. notify their buyers every morning of the price of hides. Why? Because the value of the hide enters into the value of the animals, and they take it into account.

Mr. BORAH. But Swift & Co. do not increase the price of the animal in accordance with the increase in the price of the hide about which they notify their buyers.

Mr. HOWELL. An increase of a small amount, half a cent, would not be passed on, but in all the accounting in the packing houses they charge to hides what the market is upon hides and credit the operation with the returns from the hides. It is a fact that the packers do not receive enough for the carcass to pay the expenditure for the animal alive on the hoof. The profits arise almost entirely from the hides and the other by-products, and the hides constitute the largest portion of the by-products of the animal.

The United States Tariff Commission went into this matter carefully, and I am going to read just one or two paragraphs that will present the matter in the light in which, after investigation, the Tariff Commission saw the situation:

> Briefly, then, there appears good reason to believe that competitive buying in the livestock markets forces the packers to pay the true market value for live cattle purchased and for the hides they carry. Competition among the live-cattle buyers and hide sellers thus quickly tends to correct any apparent discrepancies which may occasionally exist between the values of hides and live cattle. It therefore seems probable that in the long run packers would be compelled by competition to add a duty to the price paid for live animals, getting this addition back when hides or leather are sold.

Again—

> It has already been indicated that owing to the necessity to import nearly one-half of the hides and skins required a tariff on hides probably would raise the price of domestic hides over the foreign level laid down in our ports by approximately the amount of the duty, assuming that there is a world hide market.

Again—

The immediate effect of a duty probably would be a temporary restriction of imports. Heavy stocks on hand in the United States should then move more freely, and country hides should be in greater demand than at present. Their price then should rise, relatively to packer hides, until approximately the normal price relation was reached. Assuming no increase in domestic demand, the chief permanent effect of a duty, unless it were prohibitory, probably would be to increase the removal and marketing of domestic "fallen" hides—from animals which die—and thus make a small addition to the domestic production.

What I have read is the considered view of the United States Tariff Commission, that ultimately any tariff put upon hides will be reflected in the price paid for the animal, and the farmer will get it.

Mr. STECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. STECK. Right along the line as to whether or not the price for hides has any relation to the price for the animal or whether or not the price of the animal has any relation to the price of the hides, I would like to read the Senator a few statistics. I am reading from the hearings before the Senate Finance Committee, from the brief of the United States Leather Co.:

From December, 1916, to December, 1917, prices on cattle advanced 29 per cent; beef prices advanced 36 per cent; while hides advanced but 5 per cent.

From June, 1918, to December, 1918, cattle prices advanced 7 per cent; beef, 3 per cent; while hide prices declined 12 per cent.

From June, 1921, to December, 1922, cattle prices advanced 27 per cent; beef declined 3 per cent; while hides advanced 43 per cent.

From December, 1922, to December, 1923, cattle prices declined 1 per cent, while beef advanced 18 per cent and hides declined 33 per cent.

From December, 1926, to April, 1927, cattle prices advanced 30 per cent, while both beef and hide prices remained unchanged.

From April, 1928, to August, 1928, cattle prices advanced 14 per cent; beef, 20 per cent; while hide prices declined 8 per cent.

It is particularly curious to note that at the beginning of January of this year cattle on the hoof averaged $14.87 per hundredweight, while on the 1st of June they averaged $14.37 per hundredweight, or a drop of about 3 per cent. On the same dates hides sold at 22 cents per pound in January against 16.5 cents per pound in June, which is a reduction of 28 per cent.

I think the Senator should admit, if those figures are correct at all, that the price of hides has nothing whatever to do with the price of beef cattle, and the price of beef cattle has nothing whatever to do with the price of hides.

Mr. HOWELL. Mr. President, the deduction made by the Senator from Iowa——

Mr. STECK. It is not a deduction; I am reading from the record.

Mr. HOWELL. Well, the conclusions which the Senator feels are proper from the statement made are erroneous, in my opinion. Cattle prices in the United States are determined by the supply and demand within the United States. It is very well known that beef cattle are not imported into this country and are not in competition in the packer's market with native steers; but, Mr. President, that is not so as to hides. The hide market is a world market. The cattle market in the United States is a United States market; the prices do not vary alike. The hide market is affected just as the price of every other agricultural product is affected, where there is absolutely free trade or a surplus, by the world market. That is the reason why the prices for hides and cattle do not parallel, because of the competition from Argentina, because of the competition of the world in the hide market. The world market in hides was our market and has been our market. That is exactly the trouble with the American farmer to-day, and that is the reason why he is compelled to-day to pay 44 pounds of green hides for a pair of shoes that he could buy before the World War for 17 pounds of green hides. Are you willing to help the farmer? Is there not enough in this one proposition to settle the question as to whether he needs help and as to whether something is not wrong?

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I yield.

Mr. BARKLEY. Speaking of the law of supply and demand, it would seem natural to assume that as our population has increased, and we have worn more shoes and used more leather goods of other kinds, the demand and supply would both increase; but in the last 30 years, while our population has increased from 77,000,000 to 120,000,000, about 33⅓ per cent, during the same time the number of beef cattle has declined from more than 37,000,000 to 23,000,000, a decline of about 30 per cent. How does the Senator from Nebraska explain, in view of the increased demand of the people for leather goods, including shoes, harness, bags, and other articles made of leather, that the supply of our own product has declined 30 per cent, while our population has increased 33⅓ per cent, and by analogy our demand should have increased by the same per cent?

Mr. HOWELL. Mr. President, as the country has settled up, the cattle producer has gradually retired to the West. We do not produce as many cattle because grain crops are in competition with the cattle industry. That is the reason.

Mr. BARKLEY. Mr. President, I agree with the Senator about that; but how is the tariff on hides and shoes going to repopulate the lands of the West with cattle and depopulate them with people? That same situation is bound to continue. It has not been brought about by any increase in importations in proportion to our demands, because we have not for 50 years been ably to supply our own demand for leather. We shall probably never be able to do it, because as our population increases and the broad acres in the West which were formerly devoted to cattle grazing are taken up by small farmers, leaving still less land to be grazed by cattle, the proportion of our supply will decrease as our demand increases.

I can not anticipate that we shall ever be able to supply anything like our demand for leather in the United States. How is a tariff on hides, whether it be 4 or 5 cents on the green and 8 or 9 on the dry, and then a duty on leather and a duty on shoes, going to reverse the situation so as to make it possible for us to supply our own demand for leather? How can it ever be arranged so as not to cost us more than we shall get out of the tariff, whatever the rate may be?

Mr. HOWELL. Mr. President, I think the Senator from Kentucky will agree that in any case where an agricultural product is subject to a world market, either because of a surplus or the lack of a tariff, nothing can be done for the farmer. It is only where our consumption exceeds our production that the tariff can ever be effective to the farmer. So when we meet those cases where we have a surplus, we say a tariff is useless so far as the farmer is concerned, and then when we come to a case where our production is less than our consumption we say there is not any hope of production ever catching up with consumption, and, therefore, we ought not to burden the people of the United States with a tariff.

Mr. President, the only way we can help the farmer in connection with the tariff is to place it upon some product of which we do not produce a surplus. Here is one of the few such products. Casein was another; but the Senate refused to give an adequate tariff on casein, although it was one of the few products in connection with which the tariff might be effective. Here is another case where the tariff might be effective. Are we to conjure up all the objections in the world to cheat the farmer out of a tariff where he deserves it and when the conditions in which he finds himself are such as ought to bring tears to the eyes of those who would weep for the boot and shoe manufacturers and the employees of the boot and shoe factories?

Mr. BARKLEY. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HOWELL. I yield.

Mr. BARKLEY. I am not weeping for the boot and shoe manufacturers; I am more in a frame of mind to weep for the farmer; but the Senator's argument would be more impressive with me if I felt that the farmer would get some benefit out of it which was not going to be taken away from him in the next sentence. However, assuming that the farmer will receive the full benefit of this 5-cent duty—which I do not think he will—we are going to lay a foundation by undertaking to grant him that benefit to take not only that benefit away from him but to take more away from him by what will be done to him as a consequence of what we are trying to do for him. In other words, by trying to do something for him, we are laying the foundation for doing more harm than good to him, by levying tariff duties on shoes and harness and other products which he must buy.

Mr. HOWELL. All that is necessary for us to do is to see that the compensatory duties are just; that no protective rate in any tariff levied is in excess of what it ought to be, and we can assure ourselves that the farmer will be benefited if he shall receive 5 cents on green hides.

Mr. BARKLEY. The Senator knows, of course, and we all know that the average farmer does not sell one cow a year; he

does not sell one head of beef cattle a year. Of course, whatever benefits, assuming that benefits will accrue from the duty, will accrue to those who are engaged in a large way in the production of cattle. The great bulk of farmers of the United States have no cattle for sale; but, assuming that they will receive the full benefit of the duty on whatever cattle they have for sale, assuming that every cattle buyer who goes to a farmer and buys any kind of a cow or a calf or a yearling will sit down on a log and take out his pencil and paper and figure how much the hide will weigh, how much the tariff on that hide will be, and will then add that to the price he intended to pay anyway—which, I think, is a fantastic picture—the additional amount which the average farmer in the United States—I should say probably 95 out of every 100 of them—may receive will not pay him for the added cost which will be charged up to him when he buys his harness, when he buys his saddles, when he buys shoes for his family, whether the additional duty be limited to a compensatory duty or whether a protective duty also be levied.

It may be that in isolated instances the large cattle raisers, because they have more cattle than they have family for whom they have to buy shoes might receive a greater benefit than the damage done them; but to the average farmer who has more family than he has cattle and who has to buy more shoes than he has hides to sell will be decidedly "in the red" at the end of the year if this tariff shall be inflicted upon him.

Mr. HOWELL. The able Senator from Kentucky is mistaken when he assumes that the average farmer seldom sells an animal. He sells his calves, and finally he sells his cows, and he sells them for canners. What is the price paid for canners? It is 4 cents a pound, and the hides before the war were 16½ cents a pound. Does not the Senator think that means something to the farmer who sells a cow that is to be used for canning purposes? As a matter of fact, it is in connection with that type of cattle that there is to be a very marked return.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. BROOKHART. Mr. President, the discussion on the rates now under consideration is somewhat embarrassing to me. When I was asking for a 4-cent rate on lard Senators on the other side of the aisle opposed it because as to lard we were on an export basis. Now the Senator from Nebraska is asking for a duty of 5 cents a pound on hides, and Senators on the other side are opposing it because as to hides we are on an import basis. So it seems the farmers will have to lose both coming and going.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I yield.

Mr. ODDIE. I think the Senator from Kentucky has overlooked the importance of a tariff on hides to the dairy industry. I do not know whether that has been mentioned.

Mr. HOWELL. There is no question about its importance to the dairy industry, and the dairy interests in the Eastern States are very important.

Mr. President, here is one of the few opportunities to do something for the farmer in connection with a product as to which the tariff can be effective, and I feel that we ought to do it.

Mr. BORAH. Mr. President, before the Senator sits down, let me say to him that if it can be demonstrated that here is an opportunity to do something for the farmer I am going to vote to do it. I have had several calculations made, however, by people who are competent to make them. If there were nothing to it but hides, this would be a perfect case for protection. There is no doubt about that. When, however, we know that the farmer must buy leather and leather goods and shoes, we are putting a duty upon the product which he sells, but inevitably we are increasing the price of the product which he must buy.

Under the circumstances I can not see how the Senator can say that this is a self-evident proposition in favor of the farmer. He has to buy his leather goods; he has to buy his shoes; and we are increasing the price of his leather goods, and we are increasing the prices of his shoes. Therefore, if the Senator can explain that to me, I am going to vote for his proposition.

Mr. HOWELL. Mr. President——

Mr. BORAH. Let me say just a word further.

We know that the leather industry is in trouble. I think it is in a distressed condition. I am not sure as to the reason for it. I am not sure that it is a question of tariff, but I am sure that it is in trouble. In our zeal to put a duty upon hides we can not refuse to consider the condition of those who are going to buy the hides and use them, because if we destroy the tanners we will not have any market for our hides.

Mr. ODDIE. Mr. President——

Mr. HOWELL. Mr. President, there are about 28,000,000 farmers and their dependents upon the farms of this country. As a consequence, they only buy in the neighborhood of 20 per cent of the shoes that are used in this country; but they produce 70 per cent of the hides that are used in this country.

Mr. McKELLAR. Mr. President——

Mr. BORAH. Let me finish this, because I am interested in it.

Mr. HOWELL. That is where that problem arises in connection with the farmer. He produces 70 per cent of the hides that are used in this country, and he uses only 20 per cent of the shoes that are used in this country.

Mr. BORAH. How about leather?

Mr. HOWELL. In connection with leather, these are comparatively small items. The use of leather for harness has decreased very materially; and, so far as saddles are concerned, the Senator is aware that that is a comparatively small item. I refer to it because it was spoken of here.

Mr. McKELLAR, Mr. WALSH of Montana, and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I yield, first, to the Senator from Tennessee.

Mr. McKELLAR. I desire to ask the Senator a question.

There are about 300,000,000 pairs of shoes consumed in the United States every year. The farmers, being about 30 per cent of the people, would wear about 90,000,000 pairs of those shoes. By a simple calculation of 14 cents additional for tariff on these shoes, we would be putting a tax on the farmers, for their shoes alone, of $12,600,000. Is not that true?

Mr. HOWELL. Of course, if the Senator's calculation is correct, it must be true.

Mr. McKELLAR. It is substantially correct. I will not say that it is mathematically accurate, but it is substantially so. What would happen would be that in this tax of 14 cents on every pair of shoes, regardless of whether they were good, bad, or indifferent, the farmers would have to stand an additional levy of taxation of about $12,600,000.

Mr. HOWELL. Very well. I wish to add this: In my State alone the farmers would receive $3,000,000 a year more for their hides at 4 cents a pound.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I yield.

Mr. ODDIE. I should like to state, in reply to what the Senator from Idaho has just said, that in my opinion this duty on hides and the compensatory duty on leather and shoes, whatever rates are adopted, will not have a material effect on the price of shoes.

I have here a letter from one of the largest shoe manufacturers in the United States, Sheppard & Myers, the manufacturers of the Hanover shoe. They are an enormous concern in Pennsylvania. In this letter they say that the duty on hides will have practically no effect on the price of shoes.

Mr. BORAH. Mr. President, the Senator does not believe that, does he?

Mr. ODDIE. They say:

> We are of the opinion that a tariff on leather, shoes, and hides would have a tendency to stabilize prices and would perhaps overcome some of the extreme fluctuations that we have had in prices of hides and leather. These fluctuations have been detrimental to all concerned.

And they say:

> We do not think that a duty on hides and leather will do any particular harm; nor do we think that it should raise the price of shoes in general. We are quite positive that such a duty alone will not cause us to raise our own prices; nor will we cheapen our shoes in any way in order to maintain those prices.

Mr. BORAH. Mr. President, what is the date of that letter?

Mr. ODDIE. It is dated March 11, 1930.

Mr. WALSH of Massachusetts. Mr. President, on that principle the Senator ought to make his rate 10 cents a pound or a dollar a pound.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. I yield to the Senator.

Mr. JOHNSON. I simply want to inquire of the Senator from Nevada whether this great shoe manufacturer said that a duty on hides, on leather, and on shoes would decrease the price of shoes.

Mr. ODDIE. No, Mr. President; he did not. He stated, however, that an adequate duty on hides and leather would stabilize the price and improve conditions in the industry.

I ask that this letter be placed in the RECORD; also a telegram from the Endicott-Johnson Shoe Co., of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter and telegram are as follows:

HANOVER, PA., *March 11, 1930.*

HON. TASKER L. ODDIE,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SIR: In order that we may introduce ourselves, we do not think a short résumé of our business would be amiss.

This company was organized in 1900 to make men's and boys' shoes to be sold under the trade name of "The Hanover Shoe." We do and always have retailed all of the shoes that we make through our own stores. We operate at present about 110 stores.

Since the business was founded, it has been our policy to try to give the best possible value for the money. Our present prices are: Men's shoes, $5; boys', $3.50; little men's, $3; and a few men's work shoes at $4. This price has not changed in the past 10 years nor during that period have we ever taken a thing out of the shoe, and have increased our per capita wage steadily from year to year.

We might add that we have never failed to make a profit in the 30 years that the business has been in existence.

We are quite certain that our records will show and that the trade in general will confirm that we have operated nearer 100 per cent of our capacity during the entire 30 years that we have been in business, or any part of it, than any other shoe manufacturer.

We are writing you this letter to express our hope that your amendment to hides, leather, and shoes will pass, and, further, that it will pass promptly. We do not fear a duty on hides and leather but we do fear continued delay. We feel that the delay that has already occurred has done more harm than the bitterest opponents of a tariff on hides and leather claim such a tariff will do.

We do not think that a duty on hides and leather will do any particular harm; nor do we think that it should raise the price of shoes in general. We are quite positive that such a duty alone will not cause us to raise our own prices; nor will we cheapen our shoe in any way in order to maintain those prices.

Of course, you understand that we feel that if we do have a duty on hides and leather, it is absolutely essential that we have a duty on shoes.

* * * * * * *

We are of the opinion that a tariff on leather, shoes, and hides would have a tendency to stabilize prices and would perhaps overcome some of the extreme fluctuations that we have had in prices of hides and leather. These fluctuations have been detrimental to all concerned.

There is another feature that we would like to touch upon: We believe that America's greatest asset is her standard of living, and above all it must be protected. The standard of living in the United States is the best that was ever known on the face of the earth and is our best guaranty for future happiness.

We do not believe that any business man that is honest and has the interests of the country at large at heart would want to see our standard of wages, which affects our standard of living, interfered with in any way regardless of selfish motives.

We are very proud of our community because it is a prosperous one, and this concern materially contributes to its prosperity by its wages paid and the steadiness of its operation.

Of course, we must leave it to Congress to determine where protection is necessary and where it would be detrimental, but we trust in regard to your particular amendment, that it will receive favorable and speedy action.

Yours truly,

SHEPPARD & MYERS (INC.),
L. B. SHEPPARD.

[Telegram of March 5, 1930, from Mr. George F. Johnson, president of the Endicott Shoe Co., Endicott, N. Y.]

Please ignore telegram 4th, which was in error. Seventeen thousand Endicott-Johnson workers, making 125,000 pairs of shoes daily. Urge you to grant the farmers a duty on hides in return for a compensatory duty on leather and shoes plus the necessary protective duty on leather and shoes to offset the lower foreign labor cost. Failure to put shoes on the tariff list will place American shoe manufacturers in worse position than they are at present.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Nebraska [Mr. HOWELL] has the floor. Does he yield to the Senator from Kentucky?

Mr. HOWELL. I do.

Mr. BARKLEY. I desire to inquire of the Senator from Nevada, if the price of all these products is not to be raised, and no good is to be done by it, how is it going to stabilize anything?

Mr. ODDIE. Mr. President, the chart that is on the wall showing the extreme fluctuation in the price of hides in the last few years is an added reason for a tariff. On the left you will see a chart which shows a very stable price during the period of a protective tariff on hides. With a stable market for hides and leather the American manufacturers will have a market that they can depend on, and they will not have to go to foreign countries for hides to be manufactured by them into shoes for the American people.

Mr. BORAH and other Senators addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. HOWELL. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I desire to read a line from the Shoe and Leather Reporter, which is supposed to be the mouthpiece of the shoe and leather industry. After discussing the Oddie amendment, they say:

It will be idle to ignore the fact that the market prices of leather and shoes must be raised.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I do.

Mr. ODDIE. It is a recognized fact, and I have mentioned it to-day, that there is a tremendous propaganda going on by certain of the shoe manufacturers. They have propagandized the retail dealers all over the country; circulars have been sent out condemning the Oddie amendment, and it has not been a pleasant thing for me to face; but these people, the principal ones who are opposing this duty, are those who are importing hides from foreign countries.

Mr. BORAH. Mr. President, let me relieve the Senator's mind upon that matter. Here is a 2-page editorial, from which I quoted, advocating the Oddie amendment.

Mr. ODDIE. Oh! Then I consider that that is a very much more intelligent article than I thought when the Senator first referred to it. [Laughter.]

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. HOWELL. I do.

Mr. WALSH of Montana. The Senator from Nebraska stated to us that in the event the amendment now offered by him should be adopted, he would propose corresponding increases in the compensatory rates carried in the Oddie amendment; but he has not done so. Will the Senator kindly indicate to us what changes he would make in the compensatory rates on the other items included in the amendment?

Mr. HOWELL. Under paragraph 1, on page 2, in line 6, instead of 6 cents the specific rate would be 7½ cents. These compensatory rates are based upon a table furnished by the Tariff Commission. They are not guessed at. I have the original data here from which they were prepared. In line 7, substitute 5.4 per cent for 10 per cent.

The reason why I substitute 5.4 per cent for 10 per cent is this: The Tariff Commission has furnished a table by which we can dissect the rate provided by the House, which in this case was 12½ per cent. A computation shows that 5.4 per cent was the protective factor in that rate, and that the 7½ per cent remaining was the compensatory factor for a 10 per cent ad valorem duty on hides.

I have followed that plan throughout in connection with all of these specifications of leather, adopting the protective factor fixed upon by the House of Representatives.

In paragraph 2, 7½ cents is substituted for 6, and 5.4 per cent is substituted for 10 per cent.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. The action of the Senate as in Committee of the Whole has put all these articles on the free list, I think. Is not that right? Assuming that it is right so far as shoes and leather are concerned—that they are on the free list, and that we want to put a proper protective tariff on hides for the benefit of the farmer—why does the Senator offer this ad valorem duty in his various items?

In other words, it seems to me the Senator is assuming that whether we have a tariff on hides or not we must have a tariff on shoes and leather. If we go on the assumption that shoes

and leather do not need a tariff, according to the action of the Committee of the Whole, then the Senator should have in no case any protective duty. He should stop at the compensatory duty. In other words, the duty that he put on the manufactured article should be only that which is made necessary by the duty which he put on the raw material.

Mr. HOWELL. Mr. President, when the House and the Senate Finance Committee gave the farmer 10 per cent ad valorem on hides and then 20 per cent ad valorem on all shoes, I came to the conclusion that there was sufficient influence among the tanners and the shoe manufacturers to provide a protective tariff for these industries, and that if we were going to get anything through for the farmer we would have to meet the tanners and the shoe manufacturers at a minimum point at least.

Mr. NORRIS. Does the Senator think we ought to levy a tariff here just because there is sufficient influence to get it, without merit, whether or not there should be such a tariff? Moreover, the influence of the tanners did not seem to be sufficient to prevent the Senate as in Committee of the Whole from putting this whole business on the free list.

Mr. HOWELL. Mr. President, I have not the confidence, I am sorry to say, in the ideal conditions which exist here for legislation such as to make me believe that there will not ultimately be given to the tanners some protection, and, of course, if we put a tariff on hides we ought to give compensatory duties to the tanners.

Mr. NORRIS. I think that is conceded.

Mr. HOWELL. And to the boot and shoe manufacturers.

Mr. NORRIS. Yes; we ought to give them a compensatory duty on everything that is made out of hides. I do not believe anybody will dispute that. I do not want to be put in the attitude of disputing it myself. But the Senator has not only had a compensatory duty but he has put on a protective duty.

Mr. HOWELL. Mr. President, it has been urged that the tanning industry in this country is in such a state that it is entitled to a duty. The distinguished Senator from Idaho voiced that view just a short time ago. The House of Representatives evidently came to that conclusion upon the advice of the Ways and Means Committee of the House, and the Finance Committee of the Senate came to a similar conclusion, but they increased the protective factor afforded by the House. My idea is this, that we should go back to the protective factor afforded by the House and add a compensatory duty. Those factors, in connection with leather, are not high, and I am satisfied from my study that a good deal of attention was given to the construction of the rates that were adopted by the House committee.

Would the Senator from Montana desire that I should go on?

Mr. WALSH of Montana. No; I think it is not necessary. The Senator has indicated the process by which he has arrived at the various rates. They would increase in the same proportion, 6 to 7½, and the protective rate would be reduced, so as to make it equal to the actual protective rate carried in the House.

Mr. HOWELL. That is true.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska is in two parts, 5 cents upon the raw hides and 9 cents upon the dried. If there is no objection, the two amendments will be voted upon together.

Mr. FRAZIER. Mr. President, it is rather amusing to hear the argument some Senators use against a tariff on any agricultural product. They talk about the average farmer, about getting a benefit for the average farmer. No one on earth contends that a tariff on hides will benefit the farmer who produces and sells no livestock. If the farmer is going to have the benefit of a tariff on hides, he must have some cattle to sell.

If the cotton producers down in the South will raise enough cattle, along with the production of cotton and other products, so that they will have three or four cattle to sell, at least enough to offset the additional duty on shoes that would result from a duty on hides, then they will benefit by it. If not, they will not.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FRAZIER. In just a moment. Does the average manufacturer benefit by a tariff on steel products? Oh, no. But the other manufacturers do not fight the steel tariff, because they think they will get tariffs on their products; and they are getting them. If we can get a tariff on the various farm products, it is going to help all those farmers, it seems to me, who have those products to sell. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if the Senator is referring to the remarks I made about the average farmer, I will say that his illustration about cattle and cotton has no application to Kentucky. Kentucky is a very large cattle-producing State. We produce practically no cotton. So that if the Senator has Kentucky in mind, I will say that the situation is exactly reversed. We have some of the finest breeds of cattle in the United States, or in the world.

Mr. FRAZIER. I appreciate that; and it is unusual for the average farmer in Kentucky not to have at least half a dozen cattle to sell a year—at least two or three head for every member of his family. Unless he has two or three head to sell for each member of his family, this tariff on hides is not going to do him any good.

Mr. BARKLEY. I will state that if every farmer in Kentucky sold an average of five or six head of cattle every year, the total amount would be almost as many as were butchered in the United States last year.

Mr. FRAZIER. Oh, no; it would not. We have a long ways to go to come up to our home consumption.

When a tariff is asked for farm products of which we produce a surplus we find the same opposition by the same men. They say that the tariff can not possibly be of benefit to the farmer because we produce a surplus. But when we have a product like hides, they say the tariff will not be of any benefit to the farmer because it will penalize the farmers who do not have hides to sell. Of course it will penalize the farmers who do not have hides to sell, just as the tariff on steel products penalizes every manufacturer in the United States who does not manufacture steel products.

The manufacturer of woolen goods does not fight the manufacturer of steel products because the manufacturer of woolen goods wants a tariff on his goods. The manufacturer of steel products does not fight the manufacturer of woolen products or cotton goods because they want a tariff, too.

Mr. President, if we are going to get anything for the benefit of the farmers we have to have a tariff on their products where a tariff will benefit them.

If the argument is to be made that some farmer who does not raise livestock is going to be penalized because he has to pay a little more for his leather in shoes because we have a tariff on hides that benefits the farmers who have hides to sell, then we can not do anything for the farmers.

It makes me tired to have men here who I know are honestly interested in the farmers make every plausible argument under heaven as to why we should not have a tariff on farm products. All the manufacturers have a tariff, and have had for years, on their products. More than that, they are organized so that they can get the benefit of the tariff. They are organized so that they can steady the price of their products, and everyone along the line who handles the product pyramids the tariff and makes a profit because of the tariff.

The farmers can not do that. They are not organized to do it, and if the Senate of the United States or the Congress of the United States wants to help the farmers, it is up to the Congress to do something to benefit the farmers, and not idly sit back and say, "Oh, no; we can not benefit the farmer in a tariff on hides because some farmer over here in Maryland or Virginia or up in Connecticut does not raise any cattle, and it will penalize him, because he will have to pay 17 cents more for a pair of shoes for the baby."

Of course, it will penalize him. Let him raise a few cattle. Let him diversify. For years we have heard talk about diversification.

Mr. President, as long as there is no control of the profit the manufacturers make, it is pretty hard to do anything for the farmers, I will admit, but I am in hopes that at some stage of the game, and not in the too far distant future, some method will be worked out by which there will be some sort of control of the profits the manufacturers and others who sell their products may make, so that they will not be allowed to make exorbitant profits.

I have a paper here on my desk which advertises a pair of very fine looking shoes, men's low shoes, at $12.50 a pair. Does anyone think that the manufacturer of that shoe needs any compensatory duty on shoes because we have a 4 or 5 cent duty on hides? Certainly, he does not. He can manufacture and sell those shoes for half that price and still make more than the farmer is making on his hides.

In the great old State of Nebraska, it is a mighty poor farmer who does not have at least half a dozen head of cattle to sell each year. Yet the Senator from Nebraska wonders if it will not penalize the farmers there more than it will help them.

The Senator from Idaho spoke a while ago. If the farmers of Idaho do not sell enough cattle to more than pay for the shoes they buy, this tariff is not going to help them any. It is the same with the farmers of Kentucky, too. I will admit that

some of the eastern farmers, the New England farmers, unless they are in the dairy business, or are engaged in truck raising, would not be benefited by a tariff on wool or by a tariff on wheat or by a tariff on practically anything, except a tariff on the vegetables they raise.

If we are going to hunt every plausible excuse under heaven why we should not have a tariff on farm products, we might just as well quit trying to do anything for the farmers.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BARKLEY. The Senator from Nebraska a while ago said that there were 28,000,000 farmers in the United States. The statistics of the Department of Agriculture show that in 1929 there were in the United States 23,000,000 head of beef cattle, so that there was less than one head for each farmer in the United States. If they all accepted the advice of the Senator from North Dakota and went to raising cattle, and produced an average of five or six, where would we find a market for all the additional cattle produced, and would we not create a situation, if everybody tried to raise cattle enough to offset the additional price of shoes, where there would be more cattle than we could sell?

Mr. FRAZIER. Of course, there might be a period when that thing might happen, but I am not worried about it happening, for a long time at least, because we do not raise nearly the amount of cattle we need for our own use. We do not produce nearly the amount of hides we need for our own use, and, of course, all the farmers can not raise cattle. But, if a few of the farmers who raise cotton in the South will go to raising cattle and less cotton it will give them a chance to make something on both their cotton and their cattle. It is the same with other farmers.

Mr. BARKLEY. The Senator thinks, then, that by driving the price of cattle down and the price of cotton up, they would about strike an even balance?

Mr. FRAZIER. No; driving the price of cattle down will not mean a profit for the man who raises cattle, and the driving of the cotton price up will not help the farmer who does not produce cotton. It will make him pay more for cotton goods, and it is so in every line of industry, no matter what it is, manufacturing or farming. If the effort is to find some tariff on some product that will benefit every farmer, it can not be done, any more than you can find a tariff on manufactured products that is going to benefit the average farmer.

The PRESIDING OFFICER. On the amendment to the amendment the yeas and nays have been ordered.

Mr. McMASTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Keyes	Sheppard
Barkley	Goff	La Follette	Shortridge
Blaine	Goldsborough	McCulloch	Smoot
Blease	Grundy	McKellar	Steck
Borah	Hale	McMaster	Steiwer
Bratton	Harris	McNary	Stephens
Brookhart	Harrison	Metcalf	Swanson
Broussard	Hastings	Moses	Thomas, Idaho
Capper	Hatfield	Norbeck	Townsend
Connally	Hawes	Norris	Trammell
Copeland	Hayden	Nye	Vandenberg
Cutting	Hebert	Oddie	Wagner
Dale	Heflin	Patterson	Walsh, Mass.
Dill	Howell	Pine	Walsh, Mont.
Fess	Johnson	Pittman	Waterman
Fletcher	Jones	Robinson, Ind.	Watson
Frazier	Kean	Schall	Wheeler

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names a quorum is present. The clerk will call the roll on the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment offered by the Senator from Nevada [Mr. ODDIE].

The Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). On this vote I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer my pair to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. SWANSON (when Mr. GLASS's name was called). My colleague [Mr. GLASS] is paired with the senior Senator from Connecticut [Mr. BINGHAM]. If my colleague were present he would vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I understand that he would vote the same as I would vote. I vote "nay."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). I desire to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD]. On this amendment, he is paired with the junior Senator from Arkansas [Mr. CARAWAY]. If the senior Senator from Minnesota were present, he would vote "yea" and the junior Senator from Arkansas, if present, would vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Vermont [Mr. GREENE] and vote "yea."

The roll call was concluded.

Mr. BLEASE. I have a pair with the Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the senior Senator from Maryland [Mr. TYDINGS] and vote "nay."

Mr. WALSH of Montana. The senior Senator from Wyoming [Mr. KENDRICK] is unavoidably absent. He is paired on this question with the Senator from Illinois [Mr. GLENN]. If the senior Senator from Wyoming were present, he would vote "yea." The Senator from Illinois [Mr. GLENN], I am advised, would vote "nay."

The Senator from North Carolina [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. GILLETT].

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained. He is paired with the Senator from New Jersey [Mr. BAIRD]. If present, my colleague would vote "yea."

Mr. SHEPPARD. I wish to announce the following general pairs:

The Senator from North Carolina [Mr. OVERMAN] with the Senator from Illinois [Mr. DENEEN];

The Senator from Arkansas [Mr. ROBINSON] with the Senator from Pennsylvania [Mr. REED];

The Senator from Oklahoma [Mr. THOMAS] with the Senator from Kentucky [Mr. ROBSION]; and

The Senator from Louisiana [Mr. RANSDELL] with the Senator from Maine [Mr. GOULD].

The result was announced—yeas 25, nays 43, as follows:

YEAS—25

Allen	Frazier	Norris	Shortridge
Bratton	Hayden	Nye	Thomas, Idaho
Brookhart	Howell	Pine	Waterman
Capper	Jones	Pittman	Watson
Connally	McKellar	Robinson, Ind.	
Cutting	McMaster	Schall	
Dill	Norbeck	Sheppard	

NAYS—43

Barkley	Goldsborough	Kean	Steiwer
Blaine	Grundy	Keyes	Stephens
Blease	Hale	La Follette	Swanson
Borah	Harris	McCulloch	Townsend
Broussard	Harrison	McNary	Trammell
Copeland	Hastings	Metcalf	Vandenberg
Dale	Hatfield	Moses	Wagner
Fess	Hawes	Oddie	Walsh, Mass.
Fletcher	Hebert	Patterson	Walsh, Mont.
George	Heflin	Smoot	Wheeler
Goff	Johnson	Steck	

NOT VOTING—28

Ashurst	Deneen	King	Shipstead
Baird	Gillett	Overman	Simmons
Bingham	Glass	Phipps	Smith
Black	Glenn	Ransdell	Sullivan
Brock	Gould	Reed	Thomas, Okla.
Caraway	Greene	Robinson, Ark.	Tydings
Couzens	Kendrick	Robsion, Ky.	Walcott

So Mr. HOWELL's amendment to Mr. ODDIE's amendment was rejected.

Mr. HOWELL. Mr. President, I offer the amendment which I am sending to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 2 of the amendment of the Senator from Nevada [Mr. ODDIE] in line 7, strike out "10" and insert in lieu thereof "5.4," so as to read:

(1) Sole, belting, or harness leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery, 6 cents per pound and 5.4 per cent ad valorem.

Mr. HOWELL. Mr. President, the House adopted for sole leather a tariff of 12½ per cent. From data afforded by the Tariff Commission it appears that the protective factor in the 12½ per cent rate is 5.4 per cent and the compensatory factor 7.1 per cent. The Senator from Nevada [Mr. ODDIE] has included in his amendment a rate of 10 per cent instead of 5.4 per cent, or an increase of 85 per cent in connection with sole leather.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I yield.

Mr. SMOOT. I think the Senator ought to say that the figures of the Tariff Commission are based on a rate of 10 per cent on hides, but the Senator's amendment is 4 cents a pound on salted and pickled hides and 8 cents a pound upon dried hides.

Mr. HOWELL. I am only changing one figure in the amendment of the Senator from Nevada.

Mr. SMOOT. Yes, I understand that.

Mr. HOWELL. I am striking out the numeral "10" in line 7, page 2, and inserting in lieu thereof "5.4."

Mr. SMOOT. And the Senator's figure would be absolutely correct if he had 10 per cent on hides.

Mr. HOWELL. But the Tariff Commission has afforded data indicating, in connection with 10 per cent on hides, what is the protective factor and what is the compensatory factor. I separated them and I am using the protective factor which the House decided was necessary for sole leather. Therefore I am substituting 5.4 per cent for 10 per cent.

Mr. SMOOT. What I wanted to call to the attention of the Senator is that the 5.4 is based upon a 10 per cent rate on hides. That is true. The Senator is correct in that statement. But the amendment of the Senator from Nevada provides 4 cents a pound on salted and pickled hides and 8 cents a pound on dried hides, and that is more than 10 per cent.

Mr. HOWELL. That is true, but I am affording the same compensatory factor in this rate that the Senator from Nevada has adopted, but the protective factor is the factor that was adopted in favor of sole leather by the House.

Mr. SMOOT. Then of course the equivalent ad valorem for it would be 16.33 per cent.

Mr. HOWELL. The rate is 6 cents a pound and 5.4 per cent ad valorem. The 6 cents a pound is the compensatory rate for 4 cents on hides.

Mr. McMASTER. And the other is a protective duty?

Mr. HOWELL. The other is a protective duty, and it is the one that was adopted by the House.

Mr. McMASTER. But the Senator was speaking of a 10 per cent duty on hides. If he is going to compute the compensatory duty on that basis it would be included in the 6 cents a pound; that is the item in which it would be included in the bill.

Mr. HOWELL. No, Mr. President; here are the facts.

Mr. SMOOT. The Senator from South Dakota is wrong.

Mr. HOWELL. Here are the facts: 7.1 per cent ad valorem was the compensatory factor in connection with the 10 per cent ad valorem on hides. Subtracting that from 12½ per cent leaves 5.4 per cent, which was the protective factor accorded sole leather by the House of Representatives. I am adopting that same protective factor, and adding thereto the compensatory factor which the Senator from Nevada has provided, or 6 cents a pound.

Mr. WATSON. Mr. President, I should like to ask a question in order to get the Senator's viewpoint. Would 5.4 per cent still continue to be the protective factor, regardless of the rate on hides?

Mr. HOWELL. A separate compensatory duty is provided for the rate on hides.

Mr. President, this subject ought to be thoroughly understood.

Mr. STECK. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I will yield in just a few moments. This matter ought to be thoroughly understood. The House provided a rate of 12½ per cent ad valorem on sole leather, and that 12½ per cent was made up of two factors. One factor was a protective factor, and the other factor was a compensatory factor. In that case the protective factor was 5.4 per cent ad valorem, and the compensatory factor was 7.1 per cent ad valorem. We are now no longer considering the 10 per cent on hides, but we are considering 4 cents a pound on hides; and the corresponding compensatory factor is 6 cents a pound on sole leather. So this rate is made up of two factors, one of which is 5.4 per cent ad valorem and 6 cents a pound specific. The amendment of the Senator from Nevada provides for 10 per cent ad valorem protective and 6 cents a pound compensatory.

Mr. SHORTRIDGE. On leather?

Mr. HOWELL. On sole leather.

Mr. SHORTRIDGE. Is that based on any tariff on hides?

Mr. HOWELL. That is based on a 4-cent tariff on hides.

Mr. SHORTRIDGE. Does the Senator contend that that is equivalent to 10 per cent?

Mr. HOWELL. It is equivalent to 6 cents a pound specific on sole leather.

Mr. SHORTRIDGE. If the Senator will pardon me, do I understand him to claim that 10 per cent ad valorem on hides is or is not equivalent to 4 cents a pound on hides?

Mr. HOWELL. No; that has nothing to do with the 4 cents a pound on hides. The Senator from Nevada adopted 10 per cent ad valorem as a protective factor.

Mr. SHORTRIDGE. That is to say, on hides?

Mr. HOWELL. On sole leather. The House adopted 5.4 per cent ad valorem as the protective factor on sole leather.

Mr. SHORTRIDGE. They may have been right or wrong. With great respect for the House, their ipsi dixit is not the final word.

Mr. HOWELL. True, it is not the final word; but it happens to be about the figure that is arrived at by the Senator from Massachusetts in that connection.

Mr. SHORTRIDGE. I see.

Mr. HOWELL. I am satisfied from the studies I have made that the House went into this matter very carefully.

Mr. SHORTRIDGE. I want to say to the Senator I want a tariff on hides; I want an adequate and proper tariff on leather, and I want a proper and adequate tariff on men' shoes, women's shoes, and children's shoes.

Mr. BORAH. So that the farmer will get nothing.

Mr. WATSON. I should like to ask the Senator how is 5.4 per cent a continuing factor of protection whether the tariff is 10 per cent on hides or 4 cents on hides?

Mr. HOWELL. It is not necessarily a continuing factor, but it happens to be the factor that the House adopted.

Mr. WATSON. Then, is it right or is it wrong?

Mr. HOWELL. I assume that the House arrived very nearly at the correct figure—5.4 per cent.

Mr. WATSON. Five and four-tenths per cent based on a 10 per cent tariff on hides?

Mr. HOWELL. No. The rate made by the House was based on two factors. One was the protective factor.

Mr. WATSON. I understand that.

Mr. HOWELL. They decided that protective factor should be 5.4 per cent. They determined what the compensatory factor should be based upon 10 per cent ad valorem on hides.

Mr. WATSON. I understand their factor was entirely right based on the percentages furnished by the Tariff Commission, but I can not understand if 5.4 per cent was an adequate protective factor when we figured a 10 per cent tariff on hides how 5.4 per cent is still a protective tariff factor when we figure a 4-cent tariff on hides?

Mr. HOWELL. Assume, Mr. President, that no tariff whatever was placed on hides. The House, in its view, concluded that sole leather was entitled to 5.4 per cent protection. But now suppose that we decide to put a duty of 1 cent a pound on leather. We have got to give a compensation, and what would be the compensatory factor? It would be 1½ cents a pound specific. If the duty is 4 cents, then four times 1½ cents is 6 cents a pound specific. I am sure the Senator from Utah will agree that the statement I have made is correct.

Mr. SMOOT. Yes; on the premises stated. Assuming the statement as to 1½ cents is correct, of course, four times that amount is 6 cents.

Mr. HOWELL. One and one-half cents is correct, because the Tariff Commission has afforded us data showing that 100 pounds of raw hides will make 66⅔ pounds of leather.

Mr. STECK. Mr. President, will the Senator from Nebraska yield for a moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. STECK. The Senator, of course, like many others of us, is anxious to make the rate on hides effective to the farmer, and in the particular part of the amendment he is now talking about 6 cents is the compensatory rate. Is not that true?

Mr. HOWELL. Six cents is the compensatory rate for 4 cents a pound on green hides.

Mr. STECK. I should like to know why the Senator from Nebraska is not asking that all the ad valorem rates be stricken from this part of the amendment, because the ad valorem rates are purely protective. I do not see why we can not put all the rates on the same basis they are on now. We give hides 4 and 8 cents a pound; why not give the other items in the paragraph compensatory rates, and put them all on the same basis, as they are under the present law, and as the rates stood they were voted on as in Committee of the Whole?

Mr. HOWELL. Do I understand the Senator to suggest these rates should all be ad valorem rates?

Mr. STECK. No; I suggest that all the rates be true compensatory rates, which would be 6 cents in the particular case the Senator is now talking about; and that we strike out all the protective rates throughout the entire paragraph. If the Senator will do that I will be glad to vote for his proposal.

Mr. HOWELL. Mr. President, I have assumed that a protective factor would be insisted upon in connection with these

rates; and as a consequence I have used the protective factor adopted by the House in each case, together with the compensatory factor that will go with 4 cents a pound on green hides.

Now, Mr. President, as to sole leather, we produced in this country in 1928, 403,500,000 pounds of sole leather; there were imported, in addition, 9,421,000 pounds; but there were exported 10,000,000 pounds. Consider now this fact: There were only 9,421,000 pounds of sole leather imported as against a domestic production of 403,000,000 pounds, but there was an export of 10,000,000 pounds, or something in excess of the amount imported. I suggest that these figures do not indicate that the tanning industry as to this particular kind of leather is in great need, and it is for this reason that I have adopted the House rate of protection of 5.4 per cent.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. HASTINGS. Mr. President, I must ask the Senate for its attention for a few moments on this question. It seems to me it is rather difficult to listen to the arguments on the tariff bill without being compelled to reach the conclusion that, after all, there is more or less selfishness in connection with it. I do not, of course, use that word in any offensive sense, because I realize that every Member of this body is being importuned to do certain things for his State. It seems to be a natural thing for the people in the respective States in which we live to ask that there be no tariff on a commodity which a particular State does not produce but of which it uses quantities.

On the other hand, if that particular State is producing all of a commodity that is being used in this country they expect all of the people of the country to help bear the burden of any particular tariff that may be desired upon that article.

It seems to me, sir, that this particular amendment is the best illustration of this combination.

I listened with the greatest interest to the very able address of the Senator from Massachusetts [Mr. WALSH], and it seems to me no better tariff speech has been made upon this floor. He showed to the Senate beyond question the necessity for a tariff upon the product of the leather industry. He showed how it was lagging in his State and how serious the condition was, not only with respect to the tanneries but with respect to shoes. He insisted, in order that he might be perfectly honest with the Senate, that he was not at all certain that his environment did not have something to do with his particular attitude upon this subject; and it seems to me, if we analyze his speech carefully, that we are bound to agree with him that after all the environment did have much to do with it.

Certainly it is true, and everybody here admits that it is true, that of all the people who need protection and who need help, the chief is the American farmer. If that be true, why should the Senator from Massachusetts appeal with such earnestness to the Senate to protect the leather industry of his State and the shoe industry of his State, but, because of his environment, be unable to see any necessity for a tariff on hides? It seems to me that if the Senator from Massachusetts could get the cowhide environment, as we might call it, it would be much more logical than the argument he made to the Senate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield? I am sure the Senator does not mean to misquote me.

Mr. HASTINGS. I shall be glad to be corrected if I did.

Mr. WALSH of Massachusetts. I call upon the Senator from Utah to testify whether I did not say two or three times in my speech that I was prepared to vote for the duty on hides levied in the House bill and also recommended by the Finance Committee.

Mr. SMOOT. Yes, Mr. President.

Mr. WALSH of Massachusetts. I said that repeatedly. I said it before when I spoke; and I am prepared now, before this matter goes over, to offer an amendment to that effect.

Mr. HASTINGS. Is the Senator willing to agree to the Oddie amendment on hides?

Mr. WALSH of Massachusetts. I stated that my objection to the Oddie amendment was that the terrific cost to the consumer seemed to me to be too heavy a burden to have the consumer bear. I have not yet agreed to vote for the Oddie amendment; but I will tell the Senator that I will go pretty far to give relief for the tanning industry and the shoe industry. I did not on this floor make any statement against a duty upon hides.

Mr. HASTINGS. Mr. President, I am glad to have the Senator correct me; but I think my mistake was due to this fact: I distinctly heard the Senator state—and he will correct me if I am wrong again—that he thought this duty on hides would make too much of a burden upon the consumer. That is correct; is it not?

Mr. WALSH of Massachusetts. That is true, sir; and I thought the rate of 4 cents per pound upon green hides would result in a burden to the consumer that the consumer ought not to be asked to bear, even if it meant the ruin of the tanning industry and the New England shoe industry.

Mr. HASTINGS. I respectfully submit that that must be due to the Senator's environment, because if he can see a justification—as I think he can see it, and everybody who analyzes the situation must see it—for placing the burden, whatever it may be, upon the American consumer, due to the necessity for a tariff on the hides of the tanners of leather and a tariff on the shoes, I wonder how it is that he is unable to see that that is more justified and that the public can pay it easier than they can when he puts a duty on hides.

I submit that on this amendment Senators must either stand or fall upon what they believe the protective tariff stands for. If they are going to undertake to protect the consumer alone, then they must abandon the whole thing, and take their chances on these American industries being run out of this country. They must either take that position or they must take the other position, and try to protect them, and try to create a prosperity in the country in which they are located, in order that the people of that country and that community may prosper, including the farmers who may be selling that product to those workers.

Mr. President, I am particularly interested in the goat and kid industry, of which the State of Delaware has some three or four factories, employing many thousand persons. All of the hides are brought in here from abroad, with the exception of 1 per cent. Ninety-nine per cent of them are imported. It is estimated that if this tariff of 17½ cents could be placed on this industry there would be put to work 4,000 skilled workers; and the leather industry is a very peculiar sort of industry.

The skilled leather worker begins when he is a boy, and he is trained in it. He was trained in it at a time when it was not necessary to have a tariff upon that industry. Now, however, he finds himself old in years, perhaps, and it is too late for him to learn some other trade; and he is praying and hoping that Congress will give to his employer some assistance.

Mr. President, this industry is a little different from others, in this respect: We used to hear a lot in the country about protecting the American workingman. That was the cry everywhere, "Protect the American workingman." That has all been transferred now to the farmer. We are willing, if you please, to tax the workingman, the man who works in the factory, to the full extent that may be necessary in order that we may help the farmer a little.

I have no complaint. I have voted for every tariff that could possibly help the farmer at all, and I will continue to do so; but I desire at the same time to give the workingman in the factory a chance. That is what we must do if the farmer is to be able to sell his product at all to anybody.

Not only do we have faithful workers in the leather industry, but we have workers belonging to the Federal Union which sees to it that they get their proper share of the profits of the industry. I have before me not only one but a dozen letters from the general president of that organization, the United Leather Workers' International Union; and one of these letters I shall ask later to have placed in the RECORD. Not only that, but I have a resolution from the Central Labor Union of Delaware, urging what? Urging that their employer may have protection in order that they may have a job; urging that they may have protection in order that they may have some profit, in order that the worker may share that profit.

Is there anything unreasonable about that? Oh, it is true—I do not know to what extent, but of course it must be true to some extent—that the American public must stand a part of the burden; not, however, what is sometimes contended here. It is impossible to say that a duty of 17½ per cent placed on hides must ultimately all be borne by the public. That is impossible. There are enough of these industries in this country and there is enough competition in this industry to see to it that the American public does not pay more than it ought to pay; but what we need is this: We need to see to it that America manufactures all of this leather, and that that from foreign countries shall be sold to some other place.

In 1923 the kid-leather industry in this country was consuming 500,000 square feet of this leather from other countries. In 1929 it was consuming a little less than 15,000,000 square feet. If we believe in the protective tariff at all, can it be contended for a minute, regardless of what effect it may have on the public, that we can afford to destroy this industry? When

we destroy it, it affects the whole public. They have no other place to buy except from the foreign country.

With that showing, it seems to me, it is our opportunity to put through the Oddie amendment as it is—protecting the farmer, protecting the leather industries, protecting the shoe industries all that America needs.

I ask to have printed at the end of my remarks the letter and resolution to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter and resolution are as follows:

UNITED LEATHER WORKERS' INTERNATIONAL UNION,
Philadelphia, September 18, 1929.

Hon. DANIEL O. HASTINGS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As the authorized representative and spokesman for the 10,000 wage earners employed in the production of light leathers, made from goat, fish, and reptile skins, I take the liberty to address you upon the subject of a protective tariff we are seeking, as specified in section 1530, paragraph (c), Senate tariff bill, to be levied against all such leathers made in foreign countries, imported and sold within the borders of the United States.

First. Permit me to call to your attention the fact that the Federal Trade Commission made an exhaustive investigation of this branch of the tanning industry in the United States and foreign countries, made an extended report and strongly recommended ad valorem duties be levied to the degree we are seeking.

Second. The House Ways and Means Committee responded to our appeal, and the House of Representatives, in H. R. 2667, recognized the need and justice of our demands, but not to the extent of the actual requirements to effectively protect the industry and the workers employed therein.

Third. We pursued our demands for adequate rates of duty before the Senate Finance Committee, subdivision on sundries, June 28, 1929, at which time I personally appeared to plead for recognition of the vital needs of the wage earners as an actual "bread-and-butter" requirement of the thousands of men, women, and children dependent upon said industry for steady employment, at adequate wages, to permit the maintenance of the standard of living in this country, thus contribute to the general prosperity of all classes of society through their ability to buy and consume the products of our combined industries. The foregoing especially submitted for the unbiased consideration of all Senators who are devoted to the interests of the farmers, with the reminder that the wage earners of this country constitute the great body of consumers of the products of the farms.

Fourth. The foreign producers have been rapidly capturing the United States market for the top grade of these leathers; in the short period of six years the importations have increased 2,000 per cent, and for the first six months of this year the importations have exceeded 25 per cent of the United States demand for top grade leathers herein referred to; thus it will be obvious to every Senator that destruction of this important United States industry is certain and sure, unless the protection prayed for is awarded from your hands, this being the one and only source from which the industry itself and the well-being of its thousands of employees can be fostered and protected.

Fifth. We submit that fundamentally an import duty can not be justified only for the protection it accords to the United States industries, and the great body of our people directly dependent thereon for their daily subsistence; therefore, having submitted to the Congress of the United States the facts relative to the needs of the industry, and the workers employed therein, we rest our case with the hope and expectation that you will render justice where justice is due.

In conclusion we urgently request every member of the United States Senate to make a thorough study and investigation of all the facts and data assembled for your information, guidance, and final determination, fully confident you will be recorded in the affirmative upon this particular feature of pending tariff legislation.

Respectfully submitted.

W. E. BRYAN,
General President United Leather Workers International Union.

RESOLUTION ADOPTED BY THE CENTRAL LABOR UNION OF WILMINGTON AND VICINITY AT ITS REGULAR MONTHLY MEETING ON MARCH 4, 1930

Resolved, That the Central Labor Union of Wilmington, Del., and vicinity, hereby goes on record as indorsing Senator ODDIE'S amendment because it is in the interest of protecting the interests of American labor and encouraging American capital and American business; it being our firm belief that if our American kid tanners are able to secure the rate of production now lost because of the cheap-labor competition of foreign tanners and importers it will be possible to afford employment to more than 4,000 leather workers in the Wilmington-Camden-Philadelphia kid leather producing district once this market is regained.

Mr. BROOKHART. Mr. President, the Senator from Delaware [Mr. HASTINGS] has made a magnificent speech. He has presented a magnificent scheme for mobilizing and harmonizing this environment and this selfishness that we use in making up a tariff bill. He has made it very clear that the farmer is entitled to protection exactly the same as the other industries of the country; and he has made it plain that, as to hides, he is willing to vote for the farmer. But I wonder where the Senator's environment is going to be when we get to the debenture that is going to give effect to these rates that we have handed out to the farmer, that he knows and everybody knows are not effective.

All the other votes in favor of agriculture, all these little things, are trifling compared to that one element, the debenture.

What about our 42 cents on wheat? What do we mean by that? Is it of any value to agriculture? That is one of the big items. It is of no value whatever, it is a fraud and a false pretense unless we make it effective by this debenture arrangement.

I hope, when the time comes around, that the Senator will get in such an environment that he can see what is for the big benefit of the farmer as well as one of these little benefits that he now sees. I hope he can carry that principle clear through; and, if he does, we will keep the debenture in the bill, and then we shall have something that really will benefit the farmers of the United States in a substantial way, at least to half the extent, and only to half the extent—because it is only half the tariff rate—that we are benefiting the industries all over the country.

Now just a moment upon this particular question. The particular issue here now is the relation between the industrial and the agricultural rates.

I have justed voted for 5 cents a pound on hides. I should have liked to vote for 7½ cents, which the Senator from Nebraska has pointed out would be the just rate for hides in this country. The Senator from Nevada cuts that down to 4 cents. I would rather have that than nothing; but, before I will vote for it, I must know that the rates we are going to give the industries using hides are not going to take it all, and more than all, away from us.

In this proposition of the Senator from Nebraska it is conceded that 6 cents a pound, as proposed by the Senator from Nebraska, is compensatory. In other words, that gives back to the leather manufacturers all the benefit the farmer gets by his protection on all the leather that he will use. They get it all. In addition to that the Senator from Nebraska figures out that they should have 5.4 per cent protection over and above the mere compensation, and the Senator from Nevada wants to give them 10 per cent.

That is not fair. That, again, is against agriculture. It is not giving them a square deal; and if you want my vote for 4 cents on these matters, these compensatory and protective rates on the industries must be cut down to a level with the 4 cents.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. McKELLAR. In that connection I desire to call attention to a figure I stated a few moments ago, and in which I made a mistake. On page 4 of the Oddie amendment it will be found that there is a specific duty of 14 cents per pair of shoes and 10 per cent ad valorem.

Mr. BROOKHART. On what?

Mr. McKELLAR. Ten per cent ad valorem in addition on every pair of shoes. If the average shoes worn in this country cost $4, that will make an additional tax on the shoes of the American farmer, who compose 30 per cent of our entire population, of $48,600,000.

Mr. ODDIE. Mr. President, will the Senator from Iowa yield?

Mr. BROOKHART. I yield.

Mr. ODDIE. I would like to call the attention of the Senator from Tennessee to the fact that he is basing his estimates on the American valuation, while the import rates are based on foreign valuation. It would be something over $2.50 or $2.60 per pair.

Another thing, it has been shown very clearly, in my opinion, that the prices of hides and the prices of shoes are not necessarily related. There is a great fluctuation in the prices of hides under the free-hide system we have to-day. But the price of shoes goes along in a fairly uniform way. It has been demonstrated that the duty we are proposing on hides will not necessarily be added to the cost of the shoes to the public, and I do not think it will be. It will stabilize the price.

Mr. BARKLEY. Mr. President, if the Senator believes that, why does he include in his amendment both a compensatory and a protective duty on shoes?

Mr. ODDIE. Because it is always fair, when we are levying a duty on hides, that a compensatory duty be placed on shoes, and it is necessary from the American standpoint that an ade-

quate protective duty be given to the leather and shoe industries.

Mr. BARKLEY. I thought the Senator just stated that there was no relationship between the price of hides and the price of shoes, and that it did not necessarily follow that the tariff reflected in the price of hides would be followed up in the price of shoes.

Mr. ODDIE. The fact of there being a small relationship between the price of shoes and the price of hides is no argument for allowing the American shoe industry to be injured or destroyed.

Mr. BARKLEY. So that as a matter of fact the Senator does think it would be reflected in the price of shoes.

Mr. ODDIE. I do not see the analogy there at all.

Mr. BARKLEY. I do not think the Senator does.

Mr. ODDIE. I believe that the American shoe industry must be protected, and the Senator from Massachusetts has brought that out very clearly and very forcefully. Other Members of the Senate have brought out the fact that the American farmer and the American livestock producer must be protected.

I feel now that this matter has been discussed quite fully, and I hope the amendment I have suggested will be carried. The Senator from Massachusetts has proposed an amendment which would place hides on the free list.

Mr. PITTMAN. Mr. President, I am going to take but three or four minutes.

Some questions were asked a while ago that were not answered. There was a question as to the production of cattle in this country. The Senator from Nebraska said that the cattle raisers in his State would make $2,000,000 out of their cattle. It seems strange that no one knew the figures, but they are to be found in the Statistical Abstract.

There were marketed last year 22,795,000 cattle. That is the number of those sent on the railroads. The number driven to cities and villages, of course, is not given in this abstract. Of beef cattle there were 35,057,000 on the farms last year.

Let us see what amount of leather and hides was shipped. I want to talk to those who come from farms. I have been astounded to find those who are interested in the farmer and come from the cattle sections of the country, and from dairy sections, saying they do not see what benefit this would mean to the farmers.

Mr. BORAH. I do not, and I would be delighted if the Senator would tell me.

Mr. PITTMAN. I will try to, in three or four minutes. At the rate proposed, the farmers will receive $41,561,000. At the highest calculation, if the duty is carried into the price of shoes, it will cost them $12,000,000.

Mr. BORAH. How much did the Senator say the farmers would receive?

Mr. PITTMAN. Forty-one million dollars.

Mr. BORAH. The Senator is assuming that the farmer will get the full benefit of the high tariff.

Mr. PITTMAN. Yes; I am. In considering a tariff we have to make some assumptions. Let me show how we get that figure. I want to refer to the Statistical Abstract I have here, and state the amount of hides and leather shipped. I take the year 1925, because we have all the statistics for that year; but they will be the same for the present year, with some slight exceptions.

There were 1,026,000 tons of hides and leather shipped by rail in 1925, tons of 2,000 pounds; so that amounted to 2,052,000,000 pounds of hides and leathers.

The weight of the hides was greater than of the leather, we will admit, but let us cut it in two. As a matter of fact, it will be found that in that year 513,000 tons of hides were shipped over the railroads. In other words, 1,026,000,000 pounds of hides were shipped in that year.

Mr. WALSH of Montana. Mr. President, I find that the figures now given us by the Senator are quite inconsistent with the information given us by the Tariff Commission, which tells us that the entire number of cattle hides tanned annually in the United States is about 22,000,000; that is to say, both imported and domestic.

Mr. PITTMAN. I am not dealing with hides; I am dealing with pounds.

Mr. WALSH of Montana. We are considering the duty on hides.

Mr. PITTMAN. I know, but it is based on 4 cents a pound.

Mr. WALSH of Montana. Of course, but it can not exceed possibly the total number of hides tanned, both domestic and imported.

Mr. PITTMAN. But if a hide weighs 35 pounds, you have to multiply the number of hides by 35.

Mr. WALSH of Montana. I agree with the Senator about that, but the question is, What is the basis of the computation? You can not take 35,000,000 when there are only 22,000,000 tanned.

Mr. PITTMAN. I will state the basis I am taking. The statistics from which I am quoting, which were gotten out by the Department of Commerce, state the number of tons of hides and leather shipped during the year. I take it that is correct. If we reduce that tonnage to pounds, we have 1,026,000,000 pounds of hides shipped that year. That means shipped to market. In other words, in 1925, there were sold from the farms a little over 1,000,000,000 pounds of hides.

Half of those hides were dried hides and half of them were green hides. All you have to do is to multiply that number by 4 cents, and the result is $41,000,000. That related only to hides shipped to market. The hides shipped to market, according to the Statistical Abstract, at 4 cents a pound, were worth $41,000,000, and that is exactly what it would mean to the farmer at 4 cents a pound.

If we admit that the farmers of this country are 30 per cent of the consumers, then they would consume 90,000,000 pairs of shoes. But everyone knows that the farmers of this country do not use as many shoes as other classes of people use, and not as expensive kinds of shoes. But assuming they use their 30 per cent of the 300,000,000 shoes, at 14 cents, the total cost carried into the extra cost of the shoe at 14 cents a pair would be $12,000,000.

The result is that the farmers, if the duty is effective—and of course we can not assume anything else in this argument—will get $41,000,000 out of it, and the extra cost carried into the shoe will be $12,000,000. That is on the assumption that they use their proportionate part of all the shoes manufactured annually in this country.

There is not a man from the West or from the South who does not realize the destitution of the farmer, it is an admitted fact; it is not realized by some in the East, but they know enough of the conditions not to deny it. The cattle industry is not prosperous. There is not a man here but who knows that the cattle industry is not prosperous. It is depressed.

As the Senator from Massachusetts says, if we find that an industry is depressed by reason of foreign competition, we should do something. Is there any question about the price of hides being depressed because of the shipment of cheap hides from South America? Why have the leather people fought a duty on hides? Because they have said that it cost them more because they get their cheap hides from South America.

There is no doubt, of course, that it will add to the price of shoes 14 cents a pair, that it will add to the cost to the consumer. We have a tariff on everything on earth, practically, and every tariff adds to the cost to the consumer. But here is an opportunity to help directly the farmers in every section of this country to the extent of $41,000,000 if the tariff is effective. That is the point I wanted to urge.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the junior Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Massachusetts. May we have the amendment reported?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The junior Senator from Nebraska proposes, in the amendment offered by the junior Senator from Nevada [Mr. ODDIE], on page 2, line 7, to strike out "10" and insert in lieu thereof "5.4," so as to read:

(1) Sole, belting, or harness leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery, 6 cents per pound and 5.4 per cent ad valorem.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. TYDINGS]. I understand that if he were here he would vote as I shall vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not





knowing how he would vote, I transfer my pair to the Senator from Kentucky [Mr. ROBSION] and vote "yea."

The roll call was concluded.

Mr. BLACK. On this vote I have a special pair with the junior Senator from New Jersey [Mr. BAIRD]. I do not know how he would vote, and I, therefore, withhold my vote. If permitted to vote, I should vote "yea."

Mr. BLEASE. I have a pair with the Senator from Connecticut [Mr. WALCOTT]. Not knowing how he would vote, I withhold my vote.

Mr. GEORGE (after having voted in the negative). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the junior Senator from Oklahoma [Mr. THOMAS] and allow my vote to stand.

Mr. BLACK. I find that I can transfer my pair to the senior Senator from Arizona [Mr. ASHURST], which I do, and vote "yea."

Mr. SHEPPARD. I desire to announce the following general pairs:

The Senator from Arkansas [Mr. CARAWAY] with the Senator from Vermont [Mr. GREENE];

The Senator from North Carolina [Mr. SIMMONS] with the Senator from Massachusetts [Mr. GILLETT];

The Senator from Arkansas [Mr. ROBINSON] with the Senator from Pennsylvania [Mr. REED];

The Senator from North Carolina [Mr. OVERMAN] with the Senator from Illinois [Mr. DENEEN];

The Senator from Wyoming [Mr. KENDRICK] with the Senator from Illinois [Mr. GLENN];

The Senator from Virginia [Mr. GLASS] with the Senator from Connecticut [Mr. BINGHAM].

The Senator from Utah [Mr. KING] with the Senator from Maine [Mr. GOULD]; and

The Senator from Tennessee [Mr. BROCK] with the Senator from Wyoming [Mr. SULLIVAN].

The result was announced—yeas 32, nays 34, as follows:

YEAS—32

Allen	Fletcher	McKellar	Stephens
Black	Frazier	McMaster	Swanson
Bratton	Harris	Norbeck	Thomas, Idaho
Brookhart	Harrison	Norris	Trammell
Capper	Hayden	Nye	Walsh, Mont.
Connally	Heflin	Pittman	Waterman
Cutting	Howell	Robinson, Ind.	Watson
Dill	Jones	Sheppard	Wheeler

NAYS—34

Barkley	Goldsborough	Keyes	Smoot
Blaine	Grundy	La Follette	Steck
Borah	Hale	McCulloch	Stelwer
Broussard	Hastings	McNary	Townsend
Copeland	Hatfield	Metcalf	Vandenberg
Dale	Hawes	Moses	Wagner
Fess	Hebert	Oddie	Walsh, Mass.
George	Johnson	Patterson	
Goff	Kean	Shortridge	

NOT VOTING—30

Ashurst	Gillett	Phipps	Simmons
Baird	Glass	Pine	Smith
Bingham	Glenn	Ransdell	Sullivan
Blease	Gould	Reed	Thomas, Okla.
Brock	Greene	Robinson, Ark.	Tydings
Caraway	Kendrick	Robsion, Ky.	Walcott
Couzens	King	Schall	
Deneen	Overman	Shipstead	

So Mr. HOWELL'S amendment to Mr. ODDIE'S amendment was rejected.

Mr. SMOOT. Mr. President, it is about time to recess, but I want to submit a unanimous-consent request while we have a goodly number of Senators present. I ask unanimous consent that on to-morrow, after we meet at 11 o'clock, debate be limited to 10 minutes on any amendment that may be offered to the hides and leather paragraph.

The PRESIDING OFFICER. Is there objection?

Mr. HOWELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEFLIN. Can we not get an agreement to vote on the entire proposition not later than 12.30 p. m. to-morrow?

Mr. SMOOT. No; I do not believe we can do that.

Mr. HEFLIN. If we could, we would make progress to-morrow.

RECESS

Mr. SMOOT. I move that the Senate take a recess, the recess being until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until to-morrow, Saturday, March 15, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 14, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Teach us, our Heavenly Father, that we can have nothing everlastingly good unless Thou dost grant it. Fill our minds, our hearts, and our hands with thoughts and deeds of loving service. Teach us the beauty and the glory of the Christian graces, and when the dark days come teach us to wait and listen for Thy voice. Urge us to live in the common cause and help our fellow men while in the world we stay. At Thy footstool we bow and confess our failures. O may we hear Thee say: "Thou didst thy best; that is success." In the name of Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, with Senate amendments thereto, disagree to all the Senate amendments, and ask for a conference and the appointment of House conferees.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 9979, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, while I do not intend to object, Mr. TUCKER, of Virginia, called me on the telephone this morning and stated that he would like to have a little time on the question of the Farm Board appropriation. I do not see him in the Chamber at the moment, and I told him that probably the gentleman from Indiana would ask unanimous consent to send the bill to conference immediately after the House met. I do not feel like taking the responsibility of objecting, but I want to make this statement, so that if the gentleman from Indiana [Mr. WOOD] saw proper to postpone it a little while on account of the request of the gentleman from Virginia [Mr. TUCKER], he might do so.

Mr. WOOD. I will state to the gentleman from Texas that we have arranged for a conference this afternoon, and it is important that we have the conference as soon as possible.

Mr. BYRNS. I assume the gentleman would be glad to accord Mr. TUCKER a little time on the report when it comes in?

Mr. WOOD. Yes; certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WOOD, CRAMTON, WASON, BYRNS, and BUCHANAN.

PERMISSION TO ADDRESS THE HOUSE

Mr. WATSON. Mr. Speaker, I ask unanimous consent on Tuesday, March 25, to address the House for 20 minutes on the one hundredth anniversary of the declaration of independence of Greece.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 20 minutes, after the completion of business on the Speaker's table, on Tuesday, March 25. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I ask unanimous consent on next Thursday, after disposing of matters on the Speaker's table, to address the House for 30 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent on next Thursday, after the disposition of matters on the Speaker's table, that he may address the House for 30 minutes. Is there objection?

Mr. TILSON. Is the gentleman going to address the House this morning?

Mr. GARNER. I am going to address the House this morning. I have asked for this time, but I may not use it. We have developed a habit in the House during the present session whereby if you are going to get time at a certain date you must get it a week or 10 days ahead of time. In times past, when we were considering the regular business of the House, you could get unanimous consent to address the House for 15 or 20

minutes at almost any time, but in order to do that now you have to displace some gentleman who already has a special order, and I anticipate that on next Thursday I may want to make some observations.

Mr. TILSON. We have developed some very bad habits during this session, when we have not been pressed for time, that we may have to break when conditions are different.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONTET. Mr. Speaker, I ask unanimous consent that on Thursday next, following the gentleman from Texas [Mr. GARNER], I be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that, following the gentleman from Texas [Mr. GARNER], he may address the House for 20 minutes on Thursday next. Is there objection?

There was no objection.

THE PHILIPPINES AND THE JAPANESE BUGABOO

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Wisconsin [Mr. NELSON] for one hour.

Mr. NELSON of Wisconsin. Mr. Speaker, I have a brief bibliography, with some excerpts on each point. To save time I have put them in at the end of my speech, and I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore (Mr. DARROW). The gentleman from Wisconsin asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, any serious study of the Philippine question soon brings us face to face with certain objections. Specifically, it has been my repeated experience when pointing out our imperative duty of keeping faith with the Filipinos by granting them the independence they desire, as we desired it, their God-given right as much as it was ours, and which we have from the beginning promised them over and over again, some opponent of Philippine independence will almost invariably suggest—Japan. Only as we subject this and similar objections to close scrutiny, separate fancy from fact, prejudice from judgment, shall we be able to distinguish the right from the wrong way of dealing with the Philippine problem.

Accordingly, I now invite your attention to an analysis of this particular objection, known by the friends of the Philippine people as the familiar "Japanese bugaboo." I select the word "bugaboo" deliberately to characterize a hypocritical disguise, but the words "scarecrow," "smoke screen," or "bogey" might serve as well. This mask of pretended good will for the Filipino people makes its appearance in various garbs, but in its common form it is usually as follows: "If we set the Philippines 'adrift' they will immediately fall a 'prey' to Japan."

By thus assuming, without any real reason, that Japan is the "yellow peril" that they would have her appear, and that she would take the Philippines as soon as we give them their independence, the harmful effect is twofold. An ethically minded American feels instinctively that to set these helpless wards free, "adrift," only to be swallowed up immediately by an oppressive pagan people would be morally unjustifiable; and every business-minded American feels that to give up "our resources in the east" merely to let the "Japs" take over "these fabulous riches" as "prey" would be sheer economic folly.

Therefore I now propose to prove that the assumed premise that Japan will take over the Philippines when we give them their freedom is wholly groundless. My extended review and careful study of numerous and competent authorities, which I shall quote only in part but cite more fully in an appendix to my extended remarks, has fully convinced me that the unwarranted attack on the national integrity of Japan, our good neighbor on the other side of the Pacific, is but a part of the natural and clearly understood propaganda of certain American business interests conducted to cloak their commercial desires to exploit and to hold the Philippine Islands indefinitely.

As nations are but aggregations of human beings, they are more or less governed by low, greedy motives or by high national ideals. Let us first assume that Japan is as painted, a country devoid of our supposed high standards of conduct, and that she is actuated only by motives of sinister self-interest, which we loftily look down upon with virtuous contempt. What of it, so far as an independent Philippine republic is concerned?

THE LEAGUE OF NATIONS

Consider first the League of Nations. The Philippines could and would become a member. How, then, would Japan remain a member and at the same time oppressively plot to overthrow the independence of another member of the league? Think of the representative of Japan sitting side by side at Geneva with the Philippine member under such circumstances. Of course, Japan could not retain her membership in the league and destroy the independence of the Philippine republic without incurring the hostility of every member of the league. Consequently, to the degree that the League of Nations is efficient in safeguarding the integrity of its membership, this Japanese "bugaboo" becomes deflated. If the league is 100 per cent efficient, the Japanese "bugaboo" has at once become a 100 per cent flat tire. (1.)

SIAM

What of Siam? How has this oriental country been overlooked by Japan? Siam is in the same latitude with Japan, so is Luzon, the chief island of the Philippines; but the other islands of the Archipelago extend far down into the Tropics. Siam is a compact country on the mainland, of more territory, and has a population of less than 10,000,000; whereas the Philippine Islands are widely scattered and have a population of 13,000,000 people. If Japan is looking for "prey," why would she prefer the Philippines to Siam? This brings up two other checks on the Japanese "bugaboo."

THE BALANCE OF POWER

Siam's independence is preserved because "the balance of power" in the Far East must not be disturbed. Then, why can not the independence of the Philippine Islands be protected by it likewise? The wall of resistance that "the balance of power" erects against any supposed Japanese menace would be most effective. The Philippine Archipelago is made up of thousands of islands covering thousands of square miles. They radiate in all directions and so have, as their neighbors on the south, Borneo and Australia, which, with India on the northeast, are English colonies. Would the English interests in Australia, India, Borneo, Singapore, permit Japan, without serious protest, to disturb the balance of power in the East? Would Japan be likely to absorb the Philippines without the consent of her ally, Great Britain? Hardly. To the southeast are the Dutch possessions; chief of these is the island of Java. The Dutch would immediately join with the British and the United States in a vigorous protest against the advance of Japan toward the Malay possessions. Japan would meet with hostility in every direction. Mention has been made of Indo-China, a French possession to the northeast. To the north lies the awakening giant, China. Territorial self-interest and the fear of one another would tend to hold firmly in check any display of Japanese "imperialism" in the Philippine Islands.

NEUTRALITY GUARANTEED

Now look at the Anglo-French convention in 1896, by which Great Britain and France—Siam's neighbors holding India and Indo-China—maintain the balance of power between them by agreeing to Siam's independence.

What would become of the "Japanese bugaboo" if the United States should join Great Britain and France and agree to recognize the independence of the Philippines so as to strengthen further the status quo in the Far East? (2.)

THE 4-POWER PACT

The 4-power pact is not to be overlooked. Not only Great Britain, France, and Japan, but also the United States agreed at the peace conference at Washington to preserve the peace in the Pacific. Why would this agreement not extend its protecting wings over the independent Philippine Islands? What is to hinder the 10-year time limit being extended, and why could not these "high contracting parties" amend the pact by adding the one word "former," so as not only "to agree as between themselves to respect the rights in relation to their present insular possessions and insular dominions" but also so as to include their former insular possessions and insular dominions? What would be the cost other than the price of paper and ink? All the Filipinos need, if they need that, is perhaps 20 years of freedom from guardianship in which to develop their own beaks and claws to full growth, as did Japan, to be able to defend themselves. In the meantime, as an independent republic they will be able to make their own treaties with whatever powers they please for their self-protection.

MORAL PROTECTION

Finally, there is America. How do we now defend the Philippines? Not by fortifications, not by an army, nor even by a navy, but by "moral suasion." No well-informed American will make any pretense that we could afford to defend the Philippines against Japan or that we intend to do so by military or naval force. It would cost too much. In a recent book, James Parker, an American brigadier general, speaks of the islands as a "strategic weakness" easily "captured from us." It is a well-known fact, as admitted not long ago by General Crowder, that in case of war with Japan there would be no attempt to protect our trade with the Philippines. If

captured, we could not take them back without too great a cost. One writer estimates that it would cost a "fifty billion dollar war" to recover them. Members of Congress after giving study to the subject declare that it would be the "most herculean task ever undertaken." All of which Roosevelt had in mind when he said:

> Any kind of position by us in the Philippines merely results in making them our heel of Achilles if we are attacked by a foreign power. They can be of no compensating benefit to us. They are "a source of weakness to us."

This being so, why would not the Philippines, when given their independence, have equally as much our moral protection, having been our adopted child, our ward, to whom we had given freedom? Would not Japan realize that taking them without our consent would be regarded by the American people as an unpardonable affront? Would she be likely to do a thing of this kind to us? Thus we see that there will be no real difference in the protective status of the Philippine Islands. Japan would no more risk our enmity after we have set the Philippines free than she has before setting them free. (3.)

FALSE PROPAGANDA

It is an interesting psychological fact that when a human being is doing that which is wrong he neither can nor will tell the truth. This elemental fact of human nature has been pointed out over and over again in the literature of the world, both sacred and profane. And so it is quite natural that the would-be exploiters of the Philippine Islands put forth false and slanderous arguments, including this Japanese peril. Is it not a curious fact that only those who are opposed to Philippine independence are fearful of "Japanese imperialism"?

The friends of Philippine independence throughout the world, and especially the Filipinos themselves, have no such fears; and surely they should be most concerned about their freedom and welfare, and be particularly alarmed over Japanese "imperialism," were it not known to them as a mere bugaboo, bogey, smoke screen, to cover the selfish desire of groups of interests now or prospectively seeking to exploit the resources of land and labor in "the pearl of the Orient."

EARLY SOURCE OF PROPAGANDA

Who the slanderous, selfish interests are that are now in eruption I shall presently point out, but first let me reveal the origin and development of the defamation of our neighbor across the Pacific for more than 25 years.

For 40 years there had been uniformly friendly relations between the United States and Japan. This was true of the Governments as of the people. After the year 1905 there were signs of a change in public opinion on both sides of the Pacific. The Russo-Japanese War came, and President Roosevelt intervened to bring about a treaty of peace. Japan yielded the point of indemnity, but she secured recognition of her political, military, and economic interests in Korea. The Russian plenipotentiary, Count M. Witte, takes credit for having caused the change in sentiment as to Japan. Payson J. Treat, in his book, Japan and the United States, quotes him as saying:

> By my course of action I gradually won the press over to my side * * * so that when I left the trans-Atlantic republic practically the whole press was on our side. The press, in turn, was instrumental in bringing about a complete change in the public opinion of the country in favor of my person and of the cause I upheld.

Mr. Treat then goes on to describe the propaganda that was conducted against Japan. Because of her display of military power in defeating Russia—

> The most absurd articles were printed and accepted by the people too little informed to distinguish between fact and fancy. So few people in either country really know much about the other—

Says the writer,

> and it is so easy to suspect the motives of a stranger.

Japan, said the yellow press, could "easily wrest the Philippines from the United States, then Hawaii, and finally the whole Pacific coast"; Canadians were warned that parts of Canada would be the "Japanese objective"; Australia was alarmed; even French Indo-China, the Dutch possessions, British India, Mexico, and South America were to be "scenes of Japanese aggression." The British Empire, France, the Netherlands, and the South American Republics were menaced, said the publicists. In fact, China was to be organized by Japan and thus civilization would be confronted with the "yellow peril" in all its horror. "These statements," says the writer, "are by no means fanciful. They may be found in many serious articles published soon after 1905." (4.)

LATER AGITATORS

For years various unscrupulous groups with motives of mercenary self-interest have, through books, speeches, pamphlets, and particularly through the jingo press, carried on this offensive agitation against Japan.

If we have a war with Japan, said President Plantz, of Lawrence College, Wisconsin—

> These yellow journals and yellow propagandists will be the cause of it.

"The Industrial Workers of the World and other labor organizations" have assisted in scattering this propaganda, according to William Fisher, president of the Stone Fisher Co., of Washington. Another contributing agency, writes President Plantz, of Lawrence College, was the "Navy League." I recall how a former famous naval officer, Richmond Pearson Hobson, while in Congress sought to scare the country by dreadful pictures of Japan marching across the Rocky Mountains in conquest of America—all for the purpose of getting more and bigger battleships. (4.)

This anti-Japanese agitation, writes Raymond Leslie Buell, was continued "under the leadership of the Exclusion League and American Legion." D. W. Kurtz, president of McPherson College, Kansas, says "the politicians and California" and "journalists" have contributed to the propaganda against Japan.

PRESENT PROPAGANDISTS

At present it is the Philippine-American Chamber of Commerce of New York and Manila that is carrying on this Japanese scare to prevent Philippine independence.

No American in the Philippines—

Including particularly the Philippine-American Chamber of Commerce in Manila, says Stephen P. Duggan—

> believes the Filipinos would be permitted peacefully to go their way. * * * When pressed for an answer as to the power that would take the place of the United States he usually replies that it might be the Dutch or the English, but that it would probably be the Japanese.

Representatives of the chamber of commerce recently appeared before the Committee on Territories and Insular Affairs of the Senate to oppose independence. This trade group, according to the testimony brought out in the hearings, consists of 81 big business firms who have financial interests in the Philippines. They do not disguise their selfish interest. They admitted in the hearings that they had raised a considerable sum of money to arouse public sentiment against independence. Their object, they say, is—

> To promote, foster, and advance commerce between the United States and the Philippines.

And add:

> We believe that the independence of the Philippines is diametrically opposed to this object.

Of course, their stock objection is "Japan."

ITS HYPOCRITICAL NATURE

But the hypocritical nature of the use of this bugaboo is self-evident when we note how they play both sides against the middle in pointing to Japan's relation with Korea. In a circular letter received from this branch of the Philippine-American Chamber of Commerce the plea is made that independence to the Philippines would have—

> Far-reaching international importance in that the Koreans would take fresh heart in their opposition to the Japanese.

This would appear to be taking sides against Korea.

In another hearing this same organization pointed out how Japan had "absorbed and subjugated" Korea as "ruthlessly" as any "ancient monarch ever did." This would seem in sympathy with Korea and in fear that the same sad fate might befall the Philippines. All of which proves that this Japanese argument is mere pretense, a smoke screen to cover up admitted self-interest. (5.)

As a part of this propaganda against Philippine independence Members of Congress have received other circulars and letters from financial interests doubtless inspired by the same source. The Harriman National Bank frankly pleads:

> We have 120,000 square miles of virgin territory, and of immeasurable value in these islands. Why even impulsively think of giving them away?

Other bald and equally bold appeals to American greed might be cited. Even Members of Congress have stated on the floor that—

> Much of America's future prosperity is intertwined with the future of the Far East.

In nearly every propaganda article by selfish interests, after pointing out the Japanese peril and belittling all ethical arguments, the bold bid is made to American self-interest. The rich resources of the Philippines are recounted.

Only a few months ago an itinerant retired Army officer, Col. Colin Ball, visited my home city, Madison, Wis., and made a speech before a club.

The colonel—

Says the Capital Times—

describes the vast resources of the Philippines, saying "that, properly exploited, the islands will produce enough rubber to free the United States from the British monopoly, enough sugar to make us independent of Cuba."

"But why isn't this done?" he asked. "Because of the menace of independence hanging over us. Once independence is granted, an American dollar there wouldn't be worth a cent—just as in the case in Mexico and Central America, where American capital is discriminated against by every means possible.

"Instead of this windy nonsense about uplift, we should have said, your country has become a part of ours, and we propose to exploit it, quit talking politics, and go to work."

The evil of all this villainous slander of a great people would be incalculable but for the fact that responsible American statesmen deprecate it and Japanese statesmen understand us only too well. But, nevertheless, it is deplorable that selfish interests in the United States, to make money out of our Filipino wards, do not hesitate to vilify our friendly and powerful neighbor across the Pacific.

I know of no greater disaster to international relations than the constant agitation of hostility of other nations to us—

Writes Doctor Ainslee, Christian Temple, Baltimore, Md.

Neighbors—

He says—

can not live in peace on the same streets by such method; neither can nations though separated by an ocean. The difficulty that we are facing is the barbarism of our own civilization. America should be expected to lead the way by a policy that is above the standard of suspicion and antagonism.

Japan seeks only to emulate our example, and, as we have the Monroe doctrine for America, she will more and more stand for a Monroe doctrine of the Orient. (6.)

It is Japan's plea to America, as expressed by her present ambassador, that—

Nations deal with one another in accordance with the principles of tolerance, fair play, and good neighborliness.

If that were done—

There is little doubt—

Said her Ambassador Matsudaira—

peace will prevail and commerce will thrive and the happiness of mankind will be promoted.

I would add if the "white peril" would only pay a little more respect to the principle of the golden rule, there would be little cause to fear the "yellow peril." (7.)

JAPAN—BEST PROTECTION

Finally, Mr. Speaker, the best protection against the Japanese bugaboo is the real Japan herself. Japan is not the "yellow peril" that she has been pictured. Japan has been basely misrepresented. I will append to my remarks in the RECORD a list of authorities with brief quotations that will establish her national integrity to any reasonable mind. (8.)

JAPAN AND THE UNITED STATES ARE FRIENDS

Japan has for 50 years been a true friend of the United States. It was America, through Admiral Perry, in 1853, that awakened the sleeping giant of the Orient. She has never ceased to be grateful. Prof. L. S. Smith, of the University of Wisconsin, after a tour of the Orient, said:

All this tommyrot of a war between the United States and Japan is pure fabrication.

She has always kept faith. Never once has she taken any step that would be offensive to the United States. American statesmen have over and over again testified to the unvarying friendship and good will. A former Secretary of State, Elihu Root, has so stated:

For many years I was very familiar with our own Department of Foreign Affairs. During that time there were many difficult, perplexing, and doubtful questions to be discussed and settled between the United States and Japan. During all that period there never was a moment when the Government of Japan was not frank, sincere, friendly, and most solicitous not to enlarge but to minimize and do away with all causes of controversy.

And William R. Castle, jr., the present United States ambassador to Japan, says:

It is a wonderful thing to be a representative in Japan of a Nation desiring nothing but friendship. I know of no two nations whose interests more thoroughly coincide than those of Japan and America. (9.)

"AGGRESSION" WITH UNITED STATES CONSENT

Let us now look carefully into her attitude toward her neighbors, Manchuria, Formosa, and Korea, upon which is based the charge that she is warlike and aggressive. It has been asserted that because of her "land-grabbing" history in connection with these lands she will also annex the Philippines. What are the facts? Although Japan had won the war with Russia, at the suggestion of an American President, Mr. Roosevelt, she magnanimously consented not to demand Manchuria as a Japanese possession, and she has taken no step that can be challenged other than to strengthen her interest there by way of trade. President T. Go, of the South Manchurian Railway, a Japanese, said that annexation of Manchuria would be "an anachronism in the face of the present world situation."

Japan did take over the island of Formosa after her successful war with China. But she did not do so without first heeding the urgent advice of an American consul general, General Le Gendre, who pointed out the advantage to her of setting up a Monroe doctrine in the Orient after our plan. He cited our example in the Louisiana Purchase, the annexation of Texas, and the acquisition of Alaska. This advice of a United States consul general was subsequently approved and strengthened by a visiting ex-President, Ulysses S. Grant.

Now let us consider Korea. Did Japan swallow up Korea without the consent of America? History says she did not. It was the United States that first made a treaty with Korea in 1883. "On the strength of this treaty Koreans looked to the United States for help in their emergency." Korea thought she would be protected by us from her neighbors, Japan and Russia. But she soon found that America did not mean protection by armed forces.

Russia and Japan also sought treaties with Korea. Having made a treaty with the United States, she could not very well refuse to deal with her neighbors, and it was thus that we led her into the difficulty that finally resulted in her absorption by Japan in 1910.

But this is only a small part of her sad history. We know now that Japan did not absorb Korea until an American President had given his direct and specific approval. Mr. Tyler Dennett was permitted access, in 1924, to Roosevelt's private correspondence at the time that he was intervening between Russia and Japan. These letters, reproduced by Dennett in his book, Roosevelt and the Russo-Japanese War, reveal the fact that Japan acted with his consent in taking over Korea. The Japanese, in turn, declared they have no designs on the Philippines. President Roosevelt justified his action by saying that—

Korea was absolutely Japan's. To be sure, by treaty it was solemnly covenanted that Korea should remain independent, but Korea was itself helpless to enforce the treaty, and it was out of the question to suppose that any nation with no interest of its own at stake would attempt to do for the Koreans what they were utterly unable to do for themselves. (10)

We see clearly that in her attitude toward Manchuria, Formosa, and Korea—and I do not defend her—she acted with the consent of America's representatives.

If she did wrong, how can we defend ourselves for consenting to that wrong? She was only following our own "land-grabbing" example in the Philippines. It is so easy to see and condemn the mote in the eye of Japan, but we do not so readily acknowledge the beam in the eye of America. (11.) Oh, the hypocrisy of setting up this bugaboo of Japan's imperialism! Oh, the hypocrisy of this propaganda of a "yellow peril." What about the "white peril" in the Philippines? (12.) In China? In Africa? In Java? In India? Who but the white peril has strangled the independence of most of the nations in the Old World and are holding them to-day as "prey." (7.)

JAPAN MIGHT HAVE BOUGHT THE ISLANDS

Does Japan want the Philippines? No. History informs us that she could have bought them from Spain, but she declined them even at the paltry sum of $8,000,000. Japan refused them because the islands were "too far off and they did not care to live in the Tropics," and she "did not want to buy trouble." (13.)

THE JAPANESE DO NOT THRIVE IN THE TROPICS

The Japanese do not like the Tropics. They do not thrive in the Philippines because of the tropical climate. Japan's climate is an oceanic climate. At one time there were as many as 15,000 Japanese in the Philippines, but the Japanese settlement has steadily declined until there are only about 5,000 or 6,000 Japanese there to-day. Formosa proved an unexpected problem to Japan because the Japanese could not endure work in the open heat. (14.)

THE JAPANESE POOR COLONIZERS

It is a difficult task for Japan to induce her loyal and devoted subjects to leave the Empire.

In Japan patriotism is the cornerstone of national existence; it is the flame illuminating every heart from palace to farmer's hut.

They cling with all the instincts of their racial traditions and religious training to the main islands of Japan.

Says a writer—

The Japanese never cares to wander from his own fireside * * * although it be nothing but some charcoal in a brass pot.

It is an interesting fact that there are but 50,000 Japanese outside of the Empire; and, also, even in Hawaii the Japanese settlement is steadily decreasing.

Japan's most successful colonization has been in California. (15.)

JAPAN INDUSTRIALIZED

Japan saw that "what had made England and the British Empire was her trade and industries," and it was this that Japan determined to emulate. She saw, too, that industrial growth would add enormously to the power of the nation in the Far East and among European countries. But, unlike England, Japan sought to develop her industries to supplement her agriculture. (16.) Therefore, Japan is solving her problem of population by relying on intense industrialization and by scientific cultivation of her arable land. Only about 17 per cent of the total area of the mainland is cultivated, but the increase in acreage in 1922, over the 5-year average of 1885–1889, was 18 per cent. The increase in production per acre was 41 per cent. (17.)

COLONIAL DIFFICULTIES

To take over the Philippine Islands would but increase Japan's present almost unsurmountable colonial problems. She first tried force in Formosa and Korea, but without success. By means of force she can no more make Japanese out of the people of Formosa or the people of Korea than we could by force make Americans out of the Filipinos. She has abandoned that project and is now trying to win them over by a "policy of attraction." She is spending large sums of money in these islands to bring about conditions that will secure the good will of the conquered people. But while this peaceful policy is far better than that of force, yet it is not successful. The people of Formosa can never forget that they have been deprived of their freedom, and they are only abiding their time, aided and abetted by China, from whom Formosa was taken.

Her policy of forceful treatment in Korea brought on a rebellion which she put down by superior military power; but, again, Korea's people never fail to realize that they are a subject race, and are appealing to the world for sympathy; and they, too, are abiding their time to strike for their lost liberty.

For these reasons, if for no others, Japan is not looking for more colonial problems. (18.) She has worries enough now without adding the Philippine Islands with 13,000,000 liberty-loving human beings, cherishing their freedom as a priceless possession, encouraged in democracy by the United States, and taught Christianity by Spain. Japan knows well what her problem would be if she, a pagan country, attempted to hold in subjection a Christian Oriental nation. (19.)

JAPAN'S SELF-INTEREST

But aside from all this, Japan's self-interests are against aggression. She must have friendly relations with the United States. Her trade depends upon it. We are her best silk customers, buying 95 per cent of her export silk, and absolutely necessary to her policy of industrialization. (20.)

JAPAN ADOPTS CHRISTIAN STANDARDS

Moreover, Japan has more and more taken over Christian standards of national conduct. She has realized that only by faithful adherence to the higher ideals of civilization will she be able permanently to maintain her high place as a world power. Major General Hibiki of Japan has said:

It is important to send missionaries to other parts of Asia, but it is far more important to send them to Japan. This is the strategic land and now is the strategic time, for Japan is the inevitable leader of the Orient. It will make a vast difference with the whole East, and indeed with the whole world, whether Japan becomes Christian or remains permanently an un-Christian nation. (21.)

AN ABSURD CONCLUSION

This absurd bugaboo of Japanese imperialism leads naturally to an absurd conclusion. If the Philippines are to wait for independence until Japan's power has been taken away from her in the Orient, the people of the Philippines are condemned to be a subject nation forever. (22.) When will Japan be removed further from the Philippines than she now is? And when will conditions of international good will be more favorable to protect our wards against a usurping power than at this time of peace parleys and peace conferences?

JAPAN'S OWN VIEW OF IT

Admiral Takarabe rightly comments that—

To picture Japan as waiting for the United States to grant independence to the Philippines so that she can pounce upon the archipelago the moment it is left without American naval defenses amounts to saying that the treaty of Versailles, the Conference on Limitation of Armaments, and Pacific questions at Washington and the Locarno pacts are dead letters and wasted labor.

When once granted, the Filipinos have no fear that Japan or any other country will deprive them of their freedom.

THE WORLD-OLD STORY

Speaking of the eternal opposition of vested self-interest to grants of liberty to nations or individuals, John Sharp Williams, whom I knew in Congress for 20 years as a profound student of human history, summed up this world-old struggle in these words:

From the beginning religious bigots have been afraid of it, political bigots have been afraid of it, and industrial bigots have been afraid of it. And yet, whenever it comes, we find it stimulates human enterprise, human intelligence, human ambition, and human industry to such an extent that it more than compensates for what seems to be plain and palpable and obvious immediate losses by it.

[Applause.]

EXHIBIT

(1) LEAGUE OF NATIONS

ARTICLE X. The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

(2) NEUTRALITY

The Washington Post, February 12, 1930: "A treaty neutralizing the Philippines has been the subject of quiet and informal discussion among delegates to the naval conference, it was learned to-day.

"The discussion is of the utmost importance because the neutralization of the Philippines would profoundly modify the present views of naval experts as to the defensive requirements of all Pacific fleets. * * *

Blount, James H.: American Occupation of the Philippines, preface, page x. Philippine Republic, June, 1926, page 6.

King, Senator William H.: Speech before the Senate, CONGRESSIONAL RECORD, March 15, 1929, pages 5462, 5463, Appendix.

Burton, Hon. T. E.: Speech before House of Representatives, CONGRESSIONAL RECORD, March 3, 1925, page 5404.

Bunuan, V. G.: Speech before the Institute of Politics, at Williamstown, Mass., 1927.

(3) THE PHILIPPINES—A HEEL OF ACHILLES

Bywater, H. C.: Sea Power in the Pacific, page 288: "A simultaneous attack on the Philippines and Guam would place no abnormal strain on Japanese naval, military, or shipping resources. In the case of the Philippines expedition, the landing itself would doubtless be made at one or more points where there were no seaward defences * * *. The conclusion is that within a fortnight after the beginning of hostilities, the United States would find herself bereft of her insular possessions in the western Pacific, and consequently without a single base for naval operations in those waters."

Tyson, Senator Lawrence D.: Speech in the United States Senate, CONGRESSIONAL RECORD, February 4, 1929, page 2740: "* * * Should a war arise between us and one of the great powers in the Orient, the Philippines might immediately be taken, as they are practically defenseless now."

Hard, William: Article in Philippine Republic, October, 1926, page 2.

Bickel, K. A.: Article in Philippine Republic, December, 1924, page 16.

Gabaldon, Hon. Isauro: Speech in the House of Representatives, CONGRESSIONAL RECORD, page 4014, March 3, 1928.

Blount, James H.: American Occupation of the Philippines, pages 331 and 565.

Moon, Parker Thomas: Imperialism and World Politics, page 405.

Phelps, Rear Admiral W. W., United States Navy: Article in Philippine Republic, June, 1925, page 14.

Henning, Arthur Sears, Washington correspondent of Chicago Tribune: Article in Philippine Republic, July, 1925, page 4.

Palmer, Frederick: Article in Liberty, February 1, 1930, page 60.

Parker, Gen. James: The Old Army, page 364.

Brown, Arthur J.: The New Era in the Philippines, page 287.

Brown, Arthur J.: Japan in the World To-day, page 240.

King, Senator William H.: Speech in the Senate, CONGRESSIONAL RECORD, March 15, 1929, pages 5462, 5463, Appendix.

Gilbert, Hon. Ralph: Speech in the House of Representatives, March 28, 1928, page 5509.

Roosevelt, Theodore: CONGRESSIONAL RECORD, March 15, 1929, page 5465, Appendix.

Villamin, Vicente, lawyer and economist: Before Ways and Means Committee of the United States Senate, January 28, 1929.

(4) THE YELLOW PERIL

Abbott, James Francis: Japanese Expansion and American Policies, page 3: "A few years earlier Mr. Hobson said on the floor of the same Chamber [House of Representatives]: 'We are short on providing equilibrium in the Atlantic, and we have not a single battleship in the Pacific, and our relative naval strength is steadily declining. War is therefore a physical certainty.' 'I will tell you frankly that, in my judgment, you can count almost on the fingers of your two hands twice around the number of months. In my judgment, war will come before the Panama Canal is completed!'"

Treat, Payson J.: Japan and the United States 1853–1921, page 191: "In the United States, for example, certain journalists, for one reason or another, prophesied an immediate Japanese invasion. This might come at any time, and without warning, but surely before the Panama Canal was constructed. And then, when the canal was opened and hostilities had not been proclaimed, it was just as easy to predict that the canal could easily be destroyed by airships and then the invasion would begin. It did little good to demonstrate that the invasion of California was a military operation of the utmost difficulty, if not impossible of achievement. Many Americans, fed upon such startling statements, looked with alarm to the time when war would break. It is interesting, of course, to note that in all these stories the offensive was to be taken by Japan."

(5) PHILIPPINE-AMERICAN CHAMBER OF COMMERCE

Hearings before the Committee on Insular Affairs, House of Representatives, on H. R. 8856, April 30, May 1, 2, 3, 5, and 6, 1924, page 95: "How can they have forgotten, or how can anyone forget, that during the life of those who are still children, Japan, within six years after solemnly guaranteeing the integrity of Korea, absorbed and subjugated that country of 15,000,000 people as completely and ruthlessly as did any monarch of the ancient world."

Circular letter, Philippine-American Chamber of Commerce, January 2, 1930: "The object of this organization is to promote, foster, and advance commerce between the United States and the Philippine Islands.

"We believe that the independence of the Philippines is diametrically opposed to this object, and therefore desire to put before Members of Congress whatever information we can obtain which might assist consideration of the subject.

"To this end we inclose copy of an editorial which appeared in the New York Times of December 27, 1929, to which your attention is invited."

[Editorial, New York Times, December 27, 1929, a reprint thereof inclosed in the above letter]

"Without discussing the effects on the internal affairs of the Filipinos, the international consequences of Philippine independence at this time can only be viewed with profound apprehension. * * * The Koreans would take fresh heart in their opposition to the Japanese."

Hearings before the Committee on Territories and Insular Affairs (71st Cong., 2d sess., February 3, 1930, pp. 183–184): "In the month of December, 1929, when the question of Philippine independence came up for consideration before Congress, the organization solicited donations from American firms and individuals in the Philippines and received from them in that month the sum of $10,000, none of which was expended in 1929.

"In January, 1930, further subscriptions to a total of $7,500 were received. Out of this special contribution fund, total $17,500, the total disbursements to January 29 have been $1,983, which were expended for the following purposes:

"Printing 25,000 copies of a pamphlet, The Philippine Question, $305; mailing same, $585.50; compensation to special investigators to report on the actual facts regarding the competition of coconut oil with American dairy products, $578; letters to business firms, Members of Congress, newspapers, and so forth, $412.83; subscription to newspaper clipping bureau, $30, and clerical work, $72.

"The activities of the Philippine-American Chamber of Commerce have been confined to presenting its point of view and the facts regarding trade relations with the Philippine Islands. These presentations have not been made by "personal agency," but by mail and telegram to Members of Congress, officials of the executive government, business firms, and the press of the country."

(6) JAPAN'S MONROE DOCTRINE

Brown, Arthur J.: Japan in the World of To-day, page 32: "The ambition of the Japanese is that his country shall be recognized as a world power. * * *

"The Japanese sensibly make no secret of their ambition. The well-known Japanese author, Professor Kawakami writes: 'Japan must have a place in the sun.' 'It is Japan's mission to harmonize eastern and western civilizations in order to bring about the unification of the world,' said Marquis Okuma; * * *."

Abbott, James F.: Japanese Expansion and American Policies, pages 106, 242.

Treat, Payson J.: Japan and the United States, pages 257–263.

Takaishi, Shingoro: Article in Japan To-day and To-morrow, December 25, 1927, page 6.

Stead, Alfred: Great Japan, page 447.

(7) "WHITE PERIL"

Treat, Payson J.: Japan and the United States 1853–1921, page 206: "Korea was not the only weak Asiatic country which had passed under foreign control. And measured by national interests the Japanese had a better claim to Korea than the British to their Indian possessions, the French to Indo-China, the Dutch to the East Indies, or the Americans to the Philippines. In Korea, the Japanese could say, with an American statesman, that 'a condition and not a theory' confronted them. Or, as Mr. McKinley said, in justifying the annexation of the Philippines, 'the march of events rules and overrules human action.'"

Kawakami, K. K.: What Japan Thinks (a symposium), page 144.

Mabie, Hamilton Wright: Japan To-day and To-morrow, page 43.

Dutcher, George Matthew: The Political Awakening of the East, page 199.

(8) JAPAN NOT WARLIKE

Stead, Alfred: Great Japan, page 153: "Before all things it must be borne in mind that Japan is not a warlike nation. Although the feudal times are only some 40 years back, she has no desire to fight for fighting's sake. The first sign to Japan that progress was not to be sought by warlike means was her inability to maintain the closed door in her own country against foreign nations. * * * While immensely proud of her army and navy, and determined to keep them up to the necessary high-water mark demanded by western civilization, she regards them more as means to an end than as the end itself. * * *"

Brown, Arthur J.: Japan in the World To-day, page 240.

Williams, E. T.: The Verdict of Public Opinion on the Japanese-American Question (a symposium), page 55.

Kinnosuké, Adachi: Article in North American Review, 1905, page 686.

Mabie, Hamilton Wright: Japan To-day and To-morrow, page 69.

Parker, Gen. James: The Old Army, page 364.

Castle, William R., jr., ambassador to Japan: In New York Times, February 4, 1920.

Masaoka, Naoichi: Japan to America (a symposium), page 216.

Kawakami, K. K.: What Japan Thinks (a symposium), page 90.

(9) UNITED STATES, JAPAN FRIENDS

Masaoka, Naoichi: Japan to America (a symposium), page 217: "Again Japan is not a forgetful nation, nor is she an ungrateful nation. She will never forget that it was America that introduced her to the world so peacefully and honorably. She will never forget that it was America that expressed the greatest sympathy with her at the time of the late Russo-Japanese War; and she will never forget that Mrs. Maggie came to Japan with her friends, and kindly attended our sick and wounded soldiers; and that Mr. Roosevelt, then President of the United States of America, undertook for the sake of humanity to hasten the ending of the war, by which Japan and Russia were saved hundred thousands of lives and millions of treasure. And Japan is always seeking to continue and strengthen the cordial relations which have existed for more than half a century, and that were renewed and invigorated so recently, between the two great Nations on the Pacific."

Castle, William R., jr., United States ambassador to Japan: New York Times, February 4, 1930: "If all the naval vessels in the world were sunk, it would not endanger national security. We do not want guns to defend ourselves against our friends."

Abbott, James Francis: Japanese Expansion and American Policies, page 258.

Dutcher, George Matthew: The Political Awakening of the East, page 237.

Treat, Payson J.: Japan and the United States, 1853–1921, pages 202–255.

(10) THE UNITED STATES AND KOREA

Tsurumi, Yusuke: Article in Foreign Affairs, 1924–25, page 252: "The policy recommended by General Le Gendre contemplated the expansion of Japanese territory to form a crescent skirting the Asiatic main-

land, and embracing Korea in the north and Formosa in the south. He emphasized the great danger which lurked in the possibility of a Russian occupation of Korea and of an English or French occupation of Formosa."

Ibid., page 257: "It was only when they felt fully prepared that they acted upon Le Gendre's policies, acquiring Formosa in 1895, and Korea in 1910. Thus in the words of Professor Nakamura, Japan's Asiatic policy was thoroughly in accord with the suggestions of two American military men and, to an extent difficult to measure, grew out of their advice."

Strunsky, Simon: Article in Foreign Affairs, 1925–26, page 144.

Brown, Arthur J.: Japan in the World of To-day, page 145.

Beard, James: The Rise of American Civilization, page 498.

Dennett, Tyler: Roosevelt and the Russo-Japanese War, pages 112 and 115.

Treat, Payson J.: Japan and the United States, page 185–186.

Moon, Thomas Parker: Imperialism and World Politics, page 347.

(11) "PEACEFUL PENETRATION"

Chambers, Robert W.: The Verdict of Public Opinion on the Japanese-American Question (a symposium), page 12: "You say that 'Japan's peaceful penetration is a direct insult to us.'

"It ought to teach us to do so well that such 'peaceful penetration' would not pay. It ought to stir us to intelligent effort; it ought to educate us. What good are we if we can not hold our own? Does our 'peaceful penetration' insult other nations?"

Crawford, William H., Portland Chamber of Commerce, Portland, Oreg.: The Verdict of Public Opinion on the Japanese-American Question, page 44: "Such expressions as 'Japan's peaceful penetration,' 'the grave problem which is facing the Pacific coast,' indicate the extremes to which propaganda will lead the highly imaginative American mind."

(12) "A SWORD POINTING AT THE HEART OF JAPAN"

Moon, Parker Thomas: Imperialism and World Politics, page 405: "The Philippines were in Japanese eyes a naval outpost which could be of use only against Japan, in offensive rather than defensive operations."

Washington Post, February 12, 1930: "Since the Philippines and Singapore are the two naval bases from which the largest navies of the world, the American and the British, could cooperate in Japanese waters, neutralization of the islands, it is believed, would profoundly alter Japanese demands at the conference."

Buell, Raymond Leslie (quoted by Judge Santos): The Philippine Republic, June, 1926.

Gabaldon, Hon. Isauro: Speech in House of Representatives, March 3, 1928, page 4014.

Gardiner, A. G.: The Prospects of Anglo-American Friendship, Foreign Affairs, October, 1926.

(13) JAPAN'S OPPORTUNITY TO TAKE THE PHILIPPINES

The Philippine Republic, March, 1927, page 11: "Spain, said Dr. [David Starr] Jordan, once offered to sell its sovereignty rights in the Philippines to Japan for $8,000,000. Japan refused, saying she wouldn't have them at any price. 'And yet there are professional liars who say Japan is only waiting for the Philippines to gain independence to swoop down on them like a hawk.'"

Statement of General MacArthur, Correspondence Relating to War with Spain, volume ii, page 1239: "Consul advised that Trias visit Japan. Filipinos represented that concessions which they might be forced to make to Washington would be more agreeable if made to Japan, which, as a nation of kindred blood would not be likely to assert superiority. Consul said Japan desires coaling station, freedom to trade, and build railways."

Lapus, N.: Article in the Philippine Republic, June, 1927.

Ragon, Hon. Heartsill: Speech before the House of Representatives, page 11.

Treat, Payson J.: Japan and the United States, 1853–1921, page 171.

Foreign Policy Association, Pamphlet No. 32, Series of 1924–25.

Kalaw, M. M.: The Philippine Guide Book.

Kawakami, K. K.: What Japan Thinks (a symposium), page 37.

(14) JAPANESE DISLIKE THE TROPICS

Morley, Felix: Our Far Eastern Assignment, page 159: "The tropical climate of the islands is an absolute bar to Japanese colonization."

Abbott, James Francis: Japanese Expansion and American Policies, page 218: "When we come to the Orient, Formosa at once claims attention. But Formosa has proven an unexpected problem for Japan. * * * The climate is hot and the Japanese can not endure labor in the open, as can the Chinese and hillmen. * * * The prospect of any considerable percentage of surplus population overflowing into Formosa or any other part of the Tropics does not seem bright."

Price, Edward Bell: Interview with Hon. Manuel L. Quezon, the Chicago Daily News.

Russell, C. E.: The Outlook for the Philippines, pages 338–345.

The Philippine Republic (quoting Dr. David Starr Jordan), March, 1927, page 11.

Young, A. M.: Japan in Recent Times, page 67.

(15) JAPANESE—POOR COLONIZERS

Abbott, James F.: Japanese Expansion and American Policies, pages 104–106: "So far as the Japanese has had a chance to deport himself as an overlord in Manchuria and Korea, the prospect is not reassuring, the Japanese suffers from a look of that sort of sentiment, conspicuous in the Anglo-Saxon, that inclines the latter to assume a fatherly attitude toward an alien or an inferior. His methods as a colonizer are rather more like the German—highly efficient but not wholly sympathetic.

"* * * The Philippines can not be colonized by Japanese laborers any more than by Europeans."

Russell, C. E.: The Outlook for the Philippines, pages 338–345.

Morley, Felix: Our Far Eastern Assignment, pages 3, 4.

Dutcher, George M.: The Political Awakening of the East, page 285.

Adams, Romanzo: Some Statistics on the Japanese in Hawaii, in Foreign Affairs, volume 2, 1923–24, pages 311–313.

(16) INDUSTRIALIZATION

Stead, Alfred: Great Japan, pages 148–150: "The agriculturists produced sufficient food to supply the nation, and Japan was in every sense self-supporting * * * History showed the Japanese, however, that it is very difficult to maintain a high standard of national greatness when the revenue of the land and the prosperity of the people depends absolutely upon the fall of rain or the hours of sunshine * * *."

Mabie, Hamilton Wright: Japan To-day and To-morrow, page 2.

MacVeagh, Hon. Charles, former United States ambassador at Tokyo, Statement of: Shanghai Mercury, December 13, 1929, Japan's Need of Expansion.

Kennedy, Capt. M. D.: Industrial Revolution in Japan, the Fortnightly Review, November 1, 1929, pages 636–647.

By B: The Situation in the Far East, Foreign Affairs, June 15, 1923, page 9.

Abbott, James Francis: Japanese Expansion and American Policies, pages 108–112.

Tsurmi, Yusuke: The Difficulties and Hopes of Japan, Foreign Affairs, December 15, 1924.

(17) JAPAN HAS ROOM FOR HER POPULATION

Wood, Junius B.: Japan's Mandate in the Pacific, in the September, 1921, issue of Asia, page 752: "Japan, despite the oft-repeated fallacy that it is overcrowded, has done nothing systematically to encourage the colonization of the miles of fertile, uncultivated areas in the islands."

Annals of Political Science, 1927: "Japan has room for her people. It is not land that Japan needs, but raw material. Since 1900 the land of the Mikado has been changing from an agricultural to an industrial nation, and in that great fact lies a world of difference."

Russell, C. E.: The Outlook for the Philippines, page 334.

Buell, R. E.: International Relations, pages 295–296.

Leith, C. K.: Article in Foreign Affairs, volume 4, 1925–26, page 433.

Pliesse, E. L.: Article in Foreign Affairs, volume 4, 1925–26, pages 474, 487, and 488.

Treat, Payson J.: Japan and the United States, page 267.

Latourette, K. S.: Article in Foreign Affairs, volume 1, 1922–23, page 167.

MacVeagh, Charles, former ambassador to Japan: Quoted in news item in the Shanghai Mercury, December 13, 1929.

(18) JAPAN'S COLONIAL DIFFICULTIES

Abbott, James F.: Japanese Expansion and American Policies, pages 104–106: "So far as the Japanese has had a chance to deport himself as an overload in Manchuria and Korea, the prospect is not reassuring. The Japanese suffers from a lack of that sort of sentiment, conspicuous in the Anglo-Saxon, that inclines the latter to assume a fatherly attitude toward an alien or an inferior. His methods as a colonizer are rather more like the German—highly efficient but not wholly sympathetic. In Korea, where anarchy has been imminent for so long, he has felt it necessary to adopt strong measures as a deterrent to opposition. The Philippines, half conquered * * * would more than likely merit the same treatment in his eyes. Under any circumstances, the Japanese control in the Philippines would never extend beyond the range of Japanese guns.

"* * * The Philippines can not be colonized by Japanese laborers any more than by Europeans.

"All together, no greater calamity could befall the Japanese Empire than to be compelled to assume control over the Philippine Islands, so rich in potential wealth and so poor in convertible assets."

Russell, C. E.: The Outlook for the Philippines, pages 338–345.

Dutcher, George Matthew: The Political Awakening of the East, page 285.

Morley, Felix: Our Far Eastern Assignment, pages 3–4.

Brown, Arthur J.: Japan in the World of To-Day, page 238.

(19) SUBJUGATING CHRISTIANS

Abbott, James F.: Japanese Expansion and American Policies, pages 103–104: "In the first place he would discover that he was a 'heathen' in the midst of millions of Roman Catholics, whose attitude toward

him would be colored not only by the feeling of the conquered toward the conqueror, but also by the aversion due to religious prejudice.

Ibid., page 85: "* * * In 1677 the Filipinos themselves sent out missionaries to Siam, China, and Japan to convert the heathen in those lands. But the Japanese were little amenable to this process and tortured and killed the missionaries * * *."

"* * * In both cases it was reported that the Filipinos were aroused to a frenzy of indignation at the idea of being 'sold,' particularly to 'pagan Japan.'"

Crow, Carl: America and the Philippines: "If Japan should ever attempt to take the Philippines, either peacefully or by force, she would immediately be involved in a fight much more stubborn than the one the United States was compelled to put down. It is impossible to imagine the devoutly Catholic Filipinos ever submitting even to a semblance of rule by a nation as essentially non-Christian as the Japanese, and it is equally impossible to imagine a Christian world allowing such a reverse to the unbroken advance of Christianity."

Nitobe, Doctor (a famous Japanese authority on colonial questions): "It is rash to conclude that because we are of the same race the Filipinos would gladly invite Japan to be their ruler.

"They believe that they are superior to the Japanese. Their customs and manners are influenced by Christianity; * * *."

(20) JAPAN WANTS TRADE

Brown, Arthur J.: Japan in the World To-day, page 237: "Friendly America is valuable to her as a source of raw material and a profitable market for manufactured goods. Nearly all of Japan's exported tea is sold in America, 95 per cent of her exported raw silk, and an important part of other products. More than one-third of Japan's total exports go to the United States. She buys from us, too, many supplies that she requires, 25 per cent of her imports coming from America, a higher proportion than from any other country."

Russell, C. E.: The Outlook for the Philippines, pages 338–345.

Shimizu, F.: Philippine Republic, April, 1925, page 6.

Yamasaki and Ogawa: Effect of the War on Commerce and Industry of Japan, page 321.

Gabaldon, Hon. Isauro: Speech in the House of Representatives, CONGRESSIONAL RECORD, March 3, 1928.

Stead, Alfred: Great Japan, pages 154 and 188.

Matsudira, Ambassador Tzunco: Speech before the Chamber of Commerce of Philadelphia, Pa., June, 1925.

Fisher, William J. (president, the Stone-Fisher Co., Tacoma, Wash.): In a symposium instituted by Cornelius Vanderbilt, jr., the Verdict of Public Opinion on the Japanese-American Question.

Abbott, James F.: Japanese Expansion and American Policies, page 106.

Dutcher, George Matthew: The Political Awakening of the East, pages 226–228.

Castle, William R., jr., United States ambassador to Japan: Quoted in news items in the Evening Star, Washington, D. C., February 4, 1930.

(21) JAPAN ACQUIRING CHRISTIAN STANDARD

Brown, Arthur J.: Japan in the World To-day, page 312: "Our mental and moral development has not kept pace with our material progress. * * * Japan is athirst for moral and religious guidance. * * * The origin of modern civilization is to be found in the teaching of the Sage of Judea by whom alone the necessary moral dynamics is supplied. * * * No practical solution of many pressing problems is in sight apart from Christianity."—(Marquis Okuma.)

Ibid.: Quoting Baron Mayejima, on page 312, and Prince Tokugawa, on page 314.

Dutcher, George Matthew: The Political Awakening of the East, page 230.

(22) EVERLASTING POLITICAL SERVITUDE

Recto, Hon. Claro M.: Speech before the Democratic National Convention, New York, 1924: "With the kind of government authorized in the Jones law, it was not to be expected that the Filipino people could provide for protection from foreign invasion, within any period of time, however long. And the United States could not in all fairness require of us something we could not possibly accomplish.

Jones, Hon. William Atkinson: Speech before the House of Representatives, the Philippine Republic, April, 1924, page 12: "I dismiss as unworthy of serious consideration the absurd and utterly untenable argument so frequently advanced that the Philippine people are incapable of maintaining their independence, and, if given it, must sooner or later become a prey of some stronger power, for this may truthfully be said of most of the nations of the earth. It is true as to Norway, Sweden, Denmark, Holland, Switzerland, and other countries of Europe. It is true of each and all of the Republics of South and Central America, and the halls of this Chamber have echoed for months with dismal forebodings as to the present ability of our own great Nation to successfully maintain itself against foreign attack. Even an international guaranty of independence of poor, stricken Belgium did not save that gallant little nation from the horrible fate which had overtaken it. If, therefore, the Philippines are not to be given their independence until they are capable of maintaining it in arms, then they are bound to everlasting political servitude."

UNITED STATES STEEL CORPORATION TAX REFUNDS

The SPEAKER pro tempore. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. GARNER] for 30 minutes.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting certain tables and communications from the Treasury Department to the Joint Committee on Internal Revenue Taxation and of the chief of the division of investigation of the joint committee, as well as letters addressed to me and data prepared for me.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks by inserting various documents. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker and gentlemen of the House, I asked for this time to-day in order to explain to the House the result of an investigation by the joint committee of the House and Senate which has to do with the matter of reporting on tax refunds.

On the 8th day of this month I received the following letter from the chairman of the committee [Mr. HAWLEY]:

On February 12, 1930, the Commissioner of Internal Revenue submitted a report to the Joint Committee on Internal Revenue Taxation in regard to a proposed refund of $21,555,357.89 to the United States Steel Corporation for the calendar years 1918, 1919, and 1920.

This refund is being examined by our staff in accordance with our regular procedure, but in view of the fact that a 1917 refund to the same corporation was considered by the committee in December, 1928, I feel that the committee should meet to consider the conclusion of this matter for the excess-profits tax years. This is further necessary on account of the size of the refund which will cause comments if the facts in relation thereto are not thoroughly understood.

That letter was received, as I say, on the 8th day of this month, and it gave notice of a hearing on the 11th.

The joint committee had a meeting on Tuesday and Wednesday, and the committee was in session about six hours.

I thought that as a result of that hearing the chairman of the committee [Mr. HAWLEY] would take the floor and undertake to explain the conditions, surroundings, and information touching this refund, since he told me in his letter that unless it was thoroughly understood the people of the country would be in a quandary as to why such a large amount had been refunded to the United States Steel Corporation this year. Mr. HAWLEY has not seen proper to call it to the attention of the House, and therefore day before yesterday I asked for this time to-day, anticipating that he might not see proper to draw it to the attention of the House. I thought it my duty, as well as his, to inform the House and possibly the country as to some of the reasons given for this refund.

I might say that the envelope containing this letter was marked confidential, but why this matter should be considered one that must be held in entire confidence, I do not know, unless the idea was in the mind of the chairman of the committee who wrote the letter that we should keep it in confidence for fear the people would find it out and would not understand why such a large amount was refunded to the United States Steel Corporation.

The report shows that $21,000,000 in round figures was refunded, together with interest amounting to $12,000,000, making a total of $33,000,000, plus, to the United States Steel Corporation, and a check for that amount will be mailed to them to-day, because to-day is the last day, as I understand it, on which the limitation runs with reference to the joint committee taking action to prevent the payment under section 701.

After a hearing on this matter the joint committee declined to interfere with the settlement which the Treasury Department had made with the United States Steel Corporation, this action being taken upon a motion by the chairman—himself to himself. It happened that at that moment there was only one Republican in the room, and that was Chairman HAWLEY, although there are six on the joint committee. Chairman HAWLEY had to make the motion that he would make that report; he had to put the motion to himself and vote five proxies in order to put it through. The gentleman from Mississippi [Mr. COLLIER] and myself happened to be in the room, making a majority of the committee.

Mr. COLLIER. Will it interfere with my colleague if I ask him one or two questions?

Mr. GARNER. No.

Mr. COLLIER. The United States Steel Corporation is the greatest taxpayer we have in the Government?

Mr. GARNER. It is the largest individual taxpayer in the United States.

Mr. COLLIER. The Joint Committee on Internal Revenue is composed of five Members of the House and five Members of

the Senate, and it is empowered to scrutinize these refunds. I want to ask the gentleman if he does not recall that during the entire time of the hearings there was not present a single Member on the majority side from the other body and during at least 85 or 90 per cent of the hearings—which were held to pass on a refund of $33,000,000 to the greatest taxpayer in the United States—there was only one Member of the majority present, and now as a boast to ourselves I would like the RECORD to show that the gentleman from Texas and myself were present during the entire hearings. Am I not right in my statement?

Mr. GARNER. The gentleman is correct.

Mr. COLLIER. Now, another question. Is it not a fact that the chairman of the committee, Mr. HAWLEY—whom we all respect so highly—had the proxies of five of his colleagues in both bodies to vote on this measure whenever it was ready to be called up?

Mr. GARNER. The statement made by Mr. HAWLEY was that he had all the votes of the Republican membership of the joint committee except one, and I think that was Senator REED, who is now in Europe. The result is that there was so little attention given to this matter of a refund to the United States Steel Corporation of $33,000,000 that the Republican membership of the joint committee did not see fit to attend. Not a single Member from the United States Senate was present and, as the gentleman from Mississippi [Mr. COLLIER] has said, only two associates of Mr. HAWLEY attended for a limited time in the early consideration of the refund.

I doubt, gentlemen, if there would have been any consideration of this—because there is no law compelling a consideration; it is discretionary with the committee, and the committee is never informed as to what comes to that board unless Mr. Parker sees proper to insist that there must be a consideration of it. I say insist, and I mean by that a respectful suggestion to the chairman that the committee as a whole ought to consider these refunds.

To illustrate, during 1929, and even in the last month, there were refunds to various taxpayers in this country amounting to $75,000,000. No consideration has been given to any of those refunds or as to the advisability of them except this particular one. I imagine one of the reasons why that state of affairs existed was that Mr. Parker, chief of the joint committee's investigating division, wrote a letter to the chairman and called his attention to the fact that in his judgment there were a number of considerations given to this by the Treasury Department which were very questionable both in law and in fact, and that therefore the joint committee should give consideration to it, and in accordance therewith Mr. HAWLEY called the joint committee together.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman.

Mr. LINTHICUM. Upon what authority can you use proxies in these committee meetings? I have not known of that being done before.

Mr. GARNER. Well, of course, on that "ambassadorial" committee of the gentleman, the "ambassador" must be present, but with us we extend that courtesy every now and then to the chairman.

Mr. LINTHICUM. It is very bad "courtesy," I will say to the gentleman.

Mr. GARNER. It may be, but in the Committee on Ways and Means, if a gentleman is leaving here to-day, for instance, and wants his vote recorded, unanimous consent to do that is requested, and we grant it.

Mr. LINTHICUM. I know that can be done, but from what I gather, the gentleman from Oregon [Mr. HAWLEY] carries these proxies around with him from all the majority members of the committee and can vote them at any time.

Mr. GARNER. Let me say to the gentleman that the gentleman from Oregon [Mr. HAWLEY] asked unanimous consent to cast these votes, and to accommodate these gentlemen who did not want to be there and whose minds were already made up, who did not care to pay any attention to any investigation just so the Treasury Department said it was all right, naturally we permitted him to cast the votes. I may say to the gentleman that Senator HARRISON attended the sessions and announced that Senator SIMMONS could not be present on account of his health and had asked him to cast his vote in the consideration of this refund.

The thing I want to especially call to your attention is the policy of the Government. This is the principal thing for the House of Representatives to be concerned about, and I have taken occasion to-day, on account of the investigation of this refund, to call your attention to the policy of the Treasury Department.

There are some admitted facts in this particular case that would justify, I think, a thorough investigation by a committee of the Congress or, indeed, by the courts of the country.

The Treasury Department admits that if you had taken this case and considered it from what is known as the accounting standpoint and not the legal standpoint; that is to say, if you had taken the capital assets of 1918, January 1, based upon the accounting theory, which is not to take into consideration the profits made by the subsidiaries or the children of the United States Steel Corporation one from the other, the tax would have been $6,000,000 more. No one denies this. The Treasury Department admits it.

But instead of doing this the Treasury Department took a combination of what is known as the accounting and the legal view. The legal view, briefly stated, is that if one subsidiary of the United States Steel Corporation made a million dollars off another subsidiary, that boosted the invested capital of the parent company $1,000,000, which is an absurdity. In other words, if one child of the family makes money off another child, there is nothing gained or lost when they so trade among themselves.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. OLIVER of Alabama. I believe the gentleman from Texas sought to avoid that situation by an amendment which he offered in the House some years ago, when the revenue bill was being considered; did he not?

Mr. GARNER. Yes. I may say to my friend from Alabama that this was admitted by the Treasury Department as being the result of consolidated returns; and I also got an admission from the Treasury officials who have the administration of this law that it would be much simpler and much easier to administer if we did not have consolidated returns. I am glad the gentleman has called my attention to that.

Let us see just what is the situation. This is not all the money they got. You would think that $33,000,000 was a considerable sum of money to refund from taxes paid for 1918, 1919, and 1920, but that is not all of it.

The Treasury Department, without knowing anything about it, except what they report to us here, has remitted to that corporation for the year 1928 about $10,000,000, making $43,000,000. In other words, the United States Steel Corporation made mistakes against itself and in favor of the Government in the payment of taxes for 1917, 1918, 1919, and 1920 to the extent of $98,000,000, and the Treasury Department during this time has refunded to the United States Steel Corporation for these years, on account of mistakes made by that company, I repeat, in favor of the Government, to the extent of $98,000,000.

No wonder the gentleman from Oregon [Mr. HAWLEY] wanted the country to understand it before the figures were given out, for fear they might criticize and wonder why it was that one taxpayer in this country could get a refund check for $33,000,000 for taxes levied against it more than 10 years ago.

There is another very strange thing about these matters. When I began to investigate this refund I asked Mr. PARKER to send me some of the others, and, lo and behold, one of these was the Baldwin Locomotive Works, of Philadelphia, $3,772,000 refund of taxes, and I do not know how much interest. It is stated that this is a refund of taxes from 1912 to 1922.

A Member of Congress was in my office this morning complaining rather bitterly that the Ways and Means Committee had not given him a hearing on a proposition to suspend the statute of limitations against some claims he had placed before that committee. I did not tell him so, but it occurred to me that if you invoke the statute of limitations against a taxpayer in Georgia you ought to be able to invoke the statute of limitations against a taxpayer in Pennsylvania. 1912! When I saw that I had really forgotten for the moment that we levied an income tax for 1912 in the 1913 act; but when I got that act and examined it I found we did levy an income tax for 1912 in the fall of 1913; that is, we made it retroactive to that year.

I mention this to illustrate the things that you can not understand, and this is what makes it subject to suspicion. We can not go into the Treasury and examine the matter. You will not let us have a committee to examine anything, Mr. Speaker. If we could have an opportunity to look at it, just have a look in, it might be of benefit to this country, and I want to show you the reason. It has been illustrated in this case that investigations by the Congress through its committees have been efficient, especially when applied to the Treasury Department.

Now, why do I make this statement? You understand that the way you arrive at how much a taxpayer owes is: First, you allow him to amortize his business on account of war conditions under the excess-profits tax. Congress put in that act a very just and proper provision that if you spent $1,000,000 just for war purposes and after the war was over there was no

use for such extensions, and you had made 100 per cent profit and this expenditure took 80 per cent of it, naturally they would let you amortize that and see what you could get for your junk and deduct that from your income. This was quite proper. Now, what happened? In the investigation of this United States Steel Corporation matter they had sent out a board of engineers from the Treasury Department.

If you will remember, I discussed this matter a year ago and called your attention to the different audits made of that year. Now, I want to show you what the audits indicated in this instance.

In June, 1923, the engineer auditing corps of the Treasury Department found definitely and conclusively that the United States Steel Corporation was entitled to fifty-five millions plus; that is to say, they erected buildings for war purposes, which after the war had to be charged off in order that they might make a proper rendition of taxes.

In 1924, or the latter part of it, and the early part of 1925 there was a select committee of the United States Senate that made an investigation, known as the Couzens committee.

I do not know whether you gentlemen remember it or not, but older Members ought to remember that there was a little discussion about it at the time throughout the country. A political angle was given to it. Senator COUZENS was assessed $10,000,000 additional taxes by the Treasury Department. They made an investigation and they made a report, and in their report they criticized—remember, they criticized the amount allowed by the Treasury Department.

As the result of that criticism the Treasury Department went out again and made an investigation of the United States Steel Corporation, with a view of ascertaining how much they should be allowed to amortize their property in rendition of taxes.

What did they find? On June 22, 1926, after making a report, after they had criticized the Treasury Department for allowing too much, for allowing $55,000,000, and the method by which they arrived at that conclusion, the Treasury Department makes another audit, and what do they report? Nineteen million four hundred thousand dollars. After the committee of the Senate made an investigation, made a criticism of the sum the Treasury Department had allowed, the same engineers made another investigation and reduced the amortization amount from $55,000,000 to $19,000,000, in round numbers.

The Couzens case was settled, and they did not collect anything from Mr. COUZENS. On the other hand, he was given a refund of nine hundred and some odd thousand dollars. In the place of COUZENS paying $10,000,000 in additional taxes they finally adjudicated the matter and the Government paid him $900,000.

Well, that matter died down and then another one arose. Evidently the Steel Corporation was not satisfied. Last year we were criticizing it, and they got by with it. Do you not remember that Senator REED would not vote to confirm it?

After that, of course, the thing was off and Congress had said, "It is all right; take what you want." In 1928 they made another audit, and the same people made this audit of the United States Steel Corporation with a view of ascertaining how much they should be allowed to take off in amortization in rendering their taxes. What do they find? They placed it at $22,000,000. That was in February. After a discussion of their report, after Congress had said take all you want, they made another audit and in 1928 they placed it at $32,000,000. In the same year they increased it $10,000,000. Between 1928 and 1930, out of this settlement now being considered, they made another audit. The testimony is that practically the same engineers worked on this. Something must influence them besides their own judgment; something must control these men in arriving at these conclusions. We find in this last audit, on which they were going to pay $21,000,000, a deduction of $48,136,000. I mention that to show you that the result of the Couzens committee investigation was beneficial to the Treasury Department. If the Treasury Department had settled with the United States Steel Corporation at that time we would not have refunded a nickel, but the department did not do it. They continued to postpone it from time to time until they arrive to-day at the point where they will hand them a check for $33,000,000 plus.

What is my contention? If you will take this report and read it—it is rather long and I shall not insert it in the RECORD, but any gentleman can examine it if he so desires—you will see that it shows that there are enough controverted facts that have not been adjudicated by either the tax board or the courts involved in this case not only to justify it, but to demand that the Treasury Department of the United States go into the courts and let them adjudicate what we owe, if anything, to the United States Steel Corporation. The United States Steel Corporation is able to pay every dollar of taxes it owes this Government, and surely this Government is able to pay every dollar that may be due the United States Steel Corporation. Why do we O. K. a settlement which the record shows was made through concessions upon the part of the Government and the Steel Corporation sitting opposite each other at the table—between Mr. Gary, whose memory we all revere because he was a great man in many senses of the word, and Mr. Mellon sitting on the other side, trading on your money and my money and on the money of the stockholders of the United States Steel Corporation? I say, go into the courts and let the courts of this country settle it, and I for one would be willing to vote a $50,000 fee to a special attorney to undertake to settle once and for all in this country the issues that are involved in the matter of the largest taxpayer in the United States. And when the courts have settled it, the country would acquiesce and be satisfied, even if we should pay $10,000,000 more than we would pay now.

I would much rather do that, because I want to see this country have confidence in the legislative and executive branches of the Government, and many a man and many a woman will be suspicious; yes, very doubtful, whether they are being justly treated by paying out the taxpayers' money in this matter, acquiesced in by an indorsement of the legislative branch of the Government through its approval of this refund.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. COLLIER. I call the attention of the gentleman to the United Cigar Stores case, and also the case of the Grand Rapids Furniture Co. In the United Cigar Stores case an opinion was rendered by the Court of Claims, and an entirely different opinion was rendered on almost the same state of facts by the Board of Tax Appeals in the case of the Grand Rapids Furniture Co. The gentleman will recall that the United Cigar Stores case was up for trial in the Supreme Court and ready to be heard. Had that case been tried and adjudicated two years ago, nearly all of the trouble and the trading which has been indulged in in this case would have been eliminated, and the excuse given for not going to court was that it would take four or five years to do it. Is it not true that when that case was ready for trial it was on the motion of the Solicitor of the Internal Revenue Bureau that the case was dismissed?

Mr. GARNER. Mr. Speaker, it has been discussed in magazines, in newspapers, in club rooms, and in other places throughout this country, and comment has been made on the fact that cases have been prepared by the Treasury Department to set up a theory and a rule by which the larger taxpayers of this country would secure refunds and reduction in their obligation for taxes in the future.

I wish I had the power and the opportunity to write a law in view of some of these court decisions undertaking to make each man and each corporation pay according to its ability to pay. I would very much like to see some of these courts, some of these attorneys representing this Government, compelled to eat their own words, or else make the people whom they undertake to serve while drawing salaries from the United States pay more taxes, it may be, than they ought to pay, because I would make that law rather severe on those who have been avoiding taxes in the past.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. LINTHICUM. How did the Baldwin Locomotive Works manage to carry on or delay in the refund of taxes from 1912 up to the present time? I thought there was a limitation somewhere.

Mr. GARNER. I have just said to the House a moment ago, possibly the gentleman did not understand me, that I saw this in the report here, but I can not account for it, and I hope the chairman will at some time explain to the House of Representatives how it is that the Baldwin Locomotive Works can go back to 1912 and get a refund for that year, when all other taxpayers seem to be barred by the statute of limitations.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. RAMSEYER. In the case of the Baldwin Locomotive Works, did I not understand the gentleman to say that hearings were held before his committee at which time these proposed refunds were considered?

Mr. GARNER. No; the gentleman did not hear me say that. The gentleman heard me say that we had only one case, and

that there has been but one case before us in two years since we have been created and that is the case of the United States Steel Corporation.

Mr. RAMSEYER. Then this Baldwin Locomotive Works case has not been before the gentleman's committee?

Mr. GARNER. Has not been and will not be unless Mr. HAWLEY calls us together for that purpose. That is what I complain about. He passes on the whole business and we do not have anything to say, and when he does call us together it is only to prevent public sentiment being misinformed as to the amount of the refund.

He is a little afraid of the sentiment of the country with reference to that refund.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield there?

Mr. GARNER. Certainly.

Mr. RAMSEYER. Let me ask the gentleman another question as to the procedure. Do I understand that this joint committee, composed of five members from each House, can function only when the chairman of that joint committee desires that it shall do so?

Mr. GARNER. The gentleman is correct.

Mr. RAMSEYER. I wanted to get the facts.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. OLIVER of Alabama. I want to ask the gentleman if any statement was submitted in writing by the absent majority members of the joint committee, or through the chairman, holding their proxies to the effect that they had given some study to the facts in the case?

Mr. GARNER. With all due respect to our associates at the other end of the Capitol, as well as some of our associates at this end, I do not think they ever saw it. I think that because I happened to have an experience along that line myself.

What I object to is this: I object to leaving it in this way rather than turning it over to the courts, because a court can look into the questions of reduction, amortization, and valuation of the Chickasaw Shipbuilding & Car Co., for instance, costing in 1917 something over $8,000,000. They allowed them to deduct before we taxed them over $7,000,000, leaving to be taxed alone of invested capital something over $1,000,000 on an $8,000,000 investment.

Now, I want to call your attention to another matter, to illustrate the action of the committee and the action of the chairman, who have the disposition and the courage to do their duty, and what good results and effects would come from it. I have in my hand a report that was made by Mr. Green, of Iowa, chairman of the Committee on Ways and Means, in 1927, after investigation by this joint committee of section 220, which provided for a penalty, as you will recall, assessed on these corporations that did not distribute their assets and later on declared a stock dividend and thus avoided all taxation.

He made an investigation and rendered an elaborate report, and Mr. Green wrote a letter to this committee in which he calls attention to the failure of the Treasury Department to efficiently enforce that provision. Now, remember that up to that date, 1927, there had never been a dollar, so far as I know, collected under that section 220. Mr. Green made the investigation and wrote this letter. When we had this recent hearing I requested to be informed about the matter, and on March 13 Mr. Parker writes a letter, which reads as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, March 13, 1930.

Hon. JOHN N. GARNER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: As per your request at the joint committee meeting of yesterday, I am inclosing herewith a copy of a letter addressed to me by Mr. E. C. Alvord, special assistant to the Secretary of the Treasury, in connection with amounts collected under section 220 of the revenue acts.

You will note that the total amount of collections is in excess of $5,000,000. This is a very great improvement over the situation which was shown in my former report on this subject made to the joint committee under date of January 22, 1927. At that time the record submitted to me failed to disclose that one dollar in taxes had been collected under section 220 up to the time of the report. It is true that subsequently the bureau claimed that they had collected about $75,000 under the early acts.

I would appreciate being advised if you desire any further investigation of this subject.

Very respectfully,

L. H. PARKER, *Chief of Staff.*

Under date of February 20, 1930, Mr. Alvord writes to Mr. Parker, as follows:

TREASURY DEPARTMENT,
Washington, February 20, 1930.

Mr. L. H. PARKER,
Chief of Staff, Joint Committee on Internal Revenue Taxation,
House Office Building, Washington, D. C.

DEAR MR. PARKER: Your letter of December 9, with reference to the amounts collected under section 104 of the revenue act of 1928 and section 220 of prior revenue acts, was duly received.

I am advised by the general counsel that from an examination of the cases disposed of by his office the collections and reasonably certain collections under cases disposed of amount to $5,679,475.22. This figure does not include the amounts pending in court, the collection of which has been stayed by injunction proceedings ($682,586.44), nor does it include the large amount involved in cases pending before the Board of Tax Appeals. The above amount does not, of course, give any indication as to the amount of surtax which has been collected as the indirect result of the provision and its administration.

Very truly yours,

E. C. ALVORD,
Special Assistant to the Secretary of the Treasury.

This same statute that was put on the books in substance in 1913 ran along until 1927 without a dollar ever being collected on enforced distribution of excessive profits carried into the Treasury in order to declare stock dividends and avoid taxation. Not a dollar was collected. But as the result of that investigation and the chairman's criticism in consequence of it, the Treasury Department began to enforce the law, and the United States Treasury is richer by $5,000,000 and more. Mr. Alvord says that that is nothing compared with what has been produced by collections from other corporations. In other words, that brought about a distribution of profits in this country which in a material way, in my opinion, is responsible for the tremendous increase in the personal income in the last report. The last report shows an increase of over $200,000,000 in personal profits. This provision assessed a fine of 50 per cent of their profits. The surtax increased our income by perhaps $200,000,000.

Mr. COLLIER. Mr. Speaker, will the gentleman yield there?

Mr. GARNER. Certainly.

Mr. COLLIER. I would like the gentleman to emphasize how much money has been paid in rebates to this corporation, and also to advise us whether these cases before us were the only ones up to 1919 and running to last year.

Mr. GARNER. I will call to your attention table showing total refunds and credits given to the United States Steel Corporation:

Refunds and credits, with interest, United States Steel Corporation, per joint committee records

	Refund or credit	Interest
Year 1917:		
December, 1925	$22,621,502.92	
November, 1926	37,503.39	
February, 1928	4,492,745.26	
Do	1,147,823.11	
December, 1928	15,756,595.72	$10,099,765.42
Subtotal, 1917	44,056,170.40	10,099,765.42
Year 1918:		
February, 1928	1,512,719.60	23,597.31
March, 1928	7,864,171.82	
March, 1930 proposed	14,744,510.72	(1)
Subtotal, 1918	24,121,402.14	23,597.31
Year 1919:		
February, 1928	273,004.63	32,248.20
March, 1930, proposed	4,345,417.63	(1)
Subtotal, 1919	4,618,422.26	32,248.20
Year 1920:		
February, 1928	269,087.37	31,725.48
March, 1930, proposed	2,465,429.54	(1)
Subtotal, 1920	2,734,516.91	31,725.48
Grand total for 4 years:		
Grand total refunds and credits	$75,530,511.71	
Grand total interest	22,187,336.41	
Grand total, refunds, credits, and interest	97,717,848.12	

[1] Interest on proposed refunds March, 1930 (established by Treasury), $12,000,000.

There are others who got a refund. They will be given to the public to-morrow, as I understand. In 1929 and from January 1, 1930, to March 12, 1930, there were more refunds made to the State of Pennsylvania than any other State in the Union. One

of three things must undoubtedly have occurred in the State of Pennsylvania: Either they are the most generous taxpayers of any State in the Union, rendering more taxes to the Government than they owe to it, or else they are the most ignorant people and do not know how to make out their tax returns; or, third, they are the most favored people in making out their tax refunds. I ask you which of these three things it is?—

1929 refunds, credits, and abatements over $500,000

National Lead Co., New York, 1919 and 1921	$629,408.36
New York Life Insurance Co., New York, 1927	504,082.76
Standard Gas & Electric Co., Chicago, 1918 and 1919	536,799.15
John Hancock Mutual Life Insurance Co., Boston, 1924, 1925, and 1926	692,947.86
Botany Worsted Mills, Passaic, N. J., 1918	645,914.52
Crimmins & Pierce Co., Boston, 1919	522,990.95
Equitable Life Assurance Society of the United States, New York, 1922, 1923, and 1927	564,829.70
Mutual Life Insurance Co. of New York, New York, 1926	534,733.83
General Electric Co., Schenectady, 1923 to 1925	556,917.21
Mutual Life Insurance Co. of New York, New York, 1923 to 1925	674,286.93
Consolidated Coal Co. of St. Louis, St. Louis, 1918	938,265.47
Philadelphia Electric Co., Philadelphia, 1924 to 1927	775,023.36
Southern Pacific Co., New York, 1918 to 1921	687,820.95
Metropolitan Life Insurance Co., New York, 1922	771,848.64
The Pullman Co., Chicago, 1919 to 1921	642,892.84
American Window Glass Co. and subsidiaries, Pittsburgh, 1917 to 1919	2,131,237.97
Westinghouse Air Brake Co. and subsidiaries, Wilmerding, Pa., 1917 to 1920, 1922	1,192,038.50
Youngstown Sheet & Tube Co., Youngstown, Ohio, 1918	1,088,853.95
American Shipbuilding Co., Cleveland, 1918, 1920, and 1921	2,616,243.44
Emery, John J., estate of, Philadelphia, 1920 to 1923	1,257,393.69
Prudential Insurance Co. of America, Newark, 1923 and 1927	1,471,143.54
Baldwin Locomotive Works, Philadelphia, 1912 to 1924 and 1926	3,772,677.75
Chicago, Burlington & Quincy Railroad, Chicago, 1917, 1918, 1919, 1920, and 1922	1,695,756.13
Middle States Oil Co. and subsidiaries, New York, 1920 to 1922	4,320,768.64

Partial list of additional refunds, credits, and abatements

Edison Electric Illuminating Co., Boston	$86,449.36
National Power & Light Co., New York	86,658.28
North Boston Lighting Properties, Boston	107,951.39
United Fuel Gas Co., Charleston, W. Va	131,197.20
Lehigh Power Securities Corporation, New York	93,547.83
General Gas & Electric Co., New York	170,026.55
Pacific Gas & Electric Co., San Francisco	436,074.41
Philadelphia Electric Co., Philadelphia	241,187.99
Public Service Electric Co., Newark, N. J	211,249.78
Los Angeles Gas & Electric Corporation, Los Angeles	117,811.55
Manufacturers Light & Heat Co., Pittsburgh	81,005.90
Utah Power & Light Co., Salt Lake City	164,525.53
St. Helens Petroleum Co. (Ltd.), Los Angeles	412,333.38
Dixie Oil Co., Shreveport	77,811.34
National Refining Co., Cleveland	124,890.98
United North & South Oil Co., Luling, Tex	293,604.42
Superior Oil Corporation, Lexington, Ky	82,933.14
Norfolk & Western R. R. Co., Roanoke, Va	308,864.94
Minneapolis, St. Paul & Sault Ste. Marie Ry. Co., Minneapolis	178,076.28

Overassessments in excess of $1,000,000; for the period January 1, 1930, to March 12, 1930

January, 1930:	
Philadelphia Co. and subsidiaries, Pittsburgh, Pa. (1917 to 1923, inclusive)	$2,562,798.20
Public Service Corporation of New Jersey and subsidiaries, Newark, N. J. (1918 to 1922, inclusive)	2,283,508.94
February, 1930:	
Estate of Paul Brown, St. Louis, Mo. (1927)	1,333,408.84
United States Steel Corporation and subsidiaries, New York (1918 to 1920, inclusive)	21,555,357.89
F. W. Woolworth Co., New York (1917 to 1921, inclusive)	1,177,356.47
F. W. Woolworth Co., New York (1922 to 1926, inclusive)	1,385,573.88

Mr. MOORE of Virginia. I have been interested in the gentleman's statement. It seems to me that a great step in advance may be taken by abolishing the proxy rule. Recently, in a very wise decision, the Speaker said that proxies could not be used in the House. They can not be used in the standing committees. Why should they be used in this joint committee, which has the power to prevent payment of these refunds until they are approved by the committee?

Mr. GARNER. I will say to the gentleman from Virginia that if proxies are abolished it would not influence me a bit, because I have attended every meeting of the Committee on Ways and Means while I was able to go, as well as every meeting of the joint committee. But, I repeat, that if the gentleman from New York [Mr. CULLEN] should want to go to New York, and it was desired to vote the full Democratic membership, the gentleman might say, "Mr. Chairman, will you permit Mr. GARNER to cast my vote for me?" We do not want to stand in his way. That is the reason I think proxies are filed.

But I want to call attention to some of these particular things and ask if you do not believe Congress ought to look into this and see just how these things are done. Mr. Speaker, give us a committee. Nobody ought to be afraid to have you look into their business. All business ought to be public. There should be no secrecy in business, even in tax paying. If you will give this House a committee, they can look into it. You can appoint the committee, Mr. Speaker. You can appoint the most intelligent and reliable men you can find to place on that committee; stand-pat, regular Republicans, who will do your bidding, and let us just look into these things and see what is going on in the Treasury Department. Mr. Speaker, it may come about sooner than you think, because if the Democrats ever get control we are going to look into Uncle Andy's books. Just remember that. He knows it, too; and he is preparing for it. He is settling these cases while the settling time is good. He is settling these cases with these gentlemen from Philadelphia and Pittsburgh.

One I find here is the American Window Glass Co. and subsidiaries, Pittsburgh. The refund of taxes for 1917 to 1919, two years, was $2,131,000. I do not know anything about the glass business, but I am told that Pittsburgh is the greatest glass-producing section of the world. I do not know who owns that glass company. None of us knows anything about it. As I said a year ago, those corporations in which we know the Secretary of the Treasury has a large interest and which are controlled by his family, are making these compromises in the Treasury Department. Secretary Mellon makes a compromise with President Mellon of some company. Gentlemen, it is not right. It does not appeal to your conscience and sense of justice, and I believe if you will look into it you will find that favoritism has been shown. In order to show favoritism to his own companies he establishes a policy that gives favoritism to similar companies doing business throughout the country.

Mr. AYRES. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. AYRES. I would like to ask the gentleman if he finds any Kansas or Oklahoma oil companies on that list?

Mr. GARNER. I notice one oil company on the list, but it is not located in that territory. It is one of the largest ones. It is the Middle States Oil Co. and subsidiaries of New York—1920 to 1922 there was a refund of $4,320,000. That is a New York company. How that oil company could have made a mistake in the rendition of its taxes $4,320,000 in two years, considering the character of business it does, is beyond my imagination. I never heard of business people like we have in the United States, who have been so wonderfully successful in spreading commerce throughout the world; I never realized that there were so many big corporations which did not know how to make out their tax rendition.

The SPEAKER. The time of the gentleman has expired.

Mr. GARNER. I am calling attention to this, gentlemen, because I think the Republican organization ought to investigate with a view to looking into the Treasury Department for the benefit of the Treasury Department and for the benefit of the entire country. You can do it without making a political matter of it, and I believe it would be to the best interest of the Treasury Department and of the country, and to the satisfaction of the House of Representatives. [Applause.]

RESOLUTIONS ON THE DEATH OF FORMER CHIEF JUSTICE WILLIAM HOWARD TAFT AND FORMER ASSOCIATE JUSTICE EDWARD TERRY SANFORD

The SPEAKER. The Chair lays before the House the following communication from the Clerk, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, CLERK'S OFFICE,
Washington, D. C., March 13, 1930.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to inform you that pursuant to the direction of the House I did this day deliver to the Supreme Court of the United States, in session, copies of the resolutions adopted by the House of Representatives on March 10, 1930, expressing the sorrow of the House because of the death of William Howard Taft, former Chief Justice, and of Edward Terry Sanford, late associate justice of the Supreme Court.

Mr. Chief Justice Hughes, on behalf of the court, expressed appreciation of the action of the House of Representatives and directed that the resolutions be spread upon the court's records.

Respectfully,

WILLIAM TYLER PAGE,
Clerk of the House of Representatives.

TRANSPORTATION OF PERSONS IN INTERSTATE AND FOREIGN COMMERCE BY MOTOR CARRIERS OPERATING ON PUBLIC HIGHWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 10288, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose all time for general debated had been exhausted. The Clerk will read the bill for amendment.

The Clerk read as follows:

DEFINITIONS

SECTION 1. (a) As used in this act—

(1) The term "corporation" means a corporation, company, association, or joint-stock association.

(2) The term "person" means an individual, firm, or copartnership.

(3) The term "board" or "State board" means the commission, board, or official (by whatever name designated in the laws of a State) which, under the laws of any State in which any part of the service in interstate or foreign commerce regulated by this act is to be performed, has or may hereafter have jurisdiction to grant or approve certificates of public convenience and necessity or other form of permit to motor-vehicle common carriers in intrastate commerce over the public highways of such State.

(4) The term "commission" means the Interstate Commerce Commission.

(5) The term "certificate" means a certificate of public convenience and necessity issued under this act.

(6) The term "interstate or foreign commerce" means commerce between any place in a State and any place outside thereof; or between points within the same State but through any place outside thereof.

(7) The term "public highway" includes the public roads, highways, streets, and ways in any State.

(8) The term "motor vehicle" means all vehicles or machines propelled by any power other than muscular power and used upon the public highways for the transportation of persons, except that the same shall not include any vehicle, locomotive, or car operated on a rail or rails, or motor vehicles used exclusively in the transportation of property.

(9) The term "State" means the several States and the District of Columbia.

(10) The term "common carrier by motor vehicle" means any common carrier of persons operating motor vehicles for compensation in interstate or foreign commerce.

(11) The term "charter carrier by motor vehicle" means any carrier of persons operating motor vehicles for compensation in interstate or foreign commerce, not as a common carrier. Carriers of persons operating motor vehicles hired or leased for a specific trip or trips shall not be considered common carriers for the purposes of this paragraph or of paragraph (10).

(12) The term "motor carrier" includes both a common carrier by motor vehicle and a charter carrier by motor vehicle.

(b) Nothing in this act shall be construed to include (1) motor vehicles employed solely in transporting school children and teachers; or (2) taxicabs, or other motor vehicles performing a similar service, having a capacity of not more than six passengers and not operated on a regular route or between fixed termini; or (3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations and/or for local sight-seeing purposes.

Mr. PARKER. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read the committee amendment, as follows:

Page 4, line 1, after the word "stations," insert a period and strike out all of line 2.

Mr. PARKER. Mr. Chairman, the object of the amendment is to put all sight-seeing busses on the same level, whether owned by hotels or any other corporations. Inadvertently they were exempted, and this amendment will put them in the class where they have to have a permit.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment, and ask unanimous consent that I may be permitted to speak for 20 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, I wish to say in the beginning that in questioning or opposing the provisions of this bill, and in questioning the judgment of those who favor it, contrary to what seems to be the impression of some members of the committee, I am questioning the integrity of none of them.

But I want to say frankly now that I consider this the worst piece of legislation that has come before Congress since I have been a Member of this House. It builds a virtual Chinese wall along State lines, so far as the great masses of our people are concerned, unless they patronize those favored interests that will have practically an exclusive privilege of operating transportation busses upon the highways of our States and counties, which are built by the taxes of the people we here represent.

Several members of the committee on yesterday denied that this bill gives the Interstate Commerce Commission the right to fix rates. Now, you read the bill and you will find that before a "certificate" is issued, the man who applies for it must publish a schedule of the rates he proposes to charge. If the Interstate Commerce Commission says they are too high they can refuse to issue the "certificate." If the Interstate Commerce Commission, prompted by some competing line or carrier, says they are too low, they can refuse to issue the "certificate" until he publishes and agrees to charge the scale of tariffs with which the Interstate Commerce Commission agrees. If that is not fixing rates, I want to know what would be fixing rates.

Not only that, but it does more. It puts out of business thousands of independent operators in your district and mine.

Let me call your attention to these facts—and I was utterly surprised at the gentleman from Illinois [Mr. DENISON]. I have been trying for seven years to help him get a permit to build a bridge across the Ohio River at Cairo in order that the people in Kentucky and States farther south might use that highway to go north and south, and in order that the people of that portion of Illinois might use it. Let us see what it would mean if this bill were passed. An independent bus owner down in the State of Kentucky could not use the road without permission of the Interstate Commerce Commission. I presume in that portion of Kentucky the people are similar to the people in the district which I have the honor to represent, because there we haul our school children to school in the country districts. Those bus owners use those busses to carry people to fairs and to towns, such as Memphis, Nashville, Birmingham, Louisville, Cairo, and so forth. They use them for other purposes and on other occasions, but when this bill becomes a law there will be a concrete wall across the road at the State line so far as they are concerned.

It will be the same way with the people in your districts. Why? We will say here is a man who owns a school bus. When I referred to school busses yesterday several of the members of the committee became excited and said they were exempting school busses if they were merely used to haul children to school and provided they were used for that purpose only.

However, a man who owns such a bus desires to use it for other purposes. We have a fair in my town, the North Mississippi-North Alabama Fair. The people across the State line in Alabama want to come to that fair. They go into the community and hire the man who owns one of these school busses to bring them there. Do you think they can do that under this bill? Let us see about that. I want you to take this home to your districts, because this is one bill you are going to have to answer for. They will be told that if they go across the State line without having a permit the owner will be arrested and carried before a Federal court and fined $100 for each offense. If you do not believe that read the provisions of the bill. The bill requires that they must apply to the Interstate Commerce Commission and get a permit, and by the time they would hear from the Interstate Commerce Commission the fair would be over and forgotten. It will paralyze those independent bus owners over the country who are now using their busses for the convenience of the public.

Not only that, but in cases where a certificate is required the Interstate Commerce Commission would require that the operator publish for 30 days the charges he proposes to make for carrying passengers, and then they will determine whether or not he is charging them enough.

Mr. PARKER. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. PARKER. The gentleman is mistaken. There is nothing about charging them for a permit.

Mr. RANKIN. I did not say anything about charging them for a permit. I said they had to get a permit or certificate and then had to publish a schedule of their charges for carrying passengers.

Mr. PARKER. Not if they are operating under a permit. The gentleman is mistaken about that?

Mr. RANKIN. Well, I believe they call it a certificate of convenience.

Mr. PARKER. That is entirely different.

Mr. RANKIN. Of course, if he is operating on a regular run, a "certificate" of convenience will be required, and he must get

this "certificate" of convenience from the Interstate Commerce Commission in Washington.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. RANKIN. Yes; for a question.

Mr. NELSON of Maine. The gentleman wants to be fair. The gentleman is talking about these men who are using school busses, and it is the permit that applies here.

Mr. RANKIN. The gentleman knows that if they use these busses as common carriers and use them for purposes other than carrying children to school they will either have to have a permit or a certificate.

Mr. NELSON of Maine. No; the gentleman has not read the bill.

Mr. RANKIN. Yes; I have.

Mr. JOHNSON of Indiana. The gentleman is confusing the two matters. The certificate of convenience and necessity must be secured by a man who is running over a regular and fixed route, while a permit is that required for a charter carrier, who is entitled to go any place.

Mr. RANKIN. I do not care whether it is a permit or a certificate you have got to get it from the Interstate Commerce Commission. The gentleman from New York agrees to that and the gentleman from Indiana knows that whenever that provision goes into effect an independent owner will be put out of business, as far as crossing a State line is concerned, unless he is operating on a regular run, and then he will probably, most probably, suffer the same fate.

Take the city of Cairo, which is right in the corner of three States, you say to the independent bus owners who wish to cross the State line that they must have this permit from the Interstate Commerce Commission, and if they undertake to operate without it, they will be hauled up in Federal court in Arkansas, in Missouri, or in Illinois, one of the States they pass through, and right then and there you shut the door in their faces and put a stop to this type of transportation, this cheap transportation, that has grown up throughout the country under this new industry that has been brought about by the development of motor transportation.

Oh, I will tell you what they are after; I will tell you what is behind this bill. It is not the people in the States. They were not even heard. The great transportation corporations are behind it.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. RANKIN. Just for a question.

Mr. O'CONNELL of New York. Were not the bus owners heard at the meetings of the committee?

Mr. RANKIN. Oh, yes; the owners of the big bus concerns were.

Mr. O'CONNELL of New York. I mean the small ones.

Mr. RANKIN. No; the ones I am talking about did not know it was going on.

Mr. O'CONNELL of New York. They were here in Washington and I thought they were heard.

Mr. RANKIN. Not the men I am talking about. The men who own the interstate lines were here, but the independent bus owners I am talking about did not know about it.

Some gentlemen have said that the commission would not refuse to grant the "certificate," because the rates were lower than the rates of a competing carrier engaged in another kind of transportation. I will tell you what they will do. A large railroad company owning a railroad line between two extreme points will also own a bus line, and they will fix the rates on that bus line at just what they are on the railroad, and, of course, when they come before the Interstate Commerce Commission to complain of an independent carrier they will not say they are cutting the rates below those of the railroad, but below those of their bus line, which will be one and the same thing.

Not only this, but in this bill you destroy the antitrust laws, as the gentleman from Alabama has pointed out. You override the constitutions of various States and the antitrust laws of various States.

Not only that, but you paralyze the independent transportation system that is used by the people in the smaller communities, and along State lines in general.

You will hear from this bill when you go home and it is found out by the people there that under this law they can not load up a truck or a bus and go to a show or a ball game or a fair across the State line unless they get a permit from the Interstate Commerce Commission.

Oh, they say, "We want to protect the public." I get suspicious whenever the Interstate Commerce Commission or the great corporate interests of the country become so solicitous about the safety of the people that they want to put over some such legislation as this.

Mr. BURTNESS. Will the gentleman yield?

Mr. RANKIN. I will yield to the gentleman.

Mr. BURTNESS. Does the gentleman favor or oppose the law in his own State of Mississippi covering the regulation of busses in intrastate traffic?

Mr. RANKIN. I will say to the gentleman from North Dakota that I leave the passage of laws in the State of Mississippi to the legislature of that State. I have heard of no complaint of the law of that State.

I live within 30 miles of the State line, and thousands of people from the district I represent cross the State line every Sunday, every holiday, in these private busses, and I am not willing for them to be denied the privilege of riding over a road which they are taxed to build in order that we may stifle and strangle the competition which bus transportation has brought to the railroads, due to the enormous charges those railroads are now permitted to make.

No wonder the people are resorting to motor-bus transportation. Railroad rates are higher to-day than they have ever been in the history of this country, and conditions among our people are worse than they have been for years.

But you seem to be more solicitous about the railroads than you are about the people. They not only charge their usual fare, but the Pullman Co. charges its fare, and then, under the present law, the passenger who rides on the railroad and uses the Pullman car is held up for 50 per cent of his Pullman fare, which goes to the railroad, for which they render no service whatsoever. I understand it amounts to $37,000,000 a year.

When we tried to repeal this Pullman surcharge a few years ago Members threw up their hands in this House in holy horror and said, "If you repeal that provision, it will be impossible for the railroads to reduce freight rates." You voted down the repeal, and now I would like to hear from all of you who think they have reduced freight rates.

These excess charges have forced the people to resort to bus transportation in self-defense, and now you propose to put into effect this method of strangulation to deprive them of the private transportation, the cheap transportation, that has come as a convenience to the people of your district and of mine.

Oh, they say "the safety of the public must be considered and we want to make them take out insurance." Do you think that the Interstate Commerce Commission, do you think the great transcontinental bus lines, do you think the railroad corporations are any more interested in the welfare of the people of your State than are the people themselves? Forty-six out of the 48 States have public-service commissions. They can protect the people of the various States without perpetrating any injustice in doing so.

Mr. MERRITT. Not in interstate traffic.

Mr. RANKIN. Of course, they can. I thought some gentleman would make that statement.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. NELSON of Maine. Does the gentleman make the statement that the States can require the interstate operator to take out insurance?

Mr. RANKIN. Let me tell the gentleman from Maine something——

Mr. NELSON of Maine. I would just like to have the gentleman on record. Is that the gentleman's statement?

Mr. RANKIN. The State of Mississippi can require any man, even one who cranks up his car, if it wants to do so, to take out a driver's license, and take out an insurance policy, and some of the States require this.

Mr. NELSON of Maine. Will the gentleman answer my question?

Mr. RANKIN. Oh, yes.

Mr. NELSON of Maine. Will the gentleman answer my question?

Mr. RANKIN. I said they could.

Mr. NELSON of Maine. Does the gentleman state to this House that the State can impose the requirement of insurance on interstate carriers with regard to passengers?

Mr. RANKIN. They can compel anybody who operates a vehicle in the State to give an indemnity bond to protect passengers or others from injury at their hands.

I own an automobile and have an insurance policy. It was taken out at Tupelo, Miss. If I ran over an individual coming through West Virginia or through Ohio or Tennessee or Mississippi or anywhere else, my policy would cover it. I submit that every State in the Union could force the driver who goes through that State to have such a license.

But even if that were not the case, that is not what brought this bill here. It is here to give the Interstate Commerce Commission power over rates, and if you kept the power to fix rates out of the bill, its sponsors would lose interest at once. But

the object is to put the small men out of business, to put the independent operators out of business, and turn the business over to the great railroad companies, the great transportation lines, that will operate and control these bus lines.

Mr. BRIGGS. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. BRIGGS. The gentleman from Maine asked a moment ago whether the State had the right to exercise its power over interstate transportation and require insurance. Let us see what the committee said about that in its report on page 2:

> As a result, at the present time the interstate transportation of persons by motor carriers is unregulated, except in so far as it is subject to control by the States, under their police power, with respect to the imposition of regulations for the purpose of insuring the public safety and convenience and the exaction of fees for the purpose of defraying the expense of administering such regulations.

Mr. RANKIN. I have no doubt about it. The railroads are not after the transcontinental lines; they own them now. They are after the short lines that run across State lines and furnish cheap transportation to the masses of our people. They are trying to throttle transportation, kill off competition, and force the people to patronize them.

The fare to-day from here to New York is $5.50 by bus; by railroad it is $8.50; and it will be the same by bus after this bill passes. A Member from the State of Texas told me this morning that the rate by bus from Texas to California was $25. By railroad it is $50. If this bill passes, the rates will be the same by bus.

For years the agricultural States have made a fight against the freight and passenger rates. Let me sound the warning now, that if you pass this bill it will not be two years before one will be brought in asking you to apply the same restriction to trucks carrying freight. If this policy is carried out, we will have lost what we have gained by the progress of man in developing the motor vehicle that gave us our only protection against the exorbitant charges for freight and passenger transportation.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. FULMER. As a matter of fact the Interstate Commerce Commission requested this committee to put truck lines in the bill at this time.

Mr. RANKIN. Certainly. Of course, they are in favor of it. That is the next step.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. HUDDLESTON. May I say that the only reason the truck lines were not put in the bill was that they do not want to get in? Had they wanted to get in they would have been put in. The bus operators wanted to get in, and we put them in. In other words, we are legislating here for the benefit of a certain type of people, and we do what they want us to do.

Mr. RANKIN. When the railroads come in the next time and demand that the truck lines be put in, the committee will put them in.

Our people are in distress, money is scarce throughout the country, and those people have to use every opportunity they can to make or save a dollar. Yet these favored interests are coming to Congress and asking us to finish the strangulation of those people who have benefited for the last 8 or 10 years from the use of the motor vehicle. [Applause.]

Mr. PARKER. Mr. Chairman, I move to strike out the last word. I wish to correct an impression that perhaps was left by the gentleman from Mississippi [Mr. RANKIN] regarding the difference between a certificate of convenience and necessity and a permit. A certificate of convenience and necessity means that the motor line getting a certificate must run between fixed termini, must be a common carrier, must run over the same route every day, picking up passengers at various points designated by the Interstate Commerce Commission in the convenience of the public. Let us come now to the permit. Your permit is automatically granted, it costs nothing. What was the object of the committee in putting in the permit? It is perfectly obvious what the reason was. The reason was to stop motor busses running in interstate commerce that did not carry insurance. That is all that the permit does. But anybody can get a permit. You have not got to come to Washington. Automatically you get the permit, but you can not operate under a permit without insurance, and I wish to state to the gentleman that we had the Mississippi law under consideration, and that is even more regulatory than the law we are asking you to enact here to-day.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. RANKIN. To send to Washington, under the case that I pointed out, and get a permit would take at least a week, and possibly a year.

Mr. PARKER. The gentleman is perfectly correct. But he is speaking of certificates of convenience and necessity for common carriers, not permits for charter carriers. The bill provides that any charter carrier can operate for 90 days after the passage of this bill without a permit. If a man is going to use his bus in interstate commerce, he has got 90 days in which to send a 2-cent stamp to Washington and get his permit, but I do not believe, nor do I think the gentleman from Mississippi believes, that irresponsible people should be carrying children to fairs in worn-out busses, busses that are unsafe.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. ANDRESEN. What does the gentleman have to say on the question of the right of any particular State under existing State law to compel a bus engaged in interstate commerce to carry liability insurance?

Mr. PARKER. I seriously doubt if that constitutionally could be done. No State could demand that a man doing business in interstate commerce should have a license or liability insurance, for such regulation would be an undue burden on interstate commerce.

Mr. ANDRESEN. That hardly agrees with the gentleman from Mississippi [Mr. RANKIN].

Mr. PARKER. I am certain that I am correct on that.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. RANKIN. The gentleman says that he can operate for 90 days after the passage of this bill without a permit, but that is providing he is operating now?

Mr. PARKER. Oh, yes.

Mr. RANKIN. Does the gentleman think he can begin at any time and operate for 90 days?

Mr. PARKER. After the passage of this bill he has 90 days in which to get a permit. The permit costs him nothing except the writing of a letter to Washington. There is no fee connected with it, but to run he must get the permit and must have insurance and a bus that is at least safe.

Mr. RANKIN. And publish his rates?

Mr. PARKER. Not with a permit. The gentleman is mistaken.

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. PATTERSON. Does the gentleman mean to tell me that a man owning a bus in one State and running it into any State can not be required by this State to carry enough insurance to cover liability in any State?

Mr. PARKER. Oh, no; the gentleman must have misunderstood me.

Mr. PATTERSON. Let us take a concrete case. The town in which I live is near the border of Georgia. A man lives there owning a bus, and he runs over into Georgia every few days. Does the gentleman mean to tell me that my State can not compel that man to take out insurance and prescribe regulations as to the kind of a bus that he shall operate?

Mr. PARKER. Absolutely he can not under the present law. The gentleman's State is helpless. I am talking now about interstate business, picking up and delivering in the gentleman's State. He picks up and delivers in the gentleman's State, he comes under the law.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RANKIN. And if he goes clear across the State without stopping at all—that is your contention?

Mr. PARKER. Yes.

Mr. RANKIN. But the gentleman does not contend that the State would not have the right to pass a law making it a crime for anyone to operate a bus through it without ample protection, would he?

Mr. PARKER. If it were not discriminatory or an undue burden, you are correct.

Mr. RANKIN. We have a law in our State to make railroads comply with certain regulations.

Mr. PARKER. I was not talking about whether you had a law compelling a man in your State, but I think I am correct in the statement——

Mr. RANKIN. Of course, we would not expect to pass a law applying to one operator that would not apply to all of them.

Mr. PARKER. A concrete illustration of what would happen is given by the conditions around the city of Philadelphia.

Busses run from points in New Jersey over into Philadelphia. They pick up passengers in New Jersey, but they do not discharge them in New Jersey, but in Pennsylvania. These busses run without any insurance or regulation, and, as the gentleman from New Jersey said the other day, they charge you one price to go over and another price to come back, and nobody has the slightest control or regulation over those busses.

Now, I want to take up again the questions of permits and certificates. They are as different as night is from day. The permit is simply the permit to run a bus going hither and yon, not on a regular route. But a certificate is different. In the case of a permit there is no regulation as to price. The permittee can carry passengers at any price he wants. There is no limit to his charge.

Now, when you come to the certificate, that is a different proposition. The certificate holder is a common carrier who goes from a given starting point to a given terminus. His rates must be uniform and they must be just and reasonable. But as to the man the gentleman from Mississippi [Mr. RANKIN] is talking about, the small charter operator, his rates are not affected in the slightest degree by the certificate.

Mr. RANKIN. Then under the power that the Interstate Commerce Commission has to pass upon the schedule of rates, it has the right to regulate the rates charged by a competing line, has he not?

Mr. PARKER. I think not.

Mr. RANKIN. The bill so says.

Mr. PARKER. The rates must be just and reasonable. It is up to the commissioners to say whether they are or not.

Mr. RANKIN. The commission has the right to say that you shall not charge less than a competing bus line.

Mr. PARKER. Only if the rate is not just and reasonable.

Mr. RANKIN. So that a competing bus line may be owned by a competing railroad and, of course, charging the same rates. Therefore these little bus lines that are holding on by the eyebrows in your State and in my State, making regular trips, as the gentleman has indicated, will simply be put out of business by the requirements we put on them.

Mr. PARKER. The gentleman is mixing permits with certificates of public convenience and necessity. There is absolutely no control over the rates in the former class. I think the gentleman's remarks will bear me out in that statement.

Mr. RANKIN. In order to make a concrete case, I will say there is a man operating a bus line, say from my home town, Tupelo, to Jasper, the home town of my friend from Alabama [Mr. BANKHEAD], making regular runs.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. Please give me three more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANKIN. He would have to have a certificate, would he not?

Mr. PARKER. Yes.

Mr. RANKIN. He is barely holding on.

Mr. PARKER. Yes.

Mr. RANKIN. Now, if a railroad-owned bus line parallel with it runs from Birmingham to Memphis, for example, and he complains, the Interstate Commerce Commission will have the power to make this man on the short-haul charge the same rate as the big bus line owned by the railroad on the long haul.

Mr. PARKER. As was well stated by the gentleman from Texas [Mr. RAYBURN] yesterday, you have to put confidence in somebody somewhere. If you do not believe the Interstate Commerce Commission will do what is fair, then for heaven's sake vote against this bill. As for myself, I am willing to leave it to the discretion and the honesty and integrity of the commission, that they will not do the things the gentleman from Mississippi has just described. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Chairman, the provisions of the bill are clear in the respect discussed by Mr. RANKIN and Mr. PARKER. Bus carriers operating on regular lines from day to day are required to obtain "certificates of convenience and necessity." Bus carriers that desire doing an incidental business, carrying to one place on one day and to another place on another day by special contract or charter, and not operating on regular lines, are required to obtain "permits." Nobody can operate a bus carrier in interstate commerce without having either a certificate or a permit. That much is absolutely certain.

In the instance mentioned by the gentleman from Mississippi [Mr. RANKIN] the bus owner in his own town can not take a load of passengers to Memphis or Birmingham or some other place across a State line without a permit from the Interstate Commerce Commission. He can not make as much as one trip as a charter carrier without a permit from the Interstate Commerce Commission. That much is absolutely certain.

Now, I ask to read section 7 of the bill, on page 13, which provides with reference to operators of busses for special trips—

No corporation or person shall operate as a charter carrier by motor vehicle in interstate or foreign commerce on any public highway unless there is in force with respect to such carrier a charter carrier permit, issued by the commission, authorizing such operation; except that any charter carrier by motor vehicle in operation on the date of the approval of this act may continue such operation for a period of 90 days thereafter without a charter carrier permit, and if application for a permit authorizing such operation is made to the commission within such period the carrier may, under such regulations as the commission may prescribe, continue such operations until otherwise ordered by the commission.

The only exception to the rule, that a permit must first be obtained from the commission, is where an operator is engaged in the business of accepting charters, that is, hiring his bus out to make incidental or special trips at the time this bill is passed, can continue in that business without a permit for 90 days.

Any operator who may be in that business at the time this bill is passed may continue without a permit for 90 days; but nobody can enter that business after the bill is passed and nobody can continue in it beyond 90 days unless he has a permit to do business.

What is necessary to get a permit? Section 7, subsection (b), page 14, provides that—

Applications for such permits shall be made to the commission in writing, verified under oath, and shall contain such information as the commission may require. If it appears from the application or from information otherwise furnished that the applicant is fit and able properly to form the service performed, then a charter carrier permit shall be issued to the applicant by the commission. The commission shall specify in the permit the operations covered thereby, and shall attach to the permit, at the time of issuance and from time to time thereafter, such terms and conditions as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under section 2 (a) (2).

For the latter provision refer to page 4, section 2, subsection (a) (2):

To supervise and regulate charter carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation, and equipment and comfort of passengers.

In short, the school bus that has been referred to, can not be operated as a carrier in interstate commerce for a single trip without obtaining a permit from the Interstate Commerce Commission, and in order to obtain that permit the application must be made upon oath; it must set forth the requirements specified in the bill and shall be isued under such conditions, stipulations, and terms as the Interstate Commerce Commission may prescribe.

That is the clear meaning of the bill as it is drawn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSTON of Missouri. Mr. Chairman, may we have the amendment read again?

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PARKER].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 69 and noes 5.

So the amendment was agreed to.

Mr. LEA of California. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from California [Mr. LEA] offers an amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

On page 3, line 7, strike out the period and add "over fixed routes or between fixed termini"; and on page 3, line 10, after the word "commerce," strike out the remainder of the paragraph, and in lieu thereof insert "other than those included in paragraphs (8), (10), and (b) of this section."

Mr. LEA of California. Mr. Chairman, the object of this amendment is to carry out what is undoubtedly the purpose of the bill. It is a friendly amendment to perfect the definitions.





The weakness of the definitions is that they try to discriminate between the two classes of carriers, on the basis of whether or not they are common carriers. As a matter of fact, many charter carriers under Supreme Court decisions are common carriers, so that is not the correct basis of discrimination.

Under the bill as it is written in section 6 the commission requires that carriers who hold certificates shall operate on fixed routes or between fixed termini. This amendment simply places that provision in the definition of the first class, and includes in the second class all other operators who are subject to this bill. This bill establishes three classes of operators.

The first is the regular operators, which are called "common carriers." The second class is the charter carriers, and the third class includes those who are excluded from the bill. Manifestly all not in the first or third classes should be in the second class. At the present time, unfortunately, one class of charter operators—that is, those who carry passengers for a specific fare—are excluded from the definition in this bill and are not entitled to operate under its provisions.

This amendment, if adopted, will give everybody an opportunity to be included, either as a regular carrier or as a charter carrier.

Mr. DENISON. Will the gentleman yield?

Mr. LEA of California. I yield.

Mr. DENISON. Is the amendment that the gentleman from California has offered one that was given consideration by the legislative drafting service?

Mr. LEA of California. Yes. I have conferred with a number of the members of the committee in offering the amendment.

Mr. DENISON. It was discussed in the committee?

Mr. LEA of California. Yes; it was discussed.

Mr. PARKER. Mr. Chairman, I accept the amendment offered by the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. GREEN. I would like to have the attention of the chairman of the committee [Mr. PARKER]. In the last Congress the gentleman from New York [Mr. PARKER] introduced H. R. 12380, a bill to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways.

I would like to know from the chairman if the bill now under consideration, H. R. 10288, is in substance the same bill.

Mr. PARKER. In answer to the gentleman I wish to state that in principle it is exactly the same, but in detail there are some differences.

Mr. GREEN. In substance the two bills are the same?

Mr. PARKER. Yes. The principle of the bill is exactly the same as the bill to which the gentleman has referred, but the details are somewhat different.

Mr. GREEN. I am glad to know that, because Hon. George T. Estabrook, who is secretary of the Florida legislative board of the Brotherhood of Locomotive Engineers of my State, favored that bill and desired its passage. He petitioned me to support said bill, and I desire to carry out his wish.

Mr. PARKER. I wish to state that the representatives of the Brotherhood of Locomotive Engineers appeared before our committee in favor of the bill.

Mr. GREEN. On yesterday I presented to the House a telegram from the Florida Railroad Commission urging amendment to the bill to provide for a joint board. I am now informed that my colleague [Mr. MAPES] will offer such amendment. I favor this amendment and trust that it will be adopted. The Florida Railroad Commission is elected by the people of the State and represents the people of the State. Its members are Hon. A. S. Wills, Mrs. R. L. Eaton, and Hon. E. S. Mathews, the latter a resident of my own county. This commission, representative of the people of the State of Florida, favor the joint-board provision and I hope it will be adopted.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: On page 2, line 14, after the word "convenience," strike out the words "and necessity," so that the sentence shall read:

"(5) The term 'certificate' means a certificate of public convenience issued under this act."

Mr. MOORE of Virginia. Mr. Chairman, I am satisfied that some measure of Federal regulation is important and that this bill in some form will be enacted, but it seems to me that as we are undertaking to set up a new system we should proceed very cautiously and endeavor to make as few mistakes as possible, and certainly avoid as far as possible giving the legislation a monopolistic trend.

My amendment proposes that the public convenience shall be the sole determining factor, although, of course, the commission would have the right to take into account every pertinent fact and circumstance.

The highways are built by the public and it is the public welfare and the public interest which should be considered in a plan to regulate the use of the highways. I am unable to perceive why the bill should go any further than to direct the commission to consider the public convenience. I am unable to understand why the bill should go beyond that and direct the public necessity to be considered.

I can imagine many cases in which it would not be necessary to grant the application for the operation of a motor-vehicle line over a highway and yet be altogether in the way of promoting the public convenience. The one point I have in mind, without any hostility to the general purpose of the bill, is to focus the attention of the commission when it comes to act upon the fact that the public highways are public and that the public convenience is the thing that shall be taken as the basis of its conclusions.

I am perfectly aware that this language is picked up out of existing legislation and that you find it in State legislation, but that does not import anything. I am perfectly aware that that language is found in the act to regulate commerce, but gentlemen who seize that language from the act to regulate commerce overlook the difference between transportation by rail, where the railroad companies own the rights of way and all the other facilities for which they have paid, and the case where the public highways are to be used for transportation purposes.

I would like some of the gentlemen who belong to the committee to tell me what is exactly and precisely meant by the term "necessity." I would like them to forecast how that term is going to be construed by the Interstate Commerce Commission. I know this: It does not take any prophet to forecast that in some case where there is a motor-vehicle corporation operating, owned by a strong railroad company, and there is a second application, that the railroad company would base its contest altogether upon the term "necessity."

It would come in and admit that to grant the second application would be in the interest of the public; that it would serve the public convenience, but it would say to the commission, "You are constrained by the language of the act, which calls for a finding of necessity."

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MOORE of Virginia. "You are constrained by the term 'necessity,' and unless some sort of necessity can be shown, albeit it must be admitted that the public convenience will be served, we deny your right to grant the application of this company which is applying for a certificate."

I once represented railroad companies and had hardly any other clients. Since I have been here I have represented none of them. I have no client to-day except the public and have not had since I came to the House. [Applause.] I have no prejudice against railroad companies. Among the men who are connected in high positions and in low positions with railroad companies I count many of my friends, but I am not willing to vote for a measure that will give railroad companies the opportunity that is afforded by the language to which I have referred and thus work their own will in the administration of the act.

Let me tell you this: To-day, very largely the motor-vehicle lines operating in this country are owned by the railroads, and it is the human nature of the case that they desire, to any extent which may be possible, the privilege of exclusive operation.

Let me show you in what large degree that is the case. I have here the report of the Interstate Commerce Commission issued in 1928. The commission made an analysis of conditions in eight States, and what was the condition with reference to the fact to which I have just alluded. Listen to the language of the report.

A classification of the bus-route mileage of these States in relation to railroad lines indicates that 41 per cent of the mileage is directly competitive with rail lines, i. e., parallels rail lines between the same termini; 28 per cent is indirectly competitive, i. e., where the bus route furnishes transportation service between termini which have only indirect rail connections necessitating change of trains and a

roundabout journey; and 31 per cent of the mileage is wholly noncompetitive, i. e., serves territory not also served by rail lines.

That is the situation now? It is the situation in this regard that is going to become more extensive and more acute, and this bill should not be so framed so as to enable the rail carriers to contend that future motor-vehicle companies shall be prevented from securing permission to operate because of a provision that can be construed so as to deny the right to the second or the third or the fourth applicant.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. This, gentlemen, I think is something you ought seriously to consider. I have the greatest respect for this committee. I know the committee has spent a great deal of time on the bill. It is a subject of enormous concern to the entire country, but why not go slowly? Why undertake to do everything at once? When it is claimed, as we all claim, that we have in mind only the public interest, the public welfare, the public convenience, why not stop at that and make that specifically the ground upon which the commission is dealing with applications for certificates? [Applause.]

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment.

The facts stated by the gentleman from Virginia suggest, to my mind, a very strong argument in favor of the language in the bill.

There are a great many bus lines in the country started by independent bus companies. Many of them, as the gentleman stated, parallel the railroads.

The gentleman from Virginia stated the proposition on one side. Suppose these busses or bus lines are being operated by independent operators, and the parallel railroad wants to establish a bus line in competition with them—and that is what is probably going to take place—then the argument that the gentleman has just stated so eloquently will be used against the railroad instead of for it.

Mr. MOORE of Virginia. I beg my friend's pardon; if the railroad can show that the public convenience will be helped by the railroad being granted a certificate, it will get the certificate.

Mr. DENISON. The term "public convenience and necessity," gentlemen, has been definitely construed by the courts. It is a term that is well understood. At the time the report of the Interstate Commerce Commission was written 40 States and the District of Columbia required certificates of convenience and necessity for the operation of intrastate busses. Since then some additional States have passed legislation with similar requirements.

Gentlemen, these questions have all been presented to the State legislatures. The States have had these same problems which we are now meeting; and to say that we ought to throw aside this principle now and adopt a new one, in the light of the experience of the different State legislatures, it seems to me would be unwise. They have considered the same problem. and they have said in their laws—and it is provided in the law of the State of the gentleman from Virginia—that before a bus company shall be allowed to operate in the State of Virginia or in any of these other States they must apply to their public utility commission or commerce commission and obtain a certificate of convenience and necessity.

Mr. COX. Will the gentleman yield?

Mr. DENISON. In just a moment.

Now, what does that mean? Should we not be willing to act in the light of the experience that we find in the different States? We are not trying to do anything new here. We are following the States. The gentleman from Virginia said, "Why be in a hurry?"

Why, gentlemen, our committee has been criticized because we have delayed this legislation as long as we have. It has been pending before our committee for several years. The Committee on Interstate and Foreign Commerce acts slowly on matters of this kind and only acts after very careful study, and we have only acted after a great deal of pressure.

The term "certificate of public convenience and necessity" means a certificate which is granted in view of the public convenience and the public necessity. Both terms are necessary, it seems to me, to properly meet the situation.

If there is no public necessity for a bus line being in operation, why should it be? Why, gentlemen, the streets and the highways of this country belong to the people. They are crowded now, and as you approach the great centers of population you can hardly get along with your private cars on the highways. Why should we permit selfish interests to come in and establish any number of bus lines they may want to establish and usurp the highways for a profit to the inconvenience of the people who travel in private conveyances. When they apply for the right to use the highways for profit, why should we not require that they shall show there is a public necessity for it the same as that there is public convenience?

This term has been well understood in this country for years and has already been interpreted by the courts. We know what it means and we ought to follow the precedents established in the States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent for five minutes more in order that I may not be discourteous to the gentlemen who may want to ask questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. I now yield to the gentleman from Georgia.

Mr. COX. I want to ask the gentleman if this move to strike out this language would not result in defeating one of the primary purposes of the legislation, which is the standardization and the stabilization of the bus business?

Mr. DENISON. The gentleman is exactly right.

Mr. COX. Just one more observation, if the gentleman will permit. The public convenience might be better served by a dozen bus lines operating between two points, whereas public necessity might require but a half dozen; there would be business sufficient to take care of and to maintain one-half dozen lines, whereas public convenience being best served by a dozen, would result in the breakdown of all of them.

Mr. DENISON. Exactly; the gentleman has answered the whole argument in that short statement.

Mr. HUDSON. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. HUDSON. If that can be interpreted in that way, you can relieve the highway of a multitude of busses.

Mr. DENISON. If they are of no public necessity.

Mr. HUDSON. Take, as an illustration, from Detroit to Pontiac is 25 miles, and the Grand Trunk might put on what would be known as the local train, running every hour. Then there could be no necessity for a bus line between those points. There might be a convenience but no necessity for it, so the motorist could be relieved of the congestion that would occur from busses on the line.

Mr. DENISON. I think it would be a serious mistake to leave out the word "necessity."

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. OLIVER of Alabama. The gentleman gives full approval to the views of the gentleman from Georgia [Mr. Cox] in this that the word "necessity" has a more restrictive meaning, and though the gentleman from Georgia, by way of illustration, refers to six or five companies serving two termini, it might be carried to the logical conclusion of restricting it to one, might it not?

Mr. DENISON. Depending on the circumstances.

Mr. OLIVER of Alabama. But the word "necessity" puts a more restrictive meaning on the phrase, and vests a broader discretion in the commission.

Mr. DENISON. It does. Now take the case of any particular public highway and if there is an efficient bus line over that highway and there is no public necessity—that does not mean private necessity—the certificate ought not to be granted.

Let us take the illustration mentioned by the gentleman from Virginia. Here is a bus line operating, for instance, between Richmond, Va., and Washington. There may be a parallel railroad line and the railroad company may conclude that the bus line is getting its business and it may want to put the bus line out of business. Of course the railroad could go before the commission and claim that their new bus line would be a public convenience. But suppose the commission should say, "That may be true, but there is no public necessity for it"; the public is already amply served, and therefore they would not grant the certificate for the operation of another bus line.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. HUDDLESTON. The gentleman said that it might restrict it to one line, but suppose there was no bus line in the territory that was being served and that the territory would be served by the railroad alone. If there was no necessity for the one bus line it could be kept out.

Mr. DENISON. That situation could not arise. The gentleman states an impossible case, I think.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. DENISON. I will now yield to the gentleman.

Mr. O'CONNOR of Oklahoma. We naturally have great respect for the report of the committee. However, I am impressed by the amendment proposed by the gentleman from Virginia [Mr. MOORE]. The gentleman from Illinois has not answered the real point to my satisfaction.

Mr. DENISON. What is the real point?

Mr. O'CONNOR of Oklahoma. It is this: While the requirement of necessity is logical where there is a railroad and some one wants to build another line to compete with it, but in the case of the use of the public highway it should not be a matter of necessity to so use but solely is a public convenience. That is one point. The other is this: Under the convenience provision is it not a part of the public convenience if there is a flock of busses coming down the highway and thereby working a burden and inconvenience to shut them off under convenience provision, and the question of necessity is not involved? I am sure that the gentleman has put his finger on the dangerous thing. Convenience will be lost sight of for the sake of necessity.

Mr. DENISON. The gentleman must not omit the word "public." It is the public convenience and necessity in general.

Mr. COOPER of Ohio. If the gentleman will yield, I would like to ask my colleague if this bill gives to the Federal Government any more power to regulate interstate motor-bus traffic than the State now has to regulate intrastate traffic?

Mr. DENISON. No; the bill does not give the Interstate Commerce Commission one particle more power than the State commissions have over busses in their own States. Gentlemen, the recommendation of the Interstate Commerce Commission is entitled, I think, and our committee thought it was entitled to great weight, and the commission has recommended to Congress that we require this provision—require interstate bus operators to obtain a certificate of public convenience and necessity.

Mr. NELSON of Maine. Mr. Chairman, I thoroughly agree with the purposes which the gentleman from Virginia [Mr. MOORE] seeks to further by this amendment, but I think the amount and variety of the discussion on this motion to strike out these two words illustrates the dangers into which we are running. We are proposing to extend Federal regulation to the interstate motor bus, to determine the principles of regulation, and to set up the standards. These words "public convenience and necessity" constitute the one essential standard of this bill, and we did not select those words haphazard, at random, or carelessly. The gentleman from Virginia is a good deal better lawyer than I am, but he knows that the words "public necessity and convenience" for 20 years have been construed, not by taking one word like "public" or emphasizing the word "convenience" or carrying the word "necessity" perhaps to its ultimate meaning; but the words "public convenience and necessity," as a phrase, as I can best express it, in 46 States and in Federal regulation, have come to mean that which, taking everything into consideration, is in the public welfare and interest.

If we do away with this standard, which is the only fixed, definite standard that we have found available so to employ—the one that has received repeated judicial definition and interpretation for a quarter of a century, the meaning of which is well understood, and attempt to set up a new one, we are losing all the advantages of previous judicial decisions that have been going on in the States and in the Nation. Here is a phrase that has been used by the States for some years with perfect satisfaction. I think the gentleman from Virginia would agree with me that those words are used as a phrase. You can not consider them apart from each other. They are intended to accomplish the very result which the gentleman has stated he wants to accomplish by the proposed change in the definition.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. BURTNESS. Of course, we are now dealing only with the definition as set out in the bill of these words, "certificate of public convenience and necessity." Is it not true that later on in the bill we have provided under what conditions this certificate denominated the certificate of convenience and necessity, but which might be perhaps denominated by almost anything, shall be issued, and will the gentleman permit me to read from section 5, on page 10, language which I believe pertinent?—

SEC. 5. (a) Except as provided in subsection (b), a certificate of public convenience and necessity shall be issued to any applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the public convenience and necessity will be served by the operations authorized.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. MOORE of Virginia. The gentleman has simply reiterated, or that section reiterates, the definition. The commission is precluded from granting the application unless it is able to find that the public convenience and necessity will be served. Let me say to my friend from Maine that the decisions of the courts, so far as my examination extends, do not go beyond holding that the term "necessity" shall not be construed as absolute necessity; but my difficulty is that I do not know what is going to be the measure or degree of necessity required by the commission when it comes to interpret the act.

Mr. NELSON of Maine. Is it not true that in every case and in every law in which those words are used much has to be left to the discretion of the regulatory body; and is not such discretion absolutely essential?

Mr. MOORE of Virginia. And if that be true, why are you not content with public convenience, which leaves everything to the discretion of the commission?

Mr. NELSON of Maine. I answer the gentleman as best I can. We are passing a law—if this proposed act becomes a law—and are turning its administration over to the Interstate Commerce Commission. Somebody applies for a certificate, and the commission turns for guidance to the law. After they have heard the facts they find that if public convenience and necessity so require they may grant a certificate; otherwise, not. We have selected that standard because it seems to be the only available standard, the one that has been used for years in 46 States, the one that has received repeated judicial interpretation.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate upon this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Chairman, it is true, as said by the preceding speakers, that this language "convenience and necessity" are in the existing transportation act, and it is true, as said by the gentleman from Maine [Mr. NELSON] that their meaning is well understood. That is all too true with us, and under that well-understood meaning I want to show you to what length and extremity of power the Interstate Commerce Commission has gone. The Piedmont & Northern Railway Co. proposed to establish an electrified railroad system through the Southeastern States, centering in North Carolina and South Carolina. They started building around Charlotte, N. C., as one center, and sending their branch lines out as feeders. At the same time they started building from Greenville, S. C., as another center, and sending their branch lines to Greenwood, Anderson, and Spartanburg, S. C., and then when they got ready, having established these concentration points, as it were, to connect up the end at Spartanburg, S. C., with the end at Gastonia, N. C., a distance of less than 60 miles, they were told that they would have to go before the Interstate Commerce Commission and obtain a certificate of convenience and necessity. When they applied for that, 11 steam railroads—I think it was—every steam railroad operating in the South Atlantic region was there to fight this little electrified railroad, and they insisted that it was not in the interest of public necessity, because it would virtually parallel the Southern system between Charlotte, N. C., and Greenville, S. C.

And after having the thing threshed out for months and months, with testimony taken by the volume, the Interstate Commerce Commission comes out and in substance says, "No; it is not a public necessity. The Southern Railroad can haul every ounce of freight that is necessary between Spartanburg and Gastonia. And although the Piedmont & Northern people have money to build a new line, and have money to back it, and are willing to make the business venture and take the risk, we, the commission, will not let you play that sort of game."

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. MOORE of Virginia. Mr. Chairman, it would be a public convenience, but not a public necessity?

Mr. McSWAIN. Yes; and everybody was for it except those steam-railroad people who were fighting it. It is in the interest of public convenience, and although we applied to the court to enjoin the Interstate Commerce Commission from putting this

order into effect, the court denied it, and we put it up just last week to the Supreme Court of the United States, and the Supreme Court denied us a writ of error. And now we are going down there with pick and shovel and begin to dig, and they have got to file an injunction, and we will fight it out along that line for a few more years.

Now, why put that power into the hands of this commission? Why put into the hands of the Interstate Commerce Commission the power to interfere with a little bus line that operates across State lines and has not money enough to employ lawyers to fight for its rights?

Mr. O'CONNOR of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNOR of Oklahoma. Is not that the danger of putting the language in? The commission uses the word "necessity" so largely that they can not see the significance of "convenience."

Mr. McSWAIN. Yes. The trouble is this: We are afraid that the word "necessity" will be so construed.

Mr. HOCH. Mr. Chairman, like the gentleman from Maine [Mr. NELSON], I am in sympathy with the purpose of the gentleman from Virginia [Mr. MOORE]. If I thought that that word "necessity" would be construed in the ordinary meaning of the word I would favor the amendment. But I think this language is in all the State statutes, and I know of no case where it has been held to mean necessity in the ordinary meaning of the word. We are providing for joint boards in the case of two States, and many gentlemen are desirous of extending that to more than two States. You have in the State statutes the words "convenience and necessity" and have been applying them in the States. The meaning of the words "convenience and necessity" has received judicial determination.

Last week in New Jersey the supreme court, so I am informed, held in substance that the word "necessity" must be construed in the light of and held against a railroad that had contested a bus certificate on that ground that the railroad was rendering adequate service. The court that the bus line was a different type of transportation and that had to be considered. Suppose you set up a joint board between New Jersey and Pennsylvania. They have been applying these words "convenience and necessity" in one way, and you introduce a new phrase to be applied to the interstate commerce between two States, would that not lead to confusion?

Let me give you some decisions rendered in construing these terms. In the case of the Rock Island & Pacific Railroad Co., against Oklahoma, in 1926, it was held that in granting a certificate the commission must be convinced that the proposed service will accommodate the public and that a reasonable public demand exists. The court held—

> Necessity does not mean essential or absolutely indispensable, but that the resulting condition where the proposed service is asked would be such an improvement in the existing mode of transportation as to justify the expense of making the improvement.

In 1917 the New York Commission held that public convenience and necessity exists when the proposed facility will meet a reasonable want of the public and supply a need if the existing facilities, while in some sense sufficient, do not adequately supply that need.

Personally I have always felt that the word "necessity" was an unhappy word to use. I regret that it has been used. It sounds illogical to say that the public necessity requires it. If it is an absolute necessity, of course, it requires it.

But here is a phrase that has long been in the law, not only with respect to railroads but in motor transportation. If this language had not been used heretofore, it would be different. But here is the language used, and I know of no railroad that has been able to prevent competition by invoking the words "certificate of convenience and necessity."

Mr. McSWAIN. If we strike out the word "necessity" and use the words "public convenience," and if the court desires to find out what was meant, it will read this debate here and there they will find it.

Mr. HOCH. I am not so sanguine about the court reading this debate. The word "convenience" alone would lead to argument in the interpretation. It might be held to mean just what the old phrase means or it might be held to suggest merely the desirability, from the standpoint of a very few people, to have additional operations.

The CHAIRMAN. The gentleman's time has expired. All time has expired on the amendment. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MOORE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOORE of Virginia. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 51, noes 76.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, would it be in order to offer a perfecting amendment?

The CHAIRMAN. Certainly.

Mr. WINGO. I would like to offer a perfecting amendment, which I will send to the Clerk's desk. I will not debate it.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. WINGO: Page 2, line 14, before the word "convenience," insert the word "welfare."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 28, noes 78.

So the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. HUDDLESTON: Page 1, line 4, strike out section 1 and insert in lieu thereof the following:
>
> "That no carrier shall operate or use a motor vehicle for the transportation of passengers as a common carrier for hire in interstate or foreign commerce within the United States, unless there is in force with respect to such vehicle a surety bond conforming to the requirements of this act. The surety bond—
>
> "(1) Shall bind the surety thereunder to compensate any person (other than such carrier or an officer or employee thereof) for personal injury, death, damage to and loss of property, and failure to perform in whole or in part any contract of carriage—if and to the extent that such carrier is liable therefor by law, and if the injury, death, damage, loss, or failure occurs in connection with or as a result of such operation or use.
>
> "(2) Shall be in such amount and with such sureties as the Interstate Commerce Commission deems adequate for the protection of the public interest.
>
> "(3) Shall include such terms and conditions, not in conflict with any other provision of this act, as the commission may prescribe as necessary for the protection of the public interest.
>
> "(4) Shall not require the payment of compensation under the bond of more than $5,000 in the case of immediate death, or of more than $7,500 in the case of injury or of death other than immediate death.
>
> "(5) May limit the amount of compensation under the bond for damage to or loss of baggage by any one person to a value of the baggage declared in writing by the passenger or agreed upon by the carrier and passenger, if the carrier establishes and maintains differentials in its rates based upon such value and approved by the commission as just and reasonable.
>
> "(6) Shall include a provision appointing the carrier as the attorney of the surety under such bond upon whom process may be served in any suit instituted as provided in section 3, and a provision whereby the surety consent that in any such suit service upon the carrier shall constitute service upon the surety.
>
> "SEC. 2. No surety bond required by this act shall be held in force for the purposes of this act until approved by the Interstate Commerce Commission as being in conformity with the requirements of section 1. Upon the approval of any such bond, the commission shall issue a certificate of approval to the carrier and such copies thereof as may be necessary. No motor vehicle shall be operated or used by any carrier for the transportation of passengers for hire as a common carrier in interstate or foreign commerce within the United States unless there is posted in such vehicle, in accordance with such regulations as the commission may prescribe, a copy of the certificate of approval of the commission. If at any time the commission finds that a surety bond then in force is not in such amount or with such sureties as the commission deems adequate for the protection of the public interest, or otherwise fails to conform to the requirements of section 1, the commission shall declare that the surety bond is no longer in force for the purposes of this act.
>
> "SEC. 3. Any person entitled to compensation under a surety bond required by this act may recover thereon in any court of competent jurisdiction in a suit against the surety in which the carrier shall be joined as a party defendant; except that no district court of the United States whose territorial jurisdiction lies within any State shall have jurisdiction of any such suit solely upon the ground that the right of recovery arises under a law of the United States or that the suit is between citizens of different States. Recovery upon any such bond shall not be held to preclude recovery against the carrier for liability in excess of the amount of the recovery upon the bond. This act shall not be held to extinguish any remedy or right of action under other law.

"SEC. 4. Any carrier operating or using a motor vehicle in violation of the provisions of this act shall be subject to a civil penalty of $100, to be collected in a civil suit brought in the name of the United States. In the case of each motor vehicle so operated or used, each day or part thereof during which such operation or use continues shall, for the purposes of this section, be deemed a separate violation.

"SEC. 5. As used in this act—

"(a) The term 'interstate or foreign commerce' means commerce between any place in a State, Territory, or the District of Columbia, and any place outside thereof; or between points within the same State or Territory or within the District of Columbia but through any place outside thereof.

"(b) The term 'motor vehicle' means any land vehicle propelled by an internal-combustion engine, electricity, or steam, except a vehicle propelled only upon a rail or rails, and includes any vehicle attached or propelled by any such vehicle.

"(c) The term 'United States,' when used in a geographical sense, means the several States and Territories and the District of Columbia, but does not include possessions of the United States.

"SEC. 6. The Interstate Commerce Commission is authorized to make such regulations as may be necessary to execute its functions under this act."

Mr. PARKER. Mr. Chairman, I think all debate on this section has been closed.

Mr. HUDDLESTON. Mr. Chairman, as I understand, debate was closed simply on the amendment offered by the gentleman from Virginia [Mr. MOORE].

Mr. PARKER. Mr. Chairman, debate on the section and all amendments thereto was closed.

The CHAIRMAN. The debate on the section and all amendments thereto has been closed. There is no debate on the merits of the amendment submitted.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to address the House for five minutes on this amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to address the House for five minutes on the amendment. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, the amendment which I have offered is a reproduction of the bill H. R. 7630. It is what is known in the Committee on Interstate and Foreign Commerce as the "subcommittee bill." I did not draft it, but I was on the subcommittee and made my contribution to it.

Some two years ago this legislation being before the committee was referred to a subcommittee. The subcommittee gave the subject very careful consideration and reported the bill which is embodied in the amendment offered as a substitute for this bill. The committee paid no attention whatever to the report of the subcommittee, took no action upon it, and has given it no consideration. The subcommittee bill was drawn with an eye single to the public welfare; it granted no special privileges, so, of course, nobody wanted it and we could not get it heard.

Attention has been called to the fact that the States have every power to correct and deal with all abuses in the bus carrier industry, with the possible exception of requiring insurance or indemnity bonds from the bus operators. This amendment gives the Interstate Commerce Commission that power. Under it the operators are required to provide all reasonable indemnity.

With the power already in the States, and with this amendment, every abuse whatsoever pointed out by the Interstate Commerce Commission in its report or testified to before our committee by even partisan witnesses will be taken care of in the fullest detail. It does not provide for a certificate of convenience and necessity. The amendment does not require that parties desiring to operate busses shall get certificates nor does it require them to get permits. It leaves competition in the bus business, and that as the subcommittee agreed was the right thing to do.

I offer this amendment as a matter of duty. I am willing to legislate upon the subject of busses. I am willing to go as far as necessary for the protection of the public welfare. I will not go, at the behest of anybody, to the extent of granting a monopoly upon the public highway to private profit makers. If you want to protect the public interest, adopt this amendment. If you want to give monopolies and throttle competition, then vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was rejected.

The Clerk read as follows:

GENERAL DUTIES AND POWERS OF THE COMMISSION

SEC. 2. (a) It shall be the duty of the commission—

(1) To supervise and regulate common carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points whether on regular routes or within defined localities or districts;

(2) To supervise and regulate charter carriers by motor vehicle as provided in this act, and to that end the commission may establish reasonable requirements with respect to qualifications and maximum hours of service of employees, safety of operation and equipment, and comfort of passengers; and

(3) To prescribe rules and regulations for the proper administration of this act.

(b) Any person, corporation, or State board may make complaint in writing to the commission alleging a failure by any motor carrier to comply with the requirements established under this section. If, after any such complaint, it is decided, in accordance with the procedure provided in section 3, that the motor carrier has failed to comply with such requirements, an appropriate order shall be issued.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, one of the most outstanding chairmen of public-service commissions in the United States is John F. Shaughnessy, chairman of the Public Service Commission of Nevada. He has added much to the sum of knowledge on transportation as it affects western freight rates. I understand Mr. Shaughnessy was in favor of the bill last year. I understand he has expressed his acceptance of H. R. 7954. However, H. R. 7954 is not identical with the present bill, H. R. 10288, in several very important paragraphs. I have taken the floor particularly to insert in the RECORD four short pages which Mr. Shaughnessy has written me in protest against H. R. 10288, those pages being as follows:

PUBLIC SERVICE COMMISSION OF NEVADA,
Carson City, March 7, 1930.

Hon. SAMUEL S. ARENTZ,
Congressman at large from Nevada, Washington, D. C.

DEAR CONGRESSMAN ARENTZ: Set forth below is confirmation of our telegram of March 4:

"To our Senators and Representative in Congress:

"At a regular meeting of the commission, held in Reno, March 3, it was resolved that our Senators and Representative in Congress, the Hon. KEY PITTMAN, TASKER L. ODDIE, and SAMUEL S. ARENTZ be memorialized to oppose the Parker bus bill, H. R. 10202, and the Couzens bill, S. 6, on the ground that they are a dangerous invasion of State sovereignty and that Congress should not invade the police power of Nevada.

"(Signed) PUBLIC SERVICE COMMISSION OF NEVADA."

This action was taken at a regular meeting of the commission in Reno, March 3, wherein it was unanimously resolved that our Senators and Representative in Congress be memorialized to oppose both the Parker bill and the Couzens bill, H. R. 10202 and S. 6. This is a reversal of the indorsement which this commission gave to the Barker bill, H. R. 15621, on February 5, 1929, during the previous session of Congress.

Set forth below is telegram from Hon. SAMUEL S. ARENTZ of March 6, asking for a statement of particulars covering this commission's objections and our response thereto:

WASHINGTON, D. C., *March 6, 1930.*

To Public Service Commission of Nevada:

Bus bill will be debated for the next few days, and I would like to know in what particular it meets with your objection."

(Signed) SAMUEL S. ARENTZ.

CARSON CITY, NEV., *March 6, 1930.*

Hon. SAMUEL S. ARENTZ,
Congressman at Large from Nevada, Washington, D. C.:

Your wire 6th, Nevada commission opposed to the interstate regulation of busses for the following reasons:

1. By exercise of State's police power over the franchising of busses and regulation of intrastate rates and services we have adequate control of stage lines conveniently at hand. The intrastate franchising is important in controlling the number that can profitably remain in the interstate service and is sufficient regulation. Under the Shreveport doctrine if interstate regulation is provided for, interstate rates will thereafter become the measure of our intrastate rates and probably be state-wide in application.

2. Interstate stage rates not important at present nor for the future, because rapid improvements in the art holding fares around 2 and 2½ cents per mile, compared with 3.6 cents railroad coach fare. We do not want this condition disturbed by monopolistic control that would follow under interstate regulation.

3. Occupancy of the field of regulation over stage, power, and telephone lines by Congress can not adequately safeguard State jurisdiction under the sweep of the commerce clause and adjudicated cases.

In other words, the jurisdiction of our State legislature, courts, and commission would be destroyed and ultimate power and jurisdiction would thereafter reside in Washington, far removed from patrons of these local services in Nevada, with consequent delay and expense.

PUBLIC SERVICE COMMISSION OF NEVADA.

The principle involved in these bills is identically the same. The only difference being a question of degree, perhaps. We are apprehensive about this legislation for the reason that if Congress shall occupy the field nothing can in the end forestall the sweep of the commerce clause and adjudicated cases, and this will be especially true, we believe, under the Shreveport doctrine. See Houston E. & W. Railway *v.* United States (234 U. S. 342); and again in American Express Co. *v.* Caldwell (244 U. S. 617); and again in C. B. & Q. Railroad *v.* Wisconsin Railroad Co. (257 U. S. 563). In these cases it was found, without regard to the reasonableness of the intrastate rates and without regard to peculiar local conditions, that because intrastate rates were lower than interstate rates they amounted to discrimination and therefore a burden on interstate commerce.

The Shreveport case was decided under section 3 of the act to regulate commerce. Since that time the interstate commerce act, as defined by the transportation act of 1920, has been enlarged by the insertion of section 13, paragraphs 3 and 4. Paragraph 4 is a restatement of the Shreveport doctrine (257 U. S. 563), while paragraph 3 provides that "State regulating bodies" may be called in to act in a cooperative capacity with the Interstate Commerce Commission—that is, if they have the organization, the time, and the appropriation, which very few have—to hear rate cases, to thereafter sit in arguments, and thereafter participate in executive conferences for the final disposition of such cases. The States have found in the railroad cooperative cases, although shown every courtesy by the Interstate Commerce Commission, that the plan is cumbersome at best and entirely too slow and expensive in giving relief to the people. It has frozen the entire rate structure and made intrastate rates dependent on the level of rates fixed for interstate business.

Our experience in the matter of cooperation in the railroad-rate cases clearly indicates how burdensome and difficult these cases become, and the State commissions will, we believe, be unable to devote the time and attention necessary for such hearings, arguments, and executive conferences, as may be necessary, if the field of interstate regulation is broadened as proposed in the Parker and Couzens bills. For these reasons it is our view that we are getting too far afield and that we should get back to first principles, viz, retain regulation of rates and services close to the people, where the utility is rendering the service, and without being required to incur the expense of appeals to some tribunal sitting at Washington.

The Supreme Court has laid down the rule that while a State commission may not regulate interstate power, natural gas, and water at its source it can nevertheless regulate it at the points of delivery. (Pennsylvania Gas Co. *v.* Public Service Commission (1920), 252 U. S. 23; Public Utilities Commission *v.* Attleboro Steam & Electric Co. (1927), 273 U. S. 83.) Moreover, it has laid down the rule that while the States may not interfere with interstate stage operations, they can apply adequate road taxes, promote safety upon the highways and conservation in their use, require indemity bonds, grant or deny right to operate intrastate, and provide for regulation of local rates and services. (Motor Vehicle Cases, 267 U. S. 307; 267 U. S. 317; 235 U. S. 610, 622; 242 U. S. 160, 167; 266 U. S. 570, 576; 271 U. S. 583.)

As these and other decisions of the United States Supreme Court carry adjudicated principles, under which the State commissions can effectively regulate stage, power, and telephone lines, this is seemingly all that is necessary for the time being, and this is especially true in so far as no new or remedial regulatory steps are taken in the proposed bills, and in so far as they amount only to a duplication of regulation—plus centralization at Washington—which, as before noted, will slow up the machinery, seriously interfering with intrastate rate adjustments, and prove burdensome in cost to the patrons of these utilities.

With best wishes, we are very truly yours,

PUBLIC SERVICE COMMISSION OF NEVADA,
J. F. SHAUGHNESSY, *Chairman.*

His disagreement with the Interstate Commerce Committee is directed particularly to what is called the Shreveport doctrine. It is my understanding that if section 14 of the old bill is adopted and placed in this bill it will meet his objections to this bill as far as his objection to the Shreveport doctrine is concerned. This is one of the most important bills before Congress during my membership. We should study it most carefully and debate it fully.

Mr. MOORE of Virginia. Will the gentleman allow me to interrupt him?

Mr. ARENTZ. Yes.

Mr. MOORE of Virginia. What I understand the gentleman to mean is that this official in his State desires to protect the absolute authority of the State over intrastate movement.

Mr. ARENTZ. He does not want any question raised as to the authority of a State over intrastate transportation.

Mr. MOORE of Virginia. He does not want to run the risk of some such decision as was had with respect to intrastate railroad transportation in the Minnesota cases and the Shreveport cases.

Mr. ARENTZ. In some well-known cases which were decided, I think, adverse to the common interest, and as Mr. Shaughnessy is so well known all over the United States for his far-sighted knowledge of railroad matters in every particular, I think I can safely follow him.

Mr. PARKER. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. PARKER. I wish to state to the gentleman that when the proper time comes I am going to offer an amendment covering practically what the gentleman has in mind.

Mr. ARENTZ. I am very glad to hear that. I am very glad the chairman of the committee has taken that viewpoint. In this House we seldom hear an expression given by a chairman which is contrary to the public good. I am glad the gentleman in this case—which I think is true in all cases—wants to be fair.

Now, another thing, and a very important thing in my estimation, and that is the point brought out, I think, by the gentleman from Kansas and also by the gentleman from Illinois and the gentleman from Maine, to the effect that a board of two State commissioners—because, after all, that is what it will amount to; namely, that the joint board will consist of members of public service commissions—will be appointed to act in the place of the Interstate Commerce Commission in cases affecting two States.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. I think that should be broadened to cover at least three States, and I think the Interstate Commerce Commission should have the authority in this bill to delegate to any number of States, reaching from Florida, for instance, to Maine, the right to get together and discuss matters connected with the operation of interstate bus lines running all along the Atlantic States.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. NELSON of Maine. Was Mr. Shaughnessy's suggestion that there be a declaration in this law to the effect that we do not intend to interfere with intrastate operation?

Mr. ARENTZ. Yes. Section 14, I think, would cover that, although I do not say he would be entirely satisfied with it.

Mr. NELSON of Maine. Does the gentleman think that such a declaration on our part would change the law with respect to the relative rights of the States and the Federal Government?

Mr. ARENTZ. I want to absolutely safeguard the States, and therefore I think it would be worth while to have such a declaration in the bill. There is another declaration in this bill which a few years ago would have been called revolutionary by nearly every Member of this House, and that is the declaration that there shall not be any value attaching to the license which may be given by the Interstate Commerce Commission to operate motor busses between States, and that any value which such license might have shall not be considered in rate making. If we had done that with regard to the Water Power Commission and if we had done that with regard to the original Interstate Commerce Commission act, we would have saved to the public millions and millions, if not hundreds of millions of dollars, in rail rates every year.

Mr. NELSON of Maine. I want to say in regard to the suggestion made by Mr. Shaughnessy that that was very carefully considered in the committee. We felt we certainly could not change the basic law of the land or the rights of the Federal and State Governments simply by stating in the bill that we are not going to violate any law. I do not think such a declaration would add anything.

Mr. ARENTZ. If a decision is rendered by a Federal court to the effect that an interstate rate shall be so and so, then I say we must specifically provide in this bill that such rates will not interfere with the intrastate rates or the police power of the States.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. PATTERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PATTERSON: Page 4, line 9, after the word "rates," strike out the comma, insert a semicolon and the words "but no permit shall be denied by reason of a lower rate proposed by other lines so long as they measure up to all of the requirements."

Mr. BURTNESS. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section involved.

Mr. PATTERSON. Will the gentleman withhold his point of order a moment?

Mr. BURTNESS. I will be pleased to reserve it.

Mr. PATTERSON. Mr. Chairman, in offering this amendment to the section I have only in mind the public interest. I do not wish to delay or detain the committee in proceeding with the bill, and I will show this by the length of time I occupy.

I shall only take a moment or so to state the purpose of the amendment and I shall not attempt to argue the case, and I hope the gentleman will let the amendment be voted on or that the Chairman will hold the amendment in order.

As I understand, we are trying to protect the public in this bill, and in view of the fact that we failed to strike out the word "necessity" under the amendment offered by the gentleman from Virginia [Mr. MOORE], I am very anxious, in the interest of the public, to see this amendment adopted in order that when any bus line or any competing line proposes to operate between two places, it will not be put out of operation or refused a permit for no other reason than that they might offer a lower rate to the people who wish to go to and from such places, because we know that rates are already high enough, and I believe that such concerns should not be refused, provided they measure up to all other requirements, such as insurance and safety and convenience of the traveling public.

I hope the gentleman will not make the point of order, or if the point of order is made, that the Chairman will hold it is in order, so that we may vote on the amendment.

Mr. BURTNESS. Mr. Chairman, in view of the request of the gentleman, I withdraw the point of order.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto may now close.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto do now close. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. PATTERSON].

The question was taken; and on a division (demanded by Mr. PATTERSON) there were—ayes 10, noes 53.

So the amendment was rejected.

The Clerk read as follows:

ADMINISTRATION OF THE ACT

SEC. 3. (a) Except in case of a matter required to be referred to a joint board as provided in subdivision (d), any particular matter or class of matters arising under the administration of this act may be heard and decided by the commission, or may, by order of the commission, be referred for hearing to any member or examiner of the commission. Such member or examiner shall hear and decide the matter referred and recommend appropriate order thereon. With respect to such matter the member or examiner shall have all the rights, duties, powers, and jurisdiction conferred by this act upon the commission, except the power to make the final order thereon. Any order recommended by the member or examiner with respect to such matter shall be filed with the commission and shall, upon the expiration of 10 days after filing, become the order of the commission and become effective, unless within such period the order is stayed or postponed by the commission. An application in writing for the review of any such matter may be made to the commission, whereupon it shall be its duty to consider the same and, if sufficient reason appears therefor, grant such review or make such orders or hold or authorize such further hearings or proceedings in the premises as may be necessary or proper to carry out the purposes of this act; or the commission may, on its own motion, review any such matter and take action thereon as if application therefor had been made by an interested party. The commission after review shall decide the matter and make appropriate order thereon.

(b) Hearings by any member or examiner upon any matter referred to him shall be held at such convenient places within the United States as the commission may by rule or order direct.

(c) Whenever there arises under the administration of this act any matter hereinafter required to be referred to a joint board, the commission shall create a joint board to consider and decide such matter, under such rules governing meetings and procedure of joint boards as the commission shall prescribe. Such joint board shall consist of a member from each State in which the motor-carrier operations involved in the matter are or are proposed to be conducted. The member from any such State shall be nominated by the board of such State from its own membership or otherwise; or if there is no board in such State or if the board of such State fails to make a nomination when requested by the commission, then the governor of such State may nominate such member. The commission is authorized to appoint as a member upon the joint board any such nominee approved by it. All decisions and recommendations by joint boards shall be by unanimous vote. If any joint board fails or refuses to act or is unable to agree upon any matter submitted to it, or if both the board and governor of any State fail to nominate a joint board member when requested by the commission, then such matter shall be heard and decided as in the case of any matter not required to be referred to a joint board. Joint boards when administering the provisions of this act shall be agencies of the Federal Government, and members thereof shall receive such allowances for expenses as the commission shall provide.

(d) The commission shall, when operations of common carriers by motor vehicle conducted or proposed to be conducted between two States only are involved, refer to a joint board for hearing and decision and recommendation of appropriate order thereon, any of the following matters arising under the administration of this act with respect to such operations: Applications for the issuance of certificates of public convenience and necessity (except in so far as the action upon such applications is based solely upon answers to questionnaires and information furnished to the commission, as provided in section 5 (b)); the suspension, change, or revocation of such certificates; applications for the approval and authorization of consolidations, mergers, and acquisitions of control; complaints as to violations by common carriers by motor vehicle of the requirements established under section 2 (a) (1); complaints as to rates, fares, and charges of common carriers by motor vehicle; and the approval of surety bonds, policies of insurance, or other securities or agreements for the protection of the public, required on the issuance of a certificate. In acting upon matters so referred, joint boards shall be vested with the same rights, duties, powers, and jurisdiction as are vested hereinbefore in this section in members or examiners of the commission while acting under its orders in the administration of this act. Orders recommended by joint boards shall be filed with the commission, and shall become orders of the commission and become effective and shall be subject to review by the commission, in the same manner as provided in the case of members or examiners under this section.

(e) In so far as may be necessary for the purposes of this act, the commission and the members and examiners thereof and joint boards shall have the same power to administer oaths, and require by subpœna the attendance and testimony of witnesses and the production of books, papers, tariffs, contracts, agreements, and documents, and to take testimony by deposition, relating to any matter under investigation, as amended and supplemented; and any person subpœnaed or testifying in connection with any matter under investigation under this act shall have the same rights, privileges, and immunities and be subject to the same duties, liabilities, and penalties as are provided in the interstate commerce act, as amended and supplemented.

(f) In accordance with rules prescribed by the commission, reasonable notice shall be afforded in connection with any proceeding under this act to all parties of record and to the governor and the board of any State in which the carrier operations involved in the proceeding are or are proposed to be conducted, and opportunity for hearing and for intervention in connection with any such proceeding shall be afforded to all interested parties.

(g) The commission is authorized to confer with and/or to hold joint hearings with any authorities of any State in connection with any matter arising in any proceeding under this act. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of any State, or any officials thereof, in the enforcement of any provision of this act.

(h) Any final order made under this act shall be subject to the same right of relief in court by any party in interest as is now provided in respect to orders of the commission made under the interstate commerce act, as amended.

Mr. MAPES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 7, line 16, after the word "conducted," strike out the words "between two States only are involved" and insert in lieu thereof the words "involve not more than three States."

Mr. MAPES. Mr. Chairman and members of the committee, those of you who have followed the general debate on this bill will understand what this amendment proposes to do and the object of it.

The bill as reported by the committee makes it mandatory for the Interstate Commerce Commission to refer to joint boards,

made up of a representative of the regulatory bodies of the States, questions arising under the operation of this act where two States only are involved.

The amendment proposes to enlarge the scope of that provision so as to require a reference to joint boards where the operations of the motor busses involve not to exceed three States.

The gentleman from Virginia yesterday, or the day before, called attention to the fact that a motor bus operating from Alexandria through the District of Columbia and a few miles into Maryland would have to go before the Interstate Commerce Commission and would not be regulated by the local authorities as this bill now stands. Out in the Middle West, an operator going from Detroit to Chicago would have to come here to Washington before the Interstate Commerce Commission to get his certificate of convenience and necessity, and after he got it, he would come under the jurisdiction and regulation of the commission rather than the local authorities. The same would be true of an operator running from Cleveland to Chicago or from Chicago to St. Paul or Minneapolis.

I submit, Mr. Chairman, there is no good reason why operations of this kind should not be handled by representatives of the local commissions and these joint boards the same as operations between two States.

The principle is the same. We do not attempt by this amendment to change the set-up as far as the procedure provided in the bill is concerned. We simply enlarge the scope of the joint boards so that they may have jurisdiction over cases involving operations within three States instead of confining them to two States only.

Some of us believe they should have broader jurisdiction, and I know there are Members of the House who think so, but we got together on this particular number.

Mr. LEAVITT. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Montana.

Mr. LEAVITT. I just want to ask the gentleman why he confines his amendment to three States. I have here a telegram from the commissioners of Montana saying that unless the joint boards have jurisdiction in not less than six States, the measure will not help much with respect to interstate situations.

Mr. MAPES. I have a good deal of sympathy with the thought expressed in the gentleman's telegram, but, as a matter of practical procedure, it seemed to those of us on the committee who signed the additional views attached to the majority report, and who are interested in enlarging the scope of the jurisdiction of the joint boards, that it was better to confine this amendment to three States. If the amendment is adopted we intend to follow it up with another amendment which will authorize the Interstate Commerce Commission, in its discretion, to refer cases to joint boards where more than three States are involved if it sees fit to do so.

Mr. LEAVITT. That would partially take care of the situation in Montana.

Mr. MAPES. I will say that the Interstate Commerce Commission in its report recommend that the operations of motor vehicles be handled by local bodies. We believe that the Interstate Commerce Commission is in sympathy with the purposes of those of us who want to amend the bill in this respect, and if the discretionary power is given to the Interstate Commerce Commission that it will see to it that all cases are referred to the joint board, where it is practicable to do so.

Mr. LEAVITT. I will say to the gentleman that I will support the amendment in view of that statement.

Mr. MAPES. It is easy for anyone to conjure up reasons for the position he takes and to give reasons for opposing anything that he does not want. I anticipate that it is going to be said here that we are creating additional expense and trying to set up something impracticable, something that can not be carried out in its practical operation.

Now, in the first place as to the question of expense there will be no additional expense as far as salaries are concerned, because the members of the State commissions receive salaries from their States and the bill in no place anticipates any additional salary.

As far as expenses are concerned it is agreed that members of the board from Michigan, Ohio, and Illinois can get together in a near-by city with less expense than a man from the Interstate Commerce Commission could go to these States or for less than the operators can come to Washington. There is no great complexity in adding one additional State to this joint board proposition.

In order to make this bill at all operative, in order to make it at all effective, as far as placing the operation of this motor-bus business under the jurisdiction of local authorities is concerned, we ought to give these joint boards a broader scope than the bill now provides. Let me say that the legislation was initiated by the public utilities commissioners of the several States. Every bill, until this one was reported out of the committee, carried unlimited reference to a joint board, and that is the reason why you have the protests here from the State commissions.

I read the other day from a letter from the counsel of the National Association of Public Utility Commissioners, and I will read two sentences from that letter again:

> The 2-State plan will be of very limited value in the West and is simply not workable in the East.

And again—

> The commissioners of both large and small States alike unite in saying that the 2-State plan does not meet their need.

Gentlemen, I hope the House will agree to this amendment.

Mr. PALMER. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. PALMER. I am in hearty accord with the amendment, and I know that the public service commissions of the States are bitterly opposed to this 2-State provision.

Mr. HASTINGS. Mr. Chairman, I want to offer a substitute, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. HASTINGS: Subsection (d), page 7, in line 16, after the word "between," strike out the word "two"; and in the same line, after the word "States," strike out the word "only"; and in line 17 strike out the words "recommendation of"; and in line 21, page 7, after the word "necessity," strike out the following: "(except in so far as the action upon such applications is based solely upon answers to questionnaires and information furnished to the commission, as provided in section 5 (b))"; and on page 8, line 14, after the word "effective," insert "as of date of filing with the commission" and strike out the remainder of subsection (d), as follows: "and shall be subject to review by the commission, in the same manner as provided in the case of members or examiners under this section."

Mr. MAPES. Mr. Chairman, I make a point of order that the amendment is not germane.

The CHAIRMAN. The proposed substitute is of a wider scope than the amendment of the gentleman from Michigan, but it might be offered as a separate and independent amendment, in the judgment of the Chair.

Mr. HASTINGS. If that is the view of the Chair, I ask permission to withdraw my amendment.

The CHAIRMAN. The amendment may be considered as pending until the amendment offered by the gentleman from Michigan is disposed of.

Mr. HOCH. Mr. Chairman, I move to strike out the last word. The observations that I have in mind to make do not go particularly to the amendment offered by the gentleman from Michigan [Mr. MAPES]. Personally, I am not concerned whether this shall be mandatory in the case of two States or three States. I shall vote against the amendment because the committee reached a compromise agreement, and I shall stand by the agreement reached in the committee, but I do want to offer a few observations with reference to the proposal made by the gentleman from Oklahoma [Mr. HASTINGS] in view of the discussion and propaganda we have had on this matter of joint boards. I say, with all due respect to those who advocate the original provisions of the bill, that, in my judgment, a more impractical suggestion has never been made before the committee of which I am a member than that suggestion, and I feel sure that many of those who have advocated it have not visualized what would happen under it. I am not raising any question as to the constitutionality of it. I think we have as much constitutional power to do it for all States as we have to do it for two States. I am talking now simply about the impracticability of the machinery.

What was proposed in the original bill, and which the gentleman from Oklahoma, as I understand it, is going to attempt to restore? It was proposed that in all cases it should be mandatory to create a joint board composed of representatives from the States through which the proposed operation would run. Remember that these are not permanent boards; they are boards called into being in the first instance to pass on the question of the issuance of the certificate.

You would have just as many joint boards as combinations of States are mathematically possible. Let me illustrate that with three or four States. Suppose some one wanted to operate between New York and New Jersey. They would file an application with the commission, and the commission would call into existence a joint board composed of representatives from each of the States of New Jersey and New York. If somebody else wanted to operate between New York, New Jersey, and

Pennsylvania, that first board would be of no value, and you would have to call into being another board with representatives from each of those three States. Each board would have to be constituted as a legal entity, it would have to appoint its officers, its employees, and make an affirmative record for transmission to the Interstate Commerce Commission. If an operator wanted to conduct a business between New York and Pennsylvania, that would be another board, and if some one wanted to go into Maryland, that would be an entirely different board. I am not a mathematician, but I say with reference to five States that you certainly would have at least 25 boards, and this is no theory but a mere statement of the conditions that actually exist to-day. We have operations extending across the country. Here is somebody who wants to operate from New York to San Francisco and he wants to go by way of Nebraska. You would have to call into being for the specific purpose of granting a certificate a joint board made up of a representative from every State through which that operation went. If somebody wanted to have an operation go through my State of Kansas, the first board would not do, and you would have to establish another joint board covering those particular States, and if you had a variation of one State you would have to bring into being an entirely separate board.

Remember this board is not simply for the purpose of granting a certificate, but after you have a joint board created covering 12 or 15 States and they have gone out of business it is not contemplated that they shall be in continuous existence.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOCH. Here is a board consisting of representatives from a dozen States. That board has granted a certificate and had gone home when somebody makes a complaint with reference to service that the operator is conducting. How are you going to act? You have to call that board into being to pass on the question of whether the operator ought not to put on some more busses. Then somebody raises a question as to rates, and you have to call that board into being in order to pass upon the question of rates. All of the questions of service and rates and operation have to be gone into. Somebody complains, perhaps, that the insurance carried is not enough and you have to call that board back into being. I shall read now from the hearings. One of the ablest men, one of the principal spokesmen for the bill, was Mr. Wakelee, of New Jersey. I asked him the following question, and I want you to note his answer:

> Mr. HOCH. Now, you have shown us a map here with a perfect network of operations all over this country. Would anybody be able to make a guess as to how many joint boards would have to be in existence if they were to pass upon the operations that are now actually in existence? Would you not say that it would run up into many hundreds of combinations of States?
>
> Mr. WAKELEE. Yes.
>
> Mr. HOCH. Many hundreds of them?
>
> Mr. WAKELEE. Yes; probably thousands.
>
> Mr. HOCH. Probably thousands of joint boards will be necessary to pass on those applications, and that relates to interstate operations that are to-day in effect in this country.

Even with the so-called grandfather clause in the bill, where they are to be automatically brought in, it requires a subsequent determination of all of the questions that go to the nature of their operation, the protection of the public, and all of those things, and even with reference to the operations that are now in effect. You would have to have, according to Mr. Wakelee, thousands of boards to pass on them.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. HOCH. In a minute. As everyone knows, we are supposed to be only in the beginning of this development of interstate bus traffic, and I ask any practical man whether he thinks if it would take thousands of boards to do that now, we ought to make it mandatory that hereafter you shall in every case call into being a joint board to pass on not only the question of certificate but all of the service questions that will arise. I yield to the gentleman from Utah.

Mr. COLTON. If that were left to the discretion of the Interstate Commerce Commission it would not involve the complications that the gentleman mentions?

Mr. HOCH. I will say this to the gentleman, that I have enough faith in the judgment and good sense of the Interstate Commerce Commission to believe that when they came to apply it they would utterly repudiate the recommendations that they made to the committee. They did recommend the original bill which made mandatory joint boards in all cases. In view of that recommendation I am a little hesitant now to make it discretionary.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. BURTNESS. The gentleman has referred to various classes of questions and cases that might be referred to the joint board. Would the questions arising from the grandfather clause have to go to the joint board? I trust that the gentleman did not intend to convey the impression that that would be the case.

Mr. HOCH. I believe it is true that on original hearing under the grandfather clause the bill does not establish joint boards. But in subsequent questions raised as to service, and so forth, we would have to have a joint board.

Mr. BURTNESS. But in cases where people filed applications and showed their ability and responsibility, none of those instances would have to go to the joint board, would they?

Mr. HOCH. I think the gentleman is correct. The argument that in those cases it would not be required only illustrates the absurdity of making it mandatory.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. HOCH. Yes.

Mr. MOORE of Virginia. In reference to matters referred to the joint board, if they should be limited to the issue of certificates, much of the argument the gentleman has made would be ill founded.

Mr. HOCH. If you cut down the things to be done by the joint board, you would lessen the absurdity of making joint boards necessary in all cases. But if the gentleman will stop for a moment to consider all the situations involved in the granting of a certificate he will realize how many cases there would be even for that. The railroad situation is not analogous. With railroads you have only an occasional application for extensions. But here you would have countless applications. Under such circumstances it would be absurd to make it mandatory to have a joint board in all cases.

Mr. MOORE of Virginia. Was it the original intention to prevent the denial of a joint board in any case?

Mr. HOCH. The provision of the bill was a matter of compromise. It was represented to the committee, as I recall it, that the 2-State provision would cover approximately 90 per cent of the interstate operations. I can understand how that may be practicable, and how three might be practicable.

Mr. MOORE of Virginia. Take as an illustration a line operating from a point in Virginia through the District of Columbia and Maryland to Baltimore. Why should there not be a joint board in such a case, or, further north, in the operation of a line from Baltimore, through Maryland, Delaware, and New Jersey to New York? If there is to be any joint board of reference I am in favor of that, exactly as the Interstate Commerce Commission is. In 1928 the commission said the reference to a joint board should be made in every instance. If not, it would be just as logical to stop at two States as at three States, or to have no joint board in any case.

Mr. HOCH. Of course, it is a matter of drawing a line somewhere. But the outstanding cases which were drawn to our attention were the great cities situated near State lines, involving two States, such as New York and Philadelphia and Kansas City and certain other large cities. The committee agreed upon a compromise. There were some who, on other grounds, opposed joint boards in any case. Finally we reached the agreement on two States.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. JOHNSON of Indiana. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. JOHNSON of Indiana. Mr. Chairman and members of the committee, I take it from what has been said by the gentleman from Kansas [Mr. HOCH] that he is not particularly opposed to the amendment now pending. His remarks were directed almost entirely against the provision in the original bill, which provided for all matters to be referred to joint boards, regardless of how many States were involved. The amendment now pending provides that matters shall be referred to joint boards where only three States are involved.

I sometimes wonder when we get here to pass legislation whether or not we keep in mind the things we hear frequently, at least about election time and in campaigns. As I recall, one of the things we hear so much about at election times, and especially from members of the party represented across the aisle, is the question of State rights and the contention that we should leave all matters we can with the States. We also hear much

about the centralization of power in boards and commissions of the Government in Washington. By this amendment we are trying to leave the administration of this law to the State boards as much as possible, and I do not see how anyone who is opposed to this centralization of power in Washington can consistently oppose this amendment.

We are trying to leave everything we can in regard to the administration of this bill, with the State boards which are the selections of the States; the same boards that are handling intrastate traffic. Now, we have an opportunity to see whether or not you really want the States to determine these matters; whether we really want State rights, and whether we want these boards that are organized by the States to administer this law.

I personally believe this is a good amendment. I can visualize many cases where only three States would be involved, still the traffic would be purely local. I can visualize cases where probably four or five or more States could be involved, and still the traffic would be purely local; but most certainly that would be the case in regard to three States.

It was stated a moment ago that 90 per cent of the interstate traffic is between two States only. There is no evidence in the committee that I know of upon that point. It was stated by a member of the committee that in his opinion, that was the situation. I do not know. I do not believe we have any evidence that would show what per cent of the interstate traffic is between two States only.

I am in favor of the amendment the gentleman from Michigan [Mr. MAPES] said he was going to introduce, leaving it discretionary with the commission where more than three States are involved, to refer those matters to the joint boards. In other words, if it was not practicable, if it was not feasible, then the commission would handle it through an examiner or a member of the commission, as provided for in the bill. But, in cases where the commission decided it was proper and would be best to have the matter determined by a joint board, the commission could refer such matter to a joint board. But, that is not the amendment we are now considering. We are considering the amendment providing that all matters must be referred to the State boards, where not more than three States are involved. I think the amendment should be adopted.

Mr. LEA of California. Mr. Chairman, I think this amendment should not be adopted. It is a plausible thing to say to the Members of the House that you are going to have this regulation at home. There are substantial reasons, both as a matter of principle and as a matter of practical, sensible handling of this problem, why this amendment should be defeated. We have a tendency in government to bring State duties to the Federal Government. I think a study of our legislation over a period of years will also show we have a disposition to place Federal functions in the States. That is a bad tendency. Our Government, if it is going to operate successfully over a long course of years, must in practical operation adhere to fundamental principles, that should separate State and Federal functions. The regulation of interstate commerce is a Federal job. As I attempted to point out when I spoke day before yesterday, one of the main reasons for the adoption of the Federal Government was to prevent interference with interstate commerce by the individual States. Here it is proposed to extend this power to three States. Three States out in my country will provide for a bus line 1,200 miles long. These bus lines that are established by local State authority, representing the local people, people who have their employees and their capital at home, will be favored by those local State interests; but over the same route we must have lines that cover many States, great bus transportation lines which are going to be established. We will have an unfriendly board placed in these local States through which they must pass, contrary to the fundamental theory on which Congress was given this power.

In this bill we provide for a 2-State joint board. There is some reason for that. There is some precedent for that in the administration of the transportation act. Some years ago we passed a law giving regulatory powers to the Interstate Commerce Commission and exempted street-car lines running from one State to another. A case went to the Supreme Court involving a crossing of the boundary at Council Bluffs, I believe. The Supreme Court said that that particular local business was, in its essential nature, a street-car business and that it was properly within that exemption. There is a reason here for the 2-State exemption; but I believe there is no reason, as a matter of principle, for including three or more States.

I call your attention to what the gentleman from Kansas [Mr. HOCH] said. I thoroughly agree with his description of what was proposed in the original bill. I have never seen anything proposed to the Committee on Interstate and Foreign Commerce that was more absurd than the plan of these joint boards, to be set up in all the States of the country. It is absolutely impracticable. There will be all the difficulties of assembling these boards. For instance, a certificate is applied for, and this board is assembled for that purpose. Men are taken from distant States. You have a hearing to-day and you do not get in all the testimony and you have to come back next week, and the entire board has to be assembled next week. Innumerable boards can be created, because you must have boards for every different combination of States. Every time a complaint is made about a violation of the law or to get a change of line, or to try to get better service one of these boards must be assembled. It has no permanent meeting place or personnel or place for its records. It is absolutely impractical. It ought never to be engrafted on our system of regulation.

In California we have a situation that has practically determined my attitude on this proposition. We have a system by which certain officers can be called from their local functions off to distant parts of the State to take the place of other men and other official bodies in performing their duties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEA of California. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. LEA of California. Those men are called from home to perform the functions of other officers in other parts of the State, and they are given compensation and expenses for so doing. The result is that we have men all over the State of California who are striving for an opportunity to serve on these special appointments. They want the increased money, and they want the honor and prestige of going to some other part of the State and parading around. In some instances these men go down to some other part of the State and use these appointments to increase salary as well as for personal parade. When they come back home it is with the same pride. All the time there is conniving and seeking to secure appointments. What is the logic of taking a man from a State function, where he has plenty to do and assigning him to other work, constantly making him subject to being sent to different States to take part in such a matter as this?

Mr. McSWAIN. Will the gentleman yield?

Mr. LEA of California. I yield.

Mr. McSWAIN. Did the gentleman ever see one of these little "one horse" examiners of the Interstate Commerce Commission come to his city and strut around?

Mr. LEA of California. You can not eliminate the examiners. That is a part of the regular system of regulation.

So I think the practical thing is to leave this matter as we have it in this bill. It takes care of a large per cent of all of these interstate transactions, where the lines are short in length and where the commerce is great, but it gives the Interstate Commerce Commission the untrammeled right to take care of these great interstate transactions and will prevent this duplication and conflict of methods of regulation that will prevail if you attempt to set up this system of boards proposed by this amendment.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman and gentlemen, I think this question is one of the most important connected with this legislation and should be carefully considered by the committee. I hope the amendment will not be adopted, and I wish I had more time to tell my reasons, but I will not have the time in 10 minutes.

This bill, gentlemen, I do not think would have been reported to the House if this amendment had been in it. The bill is a kind of a compromise of views, and as the bill has been reported it had the support of every member of the committee except one, with the understanding, of course, that the minority could offer an amendment presenting their views upon this question, which they always have the right to do.

Mr. MAPES. Does the gentleman think that my amendment would destroy the principle or purpose of the bill in any way?

Mr. DENISON. I think it would, and I am going to state why, if I have the time. I only ask your attention for just a few moments and I hope I will take up no more time in connection with this bill. Before the decision of the Supreme Court in the Buck case the State commissions assumed they had the right to regulate interstate busses as well as intrastate

busses. That assumption was based on certain decisions of the courts which held in other cases that until Congress exercises the power conferred upon it by the Constitution the States may do so. For instance, in the regulation of navigation on navigable waters the Supreme Court has held that while that is within the jurisdiction of the Congress, as a power inferred from the commerce clause of the Constitution, yet until Congress chooses to act upon that question the States may regulate such commerce. Under those decisions the State commissions assumed that the same rule would apply with reference to the regulation of interstate commerce by motor busses. So they went ahead and passed their laws applying to interstate busses.

As soon as a case reached the Supreme Court the Supreme Court held such action invalid, as appears from the decision in the Buck case and the decision in the Bush against Malloy case.

So since then the Supreme Court has repeatedly laid down the rule that State commissions can not regulate interstate motor busses. Just as soon as the Supreme Court declared the law the State commissions began the formulation of a bill which they thought would circumvent the decisions of the Supreme Court, and circumvent the provisions of the Constitution. Our fathers may have made a mistake in inserting that provision in the Constitution, the provision giving the Congress the power to regulate commerce between States, but that is in the Constitution, and I think we ought to observe it in the spirit as well as in the letter. Although we may put phraseology in the bill which will circumvent that provision of the Constitution and stand the test of the courts, I do not think we should do it if it would violate the spirit of the Constitution. That is my doctrine exactly.

We are circumventing it a little in the bill as it is now, for the reasons stated by the gentleman from California [Mr. LEA]. We have provided that we will create a joint board in cases involving matters of transportation between two States, and here is the reason why we did it, to be perfectly frank: There are on or near a great many State borders large population centers, like Philadelphia and Camden, Chicago and East Chicago, Kansas City, Mo., and Kansas City, Kans., St. Louis, Mo., and East St. Louis, Ill., and New York and Jersey City, where interstate busses are merely suburban busses or interurban busses running across the State line, so that questions arising in those cases are purely local; they do not involve any questions of national policy, and the committee has provided a plan here by which we provide for the creation of joint boards to handle those merely local questions, subject to review, of course, by the Interstate Commerce Commission.

Now, strictly speaking and logically, that is not in harmony with the spirit of the Constitution, but the Supreme Court itself has drawn a distinction between local questions and national questions in those matters of interstate commerce. So the committee has provided in the bill this 2-State board machinery for the purpose of considering and determining those purely local questions of interstate bus transactions between cities and their surburbs or surburban cities just across rivers or across State lines. But, gentlemen, it will be a mistake if we extend that principle beyond those local cases. You depart from the principle of this bill when you leave the local cases and extend the joint-board provision to three or four or more States. You are departing from the policy of the bill, and I hope the committee will not do that.

Of course, when our committee amended the Parker bill so as to take out the provision for creating joint boards all over the United States the representative of the Association of State Utility Commissions here in Washington was disappointed. He did not like it because we followed our own judgment and our own views of the Constitution. He wanted us to submissively follow his views. His views were that legislation should carry some kind of phraseology by which we could get around the commerce clause of the Constitution and allow the States to regulate interstate commerce.

He is a splendid gentleman and a very able gentleman, but what did he do? He sent telegrams immediately to the various State commissions in order to put a fire under us here, and in 24 hours telegrams began coming back to the Members of the House from the State commissions telling us what to do. Why, gentlemen, the Members of this House are just as big men as the members of the various State commissions, and we ought not to be swayed from our plain duty by these telegrams, all of which are practically in the same language, coming from State commissions, and all of which were sent to us in response to telegrams from the attorney of the State Commissioners' Association here in Washington, telling them what to do and then your State commissions sent their telegrams to us telling us what to do.

Let us stand up and do our duty here and carry out the spirit as well as the letter of the Constitution. We ought not to try to circumvent the Constitution by authorizing the State commissions to do what the Constitution says Congress should do.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURTNESS. Mr. Chairman, I regret I can not agree on this question with my distinguished friend from Illinois [Mr. DENISON], who seems to have worked up so much feeling in his attack upon the amendment proposed by the gentleman from Michigan [Mr. MAPES].

I was rather surprised to hear him make the statement that if the committee, when it worked out and perfected this bill, had written the word "three" instead of the word "two" in this provision, the bill would not have been reported out, in spite of the fact that 20 members out of the 21 members of the committee are supporting the bill as a whole.

I feel he is entirely mistaken and I think I can just as properly say to the members of this Committee of the Whole to-day that if the question of increasing the number from two to three had come up in the proceedings of our Committee on Interstate and Foreign Commerce after other perfecting amendments had been adopted, in my judgment, a majority of the committee would have voted for such an amendment and along the lines now proposed and as covered in our additional views made a part of the committee report on the bill.

Now, what do I mean by that statement? If you will turn to the original Parker bill you will find what I have in mind. When the committee was first considering all these questions, the bill provided that the decisions reached by the joint boards were in fact final decisions and and orders made by it would be final orders. There were a good many members of the committee who doubted the advisability of letting the joint boards make final orders, and this had a good deal to do, in my opinion, with the amendment that was adopted by the committee limiting the provision to two States. Later, as a reference to the reported bill shows, provision was made so that the joint boards should not issue final orders. They can simply reach their decision, they file their recommendation in the form of a proposed order, and this decision or recommendation becomes the order of the commission, if not reviewed or suspended at the expiration of 10 days.

It seems to me by adopting this change in the bill we did away with much of the objection that is raised by the fundamental argument made by the gentleman from Illinois [Mr. DENISON] here to-day, as well as in the argument made by the gentleman from California [Mr. LEA].

The fact is, under the bill as it now stands, any order becomes the commission's order. The men constituting the joint boards really become, so to speak, representatives of the commission for a particular piece of work just the same as the examiner is a representative of the commission. When a member from the State commission of Arizona, California, or any other State sits in a hearing, whether it involves a certificate of public convenience and necessity or some other question, for that particular purpose he is a Federal agent representing the Federal Government just exactly as the judge of your State court, when he passes upon a question of naturalization, is a representative of the Federal Government. When the Congress is willing to leave to the State courts such important questions as those of naturalization matters, making the State courts Federal agencies, surely there ought not to be any objection whatever to Congress trying this experiment of using the local authorities, members of State commissions, who know far more about the situation in their own States and in the neighboring States than any examiner who could be sent into that territory from the Interstate Commerce Commission, could possibly know. I say, let us try out, in an experimental and in a practical way, this proposition and see whether or not it will give us some light for the future and in this way reduce the work that is being continually piled up on the commission.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Without objection, the gentleman from North Dakota is recognized for two additional minutes.

There was no objection.

Mr. BURTNESS. Additional work is coming to the commission all the time. This prevents prompt and expeditious action. Let us relieve them at every place we can, and when gentlemen talk about two States covering 90 per cent of the applications that will be involved, that is simply ridiculous. Every one of you here in the East knows that the interstate operations almost universally cover at least 3 or 4 or 5 States, and you can

scarcely pick out a single interstate operation which involves only 2 States. That is the situation in New England, it is the situation between here and New York, and in such cases as those that the gentleman from Virginia [Mr. MOORE] and others have referred to.

Let us not be scared away by the idea that there are going to be such a tremendous number of applications submitted to these boards. The present operators are included under the so-called grandfather clause, which will be administered by the commission as a matter of routine. The applications that will come in, to be referred to these local boards scattered throughout the country, are going to be rather limited in their number. The commission will not have to establish half a dozen boards in every community every day of the month or anything of that sort as the gentleman from Kansas [Mr. HOCH] inferred. Of course, his argument was directed more to the original provisions of the bill as introduced and rejected by the committee rather than to the Mapes amendment.

It seems to me, as it seemed to the State commissions and to other witnesses who appeared on behalf of this legislation, that this plan of procedure is practical, that it is one worthy of being tried out. Let us come somewhere near compromising between the proposal submitted in the original bill and upon which hearings were held and the other extreme view, which is to the effect that the State authorities and the local people should have nothing whatsoever to say about it.

I strongly urge the adoption of the pending amendment to refer operations involving three States to local boards.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. RAYBURN. Mr. Chairman, I do not know what the view of the majority would have been if we had put into the bill the recommendation of the Interstate Commerce Commission and the State commissioners; but I can say this for the minority: If the original provision of the bill had been in the bill as it came to a final vote in the committee, it would not have received a single vote from any member of the minority of the committee.

After the statement of the gentleman from Illinois that he did not think it would have been reported—if he can speak for his side, I can speak for this side.

Mr. DENISON. If the gentleman will yield, I was speaking with reference to the two amendments.

Mr. RAYBURN. I am talking about the original provision. If the gentleman from Michigan gets this amendment adopted, he intends to follow it with another amendment providing that the Interstate Commerce Commission can refer any matters to the joint board it desires, and with the State commissions all clamoring for that right, and with the Interstate Commerce Commission wanting to escape the work that they said was the main reason for making the recommendation, we will have the monstrous situation referred to in the able and conclusive argument by the gentleman from Kansas.

Now, this morning, or yesterday, the gentleman from Michigan was asked a question as to the additional cost, and he said that it would be little or none. This bill specifically provides that even with the amendment of the gentleman from Michigan adopted, the one pending, and the one he is going to offer if this is adopted, the Interstate Commerce Commission would refer a case of the application of a carrier from New York City to San Francisco, it matters not where the board met, how long it sat, or how many times they had to leave home, the Federal Treasury would be charged with all of the expenses of these men as long as they were away from home.

Mr. MAPES. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MAPES. Of course, if the question is left to the Interstate Commerce Commission that commission will have to send one of its representatives.

Mr. RAYBURN. Oh, yes; but they only send one.

Mr. MAPES. And he would have to travel very much farther than the members of the joint board.

Mr. RAYBURN. It would not send six representatives nor five representatives, but one. They will be under the control and under the urge of the Interstate Commerce Commission to get through with the job and get home.

Mr. MAPES. If the operations involved three States there would be only one representative from each of the States so that there would only be three members of the board, and they would have to travel only a short distance to some near-by local city.

Mr. RAYBURN. The gentleman knows that if he could get it adopted he would have had it in the original bill. Let me say further to the gentleman and to those who stand with him, he knows that if the original proposition of the Interstate Commerce Commission had been adopted that he has tried to offer now, and then is to offer another amendment, some of us would have had no interest whatever in proceeding with the perfection of the bill. The gentleman from Michigan, after we agreed as to the form of the bill and the provision for two States, the gentleman undertook many times thereafter to bring up and asked us again to consider whether or not we would have more than two States.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RAYBURN. I ask for five minutes more.

The CHAIRMAN. Without objection it will be so ordered.

Mr. MAPES. I do not want to take the gentleman's time, but he is stating my position. He does not mean to say that I agreed to the 2-State limitation.

Mr. RAYBURN. The committee by a large majority vote put it in, and the gentleman several times raised a point.

Mr. MAPES. And I reserved the right to offer an amendment on the floor.

Mr. RAYBURN. Of course.

Mr. MAPES. Let me say further to the gentleman that I appreciate the difficulties or objections to referring cases to joint boards where as many States are involved as are involved in a transcontinental line. I have no desire, and I do not think it would be practicable for the Interstate Commerce Commission, to refer questions relating to the operation of a transcontinental line to a joint board.

Mr. RAYBURN. But the gentleman gives his whole case away. He is going to offer an amendment, he stated yesterday, giving the Interstate Commerce Commission the right and authority to do that very thing.

Mr. MAPES. If it sees fit.

Mr. RAYBURN. And it would see fit, if it followed the recommendation it made originally, in wanting to refer all of them to the State boards.

Mr. MAPES. The gentleman from Michigan thinks it would be practical to refer operations involving five or six States, and he has confidence in the judgment of the commission that it will administer this law in a practical way.

Mr. RAYBURN. That is not what is indicated by the amendments the gentleman is offering and by the speeches that he makes.

Mr. HOCH. In other words, the gentleman from Michigan has confidence that the commission will reverse the position that it took. [Laughter.]

Mr. MAPES. The gentleman from Michigan has not maintained since the original vote in the committee that it is practical to include all of the States.

Mr. RAYBURN. The gentleman is offering an amendment, though, that gives the Interstate Commerce Commission authority to do it.

Mr. MAPES. But there is a vast difference between referring it to the discretion of the commission and making it mandatory.

Mr. RAYBURN. When the commission has said that it wanted to do it and would do it if it had the authority, and, therefore, the gentleman's argument is that it would not do what it wished to do if you gave it authority to do it. Mr. Chairman, there has been some talk about whether State commissions would indorse this if it did not have this State board monstrosity in it. Mr. McDonald was before the committee and the question was asked of him:

> What would be the attitude of your association if its members were eliminated from the picture—what would be their attitude toward the bill?

Mr. McDonald replied:

> It would be just the same as it is now, Mr. HUDDLESTON. We see a condition coming. It is bound to come, just the same as it did in the railroads. The Interstate Commerce Commission eventually is going to regulate interstate commerce by motor vehicle, I think both persons and commerce, so far as they are handled by motor vehicles, before many years.

That is, for the bill, and they were there advocating this bill.

Somebody asked me yesterday while I had the floor what this thing would cost. I do not know what it would cost, and that is what I answered yesterday. Estimates would have to be made by the Interstate Commerce Commission and brought to the Committee on Appropriations, but I say to the gentlemen who have control of the purse strings that it will be enough if you leave this bill as it is, but if you will open this thing up to three or five or a dozen commissions and State boards to come in here, then it will run into millions and millions of dollars. A representative of the bus people who studied this thing asked the question, and his answer was quoted in the

statement of the gentleman from Kansas [Mr. HOCH]. He said that there would not only be hundreds but thousands of these boards, and you would have to send men from one end of the land to the other, paying their railroad fare and hotel bills, and it would run into millions of dollars. Furthermore, I say here to-day what I said yesterday. I think I violated a principle when I and those who stood with me on the committee agreed to one of these boards composed of representatives from two States. This transportation that we seek to control here is interstate transportation, and it is the duty of Congress and it is the funcion of Congress and nobody else to control that transportation in toto. [Applause.]

Mr. JOHNSTON of Missouri. Mr. Chairman, I move to strike out the last two words. I hope the amendment of the gentleman from Michigan [Mr. MAPES] will prevail, which provides for a board of three representatives. I wonder if the gentleman from Illinois [Mr. DENISON] is familiar with the situation that exists in Kansas, Missouri, and Illinois? A few years ago a bus company was running between Kansas City and the city of St. Louis, both in Missouri. Another one started, and in order to avoid the regulatory laws of the State they sold their tickets from Kansas City, Kans., which is a suburb, you might say, of Kansas City, Mo., and that ticket was to East St. Louis, Ill. Therefore they came under the provisions of interstate commerce. I believe most of our States to-day have public service commissions, and it is a fair presumption to say that a member of that board would be a member of the public service commission. He would serve as its member without any additional salary, because his salary is paid by the State. I believe under the terms of the bill the traveling expenses of these men would be paid by the Federal Government. In the instance that I cite of Illinois, Missouri, and Kansas, of course Missouri would be the proper place to meet. They would have but a short distance to travel, they would have their regular place of meeting. These three men could get together and they are better than two. Suppose there is a difference of opinion between two men. The third man is ready to form a majority of the board.

It has been said here that a board of two would represent, perhaps, 90 per cent of the cases. I think that is far-fetched, and I think the situation of where three are concerned would represent about 30 to 40 per cent of the States. I am heartily in favor of this amendment. I believe it efficient and practical, and I believe if increased it would be harder to get a larger board together.

Mr. NELSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. JOHNSTON of Missouri. Yes.

Mr. NELSON of Missouri. Reference has been made to Missouri. I might say that a few days ago I wired the Public Service Commission of Missouri asking what their views were on this or similar amendments, and their reply was that unless this or some such amendment was offered they preferred the defeat of the bill.

Mr. JOHNSTON of Missouri. I might state that I have not the same character of telegram, but one advocating a board of three. The complaint that I have has come from the people, going back to how the bus company attempted to avoid State regulation. This is an instance of where a board of three members seems to me to be the most practical and the best working one from the standpoint of economy.

Mr. PARKER. Mr. Chairman, I would like to know how many more gentlemen wish to speak on this amendment?

Mr. MOORE of Virginia. I would like to have about five minutes.

Mr. McSWAIN. I have an amendment pending.

Mr. PARKER. Does the gentleman from Oklahoma [Mr. O'CONNOR] prefer to go on to-night, or is he willing to go on later?

Mr. O'CONNOR of Oklahoma. I am willing to go on later.

Mr. PARKER. Mr. Chairman, I move that the debate on this amendment close in half an hour.

Mr. GARBER. Reserving the right to object, Mr. Chairman, would the gentleman allow five minutes for myself?

Mr. PARKER. Yes.

Mr. RAMSEYER. Mr. Chairman, this is very important legislation. The Members want to discuss it. This is an important part of the bill. I do not think you should stifle debate. Freedom of discussion will expedite the proceedings.

Mr. PARKER. If the gentleman objects I will not find fault with him. I am asking unanimous consent that the debate be limited. If the gentleman will make an objection I shall not find any fault.

Mr. RAMSEYER. The gentleman started to move to limit debate to half an hour.

Mr. PARKER. How much time does the gentleman desire?

Mr. RAMSEYER. I shall want five minutes. I think the gentleman should think about it overnight.

Mr. PALMER. Mr. Chairman, I think this is a very important amendment, and ample time should be allowed.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore, having assumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carrier operating on the public highways, reported that that committee had come to no resolution thereon.

ADJOURNMENT OVER UNTIL MONDAY

Mr. PARKER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday at 12 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TO ALLOW THE MANUFACTURE OF 2.75 PER CENT BEER

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an address which I delivered before the Law Enforcement Commission on the subject of prohibition.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing an address made by him. Is there objection?

There was no objection.

The address is as follows:

AN ADDRESS BEFORE THE NATIONAL LAW OBSERVANCE AND ENFORCEMENT COMMISSION, WEDNESDAY, MARCH 12, 1930

Gentlemen of the commission, I wish to express my appreciation of your attention to the letter which I addressed to you on January 25 last. Therein I requested that the commission consider what percentage of alcohol in beverages can fairly be considered nonintoxicating; and, secondly, whether or not in the view of the commission an adjustment of the national prohibition act in this regard would be of benefit in the general enforcement of that law against intoxicating liquor as such. Congress, both in the House and Senate, is disinclined to enact any legislation which is not wholeheartedly in support of the eighteenth amendment forbidding intoxicating liquor for beverage purposes. The Congress is, however, none the less compelled to consider any measure which will aid in a fair execution of the constitutional mandate.

There has been much consideration of the propriety and efficacy of the present provision which declares that all beverages containing one-half per cent or more of alcohol shall be deemed to be intoxicating liquor. Many bills have been introduced raising this limitation. The public at large has shown deep interest in the question. I, myself, have introduced a bill proposing a change to 2.75 per cent of alcohol by weight. I lay before this commission a copy of my bill showing the tenor of such proposals. In the House all of these bills have been referred to the Judiciary Committee, which, from the beginning, has had jurisdiction of questions relating to national prohibition.

We are confronted with two primary questions in dealing with this topic. First, as to whether or not a beverage containing 2.75 per cent of alcohol is in fact nonintoxicating, and, secondly, would a change of the law in this regard aid in the enforcement of the actual prohibition of the Constitution against intoxicating liquor? The first question is plainly a question of fact and the second question is plainly a matter of policy. I am here this afternoon to urge that your commission make investigation and furnish us a report on the first question of fact as to whether or not a beverage containing 2.75 per cent of alcohol would in fact be nonintoxicating. Secondly, would such a change tend to aid in enforcing the real prohibition of the eighteenth amendment against admittedly intoxicating liquor?

With respect to the alcoholic content which may be deemed to be intoxicating for purposes of legislative enactment, I am myself inclined to the opinion, both as a lawyer and as a Member of Congress, that the Supreme Court of the United States has properly held that appropriate legislation by Congress for the enforcement of the eighteenth amendment necessitates some declaration by Congress as to what the measure of alcohol in a beverage shall be considered as making such beverage intoxicating. The Supreme Court entertained this view in sustaining the proposition that when Congress declared that one-half per cent or more of alcohol should be deemed intoxicating, the question of fact as to what was actually intoxicating could not be investigated, but that the statutory declaration fixed the character of the beverage for the purpose of application of the national prohibition act. It would, of course, be difficult to secure any uniformity of action in the trial of cases of alleged violation of the prohibitory law if the question of whether or not the particular article

in dispute was or was not intoxicating in fact could go to issue on that fact. Therefore, to all practical purposes, the law must be depended on to fix the measure, and thereafter ordinary analysis proves the fact to which this statutory measure is to be applied.

I, myself, am convinced, as I have already indicated, that it is the duty of Congress in making such a statutory declaration to place the limit as high as safely may be adopted in order that the statute in declaring what is intoxicating liquor by mere fiat of law shall avoid making the field of the statutory prohibition wider than the constitutional prohibition, which is only against intoxicating liquor.

Nothing should be excluded by the statute which is not in fact intoxicating when used as a beverage. There seems to be a substantially universal assent to the proposition that one-half of 1 per cent alcohol is far below the intoxicating ratio of alcohol to the beverage menstruum in which the alcohol is present. Physiologists appear to agree that alcohol is intoxicating in fact only when the ratio of the alcohol to the other liquid and solids in the beverage attains such a point that the alcohol acts sufficiently promptly and cumulatively to give a toxic result.

In the case of Joseph E. Everhard against James Everard's Breweries, an equity proceeding involving the question of whether or not beer containing 2.75 per cent of alcohol was in fact intoxicating, Government attorneys then discussing the question substantially conceded that a beer with this alcoholic content was not in itself intoxicating, relying on the proposition of law that the congressional enactment foreclosed any discussion of the actual facts, and that the statute was valid as a congressional declaration of what was to be deemed the fact for the purposes of the enforcing measure. In that case, however, many affidavits were presented on the practical aspect of what was or was not intoxicating. Such distinguished public men and learned lawyers as the Hon. Elihu Root, William D. Guthrie, Esq., of New York, and Hon. William L. Marbury, of Baltimore, who were in charge of the case for the complainant, were convinced that they had fully established on the proofs as a matter of fact that 2.75 per cent alcoholic beer was nonintoxicating. The first affidavit which they presented was by Hobart Amory Hare, M. D., then professor of therapeutics, materia medica, and diagnosis in the Jefferson Medical College, Philadelphia. Doctor Hare is one of the most distinguished physiologists and therapeutists in this country, and has a world-wide reputation in his profession. His opinion as stated on the record in the case mentioned is that beer containing not to exceed 2.75 per cent of alcohol, by weight, is not intoxicating.

Many other physiologists, toxicologists, and scientists learned in this field have expressed similar conclusions.

From my reading and discussion, I am now of the opinion that these scientific expressions are valid. I submit, however, that your commission should look into this question of fact and on its own examination of the authorities give to Congress an expression as to what percentage of alcohol in naturally fermented beverages may be deemed to be nonintoxicating; this to the end that Congress may have before it the commission's independent finding in this regard.

I wish now to present the question of policy:

The eighteenth amendment prohibits the manufacture, sale, transportation, importation, and exportation of intoxicating liquor for beverage use.

That, and nothing more.

It does not prohibit intoxicating liquor for any other purpose than beverage use, neither does it define intoxicating liquor. The amendment provides that Congress and the several States shall have the concurrent power to enforce this article by appropriate legislation. In the exercise of that power, Congress has, in Title I of the national prohibition act, defined intoxicating liquor as any beverage containing as much as one-half of 1 per cent of alcohol. That definition of an intoxicant made it arbitrary upon all States enacting State enforcement laws to define intoxicating liquor within the same exact terms; otherwise, any other definition of an intoxicant by a State would be in conflict with the national law, and, therefore, null and void. But Congress, in section 29 of the national prohibition law, provided that the penalties of the act shall not apply to the manufacture in the home of cider and nonintoxicating fruit juices exclusively for use in the home. The term "nonintoxicating fruit juices" means wine.

Under the national prohibition law as it now stands any beverage containing as much as one-half of 1 per cent of alcohol, not manufactured in the home, is an intoxicating liquor in violation of the law; but under section 29 it is entirely legal to manufacture in the home cider and nonintoxicating fruit juices—in other words, wines, regardless of their alcoholic content.

The Prohibition Bureau in its instructions to prohibition agents states that the ciders and fruit juices manufactured under section 29 of the Volstead Act do not have to conform to the one-half of 1 per cent standard in Title I of the law but may contain alcohol in excess of that amount. The amount of alcohol by which these beverages so manufactured may exceed the one-half of 1 per cent standard before they become intoxicating in fact can be determined only by a jury in a court of law. The Prohibition Bureau has no authority to say that such beverages containing 3, 5, 10, or 50 per cent of alcohol are intoxicating. The only method by which the Federal Government under this provision of the law can determine whether such beverages are intoxicating is to institute a proceeding and submit the question to a jury.

In the celebrated case of former Congressman John Philip Hill, tried in the Federal court at Baltimore, the jury held that his 12 per cent homemade wine was nonintoxicating. The Federal Government has not brought another case; therefore, under the law as it now operates, millions of householders are manufacturing wines and ciders in their homes regardless of their alcoholic content. The Federal Government does not challenge their right to do so. Last August the Federal Prohibition Bureau issued explicit instructions to all its agents not to interfere with such home manufacture of ciders and nonintoxicating fruit juices, except upon evidence of sale, and also not to interfere with the shipment and delivery of grapes to be used in such manufacture.

The effect of section 29 of the Volstead Act, as interpreted by the Federal Prohibition Bureau, is to legalize the manufacture in the home of wines, ciders, and champagnes, regardless of their alcoholic content. It is a well-known scientific fact that pure apple juice, after it is fermented into cider, contains never less than 3½ per cent of alcohol and may contain much more. Grape juices through natural fermentation will produce from 10 to 15 per cent of alcohol. Therefore, in the Federal prohibition law as it stands to-day, there are two widely divergent if not conflicting definitions of intoxicating liquors—one in specific terms defining an intoxicant as any beverage containing as much as one-half of 1 per cent of alcohol, and the other so indefinite that only a jury in a court of law can determine what constitutes an intoxicating liquor.

The bill which I have introduced provides for the legalization of beer containing 2.75 per cent of alcohol by weight. Under Title I of the national prohibition act any beer, whether manufactured inside or outside of the home, is unlawful if it contains as much as one-half of 1 per cent of alcohol, but millions of householders are to-day manufacturing beer containing from 4 to 6 per cent of alcohol on the theory that if it is legal to manufacture wines and ciders in the home it ought not to be illegal to manufacture beer of a much less alcoholic content. However, under a strict construction of the law, there is no doubt that it is unlawful to manufacture beer in the home if it contains as much as one-half of 1 per cent of alcohol, although it is not unlawful to manufacture wines and ciders containing ten to twenty times that amount of alcohol.

The Federal Prohibition Bureau has not made any serious effort to interfere with the manufacture of beer in the home, probably upon the theory that it would be highly inconsistent to arrest and prosecute householders for the violation of the national prohibition act for making beer of a lesser alcoholic content than wines and ciders, the legality of which is fully recognized under the provisions of section 29.

The legislatures of several of the States have in effect legalized the manufacture of beer in the home by taxing the ingredients from which it is made. As a matter of common sense, no citizen can understand why wines and ciders of 6 to 12 per cent of alcohol are nonintoxicating if made in the home and are intoxicating if made outside of the home. Neither are they able to understand why such wines and ciders are nonintoxicating and malt beverages containing as much as one-half of 1 per cent of alcohol, made either inside or outside of the home, are by law made intoxicating.

Under the provisions of the bill, malt beverages containing 2.75 per cent of alcohol, less than one-fourth of the alcohol in legal home-made wines and champagnes and less than one-half as much alcohol as in most of the home-made beers, would be legalized.

Since the national prohibition law defines an intoxicant as any beverage containing as much as one-half of 1 per cent of alcohol, it naturally follows that no State can legalize a beverage containing a greater quantity of alcohol, regardless of the will of the people of the several States. The result of this arbitrary provision of the law is that several of the great States, having by an overwhelming vote of their people petitioned for an amendment to the law to legalize 2.75 per cent beer, have either repealed their State enforcement laws or refused to enact State enforcement laws, and have therefore divorced themselves entirely from the Federal Government in the enforcement of the prohibition law. These great States have said in effect to the Federal Government:

"Since you are so unreasonable in your definition of an intoxicating liquor, you must bear the entire burden of prohibition enforcement. The definition of an intoxicating liquor in the national prohibition law is neither scientific, honest, nor truthful. We will not participate in the enforcement of a statutory lie against the citizens of our State. We will not imprison or penalize our citizens for the violation of a provision of the law that is unscientific and dishonest."

Since 1923 the Federal Government, through the chief executives and the law-enforcement bodies, has been making appeals to the State governments to relieve the Federal Government of a share of the great burden of prohibition enforcement.

Nevada, Montana, Wisconsin, and New York have answered by repealing their State enforcement laws, and Maryland has steadfastly refused to pass any State enforcement act. Massachusetts in November

will vote on a proposition to repeal its State enforcement law. Illinois has twice by overwhelming majorities voted in favor of the legalization of beer. Since this petition has not been granted by the Federal Government, the House of Representatives of the Illinois Legislature has twice voted to repeal the State enforcement act. The State senate by a very narrow margin has twice prevented the repeal of the act.

In 1922 the people of Illinois voted on this proposition:

"Shall the existing State and Federal prohibitory laws be modified so as to permit the manufacture, sale, and transportation of beer (containing less than 4 per cent by volume of alcohol) and light wines for home consumption."

The vote was: Yes, 1,065,242; and no, 512,111.

In other words, 67.6 per cent of the people of the State of Illinois voted in favor of the legalization of both beer and wine, and 32.4 per cent voted against it.

In 1926 Illinois again voted upon a much broader proposition, as follows:

"Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment to the Constitution of the United States so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States?"

The vote on that proposition was yes, 840,631, or 60.2 per cent; and no, 556,592, or 39.8 per cent.

It is quite probable, therefore, that if the question of repeal of the State law of Illinois should be submitted to a direct vote of the people it might carry, and the State would thus withdraw all support from the National Government in the enforcement of the law. There are new movements underway to submit the repeal of the State laws of Illinois, Missouri, and Pennsylvania to a direct vote of the people. If, in addition to the five States which have either repealed their State laws or refused to enact them, there should be added the populous States of Missouri, Pennsylvania, Illinois, and Massachusetts, the Federal Government would be confronted with a most serious problem in the matter of the enforcement of the national prohibition law.

Let me mention some of these State problems. Several years ago the Legislature of Wisconsin passed a bill to legalize the manufacture of beer. The State law, being in conflict with the Federal law, was of no force. Then in 1926 Wisconsin voted on this proposition:

"Shall the Congress of the United States amend the 'Volstead Act' so as to authorize the manufacture and sale of beer, for beverage purposes, of an alcoholic percentage of 2.75 per cent by weight, under governmental supervision, but with the provision that no beverage so purchased shall be drank on the premises where obtained?"

The vote on this proposition was:

Yes, 349,443, or 66.3 per cent; and no, 177,602, or 33.7 per cent.

That vote may be construed as an emphatic demand upon the part of a great majority of the people of Wisconsin for relief from the drastic provisions of the national prohibition act by the legalization of the manufacture of a light, nonintoxicating beer. Congress failed to hear the voice of Wisconsin; therefore, the State legislature in 1928 submitted to the people a proposition to repeal the State enforcement law. That vote was taken in April, 1929, and the people of the State, by a majority of approximately 150,000, went on record in favor of repeal. The State legislature met shortly afterwards and in obedience to the mandate of the people wiped the State prohibition enforcement act from the statute books.

The State of New York several years ago passed a law legalizing the manufacture of beer. This law was in conflict with the figure in the national law. The State legislature in 1923 repealed the State enforcement act, and in each biennial session thereafter has refused to reenact it.

In 1926 there was submitted to the people of New York this proposal:

"Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating as determined in accordance with the laws of the respective States?"

The vote on that proposition was:

Yes, 1,763,070, or 74.8 per cent.

No, 598,484, or 25.2 per cent.

In Massachusetts in 1928 a proposition to instruct the Representatives of the State in Congress to vote for the repeal of the eighteenth amendment was submitted in all but one or two congressional districts and carried by a majority of approximately 250,000.

In Montana in 1926 an initiative bill to repeal the State enforcement act was adopted by a vote of 83,231 to 72,982. A proposition to reenact the State enforcement law was again voted on in 1928 and was defeated by a larger antiprohibition vote than in 1926.

The Legislature of Nevada repealed the State enforcement act and in 1926 submitted to the people for direct vote a resolution declaring that:

"Experience has demonstrated that the attempt to abolish recognized abuses of the liquor traffic by the radical means of constitutional prohibition has generally failed of its purpose," and making "application to the Congress of the United States to call a convention for proposing an amendment to Article XVIII of the amendments to the Constitution of the United States."

That resolution was adopted by a vote of 18,131, or 77.2 per cent, as against 5,352, or 22.8 per cent.

It must be apparent to the members of this commission that the denial by the Federal Government of the petitions of the people of several of the largest States for remedial legislation in the legalization of a nonintoxicating beer of 2.75 per cent of alcohol is leading rapidly to the creation of conditions under which some States have already withdrawn all support and others apparently will withdraw all support from the Federal Government in the matter of enforcing the national prohibition law. It must also be apparent to this commission that if the Federal Government desires the support of the States in the enforcement of the national prohibition law some latitude must be granted to the States in determining what constitutes an intoxicating liquor. Without the support of State laws, enforced by local officers and in local courts, it will be a manifest impossibility for the Federal Government to enforce the national prohibition act within any reasonable scope; and this is particularly true in view of our Federal court situation under the national prohibition act.

This commission, I presume, fully understands that there is a great body of public opinion opposed to the prohibition law. This opposition is in part against the rigorous provisions of the enforcement act and in part against the eighteenth amendment. The results of the referendum elections in several States indicate that the majorities in favor of the modification of the law are very large; and since the Federal Government adheres to the original provisions of the enforcement act and refuses to liberalize it to permit the manufacture and sale of beverages which are, in fact, nonintoxicating, the objection of the people becomes more firmly rooted and takes the form either of opposition to the amendment itself or to the State laws or both. It might be well in this connection to mention the situation that existed at the time of the ratification of the eighteenth amendment.

The eighteenth amendment was never submitted to a direct vote of the people. While it is true that ratification by the legislatures of the States was in accord with the Constitution, it should be remembered that ratification was during the period of war excitement and war extremes. Of course I mention this topic in no way as an assault upon the eighteenth amendment, but it is material as showing one of the difficulties of the popular attitude toward the system, and is a feature of the problem that Congress has to realize in dealing with legislation under the amendment. It is also claimed by many that this was the first and only amendment that was ever adopted which gave new and added powers to the Government of the United States, with a corresponding decrease of power in the individual citizen.

Examination of the records of the States shows that at the time of the ratification of the eighteenth amendment, 33 States had State-wide or constitutional prohibition; 23 by direct vote of the people; and 10 by acts of their legislatures without having submitted the question to direct vote. Fifteen States had no State-wide laws. In the 23 States that had adopted State-wide prohibition by a vote of the people, 2,666,408 votes were cast for the prohibition policy and 2,104,906 votes against it. The population of these 23 States was in 1920, 33,701,000. The 15 States which had no State-wide prohibition laws had a population of 50,257,517. The 10 States that had prohibition by statute without having submitted the issue to direct vote had a population of 22,014,831. It will thus be seen that the people in States having 72,272,348 population had never by direct vote of their people agreed to the policy, while the population of the States that had, by direct vote, adopted the policy was 33,701,000. A record of the vote of these States is available to the commission or can be furnished.

So far as the record shows, but 2,666,408 people in the entire United States had indicated by their vote at the polls that they desired even state-wide prohibition.

In my own State of Missouri there was submitted at the 1916 election a proposition to adopt a prohibition constitutional amendment with a sort of understanding or gentlemen's agreement that the vote would be regarded as an expression of the will of the people on ratification of the eighteenth amendment. The State amendment was rejected by a majority of 73,964, but the legislature elected on the day this referendum was taken promptly ratified the eighteenth amendment. So far as I can recall, the eighteenth amendment was subjected to a referendum after ratification by the State legislature in but one State—Ohio. The people of Ohio by a small majority voted to reject the amendment. These facts are set down here merely as a memorandum reflecting the views of the people as expressed in regular elections. They will perhaps throw some light on the difficulties arising in the enforcement problem. Numerous newspaper polls, covering almost the entire United States, were taken in 1926. These polls were unofficial, of course, but they were participated in by newspapers of all shades of opinion on prohibition. The polls indicated that at least 75 per cent of those sending in their marked ballots favored modification of the national prohibition law to permit the manufacture of nondealcoholized beer.

The late Samuel Gompers, for many years president of the American Federation of Labor, testifying before the House Judiciary Committee

on April 21, 1924, presented to that body the resolutions of the conventions of the federation strongly demanding the legalization of the manufacture and sale of 2.75 per cent beer. The Federation of Labor in annual convention in 1921 adopted a resolution for beer and has continuously in subsequent conventions ratified that demand.

Mr. Gompers presented to the Judiciary Committee the resolutions adopted by the conventions of the American Federation of Labor in 1921 and 1923. These resolutions make it clear and emphatic that the Federation of Labor seeks no violation of the eighteenth amendment, but favored a reasonable interpretation of the amendment "in order that the prohibition law may be enforceable and enforced, and in order that the people of our country may not suffer from an unjust and fanatical interpretation of the Constitution."

The resolutions of the 1923 convention, which were reaffirmed after the death of Mr. Gompers by the 1927 convention of the American Federation of Labor, state emphatically that in the opinion of the great body of American citizenship represented by this organization the liberalization of the national prohibition law to legalize the manufacture and sale of wholesome beer would be of great value not only in the enforcement of the law against the unlawful sale of high-powered and poisonous liquor but would be of great value in restoring and maintaining respect for law.

It must be realized that the apparent extremity of the National Congress and the Federal administration under the eighteenth amendment has caused the people in many of the populous urban centers and populous States to believe that the national law as enforced by national officers is more rigorous than the eighteenth amendment itself requires.

We can not escape the conclusion that great resentment exists in the densely populated portions of the country against the law which tolerates homemade wines and ciders in rural sections, where the population has available the materials therefor, but forbids nonintoxicating beverages to city dwellers and the laboring classes who are unable to secure wines and ciders either by home manufacture or by purchase.

There are pronounced benefits, which, in my own opinion, would result from squaring the national prohibition act with the facts, and I think that this commission should make its own investigation and report its conclusion on these several propositions so that the Congress could have the benefit of its judgment in considering the very important questions that this subject presents.

We are confronted with certain conceded facts.

Strong beer of the ale type is made in great quantities within the United States from three different sources:

First. Beer is brewed in the home with the tacit consent of the Government, but none the less contrary to law. This beer is necessarily poorly made, is of high alcoholic content through inability to regulate fermentation, and in most cases is intoxicating in fact. Growing children observe the violation of law by their parents; even participate in the making of the beer, and it is fairly to be assumed that they early learn to consume the homemade beer.

Certainly this condition is contrary to every principle of morals upon which the eighteenth amendment and the law are founded. Certainly in the interest of law enforcement and law observance, the commission should give to us its views on the sociological question and the tendency toward disregard of law on the part of the youth which this nation-wide condition brings about.

Second, home brewing has led to a further illegal practice, to wit, so-called alley brewing, which consists of home brewing on a commercial scale for sale to neighborhood soft-drink stands and speak-easies.

Third, illicit operation of former breweries either with or without permit for the manufacture of less than half per cent alcoholic beer furnishes beer on a substantial commercial scale. The courts have held that the Government can not interfere with brewing by alleged fermentation where alcohol is supposed never to reach the one-half per cent except the Government employ search warrant and the usual proceedings. Permit is required by law where higher alcoholic content is created and the dealcoholizing process employed, and the Government has the right of inspection in such permitted operations.

In the first class of operations, home brewing, the evils consist of demoralization of the home, intoxication in the home, and the vice of Government assent to a clear violation of existing law.

In the second and third classes there is plain commercial violation of law, and the high alcoholic content of the bad beer hastily made and marketed means that the fundamental prohibition of the Constitution is transgressed.

Two attendant vicious evils are present in the commercial illicit beer trade. In the first place, it leads to corruption of officers to secure protection for the handling of a bulky commodity and the large profits in selling a cheaply and quickly made product enable the beer runners to raise large corruption funds.

Secondly, the distribution is local and gang operations to control district operations in bootleg beer have led to much of the gang warfare and violence that have become a menace to the public safety in several of the great cities of the country.

The question, then, is as to the benefit in this particular field and in prohibition enforcement generally, if any, which the country could fairly hope to secure by a change in the law respecting alcoholic content. It is the views of the commission on this question which we seek to secure. Certainly, if any appreciable benefit could be secured, without Congress departing from the eighteenth amendment, such benefit should be sought.

Certainly, we can start from the constitutional premise that Congress should not by statute attempt to exceed the prohibition that the eighteenth amendment itself fixes. If one-half per cent is well below the intoxicating limit, Congress has already gone further than the amendment. If 2.75 or 3 per cent of alcohol is not intoxicating, Congress constitutionally may elevate the figure.

We feel that the commission should ascertain whether or not, as now stated by many of the law-abiding brewers of the country, the manufacture of such beer could be conducted without necessity of dealcoholizing and spoiling flavor and character of the malt beverage, and with a resulting product that would satisfy the demand for beer now illegally supplied by home brewing, alley brewing, and other illicit manufacture of strong beers, and would this, by doing away with existing admitted violation of the law in that one field, with attendant corruption and violence, be in itself a warrant for the change?

The commission should further consider whether or not the availability of a beverage of this character would tend to offset the demand for strong liquor, and the benefit of enabling enforcement officers to concentrate their efforts against hard-liquor manufacture and the bootlegging thereof.

The commission should also consider the effect upon the public attitude toward the law as a whole of a change of this character. How much benefit in a better attitude of panelmen in jury trials in liquor cases could be expected in cities such as St. Louis, Chicago, Philadelphia, and New York were Congress to adjust the alcoholic content with more regard to forbidding only actually intoxicating liquors?

Further, again, what would be the probable effect with respect to relations between the Federal Government and the States that show disinclination now to cooperate at all in enforcement? Could it be expected that some of the States would act more favorably in the light of a patent effort by Congress to make the national legislation no more stringent than the eighteenth amendment requires?

While I am satisfied myself that some or all of the benefits mentioned would result from the change, aside from any question as to the legislative fairness of the existing provision, I am convinced that the deliberate and dispassionate conclusions of this commission, composed as it is of citizens of scholarly distinction and concerned only with actual facts and fair deduction therefrom, will be of great utility in congressional deliberation on this very important topic.

I therefore urge that the commission aid us with its study of facts and conclusions, as requested in my letter to your distinguished chairman.

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night had been long and apparently there was to be no daybreak. Only a chirp here and there gave hope of a dawn. But with a courage destined to overcome all obstacles and equal to the fortitude with which the city had borne its calamities, vicissitudes, and defeats our people marched steadily forward to one of the greatest victories of ancient or modern times.

In 1870 the city, as a result of flood, famine, disease, war, and pestilence resembled a South American village. But the people resolved grimly to carry on, and by unparalleled sacrifices and efforts a drainage system was installed that has made it possible to go down into the bowels of the earth and secure foundations as durable as those that are laid on the rock bottom of Manhattan Island. A water and purification plant has reached about as near perfection as any of the works and inventions of man can approach at the cost of many millions of dollars, and to-day the city can boast of a water supply that for purity is not excelled by that of any municipality on earth. It is Mississippi River water, caught at New Orleans and filtered after its long journey from the ramparts of the Rockies and the crest of the Alleghenies. It is water that has sung its way from Lake Itasca on its journey to the Gulf of Mexico. During the last 30 years a public belt system has come into existence that is unique in the life of America. A dock system blesses the river front and the commerce of the valley with an efficiency and a dispatch which have earned for the old city the reputation of having a river terminal that is equal to the very best in the world. New Orleans is so situated that it makes for the most attractive spot on this continent for those who are inclined to wander on after having satisfied their souls with the finer things for which the spirit of the cultured ever craves. From out of that port go riders to the sea which bring those in search of adventure to Vera Cruz in a few days of sea voyage, and from that ancient city can be made an ascent within a few hours toward Mexico City that probably has no parallel in the Alps or the Andes. Or one may journey down to Port Limon and from there make the unforgettable ascent to San Jose. Or one may go to Panama City, which has, of course, taken on a new significance to all Americans who love any place over which the American flag floats.

One of the most impelling reasons advanced for making New Orleans the situs or locus for the world's exposition was made by Crawford Ellis, vice president of the United Fruit Co., who in his own graphic manner showed the advantages that would flow to continental United States by locating the great exposition in New Orleans, and emphasized those reasons by sketching in a most alluring manner the many side trips, journeys, and voyages that could be made by those who would come to New Orleans and have their desire to move farther southward stimulated by its wondrous atmosphere.

But the greatness of New Orleans lies in its splendid realities as the port of the Mississippi Valley. It is in touch with the wide, wide world, as the saying goes, because soon or late every vessel that sails the seas finds its way up the Mississippi River to the city of magic and charm. And its grand destiny is not nearly accomplished, notwithstanding its age, its defeats, and its victories. We are scarcely past the sunrise for our real commercial greatness still lies ahead. Before the railroad came into existence, in 1825 or thereabout, it looked as if New Orleans was to become the great metropolis of the world. All commerce then had to pass down the Mississippi River and its tributaries by way of raft, barge, and steamboat to New Orleans. But the locomotive changed transportation routes and commerce passed over the Allegheny Mountains to the Atlantic seaboard north and south.

It is a world of change, however, and we move through cycles and circles back to the point from which we started very frequently. "The stone which the builders refused is become the headstone of the corner," as the book hath it or as many lodge orators phrase it, "and the stone that was rejected becomes the keystone of the arch." As a result of the growth of population in the Mississippi Valley and the advance and inventions in the mechanical arts, barges of immense cargo-carrying capacity have come into existence, moving under their own power and promising to revolutionize not only the transportation of the country but its domestic and foreign trade routes.

If the most thoughtful students of economics and transportation have a correct vision New Orleans will during the lifetime of many of those now living double its population and quintuple its resources and wealth. It should be the headquarters of the cotton trade and industry of the South. And it is almost inconceivable to think that the National Cotton Corporation would hesitate about selecting it as the proper location for its general headquarters.

Among the really big institutions of Louisiana is the New Orleans Association of Commerce. It prepared a statement of facts for presentation to the Organization Committee of the National Cotton Corporation from which I cull information which I know will be of vast importance to those who are interested in seeing the headquarters desirably located as well as to men, corporations and institutions that are looking for an investment field wherein they may reap harvests of gold.

This invitation to establish the general headquarters of the National Cotton Corporation in New Orleans is extended on behalf of the following interests and organizations:

State of Louisiana, His excellency, Huey P. Long, governor; city of New Orleans, Hon. T. Semmes Walmsley, mayor; New Orleans Association of Commerce, A. D. Danziger, president; New Orleans Board of Trade, W. L. Richeson, president; New Orleans Cotton Exchange, J. P. Henican, president; New Orleans Stock Exchange, Geo. E. Williams, president; Louisiana Sugar and Rice Exchange, R. M. Murphy, president; New Orleans Insurance Exchange, Bryan Bell, president; New Orleans Real Estate Board, Guy L. Deano, president; New Orleans Clearing House Association, L. H. Dinkins, president; New Orleans Steamship Association, S. T. DeMilt, president; Green Coffee Association of New Orleans (Inc.), G. R. Westfeldt, jr., president; New Orleans Homestead Clearing House Association, N. G. Carbajal, president.

HISTORICAL

From the very earliest days of cotton production in the United States to the present time New Orleans, by reason of its strategic geographical location, has occupied a preeminent position in the cotton world.

New Orleans is mentioned as a cotton trading point in the writings of its founders, as early as 1735, and for several decades was the only port of export of this commodity.

As the settlement of the interior progressed westward from the original colonial States, and the demand for cotton increased, the importance of New Orleans as a trading center grew apace, always maintaining her position as one of the country's leading cotton markets.

It is but logical that such a destiny should have been the portion of a city that has become the metropolis of the South; the second port of the country; and the natural gateway for over 54 per cent of the Nation's population.

PRODUCTION

As far back as the records of the United States Government are available the geographic center of production of the American cotton crop has been located within a comparatively short distance from New Orleans. The most recent statistics on the center of cotton production of the country, furnished by the United States Department of Commerce, show this point to be near the junction of the boundary line between the States of Louisiana and Arkansas with the Mississippi River.

There is shown below the cotton production of the United States for the year 1928:

Alabama	1,096,624
Arizona	145,731
Arkansas	1,216,241
California	171,042
Florida	20,053
Georgia	1,053,205
Louisiana	685,868
Mississippi	1,462,021
Missouri	146,921
North Carolina	869,248
New Mexico	82,177
Oklahoma	1,187,042
South Carolina	744,390
Tennessee	423,471
Texas	4,941,545
Virginia	44,764
All other States	6,206
United States	14,296,540

CONSUMPTION

Domestic: According to the most recent statistics furnished by the United States Department of Commerce, the consumption of domestic cotton for the fiscal year ending July 31, 1929, amounted to 6,778,199 bales, exclusive of linters. Of this total, nearly 6,500,000 bales were consumed in New England, New York, New Jersey, Pennsylvania, and so forth, and in the Southern States east of the Mississippi River.

When it is considered that more cotton is produced in the States west of the Mississippi River than in the States east thereof, it will be seen that there is a decided flow of the total movement from the West to the East.

Export: According to Government figures, the exports of domestic cotton for the same period referred to above were in excess of 8,500,000 bales, of which approximately 6,500,000 bales, or over 77 per cent, moved through Gulf ports.

The flow of the domestic movement from the West to the East and the preponderance of the export movement through

the Gulf ports would distinctly emphasize the need of locating the general headquarters at a point from which both movements could be most economically and conveniently directed and handled. It is manifest that New Orleans occupies such a position.

TRANSPORTATION

Nowhere else in the United States except at New Orleans may be found such a complete coordination of the four major transportation mediums—railroads, inland waterways, coastwise and overseas steamship service. The following nine railroad trunk lines, constituting over 20 per cent of the Class I railroad mileage of the United States, radiate from New Orleans, with direct service to every important city in the South:

Gulf Coast lines; Illinois Central system; Louisiana & Arkansas Railway; Louisville & Nashville Railroad; Missouri Pacific Railroad; Gulf, Mobile & Northern Railroad; Southern Railway system; Southern Pacific lines; Texas & Pacific Railroad.

Inland waterways: The Inland Waterways Corporation, an agency of the United States Government, operates regular barge service on the Mississippi River as far north as Minneapolis and St. Paul, and on the Warrior River as far north as Birmingham, Ala.

All-water rates via the barge line are uniformly 20 per cent lower than the all-rail rates. Through rates via rail and barge to New Orleans are published from a large part of the cotton-producing territory and will show tremendous economies in cost of transportation.

Independent barge lines operate regular service on the Mississippi and Ohio Rivers as far north as Pittsburgh, Pa., offering the same rate advantages as the Inland Waterways Corporation.

In addition to the river service mentioned above, several steamboat—packet—lines operate regular freight and passenger service to New Orleans from near-by points on the Mississippi River and its tributaries.

Coastwise steamship service: Coastwise steamship service is available to the Atlantic seaboard, New York, Philadelphia, and Boston; to the Pacific coast, Los Angeles, San Francisco, Seattle, Portland, and so forth, as well as to the various ports on the Gulf of Mexico.

Foreign steamship service: Foreign steamship service to and from New Orleans to all parts of the world is more extensive and regular than from any other American port except New York. Nearly 90 steamship lines operate to every principal port in the world, especially to the United Kingdom and continental ports, which are the largest consumers of American cotton.

New Orleans is nearer the Panama Canal than any other major American port, thereby offering ready accessibility to Japan and China, and so forth, which are also large consumers of American cotton.

Shipping advantages: By reason of its rate structure, its concentration and transit privileges, its combined rail, water, and storage facilities, and the recognized importance of its export market, New Orleans offers a greater variety of advantages than may be found in any other location for cotton handling and shipping.

FINANCING

Banks: The banking facilities of New Orleans are greater than those of any city in the South, the total resources of its seven banks exceeding $340,000,000.

Of particular interest to the cotton trade is the familiarity of these banks, acquired by many years of experience, with the requirements of producing and marketing cotton.

As an indication of the dominant position which New Orleans occupies in southern financial circles, the total debits to individual accounts in 1928 reached $4,189,000,000, which exceeded by nearly $2,000,000,000 that of the next southern city.

Federal banking facilities: In addition to the group of banks transacting general commercial business there are located in New Orleans divisions of the Federal reserve bank, the Federal land bank, and the Federal intermediate credit bank. The combined facilities of all of these institutions would be available with the maximum of convenience to the headquarters office of the national cotton corporation, if located in this city.

Acceptance market: The volume and extent of the financial activities in New Orleans, both domestic and foreign, assure a freedom and flexibility in the handling of commercial documents of every type. There is naturally a cheaper and better acceptance market in a metropolitan financial center like New Orleans than can be found in the interior, and it may be safely stated that the major financing of cotton in the future will be more and more through the medium of acceptances.

PORT FACILITIES

Wharves and warehouses: The port facilities of New Orleans, for the greater part publicly owned and operated, are second to none in the United States. They consist of approximately 7 miles of covered wharves, served by the Public Belt Railroad, a municipally owned utility, connecting with all of the trunk lines entering New Orleans, and rendering impartial switching service.

The combined cotton-storage facilities at New Orleans, publicly, privately, and railroad owned, total over 900,000 bales, all of which are fully equipped to render every type of service necessary in the handling of cotton. Included in the above-mentioned facilities is the publicly owned cotton warehouse, providing storage capacity of over 461,000 bales of high-density cotton, thoroughly fireproof, and offering attractive insurance rates, as well as low handling charges. It is served by the Public Belt Railroad.

Warehouse receipts: At the public cotton warehouse, as well as at most of the other cotton warehouses at New Orleans, United States Government licensed single-bale warehouse receipts are issued. These warehouse receipts, because of the regulations of the Department of Agriculture, are readily negotiable everywhere, being accepted by all banks throughout the country without question.

COTTON-TRADING FACILITIES

Cotton exchange: The cotton exchange at New Orleans, the only one of its kind in the South, would be a distinct advantage to the cotton corporation if its headquarters were located in New Orleans. This city is one of the three large future contract markets of the world and offers special inducements to buyers of spot cotton, who are enabled to promptly "hedge" their purchases, thereby reducing their risks to a minimum.

Another attractive feature in locating in New Orleans is the proximity to the source of information regarding crop conditions, which are assembled and disseminated by the New Orleans Cotton Exchange.

Handling cotton in New Orleans: The method of handling cotton in New Orleans is simple and economical. Upon arrival, the cotton is sampled, inspected, and weighed by neutral parties, duly licensed. A 6-ounce sample—about 3 ounces from each side—is drawn and sent to the storer, and an 8-ounce sample—about 4 ounces from each side—is drawn and sent to the exchange as a reserve sample. This sample is held in the custody of the exchange and the cotton may be sold on the storer's sample, subject to review of the reserve sample by the buyer. Unless otherwise agreed at time of sale, the cotton is settled for on the original weight. This method eliminates the waste consequent to rehandling as well as the charges which accrue when cotton is taken out of and put back in storage. Another economy incidental to the system is that the reserve sample in the custody of the exchange may be used if it is desired to certificate the cotton for delivery on New Orleans future contracts, thus again avoiding the expense of taking out of store and restoring.

Nothing is more important in handling cotton on the scale contemplated by the cotton corporation than an immediate contact with world markets. In no other city in the South can this contact be obtained as completely as in New Orleans, because of the port's long-established connection with foreign commerce and its direct cable service to the principal cotton-consuming centers of the world.

SUMMARY

It has been demonstrated that New Orleans occupies an outstanding position in the physical handling of cotton and has to offer to the National Cotton Corporation the following combined advantages for the location of their headquarters, which can not be obtained elsewhere:

Central geographical location for both export and domestic movement.

Excellence and variety of transportation facilities.

Magnitude of financial resources.

Size and importance as a port.

In addition to the reasons given above, and overshadowing in importance every other requirement, is the location in New Orleans of the cotton exchange, whose services your executives will find invaluable and beyond substitution. The cotton exchange is the original and quickest source of information on all matters affecting cotton not only in this country but throughout the world. Instant and continual contact with its services will only be possible if your general headquarters are established in New Orleans.

EXTENSION OF REMARKS

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a statement concerning provisions to improve rural health conditions in the State of Alabama as compared with other States.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, may I ask the gentleman if that is an official document?

Mr. PATTERSON. No. It is a statement in regard to rural health.

Mr. TREADWAY. That is evidently a matter of local concern, and not a matter of national importance. I object.

The SPEAKER pro tempore. Objection is heard.

LEAVE TO PRINT

Mr. RANKIN. Mr. Speaker, have we the right to revise and extend our remarks on this bill?

Mr. PARKER. You have that permission for a week.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 8423. An act granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9979) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 4767. An act to authorize sale of iron pier in Delaware Bay near Lewes, Del.;

H. R. 7971. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9, near the town of Bridgeport in Cocke County, Tenn.;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50;

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.; and

H. J. Res. 223. Joint resolution to provide for the expenses of participation by the United States in the International Conference for the Codification of International Law in 1930.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned, pursuant to the order previously made, until Monday, March 17, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 17, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10.30 a. m.)

To authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase (H. R. 2029).

To authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the Massachusetts Bay Colony (H. R. 6846).

To establish an assay office at Dahlonega, Lumpkin County, Ga. (H. R. 6998).

To discontinue the coinage of the 2½-dollar gold piece (H. R. 9894).

EXECUTIVE COMMUNICATIONS, ETC.

364. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a draft of a bill to authorize the use of the proceeds received from the sale of surplus war reserve stocks for the purpose of reducing such deficits in war reserve stocks, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KORELL: Committee on Foreign Affairs. H. J. Res. 253. A joint resolution to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy to be held at Budapest in 1931; without amendment (Rept. No. 903). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 4206. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Olympia, State of Washington, the silver service set and bronze tablet in use on the U. S. cruiser *Olympia;* with amendment (Rept. No. 902). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOPE: A bill (H. R. 10774) authorizing the establishment of a migratory-bird refuge in the Cheyenne Bottoms, Barton County, Kans.; to the Committee on Agriculture.

By Mr. TABER: A bill (H. R. 10775) to provide for promotion in the Navy to the grade of captain; to the Committee on Naval Affairs.

By Mr. WRIGHT: A bill (H. R. 10776) authorizing the appropriation of $2,500 for the erection of a monument on the county courthouse yard or square in the city of Carrollton, Ga., to commemorate the memory of Gen. William McIntosh; to the Committee on the Library.

By Mr. ZIHLMAN: A bill (H. R. 10777) to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1200, 1300, and 1935; to the Committee on the District of Columbia.

Also, a bill (H. R. 10778) to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products; to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 10779) to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 10780) to transfer certain lands to the Ouachita National Forest, Ark.; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 10781) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 10782) to facilitate and simplify the work of the Forest Service; to the Committee on Agriculture.

By Mr. KNUTSON: A bill (H. R. 10783) to provide for equalizing the benefits of the Chippewa Indian tribal fund among the school children of the enrolled members of the Chippewa Indians belonging to the Chippewa Tribe of Minnesota; to the Committee on Indian Affairs.

By Mr. KUNZ: Joint resolution (H. J. Res. 267) directing the President to proclaim October 11 of each year General Pulaski's memorial day, for the observance and commemoration of the death of Brig Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 268) directing the President to proclaim October 11 of each year General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 10784) granting a pension to Kate Bee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10785) granting an increase of pension to Elizabeth S. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10786) granting an increase of pension to Martha E. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10787) for the relief of George E. Kirk; to the Committee on Military Affairs.

By Mr. BLACKBURN: A bill (H. R. 10788) granting an increase of pension to George Ann Washington; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10789) granting an increase of pension to Clarissa Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10790) granting a pension to Flora Bowman; to the Committee on Invalid Pensions.

By Mr. BRUNNER: A bill (H. R. 10791) for the relief of Stella M. Homan; to the Committee on Military Affairs.

By Mr. CARTER of California: A bill (H. R. 10792) granting a pension to Hannah Louisa Madden; to the Committee on Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 10793) granting a pension to Claudia A. Miller; to the Committee on Pensions.

By Mr. CLARK of North Carolina: A bill (H. R. 10794) for the relief of Richard L. Meares, administrator of Armand D. Young, deceased; to the Committee on War Claims.

By Mr. CRAIL: A bill (H. R. 10795) for the relief of Charles Johnson; to the Committee on Naval Affairs.

By Mr. FITZGERALD: A bill (H. R. 10796) for the advancement of Lieut. Alford J. Williams, jr., United States Navy, to the grade of captain on the retired list of the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 10797) for the relief of Bernis Brien; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 10798) for the relief of Lowela Hanlin; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 10799) granting an increase of pension to Mary L. Leverton; to the Committee on Pensions.

Also, a bill (H. R. 10800) granting an increase of pension to Mary A. Gramm; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 10801) granting a pension to Emily Williams; to the Committee on Invalid Pensions.

By Mrs. McCORMICK of Illinois: A bill (H. R. 10802) granting a pension to L. C. Latham; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 10803) granting a pension to Mary Jane McCamey; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 10804) for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child of Meredith L. Miles, deceased; to the Committee on Claims.

By Mr. PATMAN: A bill (H. R. 10805) granting an increase of pension to Ida C. Noble; to the Committee on Pensions.

By Mr. PITTENGER: A bill (H. R. 10806) validating the application of Patrick J. Greaney, jr., for an entry of certain public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. QUAYLE: A bill (H. R. 10807) for the relief of Sara Riddle; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 10808) granting a pension to Rastus Hammitt; to the Committee on Pensions.

Also, a bill (H. R. 10809) granting an increase of pension to Mary J. Wilson; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 10810) for the relief of Daniel J. Sullivan; to the Committee on Claims.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 10811) for the relief of Willard F. Holteen; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 10812) granting an increase of pension to Elizabeth B. Shaw; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5637. Petition of United States Naval Reserve Officers' Association, favoring House bill 6145, to regulate the minimum age limit for enlistments in the Naval Reserve or Marine Corps Reserves; to the Committee on Naval Affairs.

5638. By Mr. ACKERMAN: Petition of citizens of Roselle, Roselle Park, and Cranford, N. J., urging passage of legislation increasing pensions of Spanish War veterans; to the Committee on Pensions.

5639. By Mr. ALDRICH: Resolution of the town council of the town of Warwick, R. I., urging the proper observance of October 11 of each year in honor of the memory of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5640. By Mr. BACHMANN: Petition of William L. Nest and other citizens of Wheeling, W. Va., urging speedy action on Senate bill 476 and House bill 2562 providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5641. By Mr. BAIRD: Petition of citizens of Fremont and Clyde, Ohio, praying for relief for veterans of the Spanish War; to the Committee on Pensions.

5642. Also, petition of National Camp Patriotic Sons of America, Easton, Pa., favoring immigration restriction and registration of aliens; to the Committee on Immigration and Naturalization.

5643. Also, petition of Fraternal Order of Eagles, Aerie No. 444, Sandusky, Ohio, favoring the passage of bill S. 3257; to the Committee on Labor.

5644. By Mr. BLOOM: Petition of citizens of Cincinnati, Ohio, opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto, definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

5645. By Mr. BUCKBEE: Petition of Col. R. J. Shand and 78 other citizens of Springfield, Ill., asking for early passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5646. By Mr. COOPER of Wisconsin: Memorial of United Groups of Polish National Alliance, No. 135, Kenosha, Wis., urging passage of a bill to establish Pulaski memorial day on October 11 of each year; to the Committee on the Judiciary.

5647. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

5648. By Mr. DALLINGER: Petition of the city council of Cambridge, Mass., urging the enactment of House Joint Resolution 167 providing for the observance of General Pulaski's memorial day on October 11 of each year; to the Committee on the Judiciary.

5649. By Mr. FENN: Petition of the Common Council of New Britain, Conn., favoring the establishment of October 11 as General Pulaski's memorial day; to the Committee on the Judiciary.

5650. Also, petition of the Common Council of New Britain, Conn., favoring the passage of legislation to increase the pensions of veterans of the war with Spain; to the Committee on Pensions.

5651. Also, petition of three citizens of Burnside, Conn., favoring the passage of the so-called Robsion-Capper school bill; to the Committee on Education.

5652. By Mr. FITZPATRICK: Petition of Common Council of the city of Yonkers, State of New York, urging the passage of House Joint Resolution 238 providing for the observance of General Pulaski memorial day on October 11 of each year; to the Committee on the Judiciary.

5653. By Mr. FRENCH: Petition of 37 citizens of St. Maries, Idaho, indorsing Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5654. By Mr. FULMER: Resolution passed by the Ridge Post, No. 6, J. S. Nichols, post commander the American Legion, Leesville, S. C., in behalf of House bill 9411 for the purpose of establishing a veteran's hospital in South Carolina; to the Committee on World War Veterans' Legislation.

5655. By Mr. GAMBRILL: Petition of citizens of Calvert County, Md., favoring the passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5656. By Mr. GARBER of Oklahoma: Petition of George H. Thomas Post, Grand Army of the Republic, Chicago, unanimously protesting against House bill 6348; to the Committee on Military Affairs.

5657. Also, petition of uncompensated disabled veterans of World War, Castle Point, N. Y., protesting against attempt to pass legislation pertaining to veterans' relief under suspension of rules and urging immediate passage of Rankin bill; to the Committee on World War Veterans' Legislation.

5658. Also, petition of George H. Thomas Post, Grand Army of the Republic, Chicago, Ill., protesting against Senate bill 684; to the Committee on Coinage, Weights, and Measures.

5659. Also, petition of Lawton Chamber of Commerce, Lawton, Okla., making correction in resolutions submitted under date of February 26, joint pay bill; to the Committee on Military Affairs.

5660. Also, petition of S. F. Stewart, Patriotic Instructor George H. Thomas Post, Grand Army of the Republic, of Illinois, protesting on behalf of his comrades, against the Swanson bill, S. 3810; to the Committee on Military Affairs.

5661. Also, petition of Union Equity Cooperative Exchange (Inc.), Enid, Okla., in support of House bill 3721; to the Committee on Appropriations.

5662. By Mr. HALE: Resolution adopted by Manchester Aerie, No. 290, Fraternal Order of Eagles, Manchester, N. H., J. T. Lynch, secretary, petitioning Congress for an early passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5663. By Mr. HILL of Washington: Petition of Ida M. Harrison and other citizens of Spokane, Wash., asking that House bill 10, the Robsion-Capper school bill be enacted into law; to the Committee on Education.

5664. By Mr. JOHNSON of Illinois: Petition signed by citizens of Rock Falls, Ill., urging Congress to pass legislation to give Spanish War veterans an increase of pension; to the Committee on Pensions.

5665. By Mr. JOHNSON of Indiana: Petition of citizens of Terre Haute, Ind., for the increase of pensions for veterans of the Spanish-American War; to the Committee on Pensions.

5666. By Mr. KENDALL of Kentucky: Petition of the citizens of Lewis County, in which they respectfully urge that immediate steps be taken to bring to a vote Senate bill 476 and House bill 2562, and they further urge the passage of the above bills; to the Committee on Pensions.

5667. By Mr. KETCHAM: Petition signed by Charlie E. Gould and 58 other residents of Decatur, Mich., urging early passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5668. By Mr. KVALE: Petition of Hancock Commercial Club, Hancock, Minn., urging passage of House bill 11; to the Committee on Interstate and Foreign Commerce.

5669. Also, petition of Minnesota Pharmaceutical Association urging passage of House bill 11; to the Committee on Interstate and Foreign Commerce.

5670. Also, petition of Minnesota Retail Meat Dealers' Association, urging an investigation of certain violations of the Sherman antitrust law and Clayton Act; to the Committee on the Judiciary.

5671. By Mr. LEE of Texas: Petition of citizens of Ballinger and Coleman, Tex., against Capper-Robsion bill to create a board of education; to the Committee on Education.

5672. By Mrs. McCORMICK of Illinois: Petition of sundry citizens of the city of Galesburg, Ill., urging favorable action on House Joint Resolution 20; to the Committee on the Judiciary.

5673. By Mr. MICHENER: Petition of sundry citizens of Wayne County, Mich., favoring the passage of House bill 2562; to the Committee on Pensions.

5674. By Mr. PATMAN: Petition of Mack Williams and 41 other citizens of Cass County, Tex., in support of House bill 2562, which provides for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5675. By Mr. FRANK M. RAMEY: Petition of Carlinville Chamber of Commerce, Carlinville, Ill., urging passage of House bills 8361 and 9592, for the promotion of Great Lakes to Gulf water transportation; to the Committee on the Merchant Marine and Fisheries.

5676. By Mr. REID of Illinois: Petition of L. L. Urch and 56 other residents of Kane County, Ill., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pensions to Spanish-American War veterans; to the Committee on Pensions.

5677. Also, petition of E. E. Lindgren and 19 other residents of Batavia, Kane County, Ill., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pensions to Spanish-American War veterans; to the Committee on Pensions.

5678. Also, petition of Charles Anderson and 15 other residents of Kane County, Ill., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pensions to Spanish-American War veterans; to the Committee on Pensions.

5679. By Mr. SHOTT of West Virginia: Petition of Woman's Christian Temperance Union of Williamson, W. Va., asking for Federal supervision of motion pictures, establishing higher standards for production of films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

5680. Also, petition of 57 citizens of Mingo County, W. Va., urging passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5681. By Mr. STONE: Petition of 45 residents of Laverne, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5682. Also, petition of 67 residents of Chandler, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5683. Also, petition of 33 residents of the town of Norman, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5684. Also, petition of 109 residents of Buffalo, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5685. Also, petition of 26 residents of Perkins, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5686. Also, petition of 71 residents of Oklahoma City, asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5687. Also, petition of 32 residents of Amorita, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5688. By Mr. THATCHER: Petition signed by William L. Nagel and others, of Jefferson County, Ky., in support of Spanish-American War veterans' legislation; to the Committee on Pensions.

5689. By Mr. THURSTON: Petition signed by 20 ladies of the Iseminger Relief Corps of Chariton, Iowa, urging the Congress to enact legislation increasing the pensions now allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5690. By Mr. WASON: Memorial of the board of aldermen of the city of Nashua, N. H., urging enactment of House Joint Resolution 167 directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5691. Also, petition of Women's Christian Temperance Union, of Nashua, N. H., urging the enactment of a law for the Federal supervision of motion pictures, providing that higher moral standards be applied at the source of the production; to the Committee on Interstate and Foreign Commerce.

5692. By Mr. WATSON: Resolution passed by the Women's Christian Temperance Union, of Yardley, Pa., favoring Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5693. By Mr. WELCH of California: Petition of citizens of San Francisco, urging the enactment of House bill 2562; to the Committee on Pensions.

5694. By Mr. WILLIAMS: Petition of M. Mueller and 70 others, requesting passage of Senate bill 476 and House bill 2562, providing for increased pensions of veterans of Spanish-American War; to the Committee on Pensions.

5695. By Mr. WOLVERTON of West Virginia: Petition of the Cowen, Webster County (W. Va.), Women's Christian Temperance Union, urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5696. Also, petition of the Berlin, Lewis County (W. Va.), Women's Christian Temperance Union, urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5697. Also, petition of Mrs. George Lounsbery, registered nurse, of Huntington, W. Va., urging Congress to take favorable action on House bill 2562, a bill granting increased pension rates for veterans and nurses who served during the Spanish War period; to the Committee on Pensions.

5698. Also, petition of M. M. Blumberg, of Weston, Lewis County, W. Va., urging Congress to establish a department of education, such as is provided in the Capper-Robsion bill; to the Committee on Education.

5699. By Mr. WYANT: Petition of Rostraver Grange, No. 919, Patrons of Husbandry, indorsing debenture plan in tariff bill, and indorsing placing of lumber and red-cedar shingles on the free list; to the Committee on Ways and Means.

5700. Also, petition of Joseph F. Leipeitz, 1009 Manor Road, New Kensington, Pa., requesting favorable support of legislation to regulate wages paid to laborers and mechanics on Government and United States Army contracts, known as House bill 9232 and Senate bill 3086; to the Committee on Labor.

5701. Also, petition of Ernest Wilson, 1719 Ridge Avenue, Arnold, Pa., requesting favorable support of legislation to regulate wages paid to laborers and mechanics on Government and United States Army contracts, known as House bill 9232 and Senate bill 3086; to the Committee on Labor.

SENATE

SATURDAY, *March 15, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Baird	George	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Greene	Metcalf	Sullivan
Blease	Grundy	Moses	Swanson
Borah	Hale	Norbeck	Thomas, Idaho
Bratton	Harris	Norris	Thomas, Okla.
Brookhart	Harrison	Nye	Townsend
Broussard	Hastings	Oddie	Trammell
Capper	Hatfield	Overman	Tydings
Caraway	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pine	Walsh, Mass.
Couzens	Hefflin	Pittman	Walsh, Mont.
Cutting	Howell	Ransdell	Waterman
Dale	Johnson	Robinson, Ind.	Watson
Dill	Jones	Robsion, Ky.	Wheeler
Fess	Kean	Schall	
Fletcher	Keyes	Sheppard	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained from the Senate.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the National Association of Builders' Exchanges in convention assembled at San Francisco, Calif., favoring the letting of all Government work on the contract plan and to the lowest responsible bidder, which were referred to the Committee on Education and Labor.

He also laid before the Senate resolutions adopted by the board of aldermen of the city of New York, N. Y., opposing the passage of legislation providing for the registration of aliens as un-American, reactionary, and injurious to the process of Americanization, which were referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the annual convention of the United States Naval Reserve Officers' Association, favoring the passage of legislation establishing a minimum age (17 years) for enlisting in the Naval Reserve and Marine Corps Reserve on the same basis as that for the regular Navy, which was referred to the Committee on Naval Affairs.

Mr. RANSDELL presented resolutions adopted by the Ministerial Association of Alexandria and Pineville, La., representing various denominations, protesting against the alleged godless attitude and campaign against all religion on the part of the Soviet Government of Russia, which were referred to the Committee on Foreign Relations.

Mr. SULLIVAN presented a petition of employees of the postal service at Sheridan, Wyo., favoring the passage of the so-called Dale retirement bill as amended, the 44-hour week bill, and the longevity bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented petitions of sundry citizens of Doniphan and Leavenworth Counties, in the State of Kansas, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

APPOINTMENTS TO POSTMASTERSHIPS AND OTHER OFFICES (REPT. NO. 272)

Mr. BROOKHART, from the subcommittee of the Committee on Post Offices and Post Roads, pursuant to Senate Resolutions 193, 311, and 330, Seventieth Congress, and Senate Resolution 42, Seventy-first Congress, submitted a report relative to influencing appointments to postmasterships and other Federal offices, together with the views of Mr. McKELLAR and Mr. HASTINGS.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 3912) granting compensation to Cecil R. McGhee; to the Committee on Finance.

A bill (S. 3913) for the relief of Evan Lewis; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3914) for the relief of Walter Fred Kirchoff; and

A bill (S. 3915) to provide for alterations and repairs to the U. S. S. *Henry County;* to the Committee on Naval Affairs.

By Mr. FESS:

A bill (S. 3916) granting an increase of pension to Emma Fitch (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 3917) for the relief of George Edwin Godwin; and

A bill (S. 3918) for the relief of Charles Daniel Anderson, ex-chief machinist's mate, United States Navy, and Horace H. Goodell, ex-yeoman, third class, United States Navy; to the Committee on Naval Affairs.

A bill (S. 3919) for the relief of Matthew Edward Murphy;

A bill (S. 3920) for the relief of Mary Kress, Myer Toor, and Theresa Toor; to the Committee on Claims.

A bill (S. 3921) for the relief of Thomas Allen; to the Committee on Pensions.

A bill (S. 3922) to provide for certain payments to the widows and children of policemen and firemen of the District of Columbia whose deaths result from injury suffered or disease contracted in line of duty; to the Committee on the District of Columbia.

By Mr. BARKLEY:

A bill (S. 3923) granting a pension to Emma Bettman Myers; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3924) for the relief of the First State Bank & Trust Co., of Mission, Tex.; to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 3925) granting an increase of pension to Reuben Samson (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL—MILK CANS

Mr. COUZENS submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

At the top of page 113 insert the following:

"Milk cans, made of steel or iron not lighter than 22 gage United States standard, with or without tin or other plate, 40 per cent ad valorem."

THE MONROE DOCTRINE

Mr. DILL. Mr. President, I ask unanimous consent to have printed as a public document a memorandum on the Monroe doctrine by J. Reuben Clark, of the State Department. It is a very complete discussion of the history of the matter. There is only one copy available in the document room and there are a great many calls for it.

Mr. MOSES. Mr. President, without question this is something that should be printed as a public document. A very limited edition was printed by the State Department and copies desired by Members of the Senate and House of Representatives are absolutely unavailable.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DILL. I also have three small documents relating to the Monroe doctrine, the supply of which has been exhausted in the document room. I ask unanimous consent for an order for a reprint, as follows:

Senate Document No. 7, Fifty-eighth Congress, first session, entitled "The Monroe Doctrine," by Sir Frederick Pollock;

Senate Document No. 138, Sixty-third Congress, first session, entitled "An Article on the Monroe Doctrine," published in the Chicago Legal News, by Prof. Darius H. Pingrey; and

Senate Document No. 8, Sixty-eighth Congress, first session, entitled "One Hundred Years of the Monroe Doctrine," by Senator Henry Cabot Lodge.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMENTS ON THE TARIFF

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the New York Times, entitled "More Tariff Harping."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Times]

MORE TARIFF HARPING

Secretary Davis, of the Department of Labor, has learned something about unemployment. A few days ago he made light of it; and before that the Labor Bureau had given to the President misleading figures which led him hastily to assure the country that the employment crisis was over. But at the last Cabinet meeting Secretary Davis admitted that 3,000,000 men are out of work in this country, and that the whole labor situation is "distressing." However, he has learned nothing about the cause of it. He drops into the same old wearisome argument, which Senator FESS lifted again out of its musty pigeonholes when he made his speech on Monday, to the effect that if it had not been for the delay in passing the tariff bill everybody would have been at work and prosperous. Both the Ohio Senator and the Secretary of Labor praise Mr. Hoover to the skies for what he did last October to break the force of the collapse of the stock market. But they do not intimate that the President said anything at that time about the tariff as the one great remedy for all financial and industrial disease. If they really believe in it themselves, they should have rebuked him for not letting the people know last autumn what was the real origin of the trouble.

It is, of course, impossible to dislodge such a superstition from minds that cling to it as an article of faith. But it would be hard to find any competent economist, any open-eyed and honest manufacturer, any well-informed leaders of organized labor, who would agree with Secretary Davis and Senator FESS. The plain fact is that the country has become heartily sick of the whole tariff mess. The bill itself must have long since passed out of all large business calculations. In all the many discussions of the financial and industrial situation, with estimates of recovery and the reasons for it, not one has fallen under our observation which gives the tariff bill any prominence whatever. The facts of domestic trade and of foreign commerce are dead against the theory that the long holding up of the tariff has had an appreciable effect upon business recession or the increase of unemployment. To assert that it has is simply to grovel before an old fetish of high protection. It is high time that intelligent Republicans left off this kind of Mumbo-Jumbo talk.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

COL. HENRY CHARLES WHITEHEAD, UNITED STATES ARMY

Mr. BARKLEY. Mr. President, a few days ago the President appointed Col. Henry Charles Whitehead to be Assistant to the Quartermaster General with the rank of brigadier general. The Committee on Military Affairs has reported his nomination favorably; and, as in executive session, I ask for his confirmation.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I object.

The VICE PRESIDENT. Objection is made.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry executive messages from the President of the United States, which were referred to the appropriate committees.

CANCER RESEARCH

Mr. HARRIS. Mr. President, I ask to have inserted in the RECORD an article published in to-day's Washington Post, entitled "Cancer Research."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Post, Washington, D. C., March 15, 1930]

CANCER RESEARCH

Dr. C. C. Little, testifying before the Senate Committee on Commerce in connection with the Harris resolution to authorize a Federal appropriation for cancer research work, said: "All that we don't know about cancer is more than all we don't know about all the rest of the diseases that afflict mankind." That is what makes cancer a terror. Medical men through the centuries have been studying the disease and its causes, but all they have learned is that cancer seemingly is not a specific disease, inasmuch as it manifests itself in many varying forms, and the treatments they have devised are at best only partially effective. Cancer takes an annual toll in the United States of 100,000.

That the cause of cancer is unknown does not mean that the disease must always remain mysterious. The endowment of research laboratories and the subsidizing of scientists so that they will be free to devote their entire attention to working with cancer patients ought to result in conquering the disease. Some progress has been made of recent years. Dr. Joseph Bloodgood, of Johns Hopkins, told the Senate committee that in 1900 only 17 per cent of cases treated were cured, but by 1920 the percentage of cures had risen to 50. Of recent months the discovery of Drs. Walter Coffey and John Humber, of the Southern Pacific Hospital, have come in for wide attention. Through a treatment developed from glandular extracts they have apparently cured all but 15 of 1,500 cases treated, all of which were received as incurable. Although they refuse to claim a "cure," insisting that they are working only experimentally, the results they have obtained indicate that they may at least be on the right track.

The Harris resolution should be enacted. Physicians generally, no matter what theories they may hold, are of the opinion that the problem will be solved only through cooperative attack on an extensive scale. The Government would be acting in the public interest by providing for a systematic attack upon the cancer problem.

THE WHEAT MARKET

Mr. WALSH of Montana. Mr. President, the condition of the wheat farmer continues to be a matter of grave concern. A constituent of mine, who has given considerable study to the subject, is convinced that it is due in part to a combination among the millers of the country who are purchasers of the farmers' wheat. He has written two letters on the subject to the Attorney General. I ask unanimous consent that they may be published in the RECORD.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

TEAGARDEN'S RECORDER,
Denton, Mont., February 18, 1930.

Hon. WILLIAM D. MITCHELL,
United States Attorney General, Washington, D. C.

DEAR GENERAL MITCHELL: Noting in your letter to Hon. T. J. WALSH that you invite me to furnish evidences of violation of law by the recently organized combinations of flour millers, I shall endeavor, in my humble way, to comply with that courteous suggestion, which is greatly appreciated.

At the outset permit me to point out that my letter of complaint to Senator WALSH raised no issues as to violation of law in the manner of setting up these combinations. My complaint went to the power they have since used to break down prices of wheat to abnormally low levels on the principal grain exchanges of the country.

I assert that while nature regulated the supply of wheat grown in this country, in Canada, and other producing countries, the American millers absolutely fixed the demand therefor. It is pertinent to observe here that the millers are the only ultimate buyers of the wheat that is ground into flour in American mills. The class of wheat they grind for their main flour output is not the class that goes into American wheat export, so that there is no competition for it from foreign mills.

The supply of milling wheat in the crop of 1929 was fully 100,000,000 bushels less than in 1928, and yet prices on the terminal markets have been lower for last year's crop instead of higher, as would have been the case had there been a free flow of the economic law of supply and demand. This lower range of prices obtained, too, despite an enormous shortage in the Canadian wheat crop, and a large shortage also in the world crop.

At one time last year, when the whole world was advised of the world shortage of wheat, a world-wide stream of insistent buying orders came to the American terminal markets, and prices went up sharply in response thereto. From all the American terminals, however, the Associated Press market reports carried the news that "the millers offered stiff resistance to rising prices." This resistance continued, and because they were the final only buyers of the great bulk of the American crop, it gradually became effective, so effective, in fact, as to soon turn the trend of prices downward, and this same resistance has continued to be effective up to this time. No power to effect so amazing a switch in price levels was possible other than that of the American

millers, acting in agreed-upon concert buying practice. No other possible combinations of buyers could have had a profit motive in keeping down wheat prices for a long period of time, such as that of the millers, intent, as are all manufacturers, upon a low-priced raw material.

Permit me to point out, sir, the further fact that the protein wheat growers of Montana and the other areas that produce a similar quality of wheat have suffered disastrously from this same agreed-upon concert in buying practice of the American millers.

Reports of the United States Department of Agriculture show that the 1929 crop of high-protein-content wheat was tens of millions of bushels less than the same class of wheat grown the year immediately preceding, and yet premiums for protein were drastically reduced, and at periods wiped out entirely in flagrant defiance of the economic law of supply and demand. That the American millers were solely responsible for thus setting aside economic law is clearly shown when it is understood that they were the only final buyers of high-protein wheat—there being no export of this class of wheat.

To make clear to you how minutely this concerted plan of buying has controlled the markets for high percentage protein wheat let me state that on Thursday, January 29 last, the millers at Minneapolis, Duluth, and Kansas City markets refused to pay a penny of premium for protein, no matter how high the percentage, although for many weeks previous protein premiums on these same markets had ranged from 2 cents to 7 cents per bushel. Within a few days after the date named the millers again began paying protein premiums, and by Friday, February 14, these had returned to the earlier levels, namely, 2 cents to 7 cents per bushel. On the day following, however, the mills at these terminals again refused to pay protein premiums, and all other buyers on the exchanges named followed suit, even to the buying agency at Minneapolis for the Farmers' National Grain Corporation.

I respectfully submit, sir, that these demonstrations of the ability of the millers to set up or wipe out at will premiums on protein-content wheat are conclusive proofs of a concert of buying practice on the part of the millers that could not be possible unless all of the principal mills of the country were closely knit together in a common purpose.

It is not necessary to a perfect monopoly control of miller-buying policies that all of the mills of the country be embraced within the few larger combinations which control the buying on the big terminals, for the sufficient fact that the smaller mills outside the combination have an identical interest in low-priced raw materials that moves the larger mills inside the combinations. Given a few combinations strong enough to dominate buying at the big terminals, the remaining mills of the country are automatically and irresistibly forced into line.

Surely even a layman may be heard to assert that such common purpose is repugnant to common law principles as applied in all civilized countries, and from time immemorial, and, as the result has been to inflict disastrous losses upon millions of American citizens engaged in the wheat-growing industry, action upon your part to dissolve these gigantic milling combinations and to restore independent unit milling for competitive buying purposes will be abundantly justified both in vindication of law and in the interests of sound, constructive public policy.

Supporting data as to my statements regarding market prices are available to you from the United States Department of Agriculture.

I beg to renew and emphasize my forecast of grain results set out in my original letter to Senator WALSH, and ask that that letter be considered together with what is written preceding.

I beg to remain, sir, your most humble servant.

Sincerely,

SAM W. TEAGARDEN.

DENTON, MONT., *February 19, 1930.*

Hon. WILLIAM D. MITCHELL,

United States Attorney General, Washington, D. C.

DEAR GENERAL MITCHELL: With your kind permission, I am herewith following up my letter of yesterday, and offering authoritative data in support of my complaint, in the letter to Senator T. J. WALSH, that the milling combines were extorting consumers in the price of wheat flour.

By reference to the Associated Press report of the Minneapolis cash wheat market, date February 17, just passed, you will note that the mills were paying $1.22 to $1.25 for No. 1 northern wheat. This is a milling grade of wheat, equal in milling values to the average wheat used in flour making. Multiplying the high of the quotation, $1.25, by 4½, the number of bushels of wheat required in the making of a barrel of flour, the milling cost of the raw material is seen to be $5.62½.

By the other Associated Press report on the Minneapolis flour markets on the same day, February 17, you will note that the price of fancy patent flour, in carload lots, was $7.05 to $7.15 per barrel, in 98-pound sacks, or a total of 196 pounds. The weight required by the Federal grades for No. 1 northern wheat is 58 pounds. Again multiplying by 4½, the wheat used in making a barrel of flour was 261 pounds.

Deducting from this weight of wheat the 196 pounds of flour left in the hands of the Minneapolis millers 65 pounds of ground wheat. This was made up of first and second clear flours, bran, etc. The market prices for this offal totals a sufficient sum to cover the 38 cents cost, and leave a fair margin for profits.

The Minneapolis millers thus took, on top of full repayment of raw material cost, the whole of the offal, plus a return in cash of $1.51½.

That the other mills in the combines are taking equal tolls is shown by the fact that otherwise the Minneapolis mills would not be able to compete. This is extortionate to a degree and numbers among its victims the farmers who grow the wheat as well as other consumers.

Proof of the extortion lies in the testimony within recent years of the northwest millers before the United States Tariff Commission in Washington, which set up as the manufacturing cost of a barrel of flour, including expense of advertising and selling, of 38 cents per barrel.

Surely, sir, it is not too much to expect that the Government at Washington shall function to prevent extortion in the price of the principal item in the Nation's foodstuff supply.

In your investigation of this matter I beg to suggest that the written or oral statements of the millers be not taken as controlling as to the facts, but that expert examination be made of mill accounts, letters, and records. In support of this suggestion I set out what follows to be confirmed from the records of the law enforcement division of the food administration in 1918, which division was under the direction of Hon. Ralph W. Boyden, of Boston.

In April, 1918, I personally submitted to Mr. Boyden written complaints that the millers generally were profiteering upon the Government and people above the 25 cents per barrel profit allowed them by Mr. Hoover, then Food Administrator. After the investigation, and based upon its findings, as submitted to him, Mr. Hoover issued a requirement that all mills which had taken illegal profits be required to deliver to the order of the United States Government at New York, an amount in flour equal to the sum so unlawfully taken, and this delivery was made by practically all the big mills in the United States.

These profiteerings had been based by the mills concerned, upon sworn affidavits as to milling costs and profits made for them by the mill accountants.

In view of this history made by the mills while their country was at war, I submit that my suggestion for an examination of actual books and records is fully justified.

Your obedient servant,

SAM W. TEAGARDEN.

CHARLES FRANCIS ADAMS ON THE TARIFF

Mr. ALLEN. Mr. President, I desire to take a few moments this morning to do something for the RECORD that should have been done yesterday. I think we all remember the poignant moment on the evening before yesterday when the Senator from Texas [Mr. CONNALLY] threw at us some hot words purporting to be from the lips of the Secretary of the Navy, Charles Francis Adams. He appeared to be the second statesman of the year who has sought to put Senators in the category of animal life. I have not objected particularly to the classification of "sons of the wild ass of the desert," an animal that has legendary standing and symbolical significance; but when a man appointed by the President of the United States to be a member of the Cabinet chooses to put us in a lower order of animal life, when he calls us "swine" and refers to the honorable usufruct of the great American tariff system as "swill," and denounces every benefactor of the tariff system as a thief, it seems to me extraordinary. Under the genial influence of those words the Senator from Texas [Mr. CONNALLY] and the junior Senator from Wisconsin [Mr. BLAINE] had a very merry time.

Friendly as I am to the administration, I had the feeling that the President of the United States should have known his Adamses better. Of course, it might be possible for one or two of the Adamses to have gone to free trade. It is no disgrace to be for free trade. I make bold to say that there are in this body at this moment free traders if the attitude at home did not prevent them from giving continuous expression to that doctrine. But I knew that the background of the Secretary of the Navy was sound. I knew that John Adams, the second President of the United States and the ancestor of the present Secretary of the Navy, was the first protective-tariff leaguer. Why, Mr. President, he was the spiritual forbear of REED SMOOT and GRUNDY. He helped to organize, along with Thomas Jefferson, the first protective-tariff league.

I am quoting now from the American Tariff Controversies in the Nineteenth Century, by Edward Stanwood:

> It was at this time that an active propaganda was begun by the advocates of a protective tariff. Societies for the promotion of American industry, the most important of which were in New York and Philadelphia, sprang up in many States, were in regular communication with one another, and adopted similar and simultaneous action in furtherance of the protective system.

In other words, Mr. President, they encouraged the lobby.

The strength of the movement is illustrated in one way by the fact that the Legislature of New York in March, 1817, passed a resolution requiring the members to appear dressed in American manufactures. In another way it is shown by the success of the New York society in securing the adhesion of John Adams, Jefferson, Madison, and Monroe to its principles. The three ex-Presidents were elected members. (American Tariff Controversies in the Nineteenth Century, Edward Stanwood, vol. 1, published in 1903, p. 161.)

The New York society referred to, Mr. President, may be considered as the first protective-tariff league.

So, Mr. President, as I read on as to the Adamses I saw that the first Adams was normal in reference to the subject of protection. Continuing the Adams saga, I found that John Quincy Adams had made an elaborate argument on May 22, 1832, in which he submitted a report to the House of Representatives from the Committee on Manufactures. That report was an elaborate argument sustaining the constitutionality of the protective-tariff system. In that presentation he said:

Under that system of policy [the protective] the Nation has risen from a depth of weakness, imbecility, and distress to an eminence of prosperity unexampled in the annals of the world. It was by counter-legislation to the regulations of foreign nations that the first operations of the Government of the United States were felt by the people; felt in the encouragement and protection given to their commerce; felt in the fulfillment of the public engagements to the creditors of the Nation; felt in the gradual discharge of the debt of gratitude due to the warriors of the Revolution; felt in the rapid increase of our population, in the constantly and profitably occupied industry of the people, in the consideration and respect of foreign nations for our character, in the comfort and well-being and happiness of the community; felt in every nerve and sinew, in every vein and artery of the body politic. (The Works of Henry Clay, Colton Reed McKinley, History of Tariff Legislation.)

So I went on, finding that at no time in his career did John Quincy Adams speak with greater clarity than when he supported the American protective-tariff system.

Thus, Mr. President, it seemed impossible, with that background, that the present Secretary of the Navy, member of many New England institutions, should have harbored this notion about the "swinish" instinct of the man who believes in the protective system. Therefore I proceeded with the research of the Adams saga, and I found that John Adams, second President of the United States, member of the first American protective-tariff league, begat John Quincy Adams, fourth President of the United States, who declared that the protective-tariff system had saved the Nation from weakness and imbecility. He begat Charles Francis Adams, the American minister to Paris up to 1861. Here is where the ramifications began, because Charles Francis Adams had three sons. One was John Quincy Adams, a Boston lawyer; I was a little shocked when I studied his history to discover that this John Quincy Adams was a candidate for Vice President on the Democratic ticket in opposition to Horace Greeley, but I can not find any record that he used the word "hogs" in reference to anything. Then I sought the history of his brother—Henry Adams, great historian and great editor. He had not used the word "hogs."

Then I found there was another brother, Charles Francis Adams, jr., lawyer, and brigadier general in the Civil War. I then decided that I would accomplish some research touching this article in the New York World, which was quoted by the Senator from Texas. I discovered, Mr. President, that it was Charles Francis Adams, veteran of the Civil War, former president of the Union Pacific Railroad, who had made this statement. That Charles Francis Adams is not in the Cabinet of the President of the United States; he is in his grave, where he has been for 15 years. He died in 1915, and this expression, uttered by him 22 years ago, was in reference to the tariff bill pending at that time. I do not mean to say, Mr. President, that the age of this material in any way affects it as good Democratic doctrine for this period; much material which they offer us now is even older and deader than that; I merely present the facts this morning in order that we may have in the RECORD the exculpation of the Secretary of the Navy, who did not utter the words attributed to him by the Senator from Texas; and, having thus exculpated him, Mr. President, I ask unanimous consent that the President of the United States be restored to the normal affections of this body until something else comes up that will give his opponents in this body another opportunity to assail him.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. ODDIE] to the amendment made as in Committee of the Whole.

Mr. BORAH. Mr. President, I ask unanimous consent to reconsider the vote, as found on page 5319 of the RECORD, by which the amendment of the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE] was rejected. It relates to sole leather, and was the last vote which was taken last night. I do not desire to argue it, but merely wish to state that, in the confusion which took place with reference to the effect of it, I find when I come to read the RECORD this morning I was misled. I therefore ask for a reconsideration of the vote by which the amendment to which I have referred was adopted.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MCKELLAR. On what page of the RECORD is that found?

Mr. BORAH. On page 5319.

The VICE PRESIDENT. The request of the Senator from Idaho for a reconsideration has been granted.

Mr. FESS. Mr. President——

The VICE PRESIDENT. The Senator from Ohio.

Mr. FESS. Does the Senator from Idaho want a vote on the amendment immediately?

Mr. BORAH. I am ready to vote whenever it is agreeable to the Senate.

Mr. FESS. I was going to submit a unanimous-consent request, but refrain from doing so, as I understand a vote may be had on the amendment at once.

The VICE PRESIDENT. The amendment upon which a reconsideration has been agreed to will be stated.

The CHIEF CLERK. On page 2, line 7, of the amendment of the Senator from Nevada it is proposed to strike out "10 per cent" and to insert in lieu thereof "5.4 per cent."

The VICE PRESIDENT. The question is on the amendment.

Mr. HOWELL obtained the floor.

Mr. MCNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. HOWELL. I yield.

Mr. MCNARY. The mere statement of the amendment by reading the figures means nothing. What is the subject matter of the amendment on which we are about to vote?

The VICE PRESIDENT. The Secretary will state the amendment to the amendment so that it may be understood.

The CHIEF CLERK. The junior Senator from Nebraska proposes, in the amendment offered by the junior Senator from Nevada [Mr. ODDIE], on page 2, line 7, to strike out "10" and insert in lieu thereof "5.4," so as to read:

(1) Sole, belting, or harness leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery, 6 cents per pound and 5.4 per cent ad valorem.

Mr. FESS. I ask unanimous consent that the debate upon the amendment which has been reconsidered be limited to 10 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I yield.

Mr. SMOOT. I ask unanimous consent that at the conclusion of its business to-day the Senate take a recess until Monday next at 11 o'clock a. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. Was the unanimous-consent request proposed by the Senator from Ohio that no Senator be allowed to speak more than once or longer than 10 minutes?

Mr. FESS. No; I wanted to limit debate in the Senate to 10 minutes.

Mr. BRATTON. I did not so understand. To that proposal I would object.

Mr. FESS. Mr. President, I am going to announce that when a motion to reconsider a question which we have just fully considered is made, unless debate shall be limited, I am going to move to table it in order to cut off debate. I will not do it this time, but I do not think we ought to pursue the course, after spending seven hours discussing an amendment and after

a vote has been had on it, of reconsidering it and then leaving it open to indefinite debate. That is not fair.

Mr. BRATTON. Neither do I think we should limit debate unless it is satisfactory to all of us. I am not going to agree to a thing which does not appeal to me as being sound. The Senator from Ohio can move to lay on the table in order to cut off debate if he sees fit to employ a technical advantage of that kind, but a statement such as he has just made will not deter me from objecting to an agreement which I consider to be unfair.

Mr. FESS. Mr. President, I hope the Senator from Nebraska [Mr. HOWELL] understands the spirit in which I have made the statement. He agreed with me that we ought to expedite the consideration of the question. What I said was not in the form of a threat; it was merely a statement as to procedure, to which I thought the Senator would agree.

Mr. BRATTON. But this amendment does not concern the Senator from Nebraska alone; it concerns other Senators and other States. The matter is of wider scope than merely Nebraska.

The VICE PRESIDENT. Did the Senator from New Mexico state that he would have objected if he had understood the request?

Mr. BRATTON. Yes.

The VICE PRESIDENT. The Chair announced that unanimous consent had been granted, but, without objection, that will be set aside. Does the Senator from Ohio change his request?

Mr. FESS. Could we agree to limit debate to not longer than five minutes on the part of any one Senator?

Mr. BRATTON. I will agree to that.

Mr. FESS. I make that request.

The VICE PRESIDENT. Is there objection?

Mr. ODDIE. I object.

The VICE PRESIDENT. The Senator from Nevada objects. The Senator from Nebraska has the floor.

Mr. HOWELL. Mr. President, in the amendment proposed by the Senator from Nevada [Mr. ODDIE] the protective factor provided for sole leather is 10 per cent. The House, which it is recognized was liberal in the rates it granted, imposed a 5.4 per cent rate, but in the pending amendment of the Senator from Nevada the protective factor is increased 85 per cent. I doubt if there is another industrial commodity affected by the tariff upon which a rate was granted by the House that has been increased to any such degree in the Senate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HOWELL. I yield.

Mr. WALSH of Massachusetts. I should like to make a suggestion to the Senator from Nebraska as to the procedure. The Senator now, very properly, is proposing an amendment to the protective duty upon leather. I have some amendments which I intend to offer as to the duty upon hides, seeking to lower the duty in the amendment of the Senator from Nevada. In the event that that amendment or other amendments lowering that duty to 3 cents or 2 cents or 10 per cent or 15 per cent should be adopted—any amendment of that kind—there will then be an opportunity to offer amendments such as the Senator is now proposing as to leather and shoes compensatory and protective duties. It strikes me, however, that we will have to undo all that we may now do if we seek to make changes in the compensatory and protective duties on leather and shoes before we finally reach a decision as to the basic rate, if any, which shall be imposed upon hides. I, therefore, ask, if the Senator will agree with me—and I do not desire to take him off his feet at all—that we now enter into a unanimous consent agreement, in this instance, to consider all amendments offered from the floor with respect to the final duty upon hides in the amendment of the Senator from Nevada. I make that suggestion, Mr. President, in the form of a request for unanimous consent.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. HOWELL. Mr. President, there is an amendment pending before the Senate, and I am offering amendments to that amendment in connection with a protective duty on leather.

Mr. WALSH of Massachusetts. My suggestion is only in the interest of expedition in procedure. The Senator has a perfect right, of course, to offer his amendments; my suggestion is merely in the interest of expediting business.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. I should like to suggest to my colleague that it seems to me the request of the Senator from Massachusetts is a reasonable one. If the Senator from Massachusetts has amendments to offer to the hide item, changing the rate in the amendment of the Senator from Nevada, we ought first to dispose of that question, because hides are the raw material upon which the amendment of the Senator from Nebraska now pending is based. In other words, while his amendment is in order as he has offered it, if we should agree to the amendment my colleague has offered, and then later the Senator from Massachusetts should offer an amendment, let us say, to reduce the duty on hides to 3 cents instead of 4 cents, we would have to do our work all over again.

Mr. HOWELL. Mr. President, I am not now talking about the compensatory duty at all; I am merely talking about the protective duties which would apply even if the rate of duty on hides were 3 cents a pound.

Mr. NORRIS. The Senator might want to change his amendment or offer it in a different form if the amendment of the Senator from Massachusetts were agreed to. The procedure suggested by the Senator from Massachusetts would be in the interest of saving time, and the Senator from Nebraska would lose no right by it.

Mr. SMOOT. I hope the Senate will now first decide upon the rate on hides. Then, as far as the protective rate is concerned it makes no difference, but it may make a difference as to the compensatory duty. Therefore, I think the proper thing to do is to let this body decide now whether there is going to be a duty on hides, or whether they are going to be free.

Mr. HOWELL. Mr. President, I am agreeable to a determination now as to a duty upon hides.

Mr. WALSH of Massachusetts. That is very gracious of the Senator.

The VICE PRESIDENT. The Senator from Nebraska withdraws his amendment for the present. The Senator from Massachusetts will state his proposed unanimous-consent agreement.

Mr. WALSH of Massachusetts. I ask unanimous consent that the Senate first consider all amendments from the floor fixing the duty upon hides in the Oddie amendment.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. Mr. President, all amendments to what?

Mr. WALSH of Massachusetts. To hides.

Mr. SWANSON. To what text?

Mr. WALSH of Massachusetts. To the Oddie amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. Now I move to strike out, on line 4 of the Oddie amendment, the words "4 cents per pound" and insert the words "10 per cent"; and I will state very briefly the reasons for that.

The hide industry, if I may call it such, is on the free list. The leather-tanning industry is on the free list. The shoe industry is on the free list. All are seeking, in some form or other, to get upon the dutiable list.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Yes; I yield.

Mr. SMOOT. I desire to ask the Senator a question, so that we will all understand his proposal. The Senator's amendment of 10 per cent is on raw or uncured or salted or pickled hides. Then as to the dried hides——

Mr. WALSH of Massachusetts. I will change that next to the proper rate.

Mr. SMOOT. That is what I want the Senate to know.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. WALSH of Massachusetts. I do.

Mr. McKELLAR. About how much would 10 per cent mean in cents?

Mr. WALSH of Massachusetts. Upon the cheap hides 1¾ cents per pound, but upon the higher-priced hides about 3 cents.

Mr. NORRIS. Mr. President, I was interrupted just when the Senator's amendment was stated. I should like to hear it restated.

Mr. WALSH of Massachusetts. It fixes the duty upon hides at 10 per cent ad valorem instead of 4 cents per pound.

Now let me very briefly outline this matter, and I feel certain I can convince even the Senators favoring the cattle raisers that this is a fair proposition, in view of all the circumstances, even if I can not get their votes.

All of these industries are outside the tariff wall, and all except the men's shoe industry are seeking to get duties upon their different products. The House committee fixed the duty on hides at 10 per cent, the very duty I propose. The Senate Finance Committee fixed it at 10 per cent, the very duty I pro-

pose. The Oddie amendment makes it 26 per cent ad valorem, or 27 per cent, the Senator from New York [Mr. COPELAND] reminds me. An industry that never before has had protection comes here at one fell swoop and asks 27 per cent protection!

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I prefer not to be interrupted until I finish this statement.

Mr. HOWELL. But the Senator states that hides have never had a duty before.

Mr. WALSH of Massachusetts. I have stated that.

Mr. HOWELL. They had a duty of 15 per cent until 1909, and then the shoe industry came here——

Mr. WALSH of Massachusetts. I am speaking about the time since 1913. There never has been a duty on hides or boots or shoes or leather since 1913.

Mr. HOWELL. I ask the Senator to allow me to make this statement now.

Mr. WALSH of Massachusetts. If the Senator please, I desire to go on for the present without interruption. I shall be glad to have him interrupt me later.

The VICE PRESIDENT. The Senator declines to yield.

Mr. WALSH of Massachusetts. I want to put the picture to this body, and I want the attention of the Senators who are honestly asking to have hides put upon the dutiable list: Ten per cent in the House bill; 10 per cent in the Senate bill; under present law, nothing.

What am I asking for the depressed and strangled tanners? Five per cent and 8 per cent. Is your industry more depressed than the tanners? Are there any more workingmen suffering on the ranches than there are workingmen out of employment in the tanneries?

What am I asking in my amendment upon men's shoes? Nothing—nothing but a further impediment, if a protective duty is levied upon hides.

What am I asking for women's shoes? Five per cent protection.

Is it fair to ask, and how can you justify asking in this situation, more than 10 per cent—double the protective duty upon tanned leather, and double the protective duty asked for women's shoes? How can it be justified, first from the standpoint of doing equity to these three industries?

My first appeal, therefore, is that it is fair in view of the little, miserable protection that is being asked for the women's shoe industry and for the tanning industry to levy a much less duty on hides than 27 per cent.

Senators, with these industries distressed, you can not defend the levying of an impediment of 27 per cent ad valorem upon hides.

Now, let us take the consumer and leave the industries out of the picture.

Mr. THOMAS of Idaho. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH of Massachusetts. I would rather not yield at this time. I shall be glad to yield in a moment.

The VICE PRESIDENT. The Senator declines to yield.

Mr. WALSH of Massachusetts. Let us take the consumer now. The specific duty of 4 cents a pound—and that is why no Senator but a Senator from a cattle-raising district can vote for it—means, as I said yesterday, an ad valorem duty of between 22 and 54 per cent upon leather made from hides. It means that even those who place that specific duty upon hides are placing on the shoes of the farmers who wear the poorest and roughest leather shoes a duty of 54 per cent, and on the shoes of the Wall Street constituents of the Senator from New York [Mr. COPELAND] a duty of 22 per cent. Does anybody deny that? Does any Senator question that fact? There can not be any question about it.

Further—it is the consumer we are talking about now—the increased cost of a fine, high-class pair of shoes, worn by the constituents from Wall Street of the Senator from New York, when made by the manufacturer, will mean 30 cents to the manufacturer, but the manufacturer who makes shoes for the constituents of the Senators from the cattle-raising States will have to increase the price from 50 to 60 cents upon the shoe which they wear.

When it gets to the retailer, the high-class shoe means 50 cents increased price, and the shoe made of the poor leather somewhere between 75 cents and $1.

Who can support a specific duty of that type? What would you think of me, petitioning here by the amendment that I have offered for the tanning industry and the shoe industry, if I asked for a duty of so much per pair upon shoes—50 cents upon the $2 shoe, 50 cents upon the $15 shoe? You would suggest, and rightly so, that I was proposing something that was unfair, unreasonable, and unjust.

Why a specific duty upon hides and not a specific duty upon leather and upon shoes? Of course, there is no reason, no justification for any distinction.

I am not going to take any further time; but I am going again to remind you that all these industries are on the outside seeking for protection. Let us treat them equally. Let us treat them fairly. Let the principle of protection be honestly and equitably distributed. Let us begin with a specific duty to all, or an ad valorem duty to all; and, if we begin with an ad valorem duty to all, tell me why in the basic raw material there must be more than I have presently offered—double the protective duty I ask for on leathers, and double the protective duty I ask for on the women's shoe industry, the story of the depression of which I tried to picture to the Senate yesterday. You can not justify to the country your demand for a rate five times what leather and shoes seek.

Is it fair to put on hides 26 per cent duty, and put that impediment on the men's shoe industry, which asks no protection, and then content yourselves with giving the workers in the tanning business and the shoe business their meager protection of 5 per cent?

Let us look upon these industries now as three petitioners here, as evidently the committee did when it built up these rates. I am proposing the very rate in the House bill, the very rate in the Senate committee bill.

I leave the question to the Senate with an appeal to its sense of justice, with an appeal not to strangle further these depressed industries.

Mr. HOWELL. Mr. President, I am constrained to comment upon the generosity of the Senator from Massachusetts [Mr. WALSH] to the farmer. In doing so I will be compelled to repeat myself.

Prior to the war the farmer could buy a pair of shoes with 17 pounds of green hides. To-day it takes 44 pounds of green hides, and the Senator from Massachusetts is so generous to the farmer that he would provide 10 per cent ad valorem on hides and thus enable the farmer to buy a pair of shoes, not with 44 pounds of green hides but with only 40 pounds of green hides. That is the measure of the generosity of the Senator from Massachusetts to the farmer.

Mr. President, the Senator further stated that 4 cents on hides, as a specific duty, would increase the cost of a pair of shoes to the manufacturer 30 cents. The testimony before the committee was to the effect that it required 6 pounds of green hides to produce a pair of shoes. Four times 6 are 24. Twenty-four cents, not 30 cents.

That is not all, either. What kind of a shoe is he talking about? A vast number of shoes have no cattle hides in their uppers whatever. The statistics indicate that on an average there is in a pair of shoes 3.4 pounds of green hides. Four cents a pound means 17 cents, not 30 cents. The Senator from Massachusetts in this respect was merely about 100 per cent out of the way.

Ten per cent ad valorem on hides to the farmer means next to nothing. The average hide weighs less than 50 pounds. Such a hide at the present time is worth $7, 10 per cent ad valorem would amount to but 70 cents a hide; and how much of that would the farmer get? Little or nothing. If a duty of 10 per cent ad valorem on hides is proposed, and the Senate is inclined to favor such a rate, let me beg the Senate to forget the farmer in this respect, put hides on the free list, and then put leather and shoes on the free list, where they have been.

Mr. President, the Senator from Massachusetts in his remarks last evening called attention to the fact that we grant a tariff on leather used for a garment; but that for shoes, not at all; that heretofore the shoe industry has not been here asking a duty on shoes.

In 1909 there was a tariff of 15 per cent on hides. The shoe manufacturers and the leather producers came here, because it was to their advantage to do so, and proposed to Congress that they would agree to shoes going on the free list if hides went on the free list. The farmers were not considered in that connection at all, but because of this agreement shoes went on the free list, and there they are, upon the agreement of the shoe industry of this country. And now, when they find that the farmer really wants some relief, when he is feeling the depression in connection with hides in a most marked degree, they come here and protest how generous they have been in the past.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that in the act of 1913 they were on the free list, but the Senator speaks of 1909.

Mr. HOWELL. Yes; I speak of 1909, when the tariff was taken off hides and taken off shoes, and it was taken off hides and taken off shoes as a matter of agreement here in Congress,

and now the shoe industry comes back and asks that that agreement be reversed. Why? Because there is a tremendous introduction of shoes into this country from abroad. Mr. President, in 1908 less than 1 per cent of the production of shoes in this country was imported. In that year we exported 1⅔ per cent of our production.

Gentlemen point to 5,514,000 pairs of women's shoes being introduced into this country. Do they realize that that is only 5 per cent of the women's shoes produced here? That is all it is. Is every industry affected to that extent to be afforded a tariff that shall be equivalent to an embargo, or are we to have some competition in this country?

The farmer does not come here and ask everything, unwilling to grant anything. This session of Congress is considering a tariff measure that was suggested to the special session of Congress by the President of the United States for the benefit of the farmer, and here is one product where the tariff can be effective, because we do not produce our consumption of hides; but when we propose such a tariff every objection imaginable is advanced, and finally, in order to have an excuse for putting a tariff on leather and a tariff on shoes, it is proposed to grant us a duty of 10 per cent ad valorem on hides, which means nothing.

So far as I am concerned—and I think I express the views of the Representatives of the Middle West—if that is all you will do for the farmer in the matter of hides, the thing to do is to forget it. We do not want it, and we will not have it unless we are compelled to do so.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield? I want to ask him a question when he is through.

Mr. HOWELL. I tried several times to interrupt the Senator and he objected; but I do yield, certainly; I am glad to have him interrupt.

Mr. WALSH of Massachusetts. I simply want to ask the Senator if he will accept a correction I seek to make to his remarks.

Mr. HOWELL. Certainly.

Mr. WALSH of Massachusetts. I understood the Senator to say that it took 44 pounds of hides to buy a pair of shoes worth $5. In what year?

Mr. HOWELL. I did not say anything about $5. I said a pair of dress shoes; I compared the cost of the shoes prior to the war, $2.86, with the cost to-day, $6.16—an identical pair of shoes.

Mr. WALSH of Massachusetts. The Senator says it takes 44 pounds. Is that correct?

Mr. HOWELL. Forty-four pounds of hides.

Mr. WALSH of Massachusetts. To buy a pair of shoes previous to the war?

Mr. HOWELL. Hides, as stated in the conference with the tanners at the time this matter was up before the Committee of the Whole, were 14 cents a pound.

Mr. WALSH of Massachusetts. What is the average price of calfskins now?

Mr. HOWELL. The average price of calfskins has been about 21 cents, but that is important merely so far as uppers are concerned.

Mr. WALSH of Massachusetts. Then a hide of 25 pounds would now buy a $5 shoe, would it not? Is that a fact?

Mr. HOWELL. The Senator is talking about calfskins now.

Mr. WALSH of Massachusetts. Yes.

Mr. HOWELL. Calfskins are a minor production in this country. Calfskins are largely imported from abroad. I am talking about cattle hides; I made it very clear that I meant cattle hides. I say that it cost 17 pounds of cattle hides to buy the pair of shoes I have in mind, and that is a pair of shoes cited by the Department of Labor. It cost that in 1909, 1910, 1912, and 1913, on an average. To-day, with hides at 14 cents a pound, it is a simple arithmetical process to determine that they would cost 44 pounds of hides.

Mr. WALSH of Massachusetts. My information is that it is 25 as against 44.

Mr. HOWELL. Twenty-five what?

Mr. WALSH of Massachusetts. It is 25 pounds of calfskins that will buy a pair of shoes to-day, as against 44.

Mr. HOWELL. The Senator is talking about calfskins, but I was comparing cattle hides. Cattle hides form the big production in this country. Calfskins used in this country largely come from Europe. I am talking about our production here in the United States. I am talking about what the farmer here in the United States has to sell.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment of the Senator from Nevada.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DILL. Let the amendment to the amendment be stated.

The VICE PRESIDENT. The clerk will state the amendment to the amendment.

The CHIEF CLERK. The Senator from Massachusetts [Mr. WALSH] moves to amend the amendment offered by the Senator from Nevada [Mr. ODDIE], on page 1, line 4, of the amendment, by striking out "4 cents per pound" and inserting in lieu thereof "10 per cent ad valorem," so as to read:

Hides * * * raw or uncured, or salted or pickled, 10 per cent ad valorem.

The VICE PRESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. Not knowing how he would vote, I withhold my vote.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from Oregon [Mr. MCNARY]. If he were present, he would vote "nay," and I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Illinois [Mr. DENEEN]. Not being able to obtain a transfer, I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. JONES], who is detained from the Senate on official business, and I vote "nay."

The roll call was concluded.

Mr. HAYDEN. The senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. If present, he would vote "nay."

Mr. GLASS. May I inquire whether the senior Senator from Connecticut [Mr. BINGHAM] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote, I have to withhold my vote. Otherwise I would vote "yea."

Mr. SULLIVAN. As previously announced, I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. I transfer that pair to the senior Senator from Ohio [Mr. FESS] and vote "nay."

Mr. SHEPPARD. I desire to announce the following general pairs:

The Senator from Arkansas [Mr. ROBINSON] with the Senator from Pennsylvania [Mr. REED];

The Senator from North Carolina [Mr. SIMMONS] with the Senator from Massachusetts [Mr. GILLETT];

The Senator from Wyoming [Mr. KENDRICK] with the Senator from Illinois [Mr. GLENN]; and

The Senator from Utah [Mr. KING] with the Senator from Maine [Mr. GOULD].

The result was announced—yeas 24, nays 49, as follows:

YEAS—24

Black	Goldsborough	Johnson	Stephens
Blaine	Greene	Keyes	Swanson
Caraway	Hale	La Follette	Trammell
Copeland	Harris	Metcalf	Tydings
Dale	Hebert	Moses	Wagner
Fletcher	Heflin	Smoot	Walsh, Mass.

NAYS—49

Allen	George	Norris	Steck
Baird	Goff	Nye	Stelwer
Barkley	Grundy	Oddie	Sullivan
Borah	Hastings	Patterson	Thomas, Idaho
Bratton	Hatfield	Phipps	Thomas, Okla.
Brookhart	Hawes	Pine	Townsend
Broussard	Hayden	Pittman	Walsh, Mont.
Capper	Howell	Ransdell	Waterman
Connally	Kean	Robinson, Ind.	Watson
Couzens	McCulloch	Robsion, Ky.	Wheeler
Cutting	McKellar	Schall	
Dill	McMaster	Sheppard	
Frazier	Norbeck	Shortridge	

NOT VOTING—23

Ashurst	Gillett	Kendrick	Shipstead
Bingham	Glass	King	Simmons
Blease	Glenn	McNary	Smith
Brock	Gould	Overman	Vandenberg
Deneen	Harrison	Reed	Walcott
Fess	Jones	Robinson, Ark.	

So the amendment of Mr. WALSH of Massachusetts to Mr. ODDIE's amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I shall only ask for a record vote on one more amendment as related to hides and leather. I now move to strike out "4 cents a pound" and insert in lieu thereof "15 per cent ad valorem."

I want to say something to those who are interested in the consumers, who have no interest in the tanning industry, who have no interest in the shoe industry, who have no interest in the cattle-raising industry. We are face to face now with the possibility of the Oddie amendment being adopted and 4 cents per pound being levied upon hides. The House already has a 10 per cent rate in the bill. That means, in case my amendment to reduce the rate is not adopted and the Oddie rate of 4 cents goes to conference, that the duty fixed in compromise may probably be somewhere in the vicinity of 3 cents per pound.

I can understand how Senators from the cattle-raising States can vote against my amendment and try to get the highest possible rate; but why any Senator interested in the consumer, though he is finally going to vote against all these rates, will not cooperate in sending to conference an amendment which would at least reduce the burdens upon the consumer, is beyond my comprehension. Neither can I understand Senators representing States where the tanning industry and where the shoe industry exists voting to place this burden amounting to 26 per cent ad valorem upon the consumers, when the industries of their States are only asking 5 per cent protection upon their leather and upon women's shoes.

In the name of the consumers and in a last effort to save them against a duty of 3 cents a pound coming out of conference, amounting probably to an ad valorem equivalent of about 18 per cent on the high-priced hides and about 40 per cent on the hides in the shoes of the poorest quality, I now propose to save the consumers with the uniform duty of 15 per cent on all hides—three times the amount of the duty asked by the tanners and by the women's shoe industry if their hides are free, and a 50 per cent increase over the rate fixed in the judgment of the Finance Committee and of the House, who weighed the evidence and considered the petitions presented by all.

Senators, be fair. Meet us halfway. To those who come from the cattle-raising States I say do not hold us up against the wall and say, "We have you now with your unemployment and your depression and we are going to exact the last dollar regardless of its ultimate effect upon your industries or the consumer. It is going to be 26 per cent for us and 5 per cent for you." It is not fair, it is not right, it is not just, and you know it in your heart of hearts. If it was going to benefit your farmers, you could justify it; but you know that the proposed duty is going to benefit chiefly the packers, who control 70 per cent of all the hides. The consumers are to be held up in order that the packers may extract 26 per cent on hides from the tanners, shoe manufacturers, and consumers because of this increased duty.

Senators from the cattle-raising States, be reasonable. Do not stand so stubbornly. I am coming halfway. I have come more than halfway, and you know that I have. They know that a 5 per cent rate on women's shoes and 5 per cent on the tanning industry is only a meager protection. Now, be fair with us. Compromise I ask and do not stand us up against the wall and say, "Here we are, 26 per cent or nothing." Let us call the roll and see who is with the consumers.

Mr. PITTMAN. Mr. President, I have been diligently and earnestly and carefully trying to understand what is urging the eloquence and the pathos of the Senator from Massachusetts. In one moment he is pleading on behalf of the farmers of the country on the ground that they will get buncoed if any tariff is put on their products. I admit that is possible. If we give to the manufacturers, by reason of giving something to the farmer, so much that it will cost the farmer more, then I can understand that the farmer will be buncoed. I do not assume, however, that this body is going to allow the farmer to be buncoed in this particular.

I can conceive that if we would give the farmers $35,000,000 bonus on their hides and give $35,000,000 to the shoe manufacturer also because of the bonus, and the farmer bought every shoe in the United States, he would come out even. He would get $35,000,000 more for his hides and pay $35,000,000 for his shoes. But in order to do that he would have to buy all of the shoes. If he only bought one-half of all the shoes he would get $35,000,000 for his hides and he would lose $17,500,000 in the increased cost of his shoes. But as a matter of fact, he does not use half of the shoes of the country. He does not use a third of the shoes of the country. If it is true that there are 300,000,000 pairs of shoes consumed annually it is equally true that there is a large proportion of that number which are not leather shoes; but assuming that they are all leather shoes, even the Senator from the modest working district of Massachusetts, where there are apparently nothing but workingmen, knows that Senators coming from the prosperous districts of the East sometimes have as many as 10 or 15 pairs of shoes at the same time. I never knew of a farmer that had that many shoes. The man plowing the field may have a heavy pair of strong brogans. The children I have seen around farms do not have on expensive shoes and a large portion of the time they do not have on any shoes.

The absurdity of saying that those engaged on the farms of the country use even one-third of the shoes produced in the country! If we do compensate the shoe manufacturer by giving him a rate that will add $35,000,000 to the cost of the shoes, if that is what we add to the cost of the hides, then the farmers will get at least two-thirds of the benefit of it, as I view the matter. How silly is the statement that we can not give any tariff on a raw material because the compensatory tariff given the manufacturer will take it all away. Why have we not heard that argument heretofore? We hear it now, but we have not heard it heretofore.

The Senator from Massachusetts is pleading for the farmers of the country on the one hand not to murder themselves, and then he whirls around and pleads with them to be fair with the leather and shoe industry. Does he know what the farmer wants, or do the farmers themselves know what they want? He advises them that they will get buncoed, and then turns around and says, "For Heaven's sake be fair with us." We have heard the Senator from Massachusetts weep over the "26 per cent ad valorem," which is the equivalent of the Oddie specific duty, and one would think that it is the first time such a tremendous rate had ever been threatened in this body. Let us see what he has voted for already.

I assume there are in the State of Massachusetts cotton-manufacturing industries. The House bill had an average of 43.58 per cent on all manufactured cotton goods.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. PITTMAN. I yield.

Mr. WALSH of Massachusetts. I did not vote to take from the free list any cotton cloths or cotton yarns and levy a duty of 43 per cent upon them. I think I voted in one instance to increase the present duties on common cotton cloth 5 per cent.

Mr. ODDIE. Did not the Senator vote for every amendment offered in this body on the cotton schedule?

Mr. WALSH of Massachusetts. I voted against several items, and I think on just one item of common cotton cloth I voted to increase the rate 5 per cent.

Mr. PITTMAN. I did not ask the Senator whether he had voted in that way. On one the Senator from Massachusetts voted to increase the rate over the proposal advocated by all the other Democrats and the progressives of the Senate to a point that equaled or exceeded the rates in the act of 1922, because there were no rates offered lower than those in that act. The Senator from Massachusetts voted for an average rate of 40.26 per cent ad valorem on cotton goods, and that rate does not include any compensatory duty at all; it is a fully protective duty of 40.26 per cent ad valorem. That is what the Senator voted for, and there was no lower rate offered upon this floor in that schedule; but now he comes here and violently remonstrates because it is proposed to give the farmers of the United States 26 per cent ad valorem on a commodity which they produce.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I yield.

Mr. GEORGE. I do not want to interrupt the Senator, and I do not know how material what I am about to say may be to the discussion of the matter the Senator from Nevada is now presenting to the Senate, but I should like to call the attention of the Senator to the fact that the cotton schedule shows an actual reduction of more than 2 per cent.

Mr. PITTMAN. I admit that; I am not criticizing the Senate or any Senator. I am discussing legislative consistency. As a matter of fact, the average rates in the Senate bill as reported were 43.58 per cent, but that average has been reduced to 40.26 per cent. That is a pure protective ad valorem duty; there is no compensation in it at all, for there is no raw material tariff at all.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. I will yield in a moment. Yet the Senator from Massachusetts has voted for that rate, and it has been adopted. I merely want some consistency. Hides are a product of the farmers of this country, a product universal everywhere in the farming industry. That industry has suffered more than any other industry in this country; it has been depressed for a long time, and to such an extent that thousands

of banks in farming communities have failed, while the great State of the Senator from Massachusetts, with all its varied industries, has stood in a prosperous condition. When the Western States were suffering and banks were failing and people were walking away from their homes the people of the manufacturing States were prospering. Yet we hear lamentations over a 26 per cent ad valorem duty, when the Senate has voted for a 40 per cent average duty on all the manufacturing industries of the country.

I now yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, what I rose to observe was that what the Senator from Massachusetts says and what the Senator from Georgia says, taken separately or collectively, does not mitigate nor change the fact that the cotton schedule bears a duty of 40 per cent plus ad valorem, while the proposal of the junior Senator from Nevada carries a duty of only 26 per cent ad valorem on hides.

Mr. PITTMAN. Exactly. I do not see what else there is to say about the proposition.

Mr. President, it happens, fortunately, that there are two products in cattle raising, one of which may be considered a by-product. There are two products of the sheep business, one of which is wool and the other is meat. Fortunately, in the sheep industry it happens that when wool is up meat may be down, or when meat is down wool may be up, and that gives the sheep growers a slight chance. Say what you please, the hide industry is a by-product of the meat industry, and when a duty of 4 cents a pound is placed on hides, if it is effective, it will be equivalent to $1.60 on the average hide. That does not amount to much. It is said that a farmer may have only 8 or 10 cows or 8 or 10 cattle. Yes; the amount is small; but the $14 or $15 additional which the farmer will get will loom large sometimes in his eyes when the average earnings of the farmers may not be over $500 or $600 apiece a year. Yes; it means something to the average farmer. But in the cattle States, where the business of cattle raising on a large scale is carried on it may mean the saving of the ranches of that section of the country.

I know that during the last five or six years I have seen many of the largest ranchers of the West go into bankruptcy, their property sold over their heads, and those men are poverty stricken to-day. Can any such sad condition be pictured as to any of the enterprises of the State of Massachusetts or other manufacturing States? In the Western States pioneers who were considered strong financially, politically, and socially are now walking away from the homes of their fathers and their grandfathers almost to the point of seeking charity. Yet the Senator wails over a 26 per cent ad valorem duty on hides. My heavens, Mr. President, if the Senator's memory were as good with regard to some things as it happens to be in regard to leather, he could save time if he would look through this bill and notice the duties which have been imposed on machine-manufactured articles, those imposed on the products of steel, and on woolen goods and cotton goods and almost everything else; and he would then realize that it would be difficult to find a rate on any of them as low as 26 per cent ad valorem.

Mr. BLAINE. Mr. President, it is extremely interesting to listen to this debate, and it is particularly interesting to hear the pleas made by Senators, some of whom I rather suspect go to the zoo to find out just what a cow looks like; who never raised a cow and who never raised a calf upon a farm or ranch. It is, indeed, interesting to hear them so eloquently plead for a tariff on hides to aid the farmer.

Mr. President, I come from a State that has slightly over one-tenth of the entire dairy cattle population in the United States. It is conceded that practically all of the calfskins come from the dairy herds. Everyone knows that the producers of beef cattle do not slaughter the beef calf. Assuming, therefore, as the fact seems to be, that practically all of the calfskins come from the dairy herds, then, according to the number of dairy cattle in my own State, we produce one-tenth of the calfskins, and on the same assumption, we produce one-tenth of the cow hides.

Mr. President, I know, and every dairy farmer in Wisconsin knows, that so far as the farmer is concerned he will not receive one single cent, from a tariff on hides, either on the calf hides or the cow hides. He knows that hides are the by-product of the packing companies, who are back of this proposal to vote a tremendous burden upon the farmer as well as upon every other consumer, and he knows as well that the farmer will bear that burden in greater proportion than will any other class of our citizens.

Mr. PITTMAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. BLAINE. I yield.

Mr. PITTMAN. Of course, I do not have to defend myself from the attack of the Senator on those who do not know a cow from something else.

Mr. WALSH of Massachusetts. I do not think the Senator from Wisconsin is in the habit of making attacks upon any Senator.

Mr. PITTMAN. He was charging some Senators with not knowing a cow from something else, but I do not know whom he had in mind.

Mr. BLAINE. That, of course, depends entirely upon the imagination of the particular Senator who may think he was attacked.

Mr. PITTMAN. Yes. It does not apply possibly to those who live in the country; at least if it could apply to anybody, it might apply to some one who had spent his life within the narrow canyon walls of some city, where all nature seems dead save for the bellow of the "bull" and the growl of the "bear."

However, what I wish to say is this: The Senator's charge that a duty on hides is proposed at the instigation of the packers raises a very important consideration. The cattlemen of Nevada, whom I know personally, for I have been in contact with them most of my life, have been fighting the packers since my earliest recollection of the cattle industry, covering a period of some thirty-odd years. All through the West the fight on the packers has been going on. The people there have fought the monopoly of the packers, and yet to-day I know that every man who is engaged in the cattle-raising business in the State of Nevada has been urging and is now urging a duty on hides, and conscientiously believes he will get the benefit of it. The National Livestock Association of the country favors this duty and believes that the farmers are going to get the benefit of it. They contend that in buying livestock on the hoof every single solitary thing in connection with the animal that makes a profit is taken into consideration in determining the price the purchasers pay for the animal.

While the Senator from Wisconsin undoubtedly believes that most of the benefit will go to the packers, I desire to say that that will only be the case if we shall allow the packers to secure it, and, if the buyers were allowed to control the price, and there were no competition in the purchase price, the same condition would exist in regard to other industries. If that is going to be done and is being done by the packers, then the power lies in Congress to prevent such an extortion through antimonopoly laws.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. BLAINE. I prefer to make my remarks without an interruption of great length. I will yield for a question; but the Senator from Nevada has made three or four speeches on this subject, and I think he ought to permit me to go on without interruption, unless he wants to ask a question.

Mr. ODDIE. Very well, Mr. President; I will not interrupt the Senator.

Mr. BLAINE. Mr. President, I have no doubt but that the range cattlemen conscientiously believe that they are going to derive a benefit from the proposed tariff on hides. I have not any doubt about it. I am not questioning their sincerity or their integrity; but there is some one else in this old world of ours besides a few large ranch cattlemen. They represent only a very small percentage of the farmers of this country. But I repeat what I said, Mr. President: The packers of this country are advocating the tariff on hides proposed by the Senator from Nevada. They know what is going to happen. They know that the hide is the by-product of the packing industry. There is scarcely a farmer in this country who ever sells a hide.

Occasionally in the dairy herds a cow may die, and now and then an animal may be home slaughtered.

When the farmer sells a calf from his dairy herd he sells it as a calf, for veal. The hide is incidental only to the packing industry. It is the packing industry that is going to benefit by a high tariff on hides, and that industry alone; and the great mass of the farmers of the United States is going to pay the increased cost in their shoes.

Let us analyze that.

The shoe manufacturers who are making shoes for the Senators, for instance, who are making the dress shoes, will be able to absorb, no doubt, all of the tariff that is proposed by the Oddie amendment. The men and women who can afford to wear shoes ranging from $7.50 to $20 a pair will not pay additional cost on their shoes under the amendment proposed by the Senator from Nevada. As I said, the manufacturer will be able to absorb it; but what about the other shoes? What about the cowhide shoes, the shoes that the workingman wears, the shoes that the worker in the ditch wears, the shoes that the men and women and children upon the farm wear, the shoes

that cost from $2.75 to $4.25? Those are the shoes upon which this proposed tariff will bear heavily; and it is not one pair of shoes—no; no! The shoes for the farmer and for his children, for those who work upon the farm, are multiplied many times in number of pairs per year; and those are the shoes that are going to bear the high duties under this bill. You are going to increase the cost of those shoes all the way from 60 to 90 cents a pair.

Suppose the proposed tariff on hides is effective. To whose advantage will it flow? Assume that it will go in its entirety to those who produce the cattle upon the range, and the beef cattle in large numbers. A small percentage will be benefited if the tariff is effective, while the great multitude of the farmers, I dare say over 90 per cent of the farmers of this country, are going to have placed upon their backs a tremendous additional cost for every shoe; and it means many shoes for the year for the farmer, his children, and those who work upon his farm.

Mr. HOWELL. Mr. President——

Mr. BLAINE. The manufacturer of that type of shoes, in my opinion, will not be able to absorb the additional cost by reason of this proposed tariff; but the manufacturer who makes the shoe that the junior Senator from Nebraska [Mr. HOWELL] wears, who makes the shoes for the junior and senior Senators from Nevada [Mr. ODDIE and Mr. PITTMAN]—yes, for most of the Senators—he can absorb this additional burden upon hides, leather, and shoes, and they will pay no more for their shoes; but 90 per cent of the farmers who do not produce beef cattle in large quantities will have heaped upon their backs these additional burdens. Who else? All the workingmen of this country.

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I yield for a question, but not for a speech. I want to be perfectly fair; but Senators who have occupied many hours in this debate ought to give at least one Senator an opportunity to make his remarks without interruption, unless it is to ask a question.

Mr. HOWELL. I rise to a question, Mr. President.

Mr. BLAINE. I shall be very glad to yield for a question, of course.

Mr. HOWELL. In determining tariffs, does not the Senator from Wisconsin believe that the rancher is just as much entitled to consideration as those who produce steel and iron?

The Senator said that 90 per cent of the farmers were not interested, intimating that 10 per cent were. Ten per cent of the farmers number in the neighborhood of between six and seven hundred thousand farm operators in this country; and there are only about 700,000 employees altogether in the steel industry. Are you going to discriminate; is the Senate going to discriminate, and say, "We will take care of the steel industry, represented by 700,000 people," but that that number of ranchers shall not be considered?

Mr. BLAINE. Mr. President, I shall be very glad to answer the question.

The junior Senator from Nebraska asks me if I am going to discriminate against the farmers who produce the ranch cattle. That class of farmers need classification also. The so-called farmers who produce cattle upon the ranch are dwellers in the city to a large extent——

Mr. HOWELL. Not in my State, Mr. President. They are on the ranches. They have to be on the ranches. To make a ranch successful requires the closest kind of attention.

Mr. BLAINE. Mr. President, I had not finished my sentence when I was interrupted by the Senator.

Mr. HOWELL. I beg the Senator's pardon. I will not interrupt him further.

Mr. BLAINE. I shall be glad to be interrupted for a question.

I say that those who produce the cattle upon the ranges of the West to a large extent are dwellers in the city. They are not the suffering farmers by any means. There are farmers, of course, who dwell upon the farm and produce fat cattle in large numbers; but so far as those farmers are concerned, speaking of my own State, they are not here asking for this tariff. They know full well that the tariff will not go into their pockets. They know full well that every single penny that is levied upon hides will go into the pockets of the packers. Of course, the packers are interested. It will mean millions upon millions of dollars of additional profits to the packers.

Let us go on and analyze, as I was attempting to do, who is going to pay this tax, what kind of shoes will bear the burden. It is not the Oxfords, which the men and women of the parlors wear. It is not the shoes of the men and women who can afford to pay the high prices for shoes. They will not pay this additional burden. The farmer's shoe is not an Oxford shoe, it is not a slipper, it is not made of kid and of calf of the first quality. The shoes of the farmers and the workers of this country are the shoes made out of cowhides and the seconds of calfskins.

The Senator from Nebraska talks about the amount that is going to be received by the farmers of this country, $35,000,000, when 90 per cent of the farmers will not receive one single penny of that $35,000,000.

Senators talk about the farmer being burdened with only half that amount, $17,500,000. The farmer who must use the heavier shoes will be burdened all the way from 60 to 90 cents a pair. If those who produce cattle upon the ranges and a few others who are producers of fat cattle as feeders receive the entire $35,000,000, they will be taking it out of the pockets of the farmers who can least afford to pay the cost. They will be taking it out of the pockets of the workingman, whether in factory, in digging ditches, in operating railroads, utilities, or in any industries.

Mr. President, a tariff on hides is a tariff practically for the sole benefit of those who process the raw product of the farm. The raw product of the farm is the cow or the calf or the steer, not the hides.

Is there any Senator who doubts the fact that the packers of this country are unanimously indorsing the Oddie amendment, and bringing all of their influence to bear upon those who have the responsibility of legislation to put through the high duty on hides?

We hear no cry from 90 per cent of the farmers of this country for a duty on hides. When we place these extortionate rates upon hides then we will hear the distressing cry of 90 per cent of the farmers of this country, of every workingman of this country, who must pay all the way from 60 to 90 cents a pair for his shoes and his boots.

It is a glorious scheme, this Oddie amendment, to aid the farmer! I see the trend of affairs in the writing of this tariff bill. Ninety per cent of the farmers of this country have not a "look in" on this tariff proposition. Ninety per cent of the farmers of this country are going to bear a large share of the burden not only of industrial rates but as well of rates upon the so-called farm products.

I did not know that a tariff bill was to be written, as the junior Senator from Nebraska conceives it should be written, for the benefit of a few to the great disadvantage and detriment and burden of the many. I supposed that all legislation was to be for the common good. The common good does not reside in 10 per cent of the farmers of this country. The common good resides in all the farmers of this country.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. I yield for a question.

Mr. FRAZIER. As I recall, the Senator from Wisconsin the other day voted for a tariff on hardwood flooring, for the benefit of a few people who have a little hardwood to sell, to the detriment of everyone who puts a hardwood floor in his home or in a store or in a hall.

Mr. BLAINE. Mr. President, the Senator does not state the proposition as it was. I voted for a tariff on maple and birch flooring, completely manufactured, which maple and birch flooring goes into the mills, the pool halls, the dance halls, the bowling alleys, and not upon the farm.

Mr. BRATTON. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield.

Mr. BRATTON. The Senator has talked about the workingmen who handle the hoe and the shovel; that is to say, the type of shoes they wear. I recall that the Senator advocated a duty of 42 per cent on cheese. The duty on hides proposed under this amendment is only 26 per cent. What greater interest has the workingman in a duty on shoes than in a duty on cheese? How could he be affected adversely by one and not the other?

Mr. BLAINE. Mr. President, had the Senator been present when I made my statement concerning a 42 per cent ad valorem duty on cheese, he would not have asked the question he has propounded this morning. I explained then—and the chairman of the Committee on Finance confirmed me—that the tariff rates on milk and cream and butter, based upon the butterfat content, were so high that in order to make a readjustment in the dairy schedule it became necessary to equalize it by placing the ad valorem at 42 per cent on cheese.

My proposition was merely to readjust and equalize the tariff on the butterfat content of cheese with the butterfat content of milk and butter.

Mr. BRATTON. Nevertheless, the salaried man who works in the shop or in the store, and consequently does not conduct a dairy, necessarily will pay more for the cheese consumed in his

household as a result of the readjustment of the schedule about which the Senator talks.

Mr. BLAINE. Mr. President, if the workingman desires to buy Roquefort cheese and Gruyere cheese, or any of the other fancy cheeses, specialty cheeses, at fancy prices, he will pay more under the 42 per cent ad valorem; but if the workingman desires to buy genuine American Cheddar cheese, the 42 per cent ad valorem will have nothing to do with the price of that cheese. The rate on that cheese is fixed at a specific figure.

I do not understand that the workingmen of this country are very much interested in the fancy cheese. The cheese in which they are interested is produced here in the United States in large quantities, the American Cheddar cheese.

Mr. WALSH of Massachusetts and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Assuming the Senator has voted for an increased duty on cheese, at least cheese was on the dutiable list before any increased duty was levied in this bill. Is that correct?

Mr. BLAINE. Yes.

Mr. WALSH of Massachusetts. Whatever increase was made was trivial. But the proposition here is to take a commodity that is on the free list and put a duty on it, and if it had a duty of 1 per cent on it, the proposition here is to increase the duty to 2,600 per cent. Am I correct?

Mr. BLAINE. Mathematically, of course, that is correct.

Mr. WALSH of Massachusetts. Has any other proposition of this kind been advanced during the consideration of this bill for an increase of 2,600 per cent on a basic product used in the making of shoes?

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BLAINE. In just a moment. I want to say in this connection that I stood upon this floor and time and time again announced, and I think demonstrated, that the farmers are not going to benefit from any increase which have been made on any farm product, and I warned those who assumed they might be beneficiaries that they were getting only a gold brick. I do not withdraw that warning, nor do I withdraw the declaration that, so far as the farmer is concerned, he has not a "look-in" in this tariff bill.

I yield to the Senator from Iowa.

Mr. BROOKHART. I wanted to ask the Senator a question about the statement of the Senator from Massachusetts as to the 2,600 per cent. Hides are on the free list, and they are going to 26 per cent. He might just as well have said twenty-six hundred million per cent, because that many per cent times nothing would still be nothing.

Mr. BLAINE. Mr. President, I am not going to enter into the realm of jokes.

Mr. President, I wonder if there is any other Senator who has a charge to bring against me that I have voted for rates upon farm products, and what that charge may be? I will be very glad to have the charge pressed now so that I may have the opportunity to answer it while I have the floor.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. I yield.

Mr. COPELAND. I would not make it in the nature of a charge, but, of course, I do think the rate on Swiss cheese of 42 per cent is very high. The Senator's own State makes 95 per cent of that cheese produced in the United States.

Mr. BLAINE. Let me call the Senator's attention to the fact that the Tariff Commission found that the difference in the cost of production here and abroad is 13 cents a pound; that is, it costs 13 cents a pound more to manufacture Swiss cheese in America than it does abroad, and the 42 per cent covers that.

Mr. COPELAND. I have no question at all about that. I believe that it is true, but the trouble with the Swiss cheese made in Wisconsin is that it does not compete with the foreign Swiss cheese. The foreign Swiss cheese always sells at 5 or 6 cents a pound in advance of the domestic Swiss cheese. The effect of the rate fixed by the Senator from Wisconsin on Swiss cheese results only in increasing the price of the imported Swiss cheese.

I think the Senator is entirely right as regards Cheddar and the other whole-milk cheese. I am in hearty sympathy with him in that respect, because I want to help the American farmer. But when he places a rate upon Swiss cheese he is imposing a burden upon everybody in the United States who prefers to eat the imported Swiss cheese, which has a different flavor. Excellent as the quality is of the Wisconsin cheese, it is not equal to the imported product. So the effect of the Senator's rate, while it may be perfectly all right on Cheddar and whole-milk cheese, is an improper imposition as regards Swiss cheese.

Mr. BLAINE. I have explained that proposition many times and I am not going to repeat it. If the Senator is interested in reducing the tariff on any of the dairy products, I would be very glad to listen to his argument. I want to tell him now that I am convinced beyond a doubt that the 14 cents a pound tariff on butter is nothing but a gold brick. If the Senator desires to rewrite the dairy schedule taking the butterfat content for the basis, I rather have the feeling that I would be very glad to review such revision as he might suggest. But I do not want to talk about that now. I have gone into that time and time again.

Mr. President, I am talking now about hides and what a high tariff rate on green hides means to the great majority of the farmers of the country. For the benefit of a few I am unwilling to vote for a tariff that is going to punish 90 per cent of the farmers of the country by an increased cost of the shoes which they must wear. That is not legislation for the common good. That is legislation for the special few and to the detriment of all others, whether they are workers upon the farm or workers in the shops or factories, or engaged in any effort that involves manual labor.

Mr. President, if I held the view of the Senator from Nevada [Mr. ODDIE] as to what might be the selfish interests of my State as we produce one-tenth of all the calfskins, one-tenth of all the cowhides that come from dairy herds—if I were to take that view or if the people of my State were entertaining that view, then, of course, I would be expected to support the amendment offered by the Senator from Nevada [Mr. ODDIE].

I have refused and consistently refused to follow the false leadership outside of the Senate in reference to agricultural rates. Not only is that leadership false leadership, but it is fake leadership. Mr. President, there is scarcely a single one of the so-called farm representatives here in Washington who is not receiving something from the processers, from the packers, from the storage interests, from those who manufacture farm machinery and farm implements. Do they speak for the man who follows the plow? Not at all. They never heard his voice. They do not know his voice. They can not understand his voice. Their own voice is not the voice of the great majority of the farmers of the country.

The tendency of the tariff bill is to base all rates on certain farm products that are entirely in the interest of a very small class of farmers. What is being done by this tariff bill is to create a landlordism in the country, where a few men will become the owners of the farm lands of the country and where the great majority of other men who to-day are working upon the farms owned by them will become the toiling slaves of these master landlords. Great tracts of land, thousands of acres, are now owned by a single landlord or a corporation. They have already begun to centralize farm operations. Thousands of acres of wheat are cultivated by a single operator, individual or corporate. This is happening all over the country. There is a tendency to-day in my own State to centralize the processing of butter and cheese, which means the destruction of every cooperative creamery and cheese factory in my State. The tendency in agriculture is toward centralization, exactly as is the tendency in industry.

This is no flight of imagination. It can be seen on the plains of the West in the wheat fields, on the cattle ranges, on the sheep ranges. The same tendency is making its way into the dairy States of the Union. The tariff bill as it is written up to this time is to encourage the centralization of farm operations. The farmer who to-day owns his 80 acres, his 160 acres, or his half section of land and his individualism will rapidly disappear.

Ah, the weight is getting greater year by year; the small farms are slipping away from individual ownership. The picture is a dark one; I am incapable of painting it in its true colors; but anyone who has eyes and can see surely ought to appreciate that in the last 10 years the momentum of merger, consolidation, and centralization has been tremendous, and this tariff bill is to give force and power to that momentum.

The close of the World War marked the beginning of the movement; this tariff bill is just another step in that direction. I shall vote against the proposed increased duties carried in the amendment of the Senator from Massachusetts, because in that amendment he is getting near the line where the manufacture of shoes will not absorb that rate in the production of the cowhide shoes that is worn by 90 per cent of the farmers and the laboring men of the country.





Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. BLAINE. I shall yield in just a moment.

Mr. WALSH of Massachusetts. I appreciate the Senator's position and I sympathize with him.

Mr. BLAINE. I even fear a rate of 10 per cent ad valorem; but that may be sufficiently small so that a few cents per pair of shoes may be absorbed by the shoe manufacturer. However, beyond that, Mr. President, I refuse to go. I refuse to go beyond that, because I know the direction in which it leads. Now I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, I appreciate all that the Senator from Wisconsin has so ably said, and I, too, would refuse to go further if I were not confronted with the possibility of the conferees of the House and the Senate fixing a rate between 10 per cent and 4 cents a pound.

Mr. BLAINE. Mr. President, I can not anticipate what the conference report may be, but I have a responsibility, and I shall discharge that responsibility, and my obligation, as I see it and as I obtain it from the agricultural people of my State, with whom and among whom I have lived all my life. I shall not betray them. I know their intelligence; I know their industry; and I know the confidence that they have in those who speak their voice and their sentiments. I propose to vote upon this proposition as I have voted in the past. When I conceive a tariff rate on farm products to be a gold brick, I shall not hesitate to point it out.

Mr. President, I am opposed to any duty on hides that is so high that it will not be absorbed by the manufacturers of shoes. I am opposed to any duty on hides which will be passed along to the consumer in the increased cost of shoes worn by the farmer and the laboring man, an increased cost of from 60 to 90 cents a pair, when concededly the only benefit that can come from the proposed duty on hides will go to a few.

Mr. President, I appreciate how Senators may be influenced by the interests of their States; I am not criticizing that, but I can not sanction these attempted raids on the farmer under the plea of farm relief.

Mr. TYDINGS. Mr. President, I shall take only one moment to make an explanation. A moment ago I voted to reduce this rate from 4 cents a pound to 10 per cent ad valorem. I am supporting the pending amendment, and if I have an opportunity, either to-day or when the matter comes to a vote on Monday, I shall vote for it, not that I favor it but because it is the only method of reducing the rate now provided in the so-called Oddie amendment.

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Goff	McKellar	Shortridge
Baird	Goldsborough	McMaster	Smoot
Barkley	Greene	McNary	Steck
Black	Hale	Metcalf	Steiwer
Blaine	Harris	Moses	Stephens
Blease	Harrison	Norbeck	Sullivan
Borah	Hastings	Norris	Swanson
Bratton	Hatfield	Nye	Thomas, Idaho
Brookhart	Hawes	Oddie	Thomas, Okla.
Broussard	Hayden	Overman	Townsend
Capper	Hebert	Patterson	Trammell
Caraway	Heflin	Phipps	Tydings
Connally	Howell	Pine	Vandenberg
Copeland	Johnson	Pittman	Wagner
Cutting	Jones	Ransdell	Walsh, Mass.
Dill	Kean	Robinson, Ind.	Walsh, Mont.
Fess	Keyes	Robsion, Ky.	Waterman
Frazier	La Follette	Schall	Watson
George	McCulloch	Sheppard	Wheeler

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH] to the amendment of the Senator from Nevada [Mr. ODDIE], upon which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote, I am unable to vote. Were I at liberty to vote, I should vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Tennessee [Mr. BROCK] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. GRUNDY] and will vote. I vote "nay."

The roll call was concluded.

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. He is paired with the Senator from Florida [Mr. FLETCHER]. If present, my colleague would vote "nay."

Mr. OVERMAN. I again announce my pair with the Senator from Illinois [Mr. DENEEN] and withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE].

I also desire to announce that the junior Senator from Pennsylvania [Mr. GRUNDY] is detained from the Senate on official business.

The result was announced—yeas 16, nays 57, as follows:

YEAS—16

Caraway	Harrison	Keyes	Tydings
Copeland	Hatfield	Moses	Vandenberg
Goldsborough	Hebert	Swanson	Wagner
Harris	Johnson	Trammell	Walsh, Mass.

NAYS—57

Allen	George	McNary	Shortridge
Baird	Goff	Metcalf	Smoot
Barkley	Greene	Norbeck	Steck
Black	Hale	Norris	Steiwer
Blaine	Hastings	Nye	Stephens
Borah	Hawes	Oddie	Thomas, Idaho
Bratton	Hayden	Patterson	Thomas, Okla.
Brookhart	Heflin	Phipps	Townsend
Broussard	Howell	Pine	Walsh, Mont.
Capper	Jones	Pittman	Waterman
Connally	Kean	Ransdell	Watson
Cutting	La Follette	Robinson, Ind.	Wheeler
Dill	McCulloch	Robsion, Ky.	
Fess	McKellar	Schall	
Frazier	McMaster	Sheppard	

NOT VOTING—23

Ashurst	Deneen	Grundy	Shipstead
Bingham	Fletcher	Kendrick	Simmons
Blease	Gillett	King	Smith
Brock	Glass	Overman	Sullivan
Couzens	Glenn	Reed	Walcott
Dale	Gould	Robinson, Ark.	

So the amendment of Mr. WALSH of Massachusetts to Mr. ODDIE'S amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I have no further amendments to offer to the duty upon hides, but I should like the RECORD to show that the vote just taken on the amendment I offered would have put a duty of 2 cents per pound upon the cheap hides used in the shoes of the poorer classes, and would have given to the cattle raisers a duty of 4 cents per pound upon the higher-priced hides.

Mr. HOWELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOWELL. What is the pending question?

The VICE PRESIDENT. The amendment of the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. JOHNSON. Mr. President, may I inquire of the Senator from Nebraska, and likewise the Senator from Massachusetts, whether it was not the understanding that we were to dispose first of the duty on hides, and not go to the amendments to the remainder of the amendment of the Senator from Nevada? Therefore, in the orderly course of events, would not the appropriate question now be that portion of the amendment of the Senator from Nevada that relates to the duty on hides? It was on that theory that I understood the Senator from Nebraska yielded this morning in the presentation of his amendments until the Senator from Massachusetts presented his amendments solely to the duty on hides, so it would seem to me that we are ready now for a vote upon the portion of the amendment of the Senator from Nevada relating to the duty upon hides alone.

Mr. HEFLIN. I call for the yeas and nays.

Mr. WALSH of Massachusetts and Mr. ODDIE addressed the Chair.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from California a question? Assume that a vote is

taken upon hides separately, and a rate of 4 cents per pound is incorporated in it: What assurance has any Senator here that any compensatory duty or any protective duty will be levied upon leather or upon shoes? Must we take for granted the good faith of everybody who votes for 4 cents on hides, that they will in return vote for a compensatory or a protective duty upon leather or shoes?

Mr. JOHNSON. Do not propound that query to me, if you please. Put it to somebody else.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Let the Senate be in order. The Senator from Ohio has risen to a parliamentary inquiry, which he will state.

Mr. FESS. Mr. President, the Senator from Massachusetts referred to a possible vote on the proposed duty on hides of 4 cents, as if that were to be a separate vote. I understand we would have no chance to vote on a duty on hides without voting on the other propositions at the same time, under the present parliamentary situation.

Mr. JOHNSON. Mr. President, that might have been true originally as a parliamentary proposition, but the Chair will recall, and the Senator from Ohio should recall, that the Senator from Nebraska was presenting a series of amendments to the various provisions of the amendment of the Senator from Nevada, which occurred in his printed amendment subsequent to the duty upon hides, and while the Senator from Nebraska was engaged in presenting his series of separate amendments, not relating to the duty on hides, concerning which we voted at his instance last night, the Senator from Massachusetts asked that we first dispose of the duty on hides, and that was the arrangement, as I understand it, that was made. It was upon that theory that the Senator from Nebraska yielded and did not insist upon consideration at that particular time of his series of amendments.

Mr. FESS. May I state what I understand to be what we agreed to?

The VICE PRESIDENT. Let the Chair state that he has sent for the reporter's transcript, so that there may be no mistake about what the agreement was.

Mr. FESS. I was about to say that there was an effort to divide the Oddie amendment, which was ruled out of order because the amendment proposes to strike out and insert. The procedure here was to amend one part of the amendment and get through with that before we would go to another part of the amendment and amend. But I do not understand that we have reached a stage where a separate vote can be had that would be equivalent to a division of this motion, because that would give rise to confusion, which we have tried to avoid all along.

Mr. JOHNSON. Mr. President, has the Senator forgotten that the Senator from Nebraska was proceeding with his amendment, which related to a portion of the Oddie amendment subsequent to that part of the Oddie amendment relating to hides alone, and that last night we voted upon one amendment to the amendment reconsidered this morning, at the suggestion of the Senator from Idaho, and the Senator from Nebraska was speaking to another amendment after the first portion of the Oddie amendment, and I understand the Senator has a series of amendments to the Oddie amendment following the hide proposition.

Mr. COPELAND. Mr. President, I understood that we were proceeding to perfect the Oddie amendment. The Senator from Nebraska was proposing to change the leather feature. The Senator from Massachusetts thought it would be more orderly if we started with hides.

Mr. FESS. The Senator is correct.

Mr. COPELAND. There was no thought in the world that we were going to vote on hides alone. We were simply seeking to perfect the Oddie amendment in the orderly way by beginning with the fundamental idea.

The VICE PRESIDENT. Let the Chair read the agreement:

Mr. WALSH of Massachusetts. I ask unanimous consent that the Senate first consider all amendments from the floor fixing the duty upon hides in the Oddie amendment.

Mr. NORRIS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. If the unanimous-consent agreement is to be followed, the only thing the Chair would be called upon to ask would be whether anybody else had an amendment to offer to that part of the Oddie amendment relating to hides; and if no other amendments are offered, then we will go ahead with the other amendments.

The VICE PRESIDENT. The Chair was about to make that suggestion.

Mr. NORRIS. We can not vote on the subject of hides separately; we have to vote on the Oddie amendment as a whole when we finally come to it. This is only a system of perfecting the Oddie amendment, and we have agreed by unanimous consent to take up first the amendments relating to the duty on hides, amendments to the Oddie amendment, in order that we may intelligently offer amendments after we have finished with hides.

The VICE PRESIDENT. The Chair will ask if there are any further amendments to that portion of the Oddie amendment relating to hides?

Mr. WALSH of Massachusetts. I announced that I had no further amendments to offer to the amendment.

The VICE PRESIDENT. The Senator from Massachusetts has none to offer. The question now is on the amendment offered by the junior Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. The Oddie amendment is in the nature of a perfecting amendment on account of the fact that the Senate, as in Committee of the Whole, struck it all out. Is not that true?

The VICE PRESIDENT. No; the motion is to strike out and insert, which makes two separate questions.

Mr. CONNALLY. In Committee of the Whole the motion of the Senator from Idaho was that all of these sections in the bill be stricken. On a motion to strike, a preferential motion to perfect is in order. Is it not true that the Oddie amendment is merely in the nature of a perfecting amendment, because the Borah motion was to strike out entirely?

The VICE PRESIDENT. The Chair will hold that the Oddie amendment is a separate amendment, to insert, and is open to amendment at this time.

Mr. CONNALLY. A further inquiry. Would it be in order to demand separate votes on the different paragraphs of the Oddie amendment?

The VICE PRESIDENT. The Chair announced yesterday that that could only be done by unanimous consent.

Mr. HOWELL. I ask that the amendment to the amendment now before the Senate be reported.

The VICE PRESIDENT. The Secretary will report the amendment.

The LEGISLATIVE CLERK. On page 2 of the amendment of the Senator from Nevada, line 7, the Senator from Nebraska moves to strike out "10" and to insert in lieu thereof "5.4," so that it will read:

Belting, harness, or saddlery, 6 cents per pound and 5.4 per cent ad valorem.

Mr. FESS. Mr. President, I want to submit a unanimous-consent request. I ask unanimous consent that no Senator be permitted to speak longer than 20 minutes or more than once on this particular amendment.

Mr. DILL. Why not make it 10 minutes?

Mr. FESS. Then I ask that the limitation be made 10 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOWELL. Mr. President, after careful consideration by the House Committee on Ways and Means, and subsequent consideration by the House of Representatives, it was determined that the protection needed for sole leather was 5.4 per cent ad valorem. If the 10 per cent ad valorem is substituted, it means an increase in this duty of 85 per cent, probably the greatest proportional increase made by the Senate in connection with any industrial rate coming to this body from the House.

I feel that when the vote was taken last evening the facts were not fully appreciated. The question before the Senate is this: Do we want to increase the House rate of protection for sole leather 85 per cent? If we do, then in this case the vote should be in the negative. If we believe we should not give a higher rate of protection in this instance than was provided by the House, then the vote on this question will be in the affirmative.

Mr. ODDIE. Mr. President, I appreciate the earnest effort of my friend the Senator from Nebraska [Mr. HOWELL] to help in this hide tariff situation, but I can not agree with him on the pending amendment. I have talked to many interested in the various industries involved, the livestock industry, farm people, those engaged in the various branches of the leather and shoe industries, and if I voted otherwise than for my amendment I would be showing bad faith to some of the people in these various industries.

As I said yesterday, this amendment is a compromise which I have tried to work out. It does not suit everybody, and it suits very few in all particulars. It has been a case of give and take, and I feel, after a study of the leather industry, that that industry needs the 10 per cent ad valorem protection provided for in my amendment.

The importations of foreign hides have been increasing to an alarming extent. The importations of foreign leather have been increasing, and I feel that this 10 per cent duty is not excessive. I do not feel that it is enough, as a matter of fact. I know that the American leather and tanning industries require this duty in order to exist, because the existing foreign competition and the threat of further foreign competition will cause an enormous loss if some such action is not taken.

I feel that this rate is moderate, and that it will go far toward maintaining American industry, American standards of living, and American wages to the wage earners, and the use of American-produced leather in American goods.

Mr. President, much as I admire the zeal of the Senator from Nebraska and his anxiety to help in the general situation, I feel that it will be better if his amendment is not adopted.

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Montana [Mr. WHEELER]. If he were voting, he would vote "yea." If I were voting, I would vote "nay."

The roll call was concluded.

Mr. HAYDEN. The senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. He is paired with the senior Senator from Florida [Mr. FLETCHER].

Mr. ROBINSON of Indiana (after having voted in the affirmative). I am informed that the junior Senator from Mississippi [Mr. STEPHENS], with whom I have a general pair, has not voted. I therefore withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 31, nays 36, as follows:

YEAS—31

Allen	Cutting	Jones	Robsion, Ky.
Black	Dill	McKellar	Schall
Borah	Frazier	McMaster	Sheppard
Bratton	George	Norbeck	Swanson
Brookhart	Glass	Norris	Trammell
Capper	Harris	Nye	Tydings
Caraway	Heflin	Pine	Walsh, Mont.
Connally	Howell	Pittman	

NAYS—36

Baird	Hale	La Follette	Smoot
Barkley	Hastings	McCulloch	Steck
Bingham	Hatfield	Metcalf	Steiwer
Blaine	Hawes	Moses	Thomas, Okla.
Copeland	Hayden	Oddie	Townsend
Couzens	Hebert	Patterson	Vandenberg
Fess	Johnson	Phipps	Wagner
Goff	Kean	Ransdell	Walsh, Mass.
Goldsborough	Keyes	Shortridge	Waterman

NOT VOTING—29

Ashurst	Glenn	Overman	Sullivan
Blease	Gould	Reed	Thomas, Idaho
Brock	Greene	Robinson, Ark.	Walcott
Broussard	Grundy	Robinson, Ind.	Watson
Dale	Harrison	Shipstead	Wheeler
Deneen	Kendrick	Simmons	
Fletcher	King	Smith	
Gillett	McNary	Stephens	

So Mr. HOWELL's amendment to Mr. ODDIE's amendment was rejected.

Mr. HOWELL. Mr. President, I offer the amendment which I now send to the desk.

The VICE PRESIDENT. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. On page 2, line 8, of the amendment of the Senator from Nevada the Senator from Nebraska proposes to strike out the numeral "10" and insert in lieu thereof "5.4," so it would read:

> Leather welting, 6 cents per pound and 5.4 per cent ad valorem.

Mr. SMOOT. Mr. President, this is the same as the amendment we have just voted upon. It applies to sole, belting, or harness leather, leather welting, and so forth. It is exactly the same amendment. Does the Senator want to have a record vote on it?

Mr. HOWELL. I merely wish to make a statement.

Mr. FESS. Mr. President, I ask unanimous consent that no Senator be permitted to speak longer than 10 minutes or more than once on the pending amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOWELL. Mr. President, the Ways and Means Committee of the House and the House of Representatives after careful consideration decided that welting leather was entitled to a protective tariff of 5.4 per cent ad valorem. The Oddie amendment provides a protective factor of 10 per cent, which is an increase of 85 per cent, one of the largest increases that has been offered in connection with any industrial House rate thus far in the Senate with the exception of the increase proposed by the previous vote.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment of the Senator from Nevada.

The amendment to the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I have two amendments as to which I shall be very brief. I first move, on page 4 of the Oddie amendment, in line 11, to strike out the numerals "14" and insert the numerals "34." The effect of that would be to change the compensatory duty upon shoes from 14 cents to 34 cents per pair.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I will submit a request myself. I ask unanimous consent that debate on this amendment be limited to five minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. The effect of the amendment which I have just proposed would be to increase the compensatory duty on shoes, assuming the duty upon hides is levied here, from 14 cents to 34 cents per pair. I think the Senator from Nevada [Mr. ODDIE] has indicated a desire to show good faith in the treatment of the leather industry and the shoe industry. Here is an opportunity to demonstrate it.

In the Tariff Commission report on hides and skins, series No. 28, page 22, the following statement appears:

> If a duty, say, equivalent to 4 cents per pound, be levied on green hides, the compensatory duty on a pair of men's shoes made entirely of cattle hides should be about 24 cents per pair.

There is the Tariff Commission saying that 24 cents per pair on shoes would be a proper compensatory duty. We have not reached the leather stage yet. We have not reached the compensation for the processes of converting the hides into leather. This 24 cents compensatory duty, to which the Tariff Commission was referring, is on hides, not on leather. The compensatory duty on the leather is, of course, an addition to that upon the hides. It is stated to be an additional 1 cent per pair upon shoes for each 1 per cent of duty on leather. This works out in the average to 10 cents per pair on shoes. Therefore the fair compensatory duty to the shoe manufacturer is 34 cents per pair.

Let me point out a further hardship and injustice by the 14 cents compensatory duty instead of 34 cents. All concede that there is serious depression caused by increased imports in the women's-shoe business, yet it is proposed to put a duty of 4 cents per pound upon hides and give the manufacturer a compensatory duty of only 14 cents when the Tariff Commission says it should be 24 cents as to hides alone. Frankly, and in good faith, let us act on this amendment making the compensatory duty what no expert can deny is exactly the proper duty, to wit, 34 cents per pair. Here is an opportunity to see how far those who are urging the Oddie amendment really want to be just to the shoe industry. Surely, you do not propose to add further burdens and business impediments to the already staggering women's-shoe industry.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Massachusetts to the amendment of the Senator from Nevada.

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK], who is necessarily absent. Therefore I withhold my vote.

Mr. THOMAS of Idaho. I have a general pair with the junior Senator from Montana [Mr. WHEELER]. I am informed that on this vote he would vote as I shall vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am unable to secure a transfer and therefore withhold my vote. If voting, I would vote "nay."

The roll call was concluded.

Mr. FESS. I wish to announce that the junior Senator from Pennsylvania [Mr. GRUNDY] is absent on official business.

Mr. VANDENBERG. My colleague the senior Senator from Michigan [Mr. COUZENS] is necessarily absent. If present, he would vote "nay."

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is paired with the Senator from Florida [Mr. FLETCHER] on this vote. I am informed that both Senators, if present, would vote "nay."

Mr. WALSH of Montana. My colleague the junior Senator from Montana [Mr. WHEELER] has a general pair with the junior Senator from Idaho [Mr. THOMAS]. If present, my colleague would vote "nay."

The Senator from North Carolina [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. GILLETT].

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 11, nays 55, as follows:

YEAS—11

Bingham	Hebert	Moses	Wagner
Copeland	Keyes	Shortridge	Walsh, Mass.
Hale	Metcalf	Smoot	

NAYS—55

Allen	Fess	Kean	Robsion, Ky.
Baird	Frazier	La Follette	Schall
Barkley	George	McCulloch	Sheppard
Black	Glass	McKellar	Steck
Blaine	Goff	McMaster	Stelwer
Borah	Goldsborough	Norbeck	Swanson
Bratton	Harris	Norris	Thomas, Idaho
Brookhart	Hastings	Nye	Thomas, Okla.
Broussard	Hatfield	Oddie	Townsend
Capper	Hawes	Patterson	Trammell
Caraway	Hayden	Phipps	Vandenberg
Cotnally	Heflin	Pine	Walsh, Mont.
Cutting	Howell	Pittman	Waterman
Dill	Johnson	Ransdell	

NOT VOTING—30

Ashurst	Glenn	McNary	Stephens
Blease	Gould	Overman	Sullivan
Brock	Greene	Reed	Tydings
Couzens	Grundy	Robinson, Ark.	Walcott
Dale	Harrison	Robinson, Ind.	Watson
Deneen	Jones	Shipstead	Wheeler
Fletcher	Kendrick	Simmons	
Gillett	King	Smith	

So the amendment of Mr. WALSH of Massachusetts to Mr. ODDIE'S amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I desire to offer another amendment to the amendment of the Senator from Nevada, and in doing so I invite the attention of Senators who are disposed to make this bill as obnoxious as possible so that they can finally vote against it without hesitancy to the very far-reaching and disastrous effect of the amendment of the Senator from Nevada, if it shall be incorporated in this bill, not only to the shoe industry but to the consumers.

The amendment I offer is on page 3, line 9, of the amendment of the Senator from Nevada, to strike out the numerals "17½" and insert the numerals "10." The effect of the amendment, if adopted, will be to reduce the protective duty on goat, kid, and other leather of that class from 17½ per cent to 10 per cent.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. WALSH of Massachusetts. I yield, but I should like to have 10 minutes on this amendment.

Mr. FESS. I ask unanimous consent that no Senator be permitted to speak longer than 10 minutes or more than once.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. I should like now to have the attention of the Senate. There are various kinds of leather covered by the amendment of the Senator from Nevada. There is sole leather, on which the Oddie amendment seeks to impose a protective duty of 10 per cent; then there is side upper and patent leather, on which the amendment of the Senator from Nevada also proposes to place a duty of 10 per cent; then there is calf and kip leather, on which the amendment of the Senator from Nevada likewise proposes to levy a duty of 10 per cent; but goat and kid leathers, which are in competition with leather which comes from the hides of cattle, are singled out for a protective duty of 17½ per cent.

Why has goat and kid leather been selected for special consideration and favor in the Oddie amendment and in the Finance Committee amendment?

This leather competes with all calf and side upper leather. This branch of the tanning industry is the one prosperous branch; yet in the Oddie amendment and in the Finance Committee amendment it is provided that green goat and kid skins shall come in free and be given a protective duty, when tanned, of 17½ per cent, whereas sole leather and upper side leather is given a protective duty of 10 per cent and, in addition, is given the further impediment of the hides being subjected for the first time to a protective duty.

The House fixed the duty on kid and goat leather at 10 per cent. My amendment fixes it at 10 per cent protective duty, making it the same as the protection given to side upper and calf leather. The labor involved is the same, the process of tanning is alike, and there is no reason whatever for giving a double degree of protection to this leather as against the calf leather, which, if a duty on hides is levied, will be further handicapped by having its raw product—hides—subjected to a duty while kid and goat skins will always be free.

Let me tell you, Mr. President, how serious this is. Forty per cent of women's shoes are made from kid leather, while only 15 per cent of men's shoes are made from that character of leather. So we are in the position here of putting a duty upon kid leather in excess of that upon any other leather, though it is the one leather which is used in the making of women's shoes. Surely those who are out to wreck this amendment will not take the chance of this rate remaining in the bill and thereby especially penalize all the women of the country.

Now, let me make a further suggestion. The so-called Oddie amendment proposes to place a duty upon hides and all other skins, including kid and goat skins, which now come in free. The skins from which sole leather and upper and side leathers are made are given a protective duty; but here is a skin now coming in free of duty which is given twice the protection of any other leather under this bill. Yet the amendment offered by the Senator from Nevada is claimed to be sympathetic with and helpful to the shoe industry, and particularly to the women's-shoe industry. Why, I repeat, do you favor a protective duty of 17½ per cent upon kid leather that is the raw product of the women's-shoe industry?

What influences got this provision in the amendment of the Senator from Nevada I do not know, but it is in it. No wonder these tanners who will not be affected by the large duty on hides at all favor the Oddie amendment that keeps their skins on the free list and gives them a protection of 17½ per cent, whereas to-day they have no protection. It is the only leather that now comes in free and will continue to come in free and yet have a duty of 17½ per cent levied upon it. What my amendment seeks to do is to strike out "17½ per cent" and insert "10 per cent."

I will anxiously watch, Mr. President, the roll call to see if Senators who are trying to "ride" the Oddie amendment to death will allow such an outrageous provision as this to be incorporated in it. I will also be interested in finding out how many Senators from hide States want to injure American cattle raisers by favoring 17½ per cent on kid which competes with other leathers made of hides.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment proposed by the Senator from Nevada.

Mr. BORAH. Mr. President, I should like to ask the chairman of the committee for a word of explanation of the amendment offered by the Senator from Massachusetts.

Mr. SMOOT. If Senators will turn to page 226 of the bill as reported to the Senate, they will find the following provision:

(c) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 25 per cent ad valorem.

That was the House provision. The Senate Finance Committee struck that out and made the rate 17½ per cent instead of 25 per cent. The amendment of the Senator from Nevada carries 17½ per cent as reported by the Finance Committee, which is a reduction from the House rate of 25 per cent.

Mr. WALSH of Massachusetts. Mr. President, if the Senator will permit me, is it not correct——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. HOWELL. Mr. President——

Mr. WALSH of Massachusetts. If the Senator from Utah will yield for a moment, under the present law there is no question that this kind of leather is on the free list, is there? Yet it is proposed now when it is used for shoes, and is on the free list, to levy a duty of 17½ per cent on it.

Mr. HOWELL. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senate from Nebraska will state his point of order.

Mr. HOWELL. There is an agreement that no Senator shall speak more than once.

The VICE PRESIDENT. The Chair understood that the Senator from Utah had yielded to the Senator from Massachusetts for a question as to the amendment.

Mr. HOWELL. I was referring to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Let us not have any ill feeling about it.

Mr. SMOOT. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Massachusetts.

Mr. HOWELL. Mr. President, I have an amendment which I propose to offer in connection with kid leather. Kid leather has been upon the free list; there are no goatskins produced in this country, or, at least, not to a greater extent than half of 1 per cent of the domestic consumption; they are practically all imported. Kid leather is used in the manufacture of about 95 per cent of all the women's shoes and about 25 per cent of the men's shoes. It is used very largely in the manufacture of misses' shoes and in connection with children's shoes. The industry has been on a very profitable basis in this country. The imports for 1928 were but 3 per cent of the production and the exports were 15 per cent of the production. This industry, in my opinion, does not need any protection. Kid leather should remain upon the free list. If protection shall be given such as is proposed, it will merely mean a very marked increase in the price of women's shoes. That should be kept clearly in mind, especially when it is remembered that the only importations of shoes that are really objected to are in the case of women's shoes.

Now it is proposed to make it more expensive for the manufacturer of women's shoes to produce those shoes in which the uppers are largely of kid. For this reason we should give particular attention to this character of leather, and for the further reason, as stated, that the imports are but 3 per cent of the production and the exports are 15 per cent of the production, a situation that does not indicate that kid leather is entitled to or should receive protection.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HOWELL. I will yield in just a moment. In the course of offering my amendments I shall offer an amendment placing kid leather upon the free list. I now yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I ask the Senator if the result of his investigation has not led him to the conclusion that the tanners of this particular type of leather are the most prosperous of all the leather tanners?

Mr. HOWELL. That is what I understand to be the case, and these tanners are looking for further profits, because they feel that now, when everybody is getting something, is the time that they, too, should get something. It is not, however, because the industry needs this protection.

Mr. HASTINGS. Mr. President, I think the Senator from Nebraska [Mr. HOWELL] is not as familiar with the tanning industry and its need for protection as he is with the cattle industry and the need for protection on hides.

It is not true that the tanning industry of goat and kid is prosperous. The record shows that in the years 1926 and 1927 there was a loss, and in 1928 the profit upon the investment was a little more than 3 per cent.

What the Senator says with respect to the importations may be true; but in this tanning industry this fact must be borne in mind always: There is only from 15 to 20 per cent of this product that can be used in America for making shoes or anything else. What is imported into this country is what is called the high-top leathers of the industry, so that what we get in this country is the 15 or 20 per cent of the best leather that is produced in other countries, and, therefore, it comes in direct competition with the best leather produced in this country. Instead of being 3 per cent, the records will show that in 1929 the importations of that kind of leather were nearly half the amount that was used in this industry.

As I stated yesterday, these importations from 1923 have increased from 500,000 square feet to nearly 15,000,000 square feet. If there is any industry anywhere that needs protection and can justify it by the importations, it is this industry.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. HOWELL. Mr. President, I request that the Senator from Massachusetts withdraw his amendment for the time being and allow me to substitute my amendment for his.

Mr. WALSH of Massachusetts. And then I will offer mine after the Senator's amendment is disposed of. I do that gladly.

Mr. HOWELL. I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 4, after the word "kid," insert "(except goat and kid leather provided for in paragraph 1708)."

Also, on page 3, line 15, strike out the word "If" and insert "Any of the foregoing except goat and kid leather, if."

On page 3, line 20, after the word "kinds," insert "(except goat and kid leather provided for in paragraph 1708)."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE].

Mr. FESS. Mr. President, I ask unanimous consent that no Senator shall speak longer than——

Mr. SHORTRIDGE. I object to any request for unanimous consent.

Mr. FESS. I ask unanimous consent that no Senator shall speak longer than 10 minutes nor more than once on this amendment.

Mr. SHORTRIDGE. I object. Let us go ahead.

The PRESIDING OFFICER. Is there objection?

Mr. SHORTRIDGE. I object. I do not think the Senator from Nebraska will speak more than three minutes.

Mr. GEORGE. May I inquire of the Senator from Nebraska the effect of his amendment? Is it to put this particular leather which is made dutiable at 17½ per cent under the Oddie amendment on the free list?

Mr. HOWELL. On the free list. It is now on the free list.

Mr. GEORGE. That is the effect of the amendment just offered?

Mr. HOWELL. That is the effect of the amendment, and that is the only effect of the amendment; and, understand, this is in accord with the present law if the leather is used for shoes. Goat and kid leather used for shoes are on the free list.

Mr. President, allow me to state again the facts with reference to this matter.

This is one of the most profitable tanning industries.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. I yield to the Senator.

Mr. SHORTRIDGE. Does the Senator from Nebraska intend to controvert or challenge the accuracy of the statement made by the Senator from Delaware [Mr. HASTINGS] in respect to whether this industry is or is not profitable?

Mr. HOWELL. Mr. President, from my investigations I have come to a conclusion which is evidently to the contrary of the conclusion arrived at by the Senator from Delaware; and I have largely arrived at that conclusion upon grounds which I will state.

This leather has been on the free list. The imports are but 3 per cent of the production, and the exports are 15 per cent of the production. That certainly does not indicate that this industry is in extremis and entitled to the protection that is proposed in this amendment.

I now resign the floor.

The PRESIDING OFFICER. The question is on the amendments of the Senator from Nebraska [Mr. HOWELL] to the amendment of the Senator from Nevada [Mr. ODDIE]. If there be no objection, the amendments will be voted on en bloc. The Chair hears no objection.

Mr. HOWELL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. SHORTRIDGE. Does the Chair mean that we shall vote on the two proposed amendments at the same time?

The PRESIDING OFFICER. The Chair is informed that there are three amendments in different places.

Mr. NORRIS. We have agreed to vote on them en bloc.

Mr. SHEPPARD. Mr. President, may we have the amendments stated?

The PRESIDING OFFICER. The amendments to the amendment will be restated.

The LEGISLATIVE CLERK. On page 3, line 4, after the word "kid," insert "(except goat and kid leather provided for in paragraph 1708)."

Also, on page 3, line 15, strike out the word "If" and insert "Any of the foregoing except goat and kid leather, if."

On page 3, line 20, after the word "kinds," insert "(except goat and kid leather provided for in paragraph 1708)."

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (when the name of Mr. ROBINSON of Indiana was called). The present occupant of the chair has a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, the present occupant of the chair withholds his vote.

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Tennessee [Mr. BROCK]. I transfer that pair to the Senator from Pennsylvania [Mr. GRUNDY] and will vote. I vote "nay."

Mr. THOMAS of Idaho (when his name was called). I have a pair with the junior Senator from Montana [Mr. WHEELER]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and will vote. I vote "nay." If the Senator from Montana were present, he would vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. JONES], who is detained from the Senate by official business, and vote "nay."

The roll call was concluded.

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. GLENN] on this question. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. VANDENBERG. My colleague the senior Senator from Michigan [Mr. COUZENS] is absent, and if present would vote "nay."

Mr. WALSH of Montana. My colleague [Mr. WHEELER], if present, would vote "yea" on this matter. He is paired with the Senator from Idaho [Mr. THOMAS].

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Wyoming [Mr. KENDRICK] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 28, nays 38, as follows:

YEAS—28

Barkley	Frazier	McKellar	Sheppard
Black	George	McMaster	Steck
Blaine	Glass	Norbeck	Swanson
Borah	Harris	Norris	Thomas, Okla.
Brookhart	Heflin	Nye	Trammell
Capper	Howell	Ransdell	Tydings
Connally	La Follette	Schall	Walsh, Mont.

NAYS—38

Allen	Hale	Moses	Sullivan
Baird	Hatfield	Oddie	Thomas, Idaho
Bingham	Hawes	Patterson	Townsend
Bratton	Hayden	Phipps	Vandenberg
Broussard	Hebert	Pine	Wagner
Copeland	Johnson	Pittman	Walsh, Mass.
Cutting	Kean	Robsion, Ky.	Waterman
Fess	Keyes	Shortridge	Watson
Goff	McCulloch	Smoot	
Goldsborough	Metcalf	Steiwer	

NOT VOTING—30

Ashurst	Fletcher	Jones	Shipstead
Blease	Gillett	Kendrick	Simmons
Brock	Glenn	King	Smith
Caraway	Gould	McNary	Stephens
Couzens	Greene	Overman	Walcott
Dale	Grundy	Reed	Wheeler
Deneen	Harrison	Robinson, Ark.	
Dill	Hastings	Robinson, Ind.	

So Mr. HOWELL'S amendments to Mr. ODDIE'S amendment were rejected.

Mr. NORRIS obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, may I offer my amendment to the amendment and have it pending?

Mr. NORRIS. I have no objection.

Mr. WALSH of Massachusetts. I move now the amendment which I offered a short time ago and withdrew in order that the junior Senator from Nebraska might have an earlier vote on his amendment. My amendment seeks to give the same protective duty to this kind of leather as to all other kinds of leather mentioned in the amendment of the Senator from Nevada.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, line 9, of the amendment of the Senator from Nevada the Senator from Massachusetts moves to strike out "17½" and insert "10," so as to read:

(c) Goat, kid, and other leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 10 per cent ad valorem.

Mr. NORRIS. Mr. President, I would like to have the attention of the Senator from Utah a moment. A good many Senators have already left the Chamber, and a good many want to go, and I think I can make my request of the Senator from Utah with the very best of grace, because I have been in attendance on the sessions of the Senate all the time, early and late, with the Senator from Utah. I think he has done a great work in keeping the Senate going. I have followed him faithfully as far as keeping the Senate in session is concerned, and I am not going to make any change in my course now; I am not going contrary to his leadership if he wants the Senate to remain in session longer to-day. But we have been adjourning early on Saturday afternoon. I may have a selfish fear in my mind because of the votes which are just impending, and the absence of a great many Senators who ought to be here to vote on the amendments which will be taken up.

The Senator from Utah, like myself, is youthful and full of vigor, and these long hours, early and late, do not affect us as they do some of our older comrades and brethren here. We are surrounded by Senators with gray hairs and bald heads, and sometimes in our fervor and in our enthusiasm to work we forget that our older brethren can not keep up with us, can not keep up the pace.

It seems to me the Senator from Utah and I ought to feel, under these circumstances, somewhat merciful, because, although we do not experience the effects of long hours and hard work at the present time, if God permits us, in His wisdom or otherwise, to live and live a long time, eventually the time will come when the Senator from Utah and I will realize that the hair is thinning on top of the head, and some of it getting gray, and if the Lord lets us live long enough, I presume we shall get to the point where some of our brethren are now—some of them even anxious to play golf.

It seems, under all the circumstances, that the Senator's heart ought to soften; that he ought to take all these things into consideration and move to take a recess until Monday at 11 o'clock.

Mr. SMOOT. Mr. President, I was asked by a great many Senators at the beginning of the session to-day whether the intention was to run very late, and I told them that I did not think we would; that I thought we would get through with the pending amendment by at least 2 o'clock. Of course, that has not happened.

I want to submit a request for unanimous consent now and see whether it will be granted before asking for a recess.

I ask unanimous consent, if we recess now until 11 o'clock on Monday, that when we take up the amendment of the Senator from Nevada no Senator be allowed to speak longer than 10 minutes upon any amendment that may be offered to the amendment or on the amendment itself.

Mr. GEORGE. Mr. President, I could not hear distinctly the request of the Senator from Utah. Did he ask that no Senator be allowed to speak more than 10 minutes on the Oddie amendment?

Mr. SMOOT. No longer than 10 minutes on any amendment which may be offered to the Oddie amendment or on the amendment itself.

Mr. GEORGE. I have no objection to a limitation of 5 minutes on any amendment offered to the Oddie amendment, and I may not speak at all, but I would not want to be limited to 10 minutes on the Oddie amendment itself.

Mr. SMOOT. Then I will put it this way: Five minutes on any amendment which may be offered to the Oddie amendment——

Mr. GEORGE. Make it 15 minutes on the Oddie amendment.

Mr. SMOOT. And not to exceed 15 minutes on the Oddie amendment itself.

Mr. GEORGE. I have no objection to that.

Mr. BRATTON. Mr. President, the 5-minute limitation applies to any amendment—that is to say, a Senator may speak as long as 5 minutes on any amendment to the Oddie amendment?

Mr. SMOOT. On any amendment that may be offered to it.

Mr. BRATTON. And 15 minutes on the amendment itself?

Mr. SMOOT. Yes.

Mr. HOWELL. Mr. President, I suggest 10 minutes on any amendment to the amendment.

Mr. SMOOT. I think we can get through in 5 minutes.

Mr. HOWELL. I hope so; I do not propose to take any great length of time, but I would like to have it 10 minutes.

Mr. SWANSON. I hope the Senator from Utah will yield on the 10-minute request rather than have the proposed agreement objected to.

Mr. McKELLAR. I do not think there will be many who will want to speak 10 minutes.

Mr. SWANSON. I hope the Senator from Utah will consent to that.

Mr. HOWELL. I must object unless the limitation is made 10 minutes.

Mr. SMOOT. I am with the senior Senator from Nebraska [Mr. NORRIS] in wanting to get through with the bill. I will say to the junior Senator from Nebraska [Mr. HOWELL] that if he wants to speak more than 5 minutes I will ask unanimous consent that he be granted 5 minutes additional.

Mr. HOWELL. Very well.

The PRESIDING OFFICER. Is there objection to the proposed agreement? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That no Senator shall speak more than once or longer than 15 minutes upon the amendment of the Senator from Nevada [Mr. ODDIE] relative to hides and leather, or more than once or longer than 5 minutes upon any amendment proposed thereto.

RECESS

Mr. SMOOT. I now move that the Senate take a recess, the recess being until Monday at 11 o'clock a. m.

The motion was agreed to; and the Senate (at 2 o'clock and 55 minutes p. m.), under the order previously entered, took a recess until Monday, March 17, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 15 (legislative day of January 6), 1930

UNITED STATES ATTORNEY

Randolph Bryant, of Texas, to be United States attorney, eastern district of Texas. (He is now serving in this office under an appointment which expired February 23, 1930.)

PUBLIC HEALTH SERVICE

The following-named doctors to be assistant surgeons in the Public Health Service, to take effect from date of oath:

Donald J. Hunt.
Eddie Monroe Gordon, jr.
Willard E. Kramer.

APPOINTMENT IN THE ARMY

GENERAL OFFICER

To be brigadier general

Col. Henry Wolf Butner, Field Artillery, with rank from March 7, 1930, vice Brig. Gen. George C. Shaw, United States Army, who retired on March 6, 1930.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

TO QUARTERMASTER CORPS

Maj. James Rowland Hill, Cavalry (assigned to duty with Quartermaster Corps), with rank from July 1, 1920.

TO SIGNAL CORPS

First Lieut. John Carson Grable, Field Artillery (detailed in Signal Corps), with rank from July 1, 1920.

TO FIELD ARTILLERY

Second Lieut. Douglas Crevier McNair, Infantry, effective June 10, 1930, with rank from June 9, 1928.

TO AIR CORPS

First Lieut. Oscar Louis Beal, Infantry (detailed in Air Corps), with rank from June 3, 1927.

First Lieut. Richard Emmel Nugent, Infantry (detailed in Air Corps), with rank from June 25, 1929.

Second Lieut. John Halliday McCormick, Signal Corps (detailed in Air Corps), with rank from June 12, 1925.

Second Lieut. Leon William Johnson, Infantry (detailed in Air Corps), with rank from June 12, 1926.

Second Lieut. John Mills Sterling, Field Artillery (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Charles Bertody Stone, 3d, Infantry (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. John Walker Kirby, Infantry (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Donald Bertrand Smith, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Karl Gustaf Eric Gimmler, Field Artillery (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Truman Hempel Landon, Coast Artillery Corps (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Maurice Clinton Bisson, Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Emmett O'Donnell, jr., Infantry (detailed in Air Corps), with rank from June 9, 1928.

Second Lieut. Donald Winston Titus, Infantry (detailed in Air Corps), with rank from June 9, 1928.

PROMOTIONS IN THE ARMY

To be captain

First Lieut. Pete Turney Heffner, jr., Infantry, from March 6, 1930.

To be first lieutenant

Second Lieut. Louis Bernard Rutte, Infantry, from March 6, 1930.

MEDICAL CORPS

To be major

Capt. Walter Francis Tolson, Medical Corps, from March 8, 1930.

DENTAL CORPS

To be major

Capt. Warren Charles Caldwell, Dental Corps, from March 12, 1930.

VETERINARY CORPS

To be major

Capt. George William Brower, Veterinary Corps, from March 8, 1930.

PROMOTIONS IN THE NAVY

Lieut. Commander Hugh M. Branham to be a commander in the Navy from the 10th day of February, 1930.

Lieut. Axel T. Lindblad to be a lieutenant commander in the Navy from the 4th day of February, 1930.

Lieut. Forrest P. Sherman to be a lieutenant commander in the Navy from the 6th day of March, 1930.

Lieut. (Junior Grade) Rudolf L. Johnson to be a lieutenant in the Navy from the 10th day of February, 1930.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1929:

Spencer A. Carlson.
Hubert E. Strange.

Passed Asst. Surg. George W. Wilson to be a surgeon in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930.

Passed Asst. Paymaster Earl LeR. Bailey to be a paymaster in the Navy, with the rank of lieutenant commander, from the 10th day of November, 1929.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930:

Carlton R. Eagle.
William A. Best.

Assistant Naval Constructor George C. Calnan to be a naval constructor in the Navy, with the rank of lieutenant, from the 9th day of January, 1930, to correct error in spelling of name as previously nominated and confirmed.

The following-named radio electricians to be chief radio electricians in the Navy, to rank with but after ensign, from the 8th day of November, 1929:

Otis R. Adams.	William M. Finnegan.
Francis L. Cook.	William R. Daniel.
Raymond S. Hotchkiss.	Alvin A. Farlow.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 10th day of January, 1930:

Thomas H. Cormack.
John M. Flaherty.
Walter G. Wilcoxson.

SENATE

MONDAY, *March 17, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	La Follette	Shortridge
Baird	Goff	McCulloch	Simmons
Bingham	Goldsborough	McKellar	Smoot
Black	Greene	McNary	Steiwer
Blaine	Grundy	Metcalf	Stephens
Blease	Hale	Moses	Sullivan
Borah	Harris	Norbeck	Swanson
Bratton	Harrison	Norris	Thomas, Idaho
Brookhart	Hastings	Nye	Thomas, Okla.
Capper	Hatfield	Oddie	Townsend
Connally	Hawes	Overman	Trammell
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Phipps	Wagner
Dale	Heflin	Pine	Walcott
Dill	Howell	Pittman	Walsh, Mass.
Fess	Johnson	Ransdell	Walsh, Mont.
Fletcher	Jones	Robinson, Ind.	Waterman
Frazier	Kean	Robsion, Ky.	Watson
George	Kendrick	Schall	Wheeler
Glass	Keyes	Sheppard	

Mr. WAGNER. My colleague the senior Senator from New York [Mr. COPELAND] is necessarily absent from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained from the Senate.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President, I desire to submit the conference report on the urgent deficiency appropriation bill.

Mr. SMOOT. Does the Senator think it will lead to any discussion?

Mr. JONES. I think probably three or four minutes will be all that will be necessary.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. SMOOT. I have no objection provided it does not lead to extended discussion.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 25, 26, 35, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 22, 24, 30, 31, 32, 33, 36, 38, 39, 40, 41, 42, 43, 44, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 82, 83, 84, and 85; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The unexpended balance of the appropriation for Miscellaneous Items, exclusive of labor, contingent fund of the Senate for the fiscal year 1929, is reappropriated and made available for the fiscal year 1930"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the numerals "1930" and insert in lieu thereof "1929"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "to be immediately available"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In the matter inserted by said amendment strike out the following: "fiscal year 1930"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum of $7,000,000 named in said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Relief of the State of Alabama: For carrying out the provisions of the act entitled 'An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929,' approved March 12, 1930, $1,660,000, to remain available until June 30, 1931."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Support of Indian schools: For support and education of Indian pupils in reservation and nonreservation Indian schools, as follows: For additional subsistence, $195,000; for subsistence of pupils retained in boarding schools during summer months, $40,000; for noonday lunches in day schools, $50,000; for additional clothing, $50,000; for additional personnel for enlarged program of study, $200,000; for equipment, $175,000; for furniture, $240,000; for livestock, $150,000; in all, fiscal years 1930 and 1931, $1,100,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Travel expenses: For an additional amount for travel and miscellaneous expenses, office of the Fourth Assistant Postmaster General, fiscal years 1930 and 1931, $1,000."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$65,112.82; Department of the Interior, $254,632.59; Navy Department, $584,050.54; Post Office Department, $44,518.34; Treasury Department, $8,060.65; War Department, $1,253,512.23; in all, $2,456,447.31"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 63 of the matter inserted by said amendment strike out "$2.68" and insert in lieu thereof "$268"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 19, 23, 27, 46, 47, 49, and 50.

W. L. JONES,
FREDERICK HALE,
L. C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

Mr. JONES. Mr. President, with reference to amendment No. 45, providing for the assignment of four of the motor boats, an amendment offered by the Senator from Wisconsin [Mr. BLAINE], I desire to say that the House would not agree to the amendment. Furthermore, we called up Admiral Billard, head of the Coast Guard, who advised us that these boats are not suitable for life-saving purposes, that the department is constructing life-saving boats now, and propose to assign the first four of those life-saving boats to Lake Michigan. He assured me that this would be done within a very short time. Therefore the Senate conferees receded from the amendment.

Let me state further, Mr. President, that we received a memorandum from the Coast Guard suggesting a proposed change if any of the boats were taken, but it was not within the authority of the conferees to make that change.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES. I yield to the Senator from Wisconsin.

Mr. BLAINE. It is my understanding that Admiral Billard appreciates the necessity of life-saving boats, particularly on Lake Michigan, on account of the terrific storms which prevail on that lake during the summer and late fall, and I have no doubt Admiral Billard will carry out the assurances that have been given to the conferees, which, in turn, have been stated here on the floor by the chairman of the committee.

Mr. TRAMMELL and Mr. BINGHAM addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Florida.

Mr. TRAMMELL. I desire to ask a question for information. The Senate adopted an amendment providing a $7,000,000 appropriation in accordance with the joint resolution which passed both Houses to enable loans to be made to farmers in the flood and storm stricken areas in certain States. I understand now that that amount has been cut from $7,000,000 to $6,000,000.

Mr. JONES. The conferees agreed upon $6,000,000, which was the amount in the joint resolution as it originally passed the Senate. The House of Representatives added a million dollars to the sum proposed to be appropriated by the Senate, making it $7,000,000, but as the Senate originally passed the joint resolution it provided for $6,000,000. The conferees have agreed on $6,000,000.

Mr. TRAMMELL. The joint resolution provided $6,000,000 as it passed the Senate, but the House amended it to provide an appropriation of $7,000,000, and the Senate concurred in the amendment made by the House?

Mr. JONES. It was thought by the conferees if additional requests should come in that a supplemental appropriation might be made.

Mr. TRAMMELL. I had hoped that the conferees would see proper to provide the $7,000,000 appropriation, but they have held the appropriation to the $6,000,000 figure?

Mr. JONES. Yes.

Mr. TRAMMELL. I thank the Senator for the information.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. I understand the Senate conferees have agreed to the item which was incorporated by the Senate with respect to an additional appropriation for the Boston post office?

Mr. JONES. The Senate conferees have stood by the amendment adopted by the Senate, but the House conferees have not agreed as to that item; so a disagreement has been reported.

Mr. WALSH of Massachusetts. What is the position of the House conferees?

Mr. JONES. They are opposed to it.

Mr. WALSH of Massachusetts. And the matter will have to be threshed out in another conference?

Mr. JONES. That will have to be threshed out in another conference.

Mr. WALSH of Massachusetts. So that nothing further can be done at this time?

Mr. JONES. Nothing further can be done by the Senate now.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. May I ask the Senator whether any agreement was reached with regard to the item for hurricane relief for Porto Rico?

Mr. JONES. That is one of the items still in disagreement. The Senate conferees have not been able to get the House conferees to agree to it.

Mr. BINGHAM. Let me inquire of the Senator what other items are in disagreement?

Mr. JONES. The other items in disagreement are the appropriations for the Boston post office and for the building at Denver, and the amendment placed on the bill at the instance of the senior Senator from Virginia [Mr. SWANSON] with reference to the Richmond post office. Those, with the Porto Rican item, are the only ones still in disagreement.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. VANDENBERG. The Senator made a statement as to the amendment added to the bill on motion of the Senator from Wisconsin, in which I joined. I want to confirm his statement as to the attitude of Admiral Billard, who made to me personally the same promise as that related to the Senate by the Senator from Washington. So long as it is a matter of record, and we can definitely count on this additional life-saving equipment on Lake Michigan, I am satisfied and will make no objection to the conference report.

Mr. JONES. I am satisfied that the assurance given will be carried out.

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. I yield.

Mr. THOMAS of Oklahoma. I should like to inquire what was done with the item providing for the payment of a judgment of the Court of Claims to the Iowa Tribe of Indians in Oklahoma?

Mr. JONES. The Senate conferees have receded from that amendment. The House conferees took a very strong position against it on the ground that it was really legislation on an appropriation bill. The department was conferred with. The money will go into the Treasury and will be held there until Congress shall provide some way for its disposition, which can be done by joint resolution. I can not speak for the House conferees, but I am satisfied that there will be no trouble about the passage of a joint resolution carrying out the idea which the Senator had incorporated in the bill.

Mr. THOMAS of Oklahoma. Was there objection made to the item as to its contents or as to its place in the bill?

Mr. JONES. The objections were more as to its retention in the deficiency bill than as to its contents.

Mr. THOMAS of Oklahoma. The amount carried in the bill is proposed to be appropriated to the Department of the Interior, but according to the Court of Claims decision it goes to the Iowa Tribe of Indians. At this time, however, no one knows who are members of that tribe, and it will require an official roll prepared by the department to ascertain who those members are. The purpose of my amendment was to give the department that authority. Now, I understand that it will be necessary to prepare and introduce a joint resolution covering this matter as per the interpretation by the Department of the Interior.

Mr. JONES. Yes.

Mr. THOMAS of Oklahoma. Will there be any objection to that, so far as the Senator knows?

Mr. JONES. Not so far as I know. I have heard no objection presented to the proposition on its merits.

Mr. THOMAS of Oklahoma. I do not care to undertake to delay action on the conference report, but I will say that such a joint resolution will be prepared immediately and will be introduced and pressed for passage.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. I should like to ask the Senator what became of the provision appropriating $1,660,000 for Alabama?

Mr. JONES. That was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PETITIONS AND MEMORIALS

Mr. FESS presented a petition numerously signed by sundry citizens of Cleveland, Ohio, praying for the passage of the so-called Capper-Kelly fair trade bill, being the bill (H. R. 11) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name, which was referred to the Committee on Interstate Commerce.

Mr. JONES presented resolutions adopted by Buckley Aerie, No. 1387, of Buckley; Bremerton Aerie, No. 192, of Bremerton; Goldendale Aerie, No. 2115, of Goldendale; Mount Vernon Aerie, No. 2099, of Mount Vernon; and Walla Walla Aerie, No. 29, of Walla Walla, all of the Fraternal Order of Eagles in the State of Washington, favoring the passage of legislation providing for an old-age pension system, which were referred to the Committee on Pensions.

Mr. DILL presented a petition of sundry citizens of the State of Washington, favoring the ratification of the proposed World Court protocol, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the passage of the joint resolution (S. J. Res. 45) proposing an amendment to the Constitution of the United States prohibiting war, which was referred to the Committee on the Judiciary.

Mr. WALSH of Massachusetts presented a petition of sundry disabled veterans of the World War, praying for the passage of the bill (H. R. 7825) to amend the World War veterans' act, 1924, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the State of Massachusetts, praying for the passage of House bill 3493, providing for the payment to all ex-service men the face value of their adjusted service certificates, which was referred to the Committee on Finance.

Mr. BLAINE presented resolutions adopted by Manitowoc Aerie, No. 706, of Manitowoc, and Medford Aerie, No. 753, both of the Fraternal Order of Eagles, in the State of Wisconsin, favoring the passage of legislation providing an old-age pension system, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Common Council of the City of Superior, Wis., favoring the passage of legislation providing for the observance of October 11 of each year as General Pulaski's memorial day for the commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

CONTEMPT PROCEEDINGS

Mr. VANDENBERG. Mr. President, the California Newspaper Publishers' Association has joined other similar groups—notably those in New York and Pennsylvania—urging the passage of S. 1726, a measure introduced by me and intended to take the tyranny out of the Federal Judicial Code in certain contempt proceedings endangering the freedom of the press. I believe the sentiment of the country is quite unanimous upon this score. The Judiciary Committee has had the bill since last September. I hope it may shortly be reported.

I ask that this California resolution may be printed in the RECORD and referred to the Judiciary Committee.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas the freedom of the press is one of the chief tenets of the Constitution of the United States; and

Whereas this freedom of the press has been hailed as one of the chief factors in the success of the Government of these United States; and

Whereas recent cases of newspapers charged with contempt of the courts have been forced to stand trial before a judge acting virtually as both judge and jury; and

Whereas this practice has been recognized by the public as dangerous to the structure of this Government; and

Whereas it has been called to our attention that a bill sponsored by Senator VANDENBERG, of Michigan, is now before Congress, aimed to remedy this situation: Be it therefore

Resolved, That we, members of the executive committee and governing boards of the California Newspaper Publishers' Association in official session at Visalia, Calif., February 22, 1930, indorse the Vandenberg bill, making it illegal for judges to sit in contempt proceedings involving their own courts, and that copies of this resolution be sent to Senator VANDENBERG and the California Members of Congress.

JOHN B. LONG,
General Manager California Newspaper Publishers' Association.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3926) granting an increase of pension to Priscilla Mayer; and

A bill (S. 3927) granting a pension to Harriet Norris; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 3928) to make the net proceeds arising from sales of surplus supplies of the War Department available for the procurement of supplies and equipment necessary for reducing any deficit now or hereafter existing in the authorized war reserves, and for other purposes; to the Committee on Military Affairs.

By Mr. GLENN (for Mr. DENEEN):

A bill (S. 3929) for the relief of James J. Lindsay; to the Committee on Naval Affairs.

A bill (S. 3930) granting a pension to Lewis Hartley (with accompanying papers); and

A bill (S. 3931) granting an increase of pension to Martha Gaggin (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3932) granting a pension to George Eagle Road (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3933) authorizing negotiations and providing for the construction, maintenance, and operation of an interoceanic canal over Nicaraguan territory, and for other purposes; to the Committee on Interoceanic Canals.

By Mr. VANDENBERG:

A bill (S. 3934) granting certain lands to the city of Sault Ste. Marie, State of Michigan; to the Committee on Public Lands and Surveys.

By Mr. McKELLAR:

A bill (S. 3935) authorizing a payment to the widow of Edward T. Sanford, late Associate Justice of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. GOULD:

A bill (S. 3936) granting a pension to John Fred Riley (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 3937) granting an increase of pension to Julia E. Hoadley (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Idaho:

A bill (S. 3938) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor and the completion of the project, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 3939) to authorize the appointment of two additional justices of the Court of Appeals of the District of Columbia; to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana:

A bill (S. 3940) granting a pension to William H. Revelle (with accompanying papers); and

A bill (S. 3941) granting a pension to Josephine Nogle (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL—PHOSPHATE ROCK

Mr. TRAMMELL submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

On page 117, after line 17, add a new paragraph, as follows:

"PAR. 400. Phosphate rock (phosphorites, collophane, and apatites), $2 per long ton."

CHANGE OF REFERENCE

On motion of Mr. GLENN (for Mr. DENEEN), the Committee on Finance was discharged from the further consideration of the bill (S. 877) authorizing the Secretary of the Treasury to amend

the contract executed by the Treasury Department for the construction of the Edward Hines Junior Hospital at Broad View, Ill., and it was referred to the Committee on Public Buildings and Grounds.

OPERATIONS OF WAR FINANCE CORPORATION

Mr. BROOKHART. Mr. President, I offer a resolution calling for information, and I ask unanimous consent for its consideration at this time.

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 237), as follows:

Resolved, That the Secretary of the Treasury be requested to inform the Senate:

First. The amount of losses sustained by the War Finance Corporation, with a statement of the type of security and amount involved in each instance of loss.

Second. The total amount received by the corporation as interest on loans.

Third. The amount received by the corporation by years from interest on Government securities.

Fourth. The amount and rate of commission paid by the Government to the corporation for the purchase of Government bonds for the Treasury.

Fifth. The amount of profits, if any, derived from the purchase and sale of Government securities by the corporation for its own account.

Sixth. The amount and sources of other income of the corporation, if any.

Seventh. The total of administrative expenses of the corporation, stated by fiscal years, unless the corporation used the calendar year, in which event by calendar years, with a statement of the amount of loans in force at the end of each year and the largest amount of loans in force at any time during the existence of the corporation, with the date.

Eighth. The amount of all other expenses of the corporation.

Ninth. As to whether such administrative expenditures were authorized by specific annual appropriations, and, if not, were they subjected to approval by the Comptroller General or anyone in the Treasury, aside from the officers of the corporation, before being paid.

Tenth. As to whether or not there has been an independent audit by the Treasury Department of the accounts of the corporation; and if so, the date of such audit, with the name and official capacity of the auditor.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. FESS. Mr. President, I think the resolution should go over for one day until we can be advised more fully about it.

The VICE PRESIDENT. Under the rule, the resolution will go over.

WASHINGTON AIRPORT

Mr. BINGHAM. Mr. President, in Saturday's and Sunday's papers there appeared a statement from one of the citizens' organizations in Washington to the effect that one of their members had information that the reason why the Joint Commission on Airports recommended the purchase of what is now known as the Washington Airport and what is now known as the Hoover Airport, that they be made a part of the airport for the National Capital, was that two Senators on the joint commission were financially interested in those projects. One paper said that two or three Congressmen on the commission were interested in those projects.

So far as I have been able to learn—and I have been as close to the matter as anyone—no member of the joint commission, either of the Senate or of the House, is in the slightest degree financially interested in either of those projects. Furthermore, the reason why the joint commission recommended their purchase was that representatives of the owners of both projects came before the joint commission and testified that they were willing to let the Government audit their books, and that they were willing to sell their holdings for exactly what the books showed the holdings had cost them, plus 10 per cent or even less. With that very reasonable offer made by the owners, the commission felt that these two pieces of land, which, in conjunction with the agricultural experiment station and a part of Columbia Island, make the best available site for an airport near the heart of the National Capital, should be acquired, and therefore that was recommended by the commission. A bill providing for their acquisition is now before the Senate Committee on the District of Columbia.

Mr. VANDENBERG. Mr. President, I am a member of the Joint Commission on Airports. I am also chairman of the subcommittee of the Committee on the District of Columbia, which now has the commission's report in hand. I read the charges to which the Senator from Connecticut refers. They are made by H. E. Young, of the Iowa-Thomas Circle Citizens' Association.

I want to say to the Senate and the Senator from Connecticut that this gentleman will be given an immediate opportunity to identify the Members of Congress whom he charges with having a financial interest in this project. The opportunity will be just as insistent as I can find means to make it.

This blanket insinuation is unfair and improper, and if it is untrue it is vicious. If it is true we want the truth specifically. In the work which has been done in connection with the airport project in Washington there has been much interest expressed in the work that has been exceedingly helpful. On the other hand, there has been a controversial type of interest from time to time which has been distinctly unhelpful. As a matter of fact the price which now impends for the airport we have in mind is higher to-day than it would have been if we had not been hampered in previous activities.

This, however, is the first time any such charges as are contained in these Sunday newspapers have appeared, and I promise the Senator from Connecticut and the Senate that they will be probed to the very bottom.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BLACK. As I caught the charge as it was read, it is that Senators have a financial interest in something. I did not read the charges.

Mr. VANDENBERG. The report I have in my hand charges that "two or more Members of Congress are financially interested in the proposed development of a municipal airport at the south end of the Highway Bridge," and so forth. I understand that another paper reported it as "two Members of the Senate."

Mr. BLACK. When does the Senator expect to have the meeting of the subcommittee? Can he not have it this afternoon?

Mr. VANDENBERG. This week, at the earliest possible moment when we can get in touch with the gentleman who makes the charges.

Mr. BLACK. Why not have it to-morrow morning? If he has that information it certainly ought to be brought to the attention of the Senate.

Mr. VANDENBERG. It will be at the earliest possible moment. An officer of the Senate is seeking the witness at this immediate moment.

EXECUTIVE MESSAGE

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 3168) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TILSON, Mr. DOWELL, and Mr. MOORE of Virginia were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8423) granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn., and it was signed by the Vice President.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, the New York Times of yesterday printed an editorial which is entitled "A Lemon." One paragraph of that editorial is as follows:

The taunts about "changing votes" and the wickedness of "combinations," made by virtuous coalitionists, themselves members of a combination, are without merit.

I ask unanimous consent to have printed in the RECORD the entire editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sunday, March 16, 1930]

A LEMON

Dislike as one may the higher duties and the removals from the free list brought about by the combination, lately so victorious, of the sugar, oil, and lumber patriots, one may feel a certain sympathy for Senator SMOOT. For months he has waited grimly, while the Democratic-insurgent Republican coalition trampled on him. Now, he and his allies are doing the trampling. At least, he has neither canted nor recanted. The taunts about "changing votes" and the wickedness of "combinations," made by virtuous coalitionists, themselves members of a combination, are without merit. As Senator THOMAS of Oklahoma, a seceder, reminded his critics, in June Senator BORAH'S resolution, directing the Finance Committee to confine revision to agricultural rates alone, was lost by a single vote. After the Finance Committee had reported its bill, Mr. THOMAS moved to strike from it all but the agricultural items. Twenty-eight Senators, including Mr. BORAH, committed the sin of changing their votes.

Some coalitionists talked of general revision. In the confused course of the coalition not much is clear except the desire to make mischief and "political capital." The rates on farm stuffs have been jacked up steeply. So have many industrial rates. The indications are that the tariff bill, if passed, will be about as bad as the consumer could expect. In the present irresponsibility of parties it is hard for him to find out who is most to blame. Wherever political penalties are to fall, let us be prepared to pay our own fine with such good humor as we can muster. Let us congratulate the Vice President because his was the good fortune to decide by his vote that there shall be a higher duty on spring clothespins. Every washing day we can look to the clothesline and remember that service.

Is the raising of the duty on lemons from 2 to 2½ cents a pound ominous? A brief prepared by Senator WALSH of Massachusetts interprets significantly these figures that look so small. The present rate, kept in the House bill, represents 63.68 per cent ad valorem. The rate adopted by the Senate corresponds to an ad valorem rate of 79.60 per cent. This bounty of nearly 80 per cent is for the benefit of an inconsiderable number of lemon growers in California. They are suffering so that their output has doubled in six years. They can not supply the domestic market. Italian lemons have to be imported. They furnish from 14 to 16 per cent of the domestic consumption. An official agricultural publication says that California production is "about at the peak" and must gradually decrease.

So more and more Italian lemons must be imported. The California lemon now sells for a slightly higher price. Before the tariff of 1922 the price of a crate ranged from $1.50 to $2.50. Now, the price is from $8 to $16. Last September they were retailing for from $1 to $1.25 a dozen. There is a home market for every American lemon, but the California lemon raiser wants a higher profit. So this "tax on the nursery, tax on the sick room, tax on the hospital," as Mr. COPELAND calls it, is imposed. Let us meekly bring our tribute and admire these happy cooperations of the farmer and the industrialist.

Mr. FLETCHER. Mr. President, the other day I offered an amendment bearing upon the importation of cigars. As bearing upon that subject, I ask permission to have printed in the RECORD at this point the statement which I present.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SECTION 648, SUBSECTION (4). REPEALING LIMITATION IMPORTS OF CIGARS

This section, or rather, its subsection (4), as reported by the Finance Committee, calls for the repeal of the present law with its fair and proper limitation on the imports of Cuban cigars. We are decidedly and most bitterly opposed to the enactment of this portion of the bill. We believe that the repeal of the present limitation on the imports of cigars will do irreparable harm to the membership of the Cigar Makers International Union. We believe that the American cigar smoker will be injured and exploited in that he will be purchasing, either directly or indirectly by parcel post, cigars produced by cheap labor in Cuba and sold in the United States at prices which will not permit of American-made cigars competing with them.

Labor realizes that the complete repeal of the limitation of imports of individual shipments of foreign-made cigars will not only seriously affect American cigar makers but it will also materially injure the American tobacco growers who will be denied a market for their products, or, if the market continues to exist, it will be in Cuba where the American-raised tobacco will compete with the tobacco raised by cheap labor of the Orient.

We also appreciate that with the Treasury ruling, that no duty is collected when the duty is less than $1, that unscrupulous cigar dealers will import, via parcel post, Cuban cigars upon which no tariff duty will be paid. Thus, in effect, nullifying the tariff protection intended to be given to the American tobacco growers and to the American cigar makers.

The chain stores, with their thousands of agencies throughout the United States, would be able, were the present limitation repealed, to have individual packages of 5 or 10 cigars sent to these stores, no duty being collected, and thus, while underselling the American-made cigars, the American cigar smokers would not benefit through any lower prices.

The outright repeal of this meritorious limitation will seriously injure the American tobacco growers and the American cigar makers.

Labor is willing to support a change in the present law whereby the limitation will be reduced from individual shipments of 3,000 to 300.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts [Mr. WALSH] to the amendment of the Senator from Nevada [Mr. ODDIE], which will be stated for the information of the Senate.

The LEGISLATIVE CLERK. In the amendment of the Senator from Nevada [Mr. ODDIE], on page 3, line 9, it is proposed to strike out "17½" and insert "10," so as to read:

(c) Goat, kid, and other leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 10 per cent ad valorem.

Mr. WALSH of Massachusetts. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded? Not a sufficient number second the demand.

Mr. WALSH of Massachusetts. I again ask for the yeas and nays.

Mr. MOSES. Mr. President, what is the amendment?

The VICE PRESIDENT. The amendment of the Senator from Massachusetts, which has been stated, will again be stated to the Senate.

The amendment of Mr. WALSH of Massachusetts to the amendment offered by Mr. ODDIE was again stated.

Mr. WALSH of Massachusetts. Mr. President, this is an amendment to reduce the rate in the Oddie amendment on goat and kid leather from 17½ per cent to 10 per cent, the same rate proposed to be levied on all other kinds of leather. On Saturday a motion to put this item on the free list came within a few votes of being carried. I voted against it going on the free list; I thought it ought to have a duty the same as all other leather at the rate of 10 per cent, and that is what my amendment seeks to provide.

Mr. HOWELL. Mr. President, kid leather is now upon the free list. The kid-leather industry is one of the most prosperous of the tanning industries of the country to-day.

Mr. HASTINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. HOWELL. I will yield in a moment. The imports for 1928 were but 10,000,000 square feet, and the exports were about 50,000,000 square feet; the exports, in other words, were five times the imports. I offered an amendment here to place kid leather upon the free list, and it ought to be upon the free list. I am opposed even to a 10 per cent duty on kid leather, but certainly it should not receive 17½ per cent. I now yield to the Senator from Delaware.

Mr. HASTINGS. I should like to know where the Senator gets the information that the kid-leather industry is prosperous?

Mr. HOWELL. Mr. President, can there be any question about its prosperity, when the statistics of imports and exports are as they are? Why should those engaged in this industry come here and ask a tariff on this leather? Because there has been a depression in the stock market? Is that the reason? Certainly the statistics of production do not indicate that the industry is in a bad situation. Here is the situation in the leather industry in this country: It is 63⅔ per cent overbuilt; it is carrying, as against profits, the depreciation that accumulates upon overbuilt plants, and it is carrying against it the cost of capital represented thereby. That is the reason the industry is not prosperous, if it is in any sense not prosperous. No one entertains any question as to the situation in the kid-leather industry except those who are specially interested therein.

Mr. HASTINGS. Mr. President, I will detain the Senate for just a moment in answer to the Senator from Nebraska.

What the Senator says with respect to exports of the product of this industry is quite true, but this industry is a little different from some others in this respect: About 15 or 20 per cent of the kid leather tanned in this country is used for high-priced shoes. It is that 15 or 20 per cent which is met with the competition from abroad. In other words, the imports, which in 1929 were just a little less than 15,000,000 square feet—an increase from 500,000 square feet in the year 1923—come in direct competition with what is known as the top-leather branch of the industry. In order that we may export at all it is necessary that we may have a sale for the 15 or 20 per cent; it is the 75 or 80 per cent that is sold as cheap leather in Europe. That is

the distinction as to the importations and the exportations as compared with certain other leather.

As to the difference in wages in this industry—and that is the usual test with respect to the amount of tariff that shall be placed on a commodity—in France the labor cost is only about 25 per cent of what it is in this country, and in Germany and England it is about 40 per cent. From the investigation made by the goat and kid leather industry I had the exact facts as to the cost per dozen. The average wage cost per dozen skins for 22 tanneries in the United States was $2.48; in Great Britain and Germany, $1.24, and in France, 83 cents. I submit there is nothing in this tariff bill that can be so easily and well defended as this tariff on goatskins. The trade requested 20 per cent; the House gave them 10 per cent and the Finance Committee gave them 17½ per cent. I submit that the last-named rate is not too high.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts to the amendment offered by the Senator from Nevada [Mr. ODDIE].

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. I will let this announcement stand for the day.

Mr. SULLIVAN (when his name was called). I am paired with the Senator from Tennessee [Mr. BROCK] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am unable to secure a transfer, and therefore withhold my vote.

The roll call was concluded.

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Maryland [Mr. TYDINGS] and will vote. I vote "yea."

Mr. GLENN. I have a special pair with the junior Senator from Arkansas [Mr. CARAWAY] and withhold my vote.

Mr. BLACK (after having voted in the affirmative). I have a pair for to-day with the Senator from New York [Mr. COPELAND]. I understand that if he were present he would vote as I have voted, so I will permit my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

Mr. SHEPPARD. The Senator from New York [Mr. COPELAND] is paired on this question with the Senator from Kentucky [Mr. BARKLEY]. If present, the Senator from Kentucky would vote "nay."

The result was announced—yeas 42, nays 33, as follows:

YEAS—42

Bingham	Fletcher	Howell	Simmons
Black	Frazier	Keyes	Stephens
Blaine	George	La Follette	Swanson
Blease	Glass	McKellar	Thomas, Okla.
Borah	Hale	Moses	Trammell
Bratton	Harris	Norbeck	Wagner
Brookhart	Harrison	Norris	Walsh, Mass.
Capper	Hawes	Nye	Walsh, Mont.
Connally	Hayden	Overman	Wheeler
Couzens	Hebert	Schall	
Dill	Heflin	Sheppard	

NAYS—33

Allen	Grundy	Oddie	Steiwer
Baird	Hastings	Patterson	Thomas, Idaho
Broussard	Hatfield	Phipps	Townsend
Cutting	Johnson	Pine	Vandenberg
Dale	Jones	Ransdell	Walcott
Fess	Kean	Robinson, Ind.	Waterman
Goff	Kendrick	Robsion, Ky.	
Goldsborough	McCulloch	Shortridge	
Greene	McNary	Smoot	

NOT VOTING—21

Ashurst	Gillett	Pittman	Sullivan
Barkley	Glenn	Reed	Tydings
Brock	Gould	Robinson, Ark.	Watson
Caraway	King	Shipstead	
Copeland	McMaster	Smith	
Deneen	Metcalf	Steck	

So the amendment of Mr. WALSH of Massachusetts to Mr. ODDIE'S amendment was agreed to.

Mr. SMOOT. Mr. President, I send to the desk an amendment. It is simply a clarifying amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 24, strike out the word "or" and insert "and any of the foregoing."

The amendment to the amendment was agreed to.

Mr. HOWELL. Mr. President, I offer the amendment which I am sending to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 15, it is proposed to strike out "10" and insert in lieu thereof "4.8."

Mr. HOWELL. Mr. President, this amendment has to do with side upper leather, one of the very important kinds of leather used for shoe uppers, especially in shoes of the cheaper grades.

The tanning industry in connection with this character of leather is not in trouble. At least this seems rendered evident by the statistics of production, imports, and exports.

There were 172,000,000 square feet of side upper leather produced in this country in 1928. There were 8,950,000 square feet imported, and 19,410,000 exported. In other words, the exports were about double the imports. This indicates that this industry is not in trouble; and yet in the Oddie amendment it is proposed to increase the protective duty upon this kind of leather over and above the tariff rate granted by the House 110 per cent.

The amendment which I propose substitutes for this 110 per cent increase the rate of protection afforded this leather by the House of Representatives.

It seems unnecessary to go into further details in this connection. These are the facts; and the Senate should not increase this rate of protection.

Mr. SMOOT. Mr. President, the pending amendment, offered by the Senator from Nebraska, is to strike out "10" on page 2, line 15, in the amendment of the Senator from Nevada, and to insert in lieu thereof "4.8," and is arrived at on the same basis on which he suggested the 10 per cent on sole and belting leather. The other amendment was disagreed to, and if the Senate follows what it did in that case it will reject this amendment.

Mr. HOWELL. Mr. President, I want to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I had taken my seat. I was through.

The VICE PRESIDENT. The Senator declines to yield. The question is on agreeing to the amendment to the amendment.

Mr. HOWELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Glenn	La Follette	Simmons
Baird	Goff	McCulloch	Smoot
Bingham	Goldsborough	McKellar	Steiwer
Black	Greene	McNary	Stephens
Blaine	Grundy	Metcalf	Sullivan
Blease	Hale	Moses	Swanson
Borah	Harris	Norbeck	Thomas, Idaho
Bratton	Harrison	Norris	Thomas, Okla.
Brookhart	Hastings	Nye	Townsend
Capper	Hatfield	Oddie	Trammell
Connally	Hawes	Overman	Vandenberg
Couzens	Hayden	Patterson	Wagner
Cutting	Hebert	Phipps	Walcott
Dale	Heflin	Pittman	Walsh, Mass.
Dill	Howell	Ransdell	Walsh, Mont.
Fess	Johnson	Robinson, Ind.	Waterman
Fletcher	Jones	Robsion, Ky.	Watson
Frazier	Kean	Schall	Wheeler
George	Kendrick	Sheppard	
Glass	Keyes	Shortridge	

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment proposed by the junior Senator from Nebraska [Mr. HOWELL] to the amendment of the junior Senator from Nevada [Mr. ODDIE].

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHEELER. So that we may know what we are voting on, let the amendment be stated.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 15, of the amendment of the Senator from Nevada [Mr. ODDIE] the Senator from Nebraska proposes to strike out "10" and insert "4.8," so as to read:

(3) Side upper leather (including grains and splits) and patent leather, rough, partly finished, or finished, or cut or wholly or partly

manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 5.2 cents per square foot and 4.8 per cent ad valorem.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY], and in his absence withhold my vote.

Mr. BLACK (when his name was called). I have a pair with the senior Senator from New York [Mr. COPELAND], but I understand that on this he would vote as I intend to vote, and I will therefore vote. I vote "yea."

The PRESIDENT pro tempore (Mr. MOSES) (when his name was called). I have a pair with the senior Senator from Iowa [Mr. STECK]; and not knowing how he would vote, I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I am unable to secure a transfer of my pair with the senior Senator from South Carolina [Mr. SMITH], and therefore I withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I transfer the pair I have with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Maryland [Mr. TYDINGS] and vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

Mr. SHEPPARD. The Senator from New York [Mr. COPELAND] is paired on this question with the Senator from Kentucky [Mr. BARKLEY]. If present, the Senator from Kentucky would vote "nay."

Mr. FRAZIER. On this question I am paired with the senior Senator from Oklahoma [Mr. PINE]. If he were present, he would vote "nay," and I would vote "yea."

The result was announced—yeas 36, nays 35, as follows:

YEAS—36

Allen	Dill	Howell	Schall
Black	Fletcher	McKellar	Sheppard
Blease	George	Norbeck	Simmons
Borah	Glass	Norris	Stephens
Bratton	Harris	Nye	Swanson
Brookhart	Harrison	Overman	Thomas, Okla.
Capper	Hawes	Pittman	Trammell
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Cutting	Heflin	Robsion, Ky.	Wheeler

NAYS—35

Bingham	Hale	La Follette	Steiwer
Blaine	Hastings	McCulloch	Thomas, Idaho
Couzens	Hatfield	McNary	Townsend
Dale	Hebert	Metcalf	Vandenberg
Fess	Johnson	Oddie	Wagner
Goff	Jones	Patterson	Walcott
Goldsborough	Kean	Phipps	Walsh, Mass.
Greene	Kendrick	Shortridge	Waterman
Grundy	Keyes	Smoot	

NOT VOTING—25

Ashurst	Deneen	Moses	Steck
Baird	Frazier	Pine	Sullivan
Barkley	Gillett	Ransdell	Tydings
Brock	Glenn	Reed	Watson
Broussard	Gould	Robinson, Ark.	
Caraway	King	Shipstead	
Copeland	McMaster	Smith	

So Mr. HOWELL's amendment to Mr. ODDIE's amendment was agreed to.

Mr. HOWELL. Mr. President, I offer the amendment which I am now sending to the desk.

The PRESIDENT pro tempore. The amendment will be reported.

The LEGISLATIVE CLERK. On page 4, lines 11 and 12, strike out the figures and words "14 cents per pair and 10 per cent ad valorem" and insert in lieu thereof the following:

As follows: Other than footwear for children and for women, of the McKay type of manufacture, 14 cents per pair; footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem.

So as to read:

PAR. (e). Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, as follows: Other than footwear for children and for women, of the McKay type of manufacture, 14 cents per pair; footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. HOWELL. Mr. President, the amendment provides for a compensatory factor upon shoes, but no protection except in the case of women's shoes of the McKay type of manufacture. The situation that exists in the shoe industry in this country is such that all shoes do not need and are not entitled to protection. There is one spot in the country, Lynn, Mass., where the manufacturers of shoes of the McKay type are affected. However, the total number of women's shoes being imported is only about 5 per cent of the domestic production, yet it has been urged that these people need protection. As a consequence it is proposed in the Oddie amendment to afford 10 per cent protection and 14 cents specific compensatory; in other words, this would apply to all shoes of every kind and description.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HOWELL. I yield.

Mr. WALSH of Massachusetts. I inquire of the Senator from Nebraska if my understanding of his amendment is correct. I understand the Oddie amendment contains a compensatory duty upon shoes of 14 cents per pair and a protective duty upon all shoes of 10 per cent. Does the Senator's amendment retain the compensatory duty upon all shoes?

Mr. HOWELL. Fourteen cents upon all shoes except women's and children's. In the case of women's shoes of the McKay type of manufacture, I provide a compensatory factor of 8 cents per pair.

Mr. WALSH of Massachusetts. In other words, the Senator provides a compensatory factor of 8 cents per pair?

Mr. HOWELL. Yes; as stated.

Mr. WALSH of Massachusetts. Then the Senator would reduce the Oddie amendment compensatory rate from 14 cents to 8 cents?

Mr. HOWELL. I have proposed to do so in connection with the McKay type of women's shoes.

Mr. WALSH of Massachusetts. On all shoes?

Mr. HOWELL. No; on women's shoes of the McKay type of manufacture.

Mr. WALSH of Massachusetts. What compensatory factor is there in the Senator's amendment for men's shoes?

Mr. HOWELL. Fourteen cents per pair.

Mr. WALSH of Massachusetts. The Senator has retained the compensatory factor of 14 cents?

Mr. HOWELL. Yes.

Mr. WALSH of Massachusetts. What protective duty does the Senator propose for men's shoes?

Mr. HOWELL. No protective duty.

Mr. WALSH of Massachusetts. Has the Senator proposed to retain women's shoes or just children's shoes?

Mr. HOWELL. My amendment provides that women's shoes of the McKay type of manufacture shall have a protective duty of 20 per cent and a compensatory duty of 8 cents per pair.

Mr. WALSH of Massachusetts. Why has the Senator reduced the compensatory duty from 14 cents per pair to 8 cents per pair?

Mr. HOWELL. Because it is admitted by the manufacturers that on the average but 2 pounds of rawhides enter into the manufacture of a pair of women's shoes, and 2 pounds of rawhides at the specific rate of 4 cents a pound equals 8 cents.

Mr. WALSH of Massachusetts. Has the Senator in mind the statement which I read on Saturday from the Tariff Commission in which it was declared, before this matter ever came up for discussion here at all, that a duty of 4 cents per pound upon hides would necessitate a duty of 24 cents per pair upon all shoes, that being the compensatory duty necessary upon a duty of 4 cents a pound on hides?

Mr. HOWELL. That relates to a pair of shoes containing 6 pounds of rawhides. A pair of women's shoes contain on the average but 2 pounds of rawhides. First, we must keep clearly in mind the kind of shoe we are discussing. The Senator from Massachusetts is interested particularly in women's shoes. He has been discussing women's shoes. It is acknowledged that on the average not more than 2 pounds of green hides enter into a pair of women's shoes. If, then, we give 8 cents specific, which is two times 4 cents, which is the tariff proposed upon hides, we will have a compensatory duty of 8 cents, and that is what I provide for in my amendment.

Now, as to the protective factor, I have offered for women's shoes of the McKay type of manufacture a protective factor of 20 per cent ad valorem. Why have I taken this position? All the evidence shows that 30 per cent of the cost of shoes is represented by labor. The Tariff Commission has never made an investigation as to the cost of the production of shoes in Czechoslovakia, but whatever evidence there is indicates that the labor entering into the cost of a pair of shoes is about one-third in Czechoslovakia what it is in this country. Therefore——

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

Mr. FESS. Mr. President, on Saturday, when a limitation on debate was proposed, it was promised that if the Senator from Nebraska did not conclude in five minutes, being the author of the amendment, a request would be made to extend his time.

Mr. SMOOT. For five minutes.

Mr. HOWELL. I shall not take any more time than is absolutely necessary to explain the amendment.

Mr. WALSH of Massachusetts. I hope unanimous consent will be granted to give the Senator from Nebraska further time. I ask unanimous consent that he may be given additional time.

The PRESIDENT pro tempore. Under the collateral unanimous consent agreed to Saturday the Senator from Nebraska will proceed.

Mr. HOWELL. A simple computation will indicate that 20 per cent ad valorem would largely meet the situation that confronts the manufacturers of McKay shoes in Lynn, Mass. Therefore, I have provided that as a protective factor, and 8 cents a pair as a compensatory factor.

Now, as to men's shoes, on the average there enters into the manufacture of a pair of men's shoes about 3.4 pounds of cattle hides. I assume that the Senator from Nevada [Mr. ODDIE] adopted 3½ pounds. Therefore, multiplying 3½ pounds by 4 gives 14, and that is the way he evidently arrived at the compensatory duty which he provides for shoes. Nothing more than a compensatory duty is due the shoe manufacturers who make men's shoes and who make women's shoes of a character other than the McKay type of manufacture, and other shoes generally. Therefore I have adopted the 14 cents compensatory duty provided for in the Oddie amendment.

In order that Senators may understand that the shoe manufacturers in this country, and especially the manufacturers of men's shoes, are not entitled to any protection at this time except a compensatory duty for whatever tariff we place upon hides, I invite attention to the progress of the largest shoe manufacturing company in this country, the International Shoe Co. In 1921 this shoe company had 137,500 shares of common stock outstanding. They split it 7 for 1, issuing in place thereof about 900,000 shares. In 1927 the company declared a stock dividend of 300 per cent. In 1922 with $1,000 one could have purchased 33⅓ shares of the stock of the company. That 33⅓ shares, as a result of the stock dividend in 1927 of 300 per cent, now amounts to 133⅓ shares. In 1922 the dividends paid upon the 33⅓ shares were $66.66 a year or about 6.6 per cent on the thousand dollars invested. Last year they paid $400 instead of $66.66 on the shares represented by that 33⅓ shares originally issued, and the stock-market value to-day of the 133⅓ shares is $8,000—that is, for what could have been purchased in 1922 for $1,000. That is the recent financial history of the largest shoe-manufacturing concern in the United States.

What about the second largest shoe-manufacturing concern in the United States? The Endicott-Johnson Corporation in 1920 declared a stock dividend of 19 per cent. In 1923 they declared another stock dividend of 20 per cent. From 1920 on they paid 10 per cent dividends upon their common stock and at the same time setting aside a surplus equal to 75 per cent of the par value of their common stock. That is the recent history of the second largest shoe-manufacturing business of the country, and yet in the Oddie amendment it is proposed to give these companies——

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. HOWELL. I will yield in a moment. It is proposed to give these companies in the case of shoes a specific duty of 14 cents a pair and, in addition thereto as protection an ad valorem duty of 10 per cent. I now yield to the Senator from Montana.

Mr. WHEELER. Under those circumstances, when these two big companies have been making such tremendous profits, why should we give them even a compensatory duty upon the shoes which they manufacture? The Senator realizes, does he not, that there are not any shoe companies in Europe that are competing? Outside of some few shoes that are coming in from London, there are not any shoes manufactured on the Continent coming in here to amount to anything, are there?

Mr. HOWELL. The importations of shoes in 1928 were less than 1 per cent of the domestic production.

Mr. WHEELER. Then, why should we give men's shoes a compensatory duty?

Mr. HOWELL. We are changing the situation, Mr. President, if we give 4 cents a pound specific duty on hides, and inasmuch as we are changing the situation, I have felt that we ought to grant some compensatory duty to the shoe manufacturers. I do not believe it is any more than just, moreover I do not believe that it is possible to avoid a compensatory duty entirely.

Mr. WHEELER. If they have not any competition from abroad at the present time, why give them any compensatory duty?

Mr. HOWELL. I suppose it might be urged that they may have competition, inasmuch as they will have to pay more for their leather.

Mr. ODDIE and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I yield first to the Senator from Nevada.

Mr. ODDIE. Mr. President, I think it ought to be distinctly stated that there is very serious competition in the shoe business in Czechoslovakia, as the chart on the wall shows.

Mr. WHEELER. But that is as to ladies' shoes.

Mr. ODDIE. Yes; but what is to prevent competition in the manufacture of men's shoes in a very short time from this same source? I understand that is the next step that will be taken. They have a great deal of American capital over there; they have American methods and American machinery and cheap labor. Mr. President, we must not overlook the fact that American labor must be protected in this tariff bill, and my amendment provides for the protection of labor and for bringing about such conditions that labor may obtain regular employment and good wages.

Mr. WHEELER. Mr. President, will the Senator from Nebraska yield to me further?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. HOWELL. I yield.

Mr. WHEELER. Let me call the attention of the Senator from Nevada to the fact that one can go to Europe to-day, or, at least, one could go there a few years ago—and I was there at that time—and buy American-made shoes in Rome, Italy, or Vienna or Berlin or Paris cheaper than he could buy them right here in the United States of America. American-made Hanan shoes, Walkover shoes, and many other grades of American shoes were being sold just as cheaply in most instances, and in some instances much cheaper, than they were being sold here in the United States. Yet we talk about putting a tariff on men's shoes for the protection of American labor.

The PRESIDING OFFICER. The Chair will state that the additional five minutes allotted the Senator from Nebraska have expired.

Mr. HOWELL. Mr. President, I did not understand that my time was to be limited to another five minutes, but that if I wished a longer time to speak it would be accorded to me.

The PRESIDING OFFICER. The Chair will read what the Senator from Utah [Mr. SMOOT] said, as appears in the RECORD of Saturday last, on page 5373:

> I am with the senior Senator from Nebraska [Mr. NORRIS] in wanting to get through with the bill. I will say to the junior Senator from Nebraska [Mr. HOWELL] that if he wants to speak more than five minutes I will ask unanimous consent that he be granted five minutes additional.

Mr. HOWELL. I want to say right here, Mr. President, it was against my judgment that I agreed to such unanimous consent during the consideration of the tariff bill, because I think it is unjust. We have been talking here about tariff matters of greater or less importance, and yet we are now upon a subject that is of paramount importance to the people of this country, namely, shoes. There are 344,000,000 pairs of shoes produced in this country and the shoe bill here is for about 345,000,000 pairs.

Mr. SMOOT. Mr. President——

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the junior Senator from Nebraska [Mr. HOWELL] may proceed for an additional five minutes.

Mr. SMOOT. Mr. President, I have no objection to that, and, indeed, I myself was going to make the same request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Nebraska is recognized.

Mr. SMOOT. Mr. President, will the Senator from Nebraska yield to me, that I may call his attention to one feature of his amendment?

Mr. HOWELL. I yield.

Mr. SMOOT. If I have a correct copy of the amendment, it reads as follows:

Other than footwear for children and women of the McKay type of manufacture, 14 cents per pair; and footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem.

The Senator, as I understand, does not propose to take care of children's shoes in any way? Was that the Senator's intention?

Mr. HOWELL. It was my intention that children's shoes should neither have a protective nor a compensatory duty.

Mr. SMOOT. The effect of the amendment, I will say to the Senator, because of the mention of children's shoes, will be that they will be thrown in paragraph 1531, covering all articles not specially provided for.

Mr. HOWELL. If my amendment shall be adopted, an additional amendment will be submitted placing children's shoes upon the free list.

Mr. SMOOT. I merely wanted to call the Senator's attention to the effect of the amendment.

Mr. HOWELL. I thank the Senator.

Mr. President, that the profit in the shoe business has been so enormous and that the shoe industry has so prospered is due to the fact that the manufacturers have been able to increase the wholesale price of shoes to a greater degree than the prices of all other commodities, taken together, have been increased. For instance, the cost of the manufacture of a composite shoe of nine representative styles, representing about 48 per cent of the trade, before the war was $2.16, and in 1929 the cost was $4.08, showing a weighted average increase of 88.7 per cent over the pre-war prices.

The average increase of prices in general during that period, as officially ascertained and reported by the Department of Labor, was 37.4 per cent as represented by the commodity index of wholesale prices. Hence, to have kept pace with the general rise in the level of prices, this composite shoe should now have a cost price of $2.97 instead of a price of $4.08. In other words, there has been an excess rise in the shoe prices of this country of more than 39 per cent. The prices I have been calling attention to are wholesale prices.

Mr. President, what my amendment proposes to do is to place children's shoes on the free list and to levy a compensatory factor of 14 cents a pair as provided by the Oddie amendment on all other shoes except women's shoes of the McKay type of manufacture. The McKay type of manufacture includes the shoes made in Lynn and the shoes made in Czechoslovakia, the importations of which are complained of. I provide, upon that particular type of shoe, 8 cents specific and 20 per cent ad valorem. That will give the manufacturers all the protection that is needed and will maintain the position of the shoe industry in this country where it is to-day.

That is the purpose of my amendment and that will be the result of my amendment, in my opinion; but if the Oddie amendment shall be adopted without change all shoes will have to pay a sales tax of 14 cents a pair plus 10 per cent ad valorem. Why? Simply because Czechoslovakia is importing shoes into this country that come in competition with the shoes made in Lynn, Mass., which constitute a very small percentage of the shoes we manufacture.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired. The question is on the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Nevada [Mr. ODDIE].

Mr. HOWELL. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. GEORGE. I ask that the amendment to the amendment be again stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. In the amendment of the Senator from Nevada [Mr. ODDIE], on page 4, lines 11 and 12, it is proposed to strike out the figures and words "14 cents a pair and 10 per cent ad valorem" and to insert in lieu thereof:

Other than footwear for children and for women of the McKay type of manufacture, 14 cents per pair; footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem.

Mr. SMOOT. Mr. President, may I call the Senator's attention to the matter to which I referred a few moments ago?

Mr. HOWELL. Yes.

Mr. SMOOT. I think if the Senator would adopt this wording that it would cover what he desires:

Other than footwear of the McKay type of manufacture for women and other than footwear for children, 14 cents per pair; footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem.

That would prevent the children's shoes falling in paragraph 1531 as manufactured leather not specially provided for.

Mr. HOWELL. Would that place a 14 cents a pair duty on children's shoes?

Mr. SMOOT. No; the amendment I have suggested says: "Other than children's shoes."

Mr. HOWELL. Very well; I will accept the modification proposed by the Senator from Utah.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. HOWELL], as modified, to the amendment offered by the Senator from Nevada [Mr. ODDIE]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I again announce my pair with the Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I am unable to secure a transfer of my pair with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote.

The roll call was concluded.

Mr. STEPHENS (after having voted in the affirmative). Has the junior Senator from Indiana [Mr. ROBINSON] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. STEPHENS. I am paired with the Senator from Indiana, but I understand that if he were present he would vote as I have voted. Therefore I will let my vote stand.

Mr. SIMMONS. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT], who is absent. I am unable to obtain a transfer, and therefore I shall have to withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. BLACK (after having voted in the affirmative). On this question I have a pair with the senior Senator from New York [Mr. COPELAND]. I am unable to obtain a transfer, and on account of that fact I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

Mr. SHEPPARD. I desire to announce that the Senator from Kentucky [Mr. BARKLEY] is necessarily absent. If present, he would vote "nay."

The result was announced—yeas 38, nays 37, as follows:

YEAS—38

Blaine	Frazier	Moses	Stephens
Blease	George	Norbeck	Swanson
Borah	Glass	Norris	Thomas, Okla.
Bratton	Harris	Nye	Trammell
Brookhart	Harrison	Overman	Tydings
Capper	Hayden	Pittman	Walsh, Mass.
Connally	Heflin	Robsion, Ky.	Walsh, Mont.
Cutting	Howell	Schall	Wheeler
Dill	La Follette	Sheppard	
Fletcher	McKellar	Steck	

NAYS—37

Baird	Hale	McCulloch	Steiwer
Bingham	Hastings	McNary	Thomas, Idaho
Broussard	Hatfield	Metcalf	Townsend
Couzens	Hawes	Oddie	Vandenberg
Dale	Hebert	Patterson	Wagner
Fess	Johnson	Phipps	Walcott
Goff	Jones	Pine	Waterman
Goldsborough	Kean	Ransdell	
Greene	Kendrick	Shortridge	
Grundy	Keyes	Smoot	

NOT VOTING—21

Allen	Copeland	McMaster	Smith
Ashurst	Deneen	Reed	Sullivan
Barkley	Gillett	Robinson, Ark.	Watson
Black	Glenn	Robinson, Ind.	
Brock	Gould	Shipstead	
Caraway	King	Simmons	

So Mr. HOWELL's amendment, as modified, to Mr. ODDIE's amendment was agreed to.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Nevada [Mr. ODDIE], as amended.

Mr. BRATTON. I call for the yeas and nays.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.



The LEGISLATIVE CLERK. On page 4, line 24, it is proposed to strike out "50" and insert in lieu thereof "35."

Mr. HOWELL. Mr. President, I suggest that the Oddie amendment be stated as it would read if this amendment were agreed to, so that the Senate will understand it.

The PRESIDENT pro tempore. The amendment will be stated once more for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, line 24, it is proposed to strike out "50" and insert in lieu thereof "35," so that, if amended, it will read:

Harness valued at more than $70 per set, single harness valued at more than $40, * * * saddles made wholly or in part of pigskin or imitation pigskin, 35 per cent ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. HOWELL. Mr. President, I ask the attention of the Senate for just a moment.

I realize that this amendment is not of great moment. However, the House afforded the manufacturers of pigskin saddles a duty of 35 per cent ad valorem. In the amendment of the Senator from Nevada this is increased to 50 per cent. It seems to me that this is wholly unjustified; and in the interest of the few who do indulge in saddles, I suggest that this amendment be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

On a division, the amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question recurs upon agreeing to the amendment proposed by the Senator from Nevada [Mr. ODDIE], as amended.

Mr. ODDIE. Mr. President, just before the vote is taken I desire to speak very briefly.

We have fought over this amendment for many weeks, as is known. It is not what all of us would like, as I have stated before. It is a compromise. I would have liked to see a much higher rate on hides. Others desired a higher rate on the various classes of leather and on shoes; but this is the result of a compromise. Some of the rates I have proposed that have won support from certain classes of the leather industry have been reduced. I feel that they have been reduced to too great an extent.

On the question of cost to the consumer because of a duty on hides, I wish to state that much has been said on the floor of the Senate that is based on misinformation. It has been clearly shown that the price of shoes and the price of hides are not necessarily related. A duty on hides will stabilize the price of hides; it will stabilize the price of leather; and it will not necessarily increase the price of shoes.

One powerful shoe company has been sending telegrams to the Members of the Senate condemning a duty on hides and asking for a duty on shoes. Other shoe-manufacturing companies have stated that they are not opposed to a duty on hides and a duty on leather. It is the duty of certain shoe manufacturers to treat the American consumers fairly. If certain of these manufacturers intend to overload the price and unnecessarily charge the American people the extra amount that it has been stated they will charge, they will be unfair, and it will be known quite well to the people of the United States.

Mr. President, I am speaking in behalf of the consumers of these products, and the livestock men and farmers. I am speaking in behalf of labor. Labor in the United States has asked that this legislation be enacted. It will mean the stable employment of labor at good wages. If this amendment is defeated, it will mean that people in the United States will be walking the streets by the hundreds of thousands, the families of these men will suffer, and we shall see these industries depart from our shores and go to foreign countries.

I ask earnestly that the various Members of the Senate consider this amendment as the best arrangement that could be made in bringing the various interests together; and I make an earnest plea that the amendment be adopted. I feel that it will bring prosperity and happiness to many people, while, if it is not adopted, suffering and misery will result.

Mr. WALSH of Massachusetts. Mr. President, I wish to state my position on this amendment very briefly. I regret that I can not bring myself to vote for it.

The duty of 4 cents per pound upon hides represents an average ad valorem equivalent of 26 per cent upon all hides used in the making of shoes. That specific duty works out also to approximately 22 per cent upon the more expensive hides and a duty of about 54 per cent upon the least valuable of the hides. A corresponding disparity would prevail in the case of leathers. The most valuable tanned hides used in the upper leather would have a very much lower ad valorem duty than the leathers of cheaper and poorer quality.

If this relatively high specific duty were imposed on hides, the result would be that every tanning establishment in the country and every boot and shoe manufacturing concern in the country would have to figure, in carrying on business in the future, an increased investment of between 25 and 50 per cent in its chief raw material. The amount of raw material which can now be bought for $100,000 would then cost $125,000 to $150,000. That means a very heavy and serious burden to the tanning industries, and a very serious and heavy burden to the shoe industries, and, of course, a correspondingly heavy burden to the consumers. That substantial increase in the cost of the raw material which is the basis of shoes is bound to be substantially reflected in the increased price of shoes to all consumers.

There is another objection to this amendment, and a very important one. While the amendment recently adopted, the last amendment on which we voted, an amendment offered by the Senator from Nebraska, appears to give a little more protective duty on women's shoes and is an advance over the protective and compensatory duty levied in the bill as it passed the House—and that is why I voted for it—as a matter of fact, it reduces the compensatory duty upon women's shoes and strikes out all the protective duty in the Oddie amendment upon men's shoes. I voted for that amendment to the Oddie amendment because, although it struck out the protective duty on men's shoes, I thought that where there was a question of favoring one of the branches of the industry as against the other, I ought to throw my influence with the branch that is most depressed, namely, the making of women's shoes.

The Tariff Commission itself is on record as stating that 24 cents per pair is the proper compensatory duty necessary with a duty of 4 cents per pound upon hides. As I have said again and again, that is the official statement of the Tariff Commission, made when this matter was not in controversy before it, and it does not include the additional compensatory duty necessary because of the protective duties levied upon leathers, which is estimated to be, in the case of men's shoes, 36 cents per pair, and in the case of women's shoes 30 cents per pair. Therefore I can not vote for an amendment which provides only 14 cents per pair compensatory duty on men's shoes, and now only 8 cents per pair upon women's shoes.

One is disposed to concede a good deal because of the fact that this amendment will be submitted to conferees, together with the House amendment, and may result in some more equitable basis being reached than I think this amendment represents. But the outcome in conference would necessarily, almost inevitably, mean the levying of a duty of at least 3 cents per pound upon hides, and even that is such an excessive duty from the standpoint of the consumers, as well as of the shoe manufacturers, that I can not permit myself to go on record as in favor of this amendment.

I would have been glad to vote for an amendment such as was contained in the bill as it passed the House, or such as was recommended by the Senate Finance Committee, but I can not vote for this amendment, in justice to all interests—the consumer, the shoe manufacturers, and the leather-tanning interests—although some of the latter are disposed to favor it on the theory that it may result in their getting some protection in conference. An amendment was adopted this morning also which makes this Oddie amendment further objectionable. That is the amendment reducing the protective duty to the sole-leather tanner from 10 per cent to 4.8 per cent. That is a further denial of assistance to the tanning industry.

In a word, I think the objection to this amendment is that it is an impediment and not relief—and would prove to be such in the long run—to the leather-tanning industry, to the boot and shoe industry, and certainly would be found to be a burden to the consumers in an unjustifiable increased cost for their shoes.

If I were convinced that any substantial group of citizens would benefit by this proposed duty of 4 cents per pound upon hides, I would be inclined to go far toward voting almost that rate, if not that rate; but all the information that comes to me, including information contained in reports written by the Tariff Commission experts on this subject when this matter was not in controversy, is that 70 per cent of the benefit of any duty upon hides would go to the packers, and that very little of it would seep down to the average producer of cattle.

For all these reasons, Mr. President, I am constrained to vote against this amendment.

Mr. HOWELL. Mr. President, I take the liberty of offering another amendment to the amendment. In line 25, page 2, I move to substitute "16.3" for "20."

Mr. WALSH of Massachusetts. Let the amendment be reported.

The PRESIDENT pro tempore. The clerk will report the amendment.

The CHIEF CLERK. On page 2, line 25, the Senator from Nebraska offers the following amendment in the amendment of the Senator from Nevada, to strike out "20" and insert "16.3," so as to read:

(5) upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 4.6 cents per square foot and 16.3 per cent ad valorem.

Mr. HOWELL. Mr. President, this amendment deals with upholstery leather, and I want to call attention to the statistics in connection with this leather.

The quantity produced in this country in 1928 was 32,500,000 square feet. There were imported but 105,000 square feet, or three-tenths of 1 per cent of the production. There were exported 2,400,000 square feet. In other words, there is no necessary distress in the industry.

What I have proposed is this, that the House protective factor be adopted by the Senate instead of the protective factor proposed by the Oddie amendment. The Oddie amendment proposes to increase the protective factor about 23 per cent. Why should we do that in connection with a leather where the imports are but three-tenths of 1 per cent of the production, and where the exports are in the neighborhood of 7½ per cent of the production? There is no reason whatever. It ought not to be done.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SMOOT. The rate in existing law is 20 per cent, but that was with free hides. The Senator's amendment not only reduces the duty of 20 per cent, as it is under existing law, but adds the 4 cents on hides. With the 4 cents, would it not be better to leave the duty at 20 per cent, as it is?

Mr. HOWELL. Mr. President, the House made the duty 20 per cent, with 10 per cent ad valorem on hides. We are applying 4 cents a pound specific instead of 10 per cent ad valorem. Therefore, to arrive at what the House actually did, we must subtract from the 20 per cent the compensatory duty for 10 per cent ad valorem on hides. If we do so, we find the protective duty granted by the House amounts to 16.3 per cent.

The Oddie amendment gives a full compensatory duty for 4 cents on hides, so that instead of 20 per cent ad valorem and 4.6 cents specific per square foot it will read "16.3 per cent" and "4.6" cents per square foot.

Mr. SMOOT. I was calling the Senator's attention to the fact that in the act of 1922 these leathers carried a duty of 20 per cent, with free hides. The Senate has put 4 cents on hides, and now the Senator asks that 20 per cent be reduced to 16.3 per cent.

Mr. HOWELL. I will ask the distinguished Senator from Utah if it is not a fact that the House made the rate 20 per cent and at the some time imposed 10 per cent ad valorem on hides. Is not that a fact?

Mr. SMOOT. That is what the House did.

Mr. HOWELL. That is exactly what the House did. To arrive at the protective factor granted by the House, you must subtract from 20 per cent the compensatory duty equivalent to 10 per cent ad valorem on hides. When you do that, you have an ad valorem rate of 16.3 per cent. The Oddie amendment affords all compensatory protection that 4 cents specific on hides demands. Is not that a fact?

Mr. SMOOT. I do not understand it that way. We might just as well vote. The situation is this: That under existing law the rate is 20 per cent ad valorem. Now we have added 4 cents on hides, and still the Senator wants the 20 per cent ad valorem reduced to 16.3 per cent.

Mr. HOWELL. I ask the Senator if it is not a fact that the House gave a protective factor of 16.3 per cent.

Mr. SMOOT. The House gave 20 per cent ad valorem, and that is with hides to 10 per cent.

Mr. HOWELL. When you subtract the compensatory duty for 10 per cent on hides from 20 per cent you have 16.3 per cent left. I think the Senator will not deny that proposition. The House gave a protective factor of 16.3 and the Oddie amendment proposes to increase that protective factor by 23 per cent. I do not think it ought to be done. Therefore I urge the adoption of my amendment.

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. HOWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Goff	McKellar	Steck
Baird	Goldsborough	McNary	Steiwer
Bingham	Greene	Metcalf	Stephens
Black	Grundy	Moses	Sullivan
Blaine	Hale	Norbeck	Swanson
Blease	Harris	Norris	Thomas, Idaho
Bratton	Harrison	Nye	Thomas, Okla.
Brookhart	Hastings	Oddie	Townsend
Broussard	Hatfield	Overman	Trammell
Capper	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Couzens	Hebert	Pine	Wagner
Cutting	Heflin	Pittman	Walcott
Dale	Howell	Ransdell	Walsh, Mass.
Dill	Johnson	Robinson, Ind.	Walsh, Mont.
Fess	Jones	Robsion, Ky.	Waterman
Fletcher	Kean	Schall	Watson
Frazier	Kendrick	Sheppard	Wheeler
George	Keyes	Shortridge	
Glass	La Follette	Simmons	
Glenn	McCulloch	Smoot	

The PRESIDENT pro tempore. Eighty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Repeating the announcement made on the last vote, I withhold my vote.

Mr. OVERMAN (when his name was called). Transferring my general pair with the Senator from Illinois [Mr. DENEEN] to the senior Senator from Arizona [Mr. ASHURST], I vote "yea."

Mr. SIMMONS (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. GILLETT], as heretofore announced, to the senior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with my colleague the senior Senator from Idaho [Mr. BORAH]. If he were to vote, he would vote "yea." If I were to vote, I would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I can not obtain a transfer. Therefore I withhold my vote. If I were voting, I should vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 42, nays 35, as follows:

YEAS—42

Allen	Frazier	Norbeck	Stephens
Black	George	Norris	Swanson
Blaine	Glass	Nye	Thomas, Okla.
Blease	Harris	Overman	Trammell
Bratton	Harrison	Pittman	Tydings
Brookhart	Hayden	Robinson, Ind.	Wagner
Capper	Heflin	Robsion, Ky.	Walsh, Mass.
Connally	Howell	Schall	Walsh, Mont.
Cutting	La Follette	Sheppard	Wheeler
Dill	McKellar	Simmons	
Fletcher	Moses	Steck	

NAYS—35

Baird	Grundy	Kendrick	Ransdell
Bingham	Hale	Keyes	Shortridge
Broussard	Hastings	McCulloch	Smoot
Couzens	Hatfield	McNary	Steiwer
Dale	Hawes	Metcalf	Townsend
Fess	Hebert	Oddie	Vandenberg
Goff	Johnson	Patterson	Walcott
Goldsborough	Jones	Phipps	Waterman
Greene	Kean	Pine	

NOT VOTING—19

Ashurst	Copeland	King	Smith
Barkley	Deneen	McMaster	Sullivan
Borah	Gillett	Reed	Thomas, Idaho
Brock	Glenn	Robinson, Ark.	Watson
Caraway	Gould	Shipstead	

So Mr. HOWELL's amendment to Mr. ODDIE's amendment was agreed to.

Mr. HOWELL. Mr. President, on page 2, line 7, of the amendment of the Senator from Nevada, I move to strike out "10" and to insert "6."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. WALSH of Massachusetts. Let the amendment to the amendment be stated, please.

Mr. ODDIE. Mr. President, a parliamentary inquiry. Has not this item been voted on?

The PRESIDENT pro tempore. The Senator from Massachusetts requests that the amendment to the amendment be stated. It will be stated for the information of the Senate, whereupon the Chair will answer the parliamentary inquiry of the Senator from Nevada.

The CHIEF CLERK. On page 2 of the amendment of the Senator from Nevada, under "Sole, belting, or harness leather," in line 7, the Senator from Nebraska proposes to strike out "10" and to insert "6," so that it will read:

Six cents per pound and 6 per cent ad valorem.

Mr. WALSH of Massachusetts. In other words, the Senator from Nebraska proposes to retain the compensatory duty upon this class of leather and to reduce the protective duty from 10 per cent to 6 per cent?

The PRESIDENT pro tempore. Just a moment. The Senator from Nevada [Mr. ODDIE] propounded a parliamentary inquiry. He wishes to know whether this amendment to the amendment has not previously been voted on. It has not been in the direct sense. The amendment which was previously voted on was for a duty of 5.4 per cent. The Senator from Nebraska [Mr. HOWELL] now offers an amendment making the rate 6 per cent. That amendment to the amendment of the Senator from Nevada is in order. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. HOWELL. Mr. President, the most important leather item in the amendment offered by the Senator from Nevada is the item of sole leather. In order that the Senate may understand that this is so, I call attention to the fact that in 1928 there were produced 403,500,000 pounds of that character of leather, while the largest amount of any other kind of leather produced was 136,000,000 pounds. As a matter of fact, the quantity of sole leather produced is equal to all other kinds of leather together; at any rate, the production of all the other items of leather together would exceed but little the amount of sole leather produced. However, I want to say that when I speak of upholstery leather, side-upper leather, patent leather, and vamp and shaped leather, the quantity is in square feet rather than in pounds. I have not the factor for converting the figures into pounds; but those that are expressed in pounds are as follows:

Sole leather, 403,500,000 pounds; belting leather, 17,000,000 pounds; harness leather, 12,200,000 pounds; bag, case, and strap leather nearly 14,000 pounds. So sole leather is the big item.

Mr. President, the House, after careful consideration, granted a protective duty on this leather of 5.4 per cent. The amendment of the Senator from Nevada proposes to increase the protective factor upon that item 85 per cent. I have previously submitted an amendment to provide the identical protective factor provided by the House, and that was defeated. That was a duty of 5.4 per cent. The amendment which I now offer is for 6 per cent; in other words, I am proposing to increase the duty 0.6 of 1 per cent above the House rate.

This amendment to the pending amendment ought to be adopted. If the Oddie rate shall be adopted in place thereof it will be about 66 per cent higher than what I am proposing. As I have stated, I am now proposing a rate higher by 0.6 of 1 per cent than that fixed by the House, and the amendment to the amendment ought to be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. ODDIE. Mr. President, I hope that the amendment of the Senator from Nebraska to my amendment will not prevail. The Senate on Saturday voted down an amendment to my amendment proposing to reduce the 10 per cent rate to 5.4 per cent.

I am looking to the welfare of the American leather industry, which affords the market for the hides from American cattle. We can not consistently reduce the rate.

It has been shown here time and again in this debate that the American cattle industry is in a deplorable condition; that the American leather industry is in a very depressed state, and that the labor connected with that industry is also in a bad shape. Help is needed. We, as Senators, are bound to protect American labor; that has been our keynote. I therefore ask, Mr. President, that the amendment to the amendment be not agreed to, because the Senate has previously declared itself on the question. Much depends on sustaining the 10 per cent rate, and I hope the amendment to the amendment will be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Nevada.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SIMMONS (when his name was called). I transfer my pair heretofore announced with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. SMITH] to the Senator from Missouri [Mr. PATTERSON] and vote "nay."

The roll call was concluded.

Mr. SULLIVAN. I have a pair with the junior Senator from Tennessee [Mr. BROCK]. If permitted to vote, I should vote "nay."

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 39, nays 32, as follows:

YEAS—39

Allen	Dill	McKellar	Simmons
Black	Fletcher	Moses	Steck
Blaine	Frazier	Norbeck	Stephens
Blease	George	Norris	Swanson
Borah	Glass	Nye	Thomas, Okla.
Bratton	Harris	Overman	Trammell
Brookhart	Harrison	Robinson, Ind.	Tydings
Capper	Heflin	Robsion, Ky.	Walsh, Mont.
Connally	Howell	Schall	Wheeler
Cutting	La Follette	Sheppard	

NAYS—32

Baird	Grundy	Kean	Shortridge
Bingham	Hale	Kendrick	Smoot
Broussard	Hastings	Keyes	Steiwer
Couzens	Hatfield	McCulloch	Thomas, Idaho
Fess	Hawes	McNary	Vandenberg
Goff	Hayden	Metcalf	Wagner
Goldsborough	Johnson	Oddie	Waterman
Greene	Jones	Phipps	Watson

NOT VOTING—25

Ashurst	Gillett	Pine	Sullivan
Barkley	Glenn	Pittman	Townsend
Brock	Gould	Ransdell	Walcott
Caraway	Hebert	Reed	Walsh, Mass.
Copeland	King	Robinson, Ark.	
Dale	McMaster	Shipstead	
Deneen	Patterson	Smith	

So the amendment of Mr. HOWELL to the amendment of Mr. ODDIE was agreed to.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment proposed by the Senator from Nevada [Mr. ODDIE], as amended, to the amendment made as in Committee of the Whole.

Mr. BRATTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ODDIE's amendment, as amended, is as follows:

On page 224, strike out all after line 20 down through and including line 16, on page 228, and insert the following:

"PAR. 1530. (a) Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or salted or pickled, 4 cents per pound; if dried (including dry salted), 8 cents per pound.

"(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

"(1) Sole, belting, or harness leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, belting, harness, or saddlery, 6 cents per pound and 6 per cent ad valorem;

"(2) leather welting, 6 cents per pound and 10 per cent ad valorem;

"(3) side upper leather (including grains and splits) and patent leather, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 5.2 cents per square foot and 4.8 per cent ad valorem;

"(4) leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 3.6 cents per square foot and 10 per cent ad valorem;

"(5) upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 4.6 cents per square foot and 16.3 per cent ad valorem;

"(6) all other, rough, partly finished, finished, or curried, not specially provided for, 6 cents per pound and 10 per cent ad valorem.

"(c) Goat, kid, and other leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 10 per cent ad valorem; rough-tanned or semitanned leather made from genuine reptile skins, 15 per cent ad valorem; vegetable-tanned rough leather made from goat and sheep skins (including those commercially known as India-tanned goat and sheep skins), vegetable rough-tanned pig and hog skins, and rough-tanned skivers, 10 per cent ad valorem. If cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, such articles shall be subject to the same rate of duty as the leather from which they are manufactured.

"(d) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 5.2 cents per square foot and 10 per cent ad valorem. Leather shall not be considered within the provisions of this subparagraph by reason of there being placed thereon the trade-mark, the trade name, the name and address of the manufacturer, and the name of the country of origin.

"(e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, as follows: Other than footwear of the McKay type of manufacture for women and other than footwear for children, 14 cents per pair; footwear of the McKay type of manufacture for women, 8 cents per pair and 20 per cent ad valorem; boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 6 cents per pair and 35 per cent ad valorem.

"(f) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 40 per cent ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 35 per cent ad valorem; saddles and harness, not specially provided for, parts thereof, except metal parts, and leather shoe laces, finished or unfinished, 20 per cent ad valorem."

The Chief Clerk proceeded to call the roll.

Mr. HAYDEN (when Mr. ASHURST's name was called). My colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent. He is paired with the senior Senator from Illinois [Mr. DENEEN]. If my colleague were present, he would vote "yea," and if the Senator from Illinois were present he would vote "nay."

Mr. GLENN (when his name was called). I have a special pair for the day with the junior Senator from Arkansas [Mr. CARAWAY]. I am informed that our views on the pending question are in accord, and I am therefore free to vote. I vote "nay."

Mr. OVERMAN (when his name was called). I am informed that my general pair, the Senator from Illinois [Mr. DENEEN], would vote as I expect to vote on this question. Therefore I am released from my pair and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair heretofore announced to the senior Senator from Kentucky Mr. [BARKLEY] and will vote. I vote "nay."

Mr. SULLIVAN (when his name was called). I renew my statement made on previous roll calls and withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oklahoma [Mr. PINE] and will vote. I vote "yea."

The roll call was concluded.

Mr. BLACK. On this question I have a pair with the senior Senator from New York [Mr. COPELAND], which I transfer to the junior Senator from Arkansas [Mr. CARAWAY], and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

The result was announced—yeas 37, nays 42, as follows:

YEAS—37

Allen	Goff	McCulloch	Shortridge
Baird	Goldsborough	McNary	Steiwer
Borah	Grundy	Norbeck	Thomas, Idaho
Bratton	Hastings	Oddie	Townsend
Brookhart	Hatfield	Patterson	Walcott
Broussard	Hayden	Phipps	Waterman
Capper	Howell	Pittman	Watson
Cutting	Jones	Ransdell	
Fess	Kean	Robinson, Ind.	
Frazier	Kendrick	Sheppard	

NAYS—42

Bingham	Greene	Metcalf	Swanson
Black	Hale	Moses	Thomas, Okla.
Blaine	Harris	Norris	Trammell
Blease	Harrison	Nye	Tydings
Connally	Hawes	Overman	Vandenberg
Couzens	Hebert	Robsion, Ky.	Wagner
Dill	Heflin	Schall	Walsh, Mass.
Fletcher	Johnson	Simmons	Walsh, Mont.
George	Keyes	Smoot	Wheeler
Glass	La Follette	Steck	
Glenn	McKellar	Stephens	

NOT VOTING—17

Ashurst	Dale	McMaster	Smith
Barkley	Deneen	Pine	Sullivan
Brock	Gillett	Reed	
Caraway	Gould	Robinson, Ark.	
Copeland	King	Shipstead	

So Mr. ODDIE's amendment, as amended, to the amendment made as in Committee of the Whole was rejected.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. WALSH of Massachusetts. I move to amend the amendment by inserting on page 228, after line 16, in lieu of the matter inserted as in Committee of the Whole, the matter which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. On page 228, after line 16, in lieu of the matter inserted as in Committee of the Whole, it is proposed to insert:

PAR. 1530. (a) Leather (except leather provided for in subparagraph (c) of this paragraph), made from hides or skins of cattle of the bovine species:

(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting, 5 per cent ad valorem;

(2) leather welting, 5 per cent ad valorem;

(3) side upper leather (including grains and splits), patent leather, and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing, whether or not grained, boarded, or embossed, 8 per cent ad valorem;

(4) upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 9 per cent ad valorem;

(5) all other, rough, partly finished, finished, or curried, not specially provided for, 8 per cent ad valorem.

(b) Goat, kid, and other leather (except leather provided for in subparagraph (c) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 8 per cent ad valorem; rough-tanned or semi-tanned leather made from genuine reptile skins, 5 per cent ad valorem; vegetable-tanned rough leather made from goat and sheep skins (including those commercially known as India-tanned goat and sheep skins), vegetable rough-tanned pig and hog skins, and rough-tanned skivers, 4 per cent ad valorem. If cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, such articles shall be subject to the same rate of duty as the leather from which they are manufactured.

(c) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 12½ per cent ad valorem. Leather shall not be considered within the provisions of this subparagraph by reason of there being placed thereon the trade-mark, the trade name, the name and address of the manufacturer, and the name of the country of origin.

(d) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, if women's or misses', 12½ per cent ad valorem; if men's, boys', or children's, 8 per cent ad valorem; boots, shoes, or other foot-

wear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 35 per cent ad valorem.

(e) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per cent ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 35 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts to the amendment made as in Committee of the Whole.

Mr. WALSH of Massachusetts. Mr. President, although the amendment I have offered seems to be a long and complicated one, it can be explained very simply and briefly. It is an amendment that will enable Senators who desire to extend some slight degree of protection to the leather industry and to the women's shoe industry an opportunity to do so.

The amendment contains no provision for a duty upon hides. It does give the minimum protection to the tanning industry and to the women's shoe industry at the least possible burden to the consumer.

Many people feel that a duty upon hides would not be of benefit to the farmer, especially that small degree of protection which would not greatly affect the price of shoes.

The Senator from Wisconsin expressed very admirably the other night the views of a great many people with respect to the duty upon hides. He said it was buncombe for the farmer; that no duty would be effective in increasing the price of cattle to the farmer, and a substantial duty would result in benefiting the packers at the expense of the tanner and shoe manufacturer by increasing the price of his raw material, and also result in increasing the price of shoes to the consumer, including the farmer, beyond all reason and justification.

The amendment I offer proceeds upon the theory that although the hide industry has failed to get a duty such as it demanded upon hides, the Senate should listen to a proposition of giving a minimum duty to the tanning industry and to that part of the shoe industry which makes women's shoes.

I am not going to spend much time in repeating what has been explained before—the deplorable condition due to imports of the tanning industry, particularly the calf tanners. Of the consumption in this country of calf leather, 50 per cent, approximately, is being imported. If that industry stood alone, no one who believes in protection would seriously question for a second the need of protection. There is no other industry of all the industries of this country where the increase in importations has grown so rapidly as in this particular branch and whose financial depression and unemployment has been so striking. It is to help that branch of the tanning industry, and also to help the women's shoes branch of the boot and shoe industry that is suffering from rapidly increasing imports, that I am offering the amendment.

Very briefly, the rates provided in my amendment are as follows:

Leather I have classified in six groups, as follows:

(1) Sole, belting, and leather welting.

(2) Side upper, patent leather, calf and kip leather.

(3) Upholstery, collar, bag, case, glove, garment, and strap leather.

(4) All other leather not specially provided for.

(5) Goat, kid, and leather made from hides or skins of all animals, including fish, reptiles, and so forth, but not cattle of the bovine species.

(6) Leather of all kinds ornamented or decorated fancy leather.

In the case of boots and shoes I have divided them into three classifications: (1) Women's shoes; (2) men's and children's shoes; and (3) shoes the uppers of which are composed of materials other than leather. Before saying anything about the rates of duty I have placed on shoes I wish to discuss the duties my amendment imposes on leather.

LEATHERS

Since under this amendment raw hides and skins will be admitted free of duty, it is my purpose to place such low duties on leather as would meet with no objection from those who desire to maintain a low cost of leather products to the ultimate consumer and still are willing to give some admittedly needed protection to the depressed tanning industry.

I have, therefore, divided leather into six classifications, and have suggested such duties as I believe from my own personal investigations, after conferences with experts of the Tariff Commission, representatives of the various tanning interests, and manufacturers using these several types of leather, will be acceptable to the industry; although the rates, I am sure, are much lower than a proper differential between the labor costs in this country and Europe.

SOLE, BELTING, AND LEATHER WELTING

These leathers, known as heavy leather, comprise the foundation of shoes, as they are used in making the outer and inner soles of both men's and women's shoes. They are also used for belting in industry, as well as in the manufacture of other commodities where heavy leathers are required.

On these leathers I have determined upon the rate of 5 per cent ad valorem as contrasted with the rate of 12½ per cent ad valorem fixed in the House bill, 15 per cent ad valorem in the Senate Finance Committee amendment, both the House bill and the Senate Finance Committee fixing a rate of 10 per cent on hides and skins. The compound rate of 6 cents per pound and 10 per cent ad valorem, equivalent to 26.67 per cent ad valorem, was suggested in the Oddie amendment.

It is to be noted that my amendment proposes a rate of duty less than one-fifth the combined compensatory and protective duty provided for in the Oddie amendment and less than one-half the protective rate alone in the Oddie amendment.

SIDE UPPER, PATENT LEATHER, CALF AND KIP LEATHER

These leathers are used in the uppers of men's and women's shoes.

I have provided a rate of 8 per cent ad valorem as compared with a rate of 15 per cent ad valorem in the House bill, 17½ per cent ad valorem in the Senate Finance Committee proposal, and the compound rate of 5.2 cents per square foot and 10 per cent ad valorem on side, upper, and patent, and 3.6 per square foot plus 10 per cent on calf and kip leather provided for in the Oddie amendment, which is equivalent to from 20 to 40 per cent ad valorem.

It is evident that the rate provided in my amendment is less than one-half the rate provided for in the House bill, substantially less than one-half the rate provided for in the Senate Finance Committee, less than one-third the rate suggested in the Oddie amendment.

In justification of the 3 per cent higher rate given to this group of the tanning industry than that suggested for the sole and heavy leather, it is my conclusion that the tanners in greatest distress are represented in this group; and while I realize that 8 per cent does not offer them the assistance to which I believe they are justly entitled, nevertheless, in order to carry out the proper comparative rates throughout my amendment and to place all the branches of the leather industry on a tariff parity, I have suggested this rate of 8 per cent ad valorem.

UPHOLSTERY, COLLAR, BAG, CASE, GLOVE, GARMENT, AND STRAP LEATHER

Upholstery, bag, case, glove, and strap leather are on the dutiable list at 20 per cent ad valorem under the act of 1922, while similar leather used for shoes has been on the free list. The House bill and the Senate Finance Committee amendment retained the present rate of 20 per cent ad valorem on these leathers and also included collar and garment leathers, while the Oddie amendment provided a specific compensatory duty of 4.6 cents per square foot plus a protective duty of 20 per cent ad valorem.

Why should these leathers, not used for shoe purposes, be dutiable at 20 per cent ad valorem under the act of 1922 when all leathers used in the manufacturing of shoes are placed on the free list? And, furthermore, why should the House, Senate Finance Committee, and Oddie amendment retain the high rate of 1922 on these leathers when that rate is greatly in excess of the rates provided on similar leather to be used in the manufacture of shoes? What subtle or sound justification can there possibly be for this discrimination against tanners preparing leather for shoe manufacture?

Is it because of the fact that shoes are on the free list and so discriminated against in the tariff bill of 1922 that even the leather going into the manufacture of shoes must remain on the free list, while similar leather, used for the manufacture of articles other than shoes, is given a protective rate?

In my amendment I have eliminated this discrimination. I have placed these leathers more nearly on a tariff parity with leathers used in the manufacture of shoes. I have proposed a rate of 9 per cent ad valorem, which is less than half the present rate applying to most of the leathers in this classification.

ALL OTHER LEATHER NOT SPECIALLY PROVIDED FOR

Under the House bill these leathers carried a duty of 15 per cent ad valorem, and the Senate Finance Committee agreed with this rate. In the Oddie amendment a specific duty of 6 cents per pound plus 10 per cent ad valorem was given.

I propose a duty of 8 per cent ad valorem, which is, as in all the other classifications, lower than either the House bill, Senate Finance Committee amendment, or the Oddie amendment.

GOAT AND KID LEATHER—LEATHER MADE FROM HIDES AND SKINS OF ANIMALS INCLUDING REPTILES, ETC., BUT NOT CATTLE OF THE BOVINE SPECIES

In the House bill leathers of this character were made dutiable at 25 per cent ad valorem; but if used for shoes, 10 per cent ad valorem. The Senate Finance Committee inserted entirely new phraseology for this subparagraph, and placed a duty of 17½ per cent ad valorem whether or not used for shoe purposes, and a duty of 15 per cent ad valorem on rough tanned or semitanned reptile skins, and 10 per cent ad valorem on vegetable tanned rough leather made from goat or kid or sheep skins, pig or hog skins. The Oddie amendment inserted the language and rates of the Senate Finance Committee.

I desire to call especial attention to the fact that under the act of 1922 sheep and goat leather are dutiable at 20 per cent ad valorem if not used for shoes; if used for shoes, they were admitted free of duty. This is another indication of the unfair discrimination in favor of leather not used in shoes due, apparently to the inconsistency of shoes being on the free list in a country protecting nearly every other significant industry. In fact, this is another instance of leather used for shoes remaining on the free list, while the same type of leather used for other purposes is dutiable. It is indicative of the ramifications and subterfuges involved in placing duties upon leather not used for shoes, in the act of 1922 by reason of the injustice of placing shoes on the free list.

In my amendment I have abolished this uncalled-for discrimination and placed all leather of this type on the same tariff basis regardless of its use. I have given goat, kid, and other leathers, including reptile, and so forth, a duty of 8 per cent ad valorem; rough tanned and semitanned leather, 5 per cent ad valorem; and vegetable-tanned rough leather from goat and sheep skins, vegetable rough tanned pig and hog skins, and rough-tanned skivers, 4 per cent ad valorem. All of these rates are from one-third to one-half the rates in the Senate Finance Committee and Oddie amendments.

LEATHERS OF ALL KINDS, ORNAMENTED OR DECORATED

In the House bill a rate of 30 per cent ad valorem was placed on leathers of this kind. The Senate Finance Committee reduced the House rate to 20 per cent ad valorem, while in the Oddie amendment a specific rate of 5.2 cents per square foot plus an additional 10 per cent ad valorem was provided.

Leather of this character, if seal, sheep, goat, or calf leather, and not used for shoes, was dutiable under the act of 1922 at 20 per cent ad valorem, but came in free of duty if used for shoes—another example of the machinations necessary to evade the issue of the injustice of putting leather used for shoes and shoes on the nondutiable list.

In my amendment I have reduced the rate on these fancy leathers to 12½ per cent ad valorem, which is a higher rate, however, than the rates on other leathers; but in view of the degree of skill and art required in the production of some of these leathers I considered it to be just and fair.

BOOTS AND SHOES

In the House bill boots and shoes wholly or in chief value of leather were made dutiable at 20 per cent ad valorem and were retained at this rate by the Senate Finance Committee. In the Oddie amendment a specific rate of 14 cents per pair plus an additonal rate of 10 per cent ad valorem was suggested for shoes of leather. In all three proposals, as well as in my amendment, shoes made of materials other than leather are left as in the 1922 act, dutiable at 35 per cent ad valorem.

Previously to my amendment now offered, no one has distinguished between men's and women's shoes. No differentiation was made between these two different branches of the shoe industry in either the House bill, the Senate Finance Committee, or the Oddie amendment.

I take it that there is a decided sentiment favoring the proper protection of the women's shoe industry in this country, especially in view of the notable fact that the imports of women's shoes have increased from 1923 to 1928 more than 1,653 per cent and the importations during 1929 were more than 100 per cent greater than the importations during 1928.

I have therefore suggested in my amendment a duty of 12½ per cent ad valorem on women's and misses' shoes. I want every Senator to note that the duty I am proposing on women's shoes is less than the duties provided for all shoes made of leather in the House bill and in the Senate Finance Committee amendment.

As I have previously stated, it is only a matter of a short time before the men's shoe industry will face the same conditions that the women's shoe industry is confronted with; but in order that my amendment may meet only the immediate actual conditions, I have placed a duty of 8 per cent ad valorem on men's, boys', and children's shoes. This rate of 8 per cent ad valorem is the approximate compensatory duty for the duties on leathers contained in my amendment, and is tantamount to retaining men's, boys', and children's shoes on the free list.

In arriving at this conclusion it will be noted that the duties I have suggested on leather vary from 5 per cent ad valorem on sole and belting leather to 12½ per cent on ornamented or decorated fancy leather. The average rate, not taking into consideration the volume, would be about 8¼ per cent. It will also be noted that the side upper, calf, kip, and kid leathers, which together form the bulk of the upper leathers used in the shoe industry are dutiable in my amendment at 8 per cent ad valorem.

Mr. JONES. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Gladly.

Mr. JONES. I think the Senator has probably covered the point, but in connection with the other phases of the matter, I would like to have him point out precisely the difference between his amendment and the provision now in the bill.

Mr. WALSH of Massachusetts. I will be very glad to do that. The House, first of all, fixed a duty on hides of 10 per cent and upon shoes of 20 per cent. I omitted the duty on hides, because a duty as low as 10 per cent is objectionable to the hide interests. I would have included a duty on hides of 10 per cent in my amendment, except that the Senators from the cattle States would have voted against it, as they did against my previous amendment for that duty on hides.

The case of the tanners and the shoe men should not fall because of the failure to give protection to that which has been described as the wrapper of the animal, which is of little value to the farmer in proportion to the whole animal, but is of great importance because of it being the principal raw material to the tanner and to the shoe manufacturer. Therefore I remove entirely from the House bill the provision relating to cattle, and reduce the protection, eliminating, of course, the compensatory duties entirely and cutting in two the protective duties on leather and the protective duties on shoes. In other words, on women's shoes my amendment fixes a duty of 7½ per cent, while in the House this duty was fixed at 20 per cent. On men's shoes the House levied a duty of 20 per cent, and in my amendment there is no duty, except the compensatory duty of 7½ per cent.

Mr. JONES. I ought to know this, but I have not had an opportunity to follow everything that has been done in the Senate and in Committee of the Whole. Did the Senate as in Committee of the Whole change the House provision? And if so, I would like to have the Senator point out the provisions of his amendment as compared with those adopted in the Senate.

Mr. WALSH of Massachusetts. The Senate made very few changes in the House provision. They retained the hide rate of 10 per cent. They retained the rate upon sole leather, so far as a compensatory duty was considered, but increased the protection from 5½ to 8 per cent, so that the sole-leather industry has a rate of 12½ per cent in the bill as it passed the House and a rate of 15 per cent in the Senate. The rate I propose is 5 per cent, the compensatory being removed.

On side upper and patent leather the House fixed a duty of 15 per cent, 10 per cent of which was compensatory and 5 per cent protective. The Senate Finance Committee rate is 17½ per cent, of which 10 per cent is compensatory and 7½ per cent protective, while the protective rate I propose in my amendment is 8 per cent on side, upper, and patent leather, which is the important leather manufactured by those particular tanners who are depressed, and which correspond to the large percentage of the imports coming into this country.

Mr. President, at this point I wish to emphasize some facts which I regard as very essential matters for our consideration. There are more than 1,300 shoe manufacturers actively competing for business in this country and no one manufacturer controls more than 15 per cent of the total production. There are, therefore, no monopolies or combinations that can profit from any protective or compensatory duties on shoes. There are more than 250,000 people employed in the shoe industry alone, without regard to the shoe-leather tanning industry; the total amount of shoes manufactured in the United States exceeds in value a billion dollars annually.

While it is true that there are some individual companies in certain branches of the shoe industry that are successful, it is also true that there are many concerns in other branches of the shoe industry struggling for their very existence against the rapidly increasing imports of shoes made by the cheap labor of Europe, exploited by shrewd management with the benefit of American machinery, American lasts, and American patterns. I refer just now to the manufacturers of women's shoes, but

again I remind you that in the near future the same conditions will apply to all branches of the shoe industry.

It is inconceivable that in a protectionist country the shoe industry should remain on the free list when it is in peril. There is no other outstanding industry employing such a large proportion of labor whose products remain on the free list. Are boots and shoes to continue on the free list along with insignificant processed commodities and articles not made in this country, such as palm-leaf fans, trawling nets, needles, and so forth?

It would be discrimination without excuse against the shoe and boot industry, a billion-dollar industry, employing a quarter of a million people, operating under high-class labor conditions, with employees enjoying standards of living higher than in any other country in the world, to allow its products to remain on the free list.

In addition to protecting our shoe and leather industries in the American market—safeguarding our labor and standards of living—my amendment, if enacted into law, would maintain our shoe and leather industries in the markets of the world, give additional employment to American labor, and carry out the pledges of both political parties, without increasing the cost of living or encouraging the use of substitutes for leather made from cattle hides.

Mr. President, I would like to put in the RECORD some tables and some memoranda I have in reference to this matter.

I simply ask the Senate now to go on record and take its position and let the shoe manufacturers of the country and the tanners of the country know what the Senate is willing to do for them, it not being able to agree upon a duty upon hides satisfactory both to the hide group and to those who represent those industries and the consumers.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BRIEF BY SENATOR WALSH OF MASSACHUSETTS IN OPPOSITION TO DUTY ON HIDES

I

Thirty per cent cattle hides imported.

Forty per cent calfskins imported.

Number cattle decreasing in proportion to population—0.58 per person in 1921, 0.28 per person in 1928.

Probably inevitable as country becomes more thickly settled.

In spite 2-cent duty on cattle and 3 cents on beef.

II

Duty on raw hides and calfskins would increase cost of shoes, since so large a percentage is imported. The mere claim in favor of a duty is because the farmer believes he will get the benefit of the duty, which is the basis of his demands.

Six cents per pound specific duty on sole leather, plus 10 per cent. Five and two-tenths cents per pound specific on side upper leather, plus 10 per cent ad valorem. Three and six-tenths cents plus 10 per cent on calf, definitely increases the cost of leather shoe from 25 to 35 cents per pair on the average to the manufacturer, and on working types of high-cut shoes from 50 to 60 cents. Adding retailing and wholesalers, increasing overhead, the price can not fail to average 50 cents per pair higher on account of the duty.

An increase in cost in raw materials, such as hides, due to the costs of the processes involved, is pyramided in the products manufactured from such raw materials.

III

A duty costs the consumer less which does not go through so many conversion processes, such as the beef, milk, or butter, which are consumed in their original form.

So, if the farmer really needs an increased revenue, it would be infinitely cheaper to the public and the farmer would be more assured of getting the additional revenue than through the indirect process of taxing hides, as he sells the animal on the hoof for its beef value not for its hide value; since the hide is only the wrapper of the package and represents only 6 per cent of its value.

IV

The result of a duty on hides will be felt by the American manufacturer in comparison with the foreign competitor in his basic costs. Hides and skins, whatever the market may be here, whether it is stabilized or not, the foreign manufacturer will purchase his raw materials at approximately 22 per cent less than the American manufacturer; as the raw materials are sold daily on an auction basis in the markets of the world.

In other words, the foreign manufacturers' shoes will cost for material alone 35 cents a pair less than the American manufacturer; and in labor from 50 to 75 cents per pair.

Because of the foreign manufacturers' lower labor costs, the American manufacturer is handicapped to the extent of from 50 to 75 cents per pair already; and it is now proposed to handicap him because of this duty, in the world's markets an additional 35 cents per pair. What can our future be as exporters of merchandise?

This paralyzing process has already begun; and from 1923 to 1928 our exports of shoes declined 41 per cent, while our imports of shoes increased more than 600 per cent; and is increasing at the rate of over 100 per cent each year.

No foreign country producing shoes has any duties on raw material, although all foreign countries except England have high protective duties against our manufactured leather products.

V

The manufacturing cost alone would be increased on the basis of 30 cents per pair, or a total of $105,000,000 on shoes alone.

The cost of this import duty to the public on the 350,000,000 pairs of shoes at the average cost of 50 cents per pair would total $175,000,000.

Articles of leather, other than shoes, such as harness, saddlery, bags, etc., are valued at $200,000,000. Twenty-two per cent of this amount is $44,000,000, which added to the increased cost of shoes totals more than $200,000,000 to consumers above the world's price levels.

VI

What does this mean to the farmer?

Approximately one-fourth of our people are engaged in agriculture. Therefore, if our total bill to the consumer is $200,000,000, the farmers would pay from forty to fifty million dollars increased cost. To what extent does he benefit?

In 1927, 14,000,000 cattle were slaughtered. Four cents a pound duty would give the farmer $2 extra for each head of cattle; a total of $28,000,000, assuming that the farmer receives it all, which is extremely doubtful.

Nine million calves were slaughtered in 1927. The skins average 12 pounds; 4 cents per pound would be 48 cents. Again assuming that he would receive it all, the income to the farmers would be $4,320,000.

This amount added to the income of $28,000,000 from the duty on cattle hides totals $32,320,000.

The maximum possible revenue to the farmers is, therefore, $32,320,000, while the cost to the farmers is $40,000,000 to $50,000,000. If this is sound reasoning or sound economics, I should like to have it demonstrated to me. My opinion is it is the beginning of the end.

Now, in addition, 60 per cent of the cattle are sold yearly to the meat packers. Will they pass on the duty to the farmers? The animal is bought regardless of the condition of the hide. The majority of the rest of the hides sold pass through several different hands before they reach the tannery. So again whatever increase there may be, the amount must be split up between the several hands through which the hide passes.

BRIEF BY SENATOR WALSH OF MASSACHUSETTS UPON COMPENSATORY DUTY ON SHOES IN THE ODDIE AMENDMENT

The Oddie amendment fails to give the necessary compensatory rates on shoes. Its proposed duties on hides and leather result in an increase in the cost of the manufacture of shoes which actually exceeds the supposed compensatory and protective duties on shoes.

The necessary compensatory rates, if the Oddie amendment of 4 cents per pound on green hides and the resultant compensatory and protective duties on all kinds of leather goes into effect, on women's shoes made of all leather would be 30 cents per pair on the average and a duty of 37 cents a pair on men's shoes. For each 1 cent of duty on hides there is an additional expense to the shoe manufacturer of 6 cents per pair on men's shoes and 5 cents a pair on women's shoes. For each 1 per cent of protective duty on the various leathers consumed in the manufacturing of shoes there is an increased manufacturing cost of approximately 1 cent per pair. Proper compensatory duty should, therefore, be figured for both the duties on hides and leather amounting to 30 cents per pair on women's and 35 cents per pair on men's shoes.

The claim has been made that a duty on hides will be wholly or partly "absorbed" so that it will not affect the price of leather. No attempt has been made to demonstrate mathematically the truth of this assertion, and I do not believe it can be demonstrated. The American tanner buying hides abroad must buy in the world market in competition with tanners of other nations and must pay the price established by world conditions. He then imports his purchases at an expense for transportation and pays the proposed American duty, if one is imposed. He is out of pocket just these items, cost, transportation, and duty. Unless he can save the amount of the duty in his manufacturing costs he must sell his leather at a price which will net him the sum of these items. With all their efforts toward economical operation most tanners to-day are already losing money, so it hardly seems that they can "absorb" an additional item of cost.

BRIEF BY SENATOR WALSH OF MASSACHUSETTS UPON ELEMENTS IN THE COST OF A PAIR OF SHOES

According to statistics, the merchandise in a pair of shoes would average approximately 50 per cent. Of the total cost, labor probably represents 30 per cent, the rest going for manufacturing expenses, royalties, upkeep, overhead, and profits.

What part of this 50 per cent of the cost of merchandise is represented by the cost of hides?

In the shoe there is upper and sole leather. Of the upper leather, 60 per cent of its cost is represented by the cost of the hide or of the skin. In the sole leather, 35 per cent is represented by the cost of the hide. On the shoe as a whole it would be between 40 per cent and 50 per cent.

The merchandise, as I have said, represents about 50 per cent; the hide represents half of this, or 25 per cent of the whole. The total income to the farmer from the duty, assuming he would receive the entire benefit from the duty, would be $30,000,000, and there being twenty to twenty-five million farmers in the country, this would not amount to much over $1 a year increased income to the average farmer.

The total cost to the ultimate consumer would exceed $140,000,000, not including the increased cost in saddlery, harness, trunks, bags. The farmer would be paying alone $30,000,000 increase on his own products and the balance of the population who are not interested would be paying $110,000,000.

ARE SHOES REALLY HIGH?

A very careful survey develops the astounding fact that at least 85 per cent of all the men's and women's shoes in the United States retail for $6 and less. The statement attached, compiled from Department of Commerce census figures for 1927 on boots and shoes, would indicate that the average would be under $5, figuring that the retailers' mark up was 50 per cent. But even if it were necessary for 100 per cent mark up, 85 per cent of the American consumers would still buy their shoes at $6 and less. It is very easy to see from the figures presented here how unfair and misleading were the statements made on the floor of the Senate (McKELLAR) that shoes retail from $14 to $16.

Shoes selling from $6 and down are made by mass production and in most cases are made of good leather and will give sturdy wear and satisfaction, as purchasers of the lower price shoes expect and demand more wear than those who can afford to buy luxury shoes.

When you consider that not over 15 per cent of all the shoes in the United States retail at $6.50 and up per pair and that the ones that do are shoes that represent highly advertised or specialized style shoes and are sold to people that can afford to pay for the very best workmanship and style. The best brains, thought, labor, and artists in this country develop these luxury shoes, and considering how specialized they are, the prices charged for them are most reasonable.

The attached statement shows an investigation made of some of the larger shoe manufacturers, giving their prices.

Importation of women's shoes

	1928	1929
January	126,471	372,029
February	206,874	442,672
March	269,432	587,683
April	266,936	600,647
May	208,534	514,421
June	117,098	316,709
July	80,278	230,937
August	70,532	333,736
September	107,036	460,807
October	169,160	429,097
November	168,386	627,989
December	228,538	597,622
Total	2,019,275	5,514,499

During the last three months for which United States Department of Commerce figures are available (November, December, and January) the imports of women's shoes amounted to 7⅝ per cent of the production of women's shoes of all kinds in the United States for the same period.

The figures are as follows:

Women's shoes

	Production	Importation
November, 1929	8,284,100	627,989
December, 1929	7,129,699	597,622
January, 1930	9,667,277	623,776
Total	25,081,076	1,849,387

Equals 7⅜ per cent.

BOSTON, MASS., *March 11, 1930.*

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR MR. WALSH: I am taking the liberty of writing you a few lines concerning the serious situation that the United States shoe industry is suffering from, especially in New England.

There have been several million pairs of shoes shipped to New York City from foreign countries, chiefly from Czechoslovakia. This is a very grave matter, as we know there are foreign shoe manufacturers exporting their product to the United States which is delivered in New York City for $3.95 a pair, and the same shoe is made in the United States, especially in Essex and Suffolk Counties, for $5 a pair.

Allow me to call to your attention that the Czechoslovakian manufacturers of women's shoes exported millions of pairs to the United States in the past year, and their labor is estimated at only about 32 cents a pair. As I have stated in the brief to the various representatives in Washington, the average labor cost on the Lynn, Haverhill, and Boston made shoe is about $1 a pair.

Do you wonder that the Massachusetts and New England manufacturers of women's shoes and their employees call for a protective tariff on shoes?

The actual labor cost in Czechoslovakia is about $1.20 less than the labor cost in Massachusetts and New England. The Czechoslovakian and the general European manufacturers of women's shoes hit our American shoe manufacturers very hard because the former hire cheaper labor and use lower-priced material.

As long as Uncle Sam permits these shoes to be imported into our country duty free in such large quantities, the American shoe manufacturers will be forced to close down, as we can not compete with foreign competition for the reasons just stated.

It is also well for you to know that the importation of foreign-made shoes is increasing about three times every year. For instance, in 1928 about 3,000,000 pairs were imported into this country, in 1929 about 6,000,000, and from the beginning of 1930 about 1,000,000 have already been imported into the United States.

You can very well understand why the Massachusetts manufacturers of women's shoes anticipate that Europe will ship about 12,000,000 pairs of women's shoes duty free to the United States in the year of 1930.

As I am a manufacturer of shoe supplies and employ American labor to make these products which are sent to United States manufacturers, you can readily see where we will suffer as much as the shoe manufacturers themselves if the foreign-made shoes continue to be shipped to the United States duty free.

For the interest and benefit of all concerned, may I suggest that the duty be at least 25 to 30 per cent?

Any assistance you may offer to enforce this tariff will be highly appreciated by all the shoe industry manufacturers of Massachusetts and New England.

I take this opportunity to thank you for any consideration you may give this matter.

Yours respectfully,

CHARLES D. MALAGUTI,
Treasurer of the International Counter Co.

[From Shoe and Leather Reporter, February 6, 1930]

UNITED STATES IMPORTS OF LEATHER BOOTS AND SHOES ALMOST DOUBLED IN 1929

During 1929 the United States imported 6,182,641 pairs of leather boots and shoes (free), valued at $17,025,931, as compared with 1928 importations of 2,616,884 pairs, valued at $8,254,224. Imports of women's shoes increased from 2,019,275 to 5,514,447 pairs; men's and boys' from 394,819 to 419,807 pairs; and children's shoes from 202,790 to 248,387 pairs.

Czechoslovakia supplied 4,499,412 pairs, valued at $10,595,694, followed by United Kingdom, 382,442 pairs, valued at $2,152,292; Austria, 374,562 pairs, valued at $1,006,139; France, 333,142 pairs, valued at $1,341,218; and Switzerland, 295,144 pairs, valued at $1,069,466.

The largest quantity was imported during November—676,952 pairs, valued at $1,638,321. During December the United States imported 649,021 pairs, valued at $1,606,005, and of this quantity 597,622 pairs were for women.

The fluctuation by quarters is as follows: First quarter, 1,592,031 pairs of shoes were imported; second quarter, 1,556,078 pairs; third quarter, 1,221,537 pairs; and fourth quarter, 1,812,995 pairs. A similar increase in importations during the fourth quarter of the year was noted in 1928—754,968 pairs in first quarter, 730,663 pairs in second, 411,953 pairs in third, and 719,300 pairs in the fourth quarter.

Men's and boys' boots and shoes were imported principally from the United Kingdom. Out of importation of 419,807 pairs of men's and boys' boots and shoes, valued at $2,225,074, the United Kingdom supplied 291,645 pairs, value $1,802,720; Czechoslovakia, 54,962 pairs, value $154,271; and Canada, 50,242 pairs, value $168,823.

Czechoslovakia supplied about four-fifths of the women's shoes, or 4,397,866 pairs, valued at $10,383,818, out of the total importation of 5,514,447 pairs. Other important sources of supply were: Austria, 365,012 pairs, value $976,883; France, 312,769 pairs, value $1,278,447; Germany, 171,647 pairs, value $406,014; Switzerland, 162,755 pairs, value $745,316; and the United Kingdom, 54,795 pairs, value $318,574.

Children's shoes of Swiss origin were the most popular, as shown by the importation of 132,364 pairs, valued at $323,925.

In addition to boots and shoes the United States in 1929 imported 975,522 pairs of leather slippers (free), valued at $1,432,705, an increase of 53.9 per cent over the 1928 importation of 633,998 pairs.

Czechoslovakia, Germany, and the United Kingdom supplied respectively 595,181, 156,798, and 91,550 pairs of leather slippers in 1929, which as compared with 1928 represented an increase of 32 per cent in Czechoslovak slippers, two and one-half times more from Germany, and three and three-fifths times more from the United Kingdom.

Out of 1,199,990 pairs of dutiable footwear, valued at $314,289, imported in 1929, Japan supplied 969,370 pairs, valued at $142,660.

Leather boots and shoes imports for consumption, calendar year 1929

Class	Pairs	Value	Unit value
Men's and boys'	419,845	$2,224,797	$5.299
Women's and misses'	5,514,870	14,347,273	2.602
Children's	248,537	454,340	1.828
Slippers	975,166	1,432,901	1.469
Total	7,158,418	18,459,311	2.579

THE UNITED STATES LEATHER CO.,
New York, February 13, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: We are informed that Senator ODDIE has again proposed an amendment to the tariff bill, paragraph 1530, providing for a duty on hides, leather, and shoes.

The heavy-leather tanners, comprising 80 per cent or more of the sole and belting leather industry, held a meeting on February 4 and discussed this matter thoroughly. At that meeting a resolution was adopted, a copy of which is inclosed herewith. More than 70 per cent of the production of sole and belting leather in the United States is favorable to this action.

A tariff of 4 cents per pound specific duty, with compensatory and protective leather duties, will make the price of leather so high that leather will inevitably be displaced. In 1929 the hides from 1,250,000 cattle were displaced by the use of rubber soles in shoes. On a conservative estimate this would mean that 32,000,000 pounds of hides were eliminated by substitutes last year, while the imports of sole leather in the same period were only slightly more than 6,000,000 pounds.

Therefore substitutes for leather, the use of which will be greatly increased if a 4-cent duty is placed on hides, are five times as serious as the imports of sole leather.

In our opinion a specific duty such as is proposed on our raw material is utterly uneconomic from every standpoint, and we sincerely trust that you will oppose the Oddie amendment when it comes to a vote and that the bill will be sent to conference as it now stands—free hides, free leather, and free shoes.

Yours very truly,

JOHANN H. ZINN, *Secretary.*

RESOLUTION ADOPTED AT A MEETING OF THE HEAVY-LEATHER TANNERS AT THE MAYFLOWER HOTEL, WASHINGTON, D. C., FEBRUARY 4, 1930

"*Resolved*, That we are unalterably opposed to a duty of 3 cents or 4 cents per pound on green hides, even though a compensatory and a protective duty is placed on leather. Any such duty will increase the price on leather to such a degree that substitutes will inevitably displace leather."

We therefore request that the schedule (par. 1530), so far as it relates to the heavy-leather group, stand as passed by the Senate until the bill is placed in the hands of the conference committee.

The following corporations have subscribed to this action: The United States Leather Co., American Oak Leather Co., International Shoe Co., Endicott-Johnson Shoe Co., Lens & McVitty (Inc.), Graton & Knight Co., J. W. & A. P. Howard Co., Proctor-Ellison Co., Kistler Leather Co., Michigan Tanning & Extract Co., J. E. Rhoads & Sons, Cover & Co., the Deford Co., McAdoo & Allen, Moench Tanning Co., Pine Grove Tanning Co., Hans Rees's Sons (Inc.), Charles A. Schieren Co., Toxaway Tanning Co., Wagner Leather Co., and A. K. Salz.

CONDENSED STATEMENT OF FACTS PERTAINING TO THE SOLE AND BELTING LEATHER INDUSTRY OF THE UNITED STATES

First. The importance of the tanning industry was fully demonstrated in the late war. The present drastic curtailment in the production of sole, rough, and belting leather, if continued, is an actual menace to the needed preparedness for the country's national defense.

Second. In the past three years 39 per cent to 42 per cent of America's tanning capacity has been idle, despite the fact 70 to 80 tanneries have been abandoned entirely during the past 10 years, because they could not operate profitably.

Third. In the past five years sole leather exports have decreased 61 per cent below pre-war years. In the past six years these imports have increased 127 per cent above 1919 to 1922, inclusive.

Fourth. On rough leather the best statistics we can obtain show exports for the last five years averaging approximately 400,000 pounds, while imports for the same period average close to 10,000,000 pounds, a ratio of 25 to 1.

Fifth. Imports of rough and sole leather to-day represent approximately 10 per cent of domestic operations. This very substantial dumping of foreign-made leather has a most demoralizing influence on the price structure of our home market.

Sixth. Standard statistics show earnings on invested capital of 545 American corporations in 1926 were 10½ per cent, in 1927, 9 per cent. Against this, three leading American leather companies showed an average of only 2.52 per cent in 1926, and 1.10 per cent in 1927.

Seventh. National City Bank in November, 1929, monthly bulletin, states that out of 638 American corporations, leather is the only industry to show a deficit for the first nine months of 1929, as against an average profit of 20.3 per cent for all other industries.

Eighth. The Government's own agency, the Federal Reserve Bank of New York, in their September bulletin, show leather to be the only industry with a deficit, while all others have profits in 1929 over 1928. Surely the Government's own bank must be the last word in authority and in impartiality.

Ninth. Other countries have labor costs averaging 58 per cent less than United States, untaxed tanning materials, tariff against imports of American leather.

Tenth. Increased use of substitutes for leather has taken business away from tanners and will continue doing so. This very important fact acts as a brake to leather prices and keeps them within control at all times.

Eleventh. If America's tanning industry is allowed to continue without adequate return on invested capital, farmers and cattle raisers will eventually, of necessity, have no market for hides. No industry showing a deficit can long continue furnishing a market for the by-product of another industry.

SPRINGFIELD, OHIO, *February 21, 1930.*

DEAR SENATOR: You are fully aware of the enormous increase in the imports of leather into the United States during the past five or six years. This applies to the entire leather industry, including manufacturers of leather, such as shoes, gloves, bags, etc. We submit below figures of total imports and exports for years 1924 and 1929, which clearly portray conditions in this respect:

Total exports

	1924	1929	Decrease
			Per cent
Leather	$49,189,617	$42,946,939	12.7
Manufacturers	19,835,350	17,733,684	10.6
Total	68,024,967	60,680,623	12.1

Total imports

	1924	1929	Increase
			Per cent
Leather	$17,076,815	$44,559,116	160.9
Leather manufactures	12,178,175	41,563,220	241.2
Total	29,254,990	86,122,336	194.4

You will note that our exports have decreased and the imports have increased enormously. The tanning industry in the United States is slowly dying. It takes no wizard to point out the destiny of the American leather industry if it does not receive tariff protection the same as most basic industries are given.

I thought you would be interested in the above figures.

Respectfully submitted.

H. V. BRETNEY.

Leather, general imports, 1928 and 1929

Classification	1928 value	1929 value
Leather:		
Upper leather—		
Reptile leather		$307,542
Cattle, grains, and finished splits	$1,906,591	744,881
Calf and kip	9,227,832	12,847,783
Sheep and lamb, upper and lining	578,551	420,728
Goat and kid, including glazed kid	4,325,889	6,507,204
Lining leather, calf and kip only	4,696,724	3,754,957
Patent	2,473,883	1,263,263
Other upper leather	3,567,674	4,346,808
Sole leather	4,256,700	2,497,728
Glove leather	64,776	59,142
Seal, sheep, goat, and calf leather (other than shoe), dressed and finished, dutiable	572,439	590,394
Leather, cut into shoe parts	627,080	705,202
Rough tanned leather—		
Skins for morocco, tanned but unfinished	925,107	330,017
Rough tanned, n. s. p. f.	7,035,803	7,480,530
Harness leather	852,731	980,482
Other leather—		
Free	1,455,156	1,055,840
Dutiable	671,253	896,525
Total	43,237,589	44,559,116

BOSTON, MASS, *March 14, 1930.*

Senator DAVID I. WALSH:

Understand you are suggesting an amendment calling for free hides and skins with 5 per cent on sole leather and 8 per cent on upper leather. We are heartily in favor of this, and trust you will be successful.

KENYON HIDE CO.

BOSTON, MASS, *March 14, 1930.*

Senator DAVID I. WALSH,
United States Senate:

Greatly in favor of your amendment to leave hides and skins free and placing duty on shoes and leather.

GEORGE J. DUGGAN.

BOSTON, MASS, *March 14, 1930.*

Senator DAVID I. WALSH,
United States Senate:

Greatly approve your amendment keep hides and skins on free list and moderate duty on leather and shoes.

ANDRESEN STERN (INC.).

BOSTON, MASS, *March 14, 1930.*

Hon. DAVID I. WALSH,
United States Senate:

Consider your proposed amendment soundest solution leather-trade problem.

THEODORE GERLOFF.

BOSTON, MASS, *March 14, 1930.*

Senator DAVID I. WALSH,
United States Senate:

We strongly favor your amendment for free hides and small duties on leather and shoes.

SANDS & LECKIE.

BOSTON, *March 10, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH:

* * * * * * * *

If hides and skins are free, very small duties will help the leather and shoe industries. You recall with 10 per cent on hides, the leather manufacturers publicly expressed themselves as satisfied with 15 per cent on leather—that meant actual protection of only about 7½ per cent. Personally, I think no foreign competitor would have an advantage over efficient manufacturers of leather in this country if there were a protective duty of 5 per cent on leather, sole and upper. If there were 5 per cent on sole and 7½ per cent on upper, it would be sufficient for all real needs. Men's shoes at the moment need no profection, but if leather were protected, a small compensatory duty would, of course, have to be imposed; 8 per cent to 10 per cent would be enough, while women's shoes should certainly receive a reasonable protection; in all amounting, for compensation and protection, both, to perhaps 15 per cent.

Yours very truly,

CHAS. H. JONES.

BOSTON, MASS., *February 10, 1930.*

Hon. DAVID I. WALSH,
United States Senate:

We operate the largest tannery in this country devoted exclusively to the manufacture of sole leather. Duty of 4 cents pound on green-salted hides provided in Senator ODDIE'S amendment to section 1530 of tariff bill would just about ruin our industry. We request that tariff bill be allowed to go to conference committee unchanged; namely, free hides, free leather, and free shoes.

PROCTOR ELLISON CO.

BOSTON, MASS., *February 14, 1930.*

Hon. DAVID I. WALSH,
Care Senate Chamber, Washington, D. C.:

We wish to register our strongest approval of the Senate in placing hides, leather, and shoes on the free list. We make urgent, emphatic appeal that you support action of Senate to a finish, so that there may be no tariff tinkering of the hide, leather, and shoe schedule as it now stands. A duty on sole-leather hides will increase the shoe bill, the harness bill, and other leather products related to these hides millions of dollars, with no positive benefit to the farmers. It will increase the price of sole leather and invite the use of substitutes. It will kill our foreign trade and particularly and definitely place the independent tanners of the United States in a lamentable position to compete with the packer tanners of this country. Our business was founded 90 years ago and for 40 years we have stood uncompromisingly for free hides, free leather, free shoes.

KISTLER LEATHER CO.

A FEW FACTS ABOUT SHOE AND LEATHER IMPORTS THAT MEMBERS OF CONGRESS SHOULD KNOW

FOREIGN SHOE SALES HERE $12,170,610

Over 5,000,000 pairs of boots and shoes, slippers, and other leather footwear have been imported during the first eight months of this year. The value, placed at $12,170,610, gives some indication of the business taken from American shoe factories by foreign manufacturers. Imports for August, 1929, were 585,410 pairs against 235,211 pairs in August, 1928. For the first eight months of 1929, 5,194,563 pairs were imported compared with 2,738,275 in the 1928 corresponding period. Out of 339,736 pairs of women's shoes imported during August, 283,919 pairs, valued at $697,073, were manufactured in Czechoslovakia.

A PLAIN CASE

The effort being made by calf tanners to secure a tariff on leather finds its justification in the table of imports issued this week. During August 5,271,277 square feet of calf and kip were imported, against 2,557,986 feet in August, 1928. For the first eight months of the year, 26,013,438 square feet, valued at $8,507,976, were imported, against 19,259,584 square feet, valued at $6,613,812, in the corresponding 1928 period.—From Hide and Leather, Chicago, September 28, 1929.

NEW ENGLAND SHOE & LEATHER ASSOCIATION.
NEW ENGLAND SHOE WHOLESALERS' ASSOCIATION.
BOSTON BOOT & SHOE CLUB.

BOSTON, MASS., *October 7, 1929.*

HE LEARNED IN LYNN, AND NOW SEE WHAT MR. BATA, OF CZECHOSLOVAKIA, IS DOING TO LYNN'S SHOE INDUSTRY!

Great colored signs on Essex Street near Atlantic Avenue, tell the visiting shoe buyers that here is "headquarters for Czechoslovak shoes" or sandals.

They need no such signs in Lynn to tell shoe worker and shoe manufacturer of the menace to their happiness which has been thrown up in the region of the Blue Danube by a Czech who learned his trade in part at Lynn benches.

This foreign manufacturer, who made a large part of the 4,500,000 pairs of shoes which came to the United States last year, is Thomas Bata.

With a brother, now dead, and two other young Czechs, Bata came to Lynn a number of years ago and for more than a year was employed in one factory. His friends went to three others. On their way back home they were employed in like manner in shoe factories in England and Germany. Then they returned to Zilina and opened their first factory. * * * To-day they are many Bata factories. They have adopted the mass-production methods of the most modern American establishments. They make 35,000,000 pairs of shoes a year!

The Bata shops are said to be "strangling" the shoe industry of Lynn, for Bata makes women's shoes—good shoes, up to Lynn quality—that are sold at retail throughout the United States of America for from $2.50 to $3.95 the pair!

And how is this possible?

This has been made possible because there is no tariff—none whatever—on shoes.

So far as paying a nickel for the privilege of placing his shoes on the American market is concerned, Mr. Bata might be turning them out in Augusta, or Manchester, or Haverhill, or Lynn—where he learned the trade.

We can not believe it possible that the United States Senate, advised of this situation, will be deaf, dumb, and blind to the interest of those American homes whose well-being depends upon the well-being of the shoe industry.

SHOE INDUSTRY DOING BETTER THAN HAD BEEN EXPECTED; NEEDS GOOD NEWS FROM THE SENATE

While an occasional New England shoe factory is running at 90 per cent of capacity, the average is said to be more nearly 75 per cent. As the Easter festival draws nearer, continued improvement may be looked for.

According to figures of the Department of Commerce, shoe production in the United States in January totalled 26,147,049 pairs.

This figure compares with 22,475,482 pairs in December, last, and 27,245,482 pairs in January a year ago.

By States, the production in January was: New York, 5,676,003 pairs; Massachusetts, 5,259,680 pairs; Missouri, 4,403,958 pairs; New Hampshire, 1,592,166 pairs; Maine, 1,238,007 pairs.

December output in Massachusetts, 4,301,797 pairs; January, one year ago, 6,335,753 pairs.

These Government figures indicate that the industry did not find the opening of the new year as dull a season as was anticipated.

What the shoe trade needs more than anything else, at the moment, is a change of heart on the part of the Senate of the United States, which removed from the pending tariff bill the protection which had been accorded to shoes and leather by the House.

Boot and shoe importations from Czechoslovakia last year—free of duty—amounted to about 4,500,000 pairs, valued in excess of $10,500,000.

As was said in the memorial to Congress and the President which was adopted by the Massachusetts Legislature on January 30, the shoe and leather industries can not stand up in competition with European wages and European standards of living.

On this question there is in New England no division along political lines.

The vote of the legislature was unanimous. The resolutions were presented to the Senate by Senator GILLETT, on behalf of Senator WALSH and himself.

Ultimate action by the Senate will affect the well-being of thousands of New England homes.

Replacement of the duty will mean revival of the shoe industry.

BOSTON, MASS., *February 19, 1930.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: You are fully aware of the enormous increase in the imports of leather into the United States during the past five or six years. This applies to the entire leather industry, including manufactures of leather, such as shoes, gloves, bags, etc. We submit below figures of total imports and exports for years 1924 and 1929, which clearly portrays conditions in this respect:

Total exports

	1924	1929
Leather	$49,189,617	[1] $42,946,939
Manufactures	19,835,350	[2] 17,733,684
Total	68,024,967	[3] 60,680,623

[1] Decrease 12.7 per cent.
[2] Decrease 10.6 per cent.
[3] Decrease 12.1 per cent.

Total imports

	1924	1929
Leather	$17,076,815	[1] $44,559,116
Leather manufactures	12,178,175	[2] 41,563,220
Total	29,254,990	[3] 86,122,336

[1] Increase 160.9 per cent.
[2] Increase 241.2 per cent.
[3] Increase 194.4 per cent.

You will note that our exports have decreased, and the imports have increased enormously. The tanning industry in the United States is slowly dying. It takes no wizard to point out the destiny of the American leather industry if it does not receive tariff protection the same as most basic industries are given.

We thought you would be interested in the above figures.

Respectfully submitted.

HOWES BROS. CO.

UNITED LEATHER WORKERS INTERNATIONAL UNION OF AMERICA,
Lowell, Mass., February 27, 1930.

To the Members of the Congress of the United States:

Herewith is contained the petitions and resolutions of the officers and members of the United Leather Workers International Union of America for the levying of compensatory duties on importations of finished leather and shoes.

"Whereas for eight years, or since the enactment of the existent tariff law in 1922, the leather and shoe industry of the United States has steadily declined, caused in large part by a corresponding increase into our ports of entry of importations of all kinds of finished leather and shoes; and

"Whereas a constant and successive shutting down of leather and shoe factories with the consequent demobilizing and laying off of thousands of the trained and skilled workers of those dual trades, followed by the resultant and unavoidable train of distress, discontent, and great economic loss to all dependent on those industries for their livelihood, welfare, and happiness, as well as to the country at large: Therefore be it

"*Resolved*, That the Congress of the United States be apprised and notified of the deplorable and demoralized condition of the leather and shoe industry, and that the rehabilitation and protection of the industry demands that an adequate and compensatory duty should be levied on all imported finished leather and shoes in order that the domestic manufacturer and employer shall be delivered from the handicap of competing with European manufacturers and employers whose labor and other production costs are rated as being from 45 to 60 per cent lower than the average American schedules of comparable values. Adding to all this the far-reaching, urgent, and most important necessity of the resumption to steady employment of the large numbers of skilled leather and shoe workers under the high standards of working conditions and wages idealized by all loyal citizens of our country."

Respectfully submitted by

JOHN J. GRIFFIN, *Secretary.*

(For the National Executive Board, United Leather Workers of America.)

MAYOR'S OFFICE,
Salem, Mass., March 5, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Secretary Griffin requested that the inclosed resolution be forwarded to you.

With very sincere regards, I am, very truly yours,

GEORGE J. BATES, *Mayor.*

BOSTON, MASS., *March 13, 1930.*

Senator DAVID I. WALSH,
United States Senate:

As important producers of upper leather we heartily approve of your amendment to keep hides and skins on free list with appropriate duties on leather and shoes.

HELBURN & MORAN (INC.),
F. E. MORAN, *President.*

BOSTON, MASS., *March 13, 1930.*

Senator DAVID I. WALSH,
United States Senate Office Building, Washington, D. C.:

As large producers of upper leather, with headquarters in Boston, emphatically indorse your amendment of free hides and skins and duty on sole upper leather and men's and women's shoes.

NORTHWESTERN LEATHER CO. TRUST.

WOBURN, MASS., *March 13, 1930.*

Senator DAVID I. WALSH,
United States Senate:

We have been tanners of upper leather for many years at Woburn, Mass., and are in accord with your amendment to keep hides on free list with moderate protective duties on leather and shoes.

MURRAY LEATHER CO.

BOSTON, MASS., *March 13, 1930.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.:

As manufacturers of upper leather we are heartily in favor of your amendment keeping hides on the free list and a moderate duty on leather and shoes.

AVERY & LOWRY CO.

BOSTON, MASS., *March 13, 1930.*

DAVID I. WALSH,
United States Senate, Washington, D. C.:

Being upper-leather tanners, we strongly approve your amendment to retain hides and skins on free list with moderate duties on leather and shoes.

GILBERT TOLMAN, Jr.,
TOLMAN FOX CORPORATION.

BOSTON, MASS., *March 13, 1930.*

Hon. DAVID I. WALSH,
Senate Chamber, Washington, D. C.:

We heartily support the amendment which we understand you are going to offer leaving hides on the free list and putting moderate duties on leather and shoes.

THE AYER TANNING CO.

BOSTON, MASS., *March 14, 1930.*

Hon. DAVID I. WALSH,
Senator:

We heartily approve your amendment to retain hides and skins on free list with moderate duty on leather and shoes.

PHILIP BAUER.

BOSTON, MASS., *March 14, 1930.*

Hon. DAVID I. WALSH:

Heartily agree with your proposed amendment of free hides, moderate duty leather and shoes.

J. E. MCINTYRE.

BOSTON, MASS., *March 14, 1930.*

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.:

We are greatly in accord with your keeping hides and skins on free list and a moderate duty on leather and shoes.

W. L. MONTGOMERY & CO.,
10 High Street.

PHILADELPHIA, *February 14, 1930.*

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I returned to my office to-day from a fortnight's needed rest and find the copies of the CONGRESSIONAL RECORD which you had sent me. Thank you very much indeed for your courtesy and kindness.

Our company is sending you, and each of the Senators, a telegram protesting against the amendment affecting the hide-leather-shoe schedule which we are informed Senator ODDIE will present to the tariff bill on its second reading. This amendment, it is reported, will place duties of 4 cents per pound on wet salted hides, 6 cents per pound and 10 per cent ad valorem on sole leather, and 14 cents per pair and 10 per cent ad valorem on shoes of leather. These are the items with which I am familiar, as we are tanners of sole leather.

Our company is a "family affair," the business having been started by my grandfather in 1840, and our four tanneries have a capacity to-day of tanning 2,000 heavy hides daily. My own active experience in the management of the business began in 1896, and I have devoted all my time to it since then. I mention this that it may warrant your considerate opinion of my judgment concerning our own particular line of industry.

Frankly, it is my judgment the proposed amendment has one, and only one, real virtue—if it can be called that. A duty of 4 cents a pound on hides will bring about quickly what a less duty would take longer to effect; it would in a short time put every independent tanner out of business and in the same time create a packer-tanner monopoly. The packers now control the domestic hide production, and when given the hide-duty protection to be proposed they will plainly control the raw-material supply of the tanning industry of this country. I need not tell you the far-reaching effect that comes from control of any raw material, and you probably know the packers are already tanners of important volume.

A duty of 4 cents a pound on hides is designed, I suppose, to increase the value by that much, or, roughly, two and one-half dollars per hide; the proposed duty on shoes, likewise, would increase their value at least 50 cents per pair. That increase in the cost of shoes will not be felt by the shopper on Fifth Avenue, where $20 the pair is almost standard, but it is going to be very keenly felt by the millions who shop on the main streets of our cities, towns, and villages, where $3 a pair is the average.

If the Nation is being deliberately headed into greater and greater centralization and concentration, then the proposed amendment is timely, for it will certainly bring about that condition in the tanning business very promptly and in the shoe business before very long. Our company has lived through all sorts of conditions and competition for 90 years, but I am surer of nothing about business than of the fact that competition is impossible when one party controls the supply of the necessary raw material, be it through direct ownership or governmental protection. That is an economic axiom with business men.

The leather and shoe businesses have not been generally prosperous recently; neither, I believe, have the textile businesses. Yet each operates under exactly opposite tariff conditions. It may be Government will become of the opinion that centralization and concentration are becoming a necessary second step logically following after protection if our present status of prosperity is to be continued, in which event Government will have taken the first and the second steps almost without intermission in the case of the hide and leather businesses if the proposed duties are imposed. But I can not help wondering how long the régimes of Mussolini and the Soviet will last or how the American people may like their prosperity doled out to them from the few above.

Cordially and sincerely yours,

SEDGWICK KISTLER.

Mr. WALSH of Massachusetts. I ask for the yeas and nays, without calling for a quorum, so as to save time.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Jersey [Mr. KEAN] and vote "nay."

The roll call was concluded.

Mr. GLENN. I have a special pair with the junior Senator from Arkansas [Mr. CARAWAY]. In his absence I withhold my vote.

Mr. SIMMONS. I transfer my pair with the junior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from Arizona [Mr. HAYDEN] and vote "nay."

Mr. BLACK. On this vote I have a pair with the senior Senator from New York [Mr. COPELAND]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WALCOTT. Has the junior Senator from South Carolina [Mr. BLEASE] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WALCOTT. I have a pair with that Senator. Not knowing how he would vote, I withhold my vote.

Mr. McNARY. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK];

The senior Senator from Ohio [Mr. FESS] with the Senator from Kentucky [Mr. BARKLEY]; and

The junior Senator from Ohio [Mr. MCCULLOCH] with the senior Senator from Arizona [Mr. ASHURST].

Mr. BLACK. I find that I can transfer my pair with the senior Senator from New York [Mr. COPELAND] to the junior Senator from Montana [Mr. WHEELER], which I do, and vote "nay." I understand that if the senior Senator from New York were present he would vote "yea."

The result was announced—yeas 20, nays 48, as follows:

YEAS—20

Baird	Goldsborough	Hatfield	Patterson
Bingham	Greene	Jones	Townsend
Couzens	Grundy	Keyes	Vandenberg
Dale	Hale	Metcalf	Wagner
Goff	Hastings	Moses	Walsh, Mass.

NAYS—48

Allen	George	Norris	Smoot
Black	Glass	Nye	Steck
Blaine	Harris	Oddie	Steiwer
Borah	Hawes	Phipps	Stephens
Bratton	Heflin	Pittman	Swanson
Brookhart	Howell	Ransdell	Thomas, Idaho
Capper	Johnson	Robinson, Ind.	Thomas, Okla.
Connally	Kendrick	Robsion, Ky.	Trammell
Cutting	La Follette	Schall	Tydings
Dill	McKellar	Sheppard	Walsh, Mont.
Fletcher	McNary	Shortridge	Waterman
Frazier	Norbeck	Simmons	Watson

NOT VOTING—28

Ashurst	Deneen	Hebert	Reed
Barkley	Fess	Kean	Robinson, Ark.
Blease	Gillett	King	Shipstead
Brock	Glenn	McCulloch	Smith
Broussard	Gould	McMaster	Sullivan
Caraway	Harrison	Overman	Walcott
Copeland	Hayden	Pine	Wheeler

So the amendment of Mr. WALSH of Massachusetts to the amendment made as in Committee of the Whole was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will report the next reserved amendment.

The LEGISLATIVE CLERK. Paragraph 1532, pages 229 and 230, gloves.

Mr. SMOOT. Mr. President, at the time the motion was submitted by the Senator from Idaho [Mr. BORAH] putting hides on the free list and restoring existing rates upon leather, there was no action taken to put certain articles on the free list. There are four amendments necessary to carry out all the provisions. I send those amendments to the desk and ask that they be agreed to.

The VICE PRESIDENT. Let the first amendment be reported.

The LEGISLATIVE CLERK. On page 260, line 4, strike out all after the numerals "1691" and insert:

Hides of cattle, raw or uncured, or dried, salted, or pickled.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The LEGISLATIVE CLERK. On page 261, after line 10, insert the following:

PAR. —. Leather: All leather not specially provided for; harness, saddles, and saddlery, in sets or in parts, except metal parts, finished or unfinished, and not specially provided for; leather cut into shoe uppers, vamps, soles, or other forms suitable for conversion into manufactured articles; and leather shoe laces, finished or unfinished.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 261, after line 10, insert:

PAR. —. Boots and shoes made wholly or in chief value of leather.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The LEGISLATIVE CLERK. On page 265, after line 9, insert the following:

PAR. —. Pads for horses.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, last Saturday the senior Senator from New York [Mr. COPELAND] asked for a reconsideration of the vote in relation to subparagraph 2, in paragraph 1527, jewelry, on page 219. I send to the desk an amendment to take care of the amendment which the Senator from New York desired to offer.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 219, paragraph 1527, jewelry, line 15, strike out all after the word "pieces" down to and including the word "valorem," in line 18, and insert in lieu thereof "80 per cent ad valorem," so as to read:

All other, of whatever material composed, valued above 20 cents per dozen pieces, 80 per cent ad valorem.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to in Committee of the Whole will be reconsidered. The question now is on the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The amendment made as in Committee of the Whole was concurred in.

The VICE PRESIDENT. Paragraph 1532, pages 229 and 230, gloves, is before the Senate.

Mr. THOMAS of Oklahoma. Mr. President, in Committee of the Whole I offered an amendment to the paragraph relating to ladies' gloves and the amendment was adopted. In connection with the discussion of the amendment some one suggested that some items had been omitted. I then sent a copy of the amendment to the Tariff Commission and asked that the experts there rewrite the amendment to cover the vital subjects, preserving the rates which were carried in the amendment. I now have a letter from Mr. Brossard, chairman of the Tariff Commission, which I ask permission to place in the RECORD.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, February 21, 1930.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: As requested in your letter of February 19, 1930, consideration has been given to your redraft of paragraph 1532 of the tariff bill H. R. 2667 relating to gloves of leather.

The inclosed draft is shorter and more compact and follows the usual tariff arrangement. Women's and children's gloves made of leather of goat or kid origin have been combined with women's and children's gloves subject to the same rate of duty, thereby making two instead of three brackets for gloves of that class and avoiding unnecessary repetition of some provisions.

The words "cattle hides" have been substituted for "cowhides" to agree with paragraph 1530 of the bill and to avoid possible litigation as to the meaning of "cowhides."

"Full," the word used in similar provisions of tariff acts, is substituted for "fullest."

Sincerely yours,

E. B. BROSSARD, *Chairman.*

Mr. THOMAS of Oklahoma. I now submit the redrafted paragraph in the nature of a substitute for the amendment adopted as in Committee of the Whole and ask that the substitute be adopted.

The VICE PRESIDENT. The amendment in the nature of a substitute will be reported.

Mr. SMOOT. I ask that the substitute be agreed to.

The LEGISLATIVE CLERK. In lieu of the amendment adopted in Committee of the Whole, on pages 229 and 230, strike out all of paragraph 1532 and substitute the following:

PAR. 1532. (a) Gloves made wholly or in chief value of leather, whether wholly or partly manufactured, shall be subject to duty at the following rates, the length stated in each case being the extreme length when stretched to their full extent, not including the unfolded length of cuffs or other appendages: Mens gloves, $6 per dozen pairs; women's and children's gloves made of leather of sheep or lamb origin, not over 14 inches in length, $4 per dozen pairs, and for each inch in excess of 14 inches, 25 cents per dozen pairs in addition thereto; women's and children's gloves made of leather, not specially provided for, not over 14 inches in length, $5 per dozen pairs, and for each inch in excess of 14 inches, 25 cents per dozen pairs in addition thereto: *Provided*, That, in addition thereto, on all of the foregoing there shall be paid the following cumulative rates: When lined with wool, cotton, or silk, or any other fabric of whatever name or kind, $2 per dozen pairs; when lined with leather or fur, $4 per dozen pairs.

(b) Gloves made wholly or in chief value of leather made from horsesides or cattle hides (except calfskins), whether wholly or partly manufactured, $1.50 per dozen pairs.

(c) Glove tranks, with or without the usual accompanying pieces, shall be subject to 75 per cent of the duty provided for the gloves in the fabrication of which they are suitable.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS] to the amendment made as in Committee of the Whole.

Mr. FRAZIER. Mr. President, I should like to have some one explain briefly just what this amendment does as compared with the paragraph on the same subject now found in the bill.

Mr. THOMAS of Oklahoma. Mr. President, there are two vital factors in this amendment. The present law provides that imported gloves shall pay an ad valorem duty, and the basis was fixed on the invoice price. That is an unfair rate of duty for the reason that the invoice may be arbitrarily made to thereby reduce the rate of duty. This substitute paragraph fixes a specific duty upon the importation of gloves. In the first place, this new section changes the basis of the duty on gloves from an ad valorem to a specific rate, and, second, it has the effect of reducing the rate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment adopted as in Committee of the Whole.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole, as amended.

The amendment as amended was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. The next reserved amendment is in paragraph 1531, manufactures of leather.

The VICE PRESIDENT. The Chair is advised that one amendment in that paragraph has not been concurred in.

Mr. SMOOT. That is true as to paragraph 1531, manufactures of leather. The rates provided are exactly the same as existing law.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. In paragraph 1537, page 231, line 17, the Senate, as in Committee of the Whole, struck out in line 17 all after the words "ad valorem" down to the period in line 18, reading as follows:

Manufactures of chip roping, 50 per cent ad valorem.

Mr. SMOOT. Mr. President, the Senator from New York [Mr. COPELAND] reserved the three amendments covering, respectively, chip roping, sponges, and antiques. On last Saturday he told me he was compelled to go to New York and would not be here to-day. I advised him I wanted the Senate to act upon the amendments; I wanted them disposed of. He then asked me if I would not bring up the amendment which I sent to the desk a few moments ago in regard to jewelry and have that agreed to. So I doubt very much, Mr. President, whether the Senator from New York desires now to have a vote on these three items, and I hope that the action of the Senate as in Committee of the Whole will be concurred in.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. On page 235, sponges.

Mr. SMOOT. The statement I have just made applies to sponges and also antiques.

The VICE PRESIDENT. Without objection, the amendments are concurred in.

Mr. FLETCHER. I understand that the amendments on page 235, in line 11, were concurred in?

The VICE PRESIDENT. Those amendments were concurred in.

Mr. JONES. Mr. President, I should like to ask the Senator from Utah a question about the duty on sponges.

Mr. SMOOT. That amendment has been concurred in.

Mr. JONES. Did that amendment increase the tariff on sponges?

Mr. SMOOT. It did.

Mr. JONES. I thought that that would be opposed. I have a number of telegrams from my State opposing any increase in the tariff on sponges.

Mr. SMOOT. Do they oppose the action taken by the Senate or the rate as provided by the House?

Mr. JONES. I assume, from the telegrams, that it was understood that the Senator from Florida intended to offer an amendment increasing the tariff on sponges.

Mr. SMOOT. That was done.

Mr. JONES. The telegrams all oppose such action.

Mr. FLETCHER. The amendment was adopted as in Committee of the Whole, and we have now just concurred in the action taken as in Committee of the Whole.

Mr. JONES. Probably those who sent me the telegrams are opposed to concurring in the amendment.

Mr. SMOOT. I think there is only one concern in this country that is interested in sponges that come in competition with those produced in Florida.

Mr. JONES. Mr. President, I want to read one or two telegrams with reference to the sponge item. As the amendment was reserved, I assumed there was going to be a proposal to increase the tariff rate. I have a telegram dated March 11 from the McKesson, Stewart, Holmes Drug Co., of Seattle, Wash., reading as follows:

SEATTLE, WASH., *March 11, 1930.*

Hon. WESLEY JONES,

United States Senate, Washington, D. C.:

We believe contemplated tariff increase sponges a serious menace to drug business. Excessive prices inevitably resulting will greatly curtail popular use of sponges, thereby seriously affecting our business. It will only mean higher prices to the consumer. We urge your opposition to this excessive increase which can benefit no one.

MCKESSON, STEWART, HOLMES DRUG CO.

I have another telegram, dated March 12, which reads as follows:

SEATTLE, WASH., *March 12, 1930.*

Senator WESLEY L. JONES,

United States Senate Chamber, Washington, D. C.:

We understand bill before Senate proposed by Senator FLETCHER, Florida, increasing duty sponges from 15 to 40 per cent, almost 300 per cent increase. Sponges now nearly twice as high as 10 years ago and quality much poorer. Class of trade such as painting, automotive window cleaning can not use domestic sponges because quality of texture is not adapted to such uses. Those using Rock Island, Bermudas, and other deep-water sponges do not want Florida or domestic sponges. Such advance on tariff only increases cost on imported goods without assisting domestic produced sponges. Trust you will assist in holding or lowering present rate. Thanks.

MERRIMAN PAINT CO.

I have a similar telegram from Spokane, from the McKesson Spokane Drug Co., dated March 11; another one from Rhodes Bros. Co., of Seattle, Wash., dated March 11; and also one from the Schwabacher Hardware Co., of Seattle, Wash., all to the same effect. I just received these telegrams a day or two ago. I understand the amendment to which they refer was adopted as in Committee of the Whole?

Mr. SMOOT. It was.

Mr. JONES. So that there is no amendment proposed now.

That is all the information I have regarding the matter. As I understand, the Senate, as in Committee of the Whole, increased the rate over that provided by the House, and which will take the item into conference, where the question can be fully considered and thrashed out. So I will not ask for a reconsideration.

The VICE PRESIDENT. The next reserved amendment will be stated.

The LEGISLATIVE CLERK. On page 241, paragraph 1554, umbrellas.

Mr. GOLDSBOROUGH. Mr. President, I desire to offer an amendment to the amendment made as in Committee of the Whole.

The VICE PRESIDENT. The amendment offered by the Senator from Maryland to the amendment adopted as in Committee of the Whole will be stated.

The LEGISLATIVE CLERK. The Senator from Maryland proposes to amend the amendment adopted as in Committee of the Whole by striking out "40" and inserting "60," so as to read:

PAR. 1554. Umbrellas, parasols, and sunshades, covered with material other than paper or lace, not embroidered or appliquéd, 60 per cent ad valorem.

The VICE PRESIDENT. The Chair desires to state to the Senator from Maryland that what he desires to accomplish can be accomplished by refusing to concur in the amendment made as in Committee of the Whole.

Mr. GOLDSBOROUGH. Mr. President, I trust the amendment adopted as in Committee of the Whole to the rate provided in the bill as passed by the House will not be concurred in. I desire to submit a few remarks relative to the matter.

Mr. President, when this paragraph was taken up for consideration some time ago the amendment adopted by the House, providing a duty of 60 per cent ad valorem on umbrellas, parasols, and sunshades, was stricken out, and the amendment proposed by the Finance Committee restoring the 1922 rate of 40 per cent ad valorem was adopted. This action is practically a death blow to a once thriving industry largely centered in and around New York City, and in parts of Pennsylvania and Maryland.

The umbrella manufacturer is more of an assembler than a manufacturer. He takes his materials, practically manufactured, and assembles them into the umbrella. Umbrellas are all handmade in single units, and it requires the same amount of labor to produce an umbrella in America as in any foreign country. The advantages of mass production and special machinery are denied umbrella manufacturers by the peculiar nature of the article they make. The American worker can produce no more and no better umbrellas in a given time than his foreign competitor, so that the labor cost is fully as much more than the foreign as the difference in the hourly wage.

Umbrellas and parasols are universally used. To the wealthy, perhaps, they are not as great a necessity as to those in more humble walks of life. But to the average man or woman an umbrella or parasol is as much a part of the wardrobe as a hat or coat.

In 1864 Clyde & Black, importers and manufacturers, located at 683 Broadway, presented a treatise on the advantages of the umbrella, said treatise being on file at the Library of Congress. Permit me to quote the opening paragraphs of their exposition of this subject, which was, at that time, a more or less unique one:

Can it be possibly believed, by the present eminently practical generation, that a busy people like the Americans, whose diversified occupations so continually expose them to the chances and changes of a proverbially fickle sky, had ever been ignorant of the blessings bestowed on them by that dearest and truest friend in need and in deed, the umbrella? Can you, gentle reader, for instance, realize to yourself the idea of a man not possessing such a convenience for rainy weather?

It is true that some young men, of irregular minds and erratic habits, affect to scoff at those soberly wandering individuals who, grateful for the services vouchsafed by the umbrella, rank it among the dearest and most indispensable of their household possessions. But we care not for their jest and their ridicule; while we have the proud satisfaction of numbering them, at a later date, among the most steadfast adherents of the formerly despised article, which they, once sobered down by experience and domesticity, carry with a conscious dignity, most fully compensating for their previous lack of faith in its manifold virtues.

In fact, there is a something about the umbrella which stamps its bearer with a peculiar and, surely, we may call it exalted character. Such men, we feel certain at the first glance, are not addicted to dissipation, nor do they yield to the seductions of the casinos. They are essentially family men; and just as the baton is the symbol of the field marshal, the club the emblem of our police, so is the umbrella the distinguishing mark of the respectable pater familias.

Strange to say, it is a fact, melancholy enough, but for all that too true, that our forefathers, scarce 70 years ago, meekly endured the pelting of the pitiless storm without that protection vouchsafed to their descendants by a kind fate and talented inventors. The fact is, the umbrella forms one of the numerous conveniences of life which seem indispensable to the present generation, when so long a time has passed since their introduction that the contrivances which, in some degree, supplied their place previously, have passed into oblivion.

Conditions to-day are the same as when this glowing eulogy of the umbrella was written. Protection for the person from inclement weather, whether it be from rainfall or the sun's rays, is demanded by everyone who must go forth into the open, whether bent on business or pleasure.

Umbrellas and parasols have been produced in this country for many years. The total volume of business of American umbrella and parasol manufacturers, as shown by the Department of Commerce Census of Manufactures for the years 1923, 1925, and 1927, is as follows:

	1923	1925	1927
Number of concerns	187	176	164
Average number of wage earners	3,776	3,731	3,308
Total wages	$3,738,831	$3,696,014	$3,411,261
Average yearly wages	$990	$993	$1,031
Value of products	$28,395,233	$27,299,431	$23,156,400
Per cent of wages to total value	13.1	13.2	14.7

It will be noted that there is a steady decrease in all items, with the exception of average wages and percentages of wages to total values. The former are, of course, controlled by general conditions and not by the industrial situation in this particular industry.

The increase of percentage of wages to total value of products indicates that the unit value has decreased, for the number of units depends upon number of wage earners, with little regard to unit values. The lower the unit value the larger the percentage of labor represented in the total cost of the umbrella. It requires nearly as much labor to make a $2.50 umbrella as one that sells for $7.50, and where on the higher-priced umbrella labor may represent only 10 per cent of the total cost on the cheaper article it would probably represent 25 per cent total cost. These reductions were even greater in 1928 than in the preceding four years, although there is no specific figures to show, but this conclusion is drawn from a general knowledge of the business. A number of large and long-established firms have recently gone out of the umbrella business through bankruptcy or liquidation.

While the importance of the umbrella business in total volume may not be impressive when compared with some others, yet its prosperity is vital to those engaged in it, whether as manufacturers or skilled workers. Furthermore, because of its long standing, it is all the more difficult for the wage earners to find places in other industries, in none of which can their mechanical skill, acquired by years of application in this trade, be applied.

The importance of the umbrella to the general welfare of the public is also entitled to consideration. The value of the umbrella in avoiding those forms of sickness brought on by exposure is recognized. In the protection of clothing it has a clear economic value. That is, the good umbrella possesses these qualities. The cheaper grades, to which American manufacturers are being driven by the increasing pressure of foreign competition at lower prices, are of little avail for these purposes. And to this fact may be attributed, at least in part, the decrease in use of umbrellas and, as a possible consequence, the increase in respiratory diseases shown by health statistics.

The importation of umbrellas and parasols fall into two classes: (1) Those from the continent of Europe and (2) those from the Far East. The latter are almost entirely from Japan and are classed as parasols. These do not include paper parasols and sunshades. The volume and prices of these imports have driven the American manufacturer completely out of the market for cheap cloth-covered women's and children's parasols, only two or three manufacturers producing any, and these only of the better grade.

The importations from Europe up to within the last four or five years were mostly from England and France, the former of high-class men's umbrellas and the latter fancy silk umbrellas with novelty handles. The small volume of these imports and the high price of the articles prevented their disturbing the American manufacturer, who could and did produce good and alluring umbrellas, and his familiarity with the demands of the home market enabled him to compete on a fairly equitable basis.

The trend of importations of umbrellas and parasols is very strongly in the direction of lower values and larger number of pieces.

While the total value of importations may not be impressive, the number of pieces is what cuts into the earnings of American labor and the American manufacturer's business, and this was fifteen times as great in 1927 as in 1924, the figures being:

Year	Number of pieces	Total value	Average price
1924	40,506	$75,039	$1.86
1925	96,664	81,546	.84
1926	366,730	163,275	.44
1927	607,817	152,619	.25

These figures are taken from the statement of the Italian Chamber of Commerce of New York to the Ways and Means Committee of the House of Representatives, and are apparently understated, so far as a check may be made against reports received by the umbrella manufacturers from Government sources.

Six hundred thousands umbrellas and parasols is a substantial number, as our total domestic output for 1927 was less than 9,000,000 pieces. These imports in 1927 were sufficient to have kept two large factories busy the entire year, and correspond with the decrease in number of employees in American factories in the respective years.

The figures compiled from Government sources clearly show:

First. In domestic umbrellas constant and accelerating decrease in total value, unit value, and number.

Second. In imported umbrellas constant increase in total value and number of umbrellas, accelerated by constantly decreasing unit prices.

These tendencies cut the American manufacturer both ways, as stated above.

These advantages, added to the saving in duty on materials when they are made up into umbrellas, creates a condition which will inevitably and soon bring complete destruction to the business of umbrella manufacturing in America if allowed to continue.

The American manufacturer of umbrellas and parasols has also to contend with factory laws and restrictions which further add to his costs, over and above the higher wages and salaries paid.

With the exception of the Underwood tariff, the present rate on umbrellas of 40 per cent is the lowest ever imposed on this article.

I ask attention to this statement, because I think it is the gist of the whole matter:

The component parts of an umbrella are the frame, the cover, and the handle, none of which are produced by the umbrella manufacturers. All of these are imported in considerable quantities and used by American manufacturers.

Under the existing rates these component parts carry the following ad valorem duties:

	Per cent
Umbrella frames	50
Silk and silk mixtures	55
Handles (which are mostly celluloid)	60

When these parts are assembled into the complete umbrella by foreign labor, they come in as a whole at 40 per cent ad valorem. In other words, the component parts carry a higher tariff than does the finished article.

The tariff bill as amended by the Senate Finance Committee increases these duties on component parts still further:

	Per cent
Frames	60
Silk and silk mixtures	60
Celluloid handles	75

In the face of this the Senate Finance Committee reduced the rate on umbrellas of the House bill from 60 per cent to the old rate of 40 per cent, for what reason it is difficult to conjecture, as no hearing was given on this schedule.

If there is to be protection for American labor, certainly there should not be such discrimination in favor of the foreign manufacturer and foreign labor as this.

The general rule laid down in the tariff bill is that in manufactured articles, in the absence of any specific rule, the duty shall be paid on the finished article at the rate fixed for the component material of chief value.

In the case of umbrellas it stands in its simplest form: The manufactured article shall pay 50 per cent less duty than the materials of which it is composed.

The saving on duty under the Senate provision is more than sufficient to pay the cost of manufacture, so that the complete umbrella can be brought in for a total duty less than on its component parts.

This is a complete reversal of the theory and argument behind the whole tariff policy.

The umbrella industry has been suffering from decreasing business for the past five years. This has resulted in keen domestic competition and drastic reductions in prices, until there is no longer much, if any, profit to be obtained; and many substantial concerns have liquidated their businesses rather than continue to take losses.

Their business has not been taken over by other domestic concerns but has drifted to foreign markets; so that, while domestic production has fallen off at an appalling rate, imports of umbrellas and parasols have correspondingly increased.

The House rate of 60 per cent should be restored to the Senate bill at the very least, so as to save some of the vanishing business of the manufacturers and the employment of the more than 3,000 skilled workers who have spent so many years in this old and respectable industry as to be unfitted to take up

any new employment which will afford them a reasonable living wage.

If this discriminatory rate of 40 per cent for umbrellas prevails, it will mean that the protection offered the frame makers, the silk manufacturers, and the handle men in their present or increased rates will fade to nothing, and the importation of these elements under the regular schedules will cease, and they will come in as complete umbrellas at the lower rate.

Mr. President, because of that very outstanding reason—that the component parts are placed at a higher rate than the finished product itself—I hope the Senate committee amendment to the House bill will not be concurred in.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] The Chair is in doubt.

Mr. SMOOT. I think we had better have the yeas and nays.

Mr. GOLDSBOROUGH. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. DENEEN] to the Senator from Arizona [Mr. HAYDEN] and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I transfer my pair to the junior Senator from Alabama [Mr. BLACK] and will vote. I vote "yea."

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Tennessee [Mr. BROCK] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GEORGE. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from New Mexico [Mr. BRATTON] and will vote. I vote "yea."

Mr. WATSON. I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

Mr. MOSES. I have a general pair with the senior Senator from Iowa [Mr. STECK], who is absent. I am given to understand that if present he would vote as I intend to vote. Therefore I vote "yea."

Mr. SULLIVAN. I transfer my pair with the Senator from Tennessee [Mr. BROCK] to the Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. METCALF (after having voted in the negative). Has the Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. Not knowing how he would vote, I withdraw my vote.

Mr. SHEPPARD. On this question the Senator from New York [Mr. WAGNER] is paired with the Senator from Iowa [Mr. STECK]. If present, the Senator from Iowa would vote "yea," and the Senator from New York would vote "nay."

Mr. FESS. I have been requested to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. GLENN] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from New Jersey [Mr. KEAN] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Arizona [Mr. ASHURST];

The Senator from Oklahoma [Mr. PINE] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 35, nays 24, as follows:

YEAS—35

Blaine	Frazier	McKellar	Schall
Blease	George	Moses	Sheppard
Borah	Glass	Norbeck	Simmons
Brookhart	Harris	Norris	Smoot
Capper	Harrison	Nye	Stephens
Connally	Heflin	Overman	Thomas, Okla.
Couzens	Howell	Pittman	Trammell
Cutting	Jones	Ransdell	Walsh, Mont.
Fletcher	La Follette	Robinson, Ind.	

NAYS—24

Allen	Greene	McNary	Sullivan
Baird	Hale	Oddie	Thomas, Idaho
Bingham	Hatfield	Patterson	Townsend
Fess	Hebert	Robsion, Ky.	Vandenberg
Goff	Johnson	Shortridge	Walcott
Goldsborough	McCulloch	Steiwer	Watson

NOT VOTING—37

Ashurst	Bratton	Caraway	Deneen
Barkley	Brock	Copeland	Dill
Black	Broussard	Dale	Gillett
Glenn	Kendrick	Reed	Wagner
Gould	Keyes	Robinson, Ark.	Walsh, Mass.
Grundy	King	Shipstead	Waterman
Hastings	McMaster	Smith	Wheeler
Hawes	Metcalf	Steck	
Hayden	Phipps	Swanson	
Kean	Pine	Tydings	

So the amendment made as in Committee of the Whole was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment.

The LEGISLATIVE CLERK. The next amendment is in paragraph 1556, page 241, line 9, where the Senate, as in Committee of the Whole, struck out "bleached beeswax, 30 per cent" and inserted "beeswax, 25 per cent."

Mr. VANDENBERG. Mr. President, this reservation was made by the senior Senator from New York [Mr. COPELAND]. I am not particularly interested in the reservation, but if possible I think it would be the courteous thing to let it go over a little while and see if the Senator from New York returns. I am not sure as to what amendment he proposes to offer.

Mr. SMOOT. Mr. President, I doubt very much whether the Senator from New York will be in the city to-day, from what he told me on Saturday.

Mr. VANDENBERG. Having made my statement, I leave the matter with the Senate.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BLAINE. I had assumed this might go over. The Senator from New York [Mr. COPELAND], I understand, desires to offer an amendment.

Mr. DILL. I hope the Senator will offer the amendment now. We ought to dispose of this amendment to-day.

Mr. BLAINE. Mr. President, I understood the senior Senator from New York proposed to offer an amendment to place a 10 per cent ad valorem duty on crude beeswax. My disposition is to reject the amendment made as in Committee of the Whole and leave crude beeswax on the free list.

Mr. WALSH of Massachusetts. As it was reported by the Senate committee?

Mr. BLAINE. As reported by the Senate committee. I will make a short statement as to why crude beeswax should be placed on the free list.

Beeswax is a by-product in the production of honey. Crude beeswax is a very important element to those who produce honey. Under modern conditions of producing honey, in order to make the business profitable, it becomes necessary for the beekeeper to have made what is know as a foundation comb. That foundation comb may be a square made out of a very thin veneer of wood, and around the inside surface of that which contains the honey is pressed a layer of crude beeswax, with the cells in which the honey is deposited by the bees pressed in form. If the beekeeper is compelled to pay too high a price for crude beeswax, which particularly is used in the manufacturing of the foundation comb, if he is burdened with too high a tax, the business of the ordinary beekeeper can not be profitable.

Moreover, if the ordinary beekeeper does not use a foundation comb, then, of course, the bees themselves must make the comb, which is economically unsound. The bee is busily engaged in the honey business and should not be compelled to produce the comb foundation.

In 1928 the importations of crude beeswax and other animal wax, which is sometimes used as a substitute, but in a small quantity, amounted to 4,387,333 pounds. It is unknown just what the exports were in 1928.

The imports of bleached beeswax in 1928 amounted to only 237,310 pounds. The exports of honey in 1927 amounted to 12,035,000 pounds, of a value of over a million dollars, while the imports of honey in that year amounted to only 362,000 pounds. But the total domestic production of honey is about 200,000,000 pounds a year, and inasmuch as there is about 1 pound of beeswax out of every 20 pounds of honey, there must have been produced in this country about 10,000,000 pounds of beeswax.

The beeswax that is used for the foundation comb is returned by the honey producer to those who make the foundation comb.

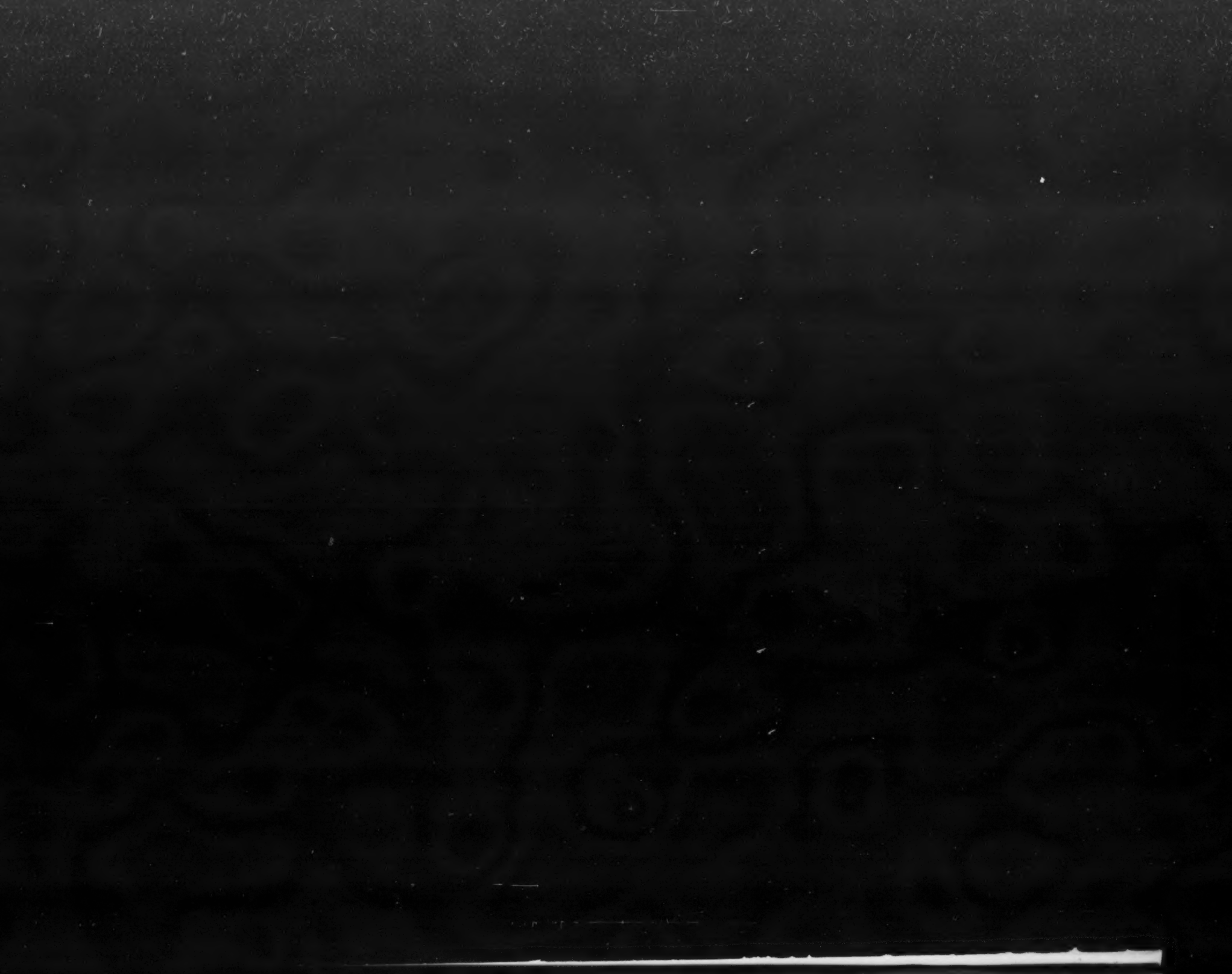
Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. WALSH of Massachusetts. We are now importing about 90 per cent of the crude beeswax consumed in the United States, are we not?

Mr. BLAINE. Oh, no; I doubt whether it is 90 per cent.

Mr. WALSH of Massachusetts. The importations are very heavy?



Mr. BLAINE. They amount to 4,387,000 pounds, and the junior Senator from Michigan suggests that that is about 80 per cent of the consumption.

Mr. WALSH of Massachusetts. I am informed it is 90 per cent; but 80 per cent is near enough for our purpose. The imports are increasing and the domestic production is decreasing. Is not that true?

Mr. BLAINE. I think that is true.

Mr. WALSH of Massachusetts. And the domestic production is decreasing for the reasons stated by the Senator, that those who are keepers of bees are using the bees to make honey rather than beeswax.

Mr. BLAINE. Exactly.

Mr. WALSH of Massachusetts. Is it not true also—and this is a very important item—that the production of beeswax is decreasing in all parts of the world, in every country, for the same reason?

Mr. BLAINE. I have no doubt about that.

Mr. WALSH of Massachusetts. And it is getting harder and harder to get beeswax at any price, and it is very necessary for the users of crude beeswax to import it. Therefore, if a duty is levied, it will be passed on to the consumers, because of the very heavy importations.

Mr. BLAINE. Not only passed on to the consumers, but passed on to the very men and women who are producing honey, because they must buy crude wax in foundation comb form.

Mr. WALSH of Massachusetts. Exactly.

Mr. BLAINE. The reason why there has been a reduction in the production of beeswax is this, that comb honey, or honey used in the comb, has become very popular. Not a single ounce of the beeswax in the honey which is used upon the table in the comb is returned to the bee industry. That beeswax is entirely lost.

The only source of beeswax is from what is known as strained honey. So the beekeeper who strains his honey and sells it in the liquid form instead of the comb form has some production of beeswax.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. DILL. The Senator has partially answered the question I had in mind, but I want to ask him why it is, if what he says is accurate, that the bee industry—and I am speaking particularly now of my State—is so insistent about a tariff on beeswax. The bee association of my own State maintain that a tariff on beeswax is highly important to their industry, and if the Senator's statement were accurate that the honey producers do not get anything for their beeswax, why do they have any interest in this? I am sure that not all the honey made in the State of Washington is strained by any manner of means.

Mr. NORBECK. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. I yield.

Mr. NORBECK. Is it possible there is a similar explanation as in the fact that the farm bureau asked for a tariff on whale oil?

Mr. DILL. No; I do not think that possible, because I think the people engaged in the bee industry are a very intelligent class of people, and know what they want and why they want it.

Mr. BLAINE. Mr. President, I probably can throw some light on the proposition the Senator from Washington has suggested.

Let me say to the Senator that the director of honey marketing in the marketing department of the agricultural markets in my State wired to me asking that crude beeswax be made dutiable. The next day he directed a letter to me. I had wired to him asking if it were not a fact that a tariff on crude beeswax would increase the cost of beekeeping. In answer to that telegram he wrote:

> This is in answer to your wire of March 10. You may cancel my telegram under date of March 6.

Then he explained why the telegram was sent out. I quote further from his letter:

> I can see hardship on the part of the small beekeeper if this tariff bill was passed. To the larger or commercial beekeeper the 25 per cent tariff would be helpful, as he will have more wax to sell than he would buy in foundation.
>
> Professor Wilson, of the university, and secretary of the Wisconsin Beekeepers' Association, has taken the position of opposing this tariff. He and I have had several talks on this matter, and neither of us is familiar enough with the situation to favor passage of such a tariff.

I quote now from the secretary of the beekeeper's association of my State.

Mr. DILL. Mr. President, may I ask the Senator a question before he does that?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. BLAINE. I yield.

Mr. DILL. Am I to understand that all of the beekeepers are compelled to buy beeswax to supply their bees?

Mr. BLAINE. In the bee industry?

Mr. DILL. Yes.

Mr. BLAINE. The beekeeper who does not buy the foundation comb has no chance in producing honey. His bees will be producing beeswax. I am not going into the scientific part of it, but in that process there comes a time when the drones become the important part of that system with a lack of workers. The ordinary beekeeper would be very greatly injured by taking crude beeswax off the free list.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. Certainly.

Mr. FRAZIER. I would like to ask the Senator about the beekeeper who has his honey extracted from the comb.

Mr. BLAINE. The beekeeper who has his honey extracted from the comb resells all of the beeswax he had originally purchased plus the amount made in honey production. The large honey producer is going to reap a considerable benefit out of the tariff on crude beeswax, but he represents only a portion of all the beekeepers in the country. The ordinary beekeeper, be he on the farm or in the city or village, will have to pay an additional amount for the beeswax that already costs him too much money.

Mr. FRAZIER. What I want to know is whether the man who extracts the honey from the comb could not use the beeswax thus obtained for the foundation in other hives.

Mr. BLAINE. That is what the beekeeper does. The beekeeper who strains his honey, which is the process of extracting it from the comb, takes the crude beeswax and sells it to the processor of foundation comb, and, of course, the processor in turn sells to him the foundation comb. The beekeeper who extracts his honey, however, has a larger amount of beeswax than necessary to supply his own hives, and that becomes commercial beeswax in the market.

Mr. FRAZIER. What percentage of the honey produced in the United States is extracted and what percentage is sold in the comb?

Mr. BLAINE. I understand there are no reliable figures available along that line, but I do know, as most Senators know, that comb honey is the popular honey served on the tables of all the restaurants and hotels and in a great many private homes. Everybody likes comb honey and the beekeeper who caters to that trade of course would not think about having his honey strained or extracted.

I want to read just briefly now what the secretary of our own beekeepers' association said:

> I am not sufficiently acquainted with the wax situation to know whether or not a tariff on wax would cause any great damage to our beekeepers, but I am very much afraid that it would, as a tariff on beeswax might increase the cost of foundation, and foundation is already costing our beekeepers too much.

Mr. President, so much from that angle. Let us look at the question from another angle. Beeswax is used commercially a great deal. It is used by a great many of our churches, not one church, but many churches, for the candles and the tapers. A very large amount of beeswax, the bleached beeswax, however, becomes the substance with which oak floors are polished and filled. In the finishing of homes the woodwork is treated with beeswax. Then it has a large number of other uses in the commercial trade. So that if we put a tariff on crude beeswax, I understand that in order to protect those who process bleached beeswax it will be necessary to impose an additional ad valorem tax on bleached beeswax.

I think that covers the situation about as fully as appears to me as necessary at this time.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. VANDENBERG. Mr. President, I want to respond briefly to some of the observations of my friend from Wisconsin. Of course all the information I have regarding the subject is secondhand, because I would not pose as an expert, but the information nevertheless seems to me reliable.

In the first place I want to emphasize the fact that it is true that 80 per cent of the crude beeswax consumed is imported

into the United States. That fact simply in turn emphasizes the further fact that this is a new field of operation for an agricultural by-product, and the statistics, therefore, support the request for a tariff upon crude beeswax.

In the second place, as to the farmer's relationship to crude beeswax, I read the testimony of one of the largest beekeepers in the country:

> The claim that beekeepers are using more beeswax than they produce is not true. In recent years, since the Great War, the production of honey has gone largely to the extracted form. We should estimate that at least 75 per cent of all honey now produced in the States is extracted. There is no extracted-honey producer but what produces large quantities of beeswax more than he uses in the form of comb foundation, unless he is new at the business and is building up equipment.

Therefore, so far as this beekeeper's testimony is concerned—and I am quoting Mr. A. G. Woodman, of A. G. Woodman Co., of Grand Rapids, Mich.——

Mr. BLAINE. Mr. President, may I inquire of the Senator if A. G. Woodman Co. are not in fact processors of beeswax?

Mr. VANDENBERG. They are both processors and producers.

Mr. BLAINE. The larger part of their business is processing and making beekeepers' supplies, such as the foundation comb and hives and all that sort of thing. The name is very familiar to those who know something about honey producing. Of course, this company is one of the largest processors in the United States.

Mr. VANDENBERG. It is a very curious thing, if a tariff is a detriment to the processor, that I suddenly discover one of the largest processors in the country earnestly recommending the rate as it now stands in the amendment. Whether or not he is a processor, the fact remains that he is an acknowledged expert in bee products and bee production. If he is a processor, then, according to the argument of the Senator from Wisconsin, he is opposing his own welfare, because he is recommending to the Senate to do precisely the thing that the amendment asks.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Michigan yield to the Senator from Nebraska?

Mr VANDENBERG. I yield.

Mr. NORRIS. I want to say, before I propound my inquiry to the Senator from Michigan, that I have not any interest in the matter except to get at the true state of facts as it exists.

Mr. VANDENBERG. That is all I desire.

Mr. NORRIS. I have listened very attentively to the explanation given by the Senator from Wisconsin [Mr. BLAINE] and to the letter from which the Senator from Michigan has just quoted. I want to ask the Senator whether the company or the gentleman, whose letter has been read in part, is not engaged in making the little frames and putting inside of those little frames a foundation made out of beeswax upon which the bees will build the honeycomb?

Mr. VANDENBERG. I wish I could answer the Senator, but I can not. I am not sufficiently familiar with the technique of the operation.

Mr. NORRIS. I do not know anything about the gentleman of whom the Senator speaks, but if I had the article here I could show the Senator what I mean. The crude beeswax is put around on the inside of the frame. Any person or firm engaged in the business of making that little frame and putting beeswax in it as a foundation for the bees to work on would, of course, be desirous of having his business protected. On the other hand, the man who bought the frame thus prepared and had the bees and put the frames in their hives for them to work on would be interested in buying the frames with the beeswax inside as cheaply as he could, of course.

It seems to me that I can see, therefore, a controversy between the man who sells beeswax in the form I have mentioned and the bee man who is engaged in the production and sale of honey. A tariff would add a little bit to the price and would protect the man who is engaged in putting the beeswax in the frame, but at the same time, if that be true, the beekeeper and the ultimate consumer would have to pay a little higher price for the honey if honey were bought in the comb.

Mr. VANDENBERG. I will give the Senator a different type of testimony now. I will leave Mr. Woodman's letter simply with the further observation that at least in my home State Mr. Woodman's word on anything in relation to bees would be taken as orthodox.

Mr. NORRIS. I do not want the Senator to understand that I am controverting the gentleman. He knows, of course, a lot more about the subject than I do. All I am trying to reach is a solution of the apparent controversy. I do not know that he is engaged in this business at all, but if he is it might give us the viewpoint which he possesses as distinguished from the viewpoint of the man who bought his materials and was really engaged in the production and sale of honey.

Mr. VANDENBERG. The junior Senator from Wisconsin [Mr. BLAINE] quoted an official of the University of Wisconsin and an officer of the Wisconsin Beekeepers' Association as opposed to a tariff on crude beeswax.

Offsetting that exhibit is the precisely contrary testimony of Mr. Kelty, who is not only secretary of the Michigan Beekeepers' Association but who is also officially connected with the Michigan State College, which was formerly the Michigan Agricultural College. Mr. Kelty's testimony is that a tariff on crude beeswax is of tremendous importance to the farmer himself who is in the bee business. He specifically points out that unbleached wax, the crude product, is selling for commercial purposes in New York at 31 cents, whereas the New York quotation upon the domestic article is 37 cents, and he insists that this is typical of the differential against which the domestic producer of crude beeswax has to contend.

Mr. President, it is my understanding that beekeepers' associations throughout the Middle West and the far West have very generally indorsed the amendment as it was adopted by the Senate and of which I was the author. Since the amendment was adopted I confess I have felt there was some discrimination in it against the finished or processed beeswax, because processed beeswax has had a protection of 25 per cent, whereas its raw product has been upon the free list. Under the amendment as we adopted it the raw product and the processed product both are on the dutiable list at 25 per cent ad valorem. It occurs to me that that may involve an unfair differential against the domestic processor of beeswax; and, of course, we have got to maintain the beeswax processing industry in order to have a market for the crude product if we succeed in encouraging its increased production at home.

The Senator from New York [Mr. COPELAND], who has taken a great deal of interest in this phase of the question, discussed a possible compromise amendment with me one day last week. I understand that if he were here he would offer as a substitute an amendment proposing a 10 per cent ad valorem duty upon crude beeswax, and either a duty of 25 or 30 per cent upon bleached beeswax. The Tariff Commission informs me that if crude beeswax be given a 12 per cent ad valorem duty, a 25 per cent duty upon bleached beeswax measures, as nearly as anybody can figure it out from existing information, the proper compensation for the finished product. I am impressed with the verity of those figures, because 12 per cent upon the raw product just about equals the differential in quotations at New York upon the domestic and the imported raw product.

If we were to change the amendment to the basis indicated, namely, 12 per cent on crude beeswax and 25 per cent upon bleached beeswax, it should have no effect whatever upon the price of candles or any other commodity into which bleached beeswax goes, because the rate in the existing law on bleached beeswax is 25 per cent. Therefore, Mr. President, I think I owe it to the Senator from New York, in his absence, to submit some form of a composition for study in conference, and I will take the liberty of changing the proposal, as I understand he intended to offer it, to conform with the figures from the Tariff Commission.

I move as an amendment to paragraph 1556, as a substitute for the amendment adopted as in Committee of the Whole, to insert:

> Beeswax, crude, 12 per cent ad valorem; bleached, 25 per cent ad valorem.

Let me repeat that if the amendment were adopted it would not change the existing duty upon bleached beeswax, and therefore it should not in any sense affect the price of candles or any other commodity into which it goes. Secondly, it is not unfair to the bleaching or processing end of the business to assess a 12 per cent duty upon the raw material; and, thirdly, a 12 per cent duty on the raw product actually measures the difference in the New York prices between the domestic and foreign product. Therefore, I submit the amendment.

Mr. BLAINE. Mr. President, will the Senator from Michigan yield for a question?

Mr. VANDENBERG. I yield.

Mr. BLAINE. The Senator states that the differential between 12 per cent ad valorem on crude and 25 per cent ad valorem on the bleached beeswax is the difference in the price per pound of beeswax in New York. Is that correct?

Mr. VANDENBERG. The Senator is mistaken in his quotation. I say that 12 per cent on the raw product represents the differential in the New York price.

Mr. BLAINE. Is the Senator taking into account the cost of processing and bleaching the beeswax?

Mr. VANDENBERG. On that question I can only rest my case on the information that has been given me by the tariff expert who states that in his judgment the 25 per cent rate heretofore in effect has been too high, and that 25 per cent on bleached beeswax would amply face 12 per cent upon the raw commodity.

Mr. BLAINE. Mr. President, let me ask the Senator another question. I may be mistaken, but, as I understood, the Senator from New York [Mr. COPELAND] was going to offer an amendment providing for a 10 per cent ad valorem on crude beeswax.

Mr. VANDENBERG. That was my understanding.

Mr. BLAINE. I was going to suggest to the Senator from Massachusetts that he might not want to accept the rate that the Senator from New York proposed, inasmuch as the Senator from New York had reserved a separate vote upon this paragraph.

Mr. VANDENBERG. My thought is that if we can get the subject into conference on a reasonable basis, perhaps there will be more time to work out the technical details. I feel that the general relationship suggested by the amendment is probably as correct as we can hope to get it this afternoon.

Mr. BLAINE. I understand from the processors of bleached beeswax that it will take 50 per cent ad valorem on bleached beeswax to meet a 25 per cent ad valorem rate on crude beeswax.

Mr. VANDENBERG. Obviously they would have to say that in order to justify their previous rate of 25 per cent on bleached beeswax as against the crude being on the free list.

Mr. NORRIS. Mr. President, if the Senator will permit me, if that be true, it seems to me that the Senator's suggested amendment is not far from right, because he proposes to make the rates, respectively, 12 per cent and 25 per cent. By doubling them we would have 24 per cent for one and 50 per cent for the other; so that the Senator from Michigan has provided by his amendment practically what it is claimed is needed.

Mr. VANDENBERG. I do not think there can be any serious quarrel with the suggestion.

Mr. BLAINE. Ten per cent ad valorem would correspond with 25, and 25 per cent with 60 per cent. According to the processor's view, 25 per cent does not quite meet the differential. I am not discussing the matter, however, from his viewpoint, although I think it is important to take into account that element.

Mr. VANDENBERG. I am told by the Tariff Commission expert that the New York price of the finest quality of beeswax is around 47 cents, which is only 10 or 12 cents more than the price of the crude product, which shows that there is not a serious intervening cost involved in the processing of beeswax. Under those circumstances, certainly the relationship between 12 and 25 is reasonable, and yet it does afford the domestic beekeeper the first chance he has had at the domestic beeswax market.

Mr. BLAINE. Mr. President, I should like to read into the RECORD two paragraphs from a letter from the Chief of the Bureau of Entomology of the United States Department of Agriculture, dated March 6, 1930. That letter states:

> It will be impossible artificially to increase the production of beeswax in the United States without at the same time greatly increasing the production of honey. Under the present conditions of honey consumption it would appear not to be economical to increase the output of honey sufficiently to produce enough beeswax to offset our imports of this product.

Mr. President, I think that is very clear and states the proposition exactly. If we induce the beekeepers of this country to increase their production beyond the possibility of consumption, we are simply leading them into a situation where the price of their honey will go down; in other words, we are creating a competitive condition within the industry that in effect will cause it to sting itself to death.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. VANDENBERG. Nevertheless, if we are now importing 80 per cent of our beeswax and raising only 20 per cent, we can stimulate the domestic production four times before we even meet the existing consumption. Surely we would not be likely to mislead the farmer when he has that much leeway in his opportunity.

Mr. BLAINE. The Senator misunderstood me. I was talking about the consumption of honey. Honey is the important product of the beekeeper. There are 200,000,000 pounds of honey produced annually in this country. It is difficult to sustain the consumption of that amount of honey. Beeswax is only one-twentieth of that. So, if we stimulate the beeswax four times our present production, we are stimulating the honey production four times. Thus we would have 800,000,000 pounds of honey with no place to go, except to the extent of 200,000,000 pounds. Such a surplus of honey would simply reduce the price of honey, and the beekeeper would have his business destroyed. It is exactly as I have said; we are likely to create a situation under which the industry may sting itself to death, because it is utterly impossible to consume the quantity of honey that would be made in the production of a sufficient quantity of beeswax to supply the demand of the United States.

Beeswax is only a by-product of the honey industry, and as the Department of Agriculture states—

> Most of the beeswax obtained by our honey producers is sent to the manufacturers of comb foundation, and in this form is returned to the honey producers. A tariff on crude beeswax would probably increase the cost of comb foundation to such producers.

If beeswax were the main product of the beekeeper, then, of course, a tariff on crude beeswax would be beneficial to the beekeeper, but beeswax is only a very small by-product of honey production, and if we induce the production of honey to the extent necessary to yield the amount of beeswax we must have in the United States four times the present production, as I said, we will have 800,000,000 pounds of honey, when the total consumption and demand is only 200,000,000 pounds annually.

It seems to me that a proposal of this kind is simply misleading the beekeepers of this country.

Mr. THOMAS of Idaho. Mr. President, it seems to me that the Senator from Wisconsin advances the same argument that he advanced in regard to the tariff on butter, the tariff of wool, the tariff on sugar, and all the other agricultural tariffs that have been discussed here, that is, that if we put on these tariffs, we are going to encourage production until we will destroy the effect of the tariff.

I do not care to get into a discussion of that matter at this time; but I have here a telegram from A. W. B. Kjosness, who is manager of the Mountain States Honey Producers' Association. I desire to say that this man is the manager of the honey producers, not manufacturers. He has organized all of the Northwestern States into a marketing agency for the actual producers of honey; and this is what he says about this tariff:

BOISE, IDAHO, *March 6, 1930.*

Senator JOHN E. THOMAS,
Senate Office Building, Washington, D. C.:

Will appreciate it if you will give your utmost support to tariff amendment providing for 25 per cent ad valorem on beeswax. Such tariff entirely in interests of producers. Only opposition is from manufacturers.

A. W. B. KJOSNESS,
Manager Mountain States Honey Producers' Association.

So far as the Northwest is concerned, I am entirely willing to follow this man's judgment upon that matter.

As to Idaho, here is a telegram from the State commissioner of agriculture. He says:

BOISE, IDAHO, *March 6, 1930.*

Hon. JOHN THOMAS,
United States Senator, Washington, D. C.:

Idaho beekeepers very anxious to support tariff amendment on beeswax.

JOHN S. WELCH.

I also have a telegram from Frank Beach, president of the Idaho State Beekeepers' Association, an actual farmer, as follows:

BURLEY, IDAHO, *March 6, 1930.*

Senator JOHN THOMAS,
Washington, D. C.:

Idaho beekeepers urge support tariff amendment providing for 25 per cent ad valorem on all beeswax and recommend increase tariff on honey.

FRANK BEACH,
President Idaho State Beekeepers' Association.

From these telegrams I have reached the conclusion that it is the actual farmer, the actual producer of honey, who wants this tariff.

Mr. BLEASE. Mr. President, I desire the attention of the Senator from Indiana [Mr. WATSON].

I have some records that I desire to get in to-day's CONGRESSIONAL RECORD in reference to patronage in South Carolina, as I understand that possibly there will be a hearing here to-morrow, which I myself shall not attend; but I should like these records to be accessible to parties who will be at that hearing if they should wish them. Rather than take up the time of the Senate now, if the Senator from Indiana will indicate some hour this afternoon when he will have an executive session, it is possible that it would be more convenient than to go into the matter now. Otherwise, I shall take the floor for a few minutes

in order to present these records. It will not take long, because I do not expect to make any speech; but I did not want to break into the other discussion unless it was necessary.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator can refrain until we have a vote on the matter just discussed, if possible.

Mr. BLEASE. That is just what I was trying to arrange.

Mr. WATSON. If the Senator will kindly wait, we can get through, I think, in the next two or three minutes, and go into executive session.

Mr. BLEASE. I thought perhaps the Senator would set an hour for the consideration of the matter.

Mr. WATSON. The Senator knows how uncertain senatorial debate is, and nobody knows how long it will last.

Mr. BLEASE. I will not interfere with the proceedings right now.

Mr. WATSON. I thank the Senator. I think we might run along for a little while.

Mr. BLEASE. I want to get these matters in the RECORD, and I should like to have the Senator from Nebraska present when I present them.

Mr. WATSON. Certainly. I will see that the Senator is here when the time comes for an executive session.

Mr. HEFLIN. Mr. President, has any limitation been placed upon debate?

Mr. WATSON. No; there is no limitation on debate in this instance.

Mr. SMOOT. Not yet.

Mr. WALSH of Massachusetts. There ought to be. I shall be through in a little while.

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. WALSH of Massachusetts. Mr. President, I have only a very brief statement to make about this amendment.

Under the present law crude beeswax is on the free list and bleached beeswax is dutiable at 25 per cent ad valorem. The House left crude beeswax on the free list, and made the rate of duty on bleached beeswax 30 per cent ad valorem. The Senate left crude beeswax on the free list, and restored the present duty of 25 per cent ad valorem on bleached beeswax.

The amendment of the Senator from Michigan [Mr. VANDENBERG], which was adopted in Committee of the Whole, struck the word "bleached" out of the language in the House bill in paragraph 1556, which had the effect of placing a rate of 25 per cent ad valorem on both crude and bleached beeswax.

I have had protests from both the bleachers of crude beeswax and users of bleached beeswax. The bleachers of crude beeswax assert that it is unfair to them to have the same rate of duty on their raw product and their finished article; that the amendment of the Senator from Michigan, which was adopted, does not provide any compensatory duty on bleached beeswax for the 25 per cent duty on crude beeswax. Now the Senator evidently is trying to correct that. Therefore he is proposing a duty on crude beeswax of 12 per cent, and leaving the duty in the bill as it stands at 25 per cent on bleached beeswax.

That is a very singular thing to do, in view of the fact, as the Senator from Utah knows, that the bleached-beeswax interests appeared before the Finance Committee asking to have crude beeswax put on the free list and a 50 per cent duty on bleached beeswax. Am I correct?

Mr. SMOOT. I think that is correct.

Mr. WALSH of Massachusetts. So what is proposed now is to let the product of the bleached-beeswax people, who wanted a duty of 50 per cent, stay at 25 per cent, and increase the duty upon their raw product from the free list to a duty of 12 per cent.

Aside from these interests, how about the consumer?

You may argue to me that putting a duty of 12 per cent upon crude beeswax and putting a duty of 25 per cent on bleached beeswax will not increase the cost of the comb which the bee uses in making the honey and increase the cost of candles. If that will not happen by reason of increasing the cost of the raw product, then you might as well argue that putting a duty on hides here will not increase the price of leather and shoes, and putting a duty on wool will not increase the cost of woolen clothing, and putting a duty on long-staple cotton will not increase the price of cotton cloth.

The trouble here is, if we put a duty of 12 per cent on the basic raw material, crude beeswax, and even if we give no more protection to the bleacher, yet the public have to pay for the 12 per cent increase in the imported raw product.

In view of the record of imports into this country—we import 90 per cent of this crude beeswax, and it is going down and down here, not because of imports, but because people are going out of the business—I can not see anything just to be done here except to adopt the amendment which the Finance Committee recommended, making the rate on bleached beeswax 25 per cent and putting the crude beeswax on the free list.

I can not support the compromise amendment suggested in the name of the Senator from New York, because you can not convince me that a duty of 12 per cent upon the basic raw product which is used in making these combs will not mean an increased price for the comb and will not also mean an increased price for the various manufactures from bleached beeswax, such as candles and all like products.

Mr. DILL. Mr. President, the Senator's argument just made is to the effect that because the bleached-beeswax manufacturer or processor wants more tariff, we should not give anything to the producer of the raw material. It seems to me that is no reason for not giving the producer of the raw material something if he is entitled to have it.

Mr. WALSH of Massachusetts. But the purpose was to show that he already is complaining about not having more of a spread than 25 per cent, and yet we are proceeding to make his spread less; namely, 12 per cent. But there are many other reasons I have given.

Mr. DILL. Of course, the manufacturer always complains about the raw material; but certainly the bee producer ought to be considered in this matter.

I confess that I am not as well informed on this subject as I should be if I were attempting to give advice on it; but there is one phase of this matter that has impressed itself on me, and that is that the producers of honey for purposes of making their livelihood want a tariff on crude beeswax. The Senator from Montana, who seems to have made the closest study of this matter, agrees that it will benefit them, but he says that the little farmer who has just a few sets of bees to make some honey for himself will not be benefited; that he will be burdened.

I am not so much concerned about the few cents extra by which the farmer is affected who has just two or three sets of bees to make a little honey for home use. I am concerned about the producers of honey who are making it for purposes of a livelihood. It is an industry that ought to be encouraged in this country. It seems to me that a 12 per cent tariff is sufficient to show whether it will do any good, and it is not so great as to be seriously burdensome as an experiment, anyway.

I hope the amendment will be agreed to.

Mr. STECK. Mr. President, the Senator from Wisconsin [Mr. BLAINE] has made out what appears to be rather a good case against the tariff on crude beeswax. As I remember, he also made out what appeared to be a very good case for the duty of 5½ cents a pound on casein.

In the case of the tariff on casein, I believe every dairy industry in the United States asked and insisted upon a duty of 8 cents. All the organized beekeepers in the United States, so far as we are informed here in the Senate, are now insisting on the amendment placing crude beeswax on the basis of 25 per cent.

I also have telegrams from the president of the Iowa Beekeepers' Association and other officials; but there is just one that I want to read, and that is because of the experience of the man who sends it, and of the position he holds. The telegram is to me, and it reads:

> The Iowa Beekeepers' Association indorses tariff amendment of Senator VANDENBERG for 25 per cent ad valorem on beeswax. We trust you will use your influence for this measure, and vote also. Your efforts in behalf of honey-producing industry are appreciated by our association.
>
> F. B. PADDOCK,
> *Secretary-Treasurer of the Association.*

Besides being secretary and treasurer of the Iowa Beekeepers' Association, Mr. Paddock is also the head of the beekeeping department which teaches beekeeping at the Iowa Agricultural School at Ames, which is, I believe, the outstanding agricultural school in America. At least, we claim so in Iowa, and I think without much dispute. Mr. Paddock is also, as I am reliably informed, the outstanding authority on beekeeping and honey-raising in the United States, and he is the head of that department in our agricultural school.

Not knowing very much personally about how honey is produced, and not being an expert on the subject, I am willing to take the word and the judgment of men who are interested in the industry, who represent the industry, and who are experts in that industry. It seems to me that all the evidence here, notwithstanding what some might say, and how they may criticize the request of the beekeeping industry over the entire country, is conclusive that the beekeepers want this tariff.

During all the discussion of this bill I have heard but one class of industry criticized in the discussion because they did

know what they wanted; and that they were not entitled to what they wanted; or what they wanted would not do them any good. It has been said in regard to practically every agricultural product which has been discussed, "The farmers want this, but it will not do them any good."

There are a few items in this bill where we can do the farmers some good. We could have done some good by putting a material duty on blackstrap molasses. We could do them some good by putting a reasonable tariff on casein, a duty of 8 cents. Five and a half cents is not sufficient, according to the men in control of the industry. I could name some other items about which the same could be said.

We can do something for the beekeepers of the United States. There are 17,000 of them in my State who are members of the association to which I have referred, and they want this tariff. They think it will do them some good. The men at the head of their organization are sure of it, and the expert in charge of the department at the Agricultural School of Iowa, at Ames, is certain that this will accomplish what they think it will accomplish, and they think they are entitled to it.

I think for once at least in the writing of this bill we should give the farmers something they say they want.

Mr. FRAZIER. Mr. President, I have received a number of telegrams from beekeepers' associations in my State and surrounding States in that section of the country, all of them favoring the duty placed upon beeswax as in Committee of the Whole; that is, 25 per cent.

I believe the beekeepers in general are in favor of this amendment, and they believe it will help their industry. Practically all honey out in the Middle West, and in the Northwest especially, is extracted from the comb. The honey can not be shipped in the comb any considerable distance, because it leaks out of the comb and a great deal of it is lost. Therefore the honey is extracted and both the honey and the beeswax are sold. So the beeswax is quite an item out through the Middle West and the Northwest. The honey industry has grown to a very great extent during the last few years and has become quite an important industry.

I am strongly in favor of the 25 per cent duty on beeswax.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the junior Senator from Michigan [Mr. VANDENBERG] as a substitute for paragraph 1556.

Mr. BLAINE. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BLAINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Goff	McNary	Steck
Bingham	Goldsborough	Metcalf	Steiwer
Blaine	Greene	Moses	Stephens
Blease	Hale	Norbeck	Sullivan
Borah	Harris	Norris	Swanson
Bratton	Harrison	Nye	Thomas, Idaho
Brookhart	Hatfield	Oddie	Thomas, Okla.
Broussard	Hebert	Patterson	Townsend
Capper	Heflin	Phipps	Trammell
Connally	Howell	Pine	Vandenberg
Couzens	Johnson	Pittman	Wagner
Cutting	Jones	Ransdell	Walsh, Mass.
Dale	Kendrick	Robinson, Ind.	Walsh, Mont.
Dill	Keyes	Schall	Waterman
Fess	La Follette	Sheppard	Watson
Fletcher	McCulloch	Shortridge	Wheeler
Frazier	McKellar	Simmons	
George	McMaster	Smoot	

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. GEORGE. Mr. President, I would like to have the attention of the Senator from Utah just a moment before the vote is taken. As I understand it, crude beeswax is on the free list under the present law.

Mr. SMOOT. It is.

Mr. GEORGE. And bleached beeswax, other than white bleached, is also on the free list under the present law.

Mr. SMOOT. Yes; that is true.

Mr. GEORGE. The House left the present law as it was, and the Senate Finance Committee made the bleached beeswax dutiable at 30 per cent ad valorem.

Mr. SMOOT. The House made it dutiable at 30 per cent and the Senate Finance Committee put it back to 25 per cent.

Mr. GEORGE. But, even as the Senate amendment now stands, any bleached beeswax, whether white or not——

Mr. SMOOT. Or whether crude.

Mr. GEORGE. Or whether crude, is dutiable at 25 per cent.

Mr. SMOOT. That is correct.

Mr. WALSH of Montana. Mr. President, my understanding is that under the present law all bleached beeswax, which is really white beeswax——

Mr. GEORGE. The present law provides a duty of 25 per cent ad valorem upon white bleached beeswax. Bleached beeswax other than white is on the free list. Of course, crude is likewise.

Mr. WALSH of Montana. If it is bleached, it must be white.

Mr. GEORGE. I do not so understand it.

Mr. WALSH of Montana. I suppose it might be white without being bleached, but if it is bleached it must be white.

Mr. GEORGE. In the present law the duty is levied against white bleached beeswax only.

Mr. SMOOT. Bleached beeswax under the present law is on the free list. The white beeswax is a manufactured product, and a great part of it is not beeswax at all; but the crude beeswax has always been on the free list.

Mr. WALSH of Montana. My recollection is that under the present law the duty is 25 per cent.

Mr. BRATTON. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I yield.

Mr. BRATTON. The amendment of the Senator from Michigan fixes the duty on crude beeswax at 12½ per cent?

Mr. SMOOT. Twelve per cent.

Mr. BRATTON. If the amendment fails of adoption, what, then, will be the status of crude beeswax?

Mr. SMOOT. If the amendment is not agreed to and the Senate action already taken as in Committee of the Whole is concurred in, then both bleached and crude beeswax will carry a rate of 25 per cent ad valorem.

Mr. BRATTON. So the effect of the pending amendment, so far as it relates to crude beeswax, is a reduction from 25 per cent to 12 per cent?

Mr. SMOOT. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. VANDENBERG], which the clerk will report for the information of the Senate.

The LEGISLATIVE CLERK. In lieu of the amendment adopted as in Committee of the Whole insert:

Beeswax, crude, 12 per cent ad valorem; bleached, 25 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. BLAINE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. GILLETT]. In his absence I withhold my vote.

Mr. STEPHENS (when his name was called). On this vote I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I do not know how he would vote, but I transfer my pair to the Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. WATSON. I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "yea."

The roll call was concluded.

Mr. BLEASE. Mr. President, has the junior Senator from Connecticut [Mr. WALCOTT] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BLEASE. Having a pair with that Senator, I withhold my vote.

Mr. SHEPPARD. I desire to announce that the senior Senator from New York [Mr. COPELAND] is paired on this question with the junior Senator from Alabama [Mr. BLACK].

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The junior Senator from Illinois [Mr. GLENN] with the junior Senator from Arkansas [Mr. CARAWAY];

The Senator from New Jersey [Mr. KEAN] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Arizona [Mr. ASHURST].

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Arizona [Mr. HAYDEN].

The result was announced—yeas 41, nays 22, as follows:

YEAS—41

Allen	Fess	McMaster	Smoot
Blaine	Goff	McNary	Steck
Borah	Goldsborough	Moses	Steiwer
Bratton	Hatfield	Norris	Sullivan
Broussard	Hebert	Oddie	Thomas, Idaho
Capper	Heflin	Patterson	Townsend
Connally	Johnson	Phipps	Vandenberg
Couzens	Jones	Pine	Watson
Cutting	Kendrick	Ransdell	
Dale	La Follette	Schall	
Dill	McCulloch	Sheppard	

NAYS—22

Brookhart	Harrison	Pittman	Walsh, Mass.
Fletcher	Howell	Shortridge	Walsh, Mont.
Frazier	Keyes	Swanson	Waterman
George	McKellar	Thomas, Okla.	Wheeler
Hale	Norbeck	Trammell	
Harris	Nye	Wagner	

NOT VOTING—33

Ashurst	Deneen	Hayden	Shipstead
Baird	Gillett	Kean	Simmons
Barkley	Glass	King	Smith
Bingham	Glenn	Metcalf	Stephens
Black	Gould	Overman	Tydings
Blease	Greene	Reed	Walcott
Brock	Grundy	Robinson, Ark.	
Caraway	Hastings	Robinson, Ind.	
Copeland	Hawes	Robsion, Ky.	

So Mr. VANDENBERG's amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole as amended.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BLAINE. I understand that those who desire to place crude beeswax on the free list should now vote "nay."

The VICE PRESIDENT. The Senator is correct. The question is upon concurring in the amendment made as in Committee of the Whole as amended.

Mr. WALSH of Massachusetts and Mr. BLAINE called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a pair with the Senator from Connecticut [Mr. WALCOTT]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote I withhold my vote.

Mr. SULLIVAN (when his name was called). Making the same announcement as on the previous vote as to my pair and its transfer, I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

The roll call was concluded.

Mr. STEPHENS. I have a general pair with the Senator from Indiana [Mr. ROBINSON], who is necessarily absent. I withhold my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Pennsylvania [Mr. REED] with the Seantor from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The junior Senator from Illinois [Mr. GLENN] with the junior Senator from Arkansas [Mr. CARAWAY];

The Senator from New Jersey [Mr. KEAN] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Delaware [Mr. HASTINGS] with the senior Senator from Arizona [Mr. ASHURST];

The Senator from Vermont [Mr. GREENE] with the junior Senator from Arizona [Mr. HAYDEN];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE]; and

The senior Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 49, nays 11, as follows:

YEAS—49

Allen	Hale	Norris	Steiwer
Black	Hatfield	Nye	Sullivan
Borah	Hebert	Oddie	Thomas, Idaho
Brookhart	Heflin	Patterson	Thomas, Okla.
Broussard	Howell	Phipps	Townsend
Capper	Johnson	Pine	Trammell
Connally	Jones	Pittman	Vandenberg
Couzens	Kendrick	Ransdell	Wagner
Dill	Keyes	Schall	Walsh, Mont.
Fess	McCulloch	Sheppard	Waterman
Frazier	McMaster	Shortridge	
Goff	McNary	Smoot	
Goldsborough	Moses	Steck	

NAYS—11

Blaine	George	La Follette	Swanson
Bratton	Harris	McKellar	Walsh, Mass.
Cutting	Harrison	Norbeck	

NOT VOTING—36

Ashurst	Deneen	Hawes	Robsion, Ky.
Baird	Fletcher	Hayden	Shipstead
Barkley	Gillett	Kean	Simmons
Bingham	Glass	King	Smith
Blease	Glenn	Metcalf	Stephens
Brock	Gould	Overman	Tydings
Caraway	Greene	Reed	Walcott
Copeland	Grundy	Robinson, Ark.	Watson
Dale	Hastings	Robinson, Ind.	Wheeler

So the amendment made as in Committee of the Whole as amended was concurred in.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

The LEGISLATIVE CLERK. Portland cement. The Senate, as in Committee of the Whole, inserted on page 252, after line 21, paragraph 1644 of the free list:

Cement or cement clinker, Roman, Portland, and other hydraulic.

Mr. BLEASE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The CHIEF CLERK. On page 37, at the end of line 22, paragraph 205, the Senator from South Carolina offers the following amendment:

Imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

The VICE PRESIDENT. The Chair is advised that the amendment is not in order at this time.

Mr. BLEASE. I desire to offer an amendment providing to place cement on the free list when purchased by States, municipalities, or townships which are now building or have in mind to build highways. My State, for instance, has just passed a law appropriating $65,000,000 for that purpose.

The VICE PRESIDENT. The Senator from South Carolina would have to wait until——

Mr. BLEASE. I am going to ask unanimous consent to have the amendment voted on, whether it shall be adopted or not.

The VICE PRESIDENT. Is there objection to the consideration of the amendment at this time?

Mr. SMOOT. Will the Senator wait until——

Mr. BLEASE. Just let me finish my statement. It is short. The legislature of my State has just passed an act, and the Supreme Court of the United States has upheld it, appropriating $65,000,000 for the improvement of roads. Other States and also townships and cities are building improved roads for public service and use. It seems to me that when a man has to pay taxes to pay the interest on the bonds issued for the improvement of roads and then has to pay taxes to pay the bonds themselves, he should not be further taxed by having to pay a tariff on cement. If we desire good roads all over the country, we should encourage them and not attempt to tax to death those who have to pay the taxes in order to get those good roads.

In addition to that, I desire to say that thousands of people pay such taxes who never ride on the roads; they do not have the opportunity to ride on them. I do not think it is right to tax a man three times in order to get cement with which to build good roads, whether he uses such roads or not, but especially if he never has the opportunity to ride on them.

I can not see why this amendment should not be adopted except on the general principle of the tariff—rob the poor devil and make the rich man richer.

The VICE PRESIDENT. Is there objection to the immediate consideration of the amendment?

Mr. SMOOT. Mr. President, I desire to make a statement. When the Portland cement item was reached as in Committee of the Whole it was put on the free list, as appears on page 252 between lines 21 and 22. When the bill got into the Senate another vote was taken and cement was put upon the dutiable

list. Following that vote, I asked unanimous consent that the amendment placing cement on the free list be nonconcurred in. Unanimous consent was refused at that time. Now, I ask that the amendment placing cement on the free list as found on page 252 between lines 21 and 22 be nonconcurred in.

The VICE PRESIDENT. Does the Senator object to the amendment proposed by the Senator from South Carolina?

Mr. SMOOT. Mr. President, the suggestion I make now is in conformity with the action taken by the Senate a few days ago, and I should like very much to have my request granted in order to complete the action taken by the Senate.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield.

Mr. WALSH of Montana. The Senator now wants to take cement off the free list?

Mr. SMOOT. Yes. It was put on the free list and then when the bill got into the Senate it was put back on the dutiable list. As I have said, I asked at the time that the amendment putting it on the free list should be nonconcurred in, but someone, who probably did not know what the request was, objected. Now, I ask that the item be taken from the free list in conformity with the action of the Senate of a few days ago.

Mr. McKELLAR. We had a yea and nay vote on it in the first instance.

Mr. WALSH of Montana. We had better have another one.

Mr. SWANSON. Mr. President, it seems to me that the amendment offered by the Senator from South Carolina would now be in order. The vote could be taken on removing the cement item from the free list with the amendment offered by the Senator from South Carolina. What is the objection to voting on it in that way?

Mr. SMOOT. If the amendment putting it on the free list remains, together with the other amendment putting it in the dutiable list, which has already been adopted, it will have no effect at all.

Mr. SWANSON. It might have this effect; it would be taken from the dutiable list and put on the free list with the condition attached which the Senator from South Carolina seeks to impose. It seems to me that now is the proper time for the Senator from South Carolina to offer his amendment.

Mr. SMOOT. I will ask the Chair as a parliamentary inquiry, Is an amendment now in order to take cement from the dutiable list and put it back on the free list? I do not think it is.

The VICE PRESIDENT. It would not be in order at this time, but it would be in order later as an individual amendment.

Mr. WALSH of Montana. Mr. President, it seems to me that that is not the question. We have now placed cement on the dutiable list, but there is a provision in the free list including cement. Now, the Senator from Utah asks to amend that by striking it out, and the Senator from South Carolina is quite content to have it stricken out except as to cement that is introduced by or for the use of public corporations. Accordingly, it seems to me that the amendment offered now by the Senator from South Carolina is pertinent to the course which the Senator from Utah now desires to take.

Mr. SMOOT. No, Mr. President.

Mr. WALSH of Montana. Let me remark also that if, now, we take cement off the free list——

Mr. SMOOT. We have already done that.

Mr. WALSH of Montana. No; we have not. We have put it on the dutiable list, but it still remains on the free list—that is, the language is there—and the Senator now seeks to strike out that language. If we do that, then it seems to me that the Senator from South Carolina never will have an opportunity to offer his amendment.

Mr. SMOOT. Mr. President, if the Senator wants to offer his amendment, what he ought to do is to offer the amendment to the provision that has been voted upon by the Senate putting it upon the dutiable list.

Mr. WALSH of Montana. There is no reason why it should not be attached to this provision just as well as to the other. What the Senator from Utah really seeks to do is to take cement absolutely off the free list; and the Senator from South Carolina does not want it to be taken absolutely off the free list. He wants it to be taken off the free list except with reference to importations by public institutions.

Mr. SMOOT. The regular way to do that is to offer an amendment to the amendment that carries the duty.

Mr. WALSH of Montana. Yes; but that was disposed of, as I understand. The Senator will be charged then with being entirely too late. It will be said that he ought to have offered his amendment at the time that matter was under consideration. I can not see how we can amend that provision of the bill again.

Mr. GLASS. Not only has it been disposed of, but there has been a reconsideration.

The VICE PRESIDENT. The amendment applies to a separate part, and the Chair would hold that it would be in order as an independent amendment later on.

Mr. SMOOT. Because it is a separate amendment?

The VICE PRESIDENT. It is not in order as an amendment to the amendment suggested by the Senator from Utah. It applies at an entirely different place in the bill.

Mr. SWANSON. Mr. President, let me see if we can get a clear understanding.

As I understand, the Senate has agreed to impose a certain specific duty on cement, and a motion to reconsider has been made and defeated. Therefore, that becomes a part of the text of the bill. That is fixed, is it not?

Mr. SMOOT. I think so.

Mr. SWANSON. Except so far as it has not been taken from the free list, it seems to me that is fixed. I do not see how the Senator from South Carolina can offer an amendment contrary to that except now.

Mr. SMOOT. I do not, either.

Mr. SWANSON. The Senator from Utah did not wait until the free list was reached. He anticipated, as I understand.

Mr. SMOOT. It is on the free list now.

Mr. SWANSON. The Senator from Utah anticipated this vote. If it had come up at the time we were on the free list, the Senator could have moved to strike out and insert this provision that the Senate has agreed to; but he failed to do that. Now the amendment comes up to strike that out. We have two contradictory provisions in the bill as it stands at present—one fixing a rate on cement and one putting it on the free list. This is an effort to clear up the contradictory text.

Mr. SMOOT. That is right.

Mr. SWANSON. Now the Senator makes a motion to clear up that contradictory text by striking cement off the free list. The Senator from South Carolina moves to strike it off with this condition, which it seems to me is the only way we can take a vote on it.

Mr. WALSH of Montana. Mr. President, if that is the ruling of the Chair—that later on the Senator from South Carolina may offer his amendment and have it considered by the Senate—no one has any particular cause to complain. It is a mere matter of time. When, however, we have voted to put cement on the dutiable list, and a vote has been taken refusing to reconsider that vote, I am unable to understand how we can afterwards affect that provision of the bill. The action already taken seems to me to end that. It does seem to me that if the Senator offers his amendment, whatever form it may take, it must affect that provision of the bill which, as I supposed, has been settled past touching. Of course, if the Senator's amendment is adopted, it will to that extent destroy the effect of the provision which we have now incorporated in the bill.

The VICE PRESIDENT. The Chair will state that the amendment proposed by the Senator from South Carolina applies to some of the House text, and will be in order as an individual amendment after the reserved amendments have been disposed of.

Mr. SMOOT. Mr. President, I withdraw my suggestion at this time, in order to see if we can not word this amendment of the Senator's in such a way that there will be no question about the order of consideration. I want the Senator to understand that I have not any objection at all to a vote upon it; but let us arrange it so that we can be sure that our action does not violate any of the rules of the Senate.

Mr. SWANSON. Mr. President, it seems to me that the Chair might rule this way and settle the matter, and then there might be an appeal from the decision of the Chair when the question came up, and the Senate might not sustain the Chair.

If unanimous consent is asked that we permit this item to be stricken from the free list and have the right to have this amendment offered to the text agreed to, then that would clearly be in order.

I ask unanimous consent that we now consent that this item shall be taken from the free list, and that immediately the amendment offered by the Senator from South Carolina shall be voted on as an amendment.

The VICE PRESIDENT. Is there objection?

Mr. HALE. Mr. President, the Senator from New York [Mr. [COPELAND] and the Senator from New Jersey [Mr. KEAN], who reserved this amendment, are both out of the city to-day, and are not coming back until to-morrow or next day. I do not think this matter should be taken up in their absence.

As far as this particular amendment is concerned everybody knows that the fight was made on cement, that a duty was put

on, and that reconsideration was moved and defeated. That disposed of it. This is simply a technicality by which it still remains on the free list.

Mr. SMOOT. Mr. President, may I ask the Senator to withdraw his amendment until the Senators from New York and New Jersey get back? Then we will fix it up in some way.

Mr. SWANSON. Cement is on the free list now. If this matter goes over and we consent for it to be stricken out, there is nothing I can see that this amendment can be offered to; and I would rather have it go over.

Mr. SMOOT. That is what I proposed.

The VICE PRESIDENT. The amendment will go over for the present.

Mr. BLEASE. Mr. President, do I understand that the amendment goes over?

The VICE PRESIDENT. For the present; yes.

Mr. SWANSON. I suggest to the Senator that it go over. The amendment has been presented, so that it can be read in the RECORD.

Mr. BLEASE. That is satisfactory to me. I just want it voted on.

The VICE PRESIDENT. The Clerk will state the next amendment reserved for a separate vote.

The LEGISLATIVE CLERK. On page 253, the Senate, as in Committee of the Whole, struck out the proviso beginning in line 12, down to and including the word "government," in line 18.

Mr. JONES. Mr. President, is that the retaliatory provision relating to coal?

The VICE PRESIDENT. That is the countervailing duty on coal; yes.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. SMOOT. I asked that all of the countervailing duties in this bill be stricken out. It was done at the request of the State Department, which called particular attention to the fact that it violated certain treaties between our Government and governments interested in these products. We have no treaty with Canada; and this countervailing duty upon coal, as I understand, really applies only to Canada, and virtually the same thing is true of lumber. Therefore, as far as I am concerned, I have no objection to putting the countervailing duty on coal and on lumber.

Mr. MOSES. Mr. President, is it not true that the State Department has changed its position since its earlier statement, and now is desirous that certain changes should be made with reference to countervailing duties?

Mr. SMOOT. I have not received any letter to that effect.

Mr. MOSES. I think that is the fact.

Mr. SMOOT. But as far as coal and lumber are concerned, virtually the only country involved is Canada; and we have no treaty with Canada.

Mr. SWANSON. And Canada has refused to make a treaty with the United States. It would be absolute folly to give her everything she wants when she refuses to make a commercial treaty with us.

Mr. SMOOT. Particularly when she places a duty upon these very articles from America.

Mr. JONES. Mr. President, if there is a disposition to put this provision in without discussion, I have no desire to discuss it.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES. I yield to the Senator.

Mr. LA FOLLETTE. May I ask the Senator from Utah if the State Department did not submit a statement or a letter saying that if the countervailing duties were to be retained in the bill, they desired that the matter should be left to the discretion of the President after diplomatic negotiations?

Mr. SMOOT They did request that in the letter; but in the case of the countervailing duties upon coal and lumber, which affect only the United States and Canada, since Canada has no treaty whatever with the United States, and refuses to make one, I see no reason why they should not be retained in the bill.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I do.

Mr. SWANSON. If the Senator from Wisconsin will permit me, if a treaty is made with Canada it will have to be sent back to the Senate. The Senate will act on it, not the President. Why should the President have power to refuse to impose this duty pending negotiations?

Mr. DILL. Mr. President, will my colleague yield?

Mr. JONES. I yield.

Mr. DILL. I want to call the attention of the Senator from Wisconsin to the fact that so far as the lumber duty is concerned, it does not provide a countervailing duty. It leaves it in the hands of the President to make the negotiations.

Mr. LA FOLLETTE. But that is not true of coal.

Mr. DILL. No; and it ought not to be true of coal, because the countervailing duty is absolutely necessary for the salvation of the coal industry.

Mr. JONES. Mr. President, I think I shall take just a few minutes to discuss this matter.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I yield.

Mr. FESS. Will the Senator yield to limit the debate upon this matter, for fear we may have a general debate?

Mr. JONES. I am perfectly willing to agree to a 10-minute limitation, so far as I am personally concerned.

Mr. FESS. I ask unanimous consent that no Senator be permitted to speak longer than 10 minutes nor more than once upon this matter.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maine?

Mr. JONES. I do.

Mr. HALE. I should like to ask the chairman of the Finance Committee whether there is not a countervailing duty in the House bill also on paper board and wall board.

Mr. JONES. Mr. President, I hope this will not be taken out of my time.

The VICE PRESIDENT. The Senator has been asked to yield. The Senator from Washington has the floor.

Mr. HALE. Very well.

Mr. JONES. I do not think I shall take the 10 minutes.

The countervailing provision that is pending applies, as the Senator from Utah says, very largely between this country and Canada. Canada has a duty of 50 cents a ton on bituminous coal, so under this provision there is a 50-cent duty imposed on bituminous coal coming into this country. This affects practically just two sections of the country. One section is the Pacific coast and British Columbia. The other section is Nova Scotia and the Atlantic territory.

I desire to refer briefly to the situation on the Pacific coast; and others, of course, can take care of the Atlantic situations.

Washington and the Rocky Mountain States furnish practically all the domestic bituminous coal for the Pacific coast. The demands of the Pacific coast for bituminous coal amount to about 2,500,000 tons. The development of oil and gas has interfered very largely with the bituminous-coal industry on the Pacific coast. It has had a very depressing effect upon our coal industry. If we take off the 50 cents a ton on imports of bituminous coal from Canada, it will have a most serious effect upon our labor and the bituminous-coal industry. It simply means practically turning over the market of five or six millions of our people on the Pacific coast from our own mines and our own labor to British Columbia mine operators and to labor employed there.

Considerable of the labor in these mines, just as in the lumber mills and shingle mills, is Japanese. They can produce their coal much more cheaply than we can produce ours, and if we take this 50 cents a ton tariff off, as I said a moment ago, it means practically turning our market or a large part of it over to British Columbia and Alberta. They ship some of their bituminous coal into this country now, especially into the State of Washington, and to the other parts of the Pacific coast. They have the advantage of water transportation, and many of their mines are really adjacent to water. I remember four or five years ago, when I made a trip up to Alaska, the boat had to stop at one of the British Columbia mines to get coal for the trip. All they had to do was to anchor the boat at the dock. The coal was loaded onto the boat right from the mines, without having to put it into a boat, or into a car, or anything of that sort. In other words, the mine was right by the water and the boat loaded at comparatively little expense. That is the situation on the Pacific coast with which we have to deal.

I can not see any justification for our voluntarily giving this market to British Columbia. They put a tariff on our coal. There is not very much of a market over there for us, it is true, but there is a large market on our side for them, and they have the water facilities, they have the shipping facilities, and they

have the labor facilities to take that market if we let them bring their coal in free of duty. It is true they can get relief from this tariff if they want to. If they do not consider it of sufficient importance to take off their tariff, why should we take off ours?

Mr. President, that is just a brief outline of the situation on the Pacific. I do not want to take any more time, but I do ask to have inserted in the RECORD a couple of telegrams I have here calling attention to the disastrous effect that would result from taking the duty off. These telegrams state the effect upon the operation of our mines. I also ask to have a statement covering the situation more generally inserted.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *March 4, 1930.*

Hon. WESLEY L. JONES,

United States Senator, Washington, D. C.:

Press dispatches advise that Senate Finance Committee refuses to indorse the present countervailing duty provision in the new tariff bill. Through this provision in the old tariff bill we have a duty of 50 cents a ton against Canadian coal—this in line with the duty that they have against us. Elimination of this provision in the new tariff would have a very serious effect on the coal industry of State of Washington, as well as Wyoming and Utah. Please advise us what situation is and what possibilities are of Senate as a whole retaining the countervailing act of new law, notwithstanding that vote of Finance Committee was against it. Would appreciate prompt reply so as to enable us to present any further arguments we may have in support of our contention that this feature of the act should be retained. American miners should be protected in their efforts to make a living.

D. C. BOTTING,
Chairman Coal Miners and Operators Committee.

CLE ELUM, WASH., *March 8, 1930.*

Hon. WESLEY JONES,

United States Senator, Washington, D. C.:

We have been advised the newspapers carry the information that the Senate Finance Committee has recommended the elimination of the countervailing duty provision in the new tariff bill. Canada has a tariff of 50 cents a ton against American coals, we now have a duty of 50 cents against Canadian coal which we are able to get on account of the countervailing feature of the present tariff law. If this provision is eliminated from the pending tariff bill it will be a serious blow to the coal industry of the State of Washington and to the men employed in it. We wish you to do everything possible when this matter comes up in the Senate to have this countervailing feature retained in the bill. We are wondering whether the Senators who favor this elimination realize that they are working against the interest of the coal miners of this country and in favor of Canadian mines and pay rolls. We will have very much stronger competition from British Columbia than we have in so far as the State of Washington is concerned if the 50 cents per ton protection that we have is taken away. It should not be necessary for us to call the attention of the Members of the Senate, through you, to the fact that to follow out this policy of elimination of this tariff protection will only throw more men idle. We feel that American miners should be given every consideration and should be protected in their efforts to make a living for themselves and families; in doing this it will assist the farmers in having a place to sell their product. The above is a copy of a resolution of Local 2269, United Mine Workers of America.

HARRY COBURN, *President,*
HARRY GOWANS, *Secretary,*
Ronald, Wash.

THE EFFECT OF THE REPEAL OF THE COUNTERVAILING DUTY ON BITUMINOUS COAL

The adoption of an amendment on the floor of the Senate repealing the provision of the tariff bill for a countervailing duty on bituminous coal was under the following circumstances:

The Senate was discussing schedule 14, relating to papers and books. One item of paragraph 1402 provided for a countervailing duty on certain articles under that schedule. On Senator SMOOT'S motion, that provision was repealed. During the discussion of the repeal Senator SMOOT stated that it was his purpose to move to eliminate all provisions of the tariff bill relating to countervailing duties. Incidentally, he said that the State Department had taken particular interest in the matter, and that, while he believed the policy of countervailing duties was a good one, "the State Department asked the committee, in a letter directed to me, to take the action I have advised." He then moved that the language, on page 253, beginning with line 12, be stricken out. That was the clause providing for a countervailing duty on coal imports. However, it is to be noted that the Senator did not state what commodity was affected by that change. Still more noteworthy is the fact that, so far as appears, no person engaged in the bituminous mining industry was given any notice of the proposed action or any opportunity to protest against it.

Protracted discussions relating to new tariff bills are unavoidably disturbing to business conditions, even when the industries concerned are fully informed as to the deliberations in progress. Still more unsettling will the condition be if such action as that here under consideration becomes customary and changes are made seriously affecting the conditions under which an industry is carried on with no warning to those engaged in the industry.

In practice, the countervailing duty has run only against coal imported from Canada, since Canada is the only country imposing a duty on American coal. Under the present Canadian law there is no duty on anthracite coal. The duty on bituminous coal is 50 cents a ton, with provision for the rebating of most of that duty when the coal is used for certain limited purposes, chiefly the manufacture of gas and metallurgical coke. Consequently, imports of bituminous coal from Canada into the United States now pay a duty of 50 cents a ton.

It is true that under existing conditions the amount of bituminous coal brought in from Canada constitutes a very small percentage of the total United States consumption, averaging, in round numbers, only one-tenth of 1 per cent of the domestic production. However, that comparison fails to give any indication of the potential losses to the American bituminous mining industry if Canadian imports are admitted free. There are two important factors that need to be taken into consideration.

The first of these factors is the local distribution of Canadian imports. With certain trifling exceptions, such imports come from two Canadian fields and are confined to two sections of the United States. On the one hand we have the importation of Nova Scotia coal into New England, and on the other hand the importation of coal from British Columbia into the States along the Pacific coast.

According to the reports of the Bureau of Mines, the receipts of bituminous coal in New England amount to over 20,000,000 tons a year. Of this amount approximately one-third is brought in by rail from Pennsylvania and near-by States, and two-thirds by water, mostly from southern West Virginia. In the last few years the importation of coal into New England from foreign countries, including Canada, has been increasing.

However, as pointed out above, the significant question is what the effect of removing the present countervailing duty would be upon the imports from Nova Scotia for the future. The output of Nova Scotia mines, like that of American mines, is limited by the extent of its market. Even with such limitation the average annual production has increased from 5,967,000 net tons in the first three years of the last decade to 6,854,000 for the years 1926 to 1928. Even the latter average is far short of the maximum annual production of the field of 7,980,000 tons. Given free access to the New England market, there would be an expansion of the Nova Scotia mine capacity and a displacement of American coal by Nova Scotia coal in New England. Cheap transportation from mines located close to tidewater would give the Nova Scotia mines a great advantage in the New England market. The conditions might well come to approximate those prevailing during the period of free admission of Canadian coal, when New England obtained a substantial part of its bituminous-coal requirements from Nova Scotia mines. The effect of this change would be felt particularly in the Pennsylvania and southern West Virginia fields.

The removal of the duty on Canadian imports would have still more disastrous effects in the western part of the United States. The Pacific Coast States, with an estimated annual consumption of approximately 2,500,000 tons, outside of railroad fuel, now get their coal partly from the State of Washington and partly from the Rocky Mountain States. The bituminous-mining industry in those States has been profoundly affected by the inroads of oil and natural gas. The encroachment of these rival fuels has already imposed upon the bituminous industry the necessity of heroic measures of retrenchment. Moreover, even with the prevailing duty of 50 cents a ton a substantial amount of Canadian coal has been coming into this western market. This amount would increase greatly if the duty were removed; in fact, it could be said without exaggeration that the entire Pacific coast market would be lost to American producers.

The Canadian Province of Alberta contains more extensive coal reserves than any other part of the Dominion. With free access to American markets coal from Alberta, much of it located close to the American border, could gain ready access to the markets of the border States from Minnesota westward. These States represent a fuel consumption of approximately 10,500,000 tons in addition to railroad fuel.

Even under the disadvantage of a 50-cent duty, substantial amounts of coal a year are entering the United States from the two Provinces of British Columbia and Alberta, but the point to be borne in mind is that with the duty removed the advantages of water transportation on the one hand and nearness to market on the other hand would give Canadian mines almost exclusive control of the markets of the Pacific coast and border States. This would mean ruin for the bituminous industry of the State of Washington and great losses to the Rocky Mountain States.

There is a more remote effect of the removal of the provision for a countervailing duty which would extend to other producing fields. It is well known that the Dominion of Canada has been resorting to numerous devices in an effort to reduce its dependence upon United States coal imports. Not only does it give a preference of 15 cents a ton duty to coal imported from British Isles, but it has also endeavored to promote the use of Nova Scotia coal and Alberta coal in the chief industrial Provinces of Quebec and Ontario through direct and indirect subsidies in the form of reduced costs of transportation. These efforts have not appreciably affected the use of American coal in the Province of Ontario, but they have largely increased the consumption of Nova Scotia coal in the Province of Quebec.

Efforts have been made from time to time to secure the imposition of a higher rate of duty on coal entering Canada from the United States. It has been fortunate for the American bituminous mining interests that a substantial factor in the Canadian coal-producing industry has been interested in resisting the attempt to advance the rate of duty because of the American provision for a countervailing duty; in other words, for an advance in rate equal to any advance imposed by Canada. If the provision for a countervailing duty is repealed there will be no such motive on the part of Canadian producers to oppose the raising of the rate on coal imports, and we may reasonably expect to see a strong demand for the fostering of the Canadian coal-mining industry take the form of substantial advances in the rate of duty on coal brought in from the United States. Such an advance would increase the percentage of Canadian coal consumed in Canada and correspondingly decrease the demand for American coal. That decrease would affect every coal-producing area in the United States now shipping coal into Canadian territory.

To sum up this discussion, the removal of the countervailing duty on bituminous coal, the only duty enjoyed by the industry, acted on without the knowledge of those engaged in the industry and without even the mention of the commodity affected by the amendment, would entail directly serious loss upon the fields furnishing New England with its industrial fuel, particularly those shipping to New England by water, and would practically close the markets of the Pacific coast and the Canadian border to American coal, with practical ruin to the mines of the State of Washington, and indirectly affect every American coal-producing field which now sends coal either into Canada or into the Northwestern States bordering on the Canadian line.

Mr. LA FOLLETTE. Mr. President, I wish merely to read a portion of the letter from the office of the Secretary of State addressed to the senior Senator from Utah [Mr. SMOOT], dated September 4, 1929:

With reference to contingent duty provisos of the kind above referred to there are certain aspects of the matter to which you may wish to give further consideration. The policy represented by such provisos tends to place this Government in an inconsistent position in its relations with foreign countries on tariff matters. The provisos in question do not apparently have in view protecting the domestic producers of the products affected from foreign competition in the American markets but are apparently designed to facilitate the exportation of such products by bringing pressure to bear on foreign governments to reduce their duties thereon.

Our success in protecting American foreign trade from discriminatory treatment abroad depends on the extent to which we succeed in making precisely the opposite tariff principle prevail, namely, that the tariff being solely a domestic matter, a country may impose whatever level of nondiscriminatory duties it deems necessary for the protection of domestic producers and standards of living, without affording foreign countries any ground for complaint or justification for discriminations against its trade.

Opposing tariff theories are gaining considerable support abroad, and departures from our declared policy on tariff matters thus assume particular importance at this time. The principle embodied in the provisos in question has recently received considerable attention abroad and was recently given prominence in the French and German press.

You may wish to consider whether the gains to American producers of the products covered by the provisos in question are sufficient to offset the disadvantages arising from the inconsistent position in which they tend to place this Government and their tendency to hamper this department's efforts on behalf of American exporters generally.

Sincerely yours,

W. R. CASTLE, JR.

Mr. President, I do not desire to take further time of the Senate, because I think the letter from Mr. Castle states very clearly the issue involved in countervailing duties. I do not believe a sound argument can be made for countervailing duties. They are, as declared by the Acting Secretary of State, in the nature of retaliatory duties. They are not placed upon a product because the economic facts or statistics concerning its production in the United States justify the imposition of those duties on the ground that they are to protect the domestic producer. Countervailing duties are invoked for the purpose of forcing some other government to remove a tariff upon a commodity which they have imposed.

Mr. JONES. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield briefly.

Mr. JONES. I merely want to suggest that that is not the purpose of the countervailing-duty provision with reference to coal.

Mr. LA FOLLETTE. Mr. President, the Senator may have that opinion regarding it, but it is certainly not the opinion which is held concerning these countervailing duties generally. They are imposed—and I think anyone who is frank will admit that they are invoked and employed—for the purpose of forcing another country to take off a duty which they have imposed upon a product which they produce.

I do not believe that is sound in principle, and when we are about to pass this tariff bill, which contains the highest rates in the history of the protective system, and which will inevitably tend to make it more difficult for us to export our products abroad, we should hesitate before we adopt principles and provisions which will cause further and unnecessary irritation in our relations with other governments.

Mr. SWANSON. Mr. President, the situation described by the Senator from Wisconsin as disclosed by the State Department is entirely different from the situation with which we are confronted. We have always contended when we make a treaty of commerce with a nation that we will deal under the most-favored-nation clause. That is wise, it is just, it is far-reaching, it lends itself to no discrimination. All we ask of any country is to give us the most-favored-nation treatment, that has been one of our universal principles, and all treaties that have come to the Foreign Relations Committee have been so drawn, or we do not ratify them.

What is the situation here? Here is Canada refusing to make a commercial treaty with us. She gives preference to Great Britain in rates, a far-reaching circumstance.

The question here is between coal in Canada and coal in the United States. The United States is perfectly willing to have a free coal arrangement with Canada. There are portions of Canada to which we can ship coal with a haul miles and miles shorter than the haul from the Canadian mines. There are parts of the United States to which Canada can ship coal cheaper than we can ship it from our own mines. We are willing for both countries to have the privilege of shipping coal duty free between Canada and the United States. But Canada imposes a duty on our coal, then wants to have a free market here, without entering into a treaty containing the most-favored-nation clause.

Allowing coal to come in free is really in violation of the principle underlying the treaties we have advocated for years and years, namely, that anybody with whom we make a treaty must agree to incorporate the most-favored-nation clause.

I think we owe it to ourselves to maintain that principle. If Canada wants to make a commercial treaty with us containing the most-favored-nation clause, she can have such a treaty providing for free coal, or for free lumber. But why should Canada have the privilege of shipping those commodities into the United States free of duty when she gives a preference to the British Empire, and when she refuses to enter into a treaty with us?

It is our duty to make a treaty with Canada containing the most-favored-nation clause, but if Canada refuses to do that, then she must suffer the penalty. In making reciprocity treaties we have insisted on the most-favored-nation clause being included, and when any nation will not give us that privilege, why should we sit supinely back and permit them to discriminate against us?

Mr. GOFF. Mr. President, the adoption of an amendment on the floor of the Senate repealing the provision of the tariff bill for a countervailing duty on bituminous coal was under the following circumstances:

The Senate was discussing Schedule 14, relating to papers and books. One item of paragraph 1402 provided for a countervailing duty on certain articles under that schedule. On Senator SMOOT'S motion, that provision was repealed. During the discussion of the repeal Senator SMOOT stated that it was his purpose to move to eliminate all provisions of the tariff bill relating to countervailing duties. Incidentally, he said that the State Department had taken particular interest in the matter, and that while he believed the policy of countervailing duties was a good one, "the State Department asked the committee, in a letter directed to me, to take the action I have advised." He then moved that the language on page 253, beginning with line 12, be stricken out. The language is as follows, beginning with line 12 down to and including line 18:

Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

This amendment was agreed to. The clause stricken out provided for a countervailing duty on coal imports. This action was taken in the midst of a debate on the tariff on papers and books. There was no discussion.

The elimination of this countervailing duty will have a serious effect upon the coal and other industries of the State of Pennsylvania, as well as many of our Southern and Western States. It will directly and acutely affect the coal industry in West Virginia, Virginia, and, indirectly, the production of coal in Tennessee and Kentucky. In practice, the countervailing duty has run only against coal imported from Canada, since Canada is the only country imposing a duty on American coal. The duty on bituminous coal is 50 cents a ton; consequently, imports of bituminous coal from Canada into the United States now pay a duty of 50 cents a ton.

That was the clause providing for a countervailing duty on coal imports. However, it is to be noted that the Senator did not state what commodity was affected by that change. Still more noteworthy is the fact that so far as appears no person engaged in the bituminous mining industry was given any notice of the proposed action or any opportunity to protest against it.

Protracted discussions relating to new tariff bills are unavoidably disturbing to business conditions, even when the industries concerned are fully informed as to the deliberations in progress. Still more unsettling will the condition be if such action as that here under consideration becomes customary and changes are made seriously affecting the conditions under which an industry is carried on with no warning to those engaged in the industry.

In practice the countervailing duty has run only against coal imported from Canada, since Canada is the only country imposing a duty on American coal. Under the present Canadian law there is no duty on anthracite coal. The duty on bituminous coal is 50 cents a ton, with provision for the rebating of most of that duty when the coal is used for certain limited purposes, chiefly the manufacture of gas and metallurgical coke. Consequently imports of bituminous coal from Canada into the United States now pay a duty of 50 cents a ton.

It is true that under existing conditions the amount of bituminous coal brought in from Canada constitutes a very small percentage of the total United States consumption, averaging, in round numbers, only one-tenth of 1 per cent of the domestic production. However, that comparison fails to give any indication of the potential losses to the American bituminous mining industry if Canadian imports are admitted free. There are two important factors that need to be taken into consideration.

The first of these factors is the local distribution of Canadian imports. With certain trifling exceptions such imports come from two Canadian fields and are confined to two sections of the United States. On the one hand we have the importation of Nova Scotia coal into New Englind and on the other hand the importation of coal from British Colombia into the States along the Pacific Coast.

According to the reports of the Bureau of Mines, the receipts of bituminous coal in New England amount to over 20,000,000 tons a year. Of this amount approximately one-third is brought in by rail from Pennsylvania and nearby States and two-thirds by water, mostly from Southern West Virginia. In the last few years the importation of coal into New England from foreign countries, including Canada, has been increasing.

However, as pointed out above, the significant question is what the effect of removing the present countervailing duty would be upon the imports from Nova Scotia for the future. The output of Nova Scotia mines, like that of American mines, is limited by the extent of its market. Even with such limitation the average annual production has increased from 5,967,000 net tons in the first three years of the last decade to 6,854,000 for the years 1926 to 1928. Even the latter average is far short of the maximum annual production of the field of 7,980,000 tons. Given free access to the New England market, there would be an expansion of the Nova Scotia mine capacity and a displacement of American coal by Nova Scotia coal in New England. Cheap transportation from mines located close to tidewater would give the Nova Scotia mines a great advantage in the New England market. The condition might well come to approximate those prevailing during the period of free admission of Canadian coal, when New England obtained a substantial part of its bituminous-coal requirements from Nova Scotia mines. The effect of this change would be felt particularly in the Pennsylvania and southern West Virginia fields.

The removal of the duty on Canadian imports would have still more disastrous effects in the western part of the United States. The Pacific Coast States, with an estimated annual consumption of approximately two and a half million tons, outside of railroad fuel, now get their coal partly from the State of Washington and partly from the Rocky Mountain States. The bituminous mining industry in those States has been profoundly affected by the inroads of oil and natural gas. The encroachment of these rival fuels has already imposed upon the bituminous industry the necessity of heroic measures of retrenchment. Moreover, even with the prevailing duty of 50 cents a ton a substantial amount of Canadian coal has been coming into this western market. This amount would increase greatly if the duty were removed; in fact, it could be said without exaggeration that the entire Pacific coast market would be lost to American producers.

The Canadian Province of Alberta contains more extensive coal reserves than any other part of the Dominion. With free access to American markets, coal from Alberta, much of it located close to the American border, could gain ready access to the markets of the border States from Minnesota westward. These States represent a fuel consumption of approximately ten and a half million tons, in addition to railroad fuel.

Even under the disadvantage of a 50-cent duty, substantial amounts of coal a year are entering the United States from the two Provinces of British Columbia and Alberta, but the point to be borne in mind is that with the duty removed the advantages of water transportation on the one hand and nearness to market on the other hand would give Canadian mines almost exclusive control of the markets of the Pacific coast and border States. This would mean ruin for the bituminous industry of the State of Washington and great losses to the Rocky Mountain States.

There is a more remote effect of the removal of the provision for a countervailing duty which would extend to other producing fields. It is well known that the Dominion of Canada has been resorting to numerous devices in an effort to reduce its dependence upon United States coal imports. Not only does it give a preference of 15 cents a ton duty to coal imported from the British Isles, but it has also endeavored to promote the use of Nova Scotia coal and Alberta coal in the chief industrial Provinces of Quebec and Ontario through direct and indirect subsidies in the form of reduced costs of transportation. These efforts have not appreciably affected the use of American coal in the Province of Ontario, but they have largely increased the consumption of Nova Scotia coal in the Province of Quebec.

Efforts have been made from time to time to secure the imposition of a higher rate of duty on coal entering Canada from the United States. It has been fortunate for the American bituminous mining interests that a substantial factor in the Canadian coal-producing industry has been interested in resisting the attempt to advance the rate of duty because of the American provision for a countervailing duty; in other words, for an advance in rate equal to any advance imposed by Canada. If the provision for a countervailing duty is repealed there will be no such motive on the part of Canadian producers to oppose the raising of the rate on coal imports, and we may reasonably expect to see a strong demand for the fostering of the Canadian coal-mining industry take the form of substantial advances in the rate of duty on coal brought in from the United States. Such an advance would increase the percentage of Canadian coal consumed in Canada and correspondingly decrease the demand for American coal. That decrease would affect every coal-producing area in the United States now shipping coal into Canadian territory.

To sum up this discussion, the removal of the countervailing duty on bituminous coal, the only duty enjoyed by the industry, acted on without the knowledge of those engaged in the industry and without even the mention of the commodity affected by the amendment, would entail directly serious loss upon the fields furnishing New England with its industrial fuel, particularly those shipping to New England by water, and would practically close the markets of the Pacific coast and the Canadian border to American coal, with practical ruin to the mines of the State of Washington, and indirectly affect every American coal-producing field which now sends coal either into Canada or into the Northwestern States bordering on the Canadian line.

I ask to have incorporated in my remarks a letter from the operators' association of the Williamson coal field in Williamson, W. Va.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OPERATORS ASSOCIATION OF WILLIAMSON FIELD,
Williamson, W. Va., March 5, 1930.

Senator GUY D. GOFF,
Washington, D. C.

DEAR SENATOR GOFF: I wired you yesterday, on behalf of our members, to lend your influence in having restored or retained in the tariff the countervailing duties with particular reference to coal.

From figures before me as contained in statement of bituminous coal issued by the Ohio Bureau of Coal Statistics, Form "S," from January 1 to December 31, 1929, which shows the movement of coal from various railroads to large consuming centers, I note that from all coal districts on the Norfolk & Western Railway, there was shipped, during the year 1929, a total of 353,444 net tons to Canada via Detroit, Mich.

A total tonnage of 834,006 net tons for the year 1929, from all railroads participating in this traffic, moved to Canada through the Detroit gateway; and the 353,444 net tons shipped by the Norfolk & Western Railway, represents a little better than 40 per cent of the total shipments through this particular gateway.

It is quite unfair that Canadian coal should enter the country free as against a duty levied on coal moving from this country across the border, and I am certain that it would hamper, to a great extent, our competitive situation in that particular Canadian territory, and greatly reduce our shipments, not only of the shippers and producers on the Norfolk & Western Railway, but those on the Chesapeake & Ohio and Louisville & Nashville Railroads as well.

This statement further shows that the Chesapeake & Ohio shipped from their coal districts to Canada, via Detroit, 297,805 net tons, and the Louisville & Nashville, 144,071 net tons. The total of these three southern coal carriers was 795,320 net tons shipped during 1929, which is a little better than 95 per cent of the total shipped by all the railroads, including the three above mentioned, to that point.

I am giving you this information in the hope that it may enlighten you as to our particular situation, and the effect it would have on our business should this countervailing duty not be restored or retained in the tariff, and on behalf of our membership, I hope you will lend whatever aid and assistance you can to have this item remain in the tariff.

With kind personal regards,
Yours very truly,

JOSEPH J. ARDIGO, *Secretary.*

Mr. GLASS. Mr. President, not only do I agree with the Senator from West Virginia [Mr. GOFF] that the letter of the Assistant Secretary of State has no proper relevancy to this problem, but in my judgment, it is a positive intrusion by the State Department into the domain of tariff legislation with which the State Department properly has nothing whatsoever to do. It is but another attempt at the usurpation of authority by the State Department that I think this body should resent. Some years ago it actually undertook to visa, to approve or disapprove the credit transactions of individuals, concerns, and corporations in this country with foreign countries. I took occasion to comment at that time upon such unprecedented usurpation of power by the State Department.

Only again recently the Secretary of State assumed authority to say that the Federal reserve system of this country should have no relation to the proposed international bank. Whether or not the Federal reserve system should have any relation with that bank is a question of judgment to be determined by the Congress of the United States and not by the Secretary of State, who has nothing whatever to do with it.

We actually witnessed a proposal in the other branch of Congress to inquire of the Secretary of State as to whether or not his order to the Federal reserve system denying it the right to have any relations with the international bank had been obeyed and if not why it had not been obeyed. The Secretary of State has no more legal authority to give an order to the governor of the New York Federal Reserve Bank or the Federal Reserve Board than the Federal Reserve Board or the governor of the New York Federal Reserve Bank has authority to give an order to the Secretary of State. It was an intolerable assumption of authority on the part of the State Department, and this is likewise such an assumption.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. GLASS. I yield.

Mr. LA FOLLETTE. In fairness to the Secretary I desire to say that the opening paragraph of the letter which I read addressed to the Senator from Utah [Mr. SMOOT], begins:

Your letter of August 27 regarding certain provisions—

which indicates that the chairman of the committee had written to the Secretary of State asking for an opinion concerning it.

Mr. GLASS. If the chairman of the Finance Committee desires to ascertain from the Secretary of State whether a given legislative policy of the Congress would interfere with any treaty arrangement of this country, that is all right; but the Secretary of State has nothing in the world to do with our formulation of the tariff bill.

Pertinent to the pending proposition, all I have to say so far as I am individually concerned is that I am in favor of reciprocity with Canada. When the late President Taft presented the matter I was heartily in favor of it. But there is no reason on earth why Canada should be permitted to make an exaction upon the importation of our coal into their country and we not put a like imposition upon their coal imported into the United States.

Besides, I call attention to the fact that it would be a great injustice to the consuming public of America not to do it, because just to the extent that we have this sort of system of partiality, the coal fields of this country, both of the western section and the southern section, being excluded from their own large markets, particularly in New England and in the Pacific Coast States, the coal operators will have to increase their price to the domestic consumers in order to make up the exactions which will be imposed upon them by loss of border markets. That is the only way they can continue to carry on their business. It is the only way they can meet their overhead expenses and exist.

Mr. BLACK. Mr. President, may I ask the Senator from Washington a question to get this matter clear in my mind? Does the amendment have the same provision in it with reference to the duties of the President that the amendment offered by the Senator from Arizona has?

Mr. JONES. No.

Mr. BLACK. That would leave the provision in the law as it is, and the pending amendment would leave the function to be performed by the President?

Mr. JONES. Yes; but only the negotiations are to be carried on by the President.

Mr. ROBSION of Kentucky. Mr. President, as I understand the situation, we now have a law on the statute books providing for a countervailing duty of 50 cents per ton on coal. The amendment of the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee, adopted without discussion, would have done away with our present law providing for a countervailing duty. Now, the chairman of the Finance Committee proposes to withdraw his amendment. If that action is taken, as I understand it, we revert to the present law as it is.

Mr. President, I represent in part a great coal-producing State. There is no industry in the country that is suffering so much as is the soft-coal industry, both the operators and the miners. The soft-coal industry is now confronted with the importation of more than 100,000,000 barrels of crude oil annually. Practically all of this crude oil is being used for fuel purposes. It is being sold in New York today for $1.05 per barrel. The amount of oil that would displace a ton of coal can be bought in New York or in Boston to-day for less than the freight on that coal would be from the mines to either one of those cities.

I favor the proposal that we still retain the countervailing duty on coal, not as a matter of retaliation against Canada, but upon the basis of protecting our own coal industry and our own American mine workers. Canada provides this duty to protect her coal industry and her coal workers. I see no reason why we should not take the same position with reference to our own coal producers and our own miners and mine workers.

About two years ago Congress appropriated $1,000,000 to recondition some of our ships and place them in the coal-carrying trade. Last year an additional $1,500,000 was appropriated for that purpose. The House this year has already reappropriated nearly $1,000,000 for that purpose. I am advised that the Senate Appropriations Committee has favorably reported that measure. It seems to me it would be most inconsistent if we should spend $2,500,000 to equip our ships to give some relief to this great industry and then should sit idly by and permit such discrimination on the part of Canada to displace millions of tons of coal every year that ought to be produced from American mines by American mine workers.

I trust that the amendment will prevail and that we shall still have the countervailing duty of 50 cents per ton, the same duty as Canada provides against our coal.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. LA FOLLETTE. Let us have the yeas and nays.

Mr. HATFIELD. Mr. President, the State that I in part represent mines practically one-third of the coal tonnage produced in the United States.

Beginning with the year 1913 there was no duty on Canadian coal entering the United States, and this tonnage of free coal

amounted to approximately 1,400,000 tons a year. In 1923 the countervailing duties were put into effect. In 1923 coal imported from Canada amounted to 981,000 tons. The following year it dropped to 283,000 tons and since then has run under one-half a million tons per annum.

Canada has tremendous resources of coal. They are so strategically located that the coal can enter the United States at a very low transportation cost. The mines in Nova Scotia and New Brunswick are right on the edge of the ocean. In fact, the mines and the coal beds extend from Nova Scotia under the ocean all the way to Newfoundland, and this coal can be mined and placed in vessels without any rail transportation whatever, making it the cheapest coal that can be mined and delivered to a large portion of our territory. Nova Scotia and New Brunswick have coal resources of approximately 10,000,000,000 metric tons, or enough at the present rate of consumption to supply the entire needs of the United States for the next quarter of a century. Saskatchewan and the central Provinces of Canada have coal beds of almost untold extent. Some of these coal beds run 100 feet in thickness, and this coal can supplant the coals of Utah, Colorado, Kansas, Illinois, Indiana, Kentucky, West Virginia, and Pennsylvania, as well as the lignites of North Dakota, and all the Western States along our border.

British Columbia is situated in relation to its coal supply in practically the same position as Nova Scotia and New Brunswick. Coal can be loaded into the vessels with practically no rail haul and can be delivered to all the markets along our Pacific coast as cheap, if not cheaper, than the coals mined in the State of Washington. In fact, if this duty is removed, mines in the State of Washington can not be expected to operate. The effect of the removal of this countervailing duty will be to add further to the unemployment situation in the coal fields of the United States. Every million tons of coal lost to the mines of this country means 2,000 men out of employment per annum. Including men and their families, it means that 10,000 people must become dependent upon some other industry. It means our railroads will have less to haul and fewer men will be needed in their service. If this countervailing duty shall be removed, it will mean directly or indirectly a loss of millions of dollars to American industry and American labor.

The total Canadian resources of coal, as shown by the Twelfth International Geological Congress, are 1,234,269,310,000 metric tons.

In addition to the coal imported into this country from Canada, we are importing from England and Wales approximately 400,000 tons a year; and last year we imported 126,000 tons from Russia. The coal thus imported was entirely free from duty, and in Russia wages amount to 17 cents a day, plus the food card, which is given to the workmen on the days they work. The imports from Great Britain have increased fourfold since the year 1924, and the Russian shipments only started in the year 1929.

Mr. President, there is no industry in the United States of America that is suffering from a greater depression than is the coal industry in my State, and the condition there existing is no exception to the rule which is found to prevail throughout America in the coal-mining sections. To deprive the coal workers, numbering more than 700,000 citizens, who are now working about 50 per cent of the time, will by permitting free coal from Canada simply be adding to the existing condition of idleness, which should be corrected as far as is possible. There is only one way, Mr. President, to do it, in my judgment, and that is to protect American industry for American labor. I trust the countervailing duty will be reinstated in this tariff bill.

Mr. President, I ask leave to insert in the RECORD at this point certain telegrams.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WILLIAMSON, W. VA., *March 4, 1930.*

Senator HENRY D. HATFIELD,
Washington, D. C.:

Understand Senate Finance Committee voted against all countervailing duties, including coal. Please give your able assistance; keep this provision in tariff or have it restored. Unfair foreign coal enter free against duty imposed on us.

OPERATORS' ASSOCIATION OF WILLIAMSON FIELD,
JOSEPH J. ARDIGO, *Secretary.*

CHARLESTON, W. VA., *March 4, 1930.*

Senator H. D. HATFIELD:

Advised Senate Finance Committee voted against all countervailing duties. Hope when this question comes before your body you will do everything possible to protect our interests in this matter.

D. C. KENNEDY,
Executive Secretary.

FAIRMONT, W. VA., *March 4, 1930.*

Hon. HENRY D. HATFIELD,
United States Senator, Senate Office Building,
Washington, D. C.:

Will deeply appreciate your efforts to prevent elimination countervailing duty on coal, which proposal, we understand, comes before the Senate. Such elimination would work great hardship on West Virginia and other coal-producing States.

FAIRMONT COAL OPERATORS' ASSOCIATION,
T. N. MORAN, *Secretary.*

WILLIAMSON, W. VA., *March 4, 1930.*

Senator HENRY D. HATFIELD,
Washington, D. C.:

Understand Senate Finance Committee voted against all countervailing duties, including coal. Urge strenuous effort retain this in tariff as necessary. Foreign coals carry same duties as ours in foreign competitions.

RANDOLPH BIAS.

POWHATAN, W. VA., *March 5, 1930.*

Senator HENRY D. HATFIELD:

Please vote for coal countervailing duty. Our coal business from this State is in serious enough predicament with present absorptions we must make in freight differentials without having to undergo more punishment.

J. L. TIERNEY,
General Manager Powhatan Coal & Coke Co.,
Lynchburg Coal & Coke Co.

FAIRMONT, W. VA., *March 4, 1930.*

Hon. H. D. HATFIELD,
United States Senator, Senate Office Building:

I understand Senate Finance Committee, on renewed request State Department, voted to-day against all countervailing duty proposals, including coal, and that question now goes to the Senate. If countervailing duty on coal eliminated, we shall undoubtedly lose considerable New England tonnage to Canadian operators, and it would be a very serious blow to the coal industry of West Virginia, which is now struggling along at present only working part time. We feel sure that not only you but Senators from all coal-producing States will do all in your power to see to it that countervailing duty on coal is retained.

M. L. HUTCHINSON,
President Hutchinson Coal Co.

POWHATAN, W. VA., *March 5, 1930.*

United States Senator HENRY D. HATFIELD,
Care United States Senate:

Will you please vote for countervailing duty on coal? The coal business in this State is in serious condition with present freight differentials without having to undergo further losses.

Dr. L. H. CLARK,
President Hohawk Coal & Coke Co.

FAIRMONT, W. VA., *March 4, 1930.*

Hon. HENRY D. HATFIELD,
United States Senator, Senate Office Building,
Washington, D. C.:

Important coal industry be protected, if not inconsistent. Hope you will help by preventing elimination countervailing duty on coal.

R. M. HITE,
President Virginia & Pittsburgh Coal & Coke Co.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. JONES. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. As I understand, a "nay" vote is to retain the countervailing duty provision, while a vote in the affirmative is to strike it out?

The VICE PRESIDENT. That is correct.

Mr. LA FOLLETTE. I call for the yeas and nays.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

Mr. HATFIELD. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Hale	Jones
Black	Cutting	Harris	Kendrick
Blaine	Dale	Harrison	Keyes
Blease	Dill	Hatfield	La Follette
Borah	Fess	Hawes	McCulloch
Bratton	Fletcher	Hayden	McKellar
Brookhart	Frazier	Hebert	McMaster
Broussard	George	Heflin	McNary
Capper	Glass	Howell	Metcalf
Connally	Goff	Johnson	Moses

Norbeck	Robinson, Ind.	Stephens	Vandenberg
Norris	Robsion, Ky.	Sullivan	Walsh, Mass.
Nye	Sheppard	Swanson	Walsh, Mont.
Oddie	Shortridge	Thomas, Idaho	Waterman
Patterson	Simmons	Thomas, Okla.	Watson
Phipps	Smoot	Townsend	Wheeler
Pittman	Steiwer	Trammell	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, I have never felt that this country ought to be controlled or very seriously influenced in its fiscal policy by that of some other country. Coal is used in the development of power in industry and is used for the heating of homes. If Canada prefers to impose a duty of 50 cents per ton on her industries which employ coal in the development of power or 50 cents a ton upon her householders for the coal they use in heating their homes, that seems to me no reason at all why we should impose a like burden upon industries in this country or a like addition to the cost of American households.

This matter, Mr. President, was very carefully considered by the Senate as in Committee of the Whole on the motion of the Senator from Arizona [Mr. HAYDEN] to impose a countervailing duty upon lumber. After a thorough discussion of the whole subject it was rejected, and I can see no reason why that action should be reversed.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. SWANSON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. A vote "nay" is in favor of continuing the existing provision of law as to a countervailing duty on coal against Canada, does it not; and a vote "yea" is in favor of abolishing it?

The VICE PRESIDENT. That is a correct statement. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a nontransferable pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his absence I shall have to withhold my vote. If I could vote, I would vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from New Jersey [Mr. BAIRD] and will vote. I vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. STECK]. I find that I can transfer that pair to the senior Senator from Vermont [Mr. GREENE]. I make that transfer and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the junior Senator from Tennessee [Mr. BROCK] and vote "nay."

Mr. SULLIVAN. I have a pair with the junior Senator from Tennessee [Mr. BROCK]. I understand that if he were present he would vote as I intend to vote. Therefore I feel at liberty to vote and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Pennsylvania [Mr. GRUNDY], and vote "nay."

The roll call was concluded.

Mr. HAYDEN. I wish to announce that the senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. On this question he is paired with the Senator from Delaware [Mr. HASTINGS].

Mr. FESS. I desire to announce the following general pairs:

The senior Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The junior Senator from Illinois [Mr. GLENN] with the junior Senator from Arkansas [Mr. CARAWAY];

The Senator from New Jersey [Mr. KEAN] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Arizona [Mr. ASHURST]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE].

The result was announced—yeas 18, nays 51, as follows:

YEAS—18

Blaine	Bratton	Cutting	George
Borah	Connally	Frazier	Harrison
Hayden	Norbeck	Schall	Walsh, Mont.
La Follette	Norris	Walsh, Mass.	Wheeler
McMaster	Nye		

NAYS—51

Allen	Harris	Metcalf	Smoot
Black	Hatfield	Moses	Steiwer
Brookhart	Hawes	Oddie	Stephens
Broussard	Hebert	Patterson	Sullivan
Capper	Heflin	Phipps	Swanson
Couzens	Howell	Pine	Thomas, Idaho
Dale	Johnson	Pittman	Thomas, Okla.
Dill	Jones	Ransdell	Townsend
Fess	Kendrick	Robinson, Ind.	Trammell
Fletcher	Keyes	Robsion, Ky.	Vandenberg
Goff	McCulloch	Sheppard	Waterman
Goldsborough	McKellar	Shortridge	Watson
Hale	McNary	Simmons	

NOT VOTING—27

Ashurst	Copeland	Grundy	Shipstead
Baird	Deneen	Hastings	Smith
Barkley	Gillett	Kean	Steck
Bingham	Glass	King	Tydings
Blease	Glenn	Overman	Wagner
Brock	Gould	Reed	Walcott
Caraway	Greene	Robinson, Ark.	

So the amendment made as in Committee of the Whole was nonconcurred in.

The VICE PRESIDENT. The clerk will state the next amendment reserved for a separate vote.

Mr. HALE. Mr. President, a short time ago I asked the Senator from Utah [Mr. SMOOT] about the countervailing duty on paper board, wall board, and pulp board. When this paragraph was reached in Committee of the Whole, a countervailing duty which has heretofore been imposed on that product was taken off for the same reason that it was taken off on coal.

I now ask unanimous consent, since we have put it back on coal, that we put it back on paragraph 1402, which deals with paper board, wall board, and pulp board.

The VICE PRESIDENT. Is there objection?

Mr. BRATTON. Mr. President, is the request of the Senator that the duty be imposed, or that we proceed to consider the matter?

Mr. HALE. That we proceed to consider the matter.

Mr. SMOOT. Let me say to the Senator from New Mexico that in the case of paper board and pulpboard the wording is just exactly the same as in the case of coal. This wording does not give the President the right to enter into negotiations; and I should think the vote on this would be the same as it was on coal.

Mr. BRATTON. Perhaps so; but I am against the principle of a countervailing duty, and I do not want to be put on record as favoring it under a unanimous-consent proposal.

Mr. HALE. I ask unanimous consent that the matter be now taken up. Otherwise, there is no parliamentary way to reach it.

Mr. BRATTON. To that, I have no objection whatever.

Mr. HALE. Mr. President, at the present time Canada has a duty of 25 per cent, I think, on paper board, wall board, and pulp board. Certain importations have come in from Canada, but they have had to pay this duty when they came in.

This has kept down the importations to a certain extent, though importations of these articles to the extent of about half a million a year have been coming in. I am very certain that if the countervailing duty had not been on these importations would have been very much greater.

The VICE PRESIDENT. Is there objection to reconsidering the vote?

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Florida?

Mr. HALE. I do.

Mr. FLETCHER. May I ask what is the present situation? Has the countervailing duty been removed, and is it desired to reestablish it?

Mr. HALE. It was removed when we were in Committee of the Whole.

Mr. FLETCHER. I see.

The VICE PRESIDENT. Is there objection to reconsidering the vote whereby the amendment made as in Committee of the Whole was concurred in?

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH of Montana. When did we vote on the countervailing duty before?

Mr. SMOOT. On January 20.

Mr. WALSH of Montana. Then, of course, I shall object to reconsidering to-day a vote taken on the 20th of January.

The VICE PRESIDENT. Does the Senator object?

Mr. WALSH of Montana. I do.

The VICE PRESIDENT. There is objection.

Mr. BLEASE. Mr. President, may I offer now this amendment on the cement question, and let it lie over under the agreement?

The VICE PRESIDENT. The Secretary will state the amendment of the Senator from South Carolina.

The CHIEF CLERK. The Senator from South Carolina offers the following amendment: On page 252, after line 21, in the matter inserted in Committee of the Whole, before the period insert:

Imported by or for the use of or for sale to a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina.

Mr. SMOOT. No, Mr. President——

Mr. HALE. It was understood, of course, that that was to lie over.

Mr. BLEASE. Yes; that will be all right.

Mr. HALE. I asked that this matter be put over.

Mr. SMOOT. It was put over.

Mr. HALE. I mean, I asked that it be put over until to-morrow. As I said before, the Senator from New York [Mr. COPELAND] and the Senator from New Jersey [Mr. KEAN] are absent to-day.

Mr. BLEASE. I said I did not have any objection to its going over.

The VICE PRESIDENT. Without objection, the amendment will go over until to-morrow. The Clerk will state the next amendment reserved for a separate vote.

The CHIEF CLERK. The next amendment reserved for a separate vote is on page 274, paragraph 1804, line 23, the countervailing duty on lumber.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, this was an important amendment in Committee of the Whole.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

Mr. HARRISON. Mr. President, I think there ought to be a roll call on this matter; so I ask for the yeas and nays.

The VICE PRESIDENT. The Chair has announced the result.

Mr. HARRISON. I ask that we have a roll call on the matter, by unanimous consent.

The VICE PRESIDENT. Is there objection to a roll call?

Mr. JONES. I object, Mr. President.

Mr. HARRISON. I move that we reconsider the vote by which the amendment made as in Committee of the Whole was nonconcurred in.

The VICE PRESIDENT. The question is on the motion to reconsider. [Putting the question.] By the sound the noes seem to have it.

Mr. HARRISON. I ask for a division.

Mr. BLACK. I ask that the amendment be stated.

The VICE PRESIDENT. This is a motion to reconsider.

Mr. BLACK. I should like to have the amendment itself stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out on page 274, line 23, the following language:

Provided, That if there is imported into the United States any of the foregoing lumber, planed on one or more sides and tongued and grooved, manufactured in or exported from any country, dependency, province, or other subdivision of government which imposes a duty upon such lumber exported from the United States, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such duty, and if such duty is not removed he may by proclamation declare such failure of negotiations, and in such proclamation shall state the facts upon which his action is taken, together with the rates imposed, and make declaration that like and equal rates shall be forthwith imposed as hereinafter provided; whereupon, and until such duty is removed, there shall be levied, collected, and paid upon such lumber, when imported directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to the duty imposed by such country, dependency, province, or other subdivision of government upon such lumber imported from the United States.

Mr. HARRISON. Mr. President, before we take a vote on reconsidering the action of the Senate I desire to ask the chairman of the committee a question.

If the amendment that was recommended by the committee, and that was originally in the bill—the countervailing duty pertaining to lumber—is adopted, it does not carry with it the imposition of a countervailing duty where lumber has gone into the manufactured state. In other words, it applies only to lumber planed on one side.

Mr. SMOOT. Lumber planed on one or both sides, and tongued and grooved; that is all it applies to.

Mr. HARRISON. If this amendment should be adopted and go to conference, the House having put in the same language, the conferees would not be permitted, in the opinion of the Senator from Utah, to broaden it and make it read "planed on both sides," or in a higher manufactured state than planed on one side?

Mr. SMOOT. There would be nothing to confer about, Mr. President.

Mr. HARRISON. That is my idea, too; but I just wanted to bring it out, so that those who are friendly to this proposition will know what they are doing.

Mr. HAYDEN. Mr. President, when this matter was under consideration in the Senate before I offered an amendment striking out the word "lumber" and inserting the word "articles," so that it would apply to all of the lumber mentioned in this schedule. When would it be in order to offer that amendment again?

The VICE PRESIDENT. If the vote is reconsidered, then the amendment would be in order before the vote is taken to concur. If it is not reconsidered, then it would be too late.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Arizona a question. Why has not the Senator arranged his amendment like the coal amendment, making it an absolute countervailing duty without a proclamation by the President?

Mr. HAYDEN. Because I found this language in the bill which passed the House, and it was approved by the Senate Committee on Finance, and I did not seek to go any further than the House and the Finance Committee had recommended.

Mr. McKELLAR. The Senator has just seen that we have adopted an amendment making the countervailing duty absolute as far as coal is concerned. It seems to me we ought to make the amendments alike. Why not make them alike?

Mr. HAYDEN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HAYDEN. Would it be in order when individual amendments are reached to the bill to offer the amendment suggested by the Senator from Tennessee?

The VICE PRESIDENT. Not without a reconsideration of the vote.

Mr. BLACK. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. BLACK. In any event, we must first vote to reconsider. I voted against the Senator's amendment on account of the language to which reference has been made, and I shall vote against it again. Personally, I voted for the coal amendment because it did not commit duties to the President which I do not want to commit to him, and have the matter complicated in that way. If the vote is reconsidered, the Senator can draw up an amendment in such a way that it will meet with the views of the Senate.

Mr. McKELLAR. Mr. President, I feel very much as the Senator from Alabama feels about the matter. I want to vote with the Senator from Arizona in this matter, but it seems to me that his amendment is not drawn as it should be drawn. I think that both the amendments should be alike. I see no reason why they should not be made alike.

Mr. HAYDEN. A further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HAYDEN. Would it be in order at some later stage for some Senator to offer an amendment to the language of the bill, without reference at all to flooring, but placing a countervailing duty automatically on all lumber, just as there is a countervailing duty on all coal?

The VICE PRESIDENT. The Chair is advised that this applies to lumber generally.

Mr. HAYDEN. It applies only to flooring, to lumber planed on one side, and tongued and grooved.

The VICE PRESIDENT. The Chair is of the opinion that, as the Senator states the amendment, the vote would have to be reconsidered.

Mr. HAYDEN. Permit me to point out to the Chair that the pending amendment applies only to one kind of lumber; that is, flooring. If a Senator were to offer an amendment that if any country imposed a tariff on lumber of any kind, there should be a countervailing tariff imposed by our Government, just as was done in the case of coal, it would seem to me that that broad subject matter would not be prevented from receiving considera-

tion by the Senate merely because one particular kind of lumber, to wit, flooring, had been placed in this category.

The VICE PRESIDENT. The Senator could draw his amendment so that it would be in order if it excluded the lumber described in that section.

Mr. HAYDEN. I think, perhaps, that is the way we will have to do it, then, that as to all lumber except flooring the countervailing duty may be imposed, and that amendment could be offered by any Senator later.

The VICE PRESIDENT. The Chair is of that opinion.

The question is on the motion to reconsider the vote.

On a division, the motion to reconsider was rejected.

The VICE PRESIDENT. The Secretary will report the next amendment.

Mr. HEFLIN. Mr. President, what is the status of the lumber provision as a whole?

The VICE PRESIDENT. The countervailing duty applies, because the Senate refused to concur in the amendment made as in Committee of the Whole.

Mr. HEFLIN. The amendment of the Senator from Arizona affects only a certain kind of lumber, as I understand it.

The VICE PRESIDENT. That will be in order later on.

Mr. HEFLIN. I am in favor of levying a countervailing duty upon all lumber coming into our country if the country from which the lumber comes lays a duty against all of our lumber which goes into that country. I think that is fair.

The VICE PRESIDENT. The Secretary will report the pending amendment.

The CHIEF CLERK. In the Committee of the Whole the Senate struck out, on page 279, lines 20 and 21, paragraph 1807, reading:

PAR. 1807. Venetian glass mosaics which are works of art.

Mr. WALSH of Massachusetts. Mr. President, some information came to me after the amendment was considered to the effect that there was no American production of Venetian art glass, that we import $500,000 worth of that article, and that there is produced in this country approximately $20,000 worth.

Mr. SMOOT. Approximately that.

Mr. WALSH of Massachusetts. It is the one item in the tariff bill which the House Ways and Means Committee took from the dutiable list and put upon the free list. They evidently were impressed with the fact that it would be unfair to the importer to do otherwise.

Mr. SMOOT. The rate in the present law is 55 per cent.

Mr. WALSH of Massachusetts. But the House committee in the bill as it passed the House put it on the free list. It is the one item in the bill which the House took from the dutiable list and put upon the free list. Of course, that led to a great deal of pressure being put upon the Finance Committee to put it back on the dutiable list, and they have done it.

I was very much impressed with the unreasonableness of a 50 per cent duty on some art that has to be imported; $500,000 worth of this Venetian glass is imported into this country, which means that the people will pay $750,000 for it.

It is true that there is an industry developing here. It is a small industry. In my judgment, it is not able to produce as artistic Venetian mosaic glass as is imported. However, I have been impressed with the fact that the domestic industry is anxious to get going, and be given a start, be given an equal opportunity with the others. There has been some increase in the duty imposed on glass, and it is claimed that that ought to change the situation somewhat.

In view of the way things are going, I am going to let it go.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 279, line 8, the Senate, as in Committee of the Whole, inserted, after the word "carpets," the words "made after the year 1700."

The amendment was concurred in.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. Paragraph 305, page 286, line 10, "Immoral articles—importation prohibited."

Mr. SMOOT. Mr. President, I send to the desk a proposed amendment for section 305, paragraph (a).

The VICE PRESIDENT. The clerk will report.

The CHIEF CLERK. On page 286, paragraph 305, the Senator from Utah offers the following as a substitute for the paragraph inserted as in Committee of the Whole:

PAR. 305. Immoral articles—Importation prohibited——

Mr. WALSH of Montana. Mr. President, it is well known that the junior Senator from New Mexico [Mr. CUTTING] is interested in this feature of the bill. I do not see him in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Glass	McKellar	Simmons
Black	Goff	McMaster	Smoot
Blaine	Goldsborough	McNary	Steck
Blease	Hale	Metcalf	Steiwer
Borah	Harris	Moses	Stephens
Bratton	Harrison	Norris	Sullivan
Brookhart	Hatfield	Nye	Swanson
Broussard	Hawes	Oddie	Thomas, Idaho
Capper	Hayden	Patterson	Thomas, Okla.
Connally	Hebert	Phipps	Townsend
Couzens	Heflin	Pine	Trammell
Cutting	Howell	Pittman	Vandenberg
Dale	Johnson	Ransdell	Walsh, Mass.
Dill	Jones	Robinson, Ind.	Walsh, Mont.
Fess	Kendrick	Robsion, Ky.	Waterman
Fletcher	Keyes	Schall	Watson
Frazier	La Follette	Sheppard	Wheeler
George	McCulloch	Shortridge	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present. The question is on the amendment proposed by the Senator from Utah, which will be reported.

The CHIEF CLERK. On page 286, paragraph 305, as a substitute for the amendment agreed to in Committee of the Whole, the Senator from Utah [Mr. SMOOT] proposes to insert:

SEC. 305. Immoral articles—Importation prohibited.

(a) Prohibition of importation: All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any book, which taken as a whole, offends the moral sense of the average person, or any obscene pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article, which is obscene or immoral, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture under the customs laws: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Mr. SMOOT obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. FESS. Would it be possible for us to agree to a limitation of debate on this question?

Mr. SMOOT. I prefer not to do it. This question is one that strikes at the morals of every young boy and girl in the United States. Mr. President, I have here books the reading of which would so disgust Senators of the United States that they would never dream of agreeing to the amendment proposed by the Senator from New Mexico [Mr. CUTTING]. I did not believe there were such books printed in the world—books that the Senator from New Mexico referred to and said ought to be in the libraries of the people of the United States. They are lower than the beasts!

Mr. President, the only amendment which I have made to the amendment reported by the Committee on Finance that amounts to anything is the insertion of the following provision:

Provided further, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.



Mr. WALSH of Montana. Mr. President, do I understand the Senator aright in understanding that the amendment now offered is exactly the same as the amendment adopted in Committee of the Whole with the addition which he has just read?

Mr. SMOOT. Oh, no; the amendment adopted in Committee of the Whole is the amendment which was offered by the Senator from New Mexico [Mr. CUTTING].

Mr. WALSH of Montana. Exactly.

Mr. SMOOT. But what I referred to was the provision as reported from the Committee on Finance to the Senate——

Mr. WALSH of Montana. Oh, yes.

Mr. SMOOT. And as amended except by the amendment of the Senator from New Mexico.

Mr. WALSH of Montana. To the text as reported by the Senate Committee on Finance, with the slight addition made in the Committee of the Whole, the Senator now proposes to add the provision he has just read?

Mr. SMOOT. Yes.

Mr. WALSH of Montana. Otherwise it is practically the same?

Mr. SMOOT. Virtually the same. In the discussion that took place in the Senate the so-called classics, the books of recognized and established literary or scientific merit, were referred to, and I add those now in my amendment.

Mr. CUTTING. Mr. President, I did not hear the first part of the Senator's statement. May we have his amendment stated again?

Mr. SMOOT. This is the amendment to the original amendment as reported to the Senate:

Provided further, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

Mr. HEFLIN. Mr. President, this matter was pretty thoroughly discussed in Committee of the Whole. I wonder if we could not arrange for a limitation of debate?

Mr. SMOOT. I would prefer not to do it right now. I want to say that I had intended to ask the Senate to go into executive session to consider the matter, but some of the Senators do not believe we ought to do so. I could take two of the books referred to by the Senator from New Mexico [Mr. CUTTING], and if I should read them to the Senate of the United States I do not believe there is a Senator who would dare to vote for his amendment.

Mr. CUTTING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield.

Mr. CUTTING. What two books were those to which the Senator refers?

Mr. SMOOT. Lady Chatterley and My Life and Love.

Mr. CUTTING. If the Senator will point out any place where I referred to either of those books, I will withdraw my amendment right now. I have never mentioned either one of them on the floor of the Senate or anywhere else.

Mr. SMOOT. In the Senator's speech he referred to Lady Chatterley and particularly——

Mr. CUTTING. Will the Senator please point to the place where I did it?

Mr. SMOOT. I do not know whether it is in the Senator's speech as printed or not. I am going to make a statement and then I shall be through. No matter whether the Senator claims that he did not do it, under his amendment those books could come into the United States. Let me hand one of them to the Senator and let him read it.

Mr. CUTTING. That is not the point I was making. I asked the Senator to name the place where I referred to either of those books. If he can not do it, I will let him continue his speech in his own time and I, in my time, I shall reply to him.

Mr. SMOOT. The Senator has that right. I remember perfectly well—I do not know whether it is in the printed speech of the Senator or not—he referred to Lady Chatterley.

Mr. CUTTING. I deny absolutely that I ever referred to Lady Chatterley's Lover or mentioned it in my speech in the Senate. The Senator can not designate the point at which I referred to either of the books in question.

Mr. SMOOT. All right.

The PRESIDENT pro tempore. The Chair desires to point out that Rule XIX provides that no Senator shall, "directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator." The Chair merely desires to call the attention of Senators to that rule.

Mr. JOHNSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Certainly.

Mr. JOHNSON. Before the Senator proceeds and in order that we may have the matter accurately before us, the amendment having been read hastily. As I followed the Senator's amendment it refers to the "so-called classics."

Mr. SMOOT. Yes.

Mr. JOHNSON. And those so-called classics may be admitted by the Secretary of the Treasury——

Mr. SMOOT. Yes; in his discretion only when imported for noncommercial purposes.

Mr. JOHNSON. The Secretary of the Treasury, under the Senator's amendment, then is to determine what are the so-called classics?

Mr. SMOOT. Certainly. I do not believe any of the books of the class under discussion that are coming in here are classics, and there are hundreds of them——

Mr. JOHNSON. I am not speaking of the books that the Senator has now before him. I neither have the time nor the inclination nor the taste to read any of them——

Mr. SMOOT. I should think the Senator would not have.

Mr. JOHNSON. Either upon this amendment or any other. I am speaking of the fundamental proposition which is involved here, and I wanted to have it understood at the commencement of the argument that the Senator makes the exception of the so-called classics to be determined by the Secretary of the Treasury.

Mr. SMOOT. That is true.

Mr. JOHNSON. That is something which strikes me as ludicrous and humorous.

Mr. SMOOT. Mr. President, on the 11th of October last, immediately after the vote on the amendment of section 305 of the pending tariff bill, proposed by the junior Senator from New Mexico [Mr. CUTTING], I reserved the right to have a vote on the amendment when the bill reached the Senate. My remarks at this time will be directed principally to the subject of so-called obscene books or literature. On the conclusion of my remarks I shall submit for the examination of Senators a number of typical importations rejected by the Customs Service. These are but a few illustrations of the filthy books that are being imported by various individuals. Thousands of these books are seized and destroyed by the customs officials every year.

Senators will notice that in most instances the names of the printers and publishers are omitted. No decent printer will allow his name to be used in connection with the distribution of this filth. This is the so-called literature which my good friend, the Senator from New Mexico, desires to have admitted to the shores of our country. I am not objecting to the admission of these books for any political reason, but I am objecting to the admission purely on my understanding of the duties of a father and an American citizen and a legislator in the interests of the great mass of our American citizenry.

I deplore the contemptuous references to the personnel of the Customs Service which ran through the debate in the Committee of the Whole. Many of the members of this personnel are veterans of the service, tried and true. I know from personal contact that many are men of education, legal training, and broad information. In enforcing the law against obscene matter they are performing an unpleasant duty in a most conscientious manner, and if I were a customs inspector, duly authorized under the present law to prevent the admission of any of this obscene literature, it would only be admitted over my dead body.

I have been saddened by the disclosure of laxity of views developed during the debate. I have been distressed that in the Senate of the United States so few voices were raised in debate against a proposal to abolish the prohibition of the importation of obscene books. I can not refrain from expressing the opinion that some of the views expressed in that debate, while possibly only the views of the individual speakers, can not fail to react upon the Senate as a whole and lower it in the estimation of that very large part of our citizenry whose esteem we value most, but which it would appear from the debate are included by some Senators in the "unthinking class."

It has been suggested here that the interpretation of what is moral and what is immoral should be a very liberal one, and that the people will develop moral resistance to all the improprieties the books may contain; that we should not be afraid of the distribution of literature injuring and breaking down the

morals of the good, solid, substantial citizenship of America. I regard such suggestions as dangerous fallacies. I was much pleased to hear the junior Senator from Florida state that he differed with the idea that obscene literature promotes good morals and with the idea that to prohibit obscene literature conflicts with a man's liberty. I thoroughly agree with him that we would have practically no reform legislation if we listened to these arguments about liberty.

The opposition has made much of the summary seizure by customs inspectors, without opportunity for jury trial, of obscene books brought by passengers. Such seizures are made either on well-considered instructions by the department or on the judgment of the inspector himself after examination of the article and confirmation by his immediate superiors. If a customs inspector at the port of New York, with his knowledge of the world, regards on his own initiative a book as obscene it is about the nearest approach to a jury trial that can be had, and it is safe to say that his judgment would be sustained by a jury; but in either case I have heretofore pointed out how a jury trial of the question may be had. Moreover, the general accuracy of the customs judgment is confirmed by the statement of the Senator from New Mexico that he could find only one case where the courts had reversed the customs.

The senior Senator from New York has indicated objection to any classification as obscene of books for the medical profession. I can meet his objection by stating that, so far as the customs is concerned, standard textbooks of medicine and surgery for the profession have not been banned. It is only when certain extracts from such works have been made and circulated for obviously improper purposes that seizures have been made.

Unfortunately, however, there is a class of books which, with a subtle cunning almost unbelievable, seek to convey the impression that they are of a scientific or medical character. Such a book has very recently been the subject of a decision by the United States Customs Court written by the chief justice. In the opinion the chief justice uses the following language:

> In writing this book the author evidently proceeded on the theory that modesty and chastity were no longer popular conceptions of the human heart and mind, and that there has grown up, particularly among the so-called educated class a tendency that the law should be construed accordingly. * * * To assert that such a publication is impure only to the overprudish but illustrates how familiarity with obscenity tends to blunt the sensibilities, deprave good taste, and pervert the judgment.

All of which reminds me of those lines of Pope in his Essay on Man:

> Vice is a monster of so frightful mien,
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

The principal point made by the opposition probably is that there is no excuse for barring the so-called classics on account of the obscene portions thereof.

I repeat what I said in the debate referred to that "it were better, to my mind, that a few classics suffer the application of the expurgating shears than that this country be flooded with the books, pamphlets, pictures, and other articles that are wholly indecent both in purpose and tendency, and that we know all too well would follow the repeal of this provision," and that even if in one of these old and rare books there is any obscene matter it ought to be kept out and never permitted to go to the youth of the land.

I realize, Mr. President, just as does the Senator from New Mexico, that mature, well-regulated minds may not be subverted by such matter. But such legislation is enacted to prevent such matter from coming into the hands of those whose minds are open to influence, whose morals are likely to be corrupted, and I am thinking particularly of the youth of our country, and proof that such matter would get into the hands of the young is offered by the statement made in the debate regarding the customs' rejection of such a book brought by a professor of literature in a great university to teach to his class. As the court said in United States *v.* Smith (45 Fed. 476):

> The most debasing topic may be presented in the choicest language. In such garb it is the more dangerous. Impure suggestion clothed in pleasing attire allures and corrupts, when bald filth would disgust and repel.

Nor does the fact that such books might be imported by private collectors or for private libraries furnish any assurance that they would not reach young people for whom they were never originally intended.

It was stated in the debate that any of our citizens can go to the Congressional Library and read the obscene books that the customs bar to the public. I have caused inquiry to be made and find that such books are safeguarded in the Library and that only in proper cases is access to them permitted.

It has been suggested that there is no satisfactory definition of obscenity, and that the law should contain a definition. That supreme authority in this country, the United States Supreme Court, has given a definition or test. In Rosen *v.* United States (161 U. S. 29), the court said:

> The test of obscenity is whether the tendency of the matter is to deprave and corrupt the morals of those whose minds are open to such influence and into whose hands a publication of this sort may fall. Would it suggest or convey lewd thoughts and lascivious thoughts to the young and inexperienced? Everyone who uses the mails of the United States for carrying papers or publications must take notice of what, in this enlightened age, is meant by decency, purity, and chastity in social life and what must be deemed obscene, lewd, and lascivious.

Another high court, accepted throughout the Anglo-Saxon world as a great authority, has formulated a similar test. In Queen *v.* Hecklin (2 Q. B. 369, 1868) Chief Justice Cockburn said:

> I think the test of obscenity is this, whether the tendency of the matter is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall. Now in regard to this work [pamphlet entitled "The Confessional Unmasked"] it is quite certain that it would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character.

While without authority at this moment to speak for the Committe on Finance I would be perfectly willing to have the Supreme Court's definition incorporated in the law.

But there is an exceedingly important aspect of the matter which I am inclined to believe has so far escaped the attention of the Senators.

Certain conditions in this country have become so bad that the President has appointed a National Commission of Law Observance and Enforcement. I feel sure that Senators generally are in sympathy with the purposes of the President in appointing that commission.

Before a vote was had on the amendment of the Senator from New Mexico I warned the Senate that if that amendment were agreed to all obscene books, pamphlets, papers, writings, and circulars could come into the country freely, and that we know all too well that following the repeal of the present law this country would be flooded with books and pamphlets that are wholly indecent both in purpose and tendency. It is appalling to think of the moral and physical effects of removing the present ban. Are Senators willing to repeal this obscenity law and thereby add so greatly to the difficulties which it is the purpose of the President's commission to find ways to correct?

In the debate some of the Senators indicated that this class of books should be left for the States to deal with under their laws, one consideration being that in this way jury trials would be more practicable and likely. I have heretofore pointed out that it is not difficult under the present law to obtain a jury trial. There would, however, be no more jury trials under the State laws than there are under the present tariff law. Importers of this class of books seldom are willing to face the publicity of a jury trial. They are ashamed to be connected with the importation of books which are charged with being obscene. Besides, they think they have a better chance of convincing one man in the Treasury Department than they have of convincing a jury of 12 men, and they avoid a disagreeable publicity.

Moreover, under the Constitution, the control of interstate and foreign commerce is an exclusive Federal activity. We prevent the importation and interstate traffic in many things that poison or injure the body. Is it not equally important and desirable to cooperate with the States and protect the people in the case of what poisons the mind and the morals and so, directly or indirectly, affects the body?

The junior Senator from Washington has stated that it is not the importation but the dissemination that does the damage; that the moment a man begins to disseminate it we have the law of the land that takes care of the situation. Unfortunately, the dissemination of this class of books is often conducted in such secret, clandestine ways, like the distribution of narcotics, that detection by the State authorities is very difficult. They get into the schools and are secretly passed from one pupil to another. A sailor was recently caught on the docks smuggling in from his ship a number of books especially designed to encourage sexual vices in boys. Would Senators be willing to run the risk of the

State authorities catching that sailor after he left the customs jurisdiction? I am thoroughly satisfied that the Customs Service is the only agency that can promptly and effectively detect and deal with importations of these books.

But there is a further consideration, which I think will appeal to the opposition, against leaving these books to be dealt with by the State laws. Under those laws importers would not have the advantage of the relief which the Secretary of the Treasury may now afford under the provisions of section 618 of the present tariff act. Under that section, if a book is found to be obscene, the Secretary of the Treasury will, upon a proper showing, permit the exportation of the book, whereas otherwise it would be destroyed.

I thus conclude my effort to answer all the principal arguments of the opposition. I urge the adoption of the Finance Committee's amendment in the place of the amendment adopted in the Committee of the Whole. I appeal to the Senate, as did the senior Senator from Alabama, to throw the arms of protection around the army of boys and girls who must constitute the citizenship of our country a little later on.

In submitting to the Senators for inspection the books which have been obtained from the Treasury Department, I call particular attention to the book for whose admission the Senator from New Mexico made a special appeal to Secretary Mellon, which book is pronounced by the man in the Customs Bureau who handles these books to be the vilest one that ever came into the bureau. I am told that the author of this vile book attempted to have it printed in England, but no decent printer would take the job, so it was published in another country, on the Continent.

I am now going to ask the Senate to accept the recommendations made by the Committee on Finance as printed in the bill and as amended by my amendment just sent to the desk.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. I do.

Mr. SWANSON. I should like to get this matter clear. I was not here when the vote was taken. I should like to have a specific statement as to the difference which exists between the Senator from Utah and the junior Senator from New Mexico. What is the difference between the two as to the matter that can come in?

Mr. SMOOT. Mr. President, in order to answer that question it would be necessary for me to get the exact words of the amendment of the Senator from New Mexico.

Mr. SWANSON. What is the substance of it?

Mr. SMOOT. I could not undertake to state it accurately. I suggest that the Senator read the amendment, and then he will see.

Mr. SWANSON. I will not interrupt the Senator from Utah now for that purpose; but let me see if I have it right.

As I understand, both prohibit practically the same thing. Now the question comes up as to the method of prohibition. The Senator from Utah insists that the method proposed by the Senator from New Mexico is not effective.

Mr. SMOOT. It is not effective. It allows the obscene books to come into the United States.

Mr. SWANSON. As I understand, the amendment of the Senator from New Mexico allows them to come in.

Mr. SMOOT. It does.

Mr. SWANSON. The method of the Senator from Utah is to make the importation a crime in itself?

Mr. SMOOT. And stop them at the port of entry, and seize the books.

Mr. SWANSON. The Senator then penalizes their importation by destroying them?

Mr. SMOOT. The Treasury Department allows the person importing the book to take it back if he wants to, but it can not come into the United States.

Mr. CUTTING. The Senator penalizes it by penalizing the officer who allows to books to come in with a fine of $5,000 and 10 years in the penitentiary.

Mr. SMOOT. If he does it knowingly, yes; not if it comes in without his knowing it; but where an officer of the Government knowingly allows these books to come in, then he is penalized.

Mr. SWANSON. He is penalized by being pronounced guilty of a crime in dumping filth into America.

Mr. SMOOT. That is it exactly.

Mr. SWANSON. That is the Senator's position?

Mr. SMOOT. That is it.

Mr. SWANSON. I should like to get this issue so that I can understand the position of both Senators. If this matter comes in, the Senator from New Mexico insists that the courts of the States should prevent its distribution and have control of it. Is that is?

Mr. SMOOT. The Senator from New Mexico felt that this matter ought to be controlled by the States. I have answered that already.

Mr. SWANSON. Is there much difference between the law proposed by the Senator from New Mexico and that proposed by the Senator from Utah as to what shall come in?

Mr. SMOOT. Why, yes. The Senator from New Mexico proposes to allow all of these books to come in.

Mr. SWANSON. He proposes to allow all of them to come in, but puts a penalty on their importation, so that they can not be distributed, and so forth?

Mr. SMOOT. Providing they are caught in the State.

Mr. SWANSON. I mean his method of dealing with them. Does it apply to the same thing that the method of the Senator from Utah applies to? Does it apply to the same material?

Mr. SMOOT. Oh, no! My amendment says that they shall not come into the country.

Mr. SWANSON. And the method of the Senator from New Mexico allows them to come in?

Mr. SMOOT. It allows them to come in.

Mr. SWANSON. If they come in, does the amendment of the Senator from New Mexico penalize them so as to get rid of the same kind of matter that the provision of the Senator from Utah prohibits from coming in; or does he liberalize it?

Mr. SMOOT. If they are discovered in a State, Mr. President.

Mr. SWANSON. The same material?

Mr. SMOOT. The same books; yes.

Mr. SWANSON. There is no difference, then, as to the desire to keep out the same class of books. The only difference is as to the administration?

Mr. SMOOT. Mr. President, if they ever get in here, it will be impossible——

Mr. SWANSON. I understand; but is there any difference as to the kind of books that both of the Senators are trying to keep out?

Mr. SMOOT. I want them all kept out; but the Senator from New Mexico does not believe that some of these books are obscene. I do. I think they are not only obscene, but they are damnable. I want to say to the Senators now that no father of a child would ever want the child to see this obscene matter.

The Senators around me have some few of these books here. They are disgusting. They are beastly, beastly! Why charge the beasts with being the same as the words portrayed in some of these books?

Mr. BLACK. Mr. President, if the Senator will yield, I desire to answer the question of the Senator from Virginia. As I understand the issue, it is this—at least, it was in my mind, and is now:

I do not deny the charges that have been made against these books by the Senator from Utah. I think there are many of them that are unfit for publication. They are filthy. They are obscene. They are vulgar. They are dirty. They are low and base. The difference in this question is not as to the kind of books, so far as I am concerned, but who shall determine the book that is near the border line? Who shall say whether it is good or bad?

The Senator from Utah takes the position—and I think it is correct—that the question should be determined at the gates of the country, by the Treasury Department.

Mr. SMOOT. By the inspector.

Mr. BLACK. By the inspector.

Mr. SMOOT. But the importers can have an appeal.

Mr. BLACK. I understand. The Senator would give them an appeal from that decision to the courts.

Many of us oppose the idea of having any individual who is not a judge, and who is not in charge of a court, determine which books are good and which are bad. There is no difference between us as to the fact that bad books ought not to be circulated.

Mr. SMOOT. I do not know.

Mr. BLACK. There is none so far as I am concerned.

Mr. SMOOT. No.

Mr. BLACK. I am opposed to their circulation.

Mr. SMOOT. What we are trying to do is to prohibit the distribution of these books.

Mr. BLACK. But the difference is this: A book that I might hold, from my idea, was bad some one else might hold was not bad for the public morals. Therefore, the difference is as to where and what tribunal shall determine whether the book is good or bad.

If it is left up to the inspector, then the owner of the book could appeal to a court. Some of us do not think that the

owner of a book should be compelled to appeal to a court in the first place, but that the matter should be originally determined by a court. That is the issue. It is not a question of what books are good or bad, but who shall determine it.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah has the floor. To whom does he yield?

Mr. SMOOT. I yield to the Senator from Virginia.

Mr. SWANSON. Take the Senator's view of the matter. Here is an obscene book that the Senator is disgusted with. As the Senator states, it is filthy, obscene, and ought not to be circulated. Under the process that the Senator seems to advocate, who is going to be interested in arresting the distribution of the book—an individual? Must some individual bring suit before an injunction can be obtained? By what process does the Senator propose to have it done?

Mr. BLACK. The process I would take is the process we take with reference to the enforcement of all laws.

Mr. SWANSON. Does the Senator mean that he would have a grand jury investigate it?

Mr. BLACK. I do not know whether a grand jury would do it, or a sheriff would do it, or this man here would do it. I would have no objection to this man reporting it to the courts; but in the case of a book which may or may not be bad I do strenuously object to having any customs inspector determine for the public what shall be distributed. Let it be determined by a court.

Mr. SWANSON. What I should like to know is this: If, as the Senator says in his speech, the country is being deluged with obscene, filthy books, then by what process do we get rid of them? I should like to have the Senator tell me that.

Mr. BLACK. The statement I made was this: The Senator states that these books are obscene, dirty, and vulgar, and many of them are—not only those that come in but those that are printed in this country.

Mr. SMOOT. No; they do not print any of them here.

Mr. BLACK. Oh, I have seen some of them that were printed in this country that would shock the morals of a man who has not been in church for 40 years. There is no question about there being bad books in this country, and bad books that come into the country. If we have not seen them we have heard of them. It has been whispered around. We have heard of them. Now, such a book being bad, there must be some way to test the matter and to bring about a prosecution. The courts provide methods for the prosecution of all cases. This is purely a difference in the method of enforcement of law.

Some believe that this inspector should have that power in the first place. There are some of these books that the Senator has referred to that are so bad that by common consent it would be universally accepted that they should not be permitted to be circulated; but there are others that might offend some minds and not offend others. There is a twilight zone; and the question is, Who shall determine whether the books within that twilight zone shall be circulated or shall not be circulated?

Mr. SMOOT. We provide a right of appeal.

Mr. BLACK. So far as I am concerned, a right of appeal is correct, but the right of appeal in this country has been recognized from the beginning as the right of appeal from a judicial tribunal. We do not appeal from the decision of a deputy sheriff. We do not appeal from the decision of a deputy constable. We do not appeal from the decision of a man who happens to be charged with some minor administrative or executive function. We appeal from a judicial decision.

Mr. WATSON and other Senators addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Utah yield?

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, every decision of the Commissioner of Customs can be appealed from.

Mr. SMOOT. Certainly.

Mr. BLACK. They can all be appealed from.

Mr. WATSON. That is correct.

Mr. BLACK. And if any person feels himself aggrieved by such a decision and wants to appeal, he can; but there are different kinds of appeals. There are some appeals from a decision that do not require such a fine discretion to be exercised.

The Senator can pick out books, of course, as to which all people with decent minds would agree, and where there would be no question at all; but there might be others that are close, as I said, to the zone where they might be offensive to some and not offensive to others.

Mr. SMOOT. As far as I am personally concerned, I would rather be on the side of preventing their coming in than to let the country be flooded with them.

Mr. BLACK. I agree with the Senator that the bad books should not be circulated; but I have an inherent opposition—I presume it comes, perhaps, from reading a great deal of Thomas Jefferson's philosophy—I have an inherent, well-grounded opposition against vesting in the hands of an individual judicial powers on matters of supreme importance with reference to the dissemination of human knowledge. I have seen too much in history——

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. I do.

Mr. SWANSON. As I understand, this would be something like a justice of the peace inquiring into a crime, with a power of appeal to the courts; or is this more severe than that?

Mr. BLACK. This is the same as a judicial decision determining that a book is not fit to circulate, and then you appeal from it just as you would appeal from the verdict of a jury or the judgment of a court.

Mr. SWANSON. No; as I understand, a justice of the peace decides that a man ought to be put on trial before a jury. He gets a preliminary trial before the justice of the peace. You hold up the matter and give him the right of appeal. Now, this book is put in that attitude; is it not?

Mr. BLACK. I want to say this: If the Senator will devise some plan whereby this matter can be determined at the port on some kind of a judicial inquiry, I shall be heartily in favor of it.

Mr. SMOOT. It is always appealed from there to the Secretary of the Treasury. If they pass on it, of course there is not a court decision; but the court has a right to review it.

Mr. BLACK. I am not willing to let the present Secretary of the Treasury or any other Secretary of the Treasury decide a matter of that kind.

Mr. SMOOT. That is two decisions. Then the man can take an appeal; but I want to say to the Senator that they never appeal on this rotten stuff.

Mr. BLACK. That is all right; suppose they do not. Why not preserve American institutions, which have come down from the Anglo-Saxon citizenship, which was founded and developed on the idea of trying matters in court? We tried that method back in the time of James and Charles and others.

Mr. SMOOT. You might just as well say that of opium; just exactly.

Mr. BLACK. Oh, no. All opium is bad, but all books are not bad.

Mr. SMOOT. All these books are worse than opium.

Mr. BLACK. Perhaps those books the Senator has are.

Mr. SMOOT. I would rather have a child of mine use opium than read these books.

Mr. BLACK. The books the Senator has may be bad, but all books are not bad. All opium is bad, and it is a question of determining which books are good and which books are bad. Where will you place the responsibility for the decision? Will it be with a customs inspector or with a court?

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield.

Mr. WALSH of Massachusetts. What authority have the customs officials over suppressing or preventing the distribution of products that are being imported into the country which are a violation of the pure food law? Are they the judges of whether or not the pure food law is being violated or not?

Mr. SMOOT. I could not say.

Mr. WALSH of Massachusetts. Let me ask another question. Have the commissioners of immigration at various ports authority to reject immigrants from this country who are charged with immoral records?

Mr. SMOOT. They have, or with having diseases.

Mr. WALSH of Massachusetts. Why should not the civil officers have as much authority to act upon immoral literature as upon immoral individuals, if they have not?

Mr. WALSH of Montana and Mr. BLACK addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Utah yield?

Mr. WALSH of Montana. I think the answer to the question addressed to the Senator from Utah by the Senator from Massachusetts is not accurate at all. The immigration officers have no power whatever to determine whether a certain man is immoral or otherwise. No such power is given to any immigration officer.

Mr. SMOOT. He has the record, and on that record——

Mr. WALSH of Montana. If he has been convicted of crime abroad, if that is a fact, of course he is excluded; there is no discretion there at all; but the officer is not vested with any

power to exclude this man because he is immoral and to admit the other man because he is moral.

Mr. SMOOT. No; not unless he has been convicted.

Mr. WALSH of Montana. Let me remark, likewise, that I agree with the Senator from Alabama. Everybody of right mind wants to prevent the circulation of such books as the Senator from Utah has in mind. That is not the point at all. Those immoral and obscene and indecent publications are printed in this country, as well as abroad.

Mr. SMOOT. I do not know of any.

Mr. WALSH of Montana. There is no question about that at all. How do we reach the situation? We make it a crime to circulate those books in this country, and we punish that offense the same as we punish every other offense, by proper prosecution.

Likewise, we prohibit the circulation of material of that kind in the mails, and if anybody circulates it in the mails he becomes liable to indictment and prosecution. That is the way we endeavor to deal with that thing.

Likewise, if those books are introduced into this country and are sold, if they are put upon the bookshelf of any bookseller in the country for sale, he is subject to prosecution by the State authorities of practically every State in the Union.

Mr. WATSON. Is that any reason why they should be let in?

Mr. WALSH of Montana. No; it is no reason at all why they should be let in. The question is, Are we going to keep them out by prosecuting in the courts the people who bring them in and thus deter them from bringing them in, the way we deter everybody else from committing crime; or are we going to invest the authority in the customs inspector to say what books are and what books are not indecent or obscene or otherwise contrary to good morals? Why should we seek to evade the question? Everybody agrees that these books should not be introduced and circulated here. How are we going to stop it? Are we going to stop it in the usual way of punishing crimes, through trial in court, or vest in some public official the power to judge?

Take the case of books published in this country that are indecent or obscene. Do we invest any local administrative officer with the power to take those books and confiscate them? We do not do anything of the kind. We would not dare do anything of the kind in this country. We would not attempt to enact a law that would vest an administrative officer with power to take books and confiscate them and destroy them, because, in his judgment, they were obscene or indecent. We oblige him to go into court and file his information there, or get an indictment against the party against whom the crime is charged, and have it determined in the usual way, the same as every other crime is determined. Let us not try to throw upon those who are opposed to this provision the odium of saying that they want to see these books circulated and read in this country. Of course, that is not the situation. We simply object to the method by which it is determined that a particular book is obscene or indecent.

Mr. SMOOT. Mr. President, every State in the Union may have laws referring to books published in the United States; there is no question of a doubt but that that is true. We prevent opium from coming in. We can destroy opium when it comes in on a ship, as it comes to the United States. That opium comes to American citizens, and we do not hesitate to destroy it.

Mr. WALSH of Montana. But, as suggested by the Senator from Alabama, there is no discretion there; opium is regarded as invariably bad.

Mr. SMOOT. I will say to the Senator that there never has been one of these books that has not been bad.

Mr. WALSH of Montana. The Senator would not say that of all the books that come in?

Mr. SMOOT. I did not say all books, I said the books we are trying to keep out.

Mr. WALSH of Montana. Then you are obliged to repose in some one the determination as to whether a particular book is good or bad.

Mr. SMOOT. I would rather keep out a thousand than have one mistake made. If there is a mistake, the one attempting to import the book can appeal to the law, but nine hundred and ninety-nine out of every thousand ought to be stopped.

Mr. BLACK. Mr. President, if the Senator will yield, in order that there may be no misunderstanding on the part of anyone, if the Senator will propose an amendment to the law whereby it is made criminal to import into this country books of the type he mentions, and a man can be tried in court, I will support it. If the Senator will propose a method whereby these books can be seized and brought into court in the first instance, and have the man's right tried, I will support him. But, just as the Senator has said, I do oppose this idea of giving a deputy inspector or a deputy constable or a deputy sheriff the right in the first instance to try the case, then have it appealed with the presumption against the man, when the presumption of innocence is an American doctrine.

Mr. SHORTRIDGE. Mr. President, may I address a question to the Senator?

Mr. SMOOT. In just a moment. The Government stops at the port of entry drugs under the drug and food act, and it never allows them to come in, and those attempting to bring the articles in appeal to the court if they desire.

Mr. BLACK. I have no objection to stopping them there. Personally I would think it would be better to have the States pass upon the question, but I have no objection to writing into the law a provision making it a crime to import the kind of books the Senator mentions, but let it be written so that a man can be tried in a court, by a jury.

Mr. SMOOT. He can be, under this law.

Mr. BLACK. He can be after he appeals, with the presumption against him.

Mr. SMOOT. Is not the presumption against him?

Mr. BLACK. Not when he goes into court in the first instance. The presumption of innocence goes with every man in the United States, except when you let a customs assistant inspector pass upon his book, and then have it appealed to a court.

Mr. SMOOT. Very few of those will ever be appealed. Here were the books imported into the United States; who would not know that they were obscene books? How to Seduce Young Girls. Another one, How Young Girls Can Seduce Boys. I do not want to read the others, they are so rotten!

Mr. BLACK. There is no disagreement about those things.

Mr. SMOOT. Then let us stop them at the port.

Mr. BLACK. Let us try them in the courts. The difference between us is this——

Mr. GOFF. Mr. President——

Mr. BLACK. Let us have no misunderstanding.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The Senator from Utah has the floor. Does he yield?

Mr. BLACK. The Senator has yielded to me.

The PRESIDING OFFICER. The Senator from Utah has the floor. To whom does he yield?

Mr. BLACK. The Senator has yielded to me, has he not?

Mr. SMOOT. Yes.

Mr. BLACK. Let us have no misunderstanding about the difference between the two lines of thought. I have no criticism to offer of an objection to obscene books. I agree with the Senator thoroughly. The difference is this—and it is the same difference that has always existed in every government—there are some who believe in giving supreme powers to one man, as a king, or to certain favored individuals who hold governmental positions. There are others who believe in having the right of the people determined by the people in the courts, by the judicial tribunals selected by reason of their being specially skilled and learned in the law.

So far as I am concerned I prefer to have the rights of American citizens, or people who are here, tried in the courts set apart and dedicated for that purpose, and then make it a crime and impose a punishment for importing indecent books; but do not have the thing tested by a deputy constable, or a deputy sheriff, or a deputy inspector.

Mr. SMOOT. If I had a bottle of poison somewhere I would not want one of my children to take a dose of it and then say, "The court must remove it." I think I had better keep it out of the way.

Mr. BLACK. Mr. President, if the Senator will yield, there are some people in this country who believe that vaccination is a crime. The Senator, of course, would not want them to pass upon whether his children should be vaccinated or not. There are others who believe that every medicine is a poison. The Senator has just mentioned poison. Does the Senator want to leave to the determination of those particular cults which profess the idea that all medicine is poisonous and dangerous the right to determine whether or not his child shall have medicine?

I knew a child who died in a State in this Union, burning up with fever, because its parents did not believe in the practice of medicine. They believed that medical treatment put poison into the system.

Mr. SMOOT. That is another thing.

Mr. BLACK. It is another thing; but it is a question of who is to determine it. Does the Senator want the question as to whether or not a thing is poison determined in a legal and orderly and decent manner, or does he want to leave it to

some individual who may have peculiar ideas and beliefs? It is the same thing with reference to books.

Mr. SMOOT. Not at all.

Mr. BLACK. There are some who think that one book is a poison. There are others who think that another book is a poison. There are some who think that the Koran is poisonous and that it is dangerous to let it go into the homes. There are people who think that the Bible is a dangerous book. There are others who think that The Book of Mormon is a dangerous book. There are others who think that other books are dangerous. Who is to determine whether or not a book is poisonous? There was a time when all those books were considered poisonous, and that it was dangerous to let them go into the home. You can not tell when someone will think a particular book is poisonous.

Mr. SMOOT. I will tell the Senator this: If he is a married man—I do not know whether he has any children or not—there is not one of all the books here that have been stopped that he would allow to come into the United States if he were the one to pass upon it.

Mr. BLACK. That may be true, and probably is true, judging by what the Senator says about the books; I have not read them; but I claim I should not have had the privilege of passing upon those books unless I were vested with judicial authority as a judge. I deny that any individual outside of the duly constituted courts of this country has a right to pass upon that which is good and that which is bad, that which is legal and that which is illegal.

Mr. BLEASE. Mr. President, will the Senator from Utah permit me to ask the Senator from Alabama a question?

Mr. SMOOT. Yes.

Mr. BLEASE. What can a jury pass on as to whether a thing is poison or not after the man is dead? What good does it do the dead man?

Mr. BLACK. They might——

Mr. BLEASE. What good does it do a little 14 or 15 year old girl after she has read poison and been destroyed by it to have somebody pass upon whether it is a good book or not?

Mr. BLACK. I am not going to pass on that. Perhaps if every person who has read these books had had his morals destroyed and had degenerated to such an extent that he was not fit to associate with decent company, it would be hard to find aggregations of people. But getting down to the actual question which the Senator asked, the book comes into a port. There is no difference between the Senator and myself about the fact that it is indecent and that it should not go out into general circulation. I think the Senator will agree with me, because he is a good South Carolinian and too true to the principles of democracy not to agree to the principle which I am about to assert, and that is as follows: Let the law provide that at the port it shall be a crime to import that book. Let that book be seized and be put into court, but do not let the question be determined by a customs inspector. There is the difference. It is not a question of whether or not it shall reach the young girl, but it is a question of what method shall be adopted to prevent it going into general circulation. Shall we have it done in an orderly manner and according to law, or shall we degenerate into mob rule—because that is what it means—and let one individual do it?

Mr. BLEASE. I understand the Senator from Alabama approves of the eighteenth amendment, and God knows nothing has ever destroyed the home and everything else in the country as much as that has.

Mr. BLACK. I am not in favor of enforcing the eighteenth amendment by having deputy constables and deputy sheriffs determine the guilt or innocence of the parties. I am in favor of having them tried and convicted or declared innocent in a court duly instituted for that purpose.

Mr. SMOOT. The Senator is in favor of keeping out poison, is he not?

Mr. BLACK. Certainly; and I am in favor of keeping out bad books.

Mr. SMOOT. Does not somebody have to determine whether it is poison or not?

Mr. BLACK. Yes; that is true.

Mr. SMOOT. It is the same thing, in my opinion.

Mr. GOFF. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. I yield the floor.

Mr. GOFF. Mr. President——

Mr. CUTTING. I wanted to ask the Senator from Utah a few questions before he yielded the floor.

Mr. GOFF. I am only going to take a few minutes, and then the Senator from New Mexico may have the floor.

Mr. CUTTING. I wanted to ask the Senator from Utah a few questions first.

Mr. GOFF. The Senator from Utah has yielded the floor, and I will take only a few minutes.

Mr. CUTTING. Very well.

Mr. GOFF. Mr. President, as I understand the attitude of the Senator from Alabama [Mr. BLACK], it is that an offense is committed if anyone imports into the United States these immoral and impure books. I do not understand that such is the law.

Mr. BLACK. If the Senator understood me to say that, I did not intend to say that. I did suggest, however, that if the Senator wants to stop the books in a legal manner and if he will prepare an amendment to that effect I will support it.

Mr. GOFF. It may be that the Senator so qualified his remarks, but he made the general statement that he was not in favor of having a sheriff or a constable or a man occupying an analogous position at the customs port to pass upon the matter. I do not see how the Senator can in all seriousness advance that argument, in view of the law as the law now is. Some one says, "This book is impure, this book falls within the immoral class." The book, as I understand the law, is not then and there confiscated. The book is not then and there destroyed. The importer of that book has a right to go before the Court of Customs Appeals and have that matter of fact determined. Must that matter of fact be determined by the judicial or the nonjudicial mind? Some argument has been advanced here that it should be determined by a jury. I want to ask the Senator who advances that argument why a jury is better qualified to pass upon the question of impurity or immorality than the judicial mind which is trained and schooled in the interpretation of statutes and in the construction of law?

Mr. BORAH. But that is not the question here at all.

Mr. GOFF. I would say to the Senator from Idaho that he was not here when the argument was advanced or probably he would understand the argument which I am now making in reply to the suggestions which I have heard advanced, not only by the Senator from Alabama [Mr. BLACK], but by the Senator from Montana [Mr. WALSH].

Mr. BLACK rose.

Mr. GOFF. If the Senator will wait just a minute, I will yield to him.

Mr. BLACK. Will not the Senator yield for a correction?

Mr. GOFF. Oh, certainly.

Mr. BLACK. I do not want to take any more time, because I want the Senator from New Mexico [Mr. CUTTING] to get the floor. I did not state that this is a question of law. It is a question of fact, and should be a question of fact mixed with law if it gets into court, as most questions are.

Mr. GOFF. If there is no law or no pretense of a legislative enactment, then by what right or authority would the customs officials attempt to exclude such books? They could not do it as a mere whim. They could not do it as a mere view of what is good or what is bad literature. They would have to have some statute, they would have to have some legislative enactment before they attempted to interfere with the importation into this country under the Constitution which relates to interstate and foreign commerce, or else they could not exercise such a right or privilege.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

Mr. GOFF. Certainly.

Mr. PITTMAN. The statute provides, I believe, that it is a crime to attempt to bring into the United States certain things.

Mr. GOFF. No; I do not concede that it does.

Mr. PITTMAN. It says they shall not be allowed to enter.

Mr. GOFF. That is a very different proposition. If it is a crime, then it is subject to punishment and subject to indictment, and I see nothing in the law that permits any court having jurisdiction over the subject matter to proceed by grand jury investigation of such a question.

Mr. PITTMAN. But that is not the point to which I am attempting to direct the Senator's attention. There is described what shall be unlawful to bring into the United States, and there is a provision for seizure by the customs officer. Why would it not protect the public entirely if we were to provide for the seizure as now provided and that the property should be held by the officer seizing, and that he should immediately report to the nearest United States district attorney having authority under the law to proceed to confiscate, and an action be brought by the United States attorney, based upon that report, to confiscate the property?

The property seized is always held in the hands of a receiver pending action by the United States attorney. It can not get out of his hands. In other words, the country is protected against this commodity getting out of the hands of the collector

of the port, and we simply provide in addition that he shall have authority to bring an action to determine the facts and, if they are true, then that the property shall be confiscated. The United States attorney could bring suit to confiscate the property.

Mr. GOFF. My answer to that is that the procedure is substantially the same. If that reflects the view, as I know it does, of the Senator from Nevada, then the Senator from Nevada and I are not in difference in the least upon the question of what should be the ultimate decision of the matter.

Mr. PITTMAN. I think that is correct.

Mr. GOFF. The procedure is the same with the exception that that which the Senator from Nevada suggests would involve a grand jury investigation, would involve also a trial by jury, whereas under the present procedure it is determined by the Court of Customs Appeals.

Mr. PITTMAN. That is all the difference.

Mr. GOFF. But the suggestion has been advanced that no such power should be resident in either a constable or a sheriff. Let me say that it is well known by all who study the enforcement of the law that men charged with seeing that no law, that no rule, that no procedure is violated, have the authority to determine the question whether or not there is a violation of the law, a violation of the rule, or a violation of the procedure involved.

Let us go to the powers of a constable. He finds a man on the highway apparently in the possession of stolen goods. Taking the suggestion made by the Senator from Alabama [Mr. BLACK], and as I understood the argument of the Senator from Montana [Mr. WALSH], no one could arrest upon suspicion some one who presumably, from the state of facts, not from the legal evidence, was guilty of possessing stolen goods. That is a matter ultimately to be determined by the court.

It is a matter not to be determined by the constable, not to be determined by the sheriff. Is not the man who is authorized today to seize an illegal importation of whisky under the Volstead Act, passed in aid of the construction and interpretation of the eighteenth amendment, authorized to seize what purports to be whisky and destroy it then and there?

I understood the distinguished Senator from Montana [Mr. WALSH] to say that no such power of confiscation, no such power of seizure could be, under the laws and policies of the United States, lodged in the hands of any individual; that the people of the country would not stand for it. There comes the danger of reasoning by analogy.

The customs official does not destroy one of these books. The customs official does not arrest the man charged with the importation of the book. He merely asks, "You can not come in with this book because in my judgment the book is immoral, the book is unclean, and the book should not be permitted to enter into the intellectual circulation of the United States." That is all he does. Then if the man whose rights have been interfered with, if it is assumed the law permits an interference with those rights, sees fit to go to the Court of Customs Appeals, he may go there and have that question determined by the best judicial minds of the country, and they pass upon the question of fact there involved. So I say there is no question such as has been advanced by those who are opposed to the amendment of the Senator from Utah.

Mr. WATSON. Mr. President, there seems to be some diversity of opinion as to what the amendment actually provides. May we not have the amendment reported once more, so as to see really what is in it?

The PRESIDENT pro tempore. The amendment will again be reported for the information of the Senate.

The legislative clerk again read Mr. SMOOT's amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I want to suggest to the Senator from Utah a method by which it seems to me the views of every Senator with respect to this matter would be harmonized and that would meet the suggestion made by the Senator from Nevada [Mr. PITTMAN], namely, that upon the appearance of any of these books in the customs office they should be seized and held and the district attorney directed to institute proceedings for their forfeiture, confiscation, and destruction.

Mr. SMOOT. In other words, to enact a provision somewhat similar to that governing the entry of liquor coming into the country?

Mr. WALSH of Montana. Yes; it would be practically the same. It would probably take this form: I should want to make it a criminal offense—it is not so made here—to introduce these books, so that the proposed amendment would read in this way:

Any person who shall import any book or other matter the entry of which is herein prohibited shall be punished by imprisonment of not more than two years or by fine of not more than $1,000 or by both such fine and imprisonment. Upon the appearance of any such book or other matter at any customs office the collector thereof shall immediately transmit information thereof to the district attorney of the district in which such port is situated, who shall immediately institute proceedings in the district court for the forfeiture and destruction of the same, the book or other matters that are attempted to be entered to be held meanwhile to await the judgment of the court.

Mr. SMOOT. That would be an amendment to the amendment.

Mr. WALSH of Montana. Yes; it would practically be an amendment to the amendment.

Mr. SMOOT. I should like to read it over.

Mr. WALSH of Montana. I drew it hurriedly, but it seems to me to meet the situation.

Mr. SMOOT. It seems to me to be all right.

Mr. SWANSON. I hope the Senator will accept it.

Mr. WATSON. Mr. President, I thought that under the general law the admission of this sort of literature was already a crime?

Mr. WALSH of Montana. I have examined the statute, but I do not find that it is.

Mr. WATSON. I thought that it was.

Mr. WALSH of Montana. It is a crime to transmit such matter through the mails.

Mr. GOFF. The Senator from Montana is correct.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Montana has the floor. To whom does he yield?

Mr. WALSH of Montana. I yield to the Senator from Virginia.

Mr. SWANSON. Mr. President, I hope the Senator from Utah will accept the amendment.

Mr. SMOOT. I will accept it.

Mr. SWANSON. The amendment seems to me to settle this matter more effectively, fairly, and justly than anything that has been proposed. I believe in the liberty of the press and the right of books to find their way to public favor, but I also believe in protecting the public; and where there is a suspicion that a book contains contagion, just as when there is suspicion that a man has violated the law he is detained, so such book should be held until the question may be determined by the court. That is all the amendment provides.

Mr. SMOOT. I am perfectly willing to accept it, and, indeed, am glad to accept it.

The PRESIDENT pro tempore. The Chair understands the Senator from Utah accepts the amendment?

Mr. SMOOT. I am very glad to do so.

Mr. WATSON. No. I hope the Senator will not accept the amendment as yet.

Mr. SMOOT. I think the amendment is right; I do not think there is anything wrong in it.

Mr. WATSON. I should like to find out a little more about it.

Mr. GEORGE. Mr. President——

Mr. ROBINSON of Indiana. Mr. President, I ask that the amendment may be reported.

The PRESIDENT pro tempore. The Senator from Montana still retains the floor. To whom does he yield?

Mr. WALSH of Montana. I yield first to the Senator from Georgia.

Mr. GEORGE. Let me make a suggestion to the Senator from Montana. In paragraph (b), dealing with the penalty imposed on Government officials, it is provided:

Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail—

And so forth, is declared to be guilty of a misdemeanor.

Mr. WALSH of Montana. Yes.

Mr. GEORGE. And the punishment is fixed at a fine not exceeding $5,000 or imprisonment at hard labor for not more than 10 years.

I invite the attention of the Senator to the fact that the punishment proposed under his amendment is much lighter in the case of the individual importing an obscene book than in the case of the official of the Government who shall knowingly aid and abet such individual in importing the book. I think the two should be brought more nearly in line.

Mr. WALSH of Montana. I am not at all wedded to the provision with respect to the punishment proposed to be inflicted.

Mr. GEORGE. I merely suggest to the Senator that I think the punishment in the two instances should be brought more nearly into line.

Mr. WALSH of Montana. I would think that they should, although the faithlessness of the officer charged with the duty would be the graver offense, because his offense is equal to that of the man who imports it because he helped to get it in, and, in addition to that, he violates his trust.

Mr. GEORGE. That is quite true, but in the law he is merely aiding and abetting.

Mr. WALSH of Montana. I have no objection to the provision referred to by the Senator from Georgia being changed.

Mr. GEORGE. I think the punishment in the two cases is too far apart. I am inclined to think that the Senator's suggestion is a much wiser one, so far as the importer is concerned; but the punishment in the two cases, it seems to me, ought to be brought nearer together.

Mr. WALSH of Montana. That will be quite satisfactory to me. I merely desire to say to the Senator from Utah that I drew this amendment hurriedly at the desk here, and I prefer to take a little more time to draft it with more accuracy. I will submit the draft to him.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. I do not understand the idea of the Senator's suggestion with reference to the classics and scientific works.

Mr. WALSH of Montana. I do not intend to except anything. If one imports any kind of a book and the inspector stops it, the question will go to the court for adjudication.

Mr. BROOKHART. But it ought not to be a crime to import a classic or a scientific work.

Mr. WALSH of Montana. That will depend upon whether or not the court shall determine that the particular book is an obscene book. I do not want books which are obscene, even if they be called classics, to be admitted into this country.

Mr. BROOKHART. But scientific works may be construed by some courts or juries to be obscene, and they ought to be excepted, I think.

Mr. WALSH of Montana. The only question is, Shall we leave to an inspector the determination of whether a scientific book is an obscene book or shall we leave it to the courts?

Mr. BROOKHART. I am entirely in accord with the suggestion that it be left to the courts; but I think in the definition of the crime that is to be punished by two years in the penitentiary classics and scientific works ought to be excepted.

Mr. WALSH of Montana. I can not think that is a sound distinction, because, whether they are classics or whether they are not classics, if they are obscene of course they should be prohibited. If they are classics that would probably establish that they were not obscene; if they are scientific it would naturally establish the same fact.

Mr. BROOKHART. I think so, too, but I also think such works ought to be affirmatively mentioned in the amendment, and then there would be no question about them.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Virginia?

Mr. WALSH of Montana. I yield.

Mr. SWANSON. The Senator from Utah has offered an amendment that seems to me to cover the situation in connection with classical publications. They are permitted to come in under the terms fixed by the Secretary of the Treasury, not for general distribution but for the use of libraries. Any college or library can procure such classical books, and those colleges and libraries may determine whether youth will be perverted by using them. The amendment of the Senator from Montana, it seems to me, settles every other difficulty which has been suggested here.

What is the difference between the Senator from New Mexico and the Senator from Utah? It is this: The Senator from Utah wanted to stop these books absolutely and have them destroyed by the customs officials. In that respect his provision might have been more effective. The Senator from New Mexico on the other hand wanted these books to be entered, and then, if they were obscene, to have Federal and State statutes applied to prevent their distribution. The Senator from Montana, to me, has solved the problem with remarkable skill and ability. He proposes to provide that as soon as books are examined by the customs officials and it is ascertained that there is an appearance of obscenity and there is objection to their admission on that ground, they shall be seized and held, and then the question shall be quickly submitted to the district attorney and to the court for determination. So the court will pass on the question, and not a customs officer. Likewise, meanwhile the distribution of the books will be stopped, which is the thing we wanted. It does not seem to me that the amendment proposed by the Senator from Montana invades the liberty of the press or freedom of thought, but at the same time it prevents the youth of the country from being perverted by the distribution of obscene literature.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator what is the procedure after they have been seized? What then will be the legal procedure?

Mr. SWANSON. The case will go to the court, and until that is disposed of the books will be held by the court.

Mr. SHORTRIDGE. Will that be done instantly?

Mr. SWANSON. It will be done immediately.

Mr. SHORTRIDGE. Who is to be the prosecutor?

Mr. WALSH of Montana. The district attorney.

Mr. SWANSON. The district attorney is to be the prosecutor.

Mr. SHORTRIDGE. Of what court—the Customs Court?

Mr. WALSH of Montana. The district attorney of the district in which the customs port is situated.

Mr. SHORTRIDGE. The Senator, then, means the United States Customs Court?

Mr. WALSH of Montana. No; the United States district court.

Mr. SHORTRIDGE. That, to my mind, is more or less an important difference. The case goes, then, before a United States district court. Is the duty imposed upon the district attorney, for example, to set in motion an inquiry; and if so, by what procedure?

Mr. WALSH of Montana. By the usual procedure in cases of forfeiture and confiscation of goods; it is a proceeding in rem against the particular thing seized.

Mr. SHORTRIDGE. The Senator knows what I mean. Is it, then, a proceeding in rem to be tried in the United States district court in a given district?

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. By the court alone, or does the amendment carry along with it the right of trial by a jury?

Mr. WALSH of Montana. My recollection about it is that there would not be a jury trial.

Mr. SHORTRIDGE. I am asking the question so as to determine the procedure which would be followed in case the amendment were adopted.

Mr. WALSH of Montana. It would be a proceeding in rem. My understanding is that in all cases of confiscation the question is determined by the court.

Mr. SWANSON. Mr. President, if the Senator will permit me, the amendment provides for a proceeding in rem to dispose of the property seized, either to confiscate it or destroy it or permit it to be distributed. The amendment also provides, on conviction, for punishment for the distribution or importation of obscene literature.

Mr. SHORTRIDGE. I have not joined in the discussion, though I have listened with great interest to it. It appears to me, Mr. President and Senators, that we now have a legal mechanism to dispose of such cases, final action not to be taken until after a judicial proceeding. As I have understood the law, in the first instance, when a given book is seized and an officer of the Treasury Department finds that it is of such a character as to fall under the condemnation of the law, that finding is not final; it is by no means decisive, but the importer or whoever may be involved has a right to question the finding of the customs officer; he has by the very force of the law a right to take the matter to the Customs Court. It has seemed to me throughout this discussion that this law is ample; it does not vest in any inferior administrative officer final power in the premises.

Mr. SWANSON. If the Senator will permit me a moment——

Mr. SHORTRIDGE. Let me finish the thought, with the Senator's indulgence. Therefore, it seems to me—and even at this stage I throw out the thought—that the Customs Court, perhaps, is a better court to dispose of such matters finally.

Mr. SMOOT. Mr. President, if the Senator will yield, I wish to say——

The PRESIDENT pro tempore. The Senator from Virginia has the floor. To whom does he yield?

Mr. SMOOT. I thought the Senator from California had yielded to me.

Mr. SHORTRIDGE. I do not know who has the floor; but, if I have the floor, I yield to the Senator.

The PRESIDENT pro tempore. The Senator from California did not have the floor. The Senator from Montana had it, and yielded to the Senator from Virginia.

Mr. SMOOT. Will the Senator from Virginia, then, yield to me?

Mr. SWANSON. I will yield in a moment. Here is the difference between the proposition of the Senator from California and that of the Senator from Montana. The present law allows

the customs officers to proceed, but that proceeding may be arrested by the man who imports the book appealing and going to court.

Mr. SHORTRIDGE. Both propositions involve a seizure or holding of the material.

Mr. SWANSON. But the proposition of the Senator from Montana is this, which seems to me to be right, and to settle the matter:

As soon as there is an appearance that this is contagious, obscene matter, and ought not to be distributed, it is the duty of that officer to consider it and notify the district attorney. Now, the Customs Court have no district attorney to prosecute matters before them. It would be much better to have a district attorney whose duty it is to get the evidence, ascertain the facts, look up the law, and then proceed to operate in this case. It seems to me that this is exactly what ought to be done.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SWANSON. I yield to the Senator from Utah.

Mr. SHORTRIDGE. I will get the floor in a moment, and express my view of the matter.

Mr. SWANSON. I will yield to the Senator right now.

Mr. SHORTRIDGE. Oh, no; I will not detain the Senator.

Mr. SMOOT. Mr. President, I simply wanted to call attention to the fact that I do not think one out of a thousand of the scoundrels that do this will ever appeal. They never do.

Mr. WATSON. They never would appeal if they had a book of that kind to appeal from!

Mr. SMOOT. No; the Senator may be sure they would not.

Mr. BRATTON. Mr. President, will the Senator from Virginia yield to me?

Mr. SWANSON. I yield.

Mr. BRATTON. I want to suggest to the Senator from Montana, without committing myself to the principle involved in the amendment which he is drafting, that it include two additional phases. One is a jury trial upon the demand of either party, and the other is the right of appeal as in other civil cases.

It is true that the Senator from Utah characterizes the importer as a scoundrel; but perchance there might be an honest man who might have a difference with the customs officials, and he might prevail in the long run. I do not think we can enact a statute on the theory that we are going to deal exclusively with scoundrels.

Mr. SMOOT. I can not conceive of any honest man ever trying to import one of these books.

Mr. BRATTON. Upon that question people might differ.

Mr. SWANSON. Mr. President, the Senator from Virginia would like to talk a little now, as he has the floor.

The PRESIDENT pro tempore. The Senator from Virginia is entitled to the floor.

Mr. SWANSON. This is a proceeding in rem. It is simply a proceeding against the property. Any personal violation of the law is subject to the penalties and indictment of a court. In what better way can the authorities proceed to dispose of this property than in rem?

Here is some obscene matter brought here. Here are some books that ought not to be distributed. We first investigate the matter to see whether or not they are obscene, precisely as is done if a man is suspected of being a robber. If he has the appearance of being a robber, a violator of the law, a magistrate investigates the matter and looks into his case. This property is to be treated in the same way. After this is done, it can not be disposed of until a court disposes of it. Its distribution is prevented. The man who says, "I have matter that is not subversive of the morals of the average man in the country" has a right to go to court and let the court determine the question under the law fixed by us.

Mr. SHORTRIDGE. He has that right now, ample and complete.

Mr. SWANSON. No; the only difference is this: The customs officer holds the matter, and if nothing is done in a limited time it is confiscated and burned. All that is proposed in this amendment is to hold the matter, and notify the district attorney, and let the court determine it. If we can not trust our own courts, whom can we trust?

Mr. BRATTON and Mr. GEORGE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Virginia yield; and if so, to whom?

Mr. SWANSON. I do not yield to anybody at present. I will yield later.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield.

Mr. SWANSON. At present, I do.

Can we not trust our own courts? Our own courts are intrusted with the determination of that question. A man can not have his property destroyed without having had an opportunity to go into court.

Mr. SHORTRIDGE. He has that right now.

Mr. SWANSON. That is true; but the process is different.

The PRESIDENT pro tempore. Senators will please address the Chair.

Mr. SHORTRIDGE. The Senator from California hears what the Presiding Officer says.

The PRESIDENT pro tempore. And the Chair hopes he will heed it.

Mr. SWANSON. The only difference is this: Under the present law the property is seized, and if the matter is not brought to court quickly it is confiscated and destroyed. Under this proposal, no judgment is rendered at all for an appeal. The judgment goes as a new proposition to the district court, without any judgment being rendered on account of the appearance of evil. It is as though a justice of the peace should arrest a man on an appearance of evil, and let the matter go to the court to determine it. No judgment is rendered. It is seized from its appearance of evil. That, of course, determines the matter without anybody else passing on it. It does seem to me that that is the solution of the matter.

I now yield to the Senator from Georgia, who rose first.

Mr. GEORGE. Mr. President, I desire to bring the Senator's attention to the fact that he is dealing with the most minor part of the proposed law if he deals with confiscation, if the suggestion made be adopted, and the amendment suggested be taken. The most important part of it is being entirely overlooked.

If the doing of these things is made a crime, then the liability to prosecution and punishment is far more important than the mere procedure to dispose of the property; that is, to confiscate it and destroy it, if it is subject to destruction. If the suggestion made or the amendment offered is accepted, it will be necessary to see what kind of crime we are creating here, and it will be necessary to give to it some very mature consideration, because I undertake to say that the Senate would not vote now to make a criminal—I am not talking about the confiscation proceedings; I am not saying anything about the proceedings in rem; there is no difficulty about that—but to make criminal, and subject to severe punishment, the importation of some of the things that are described in the amendment offered by the Senator from Utah; and that far transcends the mere procedure of confiscating and condemning this property.

Mr. SWANSON. Mr. President, in regard to that: First, we are trying to get rid of these books. Practically everybody agrees, I think, that that is about the best way to get rid of them. As to the crime of importation, as to the crime of distribution, that is a different matter.

Mr. GEORGE. Oh, no, Mr. President; it is made a crime to import.

Mr. SWANSON. That is all right.

Mr. GEORGE. And the crime takes place before there can be any confiscation.

Mr. SWANSON. No; the property is what I want to get rid of. I want to stop the distribution of this property, and I want to do it in a right and proper way that will not violate the liberty of anyone, will not let some little official pass on it, will not let the merit of good and great books be determined simply by a customs officer.

The Senator from Montana [Mr. WALSH] with skill and ability has devised a way of getting rid of this property. How? By a proceeding in rem; by disposing of it and letting a court pass on whether it is obscene and improper for distribution.

As to the suggestion made by the Senator from Georgia, that is all right. This does not interfere with that at all. All I ask is that we get rid of these books which I want to get rid of. Then I am willing to discuss and vote on what penalty shall be imposed for a violation of this law.

Mr. GEORGE. Yes; but, Mr. President, I am trying to put my hands upon the important thing here, and the important thing is the crime we are creating. The Senator is content to destroy the bootleg liquor, without regard to the effect upon the citizen who is accused of making it or transporting it or selling it. The destruction of the property is merely incidental.

Mr. SWANSON. No; if the Senator will permit me, the doing of this does not interfere with any amendment the Senator may want to offer in regard to the crime.

Mr. GEORGE. I am trying to tell the Senator that I am not willing to create in the loose fashion that the Senator from Utah has formulated some of the most serious offenses against the Government.

Mr. SWANSON. I am not discussing that. I have nothing to do with it. It is simply drawing something across the trail. The only question now is, How shall we get rid of the books?

The Senator has offered an amendment which ought to be accepted. If the Senator from Georgia thinks the penalty for importation and distribution is excessive, let him offer an amendment to reduce it. I do not know but that it is excessive. I do not know, in fact, what it is. All I ask is that we adopt the wise solution of the matter made by the Senator from Montana.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Virginia yield to the Senator from West Virginia?

Mr. SWANSON. I do.

Mr. GOFF. I want to say to the Senator from Virginia that, as I understand the law now existing, there is no authority to confiscate any of these so-called immoral or impure books.

Mr. SWANSON. No.

Mr. GOFF. I understood the Senator to say that the customs officials could destroy the books by burning them.

Mr. SWANSON. That is under the amendment. I think under the amendment of the Senator from Utah, if they do not take an appeal within a certain length of time, he can proceed to destroy them.

Mr. GOFF. I understand the law to be now, as it has been enforced, that if the book is seized, then an action in rem must be maintained against the book before it can be in any sense of the word destroyed—I mean, right at the present time. I do not think I am wrong, Mr. President. I understand that to be the law.

Now I want to make a suggestion to the Senator.

Mr. SWANSON. If the Senator will permit me, there is this difference: He says that upon the appearance of evil the court decides the matter. The minute there is a suspicion on the part of a revenue or customs officer that a certain book is improper to be admitted into this country, he presents the matter to the district court, and there will be a prompt determination of the matter by a decision of that court.

Mr. GOFF. But at the present time, as the law now exists, if no action is taken by the importer, the customs official who has seized the book has no inherent right to destroy the book. He must take proceedings in rem against the book even as the law now stands.

Mr. SWANSON. What is the difference between that and this, except this——

Mr. GOFF. There is no difference. I am only addressing myself to the suggestion which I understood my friend from Virginia to make.

I am not saying anything relative to the amendment which the Senator from Montana is drawing up. I wanted to say to the Senator from Georgia, who said that the Senate would not take without further reflection the action proposed by the Senator from Montana, that we have in the statutes of the United States—I think it is section 217—a statute which makes it a penitentiary offense to send any obscene, filthy, or dirty matter through the United States mails. As I recall the penalty, it is three years in a Federal penitentiary.

Now, if we could take that as our standard, we would have no difficulty in reaching the conclusion that if dirty, filthy, or obscene matter—which is one of the synonyms of immoral matter—is imported into the United States, then unquestionably, under such conditions and circumstances, it could be made an offense similar in every respect to the offense of sending such matter through the United States mails.

Mr. SWANSON. Mr. President, I am not discussing these penalties. I have not read them. As I understand, the only difference, as suggested by the Senator from West Virginia, between the present law and the amendment offered by the Senator from Montana is that in the case of the amendment of the Senator from Montana the district attorney will act promptly, and under existing law he has to wait a long time. If the statement by the Senator from West Virginia of the existing law is correct and this obscene matter can not be destroyed until you go to a court, the only difference between the two is that the amendment of the Senator from Montana requires prompt report.

Mr. WATSON. Is it not true that the Senator from Utah has accepted the amendment of the Senator from Montana?

Mr. SWANSON. He has; but others objected. I hope it will be accepted.

Mr. WATSON. Let us vote on it and see where we stand.

Mr. GOFF. Let us vote.

Mr. WALSH of Montana. Mr. President, I have perfected the draft of the amendment heretofore suggested to be inserted in the amendment offered by the Senator from Utah, cutting out the proviso that is inserted, to be inserted where the proviso begins, reading as follows:

Any person who shall import any book or other matter the entry of which is by this section prohibited shall be punished by a fine of not more than $5,000 or by imprisonment at hard labor for not more than 10 years or both.

Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed.

In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

Mr. WATSON. Mr. President, let me ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. Certainly.

Mr. WATSON. When does the crime become a crime?

Mr. WALSH of Montana. It becomes a crime as soon as the literature gets into the port.

Mr. WATSON. That is to say, if a man undertakes to bring in certain literature, it is a crime?

Mr. WALSH of Montana. If it is of this offensive character.

Mr. WATSON. Suppose afterwards the case is appealed, and it is determined by the court that it is not offensive in character; then the crime is already complete. What about the crime then?

Mr. WALSH of Montana. It has been adjudicated, then, that it is not a crime.

Mr. WATSON. It is not the question, though, of adjudication. The proceeding, as I understand it, after the book gets in, is a proceeding in rem, and not a proceeding against the individual for the purpose of determining whether or not he has committed a crime.

Mr. WALSH of Montana. The Senator is quite right about that. But that situation occurs often. We find that situation with respect to many crimes. Take gambling, for instance. Anyone who owns and operates a gambling outfit commits an offense, and he is subject to indictment and prosecution for it, but there is another provision for the seizure of gambling implements, to be taken into court, and they are subject to confiscation.

Mr. WATSON. That is quite true, but having a gambling outfit itself is a crime under the statute.

Mr. WALSH of Montana. Exactly.

Mr. WATSON. But the importation of the book itself may not be a crime. That is a thing which must be determined later on.

Mr. WALSH of Montana. We make it a crime.

Mr. WATSON. But then if the courts determine it is not obscene or vicious literature——

Mr. LA FOLLETTE. Mr. President, I make the point of order that the Senate is proceeding in disorder. We can not hear what is going on.

The VICE PRESIDENT. The Senate will be in order.

Mr. WALSH of Montana. Let me remark with respect to that, that there is no difficulty about it at all.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON. Mr. President, I want to call the Senator's attention to the fact, first, that it is an unfortunate thing to multiply crimes. Whenever we want to correct something which we believe needs a remedy, or there is something we may imagine to be contrary to the standards we ourselves set for other people, we have fallen into the habit of creating new crimes.

It is unfortunate, I suggest to the Senator, that we should create a new crime in respect to this matter we have been discussing, but it is much more unfortunate, when the character of the entire section is considered, because the entire section deals not alone with what our friends say is obscene literature, and what some salacious minds, I understand, have been perusing for a month or two past, but the Senator from Montana, by this amendment, would make a criminal of anyone who comes into the United States with any matter or any book advocating or urging treason, insurrection, or forcible resistance to any law of the United States, and so on.

One might come in with a philosophical treatise quite at variance with what we believe, of course, relating to some other

country, which might be held to be some kind of threat toward our own Government, or an appeal for insurrection, and the Senator would make of that a substantive crime, as I recall it, with two years' imprisonment and a fine of several thousand dollars.

I submit that should not be done in the first place, and I submit again that here, in the haste of a debate, to create a crime on a subject where no crime is necessary to be created, to accomplish even the purpose as enthusiastically and drastically as the Senator from Utah would accomplish it, it is not necessary that any crime be created at all.

Multiplying penal statutes is, as I said in the beginning, a most unfortunate thing. Only necessity should compel it.

Mr. WALSH of Montana. Mr. President, I would like to answer first the matter addressed to me by the Senator from Indiana [Mr. WATSON]. There is no difficulty about that situation at all, because the first proceeding would be for the forfeiture and confiscation of the books or other matter. If it should in that case be adjudged that the books are not of the class prohibited by the statute, they would be released, and that would be an adjudication that no offense had been committed. If thereafter the importer of the books were indicted, he could plead that it had already been adjudicated that the books were not of that class, and therefore no indictment would lie against him. Or, if one were returned, it would, of course, be dismissed. That often occurs.

Now, I want to say a word to the Senator from California.

Mr. BRATTON. Mr. President, may I ask the Senator a question before he leaves that phase of the subject?

Mr. WALSH of Montana. I yield.

Mr. BRATTON. On what does the Senator base his conclusion that the forfeiture proceeding would precede the criminal prosecution?

Mr. WALSH of Montana. I perhaps misspoke myself there. I meant to say that ordinarily that is the course it would take. There is no reason at all why an indictment should not precede the proceedings for the confiscation of the matter charged to be entered in violation of the act. If in that proceeding it were adjudicated, it perhaps would not be an adjudication, because that would be determined upon simply the existence of the reasonable doubt. But if it were reversed, it would undoubtedly be a good defense to the criminal proceeding.

Mr. BRATTON. So that under the amendment pending now, the Government could indict a man, bring him to the bar of justice, proceed to prosecute him criminally, and, at the same time, institute forefeiture proceedings, thus having an individual involved in two pieces of litigation running concurrently. In the criminal case it might be determined that the matter was obscene and the man be convicted, while in the civil case it might be decided that the matter was not obscene, or vice versa.

Mr. WALSH of Montana. The same thing occurs under the prohibition law.

Mr. BRATTON. Yes; it does.

Mr. WALSH of Montana. The same thing occurs in all smuggling cases. Smuggling is made a crime, and the goods are subject to seizure and forfeiture.

Mr. BRATTON. Exactly. I understood the Senator to say a while ago that with the presentation of a book at the customhouse, if it is seized there, the crime would be complete, and the importer could be prosecuted without his doing more.

Mr. WALSH of Montana. That is, if it were such a book or matter as was described in this amendment.

Mr. BRATTON. Suppose it were a close case, a volume about which men might differ. Does the Senator think the burden should be cast upon the owner or importer to decide at his peril that it was not obscene, and having reached that decision, submitting to a customs official at the port of entry a book which had never been brought into the country and never had been read by an individual here, automatically the customs official could determine that it was obscene, and thereupon a crime would be committed, and completed, and the individual subjected to fine and imprisonment in the penitentiary?

Mr. WALSH of Montana. Of course, Mr. President, many men are charged with crime, but when it comes to adjudication before the courts it is held that no crime has been committed.

Mr. BRATTON. Whether a certain act constitutes a theft of a horse is a matter about which people might not easily differ, but whether a volume is obscene or otherwise is a matter about which people in every walk of life might differ honestly. Under the pending amendment the owner of a book would be required to determine at his peril whether it was obscene, and would be bound by the adjudication of some one else.

Mr. WALSH of Montana. By the adjudication of the court.

Mr. BRATTON. By adjudication of a court that his judgment was in error.

Mr. WALSH of Montana. Exactly.

Mr. BRATTON. That the book was obscene, when he regarded it as otherwise.

Mr. WALSH of Montana. Exactly.

Mr. BRATTON. And if his judgment happened to be erroneous, however honest it might be, he could spend two months or two years in the penitentiary.

Mr. WALSH of Montana. Mr. President, the situation is not unique at all. We have the same situation with respect to our antitrust laws. A man who enters into some kind of a business arrangement may be perfectly satisfied that under the law it is entirely legitimate, but he may be mistaken about the matter and be subject to prosecution. There are many cases where men commit acts in the most perfect good faith, but they are crimes.

Mr. BRATTON. Not acts regarding which honest men might differ as violently as they often do as to whether a volume is obscene or otherwise.

Mr. WALSH of Montana. That may be.

Mr. GOFF. Mr. President——

Mr. WALSH of Montana. Just a moment. There is no doubt about what the Senator says, and that is why great latitude is given in the punishment. The punishment may be a fine of $1, and presumably the court would take the circumstances into consideration.

I feel, however, as if I ought to reply to the Senator from California before proceeding further.

I appreciate what the Senator says with respect to the inadvisability of multiplying crimes, and it may be that some of the language in this provision is a little obscure, and the field it occupies may not be entirely appreciated.

There is an expression here about books which would be condemned by the general moral sense of the time. That might give rise to some considerable doubt. But I want to say this: It appeared in the discussion that some Senators felt that the way to reach the matter was by penalizing the admission of these books, thus deterring anyone from attempting to import them into the country. Others felt that the way to do it was to invest in an inspector the power and authority to confiscate the books. I hoped that I would be able to accommodate the views of everybody.

Everybody feels, as a matter of course, that the admission of these books is deleterious to public morals, and all that sort of thing, and it seemed to me that it was a proper case for making it a penal offense, and I think so still.

Let me remark that the circulation of obscene literature through the mails is forbidden by law. It is made a penal offense. I can see no reason why we should hesitate any more about making it an offense to import these books into the country than that we should make it an offense to transmit them through the mails.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON. It is true that there is a criminal offense to-day attaching to the sending of obscene literature through the mails, but does not the Senator recall how recently a zealous district attorney, acting under that statute, haled before a trial court a woman in the State of New York and convicted her, and that it took an appeal to the appellate court and a very learned decision by the court in banc there to prevent a gross injustice from being done? When we add a penal offense to the amendment of the Senator from Utah we are providing for just that sort of thing in the indefiniteness of this kind of a statute.

Mr. WALSH of Montana. I am sure, notwithstanding the unfortunate circumstances to which the Senator adverts, that he would not think of repealing that statute.

Mr. JOHNSON. No; not at all.

Mr. WALSH of Montana. Of course, every citizen takes some chances of being haled into court and even indicted for acts which do not constitute offenses.

Mr. JOHNSON. Ah, yes; but here is the first step in the making of a criminal offense in an ambiguous and a doubtful statute, and we ought not to do it, because it has never been done before, because we can not, to save our lives, under the language used by the Senator from Utah, construe the statute, and in addition to that, if we construe every provision of the statute we do something which I am sure the Senator would not wish to do.

Mr. WALSH of Montana. As I understand the Senator, then, he quite coincides in the provisions of the amendment tendered

by myself in relation to the adjudication and confiscation of the material, but he objects simply to the penal feature of the provision.

Mr. JOHNSON. Yes; I object to the penal offense. The other I had not thought of, but I would not have a penal offense in connection with this matter.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Florida?

Mr. WALSH of Montana. I yield.

Mr. FLETCHER. I would like to ask the Senator if the statute would apply, if the amendment as now proposed should prevail, to a person in this country importing a book, which book perhaps he never saw? He may have seen an advertisement of a book in some foreign country and order it and have it sent here. Could he be convicted here of importing obscene literature, if in fact it be determined obscene by the customs officials, even though he had never seen it?

Mr. WALSH of Montana. Under those circumstances it would be exactly the same.

Mr. FLETCHER. Then both the shipper and the seller of the book, as well as the purchaser of the book, would be liable.

Mr. WALSH of Montana. The language applies only to the importer. It does not go any further.

Mr. FLETCHER. Under the amendment proposed by the Senator from Utah the importer has his right to his day in court. Under the general law anyone can appeal from a decision of the Secretary of the Treasury or a customs official and have his day in court. Without expressly setting forth that provision in the amendment which the Senator from Utah has offered, it is a right which exists under the general law, is it not?

Mr. WALSH of Montana. We are told that there is a right of appeal from every decision of the collector. I am not prepared to say whether it is sound or not.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. DILL. Does the Senator think, as a matter of making the statute fair in its operation, that any crime should be declared by any court until it has been passed upon as to whether the matter is so objectionable as to come under the statute? I am thinking of the questions asked by the Senator from New Mexico [Mr. BRATTON] where the two cases might run. I am wondering why it is necessary to have the man prosecuted for a crime before it is determined by a court whether what he has brought in is objectionable under the law?

Mr. WALSH of Montana. There might be some objection to the order of things, but I think we are borrowing trouble about it. We have exactly the same provision in the prohibition law, and we have it in the customs law. Smuggling is a crime, and the property is subject to seizure and forfeiture.

Mr. DILL. It is not comparable to talk about the operation of the prohibition law, which is an express statute in conformity with the Constitution, or smuggling, which is evading the customs law, and the case of a man bringing in a book which he has a right to say he honestly thinks is not objectionable to the law. Because his judgment is wrong we make a criminal out of him.

Mr. GOFF. Mr. President, will the Senator from Montana yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH of Montana. I yield.

Mr. GOFF. I was impressed with the suggestion made by the Senator from New Mexico in which he said that possibly there would be a conviction under the amendment offered by the Senator from Montana before complete proceedings had been taken in rem. I do not agree with the Senator from New Mexico, because in the orderly procedure of any court of justice the judges as well as the officers would await not only the creation but the existence of the best possible evidence of which the nature of the case admitted, and the best possible evidence of the commission of any offense would lie in the fact that the action in rem had determined that the book was of the character prohibited.

I am quite sure there is no objection to the amendment of the Senator from Montana along those lines. As he said, it would be borrowing trouble to put into this statute a suggestive interpretation or mandate to the judiciary as to how it should proceed in the development of the offense in question.

Mr. WALSH of Montana. I think the order of the proceedings might very wisely be left to the judge of the district court.

Mr. GOFF obtained the floor.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. GOFF. I wish to make one other suggestion. Did the Senator from New Mexico desire to ask me a question?

Mr. BRATTON. Yes. Upon that phase of the question, however, I think the Senator from West Virginia and I are in accord. Neither case would be res adjudicata against the other. In a criminal case the indictment would contain an allegation that the particular volume was obscene. That would be an issue. It would be an ingredient of the offense; the Government could proceed to try the defendant upon the criminal case first, establishing the importation of the volume and its obscene nature, and convict him even though forfeiture or confiscation proceedings had never been instituted; or the two could be prosecuted concurrently. Neither is a bar to the other.

Is the Senator from West Virginia willing to enact a statute which could operate that way and trust it to the court to determine whether the civil case should precede the criminal case, or the two should go along concurrently?

Mr. SMOOT. Mr. President, will the Senator from West Virginia yield before he answers the Senator from New Mexico?

Mr. GOFF. Certainly.

Mr. SMOOT. I ask unanimous consent that at the conclusion of to-day's business the Senate recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOFF. I would not have the slightest objection to leaving such a matter to the sound discretion of the court. I would presume that the court would enforce the law consonant with the presumption of innocence which would attend anyone accused of an offense not only throughout the trial but into the jury room and there until the jury should determine the guilt of the accused beyond a reasonable doubt. I think we are borrowing trouble that does not exist in the practical enforcement of the law in assuming that the court would not accord to one so accused every such defense.

If the court should proceed to trial before the determination of the action in rem and the verdict should be guilty, I do not think there is any court that would proceed to impose sentence until the action in rem had been fully determined. Of course, if judges are going to enforce the law in any such, if I may use properly the term, slipshod way as that, then we should exercise a greater care and a greater discretion than we already do in the selection and in the confirmation of those who are to be intrusted with the enforcement of the law. Practically speaking, I do not think there would be any great danger involved in such a procedure.

Mr. BRATTON. What the Senator from West Virginia has just stated actuates me to believe more strongly than ever that we should provide that the forfeiture or the confiscation proceedings should precede the criminal prosecution. I do not think we can afford to put importers in the class of criminals, disregard entirely their rights as citizens of the country, and content ourselves to say that we assume that the courts will protect them. The obligation rests upon us now, in the enactment of the statute, to have due regard for their rights as citizens of the country. If the civil proceeding should precede the criminal prosecution, let us write that into the act and provide that in case forfeiture proceedings are initiated the criminal proceeding shall be suspended until the civil proceeding is determined.

Mr. GOFF. That would almost establish a precedent that in enacting such statutes the Congress of the United States should outline in detail the procedure and the evidence which should control the court in determining whether or not a statute had been violated.

Mr. BRATTON. Where we are enacting a statute twofold in character, authorizing two different types of judicial proceedings, I think the Congress should state the order in which they should be tried, having regard for the rights of the citizen as well as the public.

Mr. GOFF. That may be true. I want to say this much further, and then I shall yield the floor——

Mr. GEORGE. Mr. President, I hope the Senator will not sit down until I have had an opportunity to ask him a question or two.

Mr. GOFF. I shall give the Senator from Georgia all the opportunity he desires to ask me questions.

I do not sympathize either with the suggestion that the Congress of the United States should hesitate to enact a statute because it is a multiplication of crimes. I do not believe in multiplying statutes that prohibit acts in this country any more than does the Senator from California who made the suggestion, but when attacks are made on organized society, when efforts

are made to overthrow government, when books, whether they be philosophical, psychological, religious, or strictly literary, are introduced in the United States for the purpose of overthrowing the Government of the United States or inciting insurrection against our form of government, then the only defense the Government of the United States has in the premises is to say that the doing of that is a prohibited act, and when the Government of the United States takes that position through its legislative department it is in and of itself creating an offense which is violative of the doing of those very things.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I must first yield to the Senator from Georgia, and then I shall be glad to yield to the Senator from Iowa.

Mr. GEORGE. I do not want to interrupt the Senator unduly, because I want to take the floor for a few moments in my own right, but I want to see if I understand the Senator. I am anxious to know that I do not misunderstand him. Is it his idea that there could be any confiscation of the property of an importer who should bring in any of these imported articles, until his guilt under the criminal statute is established?

I so understood the Senator, but I want to see if I understand him correctly.

Mr. GOFF. I have no hesitation in saying that, of course, the immoral or obscene character of the importation must be determined by an action in rem before confiscation can take place, that being the best method of determining under this joint provision whether or not the importation is subject to confiscation. If that action is adverse to the allegation of obscenity, then a conviction by a jury would be absolutely unjustifiable.

Mr. GEORGE. Does the Senator conceive that the condemnation proceedings and the criminal prosecution would have any legal relation one to the other?

Mr. GOFF. I conceive that if the book is not subject to condemnation it is not obscene, and if it is not obscene, the importer is guilty of no offense under the law.

Mr. GEORGE. Oh, yes; but what relation is there between the proceeding in rem and the prosecution of the defendant?

Mr. GOFF. It is a mere question of orderly procedure, because if the point were raised in a proceeding before the trial judge and the defense asked a postponement of the trial until the determination of the condemnation proceeding, then my contention is that in the exercise of a fair and impartial judgment the trial judge would order the criminal trial to await the condemnation proceedings, because that would not only develop but it would establish the existence of the best possible evidence of immorality or obscenity in the case.

Mr. GEORGE. The Senator may be laying down what would be the correct attitude of the court; but the Senator is aware, of course, that one degree of mental conviction upon the part of the court or the jury in one case is sufficient to justify a condemnation, but in a criminal case an altogether different degree of mental conviction is required. There is not the slightest relation between the cases unless we are going to make the condemnation of the property depend upon the conviction of the person of the offense created. The question I raised in the beginning was that, in our anxiety to seize a little print or a little book or a speech we are going to create an offense; we are going to define a crime and say that everyone who comes within the pale of the language defining it shall be subject to prosecution. We are getting the cart before the horse. It is infinitely better to let a little book or a few books come in, however horrible they may be, than it is to frame a catch-all provision here under which the citizen will fall in every time of excitement, as when war breaks out, so that the jails of the country could actually be filled with American citizens. Is that any way to proceed?

Mr. GOFF. Where the Senator and I disagree, if we do disagree, is in the application of the law of evidence to a given set of facts. I know that in the usual case, if the best possible evidence of which the situation admitted could be determined in a separate proceeding in rem, and that it was contemplated that such an action should be taken at some time by the very statute under which the indictment was drawn, upon that being presented to the trial court, the court would, in the exercise of its impartial judgment, order the criminal trial to await the determination of the question of whether or not the book or publication was immoral.

Mr. GEORGE. Granted; but I am asking the question, Is not the guilt of the person importing, whether an individual or a firm or a corporation, the premise upon which the court would have the right to confiscate the property? That guilt must be established. I do not say that it could not be established in a proceeding in rem, when the mere preponderance rule of testimony, of course, would apply, unless there were a contrary provision of the act, but the judgment, whether based upon the verdict or the mere finding by the court in the poceeding in rem, would have no possible legal relation to the verdict of the jury on the indictment charging the criminal offense, nor would the verdict of the jury on the indictment finding the importer guilty have any legal effect unless the act so provided.

Mr. GOFF. Then, as I understand, in a word, the position of the Senator from Georgia is this: That there should be no trial in the criminal case, and possibly no criminal proceeding whatsoever, until the determination of the action in rem?

Mr. GEORGE. No; exactly the reverse. I do not believe the courts would allow a confiscation and final destruction of property until the guilt of the defendant under the law had been determined not by mere preponderance of evidence but beyond a reasonable doubt.

Mr. GOFF. May I cite to the Senator from Georgia this procedure and practice, though not with the idea of bringing the eighteenth amendment relatively into this discussion: I am informed that, under the present practice, when anyone who arrives at a port of entry has in his or her possession a bottle of intoxicating liquor the customs officers are authorized to seize and do, in fact, seize the intoxicating liquor, destroy it then and there, and assume, under the existing law, with the approval of the court, to fine the person in whose possession such illegal liquor was found the sum of $5, and have him sign an affidavit or statement to the effect that he is willing to pay such sum of money and consent, possibly, to the confiscation of the liquor rather than to be turned over to the prosecuting attorney. That is the procedure, as I am told, at all our ports of entry.

Mr. GEORGE. I am not quarreling with that procedure now, but I do not want to confuse it with the procedure which might be followed in the instance now before us. As I listened to the suggested amendment, the basis upon which the confiscation or condemnation proceedings can take place, is the guilt of the defendant as defined in the statute. Does the Senator mean to take the position that, until the guilt of the defendant is determined, that the book or material can be confiscated?

Mr. GOFF. I may say to the Senator we know that, in testing a question of this kind, it is subjected to the most extreme possible test which the imagination of the judicial mind can contrive. Suppose that a book is thoroughly vile and obscene, but suppose that the person charged as being the importer could say that he did not know that that book was in his possession; suppose that it was left in his stateroom, or put in his trunk or his bag by some one not intending to trap him, but by some one who had read the book on the passage across the ocean and had conceived the idea that his friend in whose possession it was found would like to read it.

Now, let us concede that such a state of facts could be established beyond any question; would it not be possible to order in rem a confiscation of the book and at the same time find the person charged as the importer with being not guilty of the offense of importing immoral literature.

Mr. GEORGE. Certainly, if the Congress so declares. Congress might declare the obscene book——

Mr. GOFF. But without the Congress declaring it. Let us consider now the usual ordinary procedure in a court of justice. I assert that the result I have indicated would be the outcome, and I know the Senator from Georgia will agree with me.

Mr. BRATTON. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Mexico?

Mr. GOFF. I yield.

Mr. BRATTON. The Senator will agree with me, I think, that in testing the constitutionality of a statute the court does not make the test according to what actually has been done or what was undertaken to be done under the statute, but according to what could be done under it. For instance, if a statute in condemnation fails to provide notice to the defendant whose property is involved, it is held unconstitutional even though notice was actually given to the defendant in the particular case, the test being what can be done under the statute rather than what actually was done.

Mr. GOFF. In that case, I would say to the Senator, without the notice the statute would be held unconstitutional, as attempting to take the property of one without due process of law.

Mr. BRATTON. Exactly. The court would not say that the statute was valid as to the particular case before it because the defendant actually had notice. The test is the four corners of the statute; that is to say, what may be done under its terms.

Mr. GOFF. Yes.

Mr. BRATTON. In this case the Senator argues that a court, in the exercise of its sound discretion and having due regard

for orderly procedure, in all probability would require the forfeiture proceedings to proceed to final conclusion before resorting to the criminal prosecution, but in the enactment of this proposed statute as a matter of policy to be determined by the Congress, should we not determine its advisability by what might be done under its provisions rather than by what we might naturally expect the court to do?

Mr. GOFF. Generally speaking, the Senator is right.

Mr. BRATTON. Well, what takes this case out of the general rule? The Senator argues that we may safely enact this statute and leave the whole matter to the court because the high type of judges we have throughout the country convinces us that they would adopt a wholesome procedure, to wit, require the forfeiture proceedings to go forward? Why not prescribe in the statute itself what shall be done under its terms?

Mr. GOFF. Generally speaking, I think that it is objectionable for the legislative department to give mandates to the judiciary. The Senator is no doubt familiar with the case of the United States against Hayes, a case coming up from Missouri, and I think reported in One hundred and sixty-fifth United States Reports, where a statute which directed the court as to how it should proceed was held by the Supreme Court of the United States to be unconstitutional in that it was a mandate and a direction to the judiciary as to how it should proceed in the application of the usual and ordinary rules of judicial procedure.

Mr. BRATTON. The Senator does not argue, does he, that we lack the power to provide that no criminal offense shall be prosecuted until certain things shall have transpired? He does not argue the lack of power to provide that in case of forfeiture proceedings no indictment shall be returned or criminal prosecution carried forward until the forfeiture proceedings shall have been completed?

Mr. GOFF. I do not know that we lack the authority to do that, but I do not see the existing necessity of arguing it.

Mr. BRATTON. The Senator and I are in accord upon two or three questions. I assume that we are. I think we agree that under the amendment now pending a forfeiture proceeding might be instituted and no indictment returned or that an indictment might be returned and no forfeiture proceedings initiated.

Mr. GOFF. I do not concede that. I do not concede that any man competent to defend a citizen accused of crime would go into a court and permit the forfeiture proceedings which would involve an action in rem to lag while his client was being proceeded against criminally for a violation of the statute.

Mr. BRATTON. The attorney for the defendant might make that contention. I am discussing what could be done under the statute; that is, its possibilities. Does the Senator argue that under this draft it would be impossible to return an indictment and prosecute a defendant in the absence of forfeiture proceeding?

Mr. GOFF. No; I do not say it would be impossible. I say it would be highly improper and nonjudicial.

Mr. BRATTON. I agree; but I am talking with the Senator now about the possibilities of the statute—first, that the civil proceeding could be instituted, prosecuted, and completed without any criminal proceeding whatever.

Mr. GOFF. I should say with all good feeling to the Senator that he is talking about the enforcement of the law by inexperienced officials, and I am assuming to talk about the enforcement of the law by men who have been trained in the law. I believe that is the only difference between us.

Mr. BRATTON. No; there is this difference between us: I am talking about the matter of policy—whether we should enact a statute and be governed in the language employed by what is possible to be done under its broadest terms, or whether we should enact it, realizing that certain things could be done, but that the judiciary will probably not permit them to be done.

Mr. GOFF. I think we should enact the statute according to the proposition which the Senator first suggested.

I promised to yield to the Senator from Iowa [Mr. BROOKHART]; and then I want to yield the floor, unless the Senator from Georgia desires to propound some further questions to me.

Mr. BROOKHART. Mr. President, I desire to ask the Senator about the question of treason and insurrection.

Treason is defined in the Constitution of the United States; and we have laws against treason and insurrection and that kind of thing already. Why should we have that in here at all?

Mr. GOFF. Simply because it means that people who do not live in the United States shall not originate treasonable actions and disseminate them in the United States.

Mr. BROOKHART. It is not treason for a fellow not living in the United States to say anything against the United States.

Mr. GOFF. Not as far as proceeding against him is concerned, because we can not obtain jurisdiction of him; but if he sends into the United States anything of a treasonable character in compliance with an understanding with some one living in the United States, then it is a conspiracy to commit treason, and the United States has jurisdiction over the citizen upon whom it can place its hands.

Mr. BROOKHART. There is no conspiracy so far as the foreigner is concerned.

Mr. GOFF. Oh, yes; but we can not reach him.

Mr. BROOKHART. All right. Now, we have the law defining treason and covering the fellow in the United States already. There is plenty of law to take care of him. If he levies war or does anything of that kind, as defined in the law, we can take care of him already. Then why put this in this statute? Why should not this be stricken out entirely, and confine it to these obscene books?

I have not any objection at all to making the importation of obscene books a crime, the same as sending obscene matter through the mails. I have not any objection whatever to that; but this other matter does not look to me as though it is offered in good faith when it is trying to enlarge on treason.

Mr. GOFF. I think we should enlarge the laws of this country and make them, under the constitutional provision of the right to control foreign commerce, applicable to those persons who try to violate our laws wherever we can. I think we should impress upon the people of the earth that they can not stay outside of the jurisdiction of the United States and attempt to incite insurrection or treason in this country; and we should also impress upon them that if they attempt to do it through the agency of anyone residing in the United States, that person is guilty of a conspiracy to commit those offenses which are prohibited by the Constitution.

Mr. BROOKHART. We have law to cover all that within the United States now; but I want to ask the Senator this question: He does not claim that we have any jurisdiction over foreigners in reference to treason against our Government; does he?

Mr. GOFF. No; but we have over their agents who are the people who import, and who buy from them pursuant to a contract or an agreement of importation that has as its objective the doing of the very thing which the Senator cites.

Mr. BROOKHART. We have over citizens of the United States, or even residents of the United States. We have law to cover that already; so it seems to me this is a little bit extraordinary.

Mr. GOFF. Mr. President, I now yield the floor. I have had it too long.

Mr. BLEASE. Mr. President, some question was asked the Senator from West Virginia in reference to seizing property without due process of law. If contraband property is brought into this country, after it is delivered here, does it have property rights?

Mr. GOFF. None whatever.

Mr. GEORGE. Mr. President, I now have the amendment offered by the Senator from Montana [Mr. WALSH], and I see that it is not precisely of the purport that I thought.

I want to call the attention of the Senate to the amendment. I do not know at just what line the amendment is to be inserted; but, first of all, let me read the substitute amendment offered by the Senator from Utah [Mr. SMOOT].

It is as follows:

SEC. 350. Immoral articles—Importation prohibited.

(a) Prohibition of importation: All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any book which, taken as a whole, offends the moral sense of the average person, or any obscene pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article, which is obscene or immoral, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery.

I presume at that point the amendment by the Senator from Montana [Mr. WALSH] is to be inserted, as follows:

Any person who shall import any book or other matter the entry of which is by this section prohibited shall be punished by a fine of not more than $5,000 or by imprisonment at hard labor for not more than 10 years, or both.

Mr. WALSH of Montana and Mr. DILL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield first to the Senator from Montana. Then I will yield to the Senator from Washington.

Mr. WALSH of Montana. Mr. President, I find that the statute with regard to the circulation through the mails of literature of that character is punished by a fine of not more than $5,000, or by imprisonment not more than 5 years, instead of 10, and I think the amendment ought to be made to conform to that.

Mr. GEORGE. I was not going to comment upon that at all.

Mr. DILL. Mr. President, will the Senator yield?

Mr. GEORGE. Yes; I yield to the Senator from Washington.

Mr. DILL. As I understand, the man bringing in the book is not guilty of a crime under the law that exists now, so we are proposing here to make guilty of a crime both the collector who permits a book to come in and the man who brings it in, because of failure of judgment.

Mr. GEORGE. Yes.

Mr. DILL. So we are adding a new crime here and making the law more stringent than it was before.

Mr. GEORGE. Now, if I may proceed, thus far there is simply defined a criminal offense. That is to say, certain acts are enumerated, and it is declared that those acts shall constitute a crime punishable by fine or imprisonment, as set out in the amendment. Of course, the subsequent provision, which I will now read, may very properly be inserted in this connection:

> Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed.
>
> In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury and any party may have an appeal or the right of review as in the case of ordinary actions or suits.

Mr. President, I misapprehended the amendment in the first instance, and all of my questions to the Senator from West Virginia [Mr. GOFF] were propounded under that misapprehension.

It undoubtedly is competent for any legislative body to provide for the destruction of any property which, within the competency of the legislature, is deemed inimical to good morals; and provision for the destruction of the property may be made without imposing a penalty upon the person bringing such property within the jurisdiction of the State or of the country. Under this provision the district attorney may or may not prosecute the person bringing in the prohibited articles; presumably he would prosecute. On the contrary, the district attorney is commanded to proceed to condemn the article. In either event, it must be shown that the book or article was imported from a foreign country; that seems to be the meaning of the amendment of the Senator from Montana.

Upon the appearance of the book at the customhouse the collector may seize it—indeed, it is made his duty to seize it—and to report the seizure to the district attorney of the proper court; and it is made mandatory upon the district attorney to proceed to condemn the book.

Against that provision of the amendment I make no complaint. It is competent for the Congress to declare obscene and immoral books, papers, prints, or what not, contraband; and it is proper for the Congress to declare that upon the importation of such books and papers into the United States and their transportation from State to State they shall be confiscated by the court having jurisdiction thereof.

Mr. President, I attempted to draw the attention of the Senate in the first instance to the fact that we were defining a new crime. The confiscation of the property is merely incidental. The primary purpose of the customs law, of course, and the primary purpose of the original provision, as well as the substitute of the Senator from Utah, was to prevent the importation of objectionable books, prints, and so forth; but now the primary thing is the creation of a new offense, the secondary and incidental thing is the confiscation of the prohibited or contraband article once it gets into the United States.

The substitute offered by the Senator from Utah provides:

> All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print * * *, advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. President, I pause to call attention to the fact that the guilty knowledge of the importer is not even made an ingredient of this offense. One might innocently import into the United States a book, a pamphlet, a print, which subsequently a customs official and later a Federal court might decide to be prohibited under this substitute amendment.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. It had occurred to me that a perfectly innocent man might suffer prosecution under this, and I think perhaps something like this should be added:

> It shall be a defense to any criminal proceeding authorized hereby that the importer was ignorant of the contents of the book or character of the matter by reason of which its entry is prohibited by this section.

It would not be a defense to the confiscation or destruction of the book but it would a defense to a criminal prosecution.

Mr. GEORGE. I concede we may declare a book itself contraband, although it came in upon the waves of the ocean, but I call attention to the fact that we are putting the cart before the horse. In order to keep out an objectionable book we are proceeding in haste to create a criminal law. In the first instance, knowledge of the character of the article was not essential to a conviction under the substitute as amended. The Senator from Montana properly suggests an amendment which would cure that omission.

Mr. President, it is to be noted that it is made an offense to import any book, pamphlet, paper, advertisement, circular, print, picture, or drawing containing any matter advocating treason, insurrection, or forcible resistance to any law of the United States.

It is all very well, of course, to say that certainly we do not want to approve treason, insurrection, forcible resistance to the laws of the United States. No well-balanced man advocates treason, insurrection, or forcible resistance to the laws of the United States. But when we write a criminal statute of this kind, it continues as part of our law through periods of calm, deliberate action by the people and officials, and in periods of public excitement and turmoil. Under this substitute, the first sound of another war might signal the prosecution of many men and women.

You say, what are we to do about it? Are we going to permit to come in these unclean books, and these treatises, discussions, addresses, books advocating treason or insurrection or forcible resistance to law? Are we going to let those things come in?

Mr. President, as a Democrat, I ask, do we not remember the inaugural address of Thomas Jefferson, the founder of our party, in which he said—I quote from memory—"If there be those amongst us who would destroy republican government," what shall we do with them, throw them into jail, cast them into prison? Said Jefferson, "Let them stand as monuments of that moderation with which a free people may tolerate errors of judgment and of opinion."

When Thomas Jefferson penned his address the sod of America was yet red with the blood, the fields yet white with the bones of the men who died to establish republican government on this continent.

Now, we think we have to have the sheriff, and we have to create and define crime, and we have to throw people into jails. Some people who believe in the omnipotence of God yet place their dependence upon acts of the legislature and upon the efficiency and power of a bailiff; they have such little faith in what they believe and what they preach.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. GEORGE. I yield.

Mr. WATSON. Does the Senator believe that salacious literature of the kind we have here in abundance should be permitted to come into this country, regardless of the volume of it that comes in, and be circulated in the colleges and placed in the libraries of the public schools, and put within the reach of children who are coming up, whose minds are in the formative and plastic periods? Does the Senator believe that?

Mr. GEORGE. Did the Senator from Indiana understand me to say that I believed that?

Mr. WATSON. I thought so.

Mr. GEORGE. The Senator is mistaken.

Mr. WATSON. I am very glad, indeed, to hear it.

Mr. GEORGE. Yes, indeed. I said declare it contraband, confiscate it, destroy it; but what I am pleading against is the

creation of a crime hastily, without due consideration. What I am pleading against is the creation of an offense based upon the theory that the only way to preserve republican government is by resort to criminal statutes.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. I have before me the statute which prohibits the circulation through the mails of literature of this character. Does the Senator apply the same argument to that?

Mr. GEORGE. Mr. President, I am not discussing that question at the moment.

Mr. WALSH of Montana. If we have a law which prohibits circulation of material of that kind through the mail, is there any reason why we should not equally prohibit it from being imported, making both acts crimes; or does the Senator make a distinction in the matter of the criminality of the act, whether the obscene matter is imported from a foreign country or passes through the mails of this country?

Mr. GEORGE. I think there is a distinction in the act, but I think there is also a limitation upon law making, a just and a necessary limitation upon law making.

We can, of course, make it a crime to import such literature into the country. We might make it a crime to read it, we might make it a crime to have it about one's person concealed, or exposed to view, as well as a crime to transport it from one State to another.

Mr. WALSH of Montana. We have done so.

Mr. GEORGE. I understand that, and I think we have done quite enough so far as creating crime is concerned.

Mr. President, let me read just a little more of this statute the chairman of the Committee on Finance is creating, when he is thinking more about tariff than he is about making criminal laws.

> Or any book, which taken as a whole offends the moral sense of the average person.

Who is an average person? I understand, of course, that in a court of law the issue might be submitted to a jury, but would an average person be an average layman, easily offended, perhaps, by a book on science or literature, or would an average person be a normal scientist, or man of average culture in polite literature? Do we want to indulge in such loose language in defining a new criminal offense?—

> Which taken as a whole offends the moral sense of the average person, or any obscene pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug—

And so forth.

Mr. President, it is wholly unnecessary to the purpose of a tariff act to create this offense. The book or article or paper may be declared to be contraband, and it may be destroyed, and it may be destroyed in the manner the Senator from Montana points out in his amendment, and as to that I offer not the slightest objection. But why create this additional offense? Why define another crime? Why define another crime of the character here defined? It is a dangerous proposal, and if we do create this new offense, the time will certainly arrive when we will realize the mistake.

Mr. President, the Senator from Montana has referred to the postal law. I have not the postal law before me. I do not know at the moment whether the postal law prevents the sending through the United States mails of anything advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. WALSH of Montana. The Senator does not have in mind my language?

Mr. GEORGE. Oh, no. This is not the Senator's amendment, but the Senator called my attention to the postal law.

Mr. WALSH of Montana. I quite agree with the Senator in his strictures on that provision which brings under the condemnation of the act things that offend the general moral sense of the community. I suggested that to the Senator from California [Mr. JOHNSON] some time ago. I think that the amendment offered by the Senator from Utah should be modified so as to exclude that. I think he has in it everything else that is necessary. I dare say he would be quite willing to take that out.

Mr. SMOOT. I will strike it out, if there is any objection to it at all.

Mr. GEORGE. I will object to it, so far as I am personally concerned, and I shall continue to object to it until this crime be defined with something like exactness, and until there is a satisfactory elimination of the objectionable features of the definition inserted by the Senator from Utah, not for the purpose of creating an offense in the first instance, as I said, but which would constitute the elements of an offense if the amendment is adopted as suggested by the Senator from Montana. Specifically, I shall insist upon the elimination of the penalty provision or the elimination of the provision forbidding the importation of any book or matter advocating, in the opinion of collection officers or courts, treason, sedition, or use of force against any law of the United States. I shall oppose the amendment as it stands until 10 o'clock to-night and then further to-morrow morning.

Mr. SMOOT. So far as I am concerned, I am perfectly willing to take out the words "which taken as a whole offends the moral sense of the average person, or any," so it would read:

> Or containing any threat to take the life of or inflict a bodily harm upon any person in the United States, or any book, obscene pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representations, figure, or image on or of paper or other material.

Mr. HEFLIN. The Senator is not agreeing to strike all that out, is he?

Mr. SMOOT. No; I am merely stating my willingness to strike out the words "which taken as a whole offends the moral sense of the average person." I am willing that those words should go out. The Senator asked how it would read with those words omitted, and I read it.

Mr. GEORGE. As I understand, the Senator proposes to strike out the words "which taken as a whole offends the moral sense of the average person"?

Mr. SMOOT. I may modify my amendment by striking out the words "which taken as a whole offends the moral sense of the average person, or any." Also the word "obscene" should be stricken out before the word "pamphlet" and inserted before the word "book," so as to read, "any obscene book, pamphlet, paper, writing," and so forth. I ask that the amendment be modified accordingly.

The PRESIDENT pro tempore. The Senator from Utah has the right to modify his amendment at any stage prior to the putting of the question.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia has the floor. Does he yield to the Senator from Alabama?

Mr. GEORGE. I yield to the Senator from Alabama.

Mr. HEFLIN. Just whom are we seeking to protect, then, if we strike out "average person"? I do not think that a book that offends the moral sense of the average person ought to be allowed to come into the United States. If we strike out that language, it seems to me we are going to extend this protection to certain highbrows and exempt the masses and leave them at the mercy of the people who want to bring in obscene, indecent, and immoral literature.

Mr. SMOOT. If the Senator will permit me, I will again read the provision just as it would read in my amendment with those words omitted:

> Or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, picture, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral—

And so forth.

Mr. HEFLIN. That language stays in the provision?

Mr. SMOOT. Yes.

Mr. GEORGE. Mr. President, I earnestly urge the Senate to consider this suggestion. It seems to me that in a tariff act we ought not to seek to create and define new crimes, and especially crimes of this character. This is a tariff act, a customs act. If, in lieu of making these things criminal, it is provided that it shall be unlawful to import any of the books or other matter described and upon the appearance of any such book or other matter at any customs office it shall be seized and a proceeding had to confiscate it as set out in the Senator's amendment, then we will have obviated what, to my mind, is the chief difficulty of the substitute considered in connection with the amendment proposed by the Senator from Utah.

Mr. President, I am sure that when the Senate departs from the consideration of customs laws in a tariff bill it always gets itself into trouble.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. Do I understand the Senator aright that if the criminal feature is eliminated he would approve the remainder of it?



Mr. GEORGE. I have not the slightest objection to it.

Mr. WALSH of Montana. It is not a question of the Senator's objection; but does he approve of the remainder?

Mr. GEORGE. Yes; I would approve of it. It is the criminal provision that seems to me to be highly objectionable. I do not know whether the Senator from Utah will offer that amendment, but if he should do so I would vote for the amendment and it could be done without the change of any of the language except the omission of the first four lines in the amendment suggested by the Senator from Montana.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Georgia yield to the Senator from Nevada?

Mr. GEORGE. I yield.

Mr. PITTMAN. Would the Senator have any objection to a criminal provision which would provide as to any book or pamphlet having been adjudged by a court of competent jurisdiction of the United States to be obscene or immoral that if it were subsequently attempted to import it into this country or subsequently attempted to carry it in interstate commerce, it would be an offense punishable as provided at present in the proposed amendment?

Mr. GEORGE. I would not. I understand the Senator is limiting his suggestion to immoral and obscene literature, and so forth.

Mr. PITTMAN. What I am getting at is this: If we could stop at the port a work coming into the United States, that decision itself would be notice to everyone in the future that that particular work was obscene and immoral. Then anyone attempting after that to bring it into the country would be upon notice or anyone after that attemping to carry it in interstate commerce would be upon notice.

Mr. GEORGE. I will say to the Senator that I would not oppose a provision of that kind, as I understand it. Neither would I oppose a further provision prohibiting the transportation from State to State or from a State into the District of Columbia of such book or article. But the Senator has confined his statement to obscene and immoral literature, as I understand him.

Mr. PITTMAN. Yes.

Mr. GEORGE. I have no objection to that. The objection which I raised is to the definition of the crime in the preceding portion of the substitute offered by the Senator from Utah, in which he makes the importation of "any book agitating or urging treason, insurrection, or forcible resistance to any law of the United States" an offense.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. I propose to eliminate the initial paragraph in the amendment heretofore tendered by me and to provide only for the forfeiture in confiscation of the prohibited matter, making the language read:

> Upon the appearance of any such book or matter at any customs office, the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided—

And so forth.

Mr. GEORGE. I will say to the Senator from Montana that I would vote for such an amendment.

Mr. WALSH of Montana. I inquire if anyone else would have any objection to it?

Mr. HEFLIN. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. GEORGE. I yield.

Mr. HEFLIN. Then, that excuses the man who is interested in it and who brings the book into the United States, does it not?

Mr. WALSH of Montana. We would have his books forfeited and confiscated, but there is no penalty imposed upon him for importing or attempting to import them.

Mr. BLEASE. Then, what is the use of having the law?

Mr. HEFLIN. I think it is time we impose a penalty upon him.

Mr. GEORGE. He would be subject to prosecution in the State into which the book was brought.

Mr. WATSON. What was the Senator's statement?

Mr. GEORGE. I said he would be subject to prosecution in the State into which the book was brought, and so far as I know he could be prosecuted under the laws of any of the States.

Mr. BLEASE. Why not give him a medal for bringing it in?

Mr. HEFLIN. Every year thousands and ten thousands of human beings are being smuggled into the United States. If that can be done and if we take the penalty off of the person who smuggles an obscene book into this country, we are going to have a very hard time keeping up with the books. I think we ought to have a penalty on both.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate nominations of sundry officers in the Regular Army, which were referred to the Committee on Military Affairs.

METROPOLITAN POLICE FORCE AND DISTRICT FIRE DEPARTMENT

Mr. BLEASE obtained the floor.

Mr. ROBSION of Kentucky. Will the Senator from South Carolina yield to me to submit a report?

Mr. BLEASE. I yield for that purpose.

Mr. ROBSION of Kentucky. From the Committee on the District of Columbia I report back favorably without amendment the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, and I submit a report (No. 273) thereon. There is no objection to this bill. It is a unanimous report of the committee, and every citizens' association in Washington favors the bill. The District Commissioners also favor the bill.

Mr. HEFLIN. I take it that the bill will consume but little time.

Mr. SMOOT. If it is going to lead to any discussion, the Senator from Kentucky will let it go to the calendar?

Mr. ROBSION of Kentucky. I hope the bill may be considered. There is no objection to it. Every citizens' association of the District of Columbia, the Business Men's Association, the chamber of commerce, and all indorse the bill.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the present consideration of the bill?

Mr. PHIPPS. I shall have to object because I am not familiar with the terms of the bill. Let it go over so that we may have an opportunity to look into it.

The PRESIDING OFFICER. The bill will go to the calendar.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BLEASE. Mr. President, I think every man, woman, and child throughout the country who loves a home where boys and girls are to be reared to make the future citizenship of the country should thank the distinguished Senator from Utah [Mr. SMOOT] for taking action in the matter now before the Senate.

I can not agree with my distinguished friend from Georgia [Mr. GEORGE], of whom I have such a high opinion, nor do I agree with Mr. Jefferson. If Mr. Jefferson could be living to-day, though he made the statement which is credited to him by the Senator from Georgia, I am satisfied he would not make that statement now.

So far as I am concerned, I had rather see both the democratic form of government and the republican form of government forever destroyed if that should be necessary in order to protect the virtue of the womanhood of America. I am satisfied there are but few Senators upon the floor, if any, who realize that dirty, filthy, vulgar trash is being secretively circulated around among the boys and girls of the country.

If Senators could see some of the picture books which are sometimes found in homes, hidden away; if they could read some of the horrible vulgarity that is carried around in the pockets of some people in this country to-day, they would be horrified.

I have not any boy and I have not any girl; unfortunately, I have no children; but I see other people's children, and I see people who are not children, and it is a horrible thought that in some libraries, even in some called circulating libraries, they can get the dirtiest, filthiest kind of trash. I read an extract from such a book here not long ago. Some of the newspapers stated that their representatives had searched the libraries of Washington and that they could not find that book in them. I myself have two of them that came from two separate libraries in the city, and, of course, those books were not found there after those libraries had been exposed upon the floor of the Senate and when they were afraid that the law would take a hand against that kind of literature being in those libraries.

I dare say there are mothers in this country who are so busy going to society entertainments, who are so busy going out to teas, who are so busy playing bridge, who are so busy trying to reach the top of the social ladder—some of them having started at the bottom; climbers—that they have not taken the trouble to learn what their children are reading. Had they done so, some of them would stay at home and attend to the boys and girls, instead of being out somewhere playing bridge and taking tea and trying to scale the social ladder even to its top. I have seen some of the havoc wrought among that very class of people.

I tell you, my fellow Senators, that it is a pity some of you have not seen such things; it is a pity that some of you do not realize conditions. If you will look around the jails, if you will look around some of our houses of detention, if you will look around some other kind of houses, you will find boys and girls there to-night who were put there by some scoundrel slipping dirty literature into their possession.

No woman has ever been a bad woman but that some man made her a bad woman. I tell you, my fellow Senators, that the Senator from Utah [Mr. SMOOT] is right. I do not know where he got his information; I do not know how it came into his possession. I have practiced law, exclusively, in the criminal courts of this country for 40 years; I have defended every known kind of criminal on earth, from the murderer and the rapist down to the fellow who broke the peace; I have known them; I have seen them; I have talked with them. I have pardoned 1,555 persons in my life and I have talked with many of them; and I have found that one could trace their road to the penitentiary, their road to the chain gang, and some of the girls could be traced into bawdy houses, through the dissemination of just such vile literature against which the Senator from Utah to-night is standing upon the floor and making such a gallant fight. I hope the Senate will hold up his hands; I hope we will vote to make the importation of such literature a crime. The virtue of one little 16-year-old girl is worth more to America than every book that has ever come into it from any other country.

Another phase of the amendment, relative to foreigners who come here, I do not propose to take up the time of the Senate to discuss, because my views, I am satisfied, would not concur with those of any man on the floor, for the very simple reason that if I had my way I would put every immigrant out of the country who did not become an American citizen within 12 months from the date of his arrival here, I do not care who he is or where he came from. If I had my way, I would make a man when he entered a port say what he came here for and how long he expected to stay; and when his time was out, he would go. If he came here to be an American citizen in 12 months, I would ask him to file his naturalization papers and become an American citizen; and if he did not do that, I would require him to leave.

To-day we hear much about unemployment. There is a race among you to-day to which you do not give employment. The people of the North invited them to come up here; they were not satisfied with the negro being in the South; they were not satisfied with letting the southern man handle him; they invited him to Washington; they made this a nigger heaven, where they sit beside you on the street cars, eat with you in some of the dining rooms, and associate with you in other places, even taking dinner at the White House. Now he is here, he is in New York, he is in other northern cities, and what are you going to do with him? You are putting him in the bread line, putting him out of the positions which he has held and giving them to the foreigners who can not speak the English language.

The negro is entitled to protection; he is entitled to the job that God made him to fill. Have you given him that job? No; you have driven him out of them. Whom have you put in? American citizens? No. If they were naturalized American citizens, I would not have a word to say; they would then be American citizens; but they are foreigners; and if war were declared in this country to-day, they would do as they did before; they would sneak out of fighting for this country on the ground that they were not American citizens. Yet you are putting in the bread line American citizens and feeding jobs to people who openly and publicly walk your streets and state that they are against your Government; that they would like to assassinate the President; that they would like to destroy our form of government. They come out and say so, and some of them are working in the very governmental departments here.

Mr. President, I say the Senator from Utah is correct. If a man comes into this country and says, "damn America," he ought to be hanged for it; it is treason. If he comes into this country and says he thinks the President of the United States ought to be assassinated, he ought to be hanged, not so much for what he has said but for the lesson that his hanging will teach to other men, just as when a man is hanged to-day for a crime; it is not done so much to punish him as it is to set an example to others, to let them know what punishment will befall them if they shall commit a like crime.

I repeat, the Senator from Utah is right. Tighten up your laws, gentlemen, while you have time; tighten up your laws before you go too far.

Some people say, "Oh, let them come, let them come." I do not see how they can say that, if they will look back for a few years and see how few of them were in this country then and then see how their number is growing year by year. It then took a few policemen to handle them, but now it is taking twice as many; and how long, my fellow Senators, will it be before it will take a part of or perhaps all of the United States Army to protect you from these people? Mr. President, I can not understand, to save my life, why every time any measure comes upon this floor aimed at restricting immigration there are certain Senators who stand on the side of the foreigner. Just bring in an immigration bill here, and we find it fought to the finish; bring in any other kind of a bill that just touches the alien class of people, and we will find its ablest and strongest defenders right upon the floor of the United States Senate. I tell you, Senators, the warning the Senator from Utah has given is a safe, sound, and timely warning, and the country ought to heed it. The Senate should adopt this amendment as he has written it.

It is said, however, "Oh, you are going to create another crime? How many have you created? How many more do you expect to create?" I say, Mr. President, we can never create too many crimes if in that way we can protect the boys and girls of this country, if it is an act committed in defiance of the laws of the country, because such a crime affects the very foundation of the Government itself, and unless we protect that Government, the other man will not.

I hope the Senate will stand firm and not act on sentiment or because they may hurt somebody's feelings, but stand like men to shut out the dirty books, and punish, as far as is necessary, that element of people who say they would destroy the American Government.

Mr. HEFLIN. Mr. President, I supported an amendment in Committee of the Whole which sought to exclude this indecent, immoral, and obscene literature that has been coming into our country. I am going to vote for a strict amendment to-night.

We have been spending weeks and months seeking to keep out of America the products of cheap labor. We have sought to protect the army of wage earners in the United States by the course we have pursued. Surely if we will stand here and battle for weeks, day and night, to keep out these foreign products for the good of the American laboring man and woman, we ought to be in favor of protecting the whole body of the American people from this indecent, obscene, and immoral literature that comes in from foreign countries.

Mr. President, I have seen Congress pass a law laying a quarantine against shrubbery, something to plant in your yard or your garden, against little peach trees, something to plant in your peach orchard, because they carried a parasite that would spread a deadly disease amongst the peach trees and the shrubbery in the United States. Surely if we will seek to protect the shrubbery and the trees in our orchards, we will seek to protect the children of the American home, the young men and the young women, as the Senator from South Carolina said, who must soon be the citizens of our country.

Why, Mr. President, in my service here I have seen Congress pass a law to keep out cattle and horses that had the foot-and-mouth disease. We were doing that for the herds upon a thousand plains, for the horses and the mules of the United States.

If we have busied ourselves to pass a law to protect these, will we overlook and neglect the offspring of the American home, the hope of the Republic in the years to come? Will we?

Thomas Jefferson, the Sage of Monticello, the author of the Declaration of Independence and the father of the Democratic Party, said, "While you are building your armies and your navies to protect the country against a foreign foe, guard well your gates against a silent army of immigrants!"

Mr. President, in my service here I have seen the Congress restrict immigration from the time when a million a year came in until we cut them down to 150,000 a year, as we have them now; and they are not yet restricted to my satisfaction. I want to see them shut out entirely for five years, until we can take stock and find who is who in America. If the Government would take these precautionary steps to exclude foreigners, many of whom bring their devilish ideas in here, sowing dragons' teeth in the path of the Republic, teaching all sorts of

"isms," assailing the American home and free government in our country, will we not take some step to keep their devilish literature from going into the homes of the American people?

O, Mr. President, I want to see Congress throw its protecting arm around the young man and around the young woman in America, the proud offspring of the American home, the priceless jewel of the American fireside, the boy and the girl made in God's image. I want to protect them from this devilish literature that foreigners are bringing in and trafficking away amongst our people. Will we forget our duty to these on this occasion, Mr. President?

If it requires the description of another crime, the enactment of law to meet another crime, let us enact it. If a new situation has arisen and the old laws will not meet it, let us make a law that will meet it. That is the duty of a progressive people in a progressive country.

Mr. President, let us be true to ourselves. Let us protect the boys and the girls against the devilish literature described by the Senator from South Carolina. He showed me one of those books here one day. It was filled with filth, shocking and insulting to the sensibilities of any moral man, to say nothing of a moral woman; and here somebody is afraid that we are becoming too careful when we want to reach out the hand of Congress to prevent the coming in of such literature!

I want to protect the average man. I do not care so much about the highbrow. He will get along somehow. We have to have parasites. Let him flourish, serve his day and generation as best he can, and pass. But the rank and file, the masses of the people, the people in the common walks of life—these are they who are entitled to have our support and our protection; and, so far as I am concerned, I am going to give it to them to-night to the extent of my vote upon this question.

Mr. GEORGE. Mr. President, let me make an inquiry. When I took my seat I understood that the Senator from Utah [Mr. SMOOT] would accept the suggestion to eliminate the provision declaring the importation of these books, papers, and so forth, to be a crime.

Mr. SMOOT. No; I did not say that. I did not want to accept it.

Mr. GEORGE. The suggestion was made. Does the Senator want a vote to-night?

Mr. SMOOT. I should like a vote to-night.

Mr. GEORGE. Mr. President, I first suggest the absence of a quorum.

Mr. SMOOT. Mr. President, wait just a moment.

Mr. GEORGE. No, no; I will not, because I was misled. I understood definitely and distinctly that the criminal provision of this amendment would be taken out. I was asked if I would have any objection to it then, and I said no, and took my seat.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. GEORGE. Yes; I yield to the Senator from Nebraska.

Mr. NORRIS. The Judiciary Committee has unanimously recommended the confirmation of the reappointment of James A. Cobb as a member of the municipal court in the District. I understand that his term expires to-night at midnight. Since the report is unanimous, if the Senator does not intend to have an executive session I think it is sufficient reason for us to take up the nomination as in executive session and pass on it, so that there may be no interruption of Judge Cobb's service.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent, as in open executive session, to proceed to the consideration of the nomination of James A. Cobb to be judge of the municipal court in the District of Columbia. Is there objection?

Mr. BLEASE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WATSON. Mr. President, will the Senator withhold his objection just a moment? Judge Cobb's term expires to-night at midnight, and I am told that he will go out of office unless he be reappointed to-night. This is a reappointment.

Mr. BLEASE. Yes, Mr. President; and if I should allow him to be confirmed, I would go out of office the 4th day of March, 1931. I object.

Mr. WATSON. None of us want to have that happen.

The PRESIDENT pro tempore. Objection is made.

Mr. NORRIS. Mr. President, I ask the Senator from Utah if he will not consent, before we take a recess tonight, to go into executive session, so that the nomination may come up in the regular way?

Mr. SMOOT. Mr. President, perhaps I can come to some agreement about voting on the pending amendment.

The PRESIDENT pro tempore. The Senator from Georgia is withholding the request for the calling of a quorum.

Mr. SMOOT. That is what I say. I want to make a statement before the Senator does that.

Mr. President, I ask unanimous consent that we vote upon the pending amendment not later than 1 o'clock to-morrow.

Mr. GEORGE. I object to that, Mr. President.

The PRESIDENT pro tempore. Objection is made. The Senator from Georgia suggests the absence of a quorum.

Mr. NORRIS. Will not the Senator withhold that suggestion and let me make a motion that the Senate go into executive session?

Mr. GEORGE. I withhold the motion.

EXECUTIVE SESSION

Mr. NORRIS. I move that the Senate proceed to the consideration of executive business in open executive session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

The PRESIDENT pro tempore. Messages from the President of the United States have already been laid down and entered upon the calendar.

Reports of committees are in order.

There being no reports of committees, the calendar is in order.

The CHIEF CLERK. Treaties, Executive F.

Mr. BORAH. Let the treaties go over.

The PRESIDENT pro tempore. The treaties will go over.

The Chief Clerk announced the nomination of J. Duncan Adams to be United States marshal, western district of South Carolina, vice Robert Kirksey, term expired.

Mr. BLEASE. Mr. President, I desire to have some time on that nomination.

I started to-day to read some records that I wanted to get in the CONGRESSIONAL RECORD; but, on account of the fact that the Senate was busy considering the tariff bill, I did not ask that they go in at that time.

A few days ago I made some remarks in reference to the sale of offices in South Carolina.

On December 11, 1929, on page 469 of the CONGRESSIONAL RECORD, the Senate was considering the nomination of Wesley D. Banks for the position of postmaster at St. Matthews, S. C. The Senator from Nebraska [Mr. NORRIS] asked some questions in reference to that nomination, and stated that he thought that if a certain condition prevailed it was sufficient to prevent the confirmation of this man.

Since that time a subcommittee consisting of three Senators took up that nomination, and, after considering it, reported to the full committee that they thought the nominee should be confirmed. I made no objection to that report. Since that time, however, information has come into the possession of other parties than myself, which has been brought to my attention, that there were other facts that should be considered along with this nomination.

I therefore am going to move at the proper time that this nomination be recommitted to the committee. Then the committee examining into the question of postmaster in my State made a report. In that report, on page 11, they speak of John S. McCall, postmaster at Society Hill, S. C., which Senators will find to-night on the Executive Calendar. In that statement Mr. McCall said he paid $100 by registered mail and $50 in person to H. G. Cannon, of Hartsville, S. C.

I have here an affidavit from that man McCall. I wrote him a letter, and to save time I ask that the letter be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

WASHINGTON, D. C., *February 26, 1930.*

Mr. JOHN S. MCCALL,
Society Hill, S. C.

DEAR SIR: Your name has been sent to the Senate for confirmation as postmaster at Society Hill, S. C., and is now before the committee for consideration.

You will please forward affidavit to the effect that you have not violated the United States statutes by having paid or having promised to pay or contribute any part of your salary as postmaster to any person or persons in consideration of their help or influence in obtaining for you the said appointment as postmaster; and that you have not promised nor agreed to make any contributions to any political party or parties in consideration of such appointment as postmaster; that no such payments have heretofore been made by you, and that you have not agreed to hereafter make any such payments.

Upon receipt of this affidavit, I will be pleased to give the confirmation of your nomination my careful consideration.

Very respectfully,

COLE. L. BLEASE.

Mr. BLEASE. Mr. McCall in this affidavit says:

SOCIETY HILL, S. C.,
February 28, 1930.

To whom it may concern:

This is to certify that I have not violated the United States statutes by having paid, or having promised to pay, or contribute any part of my salary as postmaster to any person, or persons, in consideration of their help or influence in obtaining said appointment as postmaster.

I also state that I have not agreed to make any such payments hereafter.

JOHN S. MCCALL.

AFFIDAVIT

STATE OF SOUTH CAROLINA,
County of Darlington.

Personally appeared before me, John S. McCall, who, being duly sworn, say that above statement is true and correct.

JOHN S. MCCALL.

Sworn to and subscribed before me this 3d day of March, 1930.

[SEAL.] G. W. MORRIS,
Notary Public for South Carolina.

I do not say whether the Brookhart committee report is correct or not, but on page 11 it sets out the fact that this man says he paid $100 by registered letter and $50 to a man named Cannon personally. If he swore that before this committee, there is his affidavit, sent in reply to my letter, swearing that he did not pay anybody or expect to pay anybody one cent. His nomination is now on the calendar for confirmation, and at the proper time I shall move, also, to recommit that to the committee.

I also have an affidavit from Paul H. Norris, who is postmaster at Parris Island, sworn to by Howard N. Kenyon, first lieutenant, United States Marine Corps, down at the United States barracks at Parris Island, S. C. I will not ask that my letter and his reply be printed, but I ask that this affidavit be printed, and that it also may be compared with the sworn statement of Mr. Norris as set out.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

UNITED STATES MARINE BARRACKS,
Parris Island, S. C.

STATE OF SOUTH CAROLINA,
County of Beaufort.

Personally appeared Paul H. Norris, who being duly sworn on oath, says: That he is a descendant on both sides of Confederate soldiers and his father served in the war with Spain.

Affiant further swears that he has not violated the United States statutes by paying or promising to pay or contribute any part of his salary or any money or thing of value to any person or persons in consideration of their help or influence in obtaining for affiant the appointment as postmaster at Parris Island and that he has not promised nor agreed to make any contributions to any political party or parties in consideration of such appointment as postmaster; that no such payments have heretofore been made by affiant and that he has not agreed to hereafter make any such payments.

PAUL H. NORRIS.

Sworn to and subscribed before me this 30th day of September, A. D. 1929.

HOWARD N. KENYON,
First Lieutenant, United States Marine Corps.

Mr. BLEASE. Mr. President, I have another affidavit, from Melvin L. Sipe, postmaster at Fountain Inn, S. C. Reference to him will be found on page 12 of the Brookhart report. In this report it appears that he stated that $100 in cash was paid to Mr. Tolbert and $100 later by registered mail was sent, and that the $100 was paid by his father-in-law, T. R. Martin.

I have an affidavit from that gentleman in response to a letter from me asking him, as I have already stated. He said:

I have not paid and have not promised to pay any sum of money to any person, persons, party, or parties, and have not promised to contribute any part of my salary to any person, persons, party, or parties for their influence in obtaining this appointment as postmaster.

The above statement is true and correct to the best of my knowledge and belief.

That is signed by Melvin L. Sipe, notwithstanding the fact that on page 12 the Brookhart report states that this man said his father-in-law paid $100 to Mr. Tolbert and he sent him another $100 by registered mail.

Mr. President, now I pass to Miss Lucy Vance, postmistress at Allendale, S. C. I have a similar affidavit from Miss Vance with reference to the payment of money.

My secretary was informed over the telephone Saturday—and I happened to hear the conversation in person—that this Miss Vance had been appointed acting postmistress at Allendale, S. C., that she failed in the examination, and that a man by the name of J. G. Jones had been appointed to that position, and that J. G. Jones had resigned and Miss Vance had been appointed. If Miss Vance failed in that examination, as my secretary was told she did, they certainly had no right to put her in that post office.

I submit for the RECORD a letter received this morning from Walter F. Brown, who is supposed to be Postmaster General of the United States.

The PRESIDENT pro tempore. Is there objection to the request of the Senator to have the letter printed?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 15, 1930.

Hon. COLE. L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: With reference to the request of your secretary over the telephone to-day, relative to Miss Lucy C. Vance, you are advised that she assumed charge of the post office at Allendale, S. C., as acting postmaster March 17, 1928, and served until her successor assumed charge as postmaster on April 1, 1929. Her successor subsequently resigned, and Miss Vance was again appointed acting postmaster, assuming charge on August 24, 1929, in which capacity she is at present serving.

The services of Miss Vance during both periods have been satisfactory, and the office has been conducted in an efficient manner.

Very truly yours,

WALTER F. BROWN.

Mr. BLEASE. Mr. President, I also have an affidavit from one J. H. McCord. On page 11 of the Brookhart report will be found his statement when he was asked about being called on for money. I submit an affidavit from Mr. McCord with reference to his paying money.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows

STATE OF SOUTH CAROLINA,
County of Greenwood.

Personally comes J. H. McCord, of Hodges, S. C., who, being duly sworn, says that he has not violated the United States statutes by having paid, or by having promised to pay or contribute, any part of his salary as postmaster to any person or persons in consideration of their help or influence in obtaining his appointment as postmaster at Hodges, S. C. Deponent further says that he has not promised or agreed to make any contribution to political party or parties in consideration of such appointment as postmaster at Hodges, S. C.; and that he has not made any payments heretofore for such appointment, and has not agreed to hereafter make any such payments for such appointments.

J. H. MCCORD.

Sworn to and subscribed before me this 25th day of May, 1928.

[SEAL.] C. W. RAINWATER.

Mr. BLEASE. Mr. President, after so much was said about the selling of post offices in my State I made it a rule that each time a name came to the Committee on Post Offices and Post Roads to write the party named by the post office a letter, a copy of which I have sent to be printed. I required of each one of those nominees, before I allowed the nomination to be confirmed in the Senate, an affidavit that he had not paid or promised to pay any money for the nomination.

If these parties made the affidavits I have received, and this record of the committee is a correct record, somebody, I do not know who, certainly ought to be made to answer for deceiving the Committee on Post Offices and Post Roads, and for deceiving the power which made the appointment.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. BLEASE. With pleasure.

Mr. PHIPPS. The Brookhart committee report was printed and laid on our desks for the first time to-day. I confess I have not had the time to examine it. The matters which the Senator has been speaking of are matters which have not been submitted in the Committee on Post Offices and Post Roads, of which the Senator is a member.

Mr. BLEASE. They never will be submitted.

Mr. PHIPPS. I would ask the Senator if he desires to have the nomination of Lucy C. Vance, of Allendale, referred back to the committee for further consideration?

Mr. BLEASE. I do not know that it is necessary to do that. I have written to Doctor Doyle about the matter. If the Postmaster General appointed Miss Vance legally, if she stood the examination and was eligible, I have no objection to her confirmation; but if, as I am informed, she did not, then I think she should be required to stand an examination. I am not charging anything wrong to Miss Vance.

Mr. PHIPPS. This is a late minute to bring up the allegation that, in spite of the report we had from the Postmaster General that the woman had taken the examination and quali-

fied, some one writes that she has not taken the examination. Are we to consider that at this late moment? If the Senator desires to have the committee review the case, I am perfectly willing to take it back.

Mr. BLEASE. My friend the chairman of the committee entirely misunderstands me. I am endeavoring to get these matters into the RECORD for a conference which I understand is to be held to-morrow, which I will not attend even if invited. But I am going to ask when I finish, as I said, that the nominations of which I speak now be held on the calendar or resubmitted to the committee until further investigation.

Mr. President, as to Mr. Wood, the other man on the list, I understand everything is perfectly all right, and I have Mr. Wood's affidavit, just as I have the others. I hope he will be confirmed.

Mr. PHIPPS. Mr. President, will the Senator yield again?

Mr. BLEASE. Certainly.

Mr. PHIPPS. I would like to inquire as to John S. McCall. Does the Senator desire to have that held over?

Mr. BLEASE. That is the man about whom I just read in the Brookhart report, in which it is stated that he said he made those advances, and here is his affidavit saying he did not.

Mr. PHIPPS. What does the Senator desire to have done with that nomination?

Mr. BLEASE. If he did pay for it, I think he ought to be kicked out.

Mr. PHIPPS. Who alleges he did pay for it? Is there any proof?

Mr. BLEASE. He swears, if the Brookhart committee tells the truth——

Mr. PHIPPS. That is in the Brookhart report?

Mr. BLEASE. On page 11.

Mr. PHIPPS. Under the circumstances, I would like to have consideration of the nomination held over.

Mr. BLEASE. The Senator will find it on page 11 of the Brookhart report.

I desire to insert in the RECORD a letter from David D. Sanders, United States commissioner at Spartanburg, S. C., and an affidavit signed by Andrew F. McKnight before this commissioner, and to state that a copy of this affidavit was mailed by me personally to the Department of Justice.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

SPARTANBURG, S. C., *March 15, 1930.*

Hon. COLE. L. BLEASE,
United States Senator from South Carolina,
Senate Office Building, Washington, D. C.

DEAR SENATOR BLEASE: Inclosed please find affidavit of Mr. Andrew F. McKnight relative to some treatment received by him at the hands of Moore and Robinson this morning in the city of Spartanburg.

Mr. McKnight authorizes me to tell you that you may use this affidavit in any way you see fit, and that he would like for a copy to be turned over to the Department of Justice for investigation if you think it justifiable.

With kindest regards, I am, yours very truly,

D. D. SANDERS,
United States Commissioner.

STATE OF SOUTH CAROLINA,
County of Spartanburg:

Personally appeared before me Andrew F. McKnight, who, being duly sworn, deposes and says that "about three weeks ago I was approached by Henry W. Moore, supervisor of census for the third district of the State of South Carolina, and was asked for a contribution for Robinson, of Robinson's Business College. I told him I could not contribute; I was willing to comply with the civil service laws and I would not contribute. Henry W. Moore said, 'Try a little talk, then.' Then, I wrote Senator COLE. L. BLEASE, Washington, D. C., and told him of being asked for a contribution."

Deponent further says that, "while talking to Moore, I asked Moore how much would the contribution have to be. Moore said, '$10 or $20.' I asked him what the price of the pro tempore work in the post office was. I was told by Moore that this was way up; that the price was $500. I told Moore, then, that I would not contribute, that I had never contributed, that I had worked from May 20, 1910, to 1912, and had never contributed, that I always secured my work through the Civil Service Board of Examiners, at Washington.

Deponent further says that, on the 14th of March, 1930, about 8 p. m., he was called by Henry W. Moore to be and appear at his office at 9 or 9.30 a. m. on the 15th of March, 1930. "That I went to Moore's office, in the city of Spartanburg, between 9 and 9.30 a. m. on March 15. On the way there Doctor Daniels and his wife informed me that there was trouble for me ahead. After arriving at the office Robinson immediately laid hands on me, catching hold of the lapels of my coat in a high and aggravated nature, jerking and twisting me back and forth, hollering in a loud voice, 'Mr. Moore, come here.' Moore immediately pushed his chair aside and ran to me and grabbed hold of the right lapel of my coat. I was shoved back roughly to a pile of boxes about waist high on which a hatchet lay. I was threatened with violence if I did not say as Robinson would say for me to say. Robinson said, 'If you will contradict the statement in last night's paper [referring to Spartanburg Journal of March 14], everything will be all right with you.' I told him, I had just met Doctor Daniels and Mrs. Daniels and I had told others that I was coming to this office and if they did not turn me loose other people in town would know; that I was not a fighting character; and I would have both of them handled, both in law and finances; that I had to pull loose from them to get out. That I went to Chief of Police J. H. Hill and to Bobo Burnett, city recorder, and both of them referred me to D. D. Sanders, United States commissioner."

ANDREW F. MCKNIGHT.

Subscribed and sworn to before me this 15th day of March, A. D. 1930.

[SEAL.] D. D. SANDERS,
United States Commissioner for the Western District of South Carolina at Spartanburg, S. C.

Mr. BLEASE. Mr. President, as to the Adams appointment, I am really somewhat at a loss myself as to what to say about that. Personally, I have no objection, as I said before, to Mr. Adams being confirmed. But there is a very peculiar situation in my State right now, and I would like to know who is naming the officials in South Carolina. Neither one of the Senators has been asked about this, and neither one of them wants to be asked about it, so far as I know. No one of the Representatives has been asked about it, and I know that most of them do not care to be bothered with it. The chairman of the State Democratic Party has not been asked about it, and does not want to be. The national committeeman from that State has not been asked about it, and does not want to be. The member of the Republican National Committee from that State has not been asked about it. The chairman of the Republican Party in that State has not been asked about it.

Now, here are affidavits showing that the advisory committee are receiving money.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. BLEASE. I yield.

Mr. McNARY. I want to inquire of the distinguished Senator whether it is his desire to prevent action on the nomination to-night? I ask for this reason, that there has been a moral agreement that we would recess at 10 o'clock.

Mr. BLEASE. That is under a unanimous-consent agreement, is it not?

Mr. McNARY. No; it is not under any unanimous-consent agreement. It is a moral agreement. A great many Senators have gone home and many in leaving the Chamber relied on the previous practice. I am going to move a recess at 10 o'clock unless the Senator is willing to permit a vote to be had at this time.

Mr. BLEASE. I am not willing.

Mr. McNARY. Then I move a recess in accordance with the previous agreement.

Mr. McKELLAR. Mr. President, may not some of the nominations for postmasters on the Executive Calendar be confirmed?

Mr. GOFF. Can we not dispose of some of the nominations for United States district attorneys?

The PRESIDENT pro tempore. Does the Senator from Oregon withhold his motion in order to permit the nominations referred to to be considered?

Mr. McNARY. It is now 10 o'clock. I do not want to yield a minute. I object to such a request and insist upon my motion.

The PRESIDENT pro tempore. The Senate recessing at this time will recess as in open executive session and the Executive Calendar will be before the Senate to-morrow morning at 11 o'clock. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate (at 10 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, March 18, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 17 (legislative day of January 6), 1930

APPOINTMENTS IN THE ARMY

To be Chief of Cavalry, with the rank of major general, for a period of four years from date of acceptance, with rank from March 21, 1930

Col. Guy Vernor Henry, Cavalry, vice Maj. Gen. Herbert B. Crosby, Chief of Cavalry, whose term of office expires March 20, 1930.

To be Chief of Coast Artillery, with the rank of major general, for a period of four years from date of acceptance, with rank from March 20, 1930

Col. John Wiley Gulick, Coast Artillery Corps, vice Maj. Gen. Andrew Hero, jr., Chief of Coast Artillery, whose term of office expires March 19, 1930.

HOUSE OF REPRESENTATIVES

MONDAY, *March 17, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We need Thee, our Merciful Father, because we need forgiveness. We thank Thee that Thy heart glows and pulses with the revelation of divine love. How marvelous are its disclosures in the mission of Thy Son, our Saviour. Come and adorn the inner temples of our natures and clothe them with sweetness and light. Make us right with God and give us a humble, gentle love for our fellows. O be urgent with us. Lead us to scorn the wrong and love the true. Impress us that he fails in public and in private life who dispenses with high, healthy morals. Along our journey may we love work for work's sake and love our own work for its own sake, and always help us to keep from those things that engulf goodness and keep us at those sources that make character. Through Christ our Saviour. Amen.

The Journal of the proceedings of Friday, March 14, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

MERGER OF THE GREAT NORTHERN AND NORTHERN PACIFIC RAILROAD COS.

Mr. PITTINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the proposed merger of the Great Northern and Northern Pacific Railway Cos.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, a recent decision of the Interstate Commerce Commission under date of February 11, 1930, Finance Docket No. 64091, indicates that the commission is favorable to a merger of the Great Northern and Northern Pacific Railway Cos. It is a matter of common knowledge that these companies are competing carriers. This decision is most significant, the principle sought to be established is important, and it affects the welfare of the people of many States.

The tendency in recent years toward mergers and combinations is now appearing in the railroad world. Not only in other business enterprises but in the transportation business of this country as well, we are brought face to face with the question whether individualism and competition shall be preserved in our economic life, or whether individualism shall be destroyed and monopoly supersede the economic laws which have heretofore governed our industrial development.

1920 TRANSPORTATION ACT

In 1920 amendments were made to the existing law, under which this proposed merger is now being formulated. I refer to the act to regulate commerce found in United States Code, title 49, chapter 1, which is known as the Interstate commerce act. I call your attention to section 5 of this act and to paragraphs (4) and (5), which read as follows:

(4) The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

(5) When the commission has agreed upon a tentative plan, it shall give the same due publicity and upon reasonable notice, including notice to the governor of each State, shall hear all persons who may file or present objections thereto. The commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end, the commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon application, reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan.

At the time that Congress took action in 1920, I am informed that transportation service was demoralized on account of various conditions, that the railroads were operating at a loss, and that the above and other factors contributed to this legislation.

The proposition will not now be disputed that the railroads have reorganized, that they are giving good and efficient service, and that their revenues are ample. In other words, their condition is entirely different at the present time from that which existed in 1920, when the legislation was passed.

MERGER PLANS ANNOUNCED

However, the law still remains, and on December 9, 1929, the Interstate Commerce Commission announced the adoption of a plan, under section 5, paragraphs (4) and (5), which provides for the consolidation of the railway properties of the continental United States into a limited number of systems. This plan is found in volume 159, Interstate Commerce Commission Reports, on page 522. The United States Daily published a supplement setting forth the complete official text of this plan of the Interstate Commerce Commission for the consolidation of railroads under date of December 23, 1929, and again issued a supplement consisting of maps or charts of the proposed consolidations into 21 systems under date of January 2, 1930.

There is not a single Member of Congress whose district is not vitally concerned in this great consolidation program or whose territory is not affected by the same.

GREAT NORTHERN AND NORTHERN PACIFIC PLANS

Mr. Speaker, this consolidation program is brought forcibly to our attention by the decision of the Interstate Commerce Commission of February 11, 1930, in response to an application by the Great Northern Railway Co. and the Northern Pacific Railway Co. to permit these roads to consolidate and become one operating system with one ownership and control.

The Great Northern Railway Co. operates 8,164.14 miles of line, of which 558.87 miles are in Canada. Its eastern terminals are St. Paul, Minneapolis, and Duluth, Minn., Superior, Wis., and Sioux City, Iowa. Its western terminals are found in Seattle and Tacoma, Wash., and Portland, Oreg., and also in Canada.

The Northern Pacific Railway Co. operates 6,688.43 miles of line, of which 74 miles are operated under trackage rights in Canada. Its eastern terminals are St. Paul, Minneapolis, and Duluth, Minn., and Superior, Wis. Its western terminals are Seattle and Tacoma, Wash., and Portland, Oreg., and also points in Canada.

A reading of the decision of the Interstate Commerce Commission indicates that they found their authority for authorizing this merger in the United States Code, title 49, chapter 1. They appear to be proceeding under subdivision (2) of section 5, which reads as follows:

(2) Whenever the commission is of opinion, after hearing, upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this act, that the acquisition, to the extent indicated by the commission, by one of such carriers of the control of any other such carrier or carriers either under a lease or by the purchase of stock or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, will be in the public interest, the commission shall have authority by order to approve and authorize such acquisition, under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the commission to be just and reasonable in the premises.

It seems to me that this decision of the Interstate Commerce Commission, authorizing the merger of these two great railroad systems, is contrary to the spirit and letter of the law. I am not overlooking the fact that this decision, authorizing this merger, imposes certain conditions upon these two great competitors, such as the requirement that they shall divorce the

Burlington and that they shall acquire and operate the so-called short lines of railroad named in system No. 12, and that there shall be unified operation of terminals, and that the Chicago, Milwaukee, St. Paul & Pacific Railway Co. shall have access from Spokane to Portland, and so forth.

I want to direct attention as best I can to the great proposition that a merger plan is actually being worked out which will consolidate two great competing railway systems, and that little objections such as I have indicated above will not prevent the program from being carried out.

MERGER DECISION SHOULD BE ATTACKED IN COURTS

I do not believe the law was intended to permit this sort of procedure. The consequences are far-reaching. If this decision of the Interstate Commerce Commission is to go unchallenged, and if the law is to remain unchanged, it will only be a short time before there will be a centralization of control of all of our transportation systems under one great head, and the principle of competition in the railroad world will be entirely discarded.

No one need be deceived as to what is going on. This decision of the Interstate Commerce Commission, instead of being objectionable to those who seek the monopoly rule in transportation, in my opinion, is exactly what they wanted. I quote from the Minneapolis Tribune, under date of March 11, 1930, as follows:

New York, March 10 (WNS).—Official negotiations planned to lead to a merger of the Great Northern and Northern Pacific Railroads, as proposed by the Interstate Commerce Commission on February 21, got under way this afternoon when presidents of the two Northerns, the Burlington, J. P. Morgan & Co., and the First National Bank met at the offices of the Northern Pacific. Arthur Curtiss James, director and largest single stockholder of the Great Northern, also attended.

The meeting was preceded by a morning gathering at which Charles Donnelly, president of the Northern Pacific, presided. The major proposition before the railroad executives is the problem of working out a merger of the two Northerns without including the Burlington.

The original merger application would have included the Burlington, but rather than drop the whole merger the officials indicated to-day they are willing to try and merge the Northerns and then try to work out a manner of access from Minneapolis and St. Paul to Chicago.

So far as I can see, there is absolutely no assurance that this proposed merger will in any way serve the interests of the public. On the other hand, I believe it does have serious consequences. It is an attempt to do what the Supreme Court of the United States has refused to sanction on two other occasions; and this is fully and ably discussed in the dissenting opinion of Commissioner McManamy, and I do not elaborate upon the same here because I am making his dissenting opinion a part of my remarks on this question.

This proposed merger raises squarely the question whether competition and individualism are to continue in America, or whether the merger and combination idea is to be permitted to fasten monopoly upon the country and create a new economic status. There are many phases of the matter. I mention one, and that is the effect upon our communities, where there are railroad employees, who have put their savings into homes, raised families, and made investments in the localities where their work has required them to live. Many of them will be thrown out of employment or be compelled to move away. They are vitally interested in and affected by the new plan, and so are the cities where they make their livelihood. The consequences to them would be most serious.

This proposed merger affects several States, and, under the interstate commerce act, it is proper for the States which are vitally affected to question the particular decision of the Interstate Commerce Commission which authorized this merger in the courts. The people in the various communities should see to it that their State officials proceed at once to question this decision in the manner provided by law.

CONGRESS SHOULD TAKE ACTION

I believe it is also proper that Congress should take action on this matter, and I am heartily in favor of S. J. Res. 146, introduced in the Senate of the United States by Senator DILL, of Washington, on February 27, 1930. This resolution declares the proposed merger to be against public interest and directs the Interstate Commerce Commission to forbid the consolidation of these railroads.

I want to take occasion to say here that, if anyone is indifferent to this problem at this time, the day is not far distant when they are going to find that they are vitally interested in the proposed merger of the Northern Pacific and Great Northern Railway Cos. You are going to find, as time goes on, proposed mergers of other great systems which operate throughout your various districts. Consequently, I think it proper for this House to call the attention of the Committee on Interstate and Foreign Commerce to the necessity of amendments to the interstate commerce act which will make it impossible, by merger and combination and monopoly, to eliminate competition from the transportation world.

I quote from the Public Ledger, issue of March 7, 1930, published in Philadelphia, Pa., as follows:

Taking the attitude that "wholesale consolidation of railroads may disrupt a railroad situation which is satisfactory to the shippers and the public," the joint executive committee of commercial organizations, meeting in the Chamber of Commerce yesterday, asked the repeal of the consolidation clause of the transportation act of 1920, in so far as it provides for consolidation in terms of a general plan.

This action was sent to Members of the Senate and House of Representatives from Pennsylvania, the various commercial organizations throughout the country, and to the Chamber of Commerce of the United States, the latter group being asked to make the subject the matter for discussion at the annual meeting in May.

President Philip H. Gadsden, of the chamber of commerce, presided at the meeting, and those concurring in the resolution were: Hubert J. Horan, commercial exchange; J. M. Davidson, Commercial Traffic Managers' Association; President Philip Godley, H. S. Wills, and W. B. Siple, board of trade; President Emil P. Albrecht and William A. Lockyer, the Bourse; P. H. Gadsden and George W. Elliott, chamber of commerce; J. S. W. Hilton, maritime exchange; F. W. Kidd, real estate board; and Richard Weglein, ocean traffic bureau.

The resolution asking this complete change in attitude toward railroad consolidation was as follows:

"The reasons which prompted Congress in 1920 to adopt the policy of railroad consolidation do not exist in 1930. In 1920 the railroads were demoralized due to the war; to-day they are affording the best service shippers have ever enjoyed.

"Four years ago President Hoover, then Secretary of Commerce, was able to say: 'Probably the most outstanding single industrial accomplishment since the war has been the reorganization of our American railroads. Our transportation service was not only demoralized by Government operation during the war, but had suffered * * * for many years before.

"'The annual loss * * * was estimated * * * to amount to hundreds of millions a year. The railroads during the last five years not only have built up adequate service, but they have by great ability of their managers greatly reduced transportation costs. The result of this great reorganization upon the whole economic fabric of the country has been far-reaching.'

"This description applies to the railroads to-day with even greater emphasis. The statistical records of the carriers and the universal opinions of the shippers indicate that the railroads of the United States are now operating under conditions which make any drastic change of organization both unwise and dangerous.

"No sentiment for a national scheme of railroad consolidation exists among the users of railroads, and the Interstate Commerce Commission, by its reluctance to issue the final plan, has indicated lukewarm support of this policy.

"In view of the possibility that the wholesale consolidation of railroads may disrupt a railroad situation which is satisfactory to the shippers and public we place ourselves on record as favoring the repeal of the consolidated clauses of the transportation act of 1920 in so far as it provides for consolidation in terms of a general plan, but favor the policy which would sanction consolidation of individual carriers when, in the opinion of the Interstate Commerce Commission, public interest would thereby be clearly promoted."

There is much more to be said in connection with this subject and in connection with the decision of February 11, 1930. Much of the matter is fully and ably covered by Mr. McManamy, chairman of the Interstate Commerce Commission, in his dissenting opinion, and also by Commissioner Eastman in his dissenting opinion; and I quote the foregoing opinions, as follows:

DISSENTING OPINION OF CHAIRMAN M'MANAMY

McMANAMY, *Chairman*, dissenting:

In my concurring expression in Docket No. 12964, Consolidation of Railroads (159 I. C. C. 568) I said:

"But we should not, in order to open the door to lawful consolidations, propose consolidations which are themselves unlawful, and that I think we have done."

One of the unlawful consolidations which I there had in mind will be effectuated by the action of the majority in this proceeding.

The majority finds that present and future public convenience and necessity require the Great Northern Pacific Railroad Co. to acquire by stock ownership and by lease for a period of 99 years and to operate the properties of the Great Northern, the Northern Pacific, and the Spokane, Portland & Seattle Railroads, and that such acquisition and operation will be in the public interest. What is here outlined is therefore, for all practical purposes, a complete consolidation of these properties into one corporation for ownership, management, and operation. To my mind, the facts shown in the report upon which the action here taken is based falls far short of justifying the conclusion reached and

the action taken and fails in the following important particulars to meet the requirements of the act:

(1) It is not responsive to any proceeding before us.

It is true that an application by the same parties was filed on July 8, 1927, and was heard by us about one and one-half years ago. The hearing in that case, however, was completed about a year and four months before our plan for the consolidation of railroads was promulgated. The Great Northern and the Northern Pacific own practically the entire capital stock of the Burlington Railroad, and no suggestion was made upon that record that the Burlington should be disassociated from the northern lines. The proposition to divorce the Burlington from the northern lines which was for the first time announced in our consolidation plan, in my opinion, made such a change in the conditions surrounding these properties that the record can not be said to clearly reflect the attitude of the public toward this consolidation, and the evidence can not be held to show that under the changed circumstances it will be in the public interest. In fact, there is no evidence which shows that under the changed conditions the applicants themselves desire this consolidation, and if such a desire has been indicated it has not been in a public hearing such as is clearly required by paragraph (6) of section 5 of the act before a consolidation may be approved or authorized.

(2) The consolidation here authorized goes far beyond any power that is given us by paragraph (2) of section 5, under which the application was filed.

Consolidations for ownership and operation are clearly not authorized under paragraph (2) of section 5. That section authorizes the "acquisition * * * not involving the consolidation of such carriers into a single system for ownership and operation."

As a matter of fact the word "consolidation" appears in this paragraph only for the purpose of specifically forbidding it. Consolidations such as this may be made only under paragraph (6) of section 5 after the commission has complied with the provisions of paragraphs (4) and (5). We are required by the act to agree upon and publish a tentative plan for the consolidation of railroads after which public hearing, including notice to the governor of each State, must be had. Following such hearing we may proceed to adopt a plan for consolidation, later termed a complete plan, and publish the same. Clearly it is not contemplated that the plan adopted as a result of the public hearings must correspond in all respects with the tentative plan which forms the basis of such hearings. It is obvious that we may, and if necessary should, depart from the tentative plan; therefore after the adoption of the complete plan when an application for consolidation is presented to us, paragraph (6) requires us to again set the application down for public hearings and give notice to the governor of each State in which any part of the properties sought to be consolidated is situated of the time and place for public hearings. Under the procedure here approved by the majority consolidations may be brought about without the required notice to the governor of each State and without an opportunity for the people to show whether or not such proposal is in the public interest. Certainly such procedure is not sanctioned or contemplated by any of the provisions of the act.

(3) The consolidation of these two lines is in complete disregard of the specific mandate of Congress that "competition shall be preserved as fully as possible."

This is the third attempt that has been made to consolidate the Great Northern and the Northern Pacific Railroads. The first plan by which the Great Northern attempted to obtain control of the Northern Pacific was found to be in violation of the Minnesota statute prohibiting the consolidation of parallel and competing lines. Pearsall *v.* Great Northern Railway (161 U. S. 646). The court there said:

"As the Northern Pacific road also controls, by its own construction and by purchase of stock, other roads extending from the Mississippi River to the Pacific Ocean, and operates as a single system an aggregate mileage of 4,500 miles, most of which is parallel to the Great Northern system, the effect of this arrangement would be to practically consolidate the two systems, to operate 9,000 miles of railway under a single management, and to destroy any possible advantages the public might have through a competition between the two lines."

The second plan under which control of both companies would have been vested in a holding company was found to be a combination to restrain competition in violation of the Sherman law. Northern Securities Co. *v* United States (193 U. S. 197). In that case the court said:

"* * * Let us see what are the facts disclosed by the record.

"The Great Northern Railway Co. and the Northern Pacific Railway Co. owned, controlled, and operated separate lines of railway, the former road extending from Superior and from Duluth and St. Paul to Everett, Seattle, and Portland, with a branch line to Helena; the latter extending from Ashland and from Duluth and St. Paul to Helena, Spokane, Seattle, Tacoma, and Portland. The two lines, main and branches, about 9,000 miles in length, were and are parallel and competing lines across the continent through the northern tier of States between the Great Lakes and the Pacific, and the two companies were engaged in active competition for freight and passenger traffic, each road connecting at its respective terminals with lines of railway or with lake and river steamers or with seagoing vessels. * * *"

These statements by the United States Supreme Court are just as applicable to these two lines to-day as they were when written. It is clearly shown that these two railroads serve the same Pacific ports and the same Lake ports and other eastern terminals and together serve all of the intervening territory. If active and substantial competition does not exist between these two lines, nowhere in the country can such competition be found. Officials of these two lines testified that not only are they in active and vigorous competition with each other but that each is the most aggressive and important competitor of the other.

This fact alone renders the proposed consolidation inconsistent with the purpose of the act. The fact that a substantial part of the traffic of each line is noncompetitive is immaterial. It is not with such traffic that the provisions of the statute deal. Nor may we limit our consideration of the traffic to that which, in the language of the majority, is "exclusively competitive." No such limitation is contained in the law. We must consider all traffic for which these lines compete and as to which their competition will be eliminated. The record shows that the northern lines serve 75 per cent of the industries in Seattle and handle approximately 70 per cent of the competitive traffic to and from that point, and similar conditions exist at other Puget Sound points. At Duluth it was testified that all effective competition would be removed and the facilities of other lines serving that point and the length of haul to other competitive points supports that conclusion. Similar conditions exist at other competitive points and, in addition, there is important cross-country competition at many points along the lines. Certainly in the light of two decisions of the United States Supreme Court holding these lines are parallel and competitive, consolidating them, which is what we are here doing, violates the act under which the consolidation is proposed.

(4) In my opinion, the majority has erred in the weight given to the evidence upon which the finding of public interest is based.

The law provides that notice respecting either the tentative plan or the complete plan must be served on the governor of each State advising of the time and place for public hearing. This notice is clearly for the purpose of permitting the governor of each State, or such State officials as he may designate, to appear and represent the people of the State in the matter of public interest. It further provides that all persons who may file or present objections thereto shall be heard. Certainly it contemplated that appropriate weight should be given to the views of the governors or other public officials. The report states:

"Of the 11 State bodies which intervened only 1 clearly favored the proposal."

Other interveners in opposition included such important organizations as Farmers Grain Dealers Associations of North Dakota and Montana representing 35,000 farmers and operating 203 elevators on the Great Northern and 114 elevators on the Northern Pacific; the chambers of commerce or other commercial bodies of Duluth, Minn., Fargo and Grand Forks, N. Dak., Omaha, Nebr., and Tacoma, Wash.; the Southern Minnesota Mills which the record shows grinds one-third of all the spring wheat grown in the Northern States; the receiver of the Minneapolis & St. Louis Railroad Co.; and the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. It is true that many organizations and individuals appeared in support of the applications, but such support came principally from small communities local to one or the other of the northern lines. Of course, they would not be affected by the elimination of competition as would the larger cities served by both lines. In my opinion, given proper consideration, the weight of evidence introduced by representatives of the States, organizations of producers, large shippers, and other interests is overwhelmingly against the consolidation.

The majority states:

"Foremost among the considerations in favor of the proposed unification is the feasibility of making large operating economies."

The total saving said to be brought about by these consolidations amounts to $10,142,811. Analysis of the savings claimed indicates that the total will be far less than the amount claimed and in any event it is testified that none of this saving is to go to the public in the way of decreased rates, and there is no convincing showing that improved services will result. Many of the items are so unimportant that they need not be mentioned and others admittedly can be brought about without the consolidation. The biggest item of saving is the use of Rosebud coal on Great Northern locomotives. It is contended that this will result in a saving of $2,282,157. Yet it is admitted that much, if not all, of this saving could be brought about without consolidation.

Rerouting of traffic by shorter lines is said to produce a saving of $1,536,328. This claim will not stand careful analysis. The following illustration is fairly typical: A saving of $70,738 per annum is claimed from diverting traffic from the Great Northern to the Northern Pacific between Laurel, Mont., and Northgate, N. Dak. This saving is arrived at as follows: The distance from Laurel to Northgate via the Great Northern's circuitous route is 812 miles. By way of the Northern Pacific to Sydney, Mont., and the Great Northern beyond, the distance is 500 miles. The traffic between these points, consisting principally of oil moving eastbound, averaged four carloads per day each week

day, or a total of 116,967 gross tons per year in 1925 and 1926. This tonnage multiplied by the distances of 812 miles over the Great Northern's circuitous route and 500 miles over the short joint route produces gross ton-miles of 94,777,204 and 58,483,500, respectively. These gross ton-miles are then multiplied by the costs per 100 gross ton-miles which are shown as 12.14 cents for the Great Northern's circuitous route and 7.62 cents for the short joint route. The net result is a total cost of $115,302 over the Great Northern's circuitous route and $44,564 over the short joint route, or an annual saving of $70,738. Everything else being the same, it would appear that the costs per 100 gross ton-miles should be lower via the long route over the Great Northern than via the short joint route. There is no adequate explanation of the marked difference in the costs per 100 gross ton-miles shown for the two routes, nor is any explanation offered why traffic between Sand Point and Casselton on the Great Northern should cost 8.77 cents per 100 gross ton-miles while the traffic from Laurel to Northgate, which moves 412 miles over the same rails, should cost 12.14 cents. Whatever saving might be effected, it is clear that the carriers could bring about the same saving by routing the traffic via the short route without any unification of their lines. Certainly the possibilities of savings from this source are too remote to form a satisfactory basis for a showing of public interest.

The effect of this consolidation on the employees, which form a substantial portion of the population in the territory through which these lines pass, is wholly disregarded in the majority report. When these two lines were built the States through which they pass were largely virgin territory. Communities grew up beginning with the division points of these railroads, and to-day such important communities as Jamestown and Mandan, N. Dak.; Glendive, Miles City, Forsyth, Livingston, Missoula, and Paradise, Mont., not to mention the larger communities of Butte, Helena, and Billings, Mont., are to a very substantial extent composed of and dependent upon employees of the Northern Pacific Railway Co. And the same is true, although to a smaller extent, in the State of Washington. For half a century these towns have been the principal terminal points as well as the principal towns and cities along this line. It is now proposed, for the alleged purpose of saving $1,500,000, to divert 3,800,000 tons of through freight to the Great Northern between Sand Point, Idaho, and Casselton, N. Dak., a distance of more than 1,100 miles. This will make it necessary to transfer from the Northern Pacific to the Great Northern, if such a transfer can be arranged, a substantial number of employees, completely disregarding the fact that many of them have important property interests in the towns where they now are located. I am not saying that these towns will be destroyed by the removal of the large percentage of railroad employees, but the effect on the towns will be serious and the effect on the employees disastrous. It was testified that at one point on the Northern Pacific the consolidation of these lines and proposed diversion of through freight to the Great Northern would compel railroad employees receiving salaries amounting to $200,000 per year to move elsewhere. Many of these employees have invested the savings of a lifetime in their homes. The consequences would be very serious, not only to the employees affected but also to the entire community of about 5,000 population. It has within the last few years made extensive improvements, including a sewage system costing $170,000 and a water system costing $200,000, which would not have been made but for the existence of the railroad terminal. The interests of those who have invested in property in such towns should be considered, as well as those of the stockholders of the railroad, and when the losses to important communities which will result from this consolidation are deducted from the alleged saving the result will probably have to be shown in red.

In this proceeding, however, my chief disagreement with the majority is as to the method of procedure. If upon a proper hearing on the specific question at issue public interest is clearly shown to require the consolidation, approval would probably be justified. Such a hearing has, however, not been had and if we assume that the hearing upon which the majority bases its conclusions was responsive to the issues now before us, I submit that the showing of public interest has been woefully inadequate to justify the conclusion reached. Since the promulgation of our complete plan I can see no reason for approving this consolidation under paragraph (2) of section 5 instead of requiring an application to be lawfully filed and heard under paragraph (6) of section 5, unless it be the fear that a dismissal of this application would result in releasing the stock which has been deposited under it, and that once so released it will never again be deposited, which, of course, would result in the failure of the consolidation. If that be true, the consolidation should fail.

If this consolidation is in the public interest, it should be so shown in a proceeding heard in the light of the changed conditions brought about by our consolidation plan after the governors of the States have been notified of what is proposed and they, together with other representatives of the public, should be heard. This application should be dismissed without prejudice to filing another application under paragraph (6) of section 5 and in accordance with our final plan of consolidation.

DISSENTING OPINION, COMMISSIONER EASTMAN

EASTMAN, *Commissioner*, dissenting:

To a considerable extent my reasons for disagreeing with the conclusions reached by the majority in this case are covered by the separate expressions of other commissioners. I shall, therefore, summarize them very briefly.

(1) The unification proposed is not, to my mind, a mere acquisition of control within the purview of section 5 (2). It is to all intents and purposes a consolidation of the railroad properties in question into one system for ownership and operation, and hence is within the purview of section 5 (6). If this is not so, the distinction between the two forms of unification falls short of a difference and is a matter of form rather than substance. Obviously, the attempt to bring this unification under section 5 (2) is pure subterfuge, such as we ought not to countenance. It trifles with the law. Incidentally, those who devised this subterfuge seem to have been unable to utilize the corporation laws of any State in which the system will actually operate. Instead, they had recourse to little Delaware, far removed from the theater of action, and availed themselves of one of those loose and extraordinary charters which are granted for use in every State but Delaware and which make a mockery of State corporation laws. In my judgment it is quite arguable that we would be justified on grounds of sound public policy in refusing every application which involves the use of a Delaware charter, except in the rare event that it is to be employed in that State.

(2) The condition attached to the authority to consolidate the two northern lines, to the effect that they shall divest themselves of their interest in the Burlington, is, so far as I am aware, unsupported by any evidence of record. For many years the Burlington has been treated by the northern lines as a preferred connection, and its development has been shaped to fit that purpose. As I see it, the present situation is a highly satisfactory one. The northern lines are in keen competition, and while they jointly control the Burlington, neither one can dominate it. For that reason its management is largely independent, and yet it fits in with and supplements the operations of each of its joint proprietors. The western termini of the Burlington lines in Montana are not large points, but merely junctions with the northern lines.

So important has the Burlington been to its two proprietors that there is every reason to believe that the present unification project was the outgrowth of a fear, inspired by our tentative consolidation plan, that an effort might be made to divorce the Burlington from one of them. Its importance to both was emphasized by the applicants throughout the present record.

The practicability of really divorcing the Burlington from the northern lines is in itself a matter of grave doubt. Its stock is now pledged under mortgages of both roads. Apparently it can be released from these mortgages and sold, but only provided it is sold in its entirety at full and fair value and the trustees under the mortgages so certify. Quoting from the testimony of the president of the Northern Pacific:

"It would obviously require, therefore, a release of this stock from under either of these mortgages, first the sale of the entire block as a whole, and in all probability for cash, before it would be released; and it would require an agreement between the seller and the purchaser as to the value thereof; and it would require a certification of the man or trustee or the representative of the corporate trustee that the full and fair value thereof had been actually received and put under the mortgage, in lieu of the released stock."

What would this involve? There is $170,839,100 of Burlington stock outstanding and during the past eight years it has paid regular dividends of 10 per cent annually. Probably the stock is worth as much as $200 per share. A sale of it would, therefore, mean a $341,000,000 transaction, and in all probability, according to the president of the Northern Pacific, a cash transaction. Our consolidation plan does not provide any railroad company to which this stock can be sold. Where, then, is the purchaser to put up this $341,000,000 of cash? My own belief is that if such a purchaser is found, it will be some creation, no doubt in the form of a holding company, devised by friendly interests.

Before such a divorce is precipitated, its practicability and wisdom and effectuality should surely be the subject of consideration at a public hearing.

(3) As I have already indicated, I see no reason for such a step and no good reason for changing the present situation. I agree entirely with what Commissioner McManamy has to say as to the competition existing between the northern lines and the inconsistency of their consolidation with the preservation of competition "as fully as possible."

Substantially the only plausible reason offered for the consolidation is the hope of certain promised economies. I am not overimpressed by the paper demonstration of these economies. Some of them can be accomplished through cooperation without consolidation. Others are of the type which is dependent upon the elimination of competition. Undoubtedly certain operating economies can be effected by the union of any two parallel and competing lines, and the maximum in this direction could be attained, on paper at least, if railroad competition were wholly eliminated. But, rightly or wrongly, I think that it is clear that

the country wishes competition preserved, and is convinced that the advantages outweigh the disadvantages, actual or theoretical. First in importance in attaining maximum economy in operation is an alert, progressive, and intensive management. Whether such a management will characterize the consolidated systems as fully as it has the present two sharply competitive systems only time can tell.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that on to-morrow, after the regular order of business now on the calendar has been concluded, the gentleman from Tennessee [Mr. FISHER] may be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the conclusion of the remarks of the gentleman from New Jersey [Mr. EATON], the gentleman from Tennessee [Mr. FISHER] may be permitted to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent, following the address of the gentleman from Tennessee [Mr. FISHER] to-morrow, to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not object—may I ask the gentleman from New Jersey upon what subject he expects to address the House?

Mr. BACHARACH. I propose to answer the gentleman from Texas [Mr. GARNER] on his speech made last Friday.

Mr. GARNER. Mr. Speaker, would it be out of order if I should ask for five minutes to reply to the gentleman from New Jersey?

The SPEAKER. The Chair will recognize the gentleman for that purpose. Is there objection?

There was no objection.

FIRST DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I present a conference report on the bill H. R. 9979, the first deficiency appropriation bill.

MEMORIAL HIGHWAY TO CONNECT MOUNT VERNON WITH ARLINGTON MEMORIAL BRIDGE

Mr. TILSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3168) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington, with the House amendments thereto, insist on the House amendments, agree to the conference asked by the Senate, and appoint conferees.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to take from the Speaker's table the bill S. 3168, with House amendments thereto, insist on the House amendments, and agree to the request for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, and I do not intend to object, I want to ask the gentleman from Connecticut if it is not a fact that while this bill comes from the Roads Committee it really deals with a subject that has been under consideration by the George Washington Bicentennial Joint Committee?

Mr. TILSON. The gentleman from Texas is correct.

Mr. GARNER. I would like to suggest that the Speaker take note of that fact, with the view of appointing to the conference gentlemen who are probably better acquainted with the situation than the membership of the Roads Committee. That is the only idea I had in mind in calling attention to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. TILSON, DOWELL, and MOORE of Virginia.

THE CONGRESSIONAL RECORD

Mr. KIESS. Mr. Speaker, I ask unanimous consent to recommit to the Committee on Printing the bill (S. 1312) to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRUMM. Mr. Speaker, two weeks ago I asked for permission to address the House on last Tuesday, and, due to the death of ex-President Taft, that time was continued. I now ask unanimous consent to address the House to-morrow, at the conclusion of the remarks of the gentleman from Texas, for 45 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MAPES. Mr. Speaker, reserving the right to object, my understanding was that it was the intention to continue to-morrow the consideration of the bus bill, and to finish the consideration of the bill during the day. I do not see the chairman of the Committee on Interstate and Foreign Commerce on the floor, but certainly the special orders already granted are going to take a great deal of the day.

Mr. TILSON. Mr. Speaker, on Thursday we hope to have an appropriation bill before the House for consideration. I believe the gentleman will have no difficulty in getting time on that day. The gentleman from Michigan [Mr. MAPES] is correct, that we are filling up the calendar for Tuesday, so as to leave very little time for the completion of the motor bus bill, which we hoped to complete to-morrow.

Mr. BRUMM. Mr. Speaker, the gentleman from New Jersey [Mr. EATON] had reserved time for the same day and asked to have it go over until next Tuesday. I was absent on important business and could not make this request at that time. It is very important to me, and I think because of the fact that we had reserved time two weeks ago, we should be given a little consideration in this respect.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AID FOR PORTO RICO

Mr. DAVILA. Mr. Speaker, I understand that the House conferees have disagreed to the appropriation of $3,000,000 in the deficiency appropriation bill. I ask unanimous consent to address the House for 10 minutes on that subject at this time.

The SPEAKER. The Commissioner from Porto Rico [Mr. DAVILA] asks unanimous consent to address the House at this time for 10 minutes. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, I want to call the attention of the Members of the House to the appropriation of $3,000,000, intended to help Porto Rico in its work of rehabilitation, and which was included by the Senate in the first deficiency bill.

This appropriation was recommended to Congress by the President of the United States. On his recommendation the two legislative bodies, the House and the Senate, authorized this appropriation by unanimous consent. The original appropriation for the work of rehabilitating Porto Rico was $12,000,000. The Senate passed that appropriation, but we had some difficulty in the House, and the chairman of our committee, the gentleman from Pennsylvania [Mr. KIESS], entered into an understanding with the leaders of the House by which the appropriation was reduced to $8,000,000. However, conditions in Porto Rico are so depressing that this additional fund of $3,000,000 is necessary to continue the rehabilitation program. We were not able to persuade the members of the Committee on Appropriations of the House of the necessity and urgency of this legislation. There existed a misapprehension regarding the scope and purpose of this appropriation. In view of this failure, the Secretary of War and the Secretary of the Treasury appeared before the Committee on Appropriations of the Senate in support of this measure. This appropriation was favorably reported by the committee and was later passed by the Senate, but it happens now that the conferees on the part of the House have been unable to reach an agreement on this item.

I want to call the attention of the Members of the House to the fact that this appropriation is of the utmost importance. I repeat that there exists a misunderstanding regarding the purpose of this appropriation. It was stated before the Subcommittee on Appropriations of the House that this money was intended for the relief of unemployment.

Well, I am not going to deny to the Members of this House that we have a lot of unemployment in Porto Rico and that the situation in our country is extremely serious. But the main object of this appropriation is to help in the rehabilitation of the island. It is intended for the rebuilding and repairing of roads destroyed by the hurricane, especially in the rural sections, in order to facilitate transportation and help the small farmers. A portion of this money will be utilized to complete the repair of schools that likewise suffered. The relief of unemployment is only a by-product of this appropriation.

Governor Roosevelt in a letter to Representative BACON has explained very clearly the purpose of this appropriation.

Governor Roosevelt knows more about conditions in Porto Rico than anybody else in Washington. [Applause.] He has visited all the places in the island; he has gone to the mountains and to other rural districts of Porto Rico and gotten into

personal contact with the people in distress, and especially the poor farmers. There is no one who can give better information about conditions in our island than Governor Roosevelt. I wish to say to the House, without casting any reflection on former governors of Porto Rico, that no governor in the past has taken so much interest in the welfare of Porto Rico than Governor Roosevelt. [Applause.] For that reason we are greatly indebted to him and he is receiving the fullest cooperation of the people of the island.

I earnestly appeal to the Members of this House. This appropriation is needed in Porto Rico very badly; you are not familiar with conditions existing in our island, you can not appreciate the seriousness of our situation. But I am sure that if the gentlemen of the House would visit our country and there observe the devastation wrought by the hurricane not a single Member would oppose this appropriation.

This country has always been very generous. We have the reputation of helping in every case of distress. Whenever there has been distress in foreign countries—like Belgium, Russia, China, and Japan—we have been extremely liberal. Now you have thousands of American citizens in Porto Rico who are in need. Surely you are not going to deny the help they are asking of Congress. If we can not appeal to the Congress of the United States for assistance in an emergency, where are we going to find relief for our troubles? You have the sole responsibility in regard to Porto Rico, and I hope, gentlemen of the House, that the conferees will agree to this amendment.

Mr. Speaker, I ask unanimous consent, with the permission of the gentleman from New York [Mr. BACON], to print in the RECORD the letter addressed to him by Governor Roosevelt, which I hope the conferees will read. [Applause.]

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The letter referred to follows:

SAN JUAN, P. R., *February 25, 1930.*

MY DEAR CONGRESSMAN BACON: Thank you for your letter concerning the proposed appropriation of $3,000,000 for additional hurricane relief in the island of Porto Rico. I have read the hearings with care and believe that there is a fundamental misunderstanding concerning the application of these funds and the condition of the island.

To begin with, there seems to be a general assumption through the hearing that the condition of unemployment and destitution in Porto Rico is one that will be permanent or extend over a long period of years. This, in my opinion, is not the case. Porto Rico is laying the foundations now for an economic recovery which will place her where she should be, as a self-sustaining, prosperous community of citizens of the United States, but she needs aid to accomplish it.

We have, it is true, a very large population for the size of our island—1,500,000 people—but the surplus can be taken care of by the development of intensive agriculture and the establishment of manufacturing industries.

On both counts we are now not only working, but making progress. Through our secondary school units we are giving instruction in practical agriculture. Through the farm bureaus we are about to institute we will disseminate modern practices among our small farmers. Through our Homestead Commission we are giving the opportunity to hard-working right-thinking men to obtain sufficient property of their own to operate small farms, which will adequately support them and their families.

Industry is also receiving our constant attention. Our people make excellent industrial workers. This is not a supposition on our part but a proven fact, for we have now on the island embroidery work of all sorts, woodwork, canning industries, etc. I think that the adaptability of our people is probably best illustrated by a jewel-cutting concern that was established here some years ago and is now operating profitably. At its inception there were many individuals from the outside who maintained that it would be impossible for it to be successful unless all of the more complicated work and all of the management was handled by men brought from the continental United States. The gentleman who owns and operates the concern did not believe this to be so. He believed that we could develop a personnel here ourselves. He has been eminently successful, and his entire personnel now is native-born on the island. As he remarked the other day when discussing the establishment of some new line of endeavor, "If it is possible for Porto Ricans to learn so quickly such a complicated trade as that of jewel-cutting, it is possible for them to learn any manufacturing work."

Our difficulty has lain in the fact that the manufacturies here have not been sufficient in number. The reason for this lies in the fact that there has been little if any coordinated attempt on the part of the Government or anyone else to encourage manufacturing in Porto Rico. We are now proposing to do this by extending industrial education of a practical nature through our school system to a far greater extent than has heretofore been the case, and by the organizing of a bureau of commerce.

An illustration of the lack of comprehension of Porto Rico's position in the scheme of the United States lies in the fact that at the moment the representatives of the Federal Department of Commerce belong to the Foreign Service and not to the domestic service. In other words, it is their mission mainly to try to find markets for continental United States products here, rather than to aid in the building up of the local manufactories.

As a matter of fact, Porto Rico is excellently situated for industries. She has three great assets in her favor: Abundant intelligent labor, abundant cheap power, and a water haul to the important markets of the continental United States.

The above is a very brief picture of our future. It is entirely incorrect to assume either that we have no future or that we are not working hard and intelligently to develop it.

I note a number of mistakes in the hearing on this appropriation. In one place it was observed that the Porto Ricans would not emigrate to Santo Domingo, where wages were double those of Porto Rico. The fact is that wages in Santo Domingo are lower than those in Porto Rico, not higher. Furthermore, the gentleman who made the observation seems to have forgotten that our people in Porto Rico are citizens of the United States and do not wish to expatriate themselves any more than he might wish to expatriate himself, especially when by so doing they would damage, not help, their economic condition.

I notice in another point in the hearing that the statement was made that all we had lost, in so far as our coffee plantations are concerned, were the shade trees. This is not the fact. Hundreds of thousands of coffee plants were destroyed, and we are working to replace them every day from our agricultural experimental farms. I know whereof I speak in these matters, because I have been over personally the farms where the trees had been destroyed as well as the experimental farms through which we are trying to replace them.

We have a desperate situation confronting us now, but it is a crisis which can be met successfully, not a chronic condition. Financially our revenues have fallen abruptly. We are now trying to operate the government with 20 per cent less of funds than we used two years ago. It is easy to see that this condition was precipitated by the disaster, for the taxes that our people are paying have not been lightened, but increased. In order to achieve the rehabilitation which we must achieve and will achieve we must continue and develop the practical services which will make of our people valuable citizens of the United States and will give to them the opportunities which we believe citizens of the United States should have for happy, useful lives for themselves and their families.

These services comprise, in our estimation, proper schools giving instruction in practical fashion such as I have outlined above, as well as academic instruction; practical extension of farm aid to the farmers, in the nature of instruction that has as its aim enabling the people to help themselves in the future; proper governmental aid for the establishment of new industries and the development of such as exist here now, and the extension of the services of the department of health, for it is axiomatic that without health as a foundation no people can develop and increase in usefulness and prosperity.

The $3,000,000 that is under discussion has a direct relationship to this entire matter. Indeed, it is a necessary integral part thereof, particularly the two millions to be used for such additional work on schools as might be necessary, but more especially on the insular roads. Our rehabilitation plan and our ability to rehabilitate ourselves must depend, as it does in all countries, upon proper and adequate communication. The small farmer in the interior must have the means whereby his product can reach markets or else he can not make a living. The manufacturing concerns must have proper communication or they can not dispose of their products or collect their raw materials, which in many instances take the form of farm products. The $2,000,000 would go directly for this purpose—i. e., the communication system on which depends the economic reestablishment of the island. It so happens that by using these funds a certain number of individuals would be employed during the next two years, but that is the by-product of the work. The principal aim is the rehabilitation of our transportation system in such fashion as to make possible our economic recovery and advancement.

As a practical matter, and one that should appeal to the gentlemen of Congress, the use of these funds would not burden the insular government with a greatly increased maintenance charge in the future. The effect would be the contrary. By putting the roads into proper shape we would be able in the future to cut a considerable sum annually from our road maintenance and turn it to vitally necessary services in health and education.

It is worth noting in this connection that the granting of these funds by Congress has an exceptionally far-reaching effect in so far as the island is concerned. If they are not granted we shall be placed in the very disastrous position of having to consider curtailing drastically school and health work and greatly cramping the plans I have outlined above for the establishment of our people here on a sound, self-supporting economic basis. These funds at this time for road repair represent not merely the repair of the roads, but literally the education of many of our children and the saving of the lives of others, for they permit us to use money for these services which would not otherwise be available.

I trust Congress will bear in mind that this gift so generously suggested is not in the nature of charity, the effects of which pass immediately after its expenditure, but rather in the nature of a just and equitable philanthropy, the results of which will bear fruit in the time to come in permanent fashion for the people of Porto Rico. It is hardly necessary for me to add in closing that the people of Porto Rico are citizens of the United States, and that our responsibility as a Nation is to endeavor to see that all of our citizens receive the best opportunity to develop themselves into useful members of the community. The interest of any part of our citizens is fundamentally the interest of all. Porto Rico voluntarily asked to be included in the draft for the last war. She stood firm when danger threatened the United States. We should stand by her in her time of trouble.

Yours very truly,

THEODORE ROOSEVELT.

Hon. ROBERT LOW BACON, M. C.,
House of Representatives, Washington, D. C.

THE WHEAT MARKET

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a letter written by me to the chairman of the Farm Board and his reply thereto with reference to the wheat situation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a letter written by himself to the chairman of the Farm Board and his reply thereto. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under leave granted me I file herewith for the information of the House a copy of a letter written by me to the Hon. Alexander Legge, chairman Farm Board, concerning the situation in the wheat market and his reply thereto.

The letters are as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 5, 1930.

Mr. ALEXANDER LEGGE,
Chairman Farm Board, Washington, D. C.

MY DEAR MR. LEGGE: I gather from press reports that the price of wheat recently fell considerably but that it rallied, owing to the fact that the Government, through its agent, bought heavily in the Chicago Grain Exchange. Will you be good enough to furnish me with the following information:

1. Did the Government buy any wheat in the Chicago Grain Exchange after the fall in prices?
2. Did it buy directly or through some agency?
3. What agency was employed to do the buying?
4. How much wheat was purchased; how much money was spent?
5. Was the wheat resold, and if so, at what price?
6. Has the Government or any of its agencies any wheat on hand now; if so, how much?
7. Was the wheat purchased actually in the hands of the farmers or had it already been sold and in the hands of jobbers and dealers? In what way was the farmer injured, or profited, by the Government stepping in and bolstering the market?
8. How much money appropriated by Congress for farm relief has been spent to date including:
   (a) Amounts loaned and to whom?
   (b) Commodities actually purchased and list and quantities of commodities?

I will greatly appreciate an early reply.

Very truly yours,

F. H. LAGUARDIA.

MARCH 8, 1930.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives.

DEAR MR. LAGUARDIA: Replying to your letter of March 5, I would say first that the Government has not bought any wheat, or any other commodity. This answer of course also covers questions Nos. 2 and 3.

The Farm Board has made loans to the stabilization corporation set up under the terms of the agricultural marketing act, but I can not give you the details of the amount of grain on hand. The total amount of the loans outstanding to date is approximately $22,000,000. This includes both loans made by the Farmers National Grain Corporation to member cooperatives and the loans to the stabilization corporation.

The last estimate we had as to the wheat still in the hands of farmers was as of February 1, the March 1 estimate not yet being available. At that time 170,000,000 bushels were still in farmers' hands, plus a very considerable amount in the hands of farmers' pools and cooperative associations, and an additional amount which farmers had stored at country and terminal elevators, for which they have taken storage receipts. The exact amount of the latter is hard to estimate but it is a considerable quantity, and I think it is safe to say that from 25 to 30 per cent of the 1929 wheat crop is still owned by the farmers in some position.

In this connection, permit me to say that on account of conditions existing in the three competing exporting countries, Australia, Argentina, and Canada, it seems probable that in any event the bulk of the wheat inventory at the close of this consuming season will be in this country.

The stabilization operations are not along the line of trying to raise prices, but rather to prevent utter demoralization in the market. With two exceptions I believe the present price is the lowest we have had in the past 15 years—one time being the period following the crash of 1921, and the other a dip below present price levels about the end of May last year. There is no question in our minds that present price levels are substantially below the average cost of production in the wheat-growing areas. They are certainly low enough to eliminate any question of a burdensome cost to the consumer.

There seems to be an impression that the board is attempting to peg the price of farm products or to set an artificially high price. This is not true. Under the free play of the law of supply and demand prices have always been fixed. It is the board's intention merely to stabilize the price curve in conformity with known economic law. Our stabilization operations are aimed to prevent an unduly high price for the consumer by ironing out the big peaks in the price line and by preventing the sharp dips which sometimes occur. I am sure that you will realize that it is entirely possible that the surplus carried forward at the end of this year will operate as a stabilizing influence against unduly high prices which in the event of a short crop might occur next year.

Up to last night the total advances from the revolving fund amounted, in round figures, to some $56,000,000, of which $6,000,000 has been repaid. All of this is in the form of loans to cooperative organizations handling the various agricultural products.

A full report of all transactions will, of course, be made to Congress as provided for in the act. It would perhaps be unfair to borrowers to give out details otherwise, although if there are any particular transactions which come to your attention on which you would like further information I shall be glad to come over and discuss the matter with you at whatever time is convenient to you.

Very truly yours,

ALEXANDER LEGGE,
Chairman Federal Farm Board.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS, from the Committee on Appropriations, by direction of that committee, presented a privileged report on the bill (H. R. 10813, Rept. No. 908) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, which was read a first and second time and, with the accompanying papers, referred to the Union Calendar and ordered printed.

Mr. COLLINS reserved all points of order.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

TITLE OF STATE OF MINNESOTA TO CERTAIN LANDS PATENTED TO IT BY THE UNITED STATES

The first business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill has been the subject of some correspondence which the gentleman from Minnesota [Mr. SELVIG] inserted in the RECORD of February 17, at page 3794.

I confess I have not had the opportunity to thoroughly digest this situation that I would have liked to have, but I find therein that there is a discussion of a possible claim of $125,000 which may be made against the Government, and the Indian Bureau seem to have some question as to the possibility of such a claim being made against the Indians.

It is suggested, however, that the timber in question was not cut from Indian lands and hence would not be a charge, properly, against the funds of the Indians. The Indian Bureau, under date of March 4, has written a letter to Mr. SELVIG, which I insert in the RECORD:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 4, 1930.

Hon. C. G. SELVIG,
House of Representatives.

MY DEAR MR. SELVIG: Reference is made to your recent telephone call in regard to H. R. 5178, which would confirm the title of the State of Minnesota to certain land.

The report of the Indian Office is published on page 3794 of the CONGRESSIONAL RECORD for February 17, 1930. In this report it was recommended that H. R. 5178 be amended by eliminating the period in line 5, page 3, of the bill and adding, after the word "blood," the words "and for the value of all timber cut from such swamplands."

It appears from the RECORD that the payment of the $125,000 set-off will not be made from Indian funds; but the question may hereafter be presented to Congress, at which time we will go more fully into the matter. Therefore, we will withdraw our objections to the passage of H. R. 5178.

Sincerely yours,

C. J. RHOADS, *Commissioner.*

Approved March 8, 1930.

RAY LYMAN WILBUR, *Secretary.*

I would like to ask the gentleman from Minnesota [Mr. SELVIG] whether the passage of this bill, in any way whatever, or to any extent whatever, commits the Federal Government to the payment of a damage claim of $125,000 or any other amount?

Mr. SELVIG. I may say, in reply to the gentleman from Michigan, that I asked the former attorney general of Minnesota regarding that matter, and he wrote me under date of January 11, 1930, a letter which appears in the RECORD of February 18.

Mr. CRAMTON. And in that letter I find this statement by Mr. Youngquist:

My recollection is that the lands from which the timber was cut were not within the White Earth Reservation, but I am telegraphing the present attorney general of Minnesota to advise you in that respect. However that may be, the passage of the bill in its present form will not require the payment of this claim by the United States out of Indian funds or otherwise, but leaves reimbursement wholly within the control of Congress.

Then the attorney general's telegram is that—

Timber claimed as set-off second suit cut from lands around Leech Lake ceded by Indians under act of January 14, 1889 (25 Stat. 642), and cut under and in accordance with that act. Some of the lands from which timber was cut classified later as swamp and patented to Minnesota (see 32 Lands Decisions, 328). Minnesota claimed in suit reimbursement for timber taken off these tracts of land.

As I have said, I have not had the time and I do not like to ask again that the bill go over. I thought that possibly the gentleman would satisfy me because of the confidence I have in the gentleman from Minnesota. I have not been able to digest the situation enough to form an opinion, but does the passage of this act give any additional basis or any strength to a claim for damage?

Mr. SELVIG. It is my understanding; it does not.

Mr. CRAMTON. Whatever claim for damages might exist after the passage of this bill, the gentleman thinks already exists and is not strengthened by this legislation?

Mr. SELVIG. I have Mr. Youngquist's letter in which he states——

Mr. CRAMTON. But his letter is not direct enough for the particular inquiry. I think if I might take the time to study his letter, with the legislation generally, it might answer my question, but I have not had time for that, so I am asking whether the passage of this bill strengthens any claim for damages against the Government out of Indian funds or otherwise.

Mr. SELVIG. No; it does not.

Mr. CRAMTON. I will have to ask that the bill go over, unless the gentleman can give me definite assurance.

Mr. SELVIG. I have a letter from Mr. Youngquist, who was formerly attorney general, and he states that he would not be inclined to recommend additional legislation to the State of Minnesota, which would be required, and as I understand it, if this bill passes it coincides with similar legislation passed by the State of Minnesota and would clear up this particular situation.

Mr. CRAMTON. Is it the gentleman's meaning that if this bill passes this closes the matter and there will be no demand made for damages; that the State of Minnesota will not present a claim for damages?

Mr. SELVIG. That it will not present a claim for the $125,000?

Mr. CRAMTON. If that were definite, I would have no objection to the bill.

Mr. CLARKE of New York. May I ask what was written in reply to the request for an opinion made by the former attorney general? What was that telegram?

Mr. CRAMTON. I read that telegram a moment ago, as to where the timber referred to was located.

Mr. SELVIG. It is my understanding this bill will close the matter so far as any claim that the Government may have against Minnesota is concerned, and that Minnesota will relinquish her right to 12,000 acres of land allotted to the Indians that should have been patented to her. This bill will not in any way obligate the Government to pay any claim for timber cut from lands that belonged to Minnesota.

Mr. CRAMTON. In the absence of a positive, definite assurance to that effect, I wonder if the gentleman would object to the bill going over without prejudice?

Mr. SELVIG. No; I can not give that assurance, but I have no objection to having it go over.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFER OF LAND FROM OKLAHOMA TO TEXAS

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for five minutes. Is there objection?

Mr. LAGUARDIA. I do not want to object, but if we are going to have the Consent Calendar I think it should not be interrupted.

Mr. McCLINTIC of Oklahoma. I would not ask for this time but the Supreme Court has just handed down a decision that affects my State, and the present is the time for me to put my statement in the RECORD.

Mr. LAGUARDIA. I am the last person to object to anyone's talking, but could not the gentleman address the House after the conclusion of the Consent Calendar?

Mr. CRAMTON. I am not going to object to this request, but I shall object to any more speeches after this.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, ladies and gentlemen, I want to thank the Members for extending to me the privilege of making this statement at this time. I feel that I should apologize for interrupting the business, and I should not have asked for it had it not been that the Supreme Court has just handed down a decision which affects 28,500 acres of land in what was Oklahoma until to-day.

The Supreme Court of the United States to-day rings down the curtain on a controversy that vitally affects many patriotic, loyal citizens who have resided in western Oklahoma for more than a quarter of a century. The mandate or the proclamation issued by this court transfers from the State of Oklahoma to the State of Texas a strip of territory embracing 28,500 acres, and the sad part of this controversy is those whose homes are affected will lose title to their land unless the Legislature of the State of Texas comes to their relief in some way.

By the act of June 5, 1858, Commissioner John H. Clark marked the boundary for the United States Government between what was then the Territory of Oklahoma and the Panhandle of Texas, the same being the true one hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas. Since that date the Territory has been formed into a State and the United States, prior to May 3, disposed of 20,657 acres to those who homesteaded the same. In addition, 3,118 acres were set aside for school and university grants, leaving some vacant land subject to homestead entry.

The citizens who resided and owned land in this strip have for the past 25 years felt secure in the fact that their titles were obtained from the highest authority in the land, the United States Government. The loan companies have never hesitated from making loans on this property as the titles were sufficient to meet all requirements. Schools and school districts have been created; churches have been constructed, and every facility that represents modern progress has been loyally supported by those residing in that section. Therefore, when the Supreme Court made a decision that this property did not belong to the State of Oklahoma it caused a great deal of alarm for the reason every person affected preferred to remain in the State that had assisted in providing every facility necessary for their enjoyment.

The State of Oklahoma, through its legislative bodies, has taken cognizance of this subject in every efficient manner possible. The attorney general, J. Berry King, and legislative committees, have made trips to Washington, to the capitol of Texas and other places with the hope that some kind of a compromise could be arranged so that this question could be settled without the necessity of the transfer of such land. The Gover-

nor of the State of Oklahoma has conferred with the Governor of the State of Texas, and every assurance has been made that any fair proposition would be accepted as a basis for settlement of the controversy. The State of Oklahoma, through its representatives, has offered $150,000 to the State of Texas for title to such property, and when it is taken into consideration that the amount that the homesteaders paid the Government for this land was $8,026, it would seem that such an offer was a fair one. However, the State of Texas refused this and all offers, until apparently there was no basis upon which a settlement could be made.

Mr. PALMER. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. I will.

Mr. PALMER. What counties in Oklahoma are involved in this decision?

Mr. McCLINTIC of Oklahoma. Harmon, Beckham, Roger Mills, and Ellis.

Senator THOMAS and myself assisted in the passing of a resolution through Congress which provided a plan for the settlement of this question so as to preserve and protect the titles of all property affected in a way that would be satisfactory. This resolution was signed by the President on March 1, 1929, and sections 2 and 3 would have made it possible for the State of Texas and the State of Oklahoma and the United States Congress to enter into a compact which should have been satisfactory to all concerned. The sections referred to are as follows:

SEC. 2. In the event the Governor of the State of Texas and the Governor of the State of Oklahoma, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof the consent of Congress is hereby given to the said State of Texas and the said State of Oklahoma to negotiate and enter into a compact or agreement respecting the matter in this act mentioned, and the President is herein authorized and requested to proceed with such conference and to formulate and suggest a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of Oklahoma for ratification; and if and when ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until it has been ratified by the Congress and by the legislatures of each of the States herein mentioned.

The land affected in this controversy was situated in Harmon, Roger Mills, Beckham, and Ellis Counties, all of which are in the seventh congressional district, and I have the honor of representing the same. The owners of this property have loyally cooperated with me for more than 15 years. They are the kind of law-abiding citizens that are entitled to fair and just treatment whether they reside in Oklahoma or Texas, and it is with the deepest regret that I bid them good-bye as their status is moved from the district that I represent in Oklahoma to another district in the State of Texas.

The State of Texas is an empire within itself. It has an area of 265,896 square miles, in comparison with 70,057 in Oklahoma. It has 254 counties, in comparison with the 77 in Oklahoma. It is represented in the House of Representatives by 18 splendid, efficient servants, while Oklahoma has 8. The State of Texas has an estimated population of between 5,000,000 and 6,000,000, and the State of Oklahoma has between 2,000,000 and 3,000,000. Thus it can be seen that the State of Texas could have been magnanimous without harming a single one of its citizens. It could have adopted a policy that would have been praised not only by those who were directly affected, but all who believed in the spirit of fair play. No one will ever say that Texas with her vast amounts of public land needed this little strip, and it is to be hoped that when this question is finally adjudicated that some way will be found to protect the title of those who own this land in Texas, so it can never be said that a great State demanded and took its pound of flesh.

There is one consoling thought. The district to which this territory will be added is now represented by one of the finest gentlemen that it has ever been my pleasure to serve with in a legislative body, the Hon. MARVIN JONES. He is possessed of the kind of integrity that has won for him the confidence and respect of the citizens in his district. Therefore I have no hesitancy in saying that if this Congressman can have his way the rights of the people affected will be championed and everything possible done to straighten out this situation in a proper way.

I am a native Texan, born in Robertson County, and resided in Limestone County for more than 20 years. I am the last person that would ever criticize the splendid citizenship of that State. However, I feel that if this was a question that could be left to the people residing in Texas that all fair-minded citizens would say that those people who have owned and have title from the Government to their lands should not be dispossessed but instead there should be found some way to protect their property rights. How much better it would be to extend the kind of generosity that would make them proud of their new residence, rather than have them confronted with the problem of going into court in order to save their home.

The mandate of the Supreme Court will bring sadness to every home. The sturdy pioneers thus affected are too few in number to have any effect on those who guard and guide the destiny of their new State. They are forced to turn their backs on friends and neighbors who stood shoulder to shoulder with them in solving the problems of early pioneering. It is my sincere wish that those affected will soon be able to adjust themselves to the new conditions in the great State of Texas. I know that they merit the kind of humane treatment that will cause them to loyally support their new State, and I am hoping that the public officials who will be in charge of their destiny will be sufficiently big in every way to act the part of humanitarians.

Therefore, as the final chapter is written to this controversy it seems appropriate to me to anticipate the thoughts of these splendid citizens with the following verse:

Fare thee well! bright land of beauty,
Emerald land, a long farewell;
Words are faint, too faint to speak the
Sorrow which my heart would tell.
'Tis a sorrow full of weeping,
And a parting full of gloom,
As I look farewell and turn me
From thy face of glorious bloom.

Adieu to shades where I have wandered
'Neath the elm trees' greenest blow,
And to places bright to sadness
With the sunshine's mellow glow.
Adieu to the bright green prairies,
Wild flowers and the river dell;
Groves and birds—oh, land of beauty,
'Tis a pang to say farewell.

I shall dream of her at morning,
In another home I seek,
Dream of all the wondrous beauty
Which an Oklahoman morn can make.
And my heart will stop to listen
To the tinkle of the bells,
Floating o'er the waving grasses
Like some happy music swells.

But farewell, thou home of beauty,
Parting hath a pang to-day;
Blessings of my saddened spirit
I will give thee, and away.
Fare thee well, broad, bright prairies,
Wild flowers and the mossy dell;
River blue and vale of cashmere,
Emerald land—a long farewell!

[Applause.]

ACQUISITION OF TIDELANDS FOR SEWER PURPOSES AT FORT LEWIS, WASH.

The next business on the Consent Calendar was the bill (H. R. 3311) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I call attention to the fact that you need no bill to carry on this work. A letter from the Secretary of War states that the act of July 2, 1917, is probably broad enough to authorize the acquisition of these lands. This act, however, does not contain an appropriation nor express authorization therefor.

Members of the Appropriations Committee were here at that time, and stated that if the application was made for an appropriation for this purpose, it would be granted by the committee without the necessity of passing this legislation. I see no need of encumbering the statute books by passing a bill that is unnecessary under the law.

Mr. WAINWRIGHT. Mr. Speaker, this is a bit of legislation that has been asked by the War Department for a perfectly proper purpose. There seemed to be in the letter some little question as to whether the general law would cover it. It is simply a request for an authorization to spend $12,000 to acquire some land vitally necessary in connection with Fort Lewis Reservation.

Mr. LAGUARDIA. That doubt is entirely removed by the expression of the Committee on Appropriations that it is un-

necessary, and if the case is made to the Appropriations Committee there is sufficient authority in law to grant it.

Mr. WAINWRIGHT. The action of the Committee on Appropriations would not necessarily settle the legal question involved. This is a very simple matter, and I trust the gentleman will not object, because I am quite sure he would find no objection to the purpose of the measure.

Mr. LAGUARDIA. True; but if we pass unnecessary bills just because an employee of the War Department asks for it, we are not legislating intelligently.

Mr. WAINWRIGHT. Of course, I can not control the gentleman's action. If he proposes to object to what seems to be a reasonable proposition, there is nothing that I can do. All I can do is to express the hope, in view of the urgency of this situation, that the gentleman will not object. The lease expires on the 30th of June, and if this authorization in some form is not acquired by the War Department they will be in a situation where they will have to buy a piece of land that costs $8,000 or $10,000 for an easement to go from the point where the upland begins out to tidewater, and construct an extension of this sewer to cost over $20,000, involving an expenditure of nearly $30,000, whereas if they are able to buy this piece of land at $12,000 that would settle the whole business, and that is all that will be required to be expended.

Mr. LAGUARDIA. But the gentleman is discussing the merits of the bill and I am not. I am simply stating that the legislation is unnecessary.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. I wish to emphasize the phase of the question brought to the attention of the gentleman from New York, Mr. LAGUARDIA, by my friend from New York, Mr. WAINWRIGHT, since I rose first, and that is that there is imminent need of this legislation. Assuming the position of the gentleman from New York [Mr. LAGUARDIA] is correct, it will not effect the purpose, because there will not be time to bring the matter to the attention of the Committee on Appropriations in regular course. Here are the owners of land on which the Government has a leasehold right. It would otherwise be necessary to project the sewer from the high-water mark out to the low-water mark of the ocean at greater expense than will be required to purchase these tide lands. The lessees demand action by Congress.

Mr. LAGUARDIA. They can get it more quickly by going to the Appropriations Committee and getting the money.

Mr. STAFFORD. I question that statement and that is why I appeal to the gentleman from New York [Mr. LAGUARDIA] not to press his objection. There is urgent need of this legislation if the interests of the Government are to be conserved.

Mr. LAGUARDIA. But I have conferred with the subcommittee that would have charge of this matter.

Mr. STAFFORD. But they will not meet for another year.

Mr. LAGUARDIA. This will not give you the money.

Mr. O'CONNELL of New York. Who owns the tide lands now?

Mr. WAINWRIGHT. They belong to an estate.

Mr. O'CONNELL of New York. And the United States is using them?

Mr. WAINWRIGHT. Yes, under this permit which expires on the 30th of June, and the executors of the estate now insist that if the War Department is to continue to use these lands in their ownership, it must buy this easement and extend the sewer out to deep water at an expense of about $30,000.

Mr. O'CONNELL of New York. I have no objection to the bill.

Mr. WAINWRIGHT. If this legislation is passed, they will acquire title to the land.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. HOOPER. And the estate wants to sell an easement in the property to the Government?

Mr. WAINWRIGHT. I do not understand that the estate is pressing anything. In the first place the estate objected very strongly to the sewer outlet on their property, emptying the sewage on the tide lands, but it was during the war, and they made no objection to it during the period of the war. After the war was over they still objected, and the War Department negotiated this lease with them. The only question here is whether this legislation is necessary.

Mr. LAGUARDIA. And it is not.

Mr. WAINWRIGHT. And whether it can be done in the way suggested by the chairman of the subcommittee for military affairs of the Committee on Appropriations. It seems to me in a matter of this nature, if there is a doubt and if the War Department requests legislation of this kind, it would seem reasonable for us to grant that legislation. I hope the gentleman from New York will not press his objection.

Mr. HOOPER. I have no objection to the bill. How long a stretch of this tideland is there involved?

Mr. WAINWRIGHT. I do not know.

Mr. HOOPER. Does the gentleman think that the $12,000 authorized to be appropriated is a reasonable amount under all of the circumstances for the tidelands?

Mr. WAINWRIGHT. My recollection is that we went into that at the time this matter was up, and that the representative of the War Department who appeared before us said that if we were put to the necessity of condemning the land, it would cost us a great deal more.

Mr. HOOPER. Are those lands used for any other purpose than estate property?

Mr. WAINWRIGHT. No; I understand not.

Mr. LAGUARDIA. Mr. Speaker, we have on the calendar to-day a bill repealing many obsolete and unnecessary statutes that were passed in this manner. The tendency is to substitute general legislation to take care of such situations. The act of July, 1917, is deemed sufficiently broad and the view entertained by the Committee on Appropriations is such that the gentleman need have no concern over the fact that the project will be carried out by this bill, and I therefore object.

The SPEAKER. Objection is heard.

ASSISTANT COMMISSIONER OF EDUCATION

The next business on the calendar was the bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MERRITT. I object.

Mr. CRAMTON. Will the gentleman from Connecticut withhold his objection for a moment?

Mr. MERRITT. Yes; I will withhold it.

Mr. CRAMTON. The situation is that the Bureau of Education in the Department of the Interior is rapidly increasing in importance.

Mr. MERRITT. That is what I object to.

Mr. CRAMTON. It has been increased in importance along lines that I do not believe the gentleman would object to; lines of increased duties with reference to the cause of education, to make it what might be called a clearing house for suggestions as to educational policies. Now, the bureau as it stands, from the viewpoint of proper administration, manifestly requires an assistant commissioner, an assistant who for the first time will be able to give consideration to important matters that need attention. I do not see that the question as to whether we should have a bureau of education or a department of education ought to determine questions relating solely to the efficient administration of what we have.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. REED of New York. Some time ago we passed an act authorizing a survey of the land-grant colleges throughout the country. They spent a total of 700 days in making that survey and acquired a vast amount of valuable information concerning land-grant colleges. The commissioner needs this assistant. The demands on him are very large.

Mr. O'CONNELL of New York. This bill was put off the last time by an objection. I talked the matter over with the chairman of the committee and as a result I withdrew my objection.

Mr. REED of New York. This is an administration bill. The Committee on Education reported the bill promptly at the close of the hearing. The bill was introduced by me at the request of the Secretary of the Interior. I hope the gentleman from Connecticut will withdraw his objection.

Mr. MERRITT. I think this involves a question of a principle, and I do not think it is a type of bill that ought to be on the Consent Calendar.

Mr. CRAMTON. That is a question that appeals to each Member personally. I have no argument with the gentleman from Connecticut on that question. But I am satisfied from my acquaintance with the functions of the bureau that this bill does not in any way widen the scope or authority of that bureau. It simply gives the commissioner an assistant for the more efficient administration of the bureau.

Mr. MERRITT. The gentleman knows that as a bureau develops it widens its activities and enlarges its power. When this bureau grows sufficiently it will ask to be made into a department of education. I think this proposed enlargement of the Bureau of Education, if it leads to a department of

education, is one of the most dangerous movements in the United States.

Mr. CRAMTON. I have not yet committed myself, but I have not had it demonstrated to me that we need a department of education. But we can not shut our eyes to the fact that education is a great problem, and our people are interested in it. If we are not to have a department of education, it is important that we should see that the bureau should be efficient in its field. I think this assistant commissioner should be given.

Mr. BLACK. Mr. Speaker, I am opposed to the proposed department of education. I have attended the hearings on this bill. To my mind this bill has no effect on the main issue as to a department. If anything, it rather helps the bureau's position on the bill. It merely gives a clerk a rather extravagant title to prepare this statistical information. I have been opposing the department of education bill, and I have been opposing it intensely for some time, and I can see no reason for opposition to this particular measure.

Mr. CRAMTON. The policy of the Committee on Appropriations in handling the appropriations for this bureau is that certain functions, such as carrying on certain surveys and investigations and making that information available to the States, should be cared for as those needs develop. As to the broader question of a department of education we have not tried to work toward that at all, but the work of the Bureau of Education has now come to a point where there should be an assistant commissioner provided. I will not press the gentleman from Connecticut, but I will be very glad if he can withhold his objection.

Mr. MERRITT. I have great regard for the judgment of the gentleman, and I should be glad to withhold it if I could feel justified in so doing.

Mr. REED of New York. The Bureau of Education has jurisdiction over certain activities that have been created by the Federal Government. The Howard University is one, the land-grant college is another, and others of Federal origin. The bureau needs the assistance of an assistant commissioner. I have no interest in it except that it is an administration measure, and I hope the gentleman will not object.

Mr. MERRITT. Is it true that the appointment of this assistant commissioner will have no direct bearing on the general public-school education?

Mr. REED of New York. None whatever, except to provide a more or less technical expert to perform work which has been created by acts of Congress.

Mr. MERRITT. I think the error was in Congress piling on the work.

Mr. REED of New York. But we have done so, and the administration has asked for this extra assistance. I hope the gentleman will not object.

Mr. PATTERSON. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. PATTERSON. One thing was brought out, that in the other departments doing similar work they all have this assistant commissioner.

Mr. REED of New York. This is one of the few that has not. It embarrasses the department.

Mr. MERRITT. I think there are some useful bureaus. Except, in connection with Howard University and other United States establishments, I do not consider the Bureau of Education a useful bureau at all. I think if it were abolished, it would be just as well for the cause of education.

Mr. BLACK. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. BLACK. The latest argument advanced by those who favor it is that the bureau can not properly collate statistical material. If it can properly collate statistical material by this addition, then the only remaining argument of the proponents of the department absolutely falls flat.

Mr. PATTERSON. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. PATTERSON. This has nothing to do with the department of education one way or the other.

Mr. MERRITT. I am willing to let it go over without prejudice so that I can study it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to pass it over without prejudice.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

FEDERAL FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think it would help the consumers if in line 18, page 2, after the word——

Mr. STAFFORD. Will the gentleman yield? I am going to ask to pass this over without prejudice.

Mr. LAGUARDIA. I yield.

Mr. STAFFORD. Mr. Speaker, I wish to say that since this bill was under consideration I have given further thought to it, studied the report carefully, and I wish to make further investigation and consider the matter more with the department as to the real purpose to be attained under this bill; what the present practice is, and so forth, and I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MAPES. Mr. Speaker, reserving the right to object, of course, the gentleman from Wisconsin can put that bill over if he insists, but, the gentleman will realize that time is passing and it delays the passage of this legislation every time we put it over.

Mr. STAFFORD. The gentleman will realize that this is a most important bill, and I might inform the gentleman that since I asked unanimous consent two weeks ago to have this bill go over without prejudice the lobbyist or legislative agent of some organization has been indulging in back-firing, misrepresenting my position, not at all squarely with my position; but that does not influence my attitude toward this bill. Since then I have examined closely the report, and there are certain features to which I wish to give further consideration.

Mr. MAPES. I will say to the gentleman that I do not know anything about any such back-fire.

Mr. STAFFORD. Oh, I do not ascribe to the gentleman that he is in conspiracy with any of these leeches that hang around the Halls of Congress and back-fire to drive Members from their positions or prevent them from performing their public duties. I have said in some letters that I would like to have this legislative agent consigned to the sewer of oblivion. I detest this practice of having some lobbyist or legislative agent back-fire when a man on the floor of the House is doing what he considers his public duty. It is time we knew who that culprit is. I would like to know.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MAPES. Mr. Speaker, reserving the right to object, I think the gentleman will find upon investigation that the Department of Agriculture, as the representative of the department testified before the Committee on Agriculture of the House, is very much in sympathy with this legislation. He stated before the committee that the department took the initiative to get legislation of this nature passed some 15 years ago, and that the department thinks it is very desirable legislation.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. LAGUARDIA. I will say the consumers agree with the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. STAFFORD. I did not wish to provoke debate further, and that is why I asked the gentleman from New York not to press his amendment, because I was not in a position at the present time to give consent to its consideration.

Mr. KETCHAM. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. KETCHAM. In connection with the investigation which the gentleman makes, will he be kind enough to check up on the canning industries in his own State? They are vitally interested in this. I do not want to have any back fires started on the gentleman, but he should know how his own people feel on this important bill.

Mr. STAFFORD. The back-firing has been started by these unscrupulous legislative agents or lobbyists. I know the gentleman from Michigan [Mr. KETCHAM] was not a party to it. I put these remarks in the RECORD so that the offenders will know my position, not only for my protection but for the pro-





tection of every other Member of this House who asserts his rights.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. O'CONNELL of New York. Does the gentleman not think this is of sufficient importance to come before the House in some other way?

Mr. STAFFORD. That is my present opinion.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

CUSTER NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I cherish the hope that sometime the Federal Government may be induced to turn over to the State of South Dakota what is now known as the Wind Cave National Park. The State of South Dakota has a wonderful State park, the Custer State Park, and I hope sometime the Federal Government in its generosity will contribute the Wind Cave to the Custer State Park. When that is done, I would hope the Federal Government would go further and give to the State of South Dakota also enough of the Custer Forest to connect the Wind Cave area with the Custer State Park.

I have reserved the right to object to ascertain whether there is anything that could be done under this bill, if it becomes law, that might interfere with that being done some time in the future.

Mr. LEAVITT. I will say to the gentleman that if this could possibly have any effect whatever on that situation, it would be in the contrary direction.

Mr. CRAMTON. Then I am for it, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it seems to me the real purpose of this bill, with the committee amendment, is conflicting. In the first place, the Secretary says:

> It is utterly impracticable to exclude such lands from the national forests, since the presence of such adverse holdings would block the practical administration of the remaining more valuable timberlands.

Then later on he says:

> The economic welfare of the region demands that they be retained in public ownership and handled in connection with the adjoining national forest lands.

Then he continues that it would be impracticable to open up these lands without destroying the whole purpose of the bill, and in the proviso it is stated:

> That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the national forest.

Mr. LEAVITT. I will state to the gentleman that the amendment at the end of the bill is an amendment which I accepted rather against my own wishes. I introduced the bill without that amendment.

Mr. LAGUARDIA. It takes away all protective measures which the bill may give to the purpose you have in mind.

Mr. LEAVITT. My understanding is that there was one application pending at the time this bill was introduced, under the act of June 11, 1906, and it was the feeling in the Forest Service that they were under some obligation to take care of an application for a homestead that was already pending, but within the last week I have been informed that they intend to grant that one pending application, and it would seem to me that would remove the necessity for the amendment.

Mr. LAGUARDIA. Let us strike it out. If we are going to have a conservation measure, let us have one.

Mr. LEAVITT. That is very satisfactory to me.

Mr. LAGUARDIA. Coming from the public-land section of the Borough of Manhattan, I will move to strike it out.

Mr. LEAVITT. I will be very glad if the gentleman will do that.

Mr. LAGUARDIA. I shall do it.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to know, for the information of the House, the purpose of striking out the proviso as recommended by the committee.

Mr. LAGUARDIA. Because it conflicts with the very purpose of the bill.

Mr. LEAVITT. I would say that the conflict is not very serious, but, in my judgment, the amendment is not necessary to meet the situation as it exists on the ground.

Mr. O'CONNELL of New York. This bill excepts certain lands and then gives them the right to enter them, does it not?

Mr. LEAVITT. The amendment at the end of the bill as it was originally written, might have that effect, if it were improperly administered, but I have no doubt it would be administered in such a way as not to defeat the original purpose. I would prefer not to have such an amendment, but I accepted it because I have full confidence it would not be abused.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That from and after the passage of this act no applications may be accepted by the Secretary of Agriculture for the classification and listing of any land in the Custer National Forest for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233; U. S. C., title 16, sec. 506), nor shall any lands be so classified for entry under the provisions of the act of August 10, 1912 (37 Stat. 269–287).

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. The matter in italics is the committee amendment?

The SPEAKER pro tempore. Yes.

Mr. LAGUARDIA. That will be presented to the House as a matter of course?

The SPEAKER pro tempore. There will be a vote on the committee amendment. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 2, after the figures "287" insert the following:
>
> "*Provided, however,* That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the National Forest."

Mr. LAGUARDIA. Mr. Speaker, in opposition to the committee amendment, I simply want to point out to the House the fact that this proviso destroys the very purpose of the bill.

After withdrawing certain lands, we open it up again by giving the Secretary discretionary power to again list, and the gentleman from Montana [Mr. LEAVITT] has pointed out there is one application which the department had in mind which no doubt will be patented before this bill becomes a law. Therefore if you are in favor of the bill, it seems to me wise legislation would suggest the striking out of the proviso.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COLTON. This amendment was suggested to take care of one or two cases where it was felt equity might require that certain rights should be recognized. I feel sure that even with the amendment, it would not do what the gentleman thinks it would, because the department is very much in sympathy with the legislation and will interpret the statute very strictly. Still, I do not see any objection to the removal of the amendment if these cases may be taken care of under existing law.

Mr. LEAVITT. I will state in that regard that I was informed within the last week or so it is the intention of the Forest Service to recommend to the Secretary of the Interior, through the Secretary of Agriculture, that this one application be allowed and the land involved listed. Outside of that, I know of no areas that might in the future require this amendment.

Mr. LAGUARDIA. Then the purpose of the bill would be better carried out without the amendment.

Mr. LEAVITT. In my judgment, it would.

Mr. COLTON. If the case has been removed, I see no purpose in attaching the committee amendment.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COLUMBIA ARSENAL PROPERTY, MAURY COUNTY, TENN.

The next business on the Consent Calendar was the bill (H. R. 2156) authorizing the sale of all the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, when we had this bill before the House on May 8, 1928, it contained a limitation on the cost of these experts and I notice this bill now does not contain that limitation, but provides that all the expense must be deducted before the amount is deposited in the Treasury of the United States. Will the gentleman state why the $100 limitation was eliminated from the bill?

Mr. ESLICK. There will be, as I understand, absolutely no cost except for the preparation of the deed.

Mr. LAGUARDIA. Then we should strike out everything after the word "fund" in line 23, of page 3, of the bill.

Mr. ESLICK. That is perfectly satisfactory to me.

Mr. LAGUARDIA. The gentleman will recall that we had this bill up two years ago.

Mr. ESLICK. Yes.

Mr. LAGUARDIA. We thought the whole thing was settled at that time, and now it comes back to us.

Mr. ESLICK. It passed the House too late to reach the Senate in time for passage there.

Mr. LAGUARDIA. I thought it was passed.

Mr. STAFFORD. The bill was passed.

Mr. ESLICK. It passed the House.

Mr. LAGUARDIA. It was enacted into law.

Mr. ESLICK. No; not this bill.

Mr. STAFFORD. I do not wish to misrepresent the matter. The bill was passed by the last Congress authorizing the disposition of this property for the sum of $30,000.

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. That was simply what was considered then as the appraised value of the land without having any appraisal of the buildings thereon. Now it is purposed to sell this land to this private educational institution for the sum of $10,000, the appraised value being twenty thousand and some odd dollars.

Mr. LAGUARDIA. I think all we are selling is the reversionary rights.

Mr. ESLICK. Yes. Here is the sum of it. Originally the bill provided for the appraisal of the fee of the land and it was appraised by a real-estate board, which appraised the value of the land in fee at $30,214. By the original act in 1904 this land was conveyed to the Columbia Military Academy in fee with certain limitations, the right of visitation by the Secretary of War, the right to prescribe the military curriculum, and in case it ceased to be used as school property, there was a reversionary right in the Government.

Mr. LAGUARDIA. That is all the title we have then, is it?

Mr. ESLICK. Yes.

Mr. HOOPER. Will the gentleman yield for a question?

Mr. ESLICK. Certainly.

Mr. HOOPER. Was this appraisal mentioned on the second page of the report, an appraisal by the presidents of three banks in Columbia and three real-estate men, an official appraisal, or a voluntary appraisal, or just what was the character of the appraisal?

Mr. ESLICK. Knowing the property as I did, I made the request of the presidents of three of the banks there that they select the three leading real-estate men and that the six men make the appraisal.

Mr. HOOPER. And the gentleman himself knows all the men who made this appraisal?

Mr. ESLICK. Every one of them. They are high-class men. They are the presidents of the three banks of the town of Columbia and the three leading real-estate men there.

Mr. HOOPER. I would be satisfied with the gentleman's choice in that matter.

Mr. ESLICK. I want to make the further statement that while this is a school corporation the land was originally purchased by the citizens of Columbia and given to the Government. An arsenal was established on it with nine buildings, largely just the walls of the buildings, and there was one in the nature of a residence that the officers used as headquarters.

In 1904 the Government was ready to vacate the property, and an act was passed giving the fee of the land to this corporation. The people of Columbia put up something like $100,000 to revamp this property. They put in a lighting plant, swimming pool, and from nothing it has grown to an institution of 200 pupils scattered over twenty-odd States of the Union, and the purpose now is to refinance and enlarge the institution.

Mr. HOOPER. And does the gentleman himself consider the sum of $10,000, which is the sum mentioned in the bill, adequate under all the circumstances?

Mr. ESLICK. For the rights of the Government?

Mr. HOOPER. Yes.

Mr. ESLICK. I would hate very much myself to give that price. I think it is a full price.

Mr. STAFFORD. Mr. Speaker, reserving further the right to object, the gentleman in his explanation of the purpose of this bill stated there were three reservations in the original declaratory act.

Mr. ESLICK. Yes.

Mr. STAFFORD. On examination I find that one of these reservations was that the property should be continued in use for school purposes.

Mr. ESLICK. Yes.

Mr. STAFFORD. Would the gentleman be willing to have the reservation continued in this bill, because we are virtually giving away the property.

Mr. ESLICK. Not giving away the property.

Mr. STAFFORD. It was originally appraised for $30,000, and then by private appraisal it was reduced to $23,450, without any consideration being given for the buildings, which must have had some value. When the movers came before Congress in the Fifty-eighth or Fifty-ninth Congress it was provided that it should be continued to be used for school purposes. Now we are making a gift of this property for $10,000 when it was appraised at $23,450, without any reservation that it should be continued for school purposes.

Mr. ESLICK. The purpose is to buy whatever right the Government has in this property so that they can realize enough to put up other buildings and equip them for school purposes on a larger scale.

Mr. STAFFORD. Then why should they object to continuing the reservation that it shall be used for school purposes?

Mr. ESLICK. Because they could not borrow money unless the Government interest is released.

Mr. CRAMTON. The gentleman from Wisconsin is comparing the price of $10,000 with the present appraised value. What is that appraisal value on this property? Is it the value of the Federal Government's interest in it? As I understand, we have nothing but an uncertain reversionary interest, an interest that may never come into being.

Mr. STAFFORD. Originally the Government had full title, and an appeal was made in the Fifty-eighth or Fifty-ninth Congress to turn over this piece of property acquired for war purposes for another use, and this private military academy wished to use it for school purposes. The last Congress authorized it to be turned over for $30,000, but on further investigation the owners thought it was too high and they had a private appraisal and that appraisal fixed it at $23,450.

Mr. CRAMTON. Was that the value of the land or of our interest in it?

Mr. STAFFORD. The value of the land, but not the buildings.

Mr. LAGUARDIA. The proposition is this: First, the appraisal value of the property was submitted.

Mr. STAFFORD. Merely the land.

Mr. LAGUARDIA. It was discovered that we had a reversionary interest in the land, and that is the appraised value of the right to recapture the property.

Mr. ESLICK. Since 1904 this property has not cost the Government a penny. The local people have spent more than $100,000 of their own money in revamping the property for school purposes. It is operated under an eleemosynary school charter. The purpose is not for individual gain.

Mr. STAFFORD. As soon as you pass this bill they would have the right to sell it for any purpose whatever.

Mr. DOUGLAS of Arizona. They want a clear title so that they will be enabled to mortgage the property.

Mr. LAGUARDIA. As soon as this reversionary right is canceled they could sell it.

Mr. DOUGLAS of Arizona. They would have the absolute right to sell it, and that right is necessary in order that they may mortgage the property. Otherwise the mortgage would not be worth anything. As I understand the situation, this school is contemplating an issue of bonds for the purpose of enlarging its educational facilities. If title does not pass they will be unable to mortgage the property.

Mr. ESLICK. This is one of the biggest assets of this splendid town. They are very proud of it. The purpose is to enlarge the institution and make it one of the really great preparatory military schools.

Mr. STAFFORD. Mr. Speaker, I realize the potency of the argument made by the gentleman from Tennessee [Mr. ESLICK], reinforced by the statements of the gentleman from Arizona [Mr. DOUGLAS], that if we pass this with a limitation that it should be used only for school purposes it might impair the opportunity of people getting a loan on the property. Therefore I shall not press the amendment that I have prepared. I thought as we are virtually giving them this property——

Mr. ESLICK. Oh, no.

Mr. STAFFORD. Oh, in the original act we virtually gave them a valuable property; first, the right to use the property down there without any return, and after they have used that property for years they are now coming at this late hour and asking us to turn over all our rights without reservation at all for the paltry sum of $10,000; but because it is used for educational purposes I shall not press my amendment.

Mr. LAGUARDIA. And the gentleman from Tennessee will accept the amendment as to the $10,000?

Mr. ESLICK. Yes.

Mr. O'CONNELL of New York. What is the amendment?

Mr. LAGUARDIA. Page 3, line 21, to provide for the entire payment into the Treasury of the United States without any expense to the Government.

Mr. ESLICK. That is satisfactory.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, I have no objection to the passing of title, but I am not at all convinced that the appraised valuation of $10,000, which is the valuation imposed upon whatever rights the United States may have in the property, is adequate. Therefore I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PARTIALLY FILLED FOOD CONTAINERS

The next business on the Consent Calendar was the bill (H. R. 8) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a rather important bill to be considered on the Consent Calendar. I see the chairman of the Committee on Agriculture, the gentleman from Iowa [Mr. HAUGEN] is present, and I am very glad to give him an inning to explain the real purpose of the bill. What disturbs me most is that provision that delegates to the Secretary of Agriculture the right to fix the form of the containers, a rather arbitrary right to be exercised by a bureaucrat of the Government.

Mr. O'CONNELL of New York. Mr. Speaker, I think this is a bill such as we had here along the same lines a few moments ago and that it is of sufficient importance to come before the House in another way. I think it ought to go over without prejudice.

Mr. HAUGEN. The bill has already passed the House twice, in 1921 and also in 1928. The purpose of the bill is simply to protect the public against deception. As shown in the report, in many instances these containers are only one to two thirds filled. It is for the purpose of the protection of the consumer.

Mr. STAFFORD. Everyone wants to protect the consuming public, but has not the department to-day the right to determine that there shall be placed on the container the amount of the contents, and that there can not be any variation, except for tolerance?

Mr. HAUGEN. Here is a package which I show you, a container which is less than one-third full. Our people buy by appearence, and not by the mark.

Mr. LAGUARDIA. I want to point out to my colleague from New York that this bill is for the benefit of the consumers, because there are a lot of trick containers that appear on shelves of grocery stores, and when the consumer buys the package he finds it contains much less than he thought he was buying.

Mr. O'CONNELL of New York. I am not objecting to the bill upon that ground. I think it is of sufficient importance to come before the House in another way.

Mr. LAGUARDIA. I hope the gentleman will not object.

Mr. PURNELL. If the gentleman will permit, this bill has already passed the House twice. It has had ample consideration both in the committee and in the House itself.

Mr. LAGUARDIA. For instance, this bottle which I hold in my hand you often see on the shelves. The sides of it are indented and the contents amount to very little.

Mr. PURNELL. The public is deceived. Our committee has given a great deal of attention to this matter.

Mr. O'CONNELL of New York. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended:

(a) By striking out the period at the end of paragraph "Second," in the case of food, and inserting in lieu thereof a semicolon, and adding thereafter the following clause: "or if it be in a container made, formed, or shaped so as to deceive or mislead the purchaser as to the quantity, quality, size, kind, or origin of the food contained therein"; and

(b) By adding at the end thereof a new paragraph to read as follows:

"Fifth. If in the package form, and irrespective of whether or not the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, as provided in paragraph 'Third,' the package be less than filled with the food it purports to contain in such a manner as to deceive or mislead purchasers. In construing and applying this provision reasonable variations shall be permitted and also due allowance shall be made for the subsequent shrinkage or expansion of the food which results from a natural or other cause beyond reasonable control."

SEC. 2. Such act of June 30, 1906, as amended, is amended by adding to the end thereof a new section to read as follows:

"SEC. 14. That this act may be cited as the 'food and drugs act.'"

SEC. 3. No fine, imprisonment, confiscation, refusal of admission or delivery, or other penalty shall be enforced for any violation of this amendatory act occurring within six months after its passage.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 7, after the word "amended," insert "(title 21, sec. 8, U. S. C.)."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL RECEIPTS TO SENDERS OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THREE BRIDGES ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. COCHRAN of Missouri. Reserving the right to object, Mr. Speaker, I would like to know why the gentleman desires to pass over a bill to build free bridges?

Mr. DENISON. Free or toll bridges. The object is to give me an opportunity to have a conference with the author of the bill.

Mr. COCHRAN of Missouri. The House passed a bill the other day providing for toll bridges alone. This bill provides for free or toll bridges in the same locality, to be constructed by the municipalities.

Mr. DENISON. I hope the gentleman will not try to put me in a false position.

Mr. COCHRAN of Missouri. I think we should have a chance to get a free bridge, not a toll bridge.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FRATERNAL AND BENEVOLENT CORPORATIONS

The next business on the Consent Calendar was the bill (H. R. 7701) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I asked that this bill be passed over on the last consent day. I think the RECORD ought to show by a statement from the sponsors of the bill that it is only for the purpose of amending charters heretofore granted by Congress. It establishes no precedent for the establishment of an insurance company by Congress.

Mr. PURNELL. As sponsor of the bill, Mr. Speaker, I will say that the gentleman from New York has in a general way stated its purpose. The object is clearly set out in the title of the bill. This is the only tribunal to which this particular organization may come, since it was created by special act of Congress. The bill grants them no special privileges. The foresight of the order—Knights of Pythias—in seeking to protect its policyholders, as well as prepare for the future, is most commendable.

Mr. LAGUARDIA. When it establishes a separate insurance department it will have to apply to and qualify first before the superintendent of insurance of the District of Columbia, and, of course, the superintendent of insurance in each State?

Mr. PURNELL. Certainly; and before that point is reached, I will say to the gentleman from New York, it is necessary for the supreme legislative body itself to pass upon it.

Mr. UNDERHILL. I understand the gentleman from Indiana has a perfecting amendment?

Mr. PURNELL. Yes. I will say to the gentleman from Massachusetts that the gentleman from New Jersey [Mr. FORT] engaged in the debate the other day on this subject, and I discussed the matter with him this morning. I see the gentleman from New Jersey is here, and he can make his own statement. I will let the gentleman do it, because he can do it better than I can. The gentleman from New Jersey suggests that on page 3, section 3, lines 20 and 21, the word "shall" be changed to "may."

Mr. WINGO. In line 18 it says "shall examine."

Mr. PURNELL. I think the "shall" there should be left as it is. The superintendent should examine the certificate, but he "may" approve the same, and he "may" issue the necessary certificate showing compliance.

Mr. WINGO. In other words, line 20, instead of saying "he shall," you suggest that we should say "he may"?

Mr. PURNELL. Yes.

Mr. WINGO. And in line 21 "he may"?

Mr. PURNELL. Yes.

Mr. WINGO. Now will the gentleman allow me to make a statement of the facts which some of the Members who have been objecting to this bill have asked me to make for the RECORD?

Mr. PURNELL. Certainly.

Mr. WINGO. This bill does not grant a special charter to a life insurance company. Congress has already granted a charter to fraternal and benevolent corporations. If I had been a Member at that time I would have opposed it as I am opposed to special charters by Congress. This simply authorizes an amendment to the charter whereby some of the original evil in granting a special charter will be cured. If the supreme body of the order shall see fit, then they go to the District superintendent of insurance and file an application for a certificate as provided for here. If the District of Columbia insurance commissioner is satisfied and approves it, then he will issue a certificate. The legal effect of it will be that he will, if he approves the certificate filed, grant a charter, and not Congress, to the new corporations which are authorized by this act, and we are thereby getting away from the question of special congressional charter.

You say, "Why not let them do that, as other organizations do?" when you have thousands of policyholders all over the country who have received their policies from an organization acting under an original charter from the Congress. If you undertook to get a charter from the insurance commissioner of the District without special act of Congress specifically amending the original charter act, the question might arise whether the association legally could transfer the existing insurance to a new corporation. Then you have the possibility that some member of the fraternal order would take legal steps to prevent the new corporation using the name of the order without the original charter act being amended so as to permit such use, if the association by proper action permits the use of such name, and the insurance commissioner of the District of Columbia approves.

Now, suppose that charter is granted. If you will examine the bill and the amendment that the committee has reported, you will see that after getting the certificate for the new corporation it will have to go to every insurance commissioner in the United States, just as if they went on an original petition to the insurance commissioner to get a new charter. They have to comply with the laws of all the States, including the taxing laws. They are put upon terms of equality with every other mutual, legal-reserve life-insurance company of the United States.

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. STAFFORD. Does the gentleman recall the veto of the late President Harding to the special charter incorporating the Masonic Insurance Co.?

Mr. WINGO. Yes.

Mr. STAFFORD. And the reasons he advanced why Congress should not grant a special charter to that private association?

Mr. WINGO. Yes.

Mr. STAFFORD. Does the gentleman distinguish between that act of Congress and this bill?

Mr. WINGO. I do make a very clear distinction. The original error was in Congress granting an original charter. The insurance business is existing under that original charter. This, to a certain extent, will repair that original error of Congress, by requiring them to go to the insurance commissioner of the District of Columbia and there get a certificate to enable them to do business under the new corporation created by the act of the commission and not by Congress.

Mr. FORT. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. FORT. As I understand it, the original charter of this organization reserves to Congress the full power of amendment of the charter at any time?

Mr. WINGO. Yes; and this bill reserves that right to alter, amend, or repeal.

Mr. FORT. And that will be safeguarded in the passage of this bill, because this does not grant a new charter. We therefore have full power to stop abuses if any abuses ever develop thereunder.

Mr. WINGO. There is no question in my mind about it. I have been exceedingly careful to guard against the very things that are in the minds of some of the gentlemen, and I told the officers of the order that I would not care to stand on the floor of this House and ask for any bill that granted any special privilege at all. I would like to get the insurance business out from under a congressional charter to one that is based upon a certificate of the District of Columbia.

Mr. UNDERHILL. Will the gentleman yield?

Mr. WINGO. Yes; I yield.

Mr. UNDERHILL. The main thing to emphasize is that this does not establish a precedent for some other organization or group of individuals to come to Congress and ask for a congressional charter. There is no intent on the part of the gentleman or of Congress to establish such a precedent?

Mr. WINGO. Absolutely none. No group of men and no fraternal order can ever come to Congress in the future and say "You did this for the Knights of Pythias; you have to do it for us," because it does not grant any special charter to an insurance company. That charter was granted by the prior act of Congress.

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. STAFFORD. I think we should have some explanation from the gentleman from New Jersey as to the purpose of his amendment. On the last consent day he had this bill go over because it was a matter that referred to insurance.

Mr. FORT. The reason I asked for it to go over was that the bill as drawn made mandatory the approval of the cer-

tificate by the superintendent of insurance, and made mandatory his issuance of a certificate of such approval merely upon being satisfied of the truth of the matters in the application. It reserved to him no discretion whatever in the public interest. The amendment which I suggested will substitute the word "may" for the word "shall" in two places, so as to reserve to the superintendent of insurance of the District of Columbia discretionary power to examine into all of the facts and circumstances and determine whether it is in the public interest that the charter should be permitted to be changed.

Mr. WINGO. Will the gentleman yield?

Mr. FORT. I yield.

Mr. WINGO. It will leave absolute discretion in the insurance commissioner the same as he would have if it were an original application, and the only thing we do is, having granted the original charter, to authorize those original people to go to the District Commissioner and, if he is satisfied, then he may grant a charter certificate to the new corporation.

Mr. FORT. Exactly. My view, if the gentleman from Wisconsin is interested, is, that while it seems to me perfectly clear that in this particular case the power should be exercised, there might be special charters of a hundred years ago, of which we know nothing, where this language would enable the commissioner to control in the public interest.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That any corporation heretofore organized by a special act of Congress and vested with the powers, rights, and privileges of fraternal and benevolent corporations under the laws of the District of Columbia and engaged in carrying on fraternal activities and fraternal beneficial-insurance activities in which are maintained reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per cent interest per annum, be, and the same hereby is, authorized and empowered, by a majority vote of its supreme legislative body and with the approval of the superintendent of insurance of the District of Columbia as hereinafter provided, to divide and separate such activities and continue the same as separate and distinct corporations in the manner set forth in the following sections thereof:

SEC. 2. A certificate under the seal of said corporation shall be filed in the office of the superintendent of insurance of the District of Columbia and which certificate shall set forth the facts as follows:

(a) That said corporation is organized under special act of Congress giving appropriate reference thereto.

(b) That said corporation is engaged in carrying on fraternal activities and fraternal beneficial-insurance activities, with appropriate detailed information touching each of such activities, including the name of the corporation, its officers, numbers, and classes of membership, benefits carried, and other similar appropriate information.

(c) That the fraternal beneficial-insurance activities of said corporation maintain reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per cent interest per annum.

(d) That the supreme legislative body, at a regular or duly called special convention thereof, had, by a majority vote, authorized the division and separation of its activities and the amendment of its charter, under this act.

(e) That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "_____."

(f) That the name under which the insurance activities of such corporation shall be hereafter carried on shall be "_____."

(g) That until otherwise designated by its directors, its principal office shall be at _____.

(h) That until otherwise provided the number of its directors shall be nine, and that until their successors shall be elected the names of such directors shall be _____.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

I wish to inquire of the author of the bill whether he has any prior knowledge as to the proposed name of this fraternal insurance company?

Mr. PURNELL. No; I have not.

Mr. STAFFORD. You will recall that the late President Harding vetoed the Masonic Insurance Corporation bill because it adopted the name of the Masonic fraternity. The purpose was accomplished indirectly by a subsequent bill which incorporated it under the name of "Acacia." I understand that name has a particularly significant meaning among the Masonic fraternity. Not being a member of the Masonic fraternity, I can not speak thereof; but I am inquiring, as we leave the determination of the name that the insurance company shall bear to the grand lodge of the Knights of Pythias, whether there is any name which they have already decided upon?

Mr. PURNELL. As far as I know, I will say to the gentleman, that matter has not been determined.

Mr. STAFFORD. Would the objection of President Harding to Congress recognizing in a private insurance company the use of the name of a fraternity be applicable to the insertion of a name connected with the Knights of Pythias?

Mr. PURNELL. Of course, the gentleman does not want to fix the name for an insurance company on the floor of the House.

Mr. STAFFORD. No; but I should think the grand lodge should determine in advance the name that would be used, and not leave it in this form, to allow them to insert any name.

Mr. LAGUARDIA. In all likelihood they will use their name.

Mr. PURNELL. I will say that I do not know of any more patriotic organization in the world than the Knights of Pythias, nor do I know of any that will follow the spirit of the law more faithfully if the bill is enacted into law.

Mr. STAFFORD. No word that I have used challenges the patriotism of the Knights of Pythias. I only call attention to the bad practice of passing a law and delegating to some other private party a name under which the insurance company might do business.

Mr. O'CONNELL of New York. I am not going to object to the bill, but this is the first instance that I remember, where we have had a situation like this, where neither the place at which they are going to meet nor the name of the lodge is given.

Mr. LAGUARDIA. That is customary where in the act we prescribe the form. We do it very often in our laws in the State of New York. Where we prescribe the form to be used, then, of course, the names are in blank.

Mr. STAFFORD. We have never done it—and my acquaintance runs back quite a number of years—in the passage of any act of Congress.

Mr. LAGUARDIA. This simply prescribes the form.

Mr. PURNELL. It would not be proper to set out the name in this section 2, because that is merely the form to be followed.

Mr. STAFFORD. No. This is the very place, because the language is:

That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "_____"

This is the very place to set it out.

Mr. PURNELL. But that is simply the form to be followed. There may be a dozen other companies or organizations similarly affected. I only know of one, however, but there may be others.

Mr. BURTNESS. May I suggest that this bill is not a special act for one special concern. It is general in its terms. It may be true there is only one fraternal organization that comes within its terms, but this is general legislation.

Mr. PURNELL. That is merely a form to be followed when the occasion arises.

Mr. STAFFORD. But there is only one fraternal body in mind, because if we had others in mind we probably would not permit it to pass by unanimous consent. We are given the assurance that it is exceptional and that this bill is not to be established as a precedent.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 3. The superintendent of insurance of the District of Columbia shall examine such certificate, and if satisfied of the truth of the matters set forth in such certificate the superintendent of insurance shall approve the same and shall issue his certificates showing compliance herewith, which certificates shall be recorded in the office of the recorder of deeds for the District of Columbia, and such certificates when so issued shall be conclusive evidence that such corporation has complied with all of the requirements of this act as conditions precedent to the separation and division of its activities as herein provided.

Mr. FORT. Mr. Speaker, I move to strike out, on page 3, line 20, the word "shall" and substitute the word "may," and on page 3, line 21, strike out the word "shall" and substitute the word "may."

The SPEAKER pro tempore. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FORT: Page 3, line 20, strike out the word "shall" and insert in lieu thereof the word "may."

Page 3, line 21, strike out the word "shall" and insert in lieu thereof the word "may."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That from and after the issuance of such certificates by the superintendent of insurance the fraternal activities and the fraternal beneficial insurance activities of such corporation shall be divided and separated; and

(a) All of the fraternal activities of said corporation shall continue unchanged under the name chosen therefor in such certificate, which may be the name of the original corporation or any other name chosen therefor, and in it shall remain vested, without the necessity for any further act or deed, all of the fraternal powers, activities, and functions, as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such fraternal activities; and it shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected therewith.

(b) All of the insurance activities of said corporation shall continue, under the name chosen therefor in such certificate, as a mutual legal reserve life insurance corporation, and in it shall remain vested without the necessity for any further act or deed all of the fraternal beneficial insurance powers, activities, and functions thereof as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such insurance activities; it shall be absolved and relieved from any and all responsibility, obligations, and liabilities connected with the fraternal activities of the mother corporation, and shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected with and arising from such insurance activities; it shall have authority to make all and every insurance and reinsurance appertaining to or connected with life, accident, health, and disability risks of whatever kind or nature and to grant, purchase, or dispose of annuities and to furnish any aid or service to promote the health or safety of its members or their beneficiaries; such activities to be carried on and conducted for the mutual benefit of its members and their beneficiaries and not for profit, subject to the supervisions imposed by the law of the District of Columbia relating to mutual legal reserve life insurance corporations; that the number of directors shall be fixed by the by-laws and shall be at least nine, who shall be elected by the insured members; the terms of the directors shall be three years from the date of their election, and such directors may be classified so that their terms shall not all expire at the same time; the election shall be held annually, and such directors shall elect the president and other officers and shall have power to make and promulgate such by-laws, rules, and regulations as may be deemed necessary and proper for the elections herein provided and for the disposition and management of the business, funds, property, and effects of said corporation and shall be vested with the control and supervision of all of the business affairs of said corporation; and said corporation shall have all the powers, rights, and privileges now or hereafter held and exercised by mutual legal reserve life insurance companies within the District of Columbia; in any action or suit by or against such corporation the policies, certificates, and other evidences of insurance obligation issued and executed by the mother corporation shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the same obligations against said corporation as against such mother corporation.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I do this for the purpose of directing the attention of the sponsor of the bill to the necessity of having a comma after the word "responsibility" on page 5, line 5. It now reads:

And all responsibility obligations—

And so forth.

Mr. Speaker, I offer an amendment. On page 5, line 5, after the word "responsibility" insert a comma.

Mr. LAGUARDIA. We accept that amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 5, line 5, after the word "responsibility," insert a comma.

Mr. STAFFORD. Mr. Speaker, I wish to again direct the attention of the author of the bill to the need of inserting some special language as to the name that this corporation shall bear rather than merely leaving it blank in the bill. It has been called to my attention by the distinguished legislator from Virginia [Mr. MOORE] that this is a bad method of legislating, and that there should be some language inserted in the bill. I would suggest this language:

Shall be such name as shall be adopted by the supreme legislative body.

Or whatever other body may select the name. It is very shiftless legislation to just leave the name blank in the bill. We do not provide in the bill that the name shall be such as may be determined upon or adopted by the proper legislative body of the fraternal organization. I am now referring to the matter I directed attention to a few moments ago, found on page 3 of the bill, where there are various blanks in the bill for the insertion of the proposed name of the insurance company.

Mr. PURNELL. The only thing I know to say to the gentleman is what I said previously—that this section merely sets out the form which is to be followed.

Mr. STAFFORD. But what is the name to be? We do not authorize by this legislation that the corporation or legislative body shall fix the name. Take, for instance, paragraph (e), on page 3, which reads:

That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "----------."

It has been proposed by the gentleman from Mississippi [Mr. COLLINS] that it shall be such name as the board of directors shall determine. While it is a formal amendment, I think it is quite important.

Mr. PURNELL. I still do not see the necessity of it, because this is merely the form to be followed.

Mr. STAFFORD. Where is the authority in this enabling act to authorize any body connected with this fraternal organization to adopt a name? It is presupposed by the blank that they are to fill in the name, but let us give the subordinate body the right to determine the name.

Mr. LAGUARDIA. As I understand it, if the gentleman will permit, heretofore an act of Congress created this order and under that act of Congress, among other powers and privileges which they had, they had the right to engage in the insurance business. This bill permits this organization or any other organization heretofore created by an act of Congress to separate their insurance activities if the supreme body of the order so decides. In that event they shall certify certain facts mentioned in the bill to the superintendent of insurance, and that is all this is.

Mr. STAFFORD. There is no provision here that I find that would authorize the selection of a name.

Mr. LAGUARDIA. That is indicated in the very form itself.

Mr. BURTNESS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BURTNESS. While this may not be the very best draftsmanship in the world, yet what do paragraphs (a), (b), (c), (d), (e), (f), and so on, amount to? They are simply put in there under the general language found in section 2 for the purpose of describing the certificate that is to be filed in the office of the superintendent of insurance. Section 2 reads:

A certificate under the seal of said corporation shall be filed in the office of the superintendent of insurance of the District of Columbia and which certificate shall set forth the facts as follows.

Then they go on and set out in paragraphs (a), (b), (c), and so forth, the form which that certificate is to take. It may not be necessary to set out the form with this detail, and the person who drafted this bill could simply have said that the certificate should properly include the specified facts, without pretending to set out the actual form that the certificate should take. Here we have a general law and it provides the form of the certificate which, in theory at least, may be used by any company that comes within the general provisions of the bill, and it would be absolutely impossible to put any specific name in these forms as given in the proposed legislation.

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Wisconsin has expired.

Mr. WINGO. Mr. Speaker, I ask for recognition for just a moment. There are two forms you will find in the State statutes providing for application for corporation charters, and one follows the form you have here. The other form, I think, is perhaps better. It would be more condensed and would say that the certificate should set out the name and all these other things mentioned here; but the way we have it now I think the gentleman will come to the conclusion, if he will study it, that it leaves some discretion not only in the supreme legislative body of the parent order but we will have some control over what is to be the name of the insurance corporation that is going to take over this insurance business; and in addition, under section 3, as amended by the amendment suggested by the gentleman from New Jersey [Mr. FORT], which I favor, discretion will still be left with the insurance commissioner of the District of Columbia, who has to approve the certificate, and if he objects to the name or to any other thing, he will still have the same discretion he would have if a group of individuals seeking to form a new company made such an application to him. So I think it would be better to pass the bill just as it is, on that point.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The proceedings in the act provided, including the amendment of the charter, the issuance of the certificates by the superintendent of

insurance, the division of assets and liabilities, or any other act done hereunder, shall not be or constitute a dissolution of the original corporation, but the resulting corporation shall, so separated and divided, be continuations thereof and under the names as herein authorized, be separate legal entities, and the insurance corporation herein provided for shall be subject to supervision, regulation, and control as a mutual legal reserve life-insurance corporation.

SEC. 6. Nothing contained herein and nothing done hereunder shall impair or operate to impair the obligations of any contract; and this act and any certificate issued hereunder shall be subject to the power of Congress to alter, amend, or repeal at will.

With the following committee amendment:

Page 7, line 8, insert a new section as follows:

"SEC. 7. Such corporation shall be subject to all the laws of the respective States, including the District of Columbia, with respect to similar mutual legal reserve life-insurance corporations."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, there are a few questions I would like to ask——

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PINE RIDGE INDIAN RESERVATION, S. DAK.

The next business on the Consent Calendar was the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill proposes to give the bureau authority at any time, and perpetually, to make per capita payments to these Indians.

As a general proposition I am opposed to these per capita payments, although I recognize that at times some good may be accomplished by them. I am wondering if the gentleman from South Dakota [Mr. WILLIAMSON] would be willing to limit this authority with regard to the amount of the payment. As I understand it a large payment is not contemplated this year.

Mr. WILLIAMSON. Mr. Speaker, in this connection I may state that a delegation of the Pine Ridge Indians was here in Washington some time ago and went over this whole matter with the Indian Bureau. At that time it was mutually agreed that the per capita payment should not exceed $7.50 and that it would be better to ask for general authority to permit the Secretary of the Interior to grant such payments in the future. I have no objection to putting in a limitation of $7.50 per capita.

Mr. CRAMTON. I do not believe in such general authority, but as the amount is small and the gentleman expresses a willingness to accept this limitation, I will offer such an amendment when the bill is read.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LAGUARDIA. Just what good does the payment of $7.50 do? I am asking merely for information.

Mr. CRAMTON. There is always a question as to how much good is done by a per capita payment. I am inclined to think that the larger the per capita payment the less good is done. But I understand there will be some purchase of seed that may be really helpful. In the payment of large amounts they hustle around and spend it and are no better off than they were in the first place.

Mr. WILLIAMSON. I wish to say that Indians are a good deal alike—the Indians all over the country. They have not the faculty of conserving their supplies for future use, and the result is that when spring comes along they are left without seed or the means to purchase seed. Unless they can get a small amount of money they can not procure the seed, and we want to give the Secretary of the Interior authority to advance the Indians a small amount. A family of three or four people will get three or four times $7.50, which will be sufficient to enable the head of a family to put in a crop.

Mr. LAGUARDIA. And this puts the Secretary of the Interior in a position where he can make small payments from time to time.

Mr. WILLIAMSON. Yes; from time to time.

Mr. HOOPER. But there is no guaranty that it will be spent for seed.

Mr. WILLIAMSON. The Commissioner of Indian Affairs will take care of that through the agency office.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Indians of the Pine Ridge Reservation from their tribal funds on deposit in the Treasury of the United States under the act of May 27, 1910 (36 Stats. L. 442).

Mr. CRAMTON. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

In line 9, after the parenthesis, strike out the period and insert a colon and add the following:

"*Provided*, That not to exceed $7.50 per capita shall be paid in any one year."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PURCHASE OF LAND FOR AN ADDITION TO THE HOT SPRINGS RESERVE, WYO.

The next business on the Consent Calendar was the bill H. R. 9562, to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, I would like to ask whether there are interests which conflict with the interests of the Indians who own the 20 acres?

Mr. LEAVITT. Not only possible but probable. With the death of the old Indian woman the land would be sold and might pass into hands of people who would commercialize it.

Mr. HOOPER. And exploit it on account of its being contiguous to Hot Springs.

Mr. LEAVITT. Yes; to the disadvantage of the Indians.

Mr. HOOPER. Will the 20 acres, if purchased and held in trust, entirely inclose the Hot Springs region?

Mr. LEAVITT. Tribal lands are around the Hot Springs, with the exception of these 20 acres, and when that is acquired the tribe will own all the land contiguous to the springs.

Mr. O'CONNELL of New York. Reserving the right to object, the report of the Secretary says that the land is of no value. I wonder how you get a total of $500.

Mr. LEAVITT. Its value is on account of its location. Just the same as the land on Pennsylvania Avenue is worth more than it may be elsewhere.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated from funds on deposit in the Treasury of the United States to the credit of the Indians of the Shoshone or Wind River Indian Reservation, Wyo., the sum of $500 to be expended in purchasing 20 acres of land for addition to the Hot Springs Reserve, title thereto to be taken in the name of the United States of America in trust for said Indians.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS KANAWHA RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 9439) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.

There being no objection to the consideration of the bill, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Kanawha River between a point in or near the town of Henderson, W. Va., and a point opposite thereto

in or near the city of Point Pleasant, Mason County, W. Va., authorized to be built by Henderson Bridge Co., its successors and assigns, by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from March 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 9, after the word "approved," insert:

"March 2, 1927, heretofore extended by acts of Congress approved March 14, 1928, and."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

The next business on the Consent Calendar was the bill (H. R. 9628) granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Lake City, Ark., on State Highway No. 18, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN NEWSPAPERS

The next business on the Consent Calendar was the bill (H. R. 5917) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I wish to present a question of order for the consideration of the Chair.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. LUDLOW. Mr. Speaker, will the gentleman withhold his point of order?

Mr. STAFFORD. I do not wish to waive my rights in respect to presenting the question of order as to whether this bill is properly on this calendar. I will be glad to yield to the gentleman from Indiana.

The SPEAKER pro tempore. The gentleman can make his point of order at any time before consideration of the bill begins.

Mr. STAFFORD. I do not wish to waive any rights I may have, and yet I wish to accord to the gentleman from Indiana any opportunity to explain the bill that he desires.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I reserve the right to object.

Mr. STAFFORD. Then, Mr. Speaker, I am forced to present my point of order. My point of order is that this is a private bill and not properly on the Consent Calendar. It is a bill that seeks relief for private parties for advertising that had been done at the request of a public official.

Mr. O'CONNELL of New York. This bill is recommended by the Secretary of the Treasury.

Mr. STAFFORD. I have no objection to the merits of the bill. I am raising a question of order as to whether it is properly on the Consent Calendar.

Mr. O'CONNELL of New York. This is not the first time a private bill has been on the Consent Calendar.

Mr. STAFFORD. It is the first time it has been in this Congress.

Mr. UNDERHILL. The policy has been well defined, and I say for the benefit of the gentleman from New York that none of these private bills have ever been put on the Union Calendar in recent years.

Mr. LUDLOW. This bill has to be considered sometime in the House. Why not do it now?

Mr. STAFFORD. Because of the establishment of the precedent. If we establish the precedent now, any Member of the House may be able to put on the public calendar a private bill. We must adhere to some policy in the consideration of legislation.

Mr. LAGUARDIA. It mentions the beneficiaries by name.

Mr. STAFFORD. All private bills provide for the payment of funds from the Treasury. This is not for the reimbursement of moneys to any public official but is for the reimbursement of moneys to individuals who are said to have done some work for the Government. It is like any other private relief bill.

Mr. LUDLOW. It is for reimbursement of honest obligations to certain newspapers.

Mr. STAFFORD. Oh, there are honest obligations incorporated in many private bills on the Private Calendar.

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes. I do not object to the merits of the bill. I am objecting to a private bill being placed on the Union Calendar.

Mr. LAGUARDIA. If the gentleman gets over his point of order, and it remains on the calendar, I am going to object to it.

Mr. UNDERHILL. Mr. Speaker, let me say for the benefit of the Chair that bills of this character heretofore have been placed on the Private Calendar, that is, within at least the last 10 years. Previous to that time I can not say. I think this bill is a fairly good bill, but I shall object very much to establishing the precedent of placing private bills on the Consent Calendar, because it is not fair to the Members who have charge of the private bills to be obliged to be here and follow the Consent Calendar as well as the Private Calendar.

The SPEAKER pro tempore (Mr. MICHENER). As the Chair understands the situation, this bill as originally drafted in slightly different form was on the Private Calendar. It was redrafted and then found its way to the Consent Calendar. Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent Calendar. In the judgment of the Chair this bill, while affecting a class of concerns, specifies individuals, and for the purpose of the rule the Chair holds that the bill is improperly on this calendar and transfers it as of the date of the original reference to the Private Calendar.

FORT BANKS MILITARY RESERVATION

The next business on the Consent Calendar was the bill (H. R. 6591) authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I object to the granting of a perpetual right of way. My reason for objecting to a perpetual right of way is that if any time in the future the Government desires to sell this property the perpetual right of way would be an incumbrance on the property which can not be wiped out. If we grant a perpetual right of way by act of Congress the permittee gets a special interest in the land to that extent. I suggest that inasmuch as the gentleman has in the bill a proviso which limits the right of way to the restrictions and reservations which the Secretary of War may impose, the difficulty I refer to would be entirely prevented by striking out the word "perpetual."

Mr. HOOPER. Do we not always provide that the land shall be held for municipal purposes?

Mr. LAGUARDIA. I think so.

Mr. UNDERHILL. This does not affect the purpose of the bill. If the reservation were sold it would be subject to those restrictions, and the town would not be obliged to give over to a private individual certain public property which is necessary for the transaction of public business.

Mr. LAGUARDIA. I understand the gentleman will be willing to strike out the word "perpetual," and I give my consent in that event.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet

in said town of Winthrop, Mass., upon such location as the Secretary of War may approve, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 4, strike out the word "perpetual."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FORT BERTHOLD INDIANS OF NORTH DAKOTA

The next business on the Consent Calendar was the resolution (H. J. Res. 144) authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER pro tempore. One objection is heard. Is there objection? There not being three objections, the Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Fort Berthold Indians of North Dakota in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. B-449, including expenses of not exceeding three delegates from said tribes, to be designated by the business committee representing said Indians, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said $2,000 to remain available until expended.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 30, which is precisely the identical resolution. It is now on the Speaker's desk.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent to substitute Senate Joint Resolution 30 for House Joint Resolution 144, which is the identical resolution. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate Resolution.

The Clerk read as follows:

Senate Joint Resolution 30

Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to use not to exceed the sum of $2,000 from the tribal funds of the Fort Berthold Indians of North Dakota in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. B-449, including expenses of not exceeding three delegates from said tribes, to be designated by the business committee, representing said Indians, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said $2,000 to remain available until expended.

The SPEAKER pro tempore. The Senate joint resolution will be considered as having been read a third time, and passed, and a motion to reconsider laid on the table, and the House resolution of similar import laid on the table.

There was no objection.

DESERT-LAND ENTRIES INCLUDED WITHIN NATIONAL RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 1186) to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported under the Ramseyer rule, and therefore is not properly before the House at this time.

The SPEAKER pro tempore. The Chair finds that the point of order is well taken, and therefore the bill will be recommitted to the Committee on Irrigation and Reclamation to remedy the defect in the report. The Clerk will report the next bill.

MEDICAL OFFICER ASSIGNED AS PHYSICIAN TO THE WHITE HOUSE

The next business on the Consent Calendar was the bill (H. R. 6848) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the officer of the Medical Corps, United States Army, or of the Medical Corps, United States Navy, below the rank of colonel or captain, respectively, who is now, or hereafter may be, assigned to duty as physician to the White House, shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, while so serving: *Provided*, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from March 6, 1929, the date of assignment as such.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CLERKS IN THE FOREIGN SERVICE

The next business on the Consent Calendar was the bill (H. R. 9110) for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

REPAIRS TO FORT SAN CARLOS, FLA.

The next business on the Consent Calendar was the bill (H. R. 4502) authorizing an appropriation for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER and Mr. SCHAFER of Wisconsin rose.

Mr. HOOPER. Mr. Speaker, I received to-day a telegram from Mr. YON, who I believe is the author of this bill, asking that it be passed over without prejudice if there was any objection to the bill. I will ask the gentleman from Wisconsin [Mr. SCHAFER] if he will, for the benefit of the gentleman from Florida [Mr. YON], permit me to make the request that it be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I wanted to obtain some information. I do not oppose the bill.

Mr. HOOPER. I thought the gentleman intended to object.

Mr. SCHAFER of Wisconsin. I wanted to find out whether there is any possibility that the State of Florida would make this appropriation. The gentlemen from Florida generally talk in favor of State rights on the floor, except when it comes to prohibition and getting appropriations from the Federal Treasury. I wanted to know if they want State rights to apply in connection with this appropriation bill?

Mr. HOOPER. The gentleman from Florida [Mr. YON] is not here, and I ask that the bill be passed without prejudice.

Mr. GREEN. Will the gentleman yield?

Mr. HOOPER. I yield.

Mr. GREEN. The gentleman from Florida [Mr. YON] was hopeful of passing the bill, I understood.

Mr. HOOPER. The telegram from the gentleman from Florida [Mr. YON] asked me to have it passed over without prejudice if there were any Members here who had objection, and I will state further that the gentleman from Michigan [Mr. CRAMTON] has some question about this bill. He is not here just at this time, and he also asked me to have it passed over without prejudice. Either that will have to be done or I shall have to object.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not think we will ever get rid of a lot of these old forts——

Mr. LaGUARDIA. Mr. Speaker, if the gentleman objects to this request, then I will object to the bill and it will go off the calendar.

Mr. COLLINS. I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I notice that the gentleman from Florida [Mr. GREEN] is interested in this bill. In order that I may have sufficient information when the bill comes up again I would like to ask the gentleman whether the passage of this bill would reflect on the State-rights Members of Congress from Florida, who always talk about State rights on the floor of the House except when it comes to prohibition, and who are generally strongly against State rights when it comes to an appropriation out of the Federal Treasury.

Mr. GREEN. I think it has nothing to do with State rights. It is a matter of keeping up the old forts.

Mr. SCHAFER of Wisconsin. I would like to ask the gentleman if he believes there is a possibility that the State of Florida would appropriate for this proposition if the pending bill is not passed by Congress?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there is a substantial expenditure from the Treasury, in connection with this bill, and no showing that the bill has been referred to the Bureau of the Budget. I do not think we ought to start that practice. I hope before it comes up again we will have a report from the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed without prejudice?

There was no objection.

SILVER SERVICE, U. S. S. "NORTH CAROLINA"

The next business on the Consent Calendar was the bill (H. R. 7391) to authorize the Secretary of the Navy to deliver to the State of North Carolina the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission).

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I do not know that I have any serious objection to this bill. I believe the report states that the silver service is now in use on another naval vessel.

Mr. WARREN. I will state to the gentleman that while the report says it is now in use on the cruiser *Raleigh*, I think that is in error. The bill, however, is recommended by the department, and it is left in the discretion of the Secretary of the Navy, upon request of the Governor of North Carolina.

Mr. STAFFORD. I believe the silver service was originally purchased by the citizens of North Carolina as a donation to the U. S. S. *North Carolina*?

Mr. WARREN. That is correct.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission) by citizens of the State of North Carolina; but no expense shall be incurred by the United States for the delivery of such silver service.

Amend the title so as to read:

A bill that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALARY OF THE MINISTER TO LIBERIA

The next business on the Consent Calendar was the bill (H. R. 9991) to fix the salary of the minister to Liberia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COLLINS. Reserving the right to object, why this increase in salary of the minister to Liberia to the extent of 100 per cent?

Mr. PORTER. The minister resident and consul general to Monrovia, Liberia, receives $5,000 now. It is the only instance in our Diplomatic Service where a minister receives less than $10,000 a year.

Mr. COLLINS. He is consul general, too, is he not?

Mr. PORTER. He performs both duties; and that is another argument in favor of this increase.

Mr. COLLINS. That is a larger amount than consuls general elsewhere receive, except in two or three instances.

Mr. PORTER. Oh, no. There are a number of cases of class 1 and class 2, where they receive eight or nine thousand dollars.

Mr. COLLINS. But this officer would receive $10,000 in a country of small size and importance.

Mr. PORTER. Well, that is hardly a fair statement.

Mr. HOOPER. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. HOOPER. This country has a population of about 2,000,000, has it not?

Mr. PORTER. Yes.

Mr. HOOPER. And it is a country of considerable size?

Mr. PORTER. It is a country of considerable size, and we have large investments there. The Firestone people are expending about a million dollars a year developing the rubber industry, which is quite important.

Mr. COLLINS. Our trade with the country is very small.

Mr. PORTER. It is at the present time; yes, sir. Monrovia is one of the most unhealthy posts in the world. Our last minister there, Mr. Francis, of Minnesota, died of tropical fever about six months ago. The living costs, because of its isolation, are as high as they are in New York. It is practically impossible to get anyone to go there at a salary of $5,000 a year. I submit that it is not fair, with all of the other ministers representing our Government being paid $10,000 a year and over, to ask a man to take this unhealthy post for $5,000.

Mr. HOOPER. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. HOOPER. Is it not true that this Liberian coast is one of the most unhealthy places in the world and that every man who goes there, black or white, puts his life in jeopardy during his residence there?

Mr. PORTER. That is exactly true.

Mr. JENKINS. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. JENKINS. Other countries pay their ambassadors about as much as we are asking in this bill that this ambassador be paid, do they not?

Mr. PORTER. The British Government pays a little over $11,500 a year to their minister, and provides him with a residence.

Mr. COLLINS. How long have these facts been known?

Mr. PORTER. They have been known for a long time.

Mr. COLLINS. Why was not this condition rectified then when the last salary bill was passed?

Mr. PORTER. This same bill passed the House about three years ago but failed of passage in the Senate.

Mr. COLLINS. I know, but I do not like the idea of singling out one particular country and fixing the salary of the minister or consul general of that country. I think we ought to fix salaries by general legislation.

Mr. PORTER. As a matter of principle the gentleman is correct, but we are putting this minister on the same pay basis as all other ministers in the service.

Mr. COLLINS. But he is to be paid more and he is not a minister; he is a consul general and simply has the status of a minister. He is also to be furnished a home at Government expense.

Mr. PORTER. No; he is a minister, too; and has the status of a minister and consul general.

Mr. COLLINS. He is now in the Consular Service?

Mr. PORTER. No.

Mr. COLLINS. I would consider his importance greater if he was in the Consular Service. Most of the officers in the Consular Service have duties to perform. Those in the Diplomatic Service are merely ornamental. They play around socially and try to talk like Britishers and generally give foreigners an erroneous opinion of Americans.

Mr. PORTER. Mr. Francis was not in the Diplomatic Service. He was a very prominent negro lawyer from Minneapolis, Minn., a man of very great ability. I will say to the House that before he accepted the appointment I had a meeting with him and his wife and agreed to recommend the purchase of a residence for legation purposes. We were negotiating for a site on which to build a legation. In the meantime he contracted tropical fever and died. I agree with the gentleman about the efficiency of our Consular Service, but further than that I do not care to go.

Mr. COLLINS. The gentleman also agrees with my estimate of diplomatic officers?

Mr. PORTER. On that I would rather stand mute.

Mr. HOOPER. Will the gentleman permit me to make a statement?

Mr. COLLINS. Yes.

Mr. HOOPER. I know of my own knowledge that private companies which send people to Liberia for the purpose of superintending and working in the rubber plantations pay them an amount much more than is paid to people ordinarily employed in such occupations, and that is on account of the hazard and risk to health that men take who go into that country.

Mr. PORTER. There is no doubt about that.

Mr. LaGUARDIA. The gentleman from Mississippi is not objecting, is he?

Mr. O'CONNELL of New York. I want to call the attention of the gentleman from Mississippi—and I do not think he is serious in his objection——

Mr. COLLINS. Oh, yes, I am. I object, but I do not object to my good friend from New York making a statement, if he wishes to do so.

Mr. O'CONNELL of New York. This is a meritorious piece of legislation and should pass the Congress without any contest. I quote the following information from the report of our Committee on Foreign Affairs which reported this bill as unassailable reasons for this legislation:

> The United States has a number of definite interests in Liberia, all of which the American minister must maintain and advance. Liberia began under American auspices, having been colonized by slaves freed in this country. Liberia has always regarded the United States as her next friend, and on numerous occasions the United States has employed her good offices to assist Liberia politically, financially, and economically. There are also extensive American missionary interests involving about 100 American missionaries, both white and colored, with an estimated investment of $500,000 and a yearly budget of $300,000. American capital is being invested on a large scale in the development of rubber plantations. An American concession permits the planting of 1,000,000 acres, which is now being developed at the rate of about 20,000 acres per year and at an approximate cost of $1,000,000 annually. There is a $5,000,000 loan to Liberia placed in America and secured by American receivership of customs under the direction of an American bank and assisted by an American financial adviser.
>
> The American minister and consul general to Liberia is required to perform both diplomatic and consular functions, and for this dual service he receives a salary of but $5,000 per annum, which is $5,000 less than is paid to any other minister of the United States, $4,000 less than is paid to Foreign Service officers of class 1, $3,000 less than is paid to Foreign Service officers of class 2, $2,000 less than is paid to Foreign Service officers of class 3, $1,000 less than is paid to Foreign Service officers of class 4, and is equal only to the salaries paid to Foreign Service officers of class 5, which comprises no consul general and no diplomatic officer of higher grade than that of second secretary. That a minister accredited to a foreign government should receive a salary no larger than that received by a second secretary of legation is an anomaly in the Foreign Service of the United States, which, in the view of the undersigned, should, in fairness to the minister and for the sake of uniformity in the Foreign Service, be corrected.

Mr. LINTHICUM. Why not ask that the bill go over without prejudice?

Mr. PORTER. Can I not persuade the gentleman to withhold his objection?

Mr. COLLINS. There is no necessity for this increase in salary. We are already increasing too many salaries.

Mr. PORTER. Here is our situation: The position is vacant; there is nobody there representing our Government except the chargé d'affaires, and we can not get anyone to accept the position on the salary of $5,000 a year. If this bill must take the usual course, it will be six months or perhaps longer before we can secure action.

Mr. COLLINS. There are thousands who can fill this place. There exists no serious work to be done. If, however, the gentleman insists, no harm can be done by permitting it to go over, so I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RURAL POST ROADS

The next business on the Consent Calendar was the bill (H. R. 7585) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported in that it does not comply with the rules which require that the report shall show the changes in existing laws. Therefore, this bill can not be properly considered by the House.

The SPEAKER pro tempore (Mr. SNELL). The Chair is of the opinion that the report does not carry out the provisions of the Ramseyer rule. Therefore, the point of order is sustained, and the bill will be recommitted to the Committee on Roads in order that the committee may make a report in conformity with the Ramseyer rule.

HELENA NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 4810) to add certain lands to the Helena National Forest in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of this bill, the gentleman from Montana [Mr. EVANS], the reason for the transfer of this land. There is no reason set out, as I understand.

Mr. EVANS of Montana. Mr. Speaker, the land lies near the crest of the Rocky Mountains in the forest reserves. Last year we passed a bill transferring this land, with other similar forest lands, into the forest reserves, but by an error in the punctuation of that bill when it was being enrolled it left out these 800 acres of land. This bill is to really do what we actually tried to do and did do, so far as Congress was concerned, in passing the bill last year. The land is of no value except for forest purposes.

Mr. JENKINS. And the bill has been brought to the attention of those who might be interested in the matter?

Mr. EVANS of Montana. Oh, yes.

Mr. JENKINS. The language of the bill, as the gentleman will notice, does not carry any language from which one could gain the information I have obtained from the gentleman.

Mr. EVANS of Montana. Yes; but the reports of the Secretary of the Interior and the Secretary of Agriculture go into the matter in some detail as to why they intend to put this land in the control of the Forest Service.

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, may I ask the gentleman from Montana [Mr. EVANS] a question?

Mr. EVANS of Montana. Yes, indeed.

Mr. DOUGLAS of Arizona. The area involved, as I understand, comprises an acreage of approximately 800 acres.

Mr. EVANS of Montana. Yes.

Mr. DOUGLAS of Arizona. Of the 800 acres, 480 acres are unappropriated and public.

Mr. EVANS of Montana. Yes.

Mr. DOUGLAS of Arizona. What about the other 320 acres?

Mr. EVANS of Montana. I think probably it is appropriated. It may be owned by private individuals; I am not sure about that. The people themselves petitioned a couple of years ago to have this land put within the forest reserve largely for fire-protection purposes, and we passed a bill putting several townships within the control of the Forest Service for that purpose, and, as I have said, by an error of punctuation, after the bill passed both the House and the Senate, it was discovered that it left out the particular land described here. At the request of the Secretary of Agriculture, I introduced this bill to correct that error.

Mr. DOUGLAS of Arizona. Then the lands that are privately owned are to be ceded——

Mr. EVANS of Montana. No; they are not ceded at all. They will simply take this whole strip of land within the forest reserve, so as to give the forest people control in case of fire.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. Are there any lands here except lands in private ownership?

Mr. EVANS of Montana. Yes; about four or five hundred acres of the 800 acres.

Mr. CRAMTON. Those lands are now a part of the public domain, administered by the General Land Office?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. And the bill proposes to transfer them to the Forest Service?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. Is there any payment made or any credit given on the books of the Government for the transfer of this land from the General Land Office to the Forest Service?

Mr. EVANS of Montana. I do not know, but I anticipate not.

Mr. CRAMTON. I think the gentleman is correct. I am not going to object to the bill, but if there should ever come a time when the Federal Government or the Congress suggested that this 400 acres of land be taken from the Forest Service and given to the General Land Office or to the Park Service, the Forest Service would insist that they must be recompensed for it; that they must have some showing because of the revenue that would come to their bureau through this land. I have always maintained, and I am going to emphasize it occasionally, that the Forest Service has no more right to take such a position than has the land office.

Mr. EVANS of Montana. I quite agree with the gentleman.

Mr. CRAMTON. If we wanted this 400 acres turned over to the National Park Bureau, the Forest Service ought not to take the position that they have got to be paid for it any more than the land office should now set up such a claim in this transfer. It all belongs to the United States and ought to be administered and considered in the same way, whatever bureau it is under.

Mr. EVANS of Montana. I do not think there is any doubt about the correctness of the position of the gentleman. I did not know that any bureau or department ever desired to make a charge for its land in such a case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands be, and the same are hereby, added to and made a part of the Helena National Forest, in the State of Montana, and are hereafter to be administered subject to the laws and regulations relating to the national forests: North half and south half southwest quarter section 14, and north half and south half southwest quarter section 22, all in township 14 north, range 6 west, Montana meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 6809) to exempt from cancellation certain desert-land entries in Riverside County, Calif.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, and without in any way going into the merits of the bill, I do not believe this kind of bill, creating a new policy on the part of the Government, should be taken up in this way. I am sure the distinguished gentleman from Oregon, influential as he is in this House, can easily get a rule and have the bill brought before the House. It is a novel departure in appropriating $125,000 for the purpose of constructing a building in a State for memorial purposes. I am not in the slightest way going into the merits of it, but I feel I should have to object and let the matter come up in the regular way.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, retaining its place on the calendar.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my objection for that purpose, although that will only prolong the agony, I may say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. HAWLEY]?

There was no objection.

POST-OFFICE SITE AND BUILDING AT DOVER, DEL.

The next business on the Consent Calendar was the bill (H. R. 8578) to sell the present post-office site and building at Dover, Del.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, the Government has the authority now to sell under general law, has it not?

Mr. HOUSTON of Delaware. The Post Office Department is going to have a new building. The town is willing to furnish the site. Under the general act they have the authority to sell but not to trade.

Mr. COLLINS. That is hardly a difference. I have no special objection to the bill, but I can see very little difference in what is undertaken by the bill and the law as it stands now.

Mr. HOUSTON of Delaware. The Secretary states in the report that the department would have authority under the provisions of the act of 1926 to sell the present site and building and acquire a new site and construct a building, but it would require specific legislative authority to accept another site in exchange or part payment for the present Federal building and site.

Mr. COLLINS. I have no objection, except I think the department has full authority to do that now.

Mr. STAFFORD. I would like to ask the gentleman from Delaware if the present quarters are inadequate?

Mr. HOUSTON of Delaware. It is rapidly growing so, according to the last inspector's report.

Mr. STAFFORD. The gentleman says it is rapidly growing so. Are we going to adopt the policy of authorizing an exchange of public buildings now suitable for postal services on the ground that they are going to be inadequate?

Mr. HOUSTON of Delaware. It is all in the discretion of the Secretary of the Treasury if he wishes to do so.

Mr. STAFFORD. I know the persuasive influence of the gentleman from Delaware over Secretaries, and I am afraid if the bill passes he will exert that wonderful power.

Mr. HOUSTON of Delaware. I may say further that this building is preventing the proper development of the town. If it was private property, it would have been condemned years ago. Of course, the Secretary of the Treasury is to decide, and the town is offering a very desirable site if they desire to trade.

Mr. STAFFORD. Is the proposed site acceptable to the people?

Mr. HOUSTON of Delaware. Absolutely.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bills as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his direction, to sell the present post-office site and building at Dover, Del., upon such terms and conditions as he may deem advantageous to the Government: *Provided*, That he may accept in exchange a new site in part payment for the present site and building.

With the following committee amendment:

Page 1, line 4, strike out the word "direction" and insert the word "discretion."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was the third time, and passed.

A motion to reconsider was laid on the table

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 224. The gentleman who objected to that will withdraw his objection.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to return to Calendar No. 224. Is there objection?

Mr. STAFFORD. Reserving the right to object, I question the propriety of returning to a bill after it has been objected to, simply because the gentleman who originally objected may have withdrawn his objection. There may have been other gentlemen in the Chamber who intended to object.

Mr. O'CONNELL of New York. Let me say to the gentleman from Wisconsin that we frequently do that.

Mr. STAFFORD. Let us have the bill reported under the reservation to object.

The Clerk read the bill, H. R. 6809, to exempt from cancellation certain desert-land entries in Riverside County, Calif.

Mr. STAFFORD. Mr. Speaker, I object.

DEDICATION FOR STREET PURPOSES OF PORTION OF OLD POST-OFFICE SITE AT WICHITA, KANS.

The next business on the Consent Calendar was the bill (H. R. 9324) to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, does not the gentleman think there should be an amendment providing for a reversion in this bill?

Mr. AYRES. If you do that, it will destroy the purpose of the bill. The Government gave an easement for an alley or a street 20 feet wide. There were 16 feet from the property owner on the north side and 20 feet from the Government on the south side of this alley, making a total of 36 feet. We will

begin the construction of a new Federal building there within a few months, and as soon as the new building is complete this property will be for sale, and will be sold to some institution or individual for business purposes, and unless this 20 feet is vacated, it will be detrimental in making the sale.

Mr. COLLINS. In other words, it will make the property more valuable.

Mr. AYRES. Absolutely; that is the only purpose in this bill—to vacate and dedicate for street purposes.

Mr. LAGUARDIA. The report is very meager and it is not in keeping with some of the very enlightening reports which come from the great Committee on Public Buildings and Grounds. Is not this a departure from the usual custom of the Government, in giving the right of way or permitting its use for street purposes? Here it is simply dedicating for street purposes.

Mr. AYRES. No; we are simply vacating and dedicating it.

Mr. LAGUARDIA. The bill provides:

That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans.

And then goes on and describes the land, giving it to the city for street purposes.

Mr. AYRES. That is about the only way that property of that kind can be vacated for that purpose. You have to dedicate it for the purpose for which it is intended.

Mr. LAGUARDIA. Exactly; but there is nothing before us to indicate the necessity of the Federal Government giving away this land to Wichita, Kans.

Mr. AYRES. The only reason for doing that is just as I have stated. When the Government gets ready to sell this property which will probably be within the next year, any business man buying the property will immediately want to know what has been done with the right of way in the north of this property.

Mr. LAGUARDIA. Is this the only access to the property?

Mr. AYRES. It is on the north side; yes.

Mr. LAGUARDIA. And there is a street on the other side?

Mr. AYRES. There is a street on the south side and a street on the east side.

Mr. LAGUARDIA. What we do is to buy a parcel of land——

Mr. AYRES. Oh, no; this land was donated to the Government by the property owners originally.

Mr. LAGUARDIA. That is a different proposition.

Mr. STAFFORD. Does the gentleman think there is a need of tautology in the description of the property? The bill provides first:

That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans., described as follows: Lying and being in Wichita, Kans.—

And so forth.

Does not the gentleman believe that is surplusage?

Mr. AYRES. Yes. And I am perfectly willing that this correction be made.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans., described as follows: Lying and being in Wichita, Kans., beginning at the northeast corner of lot L on Market Street, in Greiffensteins Reserve, Greiffensteins Addition to Wichita, running thence south on the west line of Market Street 20 feet to a point 4 feet north of the north line of the Federal building; thence west 147 feet to the west line of said lot L and parallel with the north line of said Federal building, which is also 0.2 of a foot north of the north face of buttress surrounding the area leading to basement of said Federal building; thence north 20 feet to the northwest corner of said lot L; thence east 147 feet to the place of beginning, being the north 20 feet of lot L on Market Street in Greiffensteins Reserve, Greiffensteins Addition to Wichita, Kans.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Stafford: Page 1, lines 5 and 6, strike out the words "lying and being in Wichita, Kans.," and in line 6 spell the word "beginning" with a capital letter.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 224, H. R. 6800, to exempt from cancellation certain desert-land entries in Riverside County, Calif.

The SPEAKER pro tempore. Under the present conditions the Chair will not recognize the gentleman to make a request to return to that at this time. At the conclusion of the consideration of the calendar to-day, if the gentleman desires to renew the request, the Chair will recognize him.

CENTRAL WAREHOUSES IN NATIONAL PARKS

The next business on the Consent Calendar was the bill (H. R. 6121) to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Secretary of the Interior, in his administration of the national parks and national monuments, is authorized to maintain central warehouses at said parks and monuments, and appropriations made for the administration, protection, maintenance, and improvement of the said parks and monuments shall be available for the purchase of supplies and materials to be kept in said central warehouses for distribution at cost to projects under specific appropriations, and transfers between the various appropriations made for the national parks and national monuments are hereby authorized for the purpose of charging the cost of supplies and materials drawn from central warehouses maintained under this authority to the particular appropriation benefited; and such supplies and materials as remain therein at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between appropriations then current without decreasing in any way the appropriations made for that fiscal year: *Provided*, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

With the following committee amendment:

Page 2, line 2, after the word "cost," insert "including transportation and handling"; and in line 7, after the word "materials," insert "including transportation and handling"; and in line 13, after the word "appropriations," insert "made for the administration, protection, maintenance, and improvement of said parks and monuments for the fiscal year."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS IN LIVE OAK NAVAL RESERVE, LA.

The next business on the Consent Calendar was the bill (H. R. 6586) providing for the confirmation of the title of certain purchasers from the State of Louisiana of lands formerly included in the Live Oak naval reserve on Navy Commissioners Island, in St. Mary Parish, La., now abandoned.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object in order to inquire if the suggestion made by the Commissioner of the Land Office is sufficiently met to protect any settlers who may have valid settlements on this land by the proviso inserted by the committee?

Mr. KEMP. The gentleman from New York is a good lawyer, and I am quite satisfied that his interpretation of that part of the bill will be correct. Personally, I see no reason why the provision there is not fully sufficient.

Mr. LAGUARDIA. My inquiry is made in earnest. It is to inquire whether the rights of valid settlers are sufficiently protected.

Mr. KEMP. I think they are. However, there are no settlers on the land. That provision is inserted in the interest of anyone who might have, or claim, adverse possession.

Mr. LAGUARDIA. Is the commissioner under a mistaken idea of the facts? He seems to have in mind that there are settlers there who have claims.

Mr. JENKINS. Would not this be the case? If they have any rights there at all they must obtain them under the laws of the State, and if that is the case this language would be sufficient to preserve whatever rights they have so that the same would not be taken away from them.

Mr. LAGUARDIA. If the gentleman is satisfied, all right.

Mr. COLTON. The committee is satisfied. The committee understands that there are no rights such as the gentleman mentions. This amendment was put in as a protective clause in case there had been some rights acquired under the laws of the State or the Government.

Mr. LAGUARDIA. Are there any persons holding adversely?

Mr. COLTON. Not so far as the committee is informed.

Mr. LAGUARDIA. If there are and they have held for 20 years adversely, of course, they are protected?

Mr. COLTON. Yes.

Mr. JENKINS. It strikes me that this whole legislation is very unusual. Did the committee take up this phase, that if there are any rights, if these people have any rights at all, they get them from the State of Louisiana; and if Louisiana had no rights to give them, why did they not just appeal to the United States and get their rights directly from the Government as they would in any other public land matters?

Mr. COLTON. The author of the bill [Mr. KEMP] perhaps can answer that better than I can.

Mr. KEMP. I understand these lands under the acts of Congress of 1849 and 1850 were donated to the State of Louisiana as swamp and overflowed lands. This particular tract of land was reserved under act of Congress of 1820 as a naval station. It was never used as a naval station. The Government never exercised any control of it, and finally it was abandoned for naval purposes, and went back to the State of Louisiana.

These purchasers for whom I introduced this bill attempted to buy this land from the State of Louisiana, but the State of Louisiana was unable to give title because of this reservation. This act is merely to permit the State of Louisiana to exercise jurisdiction over this land which it ordinarily would have done under the act of 1850 had it not been for this reservation.

Mr. JENKINS. Is the gentleman from Louisiana right in making the statement that the laches or inactivity on the part of the Government in not building on this land resulted in the land going back to the State of Louisiana?

Mr. KEMP. Yes. The State would gladly relinquish all rights to the land if the Government should now see fit to build a naval station.

Mr. SCHAFER of Wisconsin. Is my understanding correct that if we pass this bill and transfer this land to the State of Louisiana, the State of Louisiana will pass it over to private individuals or corporations?

Mr. KEMP. That is exactly what the bill proposes.

Mr. SCHAFER of Wisconsin. Then I shall object.

Mr. KEMP. With the proper explanation I think the gentleman will not object. The swamp and overflowed lands in the several States were donated to the States by the Federal Government under the acts of Congress of 1849 and 1850. This little piece of land involved in this bill was exempted from that provision entirely by reason of the fact that the Secretary of the Navy under an order of the President withheld these lands for naval purposes. But the idea of using the lands for naval purposes was abandoned years ago, and a bill similar to this one passed by Congress in 1923; under the provisions of which some of this same land was purchased from the State of Louisiana by settlers. This bill is simply for the purpose of putting the land back in its original status, as it would have been had there been no reservation for naval purposes by the Government.

Mr. SCHAFER of Wisconsin. I understand. What is the value of that land?

Mr. KEMP. I can not answer that.

Mr. COLTON. In other words, the bill is merely to remove a cloud from the title which was created by the original reservation?

Mr. KEMP. Yes. That is everything in the world that the bill seeks to do.

Mr. SCHAFER of Wisconsin. I believe I will have to object to the bill. It does more than merely clear up the title. If we reserved this land to the United States Government for the purpose of erecting a naval station there, the State of Louisiana certainly did not have title to the land. If this bill was amended so that the land should revert to the United States in case it was not used by the State of Louisiana or any municipality of that State, I would not object; but I object to the Government giving the title of this land to the State of Louisiana so that it can be sold to private individuals.

Mr. ARENTZ. In 1820 this land was set aside. If it had not been reserved in 1850, the State would still have this land.

Mr. SCHAFER of Wisconsin. But they do not have it. Why should the Government turn over land to any State for the purpose of having the State turn it over to private individuals?

Mr. ARENTZ. Lands of that kind were turned over to the State of Wisconsin, I will say to the gentleman.

Mr. SCHAFER of Wisconsin. This land was never turned over to the State. That is admitted. Nobody seems to know the value of the land or size of it. It may be worth millions of dollars for all we know. If we had information regarding the size of the land and its value, it might give us an opportunity to withdraw the objection. I am not going to vote for a pig in a poke and propose to transfer land to the State of Louisiana or any other State in order to let them transfer it to some individual or corporation, particularly if we do not know the value or the size of the land.

Mr. KEMP. I can tell the gentleman how to get the pig out of the poke. Read the report of the Commissioner of the General Land Office, Mr. C. C. Moore, the commissioner, which is attached to the report on the bill.

Mr. JENKINS. This report of the commissioner is very unsatisfactory, in my judgment. He says:

> The State's claim was finally rejected by this office December 18, 1913, because of the above-mentioned naval reserve.

Mr. KEMP. Does the gentleman know why it was rejected?

Mr. JENKINS. No.

Mr. KEMP. Solely because this land had been reserved for naval purposes.

Mr. JENKINS. Now I come down to the next paragraph, which reads:

> I do not believe the titles of persons who purchased from the State of Louisiana should be confirmed without the payment to the Government of at least $1.25 per acre.

Mr. KEMP. That is more than the Government has ever received for any swamp or overflowed land heretofore.

Mr. JENKINS. That is not the point. The point is that the title should not be confirmed for any reason if they are not entitled to a title. If it is a matter of financial consideration, we should not just dismiss it by saying that they should pay $1.25 an acre. They either have a right to the land or they do not. If they do not, then they should buy the land or deal with the Government authorities as in any other case of purchase of public land.

Mr. COLTON. Will the gentleman yield?

Mr. KEMP. I yield.

Mr. COLTON. The $1.25 an acre is the price that is carried in practically all of the bills. It is a uniform charge that the Government has made for all of its lands which pass to private ownership and which have no higher value. It is merely a nominal price, to indicate that they pass only for a consideration.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KEMP. I yield.

Mr. LAGUARDIA. Other persons acquiring land adjacent to this, direct from the Government, pay $1.25. What the commission has now in mind is to acquire it in the State, and in order to confirm the title, pay $1.25.

Mr. JENKINS. I am not going to object to this bill, but this language, it strikes me, corroborates my position that if the Government has title, this bill should provide that the people treat with the Government and not with the State of Louisiana. If the Government has no title, then this bill has no business being here.

Mr. COLTON. We are the Government in passing this bill.

Mr. LAGUARDIA. It is to remove this cloud or discolor of title which the Government has caused by this naval reserve.

Mr. SCHAFER of Wisconsin. The Government will not receive any money from the sale of the property. We have not been told yet what the value of this property is. I would like to ask another question. The question of a naval base has entered into this discussion. Has this bill been sent to the Secretary of the Navy, so that the committee could receive his opinion as to whether or not the Navy Department has definitely indicated that said department would not use the property?

Mr. LAGUARDIA. They relinquished it years ago.

Mr. SCHAFER of Wisconsin. What is the value of this property?

Mr. KEMP. I could not tell you.

Mr. SCHAFER of Wisconsin. Is it an acre or is it a thousand acres?

Mr. KEMP. There is a description given in the report. It says "two fractional sections." I judge less than 640 acres.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

HAWAII NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9183) to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct attention to one provision in this bill which, as I read the language, would make it a crime for anyone to do any damage "to any building, fence, hedge, gate, guide post," and so forth, within the confines of this park, even if it was not done willfully. I direct the gentleman's attention to the language found on page 4, beginning on line 6, "or who shall within said park commit any damage, injury, or spoliation to or upon any building," and so forth. That language is connected with the antecedent language found on page 3, beginning in line 19:

> Any person or persons, or stage or express company, or railway company who shall within said park commit any damage, injury, or spoliation to any fence—

And so forth.

Suppose an automobile driver, through no fault of his, should run against a fence to get out of the way of some oncoming automobile, under this language he would commit a misdemeanor and be punished. There is no escape from it.

Mr. HOUSTON of Hawaii. The language of this bill is similar to the provisions of law governing all other national parks in the country.

Mr. STAFFORD. That has some probative value, I may say, but nevertheless, I am directing the gentleman's attention to a specific criticism, as to whether this language, even though it may have been incorporated in other bills providing for government of national parks, may not be faulty, directing a concrete instance to the gentleman, and asking for an explanation as to whether my position is right or wrong.

Mr. COLTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COLTON. I want to confirm what the gentleman from Hawaii [Mr. HOUSTON] has said. This is the usual language in such bills.

Mr. STAFFORD. I am aware of that. The gentleman states it is the fashion under legislative provisions for other national parks.

Mr. COLTON. If the gentleman will permit, all of the national parks are being supervised under a similar law, and this is placed in here to give them the right to protect the property, including the things enumerated, that may be in the parks. It seems to be necessary to give this specific authority to protect the property.

Mr. STAFFORD. The gentleman has not answered my objection yet.

Mr. COLTON. I will ask the gentleman if he does not believe the property within a park should be protected?

Mr. STAFFORD. I am not questioning the advisability of this legislation. I am directing attention to one concrete instance, and yet I have not had any reply to my objection, except that it is in similar language to provisions with respect to other parks.

Mr. COLTON. I do not see any objection to adding the word "willfully" there. It may not be necessary, but I can see no harm.

Mr. STAFFORD. That is the point. I was going to suggest that amendment.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CRAMTON. I do not see any objection to it; but, as I understand, this kind of an offense would be interpreted in that way.

Mr. STAFFORD. But there is no reservation of discretion in the enforcement officer.

Mr. CRAMTON. In any event, in lines 19 to 21 and following, which the gentleman mentioned, there is similar language: "Any person who knows or has reason to believe."

Mr. STAFFORD. Oh, yes. I am not objecting to that phraseology. I am directing objection to the language on page 4, because the language on page 3 is antecedent. Just before the word "commit," in line 7, page 4, "or who shall within said park commit any damage or injury."

Mr. CRAMTON. I do not think you want to go too far about malice. You must remember that the biggest job the Government has in these national-park areas is the protection of the wild life and the prevention of the destruction of the scenery. However, I think you could go as far as putting in the word "willfully" without any harm.

Mr. LAGUARDIA. But that would not add anything to it. This provision is criminal, and unless there is proof of a criminal intent or unless there is proof of maliciousness and willfulness, of course, you could not prosecute.

Mr. STAFFORD. The language is very broad and we always provide that these offenses shall be willfully or maliciously committed.

Mr. COLTON. If the gentleman will yield, we will accept that amendment.

Mr. STAFFORD. Then, I have no further objection.

Mr. SCHAFER of Wisconsin. I wonder if the gentleman will accept another amendment? Whether, in section 7, line 8, the gentleman will accept an amendment so you do not include every criminal offense? That can be done by striking out the word "any," in line 8, and inserting the word "all," and by striking out the word "not," so it would merely apply to the offenses referred to in this act.

Mr. HOUSTON of Hawaii. If the gentleman will yield, I think it is desirable that the language of such provision should be similar to that provided for all the parks. This follows previous legislation, and to change it for this particular park only would appear to be bad policy.

Mr. CRAMTON. Furthermore, the very purpose of the act is to give exclusive jurisdiction in this area to the Federal Government, and the suggestion of the gentleman from Wisconsin, leaving some of the jurisdiction to the Territorial government, would be contrary to the purpose of the act. It is found that better administration results if you give exclusive jurisdiction to the Federal Government.

Mr. COLTON. And especially in this particular park.

Mr. CRAMTON. Yes; because there has been a very serious situation there which we have been trying to correct.

Mr. SCHAFER of Wisconsin. I believe in States' rights to a certain degree, and I do not believe we should incorporate the language that is embodied in section 7, which would result in taking away from the Territorial government the authority they may have in certain cases not specifically covered by the act, such as violations of the prohibition law.

Mr. CRAMTON. Of course, the gentleman brings in that one particular thing.

Mr. SCHAFER of Wisconsin. The gentleman must admit that the language in section 7 will cover violations of the prohibition law.

Mr. CRAMTON. The purpose of this bill is to give exclusive jurisdiction over this area to the Federal Government. That has already been done in Wyoming and Montana as to the Yellowstone and recently in Colorado with reference to the Rocky Mountain and Mesa Verde, as well as in numerous other national parks. The Federal Government is given exclusive jurisdiction as to all offenses. This bill, submitted by the gentleman to the Governor of Hawaii, is approved in this form.

Mr. SCHAFER of Wisconsin. If this bill is passed with section 7 as now incorporated in the bill, then the Territory of Hawaii would not have any jurisdiction in the park area with reference to violations of the prohibition law?

Mr. STAFFORD. I may say that this bill in its present form does not give the right of trial by jury to any person who may commit an offense within the confines of this park.

Mr. SCHAFER of Wisconsin. And if this bill passes and becomes a law, you are going to have a man tried before a commissioner without having an opportunity to have a day in court before a jury of his peers. I object to the consideration of the bill.

Mr. CRAMTON. Personally, I would like to see one bill go through without thrashing out the question of prohibition.

Mr. SCHAFER of Wisconsin. Well, that is involved here, because if this bill passes, you are going to have a prohibition violator tried under the Jones law before a court commissioner and without a trial before a jury of his peers. This bill also takes away from the Territory of Hawaii the right to enforce the laws of that Territory.

Mr. CRAMTON. The facts show that the prohibition laws are enforced in the national parks.

Mr. HOUSTON of Hawaii. Will the gentleman withhold his objection?

Mr. SCHAFER of Wisconsin. I will withhold my objection.

Mr. HOUSTON of Hawaii. This is desired by the department and the National Park Service. We have gone into the thing and administratively we have found some difficulties in the actual enforcement of the law, and in order to show our good faith and that we are willing that the Federal Government shall have in the Hawaiian national park that power which it has in other national parks, we agree to this particular form so as to be consistent.

Mr. SCHAFER of Wisconsin. Why not accept the amendment I propose and make it impossible to give a park commissioner the right to try a violator of the prohibition law and send him to jail for five years without an opportunity to have his case tried by a jury?

Mr. HOUSTON of Hawaii. We do not anticipate the difficulty which the gentleman envisages.

Mr. LAGUARDIA. This would not deprive him of the right to a trial by jury.

Mr. STAFFORD. It does deprive a man of a trial by jury for all minor offenses.

Mr. LAGUARDIA. But we are now talking about a felony. A violation of the Jones law as it is now is a felony, and that specifically answers the inquiry of the gentleman from Wisconsin.

Mr. COLTON. The purpose of this bill is to avoid in the future any question as to the jurisdiction over offenses that may be committed in the park and to confer upon the Federal Government the exclusive jurisdiction over all offenses. We have done that in almost every national park in the country, and this simply brings this park in harmony with the other parks of the country.

Mr. SCHAFER of Wisconsin. Without the passage of this bill, do I correctly understand that the Territorial government of Hawaii now has the jurisdiction and the right to prosecute these law violations?

Mr. COLTON. That is a serious question. There has been a very unusual and unpleasant experience over there. A heinous crime was committed, and much delay was occasioned in prosecuting the culprit, due partly to there being a question of jurisdiction. We are trying to do away with any uncertainty and to confer exclusive jurisdiction on the Federal Government.

Mr. SCHAFER of Wisconsin. Does the gentleman believe that if this bill passes with section 7 as now written in the bill it will be possible for a commissioner to try a prohibition-violation case, convict the man, and sentence him without the accused having the right of trial by jury?

Mr. COLTON. Not at all.

Mr. HOUSTON of Hawaii. No more so than anywhere else.

Mr. COLTON. If it is a felony, not at all. He may try him for a misdemeanor or a petty offense.

Mr. SCHAFER of Wisconsin. Then, with respect to minor prohibition law violations, you are getting away from dual enforcement of the prohibition laws by the State and Federal governments if you pass this bill.

Mr. COLTON. We have done that with respect to all the other parks.

Mr. SCHAFER of Wisconsin. I mean, of course, within the park; otherwise you would not have the bill before us here.

Mr. COLTON. That is true.

Mr. SCHAFER of Wisconsin. Therefore you are accomplishing by this bill what we in Wisconsin have been condemned for doing by prohibition leaders, repealing our State prohibition law and not assuming the obligation, as the prohibitionists tell us, of enforcing the prohibition laws. You are doing the same thing in this bill, and since the dry leader, the gentleman from Michigan [Mr. CRAMTON] believes in doing that, I shall withdraw my objection. In the future, let no dry leader who supports this bill condemn Wisconsin for repealing her State prohibition law.

Mr. STAFFORD. Under a reservation of objection, Mr. Speaker, I wish to direct an inquiry to the gentleman from Utah [Mr. COLTON] as to the authority contained in section 8, and ask whether he believes the authority to arrest for minor offenses should be lodged in any employee of the park. The gentleman will notice that we vest such authority in any officer of the Government or any person employed by the United States in policing the reservation, and we also provide that nothing herein shall be construed as to prevent the arrest by any officer or employee of the Government. Why should we vest such authority in an employee of the Government who has not been specially authorized to have police power?

Mr. HOUSTON of Hawaii. I am inclined to believe, without being able to say positively, that they already have that authority.

Mr. STAFFORD. Whether they have the authority or not, why should a bill be passed giving that authority to mere employees?

Mr. HOUSTON of Hawaii. Because there are very few employees in such a very large area.

Mr. COLTON. I think the gentleman will find they are specially deputized in all cases now.

Mr. STAFFORD. If they are deputized then the language following covers the case:

> Or any person employed by the United States in the policing of said reservation.

Why should we vest in any ordinary employee the power of arrest? I do not like that language. I do not like such authority being vested in any subordinate employee.

Mr. LAGUARDIA. I assume that is only with respect to an act committed within his presence.

Mr. STAFFORD. Not necessarily.

Mr. LAGUARDIA. I say I would assume that.

Mr. STAFFORD. We are not taking away any authority from those who are employed to police the reservation or from any official or officer, but we are seeking to delegate such power to every employee. Why should we delegate the power of arrest to every employee of the park service?

Mr. COLTON. Because it is so easy for them to do the double duty of policing the park and discharging their other duties.

Mr. STAFFORD. Then they would be delegated with that power under the language of the next provision with reference to policing the reservation.

Mr. HOUSTON of Hawaii. They are already policing the reservation, as a matter of fact.

Mr. STAFFORD. Then there would be no reason for authorizing a mere employee to do that.

Mr. HOUSTON of Hawaii. This is the language that has been used in previous bills——

Mr. STAFFORD. I have heard that before, I may say, with all due deference to the gentleman.

Mr. HOUSTON of Hawaii. And it has been felt that it would be wise to have a similar provision with respect to all the reservations.

Mr. STAFFORD. Well, we will start to have it apply to all the parks by changing it here.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, if this is stricken out I have no objection. I do not see why we should give this right to any employee. I do not want to be obstreperous in the matter.

Mr. COLTON. Will the gentleman indicate the language to which he refers?

Mr. STAFFORD. Page 6, lines 22 and 23:

> But nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government.

I object to the words "or employee."

Mr. COLTON. Just the words "or employee"?

Mr. STAFFORD. Yes. Then it goes on:

> Or any person employed by the United States in the policing of said reservation—

And so forth.

I have no objection to that, but I do not believe a mere employee should be delegated such authority.

Mr. COLTON. I do not see any objection to that, but I hope the gentleman will not object.

Mr. STAFFORD. With that understanding, I have no objection.

Mr. ARENTZ. Reserving the right to object, Mr. Speaker, an employee may be a ranger, a ranger with only two weeks' experience, yet that man is on the job every hour of the day and night and if he sees a marauder, a man who is trying to break down some natural wonder, why should he not have authority to take that man and bring him to headquarters?

Mr. STAFFORD. Will the gentleman yield?

Mr. ARENTZ. Yes; I yield.

Mr. STAFFORD. Does not the gentleman, with his great knowledge——

Mr. ARENTZ. Oh, no; I have not great knowledge.

Mr. STAFFORD (continuing). Of the authority vested in the rangers in the public parks, know that the rangers police the reservation?

Mr. ARENTZ. Of course, they do.

Mr. STAFFORD. And they come under the authority of the following provision, so that the gentleman's illustration has no application.

Mr. CRAMTON. What would the gentleman say about the assistant superintendent?

Mr. STAFFORD. I would say the assistant superintendent is an officer and is covered by the other language in the section.

Mr. CRAMTON. Is the gentleman sure he is an officer?

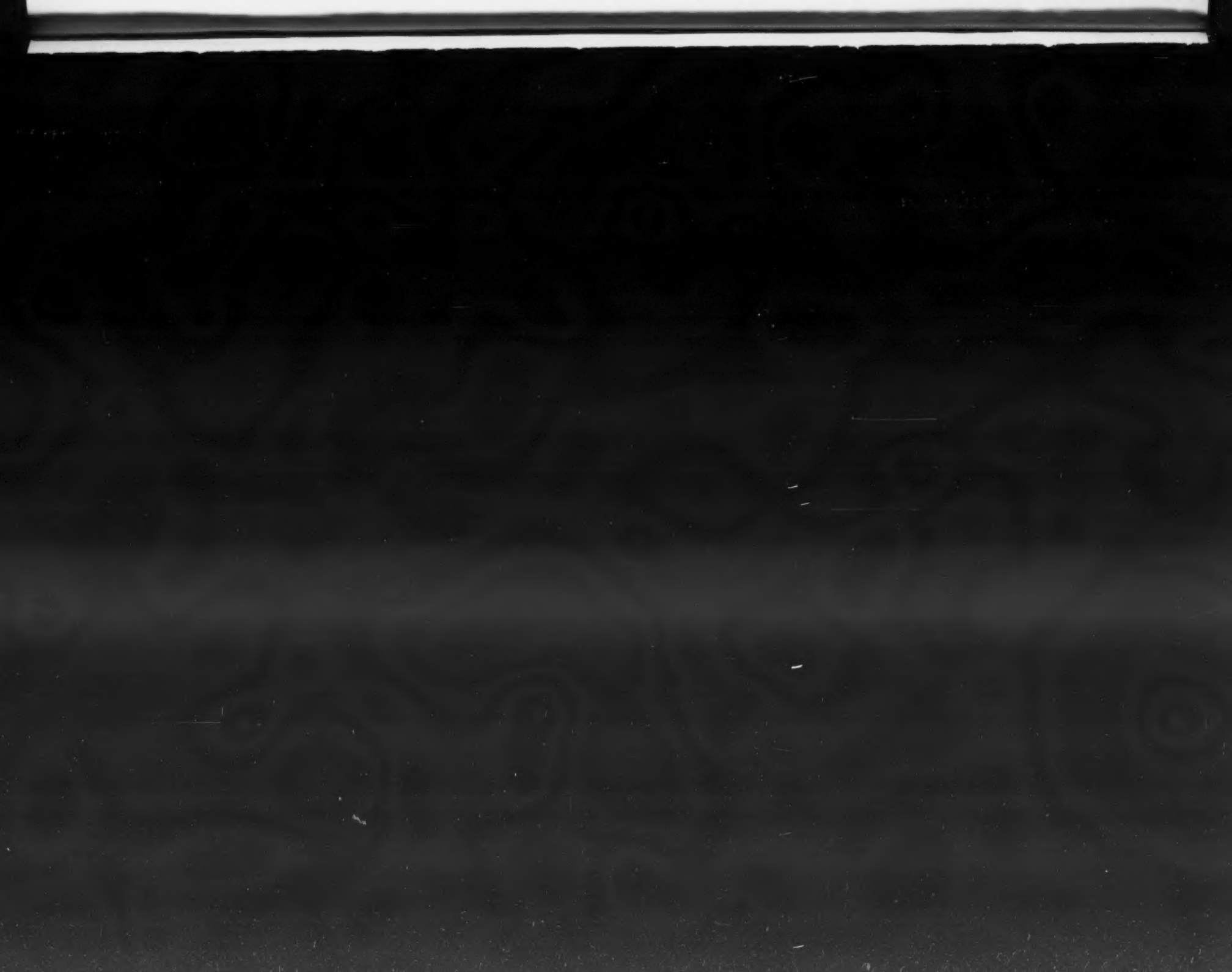
Mr. STAFFORD. I am quite sure.

Mr. CRAMTON. Is the gentleman sure?

Mr. STAFFORD. I do not wish to get into any controversy with the gentleman.

Mr. CRAMTON. The gentleman wants to strike out this language, and here is the situation. This is a large area and suppose the assistant superintendent sees an offense being committed and protests, but the man goes ahead with his destruction of something that can not be restored in centuries, and then the assistant superintendent is held by the courts not to be an official, but to be an employee. I am not sure whether the assistant superintendent is an official or an employee.

Mr. STAFFORD. In view of the opinion of those who favor strict enforcement of all laws and the delegation of authority to



the National Government to enforce all laws, sumptuary and otherwise, I will not press my objection as to this amendment. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That hereafter sole and exclusive jurisdiction shall be exercised by the United States over the territory which is now or may hereafter be included in the Hawaii National Park in the Territory of Hawaii, saving, however, to the Territory of Hawaii the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the Territory of Hawaii all jurisdiction now existing to tax all rightful subjects of taxation in respect to said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the Territory of Hawaii.

SEC. 2. That the District Court of the United States in and for the Territory of Hawaii shall have jurisdiction of all offenses committed within the boundaries of said park.

SEC. 3. That if any offense shall be committed in the Hawaii National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the Territory of Hawaii in force at the time of the commission of the offense may provide for a like offense in said Territory and no subsequent repeal of any such law of the Territory of Hawaii shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Territory of Hawaii shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Territory of Hawaii, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore, provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Territory of Hawaii, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said Territory.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Hawaii, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within exterior boundaries of said Hawaii National Park at a place to be designated by the Secretary of the Interior: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Territory of Hawaii.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the Territory of Hawaii of the passage and approval of this act and of the fact that the United States assumes police jurisdiction over said park.

With the following committee amendment:

Page 2, line 2, strike out, after the word "Hawaii," the following: "All jurisdiction now existing to tax all rightful subjects of taxation in respect to said park" and insert the following: "The right to tax persons and corporations, their franchises, and property on the lands included in said park."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAFFORD. Mr. Speaker, I had an amendment to that bill which it was agreed should be offered.

The SPEAKER. The Chair was not aware of any agreement for an amendment.

Mr. STAFFORD. I beg the pardon of the Chair, but I suggested an amendment, and it was agreed that I should offer it to the bill.

The SPEAKER. Without objection, all proceedings for the engrossment and third reading and the passage of the bill will be vacated.

There was no objection.

Mr. STAFFORD. Now, Mr. Speaker, I offer the following amendment:

Page 4, line 7, before the word "commit," insert the word "willful."

The Clerk read the amendment, as follows:

Amendment by Mr. STAFFORD: Page 4, line 7, before the word "commit," insert the word "willful."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IMPROPER PRACTICE BEFORE UNITED STATES PATENT OFFICE

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person to practice, describe himself or hold himself out, or permit himself to be described or held out, as a patent agent or patent attorney, unless he is duly recognized to practice before the United States Patent Office in accordance with the provisions of section 487 of the Revised Statutes (title 35, ch. 1, sec. 11, U. S. C.). It shall further be unlawful for any person who is not so recognized, or, who, having been so recognized, has been subsequently disbarred, to in any manner convey the impression that he either alone or together with any other person or persons, has, owns, conducts, or maintains an office of any kind for preparing or prosecuting applications for patents, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters relating to patents before the United States Patent Office: *Provided*, That nothing in this act shall prevent any attorney who is legally admitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, or cooperating with any duly registered patent attorney in obtaining a patent, or acting as counsel in any patent litigation. Any person violating the provisions of this section shall upon conviction be deemed guilty of a misdemeanor and fined not more than $1,000 or imprisoned not to exceed six months, or both. This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office, nor shall this section apply to any qualified engineer, chemist, or other scientific person, when performing technical, scientific, or other nonlegal services in connection with patents or applications for patents, unless such person holds himself out as practicing or qualified to practice before the Patent Office, or unless he has been disbarred from practice before said Patent Office.

SEC. 2. That it shall be unlawful for a corporation or an association to be admitted to practice before the United States Patent Office and it shall be unlawful for a corporation or association to practice, describe itself, or hold itself out or permit itself to be described or held out as a patent agent or a patent attorney, or in any manner convey the impression that it has, owns, conducts, or maintains an office of any kind for preparing or prosecuting applications for patents for any person other than itself. Any corporation or association violating the provisions of this section shall upon conviction be deemed guilty of a misdemeanor and fined not more than $5,000, and any officer, trustee, director, agent, member, or employee of such corporation or association who directly or indirectly engages in any of the herein prohibited acts in behalf of the corporation or association or assists such corporation or association to do such prohibited acts shall upon conviction be deemed guilty of a misdemeanor and fined not more than $1,000, or imprisoned not to exceed six months, or both. The fact that any such officer, trustee, or director or member or employee shall be duly and regularly admitted to practice before the United States Patent Office shall not be held to permit or allow any such corporation or association to do the acts prohibited herein, nor shall such fact be a defense in a trial of any such person mentioned herein for the violation of this section. This section shall not prohibit a corporation or association from employing an attorney or attorneys in and about its own immediate affairs or the affairs of organizations owned or controlled by it before the United States Patent Office.

SEC. 3. That nothing herein contained shall be construed to prevent a corporation or association from furnishing to any person admitted to practice before the United States Patent Office such information or such clerical services in and about his professional work as, except for the provisions of this section, may be allowable: *Provided*, That at all times the attorney receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which can not lawfully be rendered by a person not admitted to practice before the United States Patent Office nor to solicit directly or indirectly professional employment for any persons so admitted.

SEC. 4. That after the passage of this act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office, thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counselor unless he is legally admitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone; and any person so violating this act shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than $1,000 or imprisoned not to exceed six months: *Provided*, That this section shall not apply to persons registered to practice before the Patent Office at the time of the approval of this act.

SEC. 5. That any violation of this act shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation shall be committed.

The SPEAKER. Is a second demanded?

Mr. SCHAFER of Wisconsin. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHAFER of Wisconsin. I am.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. Mr. Speaker and gentlemen, this is a bill which three times has passed the House unanimously. The purpose of the bill is to prevent fraud and deception on inventors throughout the country by persons holding themselves out to be patent agents or patent attorneys.

We have one notable instance called to the attention of the committee where a poor man who could hardly read or write paid $1,500 to a supposed patent attorney to get a patent, with the result that eventually there was no patent granted and the $1,500 was lost.

The object of the bill is to create a real patent bar, amenable to the jurisdiction of the United States courts.

Mr. ABERNETHY. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. ABERNETHY. Does the bill deal with promiscuous advertising for business by patent attorneys throughout the country?

Mr. PERKINS. That is precisely one object of the bill. At the present time persons who have no standing before the Patent Office and are not patent lawyers advertise for business. Poor, innocent people are deceived into believing that the persons advertising are patent lawyers and that the buildings shown in the advertisements are their offices.

Mr. ABERNETHY. To what extent do you control that? I was hoping you would cut it out altogether.

Mr. PERKINS. You can not cut it out altogether, but the bill provides that no one unauthorized under the law shall hold himself out as a patent agent or patent attorney.

It also puts the matter within the jurisdiction of the United States court rather than leaving it entirely to the Patent Office.

Mr. STAFFORD. The bill excepts corporations or associations that employ attorney or attorneys in or about their own particular affairs. I thought that perhaps the exception should be further extended so as to include any person permitted to practice before the Patent Office.

Mr. PERKINS. It is not necessary to include that as an exception, because any person admitted to practice before the Patent Office is not affected by this bill. The object of the clause referred to is to clarify the meaning of the bill that corporations who carry their own patent attorneys may continue to employ them.

Mr. STAFFORD. And on page 5 the provisions of the law will apply to a State or Territory of the United States and its dependencies, and to the District of Columbia and the Panama Canal Zone, while on page 2 of the bill the law is made to apply to any attorney who is legally admitted to practice law in any State or Territory of the United States. Why should the phraseology not be alike in both places?

Mr. PERKINS. The proviso on page 2 is that nothing in the act shall prevent any attorney who is legally permitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, and so forth. The proviso in section 4 to which the gentleman called attention is that after the passage of the act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counsellor unless he is legally permitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone. The inclusion is somewhat broader, I admit.

Mr. STAFFORD. I thought that the particular language should be incorporated also on page 2, and that there the law should not be restricted to applying only to States and Territories.

Mr. PERKINS. Perhaps the draftsman of the bill might have included it. I do not see that there is any hardship on anyone by having the language a little different.

Mr. STAFFORD. In any event, under a motion to suspend the rules we can not amend the bill.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. Yes.

Mr. ABERNETHY. I think one of the worst practices that we had to contend with are these patent attorneys and pension attorneys writing all over the country soliciting business. Under our bar associations an attorney who does that would be disbarred. I wish the gentleman and his committee would give serious attention to that practice which I think is harmful, and certainly not in accord with the ethics of a great profession like that of the law.

Mr. PERKINS. If this bill be passed it will go a long distance toward preventing the objectionable things the gentleman from North Carolina has in mind.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. JENKINS. As I understand the law, at the present time any man might hold himself out as a practitioner before the patent department, when he really has no authority to practice before that department. Under this bill it is proposed to make it a penalty for anyone to hold himself out as a patent lawyer or an agent who has not met the requirements of the Patent Office?

Mr. PERKINS. Precisely.

Mr. JENKINS. Suppose a corporation or an individual is in the habit of having a representative here before the patent department who is not a lawyer. Does this prevent that person from continuing such an agent or representative in his employ to make investigations and reports?

Mr. PERKINS. This does not prevent anyone from employing a person to make investigations and report, and no concern whether a corporation or otherwise has a right under this bill to employ a person to act as a patent attorney unless he is admitted as a patent attorney.

Mr. JENKINS. The gentleman from North Carolina raises a question as to whether this bill reaches the men who advertise.

Mr. PERKINS. It will not reach all of the advertisers, but it will reach many persons who are advertising that they are patent lawyers or solicitors who are not such. It will not prevent general advertising by duly admitted attorneys.

Mr. JENKINS. That has to be controlled by the ethics of the profession?

Mr. PERKINS. Yes; but this will prevent a large part of the advertising which is false and fraudulent, in which persons who are not patent attorneys or patent solicitors pretend to be such, and hold themselves out to the public to be such, and draw large amounts of money from the public every year.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. MOORE of Virginia. Looking at section 4, it seems that, if the bill is enacted, anyone who is at the time of its passage registered with the Patent Office as an attorney can continue to practice.

Mr. PERKINS. That is true.

Mr. MOORE of Virginia. After the passage of the bill only those will be admitted to the roll as attorneys qualified to practice in the Patent Office who have been legally admitted to practice law in a State or Territory, and so forth.

Mr. PERKINS. Yes.

Mr. MOORE of Virginia. Which means that after the passage of the bill no one can become a patent attorney who has not passed a pretty rigid bar examination. Does not the gentleman think that a great many men are qualified to engage in patent practice who are altogether outside of what is required of a general practitioner?

Mr. PERKINS. I agree that there is quite a distinction between practicing law generally and practicing patent law, but there must be sometime and somewhere a patent bar established.

Mr. MOORE of Virginia. I might think that the duty would be placed on the Patent Office itself to determine who are qualified to practice in that particular field.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. Nothing prevents a man practicing as a patent agent.

Mr. MOORE of Virginia. But he can not practice as a patent attorney?

Mr. CRAMTON. He must not give the impression that he is an attorney, but he can handle business before the Patent Office without being a patent attorney.

Mr. MOORE of Virginia. That does not quite answer the question I raised. I am in entire sympathy with the proposal to prevent fraud of any kind, but here in Washington City to-day I understand there are men practicing before various Government agencies, as for instance, the Federal Trade Commission, and the Interstate Commerce Commission, and I believe the Treasury Department, who are not required to have the qualifications of a general practitioner who must have studied in a very extensive field.

Mr. PERKINS. The gentleman from Michigan [Mr. CRAMTON] has in his statement indicated the purpose of this bill, which is to prevent a man from practicing as a lawyer or solicitor when he is not an attorney nor a solicitor.

Mr. MOORE of Virginia. I think the gentleman from New Jersey is on the right track, but I do not think he will succeed in getting rid of this abuse until he stops this practice of men advertising all over the country, and I hope the Pension Committee will stop all this business of men coming here and bringing in claims of a character which the average lawyer can not undertake to do without being disbarred from practice.

Mr. PERKINS. That is the kind of a bill that we are trying to pass to-day. It does not go to the full length, but it goes in the right direction.

Mr. BRIGGS. May I ask the gentleman from New Jersey if the Patent Office has a list of lawyers who are practicing and which is available to the public?

Mr. PERKINS. There is a list in the Patent Office of agents and lawyers who have the right to practice before that office.

Mr. BRIGGS. Like other Members of Congress, I am in constant receipt of inquiries about patent lawyers practicing before the Patent Office. I understand that for a while the Commissioner of Patents had no objection to giving a list of such patent attorneys as his office would be willing to recommend, but he now objects to giving out a list of attorneys who are regarded by him as reputable lawyers practicing before the bureau. They do not carry out that former practice now. I think it would be a mighty good thing for the Patent Office to get out a list of reputable lawyers practicing before that office and have such a list published in convenient form for the public. They should see to it that all who are practicing before that office should be reputable lawyers.

Mr. PERKINS. You can readily see why the Patent Office can not recommend lawyers. You can see that if it did that it would be subject to criticism by patent attorneys who were not on the recommended list.

Mr. BRIGGS. But if they were not reputable lawyers they ought not to be permitted to practice before the department. There ought to be a list, so that the people would have reasonable assurance that the lawyers practicing before the department are reputable lawyers in good standing.

Mr. PERKINS. It would not be quite fair for the Patent Office to get up only a partial list.

Mr. BRIGGS. That is what I am talking about, so as not to have Tom, Dick, and Harry indiscriminately calling themselves lawyers and without ability or responsibility practicing before that department. But if they could publish a complete list of reputable lawyers the people could be assured that they would receive at least some value for the compensation which these lawyers get for their service.

Mr. PERKINS. The making of such a list might give out the impression that the attorneys mentioned on that list had the inside track. The Patent Office is being conducted with the view of treating all practitioners on an equal footing.

Mr. BRIGGS. I understand that; but at the same time the names of lawyers who practice at the bar are readily accessible, and attorneys should not be permitted to practice before the Patent Office unless they are capable and lawyers of good reputation. I think the Patent Office ought to be circumspect in looking into the qualifications of lawyers, both as to their character and ability; and such as do not come up to that standard should not be allowed to practice.

Mr. PERKINS. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield to the gentleman from New York five minutes.

Mr. LAGUARDIA. Mr. Speaker, this bill is very desirable and its purpose is to prevent fraud and imposition. The purpose of the bill is to eliminate or regulate fakers and impostors. It will give no trouble to reputable attorneys of good standing. But the bill does not go far enough. I am sorry we have not the opportunity to perfect it. Let me call the attention of the House to section 4. That will not give full protection. That will afford opportunity for misrepresentation. I know condi-

tions in the large cities. Conditions are quite different than in small towns where everybody knows everybody else. Before a man can give himself out as a practicing attorney he must be admitted to the bar. Section 4 permits a patent lawyer to represent himself as an attorney if he is admitted to the bar of any State or Territory regardless of where he may have his office. That is most unsatisfactory. He should be admitted to practice in the State where his office is located. The type of unfit men who represent themselves as lawyers might go down to the Canal Zone or up into Alaska and become what our friend DAN SUTHERLAND calls a "sock-in-the-eye lawyer." Under this bill a man without the required qualifications can go into a State and hold himself out as an attorney. He can hold himself out as a patent attorney, put out his shingle with the word "patent" in very small letters and as an attorney in big letters. This bill puts him in a position to practice the very deception the bar of nearly every State has been endeavoring to prevent.

I submit, gentlemen, that it is not fair to States having high requirements for admission to practice, as we have in New York, as the gentleman has in New Jersey, and as the gentleman has in Michigan, to open this avenue and permit a man to hold himself out as an attorney because he is a patent attorney, and because he has been admitted to practice down in the Canal Zone or up in Alaska.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. I think the gentleman does not quite picture the situation correctly. This section 4 is a sort of by-product of the bill. It is not the big feature of the bill. But suppose I am admitted to practice in the State of Michigan. I come to the city of New York and open an office to practice patent law. I am not interested in the courts of New York. I am a lawyer, and under this provision, if admitted to practice before the Patent Office, I can call myself a patent attorney. Why should I be required to secure admission to practice in New York State? My law office is there. The suggestion of the gentleman would require me to do that. By reason of my admission in Michigan I can fairly easily become admitted to the Federal courts in the city of Washington, and an appeal in a patent case from the Patent Office is placed in certain Federal courts in Washington. I am entitled to practice in those courts. That is all that is necessary.

Mr. LAGUARDIA. But this gives a man a right to call himself an attorney.

Mr. CRAMTON. I get that anyway.

Mr. LAGUARDIA. If he is given the right to call himself an attorney, then consideration for the State in which he practices should make him comply with the requirements of law of that State. A person may represent himself as an attorney when as a matter of fact he is not admitted to the bar. We may go after him under the State law, and he will say, "I have a right to call myself an attorney; the Congress of the United States gives me the right." That is my objection to section 4.

Mr. CRAMTON. I might emphasize this to the gentleman: Everything that the gentleman complains of as being possible after this becomes law, exists to-day.

Mr. LAGUARDIA. Exactly.

Mr. CRAMTON. That man, without having been admitted to practice in any court, can open an office in New York City and put up a sign "patent attorney" without ever having been admitted to practice in any court.

Mr. LAGUARDIA. I am in sympathy with the bill. There is great need for it. But, if we are going to do a job, let us do it right, and you are not helping us in New York or in any of the States having high requirements by the loophole contained in section 4.

The SPEAKER. The time of the gentleman has expired.

Mr. SCHAFER of Wisconsin. I yield the gentleman from New York two minutes more.

Mr. LAGUARDIA. You are not helping us in New York or in any of these States having high requirements if you provide that he may be admitted down in the Canal Zone or in any State having very low standards of requirements for admission to the bar, and permit that man to call himself an attorney, simply because he is admitted to practice in the Patent Office.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. JENKINS. Will not the gentleman agree that practically all of the patent business of the country is done in three or four large cities? Would not the amendment which the gentleman suggests result in a complete wiping out of all the business that any patent attorney has in any small town and concentrating it more and more in the big cities?

Mr. LAGUARDIA. I would not think so. In fact, it would have a tendency to send to the small towns men who could not qualify in the cities of States having strict requirements for the privilege of practicing law.

Mr. JENKINS. I am an attorney in a small town. I do not practice patent law at all; but if I should have a case, I would constantly be in danger if I wanted to present that case in New York or Chicago of having to go there and qualify under the laws of that State.

Mr. LAGUARDIA. If a lawyer has an office in a State and desires to call himself an attorney, he should be made to qualify in that State.

Mr. JENKINS. But I will be practicing in the United States court, where the rules of practice are the same in Chicago as in my section. Why should I have to go there and be admitted to the bar in that State?

Mr. LAGUARDIA. The gentleman will not accomplish the purpose he has in mind by section 4. The rest of the bill is very good. I would suggest an amendment, if this bill were open to amendments, requiring an attorney to qualify as such in the State where he practices.

Mr. SCHAFER of Wisconsin. I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, I rise more than anything else to continue the discussion that was suggested by the gentleman from Virginia [Mr. MOORE]. I ask the attention of the author of the bill and the gentleman who is supporting the bill.

The gentleman stated in his reply to the gentleman from Virginia [Mr. MOORE] that a patent agent would be authorized under this law to practice before the department. I do not so understand the bill. I understand that the purpose of this bill is to bar any person who is not an attorney, other than those who are at present registered, unless they are qualified attorneys, admitted to the bar of some State or Territory. I question very much the advisability of having the right limited only to members of the bar of the various States. Every lawyer present knows that it requires special qualifications of a high technical order to qualify as a patent attorney. A man must be versed either in mechanical engineering or physical engineering or the details of some sort of engineering. I am in hearty sympathy with the provisions of this bill, which seeks to get rid of the shyster practitioner. There are many of them. The public has suffered by reason of their practices, but I question whether the great number of examiners in the Patent Office, who pass their probationary period as examiners and who are not members of the bar, not versed in the technique of corporation law or pleading or of the various other branches that qualify a lawyer to practice, would be able in any way to qualify under the terms of this provision; and yet they are the very men who are entitled to qualify as patent attorneys.

Men come here from college and take employment in the Patent Office as examiners. They serve a probationary period for a number of years and get acquainted with the Patent Office practice and go out in the field. If they are reputable persons they should be certified to practice before the Patent Office; but they would not be permitted to practice, under the terms of this bill, unless they have the qualifications as a member of the bar of some State. Those qualifications are becoming more and difficult—in many States it being necessary for the applicant to have been graduated from a creditable law school.

Mr. PERKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PERKINS. Your objection is that it is too difficult to get admitted, and the objection of the gentleman from New York is that it is too easy to get admitted.

Mr. STAFFORD. I do not agree with the position of the gentleman from New York at all. I think there are certain qualifications that are necessary to practice in the Patent Office. The qualifications that are required of members of the bar are not all-prevading.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. As to this matter of the right of a person to practice under this bill who is not admitted to practice generally in the courts, the gentleman will notice that on page 1, line 3, the reference is to a patent agent or patent attorney, but when it comes to section 4, forbidding anyone to practice as a patent attorney, patent lawyer, patent solicitor, or patent counselor, nothing is said about a patent agent, and a man who has not been admitted to practice in the courts generally can be admitted under this bill to practice as a patent agent before the Patent Office. The purpose is to prevent the use of that word which signifies a standing he has not had.

Mr. PERKINS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PERKINS. Under section 2 a man may be a patent agent and duly authorized to practice as a patent agent in the Patent Office. That may be done. But, as indicated by the gentleman from Michigan, under section 4 he can not hold himself out to be a lawyer, attorney, solicitor, or counselor.

Mr. STAFFORD. Then, as I understand the gentleman's position, even after this bill becomes a law he may still be registered as a patent agent and practice before the Patent Office in the presentation of patent applications.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. STAFFORD. But he can not hold himself out as a patent attorney. Is that the fact?

Mr. PERKINS. No; I think that after the passage of this act he must be admitted somewhere as a lawyer, as an attorney, or a solicitor before he can be admitted as a patent attorney or solicitor.

Mr. STAFFORD. Will he be able to practice as a patent agent?

Mr. PERKINS. No; unless he is now admitted as such.

Mr. STAFFORD. That brings up the very question I advanced and the very point at issue between the author of the bill and the sponsor of the bill. I was under the impression that hereafter a person in order to practice before the Patent Office must be admitted to practice before some bar of a State.

Mr. LAGUARDIA. That is my understanding.

Mr. PERKINS. I will correct myself. He may be admitted to act as a patent agent, but after the passage of this act no one who is not admitted to the bar generally can hold himself out to be a patent attorney, patent lawyer, patent solicitor, or patent counselor.

Mr. STAFFORD. A person without being a member of the bar may be registered as a patent agent to practice before the Commissioner of Patents?

Mr. PERKINS. He may.

Mr. STAFFORD. Mr. Speaker, I yield back the remainder of my time.

Mr. PERKINS. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, every court has the right to regulate the practice before it, and for fraudulent conduct on the part of an attorney can disbar that attorney from practicing in that court. That is true of the Patent Office of the United States. You can not be admitted except on certain conditions to practice before that office. Having been admitted, if you are convicted of fraud or other improper conduct, you can be removed from the rolls. There is greater need of having good faith on the part of attorneys in patent law than generally, because there is so much of it carried on in the way of mail-order business and in remote communities.

Any man is authorized under the law to handle his own case in the Patent Office without an attorney. Now, here is what happens. Certain individuals who have been disbarred from practicing in the Patent Office or who could not be admitted to practice continue to practice in that office in this way: I make an application for a patent and see the advertisement of John Jones a thousand miles away asking for my business, or I see a corporation, some altruistic outfit. I employ them to handle my case, but they can not appear in the Patent Office, so the case is filed in my name, the Patent Office writes to me, I turn the correspondence over to them, and they handle it. While all the correspondence goes to my address, this faker is actually handling the case, and in that way they evade the present law.

I had a case where an organization took the case of a man in my district, and they milked this poor old fellow, who wanted to send his girl to college, out of $1,500 without giving him anything in return. When I took it up with the Patent Office I found the Patent Office did not know anything about this organization. They could not discipline that organization. A lawyer was handling the business before them, a man properly admitted, but who denied knowing anything about the fraud, and hence he could not be disciplined as he could not be shown to have had any relations with my constituent.

So this bill is devised to prevent anybody from soliciting patent business to handle before the Patent Office unless the man who solicits the business is authorized himself to go before the Patent Office and look after it. That does not seem to be radical or unfair, and that is the big feature of this bill.

Mr. BLOOM. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLOOM. That is a part of the law at the present time, is it not?

Mr. CRAMTON. No.

Mr. BLOOM. No one can appear before the Patent Office unless he is a registered patent attorney or agent; is not that right?

Mr. CRAMTON. But he can advertise all over the United States for business and pick up poor fellows like the man in my district who lost the $1,500.

Mr. BLOOM. I am in sympathy with the idea of the bill, and the only thing I want to bring out before the Members is that this is the same as the law at the present time, except that a man can not by subterfuge come in and act as a patent attorney or patent agent.

Mr. CRAMTON. It gives them no authority to disbar a man that does not exist now. Under this bill a man must be admitted to practice in the Patent Office and be in a position to handle the business. He can not hold himself before the people of the country as being in a position to handle the business unless he is actually in that position.

Mr. BLOOM. The idea is that after they have been disbarred by the Patent Office they hire people to solicit business for them indirectly.

Mr. CRAMTON. And they continue to advertise themselves. After being disbarred or after resigning for fear of being disbarred, they go ahead soliciting business in the newspapers of the country just the same as ever.

I think this covers the purpose of the bill and will cause the bill to meet with the approval of the House.

I yield back the balance of my time.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield myself one minute. After listening to the presentation of the case by members of the committee reporting the bill I have reached a conclusion to support and vote for this bill and unless some other Member desires the remaining time which I have, under my demand for a second, I yield back the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from New Jersey [Mr. PERKINS] to suspend the rules and pass the bill.

The question was taken and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMENDMENT OF THE TRADE-MARK ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10076) to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1(b) of the trade-mark act of March 19, 1920, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 476 of the Revised Statutes, as amended (U. S. C., title 35, sec. 2), is amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioners shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law."

SEC. 2. Section 482 of the Revised Statutes, as amended (U. S. C., title 35, sec. 7), is hereby amended by substituting the words "assistant commissioners" for the words "assistant commissioner," in conformity with the provisions of section 1 of this bill.

SEC. 3. Section 4934 of the Revised Statutes, as amended (U. S. C., title 35, sec. 78), is amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $25, and $1 for each claim in excess of 20.

"On issuing each original patent, except in design cases, $25, and $1 for each claim in excess of 20.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the Board of Appeals, $15.

"On every appeal from the examiner of interferences to the Board of Appeals, $25.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for $50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 50 cents.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, $3; for each additional two pages or less, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 50 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That sections 1 and 14 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended (U. S. C., title 15, sec. 81); and section 1 (b) of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes" (U. S. C., title 15, sec. 109) are hereby amended by providing that the fee for registration of trade-marks and renewals of registrations shall be $15.

SEC. 5. The money required for the Patent Office each year, commencing with the fiscal year 1932, shall be appropriated by law out of the revenues of that office, except as otherwise provided by law.

SEC. 6. The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned applications which have been on file for more than 20 years.

SEC. 7. This act shall take effect upon the date of its enactment, except that sections 3 and 4 shall take effect on the 1st day of June, 1930.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am not. I am demanding a second merely for the purpose of having the gentleman from New Jersey explain the bill.

The SPEAKER. Does any gentleman opposed to the bill desire recognition? If not, the Chair recognizes the gentleman from Wisconsin.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. Mr. Speaker and gentlemen of the House, the purpose of this bill is to permit the Patent Office to catch up with its work. In effect, it raises the cost of the application $5 and the cost of the final patent $5 and makes a few other small changes in the charges of the Patent Office.

At the present time the Patent Office is running a deficit of something like $600,000 a year and is seven or eight months behind in its work. Under an act which was recently passed by this House, and which, for its operation will depend upon the passage of this bill, 110 additional examiners and 30 additional clerks were put on in the Patent Office in order to catch up with the work.

You can all understand that when a man has what he thinks is a valuable invention, and makes application for a patent and has to wait 3 or 4 or 6 months, or even longer, the cost to him is not the original fee of $25 that he pays, but the long waiting and the disappointment involved. The object of this bill is merely to raise the fee $5, and as I have stated, make some other slight changes so that the 110 additional examiners and the 30 additional clerks may be put on, in order that the Patent Office may catch up with its work; not only will the bill have this effect, but it will wipe out the deficit in operating the Patent Office and produce a small revenue.

In the granting of patents the Government grants a monopoly, and there is no reason why the person who is purchasing a monopoly should not pay fully for it. The applicant should be willing to pay for the service, and the chief quarrel that the public now has with the Patent Office is the long delay in acting upon applications. If we pass this bill it will shorten the time within which patents are acted upon and will wipe out the deficit of over $600,000 now accruing annually in the Patent Office. This will satisfy the public, and no one will pay for it except the man who is applying for and obtaining a patent.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. ENGLEBRIGHT. As I recall, there was no protest to the committee from anybody on the raising of these fees.

Mr. PERKINS. No; no one has appeared before the committee who was not more anxious to have more rapid action in the Patent Office rather than to save $5.

Mr. STAFFORD and Mr. BLOOM rose.

Mr. PERKINS. I yield first to the gentleman from Wisconsin.

Mr. STAFFORD. I direct the gentleman's attention to section 4 purporting to amend some acts which are confirmatory of conventions entered into with other nations, and I wish to inquire of the gentleman whether these conventions or treaties prescribe any fees for the registration of trade-marks and the like.

Mr. PERKINS. The gentleman means in foreign countries?

Mr. STAFFORD. In section 4 we are proposing to amend a certain act giving effect to certain provisions of a convention for the protection of trade-marks and commercial names entered into at the city of Buenos Aires on August 20, 1910. In this particular you are increasing the fee to $15. Is the gentleman proposing to change the convention in that particular?

Mr. PERKINS. Not at all; this merely raises the fee from $10 to $15.

Mr. STAFFORD. Does the original convention provide that the fee shall be $10?

Mr. PERKINS. No; I think it is wholly a matter within our jurisdiction and this bill does not in any way affect that convention.

Mr. STAFFORD. May I inquire further whether we have any treaties or conventions with other nations in which the fees to be charged by our Government for the issuance of patents to their natives are fixed?

Mr. PERKINS. I think I am safe in saying that we have not; at any rate, we have none that will be affected by this bill.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. PERKINS. I yield.

Mr. JENKINS. Can the gentleman tell how long the present schedule of fees has been in vogue?

Mr. PERKINS. It has been in force a long while. I can not tell exactly how long.

Mr. JENKINS. There has not been any change since war times, for instance?

Mr. BLOOM. We raised them on copyrights.

Mr. PERKINS. We raised some on the copyrights but none on the patent rights.

Mr. CRAMTON. As I understand the theory of the bill, it is that the fees will be increased, and that then more liberal appropriations are to be made so that the Patent Office can have sufficient personnel to keep the work current.

Mr. PERKINS. Yes; and I am informed an appropriation has already been authorized.

Mr. BLOOM. In line with the question that the gentleman asked, what assurance is there that the salary of the examiners will be increased according to the raise on the price of the patent?

Mr. PERKINS. Well, we are getting more examiners, but not increasing the pay.

Mr. BLOOM. At a higher salary?

Mr. PERKINS. I do not think that the examiners are adequately paid. The trouble is that the Patent Office to-day has difficulty in keeping the examiners at the salaries they are getting. By this measure we are putting on more examiners, not increasing salaries.

Mr. BLOOM. The Patent Office can not secure examiners at the salary they are paying to-day.

Mr. PERKINS. We can get them, but we can not keep them.

Mr. BLOOM. Why not increase the salaries of the examiners, so that the examiners will not leave?

Mr. PERKINS. I agree to that, but that will have to be taken care of in another bill. The bill I am trying to pass to-day is to provide more examiners and more clerks, in order that we may catch up with the work.

Mr. STAFFORD. I notice there is no provision relating to the continued publication of the Official Gazette. I remember that for years I have received a copy of that publication. I had no personal use for it. There is a demand for it among patent attorneys. Here we are providing for certain copies of specifications of patents to be furnished public libraries at certain yearly rates. Has the committee given any consideration to the distribution of the Official Gazette?

Mr. PERKINS. Not in connection with this bill. I think all Members of Congress receive the publication you have mentioned.

Mr. STAFFORD. As I stated I receive a copy, but I do not know what to do with it. The expense of printing it is an added burden on the Government.

Mr. PERKINS. The practical thing for the gentleman to do is to find some patent attorney in his district who desires it.

Mr. STAFFORD. Patent attorneys subscribe for the Gazette. Why should I pick out one patent attorney and favor him?

Mr. PERKINS. Another way is to ask the office not to send it to you.

Mr. STAFFORD. Why should we be accorded a copy of this Gazette when we have no need of it? Why should the Government send us a copy when we do not need it?

Mr. BLOOM. But many Members have practical need of it.

Mr. BRIGGS. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. BRIGGS. Has the Patent Office assured the committee that with this help they can take care of the applications, so that the applicant can get a ruling within a reasonable time without waiting nine months?

Mr. PERKINS. If this bill passes, these applications will be taken care of in as brief a time as it is possible, considering the nature of the work.

Mr. BRIGGS. In how short a time?

Mr. BLOOM. It now takes five to six months before final action upon an application for a patent. If this bill passes, applicants will get a ruling on the applications within three months.

Mr. STAFFORD. Mr. Speaker, I have no further use for the time accorded me.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken (and two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

BEY MARIO AROSEMENA

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate Joint Resolution 17, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama.

The SPEAKER. Does the gentleman state that it is an emergency measure?

Mr. SANDLIN. The purpose of the bill is to allow a citizen of Panama to be appointed to the West Point Military Academy. It is an emergency matter for the reason that the examination has to be held, if the appointment is made, about the middle of April.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Joint Resolution 17

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Bey Mario Arosemena to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Bey Mario Arosemena shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Bey Mario Arosemena shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the case of said Bey Mario Arosemena the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to get the viewpoint of the Speaker as to the consideration of this character of legislation. A number of similar bills have been reported from the Committee on Military Affairs and are on the Private Calendar, extending this privilege to the citizens of other countries in South America. If we are going to extend the privilege to a native of this country, I assume that we should extend it to natives of other countries.

The SPEAKER. The Chair rarely recognizes Members for bills of a purely private nature, but in a case like this, where it involves a question of comity between two nations, the Chair thinks he is justified in doing so.

Mr. STAFFORD. There are three or four or five if not more bills of a similar character on the calendar, and I am wondering whether the Speaker would recognize Members either to-day or two weeks hence to pass those respective bills.

The SPEAKER. Where a question of emergency exists, the Chair will be very glad to recognize some one for that purpose.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

TABLET TO MARK BIRTHPLACE OF WILLIAM RUFUS KING

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10171) providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The SPEAKER. Does the gentleman state that this is an emergency matter?

Mr. ABERNETHY. It is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying into effect the provisions of the act approved May 23, 1928 (45 Stats. 719), and February 28, 1929 (45 Stats. 1378), providing for the construction of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States, the Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. SCHAFER of Wisconsin. What is the nature of this emergency?

Mr. LaGUARDIA. An appropriation has already been provided for a competition, but no one competed.

Mr. ABERNETHY. That is correct. The appropriation is for $2,500, and the citizens down there have raised $750 more. The Fine Arts Commission and the sculptor and all of them have agreed on taking it for just exactly what they can get it for. We had the celebration planned for, when all of a sudden the comptroller said that it had to be let out at competitive bids, and nobody competed.

Mr. SCHAFER of Wisconsin. What is the amount of the appropriation?

Mr. ABERNETHY. Two thousand five hundred dollars.

Mr. SCHAFER of Wisconsin. And the emergency exists by reason of the Comptroller General's position?

Mr. ABERNETHY. That is all.

Mr. SCHAFER of Wisconsin. I certainly shall not object.

Mr. BLACK. I never could see any emergency about a living Vice President, and I do not see how the gentleman could find one about a dead one.

Mr. ABERNETHY. The emergency here is that this Vice President happens to be related to the Speaker of the House and a former Member of Congress from my district. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MINNESOTA RIVER AT HENDERSON, MINN.

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9989) granting the consent of Congress to the State of Minnesota, Le Sueur County, and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.

The SPEAKER. Does the gentleman state that there is an emergency existing?

Mr. ANDRESEN. There is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota, Le Sueur County, and Sibley County, in the State of Minnesota, to construct, maintain, and operate a free bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation, at or near Henderson, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PER CAPITA PAYMENT TO SHOSHONE AND ARAPAHOE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10216) authorizing per capita payments to the Shoshone and Arapahoe Indians, and ask unanimous consent to consider in lieu of it an identical Senate bill, S. 3579, with identical title, which is now on the Speaker's table.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Shoshone and Arapahoe Indians in the State of Wyoming from their tribal funds deposited in the United States Treasury under the act of August 21, 1916 (39 Stat. L. 519).

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman accept an amendment limiting this to one per capita payment of $25?

Mr. LEAVITT. Mr. Speaker, this matter has been taken up with the Wyoming Senator, Senator KENDRICK, and he has agreed to it. That will be a satisfactory amendment. It is his bill which passed the Senate.

Mr. SCHAFER of Wisconsin. What is the nature of the emergency that requires the passage of this bill out of order?

Mr. LEAVITT. It is found in the report, where it is stated that reports indicate a very serious situation among the Indians of this tribe on account of a partial crop failure last year, with the result that the Indians have very little money to provide themselves with the necessities of life or to finance their spring farming activity.

Mr. SCHAFER of Wisconsin. I believe that is an emergency.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 5, strike out the word "reasonable" and insert in lieu thereof the article "a," and in line 6, strike out the word "payments" and insert "payment of $25."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 10216) was ordered to lie on the table.

CERTAIN DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 6809, No. 224 on the Consent Calendar. Certain gentlemen reserved the right to object to it, but they are now willing to withdraw their objection.

The SPEAKER. Without objection, the clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1933, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been made. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1933, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding three years.

With a committee amendment as follows:

On page 2, line 15, strike out the word "three" and insert in lieu thereof the word "five."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

PAVING AT HOSPITAL NO. 90, MUSKOGEE, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9325) to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, what kind of a pavement is going to be put down around this hospital?

Mr. HASTINGS. It is a concrete pavement. It is to pave the space between the hospital on the one side and the cottages on the other. It has a boulevard right above it leading to the Government property on both sides. This simply authorizes the pavement out of the hospital funds; to pave that stretch of street which is in between the Government property and the Government cottages on the east side of the road.

Mr. SCHAFER of Wisconsin. I want to find out whether this appropriation is sufficient to put down a good and substantial pavement, and not one of those camouflage pavements that have been put down around some of our soldiers' homes.

Mr. HASTINGS. It is to be a good, substantial pavement.

Mr. STAFFORD. This is to pave the street between the hospital and the Government cottages?

Mr. HASTINGS. Yes.

Mr. STAFFORD. I understand that this does not violate the rule respecting the Government providing a highway?

Mr. HASTINGS. That is true. The street is improved up to the hospital. This is to provide the paving between the street and the Government property.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States Veterans' Bureau be, and it is hereby authorized to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and between the said hospital and the Government cottages on the east side of the road, and to use for said purposes $4,950 of the funds appropriated for hospital purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON (at the request of Mr. BRIGHAM), for one week, on account of important business; and

To Mr. WURZBACH, for 10 days, on account of important business.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway; to the Committee on Interstate and Foreign Commerce;

S. 3745. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce;

S. 3747. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce; and

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado; to the Committee on Irrigation and Reclamation.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 8423. An act granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did, on February 11, 1930, present to the President, for his approval, a bill of the House of the following title:

H. R. 2824. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Fort Donelson, Tenn., approved March 26, 1928."

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 18, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 18, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works at the navy yard, Philadelphia, Pa. (H. R. 10166).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposals for legislation concerning Muscle Shoals.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

365. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Hollywood Harbor, Fla.; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

366. A letter from the Secretary of War, transmitting draft of a bill to authorize the acquisition of a right of way for sewer pipe line in connection with the Fort Bragg Military Reservation, N. C.; to the Committee on Military Affairs.

367. A letter from the Secretary of War, transmitting draft of a bill to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

368. A letter from the Acting Secretary of the Navy, transmitting draft of a bill for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Claims.

369. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1930, amounting to $25,000, for the expenses of participation by the United States by means of delegates in the International Conference for the Codification of International Law at The Hague in March, 1930 (H. Doc. No. 319); to the Committee on Appropriations and ordered to be printed.

370. A letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Pensions, dated March 11, 1930, together with the ninth annual report of the board of actuaries of the civil-service retirement and disability fund (H. Doc. No. 320); to the Committee on the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIMMONS: Committee on Appropriations. H. R. 10813. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 704. A bill to grant relief to those States which brought State-owned property into the Federal service in 1917; with amendment (Rept. No. 909). Referred to the Committee of the Whole House on the state of the Union.

Mrs. LANGLEY: Committee on Immigration and Naturalization. H. R. 5627. A bill relating to the naturalization of certain aliens; without amendment (Rept. No. 910). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10118. A bill to authorize the Secretary of War to lend War Department equipment for use at the Twelfth National Convention of the American Legion at Boston, Mass., during the month of October, 1930; without amendment (Rept. No. 911). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 2029. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase; without amendment (Rept. No. 919). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 6846. A bill to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the Massachusetts Bay Colony; without amendment (Rept. No. 920). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 9894. A bill to discontinue the coinage of the two and one-half dollar gold piece; without amendment (Rept. No. 921). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 10375. A bill to provide for the retirement of disabled nurses in the Navy; without amendment (Rept. No. 922). Referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS of California: Committee on Naval Affairs. H. R. 10662. A bill providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist; without amendment (Rept. No. 923). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10674. A bill authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty; without amendment (Rept. No. 924). Referred to the Committee of the Whole House on the state of the Union.

REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DOXEY: Committee on Claims. H. R. 2222. A bill for the relief of Laurin Gosney; with amendment (Rept. 904). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2645. A bill for the relief of Homer Elmer Cox; without amendment (Rept. No. 905). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9398. A bill for the relief of Dr. J. T. Wood; with amendment (Rept. No. 906). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 593. A bill for the relief of First Lieut. John R. Bailey; with amendment (Rept. No. 912). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 596. A bill for the relief of Lieut. James Floyd Terrell, Medical Corps, United States Navy; with amendment (Rept. No. 913). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 648. A bill for the relief of Thomas H. Deal; without amendment (Rept. No. 914). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 8169. A bill for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.; without amendment (Rept. No. 915). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 8589. A bill for the relief of Charles J. Ferris, major, United States Army, retired; without amendment (Rept. No. 916). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 10737. A bill for the relief of G. W. Gilkison; with amendment (Rept. No. 917). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6186. A bill for the relief of Frank Storms; with amendment (Rept. No. 918). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 383) granting a pension to Rachel Caroline Pardoe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMMONS: A bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. JAMES (by request of the War Department): A bill (H. R. 10814) to make the net proceeds arising from sales of surplus supplies of the War Department available for the procurement of supplies and equipment necessary for reducing any deficit now or hereafter existing in the authorized war reserves, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 10815) to establish a hydrographic office at Grays Harbor, State of Washington; to the Committee on Naval Affairs.

Also, a bill (H. R. 10816) to construe the contract-labor provisions of the immigration act of 1917 with reference to instrumental musicians, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT: A bill (H. R. 10817) to extend to the northern Cheyenne Indians of Montana rights and benefits under certain treaties; to the Committee on Indian Affairs.

Also, a bill (H. R. 10818) to extend the provisions of Public Resolution 47, Seventy-first Congress, entitled "Joint resolution for the relief of farmers in the storm, flood, and/or drought stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri"; to the Committee on Agriculture.

By Mr. LINTHICUM: A bill (H. R. 10819) to direct The Adjutant General of the Army; the Bureau of Navigation, Navy Department; the Major General Commandant United States Marine Corps; and the commandant United States Coast Guard, in certain cases to transfer the statements of World War service to the State, Territory, District of Columbia, or insular possession of the United States wherein true legal residence is shown, and to credit the service accordingly in the record and statistics of the World War; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 10820) to establish a commercial airport for the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. REED of New York: A bill (H. R. 10821) to provide for the further development of vocational education in the several States and Territories, and for other purposes; to the Committee on Education.

By Mr. WALKER: A bill (H. R. 10822) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. CHRISTGAU: A bill (H. R. 10823) to grant a right of way or easement over lands of the United States within the Upper Mississippi River Wild Life and Fish Refuge to the Wabasha-Nelson Bridge Co., assignee of the Wabasha bridge committee, for the construction of a bridge from Wabasha, Minn., to Nelson, Wis., as authorized by the act of March 10, 1928, as amended December 13, 1929; to the Committee on Agriculture.

By Mr. DRANE: A bill (H. R. 10824) providing for the purchase of a suitable site and the erection of a public building at Lake Wales, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10825) providing for the purchase of a suitable site and the erection of a public building at Eustis, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL of New York: A bill (H. R. 10826) to provide for the renewal of passports; to the Committee on Foreign Affairs.

By Mr. GARBER of Oklahoma: A bill (H. R. 10827) to authorize the Postmaster General to give substitute laborers in first and second class post offices and in the Railway Mail Service credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10828) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the experiment station of the Panhandle Agricultural and Mechanical College, located at Goodwell, Okla.; to the Committee on Agriculture.

By Mr. HARDY: A bill (H. R. 10829) authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigation of reservoir sites, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HENRY T. RAINEY: A bill (H. R. 10830) to amend certain sections of the Federal farm loan act approved July 17, 1916, and of the agricultural marketing act, approved June 15, 1929; to the Committee on Banking and Currency.

By Mr. COLE: Joint resolution (H. J. Res. 269) to provide for the expenses of the sixth session of the Permanent International Association of Road Congresses, Washington, 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Conference, to be held at Lima, Peru, July, 1930; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 271) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALDRICH: Memorial of the General Assembly of the State of Rhode Island urging the passage of legislation providing for a properly equipped lightship southwest of Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Resolution of the House of Representatives of the Republic of Cuba, transmitting a message of condolence on the death of Hon. William H. Taft, who was provisional Governor of Cuba; to the Committee on Foreign Affairs.

By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of the State of Rhode Island recommending to Congress the passage of legislation providing for a lightship southwest of Block Island, as an aid to navigation; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10831) granting an increase of pension to Jesse T. Braddy; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10832) granting an increase of pension to Melissa A. Hazell; to the Committee on Invalid Pensions.

By Mr. BAIRD: A bill (H. R. 10833) granting a pension to Rose B. Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10834) granting a pension to Fannie Stults; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10835) granting an increase of pension to Anna Bossard; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10836) granting an increase of pension to Sarah B. Pheasant King; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 10837) granting a pension to William Marks; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 10838) granting a pension to Mary B. Male; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10839) granting an increase of pension to Anna Beachler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10840) granting an increase of pension to Sarah E. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10841) granting an increase of pension to Pamelia W. Favorite; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 10842) for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Naval Affairs.

By Mr. CABLE: A bill (H. R. 10843) for the relief of Benjamin F. Yazel; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 10844) granting an increase of pension to Mary Elizabeth Goff; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 10845) granting a pension to Elizabeth Frances Baker; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 10846) for a preliminary examination and survey of the Maumee, Wabash, St. Joseph, and St. Marys Rivers in Indiana and for the construction of canals; to the Committee on Rivers and Harbors.

By Mr. CHRISTOPHERSON: A bill (H. R. 10847) granting an increase of pension to Henrietta A. Fredericksen; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10848) granting a pension to Matilda Hunt; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 10849) for the relief of Charles W. Dworack; to the Committee on Claims.

Also, a bill (H. R. 10850) for the relief of Bernis Brien; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 10851) granting a pension to Florence M. Mosier; to the Committee on Invalid Pensions.

By Mr. HALSEY: A bill (H. R. 10852) granting an increase of pension to Sarah McPatterson; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 10853) granting increase of pension to Angeline Howe; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 10854) extending the benefits of the emergency officers' retirement act to Edwin C. Burdick; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10855) granting a pension to Llewellyn N. Bushfield; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10856) granting an increase of pension to Willard M. Girton; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10857) granting a pension to Ella Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10858) granting an increase of pension to Louisa Fist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10859) granting an increase of pension to Anna Sanders; to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10860) to allow the distinguished-service medal in the World War to be awarded Capt. Kenneth C. Towe; to the Committee on Military Affairs.

Also, a bill (H. R. 10861) granting a pension to Thomas E. Carson; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 10862) granting a pension to Amanda Mellott; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10863) granting a pension to Troy Hill; to the Committee on Pensions.

By Mr. LEE of Texas: A bill (H. R. 10864) granting a pension to N. C. Brown; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 10865) to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor; to the Committee on Foreign Affairs.

By Mr. LOZIER: A bill (H. R. 10866) granting an increase of pension to Prudence Cook; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10867) granting an increase of pension to Amanda M. Bailey; to the Committee on Pensions.

Also, a bill (H. R. 10868) granting an increase of pension to Nan Donaldson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10869) granting an increase of pension to Lucy E. Findley; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 10870) granting a pension to Mary S. Bowles; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 10871) for the relief of Willard Centlivre; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 10872) granting an increase of pension to Eliza Ash; to the Committee on Invalid Pensions.

By Mr. SPARKS: A bill (H. R. 10873) granting a pension to Addie Young; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10874) granting a pension to Frank J. Long; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 10875) for the relief of Charles Lamkin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5702. Petition of the National Association of Builders Exchange, of Washington, D. C., requesting all departments of the Government, Federal, State, county, and municipal, to let all Government work on the contract plan and to the lowest responsible bidder; to the Committee on Labor.

5703. By Mr. ALLEN: Petition signed by citizens of Moline and Rock Island, Ill., urging early consideration and passage of House bill 2562 to increase the pensions of veterans of the Spanish War; to the Committee on Pensions.

5704. By Mr. BACON: Petition of citizens of Easthampton, Long Island, N. Y., in favor of increase of pension to Spanish War veterans and widows of veterans; to the Committee on Pensions.

5705. By Mr. BLAND: Petition of citizens of Virginia and Pennsylvania indorsing the bill for the exemption of dogs from vivisection as proposed by the international conference for the investigation of vivisection; to the Committee on the District of Columbia.

5706. By Mr. BLOOM: Petition of citizens of New York (not members of the United Spanish War Veterans or allied organizations) to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5707. By Mr. BRUNNER: Resolutions of the Republican Club of Astoria, Long Island, N. Y., favoring repeal of the eighteenth amendment and other Federal prohibition legislation, and that the right to determine the question of prohibition or nonprohibition or degree of prohibition should be exclusively within the province of the various States; to the Committee on the Judiciary.

5708. By Mr. BUCKBEE: Petition of Homer B. Dickens and 19 other citizens of Rockford, Ill., asking for early passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5709. By Mr. CABLE: Petition of citizens of Miami County, Ohio, urging the passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5710. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, urging the passage of legislation beneficial to Spanish War veterans; to the Committee on Pensions.

5711. By Mr. CHRISTOPHERSON: Petition of 64 residents of South Dakota, asking enactment of House bill 2562; to the Committee on Pensions.

5712. Also, petition of citizens of Union County, S. Dak.; to the Committee on Education.

5713. By Mr. CRAMTON: Petition of Snover Grange, No. 853, Sanilac County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5714. Also, petition of Bruce Armada Grange, No. 657, Macomb County, Mich., in favor of the debenture amendment to the pending tariff bill; to the Committee on Ways and means.

5715. Also, petition of Fairgrove Grange, No. 1649, Tuscola County, Mich., in favor of the export debenture item in the pending tariff bill; to the Committee on Ways and Means.

5716. By Mr. DRANE: Petition of citizens of Venus, Highlands County, Fla., in support of pension legislation, bills H. R. 2562 and S. 476; to the Committee on Pensions.

5717. By Mr. DUNBAR: Petition of citizens of Clark County, Ind., urging early action on Senate bill 476 and House bill 2562 providing for increased rates of pension for veterans of the Spanish-American War and their dependents; to the Committee on Pensions.

5718. By Mr. FENN: Resolutions of the executive board of the Connecticut League of Women Voters (Inc.), favoring the passage of the so-called Jones-Cooper bill for the promotion of the health and welfare of mothers and infants, and for other purposes; to the Committee on Interstate and Foreign Commerce.

5719. Also, petition of citizens of Forestville, Conn., favoring the passage of legislation increasing the pensions of those who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5720. By Mr. FITZPATRICK: Petition of the Young Men's Hebrew Association of the city of Mount Vernon, N. Y., opposing any change in the calendar which in any manner endangers the fixity of the Sabbath; to the Committee on Foreign Affairs.

5721. By Mr. FREEMAN: Petition of citizens of Vernon, Conn., requesting speeding consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the United States war with Spain; to the Committee on Pensions.

5722. By Mr. GARBER of Oklahoma: Petition of State board of pharmacy, Oklahoma City, Okla., urging support Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5723. By Mr. GARBER of Virginia: Petition of John F. Neese and 70 other citizens of Charlottesville, Albemarle County, Va., urging the passage of legislation to increase pensions paid to Spanish-American War veterans; to the Committee on Pensions.

5724. By Mr. GLOVER: Petition of citizens of the community of Stuttgart, Ark., urging the passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5725. By Mr. HAMMER: Petition signed by 68 citizens of Lexington, N. C., asking for more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

5726. By Mr. HANCOCK: Petition of M. G. Shea and other residents of Onondaga County, N. Y., in favor of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5727. Also, petition of Mrs. Paul Steinberg and other residents of Syracuse, N. Y., favoring Senate bill 476 and House bill 2562; to the Committee on Pensions.

5728. Also, petition of Mr. George Berg and other residents of Syracuse, N. Y., favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5729. By Mr. HUDSON: Petition of citizens of Oakland County, Mich., urging favorable consideration of House bill 2562 providing benefits for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5730. Also, petition of citizens of Flint, Mich., urging the passage of House bill 2562 providing for increased rates of pensions to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5731. By Mr. KORELL: Petition of residents of Multnomah County, Oreg., advocating the passage of House bill 8976 for the relief of veterans, widows of veterans, and minor orphan children of Indian wars; to the Committee on Pensions.

5732. By Mr. LEAVITT: Petition of Bruno Fisher and other citizens of Polson, Mont., and vicinity, favoring increased rates of pension for veterans of the Spanish-American War and widows and orphans of veterans; to the Committee on Pensions.

5733. By Mr. LEE of Texas: Petition of citizens of Burnet County, favoring House bill 2562 and Senate bill 476; to the Committee on Pensions.

5734. By Mr. MAAS: Petition of citizens of St. Paul, Minn., to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5735. Also, petition of citizens of St. Paul, Minn., to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5736. By Mr. MANLOVE: Petition of Clara Allen and 60 other citizens of Joplin, Mo., urging the passage of legislation in behalf of Spanish-American War veterans; to the Committee on Pensions.

5737. By Mr. MAPES: Petition of 31 residents of Grand Rapids, Mich., recommending the early enactment by Congress of the bills, S. 476 and H. R. 2562, providing increased rates of pension to veterans of the war with Spain; to the Committee on Pensions.

5738. By Mr. MOUSER: Petition of citizens of Marion and Delaware, Ohio, asking favorable action on House bill 2562 and Senate bill 476, known as the Spanish-American War increase in pension bill; to the Committee on Pensions.

5739. Also, petition of Stoker Women's Relief Corps, No. 72, Findlay, Ohio, signed by the membership, asking favorable action on pension bill, H. R. 8765; to the Committee on Invalid Pensions.

5740. By Mr. NIEDRINGHAUS: Petition of Sidney Shotwell and 62 other citizens of St. Louis and St. Louis County, urging speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5741. By Mr. O'CONNELL of Rhode Island: Petition of 60 citizens of Woonsocket, R. I., urging passage of legislation providing for increase of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5742. By Mr. PALMER: Petition of Harry D. Durst, of Springfield, and a number of leading citizens of that city, asking for more liberal legislation for the Spanish War veterans and widows of veterans; to the Committee on Pensions.

5743. By Mr. QUAYLE: Petition of New York State Ladies' Auxiliary to New York State Association of Letter Carriers, favoring the passage of the La Follette-Kendall bill for a short Saturday work day for letter carriers in the Postal Service; to the Committee on the Post Office and Post Roads.

5744. Also, petition of Illinois State Federation of Post Office Clerks, favoring the passage of the Kendall bill (H. R. 6603) to provide a 44-hour week for the employees in the Postal Service; to the Committee on the Post Office and Post Roads.

5745. Also, petition of National Federation of Post Office Motor Vehicle Employees, favoring the passage of the Mead bill (H. R. 8373) reclassifying the salaries of motor-vehicle employees; to the Committee on the Post Office and Post Roads.

5746. Also, petition of Federal Grand Juror's Association for the Eastern District of New York, Brooklyn, N. Y., favoring the passage of the Porter bill creating a narcotic bureau; to the Committee on Foreign Affairs.

5747. By Mr. FRANK M. RAMEY: Petition of the Prairie Club, 38 South Dearborn Street, Chicago, Ill., urging passage of Senate bill 2908 and House bill 7994, known as the bald eagle protection act; to the Committee on Agriculture.

5748. By Mr. SCHNEIDER: Petition signed by breeders and friends of the rabbit industry at Oconto Falls and Lena, Wis., urging the establishment of a tariff duty on rabbit skins; to the Committee on Ways and Means.

5749. Also, petition of citizens of Marinette, Wis., urging the speedly consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish War veterans; to the Committee on Pensions.

5750. By Mr. SPARKS: Petition of Richard Auer and 18 others, of Goodland, Kans., for the passage of the Sparks alien amendment No. 263; to the Committee on the Judiciary.

5751. By Mr. SPEAKS: Petition signed by 40 citizens of Columbus, Ohio, urging passage of House bill 2562 proposing increased pension allowances for Spanish War veterans; to the committee on Pensions.

5752. Also, petition signed by 68 citizens of Columbus, urging passage of House bill 2562 proposing increased pension allowances to veterans of the Spanish War; to the Committee on Pensions.

5753. By Mr. SPROUL of Illinois: Petition of 60 residents of Chicago, Ill., urging enactment of pension legislation for the veterans of the Spanish-American War; to the Committee on Pensions.

5754. By Mr. STONE: Petition of 50 or more citizens of Oklahoma, asking Congress to favor the Spanish-American War pension bill, H. R. 2562; to the Committee on Pensions.

5755. Also, petition of 17 names of residents of Norman, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5756. Also, petition of 18 residents of Cordell, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5757. Also, petition of 49 or more residents of Granite, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5758. Also, petition of 22 residents of Newkirk, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5759. Also, petition of 10 or more residents of Yukon, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5760. Also, petition of 13 residents of the town of Pawhuska, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5761. By Mr. SWANSON: Petition of Paul E. Frye and 28 others of Missouri Valley, Iowa, for increased Spanish War pension rates; to the Committee on Pensions.

5762. By Mr. SWING: Petition of John H. Sheffield and 46 other citizens of San Diego, Calif., urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5763. Also, petition of John Nolan and 31 other citizens of San Diego, Calif., urging the adoption of House bill 8976; to the Committee on Pensions.

5764. By Mr. TARVER: Petition of J. C. Chambers and others, urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5765. By Mr. TEMPLE: Petition of number of residents of Burgettstown, Washington County, Pa., in support of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5766. By Mr. THATCHER: Petition of Howard McDonald and others, of Jefferson County, Ky., supporting legislation for the relief of veterans of the Spanish-American War; to the Committee on Pensions.

5767. Also, petition signed by George J. Depner and other citizens of Louisville and Jefferson County, Ky., supporting Spanish-American War veterans' legislation; to the Committee on Pensions.

5768. By Mr. UNDERHILL: Petition of citizens of Winthrop, Mass., in behalf of legislation for the Spanish War veterans; to the Committee on Pensions.

5769. Also, petition of ex-service men of the soldiers' home in Massachusetts, urging the passage of House bill 3493, granting full payment immediately of the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

5770. By Mr. VINCENT of Michigan: Petition of residents of Saginaw County, Mich., urging more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

5771. By Mr. WALKER: Petition of 126 tobacco growers of Central, Ky., praying for early consideration of Congress for a reduction of one-third of taxes now paid on tobacco; to the Committee on Ways and Means.

5772. By Mr. WINGO: Petition of citizens of Texarkana, Ark., in behalf of Senate bill 476 and House bill 2562, to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

5773. By Mr. WOOD: Petition of citizens residing at Shelby, Ind., and vicinity, asking for the enactment of legislation increasing the rates of pension paid to the veterans of the Spanish War period; to the Committee on Pensions.

5774. By Mr. WYANT: Petition of J. W. Cochran, New Kensington, Pa., advocating passage of House bill 9232 and Senate bill 3086; to the Committee on Labor.

5775. Also, petition of Mary McGee, president and 205 members, Division No. 7, Ladies' Auxiliary of the Ancient Order of Hibernians of Monessen, Pa., opposing passage of the Capper-Robsion bill; to the Committee on Education.

SENATE

TUESDAY, *March 18, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m. in open executive session, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Schall
Barkley	Glass	Keyes	Sheppard
Bingham	Glenn	La Follette	Shortridge
Black	Goff	McCulloch	Simmons
Blaine	Goldsborough	McKellar	Smoot
Blease	Gould	McMaster	Steck
Borah	Greene	McNary	Steiwer
Bratton	Grundy	Metcalf	Stephens
Brookhart	Hale	Moses	Sullivan
Broussard	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Thomas, Idaho
Caraway	Hastings	Nye	Thomas, Okla.
Connally	Hatfield	Oddie	Trammell
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Phipps	Wagner
Dale	Heflin	Pine	Walsh, Mass.
Dill	Howell	Pittman	Walsh, Mont.
Fess	Johnson	Ransdell	Waterman
Fletcher	Jones	Robinson, Ind.	Watson
Frazier	Kean	Robsion, Ky.	Wheeler

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is, Shall the Senate advise and consent to the nomination of J. Duncan Adams to be United States marshal, western district of South Carolina?

PERSONAL EXPLANATION

Mr. BLEASE. Mr. President, before I have anything to say with reference to the nomination before the Senate, I wish to speak on a personal matter. In this morning's Washington Post, under the headline "Pay increase bill reported in Senate," the writer of the article says:

> Senator BLEASE, of South Carolina, has threatened to block the bill unless Maj. Henry G. Pratt is removed as chief of police.

Further on he says:

> Senate leaders are disposed to let the bill come up as soon as possible, providing BLEASE does not attempt to filibuster.

Mr. President, last night I went to the junior Senator from Kentucky [Mr. ROBSION]—I wish he were present—and told him to go ahead and present his bill, that I should not make any objection. With that understanding the Senator came into the Chamber while I was speaking, as will be shown in the RECORD at page 5431, as follows:

> Mr. BLEASE obtained the floor.
>
> Mr. ROBSION of Kentucky. Will the Senator from South Carolina yield to enable me to present a report?
>
> Mr. BLEASE. I yield for that purpose.

I knew what the purpose was. I made no objection to the bill. I have no objection to it now. If the Senator from Kentucky brings it up at any time it is all right with me. I simply make that statement because I do not care to have the report go out as made by the Washington Post that I did not have sense enough to know the purpose for which the Senator from Kentucky wanted me to yield, and that he was trying to put something over on me, which was not the case, because he and I thoroughly understood each other.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. BLEASE. Certainly. I did not know the Senator was present.

Mr. ROBSION of Kentucky. I wish to say that the Senator from South Carolina advised me on yesterday that he had no objection to the measure and urged me to present it. I brought it up, asking him to yield because I knew he was friendly to the proposal to bring up the measure at that time. It certainly does the Senator from South Carolina great injustice to have such a report go out.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. I thank the Senator. I ask in that connection to have inserted in the RECORD in connection with these remarks a few clippings from the Washington Post.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clippings referred to are as follows:

[From the Washington Post, Sunday, March 16, 1930]

MAN BADLY BEATEN IN AUTOMOBILE RIDE—CARRIED TO HOSPITAL AFTER MOTORIST FINDS HIM ON ROADSIDE—SAYS $200 IS MISSING

Beaten severely in a brawl with four companions in an automobile at Georgia Avenue near the District line and robbed of $200, John Byroades, 42 years old, who gave Eighteenth Street NW., near Ontario Road, as his address, received serious injuries early to-day, according to third precinct police.

Attendants at Emergency Hospital declared the man was suffering from numerous hurts on the head, three fractured ribs, and possible internal injuries.

He was taken to the hospital by Grover Bell, of 2136 Pennsylvania Avenue NW., who declared he was driving out the Wilson Boulevard in Arlington County and upon nearing Clarendon saw the man standing beside the road and waving to him. Mr. Bell said the man told him he had been beaten, robbed, and pitched out of an automobile. Mr. Bell said he complied with the man's request to rush him to a hospital.

Police quoted Byroades as declaring that he had been on a drinking party at an I Street speak-easy, and that he left with a man named Magruder and another named Ward for a notorious roadhouse on the Baltimore Boulevard. Police said he told them two strangers joined their party and that near Silver Spring they began fighting and that

he was beaten into semiconsciousness. Police said he told them also that he remembered asking the men to drive him to the home of a half brother near Clarendon, and that they threw him from the car just before reaching that town.

Byrondes claimed he was robbed of $200 in cash, a watch, and a trinket.

MAN GIVEN FIVE YEARS ON BURGLARY CHARGE

Henry Ransom, colored, was sentenced by Justice Peyton Gordon in District Supreme Court yesterday to serve five years in prison on a charge of housebreaking and larceny.

Ransom was convicted by a jury several days ago. He is alleged to have entered the bedroom of a woman on E Street NE., near Third Street, on January 11 last, and at the point of a pistol to have forced her to hand over $116 which she had hidden under her pillow. Assistant United States Attorneys Walter M. Shea and James R. Kirkland appeared for the Government.

SENTENCES PASSED IN RUM VIOLATIONS—CREAMER GIVEN 45 DAYS AND FINED $525 ON TRIO OF CHARGES—OTHERS RECEIVE TERMS

While 13 persons were arraigned in police court yesterday on charges of violating the prohibition law, a number of persons were sentenced, one man—Percy Creamer, 32 years old, of 235 Four-and-one-half Street SW.—being sentenced to serve 45 days in jail and to pay fines totaling $525 or serve 180 days more.

Creamer was convicted by a jury several days ago on charges of possession, second-offense possession, and nuisance. The 45-day sentence was meted out on the nuisance count, while the other part of the sentence was divided, $125 or 60 days on the possession charge and $400 or 120 days on the second-offense conviction.

Other sentences were: Joseph Towles, colored, 34 years old, $400 or 120 days; Lawrence O. Hite, colored, 30 years old, $400 or 90 days, suspended and probation for 1 year; Roland A. Queen, colored, 18 years old, $100 or 60 days, suspended; Joseph Alphonzo Wright, colored, 25 years old, $300 or 60 days, committed to jail; Joseph Francis Amity, 28 years old, $50 or 60 days, fine paid; and Reginald Harrison, 19 years old, $400 or 90 days, suspended.

Caldwell William Bryant, 34 years old, pleaded guilty to a charge of second-offense possession and will be sentenced next Saturday.

Charges against James Vernstein, 22 years old, of I Street NW., near Sixth Street, were dropped, Assistant United States Attorney David Aiken Hart deciding that the evidence was not sufficient.

Twelve persons pleaded not guilty to liquor charges and demanded trial by jury, as follows: Stephen Jones, colored, 30 years old; Ernest Jones, second-offense possession; Fred Bryant Cheatham, colored, 27 years old; Ida Weitzman, 40 years old, possession, second-offense possession, and nuisance; Thomas Stone, colored, 28 years old, second-offense possession; Millar Irving Trazzore, 30 years old, and George Elmer Burrows, 25 years old; Henry James Carter, colored; Estelle Thomas, colored, 25 years old; Oswald White, colored, 43 years old; Carter Tatum, colored, 28 years old; and Willis Oliver, colored, 40 years old.

EIGHT ARE CAPTURED IN FIVE RUM RAIDS; 140 QUARTS ALSO SEIZED BY LETTERMAN'S SQUAD IN NORTHWEST—BLUECOAT MADE TARGET

Five raids staged last night by Sergt. Oscar J. Letterman and his squad resulted in the arrest of eight negroes and the confiscation of approximately 140 quarts of assorted liquors.

In the first raid, on K Street near Sixth Street NW., Hortense Aeyers, 33 years old, and William Aeyers, 37 years old, were charged with sale and possession. On N Street near Twenty-third Street NW., Anna Thomas, 30 years old, and Anderson Royston, 39 years old, were picked up and almost 70 quarts of liquor were taken.

Others arrested by the squad, composed of Dectectives James Mostyn, Richard Cox, and F. A. Truscott, are: Maude Coleman, 39 years old; Josh Williams, 33 years old; William Logan, 47 years old; and Daniel Clayton, 29 years old.

Corn liquor has a reputation as being rather powerful stuff, but even after being bombarded with six half-gallon jars of it last night Policeman G. E. Perry, of the sixth precinct, carried on and got his man.

Seeing a negro leave an automobile in front of a building on H Street NW., near North Capitol Street, and carrying a number of suspicious-looking packages into the place, Perry started after him.

Halfway up a flight of stairs the man paused and began hurling the bottles. All of them struck, and all but one broke. When the negro had exhausted his ammunition the policeman placed him under arrest and, retrieving the unbroken bottle, took his captive and evidence to the station house.

There the man gave his name as Augustus Madison, 20 years old, of 26 De Fries Street NW. He was held on charges of transportation, illegal possession of liquor, destroying evidence, assault, and, when a knife was found in his possession, on the additional charge of carrying concealed deadly weapons.

Herbert Ross, colored, of Twenty-fifth Street, near I NW., was arrested early last night at One-half and M Streets SW. by police of the fourth precinct and charged with transporting and possessing one-half gallon of liquor. He was later released on a bond of $2,000.

SEARCH REDOUBLED FOR BLACK HANDERS—SHELBY INCREASES GUARD AT SHOP AND HOME OF SACHS AFTER THREATS—SUSPECTS ARE RELEASED

Convinced that the perpetrator of the black-hand death threats on the life of Frank Sachs, District auto repair shop proprietor, "means business," Inspector William Shelby last night redoubled his efforts to arrest the blackhander, who, he believes, is an out-of-town racketeer.

A thorough investigation of every angle of the threats on Mr. Sachs's life and the shop proprietor's thrilling experience Thursday when he was "taken for a ride," beaten, and robbed on the Defense Highway, has led Detective Lieut. Edward J. Kelly to believe that the thug has been hired to "do away" with Mr. Sachs unless he disposed of his new glass repair department of his shop.

As an extra precautionary measure, Inspector Shelby last night increased the guard on Mr. Sachs's shop at 609 K Street NW. and also at Mr. Sachs's residence, 906 Emerson Street NW.

The blackhander thus far has sent three warnings to Mr. Sachs to close his glass business. He has telephoned to him twice, the first time leading Mr. Sachs into his trap on the Defense Highway, when the racketeer threatened to kill Mr. Sachs unless he took heed to the threats.

The last telephone call was made Friday night, but Lieutenant Kelly is of the opinion that it was made by a practical joker. Mr. Sachs did not report the Friday call until yesterday morning. With police escort he went to the designated place assigned by his caller, which was just over the District line, in Good Hope district, Md.

When they arrived at the designated spot there was no one about. The telephone message to Mr. Sachs was that he was wanted to repair a car in the Good Hope Road. Detectives visited two garages near the spot, but the proprietors had no knowledge of any call for Mr. Sachs's assistance.

The black-hand notes, scrawled on plain paper bearing District postmark, will be turned over to a Federal handwriting expert Monday. The handwriting will be compared with that of several persons who were question by detectives but later released.

NEW TRIAL DENIED PATROLMAN SLAYER—JUSTICE GORDON WILL PASS SENTENCE ON ALDRIDGE MONDAY MORNING—OVERRULES TWO PLEAS

Justice Peyton Gordon in criminal court yesterday overruled motions for a new trial and an arrest of judgment filed on behalf of Alfred Scott Aldridge, colored, convicted slayer of Policeman Harry J. McDonald.

The justice announced that he would pass sentence on the man Monday. Aldridge was convicted of first-degree murder, which automatically carries with it the sentence of death in the electric chair. Sentence would have been passed yesterday, except for the fact that it was after 12 o'clock when arguments on the motion had been concluded and the ruling had been made. Under District law a court can not sit after 12 o'clock on Saturdays.

McDonald was slain last summer when he attempted to arrest Aldridge and his brother, Albert Aldridge, for burglarizing a drug store in the northwest section. McDonald fatally wounded Albert Aldridge, but the other negro made his getaway, only to be apprehended shortly afterwards. Aldridge based his defense on contention that his brother had killed the policeman, although the pistol with which the policeman was slain was found in his room. The pistol found in Albert Aldridge's hand had not been discharged.

SMOKE LAW CASES CONTINUED IN COURT—ASSISTANT SCHOOL SUPERINTENDENT ONE OF TWO FACING VIOLATION CHARGE—HE PROTESTS ACTION

Two charges of violating the smoke law were continued in police court yesterday when the defendants appeared before Judge Ralph E. Given.

A charge against Jere J. Crane, first assistant superintendent of schools, was continued until Thursday to enable his counsel, Attorney Walter Johnson, opportunity to file a motion to quash the information.

A similar charge against David B. Karrick, vice president of the Fidelity Storage Co., 1819 G Street NW., was continued until Tuesday.

Mr. Crane was cited for alleged violation of the smoke law at the Wilson Normal School, Eleventh and Harvard Streets NW. The alleged violation is said to have occurred on February 28. Last Monday Mr. Crane was arraigned before Judge Given on the charge and declared that the warrant should have been served on the principal of the school.

While in court yesterday Mr. Crane declared that the principals of the District schools or the janitors have received complaints of excess smoke coming from the chimneys of their respective buildings and again reiterated his belief that he should not be held responsible for the alleged violations.

CAFÉ RUM RAID CASE GOES TO HIGH COURT—APPELLATE TRIBUNAL TO RULE ON INVASION WHERE NO WARRANT WAS USED—ERROR WRIT IS GRANTED

The District of Columbia Court of Appeals is to pass on the question whether prohibition agents and other officers of the law can enter a business establishment and conduct a search for whisky.

This was evidenced yesterday when the court announced it had granted a writ of error in the case of Enos Croce, operator of a restaurant on H Street NW., near Thirteenth Street, who was convicted in police court last November and sentenced by Judge John P. McMahon to pay a fine of $250 or serve 60 days in jail.

Testimony was to the effect that a raiding squad entered the restaurant and made a complete search. There was no search warrant. The raiders claimed that they found a small quantity of liquor in the kitchen, which was separated from the dining room by a partition and a door.

Attorney George F. Lemm, who represented Croce, filed a motion to quash the information on which his client was tried on the grounds that there had been no warrant and that the search and seizure was illegal under the Constitution. Judge McMahon, however, overruled the motion, and it is on this that the appeal to the higher tribunal was taken.

RUM QUEEN IS SENT TO JAIL FOR 90 DAYS—APPEALS COURT REFUSES AID TO TESSIE RICHARDS AFTER SENTENCE—$500 FINE ALSO LEVIED

Tessie Richards, who, police say, is one of Washington's best-known speak-easy operators, and who is alleged to have declared she would stop selling liquor only when she was sent to jail, was sentenced by Justice Peyton Gordon in District Supreme Court yesterday to serve 90 days in jail and pay a $500 fine on a charge of third-offense possession and to pay a $500 fine on another charge. At the same time it was announced that the Government had nolle-prossed two other charges against her.

The woman is now serving a 90-day sentence imposed by Judge John P. McMahon in police court following her conviction on a charge of second-offense possession, and Justice Gordon stipulated that the 90-day sentence he meted out should run concurrently with the one she is serving.

Attachés of the United States attorney's office state that the woman has operated for some time in the vicinity of Thirteenth and C Streets NW. Padlock proceedings are pending against two of the places where she was arrested and charged with violating the prohibition law.

Following her conviction in police court, the woman, through her attorney, Howard R. Stephenson, applied for a writ of error, but the District Court of Appeals refused to grant it and ordered that the sentence of the court be put into effect.

[From the Washington Post, Sunday, March 16, 1930]

ROVER TIES UP $2,000,000 BY DRY PADLOCKS—SIXTY-ONE PIECES OF REAL ESTATE IN DISTRICT INVOLVED IN PROCEEDINGS—EIGHTEEN PLACES CLOSED FOR YEAR PERIODS—DISTRICT ATTORNEY TAKES STEPS FOR PREVENTION OF FUTURE BONDS—MOST OFFENDERS ARE SOON EVICTED—ONLY TWO INSTANCES FOUND OF VIOLATING COURT INJUNCTIONS

By Dunbar Hare

Due to prohibition enforcement efforts in the District of Columbia during the past two years, 61 pieces of real estate, valued at approximately $2,000,000, have been or still are involved in liquor padlock proceedings.

Court injunctions closing premises for a year's time have been issued in 18 instances, and in 12 United States Marshal Edgar C. Snyder has attached locks and seals to the doors. In six instances property owners have convinced the court that they were not aware that the prohibition law was being violated in their buildings and have been permitted to make bonds of between $500 and $1,000. The bonds are effective for the length of the injunction, which under the law must be one year.

Possibility that any more property owners whose holdings are jeopardized by padlock will be admitted to bond has practically been removed. Early last fall United States Attorney Leo A. Rover, cooperating with the police department, compiled a list of every known place where liquor had been sold in the last two years and sent notices of these violations to the owners. To date 250 letters have been sent to the owners, and in practically every instance tenants who have been convicted of violating the prohibition laws have been evicted.

LETTER PART OF EXHIBIT

Records of these places are now kept in Mr. Rover's office, and when padlock proceedings are instituted against any of them copies of the letter sent to the owner are made a part of the exhibit in the case. This system has just been begun, but is expected to be very productive of results in future.

Proceedings are now pending against 43 pieces of property. Three of these date back to 1928, but Mr. Rover and Assistant United States Attorney Harold W. Orcutt, chief of the padlock department, hope to be able to dispose of a large number of cases within the next month or two.

Due to the congested condition of the equity court calendar it has been difficult to sandwich the padlock cases in for final hearing. In a number of instances, however, decrees pro confesso have been signed by the justices, while in every instance temporary injunctions, restraining the defendants from using the premises for violation of the prohibition law, are in effect. The temporary orders, however, do not close the property against which it is directed.

The decrees pro confesso are taken where there is no defense offered by the defendants, and the only step necessary before the premises are padlocked is a final order under the signature of a judge.

FOUR MORE ORDERS

Both Mr. Rover and Mr. Orcutt expect to have at least four more final orders signed during the present week. Then comes the padlock.

Under the final orders, where no bond is granted the owner, the property is closed for a year and can not be used for any purpose, and fixtures, furniture, and other equipment can not be moved. If the injunction is ignored contempt of court proceedings are instituted.

Padlock proceedings are brought under title 2 of the national prohibition act. Tenants and owners are made joint defendants. The owners are the principal sufferers, however, since in addition to losing the use of their property for a year, when the final decree is signed, they are not relieved from the burden of paying taxes.

ALL BEGUN BY ROVER

The 61 padlock suits mentioned have all been instituted since Mr. Rover took over the job of being United States attorney on April 3, 1928. A few brought during the régimes of other United States attorneys are still pending, but due to the length of elapsed time and lack of sufficient evidence they probably will remain on the docket until the court is asked to dismiss them.

Mr. Rover believes that in every instance where he has asked for a padlock injunction that he will get it when the case comes up for final hearing.

"Captain Orcutt has been very careful to get a preponderance of evidence of violations of the law before he has moved to put the locks on a piece of property," said Mr. Rover. "In this connection he has had the able assistance of Assistant United States Attorney John B. Williams and Special Treasury Department Attorneys C. M. Kiefer and Frank H. H. Nolte.

ONLY TWO VIOLATIONS

"While to some people 61 applications for padlocks in almost two years may not seem impressive, it is when it is considered that not a single one of them has been instituted as a bluff. Every application has been filed with the serious intention of closing up the designated premises."

In only two instances have injunctions—temporary or permanent—been violated, according to records. Frank Shore is under sentence of one year following his conviction on a charge of contempt of court in connection with the alleged violation of a temporary injunction placed on his tire shop at 1223 New York Avenue NW. Since then the permanent injunction has been signed and the place is under lock and seal. Shore has an appeal from the sentence pending in the District of Columbia Court of Appeals.

Albert Schlossberg and Paul Schlossberg were convicted of contempt of court in connection with a final injunction covering the premises at 1019 H Street NE., and paid fines of $500.

GARAGES ARE CLOSED

Notable among the recent padlocks affixed by the United States attorney was the closing of garages at 2101–2105 Fourteenth Street NW. and 1319 L Street NW. The Government moved to close the property early last summer after the arrest of Herbert Glassman, operator of the two establishments, and 11 others on charges of conspiracy to violate the prohibition act. Glassman and the others are now under indictment. The owner of the L Street property was denied bond despite his pledge to see that the place was not used for the violation of the dry law.

Tessie Richards, who was sentenced yesterday on charges of violating the prohibition law is involved in two padlock proceedings. The Government alleges she occupied and violated the law at 1313 C Street NW. and 317 Thirteen-and-one-half Street NW.

Premises padlocked for a year are as follows: 1240 Twenty-second Street NW., Raymond Carl Leimbach, tenant; 212 Ninth Street NW., Frank McCormack, tenant; corner Totten Road and Fort Drive NE., James and Rosetta Anderson, tenants; 34 H Street NW., Timothy J. Daly, tenant; 1742 L Street NW., Harry Hartman, tenant; 2105 L Street NW., Frederick Williams, tenant; 2609 Wade Road SE., John Samuel Harley and Martha Harley, tenants; 1211 U Street NW., Gay Paree Club, Robert Elmore Ray, tenant; 1223 New York Avenue NW., Frank Shore, tenant; 2101–2105 Fourteenth Street NW. and 1319 L Street NW., Herbert Glassman, tenant; 1126 Seventh Street NW., Mike Kaplan, tenant.

OWNERS GAVE BOND

Premises where owners have given bond are 1338 North Capitol Street, 1019 H Street NE., 1120 Eighteenth Street NW., 312 F Street NE., 1123 Seventeenth Street NW., and 908–910 Fourteenth Street NW.

The Mades Hotel, at 300 Pennsylvania Avenue NW., former haunt of Washington notables; the "Garden of Naples," at 423 Eleventh Street NW.; and the "A. B. C." lunch room, at 600 D Street NW., across the street from police court, are among the premises against which proceedings are now pending.

The estimate of the value of the property is Mr. Rover's, being based on assessed valuations for taxes, statements made at the time of final hearings, and in some cases on the value of the property as fixed by condemnation juries. Several of the pending suits involve property wanted by the Government.

"TWO FRIENDS" ALLOWED TO ENTER AS WORKMEN FIX RAID DAMAGE

Pictures of a supposed gaming establishment in Ninth Street, near D Street, were obtained by police photographers yesterday before the place even was ready to open for business.

Detective Sergeants Arthur Feeley and Benjamin Kuehling visited the establishment yesterday morning. It was the same place that was raided by Sergt. Oscar J. Letterman's squad Monday, when all the occupants made their escape before the raiders had battered down a 14-inch concrete wall.

A hidden bell in the hallway of the establishment was rung by the police visitors yesterday. Suddenly a man peered through a small slot in the door.

"Who's there?" he demanded.

"A couple of friends," said the detectives.

The heavy oak door which led to a corridor was opened by a carpenter who was repairing the wreckage left by the raiders on their last visit. Several heavy doors were opened which led to the alleged gaming room, where a squad of carpenters was at work rearranging tables.

The detectives reported the incident to Inspector William Shelby, who ordered photographs taken. The police photographers took "shots" from every angle of the establishment while the carpenters looked on amused.

"We're only carpenters," one of the workers chirped. "It sure would be a laugh on the police if this place was to reopen as a restaurant."

STATION PICKPOCKETS VICTIMIZED TWO WOMEN

Pickpockets operating in the Union and Mount Vernon Stations yesterday robbed two women.

Miss Jane Coffrey, of Landover, Md., said she was in the waiting room at the Union Station when her pocketbook, containing $3, a railroad pass, and a signet ring, was stolen. A pocketbook containing about $15 was taken from Estelle R. Reme, of 3601 Suitland Road SW., in the Mount Vernon Station.

STOREKEEPER SHOT IN DEFENDING CASH—MAX REIKES WOUNDED TWICE BY TWO YOUNG MEN IN HOLDUP—COUPÉ IS ABANDONED

Max Reikes, 52-year-old delicatessen proprietor, of 108 East Capitol Street, is at Casualty Hospital in a serious condition from two gunshot wounds, received last night when he was shot twice while defending his money from two young white men.

One bullet pierced his right arm and the other penetrated his left breast.

Dr. Louis Jimal, staff physician, said that Reikes's condition was critical.

Mr. Reikes was held up shortly before 10 o'clock. Two men came in, loitered about until customers had left, and then threatened him with a revolver. They rifled the cash register of about $20 and fled, abandoning a small coupé in which they are believed to have ridden. The shots were fired when Mr. Reikes attempted to balk the robbers.

C. M. Shipp, 13 First Street NE., manager of a lunch room at 141 B Street SE., almost frustrated the holdup. He noticed the two men early in the night and when they aroused his suspicions, he followed them. When they went into the store, he went in also, and bought some meat for his dog. As he left he heard one of the men mutter "Watch that man."

Mr. Shipp was forced to leave to call for his wife, and with her returned past the store. They saw one of the men on the curb in front and the other in the store. The man in the store ran out and joined his companion as Mr. Shipp arrived, and the pair fled out toward East Capitol Street. Both wore caps and light-gray overcoats. Mr. Shipp told police he trailed the men for more than an hour.

Through the abandoned car police hope to learn the identity of the pair. The tags are being traced.

WILD DASH IN CAR BRINGS $150 FINE—JOHN MCG. WILLIAMS GOES TO ROCKVILLE JAIL AS RESULT OF CRASH

James McGill Williams, Newton Street near Eighteenth Street NE., was fined a total of $150 in Montgomery County police court at Rockville yesterday by Judge Charles W. Woodward on charges of excessive speed and reckless driving.

Mr. Williams was arrested Thursday night after a wild chase from near Bethesda to the outskirts of Rockville, which ended when his car turned over and caught fire.

The four occupants, Mr. Williams, Miss Florence Saxty, Miss Helen McKern, and John Edward Thomas, all of Washington, escaped with minor cuts and bruises. Mr. Williams failed to pay the fine yesterday and was remanded to the Rockville jail to begin serving 150 days in lieu of the fine.

[From the Evening Star, Washington, D. C., Monday, March 17, 1930]

WORKER WHO SOUGHT POLICE AID IS ROBBED HOURS LATER—OFFICER STANDS GUARD AS FILLING STATION IS CLOSED FOR NIGHT—EMPLOYEE SLUGGED WHEN PLACE IS REOPENED FOR BUSINESS TO-DAY

Having dreaded work on Sunday ever since his filling station was robbed a year ago, Sidney J. Cartvriendt, 38, an employee of the Standard Oil Co. at its station at Fifteenth Street and Pennsylvania Avenue SE., jokingly told a policeman last night that he might need protection. He was taken seriously, and when he locked the safe at 10 o'clock, stuffing currency, checks, and silver coins in a steel-guarded opening in the wall, a policeman stood at the door.

A few minutes after 7 o'clock this morning Cartvriendt was beaten unconscious by a mysterious assailant, who slugged him as he stood with his back to the station entrance, his head almost in the safe. While an air-compressor pump operated noisily in a corner, drowning out the noise, the intruder rifled the safe of approximately $350 and fled.

Cartvriendt regained consciousness in a few minutes. Rubbing a lump on the left side of his head with one hand he pulled a telephone receiver from its hook with the other and called "Police." Policeman R. L. Eubanks, of the fifth precinct, responded and with Detective T. M. McVarry, also of No. 5, questioned Cartvriendt at length.

Cartvriendt later was taken to Casualty Hospital. Dr. J. D. Rogers of the hospital staff, who performed an examination, said he recommended that Cartvriendt remain for observation, but that he insisted on returning to his home. Cartvriendt was advised by Doctor Rogers to stay in bed for 48 hours.

VICTIM SAW NO ONE

"I didn't see anything or anybody," Cartvriendt told the officers. "I got here a few minutes before 7, started the pump going, and opened the safe to start work. I hadn't even put change money in my pocket when something socked me. Next thing I knew I was lying here behind the stove with a roaring pain in my head."

Nobody in the neighborhood saw any activity at the filling station, and the officers were unable to establish any evidence as to the identity of the robber. Cartvriendt supposed his assailant entered at the door, his approach covered by the noise of the pump. He told the policemen he had not noticed anything unusual about the premises.

"I saw the same people I usually see, and there were no customers in the few minutes I knew what was going on," he said.

The filling station is situated about a block from the Pennsylvania Avenue Bridge over the Potomac. It was robbed on a Sunday about a year ago by a thief who entered the window and took $506. Cartvriendt said he had dreaded working on Sunday ever since. "But I was joking last night when I said I might need protection," he said. The station had not been guarded and the protection afforded last night was the first.

NOBODY HANGING AROUND

Detective McVarry was at the precinct when the call was received last night, asking that somebody be sent down. He didn't know who answered the call, and the precinct day staff did not know this morning who visited with Cartvriendt while he put away about $400 in currency and checks. But everything was orderly.

"I closed up at 10 o'clock," Cartvriendt said, "and locked the safe while the policeman was here. There was nobody hanging around the place."

Cartvriendt, who resides at 11 Park Avenue, Hyattsville, Md., was not seriously hurt. He suffered intense headache, but the scalp was not cut. He has been employed by the Standard Oil Co. about three years.

Most of the money was in checks, Cartvriendt told the policemen, explaining that he had cashed several employees' checks with receipts of yesterday. A preliminary audit revealed that the robber had left the sum of $59.96, most of which was in checks.

A survey of the premises by McVarry, Eubanks, and Policeman W. E. Laux, also assigned to the case, developed nothing tangible to work on.

CROWD CAPTURES THEATER BANDIT—PURSUERS CONTINUE CHASE IN FACE OF VOLLEY OF SHOTS FROM FUGITIVE

Ignoring a volley of pistol bullets a crowd of men last night pursued and captured George B. Mason, colored, of New York City, after he had snatched a cash box containing $476 from an employee of the Lincoln Theater, U between Thirteenth and Fourteenth Streets.





Mason applied for work at the theater shortly after 10 o'clock last night. When an employee appeared with the cash box he snatched it and ran, police say.

A number of other employees and patrons gave chase, capturing the man at Fourteenth and W Streets after he had fired three shots at them.

Mason was beaten by the crowd and then taken to Freedmen's Hospital for treatment by Acting Lieut. A. I. Bullock, Sergt. A. E. Miller, and Detective R. A. Williams, of the eighth precinct, who placed him under arrest. He was booked for investigation.

OFFICER ARRESTS MAN DESPITE LIQUOR RAIN

Braving a storm of "flying" liquor and large glass jars, Policeman G. E. Perry, of the sixth precinct, charged up a stairway in a home in the first block of H Street to apprehend the thrower, Augustus Madison, colored.

Then, with soaked clothes which reeked of "corn" and a gallon of "evidence" under an arm, the officer led Madison to the station house to charge him with whisky possession and assault. The latter charge was placed opposite his name after a half-gallon jar filled with liquor struck Perry as he ascended the stairs.

Judge Isaac R. Hitt in police court to-day gave Madison a suspended sentence of a year in jail for assault, while the defendant asked for a jury trial in the "whisky case."

SOUTH CAROLINA POSTMASTERS

Mr. BLEASE. Mr. President, with reference to the South Carolina postmastership, about which I spoke last night, my friend, the chairman of the committee, the Senator from Colorado [Mr. PHIPPS]——

Mr. PHIPPS. Mr. President, may we not reach that in its proper order on the calendar?

Mr. BLEASE. I was just about to say that when we reach that nomination the Senator from Colorado will make a statement which will be perfectly satisfactory.

I want to make for the RECORD just another short statement. I shall not detain the Senate long this morning. I made a speech in the Senate on the 3d of January, 1929, in which I said:

> There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.
>
> I now have in my possession these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina.

In the same remarks I said:

> I have no objection to Mr. Hoover kicking Tolbert out.

Then I went on and made some other remarks in reference to Mr. Tolbert.

Mr. President, I desire that my position in this matter shall not be misunderstood. I am not asking to name any person to any office or position in my State, but I do think that when the authorities decide on a nominee for any position, that I, as a Senator, am entitled to the courtesy of having it submitted to to me, and if I have any objections, let me present my reasons for the consideration of those making the appointment, and if they are substantial, let the person be not appointed.

I do not desire to control the patronage in my State under a Republican administration. I believe to the victor belongs the spoils; but when there are no victors, but those who claim to be victors after the battle has been won, I feel that the representatives from the State should at least have the opportunity to present their objections. I have the very distinguished honor of having been born and reared in a county in which not a vote was returned or appears on the official record as having been cast for Herbert Hoover for President. That is my position, and I have no reason to change it. I have no desire to change it.

I notice in the report submitted by the Senator from Iowa [Mr. BROOKHART] that in speaking of the Charleston Hotel a man testified that it was known as a kind of a bootlegging place. I have stopped at the old Charleston Hotel for 40 years. The first time I went to Charleston in my manhood I stopped there, and I have been stopping there from that day on. If I have good health, I expect to be there on the 10th, 11th, 12th, and 13th of next month. I do not say that there is no whisky drank in that hotel, but I do resent the imputation, whoever this witness was, to the effect that the Charleston Hotel is a bootlegging joint. I have never seen a drink of whisky delivered in that hotel; I have never seen a drop bought in it; but I have seen some drunk in it. However, I do not want the impression to go out over the country from this report that if a gentleman goes to Charleston with his wife he should not stop at the Charleston Hotel because it is a bootlegging joint. I have stopped there for these many years, and I have carried my wife there with me many times. I do not think there is a Senator in this Chamber, whatever his opinion of me may be, who would think that I would carry my wife into any but the best hotels in the country.

Mr. President, without taking any further time of the Senate, I want to call the attention of my brother Senators from the South to one fact, and then if they desire to vote to confirm Cobb they may do so, but I do not propose to do it. I objected to the confirmation last night because I did not propose to let the report go back to my home that I had voted to confirm a negro for any office, I do not care what office it may be.

Just a few weeks ago there was a white woman in this town—I do not care if she is as low down as a snake, she was a white woman, and she has two white children in school in this city—who was tried in this court by a negro jury. As an American citizen I protest against that. It does not make any difference where I come from, I think it is an outrage and a disgrace upon the Government that a white woman should be subjected to being tried by a set of niggers, I do not care how well educated or how rich they are or who they are.

The Senate may confirm Cobb if they want to, but I want it understood that there is one man from the South who stands upon this floor protesting against it. His confirmation would be an outrage, and it ought not to be allowed. The President of the United States, if he has the power, should instruct the courts here that they have enough white judges and they have enough white jurors here not to humiliate a white woman. She may be low down, but she is a woman and she is the mother of two little innocent children. To so humiliate her is an outrage. Talk about anarchy! That will bring it. Of course, no such thing will ever be attempted in my State, but if it were—well, there would be more niggers going out of windows than ever before went out of any courthouse in this country.

J. DUNCAN ADAMS

The PRESIDENT pro tempore. The question is, Shall the Senate advise and consent to the nomination of J. Duncan Adams to be United States marshal for the western district of South Carolina?

Mr. BLEASE. I ask that the nomination be carried over.

The PRESIDENT pro tempore. The nomination will go over.

THOMAS D. THACHER

The Chief Clerk read the nomination of Thomas D. Thacher to be Solicitor General of the United States.

Mr. OVERMAN. Mr. President, I ask that the consideration of this nomination be temporarily postponed. Let it go over for the present.

The PRESIDENT pro tempore. The nomination will go over.

EDGAR C. GEDDIE

The Chief Clerk read the nomination of Edgar C. Geddie to be United States marshal for the eastern district of North Carolina.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

CLINT W. HAGER

The Chief Clerk read the nomination of Clint W. Hager to be United States attorney, northern district of Georgia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ARTHUR ARNOLD

The Chief Clerk read the nomination of Arthur Arnold to be United States attorney for the northern district of West Virginia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

JAMES A. COBB

The Chief Clerk read the nomination of James A. Cobb to be judge of the Municipal Court of the District of Columbia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COAST GUARD

The Chief Clerk read the nomination of Edward M. Kent to be constructor in the Coast Guard.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POST-OFFICE NOMINATIONS

The Chief Clerk proceeded to read the nominations of postmasters.

Mr. PHIPPS. Mr. President, I ask first to recur to page 11 of the calendar, and I ask that Calendar No. 3085, being the nomination of Foster P. Lee to be postmaster at Lamar, S. C., which has been unfavorably reported by the committee, be rejected.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination referred to by the Senator from Colorado. [Putting the question.] The noes have it, and the nomination is rejected.

Mr. PHIPPS. On the same page, Calendar No. 2845, I ask that the nomination of John S. McCall to be postmaster at Society Hill, S. C., be passed over without prejudice.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

Mr. PHIPPS. I also ask that Calendar No. 3008, Wesley D. Banks to be postmaster at St. Matthews, S. C., may be passed over without prejudice.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

Mr. PHIPPS. Referring to the nomination of postmaster at Alamo, Ga., Carlos C. Hartley, Calendar No. 2975, I ask that it may be passed over without prejudice.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

Mr. McKELLAR. I ask, on page 11, Calendar No. 2938, that the nomination of Roberta J. Tatum to be postmaster at Alamo, Tenn., may be passed over without prejudice.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

Mr. PHIPPS. Mr. President, I ask that all other nominations of postmasters be confirmed en bloc and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

ARMY AND NAVY NOMINATIONS

The Chief Clerk proceeded to read the nominations for the Army and Navy.

Mr. HALE. I ask that the nominations for the Army and Navy be confirmed en bloc and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc. The President will be notified of all confirmations this day made. That completes the calendar.

FEDERAL PATRONAGE IN SOUTHERN STATES

Mr. FESS. Mr. President, before we leave the executive session to go into legislative session I want to take one or two minutes with reference to what was said by the Senator from South Carolina [Mr. BLEASE], and also with reference to the report submitted by the patronage committee headed by the Senator from Iowa [Mr. BROOKHART].

There has always been more or less confusion in patronage matters in the Southern States. That has never been more keenly understood than by the present administration. Three weeks after the present President was inaugurated the situation was called to his attention; and keenly recognizing the confusion existing, he issued a statement to the newspapers of the country in regard to patronage in the Southern States. The report submitted by the so-called patronage committee, which came to our desks on yesterday, involves four States—Georgia, South Carolina, Mississippi, and Texas. In all of those States the references made in this report relate to matters taking place before the present administration came into power, and have nothing to do with what the present administration is trying to accomplish. There have been committees set up in order to minimize this confusion, and I had supposed that there was general satisfaction, as much as could be expected under the circumstances. I know all Senators want to deal fairly in matters of this kind, and I have the statement which was made by the President three weeks after he was inaugurated on this subject. I do not want to take the time to read it myself, but I should like to have it read from the desk.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

Mr. McKELLAR. Mr. President, what is the matter the Senator desires the clerk to read?

Mr. FESS. It is a statement of the President in reference to southern patronage made about three weeks after he was inaugurated.

The Chief Clerk read as follows:

In reply to queries from the press upon organization questions in the South the President stated:

"It has been the aspiration of Republican Presidents over many years to build up sound Republican organization in the Southern States of such character as would commend itself to the citizens of those States.

"This aspiration has arisen out of no narrow sense of partisanship but from the conviction shared in equally by the leaders of all parties that the basis of sound government must rest upon strong 2-party representation and organization; that the voice of all States in the councils of the Government can be assured by no other means; that the welfare of the Nation at large requires the breaking down of sectionalism in politics; that the public service can be assured only by responsible organization. Furthermore, it has been the belief of these leaders, whose views I share, that the building up of such organizations must in every conception of our foundations of local self-government evolve from those States themselves.

"Republican leadership in the Border States and in Virginia and North Carolina has long since built up vigorous party organization which assures Republican representation in the Congress from those States.

"In other States, including Alabama, Arkansas, Louisiana, Texas, and Florida, the Republican leadership has in recent times shown increasing strength and is now rendering able and conscientious service in maintaining wholesome organization under whose advice the appointments to public office have steadily improved and commended themselves to the citizens of those States with increased confidence in the party. I highly approve and welcome the movement of the leaders of Texas, Alabama, Florida, and other States to broaden the basis of party organization by the establishment of advisory committees of the highest type of citizenship to deal with administrative questions and who will also cooperate with independent Democrats. This movement, springing as it does from within the States themselves, insures its strength, permanence, and constant improvement in public service.

"Recent exposures of abuse in recommendations for Federal office, particularly in some parts of the States of South Carolina, Georgia, and Mississippi, under which some of the Federal departments, mainly the Post Office, were misled in appointments, obviously render it impossible for the old organizations in those States to command the confidence of the administration, although many members of these organizations are not subject to criticism. But such conditions are intolerable to public service, are repugnant to the ideals and purposes of the Republican Party, are unjust to the people of the South, and must be ended. The duty of reorganization so as to correct these conditions rests with the people of those States, and all efforts to that end will receive the hearty cooperation of the administration. If these three States are unable to initiate such organization through the leadership of men who will command confidence and protect the public service, the different Federal departments will be compelled to adopt other methods to secure advice as to the selection of Federal employees."

MARCH 26, 1929.

Mr. FESS. Mr. President, I simply wanted, in fairness to the administration, to have the statement of the President read, which indicates that he has not been pleased with some things that have gone on in certain States under the direction of the local Republican leaders, that he has taken decisive steps looking to a reorganization in the interest of better conditions in the public service, and that he does not approve, but, on the other hand, certainly condemns any efforts such as have been alleged to have been made to sell patronage. None of us would stand for a thing of that sort; I would condemn it as bitterly as language would permit me to do so; and I feel sure that the President feels the same way.

Mr. McKELLAR. Mr. President, in reference to the matter that the Senator from Ohio [Mr. FESS] has just been talking about, I desire to say that I happen to be a member of the committee that investigated the sale of patronage and kindred matters in the South. There were four noteworthy cases. There may have been more, but four were brought to the attention of the committee after I became a member of it.

One was the rather celebrated case of Perry Howard, of Mississippi, who was found to be selling offices, and who was allowed by the Department of Justice to resign as an Assistant Attorney General of the United States. That is all right. I do not know that it was necessary to fire him, though it might have been. However, I make no complaint about the manner of getting rid of him.

The next case was that of J. D. E. Meyer, of South Carolina, a district attorney who apparently, according to the evidence—and he himself testified—was associated with the most vicious interests in South Carolina and was not enforcing the law. The President allowed him to resign. That is all right. I have no criticism at all to make of it. Indeed, I am glad that he resigned, because I think it was very much for the improvement of the public service.

However, there were two men in Texas who were just as clearly guilty. One of them was a district attorney who, according to the evidence, deliberately put before the grand jury testimony that would exculpate a defendant. The defendant

was a notorious offender against the liquor laws and other laws. I believe that he not only was an offender but he has since become an absconder. Yet the district attorney, according to his own admission, either through stupidity or through intention, himself provided the ways and means by which this man could secure immunity even from indictment.

I wrote the President a letter and urged him to dismiss this man. He ought to be dismissed. It is a shame that a man like J. D. Hartman, district attorney for one of the districts in Texas, should be in the Government service. I hope the President will have the matter examined into at once and have him dismissed. I want to say that should his nomination ever come here I propose to lay before the Senate the testimony of the man himself and the undisputed testimony of the witnesses, which will show his guilt, and I am quite sure the Senate will never permit him to be confirmed. Nor should he be longer retained as a holdover, as I have been informed is the plan of dealing with this case.

Mr. NORRIS. Mr. President, will the Senator indicate to us what he did in the way of putting up evidence?

Mr. McKELLAR. Yes, Mr. President.

Mr. NORRIS. This was the district attorney?

Mr. McKELLAR. This was the district attorney.

Mr. NORRIS. Was the man indicted?

Mr. McKELLAR. No; he has never been indicted. He is still holding the office of district attorney.

Mr. NORRIS. I am referring to what the district attorney did.

Mr. McKELLAR. I shall be delighted to tell the Senator.

Mr. NORRIS. Did he have the man indicted?

Mr. McKELLAR. No; he secured the necessary evidence, "phony" or corrupt or dishonest evidence, that permitted the grand jury not to indict him; and I will explain to the Senator just how it was.

In Texas they have an organization known as the Texas Rangers for the enforcement of laws on the border or near the border, perhaps all over the State—I am not so sure about that—but their principal duties are on the border. These rangers caught an official of the Government, a man who was or had been connected with one of the departments—I think it was the Internal Revenue Department—selling stills to bootleggers. They caught the man. The defendant was named Hamilton, as I recall. They caught the man with the stills. The stills were in good condition. This official of the Government, Hamilton, was selling stills. He had been selling them. He sold these three stills to a notorious bootlegger, whose name I have now forgotten. The district attorney heard all the proof, because it was called to his attention by these rangers, notably Captain Baldwin, who had charge of the rangers, and an honest man, as I believe.

The district attorney, after presenting the absolute proof of the man's guilt, then permitted the defendant to go before the grand jury, and permitted him to take three "phony" stills, or stills that had been absolutely destroyed so far as making liquor was concerned, instead of the ones he had actually sold, and let him testify that those were the three stills, without ever asking Captain Baldwin, of the Rangers, whether they were the stills found on or sold by Hamilton or not. In other words, the district attorney permitted this defendant, a notorious law violator himself, to take into the grand jury room three stills that were not in working order at all, but had been destroyed as stills. In other words, he just manufactured the evidence for the purpose of letting this man escape; and the district attorney was present in the grand jury room at the time. So I say he is either so stupid that certainly he ought not to represent the Government, or he was criminal. I say that a man like that has no business representing the Government; and when the Members of the Senate read the testimony they will reach the same conclusion.

The other man—a man by the name of Roy Campbell, collector of internal revenue—according to his own evidence was associated with a deputy, a Captain Walker, who was bringing liquor across the border, bringing it into the United States in Government cars. Mr. Campbell helped him get away after he brought it in, and was captured by these rangers. He got away with Campbell's consent and is still a fugitive from justice. Mr. Campbell ought to be discharged by the President instantly, and yet it is being claimed that he is to be reappointed.

I hope Mr. Creager, the Republican national committeeman from Texas, will recommend that these two men be discharged, and will select two good men to recommend to the President for these two important places. If either or both is or are kept in office, or if either or both is or are nominated by the President I am sure when the facts are presented to this body they will not be confirmed.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. In one moment.

I did not intend to bring up this matter at this time; but I am delighted to know that the President feels as suggested in this statement what the Senator from Ohio has just read to the Senate. I am quite sure that when these matters are actually called to the attention of the President he will take action. I do not know whether he actually looked at my letter or not; but when the matter is called to the attention of the President those two officials down in Texas ought to be dismissed, and dismissed at once.

I now yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, there is one other matter in reference to Campbell of which I think notice should be taken. He smuggled Mexicans across the border, and admits it, to work on his own ranch for his own profit, in violation of law. I had the Secretary of the Treasury himself investigate that matter, and his investigators so found and reported to me; but still Campbell has not been dismissed.

Mr. McKELLAR. They ought both to be dismissed. That is all I have to say about the matter.

Mr. BLEASE. Mr. President, "by their works," and not by their words, "shall ye know them." So we will watch Mr. Hoover and Mr. Walter F. Brown, supposed to be Postmaster General of the United States.

I think I am the first one who brought this matter to the attention of the Senate. It was called to my attention by a direct, straight purchase. A change was made in my State. I went to the young man, and I said, "How came you to lose your job?" He said, "So-and-so paid $300 for it." I said, "Do you know that to be true?" He said, "Yes, sir."

I went to the young man who got the appointment, who was quite a friend of mine, and I asked him the direct question. He said, "No; I did not pay anything, but father did." I said, "Whom did he pay it to?" and he told me. I looked into some other matters then, and I was absolutely certain; and I came to the Senate and made the speech that I did, to which nobody in the world paid any attention. The Postmaster General ignored it.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. BLEASE. Wait until I get through. The President of the United States ignored it, and the sale of patronage went right on in South Carolina just the same; and it went on under the conditions stated by the man who is receiving the money, and every dollar of that money went into the treasury of the Republican National Committee. That statement has never been denied on this floor by any man; and he still says to-day, and has an accounting which he says is correct—I do not know; I hold no brief for him—that that money did go into the hands of the Republican National Committee, and that he was told to make these collections; that it took money to run the party.

I am not criticizing what is known as the Brookhart committee, but I say the Brookhart committee have not gone into the evil here. They have skimmed over the ground. They have taken the words of a few people, but they have not gone to the very rock bottom of this thing; and until they do that the President will be just as ignorant as he is now.

What I want to do is to see this committee discharged—they ought to be—and this matter should be put in the hands of the Department of Justice; and every man—it does not make any difference to me who he is—who has bribed an officer or a man who is not an officer to be appointed to office, ought to be put in the penitentiary; and every man who has received a dollar of that kind of money ought to be put in the penitentiary.

I do not believe that the northern Republican Party wants the kind of government we have in South Carolina. It is a stench in the nostrils of every decent white man in the State. There are men there to-day who say they are Republicans who are no more Republicans than I am, and they dare not say it except to get office, and it is overlooked by some people, because they are better than negroes like we had—prior to 1877—after the Civil War. Why do they dare not say it? Because their wives and daughters would be barred from decent society in South Carolina if they said they belonged to the Republican Party as known in South Carolina from 1861 to 1877.

I know what I am talking about. I am not talking hearsay. I know what the Republican Party is in South Carolina. I know what it stands for—for graft, for corruption, for dishonest government, for dishonorable disposition of patronage, and I proved it here yesterday and have more proof yet if needed.

Men went before the Brookhart committee and swore that they had paid money. Has anything been done about it? Two of them are postmasters to-day. Here is the proof in the CONGRESSIONAL RECORD.

I repeat, we will know Mr. Brown and Mr. Hoover, not by their words but by their works.

I shall continue to expose graft in every form so long as I am a public servant.

Be ye not deceived, God is not mocked; whatsoever a man soweth, that shall he also reap.

And that applies alike to a nation, a State, the Republican Party, and the so-called Democratic Party, as much as to the individual.

Mr. SHEPPARD. Mr. President, I desire to say that I have not yet had an opportunity to examine the details in connection with the charges against Mr. Campbell and Mr. Hartman. A number of excellent people have written me in their behalf. Since this report has been published I have asked both these gentlemen to give me a statement of their side of the matter.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SMOOT] moves that the Senate return to the consideration of legislative business.

The motion was agreed to.

CLAIMS ARISING FROM EXPLOSION AT LAKE DENMARK, N. J.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, submitting, pursuant to the act of March 2, 1927 (44 Stat., pt. 3, 1800), entitled "An act to provide a method for compensating persons who suffered property damage or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926," a second supplemental report, with his recommendations, of the claims transmitted to the Comptroller General's office by the Secretary of the Navy, covering the property damage, death, or personal injury as required by the provisions of the act, which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

Mr. WATERMAN presented petitions of sundry citizens of the State of Colorado, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Mo., and Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Smoot bill, being the bill (S. 1468) to amend the food and drugs act of June 30, 1906, by extending its provisions to tobacco and tobacco products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions numerously signed by sundry citizens of the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and veterans of the war with Spain, which were ordered to lie on the table.

Mr. HEBERT presented the following resolution of the General Assembly of the State of Rhode Island, which was referred to the Committee on Commerce:

STATE OF RHODE ISLAND,
IN GENERAL ASSEMBLY,
January session, A. D. 1930.

Resolution recommending to Congress the passage of legislation providing for a lightship southwest of Block Island

Whereas the hazards of navigation have caused many wrecks and strandings on the southwest side of Block Island; and

Whereas there is a necessity for adequate fog signals and additional lighting facilities on the southwest side of Block Island to safeguard shipping: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby urges the establishment of a properly equipped lightship by the United States Bureau of Lighthouses at a point approximately 2 miles south-southwest of Black Rock Spar Buoy as an aid to navigation for the many vessels navigating in these waters; and be it further

Resolved, That a copy of this resolution be transmitted by the secretary of state to the United States Commissioner of Lighthouses, and that copies be also transmitted by the secretary of state to the Senators and Representatives of Rhode Island in the Congress of the United States.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, March 13, 1930.

I hereby certify the foregoing to be a true copy of the original (S. 79) resolution recommending to Congress the passage of legislation providing for a lightship southwest of Block Island, passed by the general assembly and approved by the governor on the 11th day of March, A. D. 1930.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid this 13th day of March, A. D. 1930.

[SEAL.] ERNEST L. SPRAGUE,
Secretary of State.

Mr. HEBERT also presented a resolution of the Council of the Town of Warwick, R. I., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

Resolved by the Council of the Town of Warwick and State of Rhode Island, That the council and town of Warwick and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provides for the effective carrying out of the provisions of the said bill, whereby the President of the United States would be authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

SEC. 2. The clerk of the town of Warwick and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island.

Passed by the Town Council of Warwick, R. I., March 11, 1930.

Attest:

S. K. M. ROBERTSON, *Town Clerk.*

Mr. HEBERT also presented a resolution of the Council of the Town of West Warwick, R. I., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

WEST WARWICK, R. I., *March 6, 1930.*

Hon. FELIX HEBERT,
Senate Chamber, Washington, D. C.

DEAR SIR: At a meeting of the Town Council of the Town of West Warwick, holden in and for said town on the 4th day of March, A. D. 1930, the following resolution was adopted:

"Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

"Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress, have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

"Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

"*Resolved by the Town Council of the Town of West Warwick and the State of Rhode Island*, That the Town Council of the town of West Warwick and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provide for the effective carrying out of the provisions of the said bill, whereby the President of the United States would be authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

"SEC. 2. The clerk of the town of West Warwick and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island."

Respectfully yours,

JOSEPH GENDRON,
Town Clerk of the Town of West Warwick.

REPORTS OF THE CLAIMS COMMITTEE

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1407) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, reported it with an amendment and submitted a report (No. 274) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 2873) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, reported it with an amendment and submitted a report (No. 275) thereon.

WILLIAM B. WILSON AND WILLIAM S. VARE

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported the following resolution (S. Res. 239), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the appropriation for expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1929, to William B. Wilson and William S. Vare, $25,000 each in full settlement of all claims and demands of any and every kind whatsoever on account of their contest for a seat in the United States Senate resulting from the election held in the State of Pennsylvania in 1926, including fees and expenses of counsel and salaries of clerks and all other employees.

REPORT OF THE DISTRICT COMMITTEE

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, reported it without amendment and submitted a report (No. 276) thereon.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 3942) granting an increase of pension to Lucinda M. Hanna (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3943) granting a pension to Roe Simerly (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3944) granting an increase of pension to Mary Mahoney (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE (for Mr. SHIPSTEAD):

A bill (S. 3945) to grant a right of way or easement over lands of the United States within the upper Mississippi River Wild Life and Fish Refuge to the Wabasha-Nelson Bridge Co., assignee of the Wabasha Bridge Committee, for the construction of a bridge from Wabasha, Minn., to Nelson, Wis., as authorized by the act of March 10, 1928, as amended December 13, 1929; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 3946) fixing time for reimbursement of the United States for money advanced for acquisition of water rights for Indian lands within the Oroville-Tonasket irrigation district under act of May 18, 1916, and supplemental acts, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAWES:

A bill (S. 3947) granting a pension to Sarah L. Mosbarger (with accompanying papers);

A bill (S. 3948) granting a pension to Lillie Wootan (with accompanying papers); and

A bill (S. 3949) granting an increase of pension to Ollie P. Stallings (with accompanying papers); to the Committee on Pensions.

By Mr. ALLEN:

A bill (S. 3950) authorizing the establishment of a migratory-bird refuge in the Cheyenne Bottoms, Barton County, Kans.; to the Committee on Agriculture and Forestry.

By Mr. RANSDELL:

A bill (S. 3951) for the relief of Walter Harrell Allen; to the Committee on Naval Affairs.

By Mr. BRATTON:

A bill (S. 3952) granting an increase of pension to Laurin Larsson; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 3953) granting a pension to Patton D. Moreland; to the Committee on Pensions.

By Mr. COPELAND (by request):

A joint resolution (S. J. Res. 154) recognizing Lieut. John Fitch as the inventor of the world's first successful steamboat and the first person to apply successfully steam power to the purposes of navigation and recommending the teaching in public schools and other institutions of learning, maintained within the boundaries of the United States of America and its Territories, that Lieut. John Fitch was the inventor of the first successful steamboat, and that he first successfully applied steam power to the purposes of navigation; to the Committee on Commerce.

AMENDMENTS TO THE TARIFF BILL

Mr. METCALF submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

(Sec. 501.) On page 398, after line 9, insert the following paragraph:

"In all proceedings instituted under this section an American manufacturer, producer, or wholesaler, or a representative of an American labor organization or labor association shall have the right to appear, to offer evidence, cross-examine witnesses, and to be heard as a party in interest under such rules as the United States Customs Court and the United States Court of Customs and Patent Appeals may prescribe."

On page 399, line 3, after the word "to," strike out "the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forthwith forwarded to the United States Customs Court," and insert the following:

"Each of the parties in interest, or his agent or attorney, or filed by any party in interest, or his agent or attorney, with the collector, and a copy mailed to each of the other parties in interest, or his agent or attorney. Upon receipt of any such application the collector shall forthwith forward the same to the United States Customs Court.

And on page 399, line 25, strike out "either" and insert "any" before the word "party."

(Sec. 515.) On page 410, line 25, after the period after the word "law," strike out "such determination," and on page 411, line 1, insert the following:

"In all proceedings instituted under this section an American manufacturer, producer, or wholesaler, or a representative of an American labor organization or labor association shall have the right to appear, to offer evidence, cross-examine witnesses, and to be heard as a party in interest under such rules as the United States Customs Court and the United States Court of Customs and Patent Appeals may prescribe. The determination of the court"

On page 411, line 12, strike out the word "filed" and insert "filed by any party in interest."

And on page 411, at the end of line 14, insert the following sentence:

"If the issue is such that the party defendant can not, in the absence of samples, adequately answer the protestant's case, upon demand therefor samples of the imported merchandise shall be produced or the protest dismissed."

Mr. HAYDEN submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

(Par. 1409.) On page 198, line 2, strike out the figure "30" and insert in lieu thereof the figure "20," so that the clause in lines 2 and 3 will read, "Wrapping paper not specially provided for, 20 per cent ad valorem."

(Par. 1501. (a)) On page 201, line 7, strike out the figure "40" and insert in lieu thereof the figure "30," so that, as amended, the subparagraph will read:

"PAR. 1501. (a) Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufuactures of any of the foregoing, 30 per cent ad valorem."

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

Paragraph 317, on page 70, after line 16, insert the following language:

"All wire fencing and all wire netting, whether galvanized or not, composed of wires smaller than 0.08 and not smaller than 0.03 of 1

inch in diameter, nine-sixteenths of 1 cent per square foot: *Provided*, That all wire fencing and all wire netting, whether galvanized or not, of a mesh 1½ inches or greater, composed of wire of a diameter not greater than four and one-half one-hundredths of 1 inch and not smaller than 0.03 of 1 inch, shall be subject to a duty of five-sixteenths of 1 cent per square foot."

Mr. HOWELL submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

(Par. 707.) On page 126, line 8, after the word "than," to strike out the figure "7" and insert in lieu thereof "5½," so as to read:

"*Provided*, That fresh or sour milk containing more than 5½ per cent of butterfat shall be dutiable as cream, and fresh or sour cream containing more than 45 per cent of butterfat shall be dutiable as butter, and skimmed milk containing more than 1 per cent of butterfat shall be dutiable as whole milk."

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

On page 35, after line 2, insert the following:

"PAR. 99. (a) Crude petroleum and fuel petroleum, $1 per barrel of 42 gallons.

"(b) Petroleum products: Kerosene, benzine, naphtha, gasoline, paraffin, paraffin oil, and all other distillates, derivatives, or refined products of petroleum, 50 per cent ad valorem. The ad valorem rate provided in this subparagraph shall be based upon the American selling price (as defined in subdivision (f), as amended, of section 402, Title IV) of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States, then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d), as amended, of section 402, Title IV. For the purposes of this subparagraph any petroleum product provided for herein shall be considered similar to or competitive with any imported petroleum product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That all funds derived from the tariffs upon petroleum and the refined products of petroleum as provided by this paragraph shall be covered into a special fund for appropriation, and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder: *And provided further*, That the United States Tariff Commission is hereby authorized and directed to make an investigation of the entire petroleum industry, to prepare and file a report of such investigation, and to prepare and submit recommendations as in this act provided, to the end that the tariff rates provided in this paragraph may be increased or decreased, as the facts developed may warrant and justify."

On page 265 strike out lines 3 to 6, inclusive, being paragraph 1734.

ADDRESS BY SENATOR FLETCHER ON THE FARM-LOAN SYSTEM

Mr. WAGNER. Mr. President, I ask leave to have printed in the RECORD a very interesting address delivered by the senior Senator from Florida [Mr. FLETCHER], broadcast at the instance of the National Grange on the 15th instant, upon the farm-loan system.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE FARM LOAN SYSTEM—ITS HISTORY, ACCOMPLISHMENTS, AND NEEDS

HISTORY

In April, 1912, a movement was launched by the Southern Commercial Congress at Nashville, Tenn., to devise and establish a dependable plan of agricultural finance, whereby the real farmers of the country could obtain financial accommodation on terms as to interest and time they could meet. The idea was the farmer's asset, his land and improvements, was not acceptable as security to banking and financial agencies, particularly in view of the fact that he required more time and a lower rate of interest than obtained in commercial transactions. What he required was a different, separate system, by which his capital needs could be supplied at low rates of interest, with amortization features.

With this end in view there was created the American commission, composed of two members from each State, named by the governors, respectively, to study the whole subject of rural credits in this country and to become acquainted with the plans and practices in the older countries of Europe.

Congress likewise took action and provided for a commission of nine, to be appointed by the President, called the United States commission, to cooperate with the American commission. Accordingly, in March, 1913, President Wilson appointed that commission, and $25,000 was appropriated for its use.

I was made chairman of both commissions.

It is with some pride that I can say this is one commission that made its report within the time allowed it, and after spending three months investigating the subject in Europe, asked for no extension of time or additional appropriation, but returned a substantial portion of the appropriation to the Treasury.

The reports of the commission speak for themselves and will be found as Senate Documents Nos. 214 (nearly 1,000 pages), 261, and 380, Sixty-third Congress.

I introduced the first bill, and it was referred to the Committee on Banking and Currency, of which I was not then a member.

A subcommittee, with Senator Hollis as chairman, was appointed, and extended hearings were held.

Certain amendments to the bill were favored, and instead of reporting my bill with amendments, Senator Hollis introduced the bill with the amendments, and it became known as the Hollis bill. It carried the essential principles and plan of the original bill and passed the Senate that way.

At the instance of the chairman, I was made a member of the Committee on Banking and Currency in order that I might serve as one of the conferees when the House and Senate were brought together.

Finally, the farm loan act was enacted July 17, 1916.

I venture to say that no act of Congress of similar importance ever went into full operation with so few amendments. In fact, I recall no amendment of consequence being offered until the amendment creating the Federal intermediate credit banks was enacted March 4, 1923.

In the meantime, the system was established most successfully and functioned most efficiently and efficaciously. More than a billion dollars were made available for real farmers at 5 to 5½ per cent interest, the principal being payable at 1 per cent per annum, with the right at the end of five years to pay any or all the principal if desired.

TWO KINDS OF BANKS

The act provided for the Federal land banks to be established, one in each of 12 districts.

Loans were limited to $10,000 to each borrower.

The Farm Loan Board was to be composed of five members—the Secretary of the Treasury, who was to be a member and chairman ex officio, and four members appointed by the President, not more than two of whom should be from one political party. This board was vested with supervisory power over the whole system.

The original capital stock in the Federal land banks was subscribed by the Government, $9,000,000, and that has been substantially returned by the banks.

Joint-stock land banks were provided for.

These were to be created by individuals and conducted for private profit without limitation as to loans to one borrower.

The foundation upon which rested the Federal land banks was the National Farm Loan Associations.

These were to be cooperative in character, and it was intended they should form a nucleus for cooperative effort in the various communities where they were formed.

Each borrower had to subscribe for stock to the amount of 5 per cent of his loan at $5 per share, which stock was to be held as collateral security until the loan was paid, at which time it had to be accepted at par on final payment, in meantime receiving dividends.

Neither of these institutions was really a "bank" in any commercial or true sense. They received no deposits. They did no banking business. They were agencies for making and securing loans. They were given certain designations and functions, usually at the discretion of the Secretary of the Treasury, for the purpose of exempting their bonds from all taxation. It was necessary to do this in order to have the bonds sell at as low rate of interest as possible, and the law provides that the banks could not charge the borrowers more than they paid as interest on the bonds, plus an amount not to exceed 1 per cent to cover administration expenses. These expenses have been ordinarily met by one-half of 1 per cent, and as the business increases the rate ought to be reduced. Neither of the banks could charge the borrower exceeding 6 per cent interest on his loan and there were to be no commissions or other fees.

No loan by Federal land bank or joint-stock land bank shall exceed 50 per cent of the value of the land mortgaged and 20 per cent of the value of the permanent, insured improvements thereon.

No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board.

Provision is made for appointment of receivers under certain conditions for farm-loan associations and joint-stock land banks by the Farm Loan Board, but the Supreme Court decided in Wheeler against Howard Greene, receiver, November 4, 1929, that such receiver has power to collect the assets of the bank, but the liability of stockholders is no part of the assets—but rather a liability to creditors, which the creditors may be left to enforce by bill in equity, and the receiver has no power to enforce the liability by levy of assessment against the stockholders.

There was an attack on the farm loan act early in its history, but the Supreme Court of the United States sustained its constitutionality and its validity in every provision.

There was a plain reason for omitting the grant of power to receivers under this act to "enforce the individual liability of the stockholders,"

as the court points out in the Wheeler case. It is entirely conceivable that it was not intended originally, since there is not the same need as in the case of national banks, "that the stockholder's liability should be summarily disposed of behind his back in Washington."

A few years ago agents of the Treasury took charge of the books and records of six joint-stock land banks in different parts of the country the same hour of the same day. That was a blow which would have destroyed completely any system of commercial banks. It was a terrible assault on joint-stock land banks generally. The framers of the law did not intend to place in the hands of an oppressive or unsympathetic Farm Loan Board the power to demolish these banks at will and involve their stockholders in summary assessments arbitrarily imposed.

The Federal Government has assumed no obligation whatever to protect stockholders in these banks from financial loss.

The supervisory duties and powers of the Federal Farm Loan Board in respect to these banks may be likened to those of the Comptroller of the Currency with respect to national banks.

There is no obligation resting on the Government to take care of the stockholders in a national bank.

SUCCESS OF THE SYSTEM

The success of the system depends upon the wisdom and efficiency of its administration.

The law is sound; its efficiency depends on its administration.

Necessarily wide discretion, extensive latitude, had to be given the Federal Farm Loan Board, which was charged with the guidance, direction, and supervision of the system.

The net mortgage loans of the Federal land banks on September 30, 1929, amounted to $1,202,490,482.78.

The net mortgage loans of the joint-stock land banks, the same date, amounted to $592,743,765.

Receiverships have been instituted under the act for three joint-stock land banks, the outstanding liabilities of which, according to their books, exceed $70,000,000—the Kansas City Joint Stock Land Bank, of Kansas City, Mo.; the Bankers Joint Stock Land Bank, of Milwaukee, Wis.; and the Ohio Joint Stock Land Bank, of Cincinnati, Ohio, with headquarters now at Indianapolis, Ind.

There are 12 Federal land banks, each liable primarily for bonds issued by it and also for interest and principal of bonds issued by other banks, as set forth in section 21 of the act.

There are 48 joint-stock land banks, including three in receivership and one in process of liquidation.

There are 4,660 National Farm Loan Associations—none in receivership.

The bonds of each of the 12 Federal land banks sell for the same price and bear the same rate of interest, so that the borrowers enjoy the same terms throughout the country.

The bond market has been depressed, but the last sale of farm-loan bonds was at par, bearing 4½ per cent interest.

There is nothing wrong with the system.

There are unlimited possibilities for its development and growth.

It may be made of infinite help to real home-building farmers and immeasurable benefit to agriculture.

INTERMEDIATE CREDIT BANKS

By the amendment approved March 4, 1923, a plan for short-term credit was added to the system, embraced in the provisions for intermediate credit banks.

A number of amendments to the original act were included in that legislation.

The membership of the Farm Loan Board was increased from five to seven.

In my judgment, this was a mistake.

It simply increases the burdens on the borrowers by adding materially to the overhead expenses.

I have proposed that the membership of the board be restored to five, and, in order to secure the very best material, I suggest the salary of the five be each $12,000 per annum instead of $10,000, as now.

The method of electing directors of the Federal land banks was changed (see sec. 304), so as to practically give control of each board of directors to the Farm Loan Board.

The limit of loan to each borrower was raised from $10,000 to $25,000.

Originally it was thought advisable to take care of the needs of what might be called the small or modest farmer who could get accommodations elsewhere, if at all, only on exorbitant terms. The design was to encourage the average man engaged in farming to acquire, improve, and make permanent his home. That country is safe and prosperous in which every citizen can live under his own vine and fig tree.

One reason for creating the joint-stock land banks was to provide a means for the accommodation of large operators—owning real estate in excess of $20,000 in value, with extensive permanent improvements. These were producers and farmers on a large scale and facilities for their capital requirements and need should be included in the general scheme to help agriculture. It was well, however, to revise the limit of the Federal land bank loan to each borrower.

The amount of loans by the intermediate credit banks has approached a half billion dollars.

The Federal land banks and the joint-stock land banks derive their funds for making loans from the sale of their bonds, respectively, secured by mortgage on real estate.

The intermediate credit banks derive their funds for making loans—aside from $27,000,000 furnished by the Treasury toward the capital—from the sale of their short-term debentures, with a maturity of not more than five years, but they are usually issued for terms varying from 3 to 12 months; and they may charge interest at the rate allowed by the "law of the State in which such corporation is located."

All these banks are authorized to act as "fiscal agents" of the United States Government. The Government itself is not liable on any obligation of any of the banks. The responsibility of the Government is similar to that respecting national banks.

The intermediate credit banks have made loans to 85 farmers' cooperative marketing associations, having a membership of more than 1,250,000 individuals, since they were created.

They may issue debentures to the extent of ten times their paid-in capital and surplus, giving them a potential lending power of approximately $600,000,000.

The Secretary of the Treasury subscribed, under the law, for the capital of the 12 intermediate credit banks $5,000,000 each, but only $30,000,000 of this has been paid in, leaving $30,000,000 in the Treasury subject to call by the directors of the banks.

Loans are not made to individual farmers directly.

The debentures are exempt from all taxes.

All these banks, comprising the entire farm-loan system, are examined and supervised by the Federal Farm Loan Board.

They are permanent institutions and have been of vast benefit and have rendered real service to the agricultural interests of the country.

NEEDS

The needs of the farm-loan system may be summed up in a few words:

Changed conditions may call for some minor changes in the law from time to time.

The institutions are permanent and sound. Their efficacy has been demonstrated.

All that is required is conscientious, intelligent, capable, and faithful administration.

There is no real obstacle in the way of that inherent in the system.

If it should not be provided, the fault will be found in playing politics with the operations, indulging in favoritism or patronage, or a deliberate purpose to cripple and eventually destroy the system by those in control.

Such a course is at present inconceivable.

Just public indignation would be invited thereby, with resulting consequences too serious to contemplate.

The problem, therefore, is one of administration.

In every case where the borrower can go on and only requires a reasonable extension of time to enable him to save his home and make good his obligation, the extension ought to be granted. It is a mistake to resort to foreclosure in strict accordance with the terms of the mortgage when it is in the power of the bank to encourage and indulge the borrower both for his and the bank's protection.

We do not wish, and would certainly avoid, anything like the experience under the Mahratta farming system in Bombay, when one-eighth of the entire agricultural population was sold out of house and home in a little more than a decade. From 1880 to 1890, 850,000 heads of families were sold out of 1,911,000 acres of land, causing much of the distress we read about in India.

Death, unavoidable adverse circumstances, abandonment, or other like cause, will bring about the taking over of mortgaged lands and perhaps some losses.

Looseness of management, neglect or indifference, would weaken security and eventually shake public confidence in the safety and soundness of the bonds.

In the interest of all this must not happen.

These bonds are based upon the permanent and sure foundation of all our wealth. They must be maintained as secure and safe as they are valid.

At the same time, and especially when loans on farm property are being curtailed by financial institutions, the facilities of the farm loan system should be afforded as generously and liberally as reasonable security and safety will permit.

HEARINGS BEFORE THE LIBRARY COMMITTEE

Mr. FESS submitted the following resolution (S. Res. 238), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid from the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

DRAINAGE AREAS OF FLORIDA (S. DOC. NO. 115)

Mr. FLETCHER. Mr. President, a letter from the Chief of Engineers has come to the Committee on Commerce, in pursuance of a resolution adopted by that committee, submitting a review of reports on the Caloosahatchee River and Lake Okeechobee drainage areas, Florida. I ask unanimous consent to have it printed as a Senate document with an illustration, and referred to the Committee on Commerce.

There being no objection, leave was granted.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following joint resolutions of the Senate:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

The message also announced that the House had passed the bill (S. 3579) authorizing a per capita payment to the Shoshone and Arapahoe Indians, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 699. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes;

H. R. 4810. An act to add certain lands to the Helena National Forest in the State of Montana;

H. R. 6121. An act to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses;

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 6809. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 6848. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House;

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State, the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission);

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 9183. An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes;

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 9562. An act to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes; sections 1 and 14 of the trade-mark act of February 20, 1905, as amended; and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes; and

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

SHOSHONE AND ARAPAHOE INDIAN PER CAPITA PAYMENTS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3579) authorizing per capita payments to the Shoshone and Arapahoe Indians, which were, on page 1, line 5, to strike out the word "reasonable" and insert "a"; on page 1, line 6, to strike out the word "payments" and insert "payment of $25"; and to amend the title so as to read: "Authorizing a per capita payment to the Shoshone and Arapahoe Indians."

Mr. KENDRICK. Mr. President, I wish to say that the purpose of the amendments is merely to limit the amount of the per capita payment. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 8. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

H. R. 699. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; and

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes; sections 1 and 14 of the trade-mark act of February 20, 1905, as amended; and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes; to the Committee on Patents.

H. R. 4810. An act to add certain lands to the Helena National Forest in the State of Montana;

H. R. 6121. An act to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses;

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes;

H. R. 6809. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.; and

H. R. 9183. An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet; and

H. R. 6848. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House; to the Committee on Military Affairs.

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission); to the Committee on Naval Affairs.

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activi-

ties by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia; to the Committee on the District of Columbia.

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.; and

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.; to the Committee on Public Buildings and Grounds.

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.; and

H. R. 9562. An act to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes; to the Committee on Finance.

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18; and

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.; to the Committee on Commerce.

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; to the Committee on the Library.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. CUTTING obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. FESS. I ask unanimous consent that after the address of the Senator from New Mexico no Senator shall be permitted to talk longer than 20 minutes or more than once on the pending amendment.

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from New Mexico if he will yield to me to suggest the absence of a quorum.

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Dill	Hawes	Norbeck
Barkley	Fess	Hayden	Norris
Bingham	Fletcher	Hebert	Nye
Black	Frazier	Heflin	Oddie
Blaine	George	Howell	Overman
Blease	Glass	Johnson	Patterson
Borah	Glenn	Jones	Phipps
Bratton	Goff	Kean	Pine
Brookhart	Goldsborough	Kendrick	Pittman
Broussard	Gould	Keyes	Ransdell
Capper	Greene	La Follette	Robinson, Ind.
Caraway	Grundy	McCulloch	Robsion, Ky.
Connally	Hale	McKellar	Schall
Copeland	Harris	McMaster	Sheppard
Couzens	Harrison	McNary	Shortridge
Cutting	Hastings	Metcalf	Simmons
Dale	Hatfield	Moses	Smoot
Steck	Swanson	Tydings	Walsh, Mont.
Steiwer	Thomas, Idaho	Vandenberg	Waterman
Stephens	Thomas, Okla.	Wagner	Watson
Sullivan	Trammell	Walsh, Mass.	Wheeler

The PRESIDING OFFICER (Mr. Fess in the chair). Eighty-four Senators have answered to their names. A quorum is present. The Senator from New Mexico will proceed.

Mr. CUTTING. Mr. President, the debate last night, interesting and valuable as it was in many respects, took us, I think, rather far from the fundamental features of the question at issue. I do not think it will do any harm, before discussing the pending amendments in detail, to consider the question of censorship in general. What is censorship? By what right do we enforce it? In what respect is it good policy to enforce it?

At the risk of seeming academic, I should like first to present to the Senate of the United States President William Allan Neilson, of Smith College.

In introducing him and allowing him to speak for himself, I should say, first, that President Neilson, an old-fashioned Scotch Presbyterian, almost a Victorian in his general attitude toward the arts, has been a professor of English literature at Bryn Mawr, at Harvard, and at Columbia. I had the honor to be initiated into Victorian literature as a student by Professor Neilson, a good many years ago.

There is no question whatever that Professor Neilson is thoroughly familiar with every one of the volumes which last night adorned the desk of the senior Senator from Indiana [Mr. WATSON]. There is no new discovery connected with those volumes. Most of them have been known by every well-informed man for a great many years. The few new ones have been sufficiently advertised by the senior Senator from Utah in the last few weeks. Professor Neilson is undoubtedly familiar with them.

Secondly, I want to emphasize the fact that Professor Neilson is president of a young women's college; that of all men in the country he would be most interested in avoiding anything tending toward the corruption of youth. The only excuse which has been advanced for this measure—which concededly is a nuisance measure, which concededly is calculated to keep out of the country much matter which intelligent men wish to read and feel they ought to read—the only excuse for such a measure is that it may in some mysterious way corrupt the morals of the younger generation. I am going to emphasize that point later on in the course of my remarks, and I am going to point out to the Senate that, so far as I know, every educator in the United States is against the present system of customs censorship.

I am now going to read from an article of President Neilson, published in the January Atlantic Monthly. I am not going to read the whole article, though it is a short one. There are certain matters in it which seems to me basic and fundamental in any discussion of censorship.

President Neilson begins by saying that probably all of us who are interested in this subject are not so far apart as we might imagine if we listen to nothing except the diatribes on either side. He continues:

> In spite of recent tendencies in legislation and public opinion we still assume, remembering the confessions of faith on which the Republic was founded, that we believe in human liberty. The majority still holds, theoretically at least, that for the highest development of an individual or a community a large degree of freedom is necessary. Most of us would also agree that, in particular questions of the restriction of liberty, the burden of proof is on him who would restrict. Yet it is also agreed that for the preservation of liberty itself certain restrictions are necessary. The nuisance of the radio in the apartment house or at the open window is an obvious instance of this, since the right to make a noise may conflict with the right to enjoy quiet.

After stating that general point of view, Professor Neilson makes a distinction between censorship applied for the welfare of the adolescent and general censorship for the adult. He states, what we all believe, of course, that certain measures are necessary to protect the highly impressionable youth of the country at a certain age. He continues:

> But I should urge the weighing of two considerations in this connection. First, keeping an undesirable book out of the hands of a young boy or girl is an affair requiring much tact, and persuasion is usually better than compulsion or threats of punishment. Otherwise we simply add the attraction of forbidden fruit and challenge the child to outwit us. Secondly, the attempt to save our children from what we regard as dangerous knowledge is likely in our times to be a locking of the stable door after the steed is stolen. It is my impression that most freshmen (of both sexes) come to college to-day already familiar to the point of losing interest with many of the facts and ideas which anxious parents are terror stricken lest they acquire. And not only are they familiar with them, but they seem to have acquired a kind of immunity which leaves them quite as fresh and unspoiled as their ignorantly innocent

parents were at their age. The policy of "Hush, hush!" is seldom effective and may, indeed, produce precisely the opposite result to that intended.

In turning from the question of the adolescent to the question of the adult, Professor Neilson again makes certain distinctions. He says:

The adult has a right to be protected against the display of offensive print or pictures where he can not avoid them. The covers of books and magazines, and still more, posters, are a fair subject for police control, since it is practically impossible not to have them thrust upon one's notice.

That, of course, is on the same theory as the theory of the radio in the open window or in the apartment house, which he took up in the first place.

Professor Neilson continues:

Most detached observers would think it self-evident that the various agencies chosen by the law for the exercise of a difficult and delicate function could hardly have been more unfortunately selected. They would suppose it is the business of the post office to carry mail and that officials chosen for this purpose have no inherent fitness as judges of art or morals; that it is the business of the customs officer to collect revenue and prevent smuggling, not pass on the value of Voltaire or Rabelais; that a policeman's duty makes demand on his courage, judgment, and loyalty, but ought not to be enlarged to include literary or dramatic criticism. In these suppositions most people would agree, and it is hardly worth while to insist on them.

After discussing the absurdities which have been involved in the customs censorship and which most of us believe are inherent in any such system of censorship, Professor Neilson said:

These absurdities in the administration of censorship serve only to strengthen the independent thinker's resentment against the essence of the practice. The saving of a man's soul, which one must presume is the object of a censorship, is, after all, a man's own affair, and is not to be achieved by external compulsion or guardianship. It is of a man's free will that he buys a ticket for a play or borrows a book from the library. If he wants to pander to the lower side of his nature, no censor will prevent him.

I should like to point out to the Senate that this is a far more advanced position that I or, so far as I know, any other Member of the Senate has taken with regard to censorship, because Professor Neilson's view that the reading of a book is a matter for the individual himself to consider would of itself bar out not only censorship by customs, not only censorship by the post office, but the State laws which prevail in practically every State of the Union against literature of this kind. We are not, of course, concerned with State laws.

The position which I have taken is that the States are in the last analysis far safer judges of what should be established in their own communities than the Federal Government can be. In considering censorship from the Federal point of view I do not think it is necessary for us to go as far as this profound and intelligent educator of youth has gone in his article.

One more quotation from Professor Neilson and I shall continue along other lines:

There are doubtless other principles involved in this difficult matter, and I shall be glad if this attempt to draw out those most obvious provokes a more capable analyst to complete the task. In doing so—

Mr. President, I think this is the most important sentence of the article—

In doing so he must find the ground for depriving the adult citizen of the privilege of choosing his own books and his own plays and pictures; he must find a method of selecting censors wise enough to suppress only what is really demoralizing, without stifling progress and experiment; and he must hit upon a device which will prevent banning a book or play from advertising it.

Those are the three fundamental things which every Senator has to decide for himself before voting on any of the pending amendments:

First. What right have we to interfere with the adult citizen at all as to what he is going to read?

Second. How can we pick men wise enough to decide that for the average American citizen?

Third. How can we do it without reacting on ourselves and encouraging the circulation of the very books which censorship is intended to restrict?

Mr. President, I want to apologize for attempting to summarize or comment on this admirable article of President Neilson, and I ask unanimous consent that the article as a whole be incorporated in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Atlantic Monthly, January, 1930]

THE THEORY OF CENSORSHIP

By William Allan Neilson

I

The question of literary and dramatic censorship is not at the moment merely an annoying perplexity in the life of a single city, but is an issue which concerns the whole country. Its emergence is frequently regarded as a particular instance of an antiliberal tendency appearing in a great variety of forms throughout the Nation, and it is highly important that, despite its difficulty, we should seek to see clearly what principles are implied in the suppression of books and other forms of expression and whether these are in harmony with common sense and the ideas which lie at the basis of our social structure.

In spite of recent tendencies in legislation and public opinion, we still assume, remembering the confessions of faith on which the Republic was founded, that we believe in human liberty. The majority still holds, theoretically at least, that for the highest development of an individual or a community a large degree of freedom is necessary. Most of us would also agree that in particular questions of the restriction of liberty the burden of proof is on him who would restrict. Yet it is also agreed that for the preservation of liberty itself certain restrictions are necessary. The nuisance of the radio in the apartment house or at the open window is an obvious instance of this, since the right to make a noise may conflict with the right to enjoy quiet. The problem, then, is not one to be solved by a simple statement of general principles, but by a consideration of how and when the principles, once agreed upon, apply.

I believe that on many matters concerned with censorship there is a larger degree of unanimity than is generally supposed, but that a lack of explicitness has confused the public mind and unnecessarily multiplied antagonisms. The prescent paper aims not at making a novel contribution but at extricating from the confusion the accepted truths, in the hope that the remaining points of difference may be seen more clearly and perhaps brought nearer to reconciliation.

II

To begin with, we ought to know whether in applying censorship we are considering the welfare of the adolescent or the adult. No one disputes the necessity of different measures in dealing with the mature and with the immature, since, apart from a few extremists, all our educational measures take for granted that the young must be guarded from risks that may inflict injury before experience has been acquired and before reason has been developed to the point where the significance of the risks can be appreciated. So, in the case of certain types of literature, plays, and pictures, it is justifiable and probably necessary to seek to prevent the young from being exposed to them while their imaginations are highly impressionable and their self-control is undeveloped.

The exercise of measures for this end is a matter mainly for parents and teachers rather than for the police, since what books can be put into the hands of boys or girls or what plays they should be taken to see is largely an individual matter dependent less upon mere age than upon degree of development and manner of upbringing. For adolescents who are beyond the control of parents or teachers, the question is more difficult. Even in the days before the eighteenth amendment we enforced laws against sales of liquor to minors, and I suppose similar laws could be made in connection with sales of books and admission to plays. But I should urge the weighing of two considerations in this connection. First, keeping an undesirable book out of the hands of a young boy or girl is an affair requiring much tact, and persuasion is usually better than compulsion or threats of punishment. Otherwise we simply add the attraction of forbidden fruit and challenge the child to outwit us. Secondly, the attempt to save our children from what we regard as dangerous knowledge is likely in our times to be a locking of the stable door after the steed is stolen. It is my impression that most freshmen (of both sexes) come to college to-day already familiar to the point of losing interest with many of the facts and ideas which anxious parents are terror stricken lest they acquire. And not only are they familiar with them, but they seem to have acquired a kind of immunity which leaves them quite as fresh and unspoiled as their ignorantly innocent parents were at their age. The policy of "Hush, hush!" is seldom effective and may, indeed, produce precisely the opposite result to that intended.

III

When we turn from the protection of adolescents to the problem of the adult a quite different point of view is imposed, though certain prohibitions still seem to be justifiable. The adult has a right to be protected against the display of offensive print or pictures where he can not avoid them. The covers of books and magazines and, still more, posters are a fair subject for police control, since it is practically impossible not to have them thrust upon one's notice. Nor is the risk of poor judgment in selecting those to be suppressed an important one. One can not honestly pretend that even a mistakenly rigorous policy in such matters would deprive the world of either truth or beauty to a noticeable degree.

The principle embodied in the pure food law might also be invoked with regard to "blurbs" and other advertising matter intended to mislead the purchaser of books or theater tickets. The worst of such tend sometimes to exaggerate, sometimes to hide, the wickedness of the volume or the play or picture; but in any case the law which already seeks to enforce honesty in advertising might well be carried farther into the field.

The opposition to the activity of the censor, however, has not been roused by attempts to save the sensibilities of the public from the outrages of the poster or the jacket. It has been due to the feeling that some branch of the Government—post office, customs official, police, or mayor—has sought to save us without our consent from what is considered a demoralizing book or play. The resentment is due to what seems to many an officious intrusion, an interference with the responsibility of the adult individual for his own moral welfare.

The case of the opposition has been strengthened by a number of considerations which, while not of the essence of the question, have made the censorship fatuous as well as annoying. Most detached observers would think it self-evident that the various agencies chosen by the law for the exercise of a difficult and delicate function could hardly have been more unfortunately selected. They would suppose that it is the business of the post office to carry mail, and that officials chosen for this purpose have no inherent fitness as judges of art or morals; that it is the business of the customs officer to collect revenue and prevent smuggling, not to pass on the value of Voltaire or Rabelais; that a policeman's duty makes demands on his courage, judgment, and loyalty, but ought not to be enlarged to include literary or dramatic criticism. In these suppositions most people would agree, and it is hardly worth while to insist on them.

Again, the effect of attempted suppression has not been such as to raise the prestige of the censors. It is now manifest that no advertisement is so effective in giving a book a nation-wide sale as its prohibition in a large city. Thus though it may be argued that since any such prohibition ought to be a reflection of a dominant public opinion, censorship ought to be in the hands of local governments, exercise of it by a local government stimulates its sale outside and does not prevent surreptitious importation on a large scale.

The statutes of Massachusetts, where the question under discussion is being most violently debated at the moment, contribute another argument to the opposition's case, since they make legal the condemnation of a book on the basis of detached passages. Time was when the Commonwealth was proud of its reputation of leadership in scholarship; but there is no greater sin in the decalogue of scholarship than that of the ignoring of the context. Yet when a modest attempt was made to amend the statute the legislature voted to continue a practice in the highest degree unscholarly, unjust, and dishonest.

The absurdities of the customs censorship have been most effectively exposed by Senator CUTTING, of New Mexico, in a recent debate, and he succeeded in inducing the Senate to relieve our revenue officers from an impossible duty as far as concerned the morality of literary works. He was less successful in connection with works supposedly seditious, and apparently it will still be possible for the question whether professors of government and economics can obtain copies of the works of Karl Marx or of Lenin for examination in their classrooms to be settled on the wharves of New York.

These absurdities in the administration of censorship serve only to strengthen the independent thinker's resentment against the essence of the practice. The saving of a man's soul, which one must presume is the object of the censorship, is, after all, a man's own affair and is not to be achieved by external compulsion or guardianship. It is of a man's free will that he buys a ticket for a play or borrows a book from the library. If he wants to pander to the lower side of his nature, no censor will prevent him.

Such arguments sometimes lead defenders of the censorship to abandon the strictly moral issue and seek a basis for suppression on esthetic grounds. But it is clear that these give no firmer footing. The whole question of standards in art is dragged in, and it becomes evident that the result of decisions on the ground of good or bad art could only be the legalizing of the timid and conventional, and the blocking of all progress by the suppression of innovation and experiment. The fact that my personal taste is offended does not give me the right to interfere with my neighbor's choice of reading or of plays unless he insists on reading aloud in my presence or forcing me to the theater.

A variant of the esthetic argument is that which advocates prohibition of a production because it deals with disease. The pathological, we are told, is no fit subject for art. But no one really believes in a principle that would prohibit Hamlet, Lear, and Macbeth because all three interest us in madness.

IV

There are doubtless other principles involved in this difficult matter, and I shall be glad if this attempt to draw out those most obvious provokes a more capable analyst to complete the task. In doing so he must find the ground for depriving the adult citizen of the privilege of choosing his own books and his own plays and pictures, he must find a method of selecting censors wise enough to suppress only what is really demoralising without stifling progress and experiment, and he must hit upon a device which will prevent banning a book or play from advertising it. And, lest he think that it is safer to err on the side of suppression than on the side of freedom, let him remember that it is through freedom and not through compulsion that the human spirit gains in power and reach.

"Under what precise set of conditions," writes Sir Walter Raleigh of the novels of Fielding, "and exactly by what persons he is to be read is a question that need trouble no one long. Books are written to be read by those who can understand them; their possible effect on those who can not is a matter of medical rather than of literary interest. Some literary critics, it is true, with a taste for subdued tones in art, have found some of Fielding's loudest notes too strident for enfeebled ears, but not to the great musician can the whole range of the orchestra, not to the great painter can the strongest contrast of colors profitably be denied."

Mr. CUTTING. Mr. President, we have heard a great deal about censorship. We have heard some of it on the floor of the Senate. We have heard a great deal of it from the papers throughout the country. For a moment I should like to emphasize a little the third point made by Professor Neilson, namely, that the attempt to suppress individual books simply promotes their circulation and reputation.

This is nothing new. It started in the ancient Athenian community when an attempt was made to suppress the talking of Socrates. It was then for the first time that he acquired a great reputation among Athenian youth. When the great and respectable citizens of that time condemned him to death for contumacy, then again his reputation was increased a hundredfold and his teachings have gone on from that time to this.

I should like to remind the Senate of what Tacitus said about a very obscure Roman writer named Verjinto. Verjinto, I imagine, in Roman times was equivalent to some of the minor authors whom we have heard denounced yesterday by the Senator from Utah [Mr. SMOOT] and whose books were formerly placed on the desk of the Senator from Indiana [Mr. WATSON]. At any rate, when Nero, that mighty Emperor, came to the Roman throne he decided that the works of Verjinto were too immoral for the people of the empire to read. He prohibited them. Said Tacitus:

So long as the possession of those writings was attended by danger, they were eagerly sought and read; when there was no longer any difficulty in securing them, they fell into oblivion.

I believe that is an epitome of the history of censorship from the days of Nero to the present time. I hope the Senate will not carry out a policy which so lamentably failed in the days of the Cæsars.

Is there any analogy, I wonder Mr. President, between what happened to Verjinto in the time of Nero and what is liable to happen to the works of D. H. Lawrence of the present time? The late Mr. Lawrence, a man whose reputation is world-wide in many ways, one of the leading authors of the present day, published a book recently which has been reviewed in all the leading magazines of the country as well as the leading magazines of England. It is a book which I personally do not admire. I find it rather dull.

When a constituent—an editor and literary man, who could make nothing but good use out of such a book or any other book—attempted to import it, I pleaded with the Secretary of the Treasury for his right to import it, not for its general circulation. I mentioned the fact that I had appealed for a book of that kind in the Senate when I made my speech in October last. I purposely omitted the name of the book, for fear that it might corrupt the morals, I will not say of the Members of the United States Senate, but perhaps of the general public who read the CONGRESSIONAL RECORD. I referred to the matter only to show the kind of foolish letters which can be written by so cultured and intelligent a man as the Secretary of the Treasury undoubtedly is when his writings are inspired by bureaucratic clerks such as those in the Bureau of Customs.

But what happened? The Senator from Utah [Mr. SMOOT] gave out an interview to the United Press saying that the book, which I had never mentioned, was Lady Chatterley's Lover, by D. H. Lawrence; that it was one of the books which I was trying to bring into the United States; that I had mentioned it in my remarks; and that he was entirely opposed to its introduction. I think the Senate will remember that he made very much the same statement yesterday afternoon, and in fact went so far, after I denied mentioning the book, as to say:

I remember perfectly well—I do not know whether it is in the printed speech of the Senator or not—he referred to Lady Chatterley.

Mr. President, I am not in the habit of referring to things on the floor of the Senate and then removing them from my printed speeches. I have only done it once, and I think I know why the

Senator from Utah believes that I am in the habit of doing it. During those remarks in October the Senator from Utah during an interruption told me that the man who was censoring the literature of the world in behalf of the customs censor was a man named J. D. Nevius. I had never before heard of Mr. Nevius. I accepted the Senator's word as being 100 per cent correct, and later in my speech referred to Mr. Nevius as the individual who was doing this censorship.

After going back to my office a gentleman called on me and said that the Senator from Utah and he both thought that it was unwise to mention the name of Mr. Nevius, because it might hurt his retention in his present position, and if I had no objection he would like to withdraw the name from the RECORD. I stated that as the Senator from Utah had been the one who originally introduced it in the RECORD I had no objection to his withdrawing it and it was accordingly withdrawn, both in his introduction of the name and in my subsequent reference to it.

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. Certainly.

Mr. SMOOT. I will say to the Senator that this is the first intimation I have had of such a thing. Nobody asked me to withdraw the name. This information is entirely new to me.

Mr. CUTTING. The Senator will at least acknowledge that the name of Mr. Nevius was withdrawn from his remarks as well as from my own, he having been the first one to mention the name.

Mr. SMOOT. It was done by some one else and not by me or by my authority.

Mr. CUTTING. I merely mention that matter because that is the only time I have ever corrected or altered or expurgated any remarks I made on the floor of the Senate. So far as Lady Chatterley's Lover is concerned, I did not mention it, and until the present occasion I have not mentioned it on the floor of the Senate.

Mr. SMOOT. The Senator would not take Lady Chatterley's Lover now and read any extracts from it to the Senate, would he?

Mr. CUTTING. I will get to that later on when I reach the subject of indecent literature.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. CUTTING. Yes; if it is a question and not entirely irrelevant to the subject I am discussing.

Mr. WATSON. I understood the Senator to say that he had written a letter to the Commissioner of Customs advising that the man who imported the book should have a right to have it admitted?

Mr. CUTTING. Oh, no; I said nothing of the sort.

Mr. WATSON. I was wondering if the Senator had a copy of that letter, and if he would be willing to adduce it.

Mr. CUTTING. Yes; I have copies of a number of letters, and, if it seems to be material during the course of the discussion, I shall introduce them into the RECORD; but they are so very remote from the subject which I am discussing that I should really prefer not to take them up at this time. If the Senator from Indiana later on thinks that it is material to the discussion, I shall be very glad to go into that matter very thoroughly, but I am trying to make this debate, so far as I can, relevant to the issues which we are discussing in the Senate.

All the discussion, Mr. President, of the books which were introduced yesterday, and which were submitted to the Senators, is entirely apart from the merits of the case as a whole. This is not a question of indecent literature; it is a question of freedom of speech and freedom of thought, and I am going to try, so far as I can, to limit it to that main principle. However, so long as we are on the question of this book, which the Senator from Utah evidently considers a vile and loathesome book, I want to say that, if that book is calculated to contaminate the American public, the blame for circulating its name among the people of the United States rests firmly on the Senator from Utah, because he is the first one who mentioned it, because his interviews in the press have brought it to the attention literally of millions of American citizens who would otherwise never have heard of the book, and because the reference of the Senator from Utah to it has induced the publication of an American edition, which is circulated widely all over the country. When I got back to New Mexico I found that book circulating among the students of the State university.

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. SMOOT. If my amendment shall be adopted no more copies of that book will come into the United States; it will put a stop to that.

Mr. CUTTING. Oh, no, Mr. President; the principles embodied in the Senator's amendment have already been in the tariff act since 1890. Anything that would apply to a book like Lady Chatterley's Lover has already been the law since 1890. The Senator surely knows that. He must have studied the subject a little more than to say what he said just now. The provisions of the present law have been tested, they have been proved to be futile; and the reason why I am attempting to repeal them is that they have proved their inefficacy for 40 years.

Mr. SMOOT. My amendment would strengthen the law of 1890 and the law of 1892. I will say to the Senator that if my amendment were adopted there would be no more Lady Chatterley's Lover and other such rotten stuff come into the country.

Mr. CUTTING. I must differ with the Senator. It seems to me the amendment which the Senator introduced yesterday on the floor of the Senate weakens the law of 1892; it does not strengthen it. It allows the Secretary of the Treasury, at his discretion, to admit some of these books which previously he had no authority whatever to admit. These books, if they are obscene and indecent, have been prohibited entry since 1890, while the Senator's amendment provides that, at the discretion of the Secretary of the Treasury, he may for noncommercial purposes and in certain peculiar circumstances allow them to be imported. So the Senator's amendment will not stop Lady Chatterley's Lover from coming in. The Senator's amendment and the publicity which he has given to this book will make it a classic. That is what he has done; he has made this book a classic.

Mr. SMOOT. That ought to suit the Senator.

Mr. CUTTING. It does not suit me at all. I have no use for the book; I did not refer to it, for fear of introducing it to the American people. The Senator from Utah is the one who is responsible for any evil which this book may do, either now or in the future.

The truth of the matter is, Mr. President, when people are told, "Here is a book which you must not read," if they think that they have a right to read it an awful temptation is put in their way. That is exactly what the Senator from Utah has done with regard to this particular book.

Our children to-day are reading books in the schools which at the time they were published might have seemed just as indecent as the books to which the Senator from Utah has been referring. The Senator, of course, is familiar with the works of Shakespeare. The first page of King Lear is grossly indecent; the love making of Hamlet and Ophelia is coarse and obscene; in Romeo and Juliet the remarks of Mercutio and the nurse are extremely improper; yet all three of those plays were compulsory reading in school when I went to school a good many years ago at the age of 15. There is no reason to think, after the publicity which the Senator has given to this book, that a hundred years from now Lady Chatterley's Lover may not be compulsory reading, perhaps in the kindergarten classes. [Laughter.]

Mr. President, before I get through with this particular phase of the subject I want to remind you that too many of us are apt to think that when we want to stop something, when we want to prevent something from going on which we think is wrong, the best thing to do is to enact a law against it. In most cases, Mr. President, that is not so. The passage of a law does not necessarily abolish the evil which the law is meant to correct; in many cases it has just the opposite effect. While I know that if it were in our power we would all like to prevent much of the kind of material which the Senator from Indiana had on his desk yesterday, we might also remember the words of Emerson when he said:

> Every suppressed or expunged word reverberates through the earth from side to side.

Mr. President, the former vote on the amendment which I submitted in October was taken after very thorough and very full discussion, and after a complete and sane deliberation which lasted the better part of two days. I do not want to reiterate or rehearse the arguments which were then made; they are all in the RECORD. We all want to get on as far as possible and as quickly as possible with the tariff bill.

Why reverse our action? What arguments have been presented to the Senate which were not presented in October? A certain number of books have been presented, it is true, for

private circulation among the Senators. Is there any Member of the Senate who did not realize when he voted in October that there were indecent books in the world; that there were at least as many indecent books as reposed on that desk last evening; and did anyone suppose, rating the personnel of the Customs Service at the lowest possible point, that when the Customs Service went about publishing a black list of 739 books they could not find at least 15 or 20 which really were indecent? Yet that is all that could have been proved if those books had circulated among all Members of the Senate, and that is all that could have been proved if the Senator from Utah had carried out his original proposal, to have an executive session and read those books in toto.

By the way, Mr. President, the Customs Court itself has now decided that the only excuse for excluding a book from this country is on a consideration of its contents as a whole, not on the consideration of certain pages of the book, earmarked by the customs officials, with red pencil marks under every improper and indecent word and sentence, with the margin marked so that one can easily skip from one obscenity to another, like Eliza crossing the ice. That is not the test. The test is whether the book as a whole is or is not a book which will offend the standards of decency.

Mr. President, there are certain things that have happened since we discussed this matter in October, and they are all things which make the stand the Senate then took seem more correct even than it seemed then to be.

The purpose of my amendment was to a large extent the taking away from the inefficient and ignorant employees of the Customs Service the authority to decide in such cases. At that time I had a good deal to say against the decisions which had been made by the courts up to that date, so that under even the ordinary processes of law, which would have a case to a jury, it might have been decided in a very unfair way, or what I considered to be an unfair way. Since that time there have been two admirable decisions made by the courts. The first one was decided on October 31, 1929, by the United States Customs Court, second division, in the case of Peabody Book Shop against The United States. The decision was made by Chief Justice Fischer, some of whose decisions I severely criticized in October. I am glad to say that this decision is an admirable statement of the fundamental questions involved in censorship. It is a stepping-stone toward the goal which we all strive for, the goal of freedom of thought.

We do not deem it necessary—

Says Chief Justice Fischer, in part—

to enter into a lengthy discussion of the books entitled "Daphnis and Chloe"—

That is the great book of Longus, whose exclusion by the Customs Service I criticized in October—

Satyrs and Sunlight and The London Aphrodite, for it is sufficient to say that a careful reading of the works satisfies us that they are not obscene and are not of the class of publications which Congress ordained should not be allowed to enter into this country. There are passages in the books in question which, published separately and alone, would be considered indecent and their distribution and importation prohibited, but a literary work can not be called obscene if here and there may be found some expression which is obscene. If a book can be condemned because of the existence of occasional indecent language, Shakespeare's works would be prohibited. Books must be considered in their entirety, and, if they have literary merit and are clearly not published with an object to parade obscenity and attract readers with debased minds, they are not of the class which Congress intended to exclude.

Further on in the opinion he says:

The testimony of leading men in the literary world was introduced in the trial of this case, and while views of the witnesses are regarded by us as interesting and possibly an aid to our conclusion, they can not control this court in determining the character of the book.

I refer to that because this is one of the first cases in which the testimony of literary men or psychological experts was allowed in any case of this kind.

The books in question—

Continues Chief Justice Fischer—

are the productions of eminent literati. They can be found in public libraries and the libraries of universities where they are used in the study of classics. While it is true that there are a few passages in the books which might be considered obscene if published alone, the whole work is not obscene, and we must judge each book as a whole.

That is a very important decision, Mr. President. I do not know that the debate in the Senate had anything to do with the reversal of some of the opinions expressed by Judge Fisher in previous cases; but I do say that, whether it had or not, this opinion is one which will be quoted in the future on matters of this kind.

The second case to which I wish to refer is the opinion of the United States Circuit Court of Appeals, written by Judge Augustus N. Hand, in the case of Mrs. Mary Ware Dennett.

Mrs. Dennett, as most Senators are aware, had published a book dealing with certain anatomical and physiological processes which was almost identical with a pamphlet distributed by the United States Public Health Service; yet, by an outrageous conspiracy, working a complete injustice on the defendant, Mrs. Dennett was haled into court and convicted under the obscenity statute.

Judge Hand, in his opinion, says:

It [the statute] must not be construed to interfere with serious instruction regarding sex matters unless the terms it is conveyed in are clearly indecent. * * * The defendant's discussion * * * is written with sincerity of feeling and with an idealization of the marriage relation and sex emotion.

I take it as a layman that the implication, at least, in that sentence is that whatever is done with obvious honesty of intention and decency of purpose can not be held to be depraved.

The opinion continues:

It can hardly be said that because of the risk of arousing sex impulses there should be no instruction of the young in sex matters, and that the risk of imparting instruction outweighs the disadvantages of leaving them to grope about in mystery and morbid curiosity, and requiring them to secure such information as they may be able to obtain from ill-informed and often foul-minded companions rather than from intelligent and high-minded sources.

The old theory that information about sex matters should be left to chance has greatly changed; and while there is still a difference of opinion as to just the kind of instruction that should be given, it is commonly thought in these days that much was lacking in the old mystery and reticence. This is evident from all the current literature on the subject.

If that opinion stands, Mr. President, it is again a monument to the increased intelligence and increased liberality of our Federal courts.

I have said that the decisions made by the courts in the last few months have been an enormous improvement on the decisions made before, and I want to give you now the other side of the picture. The actions of the customs inspectors and customs clerks have been far worse than anything even imagined in the past. It would seem as if the customs clerks and the inspectors at the ports had banded themselves together in order to show how utterly ridiculous the present system is.

In the very week after the decision which I read you a while ago in the Peabody Book Store case had been rendered, the same inspector barred George Moore's Story Teller's Holiday—a book which I also saw last night on the desk of the Senator from Indiana [Mr. WATSON]; I can not imagine why. There is nothing in the book which could possibly damage the morals of any human being, and yet it was barred by the deputy customs collector and mail examiner at Baltimore.

The Senator from Utah [Mr. SMOOT] yesterday, in speaking on this general subject, allowed to go into the RECORD a sentence which I think will become in its time almost as great a classic as his favorite work, Lady Chatterley's Lover. Here it is——

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CUTTING. I yield to the Senator.

Mr. SMOOT. I resent the statement the Senator has just made that Lady Chatterley's Lover is my favorite work.

Mr. CUTTING. Then I withdraw the remark. I thought it must be, because the Senator has been reading it, apparently, since the Christmas holidays.

Mr. SMOOT. I will say to the Senator that I have not read it. I did not mark these books. They were so disgusting, so dirty and vile that the reading of one page was enough for me.

Mr. CUTTING. Ah, yes, Mr. President; but the courts of the United States say that the reading of one page is not sufficient, and that the book must be read as a whole. I am sure that between Christmas and the present time the Senator must have had occasion to read the book from cover to cover. I know that he has been quoting it to Senators.

Mr. SMOOT. I have not read it and I have not quoted it. Not only that, but I would not read the stuff.

Mr. CUTTING. Has not the Senator been reading it aloud to Senators on the floor of the Senate?

Mr. SMOOT. No; I have not.

Mr. CUTTING. Then I have been misinformed.

Mr. SMOOT. The Senator judges me by himself, I suppose.

Mr. CUTTING. No, Mr. President; I have not been reading the book. I read it, as I said, on one occasion to decide on one particular matter. I have not read most of the books which were on the desk of the Senator from Indiana. I am not interested in literature of that kind. The Senator from Utah, who has been filling the press of the country with his experiences in these realms of art, must, I thought, be interested in them; but if he is not, I am glad to withdraw the charge that that is his favorite reading matter.

Mr. SMOOT. I wish the Senator would withdraw it. The statement he made was uncalled for, and was not the fact.

Mr. CUTTING. I started to quote from the Senator from Utah. I am sure he will not object to this quotation, because he has allowed it to go into the RECORD:

> If a customs inspector—
>
> Said the Senator yesterday afternoon—
>
> at the port of New York, with his knowledge of the world, regards on his own initiative a book as obscene it is about the nearest approach to a jury trial that can be had.

Mr. President, I lived in New York a good many years. The "knowledge of the world" which is requisite to enable a man to hold the office of customs inspector at the port is exactly the knowledge which it takes to get from your home on the Bowery to the pier on the Hudson river, and then to open travelers' trunks, remove the contents from the trunks, and, after thoroughly confusing it, to replace it in such order as may be possible under the circumstances.

That is the "knowledge of the world" which is prevalent among the customs inspectors at the port of New York; and that is the "knowledge of the world" which presumably entitles them to judge the literature of the ages.

> I deplore—
>
> The Senator went on—
>
> the contemptuous references to the personnel of the Customs Service which ran through the debate in the Committee of the Whole. Many of the members of this personnel are veterans of the service, tried and true. I know from personal contact that many are men of education, legal training, and broad information.

Now let us see about this deputy customs collector in Baltimore. According to the Baltimore Sun—

> George W. Hill, deputy customs collector and mail examiner, came into the limelight at a trial in the Customs Court here in December, 1928, when he testified he did not make a practice of reading much, and was unable to answer questions as to whether Chaucer, Fielding, Beaumont, Fletcher, or any of the Elizabethan writers were still living.

This is the gentleman under whose decision the works of Francois Rabelais were recently seized.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I do.

Mr. SMOOT. Before ever those books are finally prevented from coming in, they are always sent to the office here in Washington. They are finally passed on here in Washington; not by the man who takes the book out of the package or out of the hands of the person coming in.

Mr. CUTTING. Oh, yes, I understand that, Mr. President; I am going to deal with that in a little while.

The books which were seized, according to the Baltimore Sun, were the property of Mr. Douglas H. Gordon, 1009 North Charles Street, an attorney, and a graduate of the Harvard Law School. Mr. Gordon took the books to Paris with him to have them rebound. He had purchased them in this country. The Senators will understand that it was when they were returned with the new binding on them that they were taken, under the provisions of the tariff act of 1922. I read from the Baltimore Sun:

> It is the first seizure in this country of the French edition of these works, Mr. Gordon said, which are found in every important library in the world. The French edition is not published in this country, he said.
>
> In addition to the 14 French editions of the work, the Library of Congress has 7 in English, Mr. Gordon said. The Harvard University library has 56 editions in French, the oldest (recently acquired) of 1558 and the latest a 1920 edition. Princeton University has a special collection of Rabelais. The Enoch Pratt Free Library has 13 of Rabelais's work on index.

I am sure the Senator from Maryland will have no objection to my quoting from a letter written to him by the gentleman in question.

Mr. TYDINGS. Not at all.

Mr. CUTTING. He makes the same statements, on the whole, that are found in the Baltimore Sun. He writes:

> The Harvard Library has 56 editions of Rabelais in French, the earliest printed in 1558 and the latest printed in 1920; this count is of separate editions and does not reckon duplicate copies; there are also 11 editions in English, printed from 1694 to 1921.
>
> The Andover Theological Seminary Library has two editions, one in French (1835) and one in English (1849).
>
> The Library of Congress has 14 complete works of Rabelais in French and 7 in English; and has 15 single works in French and 8 in English.
>
> The Johns Hopkins Library has 7 editions of the works of Rabelais in French and 4 in English.
>
> The Princeton Library has a special collection of the works of Rabelais.
>
> The Enoch Pratt Free Library, of Baltimore, contains 13 author entries from Rabelais, some of them, however, being merely excerpts from his works.
>
> It would be possible to continue this list indefinitely, as no library of any importance is lacking in copies of this great classic. In each library there are also many critical and scholarly works dealing with Rabelais's life and writings.
>
> I shall quote only one accessible criticism of Rabelais's position in the history of literature. This is the critical estimate appearing in the article on French Literature in the Encyclopedia Britannica, eleventh edition, at page 124—which is reprinted in the recent fourteenth edition—written by George Saintsbury, the leading English critic of French literature. Professor Saintsbury says:
>
> "Among these [novelists and romantic writers of the sixteenth century] there can be no doubt of the precedence in every sense of the word, of Francois Rabelais (c. 1490–1553), the one French writer (or with Moliere, one of the two), whom critics the least inclined to appreciate the characteristics of French literature have agreed to place among the few greatest of the world. With an immense erudition representing almost the whole of the knowledge of his time, with an untiring faculty of invention, with the judgment of a philosopher, and the common sense of a man of the world, with an observation that let no characteristic of the time pass unobserved, and with a tenfold portion of the special Gallic gift of good-humored satire, Rabelais united a height of speculation and depth of insight and a vein of poetical imagination rarely found in any writer."

Mr. President, the Senator from Utah has said—and, of course, he is absolutely correct—that after the deputy collectors at the different ports have passed on the literature, the books are then sent up to Washington for the deputy commissioner to pass on. The deputy commissioner who passes on those works, according to an article obviously inspired by the Bureau of Customs which appeared in the press recently, is Mr. J. D. Nevius. His assistant, Mr. Corridon, and himself go over the works together.

If there is any doubt as to the correctness of the decision of the local man at the port, the matter is taken up with the Commissioner of Customs, and later, in exceptional cases, with Mr. Seymour Lowman, the Assistant Secretary of the Treasury.

While all those officials are undoubtedly very estimable gentlemen, I do not believe there is a Member of the Senate who knows them who would ask for the opinion of any one of them on a work of literature or who would allow any of them, or all of them put together, to dictate the contents of his library or the quality of the books which he should be allowed to read. The proof of that is in the black list which I commented on to the Senate in October. There are on that list 739 books, many of them books of the most innocent description. I admit that among the 739 probably those authorities have stumbled here and there on books which actually are improper and indecent and which no doubt ought to be excluded.

I am not going to comment any further on that particular phase of the matter. One of the greatest living critics has declared Rabelais's book the most extraordinary book ever written by anyone. It is a book which has been read for 400 years by people of all classes and ages and conditions. So far as I know it has never corrupted a single human being.

Moreover, Mr. President, the works of Rabelais are published in this country. They can be purchased at any book store. One does not have to depend on the European editions, as Mr. Gordon unfortunately did; at least, he depended on a European binding, and lost his books in consequence. There are plenty of editions published all over this country. So there are of Bocaccio, another author who has been read considerably by the youth of this country, as well as all other countries in the world. There may be people whose downfall and degeneration in life have been due to reading Bocaccio, but I confess I do not know who they are.

Mr. President, let me quote again from the Senator from Utah. He said:

So far as the customs is concerned, standard textbooks of medicine and surgery for the profession have not been banned.

If that is true, I am rather at a loss to understand this article from the Baltimore Sun of Sunday morning, March 16, which is fairly illustrative of the complicated methods and processes which are necessary to solve these great problems at the ports. I should like to read a part of this article.

Baltimore customs agents, it was revealed yesterday, are a resourceful crew.

I hope the Senator from Maryland will realize that I am not reflecting on his State in any way. So many of the cases happen to come from his State because they are well reported by the Baltimore Sun, and because Baltimore is close to Washington, and we get the facts about them.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. TYDINGS. Part of it is because of the desire on behalf of a great many Maryland people to get these books. That is the reason why so many of them come to Baltimore.

Mr. CUTTING. I appreciate that. The article reads:

Baltimore customs agents, it was revealed yesterday, are a resourceful crew.

Having seized a medical book and having had it pronounced obscene in the proper manner by authorities at Washington, having notified its owner and promised to return it for him to publisher in London, the question of how to get it out of the country arose.

The postal authorities will not accept for postage any book pronounced obscene by customs officials. An express company was suggested, but, it was said, some difficulty having been experienced by the company in a previous handling of barred published matter, it refused to accept it.

PHYSICIAN NOTIFIED

The book, ordered by a professor in a Baltimore medical school, deals with medical matters. As soon as it was seized the physician was notified. He was acquainted by the customs officials of the various laws and rules of censorship covering the handling of such obscene matter as the book was alleged to contain.

Finally, to get the book out of the country in a legal manner, arrangements and the necessary papers were made out to have the volume shipped from Baltimore as parcel freight aboard a vessel bound direct from Baltimore to London.

NO RECORD OF RETURN

The captain could carry the tome as parcel freight, but the professor to whom the book was consigned said yesterday latest information from London disclosed that there is no record that the book has ever reached London.

It cost the importer a good portion of three days' time and $8.25, besides the cost of the book, to have it returned. It was purchased, he said, after advertisements sent out with scientific publications had been received here by him.

So much for the liberty of the medical profession.

A prominent professor told me the other day that his specialty in life is the study of the Restoration Dramatists. He is writing a final and authoritative book on the subject of the Restoration Dramatists.

There is one of the most celebrated dramatists whose works he has not been able to procure. They are not published in this country in full, though many of the more unseemly extracts have been published many times. The works, as a whole, were published only a few years ago, and he has been unable to import them from England. They are the works of Rochester, one of the most famous of politicians, statesmen, writers, and dramatists of the restoration period.

This professor is hampered in his scientific investigations because he is unable to get the works of Rochester into this country. Yet Senators will remember that the original black list of the Customs Service made a distinction between the classics published in English and the books in another language, which, according to them, were improper for circulation in this country.

Not long ago I received a letter from a bookshop in New York which said:

For the first time in our experience we have been notified that the New York customs bureau is holding a book addressed to us because it is obscene, and we would like to know if there is no redress from this ridiculous idea of some customs official.

The books in question are by Daniel Defoe, entitled "Moll Flanders" and "Roxanna." Both of these works, as Senators undoubtedly know, have been published in a great many American editions. They are not unusual books. They are books which are read in school in the discussion of English literature of that time. Yet the foreign editions can not be imported into this country on account of the decision, first, of one of these inspectors at the port, whose "knowledge of the world" tells him that the book should be kept out, and again by the final decision of these gentlemen in the Customs Bureau here in Washington.

Mr. President, I am devoting too much time to the question of these books alleged to be indecent. As I have said before, that is not the really serious part of the legislation which is being proposed now. Those indecent books which we saw last night, which we see no more to-day, and on which perhaps our eyes will never fall again are a red herring drawn across the trail of this discussion. Yet before I conclude that phase of the matter I would like to remind the Senate that a great many Senators last night agreed that "these books" were bad, that "these books" could be compared with the importation of opium or some deadly poison.

I ask in all candor, before dropping this part of the subject, when the Senator says "these books," which books does he mean? There was a motley collection last night on the desk of the Senator from Indiana. Many of them, I agree with the Senator from Utah, were thoroughly indecent and improper books. If I were a censor and if the Senator from Utah were a censor we should agree in keeping a good many of them out. I may add that neither the Senator from Utah nor myself is a censor; that the Senate of the United States as a whole is not a censor; that the agents of the Treasury Department ought not to be censors in the way in which they have interpreted their duties in the past.

But in addition to the books which the Senator from Utah and I would agree are improper literature, there were a number of other books on the desk of the Senator from Indiana which I should consider unfit for general circulation, but which are entirely proper to be read by scientists, specialists, authors, editors, and people of generally well-matured minds.

There was another lot of books on the Senator's desk which are perfectly proper to be read by anyone and which have been read continuously by school children for 400 or 500 years without any damage to their morals or to the morals of the communities in which they live. That is why I do not think we can talk about "these" books. It depends on the individual book about which we are talking.

Mr. President, we have denounced foreign books for a long time. I do not think the foreign countries have very much on us in the way of indecent literature. From a railway bookstall in Chicago, before taking the Capital Limited to come here the other day, I purchased these important works, which I now exhibit to the Senate:

Joy Stories, published in New York City, I think, though it does not give the name of the publisher.
Paris Nights, published in Philadelphia, Pa.
Hot Dog, published in Cleveland, Ohio.
Hot Lines for Flaming Youth, Detroit, Mich.
Jim Jam Gems, from St. Paul, Minn.
Whiz Bang, from Robbinsdale, Minn.

Unlike the Senator from Indiana [Mr. WATSON] I am not going to circulate these books among the Members of the Senate. I think that the standards of the Senate ought to be maintained. I do not think any risk should be run of corruption of the morals of the Members of this honorable body. I think their morals are quite as important as the morals of those who sit in the galleries and are listening to my remarks, because, after all, if we corrupt the legislative body of the country, that corruption, it seems to me, will, sooner or later, seep out all over the country in channels of contamination. If any Senator wants to see any of this literature, he can communicate with me, and, upon giving a certificate of good moral character, I shall consider showing it to him. [Laughter.] I want to state further that these are the January numbers and I am sure Senators can obtain them, if they insist on it, at the railway bookstalls, and, if they do so, it is at their own risk and not mine. No doubt by now the February and March numbers of these magazines are also available. I have looked through them casually and I consider them far more indecent in every way than any of the literature accumulated last night on the desk of the Senator from Indiana.

Here [exhibiting] is a book which is contained in the Congressional Library. It was published in 1888 by Vizetelly, who was the publisher of Zola's works, which the British Government attempted to ban on the ground of obscenity. Vizetelly's attorney published this book to show that if Zola's works should be excluded, the works of all the English classics should be excluded. This is a book consisting of extracts from all the leading English authors, beginning with Shakespeare. It does not include the indecencies of Chaucer and Skelton and the pre-Shakespearian authors, but, starting with Shakespeare, it goes through the list. It is the condensed indecency of the English authors.

This book has been in the Congressional Library so long, it has been fingered so often by so many people, that the original copy is going to pieces, and one is not allowed now to read it in its original form, but any citizen of the United States who wishes to have it can get a photostatic copy by paying for it. Here [exhibiting] is one, and I now assure the Senator from Utah that there is a great deal of matter in it of exactly the same kind as the matter which was submitted last night. Also, it is just in extracts. The whole of the works are not included. It is just little bits here and there from the English classics.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. SMOOT. The statement made by the Senator now does not conform with the statement made by officials of the Congressional Library. I took that matter up with them. All of these rotten books are kept in one place, and no one sees them unless there is some special action taken by the officials of the Congressional Library. That is what I am told.

Mr. CUTTING. My information was different in that respect.

Mr. SMOOT. I have not tried to get any of them, but I want to say to the Senator that that is what they tell me, that that is the practice of the Congressional Library.

Mr. CUTTING. Will the Senator tell me with whom he consulted in the library in that respect?

Mr. SMOOT. The Senator can consult with anybody he wants to there.

Mr. CUTTING. Will the Senator tell me from whom he got his information?

Mr. SMOOT. I got it from officials of the Library. That is sufficient.

Mr. CUTTING. I do not mind stating that my information came from Doctor Putnam, the Director of the Library, who said in the first place that the Library prided itself on having the most complete collection of indecent English literature in the world, that all adults are admitted to the place where the books are kept, but that there was some one sitting there to see that they did not make any improper use of the books while they were there. [Laughter.]

Mr. SMOOT. That place is not in the reading room.

Mr. CUTTING. No; but no one has ever been excluded who is apparently a normal adult. There is nothing indecent about this book which I have displayed except what indecency there may be in the actual classics which are on every one's bookshelves and which have been read for generations and centuries. For a legal purpose these matters were concentrated in this volume, but the book can be obtained. I know a good many citizens who have gone over to the Congressional Library and obtained copies of it.

Mr. SMOOT. I suppose it is along the same line as the books displayed in the Chamber yesterday, is it? Is it as rotten as the words used in Lady Chatterley's Lover?

Mr. CUTTING. The same words are used, and the same words are used, of course, in Shakespeare that are used in these books.

Mr. SMOOT. Not at all.

Mr. CUTTING. I think I can prove to the contrary.

Mr. SMOOT. The Senator has never read the book that he wanted to be permitted to come in here if he makes that statement now. There can not be viler language, there can not be words put together so vile and rotten as in those books.

Mr. CUTTING. The subject can not be discussed in detail here; but, if the Senator will come to see me at any time, I think I can show him in Shakespeare all of the matters which were contained in the extracts which had been pointed out in the books on the desk of the Senator from Indiana.

Mr. SMOOT. I have read Shakespeare, and there is no more comparison between what is in Shakespeare and what is in the books for which the Senator is speaking now than there is between heaven and hell.

Mr. CUTTING. I am not making the comparison. I am speaking only of words.

Mr. COUZENS. Mr. President, will the Senator from New Mexico yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. CUTTING. I yield.

Mr. COUZENS. I would be much interested to have the Senator tell me the difference between hell and heaven. I have not been able to get any definition of it.

Mr. SMOOT. This is not the proper place; but I should be glad to give the Senator the first lesson to-morrow at his office.

Mr. COUZENS. Why is not this now the proper place to tell us the difference between heaven and hell?

Mr. SMOOT. That subject is not to be discussed at the present time.

Mr. CUTTING. Here, Mr. President, is a book list [exhibiting] published by reputable people with an address in New York. I happen to note on the list a number of books which are barred by the censorship:

Aphrodite, by Pierre Louys.

Aristophanes.

The Confessions of Jean Jacques Rousseau, translated from the French by Edmund Wilson.

The Fortunes and Misfortunes of the Famous Moll Flanders, by Daniel De Foe.

The Golden Ass of Lucius Apuleius, translated by William Aldington.

The Lives of Fair and Gallant Ladies, by the Seigneur de Brantome; and a book which I saw for the first time last night on the desk of the Senator from Indiana, The Merry Order of St. Bridget.

All of these books are for sale by a reputable bookstore in New York.

As for the books which are not for sale at reputable book stores, they are printed privately; they are bootlegged; they are printed in this country just the same as abroad. I have here a list of books printed for what we might call the literary bootlegging trade. I think it includes all the books to which the Senator from Indiana and the Senator from Utah have referred, and practically all of the books that I saw on the Senator's desk last night. They are being bought and sold at extravagant prices. I will say that I do not think they are doing half as much harm as the bookstall magazines which I spoke about a moment ago, because those magazines, in the first place, can be bought by anyone, and can be bought for 25 cents apiece, whereas the bootleg Lady Chatterley's Lover sells for $25. The magazines to which I have referred are much more available. There is no difficulty in obtaining them.

It is the old question of censorship, Mr. President. We can not force people not to read something they want to read. If human beings think they have a right to read something, the presence of statutes is not going to interfere with them. We can pass all the laws we want, and the thing will remain the same.

Here [displaying] is a book by Mr. D. H. Lawrence, published in this country in 1930. It is entitled "Pornography and Obscenity." This is an explanation of the author's motives in writing Lady Chatterley's Lover. It is not very long. It shows at least that the author, whether correct or incorrect, had a very sincere attitude in the work he was doing. It can be read in 20 minutes, and I commend it to the Senator from Utah. It may fill some of the hours which have previously been filled by Lady Chatterley's Lover. [Laughter.]

Mr. SMOOT. I will say again to the Senator that I have not taken 10 minutes on Lady Chatterley's Lover, outside of just looking at its opening pages. The Senator has referred to it now twice, and I protest against it. Anything that the Senator will recommend me to read after the speech he has made to-day I would hesitate even to think of reading. [Laughter.] I think that it is most damnable to undertake to read such stuff.

Mr. CUTTING. I am very sorry, Mr. President. I was just going to refer to the Bible. I hope that my reference to it will not prevent the Senator from Utah from reading it in the future.

Mr. SMOOT. I expected the Senator to refer to the Bible.

Mr. CUTTING. Then, the Senator is not disappointed.

Mr. SMOOT. Let me suggest to the Senator that if he will read the Bible altogether, he will never stand on this floor defending any such rotten stuff as he appears to be defending.

Mr. CUTTING. O Mr. President, that is just the point. Anyone who will read the Bible altogether will be entirely in favor of the Bible, but anyone who will read selected passages from the Old Testament will realize that they could be misconstrued and could be considered in exactly the same class as the literature which the Senator is so insistent shall be excluded. The point is that books have to be read as a whole.

Mr. SMOOT. I deny it with all the force at my command. That book there [indicating] has not anything in it but the rottenest kind of stuff that can be thought of by a human being. There is not one elevating thought in it.

Mr. CUTTING. If the Senator has only spent 10 minutes on the book I can not see how he can tell whether or not there is anything elevating in it.

Mr. SMOOT. I could tell from the very beginning of the book; that is enough to indicate what the book is; it is enough to indicate that it is written by a man with a diseased mind and a soul so black that he would even obscure the darkness of hell. [Laughter.] Nobody would write a book like that unless his heart was just as rotten and as black as it possibly could be.





Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. CUTTING. I yield.

Mr. GLASS. That being so, why does the Senator from Utah calmly stand there and permit one of his associates to peruse that book? [Laughter.]

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. CUTTING. I yield.

Mr. WHEELER. In view of the denunciation of the Senator from Utah of some of these books, I want to ask him if he has read some of the essays of Brigham Young and whether or not some of Brigham Young's essays would be permitted to come into this country under the pending amendment?

Mr. SMOOT. If any of them could properly come under the provisions of this amendment, they ought never to come in.

Mr. WHEELER. I can show the Senator some that would come under the provisions of the amendment, and some that would be stopped; I can show him some extracts which, in my judgment, are almost as bad—I would not say they are as bad, because I can not conceive of anything being as bad as some of these books are; but there are extracts that would come under the ban of the amendment if they were taken alone; there are also statements which would bring the essays or discourses under the provision prohibiting literature which would be calculated to stir up insurrection.

Mr. SMOOT. I have no objection——

Mr. WHEELER. Let me call the Senator's attention to the fact that the Government lived all through the time when this literature was coming in here. I am not complaining about it, because when those essays came in here they did not revolutionize this Government, notwithstanding the fact that, if one will read them and take them seriously I say to the Senator he will discover that they might have been construed as tending to stir up rebellion. Yet, Mr. President, we have lived through it all, and this country is big enough and intelligent enough to live through the years. I can not conceive why the Senator should become so excited under the circumstances.

Mr. SMOOT. In so far as the safety of our country is concerned, I am not worried about the Senator from New Mexico or the Senator from Montana reading these books.

Mr. WHEELER. Let me interrupt the Senator long enough to say that the only portion of any of these books that I ever read was what the Senator read to me yesterday.

Mr. SMOOT. The Senator from Utah did not read anything to the Senator from Montana yesterday.

Mr. WHEELER. The Senator read me a part of one yesterday, and that is the only portion of any of these books that I have ever read.

Mr. SMOOT. That is not what I have in mind. I say that the judgment of the Senator from Montana and the judgment of the Senator from New Mexico are so mature that perhaps this rotten stuff would not affect them, but what about the boys and girls when it falls into their hands, as it does?

Mr. WHEELER. What about the boys and girls who read the works of Brigham Young?

Mr. SMOOT. If there is any literature he ever wrote or put into circulation which would fall under the ban of this amendment, it ought to be banned, and I would have no objection to it being banned.

Mr. CUTTING. Mr. President, I should like to say in response to what the Senator from Montana just suggested that I believe the Mormon Church, more than almost any sect in the country, ought to be in favor of free speech and free thought. Those men, sincere, toiling, persecuted, fought the United States Government and were persecuted by the Government for years.

I honor them for their opinions, but those opinions are not ours, and I can not conceive how anyone interested in that church and familiar with its history could adopt the kind of intolerant attitude which we have seen here from the Senator from Utah. I am entirely in favor of the circulation of all the opinions of Brigham Young or of any of the other elders of the Mormon Church.

Mr. WHEELER. Mr. President, I should like to say that I would not cast reflections upon the Mormon Church, because I believe, as the Senator from New Mexico does, that the Mormon Church has some very fine men in it, but I feel that those connected with it, as is the Senator from Utah, ought to be the last ones to stand upon this floor and become intolerant.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. SMOOT. I want to say to the Senator from New Mexico that I am proud of the record of the Mormon people. I know they are as honest as any people who ever lived in all the world.

Mr. CUTTING. I quite agree with the Senator.

Mr. SMOOT. I know they are as industrious as any people in all the world; I know that the men and the women of the Mormon Church are virtuous, and, if I should lose my virtue, the first thing I would do would be to leave the Mormon Church.

Mr. CUTTING. Before the Senator sits down I wonder if he will answer a question. I quote from the remarks made last evening by the Senator from South Carolina [Mr. BLEASE], as follows:

> Mr. President, I say the Senator from Utah is correct. If a man comes into this country and says, "damn America," he ought to be hanged for it; it is treason. If he comes into this country and says he thinks the President of the United States ought to be assassinated, he ought to be hanged.

Is the position the Senator from Utah takes the same as that announced by the Senator from South Carolina?

Mr. SMOOT. That is the position taken by the Senator from South Carolina.

Mr. CUTTING. Yes; but the Senator from South Carolina says, "the Senator from Utah is correct."

Mr. SMOOT. There is nothing in the amendment which I am proposing that would justify such statement or any such reference.

Mr. CUTTING. The reference was made by the Senator from South Carolina to the attitude of the Senator from Utah, and that is the only reason I asked the question.

Mr. SMOOT. I imagine the Senator knows my attitude sufficiently well without even asking me the question.

Mr. CUTTING. Of course, those statements referred to by the Senator from Montana were made by the elders of the Mormon Church.

Mr. SMOOT. I do not know to what the Senator from Montana referred. I presume he had reference to polygamy; but I do not know.

Mr. WHEELER. No; I had no reference to polygamy in any way, shape, or form. I have in my hand, however, extracts from discourses by Brigham Young, not mentioning polygamy, but containing statements with reference to our Government. It was stated at the time, let me say to the Senator, that the Mormons were being persecuted by some people in this country. The reason I called them to the Senator's attention was, knowing, as the Senator knows, what the Mormon Church went through, knowing how it has been persecuted, and knowing of what he himself has been through, it seems to me that the Senator would be more tolerant in some of his views than he apparently is.

I want to say to the Senator that, while not many of them live in my State, I happen to know a great many of the people who belong to his church, and I agree with the Senator that they are as honest and high-class people as ever lived in the United States of America, but, nevertheless, one can take excerpts from discourses of Brigham Young which, if the Senator should put through a provision similar to that which he seeks to put through, would never be permitted to come into this country, and under such a provision they could not have come in at the time they were written. Mind you, they were printed in England, and if it had been attempted to bring them in they would have been prohibited.

Mr. SMOOT. They were printed here, I will say to the Senator.

Mr. WHEELER. No. Some of them might have been, but many of them were printed in England.

Mr. SMOOT. They were not delivered in England, so they might as well have been printed here.

Mr. WHEELER. I will say that they were printed in England and shipped here.

Mr. SMOOT. I doubt that they were shipped here. They would have been printed here. I want to say to the Senator that at that time Johnston's army was coming to Utah to destroy a whole people on the basis of an absolute lie, that the court records had been destroyed, and Judge Drummond was telling the United States Government falsehoods as to what the Mormon Church had done to the court out there. Not only that, Senator, but my father and my mother were driven from their homes in Salt Lake City. Every home owner in Salt Lake City was prepared to burn down his house if Johnston's army should come there.

Mr. WHEELER. Of course, all that was because of the intolerance on the part of some people in the United States of America, and that is what I complain about—that many honest and sincere people use the laws that are placed upon the stat-

ute books of the United States for the purpose of persecuting innocent people. I repeat to the Senator because of the persecution which these people went through, he belonging to the Mormon Church, ought to be extremely tolerant and extremely careful that no laws shall be placed upon the statute books that might be used to oppress people in a similar fashion.

Mr. SMOOT. I wish to say to the Senator that I do not think it is any oppression to keep vile literature from the boys and girls of this country.

Mr. WHEELER. Mr. President, will the Senator from New Mexico yield to me there?

The VICE PRESIDENT. Does the Senator from New Mexico yield further to the Senator from Montana?

Mr. CUTTING. I will yield in just a moment if the Senator will pardon me. The Senator from Utah, while he has been talking entirely about indecent books, has written in his amendment a prohibition, newly introduced in this kind of legislation, against books urging treason or insurrection.

Mr. SMOOT. I am perfectly willing to eliminate that part of the amendment. I had already stated to the Senator from Virginia and to the Senator from Montana that that provision would go out. The words on that subject in the amendment are taken literally from the act governing the Post Office Department.

I am going to ask the Senate to take out the words. I know that they could be used politically if somebody desired to use them in that way. I am not willing to go even that far in this case; and, as I say, I am going to ask the Senate to take those words out of this amendment.

Mr. CUTTING. I am very happy to hear the Senator say that. This is the first time I have had that information. If I had had it earlier, I should not have commented on that particular phase of the matter, because the questions which the Senator from South Carolina raised were questions dealing entirely with these treasonable and insurrectionary passages of the amendment.

Mr. WHEELER. Mr. President, I was going to say to the Senator that all through the speeches and discourses of Brigham Young—there is not any secret about it—we can find statements which might be interpreted by some as calculated to stir up insurrection.

I simply quote this:

> Do I believe that the United States will be divided? Yes, I do; and the prayers of all the saints throughout the world should be to that effect (p. 13 of his discounses).

That is only one illustration.

Again, he says:

> Who would be afraid of a poor, miserable soldier—a man that gets $8 a month for killing people, and a miserable butcher at that—one of the poorest curses in creation? Mean as the Americans are, they will not many of them hire for soldiers—let them come on or stay and wiggle; it is all right. We are the saints of God.

Mr. SMOOT. They did come and stay, Mr. President. They came there, and not a single, solitary one of them was harmed in any way, shape, or form. The only thing that came from it was that they shot up a town or two while drunk. They came over from Cedar Fort, where they were located, and the people never gave them a cause for such action.

But what was back of this? The people there were threatened with extinction. They were threatened with being driven out again as they had been driven out of Nauvoo. They had traveled 2,000 miles through a wilderness. Hundreds and hundreds of them died from cold and hunger.

Mr. WHEELER. I agree with the Senator entirely with reference to that. I agree that they were persecuted, and I agree with the Senator that they went through a great deal, and they suffered everything under the sun; but that does not alter the fact that whatever the provocation was, however great the provocation was, if there had been a law of this kind upon the statute books it could have been used to send these men to the penitentiary at hard labor for 10 years or for 5 years, whichever it is.

Would the Senator stand upon the floor of this body under those circumstances and ask that a law be enacted upon the statute books of the United States which would have sent his forbears to the penitentiary, knowing the suffering and the misery they went through? Would he stand here now and ask that we place a law upon the statute books that would have sent these men—his forbears who suffered this persecution—to the penitentiary for 10 years, or upon the rock pile at hard labor? It is inconceivable to me that the Senator should do that.

Mr. SMOOT. No, Mr. President.

Mr. WHEELER. The only reason why I called attention to it was because I could not understand the Senator's attitude with reference to this matter.

Mr. SMOOT. Mr. President, the amendment I offered had no provision such as the Senator refers to.

Mr. WHEELER. O Mr. President——

Mr. SMOOT. Wait a minute; I will tell the Senator the fact about the matter. I know it did not. The Senator from Montana [Mr. WALSH] offered that amendment to my amendment, and I accepted it. The Senator from Montana this morning, in speaking of it, I am quite sure, feels that we should not carry this out; and I know why the Senator from Montana put that provision there. He copied it word for word from the act with reference to the Postal Service.

Mr. BRATTON. Mr. President, may I ask the Senator a question there?

The VICE PRESIDENT. Does the Senator from New Mexico yield to his colleague?

Mr. CUTTING. Yes.

Mr. BRATTON. Do I understand the Senator from Utah to say that the act with reference to mailing obscene matter includes the same language that is contained in the pending amendment with reference to treasonable or insurrectionary matter?

Mr. SMOOT. Let me read it to the Senator. It is section 344:

> Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

That is the exact wording that the Senator from Montana used; and it is in the postal act, as I stated.

Mr. BARKLEY. Mr. President——

Mr. SMOOT. To my amendment the Senator from Montana offered that amendment last night; and that amendment, as I stated to the Senator, I am going to ask to have amended by striking out those words.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. CUTTING. I yield to the Senator from Kentucky.

Mr. BARKLEY. I notice that the language of the amendment adopted in Committee of the Whole, for the authorship of which the Senator from New Mexico is entitled to the credit, provides that the importation of all indecent and obscene prints, paintings, lithographs, engravings, drawings, post cards, transparencies, photographs, photographic plates, advertisements, instruments, and other articles of an immoral nature is prohibited. The word "book" does not appear in that list. Is the word "book" omitted by oversight or by intention?

Mr. CUTTING. It was omitted by intention. As I explained to the Senate at the time, I felt that a customs official or almost anyone else could comparatively easily detect the difference between an indecent picture and a decent one. As to a book, it is necessary, as the courts have declared, to read the entire book through, and I did not feel that the customs clerks would be able to give the time or have the training or experience to judge of a work of literature of any kind.

Mr. BARKLEY. If the Senator will yield further, this whole subject seems to me to divide itself into two classes. One is the importation and dissemination of literature ordinarily designated as of a liberal nature, advocating certain political principles with which many of us might not agree but which we would not seek to suppress, because, as I think Jefferson once said—not in this language but in effect—if he could not mount a goods box and outargue somebody who was opposing him on a principle of government he would let him have his way, and probably he should have his way. I draw a very clear distinction between literature of that sort and literature that is immoral and indecent and obscene.

I have in my hand a compilation of the laws of all the States on the subject, and practically all of them make it unlawful, and punishable by fine and imprisonment, to print or circulate or publish or in any way to assist in the sale or distribution of obscene, indecent, and immoral literature, books or pamphlets of any sort, showing that the effort of our State legislatures has been to protect their people against the circulation of ordinarily obscene and indecent literature or books or pamphlets that may parade under the term of "literature" but whose obvious design is to scatter obscenity and vulgarity among the people.

That is the thing that bothers me on this whole proposition. I am not afraid to admit to the light of publicity and dis-

cussion any principle of government, any economic theory of any man or woman who may disagree with the existing conditions, because I am not one of those who believe in the status quo, whatever may be our point at the time we may discuss it.

I am frank to say to the Senator, however, that I do not like to vote to admit into this country vulgar, obscene, and immoral literature, books or pamphlets, whatever may be their form, when the legislatures of all the States have sought to protect their people against that very thing.

The argument has been made that in view of the acts of the legislatures seeking to protect their people against this sort of thing it is unnecessary for the Congress to pass a Federal statute to protect the people against the same sort of literature, if it can be called literature. On the contrary, it strikes me that it is the duty of the United States Government to undertake to protect the States in the enforcement of their own laws, and not make it possible for larger quantities of this objectionable, immoral stuff to come into the country, where it will place a still greater burden upon the local officers to protect themselves against the dissemination of that sort of books.

I have talked to the Senator a time or two privately about the possibility of segregating or separating these two classes of books and pamphlets, so that we may allow any progressive and liberal literature that comes in here to be circulated, but at the same time prevent the circulation of this immoral, indecent, and obscene so-called literature about which we have been talking. Has the Senator been able to work out any such division, so that those of us who are troubled about the immoral side of it may at the same time suffer no compunctions of conscience on the liberal side?

Mr. CUTTING. Mr. President, I take it from the statement made a few minutes ago by the Senator from Utah [Mr. SMOOT] that he is willing to eliminate from the amendment the radical and seditious side of it. That, of course, will make the distinction of which the Senator speaks.

I appreciate the point of view of the Senator. I had that digest printed as a public document because I thought it was important; and I want to call the Senator's attention, first, that the customs censorship goes considerably beyond the point that the Senator was advocating—the protection of the States by the Federal Government. In many States where, for instance, medical books are permitted to be circulated, the customs censorship will keep them out. The customs censorship is uniform for the whole country, regardless of what the actual State law may happen to be. It is not only helping the States to carry out their laws but it is also imposing on the States certain laws of which the States may not approve.

Mr. BARKLEY. Of course, if there are those who object to censorship altogether as a matter of principle, they would object to the enactment of State laws on the subject, because in the States they provide no expert tribunal where the decency or the indecency of the book is to be passed on. The only tribunal before which that question can be raised is the grand jury, or some committing magistrate, and then the matter has to be tried before a jury on an indictment or information in a criminal prosecution, and the jury has to pass on the question whether it is a violation of the law.

I do not imagine that the members of the average jury could be regarded as experts on that question; and I am wondering how we can abandon altogether the efforts to protect the people against this sort of literature on the ground that all censorship is objectionable. If it is objectionable, it is no less objectionable because it happens to be invoked by the States than by the Federal Government.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. CUTTING. I yield to the Senator.

Mr. NORRIS. The suggestion made by my friend from Kentucky [Mr. BARKLEY] raises a point in my mind; and I am wondering if it does not raise the same point in the minds of other Senators. He seems to go on the theory that the method provided by the proposed amendment that would prevent the importation of these books is a better method of reaching the facts than to try them before a jury, as they must be tried in the States.

I have just the opposite idea in my mind. One of the reasons why I think we should not impose the duty on clerks of keeping out literature but should provide a criminal offense for bringing it in is just because the Federal Government does not have the same machinery the State has by which a man can be indicted and then tried before a court and a jury. That procedure is denied, and it is one of the reasons why I do not like it.

Mr. BARKLEY. Mr. President, I agree with the Senator. I never liked the idea of some clerk in a bureau passing on questions of this sort, and that was one of the objections raised in October to this censorship. I understand that a different method is to be pursued, that if the collector, upon investigation and examination of the so-called literature, thinks it is obscene and immoral, then he is to report to the United States district attorney, and a proceeding in court will be instituted to determine whether it is obscene or not. That is the method adopted in the States.

Mr. NORRIS. I think that is a much better method than to let it be submitted to a clerk.

Mr. BARKLEY. In all the States, practically, if anybody is arrested and charged with a violation of the State laws on the subject, of course, the book, or pamphlet, or whatever it is, is taken to the local prosecuting attorney, and he must pass on whether it is prima facie in violation of the law and, if he thinks it is, he takes the matter before some court and institutes a prosecution. I think that method on the part of the Federal Government would be much better than to leave it to some clerk.

Mr. NORRIS. I misunderstood the Senator. I thought he favored having a clerk pass on the literature in preference to the other method, and that is the reason why I interposed.

Mr. CUTTING. Mr. President, if the Senator from Kentucky wants my point of view on the question, it is entirely in agreement with that stated by the Senator from Nebraska. I would rather trust a jury in a State than I would an irresponsible customs clerk, every time.

Mr. BARKLEY. Mr. President, the point I am making is that somebody in a preliminary way must start a proceeding, and in a State the prosecuting attorney does so. In a Federal Government proceeding, under this new amendment, as I understand it, the complaining officer at the port would lay the matter before the United States district attorney, and then the proceeding would go along somewhat similar to that in the States. Am I correct about that?

Mr. CUTTING. I think so. I should like to discuss the amendment later on.

I want to call the attention of the Senator, however, to the fact that the educators of the country, who certainly have at heart the interests of the youth as much as any man in this Chamber could possibly have, have been equally opposed to the customs censorship with regard to one type of literature. That is not, of course, a conclusive argument, and I do not put it to the Senator as such, but I just want to remind him of it.

Mr. BARKLEY. I am wondering whether these educators who are agitated over this have taken it on themselves to seek a repeal of State laws on the subject.

Mr. CUTTING. Mr. President, I try to keep as far as possible away from the State laws, because we really have nothing to do about them, and that is a matter for the States to discuss.

Mr. BARKLEY. The same principle, it seems to me, is involved. If it is wrong in principle for a State legislature to try to protect the youth of the State against the circulation of immoral literature, I do not see that the effort of the United States to keep it from getting into a State, where the State law has to be invoked, is very much opposed to the principle which the State has itself adopted.

Mr. CUTTING. That is true in one sense. Of course, the States can provide much more adequately for the conditions existing in the States than the Federal Government can provide for the entire country.

Mr. FESS. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. FESS. I would like to say to the Senator from Kentucky that the dominating purpose of the educators is not against censoring as a principle so much as this particular agency of censoring at the ports. There is a criticism as to the qualifications of those who do the censoring.

Mr. CUTTING. Of course, that is the only particular feature we have before us.

Mr. BARKLEY. I did not understand that the position of the educators, to whom reference has been made, is that they favor the circulation of indecent or immoral literature. I certainly should hate to think that of the educators of the United States, or of any State. They do object to the particular method by which this so-called censorship is applied, but not to the principle of undertaking to protect the people against circulation of indecent and obscene literature.

Mr. FESS. The educators, as a rule, make a sharp distinction between the censoring of political matters or political opinions and of moral or immoral matters.

Mr. BARKLEY. That is the very distinction I have been seeking to draw out, and it is one that has worried me considerably. I am not afraid to turn the white light of publicity and of open discussion upon any political theory anybody advocates.

Mr. FESS. The educators are chiefly moved by the possibility of the distortion of the youth by immoral literature. That is the main thing.

Mr. BORAH. Mr. President, is anybody objecting to censorship properly administered? Does not the whole thing resolve itself into what kind of censorship we want? I do not understand that anybody wants a certain class of literature—such as that which has been circulated around here for the last two or three days—circulated indiscriminately, but there is a wide difference of opinion as to whether a customs officer is the proper one to pass upon the literature which should come into a country.

Mr. BARKLEY. I agree with the Senator.

Mr. CUTTING. Mr. President, may I have a word? I want first to address myself to the Senator from Ohio, who referred to the fact that the educators were opposing only the political and not the moral censorship. I have here a letter from Prof. Horace B. English, of Antioch College, whom perhaps the Senator may know——

Mr. FESS. I know him very well.

Mr. CUTTING. He states:

> Your exposure of the stupidities of censorship in the proposed tariff bill is a great public service. I trust you will persist in the present session.
>
> The press carries the announcement that Senator SMOOT is reading up on smut and will demand a secret session of the Senate in which to read the objectionable passages. I hope you will force him out into the open and make him read the passages in open session.

Referring, of course, not to the political end but to the other end of the debate:

> I have yet to talk with an intelligent person who does not agree with your stand.

I have hundreds of letters of the same kind from educators all over the country.

Mr. BARKLEY. Mr. President, did the professor from Antioch apply for tickets for the gallery when he also insisted that the Senator from Utah read those passages in the open?

Mr. CUTTING. I do not know.

Mr. WHEELER. Mr. President, I also would like to call attention to Dr. Nicholas Murray Butler, president of Columbia University, who is quoted as saying:

> It was most refreshing to read Senator CUTTING'S words of common sense, of broad-minded liberalism, and of understanding of fundamental principles of civil liberty. How even a single Senator could dare to vote to put some unknown official or group of officials in a Washington department in supervision of what we shall read is beyond my belief.

Not only have many of the educators of the country, but likewise many of the leading bishops of the country, like Bishop McConnell, of the Methodist Church, spoken on this subject. Bishop McConnell said:

> I wish to express my appreciation of Senator CUTTING'S stand against the proposal to take the censorship of literature away from the courts and to put it in the hands of customs officials. No more inappropriate and inadequate dealing with censorship could be conceived than that of putting it in the hands of men selected primarily for other purposes.

Yet, we are told practically that if we stand here upon the floor of the Senate and oppose this sort of thing, we are indicating a desire to put this kind of literature into the homes, among the children and the families of the United States. Does anybody think that Bishop McConnell, of the Methodist Church, wants to put that sort of literature into the hands of the children of this country? Does anybody stand upon this floor and suggest that I would want to put such literature into the hands of the children of this country, when I have six of my own? It is perfectly silly and perfectly preposterous. Yet Senators stand on the floor and make impassioned speeches in favor of this sort of thing because of the fact that they apparently think it appeals to the unintelligent back home.

Mr. CUTTING. Mr. President, I should like to continue without interruption for a short while, if agreeable to Senators.

We have discussed the State laws at some length, and I think that is an important matter. If there is going to be any censorship, the States seem to me the proper authorities to supervise it, and I do not believe that the Federal Government ought to adopt regulations which will go beyond the regulations adopted by the States.

I am very grateful for the interruptions, especially those of the Senator from Montana. Of course, it is not the purpose of any Member of the Senate to do anything which will in any way injure the work of the educators and the families in protecting the youth of the country. That might as well be said at the start. A great many questions of detail, a great many differences of opinion as to detail, have arisen in the Senate, and no doubt there are as many varieties of opinion on all these questions as there are Senators.

Before we leave that subject, I should like to call to the attention of the Senate an investigation made by the Bureau of Social Hygiene of New York City a few years ago. The work in question was done by Dr. Catherine Bement Davis, who was for a long time superintendent of the State Woman's Reformatory and afterwards commissioner of correction in New York State, one of the leading criminologists of the country. She got out a questionnaire in an effort to discover whether there is anything in the theory that books, on the whole, have been of any harm to the youth of the country. A great many questionnaires were sent out, and 1,200 answers were received. The questions were as to how the early information about sex matters was received.

Out of 1,200 answers, only 72 mentioned any books in connection with their reports. Of the books mentioned which were alleged as having any influence on the lives of these different people in all occupations and all classes of life, not one of the books on the customs black list was included. The books from which these children claimed to have received their first information as to sex matters were in the following order: First, the Bible; second, the dictionary; third, the encyclopedia; fourth, the novels of Dickens; fifth, Shakespeare; and so on down the line. I think that is an interesting list in that it shows the practical results which could possibly be accomplished by excluding—if it were possible to exclude, which it obviously is not—all these books which the customs censors have attempted to exclude.

Some of these books which we read and think highly decent have, as I said before when the subject came up, been excluded, censored, and suppressed at different stages of the world's history.

No doubt the books which we value most highly will at some future stage be censored as improper for the reading of youth. It may well be that some of the books to which we now object, which we now consider immoral, will meet the changed standard of another generation. These are things which no man in the Senate has foresight enough to predict.

I came across a curious instance of it the other day. I have been too busy in the last few years to do much reading in the classics, yet I ran across a set of the Latin classics in my library the other day. It is a set of the Latin authors in about 150 or 160 volumes. I thought I would pick out one of the works of Lucretius, and in looking over the volumes I was surprised to find that Lucretius was not included.

From our point of view to-day Lucretius is probably the most solemn, the most austere, the most moral of all the Roman authors. In looking for the reason why he had been left out of this collection I took up the preface and I found that this set of classics was published in Paris in the early nineteenth century and was dedicated to King Louis XVIII, a monarch whose moral reputation was hardly of the highest, though it did not say so in the preface of the edition. It did state that the King of France refused to allow this edition of the classics to be dedicated to him unless they excluded the works of Lucretius. He allowed to be included the authors, mind you, whom some of us might consider improper. The works of Martial and Juvenal and Petronius, and so on, are all included, but when it came to Lucretius the great King of France decided that he could not go so far as that, that Lucretius must be excluded or he was not going to allow his name to be used in the issuing of a set of the classic authors which might possibly corrupt or contaminate the people of France of that day.

Of course, the reason was that Lucretius in the course of his poem denies the existence of the gods.

That shows an entirely different attitude toward the whole subject of censorship in the space of a century. We would not conceive of censoring a book from that point of view. The moral is that it does not make much difference on what ground we censor a book. If we have a censorship and if we have individuals authorized to decide what the people of the country shall read, it does not make a great deal of difference whether they exclude them on one ground or another. Thought has ceased to be free, and its expression has equally ceased to be free.

At different stages in the world's history books have been censored for different reasons—for blasphemy, the reason for which Louis XVIII refused to patronize the work of Lucretius; for indecency, the alleged reason for our present customs censorship and post-office regulations; and at another of the stages of the world's history for sedition, and that stage, it appears to me, is the stage which we are now entering. Yet whatever grounds are given for the exclusion of the works of literature,

the fundamental fact remains the same—that censorship has been in all ages and will always continue to be a tool of tyranny. For that reason I can not entirely make the distinction which so many Senators have made between censorship of one kind and censorship of another. The customs clerks have so completely shown their incompetency that I think the power which they have exercised should be removed from them.

But, Mr. President, the most important part of this section, the most important part of the whole discussion, is contained in the words which have been added to the tariff bill for the first time in the present proposed draft, and those words are "containing any matter advocating or urging treason, insurrection," and so forth.

The fight against the censorship of political opinion has been one of the main fights in American history. It started before the Government of the United States itself. It has been almost the thread on which all other parts of American history have been strung. It started the first division between the parties. It has come up repeatedly in one form or another.

The sedition and alien acts were the chief bone of contention during the Presidency of John Adams. Those who proposed the sedition acts based their attitude on their old English common law which dealt with prosecution for what was called seditious libel. Seditious libel was "to publish orally or otherwise any word or document with an intention to bring into hatred or contempt and to excite disaffection against the King and the Government and the Constitution of the United Kingdom as by law established, or to excite British subjects to attempt, otherwise than by lawful means, the alteration of any matter in church or state by law established, or to promote feelings of ill will or hostility between different classes."

Stephen, in his digest of criminal law, declares seditious libel to be the intentional publication, without lawful excuse or justification, of written blame of any public man or of the law or of any institution established by the law.

Under the English common law there was no need to prove any intention on the part of the defendant to produce disaffection or excite insurrection. It was enough if he intended to publish the blame, because "it was unlawful for him merely to find fault with his masters and betters."

That is the old English law which the Federalist Party, under John Adams, attempted to introduce into the American system. I am not going into this matter in any detail because Senators are aware of the tremendous political upheavals which resulted from that attempt to translate the English sedition laws into the United States system. It was argued and has been on the whole successfully maintained that sedition had no place in a Government of this kind because our Government represented the people themselves, and that when the fundamental crime involved is the finding fault with our masters and betters, we can not do that where we ourselves are the people criticized.

In 1805 it was decided in Pennsylvania in the case of the Republic against Dennie that, in the opinion of the judge—

> The enlightened advocates of representative government pride themselves in the reflection that the more deeply their system is examined, the more fully will the judgments of honest men be satisfied that it is the most conducive to the safety and happiness of a free people. * * * It is true it may not be easy in every instance to draw the exact distinguishing line. To the jury it belongs peculiarly to decide on the intent and object of the writing * * * leaning to the favorable side where the criminal intent is not clearly and evidently ascertained * * * If the publication was honestly meant to inform the public mind, and warn them against the supposed dangers in society, though the subject may have been treated erroneously * * * the jury should acquit the defendant. * * *
>
> It is no infraction of the law to publish temperate investigations of the nature and form of government.

Dennie had been indicted for treason and the net effect of the decision was that there is no such thing as verbal treason.

A little later in the history of the country the first attempt was made to establish a post-office censorship. It was in connection with the attempt to stop the publication of abolitionist literature in the Southern States. President Jackson sent a message to Congress making the following recommendation:

> I would, therefore, call the special attention of Congress to the subject and respectfully suggest the propriety of passing such law as will prohibit, under severe penalties, the circulation in the Southern States through the mails of incendiary publications intended to instigate slaves to insurrection.

I ask Senators to remember the extremely inflamed public opinion at the time on this subject. It was something of which we have hardly had an example in the country since.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. CUTTING. I yield.

Mr. BORAH. Has the Senator John C. Calhoun's report on that proposition?

Mr. CUTTING. I have not the report, but I have his speech in the Senate, and I was just going to quote it. If the Senator has the report I would much prefer to quote from it.

Mr. BORAH. I do not have it with me. I had it a short time ago. It is rather instructive on this point.

Mr. CUTTING. I was just going to quote from Senator John C. Calhoun, because he, of all men in the United States Senate at that time, was most completely opposed to the idea of allowing abolition literature to be circulated in the South. He was the chairman of the committee to whom the Senate referred the matter.

In his speech he says, in referring to President Jackson's message:

> This was clearly unconstitutional, for it not only recommended the prohibition of publications, and circulation of incendiary papers (abridging the freedom of the press), but it recommended also the infliction of severe penalties, which powers were expressly prohibited by the Constitution. On no other principle could this ever be defended, than that it was simply abstaining from a violation of the laws of the States.

Acting on that assumption, Senator Calhoun prepared another measure merely carrying out the laws of the States by Federal action through the post office; but even that measure, Mr. President, was strenuously opposed by other Senators then in the Senate.

Mr. Clay said:

> The President's message * * * had met with general disapprobation; that it was unconstitutional; and if not so, that it contained a principle of a most dangerous and alarming character.

Daniel Webster also spoke on this subject. He said that—

> He was afraid that they [the Senate] were in some danger of taking a step in this matter, that they might hereafter have cause to regret, by its being contended that whatever in this bill applies to publications touching slavery applies to any other publications that the States might think proper to prohibit; and Congress might, under this example, be called upon to pass laws to suppress the circulation of political, religious, or any other description or publications which produced excitement in the States. * * *
>
> * * * Was this bill in accordance with the general force and temper of the Constitution and its amendments? It was not in accordance with that provision of the instrument under which the freedom of speech and of the press was secured.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. CUTTING. I yield.

Mr. FESS. The weight of that opinion might have to be somewhat discounted, as the Senator knows, because of the feud between the President and what was called the "great triumvirate" of Webster, Clay, and Calhoun.

Mr. CUTTING. I appreciate that, Mr. President, but I am trying to give an historical account of the matter. Of course, the bill was defeated.

Mr. FESS. The Senator will recall that those three combined and ultimately secured a censure of the President; so that while the debate presents an idea, it should be somewhat discounted because of the bitter feeling existing at that time.

Mr. CUTTING. The point I was trying to bring out particularly was that these three Senators, of a very conservative point of view, on the whole, including John C. Calhoun, whose prejudices and general opinions were upon the other side of the question, yet did not think the President's recommendation was constitutional.

In another connection, a few years before, Daniel Webster, that great conservative, during the War of 1812—and I think this quotation has considerable bearing on the question which the Senate is considering at the present time—had spoken as follows:

> Important as I deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the right of such discussion, in its full and just extent. Sentiments lately sprung up, and now growing fashionable, make it necessary to be explicit on this point. The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretenses, the firmer shall be the tone in which I shall assert and the freer the manner in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public

measures and the merits of public men. It is a "homebred right," a fireside privilege. It has ever been enjoyed in every house, cottage, and cabin in the Nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty; and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall then place myself upon the extreme boundary of my right, and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise within this House and without this House, and in all places, in time of war, in time of peace, and at all times. Living I shall assert it, dying I shall assert it; and should I leave no other inheritance to my children, by the blessing of God, I will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defense of them.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. ROBSION of Kentucky in the chair). Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. CUTTING. I yield.

Mr. BORAH. Will the Senator give me the occasion of the address from which he has just quoted?

Mr. CUTTING. It was delivered during the War of 1812 and is found in the Annals of Congress, Thirteenth Session, volume 1, page 944.

Mr. BORAH. I do not desire to divert the Senator from the course of his argument, but I should like to ask the Senator from Ohio what was the observation he made a few moments ago as to the discrediting of Webster's views?

Mr. FESS. Not Webster, but Calhoun. Calhoun had been Vice President and as Vice President was the Presiding Officer of this body. He was called upon to cast the deciding vote on the confirmation of Mr. Martin Van Buren, who had been appointed by the President as minister to London. Calhoun cast the deciding vote and had Van Buren recalled, although he had already gone to London. Calhoun then resigned as Vice President to be elected Senator. He came to the Senate and became the strongest opponent of President Jackson throughout the session. He it was who joined Webster and Clay in their opposition to the President, and ultimately secured a censure of the President, not on this matter, but because of the removal of funds from the various State banks. I say that his opinion against Jackson would have to be somewhat discounted because of the bitterness existing.

Mr. BORAH. That is true, but in the light of subsequent history his constitutional position on this question was the correct position.

Mr. FESS. I agree to that.

Mr. CUTTING. Mr. President, in addition to the postal censorship, opposed at that time by these eminent Senators, but afterwards established, there has been an extreme extension of the police power throughout the country. It is summed up by Mr. Leon Whipple, in his Story of Civil Liberty in the United States, as follows:

> Three interpretations of police power complete the machinery of suppression: First, its extension to cover words or acts which might have a tendency to produce mental states from which overt dangers might spring; second, the justification of the preventive measures to keep persons from uttering words or performing acts with this dangerous tendency; third, the recognition by the courts of the right of the executive officials to issue regulations which have far-reaching effects.

All three of those extensions are involved in the principles with which we are dealing in the present section of the tariff bill.

It begins—

Says Mr. Whipple—

> by enforcing things that are good for the body and ends by enforcing things that are not good for the soul. It works by the quaint, but dangerous analogy, that quarantine prevents smallpox, therefore, censorship will prevent bolshevism.

Have we not heard that argument used in this Chamber, on various occasions, during the last few months?

It proceeds—

Continues Mr. Whipple—

> from preserving the peace to preserving the status quo. This force for safety soon translates safety into "law and order," and this into "the established order." It changes health into comfort, and comfort into peace of mind, which means no agitation, no breaks, no tampering with things as they are.

That, Mr. President, is in brief the history of the various kinds of interference with the freedom of the American citizen which have been so prevalent in recent years. It is the history of the injunction process; it is the history of the extension of the power of contempt of court.

The punishment for contempt of court outside of the presence of the court is apparently an invention of the twentieth century, so far as United States courts are concerned. At least, Mr. Whipple says:

> Recently (1900–1914) in Colorado, Ohio, and New York, editors have been punished for contempt of court, which consisted of criticism published in their newspapers, and not in the presence of the court; and, therefore, having no direct tendency to disturb its orderly proceedings.

The subject of contempt of court is a large subject in itself, and I am not going into it at the present time. I have had, as some Senators know, a good deal of experience along those lines. However, I should like to quote from a dissenting opinion of Mr. Justice Harlan in the Patterson case, where he says:

> I go further and hold that the privilege of free speech and of free press belonging to every citizen of the United States, constitute the essential parts of every man's liberty, and are protected against violation by that clause of the fourteenth amendment forbidding the States to deprive a citizen of his liberty without due process of law.

Mr. Henry Schofield, in an article entitled "Freedom of the Press," in the proceedings of the American Sociological Association, at the time commenting on the Patterson case, said:

> The judge-made law of contempt of court for publications censuring judges is simply intolerable in a land of equality where judges are no more important to the universe than executives and legislators.

These things may seem to some Senators to be carrying us rather far afield; and yet are not all these different attacks on the freedom of the individual converging? And is not this new law prohibiting the importation of so-called insurrectionary and treasonable literature just part of this process?

It is hard to take up a newspaper or a magazine without finding in it some article recommending censorship in some new form—Federal censorship of the films, for example. To those who think the idea plausible—for, indeed, many of the films exhibited in the United States would be none the worse for a little supervision—may I say that a move to censor the "movies" will inevitably lead to the censorship of the "talkies," and after getting to that point the censorship of the radio will be a foregone conclusion, and if there is any difference in principle between censoring the radio and censoring the press, I find it hard to distinguish between them.

Mr. President, it is not any bugbear to suggest that a general censorship of the press will be advocated in the future if the kind of process which is going on now continues to go on.

The State of Minnesota in 1925 passed a law, which is now before the courts, containing the following provision:

> Any person who, as an individual, or as a member or employee of a firm, or association or organization, or as an officer, director, member, or employee of a corporation, shall be engaged in the business of regularly or customarily producing, publishing, or circulating, having in possession, selling or giving away,
>
> (a) an obscene, lewd, and lascivious newspaper, magazine, or other periodical, or
>
> (b) a malicious, scandalous, and defamatory newspaper, magazine, or other periodical, is guilty of a nuisance, and all persons guilty of such nuisance may be enjoined, as hereinafter provided.

This does not refer to the suppression or confiscation of individual numbers of a paper which may be considered objectionable. It prevents the publication of such paper in the future as a nuisance. Whether or not the law is constitutional is something which, of course, we have no right to pass upon. The case has been taken up and is now on appeal; and I have a copy of a very able brief filed in the case. What I am talking about is not the constitutionality but the policy or the lack of policy of this kind of violation of what we have always considered to be the fundamental rights of the press of the country, the fundamental rights of free speech and free thought. That is what we are supporting—the ancient liberties of the individual, guaranteed, or at least so we thought, by the Constitution of our country, guaranteed by the policies laid down by the founders of the country, by the fathers of our Government, by the leaders of the various political parties up to the present day.

This move is just one move; but if we accept the amendment now for the first time introduced into tariff legislation, we are driving one more nail into the coffin of American liberties, and it will not be long before we shall be called upon to drive another.

I was glad to hear the Senator from Utah [Mr. SMOOT] say a short while ago that he was going to recommend that that new clause, those new words in the law, should be stricken out. I hope he will prevail upon the Senate to do so. As I have said, I object to this censorship by customs inspectors and customs clerks, whether those words be or be not stricken from the law. But at least we have been existing under the conditions of the law of 1890 during the last 40 years. We shall at least be doing nothing new even if the Senate should not decide—as it decided rightly, I believe, in October—to do away with the objectionable and foolish system under which we have been living.

A word or two more, Mr. President, and I am done. I have taken entirely too much of the time of the Senate; but before closing I should like to quote once again from the Senator from Utah, because the words which I am going to quote are words which I think reflect on a great many of the Members of this body:

> I have been saddened—
>
> Said the Senator—
>
> by the disclosure of laxity of views developed during the debate. I have been distressed that in the Senate of the United States so few voices were raised in debate against a proposal to abolish the prohibition of the importation of obscene books. I can not refrain from expressing the opinion that some of the views expressed in that debate, while possibly only the views of the individual speakers, can not fail to react upon the Senate as a whole and lower it in the estimation of that very large part of our citizenry whose esteem we value most, but which it would appear from the debate are included by some Senators in the "unthinking class."

Mr. President, I regret being censured for laxity of views by the Senator from Utah; but as I read over the list of the Senators who voted with me on that amendment I think I can express some pride in having the same degree of "laxity of views" shared by the senior Senator from Idaho [Mr. BORAH], the Senators from Nebraska, Wisconsin, Iowa, and the Dakotas, and all the rest of the Senators who voted with me on this side of the aisle, and men like my colleague, the senior Senator from New Mexico [Mr. BRATTON], the junior Senator from Georgia [Mr. GEORGE], the Senators from Montana, and many others on the other side of the aisle. I want to call to the attention of the Senator from Utah the fact that the "laxity of views" which we all share, according to him, is likewise shared by the 560 educators of the United States who sent to the Senate a petition asking to have them sustain the position which they took in October.

Is there anyone in the United States who is more interested in the preservation of the welfare of youth than these educators? Next to the family, they have more influence on the development of the younger generation of this country than anyone else; and in many respects one might say they have more influence than the family, because these educators are the dominating influence over the young men and women of the United States at their most impressionable period. The adolescent period is one in which suggestions and impressions are far more dangerous than in the period of childhood; and during that stage I am sure that these teachers and educators have a far more direct and powerful influence on the young men and women of the country than even the family. If these men are wrong, if their idea of the best thing to do for the youth of America is wrong, then the Senate of the United States is confronted with a very much more important problem than that of any clause in a tariff bill. How can the youth of the country be guided in the proper channels by men of this kind—28 university and college presidents, 18 deans and heads of departments, 26 clergymen and teachers of religion, 23 leading librarians, 30 judges, lawyers, and professors of law, 100 scientists and teachers of science, over 100 professors of liberal arts, and so on. Are these men radicals? Would anyone accuse Dr. Nicholas Murray Butler—quoted a short time ago by the Senator from Montana—of being a radical?

I have here a letter from President Lowell, of Harvard, who writes to say:

> I heartily sympathize with your efforts to take out of the tariff provisions preventing the importation of seditious literature from abroad.

I do not think any Senator would consider A. Lawrence Lowell a radical or a friend of sedition, treason, or insurrection.

The Senator from Montana quoted from Bishop McConnell, of the Methodist Church, who had previously been president of DePauw University, another one of the great teachers of the country.

I have here a letter from Dr. Henry S. Coffin, probably the most prominent Presbyterian minister in the city of New York, and now head of the Union Theological Seminary. He writes:

> Let me congratulate you on the stand you are taking against the inclusion in the tariff bill of the proviso giving customs officials the right to censor foreign literature. This is manifestly a duty which does not belong to them and for which they are not fitted. This should be left where it belongs, in the courts.
>
> I am sure I voice the opinion of many thoughtful men, both in the ministry and in the membership of the various Christian churches, when I say that I feel it would be a most unwise curtailment of the liberty of the press. Let the courts decide if a book is obscene or seditious, and refuse to allow it to be sold; but do not let us have customs officials constitute themselves judges as to what may or may not be imported into this country.

I have a letter from Doctor Niebuhr, also of the Union Theological Seminary, taking the same point of view.

> I should like to commend you most heartily—
>
> He says—
>
> for your efforts in trying to prevent unlettered customs officials from becoming censors of the literature which American people shall be permitted to read. The efforts of the opposition to make it appear that your stand would result in a flood of obscene literature beclouds the issue. Such important matters of judgment should be left in the hands of our courts and not to the routine of customs officials.

And yet with such views expressed by the leading clergymen and the leading educators of the country—for I have quoted here merely men who have not signed the general petition which I presented—with such views expressed by our leading educators and moral and intellectual leaders, it is alleged that the adoption of the amendment agreed to by the Senate in October last will tend to injure the youth of the country! If that is so, let us look into our educational institutions, let us see if we can not get a new type of man who will not take the point of view which the educators now take. If all these men are wrong, then what a terrible prospect opens up before the coming generation of American manhood and womanhood.

Mr. President, this whole matter of censorship rests on a false basis. As Mr. Aswell, the assistant editor of the Forum, says:

> The fundamental trouble with censorship is that it is based on an assumption that general human nature is weak, frail, and easily deluded, but that certain individuals do not share this common weakness and can, therefore, act as censors for the rest of mankind. When this assumption is examined critically it breaks down in both of its particulars.

Prof. John Dewey, the leading philosopher of the Nation, says this:

> It is ridiculous that the foreign literature that comes to the American Nation should be subject to restrictions imposed by a group of officials whose business is concerned with economic affairs. If the American people submits to this imposition, it is a proof that it has lost its love of liberty and self-government.

Mr. President, I do not believe that the American people has as yet lost its love of liberty and self-government. If the Senators are in agreement with the intellectual and moral leaders of thought of this Nation, they will again vote, as they did in October, against any restriction by customs officials on freedom of speech or of thought.

Mr. SMOOT. Mr. President, I send to the desk the following amendment, as a substitute for the one that is now pending. I will make an explanation of it in just a moment.

Mr. McKELLAR. Let the amendment be reported.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBSION of Kentucky in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Schall
Barkley	Glass	Keyes	Sheppard
Bingham	Glenn	La Follette	Shortridge
Black	Goff	McCulloch	Simmons
Blaine	Goldsborough	McKellar	Smoot
Blease	Gould	McMaster	Steck
Borah	Greene	McNary	Steiwer
Bratton	Grundy	Metcalf	Stephens
Brookhart	Hale	Moses	Sullivan
Broussard	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Thomas, Idaho
Caraway	Hastings	Nye	Thomas, Okla.
Connally	Hatfield	Oddie	Trammell
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Phipps	Wagner
Dale	Heflin	Pine	Walsh, Mass.
Dill	Howell	Pittman	Walsh, Mont.
Fess	Johnson	Ransdell	Waterman
Fletcher	Jones	Robinson, Ind	Watson
Frazier	Kean	Robsion, Ky.	Wheeler

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President. I desire to withdraw the amendment I last offered, and I send to the desk the following amendment and ask for its adoption.

The PRESIDING OFFICER. If there is no objection, the amendment formerly offered will be withdrawn.

Mr. SMOOT. Mr. President, in explanation of the amendment I want to say to the Senate that the following changes are made: In line 5, page 1, I strike out the words "containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States or," so that it will read:

> All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any threat to take the life of or inflict bodily harm upon any person in the United States—

And so forth.

On page 2, line 19, I strike out the words "under the customs laws" and insert the words "as hereinafter provided." It means the same, but the latter is the language used in all legislation. On page 3 I strike out lines 3 to 6, inclusive, reading:

> Any person who shall import any book or other matter, the entry of which is by this section prohibited, shall be punished by a fine of not more than $5,000 or by imprisonment at hard labor for not more than 10 years, or both.

The PRESIDING OFFICER. If there is no objection, the amendment will be modified by striking out the words indicated by the Senator from Utah.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from Utah a question. I want to get the purport of the amendment. As I gather it, the substance of it is that it strikes out the paragraph which deals with the question of literature advocating or urging treason, or insurrection, or forcible resistance to any law of the United States.

Mr. SMOOT. That is correct.

Mr. TRAMMELL. Of course, the Senator has control of his own amendment, but I am a little surprised at anyone who advocates a prohibition against this character of literature being brought into this country yielding to the extent of permitting seditious literature to be brought into the United States and allowing this country to become the dumping ground for that character of literature which may be brought here from some foreign country. The United States would be a regular cloacina for the communists and others from beyond our borders who desire to encourage and inculcate into the minds of their foreign friends who have preceded them to this country, and also of Americans, their ideas of government, the ideas of the communists, or other such ideas. This would permit them to bring that literature here absolutely without any restriction whatever. I had hoped that the amendment, as far as its main features were concerned, would remain as it was in the beginning. As it was originally worded, it provided that seditious literature—that is, statements advocating the overthrow of the American Government by force—and obscene literature could be stopped at the port when it was attempted to bring it into the United States.

We have heard a good deal in the discussion about freedom of the press and freedom of speech. There is no greater adherent than myself to the policy of freedom of the press and freedom of speech. These policies have been the very bulwark upon which our country has succeeded and prospered and grown and maintained its high standard of ideals and purposes down through the ages and which, too, have brought us to this happy hour in the life of our Nation. But, my friends, freedom of the press and freedom of speech do not mean a license to destroy our Government, nor do they mean a license to destroy our homes and blight the future of the youth of the land. Never since the days of our patriotic forefathers has freedom of speech and the press been carried to such unreasonable extent.

I may be an old fogy, as some would be wont to say, when I recall my youthful days, when my good father and my sweet and devoted mother barred from the home and from our fireside obscene literature, barred from its sacred precincts seditious literature against our Government, and instead, instilled into the mind and the heart of the youth of that home a love of our country, a loyalty to its institutions, a devotion to its flag, and a respect and appreciation for the high ideals of citizenship and private conduct. I may be wrong, my friends, when I still revere, in all sincerity, the teachings which I received from my God-loving and country-loving parents during those days. I may be wrong, but I am not when I still believe that those devoted parents were doing not only what they believed to be the best for those whom they would rear to high ideals and lofty purposes, and an unfaltering devotion to their Nation, but that which I now know and have always believed was for the best.

Yet some would have brought into this country any character of seditious literature, any character of obscene literature, to be carried into the home, to be absorbed and read by those of tender age in the country, and would cloak this behind the excuse that it is in the interest of freedom of the press and freedom of speech. A good many things might be done under different characters of excuses and cloaks. On the question of freedom of religion, freedom of thought during the early days of the Roman Empire people were allowed to kill their offspring at birth. This wicked and cruel custom was modified a little later, and that murderous privilege was not granted until the offspring was at least 3 years of age. In India, under the cloak of religion, the offspring of the people may be fed to crocodiles. Yet, with our ideals and our standards in this country, certainly not even under the pretext of religious freedom would the American citizen, for one moment, sanction or tolerate the practice of feeding children to crocodiles, permitting the young baby at its mother's breast to be snatched from her bosom and fed to crocodiles. Yet those heathens of India call this religious freedom.

The communists and anarchists are attempting to prey on this country. That might be minimized by some. Some might rise here and in the interest of so-called freedom of speech plead in behalf of the communists that they be allowed to come here and carry on their devilish teachings with perfect immunity, and this not only among the adults of the land but that they should be allowed to come with perfect freedom into our schools and there teach the overthrow and the destruction by force of our American form of government, that they might there teach atheism and all kinds of evils contrary to our American ideals. In this country we have felt that our ideals are along correct lines. Certainly under the wise policies of the Nation our Republic has prospered and succeeded and preserved the most wonderful citizenship on the globe. So far as I am concerned, I would try to perpetuate it against any and all corrupting influences.

Some might say that communistic literature is not a corrupting influence. The whole idea is contrary to our American form of government. If it serves its purpose and its intended object, it will ultimately have a corrupting influence. At times it is the small spark that grows into the consuming and destructive flame. It is said that the Roman Senator Cato never made a speech in the Roman Senate but what he concluded by saying "Carthage must be destroyed." At first but little attention was paid to his charge and utterance against Carthage, but eventually the flames were fanned, and Carthage was destroyed. Of course, I am very happy to say that the great majority of our people give no heed to efforts of that destructive character, but there are some who do. The pending measure is an attempt to place a ban upon not only seditious but obscene literature. I hope the American people will know through the press of the country that the object of the provision we are now considering is solely for the purpose of placing a ban upon seditious literature and upon obscene literature coming into the United States from a foreign country. I do not believe a very large majority of the people of the country believe in permitting it to come into the United States.

Of course, we have to have the machinery for passing upon the question of it being barred. We have to have the machinery for the purpose of passing upon the administration of any law or for the purpose of inaugurating any policy under our system of government. The Senate and the House of Representatives constitute a part of the machinery for formulating legislative policies and enacting them into law. We have to select certain officers to enforce any law which places a ban upon certain kinds of literature, reading matter, which I think a very large majority of the American people feel is not best for the maintenance of the perpetuity of our free institutions and for the preservation of the high ideals which have sustained and guided this Nation through the ages past. If we have the law, we have to provide some machinery for its enforcement. We may criticize the machinery proposed, as some people criticize the courts. They have a right to do that if they wish.

However, I have not seen anyone here who has become very solicitous in regard to the confiscation, for instance, of any other character of property that might be attempted to be imported into this country under our customs laws. Already under our laws, if there is any fraud connected with the importation of any article or commodity—it might not contain any seditious matter; it might not contain any obscene matter—but if there is fraud connected with its attempted importation, the customs officials have the right to confiscate it, and it is confiscated ac-

cording to a certain system through the medium of certain machinery.

Some object to such or a similar provision in this connection. Enforcement is a very sacred thing to them when it comes to this obscene and seditious garbage—literature that advocates the overthrow of our Government; that would pull down, if the sentiment could be inspired, our flag and destroy our institutions; literature that is obscene, that could not fail to have a bad influence upon those of tender years, the boys and girls who are to be the citizens of to-morrow. So anxious are some to have this character of foreign literature dumped in our midst that they tell us that it should not be governed by the operation of the machinery to which we do now subject fraudulent conduct in connection with other imports. They insist we will have to set up some other system for enforcing the law.

I do not think the rank and file—the great masses of our people—are worrying about the fact that they are not going to get to read some seditious or obscene literature coming from abroad. I do not think that the great majority of our people are distressed over the fact that they may be barred from obtaining for the purpose of reading some obscene literature from some foreign land. We might have some highbrows who think it would be a great pity to deprive them of that privilege. Of course, if we could make an exception for them, we could let them have it; but we have to do that which we think will bring about the greatest good for the greatest number.

I have never paid very much attention to the highbrows anyway. Some of them are all right, some of them are all wrong. I do not know where they have done anything of greater moment than has the average citizen in this country, except to set themselves up as critics and standards by which they would have everybody else judged. They may be and are sometimes useful in their way, but when they delve, for instance, into the field of commerce, away from their educational institutions, nine times out of ten they are failures. Now and then we see some of them who make an advent into the public affairs of the country, and occasionally we see one that is a success; but where we see one that is a success in other than their chosen fields, we see nine who are failures. But when they speak about obscene literature or when they speak about seditious literature, according to some Senators the Members of the United States Senate should go under their desks and very meekly hand out to them just what they advocate and want. I am not any more in favor of passing over to them what they wish on this question than I would be upon any other question of policy.

I do not become at all disturbed on account of some extracts that may be read from some of these educators—these highbrows in the educational field. It resolves itself, in my mind, down to the practical, common-sense proposition as to whether or not we desire to ban from this country obscene and seditious literature of a foreign brand that would promote, if it could carry out its purpose, the overthrow and the destruction of our Government and its institutions; whether or not we desire to ban from our shores and from our homes obscene literature. There is no man on the face of the earth who can say that such literature will do the youth of our land any good. Shall we ban that in the interest of our land and in the interest of our homes and our future citizenship? That is the burning question of the hour.

I think it was Henry W. Grady, one of the greatest orators we have ever had in the South or in America, who said upon one occasion that he came to Washington and that he was overcome with his great admiration and reverence for the Government which was represented here in Washington as it was evidenced by the magnificent Capitol and by the beautifully planned city and all that indicated the strength of the American Government. He felt that he lived in a wonderful land, and that probably here in this city was centered the great strength of this great Republic of ours.

But he said he returned to Georgia, his native State, and shortly afterwards he was riding through the rural section of a certain part of his State and came to the home of one of his country friends, who cordially invited him to spend the night.

He said he slept that night in that humble home, set in a circle of trees, surrounded by broad fields ripening unto the harvest.

The father and the mother, inspired by high ideals, and with well-trained children, sat there around the family fireside, and when the bed hour came they announced that they would have family prayers. He said next day, as he was returning to the city of Atlanta, he meditated over his reflections upon the National Capital, its splendor and its wonders, and then he began to think about that humble home, and he said that he was inspired and thrilled by the thought that not in those structures yonder in the National Capital, nor in the great wealth that was represented there, was the strength of the Nation, but the strength of the Nation, its perpetuity, and its future, rested in that humble home and the thousands and millions of other similar homes found throughout this Republic.

My friends, so far as I am concerned, I plead and beg for the preservation of the home, for the security and protection of our Government against seditious literature and also against obscene literature.

I am pleading for America for Americans. I beg that our land of liberty, of freedom, of immortal forefathers, of cherished traditions, of patriotic, lovely, and noble womanhood, and a true and loyal manhood may live on and on forever in the perpetuity of her institutions and under the inspiration of the high ideals and standards of the fathers of the Nation, which has been preserved by each succeeding generation until this good hour.

Let no enemy within or without, no foe, American or foreign, in any wise undermine the principles and the standards which have sustained our Republic. Keep unstained and unsullied that flag, which every true American honors and cherishes in peace and stands ready to bravely and courageously follow in war.

It is the insidious and undercover enemy that must be watched, lest he surprises you as the thief in the night.

I have read that—

> In storied Venice, down whose rippling streets
> The stars go hurrying and the white moon beats,
> Stood the great bell tower, fronting seas and skies,
> Facing the ages, drawing all men's eyes,
> It marked the hours for Venice—all men said,
> Time shall not reach to bow that lofty head,
> Time that shall mark all else with ruin, must
> Forbear to make that shaft confess its dust.
>
> Yet all the while, in secret without sound,
> The fat worms gnawed its timbers underground,
> The twisted worm, whose epoch is an hour,
> Caverned its way into the mighty tower,
> And suddenly it swayed, it shook, it broke,
> And fell in darkening thunder at one stroke.
> The tall shaft with an angle on the crown,
> Fell ruining—a thousand years went down.
>
> And so I fear, my country, not the hand
> That shall hurl might and whirlwind on the land.
> I fear not Titan traitors that shall rise
> To stride like Brocken shadows on the skies;
> I fear the vermin that shall undermine
> Senate and school and citadel and shrine;
> The worm of fraud, the fatted worm of ease,
> And all the crawling progeny of these;
> I fear the vermin that shall honeycomb the towers
> And walls of state in unsuspecting hours.

Mr. BLEASE. Mr. President, some time ago I read an extract from a book. I now wish to say where that book came from, as some people have been so kind as to say that it was not in the libraries in Washington. I shall not mention the name of the book, because I do not care to give it the advertisement. On the inside of it I find the inscription, "Fiction Lovers' Library. Books must be returned and renewed every two weeks. Washington, D. C."

A stamp is also on it "Fiction Lovers' Library, Washington, D. C. Books must be returned every two weeks; renewed if necessary."

Also another stamp on that side [indicating] and two stamps on the back of the book.

That book was obtained by a young lady from a Washington library. I wish it were possible for every Member of the Senate to read page 52 of it. I would not want any woman to read it, even though she were the lowest scrapings this side of Hades.

Mr. President, I am proud to see that the Senator from New Mexico has not had any indorsement of his position from my State. I find on my desk, taken from the RECORD of the Seventy-first Congress, second session, the speech of the Hon. BRONSON CUTTING, of New Mexico, in the Senate of the United States. In that a petition is sent out of the National Popular Government League, Washington, D. C., March 6, 1930. There are signers to that petition from Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The name of the State of South Carolina does not appear. I am glad that South Carolina stands on this question, as she does on the question of divorce, single and alone, in the galaxy of States which make up this great American Nation. I am proud to know that when I go back to my home there will not be one single man or woman meet me at the gateway and say I signed the petition to let come into this Nation dirty, filthy literature that will bring into the minds and hearts of the little boys and girls of this country, who, to-morrow, will be the manhood and womanhood of the country, such dirty, filthy trash as is attempted to be brought in here against the morals of the people and against the Government of the country.

I understand, Mr. President, that the Senator from New Mexico asked the Senator from Utah if he indorsed what the Senator from South Carolina said. I want to say to the Senator from New Mexico that no man need indorse what I say. I am responsible for what I say in the Senate; I am responsible for what I say outside of the Senate; and so long as I represent the people of my State I shall never stand here, claiming to be their representative, and ask for the admission of dirty, filthy trash to be put into the homes of this country, as the Senator from New Mexico appears to be doing. I am proud to stand here as a representative of the State which was the mother of secession, which stood for manhood and for freedom, which stood, and to-day stands, above all States of this Union for the protection of the virtue of womanhood, because that State authorizes no divorce from the bonds of matrimony, and which stands, above all, on the decision that whenever any man, whether he be white or black, puts his hand upon a woman against her will and her consent, the punishment therefor shall be death; and, if necessary, the technicalities of the law will be thrust aside, and that sentence will be immediately put into execution. That is where stands this representative of a people who backs what he says and what he does upon this floor. I am responsible to them and to them only and not to the Senator from New Mexico or anybody else.

Whenever South Carolina does not like that kind of representation, she has the opportunity, which will be presented to her within a short time, to change that representation; and, so help me God, whenever her manhood and her womanhood say that they do not want that kind of representation, they must get somebody else.

I love womanhood. Destroy, Mr. President, the honesty of a man, take from him his reputation as an honest man, and you damn him forever. Take from a woman her virtue and you damn her forever. Take from a government the purity of its womanhood, of its motherhood, and sooner or later that government will be destroyed.

A woman who marries for a title, a woman who marries for money without the sanction of her heart in love, is no better, Mr. President, than the woman who temporarily sells her body for money to buy food and clothing. I do not care who she is nor to what society she belongs nor what company she keeps, if she sells her body for a title or if she sells her body for money she is not as good as the poor creature who, from hunger or nakedness, sells her body that her human wants may be met.

I represent, as I believe, that State which has the purest American blood in this Union; it has fewer foreigners in it, and I thank God for that; it has a purer type of womanhood and manhood; and as their representative I would be ashamed to go home if I voted to let that kind of trash [indicating] be brought in this country or to allow any man to take any action which would jeopardize the President of these United States.

I do not have any use for Herbert Hoover; everybody knows what I think about him; but he is the President of the United States, and if a man in my presence this afternoon were to curse him for a certain thing I would slap him, if he were the best friend I had, not on account of Herbert Hoover but because he is President. If I should meet him on the street to-night or to-morrow, I would raise my hat to him, not to Herbert Hoover, but I would raise my hat to the President of the great United States of America. We owe a duty to protect him; we owe a duty to protect the President and the Vice President; we owe a duty to protect all the officials of this Nation; and we can not do it by slippy, sloppy, pussyfooting, and gumshoeing around. We have got to meet that kind of action with manhood, and the sooner the Senate and the House of Representatives realize it, the better it will be for this great American Nation which we represent.

I am an American, and for America for Americans, and for a clean administration of American ideals.

Mr. BROUSSARD. Mr. President, I wish to offer an amendment to the pending amendment, namely, on page 1, line 5, after the word "drawing" I wish to insert the words "containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States." Those are the words which have been stricken out of the amendment, and I am merely moving to reinsert them.

The VICE PRESIDENT. The amendment will lie on the table.

Mr. WHEELER. Mr. President, I want to call the attention of the Senator from South Carolina [Mr. BLEASE] to the fact that Prof. Josiah Morse, of the University of South Carolina, is quoted as having stated that—

> Practically all of our faculty would agree, of course, that such censorship is a dangerous and un-American thing.

I want to say, Mr. President, that I am in thorough accord with the views expressed by Professor Morse.

Mr. BARKLEY. Mr. President, I did not get the first part of the quotation. What does it refer to?

Mr. WHEELER. It refers, as I understand, to the amendment that was offered by the Senator from Utah [Mr. SMOOT], or similar ones that were offered here before, Professor Morse taking the position that he was entirely in sympathy with the views expressed by the Senator from New Mexico [Mr. CUTTING].

Mr. BARKLEY. I wonder if those views of the professor could be interpreted as extending his objection to any regulation of immoral and indecent literature circulated among the people.

Mr. WHEELER. I do not think so. While I have only seen this, I take it that his view was that he objected to censorship by the Customs Bureau.

Mr. BARKLEY. That problem is somewhat eliminated here now, it seems to me.

Mr. WHEELER. Yes; exactly.

Mr. BARKLEY. So that that is more or less of an academic question.

Mr. WHEELER. But I was calling attention to it in view of the statements made by the Senator from South Carolina [Mr. BLEASE].

Mr. BARKLEY. The practical matter we are up against, or will be in a very few moments, I suppose, is the amendment which has just been offered by the Senator from Louisiana [Mr. BROUSSARD]. I should like to get the Senator's reaction on this phase of the matter, because I have great respect for the Senator from Montana, and sympathize with many of his views on these subjects.

We have on our Federal statute books laws preventing the admission into the United States of aliens who advocate the violation of our laws; and we authorize the Federal Government to deport aliens who advocate the violation of our laws, which is not as serious as a charge of treason. How can we reconcile our refusal to admit or our deportation of aliens who advocate merely the violation of the law with the free admission of literature that advocates the same thing that they advocate while here?

Mr. WHEELER. Of course, in the first place, we have upon the statute books of the United States the sedition law. Anybody can be prosecuted in the United States to-day for spreading seditious literature. I want to say to the Senator that that law was put upon the statute books in time of war, and in my humble judgment it ought to be repealed. It has not any place upon the statute books.

Mr. BARKLEY. Of course, that law applies not only to aliens, but to citizens of the United States who advocate treason.

Mr. WHEELER. Exactly.

Mr. BARKLEY. I am trying to find out whether we are not liable to be led into an inconsistency here about insidious literature that may not square with our statutes dealing with persons who by word of mouth do the same thing that it is proposed to allow to be done by the written word.

Mr. BLEASE. Mr. President, will the Senator permit an interruption?

Mr. WHEELER. I yield.

Mr. BLEASE. I do not know who this Josiah Morse is. If he is a professor in the University of South Carolina, I must admit that I am more ignorant than I thought I was. I have never heard of any man in my State by that name. It may be that there is such a man; I do not say there is not; but if he is a professor in the University of South Carolina, and if he will express publicly that he is in favor of putting in circulation in this country such books as the Senator from Utah showed upon this floor and such books as I have in my desk, I will guarantee the Senator from Montana that he will not be a professor in that university 30 days. I will see that he is put out.

Mr. WHEELER. Of course, I have not any doubt but that the Senator from South Carolina would have the power to put him out.

Mr. BLEASE. I surely have.

Mr. WHEELER. I am not disputing the power of the Senator to do that; but I do not think the statement he has made with reference to the professor is exacty fair, because I do not think this statement can be understood to mean that this professor favors the kind of literature that the Senator from Utah has been passing around the Senate in the last few days.

Mr. BLEASE. I will find out in 10 days whether he agrees to it or not. If he does, he will quit drawing South Carolina money.

Mr. WHEELER. The Senator can find out in one day if he wants to.

Mr. BLEASE. I am going to find out in 10 days.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WHEELER. I yield.

Mr. McKELLAR. In the amendment of the Senator from Louisiana [Mr. BROUSSARD]—which is, of course, exactly the same language that was cut out by the Senator from Utah a short time ago—I find this:

> Containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Suppose the people of Mexico organize, for example—of course, they are not going to do it, but suppose they do—and send over tons of literature preaching insurrection on the part of the American people down on the border. Is it possible that the Senator thinks we ought to permit that to be done by those people when we do not allow our own citizens to do it?

Mr. WHEELER. Let me say to the Senator from Tennessee that I am not from the South, and I never lived in the South——

Mr. McKELLAR. Let us change the illustration, then.

Mr. WHEELER. Just a moment; I will take the time to answer the question. If, however, I had been raised and lived in the South, and if I had gone through what they went through in the days of reconstruction, it seems to me I would be extremely tolerant with reference to these matters.

It must be recalled that we went through civil strife, and that this Government of ours lived through it; and we have grown great and prosperous, partly due to the fact that we have been tolerant toward the views of other people.

I see, standing upon this floor now, Senators who are advocating laws which have been the curse of every European nation; and in my humble judgment laws of this character have done more to overturn various governments than any other kind of laws that have been placed upon the statute books of those nations.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHEELER. Just a moment.

With reference to Mexico, assume, for instance, that Mexico did start to send a lot of literature over into this country. How many people does the Senator from Tennessee feel would be influenced in the slightest degree?

Mr. McKELLAR. No one ever knows.

Mr. WHEELER. So far as I am concerned, I am not fearful that a people as prosperous as the people in this country are, where the workingmen receive the highest wages, where they have the automobiles that they have, and so on, are going to succumb to any propaganda of any kind or character from any class of citizens on the face of the earth.

Mr. BRATTON. Mr. President——

Mr. McKELLAR. Just one moment, if the Senator please. Then, as I understand the Senator, he sees no objection whatsoever to the people in Mexico, or the people in Canada, or the people of any other country, for that matter—Russia, for instance, or any other country—sending tons of literature over here urging treason, urging insurrection, and urging forcible resistance to our laws? Do I so understand the Senator?

Mr. WHEELER. Let me say to the Senator from Tennessee that this Government of ours has lasted all through these years without that sort of a law upon the statute books, and we did not have any sedition law upon the statute books of the United States until the war, and it was enacted during that period of time, and it was much abused by prosecuting attorneys, judges, and others.

Somebody has said—and I am not applying it, and I want the Senator to understand that I do not apply it to him—that patriotism is the last refuge of a scoundrel. I find, Mr. President, in many instances that it is the corrupt influences in this country that are hiding behind the cloak of patriotism, wrapping themselves in the American flag, denouncing everybody who seeks in any way to criticize them as unpatriotic.

Mr. McKELLAR. Mr. President——

Mr. WHEELER. This matter recalls very clearly to my mind the campaign that was carried on some years ago in the Northwest, when they told about how the farmers out in North Dakota all believed in free love, and they stirred to a frenzy a great many of the people of that State because of the fact that they found in one of the libraries a book by some woman relating to that subject. Now, who was it that stirred up that feeling? Why, it was the very men who were practicing, if you please, the very sort of thing that they were condemning for the farmers and saying that the farmers believed in.

I recall in my own State, for instance, where the editor of one of the papers was constantly saying, "Why, if you elect this man Governor of Montana you are going to have free love, the same as they had over in North Dakota," and my answer to him was, "If they had had free love in North Dakota, as this editor would have you believe, he would have been the first one to move to North Dakota."

Mr. McKELLAR. Mr. President, I do not know, and I do not care anything about free love in North Dakota.

Mr. WHEELER. I know the Senator does not.

Mr. McKELLAR. It is a matter of utter unconcern to me; but I do want to say that there was in this amendment—I do not know why it was put in here, but it was put in here on yesterday, I believe by the distinguished colleague of the Senator from Montana [Mr. WALSH]—a provision in these words:

> Containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. WHEELER. The Senator does my colleague a great injustice by saying that he had those words inserted.

Mr. McKELLAR. Well, whoever did, some Senator did it, and it was in this amendment, and it ought to remain there; and I thank the Senator from Louisiana [Mr. BROUSSARD] for having moved to put it back there. We must have a vote as to whether we are going to let it stay there or not, for this reason, if the Senator will pardon me a moment——

Mr. WHEELER. I would prefer that the Senator make his speech in his own time.

Mr. McKELLAR. I am not going to make a speech; but I think the Senator ought to permit me to say this, after having made the statement he made about me.

I will under no circumstances vote for any measure that would excuse in any foreigner what we do not excuse at home. If an American were to be guilty of these acts, he would be guilty under the law; and so, if a foreigner is guilty of these acts, he should be guilty under our law, and be prosecuted for it. So far as I am concerned, if we have to sit here for one week, we are going to have a vote on the amendment of the Senator from Louisiana.

Mr. WHEELER. Mr. President, the Senator speaks of a reference that I made to him. I do not recall what the reference was.

Mr. McKELLAR. It was something to the effect that a man who pretended to be patriotic was a scoundrel.

Mr. WHEELER. Oh, no, Mr. President!

Mr. McKELLAR. I know the Senator said that did not apply to me, and I accepted his statement about it, because I know the Senator did not mean anything like that; but I have no doubt that the newspapers will take a great deal of pleasure in publishing it, and the Senator ought not to have said it. But, however that may be, that is immaterial. I want to say to the Senator from Montana that he is on the wrong side of this question. We ought not to treat foreign people in any different way, when it comes to violating our laws, than we treat our own people; and under no circumstances ought we to permit these words to be striken out; for any one, whether he is a foreigner or whether he is an American, who advocates or urges treason, who advocates or urges insurrection, who advocates or urges forcible resistance to the law of the United States; ought to be put in jail.

Mr. WHEELER. Well, as I pointed out a moment ago, there is already upon the statute books to-day a law prohibiting that very thing. There is no question about that in the mind of any body. If there is, I would like to have him call it to my attention.

Mr. HEFLIN rose.

Mr. WHEELER. I can not see why all this heat about taking out that provision, when there are ample laws on the statute books at the present time relating to it.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WHEELER. I yield.

Mr. HEFLIN. Why has the able Senator from Montana any objection to repeating it in this particular provision?

Mr. WHEELER. Principally because of the fact that I am against the intolerance that is constantly put forward here on the floor of the Senate. I think we are going entirely too far. I do not see any reason for it. I said to the Senator a while

ago that this Government of ours has grown great, and I can not conceive of any literature being the cause of the overthrow of this Government.

I called attention this morning, when the Senator from Utah had the floor, to the fact that had this law been upon the statute books at the time when Brigham Young, for instance, was locating his colony out in Utah, he could have been prosecuted and sent to the penitentiary because of the statements he issued at that time.

Mr. MCKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WHEELER. No. Yet we lived through that experience. We lived through the Civil War.

Let me ask the Senator from Tennessee and the Senator from Alabama if they do not think that if we had had this kind of a law upon the statute books during and after the Civil War their people would have been subjected to persecution?

Mr. MCKELLAR. Oh, no, Mr. President.

Mr. WHEELER. All you have to do is to go back in the pages of history to the reconstruction period. Read of the attitude of Thad Stevens and the so-called radicals of that day. What would they have done if there had been a law upon the statute books like this that could have been used against the people of the South?

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. WHEELER. No; I refuse to yield at the present time.

I have a great deal of sympathy with the southerners for the things they went through in the reconstruction days, and I can not help recalling to mind what would have happened to them if there had been laws upon the statute books permitting the authorities to send them to the penitentiary for 10 years for some statement they might have uttered upon which somebody could have put a construction that would indicate that they were guilty of insurrection or treason.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WHEELER. I yield.

Mr. BRATTON. I want to advert to a statement made by the Senator from Tennessee a few moments ago.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. HEFLIN. Mr. President, I want to suggest that if Senators are going to yield continually and hold the floor, I shall have to ask that the rule be invoked, because there are others of us who want to discuss this matter before a vote is taken.

Mr. WHEELER. I suggest——

The VICE PRESIDENT. The Senator can yield only for a question.

Mr. WHEELER. I suggest to the Senator from Alabama that there has been a considerable length of time in which he could have gotten the floor, and he will have plenty of time in the future. I have occupied the floor but a very few minutes thus far, and I will say to the Senator that I propose to occupy it just as long as I see fit to.

Mr. HEFLIN. I have no objection to the Senator occupying the floor, because I think he is going to increase our majority.

Mr. WHEELER. It does not make any difference to me whether I increase the majority or whether I decrease it. I have no doubt about what the Senator is going to do, and I am not finding fault with him because of his position.

Mr. BRATTON. I wanted to submit a question.

The VICE PRESIDENT. Under the rule, a Senator may yield only for a question. If the Senator yields for anything else he will lose the floor.

Mr. WHEELER. I yield for a question.

Mr. BRATTON. I put it in the form of a question. Did the Senator from Montana ever in his experience here know of the Senator from Alabama invoking such a rigid interpretation of the rules as he now seeks to invoke against his colleagues?

Mr. WHEELER. I never did, when he had the floor himself.

Mr. BRATTON. No; and the Senator never will.

Mr. HEFLIN rose.

Mr. WHEELER. I refuse to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. HEFLIN. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HEFLIN. The Senator from New Mexico, who is the author of this proposition, and those who have sympathized with him, have had the whole day.

Mr. WHEELER. That is not a point of order, Mr. President.

The VICE PRESIDENT. That is not a question of order under the rules.

Mr. HEFLIN. It is before the Senate just the same. [Laughter.]

The VICE PRESIDENT. The Senator from Montana.

Mr. WHEELER. Mr. President, I object to the Senator from Alabama constantly interrupting my chain of thought with his facetious remarks. [Laughter.]

I want to say that upon its face this amendment appears perfectly harmless. No one ordinarily would say that he could object to a law of this kind being placed upon the statute books. I appreciate how easy it is, and I appreciate that it is the easy thing for a politician to appeal to the prejudices and the passions of the American people, but I for one refuse to stand on this floor and appeal to the passions or the prejudices of the American people when it comes to a matter of this kind.

I want to call the Senator's attention to the opinions of some of the best men of this country. I particularly want to call his attention, as I did this morning, to what Bishop Francis J. McConnell, of the Methodist Church, says. Let me say to the Senator and to the Senate that he is one of the outstanding characters, one of the greatest thinkers of the Methodist Church of this Nation. He said:

> I wish to express my appreciation of Senator CUTTING's stand against the proposal to take the censorship of literature away from the courts and to put it in the hands of customs officials. No more inappropriate and inadequate dealing with censorship could be conceived than that of putting it in the hands of men selected primarily for other purposes.

I likewise desire to call attention to a reference to Henry Sloane Coffin, a Presbyterian, of New York City. He said:

> I am sure I voice the opinion of many thoughtful men, both in the ministry and in the membership of the various Christian churches, when I say that I feel it would be a most unwise curtailment of the liberty of the press. Let the courts decide if a book is obscene or seditious and refuse to allow it to be sold, but do not let us have customs officials constitute themselves judges as to what may or may not be imported into this country.

I likewise desire to call attention to the Rev. Robert Johnston, of Washington, D. C., who said:

> I regard the censorship of books as a very dangerous experiment and one which is likely to introduce a new and terrible tyranny into our American life. * * * I question if we can shut away from people in our day the simple facts of human nature. * * * Such a book as ——— should be prevented from entering into general circulation, but it should not be made the excuse for a new Volstead Act on literature. * * * The attempt to remove all danger from life is one which increases the danger and adds sin to sin.

I desire to read also from Rev. Remsen B. Ogilby, president Trinity College, Connecticut:

> I wish to assure Senator CUTTING of the backing of the faculty of Trinity College.

I read this morning from Nicholas Murray Butler. Here is a statement of a group of faculty members of Harvard University:

> We are strongly opposed to section 305, paragraph (a), in the pending tariff bill. * * * Experience has shown that customs inspectors and appraisers of merchandise are ill equipped to pass judgment upon the character of such publications. * * * We believe that a political censorship of this kind by administrative officials at the customhouses is unsound in principle and likely to prove oppressive in practice.

I desire to read also from a statement of Dr. O. O. Norris, professor of education at Michigan State Normal College, as follows:

> A man, institution, or nation that has recourse to censorship reveals by that very action a felt weakness in his or its own position. * * * Censorship is an unconscious revelation of weakness on the part of the censor and a fear that other people are as weak as he is. * * *

I likewise desire to quote from Prof. Avery L. Carlson, of the Texas Christian University:

> I think it would be very unfortunate for our Government to set up a censorship on imported books. When our library authorities excluded certain books and magazines from the library at the State University of Iowa, when I was a student there, the news dealers reaped a harvest. * * * To exclude a book from this country * * * would immediately create a demand for that book. It would doubtless be reprinted here and sold by the thousands. * * * Our citizens are as capable of judging what they shall read and what their children shall read as any Government officer, be he a customs official or a United States Senator.

Prof. John Dewey, of Columbia University, said:

I am doubly indebted to Senator CUTTING for leading legislative action intended to prevent customs censorship of foreign literature. First, I am indebted as a citizen who is interested in checking the present movement toward censorship and other meddling with freedom of thought and speech in the United States. As a teacher and a member of the faculty of Columbia University I am interested, in the second place, that scholars shall be in a position to receive the printed material that they need in their researches without suffering from the interference of officials who are certainly wholly incapable of determining what books and periodicals students should or should not receive.

I quote from Dr. W. B. Bizzell, president of Oklahoma University:

I believe that Senator CUTTING'S fight is worthy of the support of all citizens who are opposed to arbitrary restrictions on the admission of literary classics from abroad. I have had several editions of classics destroyed by customs officials, which probably can never be replaced.

A group of faculty members of Cornell University are quoted as saying:

We are opposed to the provision that requires customs officials, ill qualified for that duty, to rule upon the obscenity of books or pamphlets which it is sought to import, and that without effective appeal or redress. We favor leaving this question to the Federal Government through its postal law and to the several States.

Prof. William P. Montague, of Barnard College, said:

In common with all other educators with whom I have talked, I am heartily in favor of Senator CUTTING'S efforts to remove from the discretion of customs officials their power of censoring allegedly obscene literature.

Mr. Edward C. Aswell, editor of The Forum, said:

The fundamental trouble with censorship is that it is based on an assumption that general human nature is weak, frail, and easily deluded, but that certain individuals do not share this common weakness and can therefore act as censors for the rest of mankind. When this assumption is examined critically, it breaks down in both of its particulars.

Moreover, as a practical matter, censorship is silly and always tends to defeat its own purposes.

I think this sums up as briefly as possible my feeling about censorship. I disapprove of it in theory, and its folly in practice is too evident to need elaboration.

Then I desire to quote from William Allen White. I know that many people would say that William Allen White is not a good citizen, but many of us will have to disagree with that, because I think, notwithstanding the fact that I disagree with him in politics, that he is an outstanding character in America. He is the editor of the Emporia Gazette, in Emporia, Kans.:

I have written to our two Senators asking them to stand by the Cutting amendment. No form of censorship would be quite so bad as that proposed by Senator SMOOT, which would make baggage inspectors on the dock censors of our foreign literature.

Mr. TRAMMELL. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Florida?

Mr. WHEELER. I yield.

Mr. TRAMMELL. With regard to the comment of the gentleman from whom the Senator just read——

Mr. WHEELER. William Allen White?

Mr. TRAMMELL. Yes. He shows an ignorance of the Customs Service of the country. They have experts there to examine everything that comes in. For instance, if tobacco comes in, they have tobacco experts to examine it.

Mr. WHEELER. Let me say to the Senator from Florida that I happen to know William Allen White, and I think probably he has been abroad and come back as many times as has the Senator from Florida, and that he knows as much about the customs officials as does the Senator from Florida.

Mr. TRAMMELL. I have never been abroad. If that is a qualification indicating intelligence and enlightenment, then most of the American people are without either.

Mr. WHEELER. It is an indication that perhaps he may know something about the customs practices.

Mr. TRAMMELL. I will say that he shows in that assertion that he knows nothing about the Customs Service, because they have special inspectors to carry on the different lines that require special knowledge and experience, and they likewise do that in connection with censorship.

Mr. WHEELER. I think it shows that William Allen White knows something about the customs, because of the fact that if he was bringing in a book, or if somebody was coming from abroad and had a book, it would be examined by the man who examined his baggage on the dock. If the Senator had ever come into port with books in his baggage, he would know that that is true.

Ellery Sedgwick, editor of the Atlantic Monthly, said:

Senator CUTTING'S vigorous and sensible speech on the censorship commanded my admiration. Beneath all the pother of the discussion the welfare of literature has been well-nigh forgotten. Instead of fortifying American ideals, the censorship is primarily useful as a gigantic advertisement to the publisher of the banned book.

Here is one of the highbrows, I presume, to whom the Senator from Florida referred. Maxwell E. Perkins, editor Scribner's Magazine, said:

I have followed Senator CUTTING'S fight against censorship with sympathy and admiration. He is contending for the most important of all social principles, and the most American, that of freedom of the mind. And he is doing it in a most distinguished way.

The Southwest Review, Dallas, Tex.:

The editors of the Southwest Review are enthusiastically in sympathy with the plan to liberalize censorship. We believe that we speak for all Texas writers.

The National Community Center Association:

The issue is not an issue of obscenity but rather who shall decide what is obscenity. Every thinking person is against any system that will put into the hands of customs officials power to censor the reading of citizens of a free country * * *. Certainly the vast majority of those engaged in teaching or in social service regard the proposal to put into the hands of customs clerks this power as a most futile measure. It will serve to lower rather than to uphold standards, and it makes of us the laughingstock of the world.

Mr. President, I have not read from any Bolshevik. I have not quoted anybody who wants to destroy the home. I have not quoted from anybody who wants to destroy this Government of ours. I have quoted from the most eminent educators, from some of the most eminent Presbyterian, Methodist, and Episcopalian ministers in the United States. Likewise I have quoted from the leading magazine editors of the United States. Yet when we mention these things there are those on the floor of the Senate who think they are more patriotic than anybody else and who immediately rise to denounce those of us who have taken the opposite view, and who say that it is our desire that this Government of ours shall be destroyed and our homes shall be destroyed.

I want to say that I have as much interest in preserving the home as any man on the floor of the Senate. I have as much desire to preserve the youth and protect the youth of this country as any man in the Senate, because I have a family and, like most fathers, I cherish my children as much as any man here or elsewhere. If I thought they were going to be destroyed if this censorship were not provided, I would not be standing here for one moment talking as I am. I am doing it because of the fact of my firm conviction that this is only one of many laws that some are seeking to have enacted to bring about tyrannical conditions in this country. I think that those who read the signs of the times, those who have read their history, can not help but see the trend in this country of a little oligarchy who control the wealth of the Nation to set up and place upon the statute books of the United States laws for the purpose of suppressing and punishing every man who has an independent thought or an independent idea.

Mr. President, of course it looks harmless upon its face. Laws like the one now proposed always look harmless upon their face, and yet, as some have pointed out, it is not the law that does the harm but the interpretation placed upon it.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WHEELER. I yield.

Mr. McKELLAR. Does the Senator really believe that any one of the ministers or the professors or the educators or the philanthropists and others from whom he has read ever saw in their lives the kind of books that have been exhibited here in the last day or two? Does the Senator believe that if any of those gentlemen saw these books actually with their own eyes they would take any such position as the Senator has indicated?

Mr. WHEELER. Why, of course I do. I say to the Senator from Tennessee that I have only seen one of the books that was called to my attention by the Senator from Utah. I deplore the language. I think it is base. I think it is filthy. I think it is rotten. But, Mr. President, because of the fact that one Senator picks out half a dozen books for the purpose of inflaming the minds of Senators it does not make me willing

to place upon the statute books a law which can be used for the purpose of tyrannizing the people of the country.

Let me call attention again, as has been done previously, that it was the abuse of the alien and sedition laws during the Adams administration that wrecked that administration. Let me call attention to the fact further that one of the things that helped to wreck the Democratic Party was the abuse by some of those who had to do with the sedition laws upon the statute books during the Wilson administration, the extent to which they went, the extent to which they tried to use those laws to persecute honest citizens.

It was Mr. Gregory, the Attorney General during the Wilson administration, who was at all times extremely careful lest those laws be used to suppress the right of free speech in the United States. He will always be glorified because of the position he took in the matter. Yet if Senators upon this side of the Chamber will remember, A. Mitchell Palmer was denounced from one end of the country to the other, not by Bolsheviks but by the judges, by the most distinguished lawyers in the country, because of his attitude and because of his interpretation and abuse of that law. We ought to remember that it is the abuse of these laws, the abuse of power, which makes the enactment of such laws dangerous to the country.

Oh, yes, it is all right to stand here and make impassioned speeches in the name of the home, in the name of the fireside. It is all right to do that. It is the easy thing to do. It is the thing that will not be misunderstood. But who is there on the floor of the Senate that thinks Bishop McConnell is in favor of destroying the home? Who is there that thinks that William Allen White wants to destroy the home, the fireside, that he wants to put this literature in the hands of the children of the United States? Who is there that thinks the editor of Scribner's Magazine wants to destroy the home or wants to destroy his country? Who is there, Mr. President, that thinks that Nicholas Murray Butler, that one-time conservative Republican, wants to destroy the youth of the land and the home or wants to destroy his Government?

Is there anyone in this body that thinks the Rev. Henry Sloan Coffin, the Presbyterian preacher in New York City, wants to do anything of the sort, or that the faculty of Harvard University or the faculty of Cornell University or the president of Oklahoma University want to destroy this Government of ours? Is there anyone so base that he feels that Mr. Carlton, of the Texas Christian University, wants to destroy this Government of ours? There are thousands of others among the educators, among the ministers, among the editors of the country, who have gone on record in no unmistakable terms with reference to this matter.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WHEELER. I yield.

Mr. McKELLAR. The amendment merely proposes to exclude obscene books. I am just wondering if any Senator who has read the books exhibited here yesterday—and I make it the most general question in the world—if any Senator who has any children, boys or girls, would be willing to put those books in the hands of his children.

Mr. WHEELER. Why, of course not.

Mr. McKELLAR. Then why would the Senator be willing to let them go into the hands of other people's children?

Mr. WHEELER. I do not want to see them go into the hands of anyone's children, and I would not permit them to go into the hands of anyone's children if I could prevent it.

However, I do not wish to try to regulate every man's family; I do not wish to try to regulate every family in the United States and set myself up as a dictator, and say they shall be raised in accordance with the way my family is raised; and I wish to say, Mr. President, so far as my children are concerned, I believe that they are as clean-minded and as honest-minded as are any. I do not believe that they have ever read these books, and, so far as I am concerned, I know that I have never read them! I never saw them and never saw passages from them, until the Senator from Utah called my attention to them.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. I yield.

Mr. SMOOT. The words to which the Senator from Montana is objecting now are the very words that are used in the act relating to the post office and governing the transportation of the mails; and they apply to-day.

Mr. WHEELER. Mr. President, I said to the Senator a moment ago that there are upon the statute books at the present time laws which deal with the matter; so I can not see the reason for all this talk and for Senators wrapping the American flag around them when we already have laws upon the statute books which prohibit the distribution of such matter through the mails.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WHEELER. I yield.

Mr. BLEASE. If the Senator will permit me, I understood him to quote from Nicholas Murray Butler a while ago?

Mr. WHEELER. Yes.

Mr. BLEASE. Is it not a fact that Nicholas Murray Butler is not only favoring a repeal of the eighteenth amendment to the Constitution but that he is openly encouraging its violation?

Mr. WHEELER. If he is doing so, I do not know it.

Mr. BLEASE. He has so stated.

Mr. WHEELER. Mr. President, I am not the spokesman for Nicholas Murray Butler, I have never met the gentleman; I do not know him except as one of the outstanding Republicans who, it was reported, deserted them in the last campaign and came over and supported the Democratic candidate. That, at least, is my understanding; I do not know it to be a fact.

Mr. BLEASE. I am surprised that my good friend, being such an able lawyer, would put a witness upon the stand without knowing his character.

Mr. WHEELER. I think that Mr. Butler's character should not be attacked by the Senator from South Carolina. I think it is the privilege of any man in the United States to advocate the repeal of any law upon the statute books and to advocate the repeal of any provision of the Constitution of the United States. Mr. President, if we have come to that stage of intolerance where no man can advocate the repeal of a law upon the statute books or the repeal of a provision of the Constitution of the United States without being condemned and his character assailed, then, I say, we have come to a pretty pass.

Mr. BLEASE. Mr. President, will the Senator yield for a question?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield, and, if so, to whom?

Mr. WHEELER. I yield to the Senator from South Carolina.

Mr. BLEASE. It is not a question of Nicholas Murray Butler advocating the repeal of the eighteenth amendment, but is a question of his holding himself up as a great educator and yet advocating the open violation of the law of the United States, no matter what law it may be, whether it is against petit larceny or murder.

Mr. WHEELER. Mr. President, I think that is a very unfair insinuation regarding Nicholas Murray Butler. I should desire to see the proof before I would condemn Mr. Butler for advocating the violation of any law, whether that against theft, or the prohibition law, or the eighteenth amendment. I do not believe he has ever done so, and I shall not believe it until I see unmistakable proof of the fact.

Mr. BLEASE. I do not believe everything I see in the newspapers either, because I know some of them are awful liars. However, I have never seen that Mr. Butler has denied that charge, and I have never heard of his denying it.

Mr. WHEELER. I hope the Senator from South Carolina will not hold Mr. Butler responsible for everything that the newspapers may publish about him any more than he would want to be held liable for everything the newspapers may publish about himself.

Mr. BLEASE. If I were to be, I should have been in a bad fix a long time ago. [Laughter.]

Mr. WHEELER. I am unwilling to give customs inspectors such power, and I say it is dangerous in many instances even to put the authority in the hands of the district attorneys to say what is and what is not a violation of the law.

So, Mr. President, I hope that the amendment suggested by the Senator from Louisiana will not be adopted.

Mr. HEFLIN. Mr. President, I must express my surprise at the turn the debate in the Senate has taken. If I had heard some of these speeches made in some foreign parliaments I would not have been surprised. If this Government should become embroiled in war with a neighboring nation, and when the time for a settlement came we should write the provisions that we wanted put in the instrument of settlement, and among them we should say that no person, a citizen of the other nation, shall ever come over here and advocate or by means of his literature sent over here advocate insurrection in the United States, or the use of physical force and violence against the laws of the United States, or in such manner advocate treason against the Government of the United States, why before this Government would permit those three provisions to be stricken from the terms of settlement to be entered into between the nations we would go to war again. There is not a Senator here who will dispute my statement on that proposition. The truth is there

would be no settlement if the other nation proposed to reserve the right to come here and preach insurrection, physical force and violence against our laws, and the right to advocate treason against the Government of the United States. We would go to war again before we would agree to such a thing. Yet we hear Senators standing on this floor solemnly asking this law-making body, the last stronghold of liberty in the Union, to strike these three provisions out of an American measure; to abandon its power and its right to protect and preserve free institutions in America.

Mr. President, I can not understand the mental operation of any American Senator who wants that language stricken out of the pending amendment. My God, the idea of saying that foreigners who write this vile literature, the perverted minds that bring forth this filthy stuff and put it on the printed page, should have the right to send it into the United States to be circulated among the people of our country is something I can not understand. The idea of anybody standing here and asking that they may be permitted to continue to enjoy that privilege is beyond my comprehension.

Mr. President, every Senator here ought to be so inspired with love of liberty—American liberty—as to be enthusiastically willing to do anything within his power to protect and preserve it. I said last night that I could not understand the attitude of the man who would stop at the border line of the country a little peach-tree bush because of the presence of parasites which, if brought into the United States, would affect injuriosly the peach orchards of my country, and then permit this devilish foreign literature, vile and corrupt, to come in here to poison the little plants of the American household—the boys and girls in the American home.

Mr. President, again I express my amazement, my utter amazement, at the position of the Senators who want to strike this language out.

> Oh! if there be, on this earthly sphere,
> A boon, an offering Heaven holds dear,
> 'Tis the last libation liberty draws
> From the heart that bleeds and breaks in her cause!

What is the Congress doing, Mr. President, to preserve American liberty? Let me tell you. We have grown careless and indifferent along many lines, so much that we have come to be on some important questions the laxest Nation on earth. The literature, the vilest that can be found anywhere, is coming here in abundance and is being circulated; and what do we see? We see the evil and the devilish fruits of it. We have communism rampant in the Republic; we have communistic doctrines being preached on every hand. I have seen some specimens of communistic literature in the United States too vile to go into the American home. Are we not ready to get together and stop it? Aliens, by the hundreds of thousands, brought in in violation of our immigration laws, infest the land. What are they doing? They are invading our industrial establishments and taking the places of American men and women. They are telling the captains of industry that they will work for half price. They are stealing the birthright of Americans. And what are we doing to stop it? I introduced a joint resolution the other day providing for their deportation, for sending them back to the countries whence they came. Pass my resolution and you will solve that problem. Shall we do that? Or shall we say, "Oh, no; let them come and let them stay." "Do not be afraid. They can not hurt this Government—it is too big and strong."

O Mr. President, it is our duty to be watchful always. The time to treat cancer is in its incipient stage. The time to stop a leak in the levee down in the Mississippi Valley is as soon as you discover the leak. Are you going to stand off and say, "Why, look at that mighty dam built yonder. That dike will stand forever. That little leak is not going to do any harm. Why, that dike is 2 or 3 miles long. It is 50 or 100 feet wide. A little leak can do no harm."

They used to say that; but the leak would spread. It went deeper and deeper, until finally they saw the river raging through the place where the innocent looking and harmless looking little leak appeared and flooding all the valley below, destroying not only property but human life.

I want us to stop this leak in the American levee to-day. Let us build the dike on the border line between us and foreign countries so compact and strong that none of this filthy literature can come here.

Mr. President, we seize the foreigner at the border line when he fails to show that our laws permit him to be here. If he is smuggled in we seize him and put him out. Are you going to say that it is alright to take a human being, who maybe is fleeing from persecution somewhere, seeking a refuge in another land, and seize him, and bodily hurl him back across the border line, and at same time permit a book filled with danger and poison to our American institutions to come in here and circulate through the country, get into the libraries, and into the home of our people?

If we stop these foreigners at the border line that we believe will be hurtful and dangerous to our civilization, that we know will come in here and take places that belong to patriotic American men and women—if we will do that and put them out of the country, as we should, will we permit to come in the literature written by people with vile minds, written by people who have designs on our Government, people who want to overthrow free institutions, who want to set up the rule of communism here in the United States? Or are we afraid that somebody will think we are fanatical and just fold our arms and let these books continue to come in? We ought not to do it. We must not do that. We have a solemn duty to perform here to-day.

The Senator from Montana [Mr. WHEELER] has read from various college professors. I know a great many of them, and they are very fine men. I know some of them that are not so very fine. One in particular that I have very little respect for is Nicholas Murray, the butler of Columbia University. [Laughter.] When the Senator quoted Nicholas to me he had just about exhausted his list and finished the job. The idea of bringing old Nicholas Murray Butler into a debate in this body!—this old fellow who has challenged the eighteenth amendment and the Volstead Act and stands up and openly advocates the violation of both. He is not loyal to the Constitution. He believes in social equality and teaches a school that admits both negroes and whites on equal terms.

The Senator read a few statements from preachers, and from a Methodist bishop somewhere. Mr. President, I dare say that if I could bring those gentlemen to this Capitol, and take them out here in the President's room, and show them the books that the Senator from Utah had on this floor yesterday, and let them read the indecent and immoral passages contained in them, and then ask them, "Do you ask us to continue to let such literature come in?" practically every authority that has been cited here to-day would hold up his hands in holy horror and say, "No! Shut them out!"

Mr. President, the reason that so many governments back of us have perished is because people whose duty it was to protect them grew careless and indifferent. They reached that dangerous time in their growth and development where those in authority, as some here seem to feel, felt that "it does not make any difference whether we do our duty or not this Government will stand forever."

Why, Mr. President, the people of Rome in the high tide of her power had that feeling. They thought their government would live forever. But, Mr. President, evil from within, mingled with evil from without, wrought her undoing; and Rome, the city of the Cæsars fell down among her beautiful hills and died. Let us profit by her example and by the example of other governments that fell because those intrusted to safeguard and protect them were not true to their trust.

Again I say, that I can not understand how Senators will stand in this body and vote to pass a law and appropriate money to keep out horses and mules and cattle coming in from foreign countries with the foot-and-mouth disease, and not vote for this amendment. We think so much of the horses and mules and cattle of the United States that we spend money, we enact laws, to stop such horses, mules, and cattle at the border line. We will not let them come in; but when it comes to bringing in vile literature, something on the printed page, something that some vile wretch has written maybe to stir up insurrection in the United States, maybe to preach treason through the land, maybe to bring about the overthrow of our Government, they say, "Why, you are going to be very narrow-minded and very intolerant if you should stop that book at the border line. Let it come in. And they do more to protect horses, mules, and cattle from the foot-and-mouth disease than they do to protect the children of the American home.

That is the situation. There is no escape from it. As I said last night, we have passed in this tariff bill item after item protecting American labor and American manufacturers against the cheap labor of foreign countries. We have sought to protect the home market for the American farmer and manufacturer. We stop this product at the border line and say, "You can not come over here, because you are going to injure the army of wage earners yonder. You are going to hurt the manufacturing business of the United States. You are going to take away from them and the farmer the home market. Stop!" And we stop it at the border line. But the attitude of some seems to be: Bring in your vile book, with its pages covered with poison, beautifully bound, to be carried around amongst the young men and the young women of the country to poison

their minds and make Bolshevists out of them, to plant certain dangerous European ideas in their heads, to root out American ideals; and what do you do? You do that, and in time you have a people who care nothing for your country. You have a multitude of dangerous "isms" here, stalking around in the temple of liberty, deadly evils to this Government of the western world.

Mr. President, we seize the alien who is brought in by one of these hired agents who makes money slipping people into the United States—and they have them. They have organizations gotten up for the purpose of smuggling people into the United States. It has been a lucrative business. One of them was arrested in Germany a few months ago. He was charging so much a head to bring people into the United States and land them far in the interior. Why, we have become the dumping ground for the criminal refuse and the unfit hordes of foreign countries. My resolution will put an end to it. You seize that fellow at the border; you stop him and the fellow he is bringing in, and properly so. You stop them both; you arrest them. But in the case of a vile book that is coming in here, bristling with its poison, with its dangers to free institutions, you say, "That is all right. Permit it to come in."

But let me show you: "Listen: It preaches insurrection. It is deadly to our American Government. Listen. It advocates force and violence against your lawful authority. It preaches treason against this, the greatest Government in all the world. It attacks the American Constitution. It assails the American flag. Would you permit that to come in?" And they say, "Yes; let it come in."

You are right in stopping the smugglers. You are right in deporting the alien who has no right to be here. You are right in keeping out agricultural products that have parasites on them that would spread through the United States and injure the American crops. That is all right and proper; but you do nothing to protect the farmer's home. You do nothing to protect the farmer's sons and daughters from poison literature. You do nothing to prevent the army of evildoers from roaming the country, spreading their poisonous doctrine against the finest people in the freest and greatest Government in all the world. O Mr. President, what are we coming to?

I have read some of this vile communistic literature. It is being preached around now. That that I have seen is a devilish doctrine. One of the dangerous and shameful things they teach is that the dead line pertaining to social and marriage relations between the white and the black races should be abolished. Race pride and purity and the protection of the great white race is absolutely essential to the preservation of the American Republic. God Almighty had a purpose in making the white man superior to every other race under the sun.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HEFLIN. I will.

Mr. WHEELER. Is not the Senator mistaken? Was not that the doctrine of the Republican Party during the days of reconstruction? If I recall correctly, that was the doctrine preached by Thaddeus Stevens and Charles Sumner and some other leaders of the Republican Party.

Mr. HEFLIN. It is true that a few of the leaders at that time did advocate social equality; but what I am speaking about now, and what I particularly had in mind, was the devilish doctrine of the communists who have invaded the South. In North Carolina not long ago one of them made a speech at Charlotte, and he said that they must wipe out the line between the white and black races in all things and have social equality—a dangerous and a damnable doctrine.

Mr. Lincoln said in his debate with Douglas in 1859 at Charleston, Ill.:

> I am opposed to making voters or jurors of negroes. I am opposed to marriage between negroes and whites.

He said further:

> As long as the two races remain together there must be the position of the superior and the inferior, and I, as much as anyone else, favor the white race occupying the superior place.

Mr. President, I understand that just this morning the Senate confirmed the appointment of a negro judge for the District of Columbia named Cobb. I opposed his appointment before, when he was appointed by Mr. Coolidge, and to-day the junior Senator from South Carolina [Mr. BLEASE], when he made his objection, said, "I ask that the nomination go over," and the Senator from New Hampshire, the President pro tempore, replied, "The nomination goes over," which meant it would not be acted on to-day.

I have learned since that time that the nomination was put through later in the morning. I, as well as four or five other Senators near me on this side, were opposed to his confirmation. I voted against it before, and I would vote against it now.

Mr. WHEELER. Mr. President, I was not here, and I do not know anything about the judge about whom the Senator is talking. Was he a judge of a Federal court?

Mr. HEFLIN. The negro judge named Cobb, here in Washington.

Mr. WHEELER. Appointed as a judge here in the police court?

Mr. HEFLIN. He was first appointed by President Coolidge, and his term expired last night.

Mr. WHEELER. By whom was he appointed?

Mr. HEFLIN. He was reappointed by Mr. Hoover.

I am told that President Wilson appointed a negro judge here while he was in the White House. I was not in the Senate then. My understanding was that that negro was to try only negroes. If this negro is to be judge in the District of Columbia, he must confine his jurisdiction to the negroes, just as was done under the Wilson appointment, as I understand it.

Now, getting back to this communistic doctrine; they have communistic literature, and I have heard of some of them saying in their speeches, "Down with the Government and to hell with the Government of the United States."

Mr. President, that is not "liberty"; that is "license" of a dangerous and deadly character. I want a citizen always to have a right to criticize his Government. I want him to have the right to say wherein it is going wrong, and wherein it should be restrained, where its conduct should be changed, and all that, but whenever one of these flannel-mouthed foreigners gets into this country and stands on his soap box and curses the flag and damns the Republic he ought to be dealt with severely—he ought to be deported; he ought to be gotten out of this country. Whenever they attempt to get into this country literature which preaches sedition or treason, we ought to stop it at the border line, and destroy it, and put heavy punishment upon the person who seeks to bring it in.

We are talking about the most vital thing that affects the life of the Republic at this moment. What is going to be our policy regarding the literature that our children shall read in the years to come? What will be our policy of protection to the youth of the United States in the matter of the literature they must read? Shall we declare that nothing but good and wholesome literature shall come in, or shall we permit a foreign influence—and it is at work here to-day—to bring that literature into this country and spread it with its evil influence over this Nation of ours?

Oh, these alien influences are busy. They are busy around this Capitol to-day. I charge that they are exceedingly busy. They do not want any restriction upon this poison foreign literature.

I plead for my country against them and all that they represent in the foreign lands. I want only wholesome literature to come in. If this deadly stuff is not here, the people can not read it. It it is here, some of them are going to read it. There are a good many "smart alecks" around who suggest this risqué literature. A boy gets hold of it and reads it, and he tells a boy friend and he reads it, and the first thing we know they are quoting it to the girls, and its devilish work has been begun, and God only knows to what extent its poison will spread.

I am not trying to put a fence around the American citizen. I want him to have his full rights in every particular. He is going to have them as long as I am a member of this body. But I do want to say to the writers and the printers of this devilish, filthy literature, "You can not make a dumping ground of my country for this indecent and immoral literature." As the able Senator from Florida [Mr. TRAMMELL] said to-day, "We are not going to furnish you a market for that literature. We are not going to let you bring it here and spread it through the homes of the Nation, carrying a poisonous doctrine which aims at the overthrow of our free institutions in the United States."

Mr. President, it is my duty to stand for my country first. I regret very much that the Senator from Utah has intimated that he is willing to have this language stricken out. I agree with the Senator from Tennessee that we must have a vote on that language.

We are going to put it back in the amendment. The Senator from Montana tells us that it is already in the law, and I ask him, then, what objection he has to repeating it in this measure?

Mr. President, we can not repeat too often the statement that this Government must be protected at any cost against the vile poison of anybody in any foreign land.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.



Mr. BARKLEY. Merely in the interest of accuracy, it probably ought to be stated that the present law carries no provision against the admission of treasonable or seditious literature. It is limited to obscene, immoral, and vulgar literature.

Mr. HEFLIN. I thank the Senator for that suggestion. More the reason for putting it in this, because the law we have is not sufficient to reach this particular offense.

Mr. BARKLEY. If the Senator will yield further, we have a very drastic provision preventing the sending of such literature through the mails.

Mr. HEFLIN. After it gets here.

Mr. BARKLEY. Yes; but there is in the present law no provision preventing its importation into the country.

Mr. HEFLIN. Mr. President, that is a strong point. Here in the United States we realize how dangerous and deadly such literature is, and we place pains and penalties against its circulation through the United States mails. Here we are solemnly considering permitting this stuff to come from other countries into our country where it can be circulated. If we have a law against its circulation in the United States, why should we not prevent it ever entering the United States?

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. TRAMMELL. There is nothing about that, I think, that is astonishing from the viewpoint of some. It merely gives a preference to the foreign literature, and it gives an exemption to the foreigner to criticize and to advocate the overthrow of the American Government, and publish whatever seditious and obscene literature he wants to. In other words, it just gives a preference to the foreigners. American people who might write some obscene book, or might be guilty of some seditious utterance, if they want to send it through the mail, can not do it, but a foreigner can bring it in freely. Some want them to have the right to do that.

Mr. HEFLIN. Precisely. As the Senator from Florida says, we punish the man here who writes such stuff and seeks to send it through the mail, but the man just over the border, 15 feet beyond the man who is prevented on this side of the border, can write such literature and send it in freely, as the Senator says, unless we do something to prevent its coming in.

Why not complete the job and stop it at the border line and keep it out? That is what I am pleading for. I would keep this poison literature out of my country as I would seek to keep poison out of a well.

I love the American Republic. I want to see it live forever. The way to preserve it is to protect it all the way along its journey by those who are sent here to be guardians of its sacred rights and interests. The people back home expect us to do whatever is necessary to protect their rights and interests.

Mr. President, I want to see the Senate settle this important matter right here to-day.

Mr. TRAMMELL. Mr. President, will the Senator yield again?

Mr. HEFLIN. I yield.

Mr. TRAMMELL. In view of the Senator's comment in regard to Nicholas Murray Butler, I just want to ask him if he thinks he is qualified to pass on this question because he has not taken a trip abroad as Doctor White had? He referred to Doctor White having taken a trip abroad, and inferred that because he had, he was much better qualified than an American who had never taken a trip abroad. Ninety-nine per cent of all the Americans in this country have never taken a trip abroad, and they are the people who have to bear the brunt of the battle during peace times and during war times. I want to know if he is qualified as well as Doctor White is.

Mr. HEFLIN. The Senator is right. I imagine old Nicholas has been over a number of times.

I have observed this, too, I want to say to my friend the Senator from Florida, that a great many of those who do go abroad frequently become imbued with European ideas and with European ideals, and they come back here and unconsciously begin to spread them around in the United States.

As for me, I would rather accept the sound, common-sense view on real Americanism as I find it in the merchant at the crossroads store, in the village and town, of the farmer in his field, in the South or East or West, or almost any patriotic American who has never had his foot off of American soil. I would rather take his judgment and count on him to protect and preserve the American home and the American Government than I would these fellows who are gallivanting across the ocean every summer into foreign lands and coming back with strange, dangerous, and exceedingly liberal ideas to tell us how to run the Government of the United States.

Mr. TRAMMELL. Mr. President, it just occurred to me that George Washington, of whom we have heard a great deal, never had to go to Europe.

Mr. HEFLIN. But he scared a lot of fellows half to death who came here from Europe.

I suggest to some of these high brows who are so fond of this European literature, who oppose American ideals and institutions, that they go over to Europe, and God speed them on a long journey. Let them go there and stay just as long as they choose. We will not miss them, neither will we mourn them. [Laughter.]

Mr. President, I think that I have said about all that I care to say upon this subject. It has been discussed very thoroughly before, but the atheistic societies and the communistic societies and the other un-American societies have been busy in opposition to this amendment. We have consumed a great deal of time on this provision, and I am going to demand a roll call on it. I want to hear the Senator's voice, and I want to see his name in the RECORD who will vote solemnly to strike out of this amendment the words "insurrection and treason." Let him brand himself if he chooses. I shall not do that.

I plead for the boys and girls who can not hear me to-day. I plead for the rights and interests of those back in the homes in the States of this Union. I plead for the God-fearing men and women of the United States. I plead for the common masses of the common people of my country. I plead for my Government, for its preservation. Senators, we can not go too far in protecting our Government against this evil.

The Bible teaches us to abstain from every appearance of evil. Mr. President, when they bring this poisonous literature in we know what it means. We have already seen it. The anarchist, Czolgolz, who murdered McKinley, had read this kind of literature. He said he had. He had read literature that defiled his mind and urged him to the dastardly deed of striking down one of the kindliest Americans that ever walked this earth, a great American President, who was murdered by the offspring of this anarchistic and communistic doctrine in the United States. Let us be true to those who sent us here and protect the boys and girls of America from the indecent, obscene, and immoral literature of foreign countries.

Mr. TYDINGS. Mr. President, in the consideration of this proposition it would be most unfortunate for the Senate to lose its sense of proportion and be swept off its feet by prejudice, international hatreds or antipathies, or other elements in that category. I have listened to the earnest and, I am sure, sincere remarks of the Senator from Alabama [Mr. HEFLIN]. I believe he feels intensely about this matter, and it is not with a sense of taking issue in a personal sense with him that I rise to comment upon some of the statements he has made.

I believe that historians 300 years from now will say that the Congress of the United States was one of the most barbarous law-making bodies in the history of all mankind. It is true that we appropriate millions of dollars for child welfare. It is true that we appropriate millions of dollars to prevent the spread of the hoof-and-mouth disease. At the same time in this very Chamber we have voted to poison the alcohol which unfortunates may drink, giving them the death penalty for violating a sacrosanct law. My God, governmental murder in the name of righteousness! Where is the Christianity or the Judaism or the Buddhism or any other semblance of real religion in a government that would take the life of its citizens for no greater crime than imbibing a glass containing an alcoholic beverage?

I have heard it said that the Roman Empire declined because it tried to standardize everything throughout its confines. I have heard it said that the Roman Empire declined because it was corrupt. I have heard it said that the Roman Empire declined because the people grew prosperous and thought no more of the institutions of government. In fact, we can attribute the cause of the decline of the Roman Empire to any situation which may come to mind. It seems to have declined from every imaginary fault which the world has ever known. Let that be as it may.

For myself, I do not want to be saved by legislation, poor sinner that I am. I do not want Senators to try to save me and to personally conduct me to heaven. I want to do that myself. I hope I am no weakling. I do not want to come to Senators and ask what books I may read. If I want to read any particular book I want to read it, and I am not afraid I will go to hell and damnation 5 minutes or 10 minutes or 10 years after I have read it.

How do we make an athlete? We teach him to lift heavy loads and, by tackling that resistance, we build up his muscles and make him a premier among men of prowess. How do we

train the oarsman on the river? He pulls long hours against the current, building the muscles in his arms, making them strong by the resistance they offer. How do we train the runner? We take him out on the track and there he jogs for hours at a time, strengthening the muscles in his legs and in his body and improving the capacity of his lungs. It is only by that sort of contact, bearing the burden, that we build strong, physical and self-reliant men. Yet we are attempting to build strong mental men by taking away from them everything that will make them self-reliant.

Senators, there is no logic in that procedure. If sin could be completely abolished by legislative enactment, we would be a nation of morons, because there would be nothing to develop the individuality and the spirit of resistance in each of us. Every man in this Chamber who has achieved anything of moral character has done it because he has engendered within himself the ability to resist.

I do not want to be a good man simply because the law forbids me to do some untoward thing. I want to save myself. What good is any kind of salvation if it is achieved only at the point of the bayonet or threat of the prison bars? Let us go to the greatest lawgiver of all time, Jesus Christ. Did he attempt to build a moral grandeur by force? No! He sought to inculcate into the hearts and minds of mankind truths which would enable them, through teaching and application, to resist the temptation of this short journey we call life.

I do not think it is either fitting or kind, nor is it tolerant nor is it fair, to belittle the inhabitants of other nations. I believe that many of these nations have a culture which we could well emulate. They have produced great writers and great painters. They have given to the world masters in the field of music and architecture, science and medicine, philosophy, and what not. I regret to say that our record in the United States of America, great as it has been in material prosperity, is away down the scale in many respects when we compare our spiritual and artistic achievements with the achievements of many foreign countries.

Three years ago I was one of those so-called foolish people who went abroad. I went to Russia, not for the purpose of having a good time, because one can not have a good time there, but to examine the experiments of Bolshevism without the propaganda that is apt to be inserted in it by partisans who may write about Russia. I did not like hundreds of things I saw there, and one of the things I did not like was that the circulation of any kind of literature, if circulated on a wide scale, I would say to the Senator from California [Mr. SHORTRIDGE], which sought to change the present form of Russian government was considered a capital offense. Russia did not want anything about democracy coming into that country.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator yield to the Senator from California?

Mr. TYDINGS. I yield.

Mr. SHORTRIDGE. Since the Senator is making an argumentum ad hominem and does me the honor to refer to me, may I ask him whether he believes in enacting a law excluding and making impossible the introduction into our country of deadly drugs, deadly narcotics, such as opium?

Mr. TYDINGS. No, not completely. But that is not comparable.

Mr. SHORTRIDGE. I had been led to think that the Senator, thoughtful, observant, well informed, agreed with me and many others that it is wise to keep out, if we can, and prevent the introduction into our country of deadly narcotics which, used ignorantly and excessively, bring about moral, physical, and mental ruin to our people.

Mr. TYDINGS. Did the Senator interrupt me for a question or does he want to go along on that subject? I have answered his question.

Mr. SHORTRIDGE. It was immediately a question I desired to ask. If I may ask him again, though perhaps he has already made answer, I inquire whether he is opposed to the introduction of such narcotics? He has answered, as I understand, that he is not opposed completely to introduction of these deadly poisons.

Mr. TYDINGS. The medical profession needs some of them in cases, does it not? Will the Senator permit me to ask him a question?

Mr. SHORTRIDGE. The Senator may do so.

Mr. TYDINGS. We all admit that of course opium is the most vile and pernicious form of narcotic. Science has shown that tobacco contains a great deal of a drug kindred to opium, which is nicotine, and that even coffee contains caffein. Is the Senator contending that we should eliminate tobacco and coffee from use by the American people, and either way will he give his answer?

Mr. SHORTRIDGE. I have too great and profound respect for the Senator from Maryland to think that he considers there is any parallel or relation between the two propositions.

Mr. TYDINGS. Neither is their between books and opium. The Senator does concede that while the very, very pernicious thing, the ultimate in perniciousness, might be excluded, there are other things which might be said to be mildly injurious physically, but he would not want to go to the extent of eliminating them entirely.

Mr. SHORTRIDGE. Does the Senator desire me to make answer to that observation?

Mr. TYDINGS. The Senator said so.

Mr. SHORTRIDGE. There is no parallel whatever as between the articles mentioned and the deadly narcotic, the thing denounced by the pure food law.

Mr. TYDINGS. There is no parallel between the deadly narcotic opium and the books that are reclining on the Senator's desk, because I can read those books one hundred times and they will not affect me in the least, but I can not take opium one hundred times because it would affect me.

Mr. SHORTRIDGE. I make cheerful public admission that nothing of that character could affect the Senator from Maryland, he being immune from any such thing physicially, morally, and mentally.

Mr. TYDINGS. I admit that I am not in a class with the Senator from California, who comes to Congress and asks for a law in order that he may be saved. I have said that I want to save myself, that I do not want Congress to save me. The Senator, however, on the other hand, wants Congress to save him.

Mr. SHORTRIDGE. On the contrary, I feel quite competent to take care of myself, but I reecho the words of the eloquent Senator from Alabama; I am thinking of others not of myself. [Laughter.]

Mr. TYDINGS. So am I thinking of others. I know we are all our brother's keeper. I dislike to use the illustration I am about to use, for by doing so it may be assumed that, because in the past I have shown a distaste for a certain recently adopted amendment which has been incorporated into our Constitution, I want to enter upon that type of argument. May I say sincerely that I do not want to do that? But I appeal to the logic of any man in this Chamber as to the absolute hypocrisy of barring from the mails literature because it may contaminate the minds of some one, on the one hand, and poisoning alcohol so that it will kill the man who drinks it, on the other hand.

Talk about saving your fellow men! At this very session of Congress a majority of this body, almost with unanimity, will vote to insert a provision into the law that all alcohol made in this country shall be in accordance with a certain formula, when everyone knows that if that alcohol shall be drunk the verdict will be death. The idea of saving our fellow men, that we are our brother's keeper, when right in this very session of Congress we shall vote to poison alcohol, so that if anybody drinks it, illegal and crime though it be, he shall suffer either blindness or death! Who will stand with me to save my fellow man on that contention? Will the Senator from Alabama do it? Will the Senator from California do it? That is life and death. I still have a chance if I read an immoral book, but will Senators join hands with me in saving human life? No; they will vote again to poison the alcohol so that anyone who may break the law may suffer the death penalty. My God, we have called foreigners a lot of illiterates and degenerates, but we ourselves commit murder in the name of governmental honor on the floor of the Senate. Oh, let us save where life is at stake, and not where a transitory excursion into some book may contaminate a few of our brain cells.

In the city of Washington I to-day obtained the police statistics showing the arrests for drunkenness of persons under 21 years of age in this Capital City of the United States. Before prohibition, in 1917, 113 persons under 21 years of age were arrested by the police for drunkenness, and in 1927, 422 persons under 21 years of age were arrested in the Capital of our country, and 13 of those were under the age of 17 years.

There was a time when we went out to save humanity, and what a mess we made of it! I do not want to dwell on that particular subject now, because I do not want the wet angle to get mixed up in the censorship angle, but what a mess we made of saving our fellow man with so-called righteous legislation!

Rome, my friends, did not fall because of corruption. I will tell you why all governments fail. It is because the men who are elected to the seats of power in a moment of cowardice

surrender the philosophy which has made their countries great. The pressure of the mob behind them; the fear of losing their seats saps their manhood, perchance, and in a moment of weakness or indecision the harm is done, and the philosophy of the nation is changed.

We come to Congress now where we once went to God. We once went to church to get our religion; we once used to think that moral advancement and progress were the result of teaching. Now, we take the club and beat it into the man, and, perchance, if we make him good with a bayonet's point at his back we say, "Look, no longer does he sin," little realizing that the show of righteousness is not worth a continental, because it is involuntary and not voluntary.

As I have said heretofore—and I shall conclude my remarks with the statement—it is but another evidence of the tendency to substitute man's plan for God's plan; to substitute a code of laws for the teaching of the Holy Bible. If I may rely upon the statement of St. Paul again to prove my point, may I call attention to those priceless words he uttered when he said:

If righteousness comes by law, then Christ is dead in vain.

Make men good by law! Think of all the things they do; destroy them all if you can, and you will have the greatest race of ninnies and nincompoops that ever made up the population of any country on the face of the earth. I, for one, do not want to be saved except through my own efforts. I want mental freedom to think and to form my own conclusions, and if in the game of life I have not the moral courage or the stamina to run the race, then I ask not for the reward. We are pulling down the whole top of our civilization and culture to help a few fellows who may be down below—God pity them—but in order to save those few we are pulling down the whole structure of American philosophy, culture, learning, and civilization.

Think of the men who brought this country into being; imagine them as ghosts sitting here in this Chamber. They fought for the right of local self-government, and after they had framed the Constitution in a few essential elements, they said all power not given to the Congress is reserved—to whom? To the States and the people thereof.

They had looked into the history of every government which had preceded theirs; they were not idle thinkers; they were students, and under their philosophy of government we have expanded into a mighty and great Nation. But now, rich and prosperous, forgetful of their principles and the turmoil and the sacrifice and the struggle which they endured, we wish to turn it all upside down and take all the power away from the people and the States, so that every time a farmer wants to plow a furrow he will have to write to the Secretary of Agriculture for a permit.

There may be some definition which, carefully worded, should be inserted in this measure. There may be a type of book, the extreme "opium" type of book that ought to be excluded, and if a definition which can be constructively applied shall be offered I will vote for it; but this thing of taking every little bit of ill-assorted language, taking one paragraph out of a book where the truth may be told, and condemning a fine work because, perchance, of a sentence or a word or a paragraph or a page is wrong, and we will never develop any mentality worth anything so long as we pursue that course.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me an interruption?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from California?

Mr. TYDINGS. I yield.

Mr. SHORTRIDGE. The Senator believes in free speech, I assume.

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. The Senator believes in a free press?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. Does the Senator think that free speech gives full freedom to utter any word that the speaker may desire to utter or free press gives full freedom to publish anything one may desire to publish?

Mr. TYDINGS. Free speech gives me the right to say practically anything I want to say.

Mr. SHORTRIDGE. Does not the Senator recognize that there is such a thing as slander?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. And such a thing as libel?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. And that, therefore, there are limitations to the right of free speech?

Mr. TYDINGS. No.

Mr. SHORTRIDGE. And limitations to the right of a free press?

Mr. TYDINGS. There are no limitations on the right of free speech. What the Senator is referring to is the punishment for a violation of the right of free speech, which is an entirely different thing.

Mr. SHORTRIDGE. We have not now under the law absolute and unrestrained freedom of speech, have we?

Mr. TYDINGS. Yes; we have. Under the law I can say anything I wish to say that comes into my mind.

Mr. SHORTRIDGE. But the Senator is answerable for it if it is violative of the law.

Mr. TYDINGS. The reason I do not use words which would not be pleasant or fitting in this Chamber is because I have no inclination to use them.

Mr. SHORTRIDGE. Precisely.

Mr. TYDINGS. It is not because I am afraid to use them or because the Government says I can not use them.

Mr. SHORTRIDGE. But the point I wish to develop and as to which I wish to get the Senator's view is this: We have the right of free speech and the right of free publication, but is it not a wise provision of our laws that those rights are limited by the law?

Mr. TYDINGS. As I have said to the Senator, they are not limited. One is only punished if he violates the privilege.

Now, may I say to those who take issue with me upon this amendment that if they would go with me this minute over to a newstand, we will say the newstand at the Union Station—and I have not been there for two or three months except to buy a newspaper—I would be almost willing to pledge my word that they could find displayed upon that newstand first of all a magazine showing a perfectly naked woman; secondly, that they could find a character of story which, though perhaps not written so charmingly or as delightfully as some of the stories which have been on the Senator's desk, is written for the masses of the people, is founded on sex, and has hardly any limitations if the reader has any imagination whatsoever. Nobody crusades against that condition.

Mr. SHORTRIDGE. Mr. President, does the Senator approve of that?

Mr. TYDINGS. No, I do not; but I say, let us clean out our own house.

Mr. SHORTRIDGE. One evil does not justify another.

Mr. TYDINGS. Oh, yes, I understand that; but I would much rather clean out this evil, which has fifty times the circulation and the vogue as the evil which is occuping our attention at this moment. But who rises here to eradicate that evil which is fifty times more pernicious and which is perpetrated for the masses of the people?

Anyone who has read Rabelais can see that the average man would understand him with difficulty. I do not claim to be a brilliant scholar. I have tried to wade through some of the pages of it in the past, and I think a great deal of it is the driest reading I ever put my mind to. There is no life in it. The words themselves are unusual words wherever one can be used. I should like to give a copy of Rabelais to some man upon the street and ask him to read 10 pages of it and tell me what it means. I venture to say there is not one in a thousand that we would stop upon the sidewalk who could say what the philosophy of Rabelais was. Yet that is the kind of book we are trying to keep away from the masses—a book which 99 per cent of the people would drop after they had read the first three lines, because there is no life or essence in the thing at all. Yet we have upon our own newsstands, in comparison with that, hundreds, thousands, millions of magazines every year to which we close our eyes and howl about the foreign importations coming into America. Why, it is ridiculous!

Mr. President, I want to conclude by repeating that nothing will undermine the foundations of this Republic like a loss of faith in the individual man. The minute the Government has to take care of individuals who make up its population, you need not worry about the future of your Republic; its doom is sealed. I have faith in the ability of the average American to withstand the temptations of life. I know he is self-reliant enough not to succumb to such influences as are mentioned here. Therefore I rise in support of the amendment of the Senator from New Mexico, because I have faith in the people of America, because I believe that more harm will be done by the exclusion of the classics than by the admission of a few books that only a small percentage of our population will ever read, and because if we achieve governmental and civic righteousness in America as a result of legislation and force it is my sincere and firm belief that the end of this Government is in sight.

The parallel is, let us close every church from now on, and make the Ten Commandments statutory propositions. Let us define punishment for each of them, even including the injunc-

tion to love your neighbor as yourself. Let us do away with all godly teachings, call out the Army, and make righteousness compulsory. That is what we are doing in this bill.

For my part, I want to get to heaven in my own way; and I am glad to say that I do not have to ask the Members of the United States Senate to show me the way, because I believe none, or at least few, of them know more about it than I myself know.

Mr. BLACK. Mr. President, I desire to suggest an amendment to the amendment offered by the Senator from Louisiana, if it is in order. If it is not in order, I wish to suggest it to him and ask if he will incorporate it.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The Chair would have to rule that the amendment is not in order.

Mr. BLACK. I desire to suggest to the Senator from Louisiana that on line 6 the line be made to read as follows:

Containing any matter advocating or urging treason or insurrection against the United States.

That does not change the effect that the Senator intended by the amendment he had.

Mr. BROUSSARD. Mr. President, the Senator from Georgia has spoken to me about this. I thought the wording of the amendment as proposed means the same thing, but there seems to be a doubt in the Senator's mind about it. Inasmuch as that is the intention, I should have no objection to revising my amendment in that way.

The PRESIDING OFFICER. Does the Chair understand that the Senator modifies his amendment?

Mr. BROUSSARD. I do.

Mr. COPELAND. Mr. President, I desire to give notice of my intention to move a reconsideration of the action taken yesterday on paragraph 1545, relating to sponges, and paragraph 1554, relating to umbrellas.

Having given that notice, how long do I have before I must make the motion?

The PRESIDING OFFICER. The motion having been entered, it can be taken up at any time before the bill is passed.

Mr. COPELAND. I thank the Chair.

The PRESIDING OFFICER. The question is on the perfected amendment submitted by the Senator from Louisiana [Mr. BROUSSARD] to the amendment submitted by the Senator from Utah [Mr. SMOOT].

Mr. HEFLIN. I ask to have the amendment stated as it would read with the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The CHIEF CLERK. The Senator from Louisiana now modifies his amendment so as to reinstate in the amendment of the Senator from Utah the following words:

Containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. BROUSSARD], as modified, to the amendment of the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I am very sure that our good, patriotic friends are borrowing a lot of trouble about this matter. The law already, it seems to me, makes ample provision for the conditions to which this amendment is addressed.

Section 4 of the Criminal Code, title 18, of the United States Code, provides:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than $10,000, or both; and shall, moreover, be incapable of holding any office under the United States.

Any person who incites any rebellion or insurrection against the United States becomes amenable to this; and if one introduces into the United States matter urging treason or insurrection against the United States, he falls foul of this particular statute. Accordingly, Mr. President, the case is very much better taken care of in my mind by a provision making that criminal, and punishing that by heavy penalty, than by the procedure that is provided for by this amendment.

Mr. BROUSSARD. Mr. President, is it not equally true that we have laws against the circulation of obscene literature in the United States?

Mr. WALSH of Montana. We have a statute prohibiting the passage of it through the mails.

Mr. BROUSSARD. To my mind, it seems that the two cases are similar. I wish to call the Senator's attention to the fact that he has read a statute which applies to the territory of the United States, but this deals with the importation of literature which advocates or urges treason, and that is quite a different thing. If there is no necessity for a law against the importation of anything which advocates or urges treason, insurrection, or forcible resistance, then there would be no necessity for any of this amendment at all relating to other features of it.

Mr. WALSH of Montana. The Senator ought to bear in mind that there is a law against the passage of obscene matter through the mails, but that is all.

Mr. BROUSSARD. Yes.

Mr. WALSH of Montana. The person may carry the books in, and there is no law to prohibit him from doing it. We are providing here against the introduction of it in that way, because there is not any Federal law that will reach it after it gets into the United States.

Mr. BROUSSARD. Inasmuch as I offered the amendment, may I be permitted to say this:

I do not know that there is any necessity for any law at all other than that suggested by the amendment of the Senator from New Mexico [Mr. CUTTING]; but when this amendment was offered, and then on the floor to-day the provision under discussion now was withdrawn, it seemed to me that it was an invitation for anyone to send to this country the sort of literature referred to by the amendment I have offered.

Inasmuch as there is no law with reference to the importation of that literature any more than there is with reference to the importation of other matters contained in the Smoot amendment as modified by the amendment of the Senator from Montana [Mr. WALSH], it seemed to me necessary that we should put back these words which the Senator from Utah withdrew. I hope the Senate will not appear in the light of having offered an amendment believed to be necessary, and then withdrawn, which might result in the belief that we are inviting such literature.

Mr. WALSH of Montana. Mr. President, I hoped that I should be able to bring to an end the interminable discussion of this matter upon so small an issue as is now presented. It is perfectly clear that one who introduces into the United States matter of this kind that is actually treasonable in character, or urges treason or insurrection, incites treason or insurrection falls foul of this criminal statute, with a heavy penalty. In that situation of affairs, so long as there is some objection—and I have the objection myself, which I shall presently state—against incorporating this other provision in the bill, I can not for the life of me see why anybody should prolong this debate for the purpose of keeping it in.

Mr. BROUSSARD. I merely want to ask the Senator if he will be kind enough to show the necessity for adopting the other parts of the amendment and leaving this out—the difference in the law.

Mr. WALSH of Montana. I tried to tell the Senator.

There is no law making it a crime against the United States to offer for sale, for instance, or to have in one's possession, any of this obscene matter, so long as it does not pass through the mails. If the owner passes it through the mails, then he commits a crime against the Federal law; but, except for that, so long as he holds it in his own possession he may go to the dock and load up a dray with all of these obscene books and literature, and he may take that literature to any bookstore in the city of New York, and it may be put upon the shelves and sold, and there is no Federal law to prohibit him so long as he does not put it through the mails. Therefore we need this statute with respect to the obscene literature, but we do not need it with respect to the literature that urges treason or insurrection against the United States.

Mr. BROUSSARD. Does not that indicate that we should legislate with reference to the sale and distribution of this matter otherwise than through the mail, rather than to adopt this amendment?

Mr. WALSH of Montana. No; it does not, because we have no power to legislate with respect to that except as to its passage in interstate commerce or through the mails. So long as it remains, for instance, in the State of New York we can do nothing with it from the Federal point of view. So we can not legislate upon that, but we can legislate with respect to literature or books which urge treason or insurrection against the United States, and we have done that.

Mr. HASTINGS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. In just a moment. The statute reads as follows:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than $10,000, or both.

Mr. SHORTRIDGE. And the Senator would reason that the introduction of such types of literature would fall within that section?

Mr. WALSH of Montana. That is, if a person attempts to incite insurrection or treason against the United States——

Mr. SHORTRIDGE. He would violate that section?

Mr. WALSH of Montana. He would violate this section of the statute. So we have taken care of that situation by a penal statute.

I yield to the Senator from Delaware.

Mr. HASTINGS. Mr. President, I want to inquire of the Senator from Montana if it would not be necessary, before anyone could be prosecuted under the act, to have the book actually in his hands in this country. It is the purpose of the amendment to prohibit a book from entering the United States. Of course, if the book is shipped in by somebody in a foreign country, it would be rather difficult for this Government to prosecute that person.

Mr. WALSH of Montana. Yes; but somebody in this country must get it.

Mr. HASTINGS. It is the purpose of the amendment to prohibit them from getting it, is it not?

Mr. WALSH of Montana. Exactly.

Mr. HASTINGS. It would necessitate this Government finding out that they had it, and prosecuting them after that, in order for this statute to apply.

Mr. WALSH of Montana. Exactly, so that if the inspector had an opportunity, under the proposed law, to learn of the character of the book, he would likewise have an opportunity to learn of the character of the consignee, and the consignee would be subject to indictment under the provisions of this act.

Mr. HASTINGS. But under this amendment the inspector does not make any inspection of the books at all. They all come in without any inspection, and he has no obligation to learn the character of the book and tell it to anybody, as I understand it.

Mr. WALSH of Montana. He has the character of the book in the manifest, and he is required to inspect all books, in order to ascertain whether any of them contain any obscene literature, or to make such inspection as will enable him to determine that fact, and, of course, that would enable him to determine the character of the other books. However, that is straining a point.

I must confess that I do not like that provision of this measure. Of course, it is like the case of obscene literature. If all literature that came in were perfectly plainly urging treason against the United States, or insurrection, and there could be no doubt about it, we would want to exclude that literature. But the trouble about the matter is that there are all gradations of literature, some of which one person would construe as really inciting to treason or insurrection in the United States, and other persons would conclude that it did not have that tendency. That is where the difficulty comes in with a statute of that kind.

I am prejudiced against it because of the outrageous construction that was given by many of the courts of this country to what was known as the espionage law, passed during the war. That act provided that—

> Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

In the application of that statute, in the hysteria which attended the war and followed in the years immediately after the war, persons were convicted of all manner of offenses, which, to the ordinary mind, did not fall under the condemnation of the statute at all.

A commentator upon the subject said, I think, with substantial accuracy:

> It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional, though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men have been punished for criticizing the Red Cross and the Young Men's Christian Association. * * * It was in no way necessary that these expressions of opinion should be addressed to soldiers or men on the point of enlisting or being drafted. Most judges held it enough if the words might conceivably reach such men.

The document before me, which I have read with some considerable care, goes on to instance convictions in support of such constructions as these to which I have referred.

Indeed, they were so remarkable in character that in practically all of the so-called espionage cases which came before the Supreme Court in later years the eminent judges of that court, so well beloved by the people of the United States—Justices Holmes and Brandeis—uniformly dissented from the conclusions arrived at.

In the case of Abrams against the United States, reported in Two hundred and fiftieth United States Reports, is found the dissenting opinion of Justice Holmes, in which Justice Brandeis concurred, and in that case the venerable Justice said:

> In this case sentences of 20 years imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. Even if I am technically wrong, and enough can be squeezed from these poor and puny anonymities to turn the color of legal litmus paper; I will add, even if what I think the necessary intent were shown; the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer, not for what the indictment alleges, but for the creed that they avow—a creed that I believe to be the creed of ignorance and immaturity when honestly held, as I see no reason to doubt that it was held here; but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the court.

That is the comment of two Justices of the Supreme Court of the United States concerning what was done under this act, which we thought at the time we enacted it was simply necessary to prevent people from actually obstructing by force or by immediate persuasion the operation of the draft act.

Mr. President, I think there is a well-grounded reason for apprehension that matter will be excluded under a provision of this character, which simply argues for a change in the Government of some kind.

Reference was made to the well-known comment of Thomas Jefferson in his inaugural address, in which he said:

> If there be any who would dissolve our Union or change our republican form of government, let them stand as testimony of the truth that error may be tolerated when reason is left free to combat it.

Of course, everybody realizes that when Thomas Jefferson thus spoke he had in mind the so-called alien and sedition laws, and the law to which I have referred here is sometimes spoken of as the sedition law.

Reference has been made to-day to seditious pamphlets being excluded. What was the sedition law, the counterpart of the alien law passed during the Adams administration? It provided:

> That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000, and by imprisonment not exceeding two years.

In other words, it was made a crime to speak disparagingly of the Government of the United States, or of the President of the United States. That was the sedition law which provoked the antagonism of Thomas Jefferson.

Moreover, Mr. President, there was another provision not unlike that which it is proposed to incorporate in this measure which provided:

> That if any persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to

intimidate or prevent any person holding a place or office in or under the Government of the United States from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination—

In other words, the first paragraph of the sedition law was not unlike this provision here, which condemned a pamphlet intended to incite insurrection against the United States.

What was the result? It was not that that act had been utilized against people who were actually urging insurrection against the United States or rebellion against its authority, but it was abused and made the instrument for the oppression of people who were simply objecting to the administration and who were desirous of having it supplanted by an administration whose views were more in conformity with their own.

What I apprehend is that this provision will be utilized by people with peculiar ideas about our own Government to exclude material which is perfectly outside the domain of urging treason or insurrection against the United States.

Inasmuch as the case is taken care of by the penal statutes to which I have referred, I trust the amendment now offered will not be accepted, but that the amendment will be adopted substantially as offered by the Senator from Utah.

Mr. McCULLOCH. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield.

Mr. McCULLOCH. Is the Senator from Montana under the impression that the amendment of the Senator from Utah still contains the criminal provision?

Mr. WALSH of Montana. No, it does not.

Mr. McCULLOCH. How can the remarks of the Senator from Montana, then, be pertinent to the pending amendment, the remarks going entirely to the criminal feature?

Mr. WALSH of Montana. The Senator has misapprehended me. I have called attention to a separate statute now in existence making criminal the incitement of treason or insurrection.

Mr. McCULLOCH. But the Senator contends that the amendment of the Senator from Utah, if it is amended as the Senator from Louisiana has suggested, might result in oppression of the nature that would result from the operation of the statute to which he has referred, which could not at all happen under the pending amendment. It only means, I submit to the Senator from Montana, an additional safeguard. We are attempting to stop seditious literature at the border, and there can be no oppression of the nature the Senator from Montana has suggested with the criminal feature of this amendment eliminated.

Mr. WALSH of Montana. The Senator has not been attending to what I said. I called attention to the fact that, at the present time, the introduction of materials falling within the amendment proposed by the Senator from Louisiana, is made a criminal offense.

Mr. McCULLOCH. That is so. It is made a criminal offense, but there can be no oppression resulting from the amendment of the Senator from Utah, he having stricken out the criminal provisions, if the amendment of the Senator from Louisiana is included.

Mr. WALSH of Montana. I have endeavored to show how that oppression could occur. Evidently I have not satisfied the Senator from Ohio?

Mr. McCULLOCH. The Senator from Montana has not at all satisfied me on the question.

Mr. WATSON. Mr. President, may we not have a vote?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana to the amendment of the Senator from Utah.

Mr. WATSON. May the amendment be reported?

The PRESIDING OFFICER. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 1 of the amendment of the Senator from Utah, in line 5, after the word "drawing," insert the words "containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to the laws of the United States, or."

Mr. BORAH. Mr. President, I do not desire to take any time to discuss the matter in case we are ready to vote. If there is to be further discussion, I shall want to say something.

Mr. WATSON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). When the vote was taken on this question in Committee of the Whole the Senator from Illinois [Mr. DENEEN], with whom I have a general pair, then voted as I expect to vote now. I vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is paired with the junior Senator from Tennessee [Mr. BROCK]. If the senior Senator from Minnesota were present, he would vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. That pair, as I understand it, stands upon the amendment now pending, but not upon the main amendment. Therefore I shall have to observe the pair, but if I could vote I would vote for the pending amendment to the amendment.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Illinois [Mr. DENEEN], and vote "yea."

The roll call was concluded.

Mr. BLEASE (after having voted in the affirmative). I have a pair with the Senator from Connecticut [Mr. WALCOTT], but I understand he would vote as I have voted, and therefore I let my vote stand.

Mr. HAYDEN. The senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. If present, he would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Vermont [Mr. GREENE] with the senior Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 54, nays 24, as follows:

YEAS—54

Allen	Goff	McNary	Steck
Barkley	Goldsborough	Metcalf	Steiwer
Bingham	Grundy	Moses	Stephens
Black	Hale	Oddie	Sullivan
Blease	Harris	Overman	Swanson
Broussard	Hastings	Patterson	Thomas, Idaho
Capper	Hatfield	Phipps	Townsend
Connally	Hebert	Pine	Trammell
Couzens	Heflin	Ransdell	Vandenberg
Dale	Kean	Robinson, Ind.	Walsh, Mass.
Fess	Keyes	Robsion, Ky.	Waterman
Fletcher	McCulloch	Sheppard	Watson
Glass	McKellar	Shortridge	
Glenn	McMaster	Smoot	

NAYS—24

Blaine	Dill	Jones	Pittman
Borah	Frazier	Kendrick	Schall
Bratton	George	La Follette	Tydings
Brookhart	Hayden	Norbeck	Wagner
Copeland	Howell	Norris	Walsh, Mont.
Cutting	Johnson	Nye.	Wheeler

NOT VOTING—18

Ashurst	Gillett	King	Smith
Baird	Gould	Reed	Thomas, Okla.
Brock	Greene	Robinson, Ark.	Walcott
Caraway	Harrison	Shipstead	
Deneen	Hawes	Simmons	

So Mr. BROUSSARD's amendment to Mr. SMOOT's amendment, as modified, was agreed to.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3 of the amendment of the Senator from Utah, line 19, after the period, insert:

Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

Mr. CUTTING. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I yield.

Mr. CUTTING. In connection with the vote just taken I ask permission to have inserted in the RECORD the vote on a similar provision taken on October 11 last, which will be found published at page 4472 of the CONGRESSIONAL RECORD of that date.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. BLACK. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I should prefer not to do so at this time.

Mr. BLACK. Then I shall have to object to this matter going in until I have had an opportunity to make my statement.

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Alabama for the purpose of making a statement?

Mr. BRATTON. With the indulgence of the Senator, I should like to obtain a disposal of the pending amendment to the amendment of the Senator from Utah.

Mr. BLACK. That is all right if I may be allowed to place my remarks immediately after the vote which has just been placed in the RECORD at the request of the Senator from New Mexico.

Mr. BRATTON. Very well; I yield to the Senator from Alabama.

The VICE PRESIDENT. Without objection, the request of the junior Senator from New Mexico [Mr. CUTTING] is granted.

The vote referred to is as follows:

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WAGNER (when Mr. COPELAND'S name was called). My colleague [Mr. COPELAND] is necessarily detained from the Senate by illness in his family.

Mr. JONES (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is compelled to be absent, and I promised to take care of him on this vote. I do not know how he would vote if present, and therefore I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. FRAZIER (when Mr. NYE'S name was called). My colleague [Mr. NYE] is paired on this question with the junior Senator from New Jersey [Mr. KEAN]. If my colleague were present and permitted to vote, he would vote "yea," and I understand that the Senator from New Jersey would vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. Burton] to the senior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. HASTINGS (when Mr. TOWNSEND'S name was called). My colleague [Mr. TOWNSEND] is paired with the senior Senator from Mississippi [Mr. HARRISON].

Mr. WALSH of Massachusetts (when his name was called). On this question I have a pair with the junior Senator from Rhode Island [Mr. HEBERT]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Georgia [Mr. HARRIS]; and

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS].

Mr. SHEPPARD. I desire to announce that the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. STEPHENS], and the Senator from Wyoming [Mr. KENDRICK] are necessarily detained from the Senate on official business.

Mr. ROBINSON of Indiana (after having voted in the negative). Mr. President, I have had throughout the session a general pair with the junior Senator from Mississippi [Mr. STEPHENS], and I am not clear whether that pair continues or not. Assuming it does I transfer the pair to the junior Senator from Maine [Mr. GOULD] and allow my vote to stand.

The result was announced—yeas 38, nays 36, as follows:

Yeas—38: Messrs. Black, Blaine, Borah, Bratton, Brookhart, Broussard, Caraway, Connally, Couzens, Cutting, Dill, Fletcher, Frazier, George, Gillett, Glenn, Hawes, Hayden, Howell, Johnson, King, La Follette, McKellar, McMaster, Norris, Pine, Pittman, Ransdell, Robinson of Arkansas, Simmons, Steck, Thomas of Oklahoma, Tydings, Wagner, Walcott, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Nays—36: Messrs. Allen, Barkley, Blease, Brock, Capper, Deneen, Fess, Goff, Goldsborough, Greene, Hale, Hastings, Hatfield, Heflin, Keyes, McNary, Metcalf, Moses, Oddie, Overman, Patterson, Phipps, Reed, Robinson of Indiana, Sackett, Schall, Sheppard, Shortridge, Smith, Smoot, Steiwer, Thomas of Idaho, Trammell, Vandenberg, Warren, and Watson.

Not voting—21: Messrs. Ashurst, Bingham, Burton, Copeland, Dale, Edge, Glass, Gould, Harris, Harrison, Hebert, Jones, Kean, Kendrick, Norbeck, Nye, Shipstead, Stephens, Swanson, Townsend, and Waterman.

So Mr. CUTTING'S amendment was agreed to.

Mr. BLACK. Mr. President, the statement has just been made that the vote which was placed in the RECORD was upon a matter similar to the amendment upon which we just voted. That is correct in so far as similarity in the amendment as it then appeared is concerned. The situation, however, is entirely different, and there is no inconsistency whatever in having voted one way upon the amendment in the conditions under which it was offered at that time and having voted another way in the conditions under which it is offered to-day, for the reason I shall state.

I stated at that time my inherent objection to having books censored by a clerk of the Secretary of the Treasury. That objection I still have. I insisted upon that objection last night. If there had been offered the same amendment to-day which the Senator from Utah [Mr. SMOOT] offered last night, I should not only have voted against it but I should have spoken against it. But the proposal upon which we have just voted is entirely different and distinct. In the first place, the political offenses set forth are narrowed. They are specifically limited now to urging treason or insurrection against the United States or forcible resistance to any law of the United States. No one would contend that the commission of either of those three offenses would not be a violation of law to-day. No one would contend that an attempt to commit either of those offenses would not be a violation of law. It not only would be a violation of law, but it should be a violation of law.

The objection I had to the original proposal was not with reference to the definition but it was on account of the fact that a clerk in the Treasury Department was left with the discretion to determine what came within the definition, the man whose property was taken from him being deprived of a trial in a court of law.

Mr. BORAH. Mr. President, is it not true yet that the clerk passes upon it?

Mr. BLACK. It is not. It is true to this extent, that in instituting the proceeding the clerk passes upon it. Some one must pass upon whether a proceeding shall be instituted. Some one must pass upon whether or not a proceeding will be instituted for violation of the prohibition law, whether or not a proceeding will be instituted for committing burglary or any other crime. In the amendment, however, as it was offered heretofore it was necessary to appeal from the action of the clerk before one could obtain the benefit of the law and of trial by a tribunal.

Mr. BORAH. In case the clerk stops the book, what will be the procedure now?

Mr. BLACK. Under the procedure now proposed the matter is referred to the court for action. The book is seized, and a report is made to the district attorney for a charge to be preferred in court, and there can be a trial by jury. That is the difference, and it is a distinct and vital difference.

Now, when a man is charged with violating the prohibition law—take that as an example—some one prefers the charge. It is preferred either by indictment or by an affidavit and warrant of arrest. The deputy sheriff does not pass upon the case. If he should, it would be contrary to our constitutional principles. That was the basis of the opposition I had to a clerk under the Treasury Department of the United States acting as a censor to determine what could and what could not be read by the people of the United States.

Now, when we narrow this clause down to the three distinct provisions, first, urging treason; second, urging rebellion or insurrection against the United States; third, urging forcible resistance, and at the same time the matter is carried to the court, where it should be carried in the first place, I do not anticipate the consequences which followed under the old alien and sedition law.

Therefore it seems to me, Mr. President, that the Senator from New Mexico [Mr. CUTTING] has won a distinct and decided victory. It seems to me that the Senator from New Mexico has contributed greatly to the subject under discussion. We have, as a result of his efforts, at the present time an amendment offered by the Senator from Utah [Mr. SMOOT] which is entirely separate and distinct and different from the proposed law as originally insisted upon by the Senator from Utah.

Due to the efforts of the Senator from New Mexico, under this amendment, as now framed, instead of having books censored by a clerk in the Treasury Department, that clerk merely passes upon the question as a deputy sheriff does in other cases of the violation of the law, and a proceeding is then instituted before a legal tribunal where the man who owns the book has the right to have a trial by jury.

I congratulate the Senator from New Mexico upon having brought about this great improvement in the system. I do not mean that there may not be a difference of opinion as to whether or not with reference to the three items referred to this power should be given to a court. It is my judgment, since we have prohibited treason under the law, since we have prohibited rebellion under the law, and since we have prohibited forcible resistance under the law, that certainly it would be very inconsistent to vote against an amendment which merely includes in the list of the proscribed publications those which urge the citizens of the country to violate the very laws which to-day are written upon the statute books.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. I yield to the Senator.

Mr. SHORTRIDGE. I think there should be a clear understanding as to the procedure under the present law. The

customs official seizes a given book, holding it to be condemned by the law and not to be admitted under the law. If the importer claims the right to have the book entered, he may take the matter before a division of the Customs Court. If the judge or judges condemn the book, an appeal lies to the Customs Court of Appeals and Patents. If that appellate tribunal affirms the ruling of the division, then the book is excluded. That, I understand, is the procedure under existing law. Under the suggested amendment, if the customs officer seizes a book, the case is turned over to the district attorney of the district, who institutes proceedings in the district court for the confiscation and destruction of the book. In such proceedings any party in interest may demand a jury to determine the facts in issue, and an appeal or right of review is given as in ordinary actions or suits.

But, in any event, whichever procedure shall be made the law, the book in question will remain in custody until a final decision. Is that not a correct statement of the two kinds of procedure?

Mr. BLACK. That is substantially correct.

Mr. SHORTRIDGE. Wherein is it not accurate?

Mr. BLACK. I am not sure as to absolute accuracy with reference to the first so-called trial before the appeal is taken, and I desire to say now in order that there may be no misunderstanding——

Mr. SHORTRIDGE. Mr. President, will the Senator from Alabama permit me——

Mr. BLACK. I wish first to say this: If this clause of the so-called Smoot amendment, as it now exists, shall be stricken out and the old method is restored, I shall then vote for the amendment of the Senator from New Mexico, and vote to strike out not only the clause which has just been inserted but shall vote to strike all of it out, because I do not believe in the principle of permitting a customs inspector to act as censor of books for the people of this Nation.

Mr. SHORTRIDGE. Mr. President, I merely wish to observe, if the Senator will indulge me, that a question had arisen among certain Senators as to what became of the book pending the proceedings. I wish it to be made perfectly clear to all that the book remains in custodia legis until final disposition of the case.

Mr. BLACK. The Senator is correct in that, just as in the case of prohibitive liquor it remains in possession of the officer until the case is tried.

I have simply made these remarks, Mr. President, in order that it might not appear that the vote taken on this amendment was a change on the part of those who had originally voted against a provision striking out the same clause.

Mr. CUTTING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BLACK. I yield.

Mr. CUTTING. I should like to take this opportunity of saying that nothing should allow the Senator to believe that I had not given him full credit for believing thoroughly in his position on this as on all other matters in connection with the bill. Of course, I realize the question as it comes up now is not precisely as it came up before.

Mr. BLACK. I understand. I simply suggested that in order that the record might be absolutely clear, and because, furthermore, I had wanted an opportunity to give credit where credit is due for a great improvement in the law which will result if the amendment offered by the Senator from Utah shall be adopted. That credit, in my judgment, goes directly to the Senator from New Mexico for the great fight he has made in the interest of the cause which he has espoused. In my judgment, it is a forward step and one which can well be considered a progressive step.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. McKELLAR. I merely wish to make a statement.

Mr. BLACK. I yield the floor.

Mr. McKELLAR. Mr. President, I merely desire to make a brief statement. I was one of those who voted in favor of the amendment of the Senator from New Mexico when it was previously under consideration. In addition to what has been so well set forth by the Senator from Alabama, the amendment is wholly different from the other amendment and the facts are wholly different. Either consideration would justify the vote that has just been cast in favor of this amendment. In so far as consistency is concerned, it is not worth a thrip with me. I am quite sure, in view of the amendment and of the facts, that I have made no mistake in the vote I have just cast. I am entirely satisfied with it. If anyone thinks it is inconsistent, let him think so; it is no matter of mine. I would a thousand times rather be charged with inconsistency than to be charged with being afraid to put foreigners who would bring into the United States material advocating or urging treason, advocating or urging insurrection, or advocating or urging forcible resistance to the laws of the United States upon the exact plane of American citizens. I think that foreigners ought to be so treated. I have so voted, and I have no apology to make for it however many votes may be put in the RECORD concerning this question.

Mr. BRATTON. Mr. President, if disposition can be made of the pending amendment, I have one to follow.

The VICE PRESIDENT. The amendment offered by the Senator from New Mexico will be stated.

The LEGISLATIVE CLERK. On page 3 of the amendment, in line 19, after the period, it is proposed to insert:

> Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment offered by the Senator from Utah.

Mr. JOHNSON. Mr. President, may I inquire of my friend from New Mexico is not that the obvious consequence?

Mr. BRATTON. I fear not. Other provisions of a general nature in the law may counter with such provisions in this section. The amendment is intended to complete the section, and to set up a completed machinery so far as dealing with books of this character which are imported are concerned.

Mr. JOHNSON. I have not the slightest objection to the amendment to the amendment, but it seems to me that if there is a determination that the book does not come within the purview of the section it follows as a matter, of course, that it can come in.

Mr. BRATTON. The section, however, provides for confiscation. It may not give the right to take it out of the hands of the customs collector once he has acquired possession of it, and the amendment merely provides, when the question has been adjudicated that the book or material does not fall under the ban of this particular section, it shall not thereafter be excluded on account of this section.

Mr. SMOOT. Mr. President, I do not think the amendment is necessary, but I see no objection to having it go in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment offered by the Senator from Utah.

The amendment to the amendment was agreed to.

Mr. BRATTON. I send forward another amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 3 of the amendment of the Senator from Utah, line 10, after the word "provided," insert a semicolon and the following:

> And no protest shall be taken to the United States Customs Court from the decision of the collector.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. McKELLAR. Who offered that amendment?

The VICE PRESIDENT. The Senator from New Mexico [Mr. BRATTON].

Mr. SMOOT. May I ask the Senator a question? I have just seen the wording of the amendment. As I understand, the effect of the amendment will be to leave it up to the district courts entirely. Is not that the object of it?

Mr. BRATTON. Mr. President, we are providing in this amendment a complete system in relation to the particular kinds of books and material specified; that is, that when the collector seizes them he shall certify the question to the United States attorney. The United States attorney shall institute the proceedings in the United States court; and during the time the matter is being determined by the court the owner or importer shall not have the right to appeal to the Court of Customs Appeals.

Mr. SMOOT. Mr. President, this amendment changes the whole theory of the bill. I hope it will not be agreed to.

Mr. WALSH of Montana. O Mr. President, I am sure the Senator from Utah has the wrong idea about that. In my estimation, the amendment now offered is really not necessary; but it is only offered by the Senator from New Mexico to "make assurance doubly sure." I am satisfied that we are providing here another system for the determination of these matters; and that would necessarily exclude a review of any supposed decision of the collector by the Court of Customs Appeals.

This is only a declaration of what I am sure is already implied in the provision. I am sure it does not change the declaration in any degree whatever.

Mr. SMOOT. Let me read the wording of it.

Mr. BRATTON. Mr. President, let me state my position.

The VICE PRESIDENT. The Senator from New Mexico declines to yield at this time.

Mr. BRATTON. We are providing, by the amendment proposed by the Senator from Utah, that when books or material of the specified class arrive at the port of entry, and the customs collector seizes them, he certifies the question to the United States district attorney. That sets the judicial machinery in motion. We have provided that the question at issue may be determined either by the court or a jury upon the demand of either party, with the right of appeal. We have further provided that if the court determines in that proceeding that the book or material does not come within the ban of the statute, it shall not thereafter be excluded under this particular section. So we have provided a complete machinery as to books or material of this particular class; but other provisions in the bill authorize an importer to appeal to the Court of Customs Appeals when his material is seized.

I am not sure that this special provision abrogates or eliminates by implication the general language in the bill. If not, in a case of this character the customs collector could certify the question to the United States district attorney; he could initiate the proceedings as the amendment provides, and at the same time the importer under the general law could appeal to the Court of Customs Appeals, thus setting the general machinery in motion. Thus, we would have two proceedings going on contemporaneously—one under the special amendment and the other under the general law.

This amendment simply provides that where the question is certified by the collector to the district attorney, the importer shall not have the right to appeal to the Court of Customs Appeals. In other words, it makes the machinery set up in this amendment exclusive so far as dealing with books or material of this class is concerned.

The Senator from Utah would not want such an anomalous condition as two separate proceedings going on at the same time involving the same question.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. BRATTON. I yield to the Senator.

Mr. PITTMAN. We will assume that a book of the character that is prohibited in this act is seized by a customs inspector in New York, and he notifies the United States attorney of having seized the book, and the importer appeals to the Customs Court, and the Customs Court orders that the book be released. In that kind of a conflict, what is the customs officer going to do?

Under the law as it exists to-day it is his duty to turn the book over to the importer. Unless we do state emphatically that while these proceedings are going on with regard to this book, as provided, the importer shall be divested of his right of appeal, he can appeal under the existing law and the Customs Court could release the book and the holder of it would have to turn it loose.

Mr. BRATTON. And perchance the Court of Customs Appeals might decide one way and the United States court might decide the other way.

Mr. WALSH of Montana and Mr. TRAMMELL addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I yield first to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, because of such a condition which would result I am perfectly satisfied that the court would hold that this is the exclusive remedy and accordingly it does no harm at all to declare in the act that it is exclusive.

Mr. BRATTON. Precisely; and I am surprised that the Senator from Utah should raise any question about it.

Mr. TRAMMELL and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I yield first to the Senator from Florida.

Mr. TRAMMELL. Mr. President, I think the two recourses should be optional for the importer; either one or the other. If he sees fit to follow the course of procedure for taking appeals through the customs officials, I think that should be optional. Of course, this amendment now seeks to make exclusive the court procedure. I think, as stated by the Senator from Montana, that would be exclusive anyway; but if that is the purpose of the legislation, I see no reason why the Senator's amendment should not be adopted. I just want to ask, however, if the Senator does not think the importer should have the option of either course?

Mr. BRATTON. No; because this amendment, as it now stands, makes it mandatory upon the collector to certify the question to the district attorney. Therefore, that machinery must be set in motion; and unless this amendment is adopted, if the court should hold that the remedy here provided is not exclusive of general law, there might be a conflict as I have stated.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator yield further?

Mr. BRATTON. I yield.

Mr. TRAMMELL. I appreciate that the Senator's position is correct; but it seems to me it would be better from my viewpoint, as I look at the matter, to amend it so that he would have the option of proceeding in either way.

Of course, we have a difference of opinion about this; but I consider the machinery through the customs officials far better and that it will be more satisfactory to the importers and to the people of the country than to have it assigned to courts scattered hither and thither throughout the country, with no uniform rule and no trained people upon the court to pass upon these questions. So I think the importer ought to have the option of selecting either method of procedure.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. BRATTON. I do.

Mr. SWANSON. I think the amendment offered by the Senator from New Mexico is very important if we do not want to have conflicting jurisdiction; but it seems to me it could be very easily accomplished on page 3, after line 15, by inserting "which court alone shall have jurisdiction of such matter."

The Senator's amendment does that, in effect.

Mr. BRATTON. That is the sole effect of the amendment.

Mr. SWANSON. That is the effect of it, but it could be accomplished very simply in this way. Then it would read:

> Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized, which court alone shall have jurisdiction of such matter.

Perhaps the amendment does that anyhow; but I think it is important to put that in.

Mr. SMOOT. Mr. President——

Mr. BRATTON. I yield to the Senator from Utah.

Mr. SMOOT. I still can not see why the protest should not be taken first to the Court of Customs Appeals.

Mr. BRATTON. Because we are providing a special system through which to deal with the books specified in this amendment. That system should be exclusive. It is complete. It invests jurisdiction in the United States courts, with the right of a jury trial and the right of review.

If the Government calls that machinery into play, certainly the Senator from Utah would not want the importer to appeal to the Court of Customs Appeals and perhaps have conflicting judgments rendered, one holding that the material is not to be excluded and directing the collector to return it to the importer, and the other holding that it should be confiscated and destroyed. What would the collector do, let me ask the Senator from Utah, if this amendment is not adopted, and an importer should appeal to the Court of Customs Appeals, and that court should hold that his book or material was admissible and direct the collector to admit it, and at the same time, through the procedure prescribed in this amendment, the United States district court, or let us say the Supreme Court of the United States on appeal, should hold that the book did fall within the ban of the statute, and direct the collector to destroy it?

Mr. SMOOT. Who would take the appeal in that case?

Mr. BRATTON. The Government would take the appeal.

Mr. SMOOT. The Government, as I understood the Senator, through the Customs Court, had decided that it was admissible. Who is going to take the appeal, now, to a superior court?

Mr. BRATTON. Mr. President, I am constrained to believe that the Senator does not understand the situation. In the one case, under the amendment, the Government initiates the proceeding. That is, under the Senator's amendment the Government initiates the proceeding by the collector certifying the question to the United States attorney.

Let us suppose that the United States court holds against the importer, and he appeals to the Supreme Court; or let us sup-

pose that the United States district court holds in favor of the importer, and the Government takes an appeal to the Supreme Court of the United States. Suppose, in either event, that the Supreme Court of the United States should render a final judgment that the book was indecent and immoral and direct the collector to destroy it. Let us suppose that at the same time the importer has appealed to the Court of Customs Appeals, and that court holds with him and directs the collector to return the book. What is the collector going to do? Which judgment will he obey and which will he disregard?

Mr. SMOOT. It seems to me that 90 per cent of all the cases that will arise, if they went to the United States Customs Court, would be settled there—yes, more than 90 per cent of the cases.

Mr. BRATTON. But we have undertaken here to set up an exclusive method of dealing with books and material of this class and character. We discussed that question at length last evening and to-day—that as to this particular class of material we have legislated completely, giving the right of jury trial, the right of appeal, and providing that it shall be determined by the United States court instead of the Customs Court.

Mr. SHORTRIDGE. Mr. President, I have risen so often, and the statement has been made so many times clearly, that I should not add a word; but, manifestly, if we adopt this amendment, impliedly it is a repeal of the existing law as to procedure in the courts. Of course, the jurisdiction will then be exclusively in the United States district court and not in the Customs Court.

Mr. SMOOT. That is what I say.

Mr. SHORTRIDGE. There is no harm, then, in putting this in. It is surplusage; it is unnecessary; but put it in.

Mr. BRATTON. That may be true by necessary implication; but the amendment I have offered accomplishes it expressly—the very thing we all desire.

Mr. SMOOT. Let the amendment go into the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the Senator from Utah as amended.

Mr. SIMMONS. Mr. President, before the vote is taken, I wish to say that I am going to vote for the amendment offered by the Senator from Utah because it removes the objection I had to this provision before. My objections are the same as those expressed by the junior Senator from Alabama [Mr. BLACK] with regard to the matter.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The amendment made in Committee of the Whole as amended was concurred in, and it is as follows:

In lieu of the matter inserted in the amendment made in the Committee of the Whole as a substitute for subdivision (a) of section 305, beginning on page 286, line 10, insert the following:

"SEC. 305. IMMORAL ARTICLES—IMPORTATION PROHIBITED

"(a) Prohibition of importation: All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

"Upon the appearance of any such book or matter at any customs office the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided, and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

"In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury, and any party may have an appeal or the right of review as in the case of ordinary actions or suits."

The next amendment on which a separate vote was reserved was on page 379, line 4, "Entry of merchandise."

Mr. SMOOT. Mr. President, the amendment on page 379, subsection (h) was concurred in, and now I wish to take up on page 380, paragraph 484 (j), "Release of merchandise." I send an amendment to the desk.

The VICE PRESIDENT. The clerk will report the amendment offered by the Senator from Utah.

The LEGISLATIVE CLERK. On page 380, the Senator from Utah proposes to strike out lines 14 to 25, inclusive, and to insert in lieu thereof the following:

(j) Release of merchandise: Merchandise shall be released from customs custody only to or upon the order of the carrier by whom the merchandise is brought to the port at which entry is made, except that merchandise in a bonded warehouse shall be released from customs custody only to or upon the order of the proprietor of the warehouse. The collector shall return to the person making entry the bill of lading (if any is produced) with a notation thereon to the effect that entry for such merchandise has been made. The collector shall not be liable to any person in respect of the delivery of merchandise released from customs custody in accordance with the provisions of this section. Where a recovery is had in any suit or proceeding against a collector on account of the release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for such release by the collector, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector, but the amount so recovered shall, upon final judgment, be paid out of moneys appropriated from the Treasury for that purpose.

Mr. SMOOT. Mr. President, the purposes of this amendment are as follows:

First. It permits the release of merchandise from customs custody upon the order of the carrier, the bill in its present form requiring release only to the carrier; second, in order that the collector may have proof that entry has been made, it permits the collector to retain the documents, other than the bill of lading, upon which entry has been made; and, third, it provides that where a recovery is had against a collector on account of release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for his action or that he acted under official direction, no execution shall issue against the collector, but the amount recovered shall be paid out of money appropriated from the Treasury. The third provision is substantially the law with respect to the liability of collectors of internal revenue.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole as amended was concurred in.

The next amendment on which a separate vote was reserved was, on page 427, paragraph 526, "merchandise bearing trademarks."

Mr. SMOOT. Mr. President, I understand the Senator from Georgia is interested in this paragraph, as well as other Senators.

Mr. GEORGE. Mr. President, it will be recalled that when this paragraph was before the Senate as in Committee of the Whole it was debated at some considerable length, and I believe that I had more to say than almost anyone else in opposition to it.

The amendment was adopted, however, and now the matter which was referred to in the debate has been brought to the attention of the chairman of the Committee on Finance, to wit, the effect of this amendment upon existing treaties.

I have looked into the matter with some care, and I believe the proper course to pursue is to allow the amendment to be concurred in and go to conference, so that the conferees may make any adjustment that may be necessary and in harmony with existing treaties.

Mr. NORRIS. Mr. President, may I inquire of the Senator whether he is talking about the amendment on page 429 or the amendment on page 428?

Mr. GEORGE. On page 428, particularly with reference to the amendment in lines 14 and 15, and subdivision (b) on the same page.

Mr. NORRIS. What is the subject, trade-marks?

Mr. GEORGE. Registered trade-marks and patent notices.

Mr. FLETCHER. Mr. President, I have not examined this particular subject, but I recall in 1916 I was a member of a joint international high commission which held a session in Buenos Aires for about two weeks, and there the foundation was laid for a convention of South American countries with reference to trade-marks and patents. I do not think it had anything to do with copyrights, but it had to do with trade-marks and patents. Following that conference, some conventions were entered into between the United States and certain South American countries, perhaps all Pan American countries.

Among other things, at the time it was urged that whenever there was a patent issued in the United States or a trade-mark registered here, if it was recorded in one of our South American neighbor Republics, it would have the force and effect there it had here, and whenever any of those countries issued a trade-mark or a patent, and it was recorded or registered here, it would become effective, but not before. Those were some of the underlying thoughts at the time, and I know there was some agreement made and some conventions entered into. I was wondering whether this would have any bearing on them.

Mr. SMOOT. No effect at all. This is an entirely different question.

Mr. GEORGE. This is a somewhat different question.

Mr. FLETCHER. Mr. President, if those conventions are in effect, and if they provide that our laws do not apply until the patents or trade-marks are recorded or registered, and vice versa, that their laws would not apply to our patents until they were registered, it seems to me this might have a bearing.

Mr. SMOOT. It has no bearing at all upon the validity of a patent.

Mr. FLETCHER. No; not on the validity, but on the effect of the patent, the protection of the patent or the lack of protection.

Mr. GEORGE. Mr. President, I wish to make an additional observation. There are articles made abroad which are not produced in this country at all. Obviously, there could be no possible reason for prohibiting their entry, although under a trade-mark, or bearing a patent designation, and I direct the Senator's attention to the fact that even if the provision, especially in paragraph (b) can be retained in conference, in view of our existing treaties, there ought to be exceptions from the trade-mark and patent notice provision of any article produced abroad which is not produced at all in the United States. Certainly that feature of it ought to be cared for.

I think the Senator is quite right in asking that the amendment made as in Committee of the Whole be concurred in, in order that it may go to conference.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment on which a reservation was made was, on page 429, line 12, "Wild mammals and birds."

Mr. McNARY. Mr. President, the junior Senator from Connecticut [Mr. WALCOTT] is interested in this provision, and he left in my possession a memorandum concerning it. I ask the Senator from Utah whether he desires to have the matter taken up to-night?

Mr. SMOOT. I had intended to do so. I will say to the Senator that the amendment was offered by the senior Senator from South Dakota [Mr. NORBECK]. He saw me yesterday and asked me to allow the amendment as agreed to as in Committee of the Whole to go to conference, and have the conferees take up the dispute between the House and the Senate.

Mr. McNARY. That conforms to the view of the Senator from Connecticut.

Mr. NORRIS. Mr. President, I want to inquire whether the arrangements made are satisfactory to the senior Senator from South Dakota [Mr. NORBECK], who at the present moment does not happen to be in the Chamber. I know he is interested in this amendment.

Mr. FESS. I am doing now just what the Senator from South Dakota asked me to do.

Mr. McNARY. I had that in mind. Both of the Senators are now absent. I understand that the Senator from Utah is willing to conform to the views of the Senator from South Dakota and the Senator from Connecticut.

Mr. NORRIS. Then we can do it now.

The PRESIDING OFFICER. In the preceding paragraph there were two amendments which should have been concurred in.

Mr. SMOOT. It was understood that both amendments should be concurred in.

The PRESIDING OFFICER. Without objection, the amendments are concurred in.

Mr. McNARY. Mr. President, at this point I should like to have inserted in the RECORD a memorandum which was handed to me by the Senator from Connecticut [Mr. WALCOTT].

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum is as follows:

MEMORANDUM ON PARAGRAPH 527

Paragraph 527, regulating the importation of certain birds from foreign countries, was included in the tariff act with the approval of the Customs Service and the Treasury Department. It was struck out by the Finance Committee apparently under a misapprehension that it referred only to birds protected by foreign laws, whereas it was intended to correct a troublesome situation arising under the regulations of the Department of State, Customs Service, and the Department of Agriculture. The amendment restoring the paragraph was adopted by the Committee of the Whole on March 4 (CONGRESSIONAL RECORD, March 4, p. 4686).

Certain birds and mammals are now given special protection by some foreign countries. Under the consular regulations of the State Department (par. 721 u u 6), consuls are required to warn persons intending to ship any such animals or birds that the necessary authorization should be obtained before the consignment is forwarded, in order to avoid delay or misunderstanding on arrival at the port of entry. The Biological Survey in the Department of Agriculture, which issues permits for foreign birds is frequently subjected to criticism by conservationists and lovers of wild life for issuing permits for such consignments, and officers of the customs are likewise criticized for not finding some way to prevent the entry of species which are specially protected so that the United States may not be made a dumping ground for birds or game illegally captured elsewhere. Section 527 is intended to clarify the present situation and strengthen the efforts of United States consuls and customs officers to prevent smuggling of such shipments by providing a definite method of procedure in all such cases. The disposition of goods is similar to that provided for the disposition of plumage of wild birds, and affords a simple and satisfactory method of disposal by officers of the customs.

Subsection 2 was included in the amendment to except birds and animals entered for scientific purposes only. It is fair to assume that rare species collected for a public museum have been obtained under proper authorization and need not be detained at the port of entry when unaccompanied by a consular certificate until such certificate can be obtained.

Subsection 3 is intended to relieve a situation which has existed for some time under the plumage section of the act by which sportsmen returning from Canada with game birds are required either to pluck their birds, or furnish a bond for the destruction of the plumage in order to comply with the provisions of the plumage clause, before bringing them across the border.

Under paragraph 527 this requirement is eliminated and furthermore the paragraph is worded so that it will not apply to animals or birds brought in for scientific purposes.

Mr. SMOOT. I now ask that the amendment made as in Committee of the Whole be concurred in.

The PRESIDING OFFICER. Without objection the amendment will be concurred in. There are at the bottom of the page two amendments that should be concurred in.

Mr. SMOOT. Yes.

The PRESIDING OFFICER. Without objection they will be concurred in.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Before the Senator from Nebraska offers his amendment the clerk will report the next amendment reserved.

The LEGISLATIVE CLERK. On page 447, paragraph 584, line 4, opium.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. Amend the amendment on page 447, following the word "rem" in line 12, as follows:

Strike out the words "or other executive or warrant officer of the vessel nor the owner" and insert in lieu thereof the following: "nor

any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel," thus causing the original amendment to read as follows: "Except that the master or owner of the vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known that such smoking opium, or opium prepared for smoking was on board."

Mr. McNARY. Mr. President, will the Senator have any objection to a unanimous-consent agreement to limit debate on the proposal?

Mr. HOWELL. I would not like to limit debate. I think probably it will not take any time whatever, though.

Mr. SMOOT. I rather think the amendment is all right. I would like to ask the junior Senator from Oregon [Mr. STEIWER] if he has studied it and whether there is any objection to it.

Mr. STEIWER. Mr. President, if my colleague will yield——

Mr. McNARY. I yield.

Mr. STEIWER. I will say that I have not had time to make a very full examination of the amendment, but my impression is that it is unobjectionable. So far as I am personally concerned I am disposed to accept it.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New York?

Mr. McNARY. I yield.

Mr. COPELAND. I want to be sure about this matter. It is the opium amendment, is it not?

Mr. SMOOT. It is.

Mr. COPELAND. If the amendment proposed should be adopted, what would be the procedure, then, if opium were found on a ship?

Mr. HOWELL. There is no attempt to change the amendment which was adopted in Committee of the Whole, except to clarify the designation of the officers on the vessel. I want to say that the Treasury Department stated that the designation of the officers on the vessel would seem rather indefinite. The Treasury suggested, therefore, that the phrase "neither the master nor any of the officers, including licensed and unlicensed officers and petty officers, nor the owner of the vessel," be used in lieu of the officers now designated in the provision.

Mr. COPELAND. Will the Senator be good enough to tell me this? Suppose there were some opium discovered on a ship?

Mr. McNARY. Mr. President, I have the floor. I am anxious to find out if we can enter into a unanimous-consent agreement to limit debate if the amendment is not to be accepted. I do not want to interfere with the discussion of the senior Senator from New York, but if we could get that understanding it would probably expedite the consideration of the amendment.

The PRESIDING OFFICER. Does the Senator from Oregon submit the request?

Mr. McNARY. If I may have the attention of the Senator from Utah, may I ask if he has agreed upon the acceptance of the amendment proposed by the Senator from Nebraska?

Mr. SMOOT. I see no objection to it.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New York?

Mr. McNARY. I yield.

Mr. COPELAND. I am very anxious to have made clear exactly what is the responsibility of the owners of the vessel and those who operate the ship. No one here can possibly be more bitter about opium and its harmful effects than I am; but I have seen so much of the smuggling of opium that I do not want to put innocent owners and operators and officers of a ship in hazard of the law by any vote of mine. That is the way I feel about it, but I want to understand exactly what the amendment, upon which we are about to vote, proposes and what the significance of it is. That is all. I simply want to be informed.

Mr. STEIWER. Mr. President, will my colleague yield?

Mr. McNARY. Certainly.

Mr. STEIWER. I shall endeavor in just a word to answer the question propounded by the Senator from New York. Under existing law, the owner of a common carrier has no liability at all. The entire liability is upon the master of the ship. The existing law has not been satisfactory from the standpoint of the exclusion of this drug from our country by reason of the fact that the master was usually financially irresponsible or partially so. The fines of $25 an ounce have not been collected except to a very small extent. Therefore it has been felt that there should be a responsibility of some kind upon the owner.

The first amendment suggested placed upon the owner of the common carrier an absolute liability, but provided no way by which the owner might exculpate himself from that liability. I thought it was un-American and unfair. It was debated quite at length and after two days' debate and a vote had, the Senator from Arkansas [Mr. ROBINSON] and I agreed upon the amendment which was then adopted in Committee of the Whole. That amendment agreed to still left upon the owner the responsibility, with a penalty of $25 an ounce, unless the owner could prove to the satisfaction of the court that neither the owner nor the master nor any warrant officer knew or could by the exercise of the highest degree of care have known of the presence of opium on board ship.

To that language and the use of the words "warrant officers" there is some objection, as I understand the Senator from Nebraska, and the customs service proposed, in order to clarify the language, that words be added which will have a definite meaning, that the amendment as adopted in Committee of the Whole be amended by the use of the words contained in the amendment offered by the Senator from Nebraska.

I see no objection to the amendment proposed by the Senator from Nebraska. It places a little greater burden upon the owner because it is not only necessary, under the amendment proposed just now by the Senator from Nebraska, that the owner shall exculpate himself by proving that he did not know, but he must prove that the master did not know and he must prove that none of the officers had knowledge nor could they have known by the exercise of diligence. It does place upon the owner a very severe burden. So far as I am concerned, I am willing that that burden should be placed there because I felt that a law-abiding owner, exercising full care in the selection of his master and in the selection of his licensed and unlicensed officers, will be able to protect himself.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New York?

Mr. McNARY. I yield.

Mr. COPELAND. Under the paragraph as amended a ship traveling around the world might stop in New York and while in the harbor it might be discovered that there was opium aboard. The peace officer or whoever is involved in the matter finding out about it, the Treasury officials or customs officers, would not be able to find the sailor or employee of the ship who brought the opium. In that event the owner or master would be haled into court. Is that correct?

Mr. STEIWER. The procedure suggested by the amendment would be a libeling of the ship by the Customs Service and the owner would be held to the extent of $25 an ounce.

Mr. COPELAND. Would the ship be held?

Mr. STEIWER. Yes; the ship would be held and the owner would be held until the obligation was discharged.

Mr. COPELAND. The ship would be kept in the harbor until then?

Mr. STEIWER. Oh, no; the settled practice in maritime affairs is to bond the ship. I do not think the Customs Service would hold the ship. The shipowners are constantly meeting with some kind of action in rem against their vessels growing out of collisions and actions by members of the crew. They are all prepared on 20 minutes' notice to furnish bond.

Mr. COPELAND. And the burden of proof would be on the owner or the master?

Mr. STEIWER. It would.

Mr. COPELAND. Is that quite fair?

Mr. STEIWER. I am not perfectly sure, but it is a thing that I consented to at the time the amendment was prepared in conjunction with the Senator from Arkansas [Mr. ROBINSON]. He thought the burden ought to be upon the master. Opium is so devastating and the difficulty of its exclusion is so great that I consented that with respect to this particular matter the burden might be upon the owner, feeling that the courts would be just and that an honest man would be protected.

Mr. COPELAND. May I ask the Senator from Utah if there is any protest from the shipowners about the matter?

Mr. SMOOT. Since the amendment was agreed to in Committee of the Whole?

Mr. COPELAND. Yes.

Mr. SMOOT. I have not received a letter.

Mr. COPELAND. Anyway, the matter would be in conference?

Mr. SMOOT. Yes.

Mr. COPELAND. So if they have a grievance it can be thrashed out there?

Mr. SMOOT. Yes.

Mr. KEAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. McNARY. I yield.

Mr. KEAN. How far does this go in regard to the railroad; for instance, railroads in Canada? Who is responsible in the case of a railroad from Canada or a railroad from Mexico?

Mr. HOWELL. Mr. President——

Mr. McNARY. I yield to the Senator from Nebraska.

Mr. HOWELL. The owner is protected either way, to this extent: If he can show the Secretary of the Treasury that he is not to blame, the Secretary can remit the entire fine.

Mr. KEAN. But in the case of the railroad?

Mr. HOWELL. If the Secretary refuses to do it, the owner can go to court. In other words, he now has two chances, while previously he had but one chance. He could go to the Secretary of the Treasury and appeal to his conscience under the circumstances. This provision is that if the Secretary refuses to give relief, then the owner can go to court, and not until the court has decided can he be held.

Mr. BLEASE. Mr. President, if the Senator will permit me, I should like to ask a question.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. McNARY. I yield.

Mr. BLEASE. What does the word "court" mean? Of course, I know what "court" ordinarily means, but does it mean a court and jury, or merely a judge?

Mr. HOWELL. It means a court——

Mr. BLEASE. Does it mean that the question is left in the discretion of the judge?

Mr. HOWELL. I should assume that is true, but I am not an attorney.

Mr. BLEASE. If the Senator from Oregon will permit me a moment further, I do not like this amendment, and I do not like the provision in the shape in which it now is or as last voted on by the Senate, because I believe it is going to open the gateway to more opium than has ever flooded the country. I think it is an invitation to shipowners to bring opium in; I think it is a wide-open invitation to opium dealers to bring it here, and when it comes here there will not be anything done with it. That is exactly what I believe the effect of the language proposed is going to prove to be. However, I am going to leave it without delaying the Senate to the members of the conference committee, and I hope that they will make no mistake, because the Senator from Utah has made a great fight, a successful fight, on the question of obscene books, and the next meanest and lowest down thing we have to deal with is opium. I believe the Senator from Utah will try to see that its admission into this country is properly safeguarded.

Mr. SMOOT. I think opium is one of the greatest curses that afflict the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. SIMMONS. I desire to ask the Senator from Utah if he will not permit me to call up an amendment which I desire to offer in connection with paragraph 1552, on page 239, line 15? The Senate, upon my motion, eliminated from that paragraph the words, "cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper." There was a duty of 60 per cent imposed on those articles in paragraph 1552. The words which I have quoted were by a vote of the Senate stricken out of the paragraph. It was then moved that the articles be placed upon the free list. The Senator from Utah announced that they might go upon the free list, and the whole matter go to conference. There was a viva voce vote, but in the confusion, very few Senators being in the Chamber, the motion to put the articles on the free list was lost. Now, Mr. President, I wish to ask for a reconsideration of that vote.

The PRESIDING OFFICER. Is there objection to the request for a reconsideration of the vote?

Mr. SMOOT. Mr. President, let me tell the Senator the situation as my book shows it to be.

The words "cigarette books, cigarette-book covers, cigarette paper in all forms except cork paper" were eliminated from paragraph 1552, on page 239, but there was no action taken as to where the item should go. I understand the Senator now wants, instead of having the articles fall under the tissue-paper paragraph, which no doubt is where it would fall, in view of the action of the Senate——

Mr. SIMMONS. I think so.

Mr. SMOOT. The Senator wants to put the articles upon the free list. I will say to the Senator that I have no objection to that, with the understanding, of course, that the amendment will go to conference for consideration.

Mr. SIMMONS. Of course, I understand that it will necessarily go to conference.

Mr. FLETCHER. The situation is——

The PRESIDENT pro tempore. Is there objection to the motion to reconsider? The Chair hears none.

Mr. FLETCHER. Mr. President, the Senator does not want his amendment reconsidered.

Mr. SIMMONS. I do not desire my amendment that prevailed to be reconsidered, but the amendment to put the articles on the free list I wish to have considered.

The PRESIDING OFFICER. The Chair is trying to get the question before the Senate. If there is objection to a reconsideration, it will not be before the Senate.

Mr. FLETCHER. What the Senator from North Carolina wants is not that this item be reconsidered, because his motion was agreed to, and it was stricken from the bill; but he moved then to place the articles upon the free list, and that was the question which either was not passed upon or was passed on adversely.

Mr. SIMMONS. That is what I want reconsidered.

The PRESIDING OFFICER. The Chair understands that the motion to put these articles on the free list was rejected and now the Senator from North Carolina wants that action reconsidered.

Mr. SIMMONS. That is correct.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote whereby the amendment to place the articles on the free list was rejected? The Chair hears none. Now, the amendment is before the Senate, and the clerk will report it for the information of the Senate.

The LEGISLATIVE CLERK. The Senator from North Carolina proposes, on page 253, after line 5, to insert:

PAR. 1649. Cigarette books, cigarette-book covers, and cigarette paper in all forms, except cork paper.

Mr. SIMMONS. My understanding is that the Senator from Utah accepts that amendment, with the understanding that the whole question goes to conference?

Mr. SMOOT. I would not want it to be numbered paragraph 1649. Citrons and citron peel are covered by paragraph 1649, so I suggest that the amendment come in between lines 7 and 8, and then we will fix the numbers, because they will have to be changed afterwards anyway.

Mr. SIMMONS. Of course.

Mr. SMOOT. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. Now, Mr. President, if the Senator from Utah will pardon me further, I am bringing these matters up because I can not stay here this evening, and I am not sure I will be able to be here to-morrow. The Senator will recall that I have spoken to him about an amendment on page 120, line 7. I wish to insert, after the words "ad valorem," in line 7, the words "bamboo stems suitable for rug poles, and."

Mr. SMOOT. That would make them carry 45 per cent ad valorem.

Mr. SIMMONS. Yes. While bamboo, the raw material, is on the free list, manufactures of bamboo are dutiable at 45 per cent ad valorem. These stems are nothing in the world except an offshoot of the bamboo, and they are brought into this country in long poles, simply sawed in two, and made available for the purposes of rug poles.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? It is not here.

Mr. SIMMONS. Very well. Mr. President, the raw material is upon the free list, but this offshoot of the raw material, after it is manufactured, is put upon the dutiable list.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 120, line 7, after the words "ad valorem," it is proposed to insert "bamboo stems suitable for rug poles, and."

Mr. SMOOT. May I ask the Senator to change the position of the amendment? Let it come between lines 9 and 10, because we have above that, "all articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier, or willow, 45 per cent ad valorem."

Mr. SIMMONS. I am willing if it will accomplish the purpose I have in view.

Mr. SMOOT. I think it will be better to put it in the place I have indicated.

Mr. SIMMONS. I do not object. I put it at the place I have indicated because it was suggested to me that it was necessary in order to accomplish the object I had in view.

Mr. SMOOT. Let the amendment come in on page 120, line 9, after the words "ad valorem." It does not fit in well in line 7.

Mr. SIMMONS. Very well, I have no objection, if it will accomplish the same purpose.

Mr. SMOOT. Then instead of in line 7, after the words "ad valorem," insert the amendment in line 9, after the words "ad valorem."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah what will be the procedure when we shall have completed the reserved amendments?

Mr. SMOOT. What I should like to do, I will say to the Senator—and I can only say what I should like to do—would be to consider and dispose of the oil and lumber items. Then I shall ask unanimous consent that the Senate take up the bill for individual amendment, schedule by schedule, beginning with Schedule 1, and complete that schedule so that no more amendments may be offered to it; and then to take up Schedules 2, 3, and 4, and so forth, until the bill shall be finally completed. Such an agreement will give every Senator notice ahead that the schedules are to be considered in order and they may be prepared at that time to take them up.

Mr. COPELAND. If I may continue my inquiry, if an article is now on the free list and it shall be desired to put it into one of the preceding schedules on the dutiable list, should we wait until we reach the free list?

Mr. SMOOT. It will be necessary to wait until the free list is reached, and if action shall then be taken striking an article from the free list, immediate action will be taken to put it in the proper schedule in which it would fall in the dutiable list.

Mr. McKELLAR. Mr. President, we have done a pretty good day's work to-day, and I am wondering if we can not take a recess until 11 o'clock in the morning?

Mr. SMOOT. I am going to make such a motion in a very few moments, as soon as we get through with several small items.

The PRESIDING OFFICER. The Chair will advise the Senator from Utah that, on page 189, there is an amendment which has not been acted upon. It is in paragraph 1402, beginning in line 7, relating to a countervailing duty.

Mr. SMOOT. That is a duty on paper board and pulp.

The PRESIDING OFFICER. Yes. The Chair is advised that the amendment has not been acted upon.

Mr. SMOOT. That is true. I think the amendment should be disagreed to.

Mr. McKELLAR. It has not been acted upon as yet.

Mr. SMOOT. The provision referred to is in the exact wording that we have already agreed to restore as affecting coal.

The PRESIDING OFFICER. Coal and lumber.

Mr. SMOOT. The lumber provision was a little different than this. This is the exact wording as the similar provision affecting coal. It applies, perhaps, only to Canada. Whatever action we took on coal we ought to take on this item, and I ask that the Senate disagree to the committee amendment.

Mr. BLAINE. I want to ask the Senator from Utah what Senator is primarily interested in this item?

Mr. SMOOT. The Senator from Maine [Mr. HALE].

Mr. BLAINE. He is not present?

Mr. SMOOT. No; but I am quite sure that what I suggest is in accordance with his desires.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. I want the committee amendment nonconcurred in.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

Mr. COPELAND. Mr. President, I should like to ask the Senator if the countervailing duty on lumber was restored?

Mr. SMOOT. I think it is as the House passed it.

Mr. GOFF. We restored it on coal, and then we restored it on lumber, as I understood, right afterwards by a viva voce vote.

Mr. SMOOT. The reason I had doubt about it was because it was not exactly in the wording of the coal provision.

Mr. McKELLAR. One put it in the hands of the President and the other left it to the law.

Mr. McNARY. Mr. President, I am curious to know the subject which the Senate is discussing now in the matter of the countervailing duty. I can not understand how it arises.

Mr. SMOOT. On page 189, the countervailing duty on pulp and pulpboard was stricken out, with all of the other countervailing duties. Now the action of the Senate is to restore the countervailing duty upon pulp and pulpboard.

Mr. McNARY. It does not affect lumber in any way whatsoever?

Mr. SMOOT. None whatever; just pulp and pulpboard.

Mr. McNARY. Very well. It does not affect the action which was taken by the Senate last night with regard to rough-hewn lumber?

Mr. SMOOT. Not at all.

Mr. SHEPPARD. Mr. President, the countervailing duty on lumber was restored only as to one kind of lumber.

Mr. McNARY. That is true—the rough-hewn lumber.

Mr. SHEPPARD. It was stated at the time, however, that the Senator from Arizona [Mr. HAYDEN] would not be precluded from offering an amendment extending the countervailing duty to the other kind of lumber before we finish the bill.

Mr. SMOOT. Whenever we reach the schedule; that is understood.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Have the reserved amendments been concluded?

The PRESIDING OFFICER. All but the one dealing with Portland cement. That is the only one remaining.

Mr. THOMAS of Oklahoma. Carrying out the suggested wish of the chairman of the committee, I desire to state that I shall not ask unanimous consent, because that would require the presence of a quorum; but I will state that I am ready on my amendment on oil, and I shall be ready at 11 o'clock to-morrow to present the matter to the Senate.

Mr. BROOKHART. Mr. President, I have to be away to-morrow. Will my amendment be reached to-morrow?

Mr. SMOOT. I doubt it very much, because oil and lumber will be taken up, and I think they will take quite a while.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah whether we can not meet at 12 o'clock to-morrow?

Mr. SMOOT. Mr. President, I am going to ask the Senate to recess now, and I want to meet at 11 o'clock. Notice was given that oil would be taken up to-morrow.

Mr. McNARY. Mr. President, I want this understood. The Senator from Oklahoma made the statement that he wanted to take up oil to-morrow. There has been no agreement at all on that?

Mr. SMOOT. None whatever.

Mr. McNARY. That rests entirely within the decision of the body.

Mr. SMOOT. Within the decision of the Senate.

Mr. PITTMAN. Mr. President, I desire to state that I think the Senator from Oregon [Mr. McNARY] is entirely right. Under the rules any Senator may rise, and, if he is recognized, offer an amendment to the text of the House bill, unless there is a unanimous-consent agreement providing some other method.

In the first place, I want to say that I do not believe it is good practice, if a Senator has an amendment to the mineral schedule, to wait until we reach the free list, because if it is adopted it has to go in the body of the bill. We have it just the wrong way. If we adopt an amendment to the mineral schedule, and the mineral is on the free list, it ought automatically to go off the free list; because, whether it is off the free list or not, the courts will construe that it is off the free list.

I have several amendments to offer. They properly should be offered as a part of the different schedules that are existing.

Mr. SMOOT. Certainly.

Mr. PITTMAN. If they are adopted, I do not have to pay any attention at all to the free list.

Mr. SMOOT. I will ask that it be stricken from the free list.

Mr. PITTMAN. If it is not stricken out, the court would strike it out anyway. A prior action could not govern a subsequent action; but I just want to say that I certainly shall have to object, when we are considering different schedules, not to be able to say we propose anything, and have to wait until we get to the free list. I can not do it.

Mr. SMOOT. So far as the free list is concerned, I will see that the Senate acts upon removing from the free list all items that are taken from the free list, and put upon the dutiable list. I do not want a bill carrying an item on the dutiable list and also putting it upon the free list.

Mr. PITTMAN. It would be very complex and foolish, but the court would undoubtedly hold that the item automatically went off the free list.

Mr. FLETCHER. The point is this: The Senator from Utah, in answer to the Senator from New York, said that when we were taking up the schedules, if it was a question of transfering an article from the free list to the dutiable list, we had to wait until we reached the free list. I think that practice is wrong. I agree with the Senator from Nevada, that while we are dealing with the schedules, if we propose to put a duty on an article that is now on the free list, then is the time to do it, and not wait until we get to the free list. The free list can be taken care of when we get to it.

Mr. SMOOT. Mr. President, let us not discuss that question to-night. We can discuss it when we reach it.

FLOOD OF 1927 BELOW ARKANSAS RIVER

Mr. RANSDELL. Mr. President, I ask unanimous consent to have inserted in the RECORD, and referred to the Committee on Commerce, a very interesting study of the effect of the flood of 1927, by Mr. J. P. Kemper, an eminent civil engineer of my State.

There being no objection, the matter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

A STUDY OF THE EFFECT OF THE FLOOD OF 1927 BELOW THE ARKANSAS RIVER WITH SUGGESTIONS AS TO MEANS OF RELIEF, BY J. P. KEMPER, C. E., NEW ORLEANS, LA.

Under the adopted project of flood control contained in the Jones-Reid Flood Control Act, S. 3740, known as the plan of the Army Engineers, fuse plugs are provided at Cypress Creek below the mouth of the Arkansas River into the Boeuf Basin and below the mouth of the Red River, into the Atchafalaya Basin.

These fuse plugs are prearranged weak places in the levee, designed to fail and create crevasses into these basins before the levees protecting other areas become threatened.

Although very expensive, the project will not lessen the frequency of destructive floods, because, naturally, the fuse-plug levees, being neither larger nor stronger than heretofore, will break just as often as the levees broke in the past, about once in four years average. The project simply makes it positive that the breaks will not be into the Yazoo, Pontchartrain, or Lafourche Basins, but will be into the Boeuf and Atchafalaya Basins. While a guide levee is proposed to prevent the flood waters from entering the upper end of the Tensas Basin, the enormously increased volume of backwater which would result from a crevasse into the Boeuf Basin will attack the Tensas Basin from the lower end, backing far up into it with great destruction.

The people of the Boeuf, the lower Tensas, and the Atchafalaya Basins (numbering about 200,000) who are threatened with being thus sacrificed are combating this project, with a view to having it changed or modified into an agency of benefit to them instead of destruction. The matter now seems to be hopelessly tied up in the courts, pending further flood-control legislation which is inevitable, if the work is to go forward.

There is much uncertainty as to what should be done. All of the constituted authorities had backed "levees only" for more than 200 years. There was really but little available data to which to turn in attempting to devise new plans. Not only was the acquiring of data which might be adverse to the "levees only" theory neglected but it was actually condemned by those in authority as being an unnecessary expense. Fortunately, there is a fairly complete record of flood stages for many years back and a less complete record extending back a hundred years or more. There are meager data on flood stages even back to the beginning of levee construction, more than 200 years ago. There is also a limited but very valuable record of discharge observations made by the Mississippi River Commission since its creation in 1879 and also discharge records compiled by that commission from available records before that time. These records will be relied on in the preparation of the following study.

METHOD OF PROCEDURE

This study will be particularly concerned with the flood that arrived in 1927 at the basin lying north of the south bank levee of the Arkansas River near its mouth. It will be attempted herein to measure the volume and intensity of this flood and to see if it can not be taken care of by a less destructive and expensive method than that embodied in the adopted project of the Army engineers.

There are gage stations on the Mississippi River at or near Helena, Ark., which is above the mouth of the White River; on the White River at Clarendon, Ark., and on the Arkansas River at Little Rock, Ark. With the exception of an area of less than 4,000 square miles below these gage stations, the entire run-off of the Mississippi Valley above Arkansas City (a million square miles or more) must pass these gage stations. By gaging the flood at these several stations and adding in the slight run-off from the 4,000 square miles referred to above, the volume that arrived at Arkansas City, or would have arrived had the levees held, is determined. By gaging the flood at Arkansas City up to the date of the Mounds Landing crevasse (April 21) and allowing for the maximum discharge there after that date, it can be determined how much of that flood could have been safely carried down the Mississippi River below Arkansas City. The difference between these two amounts measures the volume of water for which provision must be made in order to take care of a flood of the magnitude of that of 1927.

The period during which the flood will be measured has been selected as beginning on April 10 at Arkansas City and ending on May 22, covering 43 days.

It is estimated that it will require three days for the flood to travel from Helena or Clarendon to Arkansas City and four days from Little Rock. The discharge observation at Little Rock therefore extends from April 6 to May 18, at Helena and Clarendon from April 7 to May 19.

TABLE 1.—*Showing gages and discharges from April 7 to May 19 at Helena, Ark., 307 miles below Cairo and 122 miles above Chicot, Ark., which is the gage station for Arkansas City. Zero of gage, 141.31 feet above mean Gulf level; flood stage, 44 feet* [1]

Date, 1927	Gage	Discharge in second-feet
Apr. 7	50.5	1,257,000
Apr. 8	50.5	1,378,000
Apr. 9	50.8	1,362,000
Apr. 10	51.0	1,366,000
Apr. 11	51.1	1,374,000
Apr. 12	51.8	1,280,000
Apr. 13	52.2	1,292,000
Apr. 14	52.5	1,348,000
Apr. 15	53.0	1,363,000
Apr. 16	53.6	1,400,000
Apr. 17	53.7	1,410,000
Apr. 18	53.9	1,411,000
Apr. 19	54.2	1,408,000
Apr. 20	54.5	1,444,000
Apr. 21	55.2	1,481,000
Apr. 22	55.9	1,523,000
Apr. 23	56.2	1,631,000
Apr. 24	56.4	1,632,000
Apr. 25	56.6	1,634,000
Apr. 26	56.7	1,698,000
Apr. 27	56.7	1,681,000
Apr. 28	56.7	1,522,000
Apr. 29	56.6	1,756,000
Apr. 30	56.2	1,702,000
May 1	55.8	1,709,000
May 2	55.3	1,630,000
May 3	54.9	1,630,000
May 4	54.5	1,607,000
May 5	54.0	1,586,000
May 6	53.5	1,560,000
May 7	53.2	1,538,000
May 8	52.7	1,515,000
May 9	52.1	1,490,000
May 10	51.6	1,468,000
May 11	50.9	1,445,000
May 12	50.1	1,420,000
May 13	49.3	1,395,000
May 14	48.6	1,370,000
May 15	48.0	1,348,000
May 16	47.4	1,325,000
May 17	46.9	1,303,000
May 18	46.5	1,278,000
May 19	46.2	1,255,000
Average	52.74	1,470,000

[1] The discharge observations recorded here were those taken in 1927 at Friars Point between April 7 and May 3, supplemented by records of other years and some interpolations. The average discharge for the 43 days was 1,470,000 second-feet, at an average gage height of 52.74.

TABLE 2.—*Showing gages and discharges from April 6 to May 18* [1] *at Little Rock, Ark., on the Arkansas River, 175 miles above mouth. Zero of gage 222.06 feet above mean Gulf level; flood stage, 23 feet*

Date, 1927	Gage	Discharge in second-feet
Apr. 6	17.5	94,000
Apr. 7	17.4	93,000
Apr. 8	16.4	70,000
Apr. 9	15.5	64,000
Apr. 10	16.4	78,000
Apr. 11	18.8	100,000
Apr. 12	19.0	102,000
Apr. 13	19.4	105,000
Apr. 14	21.4	155,000
Apr. 15	24.6	293,000
Apr. 16	26.9	350,000
Apr. 17	29.2	590,000
Apr. 18	30.2	617,000
Apr. 19	31.0	718,000
Apr. 20	33.0	825,000
Apr. 21	32.8	813,000
Apr. 22	32.6	735,000
Apr. 23	32.0	659,000
Apr. 24	31.0	613,000
Apr. 25	30.4	600,000
Apr. 26	29.6	570,000

[1] The discharge observations recorded herein are those taken in 1927 between Apr. 16 and 24, supplemented by the observations of 1929 and other years with some interpolations. The average discharge for the 43 days was 250,000 second-feet at an average gage height of 21.14.

TABLE 2.—*Showing gages and discharges from April 6 to May 18 at Little Rock, Ark., etc.*—Continued

Date, 1927	Gage	Discharge in second-feet
Apr. 27	28.9	350,000
Apr. 28	27.5	300,000
Apr. 29	26.0	375,000
Apr. 30	24.1	330,000
May 1	22.4	175,000
May 2	20.9	160,000
May 3	19.0	100,000
May 4	16.5	70,000
May 5	14.5	58,000
May 6	14.0	54,000
May 7	13.8	50,000
May 8	13.0	52,000
May 9	13.4	54,000
May 10	14.0	60,000
May 11	16.5	71,000
May 12	17.0	80,000
May 13	16.5	70,000
May 14	15.8	68,000
May 15	14.4	60,000
May 16	12.9	58,000
May 17	11.5	57,000
May 18	10.9	50,000
Average	21.1	250,000

TABLE 3.—*Showing gages and discharges from April 7 to May 19*[1] *at Clarendon, Ark., on the White River, 111 miles above mouth. Zero of gage 149.02 above mean Gulf level*

Date, 1927	Gage	Discharge in second-feet
Apr. 7	28.5	100,000
Apr. 8	28.5	100,000
Apr. 9	28.6	103,000
Apr. 10	28.6	103,000
Apr. 11	28.6	103,000
Apr. 12	28.7	105,000
Apr. 13	28.8	108,000
Apr. 14	29.0	151,000
Apr. 15	29.8	160,000
Apr. 16	30.4	166,000
Apr. 17	31.3	175,000
Apr. 18	32.8	188,000
Apr. 19	36.8	285,000
Apr. 20	40.1	360,000
Apr. 21	42.2	390,000
Apr. 22	43.0	425,000
Apr. 23	43.3	440,000
Apr. 24	43.2	435,000
Apr. 25	42.7	400,000
Apr. 26	42.0	380,000
Apr. 27	41.2	370,000
Apr. 28	40.3	350,000
Apr. 29	39.3	315,000
Apr. 30	38.3	285,000
May 1	37.3	261,000
May 2	36.4	240,000
May 3	35.4	215,000
May 4	34.5	190,000
May 5	33.6	180,000
May 6	32.8	160,000
May 7	32.3	155,000
May 8	31.7	142,000
May 9	31.1	138,000
May 10	30.7	133,000
May 11	30.3	128,000
May 12	30.0	125,000
May 13	29.6	110,000
May 14	29.5	105,000
May 15	29.0	102,000
May 16	28.8	100,000
May 17	28.3	98,000
May 18	28.6	99,000
May 19	28.5	98,000
Average	33.6	204,000

[1] The discharge observations recorded herein are those taken in 1927 between Apr. 17 and 23, supplemented by the observations of 1929 and other years with some interpolations.

The average discharge for the 43 days was 204,000 second-feet, at an average gage height of 33.59.

TABLE 4.—*Showing gages and discharges from April 10 to May 22*[1] *at Arkansas City on the Mississippi River, 477 miles below Cairo. Zero of gage 96.75 feet above mean Gulf level*

Date, 1927	Gage	Discharge in second-feet
Apr. 10	55.0	1,446,000
Apr. 11	55.2	1,483,000
Apr. 12	55.4	1,485,000
Apr. 13	55.6	1,490,000
Apr. 14	55.8	1,501,000

[1] The discharge observations recorded here are those taken in 1927 at Chicot, Ark., between April 10 and 20, supplemented by the observations of other years with some interpolations. The Mound's Landing crevasse, almost opposite Arkansas City occurred on Apr. 21 and the observations were discontinued. The gage immediately began to fall and continued to fall throughout the flood. The averge discharge for the 43 days was 1,362,000 second-feet at an average gage height of 53.06.

TABLE 4.—*Showing gages and discharges from April 10 to May 22 at Arkansas City, etc.*—Continued

Date, 1927	Gage	Discharge in second-feet
Apr. 15	56.4	1,540,000
Apr. 16	57.1	1,603,000
Apr. 17	57.5	1,610,000
Apr. 18	58.0	1,615,000
Apr. 19	58.6	1,628,000
Apr. 20	59.3	1,712,000
Apr. 21[2]	60.4	1,824,000
Apr. 22	57.4	1,674,000
Apr. 23	54.6	1,534,000
Apr. 24	53.9	1,500,000
Apr. 25	53.1	1,460,000
Apr. 26	52.9	1,450,000
Apr. 27	52.7	1,440,000
Apr. 28	52.3	1,420,000
Apr. 29	51.9	1,400,000
Apr. 30	51.6	1,385,000
May 1	51.3	1,370,000
May 2	50.8	1,345,000
May 3	50.5	1,330,000
May 4	50.2	1,315,000
May 5	49.6	1,285,000
May 6	49.3	1,270,000
May 7	49.0	1,255,000
May 8	48.7	1,240,000
May 9	48.5	1,230,000
May 10	48.3	1,220,000
May 11	47.9	1,200,000
May 12	47.6	1,185,000
May 13	47.3	1,170,000
May 14	47.1	1,155,000
May 15	46.8	1,140,000
May 16	46.5	1,125,000
May 17	46.3	1,115,000
May 18	46.0	1,100,000
May 19	45.8	1,090,000
May 20	45.7	1,085,000
May 21	45.4	1,070,000
May 22	45.2	1,060,000
Average	53.1	1,362,000

[2] Mounds Landing crevasse.

TABLE 5.—*The discharges in this table are in thousand second-feet*

Date, 1927	Discharge Helena	Discharge Little Rock	Discharge Clarendon	Discharge ungaged	Total to arrive basin above the Arkansas	Left Arkansas City down river	Stored above the Arkansas	Left storage above the Arkansas	Went out through crevasses
Apr. 10	1,257	94	100	20	1,471	1,446	25	------	------
Apr. 11	1,378	93	100	20	1,591	1,483	108	------	------
Apr. 12	1,362	70	103	20	1,555	1,485	70	------	------
Apr. 13	1,366	64	103	20	1,553	1,490	63	------	------
Apr. 14	1,374	78	103	20	1,575	1,501	74	------	------
Apr. 15	1,280	100	105	20	1,505	1,540	------	35	------
Apr. 16	1,292	102	108	20	1,522	1,603	------	81	------
Apr. 17	1,348	105	151	20	1,624	1,610	14	------	------
Apr. 18	1,383	155	160	20	1,698	1,615	83	------	------
Apr. 19	1,400	293	166	20	1,879	1,628	251	------	------
Apr. 20	1,410	350	175	20	1,955	1,712	243	------	------
Apr. 21	1,411	590	188	20	2,209	1,824	385	------	------
Apr. 22	1,408	617	285	20	2,330	1,674	------	750	1,405
Apr. 23	1,444	718	360	20	2,542	1,534	------	700	1,708
Apr. 24	1,481	825	390	20	2,716	1,500	------	175	1,391
Apr. 25	1,523	813	425	20	2,781	1,460	------	200	1,521
Apr. 26	1,631	735	440	20	2,826	1,450	------	50	1,426
Apr. 27	1,632	659	435	20	2,746	1,440	------	50	1,356
Apr. 28	1,634	613	400	20	2,667	1,420	------	100	1,347
Apr. 29	1,698	600	380	20	2,698	1,400	------	100	1,398
Apr. 30	1,681	570	370	20	2,641	1,385	------	75	1,331
May 1	1,522	350	350	10	2,232	1,370	------	75	937
May 2	1,756	300	315	10	2,381	1,345	------	125	1,161
May 3	1,702	275	285	10	2,272	1,330	------	75	1,017
May 4	1,709	230	261	10	2,210	1,315	------	75	970
May 5	1,630	175	240	10	2,055	1,285	------	150	920
May 6	1,630	160	215	10	2,015	1,270	------	75	820
May 7	1,607	100	190	10	1,907	1,255	------	75	727
May 8	1,586	70	180	10	1,846	1,240	------	75	681
May 9	1,560	58	160	10	1,788	1,230	------	50	608
May 10	1,538	54	155	10	1,757	1,220	------	50	587
May 11	1,515	50	142	10	1,717	1,200	------	100	617
May 12	1,490	52	138	10	1,690	1,185	------	75	580
May 13	1,498	54	133	10	1,665	1,170	------	75	570
May 14	1,445	60	128	10	1,643	1,155	------	50	538
May 15	1,420	71	125	10	1,626	1,140	------	75	561
May 16	1,395	80	110	10	1,595	1,125	------	75	545
May 17	1,370	70	105	10	1,555	1,115	------	50	490
May 18	1,348	68	102	10	1,528	1,100	------	75	503
May 19	1,325	60	100	10	1,495	1,090	------	50	455
May 20	1,303	58	98	10	1,469	1,085	------	25	409
May 21	1,278	57	99	10	1,444	1,070	------	75	449
May 22	1,255	50	98	10	1,413	1,060	------	80	403
	63,225	10,746	8,776	640	83,387	58,555	1,316	3,916	27,432

Table 5 is compiled by adding the discharges at Helena, Little Rock, Clarendon, and that of the 4,000 square miles of ungaged area and deducting therefrom the discharge at Arkansas City. Up to April 21, the day of the Mound's Landing crevasse, the difference was stored

above the mouth of the Arkansas; after that date it went out through crevasses, taking the stored water with it.

The run-off from the 4,000 square miles of ungaged area was ascertained by taking the rainfall at various stations throughout that area during the 43-day period. It was found to average a third of an inch a day during April and half that much during May, a run-off of about 56 per cent was allowed, amounting to 20,000 second-feet during April and 10,000 during May.

From Table 5 we learn that between April 10 and April 21, when the levees began to break in the vicinity of the mouth of the Arkansas, about 40,000,000 acre-feet of water arrived there from upstream, of which about 38,000,000 went down the river past Arkansas City and about 2,000,000 went into storage in the basin above the mouth of the Arkansas.

The table further shows that between April 21 and May 22 there arrived in the vicinity of the mouth of the Arkansas from upstream about 127,000,000 acre-feet of water, while about 79,000,000 went down the river past Arkansas City and about 54,500,000 went out through crevasses. Of this last amount about 8,000,000 was drawn from storage in the basin above the mouth of the Arkansas.

A study of table 5 will further disclose that had the river carried between April 21 and May 7 its maximum of 1,950,000 second-feet at a gage height of 62.5 feet, as proposed in the present adopted project of the Army Engineers, there would have been only about 16,000,000 acre-feet of water to arrive at the mouth of the Arkansas in the flood of 1927 which could not have been carried safely down the river past Arkansas City.

The fact that 54,500,000 acre-feet actually went out through crevasses when the surplus was only 16,000,000 above what the levees are now being constructed to take care of shows the enormous unnecessary destructiveness of water running through crevasses until the river returns to its banks, be the crevasses accidental, as were those in 1927, or designed as a fuse plug, as proposed in the adopted project.

The flood of 1927 was the greatest flood to arrive at the mouth of the Arkansas River of which there is any record. There have been many greater floods to reach Cairo. In recent years the floods of both 1912 and 1913 exceeded in volume of discharge the flood of 1927 at Cairo. It was the intense but brief flood out of the Arkansas River, which far exceeded any previous flood ever recorded there, supplemented by a similar flood out of the White River, which made the 1927 flood supreme at the mouth of the Arkansas River.

Existing records warrant the conclusion that the interval of frequency of such a flood as that of 1927 at the mouth of the Arkansas River is not less than 50 years.

It has been shown herein that the 1927 flood contained only 16,000,000 acre-feet of water in excess of what the present adopted levee system will, when completed, be able to safely carry in the Mississippi River, below the mouth of the Arkansas River.

The only sound engineering basis upon which to found a flood project is to add a reasonable margin to the greatest known flood and then provide to take care of it. Following that principle, it would be sound engineering to provide to take care of a surplus flood at the mouth of the Arkansas River 25 per cent greater than that of 1927. This would amount to 20,000,000 acre-feet.

The main problem of the lower river, therefore, is to determine what to do with 20,000,000 acre-feet more water at the mouth of the Arkansas River than the Mississippi River below that point can safely take care of.

It is impossible, with the limited available data, to work out in the office, off-hand, the best project to solve this problem. An attempt to hurriedly do that is what led to the collapse of the Jadwin plan. There are too many contingencies, due to collateral problems which are being urged and which in justice should receive adequate consideration.

Certain fundamentals, however, stand out in bold relief as being almost axiomatic. One is that it is not necessary to wreak such enormous destruction as will result from the plan of the Army Engineers in the Boeuf and Atchafalaya Basins, in order to take care of 20,000,000 acre-feet of water at the mouth of the Arkansas River.

Another is that if this 20,000,000-acre feet of water can be held back above the mouth of the Arkansas River, it will reduce the problem at the mouth of the Red River in practically the same proportion and greatly simplify the problem of the Atchafalaya Basin.

Another is that, on its own face, the project at Cairo, by means of the Birds Point to New Madrid by-pass, does not afford adequate protection to Cairo and environs and must be supplemented by some system of retarding whereby the flood peaks at Cairo will be flattened out.

Another is that the great system of locks and dams on the Ohio River does not provide the necessary water during dry weather to maintain navigation and must be supplemented by a storage system which will hold back flood peaks, the water to be released later when needed. All water held back on the Ohio River and tributaries during flood relieves the situation at Cairo and in turn at the mouth of the Arkansas River and all points below.

Another is that the problem of the Illinois River with its very gentle slope is largely a backwater problem from the Mississippi River above the Missouri River and together with the problem of the Mississippi River in that vicinity must be solved by storing the flood peaks which are above a reasonable levee height.

Another is that, unless water is stored during floods on the upper Missouri River and tributaries to aid summer flow, the channel improvement now being carried on up to Kansas City and Sioux City will turn out even worse than has the Ohio River navigation project. Besides, water is needed there badly for irrigation.

Another is, that the St. Francis, the White, the Arkansas, the Red, and the Yazoo, together with their tributaries, have problems of flood control, irrigation, and navigation, all of which involve retarding flood waters, which retarding would contribute to the absorption of the 20,000,000 acre-feet of surplus flood water at the mouth of the Arkansas River.

All of these problems deserve consideration and should be solved in the order of their merit and feasibility. Long before their solution is completed the 20,000,000 surplus acre-feet of water at the mouth of the Arkansas River will have disappeared.

All premises considered, the conclusion is apparent that it would be a great economic error to resort to a floodway through the Boeuf or Tensas Basin to get relief from a maximum of 20,000,000 acre-feet of surplus flood water when the desired end can be accomplished simply by the carrying out of worthy and urgent projects farther up stream.

The thing to do now is to immediately bring all the levees up to the new grade and section under the plan of the Army engineers, which grade is 3 feet above the 1914 Mississippi River Commission grade. This should include the area selected for the Cypress Creek fuze-plug diversion, otherwise the flood control act can not be complied with wherein it provides that the Boeuf Basin area shall have the same protection as is afforded the adjacent areas, pending the completion of the project.

This additional 3 feet of levee height will materially increase the interval of frequency of crevasses in the Tensas and Boeuf Basins. While the levees are being raised, which will probably require two more years, the work of holding back floods above the mouth of the Arkansas River can be gotten under way.

Every drop of water added to that being held back will increase the interval between destructive floods.

No delay will result from stopping work on the Boeuf Basin flood way because it would require as long to construct the flood way as to provide to hold back the 20,000,000 acre-feet of surplus flood water above the mouth of the Arkansas River.

J. P. KEMPER, *Civil Engineer.*

NEW ORLEANS, LA.

RECESS

Mr. SMOOT. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to; and (at 7 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 19, 1930, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18 (legislative day of January 6), 1930

UNITED STATES ATTORNEYS

Clint W. Hager, northern district of Georgia.
Arthur Arnold, northern district of West Virginia.

UNITED STATES MARSHAL

Edgar C. Geddie, eastern district of North Carolina.

JUDGE, MUNICIPAL COURT, DISTRICT OF COLUMBIA

James A. Cobb.

COAST GUARD

Edward M. Kent to be constructor.

APPOINTMENTS IN THE ARMY

Henry Charles Whitehead to be assistant to the Quartermaster General, with rank of brigadier general.

MEDICAL CORPS

To be first lieutenants

Junius Penny Smith.
Harry George Armstrong.
Matthew Corell Pugsley.
Charles Clyde Grace.
Cleveland Rex Steward.
William A. Dains Woolgar.
Joseph Steinberg.
Karl Rosenius Lundeberg.
Arthur Herman Corliss.
Jonathan Milton Rigdon.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Second Lieut. Edward Murphy Markham, jr., to Corps of Engineers.

Maj. Gordon Bennett Welch to Ordnance Department.

Second Lieut. Carroll Huston Prunty to Cavalry.

PROMOTIONS IN THE ARMY

Augustine Joseph Zerbee to be major, Field Artillery.

Andrew Ed Forsyth to be captain, Cavalry.

David Goodwin Barr to be captain, Infantry.

Mark Histand Doty to be captain, Field Artillery.

Charles Peter Prime to be captain, Air Corps.

Joris Bliss Rasbach to be first lieutenant, Field Artillery.

Herman Lester Darnstaedt to be first lieutenant, Infantry.

Leonard Marion Johnson to be first lieutenant, Field Artillery.

Chester Archibald Rowland to be first lieutenant, Corps of Engineers.

John Sterling Taylor to be first lieutenant, Infantry.

Luther Remi Moore to be major, Medical Corps.

Carl Randolph Mitchell to be major, Medical Corps.

Michael Gerard Healy to be major, Medical Corps.

Dean McLaughlin Walker to be captain, Medical Corps.

PROMOTIONS IN THE NAVY

Walton R. Sexton to be rear admiral.

POSTMASTERS

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Nelson C. Fuller, Centerville.
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John B. Daughtry, Hartford.
William P. Tartt, Livingston.
Florrie Vinson, Louisville.
Lucy Downing, Moulton.
Robert A. Tuck, Oneonta.
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James A. Anderson, University.

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Charles A. Kelley, Searcy.

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Orville L. Bogue, Oxford.
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Lawrence D. Larsen, Kindred.
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Charles H. Murlin, Celina.
Horace B. Ramey, Centerburg.
Emanuel H. Ulmer, Chatfield.
Walter H. Scheu, Dover.
Laura L. Nash, East Canton.
Marvin P. Devore, East Columbus.
Charles E. John, Elida.
Orin Breckenridge, Grove City.
Rosa M. Fouts, McConnelsville.
Harry F. Mikesell, New Madison.
Robert D. Weedy, Shawnee.
Hugh C. Bell, Utica.

OKLAHOMA

Eugene J. Blossom, Atoka.
Thomas H. W. McDowell, Blackwell.
George N. Davina, Colony.
William I. Fisher, Cordell.
Dallas M. Rose, Davis.
Coral B. Waldie, Deer Creek.
William J. Krebs, Kaw.
Charles L. Bell, Lindsay.
Bernie A. Cockrell, Tonkawa.
Joseph Hunt, jr., Vinita.
Etta B. Henderson, Wayne.
Logan G. Hysmith, Wilburton.

OREGON

Charles W. Halderman, Astoria.
Logan E. Anderson, Cove.
Richard E. Tozier, Helix.
Harry E. Jones, Jefferson.
Henry W. Tohl, Nehalem.
Leon W. Lundell, Weston.
Ollie L. Gillespie, Willamina.
Lyman H. Shorey, Woodburn.

PENNSYLVANIA

Jay E. Brumbaugh, Altoona.
Samuel M. Lamble, Ambridge.
Ella C. Brannon, Centerville.
Lena M. Cole, Coal Center.
Lawrence L. Steiger, Mercersburg.
James L. Porter, Midland.
Edwin S. L. Soule, Newport.
James Hewett, Pen Argyl.
John A. Van Orsdale, Russell.
Margaret B. Hill, Saltsburg.
James J. Neil, Sligo.
Helen P. Howell, West Alexander.

RHODE ISLAND

Ralph H. Chapman, Esmond.

SOUTH CAROLINA

Lucy C. Vance, Allendale.
John A. Wood, Spartanburg.

TENNESSEE

Laura W. Malone, Alexandria.
William D. Howser, Clarksville.
Joe R. Taylor, Etowah.
Charles F. Perkins, Jacksboro.
Terrell McIlwain, Parsons.
Charles E. Pennington, Sweetwater.

TEXAS

Clarence Walters, Alice.
Dibrel G. Melton, Allen.
John F. Furlow, Alvord.
Fred P. Ingerson, Barstow.
John H. Atterbury, Benjamin.
Oscar Hunt, Canyon.
Joseph C. Eakin, Chilton.
Dave C. Dodge, Claude.
Benjamin F. Robey, Coleman.
Clarence V. Rattan, Cooper.
Oria H. Sieber, Crosbyton.
Simon J. Enochs, Georgetown.
Charles L. Long, Graham.
Robert Dempster, Hitchcock.
Alfred M. Finger, Hondo.
Elroy L. McCord, Katy.
Herman H. Duncan, Kaufman.
Emil Gold, Kerrville.
Don Parker, Liberty.
Maggie R. Hopkins, Lone Oak.
John H. Sharbutt, Lueders.
Asa McGregor, Milano.
John E. McAllister, Mirando City.
Charles L. Wiebusch, Riesel.
Warner W. McNaron, Rotan.
Willie E. Penick, Rule.
Ora L. Griggs, Sanatorium.

Maggie Exum, Shamrock.
Morus B. Howard, Sweetwater.
Lillian Procter, Teague.
Walter M. Hudson, Weatherford.
Emanuel T. Teller, Westhoff.
Peter J. Sherman, Whitney.
Leeander M. Gilbreath, Winnsboro.
Tom Hargrove, Woodsboro.
William B. Lee, Wortham.

UTAH

Lionel L. Peterson, Fairview.
John W. Guild, Kamas.

VIRGINIA

Harry Fulwiler, Buchanan.
Robert B. Rouzie, Tappahannock.
Bruce L. Showalter, Weyers Cave.

WASHINGTON

Willis Swank, Cheney.
Franz S. Drummond, Gig Harbor.
Ralph L. Philbrick, Hoquiam.
Christopher C. Van Leuven, Molson.
Noel D. Tower, Morton.
Michael J. Murphy, Oakville.
Gustav A. Weber, Odessa.
Joseph E. McManamon, Othello.
Walter Sommers, Prosser.
William Busch, Raymond.
Thomas Harries, Renton.
Golda R. Moore, Roy.
Juanita Morris, St. John.
David M. Donnelly, Sedro Woolley.
William I. Leech, Steilacoom.
Wilson Howe, Tenino.
Arthur B. Foley, Wilbur.

WEST VIRGINIA

Harry E. Engle, Fairmont.
Rosa H. Brown, Institute.
Charles T. Kelly, Terra Alta.
B. Hampton Gray, Welch.

WISCONSIN

Edward W. Guth, Adell.
Lester B. West, Barron.
Royal C. Taylor, Boyceville.
Dell L. Amerpohl, Brodhead.
Benjamin F. Querhammer, Cazenovia.
Lewis T. Larson, Danbury.
Clarence L. Jordalen, Deerfield.
Charles H. Prouty, Genoa City.
Alexander C. Magnus, Glen Flora.
Charles P. Peterson, Glenwood City.
Kate C. Conrad, Hammond.
Clem G. Walter, Kendall.
Mamie B. Johnson, Kennan.
John P. Fitzgerald, Mellen.
Amund J. Amundson, New Auburn.
Verner A. Nelson, Ogema.
David E. Lamon, Three Lakes.
Christian R. Mau, West Salem.

REJECTION

Executive nomination rejected by the Senate March 18 (legislative day of Monday, January 6), 1930

POSTMASTER

Foster P. Lee to be postmaster at Lamar, S. C.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 18, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou hast not hidden Thy face from us, O Lord. Again this day is our day. What shall our part be? May our contribution to it be direct, wise, and unselfish, for we know by experience that any other course leads toward weakness and failure. With willing minds and generous hearts send us forth to do our duty. Merciful God, increase the power of our faith, that we may maintain a supreme allegiance to Thee as our guide. Do Thou enable us to exemplify that faith in all our daily opportunities. Whatever sacrifices it may involve or losses it may incur, O bless us with personal satisfaction and with that peace which let the world go by. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent on Thursday, March 20, after the remarks by the gentleman from Louisiana [Mr. MONTET], that I be permitted to address the House for 30 minutes on the subject of the United States Steel Corporation tax refund for the years 1918, 1919, and 1920.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent, at the conclusion of the address of the gentleman from Louisiana [Mr. MONTET], that he be permitted to address the House for 30 minutes. Is there objection?

Mr. RAYBURN. Reserving the right to object—which, of course, I do not intend to do—I call the attention of the majority members of the Committee on Interstate and Foreign Commerce to the fact that we have a very important bill pending here. To-day we have special orders which will consume about two hours and a half. Thursday, when we will be able to go on with this bill again, we will have about two hours and a half of special orders, and if we are to reach a final vote in consideration of the bus bill it would appear that somebody should look after the time of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GARNER. Mr. Speaker, in view of the fact that I brought on this controversy, I would like to ask unanimous consent that I be permitted to address the House for one-half the time requested by the gentleman from Oregon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. May I take this occasion, Mr. Speaker, to request the chairman of the Committee on Ways and Means [Mr. HAWLEY] to produce the minutes of the joint committee meeting settling the matter when we considered this joint return? I would like to have them in the Chamber to-day if possible.

The SPEAKER. The Chair observes that the gentleman from Texas [Mr. GARNER] already has 30 minutes to address the House.

Mr. GARNER. I intended to speak on another subject, however. The Chair will recall I had already received permission to address the House on that day.

The SPEAKER. Is there objection to the gentleman from Texas [Mr. GARNER] making two speeches on that day? [Laughter.]

There was no objection.

OUR PUBLIC SCHOOLS

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech which I made over the radio with respect to our public schools.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker, under the permission given by the House, I insert the following speech, which was delivered by me over the radio on the 17th instant:

Ladies and gentlemen, I am to speak to you on the Robsion-Capper school bill, so called because it was introduced in the House of Representatives by Congressman ROBSION of Kentucky and in the Senate by Senator CAPPER, of Kansas. My subject suggests to me two statements, one from Jesus, the other from King Solomon: "Ye shall know the truth and the truth shall make you free"; "Where there is no vision, the people perish." Some proposed legislative matters move slowly. The educational bill is one of them. It might be interesting to you to know something about the history of this proposed legislation.

A bill of this character, but not the same bill, was introduced in the Senate on October 10, 1918, by Senator Hoke Smith, of Georgia, and was numbered S. 4987. On January 28, 1919, Congressman Horace Towner, of Iowa, introduced the same bill in the House, and was numbered H. R. 14238. On December 5, 1918, the Senate Committee on Education and Labor held hearings on the Smith bill. After Congressman Towner introduced the bill in the House it was widely known as the Smith-Towner bill, deriving its name, of course, from its authors. In July, 1919, joint hearings were held on these two bills by the Committee on Education and Labor on the part of the Senate and the Committee on Education of the House. Later this bill was revised and introduced in the Senate by Senator Thomas Sterling, of South Dakota, and was numbered S. 1252. The same bill was introduced in

the House by Congressman Horace Towner on April 11, 1921, and was numbered H. R. 7. This bill was known as the Sterling-Towner bill and hearings were held on it in May, 1921. Practically the same bill was introduced in the House on December 17, 1923, by Congressman REED of New York and was numbered H. R. 3923. A companion bill was introduced at the same session of Congress in the Senate by Senator Sterling, numbered S. 1337. In January, 1924, the Senate Committee on Education and Labor held hearings on this bill and the House Committee on Education also held hearings on it during the same month. The Robsion-Capper bill, which I am discussing, was introduced at the present session of Congress by the gentlemen mentioned. Hearings have not been held on this bill at the present session of Congress nor is it necessary. The committees considering the bills have the power to report the bills based on past hearings. However, that is a matter for the committees to determine. The great multitude of people who are for this legislation are wondering why some action of some kind is not taken, and some of them do not know where to fix the responsibility.

The responsibility is clearly with the administration. The President of the United States is a Republican, and that party has a majority of about 100 in the House and about 15 in the Senate, and it has a majority on the Committee of Education and Labor in the Senate and of the Committee on Education of the House. They have the power, and clearly the responsibility is theirs. If they act, they should be given due credit. If they refuse to act, they can not escape the blame. The leaders can put this legislation on their program to carry through at this session of Congress, or they can leave it off their program. I predict the latter course. This bill provides in part:

"That there is established at the seat of government an executive department, to be known as the department of public education, to aid and encourage the public schools and promote the public educational facilities of the Nation, so that all of the people of the several States and Territories without regard to race, creed, or color shall have larger educational opportunities and thereby abolish illiteracy, make more general the diffusion of knowledge, and provide for the general welfare, but without impairment of or the infringement upon the laws, the rights, duties, authority, or responsibilities of the several States, Territories, and the citizens thereof with respect not only to the public educational agencies and institutions, but likewise as to the private educational institutions and agencies in the several States and Territories."

This bill is opposed by some because they say it is an interference with State rights. The part of the bill which I have just quoted clearly dispels that contention. I believe in State rights and I would not support any measure of this kind that I thought would deprive the several States and Territories of educational control. It is needless to argue this question, because the bill itself is so plain on that point that the wayfaring man is amply cared for.

Then, again, it is contended by some who are opposed to the bill that this is a function that does not belong to the Federal Government. If the Federal Government has no legitimate rights to participate in educational matters not in conflict with the rights of the States, then Congress ought to be consistent and repeal several laws now on the statute books. In support of this, I call your attention to the fact that the Continental Congress in 1785 passed a land grant act, which said act provided that lot 16 in every township of the Northwest Territory be set aside for the maintenance of public schools. The preamble to the ordinance of 1787 contains the following declaration:

"Religion, morality, and knowledge being ever necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."

Congress provided, soon after the adoption of the Federal Constitution in 1789, that each new State admitted into the Union should set aside a portion of its land for school purposes. In 1862, under the first Morrill Act, land-grant colleges were established from the proceeds of the sale of public lands. In 1867 Congress passed an act creating a department of education, but in 1869 it was reduced to a bureau, and education was never represented by one in the President's Cabinet. I will speak about this bureau later on.

In 1887 annual appropriations for the land-grant colleges were increased under the Hatch Act. In 1890, $50,000 was appropriated annually to each State and Territory for further maintenance of the land-grant colleges under the second Morrill Act. Further additional maintenance for these institutions was provided by the Adams Act in 1906.

Appropriations for the land-grant colleges were increased by the Nelson amendment to the Morrill Act. The Smith-Lever Act of 1914 provided $4,500,000 annually for cooperative agricultural extension work. The Smith-Hughes Act of 1917 created the Federal Board for Vocational Education. The activities of this board is in conjunction with like activities of the various States on a 50–50 basis. The Bureau of Education, which I mentioned as having come into existence in 1869, is still with us and is hovered in the Department of the Interior. Secretary of the Interior Wilbur has changed the name from "bureau" to "office." I am sure that this simple change of name will result in great good to the school at Podunk. Now, since 1869 we have had a Bureau of Education. If the Federal Government has no right or authority to act in educational matters, when the rights of the State are not interfered with, then we have no right to maintain a Bureau of Education. The witnesses who testified before the committees against this legislation, where they expressed themselves on the subject, were strong for the bureau but against educational representation in the President's Cabinet. If the Federal Government has a right to exert any activities along educational lines, it certainly ought to do its best because of the very great importance of education. Is the Bureau of Education sufficient to meet the requirements of this day and age? Let's call in the witnesses. Dr. Uel W. Lamkin, president Northwest Missouri Teachers' College, Maryville, Mo., testified: "Speaking from the standpoint of one who has been connected with the Government, I believe that this bill is sound because it will promote economy and efficiency in the organization and administration of the department of this Government.

"I think that Doctor Keith has better stated than I can state the reasons why the grouping of these several agencies into one separate, independent executive department would add to their efficiency. It is not a new department for the Government; it is merely the taking of these several agencies from other departments and putting them in a department which represents—we may consider it from the standpoint of money, capacity, annual expenditures, number of people affected, or general results to the Nation as a whole—this department which would represent directly the biggest industry of America—the education of her children. May I ask you to consider the duplication of effort in 40 departments and 40 bureaus, 40 sections, 40 divisions, which have to do with education. There can not help but be duplication of effort and waste of public money in gathering and tabulating statistics and in the employment of clerks to do so. I want to get into the record this statement; that from both the standpoint of a former superintendent of public schools, from the standpoint of a former employee of the Federal Government in charge of a board or in charge of a bureau, rather; from the standpoint of the president of a teachers' college in Missouri; from the standpoint of an American citizen, I want to say that no bureau can have the force and effect in furthering any public policy that a Cabinet officer can have or that a separate department can have."

The duplication of work and waste of money, under the present system, as mentioned by Doctor Lamkin, can not be successfully refuted.

In 1921 the Commissioner of Education, in his report, stated:

"I am of the opinion that the department [of the Interior] should seriously consider the question as to the advisability of continuing the Bureau of Education on the present basis of wholly inadequate support. The need for a national governmental agency to perform the functions expected of this bureau is imperative and unquestioned. The efforts to meet the need, however, are largely nullified by the legislative restrictions and financial limitations by which the bureau is at present handicapped. In my judgment it would be better for the Federal Government to withdraw from this field of activity entirely unless provision is to be made for it on a more liberal basis, and the policy definitely adopted of attempting to render in an effective and authoritative way the kinds of constructive service which the people and the educators themselves demand. It is futile to continue this organization on the present penurious basis and to expect returns that will justify the outlay."

In his report in 1925, he stated:

"Those responsible for school administration in the United States are in great need of assistance in certain important fields. At the present time adequate provision is direly needed for study in the fields of curriculum, organization, school finance, buildings and construction, teacher training, and secondary education."

For almost eight years Dr. J. L. McBrien was in the Bureau of Education, and in his testimony before the committee at the hearings testified as to duplication in the service as it is now, and also to waste and extravagance. Doctor McBrien is in position to know what he is talking about and that under the present system we have duplication and waste of money, time, and effort has not been denied by any witness.

Dr. S. P. Capen, chancellor of the University of Buffalo, N. Y., testified before the committee, and because of his intimate knowledge, I quote from his testimony:

"I was myself a Government servant for five years and a little more, a member of the Bureau of Education; and at the latter end of that service I was appointed by the Secretary of the Interior to represent the department in an effort to find out what duplications there were in the various portions of the different Government bureaus and departments in this particular field. Unfortunately, I resigned before the investigation was completed; but at that time there were some 40 officers of the Government functioning one way or another in the educational field, nearly every one of them dealing in some fashion with the educational machinery of the States; and the amount of confusion that is introduced into the operations of the school systems and the other educational agencies by this system of requests from Washington is something that one does not appreciate until he lives in it. It is also patent that these several divisions of the Government that deal with education have no relation whatsoever with one another and are, for the most part, each ignorant of the other's business. We want to

see that enterprise brought together so that what the Government does in education will at least represent a unified point of view and a unified policy."

This witness testified to the inadequacy of the Bureau of Education, and that we are forced to depend upon educational foundations for research and investigation on the major problems, and that education is one of the greatest activities of the Nation, comparable with agriculture, labor, and commerce. This witness further testified: "The reason a bureau chief does not answer the purpose is in the matter of international relations. * * * Since the leading nations of the world have secretaries of education, the United States should also have a secretary of education for international relations."

In this connection I call attention to the fact that 72 nations have representation among the cabinet officers, and I now give the names of those nations as shown by the Statesman's Yearbook for 1929:

NATIONS ACCORDING EDUCATION PRIMARY RECOGNITION BY INCLUDING A MINISTER OF EDUCATION AMONG THE CABINET OFFICERS

British Empire: Great Britain, president of the board of education; Northern Ireland, minister of education; the Irish Free State, minister for education; Malta, minister for public instruction; India and dependencies, education, health, and land; Union of South Africa, minister of the interior; Bombay Presidency, minister of education; Federated Malay States, director of education; New South Wales, minister for education; Victoria, minister of public instruction; Queensland, secretary for public instruction; South Australia, commissioner of public works and education; Western Australia, chief secretary and minister for education; Tasmania, attorney general and minister of education; New Zealand, minister of education, Canada; Alberta, minister of education; British Columbia, minister of education; Manitoba, minister of education; Ontario, minister of education; Saskatchewan, premier, president of council, minister of education.

Afghanistan, minister of education.
Austria, minister of education.
Argentina, minister of public instruction.
Belgium, minister of education.
Bolivia, minister of education and agriculture.
Brazil, secretary of justice, interior, and public instruction.
Bulgaria, minister of education.
China, minister of education.
Cuba, secretary of public instruction.
Chile, minister of public instruction.
Costa Rica, secretary of education.
Colombia, minister of public instruction.
Czechoslovakia, minister of education.
Denmark, minister of public instruction.
Dominican Republic, minister of justice and public instruction.
Egypt, minister of education.
Finland, minister of education.
France, minister of public instruction and of fine arts.
Guatemala, minister of public instruction.
Germany: Baden, minister of religion and education; Bavaria, minister of education; Hesse, minister of education; Prussia, minister of education.
Greece, minister of education.
Hungary, minister of public instruction.
Honduras, minister of instruction.
Italy, minister of public instruction.
Japan, minister of education.
Latvia, minister of education.
Mesopotamia, minister of education.
Morocco, grand vizier's delegate for public instruction.
Netherlands, minister of instruction, science, and arts.
Norway, minister for education and ecclesiastical affairs.
Nicaragua, minister of instruction.
Paraguay, minister of worship and public instruction.
Peru, minister of worship and instruction.
Persia, minister of education.
Poland, minister of education.
Portugal, minister of instruction.
Russia, minister of education.
Rumania, minister of education.
Serb, Croat, and Slovene State, minister of education.
Salvador, minister of foreign relation, justice, and instruction.
Siam, minister of education.
Spain, minister of public instruction.
Sweden, minister of education and ecclesiastical affairs.
Turkey, minister of education.
Uruguay, minister of industry and education.

Harold W. Foght, president Northern Normal Industrial School, Aberdeen, S. Dak., served in the Bureau of Education under Doctor Claxton, and made this statement before the committee:

"The health of the American farmer is not what it ought to be. It could be improved greatly through intelligent teaching in hygiene and the like in schools. In other words, then, the American rural school is behind the city school of America to-day. I did not realize this some years ago as I do now. I have spent 35 years in rural education in one form or another. I began as a rural teacher, went into a State college, helped to train the teachers there, was called to the Bureau of Education as one of the specialists in rural education. One of the first things done to me was to send me abroad to make a study of other great enlightened countries on the Continent of Europe. I made a special study of the rural schools of Denmark, and I know why it is that Denmark, a disrupted and bankrupt nation after its war against Prussia and Austria in 1864, can to-day truly boast of being the most scientifically organized agricultural nation on the face of the earth. It came about through reorganization. The school men, the philosophers, the preachers, and others got together and they said: 'We must reorganize the schools in such a way that every man, woman, and child may get the right kind of education,' and it was so in a generation and a half. We have not done the same in the United States. I have directed surveys, or taken part in surveys, in 13 American States. I just returned from Japan a short time ago, where I was honored by being permitted to lead or direct a survey of the rural and agricultural schools of the Empire; and I say to you gentlemen the rural schools of Japan, an old nation which has had what we would call a westernized educational system for only 53 years, has a better and more complete system of rural schools than we have; and so it is with certain others; and why is it?"

To those who are bothered about "standardization" I wish to call especial attention to the sound argument made before the committee by Hon. S. M. N. Marrs, State superintendent of public instruction of my own State, Texas. He said:

"And I want to call your attention also to this fact, gentlemen, which I believe has not been mentioned by any person I have heard discuss this question, either for or against this measure. The nations of the world, whether justly or unjustly, look upon the American people as believing in the dollar. They look upon us as a commercial people. Let us examine the organization of our Government and see whether or not this Nation has given recognition to the spiritual and the cultural. I wonder if we would not have to admit that material interest in every act of the Government has been placed above the spiritual and the cultural interest. We have a Secretary of Agriculture, and I believe in that department. It is promotional, but the Secretary of Agriculture has never attempted to standardize the method of raising cotton in the South; he has never undertaken to standardize the method of raising wheat in the West; but through that great department information has been disseminated in the agricultural sections and the localities have been stimulated until the country is more prosperous on account of the workings of that department. And so may I say of commerce and labor. What is the department of the Government recognized by the world as standing for the cultural and the spiritual among our people? * * * It would produce a psychological effect upon the Nation to dignify the subject of education in this manner."

I wish also to call attention to one statement made by Hon. John W. Cowles, grand commander of the Supreme Council of Scottish Rite of Freemasonry: "The claim is made by prophecy that the resultant end will be federalizing education and interference with State rights." We have other departments with Cabinet chiefs—for instance, Commerce and Agriculture. One State raises hogs, another cattle, and another sheep. One State is best adapted to cotton, another to wheat, and another to corn or tobacco. The chief industry of one State may be mining, of another manufacturing, of another commerce; but all the States should be equally interested in the right education of the future voters and rulers of the country.

This legislation is favored and indorsed by the following organizations:

National Education Association, with 200,000 members.
National Congress of Parents and Teachers, with 1,134,714 members.
Forty-four State organizations, one district organization, one territorial organization, of the National League of Women Voters.
The International Council of Religious Education.
National Woman's Christian Temperance Union, with 600,000 members.
National Federation of Business and Professional Women's Clubs, with 55,000 members.
National Women's Trade-Union League.
American Library Association, with 10,056 members.
Federal Council of the Churches of Christ in America.
American Home Economics Association, with 9,000 members.
American Nurses' Association, with 75,000 members.
Service Star Legion (Inc.).
Women's Homeopathic Medical Fraternity.
Woman's Missionary Council, Methodist Episcopal Church, South, with 350,000 members.
Educational Press Association of America, with 55 members.
National Council, Junior Order of United American Mechanics, with 342,000 members.
Osteopathic Women's National Association, with 1,000 members.
American Hellenic Educational Progressive Association, with 17,000 members.
National Kindergarten Association, with 3,000 members.
Woman's Relief Corps, with 222,000 members.
American Vocational Association, with 3,000 members.
National Federation of Music Clubs.

National Board of the Young Women's Christian Association, with 600,000 members.

General Grand Chapter, Order of the Eastern Star, with 2,000,000 members.

National Council of Jewish Women.

Supreme Council, Scottish Rite of Freemasonry, southern jurisdiction, with 300,000 members.

American Association of University Women, with 33,513 members.

General Federation of Women's Clubs, with over 2,000,000 members.

National Committee for a Department of Education, with 100 members.

American Federation of Labor, with 3,321,526 members.

American Federation of Teachers, with 10,000 members.

These organization represent a total of near 29,000,000 people who are in favor of a department of education.

Education is one of our greatest problems; it is essential to the life of a republic. Universal suffrage without universal education is but a reef of rocks in front of the ship of state. No community, county, state, or nation can be great unless its individual citizenship is great in thought, pure in concept, and righteous in living.

Thomas Jefferson said: "Those who expect to remain free and ignorant in a state of civilization expect that which has never happened and never will happen."

"Education is the chief defense of nations," declared Edmund Burke.

"In proportion as the structure of government gives force to public opinion, it is essential that public opinion be enlightened." (George Washington.)

"Self-government can succeed only through an instructed electorate. The more complex the problems of the Nation become the greater is the need for more and more advanced instruction." (Herbert Hoover.)

In 1923 President Coolidge said: "I do not favor the making of appropriations from the National Treasury to be expended directly on local education, but I do consider it a fundamental requirement of national activity, which unaccompanied by allied subjects of welfare is worthy of a separate department and a place in the Cabinet."

I come from a State which has always ardently believed in education. Texans are the only people in the history of the world who solemnly declared in their declaration of independence that the failure of the government to provide for the education of the children was a ground for revolution. With marvelous wisdom, born of trained minds, they declared it to be an axiom that unless a people are educated and enlightened it is idle to expect the continuance of liberty or the capacity for self-government, and they concluded their declaration by stating "that being conscious of the rectitude of their own intentions they fearlessly committed the issues to the Supreme Arbiter of the destiny of nations." The people of Texas in 1836 boldly made their demand for popular education in the face of an invading foe which was vastly superior in numbers to her own citizenship and sent forth her statesmen from her counsel chambers to enforce that demand on the field of battle. President Lamar in his first message to the Texas Republic said:

"If we desire to establish a republican form of government on a broad and enduring basis, it will become necessary for us to provide a system of education. A cultivated mind is the guardian genius of democracy, and when guided and controlled by reason is the noblest attribute of man. It is the only dictator that freemen acknowledge and the only security that freemen desire."

According to the census of 1920, out of 82,739,315 persons 10 years of age and over 4,931,905 were illiterate. It has been estimated that the annual economic loss in the United States due to illiteracy is $825,000,000. The appalling sum of $3,000,045,000 has been estimated as the loss resulting from preventable disease and death. The five States ranking highest in education show an average of $695 per capita in savings, while the five lowest average only $89. The cost of ignorance outweighs the cost of education.

"Our Government is a stake of such inestimable value as to demand our constant and watchful attention for its preservation." (James Buchanan.)

"The public happiness is the true object of legislation and can be secured by the masses of mankind, themselves awakened to a knowledge and care of their own interests." (Bancroft.)

"The information of the people at large alone can make them safe, as they are the sole depository of our religious and political freedom." (Thomas Jefferson.)

"Patriotism consists of some very practical things. It is patriotic to learn what the facts of our national life are and to face them with candor." (Woodrow Wilson.)

"To preserve, to inform, and to perpetuate the sources, and direct in their most effective channels the streams which contribute to the public weal is the purpose for which government was instituted." (John Quincy Adams.)

The Democratic platform of 1928 stated:

"We believe, with Jefferson and other founders of the Republic, that ignorance is the enemy of freedom; and that each State, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of the moneys collected by taxation for the support of its schools, shall use its sovereign right in all matters pertaining to education. The Federal Government should offer to the States such counsel, advice, results of research, and aid as may be available through the Federal agencies for the general improvement of our schools, in view of our national needs."

On this vital and important issue the Republican platform of 1928 is as silent as the grave. But in 1924 the Republicans said in their platform:

"The welfare activities of the Government connected with the various departments are already numerous and important, but lack the coordination which is essential to effective action. To meet these needs we approve the recommendation for the creation of a Cabinet post of education and relief."

The fact that the Republicans, advocating a Cabinet post of education in 1924, abandoned it in 1928, in their platform, shows that they do not intend to permit this proposed legislation to come to a vote in this Congress.

Federal encouragement of education was strongly emphasized by Washington, Madison, Jefferson, Adams, and Monroe. In fact, Jefferson considered the establishment of a department of education during his administration. Among other things, he said:

"I do most anxiously wish to see education given to all so that they may read and understand what is going on in the world and keep their part of it going on right."

This bill proposes to take the chief educational activities of the Federal Government as they are now and consolidate them into one administrative unit. It does not create another office nor a single educational activity for the Government. And in doing this it will be more economical, because it will dispense with duplication. It not only means economy but increased efficiency. This proposed legislation is the result of thought and deliberation of men and women who have the interest of the country at heart and who, in public and in private life, stand for the highest ideals—men and women who have made a careful study of the needs of education in the United States with a view of just what cooperation might be properly used by the Federal Government, without duplication of work, which means waste of money, as we have it now. It does not permit any interference with the complete autonomy of the States in the administration and control of their schools; and not a witness before the committee, testifying for the bill, failed to state that he was against Federal control, if the question was asked him.

It simply provides for a more efficient participation of the Federal Government by coordinating its present educational activities and extending the scope of its scientific research and investigations. The importance of public education merits and the advancement of education justifies this bill. The Departments of Agriculture, of Commerce, and of Labor are promotional under the general welfare of the Constitution, and a department of education would be in the same class. The Secretary of Agriculture does not dictate to the farmer how he shall farm or what and how much he shall plant. The Departments of Commerce and Labor conduct investigations and their activities contribute to the general welfare of the people, as also the Department of Agriculture. If the Department of Agriculture, which I am strongly for, assists the people in raising better hogs and cattle and producing more on the farms, then I ask are not the children of this country of more value than cattle and hogs? Was not Edgar A. Guest right when he said?—

The wealth of the world isn't silver or gold,
Or the diamonds and rubies its caverns may hold,
Or the trees in its woods or the power in its pools;
The wealth of the world is to-day in its schools.
For nothing has value which lies in our ken
Without the high thinking of women and men.

When you have added the dollars and measured the ore,
Take stock of the children that play at your door,
For the wealth of the world which on paper you pen,
Is as dirt by your feet without God-fearing men.
And the strength of our nation lies not in its guns
But deep in the minds of its daughters and sons.

Strip men of their manhood, and silver and gold
Are nothing but metals, hard, bitter, and cold.
Take honor from women and all things turn black,
The world to the dark, dismal ages goes back,
For the gold was all here and the forests here then
Awaiting the day when the world would have men.

The wealth of the world isn't found in its streams,
It lies in its people and all of their dreams.
Imagine this world with its gold if you can,
Without the high thinking and courage of man.
You can sum its resources again and again,
But the wealth of the world is its women and men.

ADDRESS BY ROSCOE POUND

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an address delivered by Dean Pound, of the Harvard Law School, and a member of the Commission on Law Observance, at the tenth anniversary dinner of the bar association of this city?

Mr. UNDERHILL. Mr. Speaker, I want the House to understand that this is not the dean of the Harvard Law School, but a member of the President's Law Observance Commission. There is a distinction.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STOBBS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered at the tenth anniversary dinner of the Federal Bar Association at the Mayflower Hotel, February 22, 1930, by Roscoe Pound, dean of the Harvard Law School and member of the President's Commission on Law Observance and Enforcement:

WASHINGTON'S BIRTHDAY MEMORIAL

We are accustomed to thinking of George Washington as he is represented to us in statues and portraits. We think of the imposing commander in chief, of the dignified President of the Constitutional Convention, of the ceremonious first President of the United States, conducting something very like a court, from which the democratic movement of the beginnings of our polity reacted so vigorously.

The statues and portraits do not represent Washington, the pioneer. They do not show us the man who surveyed Lord Fairfax's domain, familiar with the wilderness, a believer in the development of the unsettled domain to the west of the fringe of civilization along the coast. They do not show us the man who had learned from the Indians the possibilities of a less formal and more individual fighting as against the formal drill and disciplined movements of the regular armies of the eighteenth century Europe. For let us not forget that Washington was a pioneer in fact and largely in spirit. Largely in spirit, I say, because his strong but restrained personality had other elements which held back the characteristic behavior of the pioneer. He might be called a type of the right-wing pioneer as Andrew Jackson is a type of the left-wing pioneer. Thus it is not inappropriate on Washington's birthday to think for a few moments on the pioneer spirit in American institutions and American law.

Much has been said of late as to a supposed breakdown of law and order in this country, as to a passing of old-time standards of an orderly society, a relaxation of standards of individual behavior, an enfeebling of the old-time agencies of social control, the home, household discipline, the church, the discipline of religious organization, and the neighborhood, the discipline of the feelings of one's neighbors as to what is done and what is not done.

That there is much confusion in current thinking on moral questions, that even the best and most conscientious of our citizens are at times bewildered by the problems of regulation of conduct and adjustment of relations presented by the life of to-day, goes without saying. I am not here to argue some one cause or to set going propaganda for some one supposed remedy. But I would suggest one cause of difficulty in law observance and law enforcement in this country—and those are things in which George Washington thoroughly believed and in respect of which a serious breakdown would have given him the deepest concern. I would suggest that one cause of difficulty is that our institutions, our polity, our laws, and our whole attitude toward them have a background of pioneer life. They were fashioned by pioneers to the needs of a pioneer society. Their whole spirit is that of the pioneer. We have been brought up to look upon them through the eyes of the pioneers. Hence they work awkwardly in the urban industrial society of to-day. It is not that there has been decadence in the moral fiber of the people. It is rather that what were virtues in pioneers and in pioneer societies are no longer virtues in the residents of crowded urban centers and in industrial societies.

I need not say that the picture of an ideal human society as drawn by the pioneer is not exactly the picture of an ideal human society for a world of aerial navigation and motor transport and radio and wireless telegraphy and electricity and steam.

This will be brought out better if we look into the distinguishing characteristics of the pioneer and particularly his distinguishing virtues as he saw them.

A succession of acute foreign observers saw the pioneer and his works from the early nineteenth century down to the present century and have given us their impressions derived from diverse points of view. Mrs. Trollope, Dickens, De Tocqueville, Lord Bryce, and Kipling saw him from their several standpoints, and, with allowance for those standpoints, saw much the same outstanding characteristics. What has stood out in every portrait of the pioneer is self-reliance and independence, impatience of restraint, restlessness, and a disposition ever to be on the move; versatility, a suspicion of specialization, and a firm belief in the ability of anyone to do anything; dislike of form, impatience of ceremony, and disposition to take short cuts; a disregard of the amenities of life and preference for rough, blunt, outspoken manner and conduct of negotiations; and a bent for politics, a zest for individual participation in public affairs, and a tendency to bring all things into the political arena, to make law politics and politics law.

There were good reasons behind each of these characteristics of the pioneer. They were born of his struggle with new conditions of life in the New World and they served to adapt him to the needs of that life. He had to be self-reliant. There was no policeman around the corner to whom he might appeal for protection.

There was no minutely organized bureau or set of bureaus at hand to see that his food was pure, that the medicines he was able to procure at rare intervals were wholesome, that the measures he used were standard, or that the investments he made were safe. He could not fall back on a benevolent governmental paternalism or solicitous governmental maternalism to see that he did only what was good for him. Very likely the conditions of pioneer life developed this self-reliance and independence to excess. "The unthinking sons of the sagebrush," says Owen Wister, "ill tolerate anything that makes for discipline, good order, and obedience, and the man who lets another command him they despise." This is the very spirit of the pioneer in the exaggerated form it takes at the last stand on the frontier. But this spirit is anything but a virtue in the life of an urban community where discipline, good order, and obedience are imperative to enable the complex economic order to function effectively.

Again, restlessness was a virtue in pioneer America. It drove the most vigorous elements of the population to the fringes of civilization in quest of new areas to be opened, new resources of nature to be developed, new commonwealths to be founded. It was behind the successive waves of westward expansion that took our people across the continent in the first century of our national existence. But when this restlessness takes the form of a continual and heavy turnover of labor in industry, it is less a virtue.

When it takes the form of continual legislative experimentation at the expense of stability it is less a virtue in a highly organized economic order. When it takes the form of mental restlessness—physical restlessness being inhibited by the disappearance of frontiers open to the adventurous—this mental restlessness is likely to interfere with the long-range calculations of modern economic and industrial enterprise and ceases to be wholly a virtue.

Again, it was necessary that the pioneer be versatile. He had to be versatile or get off the earth. He must be equal to anything that was to be done or it must remain undone. There was no telephone at his side, no garage around the corner, no trolley line down the road, no bus line past his door, no directory on his shelf giving the names and addresses of 100 specialized services at hand waiting to respond to his call. He must be prepared for all emergencies and must meet them himself. It is no wonder that he had faith in the efficacy of individual effort. It is no wonder that he looked down on specialists and was supremely confident that any honest citizen was competent to any task. It is no wonder that he believed in lay judges, in herb doctors, in fervent and eloquent self-called preachers, and in volunteer generals. Even Bull Run and Shiloh did not wholly break his faith in the latter. His faith in apprentice-trained physicians, patent medicines, and quack healers died hard before the coming of modern science. His faith in apprentice-trained lawyers and judges elected on popularity or instinct is still with us, albeit it has suffered some rude shocks under the conditions of administering justice in the great city of twentieth century America.

Nor is it strange that the pioneer should dislike form and be impatient of ceremonial. In the New World such things seemed to have no place. They stood in the way of the spontaneous free self-assertion which was the motive force of pioneer life. The Colonials had vivid examples of how the formal drill and rigid military ceremonial of European armies stood in the way of efficiency on the battle fields of America.

No wonder that for a time we undervalued these things. Taylor was probably our last general to lead in the field in civilian attire, and Grant the last to command armies in the uniform of a private. More and more we have had to be learning that in a crowded urban society form and ceremonial may save time and advance the dispatch of business instead of wasting and retarding.

Disregard of the amenities had caused closely akin to aversion to form and contempt for ceremonial. The pioneer was too near to nature to appreciate the conventional artificialities which smooth the path of life in a crowded society. His neighbors were not jostling him in elevators or rubbing elbows in busses and trolley cars or dodging him in the subways during rush hours or blocking his path on the sidewalks as he went to his work. There was no long procession of vehicles in front and behind and no counter procession on the other side of the way as he drove his team along the road.

Politeness and conventional manifestations of good will, which obviate friction and keep order in apartment houses and office buildings and at the myriad points of contact in a modern city, had no serious rôle in pioneer life. They seemed traditions from the Old World. We have been having to learn their value in the different social order of the present. We are having to learn the waste involved in undignified, unceremonious, forensic conduct in a busy court. We are having to learn that wranglings of counsel, however interesting as a spectacle, when the pioneer found his theater in the courtroom, are obstacles to efficient administration of justice in the twentieth century. We are having to learn that more can be done and done better in the pomp

and ceremony of a court at Westminster than in the offhand, easy-going, unrestrained atmosphere of the pioneer tribunal.

Most of all, however, the pioneer delighted in politics. There was no theater at hand. There were no movies around the corner. There was no radio in the house. But he could discuss politics with his neighbor. He could go to rallies; he could take part in caucuses. He could find his recreation in a devoted interest in public affairs. They were relatively simple. He could know or learn all about the relatively short list of candidates. The questions at issue were not too complex to be the subject of reasonable debate between him and his neighbor.

We have been wont to deplore the relative lack of interest in politics on the part of the city dweller of to-day. But he has other recreations—the pictures, the radio, his automobile, the baseball game, the football game. Moreover, he can know but little of most of the long list of candidates, and the questions at issue are frequently so intricate and so specialized that he must judge them by instinct or traditional prejudices or simply follow his leader. In the city of to-day the devotion to politics that made the pioneer a pillar of the Commonwealth is likely rather to give us a caterpillar of the Commonwealth.

In law and administration the pioneer's tendency to put everything into politics is especially ill adapted to the conditions of to-day. Administration has come to be a sort of social engineering. It is a getting done of the things which must be done through legal or governmental machinery in a highly organized economic order. It is a getting them done with a minimum of friction and waste. Politics, as the pioneer played the game, is not an art of getting things done. It is a battle of opposing organizations. Any good citizen was competent to do well enough the relatively few and simple things there were to be done. There was plenty of time to fight out how they should be done and, what was more interesting, who should do them. This conception first showed its weakness on the military side in the War of 1812 and again in the Civil War.

Probably the Spanish-American War was the last we shall carry on with the pioneer methods of the beginning of our polity. To-day the pioneer conception is showing its weakness in a general want of cooperation on the part of administrative agencies, in ineffectiveness of law-making and inefficiency of administration of justice, in a general ill adaption of the law-making and law-enforcing administrative régime of the pioneer to the tasks confronting legislation and adjudication and administration in twentieth century America.

Just now it is fashionable to be "disillusioned." But I still have a Victorian faith in the American people. I have faith in their inventiveness and adaptability. I have faith in their ability to redraw our traditional picture to the life of to-day. Adaptability is an inherited pioneer virtue, and it is one which we may cherish. As Washington learned to adapt the drill and discipline of the professional soldiers of Europe to the conditions of warfare in the New World, so we must learn to adapt the ideas and ideals we have brought down from pioneer America to the exigencies of a world in which the pioneering has been done and the task is to build cooperatively upon the pioneer foundations.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House this afternoon for 10 minutes, after the completion of the remarks by the gentleman from Pennsylvania [Mr. BRUMM].

The SPEAKER. The gentleman from New York [Mr. FISH] asks unanimous consent that he be permitted to address the House for 10 minutes following the remarks of the gentleman from Pennsylvania [Mr. BRUMM]. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman from New York [Mr. FISH] join with that request a request that we have a night session to-night for the purpose of considering legislation now pending before the House?

Mr. TILSON. Mr. Speaker, we have over three hours of special orders to-day before we can go on with unfinished business. I think we have reached the limit.

Mr. O'CONNOR of Oklahoma. Does the gentleman know when the last bus will leave?

Mr. TILSON. I do not know. They may be all out of existence by that time, as far as I know. I object to any further addresses to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. TILSON. I object, Mr. Speaker.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 15 minutes after the completion of the business on the Speaker's table on next Tuesday.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent that at the conclusion of the address of the gentleman from Pennsylvania [Mr. WATSON] on Tuesday, March 25, he may address the House for 15 minutes. Is there objection?

There was no objection.

PER CAPITA PAYMENT TO SHOSHONE AND ARAPAHOE INDIANS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the vote on the passage of the bill (S. 3579) authorizing a per capita payment to the Shoshone and Arapahoe Indians was reconsidered and laid on the table, for the purpose of amending the title to conform to the act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the title of the bill.

The SPEAKER. The gentleman from Michigan offers an amendment to the title of the bill, which the Clerk will report.

The Clerk read as follows:

Amend the title so as to read "Authorizing a per capita payment to the Shoshone and Arapahoe Indians."

The SPEAKER. Without objection, the amendment to the title will be agreed to, and the vote by which the bill was passed will be reconsidered and laid on the table.

There was no objection.

INTERNATIONAL FUR TRADE EXHIBITION AND CONGRESS

Mr. FISH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 205, to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930, and concur in the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House Joint Resolution 205 and concur in the Senate amendments.

The Clerk read the title of the resolution.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, strike out "the delegates in attending" and insert "participation by the United States in."

Page 2, line 5, after "elsewhere," insert "but not including expenses or salaries of delegates, for."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GARNER. Mr. Speaker, reserving the right to object, did this resolution come from the Committee on Foreign Affairs?

Mr. FISH. Yes; it was reported by the Foreign Affairs Committee, and I have the approval of the Foreign Affairs Committee in making this motion.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

RULES OF THE HOUSE

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Nebraska [Mr. HOWARD] for 45 minutes. [Applause.]

Mr. HOWARD. Mr. Speaker, since the dawn of the initial day of attempt to establish parliamentary government two schools of thought have contended for the supremacy, and in the present day the two schools are still in conflict. One school holds tenaciously to the claim that officials in control of a parliamentary body are, and of right ought to be, instruments through which the pleasure of the reigning monarch, or the administration in control of the realm, must be worked upon every piece of legislation considered by the body. This first school may be fairly designated as the conservative, or arbitrary school, in contrast with the second school, fairly designated as the liberal school. This second, or liberal school, holds fast to the doctrine that the officials in control of a parliamentary body are, and of right ought to be, nothing more nor less than instruments through which the will of the membership must always prevail. Instantly I take my place as student in and defender of this second school, regarding it as peculiarly the American school, in which every one of the foremost fathers of the Republic was a preceptor.

I come this morning to speak upon a serious subject, and my utterances may—if my colleagues shall fail to be very patient with me—possibly lead to an erroneous conclusion as to the real object of my present speaking. For the first time in all my service here I may in this hour ask permission to follow the lines of preparation, rather than to speak with that measure of spontaneity most becoming to one who has been granted the gracious privilege of addressing these walls and these ears. Perhaps my average colleague is more familiar with my impetuous side than with my side of repose, and if now I shall resort to reading, then let me plead pardon on the base of fear that my intensity of thought regarding the subject in hand might lead to intemperate sentences should I speak extemporaneously.

Please, may no colleague of mine in this presence misinterpret my motive in my words of this morning. Let me instantly meet and defeat the argument of any who shall say that I am attempting to detract from the grandeur and the glory of this House of Representatives, or that I am giving preference to the initial worthwhileness of any other legislative body in the world—not excepting the United States Senate. My object is not to debase this House of Representatives but rather to direct attention to its own shameful mistreatment of itself. Sages have said, and their sayings are true, that this House was intended to be a forum in which the soul of the American people, speaking through the lips of chosen representatives, could be heard—a forum in which every representative might have opportunity to express the views of his home people with reference to any pending legislative problem. Happy the wish that this design of the fathers might be the fact as of to-day, but in the garish light of the record in recent years one is impelled and compelled to the conclusion that our House of Representatives has become everything else than a deliberative body.

To whom shall we ascribe the blame for this shameful fact? Shall one stand here and speak as a partisan, declaring that the blame belongs to one particular partisan political organization? In the glaring light of fact I dare not—and shall not. The unhappy transforming of this House from its original state as a deliberative body into its present state as a body in which deliberation finds small place has been due to no one political partisan organization but to a linking and a welding of influences in the two great political parties, influences preferring that this House shall become the plaything of official masters rather than the handmaid of its membership.

Perhaps I should, before proceeding further, select a text around and upon which to cluster in words my own estimate of a very unhappy situation in the legislative affairs of our Republic. And so I shall select a text, taking it from the very first verse of the very first chapter in the Book of Fact, reading as follows:

> The liberal rules of debate in the United States Senate constitute to-day the last and only governmental bulwark between the average American citizen and those powerful predatory interests which so often seek and so often receive permission to spoliate the average citizen by aid of laws enacted by the Congress.

Very proud is the boast of the average American citizen that under our system of government nothing can take away from him the sacred right of free speech. Let one who shall carelessly utter that proud boast serve for a day or for a session as a Member of this House of Representatives, and thereafter his voice will be small, very small, when voicing that proud boast, if indeed not thereafter hushed to perpetual and shameful silence.

The United States Senate is to-day the only national forum wherein the right of free speech remains uncontrolled, and wherein the right of each individual Member to offer amendments to pending legislation is preserved in its entirety. No man, and particularly no American citizen, can find words to properly estimate the importance of free speech and the right to offer amendments in a legislative body. Without the safeguard of this sacred right the representatives of the people in any legislative body are wholly unable to express in speech, or in written amendment to pending legislation, the views of their home people regarding such legislation.

To-day in the United States Senate every Member has the inalienable right to offer amendments to any pending bill. He may seek by amendment to add something to the bill, or to take something from it, and his right to be heard with reference to any amendment, or to any question of governmental policy is unchallenged. Will any one of my colleagues here present, speaking in capacity as an individual Member of this House, be heard to say that any such sacred right is preserved to him in this body? I pause for reply. Silence reigns, and it is humiliating silence.

For the sake of comparison, let us now turn to the consideration of a tariff bill in this House, and then to the consideration given to a tariff bill in the United States Senate. When the tariff bill now being considered by the Senate was before this House did any Member have opportunity to fairly analyze the bill? Did any nonmember of a powerful committee have opportunity to rise in his place on the floor and offer an amendment to change any schedule in the bill? The individual membership of this House had absolutely nothing to say as to what the bill should contain, or as to what should be excluded from it. The people in our home districts were interested in the bill, and yet we had no opportunity to speak their desires with reference to any of its provisions.

Did we discover some particular feature of the bill which we felt must be harmful to our home people, and did we then cast a vote against that particular feature? No; and for the ample reason that we were compelled, under the workings of the gag rules of this House, to vote for the bill as a whole, or against the bill as a whole.

I recall that immediately prior to the passage of that tariff bill under the gag rules of this House many Members denounced the bill as distressingly unfavorable to their home people. For reasons far beyond my ability to understand, those protesting Members said they would vote for the bill, admittedly hurtful to their constituents, believing that the Senate, working under its liberal rules, would enact wholesome amendments and send the bill back to the House with such amendments. Their prophecies in this regard have been in part fulfilled. The Senate has splendidly amended the bill in several directions, and some day—God and GRUNDY know when—it will come back to the House, carrying some good amendments—and some perhaps not so good.

This one object lesson, showing the different manner in which the two Houses have handled the tariff legislation, ought to be sufficient to sustain my contention as stated in the text upon which I am here basing my remarks. Shall it be construed as challenging the honesty, the patriotism, or the ability of the Members of this House when I assert that it has ceased to be a deliberative body, and has become a body in which three men control the doings of the House as absolutely as an American schoolboy controls his own marbles? I have no such thought in mind. Indeed, it is my firm conviction that the membership of this House in this hour will suffer not at all in comparison with the membership of any preceding House. Measured by the true yardsticks of probity, patriotism, and ability, this present membership is instantly the equal of any predecessor since this great legislative body first became the speaking soul of the American people in a legislative way.

I look about me here and discover colleagues magnificent in point of patriotic fervor, common honesty, and ability, supinely submitting to the sway and control of three official Members who are empowered by the House gag rules to allow legislation to live or to make it die, just as the triune will of the three shall decree. Many magnificent statesmen, sent here as servants of and spokesmen for their home people, are as helpless as little children in effort to accomplish legislation not favored by that trinity of control.

The average American citizen loves to behold the President of the United States as the most powerful man in the world, and particularly with reference to governmental matters in our Republic. Our President does have vast power. By the aid of his veto he may put to death any piece of legislation which may have been enacted by the two Houses of the Congress, but by a sufficient vote the two Houses may make that same piece of legislation live again, and may make it the law of the land despite the veto.

But there is here in Washington, holding membership in this House, one man far more powerful than the President of the United States with reference to affairs of government, and particularly with reference to legislative matters. That one man who possesses more power than the President of the United States is our princely colleague, the gentleman from New York, Mr. SNELL, chairman of the gag rules committee of this House. How vast is his power? Why, it is so far-reaching that he can choke to death any piece of legislation which may originate here, or which may come over from the Senate, before ever it can get a chance for consideration on the floor of the House. I can not believe that any one Member of this House, no matter how charming his personality, should be vested with such vast power. While always applauding the personality of that powerful man, never am I able to pridefully observe his exercise of power.

Often when observing his murderous treatment of legislation for the country's weal, or when beholding him promoting legislation for the country's woe, I find myself recalling a long-ago encounter between a magnificent President of the United States and a powerful money lord. In that encounter the mighty power exercised by the money lord in matters of Government was recited, and at the close of the recital the Chief Executive of that day looked the man of money straight in the eye and said some short words to him. And often now I am wishing that but for a moment I might have a tithe of the courage displayed by Andrew Jackson when he spoke to Nicholas Biddle. In that moment I would look BERTRAND SNELL squarely in the eye, and my Quaker lips would paraphrase the speech of Andrew Jackson long enough to make them say:

> Chairman SNELL, the power which, under the House gag rules you exercise, is too damned much power.

If time would now permit I would like to direct attention to many good things accomplished by the aid of the liberal rules of the United States Senate—good things which this House of

Representatives should have accomplished; but, hindered by its own gage rules, could not. For instance, the Norris "limping duck" resolution has been, by aid of liberal rules, pushed through the Senate several times. It is my sincere judgment that if that lame-duck resolution might come to a vote in this House right now it would receive the votes of a large majority of our membership. But it does not come to a vote. Why? Because 3 men in this House, by aid of the gag rules, are more powerful than the other 432 Members. Long ago the House should have been the originator of legislation to do away with the lame-duck sessions, but it remained for the Senate, under its liberal rules, to take the initiative. To-day there is reposing in a pigeonhole in the House Rules Committee a resolution requesting consideration of the Norris lame-duck resolution which came over from the Senate months ago. I refer to House Resolution No. 177. Just why this resolution was consigned to the Rules Committee cemetery I do not know, for, indeed, the resolution did not ask for Rules Committee action until after action by the Committee on Election of the President and Vice President.

I have expressed belief that this limping-duck resolution is favorably regarded by a large majority of the Members of this House. If that be true, then why does not that majority sentiment make a demand that the resolution be brought before the House Simply because, as every Member knows, in order to drag a measure from a hostile committee a petition to that end must be signed by 218 Members of the House. Such a petition can not be carried about and presented for signatures. It must lie on the Clerk's desk and may only be signed by Members when they go to the desk and ask permission to sign it. No such gag rule was ever invented by any other legislative body in any country claiming even a semblance of parliamentary government. Since that particular gag rule was invented, no petition to compel a hostile committee to report a bill has ever received 218 signatures. At this moment there is lying upon the Clerk's desk a petition in behalf of consideration of a bill to carry quick relief to the disabled soldiers of the World War, and particularly the ex-service men now victims of tuberculosis. This petition, in a cause almost holy, is languishing and dying for lack of 218 signatures, although it must be true that the heart of this House would run quickly to the rescue of the fast-fading tuberculars were it not impeded by fear of the disfavor of the operators of our gag rules.

The infamy of our House gag rules system runs even to the length of compelling the House to spit in the face of the Constitution of the United States. That Constitution commands the Congress to pass a reapportionment bill every 10 years, and yet, by aid of the gag rules, the controllers of the House prevented action, and I now sadly recall the fact that it was the liberal rule of debate in the Senate which compelled the House to observe belated loyalty to that Constitution which each Member here had so solemnly sworn to support and defend.

Ever since I began study of the science of government—in which study I am still in the primary class—I have believed it was the mission of the House to conduct investigations such as have now seemingly been given over wholly to the Senate. This House should have begun investigation of the predatory oil interests years ago, and yet never a move was made in that direction. The country had never been permitted to peer beneath the lid of Teapot Dome and behold the seething mass of corruption therein, nor had the country's nose ever been sickened by the foul effluvia arising therefrom had the lifting of that lid been left to our House of Representatives. That lid was lifted alone by the crowbar of the rule of liberal debate in the Senate.

Once upon a time this House did attempt to impeach a Daugherty. My love for this House forbids further mention. But the liberal rules of the Senate came into action. The Senate proposed to investigate Daugherty and did investigate him. One faithful and intrepid Senator, by aid of the liberal rules, forced a roll-call vote on a motion to investigate Daugherty, and then that Senator, in order to prevent a packed investigating committee, proposed that the committee should be selected by the Senate as a whole and not by an individual Member. The country now knows the result. The most startling disclosures were made, finally resulting in the trial of Daugherty and Miller. The penitentiary won Miller. Daugherty escaped by the narrow margin of one vote.

It was the liberal rules of the Senate that made possible an investigation of the oil leases. By aid of the liberal Senate rules a few Senators forced a roll-call vote on the resolution for investigation. The roll call in a legislative body has been well said by Senator NORRIS to be the guardian angel of progressive government. In this particular case the roll call brought unwilling votes in sufficient number to pass the resolution. The result was the uncovering of some of the most shameful official proceedings in our Nation's history. Members of a President's Cabinet were found to have been engaged in bartering the natural resources of the country for a money price. Property thus stolen, in value beyond a billion dollars, has now been restored to the Government. All this because the liberal rules of the Senate enabled a few Members of that body, honest and brave, to successfully insist upon an investigation. Hindered by the gag rules in this House, such a victory for the right could not have been accomplished here.

The oil investigation is but a sample of other investigations by the Senate, some of which are now under way. Almost every day the headlines in the newspapers announce new and startling disclosures made by the Federal Trade Commission, always as a result of a Senate resolution giving directions for the investigation of Power Trust. For more than two years the Federal Trade Commission has been carrying on this investigation, made possible only by a few Senators who made use of the liberal rules of the Senate for that purpose. The country has been startled by the disclosures of the mighty power of the greatest combination of moneyed men and corporations ever joined together by the ingenuity of the human mind.

The watered stocks of public utilities, the political control, the propaganda methods of Power Trust to mold and control public sentiment—reaching even into our public and private schools and universities, our churches, our lodges—robbing the people by stealing their own money, and then deceiving them by spreading propaganda with money which Power Trust had wrongfully taken in the form of unjust charges for public-utility service all over the land. All this has been exposed because the liberal rules enabled the Senate to act—perhaps not a majority of the Senate, perhaps just a little coterie of Senators—but under the liberal Senate rules that small number of Senators had the power to force action.

I have given only a few instances of the guardianship of the interests of the common herd in our country by a few Senators, their best weapon in their fight for the masses being the liberal rules under which that body is working. These instances clearly show what this wonderful House of Representatives might accomplish in that direction if only we could get out from under a control of legislation here by a system of gag rules which has bound this House to the chariot wheels of three drivers, splendid in their personalities, but as ruthless as Geronimos in their roughriding over the fair rights and prerogatives of the individual membership.

Mr. Speaker, it can not be that advisedly any foe or friend has listed me as peering through covetous eyes toward a seat in the United States Senate. First place I yield to none in expression of the proud privilege which is mine—the privilege of serving in this ancient and honorable body, along with this present galaxy of the noble and the true. Collectively we constitute a legislative nobility never marred, save only when it sleeps supinely and obeys truculently a system of gag rules constituting the one and only shame of the United States House of Representatives.

May the God of our fathers give wings to the hour in which this House shall dethrone the unworthy monarch of gag rule and adopt as its own at least a measure of the liberal rules of debate which now make the United States Senate the last steadfast bulwark between the common herd in America and those mighty predatory interests which so often seek and so often receive special governmental favors, by aid of which they are enabled to extract unearned tribute from the citizenry of the Republic. [Applause.]

Mr. ALLGOOD. Will the gentleman yield for a question?

Mr. HOWARD. Oh, yes.

Mr. ALLGOOD. The gentleman referred to the tariff measure and the procedure which was followed, but the gentleman failed to state that in writing the tariff bill in the House the minority members of the Ways and Means Committee were excluded altogether.

Mr. HOWARD. The gentleman is absolutely right. I have but one plea to make for my failure in that direction, and that was, if my colleague will permit, to carry out in good faith the intention I had in mind to make my little address this morning absolutely devoid of anything in the nature of the partisan. But what the gentleman says is absolutely true, and it is shamefully true. Yet I did not think it best to inject anything of a partisan nature into my remarks this morning.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. HOWARD. Certainly.

Mr. ALLGOOD. The gentleman has pointed out the facts in the case, and pointed them out well. What is the gentleman's suggestion as to the treatment or cure?

Mr. HOWARD. Oh, the suggestion is instant. It is to give the individual Member of this House a right to speak the sentiment of his home people on this floor and to liberalize the rule of debate. For instance, here comes a man, sitting in front of me, Mr. TIMBERLAKE, of Colorado, representing a people who are engaged more largely than the people of any other district in the United States in the production of sugar beets. Did he have an opportunity to rise on this floor—as an individual Member and as a nonmember of an important committee—and offer an amendment to raise the rate of tariff on beet sugar? Why, no. Here I come from an exclusively agricultural country. Did I have an opportunity to offer an amendment to increase any manner of tariff rate on the agricultural products of my particular country? No; not at all. The gentleman is absolutely right.

The gentleman asks my remedy. There is only one remedy, and that is to give us a liberal rule of debate and dethrone this gag rule under which we have triune control.

I will say to the gentleman, and I will say to all of my colleagues, that I would prefer at this moment to have my Speaker sitting up there and absolutely controlling the debate of this House, saying who should speak and who should not, than to have the present system under which I, as an individual Member, am compelled to beg time from a brother Member, who is my equal in every respect, if he can be. I do not believe in it. I look up to authority. I believe in authority, but I do not believe in making one Member of this House more important than his fellows because he is in control of a committee; and I do not believe in giving him more influence on the floor of this House and more opportunity for influence than the humblest individual Member on the floor. It is not right; it is damnable and destructive of the rights of the individual Member.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. HOWARD. Surely.

Mr. ALLGOOD. Then the House Members, by their own action, have reduced their own authority to less than that of the Members of the Senate?

Mr. HOWARD. Oh, the fault lies alone with the Members of the House. I told the gentleman and I told the House that I did not attribute this hideous fault to any particular political organization. I do not, because I recall that some Members of my own political organization were heartily in favor of these infamous gag rules. These evil gag rules were invented and manufactured by the linking and welding of influences in the two great political parties, those influences desiring that this House shall become a plaything in the hands of a trinity of managers, rather than the handmaid of the membership of the House. I believe that is true, and I believe it can not be gainsaid.

If I have made any statement in my little talk of this morning that is not in harmony with the facts, I would humbly make amends in any way I can. I have tried to avoid any misstatements, and I hope I have.

Mr. GREEN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. GREEN. Is it not also a fact that under the rules, as the gentleman has so ably mentioned them, it is almost impossible to offer an amendment or to get an amendment accepted on the floor? It is all cut and dried in the committee, and when a proposition is brought before the House we have little chance to express ourselves or to amend. I detest any such rule and believe it not for the interest of expressive and representative legislation. The House rules should be amended to permit floor discussion and possible amendment. I commend my colleague from Nebraska for his plea for the restoration of the rights of the respective Members of the House.

Mr. HOWARD. That is absolutely true, as stated by the gentleman from Florida, with reference to the tariff bill. It is not altogether true with reference to other legislation, except sometimes when this powerful chairman of our Rules Committee brings in a piece of legislation, hurls it on the floor here like a flash of lightning out of a clear sky, and gives us no time in which to consider it and no opportunity to offer amendments. Sometimes we do have a chance to offer a little amendment, but not very often. I remember I offered one the other day, and it was a good one, too, although it did kill the bill. [Laughter and applause.]

Mr. Speaker, always desiring to work the welfare and the pleasure of my majority floor leader, I heard him say a little while ago that he is terribly pressed for time, and could not yield any more time. I notice I have about 15 minutes left. I really feel I might use this for the good of my country, but my love for my majority floor leader bids me now to yield that 15 minutes to him to be disposed of as he may desire. [Laughter and applause.]

AMERICA IN A WORLD AGE

The SPEAKER pro tempore (Mr. HOLADAY). Under the special order of the House the gentleman from New Jersey [Mr. EATON] is recognized for 30 minutes.

Mr. EATON of New Jersey. I wish it were possible, Mr. Speaker, for me to take the time at this stage of the proceedings to make an attempt, at least, to assuage the grief which shadows the mind of our distinguished friend from Nebraska over the depraved and enslaved condition of the Members of this House. I notice that the gloom which enshrouds his usually cheerful soul is lightened somewhat by his affection and admiration for the conditions obtaining in the United States Senate, and if, in the providence of God, the grateful people in his State should transfer him to that exalted body, his problems would be solved, although we would miss him badly here.

My purpose in addressing the House is to urge upon Congress and the country the imperative necessity for sane, courageous, and adequate attention to the new position among the family of nations in which our country finds itself to-day, and to outline some of the responsibilities which this new place of power and influence lays upon us as individuals and as a Nation.

It must be self-evident to every thoughtful mind that we are living in an intellectual, spiritual, and social climate radically unlike that of any period within the experience of the present generation. In common with all other peoples we find ourselves in what may be described as a World Age. The outstanding characteristics of this new world age have rapidly taken shape since the World War. Although we are still in the gray dawn of the new day, it is possible to determine in outline, at least, the most important of these characteristics.

We face, first of all, the fact that in this new age every section and nation of the world is in complete and continuous contact with all other sections and nations, and we are just beginning to evaluate the central significance of this condition. We live in a cosmic climate. No movement of any kind—social, political, economic—can take form in any quarter of the globe without becoming immediately the common possession of, and affecting for good or ill the common consciousness of mankind. Local facts and forces remain as of old, but their relationships are constantly becoming universalized.

For a century and a half our country has been floating down the ever widening and deepening stream of a distinctively national development. We have been mainly concerned with the problems of an American culture and an American prosperity. We had a new continent to explore, exploit, and organize. We had to create for ourselves new constitutions, new institutions, and new social instrumentalities. We seemed to be self-contained and to a degree had to be self-centered.

The World War changed all this, as it changed the status of every other race and country. That titanic struggle contained within itself the death throes of an outworn age and the birth pangs of a new era for all mankind. To-day, in common with all other peoples, we find ourselves adrift upon an uncharted sea of universal change and contrast, upon whose far shores we hope to find room and scope for a civilization spacious and genial enough to meet the utmost needs of human progress. Ours is the largest ship. It carries, we believe, the most precious cargo. Even if we would we can not turn back to the safe anchorage of our home port. Like all the others, we must make the hazardous voyage. We are beset and baffled by strange new tides and currents. We must steer by new stars. Whether we will or not, necessity is upon us to face these new world conditions. The price for our national safety and progress as for all other nations is the abandonment of parochialism and provincialism in thought and method. Unless we learn to think in world terms we can not think our problems through at all.

It is this vast and devastating break-up of old ideas, ideals, and relationships, which accounts in large measure for the mental and moral unrest which afflicts all societies at the present time. Everywhere discontent, cynicism, petulance, and instability are common expressions of the social temper. Discontent among the rich because they are rich. Discontent among the poor because they are poor. Everyone seems to want something that he has not got and his desire usually ends in getting something that he does not want. The substitution of amusement for happiness and molecular motion for intellectual tolerance and spiritual serenity satisfies no one. The delusion that statute law can successfully displace the authority of conscience and reasoned judgment gets disappointing results. Hysterical attention to the business of others leaves little time and less inclination for the individual to attend to his own responsibilities. The mote in his neighbor's eye distracts attention from the beam in his own eye. One of our most popular spiritual excitements consists in shocked contemplation of the faults and

failures of others. Even statesmanship at times waxes great by the stern exposure of the total depravity of corporate and individual taxpayers.

Amidst this universal strife of tongues and clash of wills and interests we can not remind ourselves too often that behind the shifting shadows of human failure and frailty in every age stand the eternal verities of truth and justice unshaken and unshakable.

Through all the changes and chances of history mankind has advanced slowly but surely toward the golden day when all men shall enjoy full participation in all the good things of life—spiritual, intellectual, material.

Perhaps the most pregnant and significant shift in the emphasis of thought in this new world age is the placing of humanity above material things as the chief concern in the social process. No longer do we conceive of business or politics as an end in themselves. They have value and meaning simply as a service to mankind, to men, women, and children. I would place this as the proudest achievement of the civilizing process. While as yet we only discern the vast revolutionary implications of this idea, it is evident that it contains within itself potentialities which must eventually reconstruct all society. In this twentieth century man will not only achieve a new dominion over the forces and resources of nature, but he will learn to use this dominion for the liberation of all classes in all sections from many of the burdens which have cramped, degraded, and held back the individual in his development.

Another important factor in the intellectual and spiritual climate of the new age is the consciousness of political power which manifests itself among the masses of men in all countries. This has been named a demand for self-determination. Whatever name we give it in its practical results it is disturbing every organized political society in the world. It is modifying the permanent institutions of countries like the United States and Great Britain, Germany, and Italy. And it is acting like a powerful ferment rapidly dissolving and reassembling the materials of society in nations like China and India.

This new world age is preeminently an economic age. For the first time in history every civilized society is focusing its main attention upon one common problem. That problem is how to eliminate and gradually abolish economic poverty. This supreme central idea or objective controls political policies in all countries. It is rapidly modifying the social thinking of all societies. As it moves irresistibly forward to take possession of the citadel of men's minds everywhere, it creates confusion and loss. But at the same time upon the wreckage of social machineries which it destroys, it is building up a new, wholesome, humane, and progressive type of civilization.

The determination to eliminate and finally abolish economic poverty throughout the world is no longer a Utopian dream. Science has placed in the hands of men everywhere the scepter of full dominion over the forces and resources of nature. There is no doubt that the production of enough of every commodity needed to sustain a wholesome physical and spiritual existence for the entire race is already far within the power of organized industry and agriculture to achieve. Our chief problem now is how to create a sufficient buying power to absorb our mass production. There are two main plans for the accomplishment of this purpose claiming the attention of the world. One is the Russian idea—known as communism; the other is the American idea, which for want of a better name we may call cooperative individualism—the Russians call it capitalism.

One of these plans will surely rule the world. In practice they will profoundly modify each other, but in essence they are mutually exclusive. There is not room enough in the world for both. In its economic structure the world must eventually become all Russian or all American.

The communistic leaders of Russia have no illusions on this point. They are at war with every society in the world, including the peasant class in Russia itself. At this very moment they have moved their New World headquarters to New York and are at work in the United States enlisting the aid of self-styled liberals, who have nothing else to do; staging strikes and parades; rubbing salt into every social sore; and fomenting every antisocial poison among the alien minded in our large cities.

The Russian communists have newspapers in New York and elsewhere financed from Moscow. They have throughout the United States organizations for purposes of social agitation led and financed from Moscow, bearing names as similar as possible to the honored names of American labor groups. They have here an active political party, and here, as everywhere else, they are the very incarnation of hate, suspicion, lawlessness, and violence.

This determination of the Russian communists to destroy all existing social, economic, and political institutions in the whole world is entirely logical. Their communistic society as set up in Russia can not permanently do business with or even live at peace with any existing society or nation. Normal men in the rest of the world believe in God. The communists propose to abolish God by uprooting all religion. The world has a common standard of morals covering the essentials of human conduct. Communism has no morals. Its whole philosophy is repugnant to every normal idea or ideal cherished by the world through the long centuries.

Now, what has the American plan of life to offer as its reason to be? How has it handled the problem of poverty? What kind of men and women has it produced? What is its program for the future? How does America compare with the rest of the world in all that makes life for the masses of men bearable and worth while?

Let us admit at once that we are still far from the millennium. We still have grave inequalities and injustices in our social structure. Our very progress has created immense new difficulties and disturbing problems and will continue to do so. But we are on the way toward better things, and we have already done more toward the lessening of general economic proverty than any society that ever existed. Even at this time of business uncertainty and stress, our economic worst is better than the economic best of any country in the world with the possible exception of Canada. And in this fact lies one of our most baffling problems.

How has this been accomplished? Certainly not by any dictatorship of the proletariat—not by any class war—not by bloody revolution—not by the enthronement of hate as the cardinal virtue.

We have reached our present level of happiness and prosperity, imperfect as it may be, by adherence to our American ideals of individual effort; individual private ownership of property; free cooperation among all interests for their mutual good; a free political Government alert to guard the rights of all, to preserve the sanctity of the home, to furnish education for all, to insure every man the right to work and worship in his own way.

There can be no question that in this economic age America leads the world in progress toward freedom from poverty. With 6 per cent of the world's population, we have in use 60 per cent of the world's telephones and 78 per cent of the world's automobiles. We use practically as much electric power as the rest of the world put together. Over 20,000,000 of our homes are wired for electricity. Over 50,000,000 of our people have on deposit in the savings institutions of our country around $30,000,000,000. Seventy-five million policyholders are paying premiums on around $100,000,000,000 of life insurance guaranteed by cash reserves great enough to pay the Nation's debt. In the State of New Jersey a million and a quarter of our citizens have a billion and a quarter dollars invested in building and loan associations alone. At least a quarter of our people engaged in gainful occupations own securities in the industrial securities of the country. Last year the people of this country saved in Christmas funds over $600,000,000.

The enormous purchasing power of the American people has been made possible by the highest wage level in the world. And this wage level is paid out of the high production of labor. And the high production of labor is made possible by full understanding and cooperation between employer and employee; by good management, good machinery, and the use of cheap and abundant power.

It has long been a commonplace of patriotic oratory that America is the hope of the world. I believe that this is the truth, but not in the old accepted sense. We used to think that America was the hope of the world because men could come here and find a better job with better pay and better living conditions than they had known in the lands of their birth.

To-day America is the hope of the world, because by American methods under our American system of government, and the American-minded conduct of our industries, we have demonstrated that poverty can be eliminated. We are still far from complete success in this magnificent demonstration, but we are far enough along to prove that we are on the right track and headed in the right direction.

This is what we have at stake. This is the responsibility that rests upon every citizen and upon all our governments—National, State, and municipal. We must not fail our own people. We must not pluck from the sky this one star of hope for the struggling sons of men in other lands who, because we have done what we have, take heart and courage to strive for the same results in their own place and under their own peculiar conditions.

We are now entering upon a national political campaign. No party has any right to the confidence of the people which

can not come before them with a workable plan to aid, so far as Government can, the masses of our citizens to hold their present economic status and make further progress toward freedom from the curse of poverty. This is the supreme issue in this campaign, involving as it does the happiness and security of all, regardless of breed, creed, or class.

The American people are tired of mere partisan ballyhoo. They know that this is essentially an economic age. Our problem is mainly an economic problem. And there is no partisanship in the multiplication table. What the average American citizen wants is a chance to earn an honest wage sufficient to care for his family and himself according to American standards of living. He wants to be free from the fear of losing his job and to have a surplus against old age and illness.

It has been well said that our people are striving for a fourfold prosperity—the prosperity of productive capacity, the prosperity of purchasing power widely distributed, the prosperity of security of life and property, the prosperity of leisure for full enjoyment of life more abundant.

We have an almost infinite number and variety of agencies of a private and social nature working to conserve and upbuild the priceless fabric of our American civilization. The church, the school, the home, great public-minded organizations like the American Federation of Labor, and various voluntary cooperative bodies. These constitute a noble and reassuring expression of our genius for self-government and free cooperation for common ends.

When we enter the realm of politics the prospect is not so inspiring. The political mind is still far behind the economic mind in vision, courage, and constructive force.

We have a two-party system of government. At least, we have had a two-party system, and in spite of the tendency to create blocs and cliques and sectional interests the skeleton of our two-party system still stands.

We are now entering upon a great national political campaign, in which the citizenship must choose which of the two major parties will be intrusted with the responsibility of carrying on our Government, so far as the legislative branch is concerned.

What is the program of the Democratic Party?

I gladly recognize the honorable history of the Democratic Party. It is our oldest political organization. It has had great men among its leaders. It counts within its ranks numbers of our noblest and best citizens. But the program offered by its leaders for solving the vast and complicated problems of our national life at the present time seems absolutely frivolous and intellectually barren, with no really constructive idea.

Judging from the daily outgivings of its official leaders, the Democratic policy in this campaign consists—for the present, at least—of these absurd negatives:

First. Our country, as a whole, is in a state bordering upon economic ruin, which sad condition has been brought about by Republican wickedness and inefficiency in office, and especially by that supreme iniquity, the Republican tariff.

And this in face of the fact that the Republican tariff is the sole governmental wall of safety between the starveling wage levels of the rest of the world and our American economic fabric, which is keyed to an American standard of living.

It seems useless to point out that our national income has trebled since 1909—reaching the enormous total of $90,000,000,000 a year ago—that seven-eighths of the national income goes to the masses who earn less than $5,000 a year; that we have now, in spite of temporary depression and unemployment, the widest distribution of wealth and the highest level of comfort ever achieved by any society since time began.

Second. To quote the chaste and restrained language of the Houston platform, the official leadership of the Democratic Party professes to believe that the whole official administration under Republican rule has become saturated with dishonesty and the watchword of the day should be, "Turn the rascals out." Which reminds one of the signs in front of a city store: "Do not go elsewhere to be cheated—come in here." [Laughter.]

And third, President Hoover, his advisers, and the party he leads are hopelessly incompetent and his administration during its first year has done absolutely nothing—or if it has done anything, it has done the wrong thing in the wrong way. Again in the language of the Houston platform—

> This is the appeal of the Democratic Party to the people of the country.

Gentlemen, I say that for any political party to come before the American people with so puerile and feeble a program constitutes a national calamity, and I can not understand why, with the brains and character and quality and history that lie back of the great Democratic Party in this country, its intellectual processes should have frazzled out to such a series of meaningless negatives.

Mrs. NORTON. Will the gentleman yield?

Mr. EATON of New Jersey. I will be pleased to yield to my friend from my home State.

Mrs. NORTON. What does the gentleman think of the present senatorial fight in his own party on the other side of the Capitol?

Mr. EATON of New Jersey. I do not know just the particular fight. They have so many over there, which one does the gentlewoman mean?

Mrs. NORTON. Suppose the gentleman tells us about the Pennsylvania fight. What does the gentleman think of that?

Mr. EATON of New Jersey. I do not live in Pennsylvania, Mrs. NORTON. I have troubles enough in New Jersey.

Mr. ALLGOOD. Will the gentleman now yield to me?

Mr. EATON of New Jersey. No; I yield to the fairer sex, but not to mere men. [Laughter and applause.]

Mrs. NORTON. I thank the gentleman.

Mr. EATON of New Jersey. Now, what is the Republican answer to all this? I wish I could take flight and wing myself into the seventh heaven of satisfaction over all our proposals, but I can not.

I have lived long enough to know that human nature is pretty frail no matter what its political label may be, but on the whole I think at the present time we Republicans have a program that is worthy of the attention and confidence of the American people; but, ladies and gentlemen, I am equally convinced that we have got to get rid of the intellectual graveclothes that have wrapped themselves around us in both parties and face the new, tremendous, challenging realities of this world age if we are going to serve the American people as political parties ought to serve. [Applause.]

In all my campaigns, as the lady from New Jersey [Mrs. NORTON] well knows, I refrain entirely from personal criticism of Democrats, whatever I may think of their political program, because my belief is that when you scratch the surface and get under these political differences you find both Democrats and Republicans to be Americans first of all, and it is American-minded people we must put on guard.

Under the leadership of our great President the Republican Party has now in actual operation a constructive, practical policy for helping the American people to solve the vital and difficult problems that confront them in this world age. This policy begins with frank recognition of the fact that our chief domestic economic problems are vitally related to world economic conditions and forces. We have an excess productive capacity in both industry and agriculture of around 25 per cent. We must find foreign markets to absorb this excess at profitable prices. Foreign peoples can not buy our excess products unless they are prosperous.

In facing this world problem the basic Republican principle is that world peace is the foundation of world prosperity. The Kellogg peace pact and the movement for international disarmament are practical applications of this principle under Republican leadership.

The Republican Party stands, as it always has, for a tariff to protect both agriculture and industry, and we do not believe in the coalition doctrine that the way to aid agriculture is to injure industry.

The Republican policy, under Mr. Hoover's leadership, seeks to enlist all resources of science and research and the best brains of labor, finance, industry, agriculture, education, and religion to cooperate with Government in safeguarding and advancing the best interests of the whole country.

The Republican Party is acting upon the conviction that there must be developed a new world standard of economic comfort for the masses of men, and that this, in the long run, must be the American standard.

Either the rest of the world is coming up to our level or we must sink down to theirs. We can neither live nor die unto ourselves. We can not forever remain an island of prosperity in an ocean of adversity. Our problem is to keep our present American standard and go on to better things.

While these are general considerations, they are as practical in their effects upon human life as are the effects of climate upon fruits and plants.

Our country stands to-day face to face with the most searching test in our whole history. We have the brains and character and money and machinery to meet this test. We need only the vision and united constructive leadership of the best men and women in all parties to hold all that we have achieved and to go on to more glorious triumphs over poverty and distress, not only here but throughout the world. [Applause.]

Mr. ALLGOOD. Now will the gentleman yield?

Mr. EATON of New Jersey. I will yield to the gentleman.

Mr. ALLGOOD. I want to ask the gentleman this question: When this country is confronted with a common foe, like com-

munism, does not the gentleman believe that the Democratic Party will stand fast with the Republican Party and oppose it?

Mr. EATON of New Jersey. Yes; that is exactly what I think and what I want—the Democratic and Republican Parties to forget the secondary graveclothes conditions which separate them and get together in the interest of all the people of our common country and of all the world. [Applause.]

JUDGE HENRY B. ANDERSON

The SPEAKER pro tempore (Mr. ACKERMAN). Under the order of the House, the Chair recognizes the gentleman from Tennessee [Mr. FISHER] for 10 minutes.

Mr. FISHER. Mr. Speaker, ladies and gentlemen, in the brief statement made by the gentleman from New York [Mr. LAGUARDIA] on Wednesday last, on page 5105 of the CONGRESSIONAL RECORD, and the charges made in House Resolution 184 against Judge Harry B. Anderson, district judge for the western district of Tennessee, it is evident that they are based on anonymous letters and from unreliable sources.

It is understood by everyone that the present administration, particularly through the Attorney General, is making active efforts to enforce all laws. In the enforcement of laws the integrity of the presiding judge and the cooperation of the officers of the courts are vital to the successful prosecution of violators of the laws. The Federal judges are selected with great care after investigations have been made by the Department of Justice. These judges, as a rule, have the respect and confidence of our people, and before charges of misconduct are made a most careful investigation should be made to see that there is sound proof available and that the origin is not in the antagonistic spirit, arising from a hostile personal feeling or from violators of the law who have been in court and given deserved punishment.

It is well known that there has been friction between the United States district attorney and Judge Anderson and that there have been activities from the same group which unsuccessfully assaulted the judge to prevent his confirmation in 1925.

The spirit in which the judge meets these charges is shown in this telegram:

MEMPHIS, TENN., *March 15, 1930.*

Hon. HUBERT F. FISHER,
House of Representatives:

Please say for me to chairman of the House Judiciary Committee that I earnestly request the appointment of an impartial committee to meet in Memphis to investigate the charges that have been preferred against me. After this committee has heard the sworn testimony of witnesses in refutation of the anonymous communications against me, I am confident of being absolutely vindicated.

HARRY B. ANDERSON.

Judge Anderson is a native of Michigan, but his family early in his life moved to Memphis. His father was for many years one of the outstanding business men of our city. He and his son, the judge, are Republicans. I have known Judge Anderson for 25 years. His college education was followed by the study of law at one of our great universities, and one of his teachers is now a member of the United States Supreme Court.

He and his family have an enviable place in the social life of our city. He was at one time president of the Tennessee Bar Association, and because of his combining business experiences with the law he was elected president of our chamber of commerce.

In 1917, upon the declaration of war, notwithstanding the fact that he had a family, with four children, he enlisted in the Army and was sent to France, where he served with distinction and was promoted to the rank of lieutenant colonel. In 1925 he was nominated for district judge and soon there was an attempt made to block his confirmation. This opposition was represented by the late W. F. Zumbrum, the attorney for the Ku-Klux Klan, who made efforts for two weeks to prove a lot of hazy charges, but finally abandoned the attempt and he was immediately confirmed.

His record as a judge since 1925 has been approved by the lawyers who practice in his court. The Circuit Court of Appeals of the Sixth Judicial Circuit rarely reverse his decisions.

When these charges were made against Judge Anderson I asked Albert G. Riley, a lawyer of Memphis, Tenn., who was familiar with these charges, to write me a statement setting forth an explanation, which he did:

Your letter of March 13 just came in, and I appreciate it, as well as the inclosures. I knew that you would become active in the matter at once.

Most of the facts you already know if you can recall them. I think I went over each charge with you last fall. Since that time, however, the Department of Justice sent down a corps of investigators, and Harry King advises me that at times there were as many as nine investigators here. They audited, checked, and investigated each bankruptcy case for the last 10 years. They did not confine their investigation to the records but went out into the body of the county and interviewed purchasers of stock, attempting to make them exhibit to them the canceled checks. They did everything in their power to dig up corruption, whether they had any basis to work on or not. King advises me that Cage told him that he was going to put the whole bunch in the penitentiary. As a result of it all they learned that C. H. Elliotte had been delinquent in making his settlements and by an order of Judge Anderson required him to close up his cases and account for his money. Phillips filed a motion to remove Elliotte as trustee in one case. A check given to the Government for income tax was returned by the bank for insufficient funds. At this time the estate had been administered, all checks issued, and there was nothing further to be done in the case except to obtain the trustee's vouchers. Elliotte stated that it was an error on the part of the bank, but paid the check to the Government.

It appears now that these investigators also investigated the entire records of the district court, covering all of the court's jurisdiction and every case.

Of course, we do not know what specific charges have been made to the Department of Justice, except those that are obtained through the La Guardia resolution and the newspapers. Harry Anderson's record is an open book, and every act that may have been investigated and unfavorably reported upon can be fully and frankly explained. It seems almost ridiculous to criticize the judge's conduct in regard to narcotic cases. That is one class of law violation that he thoroughly despised and imposed the most severe penalties for.

The commissioner usually fixed the bail bond in the sum of $10,000 and it is my opinion that those with knowledge would testify that the judge's handling of this class of law violation has greatly reduced the amount of narcotics that have been illegally handled in the district. Everyone knows that narcotic violators thoroughly fear the court. Until specific instances are brought up one can not explain the resolution in regard to the amount of bail fixed when persons failed to appear and defaulted. You may be sure that whatever the judge did in any particular case was done wholly within the law and his own conception of justice in the particular case.

The resolution in regard to probation is likewise most unjust. I know of several cases, and I am sure other persons in authority know of dozens of cases, in which the judge probated defendants that have caused such defendants to make a new start on the road to redemption. In my opinion he has used the probation statute wisely and for the purposes for which it was made a Federal statute. Certainly there is no charge of corruption in this respect, and if any errors have been made they are no more than any human being would make when he had hundreds and thousands of problems to correctly solve. This charge almost seems to be baseless, and I can not imagine what is in mind. Certainly there has been no criticism in this district by lawyers or laymen in regard to such conduct.

As to bail bonds: When a bail bond is defaulted the law vests in the judge complete discretion as to what should be done under the circumstances, and in every case, upon an understanding of the facts, it will be shown that Judge Anderson followed the dictates of his mind and conscience.

In regard to the American bank: The bank was thought to be perfectly solvent and had enjoyed an enviable reputation for many years under Mr. Harry Cohen as a strong, sturdy, and well-managed bank. It is true that Judge Anderson's father had a loan at that bank, just as he had loans at the Bank of Commerce and the Union and Planters, which latter banks were designated depositories for Federal funds. No one understands why the judge should be criticized for the loan of money made at the bank by his father. It is true that the bank failed, to the amazement of the entire community and to the amazement of Mr. Cohen himself. There is no information in regard to any loss to bankrupt estates, as insinuated by the resolution. Every depository is required to put up a statutory bond, and there has not been any loss in the district to bankruptcy estates by bank failures.

Any charge that may have been made as to favoritism can be thoroughly explained, and it is entirely a creature of imagination, born of personal enmity. Doubtless the judge may be called upon to make clear a few particular incidents. There just is no foundation in fact for any such charge, and those that know the facts know that he is thoroughly impartial in the conduct of his court among all defendants and the members of the bar. Some of his good friends have had their clients receive pretty severe treatment, just because the client deserved it.

There is a newspaper charge about padding vouchers. You will note that it is a single instance, involving a very small amount of money. I do not know the facts in connection with the incident and have refrained from going into it at this time so as not to worry anyone with details until a specific charge is made. The judge has paid out of his own pocket hundreds of dollars in conducting his judicial duties, just because he has not been able to meet expenses in New York, Cincinnati, and other points on $10 a day, living as a Federal judge should live.

There is some charge about the court messenger's monthly pay. There is absolutely no basis in fact for it, and all facts must come from this negro messenger, who would not hesitate to say anything to serve his

purpose in connection with it. I hear that he is a former felon and the judge had to discharge him. We all know that negroes drawing their pay once a month are always out of funds before the end of the month. He was constantly in debt to the judge. He even bought a couple of automobiles that the judge helped him out on. No doubt the messenger and the judge had a running account and at every pay day the negro had to and did make payments to the judge. I understand that he received his check from the judge's secretary or from the marshal, just as it was issued by the marshal. This character of charge based on a discharged negro's statement is vicious, and I have no doubt but the real facts will show just about the way I have given them.

You will recall that I told you that the judge's record in his decisions has been remarkably sound. In all the cases on appeal I think he has been reversed four or five times, and in some of those reversals his decision has only been modified. I know that the judges think highly of him personally and for his district court decisions. Judge Anderson has been meting out justice in a broad, fine way, and no one, neither laymen or lawyers, have really made any criticism of his decisions. He is broad, human, and has an uncanny ability to get a quick insight into litigated questions. Particularly is he quick to understand the guilt or innocence of defendants in a criminal case, and he then acts according to his judgment and his conscience. He has handed out justice, tempered with mercy, and in this administration I know of my own knowledge that two confirmed and notorious bootleggers have not reengaged in the business, owing to the punishment the judge imposed.

Judge Anderson may have made errors, as I have stated, but no one except a palpably biased enemy would attach any evil doing or corruption to his acts.

It would be a fine thing if at the proper time you could speak to the resolution on the floor, because you know the judge, and you may be assured that he has done no corrupt thing, nothing that the Senate would impeach him for, and I believe that if it should go to findings of articles of impeachment by the House that they would be boiled down to one or two matters, but the judge could easily explain them and they would fade away as the mist. If the committee should make a personal investigation of the charges prior to the findings of articles it is my candid judgment that no articles would be found.

Cordially yours,

ALBERT G. RILEY.

The Memphis Post, No. 1, of the American Legion, adopted the following resolution to show their attitude toward this assault:

LEGION BACKS ANDERSON—ADOPTS RESOLUTION INDORSING PUBLIC AND PRIVATE LIFE OF JUDGE

Unqualified indorsement of both the public and private life of Judge Anderson, coupled with an expression of confidence in his character and ability, were carried in the resolutions which were unanimously adopted by Memphis Post, No. 1, American Legion, Thursday night.

The document reads:

"Whereas the public press has carried news articles from Washington, D. C., stating that certain charges will be made against Judge Harry B. Anderson, judge of the United States District Court for the Western District of Tennessee; and

"Whereas Judge Harry B. Anderson is a member of Memphis Post, No. 1, of the American Legion, and is an ex-soldier with an enviable war record; and

"Whereas it has been our observation that Judge Anderson has conducted himself beyond reproach both in private and public life, and in the conduct of his court he has always tempered justice with mercy where justified; and

"Whereas by reason of his record, both in public and private official life, he has endeared himself to us and is a credit to the American Legion, to his profession, to the city of Memphis, and State of Tennessee; and

"Whereas we have utmost confidence in his integrity and character, both as a judge and as a citizen: Therefore be it

"*Resolved by Memphis Post, No. 1, of the American Legion,* That we hereby express our sincere confidence in the unimpeachable character and integrity of Judge Harry B. Anderson, judge of the United States District Court for the Western District of Tennessee; be it further

"*Resolved by the Memphis Post, No. 1, of the American Legion,* That a copy of these resolutions be forwarded to Judge Harry B. Anderson, and a copy of the newspapers published in Memphis, Tenn.; be it further

"*Resolved,* That a copy of this resolution be spread upon the minutes of this organization."

The Commercial Appeal of Memphis had on its editorial page on March 13 the following splendid review of Judge Anderson's work on the Federal bench:

GOOD CITIZEN AND A GOOD JUDGE

Judge Harry Anderson enjoys the respect and confidence of this community. He has as many friends as any man in Memphis.

He has never been guilty of an unkind or ungenerous act. He never harmed a human being.

His every impulse is to be charitable and generous.

He carried to the bench a compassion for human frailty and a sympathy for the weakness of his fellow man.

He is a human judge who has never assumed the rôle of infallible justice.

He realizes that he is liable to error, and has been careful to see that his errors were on the side of mercy.

A Federal judge possesses arbitrary powers. Instead of being arbitrarily tyrannical, he has been arbitrarily merciful.

It may be out of line with judicial authority to consider the poor and destitute family in determining the penalty for a half-pint offender, but Judge Anderson has looked beyond the prisoner at the bar to the consequence of long-term imprisonment on the innocent and unoffending. If this be judicial error, he is guilty, and the public applauds him for it.

Perhaps there are irregularities in the different departments of the court, but it can not be said that Judge Anderson has failed to maintain the dignity of the court and the respect and confidence of the public.

We know him as a splendid citizen and a good judge. It will be difficult to convince any unprejudiced individual to the contrary.

Mr. LAGUARDIA. Mr. Speaker, I crave the indulgence of the gentleman from New Jersey [Mr. BACHARACH], who is to be recognized next. I ask unanimous consent that I may address the House for five minutes.

Mr. PARKER. I shall have to object to that. I have a bill that I want to get up and conclude to-day.

Mr. LAGUARDIA. Will the gentleman let me have three minutes?

Mr. PARKER. I will not object to three minutes.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that I may address the House for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker and gentlemen, the gentleman from Tennessee makes a most temperate defense of his friend, Judge Anderson. I admire him for it. I am sure the gentleman from Tennessee can not classify me as one of his enemies, because I know nothing of the political situation in Memphis. But the various apologies and explanations made by the gentleman from Tennessee would indicate that Judge Anderson would welcome an investigation.

All I have done to date is to take the information which has been coming to me for the past 10 months. I have been waiting patiently for the Department of Justice to act. I introduced a resolution asking the Department of Justice to submit all of the information it has to the Committee on the Judiciary. As the gentleman from Tennessee stated, these rumors, this gossip, if you please, has been going on for six months. It is in the interest of the Federal courts that when there are such charges and such accusations we should proceed with a thorough investigation.

If the judge is absolutely innocent, as the gentleman from Tennessee suggests, I would be the first to say that no further action is necessary. If he is guilty, I shall do all within my power to carry out my constitutional duty as a Member of this House.

I am one who does not believe in the infallibility of Federal judges. When I have information concerning the misconduct of any judge, I am going to bring it to the attention of the House and the country.

TAX REFUNDS

The SPEAKER pro tempore. Under the special order, the Chair recognizes the gentleman from New Jersey [Mr. BACHARACH] for 20 minutes.

Mr. BACHARACH. Mr. Speaker and gentlemen of the House, on Friday last the gentleman from Texas arose in this House and in his usual likable manner and without any too great regard for the facts proceeded to castigate the Treasury Department and the Republican members of the joint committee on taxation on the subject of tax refunds in general but with particular reference to the refund of $33,000,000 to the United States Steel Corporation.

Before I proceed further I want to direct your attention and the attention of the country to the membership of this joint committee. Now, who are the great men and from what States do they come who represent the Democratic Party on that committee? Why, the gentleman from Texas [Mr. GARNER], whose State pays 1⅛ per cent of the Federal corporation tax; the Senator from Mississippi [Mr. HARRISON] and the gentleman from Mississippi [Mr. COLLIER], whose State pays 0.1 of 1 per cent of the corporation tax; and the Senator from North Carolina [Mr. SIMMONS], whose State pays 1½ per cent of the corporation tax.



I have observed that when the Democratic Party looks for a presidential candidate it goes to the States of New Jersey, New York, Ohio, and West Virginia, not to the State of Texas, not to the State of North Carolina, not to the State of Mississippi, where in the last election there were less votes cast in all of the eight congressional districts combined than were cast in my own congressional district. The great State of New York, the largest taxpaying State in the Union, with a representation of 22 Democratic Members in the House and 2 United States Senators, has no representation on this joint committee.

Of course, we Members of the House who have been here for some time know that the gentleman from Texas [Mr. GARNER] has a particular antipathy for the Secretary of the Treasury and for any recommendation that comes from him or his department. As a result of this, his dislike even for the name of "Andy" has become so fixed in his consciousness that he actually refuses to listen in on the nightly broadcast of "Amos 'n' Andy." [Laughter.]

In the course of his remarks the gentleman from Texas [Mr. GARNER] stressed the fact that during the hearing on the matter of this refund to the Steel Corporation there was only one Republican member of the joint committee present, and to emphasize this his colleague from Mississippi [Mr. COLLIER] interrupted him to make this observation:

Mr. COLLIER. The Joint Committee on Internal Revenue is composed of five Members of the House and five Members of the Senate, and it is empowered to scrutinize these refunds. I want to ask the gentleman if he does not recall that during the entire time of the hearings there was not present a single member on the majority side of the other body, and during at least 85 or 90 per cent of the hearings—which were held to pass on a refund of $33,000,000 to the greatest taxpayer in the United States—there was only one member of the majority present, and now, as a boast to ourselves, I would like the RECORD to show that the gentleman from Texas and myself were present during the entire hearings. Am I not right in my statement?

To which the gentleman from Texas [Mr. GARNER] replied:

The gentleman is correct.

Now, what are the facts and circumstances surrounding that particular meeting of the joint committee? On Wednesday, March 5, not on Saturday, March 8, as stated by the gentleman from Texas [Mr. GARNER], the chairman by personal letter to each member of the committee called for a meeting of the committee on Tuesday, March 11, and at the same time transmitted to each member of the committee a preliminary report on the Steel Co.'s case, prepared by Mr. Parker, chief of staff. The committee members therefore had six days prior to the meeting in which to go over the record and acquaint themselves with the facts.

If the gentleman from Texas did not give any attention to the letter from the chairman and the report which accompanied it until the 8th of March, apparently he has been a little lax in his duties, for the letter and report were delivered to his office by special messenger on the 5th.

Of course, I do not need to remind the Members of the House that on Saturday, March 8, the country received the sad news of the death of one of its most distinguished citizens, the former Chief Justice and President of the United States, William Howard Taft.

So that when the joint committee met in the office of Chairman HAWLEY at 10 o'clock on Tuesday, March 11, within a distance of about 500 feet the body of the former President and late Chief Justice of the United States, was resting in the rotunda of the Capitol, in order that the people, of whom he was so greatly beloved, might have a last opportunity to view his body and pay their respect.

The House and Senate adjourned on Monday until Wednesday as a mark of respect, and as a further tribute, the President ordered the several departments closed at noon and practically all business in the city was suspended at the hour of the funeral. I am not certain, but I think that I am safe in saying that the joint committee was the only committee of the Congress that was in session on that day.

The gentleman from Mississippi [Mr. COLLIER] mentioned the fact that there was not a single member of the majority side of the joint committee from the other body present at the meeting on March 11, and I merely want to call your attention to the fact that Senator SMOOT and Senator WATSON were members of the funeral party on the part of the Senate, and, of course, Senator REED is in Europe and could not be present. I might also state that both the gentleman from Texas [Mr. GARNER] and the gentleman from Mississippi [Mr. COLLIER] were members of the funeral committee on the part of the House.

When we met on that day I suggested to the chairman that it would be proper for the committee to adjourn its meeting out of respect to the memory of Mr. Taft, but he stated that he thought the meeting would last only a very short time, and for that reason we should go on with it. I told him that so far as I was personally concerned, under the circumstances, I would not remain at the meeting for more than an hour, and the gentleman from Massachusetts [Mr. TREADWAY] also stated that he would leave before 11 o'clock. When it was time for me to leave I stated to the chairman that I approved of the refund, and he could so record me. Senator HARRISON stated to the chairman that Senator SIMMONS could not be present on account of his state of health, but had given him authority to cast his vote.

On the following day, March 12, the joint committee met again, and at that meeting there were present the chairman [Mr. HAWLEY], the gentleman from Massachusetts [Mr. TREADWAY], the gentleman from Texas [Mr. GARNER], and the gentleman from Mississippi [Mr. COLLIER]. I was out of the city because of a previous engagement and could not attend. The Senators on the committee, of course, were very much taken up with the tariff bill and could not be present.

It is true that I was not present at that meeting, because I had asked the chairman of the committee to excuse me. It was necessary for me—and it is frequently necessary, having a district within three hours and a half of Washington—to be occasionally at home to consult with my constituents. Of course, if I were situated as are the gentleman from Mississippi and the gentleman from Texas, with a constituency at a great distance from the city of Washington, I realize it would be quite difficult for me to visit my district as often as I do. It is true, as I say, that they did meet with the committee on that day. It is also true that I did ask the chairman of the committee to excuse me.

Now, although much has been made by the gentleman from Texas [Mr. GARNER] about the absence of the Republican members of the committee when this refund was agreed upon, there is really nothing in that to be concerned about, and there was absolutely no reason why there should have been any prolonged discussion on the subject.

What are the facts about this refund to the United States Steel Corporation? If I may have it, I want the close attention of the Members of the House.

This refund covers the years 1918, 1919, and 1920. Most of you will remember that in 1928 we made a refund covering the year 1917 to this same corporation. The same state of facts that were considered for the year 1917 were involved in the settlement for the years 1918 to 1920, inclusive, covered by this refund.

A very intensive audit by the Internal Revenue Bureau covering this return has been going on for the past six years, and the result of that audit has been under investigation by the committee's chief of staff, with five additional experts for the past 35 days. This same staff had previously investigated the 1917 refund for six weeks; moreover, it so happens that the chief of our staff had previously studied the amortization claims of the taxpayer, and the report on this examination covered 216 printed pages of a former select Senate committee report.

It was of no surprise to these experts nor to the members of the joint committee that there would be a refund of these proportions due to the Steel Co. for the years 1918 to 1920. As a matter of fact, Mr. Parker, the chief of staff, in his letter to the chairman of the joint committee, transmitting his preliminary report, stated as follows:

It will be recalled that the joint committee met in December, 1928, to consider a refund to this same corporation for the taxable year 1917 in the total sum, including interest, of $25,856,361.14. At that time a refund for the years 1918 to 1920 was predicted which was of the approximate magnitude of the refund now in fact proposed.

So you will see that as far back as December, 1928, the joint committee had notice from its chief expert that there would probably be a considerable refund due the Steel Co. on the same state of facts for the years 1918 to 1920, and it is worthy of note to point out to you that the two amounts so closely approximate each other.

The Joint Committee on Internal Revenue Taxation was created under the act of 1926 for the purpose of investigating all refunds allowed to taxpayers by the Treasury Department. Mr. Parker, the chief of staff of the committee's experts, was formerly the chief investigator for the select committee of the Senate, headed by Senator COUZENS, of Michigan, which made a very thorough investigation of the Internal Revenue Bureau and its methods of making refunds, and so forth. Of course, Mr. Parker is supposed to be neutral in rendering his reports,

but from my knowledge of his work and his previous experience I would hazard the guess that if he had any bias whatsoever in the matter, it would not be on the side of the Steel Co.

The able minority leader did not state all the facts which are necessary in properly considering the subject which was before the joint committee, with the result that a very imperfect picture of the true situation has been placed before the House by the remarks of the gentleman from Texas [Mr. GARNER].

It seems fitting therefore to supply some of the most important facts which were omitted from the discussion on Friday. In the first place, consider the refund to the United States Steel Corporation. This corporation is composed of approximately 195 corporations which report and pay their taxes as a unit. If the refund of $33,000,000 had been returned to each corporation, we would have an average refund per corporation of only $170,000, a sum which would cause no comment.

It is also absolutely essential in considering this refund to keep in mind the magnitude of the taxes paid by this group of corporations. For the three years 1918, 1919, and 1920, which are the years for which the refund is made, the Steel Corporation paid the enormous sum of $333,359,986 in taxes. Of this amount $21,555,358 is now being refunded, leaving a final net tax collected of $311,804,628. Thus it can be seen that the tax adjustment is less than 7 per cent. It is true that in addition to the $21,000,000 of principal refunded there is also paid to the corporation $12,000,000 in interest. As to the interest, two facts should be noted: First, the Government has had the use of the money for 10 years, and, second, the Steel Corporation will be taxable on this interest in its 1930 return and will pay a tax thereon of approximately a million and a half dollars.

The original tax reported by the Steel Corporation for the years 1918, 1919, and 1920 amounted to $303,936,509. The final tax collected is nearly $8,000,000 more than this original figure. If it were not for the fact that additional assessments of some $29,000,000 were made and paid by the corporation, the Government would now be collecting $8,000,000 from the corporation instead of refunding $21,000,000.

The policy of the Steel Corporation was to pay all additional assessments, regardless of their inaccuracy. In fact, in making these particular additional assessments the department knew that they were using tentative figures, but considered the assessments necessary to protect the interests of the Government.

In view of the fact that it has taken years for the courts to even partly define our complicated income tax act, it does not seem at all surprising that adjustments of 7 per cent will be necessary, as in this case. In fact, it will be noted from the refund report now being considered by the joint committee that tax adjustments are sometimes necessary to the extent of 80 per cent of the original amount returned.

When the magnitude of the tax paid by the corporation is kept in mind, together with the numerous changes put on the interpretation of the law by the courts and the fact that tentative and inaccurate additional taxes have been assessed and paid, I can see no reason for suspecting that the refund to the Steel Corporation is not entirely just and proper.

The second subject discussed by the gentleman from Texas [Mr. GARNER] was in regard to tax refunds in general. The first thing he worries about is the large amount of refunds to persons in Pennsylvania. He forgets that refunds are bound to be somewhat proportionate to the amount of tax paid. The State of Pennsylvania in 1927 paid about 10 per cent of the total corporation tax, and that does not include the tax of the Steel Corporation, which has its main office in New York. The States of Pennsylvania and New York together pay about 40 per cent of the total corporation tax. The State of Texas, as I stated previously, pays only 1½ per cent of the total corporation tax. It is perfectly obvious that the larger amount of refunds will go to those States that pay a big tax, not to those who pay a small tax.

I read in a newspaper, after Mr. GARNER's speech, in reply to an inquiry whether there had been refunds in certain States like the States of Texas and Oklahoma, it was stated that there was no oil company in the State of Texas to which a refund was made. I want to call your special attention to that, for I note in this year's report on refunds that the United North & South Oil Co., of Luling, Tex., received a refund of $293,604, which represented a reduction of almost 88 per cent of the total tax assessed. Relatively, which looks worse, an 88 per cent reduction to the Texas concern or a 7 per cent reduction to the United States Steel Corporation? Of course, I do not make any criticism of this 88 per cent reduction, because I have confidence in the department and in the staff of our joint committee. I know also that I voice the sentiment of the gentleman from Texas that he has confidence, too, in their integrity.

The gentleman from Texas [Mr. GARNER] also worries about a refund to the Baldwin Locomotive Works because it covers the years 1912 to 1922. He seems to think that the years 1912 to 1917, at least, should be barred on account of the statute of limitations. Yet he must know that Congress itself is responsible for this situation, for by enacting section 252 of the revenue act of 1921, under certain circumstances all income-tax years are made subject to correction regardless of the statute of limitations.

In conclusion, I must confess that any general criticism of the refund situation seems out of place at this time. The report on refunds for the whole calendar year 1929 is in the hands of the Joint Committee on Taxation and is summed up by Mr. Parker, chief of its staff, as follows:

1. The rate of overassessment has decreased 58 per cent for the calendar year 1929, over the rate for the preceding 7-month period.

2. No serious question can be raised as to the propriety of the allowances consummated.

3. The department has cooperated in every way with the staff and is making a review of two cases where certain questions were raised.

In view of the fact that the staff of the committee has not been afraid to offer constructive criticisms of the department in the past, I give great weight to the statements made by Mr. PARKER, and am convinced that the general situation in regard to tax refunds is satisfactory. [Applause.]

The SPEAKER pro tempore (Mr. ACKERMAN). The time of the gentleman from New Jersey has expired. Under the special order the Chair recognizes the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, I expected to get some information from the gentleman from New Jersey [Mr. BACHARACH]. That is the reason I asked for a little time, in order to make reply. But outside of the demonstration of the fact that he has the same idea concerning the Southern States, especially Mississippi and Texas, as Pennsylvanians have about the Western States—that is to say, that they are somewhat backward and should have no voice on committees—I have received from his address no information on the question of the refund of taxes.

Evidently the gentleman from New Jersey has had a consultation with Uncle Andy and Brother Ogden. The written portion of his address sounds as though it might have been prepared in the Treasury Department. I do not say so direct, but the language in the part that he read runs along just as the language used by the Secretary of the Treasury in his reply appearing in Sunday's papers. I can only infer it from that circumstance, that it is the language used by the Secretary of the Treasury in his reply.

Mr. BACHARACH. Mr. Speaker, will the gentleman yield there?

Mr. GARNER. Certainly.

Mr. BACHARACH. So far as I am personally concerned, or so far as I know, I have not been to the Treasury Department or consulted them.

Mr. GARNER. Then you must have a very apt clerk. I congratulate you on having a good clerk. [Laughter.]

Gentlemen of the House, nothing that the gentleman from New Jersey can say and nothing that the Treasury Department can say takes away the outstanding facts concerning this tax refund; and the chief fact is that one taxpayer of this Nation, the United States Steel Corporation, gets a refund over a period of four years of $98,000,000. That is the most efficient corporation in the world—the United States Steel Corporation. It does not take away from the fact that last Saturday the Treasury Department sent the Steel Corporation a check more than one hundred thousand times greater than the average taxpayer of the United States pays. Think of it! With over 2,000,000 taxpayers. From over 1,800,000 returns of taxpayers the Government collected $2,000,000 less than they refunded to one single taxpayer—the United States Steel Corporation.

Mr. BACHARACH. It did not include the amount paid by the United States Steel Corporation in additional taxes.

Mr. GARNER. If you go back a year ago, you will find that I showed the reduction of their first rendition. They got a final reduction in that first rendition of more than $32,000,000. The return was frankly made. Nobody coerced them into making it. They ought to have good bookkeepers. Do you suppose that that vast corporation, composed of about 190 subsidiary corporations under one head, was not able to make an accurate report?

I do not want to criticize the gentleman from New Jersey [Mr. BACHARACH] with reference to his duties on that commit-

tee, and the only reference made to it was when my friend from Mississippi [Mr. COLLIER] referred to it only for one purpose, and that was with reference to the joint committee, controlled by six Republicans as against four Democrats, that they did not look into these matters and never intended to look into these matters.

It was all a formality. There was no occasion for the gentleman from New Jersey not to remain in Atlantic City. It would have been the same if he had been here and if the gentleman from Massachusetts had been here. Mr. HAWLEY knew he could depend on his vote and on Mr. TREADWAY's vote. So you both left your proxies with him. I venture the assertion that before we met you never read the report.

Mr. BACHARACH. In your statement of last Friday concerning the Ways and Means Committee you said you had received the report.

Mr. GARNER. I made the statement I received it on the 8th, and I received it on the 5th. I made that mistake. Did you read this report in full?

Mr. BACHARACH. I read it pretty much in full.

Mr. GARNER. Yes; you read it pretty much in full! [Laughter.] It was not necessary, I repeat, for you to be there, because it was a mere formality, for Mr. HAWLEY knew you were going to O. K. this transaction. Only one Republican on that committee failed last year to report this, and that man, a Senator, is in Europe now. He declined last year to vote to approve it.

Everybody knew you were going to approve it. You merely made a gesture; that was all. It makes no difference what they send down here or what Uncle Andy tells you to do, you will do it. But I will say that the gentleman from New Jersey [Mr. BACHARACH] is not quite as obedient a child as the other two Members. [Laughter.]

Mr. BACHARACH. I thank the gentleman for that.

Mr. GARNER. I was surprised when my genial friend took it upon himself to answer for the Treasury Department to-day. I notified my bombastic friend from Massachusetts [Mr. TREADWAY] [laughter] that I was going to talk about this mattter, and I expected him to reply; because, as I understand it, you look upon him as your leader in all taxation matters on your side of the House. I have drawn the inference from what I have heard that the Republican organization looks upon the gentleman from Massachusetts [Mr. TREADWAY] in that way. The fact that he cut an intestine some weeks ago might keep him off the floor for some time. I would think you would keep him off the floor in view of the fact that he ruined the administration's version of the loss of the election in the second Massachusetts district. [Laughter.]

Mr. Speaker, this is not the only case. Let me show you what the Treasury Department is doing. I requested the chairman of the committee to permit the secretary of the joint committee to send me a list of these abatements and refunds as they came in. I have received a statement from Mr. Parker, and among other things is an abatement made on the 14th of March, to John D. Rockefeller, of New York, $356,378.32, refund for taxes paid in 1917.

Heretofore I have not called anything to your attention except corporations, where there was some difficulty in arriving at the amortization, or interlocking companies. But now we have one individual taxpayer. And it has taken 10 or 12 years to find out what Mr. Rockefeller owed the Government.

I wonder how much they amortized the old man in making this calculation; $356,000 from the 1917 taxes. That old fellow permitted Uncle Andy Mellon to keep that for 12 years without giving it up. Gentlemen, do you know how much money that is? I understand he has quit giving away dimes and is giving away Buffalo nickels now. That is more Buffalo nickels than he could give away in the balance of his life if he lived a hundred years. That is over 7,000,000 Buffalo nickels that you are giving back to Deacon Rockefeller at one time.

Uncle Andy had to take care of Pennsylvania. The Pennsylvania Rapid Transit Co., Philadelphia, Pa., was allowed $1,721,000, on the 14th of this month. I told you Pennsylvania was the main State.

But that is not all. It shows you the trend of the Treasury Department. Not later than yesterday you will recall having read in the newspaper that the Treasury Department has begun to promote education. The article in the newspaper is headed thus:

LONGWORTH heads list of patrons of new venture.

I wondered what that venture was, because I love to keep up with what Nick is going to do, so interesting is he. I discover that it is the promotion of grand opera in the city of Washington, and I find associated with him Uncle Andy Mellon, Mr. BACON, of New York, and Mr. BLOOM. So the firm would be, as I understand it, in order to have strength in the middle, "Longworth, Mellon, Bacon & Bloom." [Laughter and applause.]

Now, how are they going to promote it? It just shows you the tendency of the Treasury Department. They have nothing in their minds except wealth and the exemption of wealth from taxation, so far as they can. Grand opera! Educational!

Secretary Mellon, 74 years old, is going to be educated. And in order to encourage that education he is going to exempt everyone purchasing a ticket from paying the tax on the same. When Mr. LONGWORTH puts his name on the guaranty and they lose $10,000 by virtue of this venture, Mr. Mellon tells him in advance, "I am going to permit you to deduct that from your income tax because you are promoting education in this country." [Laughter.] God knows you and Andy need it. [Laughter.]

Education! Who is to be educated? Uncle Andy, Brother Ogden, Sir Nicholas, and Mr. BLOOM. [Laughter.] Ah, sir, it would be something to laugh at if it did not tend to show how anxious the Treasury Department is to cater to wealth at the expense of the people. Are you going to give me a deduction for the ticket I buy to the spoken drama or Shakespearean play to get education? Nothing is said about that. Four or five thousand people perhaps attend grand opera. They will be all the way from 21 years to 75 years old; and Uncle Andy. In order to encourage that particular class of education the Treasury Department issues a notice to the public and to the world, "Buy tickets; underwrite the enterprise, and we will give you a deduction on your income tax."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. SCHAFER of Wisconsin. Is the gentleman going to consider reading out of the party the gentleman from New York [Mr. BLOOM] because he has taken part in the transaction?

Mr. GARNER. Oh, no; we are glad we have one Member who can get in. We Members over here are too poor. We look on the gentleman from New York [Mr. BLOOM] with a degree of pride that he was included in this great and noble venture.

This morning I also got a notice of another refund that might be interesting to you gentlemen—$2,542,304.59 to the Eastman Kodak Co.

Now, gentlemen, I am contending for two things. One is that if I were the Secretary of the Treasury I would insist that one of the cases involving various and sundry questions be taken to the Supreme Court of the United States. I would insist that one of the refunds be taken to the United States Supreme Court to determine some of these questions. That is my first proposition.

My second proposition is that in view of the stupendous amount refunded, in view of the fact that Mr. Mellon, since he has been the Secretary of the Treasury, has given back nearly $3,000,000,000 to the American taxpayers, I would say to the Congress of the United States: "There has been a lot of criticism in and out of Congress about my action in this matter. The doors are open. Send a committee from the House and Senate, or elsewhere, so long as they are official and responsible, and investigate my books and see whether I am conducting this office as it should be conducted."

Is there anything you are afraid of? Are you afraid to trust these men to come up and look at it? There has not been any investigation by the House of Representatives, whose duty it is under the Constitution to raise this revenue and to initiate revenue bills. They have not had a single look-in in 10 years. If the Secretary of the Treasury is so anxious about it, as he seems to be in the newspapers and through his spokesman on the floor of the House, he would undoubtedly say to the House of Representatives: "I welcome you with open arms. Come and look in. We are clean. We are running this as it should be run. We are proud of it."

Instead of that, he closes the doors and says, "No man can come and look in for himself."

That is what I complain of, and it is wrong in principle. The Speaker of this House and his Republican organization ought to get together and think seriously about making an investigation of the Treasury Department, with a view of giving the people of this country renewed confidence in it.

Why, five or six years ago, if I had made the same kind of a speech I made the other day, Uncle Andy would have paid no attention to it; but he went so far on Sunday as to let them quote him. Maybe the old fellow is getting old. He can not be getting thin-skinned, because it would take a long time to scrape the hard shell off of him. But he is evidently getting weak. Maybe Brother Ogden is urging him along.

Whenever you get a combination between Mellon and Mills you have two great combinations, made up of the very capable, far-reaching, and far-sighted intellect of the Secretary of the Treas-

ury and that wonderful capacity of the Undersecretary of the Treasury of making white look black and yellow look red.

Do you not remember that two years ago, or maybe it was three, Mr. Mills came on the floor of the House and told you they had to have $160,000,000 at once to buy all the liquor in the United States, in order to properly enforce prohibition, and he had Bishop Cannon at his right hand?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for three additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GARNER. After he had presented the facts I went on the floor of the House, if you will remember, and cried "Thief." The proposition had the approval of the Treasury Department and the approval of Mr. Mellon. We had a hearing on that bill. It was backed by the Anti-Saloon League; it was backed by every organization in this country for temperance, so far as I know, and by those against the eighteenth amendment. Before we got through with that hearing the bill was withdrawn. The very first question I asked these two gentlemen when I had the pleasure of meeting them in their offices when I came back at the next session was, "What are you going to do about the liquor bill?" And they said, "We are not going to do anything more about it. We are through."

Then you remember that when we started to settle the alien-property business Mr. Mills told you how beautifully it could be done. He introduced a bill and was going to settle it at the expense of $280,000,000 of the American people's money. The plan was to issue bonds, pay American claimants, take the I. O. U. of Germany, and then the whole thing could easily be settled, just as long as the people paid the bill. I again cried "Thief." When I did it on that occasion I drew the attention of the gentleman from New York, Mr. Mills, to the fact that he was personally interested in an item of approximately $240,000 out of this money, and that it was not right for him to appear in advocacy of the bill.

So he withdrew from any further participation in that proposition. Mr. Mills is one of the greatest artists this country has ever known when it comes to making things look feasible and making things look right. You know, he can even make many well-meaning Republicans believe he is right. It is a fact that he caught me two or three times. He is honest looking; he is honest talking; and I am confident he is absolutely honest in what he believes. That kind of a man, you know, is dangerous, especially when he has the backing of a man like Uncle Andy.

I call on you, Mr. Speaker, to take under consideration, you and your steering committee, the advisability of selecting a committee, made up of the best men we have here, to investigate the Treasury Department. I ask you to give them ample power and ample funds; give them a competent lawyer, a competent accountant, and a competent engineer, all of whom are necessary in making an investigation of these things. Let them make this investigation and come back and report to this House; and if they can conscientiously report that the Treasury Department has been run honestly, efficiently, and impartially for the last 10 years, it will be the most glorious fact we could possibly find. I would be as happy a man as there is in the Nation. I want the people of this country to have confidence in both the executive and legislative branches of the Government; but you are losing it in the House of Representatives because the joint committee is approving these things without any knowledge of them. I protest against it and I will continue to protest against it as long as I am able to stand on the floor of the House and can get the opportunity to do so. [Applause.]

COAL

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Pennsylvania [Mr. BRUMM] for 45 minutes.

Mr. BRUMM. Mr. Speaker, at the outset may I ask the usual courtesy requested by Members who have reserved time, and that is that I be not interrupted until I finish the main part of my remarks.

Mr. Speaker and Members of the House, before I address myself to the real purpose of my remarks this afternoon, may I premise them with the statement that I do not rise before you to-day as a partisan. I do not for the time being care to be associated with any particular economic thought as affected by political or geographical lines. I should rather that I may address the Members of this House as one who is seriously interested in my own home State and in particular the district which I have the honor to represent, its industries, and the welfare of the people.

I shall endeavor to lay before you in all candor and fairness a most serious situation, through a course of contemporary events, which strikes at one of the most basic industries of the land, striking at its very existence, and which is a blow to the dignity and to the self-respect of every laborer engaged in this industry and consequently to every laborer wherever found.

For the last few weeks, Mr. Speaker, there was exhibited in this city a most powerful moving picture demonstrating the cause of the fall of the German Empire. It portrayed most graphically that the war lords of Germany, in their desire to win the war had inflicted willful and unjust punishment and death upon a simple Russian peasant.

The wiser heads of Germany recognized, then, that they were taking the soul out of the German Government and that its days were numbered. As they prophesied, so did the proud imperial power of the great German nation topple and fall in the way of all empires.

So, Mr. Speaker, we, as Americans of this present day, in the light of our history, know that our people as a whole have learned through the vicissitudes of a terrible Civil War and the most bitter experience that the welfare of our great Nation, its prosperity and its permanence, are dependent upon the indissoluble unity, economic as well as political, of its several parts. No political unit, however small, is too little to demand the highest consideration and justice from the rest, and no section or part or parts can willfully, either by legislation or otherwise, inflict a wrong upon even the smallest without shattering the stability of the whole fabric and, if persisted in, the end will be but a matter of time.

This is the lesson of 150 years; and, believing as I do, that you accept it as a self-evident verity, I have the conviction that the honorable, patriotic Members of this House will receive with fair consideration a most just cause, and I hope and cherish the thought that I may make it, in a sense, your own.

Mr. Speaker, I have thus addressed you for this reason. For a few years back it seems that both branches of the Congress, whether consciously or unconsciously, are aligned along sectional lines, and, while we regret it, prejudice seems often to replace reason, and personalities which may be applied as well to a State as to people, often have taken the place of sound argument.

As I read almost daily these persistent references, innuendoes, and sometimes direct charges, particularly in yonder Chamber, against my own fair State and its officers, and I ponder on what I know to be the shortcomings of some others, I am impelled irresistibly to recall the famous answer of the Savior when the Pharisees tried to enmesh him in the temple by asking him to pass sentence on an immoral woman who had been caught in an illicit act. To their great surprise he said, in effect, if this woman has broken the law, by the law shall she be punished, and let him who is without sin cast the first stone; and, Mr. Speaker, while the rains descended and the floods came, you know very well there were no stones cast that day.

Criticism, Mr. Speaker, is always very easy and awfully cheap and invariably is the weapon of demagogues and iconoclasts, but broad-minded, constructive statesmanship is a task for philosophers, and while prejudice and jealousy are but the emanations of shallow minds, broad-minded charity and justice are the very essence of statesmanship.

Towers, Mr. Speaker, are measured by their shadows, and great States, like great men, are measured by their slanderers. I veritably believe that if the sons of my State should care to retaliate in kind, they could crush their detractors like I might crush an eggshell in the hollow of this hand.

So, Mr. Speaker, for the reason that I come from the great State of Pennsylvania, the history of which makes it fill so potential a niche in the establishment and in the maintenance of this great Nation, I hope I shall not be met at the threshold, as two of our legally constituted representatives were, by sectional prejudice, but that the cause which I humbly espouse may be received upon its merits and treated with fairness.

Mr. Speaker, at the close of the eighteenth century or the beginning of the nineteenth, when an old pioneer of the Blue Mountains of Pennsylvania, in attempting to rid his fields of trees, had ignited a stump and discovered that after the wood had burned the black stones, as he thought, which surrounded the roots, burned with a bright glow and with excessive heat, and he had transmitted his discovery to his friends and neighbors, he had then taken the first step in establishing what, perhaps, is the most basic industry of the United States.

We can hardly conceive of any industry that does not utilize fuel at some time or in some shape, and coal, for over a hundred years, has been recognized as the almost universal fuel not only for manufacturing but for domestic purposes, at least in the congested sections.

The building up of this great industry, particularly confined to the mountains of eastern Pennsylvania, had attracted thousands upon thousands of people from all over the United States and even from Europe, and notwithstanding the cosmopolitan make-up, from them has grown a citizenry which compares more than favorably with the labor of any industrial section throughout the world. No braver people, more industrious, more patriotic ever trod the soil of America than the miners from the mountains of Pennsylvania. [Applause.]

When the integrity of this Union was at stake, the first defenders to rally to Lincoln's call were the miners from Schuylkill County, and with all due respect to the patriotic State of Massachusetts, and notwithstanding what historians have said and may continue to repeat, I say here that the first volunteers to reach the United States Capital at the call of Abraham Lincoln were the coal crackers from my home town [applause], and for want of better accommodations they marched up the west stairway of this Capitol and bivouacked on the stony floor of yon Rotunda. [Applause.] They sealed their patriotism with their blood on many a gory battle field of the South, and from what I have learned here and elsewhere, I believe my southern brothers had no more respect for any Union soldier than they had for the boys from Pennsylvania.

In every emergency they have stood up, and in the danky fields of Flanders, nigh the battle fields of Chateau-Thierry, the Argonne, Belleau Wood, and on the Marne, where the rows of whitened crosses mark their place, no greater numbers or prouder achievements, mark the toll of our honored dead, than the hallowed glory that enshrouds forever the memory of these noble sons of Penn. [Applause.]

These are the people that I represent; these are they whom I ask this House to have consideration for. Politics, notwithstanding, I ask for fair and just treatment and I have faith enough in the Members of this House to believe that I shall in a sense receive it.

Until a few years ago the great anthracite mining industry grew up by leaps and bounds. It was in its very nature a natural monopoly being confined to a limited area, and while we had many industrial troubles, which was perfectly natural through conditions that might arise in any other locality similarly situated and not confined to that particular region and while labor was highly paid, according to the views of outsiders, when the character of their employment is understood, they receive nothing exorbitant and, in fact, not near enough considering the hazards of their employment, to say nothing of the short life of the average miner.

I might take Members of this House to my home town and introduce them to men of my own age with whom I went to school who would appear to be years my senior through the almost universal contraction of miners' asthma which is the gradually filling up of the lungs with the fine silt which fills every crack and cranny of the mine, so that at the age of 45 or 50 they apparently look old and decrepit.

Then again the employment is peculiar and uncertain. The mines are not operated like a factory; they do not work every working day, they have been accustomed to operate until a certain amount is produced and stored and then they shut down and wait until there is a new demand. These interruptions, however, do not seem to drive labor away but they seem contented with the conditions there. The result is that we have been proverbially one of the most prosperous regions in the country. Until 1925 and 1926 such a thing as advertising anthracite coal, except by the retailers, was almost unheard of. Anthracite coal sold itself and needed very little advertisement. But in 1925 and 1926 through the most natural causes a great strike was brought about and they were shut down for about six months.

During this time the consumers unfortunately were compelled to resort to substitutes. In the past they were able to get back these markets, but American inventive genius had in the meantime perfected bituminous burners, oil burners, and had cheapened fuel gas so that this suspension afforded a glorious opportunity for the promoters of substitutes to introduce these new furnaces, so that for the first time in the history of the industry anthracite coal had real competitors.

But as the old adage has it, "It never rains but it pours." At this most inopportune time a peculiar coincidence took place. I remember very distinctly when I graduated from the University of Pennsylvania, at the request of my professor, I submitted a thesis on anthracite coal.

I remember looking up my data in the Geological Survey and the reports of the bureaus, and I found that the only place in the wide world where anthracite coal was produced was in the eastern Pennsylvania district. This was a generally accepted fact. However, within the last few years I have learned of a coal that is almost identical, at least for practical purposes, to the Pennsylvania anthracite, that was discovered in the mountains of Siberia.

As ill luck would have it, just at the time when our owners, our miners, and the public had realized that they had to move to restore their industry, and had formed an organization and entered into covenants which will insure peace between the employer and the employed for a long term, and at least minimize the possibility of long strikes and lockouts, and when the operators themselves had renovated their entire plants, installed new machinery, resized their coal, cleansed it, and minimized the slate or refuse, and had produced an article for domestic purposes which will challenge comparison anywhere, suddenly over in Russia the sleeping giant that Napoleon spoke of had not only awakened, but had indeed become rampant, and seemed to have become mad for money; and the great soviet innovation, unable to meet her economic needs because of her untenable government and inefficient industrial system, commenced to mine coal with not only convict labor but enforced labor, working for 17 cents a day, and at an actual loss to the Government this product was shipped as ballast into American ports, so that last year soviet coal, produced under those conditions, was sold in the city of Philadelphia in my own State for less than $5 a ton, when the cheapest that we could offer it for from my own town, 98 miles away, was $10 a ton.

On the very best of authority these soviets are simply wild to get their hands on ready money to extend, if possible, their untenable régime.

So, my friends, I discovered when I came to Washington in April last upon my reelection, that in January, 1929, 164 tons of anthracite coal had been imported into this country from the soviet; that in the next month it had jumped to over 17,000 tons, and the following month—March—fell back to 890 tons. In April it was 2,289 tons and in May none; in June, 14,753 tons, and in July, 11,000 tons. In August it was 4,000 tons and in September 11,000, in October 11,000 again, and then jumped in November of last year to 26,621 tons, and in December went back to 13,816 tons, and in January of this year to 10,975 tons, which are the last statistics that the Department of Commerce has on hand for that particular product. So it does not matter what your ideas of economics are, this is a situation which interests us all. I tried to get a hearing before the Committee on Ways and Means last April. I called upon the chairman and he told me that it was entirely too late, as it might open up all of the various schedules, but that I could file a brief. I did so, and finally was given an opportunity before an executive session of the committee in which to present my request for an amendment to the schedule on coal, permitting a tariff on anthracite coal.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. BRUMM. Yes.

Mr. McKEOWN. What is the total output of anthracite coal in the United States?

Mr. BRUMM. Seventy-seven million tons.

Mr. GARBER of Oklahoma. Is the gentleman able to state the number of tons imported during 1929?

Mr. BRUMM. From all places?

Mr. GARBER of Oklahoma. Yes; from all sources.

Mr. BRUMM. In January, 1929, 48,343 tons; in February, 54,389 tons; in March, 29,414 tons; in April, 36,768 tons; in May, 28,640 tons; in June, 25,601 tons; in July, 33,417 tons; in August, 24,835 tons; in September, 30,583 tons; October, 29,359 tons; in November, 44,425 tons; in December, 49,206 tons; and in January, 1930, 50,311 tons.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. BRUMM. Yes.

Mr. PALMER. What rate of duty is sufficient to protect our industry against cheap-labor soviet coal?

Mr. BRUMM. I should think about four dollars or four dollars and a half a ton, possibly five dollars a ton, specific duty, depending upon freight rates. Most of the soviet coal bore no freight at all, so that we would have to make allowance for that. When I found that in the wisdom of the Ways and Means Committee I could not get any solution to this proposition, I immediately called upon Senator REED, from Pennsylvania, who was our only representative in the Senate at that time, and who I have no doubt held his seat only by the grace of God and the oversight of some of his friends over there.

For that reason, possibly needless for me to state, it would be impossible to have coal added to any schedule in our sister body. The prejudice against my beloved State, without which perhaps you and I would not be sitting here to-day, was so great that neither coal nor anything else that emanated from Pennsylvania had a day in court.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BRUMM. Yes.

Mr. SCHAFER of Wisconsin. With reference to prejudice, I may frankly state to the gentleman that there has been a great deal of prejudice created in Wisconsin against Pennsylvania, particularly with reference to alleged violation of corrupt practices acts, when as a matter of fact those demagogues and hypocrites from my State, who were supported by the La Follette Progressive Republican Club of Milwaukee County, denounced Pennsylvania, when they did not even claim violation of the specific laws, but large expenditures. The election campaigns in their behalf flagrantly violated the corrupt practices acts of our own State in many instances.

In the 1928 primary election in Wisconsin the La Follette Progressive Republican Club of Milwaukee County received from Richard H. Lee, a master lobbyist from New York, thousands of dollars in clear violation of the Wisconsin corrupt practices acts.

In the 1926 primary campaign about $10,000 was expended without complying with the Wisconsin corrupt practices acts for full-page beer advertisements in behalf of the nomination of a candidate supported by the La Follette Progressive Republican Club of Milwaukee County, which candidate has had much to say about alleged violations of election laws and large election campaign expenditures in Pennsylvania, but who has been silent about Mr. Lee and the beer advertisements [applause] in his behalf.

Mr. BRUMM. The kettle often calls the pot black. So, Mr. Speaker, when the tariff bill returns to this House I hope that I may have the assistance of a large portion of the House in influencing those in charge to permit an amendment to give us some relief. I suppose the parliamentary situation will make it difficult, if at all possible, to put an amendment onto the bill, but I shall certainly use every possible means in my power to have a tariff levied on all importations of anthracite coal, which should be about $4 a ton.

That would certainly keep out the soviet coal, and would apply to any anthracite from other countries, and I am sure we are all interested in preventing the importation of this product from a country which my friend from Pennsylvania calls the Godless country of Russia. Mr. Speaker, this is not a sectional question. Perhaps every State in the Union inhibits competition of convict labor with that of free American citizens.

It is an insult to every free laborer who earns his bread by the sweat of his brow. It is a blot on civilization. It is inhuman to the Russian convicts and enforced laborers themselves. What? The United States of America, with its proud ideals, cognizant of the sacrifices of the fathers, are they to consent to the sale here of a commodity produced by slaves? It is incomprehensible that any American should stoop to handle a product which he knows emanates in that way.

Siberia! The time-honored scene of the arch tragedies of the world, the very synonym of everything that is unnatural and inhuman. Its glens and its caves, its mountains and its snows, which form its grim visage, if given the tongues of men would unfold a tale that would make America's blood run cold. Are we to compete with that? Siberia, where in our mind's eye, through the imagery of Tolstoi, we can still hear the crack of the driver's whip, we can still see that long line of God-forsaken creatures, we can still see the dead and dying, miserable victims of inhumanity to man.

Mr. Speaker, there is not a Member of this House who can stand up in this body or elsewhere and publicly say that he is willing to stand for that sort of thing. Justice demands that something be done here. Morality abhors it, and expediency, so characteristic of the American mind, will find a way, or the law of retribution will surely visit those who are responsible.

Mr. Speaker, the Federal law already prohibits convict-made products from coming into the land, but it does not stop it; and subterfuges will constantly be used, and the products of convict labor will continue to flow to our shores. The only practical way I can conceive of is a tariff which will absolutely bar these products from Siberia.

After all, we are Americans first, and I have faith enough to believe that no Member of this House will willingly stand for injustice, wherever the injury arises. In the interest of our people, in the interest of civilization, to maintain our self-respect before the world, something must be done to prevent a continuation of this malpractice. It is my earnest hope, therefore, that at the proper time the membership of this House will join with me not only in protecting a great industry and protecting the labor engaged in it but will assist in maintaining the dignity and self-respect of the great masses of our country, who, after all, are the bone and sinew of this great land and who, when compared with others, by their matchless example have dignified honest toil. This is my hope. This is the hope of the laboring masses of America; and, Mr. Speaker, I ask for your help and cooperation. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Three minutes.

Mr. BRUMM. I am through, and I simply wanted to call the attention of the House to this message which I have received from the Rev. John Hundiak, pastor of the Ukrainian Orthodox Church of St. George, of Minersville, Pa., concerning a dispatch which he had received from Russia, exemplifying what I have said about that wonderful land of the soviets. I read:

Recent press dispatches from Kharkow, the capital of the Ukrainian Soviet Socialistic Republic, report that the soviet government has arrested Archbishop Vasil Lipkovsky, retired metropolitan, and five bishops of the Ukrainian Orthodox Autocephalic Church. They are to be tried, together with Vladimir Checkhovsky, president of the Supreme Council of the same church; Prof. Serge Efremoff, an eminent Ukrainian scientist; Andrew Nikovsky, a member of the Ukrainian Academy of Sciences, and twoscore other Ukrainian scientists and church leaders.

The charges of counter-revolutionary activities on which those arrested are to be tried are absolutely fictitious, since none of them are in any way connected with any political or revolutionary movements. The penalty awaiting those innocent leaders of the spiritual and scientific life of Ukraine is either a death sentence or long term imprisonment in the unspeakable soviet prisons or an exile into Siberia or on Solovetsky Island.

The Soviet Government has also ordered the Supreme Council of the Ukrainian Orthodox Autocephalic Church in Kieff to disband and has decreed that that church be dissolved and outlawed. The Ukrainian church edifices, among them one that was built by Vladimir the Great in the eleventh century, are being either destroyed or converted into atheistic clubs, granaries, and storage houses.

Religion in general is being suppressed by the Godless soviet régime, and the Ukrainian Orthodox Autocephalic Church is receiving the full brunt of this destructive antireligious mania of the soviet imperialists. Its bishops, priests, and lay members have been subjected to horrible persecutions in the last 10 years. Many have been executed, and even now many of them are imprisoned. The Church of Ukraine has never suffered so much even in times of the invasions of the Tartars and the Turks. The martyrdom of the Ukrainian Christians can be compared only to the martyrdom of the early Christian Church in the times of Diocletian and Nero. We are heartbroken that there seems to be no power on earth which can stop this terrorism being perpetrated by the unspeakable and vile communistic enemies of religion.

In this dark hour when our mother church and religion in general is being crucified we, the members of St. George's Ukrainian Orthodox Church, of Minersville, Pa., appeal to you as our Representative in the United States Congress to ask the Government of the United States and Senator WILLIAM E. BORAH to intercede, if possible, on behalf of the Ukrainian Orthodox Autocephalic Church and its martyred metropolitan, bishops, priests, and lay members, and all other suffering Ukrainians.

We would sincerely appreciate any step that you might take in this matter. We feel that any publicity given to this protest will tend, at least temporarily, to alleviate the untold sufferings of our mother church and of our brethren under the soviet misrule.

The Ukrainian Orthodox Church of St. George, of Minersville, Pa., by

Rev. JOHN HUNDIAK, *Pastor.*
NICHOLAS SALICK, *President.*
LEO SHMORHUN, *Vice President.*
JOHN TORICK, *Secretary,*
405 Front Street, Minersville, Pa.

TRANSPORTATION OF PERSONS IN INTERSTATE AND FOREIGN COMMERCE BY MOTOR CARRIERS OPERATING ON THE PUBLIC HIGHWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288. The question is on agreeing to that motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANKIN. Mr. Speaker, I call for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 60, noes 10.

Mr. RANKIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-two Members are present; not a quorum. The Clerk will call the roll. Those in favor of the motion of the gentleman from New York [Mr. PARKER] will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 308, nays 16, not voting 104, as follows:

[Roll No. 14]

YEAS—308

Ackerman	Elliott	Kiefner	Ramseyer
Adkins	Ellis	Kincheloe	Ramspeck
Aldrich	Englebright	Kinzer	Ransley
Allen	Eslick	Knutson	Rayburn
Andresen	Estep	Kopp	Reece
Arentz	Esterly	Korell	Reed, N. Y.
Aswell	Evans, Calif.	Kurtz	Reid, Ill.
Ayres	Evans, Mont.	Kvale	Robinson
Bacharach	Fenn	Lambertson	Rogers
Bachmann	Finley	Lampert	Rowbottom
Baird	Fish	Langley	Rutherford
Barbour	Fisher	Lankford, Ga.	Sanders, N. Y.
Black	Fitzgerald	Lankford, Va.	Sanders, Tex.
Blackburn	Fitzpatrick	Lea, Calif.	Sandlin
Bland	Fort	Leavitt	Schafer, Wis.
Bloom	Foss	Leech	Schneider
Bohn	Free	Lehlbach	Sears
Bolton	Freeman	Letts	Seger
Bowman	French	Linthicum	Selberling
Box	Gambrill	Lozier	Selvig
Brand, Ga.	Garber, Okla.	Luce	Shaffer, Va.
Brand, Ohio	Garber, Va.	Ludlow	Short, Mo.
Brigham	Garner	McClintock, Ohio	Shott, W. Va.
Browning	Gifford	McDuffie	Shreve
Brumm	Glover	McFadden	Simmons
Buchanan	Golder	McKeown	Simms
Burdick	Goldsborough	McLaughlin	Sinclair
Burtness	Goodwin	McLeod	Sloan
Busby	Granfield	McReynolds	Smith, Idaho
Butler	Green	McSwain	Smith, W. Va.
Byrns	Greenwood	Maas	Snell
Cable	Gregory	Magrady	Sparks
Campbell, Iowa	Guyer	Mansfield	Speaks
Campbell, Pa.	Hadley	Mapes	Sproul, Ill.
Canfield	Hale	Martin	Stafford
Carter, Calif.	Hall, Ill.	Mead	Stalker
Carter, Wyo.	Hall, Ind.	Menges	Stobbs
Celler	Hall, Miss.	Merritt	Stone
Chalmers	Hall, N. Dak.	Michener	Strong, Kans.
Chindblom	Halsey	Miller	Strong, Pa.
Christgau	Hancock	Milligan	Summers, Wash.
Christopherson	Hardy	Montague	Sumners, Tex.
Clague	Hare	Montet	Swanson
Clancy	Hartley	Mooney	Taber
Clark, Md.	Hastings	Moore, Ky.	Tarver
Clark, N. C.	Haugen	Moore, Ohio	Taylor, Tenn.
Cochran, Mo.	Hawley	Moore, Va.	Temple
Cole	Hess	Morehead	Thompson
Collier	Hickey	Morgan	Thurston
Colton	Hill, Wash.	Murphy	Tilson
Connolly	Hoch	Nelson, Me.	Timberlake
Cooke	Hoffman	Nelson, Mo.	Tinkham
Cooper, Ohio	Hogg	Newhall	Tucker
Cooper, Tenn.	Holaday	Niedringhaus	Turpin
Cooper, Wis.	Hooper	Nolan	Vincent, Mich.
Corning	Hope	Norton	Vinson, Ga.
Cox	Hopkins	O'Connell, R. I.	Wainwright
Coyle	Howard	O'Connor, La.	Warren
Craddock	Hudson	O'Connor, N. Y.	Wason
Crail	Hull, Morton D.	O'Connor, Okla.	Welch, Calif.
Cramton	Hull, William E.	Oliver, Ala.	Welsh, Pa.
Crisp	Hull, Wis.	Palmer	Whitehead
Cross	Irwin	Palmisano	Whitley
Crosser	Jeffers	Parker	Whittington
Culkin	Jenkins	Patterson	Wigglesworth
Dallinger	Johnson, Ind.	Peavey	Williams, Tex.
Darrow	Johnson, Nebr.	Perkins	Williamson
Davenport	Johnson, Okla.	Pittenger	Wilson
Davis	Johnson, Tex.	Porter	Wingo
Dempsey	Johnston, Mo.	Prall	Wolfenden
Denison	Jonas, N. C.	Pratt, Ruth	Wolverton, N. J.
Dowell	Jones, Tex.	Pritchard	Wolverton, W. Va.
Doxey	Kading	Purnell	Wood
Dunbar	Kelly	Quin	Woodruff
Dyer	Kemp	Ragon	Woodrum
Eaton, Colo.	Kerr	Rainey, Henry T.	Wright
Eaton, N. J.	Ketcham	Ramey, Frank M.	Wyant

NAYS—16

Abernethy	Briggs	Garrett	McMillan
Allgood	Cannon	Hill, Ala.	Oldfield
Almon	Collins	Huddleston	Patman
Arnold	Fulmer	Larsen	Rankin

NOT VOTING—104

Andrew	Dominick	Kahn	Sirovich
Auf der Heide	Doughton	Kearns	Snow
Bacon	Douglas, Ariz.	Kendall, Ky.	Somers, N. Y.
Bankhead	Douglass, Mass.	Kendall, Pa.	Spearing
Beck	Doutrich	Kiess	Sproul, Kans.
Beedy	Doyle	Kunz	Steagall
Beers	Drane	LaGuardia	Stedman
Bell	Drewry	Lanham	Stevenson
Boylan	Driver	Lee, Tex.	Sullivan, N. Y.
Britten	Edwards	Lindsay	Sullivan, Pa.
Browne	Frear	McClintic, Okla.	Swick
Brunner	Fuller	McCormack, Mass	Swing
Buckbee	Gasque	McCormick, Ill.	Taylor, Colo.
Carley	Gavagan	Manlove	Thatcher
Cartwright	Gibson	Michaelson	Treadway
Chase	Graham	Mouser	Underhill
Clarke, N. Y.	Griffin	Nelson, Wis.	Underwood
Cochran, Pa.	Hammer	O'Connell, N. Y.	Vestal
Connery	Houston, Del.	Oliver N. Y.	Walker
Crowther	Hudspeth	Owen	Watres
Cullen	Hull, Tenn.	Parks	Watson
Curry	Igoe	Pou	White
De Priest	James	Pratt, Harcourt J.	Wurzbach
Deltouen	Johnson, Ill.	Quayle	Yates
Dickinson	Johnson, S. Dak.	Romjue	Yon
Dickstein	Johnson, Wash.	Sabath	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Graham of Pennsylvania with Mr. Drane.
Mr. Treadway with Mr. Hammer.
Mr. Watson with Mr. Hull of Tennessee.
Mr. Gibson with Mr. Stevenson.
Mr. Frear with Mr. Cullen.
Mr. Swing with Mr. Bankhead.
Mr. Beers with Mr. Lindsay.
Mr. Michaelson with Mrs. Owen.
Mr. Vestal with Mr. O'Connell of New York.
Mr. Wurzbach with Mr. Dominick.
Mr. Kearns with Mr. Spearing.
Mr. Manlove with Mr. Quayle.
Mr. Kiess with Mr. Doughton.
Mr. Yates with Mr. Boylan.
Mr. Watres with Mr. Romjue.
Mr. Harcourt J. Pratt with Mr. Brunner.
Mr. Bacon with Mr. Drewry.
Mr. Mouser with Mr. Gasque.
Mr. Andrew with Mr. Taylor of Colorado.
Mr. Swick with Mr. Igoe.
Mr. White with Mr. Griffin.
Mr. Johnson of Washington with Mr. Douglass of Massachusetts.
Mr. Curry with Mr. Connery.
Mr. Chase with Mr. Auf der Heide.
Mr. Nelson of Wisconsin with Mr. Lee of Texas.
Mr. Beck with Mr. Parks.
Mr. Thatcher with Mr. DeRouen.
Mr. Crowther with Mr. Bell.
Mr. Johnson of Illinois with Mr. McClintic of Oklahoma.
Mr. Underhill with Mr. McCormack of Massachusetts.
Mr. Houston with Mr. Cartwright.
Mr. Dickinson with Mr. Pou.
Mr. LaGuardia with Mr. Sabath.
Mr. Kendall of Pennsylvania with Mr. Driver.
Mr. Johnson of South Dakota with Mr. Edwards.
Mr. Zihlman with Mr. Fuller.
Mr. Walker with Mr. Steagall.
Mr. Buckbee with Mr. Yon.
Mr. Sullivan of Pennsylvania with Mr. Somers of New York.
Mr. James with Mr. Gavagan.
Mrs. McCormick of Illinois with Mr. Sirovich.
Mr. Sproul of Kansas with Mr. Underwood.
Mr. Browne with Mr. Kunz.
Mr. Clarke of New York with Mr. Lanham.
Mr. Cochran of Pennsylvania with Mr. De Priest.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose at its last session there was pending an amendment offered by the gentleman from Michigan [Mr. MAPES]. The gentleman from New York [Mr. PARKER] was seeking to make arrangement for the limitation of debate.

Mr. PARKER. I ask that the pending amendment may be reported to the House.

The Clerk read the Mapes amendment, as follows:

Amendment offered by Mr. MAPES: Page 7, line 16, after the word "conducted," strike out the words "between two States only are involved" and insert in lieu thereof the words "involve not more than three States."

Mr. GARBER of Oklahoma. Mr. Chairman, I rise in support of the pending amendment, and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. GARBER] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, in resuming the consideration of this bill your attention is called to section 3, the administrative provisions, in connection with the amendment offered by the gentleman from Michigan [Mr. MAPES], which increases the administration of the joint board provision from two to three States.

In the presentation of the bill on a former occasion, I stated that the most serious problem which confronted the committee was the necessary administrative machinery to administer the provisions effectively and satisfactorily throughout the country.

Now, let us not be confused by the mention of joint boards. The heated argument the other day confused the term "joint boards" with that of the State boards. This is not a State board we propose, and it does not include a State board. It is entirely separate and distinct from any State agency. It is a board to be composed of one member nominated by the utilities commission of each State in which the proposed operation is to occur. That one member is nominated and then appointed by the Interstate Commerce Commission, and, by the provisions of this bill, is made a Federal agent. Note the distinction. He is made a Federal agent for the administration of this bill. So

it takes out of the presentation of the opposition to this amendment all the argument that has thus far been presented. This is not a State board. It is a Federal board, and the amendment does not propose to transfer any Federal power to the State governments whatever. It is not a transfer of Federal power to the State governments. It is a proposal to decentralize the administration of the Federal power for the convenience of the people, and the proposition ends there.

After the power providing for the national defense and the establishment of courts to administer justice, in my judgment the power embodied in the commerce clause of the Constitution is the most important and valuable power in that great instrument. It is an economic power. It has contributed more to our economic growth and to the development of the resources of this country than any other power within that sacred instrument.

We do not propose to permit the opposition to this amendment to put us in a false position as endeavoring in any way to transfer any of that power. That power must be left in the Constitution to be fully exercised. The channels of commerce must be left open. It is just as important to the farmers of this country, to the farmers of the great West, that the products of agriculture shall flow freely to the ports and to the markets of the East as it is that the products of industry flow west for consumption. There is no purpose here to impinge upon that power in any way. These boards are Federal agents and as such they are fully authorized to act under the terms of the bill and the decisions of the courts of the United States.

We have State commissions cooperating with the Interstate Commerce Commission under the interstate commerce act, working together, wherein State and interstate rates are commingled, and in connection with the granting or refusing of certificates of convenience and necessity to roads that desire to extend and to roads that desire to be discontinued.

Those who insist that prejudice results from local cooperation with the Interstate Commerce Commission are answered by the administration of the interstate commerce act. Paragraph 3 of section 13 of the act provides:

(3) Whenever in any investigation under the provisions of this act, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, or initiated by the President during the period of Federal control, the commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission in empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this act.

The advantages of cooperation under the above provision have been pointed out by Mr. Justice Brandeis, of the Supreme Court, in his opinion in the case of Colorado against United States. He invites attention to the fact that from the enactment of the transportation act of 1920 to February 18, 1926, 191 abandonment applications were acted upon by the Interstate Commerce Commission, of which 170 were granted; of these only 6 were granted contrary to the recommendations of State authorities, and of 47 cases where State authorities made recommendations, the commission acted in accordance therewith in 38 cases. (271 U. S. 153, 167.)

In the annual report of the Interstate Commerce Commission for the year ending October 31, 1926, it was stated that a check of the commission's records discloses that 27 State commissions cooperated with the Federal commission in 51 rate cases in which interstate-intrastate rate relations were in some manner involved, 22 State commissions cooperated in 44 construction and abandonment cases, and 6 in car-service cases.

The gentleman from Kansas [Mr. HOCH] in his argument opposing this amendment, confessed that he was not a mathematician, but the gentleman could see as many as 25 different boards under the administrative provision, called into action in five different States. While the gentleman from Kansas may not be a good mathematician, it must be admitted that his powers of imagination are highly developed. His statement of the number of boards required running into the hundreds is not coupled with the statement that the appointee from a State would not be limited to acting on one board but would act on as many boards requiring the cooperation of his State so that in his illustration of a 5-State operation, there would be only 5 members composing a joint board instead of 25 inferred from such statement.

But this amendment does not extend that far. It does not include five States. It does not include in excess of three States.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. MOORE of Virginia. I am in sympathy with the amendment that the gentleman is supporting. I would like to ask a question which has relation to the argument of the gentleman from Kansas [Mr. HOCH]. The gentleman said there would be serious complications; a great multiplication of boards, and so forth.

The language of the provision that the gentleman is discussing is:

The commission shall, when operations of common carriers by motor vehicles conducted or proposed to be conducted between two States only are involved, refer to a joint board for hearing and decision and recommendation of appropriate order thereon, any of the following matters.

Can I understand that would not be construed as compelling a reference in a given case of all matters to the joint board, but that the commission would have the discretion to segregate the matters to be so referred?

Mr. GARBER of Oklahoma. I think the provision is mandatory and would be construed as requiring the Interstate Commerce Commission to refer all matters therein enumerated.

Mr. RANKIN. Will the gentleman yield?

Mr. GARBER of Oklahoma. For a question; yes.

Mr. RANKIN. The Interstate Commerce Commission, though, would have the absolute power to review every decision the joint board made, would it not?

Mr. GARBER of Oklahoma. That is correct. Why is that power granted to the Interstate Commerce Commission? It is to preserve the supremacy of the commerce clause necessary to preserve uniformity in administration.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. In concluding this explanation of the proposed amendment I want to call your attention to an authority which I hope you will accept with favorable consideration. In his very exhaustive and able speech presenting the various provisions of this bill, the gentleman from Illinois, among other things, said, in reference to this scheme of administration by joint boards:

The most important feature, however, from an administrative standpoint, to be gained by having local State authorities designated and empowered to act as a Federal agency, arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions. This is particularly desirable in view of the fact that there is no distinguishing difference between interstate and intrastate problems other than a difference in jurisdiction arising from crossing a State line. If it were not for the fact that such a boundary line intervened, the regulation or control of the carrier would and could be properly and satisfactorily exercised by the State board having jurisdiction over operations entirely within the State. It would seem, therefore, to be rational and proper to enable State representatives to act as a Federal authority in dealing with such local interstate matters.

There is also another possible advantage that might be gained from a board so formed, in the opportunity that is afforded to deal at the same time with interstate and intrastate operations that might have a relationship to one another. The authority to act on the intrastate matter would exist by reason of the power vested in the individual member as a part or representative of the State regulatory body, and the authority to act with reference to the interstate matter arises by reason of the Federal agency created by this act. Thus, by the exercise of both State and Federal power, having due regard to the restrictions and limitations of each, it would be possible to coordinate the two by appropriate orders in a particular matter in such a way that one would supplement the other to the great advantage of the public.

While the act provides that all operations involving more than two States shall be heard by the commission, or a member or examiner thereof, nevertheless, it is the opinion and judgment of many that the provisions now applying to matters involving not more than two States might very properly be extended to at least three States, and discretionary power given to the Interstate Commerce Commission to create such joint boards, no matter how many States involved, whenever in the judgment of the commission it might properly be done. There is much to be said in support of this proposition, and the adoption of it

would certainly not detract or decrease in any way the effectiveness of the administrative features of the bill.

The gentleman from Illinois was giving expression to that found in every decision of the Supreme Court in its recognition of the doctrine of reasonable regulation in the absence of congressional action. Every Supreme Court justice in writing an opinion in regard to interstate motor transportation has emphasized the necessity of reasonable regulation to the limit of the constitutional exercise of the police powers of the several States, especially emphasizing the need of local knowledge, information, and experience. Why? Because—not like the railroads—these roads have been built by the several States with the assistance of the Federal Government upon the condition that the States will maintain these roads, and they can only do that by taxation. The Supreme Court has recognized that. It has recognized the local need, the local cooperation, and the local advice and assistanse of the States in helping to maintain these roadways. The people of the several States have built the roads and are entitled to friendly administration for their protection and maintenance. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. COX. Mr. Chairman and members of the committee, I rise in opposition to the amendment. I take it that the members of the committee reporting this bill, who have given long and careful study to this question, have come to the conclusion that the power in the Congress to regulate commerce, carried on by bus lines, should be exercised. The committee is unanimous, as I understand it, in favoring legislation of some character. While there is a minority report filed by one member of the committee, that gentleman has proposed a substitute to the bill which, in my judgment, would have been a wise initial step for the Congress to have taken.

This amendment, Mr. Chairman, is proposed by a friend of the bill, but I respectfully submit that it is an aggravation of an evil that the bill already contains. It is an effort to satisfy the State commissions, who have been insisting upon no limitation with respect to the setting up of State boards to cooperate with the commission in the administration of this law.

I submit, Mr. Chairman, there can be no reason for the existence of even a 2-State board, much less a 3-State board, if the findings of such board are not to be binding upon the Interstate Commerce Commission.

Under the terms of the bill the State joint boards, while designated as agencies of the Federal Government, are nothing more nor less than State agencies, set up for the purpose of investigating and reporting to the Interstate Commerce Commission, both as to fact and as to recommendation of treatment.

I submit, Mr. Chairman, that there being no finality to the report of these State boards, there can be no sense in creating them.

The act placing upon the Commerce Commission the responsibility of review carries with it the implication that the commission will itself conduct some original investigation, for if there be no such investigation on the part of the Interstate Commerce Commission, then there can be no intelligent exercise of the power of review. Therefore we must conclude that the commission in testing the accuracy of the findings of State boards on questions of fact and in testing the wisdom of their recommendations as to treatment will investigate outside of the report as made by the State boards.

Mr. BURTNESS. Will the gentleman yield?

Mr. COX. Yes.

Mr. BURTNESS. Does not that same argument apply to the findings of an examiner representing the commission?

Mr. COX. I do not catch the significance of the gentleman's question or understand his question, but if the gentleman will wait until I make my statement I will be glad to yield to him.

Mr. BURTNESS. I thought it was an appropriate question at this point.

Mr. COX. The argument made by those opposing this bill is that it constitutes an invasion of the States on the part of the Federal Government and deprives the States of control over purely domestic questions.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COX. I wish to bring to the attention of this committee that the enactment of this law, if it is enacted, does not deprive the State regulatory boards or commissions of the exercise of all control over agencies carrying on an interstate business. The argument is made upon the floor that immediately upon the enactment of this legislation all jurisdiction exercised by State boards is immediately stricken down, so far as their control over interstate agencies or a bus line doing an interstate business is concerned. I submit, Mr. Chairman, that the power is in the State boards at the present time, and it will continue to be in the State regulatory bodies, to pass rules which will be binding upon interstate carriers so far as the handling of intrastate business is concerned, and the right to exercise all police control.

Now, Mr. Chairman, I was struck with the statement made by the gentleman from Kansas [Mr. HOCH] on Friday last when he was quoting a witness appearing before the committee, who stated that if a provision of this amendment were carried in the bill it made possible the setting up of thousands of State joint boards. I thought the statement rather extravagant. So this morning I commenced to figure on the possibilities with respect to the creation of such agencies under the proposed amendment to the bill, and I figured until I ran the number up to 2,107, therefore coming to the conclusion that the gentleman from Kansas and the gentleman from Texas were accurate in the statement they made that this amendment would set up a condition under which it would be impossible to operate.

Mr. JOHNSON of Indiana. Will the gentleman yield?

Mr. COX. The gentleman will pardon me if I decline?

Mr. JOHNSON of Indiana. I simply wanted to ask the gentleman if he has figured how many boards could be created with the provision in the bill with regard to two States?

Mr. COX. I did not make the calculation. If the gentleman is opposed to that feature of the bill I join him, because I, too, am opposed to it; but this seems to have been the best the committee could do in order to enlist the support that meant the passage of the measure.

But, Mr. Chairman, this is the observation I wish to make: If you are in favor of legislation you want the best legislation you can get, and if you adopt this amendment you destroy the possibility of uniformity of treatment of the entire problem. You will have as many different rates governing this proposition as there are State agencies set up under this provision of the bill.

You will have as many different bases of calculating rates as there are different agencies set up under the bill. You will have a different method of determining what degree of control should be exercised over the operator, over the instrumentality that is used in the carrying on of the business. You create a condition, Mr. Chairman, which makes it absolutely impossible that you may have uniform rates established by any agency covering the entire country. The hope of effectuating the purpose of the bill, in the event this proposed principle is incorporated as one of its provisions, lies in the expectation that the Interstate Commerce Commission will make liberal use of its power of review.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question before the House is merely whether we should extend the provision recommended by the committee one degree. The committee recognized that so far as the operation of busses between two States is concerned, all questions as to necessity for issuance of certificates, consolidations of bus companies, approval of surety bonds, and rates of fare and the like should be determined by a representative of the utility commission of each State on a joint board, with authority to hear and determine such matters.

I respectfully submit for your consideration that this authority should be extended to where three States are involved, as purposed by the pending amendment. I submit in support of my position concrete instances which will show the need for the extension of this power. For instance, busses running from Buffalo to Cleveland have to go through three States—New York, Pennsylvania, and Ohio.

The character of this service should be determined by a representative of the utility commissions of New York, Pennsylvania, and Ohio, acting as a joint board rather than by an examiner of the Interstate Commerce Commission, as the bill now provides, for questions of necessity and convenience, mergers, fares, and the like where more than two States are concerned.

Another concrete instance is the bus service between New York and Boston, a very frequent bus service, going through the States of New York, Connecticut, and Massachusetts. This is another concrete instance where this character of service and the number of vehicles and the rates to be charged for the service should be determined by a joint board comprised of a representative of the utility commissions of New York, Connecticut, and Massachusetts, highly qualified utility commissions, rather than by an examiner of the Interstate Commerce Commission, a bureaucrat.

I may cite as another instance, and I assume this instance is the one that inspired the gentleman from Michigan to sponsor this amendment, the bus line from Detroit to Chicago. This service goes through three States—Michigan, Indiana, and Illinois. A representative of the utility commissions of these States should determine the number of vehicles and the character of that service rather than an examiner of the Interstate Commerce Commission not accountable to the people of the respective States for service, rates, or any related service matter.

It has been my privilege in recent years to travel frequently between Detroit and Chicago on the fast trains of the Michigan Central, paralleling the highways that these busses use. I travel by daytime on the Wolverine, the Twilight, and on the Niagara Falls Special, keeping my eyes open and following the traffic on this great highway between Detroit and Chicago. There are not any great number of passenger busses crowding out other passenger traffic. I am acquainted with the character of busses that ply between Detroit and Chicago. One line leaves the Fort Wayne Hotel at midnight.

I am acquainted also with the busses of its competitors, and I say to you that this character of service should not be left to a representative of a bureau here, with the localities concerned having no voice in the matter, but should be left to a joint board composed of one representative appointed by the utility commissions of the respective States involved.

I bottom my argument on State rights and on State operation, and not upon control and domination by an examiner appointed by the Interstate Commerce Commission.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. STAFFORD. I will be pleased to yield if I have the time.

Mr. SMITH of Idaho. How would the gentleman handle the company that operates through more than three States, probably a dozen States?

Mr. STAFFORD. Oh, it is entirely a question of practical control. I might be able to extend the illustration to some instances where it might be practicable if four or five States were involved, but commissioners of three States can get together and determine the proper policy, as that policy is local, of which each repreesentative would have personal knowledge of the existing conditions. They would be directly interested and would be acquainted with the actual conditions. The commissioners of four States or five States might not be acquainted with local conditions, and therefore it would become more a national than a local question.

I can multiply these instances where it would be practicable to vest authority in a 3-State board, for instance, the service from Washington to Philadelphia, involving three States; Chicago to St. Paul and Minneapolis, where three States are concerned.

Why should not the number of these vehicles, as well as the policy generally, be subject to the police power of the States as it exists to-day guaranteeing the rights and the safety of the public under the constitutional power of our Government?

As I understand the decisions of the Supreme Court—and I have read them quite closely within the last two weeks—when the Congress attempts to regulate these powers, then the States do not have corrective power of regulation over such interstate carriers. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ABERNETHY. Mr. Chairman, I rise in support of the amendment. Mr. Chairman and Members of the House, I am very much gratified and pleased to know that the distinguished gentleman from Michigan [Mr. MAPES], a very prominent member of the Interstate and Foreign Commerce Committee, has seen fit to introduce this amendment. I think there is some hope of passing it.

I think the Interstate Commerce Commission has about as much power at the present time as it ought to have—and too much, according to my notion. Wherever I can vote to cut down some of that power and at the same time preserve it to the States, I am willing to support any measure that will do it.

Under the law under which the Interstate Commerce Commission operates, we can scarce do anything pertaining to railroads in the several States without getting the consent of the Interstate Commerce Commission. This powerful commission has gone into my State in the last few months and has required the State commission to raise intrastate rates so as to conform with the rates of a sister State. We have no power at all unless we come with our hats in our hands to the Interstate Commerce Commission and ask them to please give us a little crumb now and then, and the people get precious little from this body.

I wish the amendment had gone further and provided for three or more States, and leaving it entirely to the State commissions of those States jointly acting. I am in favor of preserving the rights of all States to deal with this matter, and I hope that you will support the amendment of the gentleman from Michigan as going part of the way. [Applause.]

Mr. EATON of Colorado. Mr. Chairman, an examination of the bill before me and an attentive presence during the debate have shown that the committee reached a conclusion that there were two types or classes of interstate common carriers of passengers by automobile busses which should hereafter operate under Federal legislation. The class to which I shall address my remarks is that one in which the regular route within a defined district extends to no more than two States. Possibly, the best answer to the query why this was limited to two States was given by the gentleman from Illinois [Mr. DENISON] when he said:

> The committee, in its wisdom, decided we ought not to extend the provision for joint boards beyond the interstate operations involving two States only.

Of course the designation of two is the selection of an arbitrary number. Possibly, any number is arbitrary.

I want to ask you to consider the Rocky Mountain situation, using the city of Denver as a point from which the Rocky Mountain motor-bus business radiates. Comparatively speaking, there may not be a great deal of interstate traffic in that district, but when busses run from Denver to Yellowstone Park they go through Colorado, Wyoming, and Montana. To Salt Lake City they run through Colorado, Wyoming, and Utah. To Amarillo, Tex., they run through Colorado, Utah, and Texas. To Kansas City they run through Colorado, Kansas, and Missouri.

These give you a fair view of the situation. Three States are traversed in every such interstate trip.

I might say that these routes cover most of the interstate motor-bus transportation that would be affected by the Parker bill in that region.

By adopting the amendment and changing the figure "2" to "3," this House itself will consider public convenience and serve the public interest best by providing that the questions covered by subsection d of section 3 of the bill, shall be heard and determined by a joint board of three selected in a territory which is from 1,800 to 2,500 miles from Washington.

Will not the members of the standing committee concede that much and support the amendment of the gentleman from Michigan [Mr. MAPES]?

Safety requirements—are they to await the delays incident to hearings being made by a delegate from Washington whose experience has been with bus transportation over the crowded paved roads of eastern cities, but not mountain passes?

The gentleman from Maine [Mr. NELSON] quoted from the Supreme Court of the United States, and said:

> Freedom of commercial intercourse between the States is of such paramount importance that interference with it by the States can not be permitted.

Note that he did not say that aid by the States would be prohibited.

Why can we not go as far as the Supreme Court?

We are delegating power as far as we may do so constitutionally.

The wisdom of the committee has been expressed by creating joint boards from two States.

Why not recognize that in the more sparsely settled parts of this country, that a 3-State joint board may best serve the public interest and permit freedom of commercial intercourse?

And that in proper cases of "paramount importance" the Interstate Commerce Committee should have the power to exercise its discretion and call to its aid a joint board from more than three States.

I submit that this amendment meets the situation squarely and ought to be adopted.

Mr. NELSON of Maine. Mr. Chairman and Members of the House, I realize the difficulty of attempting, in a few words, to explain the very serious objections, well founded or otherwise, which some members of the committee have to this proposed amendment offered by the gentleman from Michigan.

On its face it seems the change of a simple detail of administration, but to some of us it seems to go further and impinge on a very serious constitutional question.

I think Members might better understand our position in this matter if I took a moment to review the history of this legislation. The debate on the bill has shown that previous to 1925 Congress having taken no action in the matter, the State regulatory boards, believing that they had the right to regulate interstate commerce, did so regulate it and regulated it satisfactorily.

That same year we had the Buck decision, which said that the States could not regulate interstate motor bus transportation.

The court held that it was an attempt on the part of the State to say, not how the highways should be used, but by whom.

Quoting from the opinion:

> Moreover, it determined whether the prohibition shall be applied by resort through State officials to a test which is peculiarly within the province of Federal action—the existence of adequate facilities for conducting interstate commerce.

Now, on account of that decision, the first bill was introduced in December, 1925. That was S. 1734, introduced by Senator Cummins. Since the time of the Buck decision, the question has been, and now is, whether or not we shall restore to the State regulatory bodies the powers which the Supreme Court of the United States said they should not exercise.

I think every member of the committee believes in the decentralization of Government. Surely every member of the committee would do his utmost not to interfere with State rights; but we can not preserve to a State a right that it never had, and a right which the Supreme Court said it should not exercise.

I am giving you now the history of this legislation. This legislation, as then embodied in the Cummins bill, started in to give back to the State regulatory bodies, the same bodies that had been regulating interstate commerce previous to 1925, the very powers which the Supreme Court said they should not exercise. Those powers were given in S. 1734. That was five years ago. All the time since the struggle has been between those who believe that the commerce clause of the Constitution intended that interstate matters should be decided by those who, removed from, and unaffected by, the local prejudices and interests of the States might view the projects from a national standpoint, and those who want to give the decision of such matters back to the State regulatory bodies, who are immediately interested in all of the matters concerned.

All of the evidence taken out in these hearings disclosed the expectation on the part of every witness; that the member of the State regulatory body would represent his State and nobody the Nation; that the State member would take heed of the conditions of the ways and streets and tunnels and the intrastate commerce of his own State and no one would take heed or give voice to the interstate need of the proposed line. We started with a bill that would give back to the very bodies that the Supreme Court said should not exercise it, the very rights the court said they should not exercise, and we have worked down through various modifications to the present bill. In its initial form this very bill which we are considering to-day not only adopted representatives of these State bodies as administrative agents but gave to them the final power of determining whether a certificate should or should not be granted. I do not contend for a moment that we may not delegate power to administrative agents. I do not contend that we may not delegate such administrative power to State officials, but there is a limit to our discretion beyond which we should not go. A judge may very properly delegate to a referee or appraiser certain duties, but it would be highly improper to select as such referee or appraiser one directly interested in the subject matter of the case. Here it was the intent of Congress that these matters should be decided by men not influenced by local conditions. If this regulation is a matter of national importance, if it is a national problem, then it should be administered by a national board. The bill we have before us is a compromise of the ideas of the various members of the committee.

It appeared in the course of the evidence that much of the trouble was confined to and arose out of the local transportation problems of cities located near the State line. The gentleman from California suggested some case involving the interpretation of some act to regulate commerce which would seem to differentiate this purely local commerce from the purely interstate commerce. I do not believe we really have even the justification of that case. Certainly, however, this situation of local commerce over short distances across State lines is a peculiar one that never could have been in the contemplation of the founders when the Constitution was formulated. I am not in favor of the State board proposition, and I believe that the less power we give to the local board and the more power we retain in the Federal authorities the better off we will be.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. MAPES. The gentleman has said quite frankly that he does not believe in the use of the State boards at all, not even in the 2-State proposition as set forth in the bill. Does he think that such use is unconstitutional, or, if so, that the amendment that I have proposed is any more unconstitutional than the present provision of the bill?

Mr. NELSON of Maine. I can only answer that proposition in a very general statement. I think the validity of an act is determined more by its substance than by its form. I think we ought not to attempt by indirection what we can not do by direction. I think the intent of the Constitution in that these matters of interstate regulation should not be left to those who are directly interested in them, and to that extent I do not approve of this 2-State board. I believe that it probably does avoid the objection that it is unconstitutional. I think the Supreme Court would go far to sustain any such legislation. But it is a question of policy; it is a question of whether this Congress wants to attempt to circumvent even the spirit and intent of the Constitution. Personally I do not.

Mr. MAPES. Does the gentleman think the amendment that I propose is any more unconstitutional than the present provision of the bill?

Mr. NELSON of Maine. I think perhaps not. Some claim that there is justification for the 2-State method, not only through necessity but also from the fact that it deals with purely local transportation, which ought not to be considered as interstate. I do not think we should give that claim much consideration. I think the 2-State board is bad enough, but that when you make it a 3-State board, you are adding considerably to the difficulties and cost of administration.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. MOORE of Virginia. Mr. Chairman, I agree with the distinguished gentleman from Maine [Mr. NELSON] that we have no legal question here, but simply a question of policy. I am supporting the amendment of the gentleman from Michigan [Mr. MAPES], and I would be glad to go a step further and vest in the Interstate Commerce Commission discretion to make a reference to joint boards in any other cases even though more than three States might be involved. Concerning the amendment now under consideration, the reason why I support it is this, mainly: The situation being dealt with differs altogether from the railroad situation. The railroads buy their rights of way and build their tracks and incur the necessary expenditure for that purpose. Their status is different from the highway status, inasmuch as the States have at their own expense, with the exception of such aid as they have gotten from the Federal Government, which is comparatively small, constructed the highways; therefore they should be given a larger measure of cooperative authority by this bill than anybody thinks of giving them relative to interstate commerce by rail.

The particular question under debate is not a new question. It was not a new question when it was taken up by the very able committee, for which I have so much respect. Prior to that time the Interstate Commerce Commission itself had engaged in a protracted investigation. If you will look at the report following that investigation made in 1928 you will find that there were represented before the commission all of the State commissions, all of the railroads, and all others who cared to appear and present their views. In that elaborate report made in 1928 the commission submitted its conclusions, and on the point that is now being discussed its conclusion is unmistakable. Here is the substance of what the commission said, without reading it all:

> Joint boards composed of two or more States, or representatives of such State boards and of the Interstate Commerce Commission when acting instead of a State board, should be authorized to act where the commerce is carried on in two or more States.

Now, who is in a better position to know what is the wise course to take relative to this matter than the Interstate Commerce Commission, which has dealt with cognate matters for so many years, and which has so plainly advised that in its opinion it would not be going beyond the limits of a wise policy to provide for the creation of joint boards in all cases? And why should we not do what the amendment proposes as a first step?

If we take that course, where three States are involved, and give discretion to the commission to act where there are more than three States—if we take that course at the outset, and then it is found that all the trouble occurs that was predicted the other day by my friend from Kansas [Mr. HOCH], it will be a very easy matter for Congress to amend the act.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. May I have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Virginia. My friend from Kansas gave a very alarming picture of what may take place, and yet what do we discover, as found by the Interstate Commerce Commission in its investigation?

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. In a minute.

I want first to refer to the report of the commission. Analyzing conditions in eight States, it did not find that the motor vehicle interstate operations were ordinarily over such long routes as to inspire the alarm felt by the gentleman from Kansas. Over 50 per cent of the routes were only 20 miles in length, nearly three-fourths less than 30 miles, and only 11.9 per cent of the routes were more than 50 miles in length.

Now, if the routes were so short in 1928, or rather in 1926, when the analysis was made, what reason on earth have we to fear that the routes have become so long in the limited interval between that date and now that if joint boards are provided for these may be so many operations through two or three States that innumerable joint boards would have to be created as apprehended by my friend from Kansas and my friend from Georgia [Mr. COX]?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. MERRITT rose.

The CHAIRMAN. The gentleman from Connecticut is recognized.

Mr. MERRITT. Mr. Chairman, I do not think I need take time to argue on the general question of providing State boards in all cases.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. MERRITT. Yes.

Mr. RAMSEYER. The gentleman gets up here and talks about "State boards." There is nothing pending here about State boards. They are joint boards.

Mr. MERRITT. I accept the correction of the gentleman. We need not discuss the general question of providing joint boards in all cases, because the difficulty of that was conclusively shown on Friday last by the gentleman from Kansas. The fact that many of these routes are now in existence and will be taken care of by the grandfather clause is not important, for the reason that these same joint boards would be necessary to take care of violations, so that we should have an infinity of joint boards.

Another thing that I think should be taken into consideration there is this: What we need in this great country, as the network spreads, is uniformity of law, so that men starting new routes can know what their rights are, and their counsel can advise them what their rights are.

Now, if we have this infinity of joint boards, we will get innumerable varying decisions on the same states of fact, whereas if we empower the Interstate Commerce Commission to perform this function we shall not have that confusion, so that lawyers can properly and conscientiously advise their clients.

Now, coming to this particular motion or amendment that is before the House, gentleman argue that there is no special difference between a case of two States and a case of three States. There does not seem to be much numerical difference, but I think the difference which has been stated should be clearly kept in mind by the members of this committee, and that is in all the cases of 2-State boards the important cases come in what may be termed metropolitan areas, as, for instance, New York and Jersey City, Philadelphia and Camden, and St. Louis and East St. Louis. They are practically one community, like regulating a street railway, not in the ordinary sense of interstate commerce, because the interests are not different, as was spoken of by the gentleman from Maine [Mr. NELSON], whereas if you get into three States you necessarily spread over a large area and get into an interstate relation. And in those cases the reasons set forth for action by the Interstate Commerce Commission come strongly in force; so that while it seems not important to speak of the difference between 2 and 3, yet, in fact, looking at the geographical situation, you find an important difference—which shows the importance of supporting the bill, and voting against this amendment.

Mr. PARKER and Mr. RANKIN rose.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment close in 20 minutes.

The motion was agreed to.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Chairman, every Member who has spoken in opposition to this amendment seems to be opposed to any State board or any joint board at all.

The gentleman from Georgia [Mr. COX] spoke about requiring 2,100 different boards to do all this work. As a matter of fact, these joint boards are composed of members of your State utility boards or commissions and, they are already organized in all States except possibly one or two. But, if the work is going to be so heavy on all these 2,100 boards, surely it would be much heavier on the Interstate Commerce Commission if all of it were placed upon them.

The gentleman from Maine [Mr. NELSON] seems to be under the impression that we should not have any State representatives on these boards because of "local prejudice." The gentleman seems to travel on the theory that the further we get away from the people we represent the better Government they will have.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. NELSON of Maine. Do you dissent from the provisions and the idea of the Constitution in regard to the regulation of interstate commerce?

Mr. RANKIN. I am now discussing the distinguished gentleman from Maine [Mr. NELSON] and his argument.

Mr. NELSON of Maine. And I stand with my feet on the Constitution of the United States.

Mr. RANKIN. I will ask the gentleman to kindly sit down on the Constitution, and let me show him the fallacy of his argument. [Laughter.]

The gentleman from Maine [Mr. NELSON] seems to think that if any of this power is left to the joint board, composed of members of your State boards, they will be actuated by prejudice. Does he think our State boards are actuated by prejudice? Did we act with prejudice when we issued bonds to build the roads that they now propose to turn over to the large bus companies and railroad companies owning bus lines and deprive our people of the ordinary use of those highways?

If the further you get from the people the less prejudice you find, as indicated by the gentleman from Maine, possibly we had better refer this question to the World Court, where we will have very little say so; and then if you want to get it further from the prejudice of the people you represent, you might pass it on to the League of Nations, where we will have no say so at all. [Laughter.]

Mr. Chairman, the closer you get these boards to the people you represent, the better service the people are going to get. I am in favor of the amendment offered by the gentleman from Michigan [Mr. MAPES], but I want to call attention to the fact that these boards, until other amendments to the same section are adopted, are largely perfunctory. Why? Because you make them all subservient to the Interstate Commerce Commission. It will be seen from reading that section that all the decisions of the joint boards are subject to review by the Interstate Commerce Commission. That ought not to be. If the representative from your State and the representative from my State, members of one of these boards, get together and agree on these rates and regulations between the States involved, their decisions should be final. I shall offer an amendment to that effect at the proper time, if some other Member does not do it.

I may say further that we have a checkrein on the members of the various State boards. We have the power to get rid of them every two years or every four years, or if they go wrong we can call the legislature together and impeach them. But, when you transfer all of this power, as this bill does, to Washington, in order to remove it from the "prejudice" of the people you represent, I want to sound a warning to you to-day, and especially those of you whose districts touch a State line, that you will live to regret it.

If you turn over to the Interstate Commerce Commission in Washington all of this vast power which this bill gives, more power than has ever been given in any one bill since the United States emerged from the World War, and deprive your State boards of any power at all except as clerks, which they will be under the provisions of this bill, you will regret it, and the chances are you will regret it just as soon as the people in your State find out what you have done.

There is no agitation for this bill, except on the part of the corporations that are interested—the people who own these large bus lines and the railroads.

The bus companies want to sell their lines and the railroads want to buy them, and they want the people to furnish the roads, and want us to shut out competition.

One member of the committee took me to task the other day, stating that the railroads were not represented at the hearings. I looked up the hearings, and every once in a while one of these gentlemen, ostensibly representing the bus lines, would get into deep water and he would turn around and ask Mr. Thom about it. Mr. Thom would proceed to give the committee information. Everybody knows that Mr. Thom is one of the leading railroad attorneys or lobbyists of the country.

The people are not clamoring for this bill. The people along the State lines, who will be drastically affected if this measure

goes into effect, have not asked for it. They have not even heard of it. They are satisfied. They have at least some faith in their local commissions or they would remove them.

So in supporting the amendment offered by the gentleman from Michigan I am trying to retain to the people as much power as possible over the regulation of their local affairs and their local transportation.

Mr. DENISON. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. DENISON. The gentleman understands, does he not, that interstate busses are not now under regulation?

Mr. RANKIN. Yes; except by State authorities. That is thoroughly understood.

Mr. DENISON. Does the gentleman want it to continue that way?

Mr. RANKIN. I prefer the present situation to this bill. And the gentleman further understands that the interstate busses and the interstate railroads and their influences are responsible for the large crowd which came here to testify before the Committee on Interstate and Foreign Commerce.

Mr. STAFFORD. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. STAFFORD. The gentleman realizes that the interstate busses are under the control of the State commissions as far as police regulations are concerned.

Mr. RANKIN. Certainly, and we are getting along remarkably well with them. Why all this haste to take this vast power from the people of the States, concentrate it in Washington, and place it in the hands of a commission that the people of the States have no voice in selecting, and, as I said, depriving them of control over their local transportation and over their local affairs?

I hope the amendment offered by the gentleman from Michigan will be adopted, and then that we may adopt a further amendment making the decisions of these joint boards final. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LEA of California. Mr. Chairman, these joint boards are composed of representatives of the State boards, but the selection of the representatives of the States is required by law, so while constitutionally this is a Federal board, in fact and substance it is a State board. It is a case where it is the hand of Esau but the voice of Jacob.

During the hearings Mr. McDonald appeared before the committee to represent the organized State utility commissions of the United States. Asked by the gentleman from Alabama [Mr. HUDDLESTON] if State commissions would support this bill if they were not in the picture, Mr. McDonald replied they would support it just the same. Mr. McDonald then made this further statement:

> The Interstate Commerce Commission eventually is going to regulate interstate commerce by motor vehicle, I think both persons and commerce, so far as they are handled by motor vehicles, before many years.

If you will consider the practical working out of what is proposed here, I think no man will say that after a few years' experience we will have a duplicated and complicated system of boards such as is proposed in this amendment.

Under the plan proposed, we will have a duplicated system. Interstate lines on the same road will originate from different sources. We may have a hearing to-morrow in Salt Lake City for three States, and at the same time in the same city, we will be conducting another hearing separately by the Interstate Commerce Commission. The duplicated plan would be in use all over the United States. Instead of setting up a harmonious, uniform, and businesslike plan holding hearings for the Interstate Commerce Commission, it is proposed to adopt a complicated, duplicated, and impracticable system. In a few years it will have to be abandoned. If the provisions of the bill remain, an examiner representing the commission will go over the country on a circuit and hear many cases in regular order while he is on that trip. If the plan proposed by the amendment offered by the gentleman from Michigan is adopted, we will have separate boards, each one called for a specific purpose. They will have no regular place of meeting; they will have no regular place for keeping records, and there will be no regular place to present your cases. In addition to that, we will always have the board members subjected to the inconvenience of leaving their State duties and assembling to perform a Federal function. The meetings will be postponed and delayed to suit the members remotely located from the place of meeting. They will frequently neglect their State duties to attend.

Mr. PARKER. Mr. Chairman, there has been enough discussion of this amendment to convince the committee that there was a decided division of opinion in our committee. There was a school of thought in the committee which believed that the regulation should be entirely in the hands of the Interstate Commerce Commission. There were those who believed it should be left to the State commissions.

State commissions, let me say, had regulated this commerce up until the decision in the Buck case in 1925. They had regulated it satisfactorily, but the Supreme Court of the United States said they had no right to do it.

Now, there would be no particular discussion of this particular amendment if it were not for the activities of the State commissions, and I do not mean that in an offensive way. It is perfectly natural that men wish to retain all the power they have and it is perfectly natural that the State commissions wish to retain all the power they have. They came to us in the first instance and they wished us to write a law which would give them the power to do what the Supreme Court said they could not do. We have not ability enough in the Committee on Interstate and Foreign Commerce to do that thing, namely, to write a law which the Supreme Court has said is unconstitutional, which we know will go back to them, and they will then overrule themselves.

Now, this is a compromise, and to relieve anyone of any doubt that we do not intend to leave to the States the entire control of intrastate situations allow me to read an amendment I am going to offer that was stricken from the bill, not because there was any objection to it but because it was thought to be unnecessary. However, the public utilities commissions of the States believe it is important, and it reads as follows:

> SEC. 14. (a) Nothing in this act contained shall be construed to affect the powers of taxation of the several States or to authorize a motor carrier to do an intrastate business on the highways of any State. It is not intended hereby to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof; and notwithstanding this act, motor carriers operating in intrastate commerce on the highways of a State shall continue to be subject to the laws of the State regulating such intrastate commerce, and motor carriers operating in interstate commerce shall be subject to the proper exercise by the State of its police powers.
>
> (b) The commission while acting under authority of this act shall not have any jurisdiction or authority over intrastate commerce by motor carriers, and the commission is expressly prohibited from interfering in any way with or attempting to regulate such intrastate commerce by motor carriers.

Mr. GARRETT. Could this bill possibly give them that power?

Mr. PARKER. I started out by saying it was stricken from the bill because we thought it was unnecessary, but the public-utility commissions wish it restored to the bill, and, as I said, I am going to offer that as an amendment.

What is the reason for the 2-State proposition? I went all over it in my original statement. You have any number of sizeable cities and towns in this country that are right on State lines.

You do not have to go to New York; you do not have to go to Philadelphia to find them. You can go down to Augusta, Ga., which is right acrss the South Carolina line, or you can go up to Portland, Oreg.——

Mr. RAMSEYER. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. RAMSEYER. That illustration has been presented here time and again—New York and Jersey City, Kansas City, Mo., and Kansas City, Kans.—but under the bill you do not limit the joint boards to taking care of those peculiar situations.

Mr. PARKER. That is true, and I think that is the weakness of the proposition.

Mr. RAMSEYER. And you give these joint boards power, under the direction of the Interstate Commerce Commission, to investigate and report to the commission and the commission itself really makes the decision in the last analysis.

Mr. PARKER. Yes.

Mr. RAMSEYER. That same illustration has been used here time and again, and I do not think it properly applies.

Mr. PARKER. Let me follow out the line of the gentleman's argument by stating I do not believe we can, under the Constitution, delegate this power to any board, to delegate this power to some one else, and have them make the final decision.

Mr. RAMSEYER rose.

Mr. PARKER. I must refuse to yield further, because I have not the time.

Mr. RAMSEYER. That is an unusual statement.

Mr. PARKER. I mean the Interstate Commerce Commission has not the power to delegate to anybody the making of a final decision.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

Mr. BURTNESS. Mr. Chairman, may we have the amendment again reported?

The Mapes amendment was again reported.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 134, noes 45.

So the amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the bill S. 3579, entitled "An act authorizing per capita payments to the Shoshone and Arapahoe Indians."

MAJ. GEN. WILLIAM GEORGE HAAN

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the proceedings held at Arlington Cemetery at 10.30 a. m., November 9, 1929, on the occasion of the unveiling of the Maj. Gen. William George Haan Monument, erected by the officers and men of the Thirty-second Division Veteran Association.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The proceedings were as follows:

Music—A Night in June—Serenade by K. A. King, Third Cavalry Band, Fort Myer, Va.

Invocation—Monsignor Patrick Dunnigan:

"Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as in heaven; give us this day our daily bread (by which we pray for all the necessities of soul and body), and forgive us our trespasses as we forgive those who trespass against us. Amen."

Address: Maj. Gen. Briant H. Wells, deputy chief of staff:

"The Secretary of War, Mr. Good, regretted very much that his absence from Washington prevented him from accepting the invitation of the Thirty-second Division Association to be here to-day.

"It is a great privilege to be here representing him and the War Department in doing honor to Maj. Gen. William G. Haan. I may say that additional pleasure and satisfaction comes to me from the fact that I am here on my own account to pay a tribute of respect and love to a friend and comrade, 'Bunker' Haan, as he was familiarly and affectionately known amongst us.

"Our acquaintance extended over a period of more than 30 years, of which I can count at least 10 when I served near him or under his immediate supervision and direction.

"I had the happiness of his friendship, the confidences of his aspirations, the opportunity to observe the development of his career, and the advantages of his personality and example to guide my own endeavors.

"His experience before the war ran into every phase of military activity. There was no problem that could come before him that he had not already met and solved. Thus equipped he was quickly able to apply his knowledge and experience to the problems of war. He greatly appreciated the services of his staff officers and used the information and facts it was their duty to give him. He listened carefully and sympathetically to counsel and recommendations, and was quick to accept or reject them; but he always had a solution of his own to serve his needs, that he was ready to follow if a better was not forthcoming at the hour when a solution was needed.

"To those of us who had known General Haan before the World War it was no surprise that he exhibited a consummate leadership and at the same time held the affection, yes the love, of those he led. Through a long and brilliant career he had continuously displayed high talent for command, fortified by solid common sense, and cloaked in a broad humanity. He was a soldier's general, trusted and beloved by rank and file. He was decorated by his own Government; foreign nations delighted to honor him; but I know that he esteemed as his greatest reward the privilege of leading home his own division, battle tried and undefeated.

"The high point in his life of military service was undoubtedly that period when he led from victory to victory the splendid division, which under his command had forged itself into an irresistible striking force. In the Thirty-second Division he encountered the soldier's ideal—an organization composed of strong men, strong in body, strong in mind, above all strong in will. It was made up of men who deliberately and knowingly dedicated themselves to the dangers and hardships of battle in the certainty that something greater than their own lives and fortunes was at stake.

"He was a national character. It is most fitting that there should arise a memorial to him in this our American pantheon. It is all the more suitable that this material tribute should be at the Nation's Capital, visible to those who come from all over our country. He needs no local monument. In each of the many localities where he served, his memory is interwoven with the traditions of the community. In no place is this more true than in Michigan and Wisconsin, those great States where his soldiers lived."

Address: Hon. Wilbur M. Brucker, attorney general, State of Michigan:

"Mr. Chairman, ladies and gentlemen, I am directed by the Hon. Fred W. Green, Governor of Michigan, to convey to this assemblage his very keen regret that he can not be here to-day to express his own personal tribute of respect to the memory of Gen. William G. Haan from the people of Michigan.

"It is indeed a high patriotic privilege to be here. Arlington and sacrifice are synonymous. No man can stand on this hallowed ground without feeling the absolute futility of expressing the realization that here lie thousands of our hero dead who gave the best years of their life for America.

"In the hectic days of 1917, when America was frantically going to war, trying in its own characteristic way to embrace the blessings of preparedness in a fortnight, some divinely inspired hand must have written the order that brigaded together the National Guard troops of two great sister States—Wisconsin and Michigan—to form the Thirty-second Division. Over 12 years later when the din and noise of battle have long since been hushed, it is again peculiarly significant, and almost like a page from the Illiad and Odessy, that the friendly rivalry of these same two sister States should again be united in common peaceful purpose to do honor to the great leader of our division. Memory leads us on and back again.

"Every man is the product of his time. No man more truly typifies the highest traditions of the American officer from George Washington down to the present day than General Haan. Schooled in the military science at West Point, groomed in the postgraduate course of hard knocks in junior command of troops, experienced in tactics from close contact with the various arms of the service, General Haan came up through the ranks. If Providence had intended it every day from June, 1885, when he entered the Military Academy, until September, 1917, when he assumed command of the Red Arrow Division, he could not have been better prepared for that tremendous undertaking. It was as though his life had been planned that way from the beginning.

"Leadership is no coincidence. Men do not succeed on any permanent basis as leaders of men without the lasting virtues of leadership. Fortune may help, influence may hasten, but the leadership that calls men together a decade after it has been finished in solemn recognition of greatness is based upon genius combined with years of toil and preparation.

"So it was with the leadership of General Haan. From the day he assumed command at Waco, Tex., he was instinctively 'the chief.' No one was left in doubt after the first day but that he 'had the situation well in hand.' Discipline was his handmaiden. He breathed it and he lived it. It was his creed and his apotheosis. Naturally, it descended upon the division as the foremost requirement of success. Then followed the banishment of that defeatist theory, which was abroad in the land, that we would never really 'get into it,' but that the war would be won before we 'got in.' Like a blight this iniquitous, unfounded belief crushed the morale. General Haan cleared the atmosphere like a morning sun when he dispelled all doubts and paved the way for the divisional fighting spirit.

"But another essential element was needed—loyal followership. This, too, was no coincidence. The flower of these two States matched the leadership of General Haan. The officers and men of these two States had been toiling and ceaselessly preparing the National Guard for an emergency. This was scoffed at by large numbers of our people who opposed any expenditure or move in the direction of preparedness, calling it 'militarism.' But thanklessly they toiled on to prepare a small body of men for our national defense; men who had served on the Mexican border in 1916 and had seen enough of the service to realize the seriousness of the grim job of war.

"From this union of peerless leadership and loyal followership there was builded a divisional esprit de corps that was not surpassed in the whole American Expeditionary Forces. No wonder the brilliant record of General Haan resulted. To honor him is likewise to honor every officer and man of the Red Arrow Division.

"But General Haan had also a high sense of loyalty to his command that had no superior anywhere. When upon its arrival overseas the Thirty-second Division seemed destined to the ignominy of being a replacement division, here it was that General Haan displayed his absolute loyalty to his command. With dogged persistence in the belief

that the splendid fighting spirit of the Red Arrow should not be sacrificed so needlessly, undaunted by discouragement, unfaltering because of the dismal prospect, he fought for his command, determined to preserve the integrity of this great fighting machine for the Stars and Stripes. Who knows what might have been the delay in the final glorious result had it not been for the preservation of the Red Arrow with its combat morale beating with triphammer blows in the drive of the late summer and early fall of 1918?

"It may be truly said that the spirit of General Haan was the spirit of the division. Defeat never once entered his head. Neither did it occur to the officers and men of the division. In the three major offensives, first from the Ourcq to the Vesle; second, in the Oise-Aisne; third, in the Meuse-Argonne, this spirit was the chief element of hard-won victory. How General Haan must have gloried in the dash and courage of those men he had trained! How his heart must have been heavy for the 14,000 who suffered the casualties of war. Did his precept and example succeed? The answer has been written deep in the heart of America.

"If ever a service was timely, it is this one. The dedication of this monument comes at the armistice season as the tribute of thousands of surviving veterans of the Red Arrow Division. It is being unveiled at an hour when we uncover our hearts in gratitude for the victory that this day represents.

"Michigan is proud to join in honoring this fallen leader and to say to him in sincerest eulogy, in the words of the immortal Scott:

"'Soldier, rest; thy warfare o'er,
Sleep the sleep that knows not breaking;
Dream of battle fields no more,
Days of danger, nights of waking.'"

Music: A dream—J. C. Bartlett, by Third Cavalry Band.

Address: Hon. Walter J. Kohler, Governor State of Wisconsin:

"The dedication of a permanent memorial to Maj. Gen. William George Haan at Arlington National Cemetery is not only a tribute of respect to a great citizen and soldier but is also a tribute of affection.

"General Haan's record reveals him as a man of conspicuous ability, who developed strength through the practice of thoroughness and intense application, which characterized his entire career. Advancing through his own efforts from modest beginnings to unusual eminence, he knew and sympathized with the problems of his fellow men.

"It was my privilege to have made the acquaintance of General Haan nearly 20 years ago, and so I speak from personal knowledge when I refer to his sympathetic understanding and human qualities.

"He was born on an Indiana farm October 4, 1863, the son of parents who had emigrated from Germany.

"Following the early training of a district school and of a near-by high school, he received an appointment to the United States Military Academy at West Point, where he was graduated in 1889 with high honors.

"In 1905 he married Margaret H. Haan, of San Mateo, Calif., a woman of charm and culture whose constant support and faithful, true-hearted help added greatly to his constructive program.

"He spent his entire adult life in the military service of his country until his retirement in 1922. Commencing as a second lieutenant of Artillery, he progressed steadily, and a consecutive reading of his military record shows an unbroken series of commendations and promotions.

"In the war with Spain he went to the Philippine Islands, a member of General Merritt's expeditionary force, won a brevet for daring conduct, was honorably mentioned in general orders 'for distinguished conduct in the attack on Manila, August 13, 1898,' was recommended 'for bravery, efficiency, and energy' in an attack on the Filipinos near Manila, February 15, 1899, and was promoted to a captaincy and made acting quartermaster, October 17, 1898.

"Following the close of the war in the Philippines, he was assigned to the General Staff and studied in the Army War College, from which he was graduated.

"He acted as Chief of Staff for Gens. Frederick T. Funston and A. W. Greeley at the time of the San Francisco disaster and was highly commended by them. In 1906 and 1907, when an army was sent to Cuba, he was adjutant general. General Wotherspoon said of him that he had 'shown the greatest skill and administrative ability in the conduct of that office, adding much, in my opinion, to his already well-earned reputation.'

"He commanded at various other times some of the most important coast defenses of the country, including Fort Wadsworth, on Staten Island, N. Y., and the defenses of Boston, Mass., and Fort Totten, on Long Island.

"In 1912 he was selected for a second time to serve with the General Staff as Assistant Chief of Staff and afterwards as chief of staff for the Eastern Department at Governors Island, where he won high praise from his superiors, Gens. Thomas Barry and Leonard Wood. General Barry and others recommended him for chief of the Coast Artillery and for brigade command.

"These are characteristic pages of his record prior to our entrance into the World War.

"In the late summer of 1917 troops from Wisconsin and Michigan began to pour into Waco, Tex., and plans were made for the formation of the Thirty-second Division. Colonel Haan, promoted to brigadier general, was then made commander of the Fifty-seventh Artillery Brigade. Upon the assignment a few weeks later of General Parker to duties abroad General Haan was placed in command of the Thirty-second Division, with which his name and fame will ever be associated.

"He trained his troops with characteristic vigor and thoroughness, with the result that the Thirty-second led many other divisions throughout the United States in preparation for overseas duty. The sailing schedule was advanced and the Red Arrows, later called Les Terribles, were sent to France ahead of a number of other divisions. In December, 1917, Brigadier General Haan was appointed a major general of the National Army and the division was ordered to the sent of war in France.

"General Haan's confident prediction of the effectiveness of the division and his deep interest in his soldiers were indicated in his earnest protest against using them as replacement troops. Many of the men in the Thirty-second had already been transferred to other divisions, but the process was halted and by means of replacements the strength of the Thirty-second was restored.

"After weeks of strenuous training under General Haan's immediate supervision, the Thirty-second went into its first hard battle on July 28, 1918, with the French Sixth Army and was continuously in combat or just behind the firing line in reserve from that date until the armistice. Its first fighting was on the Marne, northward from Chateau Thierry, and resulted in heavy casualties, amounting to about 4,000.

"Following the second battle of the Marne General Haan's division was transferred to the Tenth French Army, commanded by General Mangin, and against the most desperate resistance captured the village of Juvigny and surrounding strong enemy territory. This action resulted again in heavy casualties, the losses amounting to about 3,500 men, but the result of the victory was not only the capture of the key position but the taking of a thousand prisoners as well as large quantities of material.

"The fighting around Juvigny demonstrated the quality of the soldiers composing the Thirty-second Division, the splendid training General Haan had given them, their implicit confidence in his leadership, and his clear grasp of the military problem. General Mangin was enthusiastic in his commendation of General Haan and of his men.

"It was, however, as a unit of the first American Army and under the orders of the American high command that the Thirty-second was to perform its most arduous and brilliant service. In the Meuse-Argonne offensive the division was in the front line continuously for 20 days, driving the enemy back 8½ kilometers, capturing over 1,100 prisoners, and taking great quantities of material, at a cost, however, of over 6,000 casualties.

"This brilliant successful attack against the Côte Dame Marie drove the enemy from a key position and won for General Haan and the Thirty-second Division the highest praise and most distinguished honors. The general received an additional silver star through a citation in the War Department general orders and was awarded the distinguished-service medal, the French croix de guerre, and commander of the Legion of Honor. Following the war he was decorated with the Italian Order of the Crown.

"The French citation, which was typical, reads as follows: 'He commanded the Thirty-second Division in a remarkable manner during the operations which ended in the retaking of the Chemin des Dames and Laon. Thanks to his tactical sense, to his strategical skill, to his indomitable tenacity, and to the magnificent spirit of his troops, who had absolute confidence in their commander, he advanced several kilometers and captured the important positions at Juvigny, which the enemy was defending with desperate obstinacy.'

"Premier Clemenceau, of France, in a letter to General Haan, said: 'From May to November, 1918, the Thirty-second Division passed 120 days on the firing line, 35 of which were passed in very severe battles. The enemy fire cost it 14,268 men. * * * You engaged successfully 20 German divisions; never did you yield them an inch of ground.'

"It was an additional and high tribute to the men and their leader that the Thirty-second was selected by General Pershing as one of the three divisions to compose the American Army of Occupation and was assigned to hold the Coblenz bridgehead. About the same time General Haan was promoted to the command of the Seventh Corps, which it was his difficult task to organize. He received at this time the rank of brigadier general in the Regular Army. When in the spring of 1919 the Thirty-second was ordered home General Haan requested and received permission to return with his old division.

"Following the war the President assigned him the position of Director of War Plans Division of the General Staff, making him responsible for the reorganization of the Army. His conception of the national land forces, consisting of the Regular Army, the National Guard, and the Organized Reserves, was adopted.

"In July, 1920, he became a major general in the Regular Army, and on March 31, 1922, at his own request, he went on the retired

list. He became a resident of Milwaukee, where he engaged in journalistic work.

"On Sunday, October 26, 1924, General Haan passed away at the Mount Alto Veterans' Hospital in Washington.

"It is fitting that in this resting place of the Nation's heroes we dedicate a permanent memorial to this great but modest man, a man who schooled himself long and faithfully, proved equal to the heaviest responsibility in peace and in war, and exercised his gift of leadership with brilliant success and with commendable regard for all associated with him. He left a record of remarkable achievement and of unblemished character.

"It is appropriate that in these ceremonies the States of Michigan and Wisconsin, and particularly the veterans of the Thirty-second Division who served with General Haan in the World War, should play a representative part.

"It is a privilege to express the sentiments of pride, respect, and affection of the people of the two great Commonwealths and the soldiers of the Thirty-second for this great leader, in whose memory this memorial is now to be unveiled."

Music: The Thirty-second Division March, Theodore Steinmetz, Third Cavalry Band.

Placing of Floral Tributes, Lieut. Col. Robert M. Beck, jr.:

"General Haan, the living members of the Thirty-second Division Veterans' Association will always remember your fine soldierly qualities, your superior leadership as exemplified by justice, firmness, and human interest in our welfare. To you with this token we open our hearts."

Brig. Gen. Edward G. Heckel:

"This is a token to the memory of Gen. William G. Haan from the men of the One hundred and twenty-fifth Infantry Veterans' Association, who learned to love and respect as well as honor and obey him."

Mrs. Mary L. Pendergast:

"I present this floral arrow in memory of Maj. Gen. William George Haan, who was greatly beloved by the Women's Memorial Association of the Thirty-second Division."

Hon. JOHN C. SCHAFER, Representative, fourth district, Wisconsin:

"Maj. Gen. William G. Haan was a patriot of the most self-sacrificing type, and one of the outstanding American heroes of the late World War. From the time that he entered the United States Military Academy, on June 14, 1885, until he passed into the Great Beyond, he gave his services unstintingly to our common country and his fellow men. The keen intellect, sterling character, extraordinary ability, and the kind heart of their beloved commander inspired and instilled confidence in the men of the Thirty-second Division in their struggles on the battle fields.

"This division, which was originally made up entirely of National Guardsmen from the great States of Wisconsin and Michigan, carved a record of achievement surpassed by none. Upon some of the most shining pages of our Nation's history the name of Gen. William G. Haan and the Thirty-second Division is written, running like a golden thread.

"The late general's heart, now stilled in death, had ever been filled with the noblest purposes and the highest aims—with the last throb of life he kept the faith.

"I have the great honor to present this wreath from the General William G. Haan Post, No. 234, American Legion, Milwaukee, Wis.

"A brave man now is sleeping
While his deeds in memory live
And the tribute we are bringing
Is a Nation's joy to give.

"Hero of old, we humbly lay
The laurel on your grave again.
What men have done, men may.
The deeds you wrought are not in vain."

Benediction: Col. Edmund P. Easterbrook, Chief of Chaplains, United States Army:

"May the Lord bless thee and keep thee. May He make His face to shine upon thee and give thee peace. Amen."

Salute to the dead: Three volleys and taps.—Detachments from the Third Cavalry, United States Army, Fort Myer, Va.

THE FEDERAL AND JOINT-STOCK LAND BANK SYSTEM

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal farm loan system.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, I have obtained permission to extend my remarks in the RECORD for the purpose of explaining the farm loan land bank bill which I introduced in the House on Monday, March 17, 1930, and which is numbered H. R. 10830.

This bill changes in one particular the bill I introduced on the 9th day of December last and which was numbered H. R. 6983. That bill provided that whenever a joint-stock land bank should vote to suspend dividends in the manner provided in the bill its assets should be taken over by the Federal Farm Loan Board and administered through the 12 Federal land banks, merger consolidated bonds to be issued for the purpose of taking up the stock and bonds of the bank so voting to suspend.

On the 10th day of December, 1929, I printed in the CONGRESSIONAL RECORD of that date an explanation of this bill.

The bill I have now introduced provides, in brief, for an amendment to the agricultural marketing act of 1929 and authorizes the Federal Farm Board to organize a Federal merger land bank for the purpose of taking over the assets of the bank or banks so voting to suspend operations.

The Federal merger land bank to issue Federal merger land bank bonds to take up the stock and bonds of the bank or banks so voting to suspend, each stockholder and bondholder to receive in lieu of his stock and bonds merger bonds issued by this bank to the amount he paid for his stock and bonds not to exceed par.

The Federal merger land bank is authorized to administer upon the farms turned over to it and can hold any of them or all of them out of production, planting them only in legumes and grasses and using them only for grazing purposes for such period of time as the bank may deem necessary. The bank may farm all or any part of the farms on the share system or with tractors on a large scale or group method if it shall determine so to do under regulations to be issued by the Federal Farm Board.

Holding part of these farms out of production and using them only for grazing purposes would tend to control agricultural output and farming them in larger units under the control of the Federal Farm Board would also be a step in the direction of controlling the volume of production and the flow of agricultural products to the market.

Whenever conditions seem to warrant the return of any part or all the farms so taken over to private ownership and private control the Farm Board could so direct under this bill and it could be accomplished through the medium of the Federal merger land bank provided for.

The proposition I am submitting in the bill I am now discussing would tend to consolidate the two Federal farm-loan systems of banks. It is reasonable to suppose that most of the 22 joint-stock land banks, which have now suspended dividends, would vote to discontinue operations. Those which will discontinue the payment of dividends in the near future will soon follow in suspending operations. This would remove from the field all but a very few of the joint-stock land banks, and the entire system of Federal farm loans could then be controlled by the 12 Federal land banks or through branch banks to be established by them.

PENDING COLLAPSE OF OUR FEDERAL FARM LOAN SYSTEM

During the 12 months ending November 30, 1929, only 14 joint-stock land banks issued any bonds, and these 14 only issued a total of $5,455,000 worth of bonds. Practically one-half of this amount was issued by joint-stock land banks which are affiliated with and owned by other financial institutions, and they took up their own bonds, of course.

Three of these joint-stock land banks issuing last year over $900,000,000 worth of bonds have indicated to me that they may soon suspend the payment of dividends; therefore, the issuing and marketing of bonds does not indicate that banks are always prospering. By reloaning their amortization payments and by issuing bonds the 47 joint-stock land banks now operating were able to close loans during the 12 months ended November 30, 1929, to the amount of a little over $20,000,000. During the 12 months ended November 30, 1929, the 12 Federal land banks issued bonds to the amount of $18,850,000 and closed loans to the amount of a little over $68,000,000.

Recently the Treasury Department called attention to the record made by the 12 Federal land banks during the period of time I have mentioned and pointed to it as evidence of the fact that the banks were still functioning.

The facts are, however, that six years ago the 12 Federal land banks and the joint-stock land banks then functioning were loaning a million dollars a day. In other words, in 88 days six years ago these two systems loaned as much as the entire aggregate amount of their loans during the 12 months ended November 30, 1929. When we compare what these banks are accomplishing now with what they accomplished a few years ago we can see that the system is rapidly failing.

REVAMPING THE SYSTEM

The amended bill I have introduced will revamp the entire system and put it on its feet again. More loans ought to be made now to farmers than were made five and six years ago. Now is a better time for young farmers to buy farms and to



pay for them on the amortization plan of the Federal farm loan act.

Under the present method of managing these systems joint-stock land banks are being forced to liquidate. Most of the suspended banks are merely buying in their own bonds.

The amended bill I have introduced will revamp the entire system without the slightest ultimate cost to the Government. Under it the Government will be able to redeem all its implied promises and be relieved from the odium which now rests upon it in this connection. The present stockholders and bondholders will be treated fairly. There will be no opportunity for more speculators to make money out of their purchases of stocks and bonds—they only get back in merger bonds what they paid for the stock and bonds they hold, provided that amount does not exceed par. An immense volume of stock of Federal land banks has been purchased at negligible prices by speculators—a still larger volume of bonds have been purchased by speculators at ridiculously low rates. These speculators get only what they paid for these securities—no more.

Nothing can be done, of course, for the stockholders and bondholders who have parted with their holdings at these low prices. They have taken their losses voluntarily and they are completely out of consideration.

Insurance companies are commencing to fail on account of their investments in Federal land-bank securities. Relying upon the representations of the Federal Government, many millions of fiduciary and trust funds have been invested in these securities. Some of the States, following the Federal act, have also made these securities legal investments for fiduciary and trust funds. Organizations creating annuity funds for municipal employees, on the faith of the Government, have invested in these securities. Some of these investments have been made also under laws passed by State legislatures, and they have suffered a loss as matters now stand of 50 per cent of the amount of their investments.

The present session of Congress ought not to adjourn without passing constructive legislation relieving the present situation, which may soon assume the proportions of a national financial disaster.

ADDRESS OF HON. GEORGE WHARTON PEPPER

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address of George Wharton Pepper, delivered over the radio.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an address of ex-Senator Pepper. Is there objection?

Mr. RANKIN. Reserving the right to object, was that speech made while Mr. Pepper was in the Senate?

Mr. McFADDEN. No.

Mr. RANKIN. On what subject?

Mr. McFADDEN. On international questions.

Mr. RANKIN. It is not a political speech?

Mr. McFADDEN. No.

Mr. RANKIN. I am not going to object, but I am sorry that the gentleman from Massachusetts [Mr. UNDERHILL] is not here to take care of this.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an address which was delivered by Hon. George Wharton Pepper, of Philadelphia, a former United States Senator from Pennsylvania, covering one phase of the international situation—the Permanent Court of International Justice or the World Court.

The address is as follows:

THE WOODEN HORSE

Young people tell me that in these enlightened days a father's advice is little heeded and that it is a wise father who gives none at all. These young people may be right, and yet when, on February 22, I read again Washington's Farewell Address, I was deeply impressed with the number of instances in which we seem to have been guided by his parting words of counsel.

In bequeathing his wisdom to posterity he himself had doubts whether we could be trusted to make the best use of his legacy. He was inclined to believe that the self-confidence of the young would outweigh the wisdom of their elders. This is what he said:

"In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but, if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then require to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated."

If, on his birthday anniversary, Washington could have surveyed the whole field of our national life, he would have realized that his misgivings were unnecessary, and that in two among other particulars we have had the good sense to follow his advice. We have maintained a Military and Naval Establishment adequate for national defense, and we have consistently avoided permanent alliances with foreign powers. To Washington's precept and example, more than to the influence of any other man in our history, we owe the maintenance of our Army and Navy and our wise refusal to join the League of Nations.

As to national defense, I am sure that he would be gratified by the breadth of our policy. We are constantly reminding ourselves that peace without freedom is not worthy to be called peace, and that freedom without peace is not freedom at all. We steadfastly decline to allow peace movements to blind us to the necessity of preparedness, and yet we combine with our policy of preparedness an earnest and effective leadership in efforts to limit armaments and to outlaw war as an instrument of policy. It would be a sad day for the Republic if advocates of preparedness were to withhold their support from our representatives at the London conference. It would, if possible, be a sadder day were the supporters of the conference to oppose reasonable programs for the naval and military defense of the Republic.

After all, the value of advice is proportionate to our affection and respect for the adviser and to our capacity to appreciate the soundness of the counsel that he gives.

As for affection and respect, Washington's place in the hearts of his countrymen is secure for all time to come. Neither calumny nor detraction has been able to disturb it. Even in a day when attacks upon the defenseless dead arouse little indignation efforts to shake popular regard for Washington are proving to be about as effective as if their authors were severally to attempt to shake the Washington Monument at its base.

As respects the soundness of Washington's advice you will often hear the assertion made that the advice was wise when given, but that it has little application to the modern world. We are reminded, as if such a reminder were necessary, that the telegraph, the telephone, the radio, the airplane, the conveniences of travel, and the spirit of commercial intercourse have brought all peoples and nations nearer together and have in effect made the people of the world one great family. "Therefore," such people say, "Washington's warning against entanglements is out of date. Let us face the facts, modify our nationalism, and join the League of Nations." This, I am sure, is the exact opposite of the conclusion that ought to be drawn from the complexity of modern life. Imagine a family living in the country and suddenly moved into a crowded city. In the country a wise father had taught his children the wisdom of minding their own business, of helping others when in need, of giving advisory opinions to neighbors only when asked, of preserving family customs and traditions, and of guarding against sudden attachments, strong dislikes, and too great intimacy with strangers. What should we think of a friend who undertook to reverse this advice merely because the family had moved into a crowded neighborhood. "Space," says he, "has been annihilated and distant neighbors are now close at hand; you must," he insists, "think of your family as including the whole ward in which you live, forego your distinctive family customs, pry into everybody's business, have a finger in every pie, tell all the neighbors what they must and must not do, and so give them an excuse for advising you how to lead your daily life. Do this," says he, "and you will be happy."

Everybody within the sound of my voice knows that such talk is mere nonsense and that the friend who tries to nullify the advice of a wise father is no friend at all. It is, of course, true that in their relation to God Almighty all men everywhere are of one family and of one blood, and that the church of the living God should be regarded as a great unincorporated unity. Nations, on the other hand, are incorporated differences. It is to preserve those things in our Government which differ from other constitutional and governmental systems that we exist as an independent nation. The varying needs of people in different parts of the world make the idea of a world government an idle dream. When we see our own Congress in action and note the clash of conflicting interests between different parts of the United States, we should realize that we already have on hand a gigantic task to preserve the unity of the Republic. The simple truth is that if Washington's advice was sound when given it is no less sound to-day. This is because his advice was based on enduring principles of psychology and its weight is quite independent of time and circumstance.

Bear with me while I quote from this wise father of our country a passage of which we can not too often be reminded:

"Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign

influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliance with any portion of the foreign world."

I repeat that these words of advice have colored our national history and have helped us to shape a wise foreign policy. Under such guidance we, the people of the United States, have definitely decided that to join the League of Nations would be for the United States an act of folly. This is so well settled that the advocates of league membership have all but abandoned their policy of direct attack and are resorting to a stratagem to detect which we should be "constantly awake."

When a national policy has been definitely adopted the restless souls who want to change it usually abandon direct attack and try to accomplish their purpose by subtlety. When this happens we should recall the once familiar legend of the fall of Troy. After the assaults of the Greeks had year after year been repulsed by the defenders of the city, the canny Ulysses gave out the story that he and the other attackers had decided to quit and were going home in disgust, but were leaving behind them a peace offering to the gods in the form of a huge wooden horse. In spite of a warning that they had better let the harmless looking monster alone, the Trojans, ready to accept whatever bore the trade-mark of peace, drew the wooden horse inside the defenses of the city. After nightfall the armed men concealed inside the horse came out, slew the Trojan guards, and opened the gates to waiting friends outside. Is anything happening in the United States at this moment which makes it wise to remind ourselves that even peace offerings require scrutiny? I think there is; and it is to invite your attention to a modern instance that I have repeated to you this ancient story.

The Permanent Court of International Justice, or the World Court, as it is usually called, is a court that was established after the war by the action of the League of Nations. Our new Chief Justice, Judge Hughes, was for a time one of the judges of this court. A few weeks ago he gave to a radio audience a most interesting and effective account of the way the court works. All who heard it were much impressed and many people asked, "Why does not the United States join with other nations in supporting this institution, the creation of which was originally advocated in America?"

Comparatively few of those who asked this question know that more than four years ago the Senate of the United States voted to adhere to the court upon terms deemed necessary to protect our national interests. For four years we have been ready and willing to unite with our friends in this experiment and for four years they have kept us waiting at the gate. At first they said:

"We do not like one of the conditions upon which you insist; we can't agree to it."

Now they are adopting a different attitude, and they speak to us in this wise:

"We have changed our minds about the condition you propose. After keeping you out of the court for four years we are now ready to agree to your condition and to admit you. In so doing we make only one stipulation, and that is that instead of insisting upon the language of the Senate resolution you will let us express your thought in our language. We assure you it will mean the same thing; but we Old World diplomats have a liking for long and complicated contracts. Your Senate resolution is perfectly all right, but it is too short and too clear."

Now, as a lawyer, when my client is negotiating a business contract and he and I have put this meaning into language that can't be misunderstood, I can't help being suspicious when the lawyer on the other side says:

"These two pages that I have drafted mean the same thing as your two lines, but I shall be better satisfied if the contract follows my draft instead of yours."

In such a case I should reply:

"No doubt you mean well and perhaps your long formula means the same thing as my short one, but I do not think it does, and I am advising my client to make this agreement in his own language or not at all."

In order to understand the point at issue you must remember that the judges of the World Court have two sorts of duties to perform that are entirely distinct from one another. The judges sit as a court to decide international controversies which disputing nations submit to them. This is the admirable function which Judge Hughes so ably described. The Senate condition has nothing to do with this function. If this court were only a court, we should have adhered to it long ago. But, in addition to their duties in cases between disputing nations, the judges of the World Court constitute the department of justice of the League of Nations. The court, as one of its ablest judges has said, is the advisory organ of the League of Nations. Its duty is to give advice to the league on request by the league's council or the league's assembly. If two sovereign nations get into a dispute and do not choose to lay their troubles before the league or to refer their case to the World Court, there is only one way in which the League of Nations can inject itself into the controversy—and that is by calling on the World Court to give an opinion upon the question on which the two nations have divided. The right of the league to ask for such advice does not spring from the constitution of the court itself but from one of the articles in the covenant of the League of Nations. The theory upon which the league is entitled to treat the judges of the court as league advisers is that they are elected by the league; that they are paid by the league; and that when they resign, as Judge Hughes recently did, their resignations go to the secretary of the league.

Such being the situation, if two nations are engaged in a serious dispute, the action of such an outside organization as the league in calling for a court opinion might easily arouse fierce indignation and precipitate a war which might otherwise have been averted. Suppose a case in which the United States were having a serious controversy with another nation. Then imagine that we were to wake up some fine morning and read that the League of Nations had wired the World Court for an opinion whether the stand of the United States was or was not well taken. This would be front-page news with a scare heading in every newspaper in the United States. That the opinion of the World Court when given would not bind us is not important. The important point is that we do not wish any foreign power or any combination of foreign powers, whether you call the combination a league or what you will, to carry our business without our permission before the judges of a court which has no concern with the rightness or wrongness of our conduct unless we ourselves submit the controversy and ask for a decision. George Washington was a man of peace; but if he were alive when such a thing happened, he would be fighting mad. To prevent anybody from getting mad, the Senate of the United States four years ago said to the other nations:

"The United States will be glad to join you in supporting the Permanent Court of International Justice in so far as it is a court; but we want it clearly understood that after we have adhered the court is to give no advice to the League of Nations without our consent in any matter in which the United States has or claims an interest."

I was in the Senate at that time. I thought then, as I think now, that the hold which the league has on the court is a terrible handicap to the court and ought to be relaxed. But I am a lawyer and a man of peace. I believe in the judicial settlement of international disputes, and, since it is not now practicable to cut the tie between court and league, I was willing to vote for adherence upon the protective condition which I have specified. When the other nations said, "We won't accept your condition" I thought to myself "Well, we have done our duty; if they don't want us on these terms, they will have to get along without us." When, after four years, I heard it said, "The other nations have accepted the Senate conditions," I was mildly astonished; because the Old World diplomats are not apt to yield. However, I studied carefully and with an open mind the complicated and obscure documents offered us as the equivalent of the clean-cut Senate provision, and when I had finished I said to myself, "There is a joker in every paragraph. This so-called equivalent fails to give us the protection upon which we insist. It is a subtle attempt to tie us up to the League of Nations through the court. It is once more the wooden horse—and I decline to be deceived."

I am aware that in saying this I differ from some of our ablest and most patriotic public men. To express disagreement with many of one's own friends is not an agreeable duty. This, however, is a subject upon

which I feel qualified to speak with the authority of long study and careful analysis, and when the safety of the United States is involved party ties and personal friendships must be ignored. I earnestly assert that if we are going to adhere to the World Court we must do so only upon the condition already dictated by the Senate, a condition which conforms to Washington's policy of peace and freedom, for by it we assert the gladness of the United States to cooperate in all honorable efforts to substitute peaceful settlements for the arbitrament of war, but proclaim our fixed determination to avoid those entanglements against which the Father of his Country so wisely warned us.

We are told that if we adhere to the court we may at any time withdraw our adherence and go home without being called quitters. This kind of an assurance has no value. Even if no such assurance is given the United States or any other party to a treaty might denounce it and withdraw at will. When you go to a theater or other place of public assembly, it is important to note the red lights and study the exits in order that you may make your way out safely in case of fire.

If the calamity happens, there is no division of opinion as to what ought to be done. Everybody wants to leave at once and successful escape is a perfect remedy for those who succeed in achieving it. In the case of international engagements, however, the thing that makes you want to withdraw is the same thing that makes the other parties want to keep you in. No matter how earnestly they assure you that in the event of disagreement you may go in peace you know perfectly well that when the time comes assurances of good will will be forgotten and the torrent of abuse that will be liberated against America for withdrawing from Europe will be comparable only to the flood of reproaches directed against us for not going over there sooner. The argument in favor of experimental unions appeals more strongly to the young and the irresponsible than to those who are older and more experienced. If we adhere to the World Court let it be whole-heartedly and upon such terms as will make it possible to continue our adherence. The time to look is before you leap and the time to reserve your rights is before you sign on the dotted line. Ask yourself, What would Washington have done when confronted with a demand for his signature? If you seriously put this question to yourself, the first thing that you will do is to write your Senator and urge him to support the Senate resolution and to accept no imported substitutes.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that to-morrow, after the Committee on Coinage, Weights, and Measures have completed their two bills, that we may go on with the consideration of this motor bus bill, H. R. 10288.

Mr. FISH. Reserving the right to object, if it was merely to permit the Committee on Coinage, Weights, and Measures to complete the bills they have for consideration I would not object, but if it is any attempt to dispense with Calendar Wednesday I would object.

Mr. PARKER. I did not mean to limit it to two bills for the Committee on Coinage, Weights, and Measures, but whatever business they have.

Mr. FISH. If you are going to get through early to-morrow, would it be in order, Mr. Speaker, for me to ask unanimous consent to speak for 5 or 10 minutes?

The SPEAKER. The Chair would recognize the gentleman for that purpose.

Mr. FISH. Then I will ask unanimous consent to address the House for 10 minutes after the Calendar Wednesday business is completed.

The SPEAKER. The gentleman from New York asks unanimous consent that after the Committee on Coinage, Weights, and Measures shall have disposed of their business to-morrow further business on Calendar Wednesday shall be dispensed with.

Mr. MAPES. Reserving the right to object, in looking over the record, my recollection is that the Committee on Coinage, Weights, and Measures has reported three bills.

Mr. RANKIN. Reserving the right to object, is that the only committee that would have the call to-morrow?

Mr. PARKER. The next committee would be the Committee on Interstate and Foreign Commerce.

Mr. FISH. I will ask my colleague from New York if he will yield to me to make a request?

Mr. STAFFORD. I think, Mr. Speaker, it might be well to have the matter clarified, that it is not the intention of the gentleman from New York [Mr. PARKER] to count to-morrow as one of the days that the Committee on Interstate and Foreign Commerce is entitled to.

Mr. PARKER. Oh, no; that was stated yesterday; that it should not be counted and that we want two full days.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. PARKER]?

There was no objection.

Mr. FISH. Now, Mr. Speaker, I renew the request that I may speak for 10 minutes to-morrow after the business of the Committee on Coinage, Weights, and Measures is disposed of.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. SCHAFER of Wisconsin. Reserving the right to object, on what subject?

Mr. FISH. On the proposed memorial meeting for General Foch, to be held on Thursday.

The SPEAKER. Is there objection?

There was no objection.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 8423. An act granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 19, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 19, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To authorize the sale of Government property acquired for a post-office site in Akron, Ohio (H. R. 3246).

To provide better facilities for the enforcement of the customs and immigration laws (H. R. 10416).

To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations (H. R. 10652).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

Legislative appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

371. A letter from the Acting Secretary of the Navy, transmitting draft of a bill to amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy; to the Committee on Naval Affairs.

372. A letter from the Comptroller General of the United States, transmitting second supplemental report of the claims transmitted to this office by the Secretary of the Navy covering

the property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926 (H. Doc. 231); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. FRENCH: Committee on Appropriations. H. J. Res. 264. A joint resolution making an appropriation to complete the restoration of the frigate *Constitution;* without amendment (Rept. No. 925). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. J. Res. 181. A joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922; with amendment (Rept. No. 929).

Mr. HAUGEN: Committee on Agriculture. H. R. 9900. A bill to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the forest products laboratory, and for other purposes; without amendment (Rept. No. 930). Referred to the Committee of the Whole House on the state of the Union.

Mr. NOLAN: Committee on the Public Lands. H. R. 6981. A bill to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets; with amendment (Rept. No. 931). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 1029. A bill for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha plant of the National Motors Corporation; without amendment (Rept. No. 926). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 1176. A bill for the relief of Catherine C. Schilling; without amendment (Rept. No. 927). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1354. A bill for the relief of Arthur H. Teeple; without amendment (Rept. No. 928). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 10876) to provide for the purchase of a lot for the enlargement of the post-office building at Tifton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. CLARKE of New York: A bill (H. R. 10877) authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture.

By Mr. HILL of Washington: A bill (H. R. 10878) fixing time for reimbursement of the United States for money advanced for acquisition of water rights for Indian lands within the Oroville-Tonasket irrigation district under act of May 18, 1916, and supplemental acts, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LEAVITT: A bill (H. R. 10879) directing the Secretary of the Interior to investigate reimbursable charges against Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10880) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefore, and the completion of the project, and for other purposes; to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 10881) to amend section 24 of the immigration act of 1917, as amended; to the Committee on Immigration and Naturalization.

By Mr. CURRY: A bill (H. R. 10882) to provide for examination and survey of the Mormon Channel section of the San Joaquin River and Stockton Channel, Calif., project; to the Committee on Rivers and Harbors.

By Mr. JAMES (by request of the War Department): A bill (H. R. 10883) to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

Also (by request of the War Department), a bill (H. R. 10884) to authorize the acquisition of a right of way for sewer line in connection with the Fort Bragg Military Reservation, N. C.; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 10885) to provide a tax on the sale on margin of corporate securities; to the Committee on Ways and Means.

By Mr. STONE: A bill (H. R. 10886) an act to establish a Federal board of veterans' affairs to consolidate, coordinate, and provide for equalization and efficient management of all activities relating to the relief and other benefits provided by law for former members of the Military and Naval Establishments of the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. HOUSTON of Delaware: A bill (H. R. 10887) authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del.; Clifford R. Powell, of Mount Holly, N. J.; and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHLBACH: Joint resolution (H. J. Res. 272) construing section 7 of the merchant marine act, 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. HASTINGS: Joint resolution (H. J. Res. 273) to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma; to the Committee on Indian Affairs.

By Mr. GARNER: Resolution (H. Res. 188) authorizing the appointment of a special committee to investigate the Bureau of Internal Revenue of the Treasury Department; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10888) for the relief of Margaret V. Pearson; to the Committee on Claims.

By Mr. BOHN: A bill (H. R. 10889) granting certain lands to the city of Sault Ste. Marie, State of Michigan; to the Committee on the Public Lands.

By Mr. BUCKBEE: A bill (H. R. 10890) granting an increase of pension to Carrie M. Backus; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 10891) granting a pension to Mary C. Greene; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 10892) granting a pension to George Kohler; to the Committee on Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 10893) granting a pension to Kate V. Richards; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 10894) granting an increase of pension to Isabella Young; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10895) for the relief of Tift County Exchange (Inc.); to the Committee on Claims.

Also, a bill (H. R. 10896) for the relief of John Rufus Turner; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 10897) granting a pension to Alvina Courtright; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 10898) granting a pension to Earl G. Barnum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10899) to authorize the Secretary of War to donate two bronze cannon to the city of Benicia, Calif.; to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 10900) for the retirement of Charles W. Luthy; to the Committee on Military Affairs.

By Mr. ESLICK: A bill (H. R. 10901) granting a pension to Lula Insley; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 10902) granting a pension to Fred E. Kunkel; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 10903) for the relief of Dillon A. Collett; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10904) granting an increase of pension to Mary Ida Acton; to the Committee on Invalid Pensions.

By Mr. GREEN: A bill (H. R. 10905) granting a pension to Dena C. Mudge; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 10906) for the relief of Panhandle Lumber Co. (Ltd.), a corporation of the State of Idaho; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 10907) for the relief of Charles E. Dern; to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 10908) granting a pension to Elizabeth Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Sarah E. Reno; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10910) for the relief of the heirs of O. M. Dodgen, alias C. M. Dodgen; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 10911) for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10912) granting an increase of pension to Laura Hysell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10913) for the relief of Andrew J. Murphy, otherwise known as Andrew or A. Johnson; to the Committee on Military Affairs.

By Mr. JOHNSTON of Missouri: A bill (H. R. 10914) granting a pension to William Newton; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 10915) granting a pension to Jessie Cordelia McLane; to the Committee on Invalid Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 10916) for the relief of the heirs of John W. Odend'hal, deceased; to the Committee on Naval Affairs.

Also, a bill (H. R. 10917) to reimburse W. H. L. Joynes; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 10918) granting an increase of pension to Willis P. McCampbell; to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes; to the Committee on Foreign Affairs.

By Mr. MORGAN: A bill (H. R. 10920) granting a pension to Selvanis B. Cork; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10921) granting an increase of pension to Lydia Nickerson; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 10922) granting a pension to Ralph Smith; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 10923) granting a pension to Mary A. Green; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10924) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

By Mr. SWICK: A bill (H. R. 10925) granting an increase of pension to Margaret A. Bauder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10926) granting an increase of pension to Nancy J. Critchlow; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 10927) granting an increase of pension to Elizabeth M. Olson; to the Committee on Pensions.

By Mr. WHITEHEAD: A bill (H. R. 10928) to confer authority on the Commissioner of Pensions to permit W. C. Jamison to file his application for retirement annuity and to authorize and empower the Commissioner of Pensions to hear and determine the same; to the Committee on the Civil Service.

By Mr. WOOD: A bill (H. R. 10929) granting a pension to Emma Berryman; to the Committee on Invalid Pensions.

By Mr. ADKINS: A bill (H. R. 10930) granting an increase of pension to Charlotte C. Hay; to the Committee on Invalid Pensions.

By Mr. MORGAN: Resolution (H. Res. 187) to pay Amanda A. Richmond, widow of James E. Richmond, six months' compensation and an additional $250 to defray funeral expenses and last illness of said James E. Richmond; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5776. By Mr. ADKINS: Petition of citizens of Fisher, Ill., petitioning Congress to secure early and favorable consideration of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5777. By Mr. BACHMANN: Petition of Thomas H. Parsons and other citizens of Proctor, Wetzel County, W. Va., urging immediate action on Senate bill 476 and House bill 2562, providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5778. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, urging enactment of House bill 2562, which would increase the pensions of Spanish War veterans; to the Committee on Pensions.

5779. By Mr. BEEDY: Petition of citizens of Maine, urging increased rates of pensions for Spanish-American War veterans; to the Committee on Pensions.

5780. By Mr. BEERS: Petition from citizens of Lewisburg, Pa., favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5781. By Mr. BECK: Petition of E. J. Shields and 86 other citizens of Philadelphia and vicinity, for consideration of House bill 2562, providing increased rates of pension for veterans of the Spanish War; to the Committee on Pensions.

5782. By Mr. BLACKBURN: Petition of the Women's Auxiliary of the Maxwell Presbyterian Church, at Lexington, Ky., praying for the enactment of legislation providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5783. Also, resolution of the members of the executive board of the Kentucky Library Association, opposing the enactment of House bill 2067, prohibiting the importation of certain reading matter into the United States from foreign countries; to the Committee on Interstate and Foreign Commerce.

5784. By Mr. BLOOM: Petition of Visugraphic Pictures (Inc.), producers and distributors of advertising motion pictures, protesting against the Hudson bill (H. R. 9986) to appoint a Federal motion picture commission with wide powers and which they feel would practically paralyze the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5785. By Mr. CARLEY: Petition by citizens of Brooklyn, N. Y., indorsing legislation for increase of pensions for veterans of the war with Spain; to the Committee on Pensions.

5786. By Mr. CARTER of California: Petition of the city council of the city of Alameda, Calif., memorializing the Congress of the United States to enact into law House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

5787. By Mr. CARTER of Wyoming: Petition of citizens of Sheridan, Wyo., asking that the pensions of the Civil War veterans and widows of veterans be increased; to the Committee on Invalid Pensions.

5788. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

5789. By Mr. CRAMTON: Petition of Flint River Grange, No. 656, of Lapeer County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5790. Also, petition of Columbia and Almer Grange, Tuscola County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5791. By Mr. CULLEN: Petition of the Midwest States Air Parley, indorsing the principle of the Federal road act applied to the establishment of a national system of airways, and recommend to Congress the passage of such Federal enabling act; to the Committee on the Post Office and Post Roads.

5792. Also, petition of Midwest States Air Parley, indorsing House bill 9500, known as the Watres bill, providing for the change of payment for carrying air mail from the poundage basis to a basis of rental of definite spaces, as the railroads are now paid, per mile; to the Committee on the Post Office and Post Roads.

5793. By Mr. DEMPSEY: Petition signed by 25 residents of Buffalo, N. Y., urging speedy consideration and passage of House bill 2562 and Senate bill 476; to the Committee on Pensions.

5794. By Mr. DENISON: Petition of various citizens of Marion, Williamson County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5795. Also, petition of certain citizens of Johnston City, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5796. Also, petition of various citizens of Williamson County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5797. Also, petition of the village board of St. Johns, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5798. Also, petition signed by citizens of West Frankfort, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5799. By Mr. ESTEP: Petition supporting Senate bill 476 and House bill 2562, sent by D. G. McCafferty and other citizens of Allegheny County, Pittsburgh, Pa.; to the Committee on Pensions.

5800. By Mr. FENN: Resolutions of the West Hartford League of Women Voters, West Hartford, Conn., favoring the so-called Jones-Cooper bill for maternity and child hygiene work, and opposing House bill 9888; to the Committee on Interstate and Foreign Commerce.

5801. By Mr. FITZGERALD: Petition of 5,700 members of the Fraternal Order of Eagles, favoring old-age pensions; to the Committee on Labor.

5802. Also, petition of 42 citizens of Dayton, Ohio, praying for early consideration and passage of a bill to increase the pensions of Spanish War veterans; to the Committee on the Judiciary.

5803. By Mr. FITZPATRICK: Petition of the National Association of Letter Carriers, Branch 387, Yonkers, N. Y., urging the speedy passage of House bill 6603, providing for a short workday on Saturdays for postal employees; to the Committee on the Post Office and Post Roads.

5804. By Mr. FOSS: Petition of George Lamoureux and 85 other residents of Spencer, Mass., urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pension for veterans of the Spanish War; to the Committee on Pensions.

5805. By Mr. GLOVER: Petition of citizens of Redfield, Ark., urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5806. By Mr. GREENWOOD: Petition of W. H. Hensley and others, of Morgan County, Ind., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5807. By Mr. HESS: Petition of citizens of Lockland and Mount Healthy, Ohio, urging the passage of House bill 10, creating a department of education; to the Committee on Education.

5808: By Mr. HICKEY: Petition of Marion Esarey and other citizens of St. Joseph County, Ind., urging the early passage of a bill increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5809. By Mr. HILL of Washington: Petition of J. F. True and 51 other residents of Spokane, Wash., asking for speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increase of pension rates to Spanish War veterans; to the Committee on Pensions.

5810. Also, petition of George F. Vath and 16 other citizens of Valley, Wash., asking for prompt consideration and passage of House bill 2562; to the Committee on Pensions.

5811. By Mr. HOOPER: Petition of Jennie M. Wilkins and 214 other residents of Branch County, Mich., against manufacturing, selling, or using malt; to the Committee on the Judiciary.

5812. By Mr. JAMES: Petition of citizens of Nicula, Houghton County, Mich., petitioning for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5813. By Mr. JOHNSON of South Dakota: Resolution of board of commissioners of Aberdeen, S. Dak., memorializing Congress to enact legislation for the proper commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5814. By Mr. KEARNS: Petition of citizens of Bethel, Clermont County, Ohio, in support of the bill to increase the rates of pension of Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

5815. Also, petition of 56 residents of Aberdeen, Brown County, Ohio, in support of the bill to increase the rates of pension of Spanish War soldiers; to the Committee on Pensions.

5816. Also, petition of 22 residents of Goshen, Clermont County, sixth congressional district of Ohio, urging enactment of House bill 2562, providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5817. Also, petition of 66 residents of McDermott, Scioto County, Ohio, requesting an early consideration of House bill 2562, a bill to increase the rates of pension for Spanish War soldiers; to the Committee on Pensions.

5818. By Mr. KELLY: Petition of citizens of Turtle Creek, Pa., asking for quota-immigration restrictions on Mexico; to the Committee on Immigration and Naturalization.

5819. By Mr. KENDALL of Pennsylvania: Petition of certain citizens of Connellsville, Pa., asking that favorable consideration be given to House bill 2562 and Senate bill 476, providing for increased pensions for Spanish-American War veterans; to the Committee on Pensions.

5820. By Mr. LANKFORD of Virginia: Petition of Mrs. Arthur Depue and others, indorsing the bill for exemption of dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States, as proposed by the International Conference for the Investigation of Vivisection; to the Committee on the District of Columbia.

5821. By Mr. LINDSAY: Petition of the Maritime Association of the Port of New York, New York City, expressing disapproval of Senate bill 306, entitled "A bill to amend certain laws relating to American seamen"; to the Committee on the Merchant Marine and Fisheries.

5822. By Mr. LOZIER: Petition of numerous citizens of Randolph and Chariton Counties, Mo., urging the enactment of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5823. By Mr. McKEOWN: Petition of H. D. Hewlett, of 24 West Main Street, Shawnee, Okla., and other members of Shawnee Lodge, No. 25, Independent Order of Odd Fellows, Shawnee, Okla., urging immediate action on House bill 2562, a bill providing increased rates of pension for veterans of the Spanish War period; to the Committee on Pensions.

5824. By Mr. McREYNOLDS: Petition of 67 voters of Polk County, Tenn., urging immediate consideration of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5825. By Mr. MAAS: Resolution by the city council, St. Paul, Minn., the capital city of Minnesota, recognizing the debt we owe to the splendid service of Indian war veterans who fought for home and country, and asking that unanimous approval be given to the Manlove bill, which seeks to do justice to the few remaining survivors of these frontier struggles and urging the Minnesota Representatives in Congress to support this measure; to the Committee on Pensions.

5826. By Mr. MANLOVE: Petition of Henry R. Carlson and other citizens of Monett, Mo., urging early passage of legislation increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5827. By Mr. MILLER: Petitions of citizens of Seattle, Wash., and vicinity, indorsing legislation prohibiting vivisection experiments, especially on dogs, in the District of Columbia; to the Committee on the District of Columbia.

5828. By Mr. MURPHY: Petition signed by Mr. J. H. McElroy and 72 other citizens of Carrollton, Carroll County, Ohio, relative to Senate bill 476 and House bill 2562, providing increased rates of pension to Spanish War veterans; to the Committee on Pensions.

5829. By Mr. O'CONNELL of New York: Petition of the National Bridge Works, Long Island City, N. Y., favoring the passage of the Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

5830. Also, petition of the United Retail Grocers' Association, of Brooklyn, N. Y., favoring the passage of House bill 11, the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

5831. By Mr. O'CONNOR of Oklahoma: Petition from Mr. Gustavus E. W. Cox and 59 other citizens of Keystone, Okla., urging early and favorable consideration of the measure providing for increases in the Spanish-American War veterans' pensions; to the Committee on Pensions.

5832. By Mr. PARKS. Petition of citizens of Stephens, Ark., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5833. By Mr. HARCOURT J. PRATT: Petition of Harry J. Gilbert, D. L. Stewart, G. A. Plass, T. I. Hewlett, V. E. Andrus, Burdette Dyer, John F. Hungaboom, and other residents of Jefferson, Schoharie County, N. Y., praying for passage of legislation to increase the pensions of Spanish War veterans; to the Committee on Pensions.

5834. By Mr. FRANK M. RAMEY: Petition of John T. Bruns and 61 other residents of Pana, Ill., urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5835. By Mr. SMITH of West Virginia: Resolution of the Woman's Christian Temperance Union of Charleston, W. Va., urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5836. Also, resolution of the Woman's Christian Temperance Union of South Charleston, W. Va., urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5837. By Mr. SNELL: Petition of citizens and residents of the thirty-first congressional district of New York, protesting against the United States entering the World Court; to the Committee on Foreign Affairs.

5838. By Mr. SPEAKS: Petition signed by 31 citizens of Columbus, Ohio, urging passage of House bill 2562, proposing increased pension allowances for Spanish War veterans; to the Committee on Pensions.

5839. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., in favor of increased rates of pension for veterans of the war with Spain; to the Committee on Pensions.

5840. By Mr. SWICK: Petition of the mayor and city council of New Castle, Lawrence County, Pa., urging the enactment of House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day, for observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5841. Also, petition of Hadassah Chapter, New Castle, Pa., Mrs. Louis F. Kohn, president; Mrs. Harold E. Abkowitz, secretary, opposing any change in the calendar which in any way endangers the fixity of the Sabbath, and the participation of the United States in any international conference for such purpose unless the delegates thereto are instructed to oppose such change; to the Committee on Foreign Affairs.

5842. By Mr. WHITEHEAD: Petition of W. G. Shackelford and others, of Henry County, Va., urging the enactment of House bill 2562, for increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5843. By Mr. WHITTINGTON: Petition of Martin G. McCrail and 70 other citizens, to pass House bill 2562 and Senate bill 476, to increase rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5844. By Mr. WILLIAMSON: Petition of L. C. Valle and 30 other residents of Hot Springs, S. Dak., for the passage of legislation on behalf of Spanish-American War veterans; to the Committee on Pensions.

SENATE

WEDNESDAY, *March 19, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

REVISION OF THE TARIFF

The Senate resumed consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate reconsider the vote taken last night by which the amendment to section 305 was concurred in, and I move that subparagraph (b) of the amendment adopted in Committee of the Whole be amended by substituting therefor the matter which I send to the desk.

Mr. MOSES. Let it be reported.

The VICE PRESIDENT. The Chair is advised that this is to correct a parliamentary situation. Without objection, the vote whereby the amendment made as in Committee of the Whole was concurred in will be reconsidered. The provision now submitted by the Senator from Utah will be reported.

The LEGISLATIVE CLERK. It is proposed to amend the amendment made as in Committee of the Whole by substituting therefor the following:

(b) Penalty on Government officers: Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason, or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than 10 years, or both."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. Without objection, the amendment as amended is concurred in.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Keyes	Shortridge
Ashurst	Glass	La Follette	Simmons
Baird	Glenn	McCulloch	Smoot
Barkley	Goff	McKellar	Steck
Bingham	Goldsborough	McMaster	Stelwer
Black	Gould	McNary	Stephens
Blaine	Greene	Metcalf	Sullivan
Blease	Grundy	Moses	Swanson
Borah	Hale	Norris	Thomas, Idaho
Bratton	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Townsend
Capper	Hatfield	Overman	Trammell
Caraway	Hawes	Patterson	Tydings
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mass.
Cutting	Howell	Ransdell	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Frazier	Kendrick	Sheppard	

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

EXPLANATION AND CORRECTION

Mr. BLEASE. Mr. President, I notice in this morning's RECORD, on page 5479, that the nomination of James A. Cobb to be judge of the municipal court of the District of Columbia was reported at the desk, and then the President pro tempore said:

Without objection, the nomination is confirmed.

On the same page, at the top of the second column, appear my remarks objecting to this nomination.

I also wish to send to the desk a telegram from Professor Morse, of the University of South Carolina, in reference to a quotation from him made yesterday by the Senator from Montana [Mr. WHEELER], as found on page 5504 of yesterday's RECORD. I ask that the telegram may be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

COLUMBIA, S. C., *March 18, 1930.*

Senator COLE. L. BLEASE,

United States Senate, Washington, D. C.:

My position evidently misinterpreted. Do not approve unrestricted censorship by unqualified persons, but am as strongly opposed as anyone to importation and distribution of obscene books.

JOSIAH MORSE.

WASHINGTON AIRPORT—RETRACTION OF H. E. YOUNG'S CHARGES

Mr. VANDENBERG. Mr. President, I desire to make this immediate, informal report to the Senate respecting certain charges which were publicly made in the city of Washington last Saturday night, and which, if true, would have impugned the integrity of pending airport legislation and Senators connected with it.

As reported in the Sunday newspapers Mr. H. E. Young, representing the Iowa-Thomas Circle Association, told a public meeting of the Federation of Citizens' Associations that the congressional Airport Commission's recommendation of a site was influenced by the fact that two United States Senators are financially interested in the property intended to be purchased. The prejudicial phrase, "airport grab," was accordingly used in headlines in one Washington newspaper report. The whole purport of all of these reports was to impute dishonesty to the Airport Commission's recommendation.

Monday afternoon these reports were brought to the floor of the Senate by the senior Senator from Connecticut [Mr. BINGHAM], chairman of the Airport Commission, who not only repudiated the insinuations but stated that the terms of the proposed purchase preclude any possibility of "grab" or "graft." The terms speak for themselves in this respect.

As a member of the Airport Commission and as chairman of the subcommittee of the District of Columbia Committee to which the Airport Commission's report has been referred, I immediately told the Senate that Mr. Young would be given immediate and insistent opportunity to prove or retract his charges.

Within four hours thereafter Mr. Young was brought before the subcommittee on subpœna. He immediately stated that all of his information was second hand; that he had no intention of impugning the motives of any Senator when he used it; but he declined to give the committee the name of his informant until he had an opportunity to consult counsel. The committee gave him this opportunity.

This morning at 10 o'clock Mr. Young appeared with counsel before the committee. He made a complete retraction. He stated that the names which had been given him were names of former Senators who are merely reputed to be stockholders in one of these private airports which it is proposed to purchase on an audited cost-plus basis. He stated that he erroneously had thought these former Senators are still Members of this body. He repudiated the interpretation put upon his Saturday night remarks by the newspapers and expressed his apology for any unfortunate inferences which might have resulted therefrom.

In the light of this unequivocal statement under oath the committee felt it has no further interest in the pursuit of the sources of Mr. Young's gossip.

I desire, however, to make these concluding observations.

First. The Airport Commission members—speaking at least for myself and the Senator from Washington [Mr. JONES], who conducted this week's hearings—never knew until this week that even any ex-Senators were stockholders in any of these private properties, and no remote criticism is entitled to attach to them because of the fortuitous fact that they happen to be such stockholders, if such is the fact. We do not know that it is the fact, and we do not care.

Second. This episode is a shining example of the ugly ease with which loose and groundless gossip can assassinate public character and fatally undermine public confidence in the public service. I dare to express the hope that there may be some small measure of admonition in it to others in this community and elsewhere who may find themselves tempted to indulge themselves in this reprehensible and poisonous practice.

SPECULATION ON COTTON AND GRAIN EXCHANGES (S. DOC. NO. 116)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, in response to Senate Resolution 218 (submitted by Mr. HEFLIN and agreed to February 26, 1930), relative to means for the prevention of harmful speculations in cotton and wheat, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions of Highland Council, No. 297, Junior Order United American Mechanics, of Hudson County, N. J., favoring the passage of legislation to restrict immigration from countries of the Western Hemisphere, and also the so-called Blease bill, providing for the registration of aliens, etc., which were referred to the Committee on Immigration.

Mr. FRAZIER presented the petition of C. H. Roney, of Oakes, and 105 other citizens, all in the State of North Dakota, favoring certain changes in the administration of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. KEAN presented a petition of sundry citizens of Newark, N. J., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. SULLIVAN presented a resolution of the Lions' Club, of Kemmerer, Wyo., favoring a more generous program of national-forests highway road construction, which was referred to the Committee on Agriculture and Forestry.

Mr. KENDRICK presented a memorial of sundry citizens of the State of Wyoming, remonstrating against any revision of the existing calendar unless a provision be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry employees of the Cheyenne (Wyo.) post office, praying for the passage of legislation providing for a shorter Saturday workday and additional pay for postal employees as a reward for continuous service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions numerously signed by sundry citizens of the State of Wyoming, praying for the passage of legislation granting increased pensions to veterans of the Spanish War, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Palacios, Tex., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

JUDGE HARRY B. ANDERSON, WESTERN DISTRICT OF TENNESSEE

Mr. MCKELLAR. I ask unanimous consent to have printed in the RECORD a telegram from Frayser Hinton, of Memphis, Tenn., commander of the Tennessee Commandery, Military Order of Foreign Wars of the United States, in reference to Judge Harry B. Anderson, who has been charged with certain matters. The commander asked me to place the telegrams before a committee, and as the Committee on the Judiciary has charge of all matters relative to district judges I ask that it be printed in the RECORD and referred to that committee.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

MEMPHIS, TENN., *March 18, 1930.*

Senator K. D. MCKELLAR,
Senate Office Building, Washington, D. C.:

Resolutions passed by executive committee Tennessee Commandery, Military Order of Foreign Wars, March 18, 1930:

"Whereas the Tennessee Commandery, Military Order of Foreign Wars, attention has been directed to certain allegations involving the Hon. Harry B. Anderson, judge of the District Court of the United States for the Western District of Tennessee; and

"Whereas the said Harry B. Anderson is a man who answered the call of his country to the colors in time of war, and an active member of the American Legion and Tennessee Commandery, Military Order of Foreign Wars; and

"Whereas the said Harry B. Anderson enjoys the confidence, respect, and love of all the ex-soldiers and citizens of the city of Memphis who have had the privilege of knowing him: Now, therefore, be it

"*Resolved by the Tennessee Commandery, Military Order of Foreign Wars,* That we hereby affirm our confidence in the integrity of the said Harry B. Anderson as judge of the United States District Court of the Western District of Tennessee and as a private citizen of the State of Tennessee; be it further

"*Resolved,* That the commander of the Department of Tennessee, Military Order of Foreign Wars, be directed to transmit copies of this resolution to the President of the United States, to Senator K. D. MCKELLAR, and Congressman HUBERT FISHER, asking the latter gentleman to place said resolution upon file with the proper committee in Washington.

FRAYSER HINTON,
Commander Tennessee Commandery, Military Order of Foreign Wars of the United States.

REPORT OF A COMMITTEE

Mr. KENDRICK, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 219) authorizing the Committee on the Library to employ a special assistant clerk during the remainder of the Seventy-first Congress, reported it without amendment.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. GREENE, from the Committee on Military Affairs, reported the nominations of sundry officers in the Army, which were placed on the Executive Calendar.

ENROLLED JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, March 19, 1930, that committee presented to the President of the United States the following enrolled joint resolutions:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 3954) granting a pension to Jersha A. Allen; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3955) to transfer certain lands to Ouachita National Forest, Ark.; to the Committee on Agriculture and Forestry.

A bill (S. 3956) to establish a laboratory for the study of the criminal, dependent, and defective classes; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 3957) for the relief of Lloyd Garretson Co.; and

A bill (S. 3958) for the relief of Grant A. McNeal; to the Committee on Claims.

A bill (S. 3959) to amend the act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes," approved April 17, 1917; to the Committee on the District of Columbia.

By Mr. OVERMAN:

A bill (S. 3960) to provide for the extension of the boundary limits of the proposed Great Smoky Mountains National Park, the establishment of which is authorized by the act approved May 22, 1926 (44 Stats. 616); to the Committee on Public Lands and Surveys.

By Mr. WHEELER:

A bill (S. 3961) granting an increase of pension to Daniel O'Reilly; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3962) for the relief of Dorothy R. Lewis; to the Committee on Claims.

A bill (S. 3963) granting to certain enlisted men of the Army honorably discharged for disability the pay of retired warrant officers; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 3965) to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo.; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 3966) to provide for the immediate payment to veterans of the amount of their adjusted service credit; to the Committee on Finance.

By Mr. BRATTON:

A bill (S. 3967) for the relief of Joe S. Duran; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 3968) for the relief of Allan MacRossie, jr.; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3969) to provide for the further development of vocational education in the several States and Territories, and for other purposes; to the Committee on Education and Labor.

By Mr. NYE:

A joint resolution (S. J. Res. 155) to provide for the naming of a prominent mountain or peak within the boundaries of Mount McKinley National Park, Alaska, in honor of Carl Ben Eielson; to the Committee on Public Lands and Surveys.

AMENDMENT TO DISTRICT APPROPRIATION BILL

Mr. TYDINGS submitted an amendment providing an appropriation of $37,000 for grading and improving the roadway of Rock Creek Park to the District line, intended to be proposed by him to House bill 10813, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO THE TARIFF BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

Paragraph 403, on page 118, strike out lines 15 to 23, inclusive, and insert:

"PAR. 403. Cedar commercially known as Spanish cedar, lignumvitae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods (except teak), and Japanese white oak and Japanese maple: In the form of veneers, 30 per cent ad valorem; in the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring, 15 per cent ad valorem."

Mr. CONNALLY submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

(Par. 320.) On page 72, line 11, strike out the figures "40" and insert in lieu thereof the figures "20," so as make the paragraph read:

"PAR. 320. Electric storage batteries and parts thereof, storage battery plates, and storage battery plate material, wholly or partly manufactured, all of the foregoing not specially provided for, 20 per cent ad valorem."

Mr. FLETCHER submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

(Par. 207.) On page 38, line 11, strike out "$2.50" and insert "$3.75," so as to read "china clay or kaolin, $3.75 per ton."

On page 137, after the amendment agreed to as in Committee of the Whole, in the item on avocados, insert the following: "*Provided, however,* That no avocados shall be imported into the United States and/or until they shall have a fat content of not less than 8 per cent by weight by chemical analysis and all such imports shall be accompanied by a sworn certificate made by a competent chemist that each shipment has been tested and contains not less than 8 per cent fat content by weight by chemical analysis."

(Sec. 316.) On page 305, line 23, to strike out the period and insert a comma and "except in so far as said act of Congress permits or authorizes the importation into the United States of avocados, or avocado pears, known also as alligator pears and mangoes, free of duty and as to these commodities this act shall govern."

Mr. COPELAND submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

Paragraph 301, on page 56, beginning on line 15, after the comma, strike out the words "72 cents per pound on the tungsten content in excess of two-tenths of 1 per cent."

Paragraph 368 (g), on page 103, line 17, insert after the word "taximeters," the words "and watchmen's time detectors."

Paragraph 389, on page 113, line 5, change the numerals from "30" to "20."

Paragraph 411, on page 121, line 3, insert before the numerals "33⅓," the words "$3 per pound and."

On page 127, line 7, insert a new paragraph as follows: "PAR. 710½. Swiss cheese and Gruyere, 11 cents per pound."

Paragraph 501, on page 121, line 21, at the end of the paragraph insert the following: " : *Provided,* That in the case of any of the foregoing testing by the polariscope 98 sugar degrees or above, in lieu of the rate calculated as above, the rate per pound shall be the sum of (1) the rate at 98 sugar degrees, calculated as above, plus (2) 0.625 of 1 cent."

Paragraph 748½, on page 137, strike out this paragraph and place avocados on the free list.

Paragraph 761, on page 140, line 22, after the word "alfalfa," change the numeral to "4"; after the word "clover" change the numeral "5" to "2"; and in line 25, after the word "clover" change the numeral "3" to "2."

Paragraph 773, on page 144, line 2, after the word "rolls" strike out the words "soup tablets or cubes, and other soup preparations, pastes, balls," and in line 7, after the word "pound" strike out the period and insert a semicolon and the following: "vegetable extract, soup-flavoring extract, and other soup preparations, in cubes, tablets, balls, paste, liquid, or similar form, 15 cents per pound."

Paragraph 909, on page 155, line 20, after the word "fabrics" strike out down to and including the word "chenilles" on line 22, so that the paragraph will read: "Pile fabrics (including pile ribbons), cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such pile fabrics, 50 per cent ad valorem; if terry woven, 40 per cent ad valorem; velvet ribbons, 50 per cent ad valorem."

Paragraph 1021, on page 168, line 15, after the words "ad valorem" insert the words "floor coverings made of sponge rubber, 25 per cent ad valorem."

Paragraph 1211, on page 183, line 4, change the final period to a comma and insert the words: "if Jacquard-figured, 75 per cent ad valorem."

Paragraph 1306, on page 185, line 9, at the end of the paragraph, insert the words: "*Provided,* That all woven fabrics in the piece, whether or not in chief value of rayon, shall be dutiable under this paragraph, if mixed with silk and containing 15 per cent or more in weight of rayon."

Paragraph 1537 (b), on page 232, at the end of the paragraph, insert the following: "but foregoing rates shall not apply to rubber-sponge material in block form approximately 120 millimeters by 80 millimeters by 35 millimeters (these measurements to vary within commercial limits) for the manufacture of soap dishes in assorted colors other than orange or red."

Paragraph 1545, on page 235, line 12, change the numerals to "15."

Paragraph 1554, on page 241, line 1, change the rate to 50 per cent ad valorem.

Paragraph 1623, on page 249, line 17, after the word "article," insert the words "except Swedish bread."

Paragraph 1812, on page 279, line 7, strike out the words in the parenthesis, namely: "except rugs and carpets made after the year 1700."

MIRIAM R. DINGLEY

Mr. SMOOT submitted the following resolution (S. Res. 240), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Miriam R. Dingley, widow of Edward Nelson Dingley, late the expert for the majority of the Committee on Finance, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE MESSAGES AND APPROVAL

Messages in writing were communicated to the Senate from the President of the United States, by Mr. Latta, one of his secretaries, who also announced that on March 12, 1930, the President approved and signed the act (S. 2093) for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 205) to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 3579. An act authorizing a per capita payment to the Shoshone and Arapahoe Indians; and

H. J. Res. 205. Joint resolution to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930.

REPORT ON UTILITY CORPORATIONS

Mr. WALSH of Montana. Mr. President, a few days ago there came to the Senate the usual monthly interim report from the Federal Trade Commission, investigating the activities of public utilities. In accordance with the order of the Senate heretofore made this report should be published as a public document; but, as it is very brief, I ask that it may be incorporated in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
Washington, March 17, 1930.

DEAR SIR: I have the honor to submit herewith the twenty-first interim report of the Federal Trade Commission for filing with the Secretary of the Senate, pursuant to Senate Resolution No. 83, Seventieth Congress, first session, in the matter of investigation of utility corporations.

By direction of the commission.

GARLAND S. FERGUSON, *Chairman.*

PRESIDENT OF THE SENATE,
Washington, D. C.

FEDERAL TRADE COMMISSION,
Washington, March 15, 1930.

To the Senate of the United States:

Pursuant to the direction of the Senate in Senate Resolution 83, Seventieth Congress, first session (approved February 15, 1928), regarding the investigation of certain electric power and gas utilities companies, that this commission "report to the Senate within each 30 days after the passage of the resolution and finally on the completion of the investigation" upon the matters specified in the resolution, and that it transmit therewith the stenographic report of the evidence taken, this twenty-first interim report is respectfully submitted.

During the month following the last interim report work of the commission's examiners has continued at the offices of six holding companies and six operating companies, chiefly in connection with the financial aspects of their business but covering also questions of intercompany relations and control, etc.

Since the date of the last interim report public hearings as to the American Gas & Electric Co. and its subsidiary and associated companies were begun and completed. The American Gas & Electric Co. is a management as well as holding company, and its system embraces 10 subsidiary operating utility companies operating in nine States. The operation of eight of these utility companies is connected by a main transmission line running northwest from the southern line of Virginia to points in southern Michigan, with branch lines into Tennessee and Kentucky, and with two detached operations in Pennsylvania and New Jersey.

The hearings covered chiefly the financial and management aspects of the American Gas & Electric group, including (1) growth of capital assets and capital liabilities; (2) the issues of securities and the proceeds and expenses of such issues; (3) the extent of interest of the holding company in subsidiary public utilities and other companies and their relations with each other; (4) the services furnished to the public-utility companies by the holding company or associated companies, and the earnings and expenses connected therewith; (5) the advantages or disadvantages of holding companies; (6) their activities with respect to municipal ownership, and other matters specified in the Senate Resolution 83.

The hearings occupied 12 days, the first being on February 24, 1930, the final hearing being concluded late yesterday afternoon, March 14, 1930. Six examiners of the Federal Trade Commission were called as witnesses, including public-utility experts and accountants, 11 officials of the American Gas & Electric group of companies, and 2 other persons formerly connected with their affairs.

The transcript of the record and the exhibits relevant thereto will be transmitted as soon as the necessary verification of the transcript of the record and the preparation of the exhibits can be taken care of.

Public hearings will be resumed, it is planned, in a short time, and will involve the examination of another of the important holding and management groups. The commission expects to allow the pertinent accounting statements prepared by its examiners to be reviewed by the companies' representatives in order to hear objections as to any matters of fact and thus to obviate unnecessary disputes in the hearings as to the results shown on the books and records. This procedure is economical of time in the long run, but involves an intermission between the hearings for different groups of companies.

By direction of the commission.

GARLAND S. FERGUSON, Jr., *Chairman.*

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state his parliamentary inquiry.

Mr. McNARY. I am curious to know if, at any time during the discussion of the tariff bill, the Senate has entered into a unanimous-consent agreement to take up the various items schedule by schedule? At least, I know there has been a sort of an understanding that that would be the procedure.

The VICE PRESIDENT. There is no such agreement as to individual amendments.

Mr. McNARY. I am sure that our program has been fashioned upon that theory. It occurs to me, Mr. President, in full fairness to Members of this body, we should follow some logical procedure and practice. If a Senator has other duties to perform than to be in his seat in the Senate, it is well for him to be advised about when a schedule will come up and as to the order of procedure; otherwise, he might be detained at his office or in some other line of work, and be precluded from presenting an amendment. If we are to take up the amendments that now remain in a slip-shod, hop-and-skip, catch-as-catch-can fashion, without anyone knowing the order to be followed, if we shall jump from the free list to Schedule 1, there may be no opportunity given to Senators who may be temporarily absent to prepare and present logically amendments in which they may be interested. I should like to have some orderly method of procedure. I am curious to know if we are going to embark on a new policy entirely without order or method. As I understand, the Senator from Utah has rather entered into an oral agreement with the Senator from Oklahoma to take up the oil item. Of course, the Senator from Utah has that right.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Oregon yield to me?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Oklahoma?

Mr. McNARY. Just a moment. I am not complaining about it; probably it is all right; but if we are going to start in that fashion, where will be the end?

Mr. SMOOT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. I yield.

Mr. SMOOT. The Senator will remember that last evening I did make the statement on the floor that I was going to ask unanimous consent that individual amendments be offered, beginning with Schedule 1, that that schedule should be completed, and that we should then proceed to consider the remaining schedules in order until we were through with the bill. The object I had in view is that which the Senator has now expressed. I think that is the proper way to proceed.

The question arose last night as to whether we would take the oil item up to-day, but there was then no definite understanding about it, as I remember. I did say, however, that I thought perhaps it would be well to dispose of the oil and lumber items before unanimous consent in regard to the consideration of individual amendments was asked. I would prefer, so far as I am concerned, to begin with Schedule 1 and go through the bill, schedule by schedule, in the way which has been suggested by the Senator from Oregon this morning.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield.

Mr. DILL. I want to know what there is about the oil item that makes it different from other items? Why can not all items come up in the regular way? Why can not this bill be taken up in an orderly manner, and let lumber and oil come up when they are properly reached, instead of specially singling them out?

Mr. SMOOT. I would be perfectly satisfied to follow that course, but I was seeking to conform my action to what I understood to be the wishes of the Senators interested in those items.

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Oklahoma?

Mr. McNARY. I yield.

Mr. THOMAS of Oklahoma. The Senator from Oregon just made a statement that there is an oral understanding between the Senator from Utah and myself. That is the way rumors get started. There is no such agreement.

Last night the Senator from Utah, the chairman of the committee, suggested that he would like to take up oil and lumber and get them out of the way first. Following that suggestion, I notified the Senate that I would be ready this morning at 11 o'clock to present my oil amendment, and I am now ready to do so.

Mr. McNARY. Mr. President, I make no objection to the understanding had between the two eminent Senators; it is perfectly proper. I do not want to molest that understanding; if I had an understanding I would go through with it, and I expect the Senator from Utah to do so. I have no complaint to offer; I am merely speaking about what I believe to be a logical and businesslike way of disposing of the remaining amendments.

Mr. SMOOT. I had in mind that oil would come in the first schedule, anyway, and I did not see why it should not be taken up first.

Mr. McNARY. I am not questioning where oil comes; I do not care where it comes.

Mr. SMOOT. I did not see why the oil amendment should not be taken up this morning, because of the fact that it does fall in Schedule 1, and it would come in order at this time if I made the request for unanimous consent to which I have referred.

Mr. President, I now ask unanimous consent that in the presentation of individual amendments to the bill we begin with Schedule 1, complete amendments to that schedule, then proceed to Schedule 2, and when that is completed we proceed to Schedules 3, 4, and so forth, until the bill shall have been completed.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, I should like to ask the Senator if he would object to taking a vote on my amendment to the cement item, so that we could get that out of the way?

The VICE PRESIDENT. The Chair will say that the amendment in regard to cement offered by the Senator from South Carolina is entitled to be considered before the other amendments are reached. It is next in order. Is there objection to the request of the Senator from Utah?

Mr. DILL. Mr. President, let us have an understanding about it. If, when Schedule 1 is completed, we take up Schedule 2, and then Schedule 3 and Schedule 4, and so forth, when the bill shall have been completed in that way, will Senators be precluded from going back and offering amendments if they were not here or if they decide they should like to offer amendments?

Mr. SMOOT. Under the unanimous consent as suggested, I should think so.

Mr. DILL. Then I would have to object to such an agreement. Senators might have to be out of the Chamber when the schedule was finally adopted, and they would have no opportunity thereafter to offer amendments to it.

Mr. SMOOT. They ought to be here when the schedules are reached. I think that every Senator has been given every chance to offer amendments both as in Committee of the Whole and in the Senate.

Mr. DILL. I see no reason why we can not provide for taking up the amendments in order, and then if at the end of the bill any Senator should desire to offer an amendment to any schedule that he should have an opportunity to do so. I do not think we ought to cut off Senators who may happen to be out of the Chamber at the time a particular schedule shall have been completed.

Mr. WATSON. Mr. President, I should like to ask the Senator from Utah a question. Suppose we go to the free list and take an article off the free list, and then we want to go back and put the item on the dutiable list; in the event action of that kind were taken, it would be necessary to go back to the dutiable list and put the item in the proper schedule.

Mr. SMOOT. I am going to make a request to take care of that situation, if the unanimous-consent agreement shall be entered into, so as to provide that if in Schedule 1 an item shall be taken from the dutiable list and put upon the free list, the action of putting it upon the free list may be taken at the same time automatically; and, in like manner, if an item shall be taken from the free list and put on the dutiable list.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The regular order is consideration of the amendment offered by the Senator from South Carolina to the amendment agreed to as in Committee of the Whole relative to cement.

Mr. SMOOT. I am prepared to accept the suggestion of the Senator from Washington [Mr. DILL] and renew my request for unanimous consent so that we may provide a regular order of procedure. Then Senators, at least, will know when the various items are coming up. So I accept the suggestion of the Senator from Washington.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah for unanimous consent?

Mr. McKELLAR. I ask that the request be stated.

The VICE PRESIDENT. Will the Senator from Utah repeat his request for unanimous consent?

Mr. SMOOT. I ask unanimous consent that in the further consideration of the pending bill for individual amendments we begin with Schedule 1, continue its consideration until completed, that then we shall proceed with the consideration of Schedule 2, and after that is completed we shall proceed in like manner to consider the remaining schedules in their order until the bill shall have been completed. Furthermore, in accordance with the suggestion made by the Senator from Washington [Mr. DILL], I ask that when the bill shall have been completed in that way, any Senator who has been absent when any of the schedules were considered may have the right to offer individual amendments to the bill.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON. I object to any such procedure. If we are going to inaugurate an orderly procedure, let us follow it to the end. To say that at the conclusion of the bill, after we have completed the schedules, any Senator may thereafter offer individual amendments, is not to proceed in that fashion at all.

The VICE PRESIDENT. The Senator from California objects.

Mr. HARRISON. Mr. President, if I can get the ear of the Senator from Utah I should now like to make a suggestion to him. We are about to begin the consideration of individual amendments, and I was going to ask the Senator from Utah if he would not submit a unanimous-consent request for limitation of debate upon individual amendments. If a greater time for debate is desired on the lumber and oil amendments and on the amendment the Senator from Nebraska [Mr. NORRIS] is going to offer, which is of some importance, let us make an exception in those three cases, but let us try to get a limitation of debate so that we can wind up this bill within some reasonable time.

Mr. SMOOT. I indorse the suggestion made by the Senator from Mississippi, but I wondered whether we could reach such an understanding at this time until the oil amendment was out of the way.

Mr. HARRISON. The trouble is that the Senator has not made such a request, but has said "let us wait," and, if he shall wait, we will talk about seven hours here upon the oil proposition, and then we may not get an agreement. I desire to submit a unanimous-consent request, Mr. President.

Mr. SMOOT. I will submit such a request at the present time.

Mr. HARRISON. I ask unanimous consent——

Mr. WALSH of Massachusetts. Mr. President, I rise to a point of order. Is not a request for unanimous consent now pending?

The VICE PRESIDENT. It was objected to.

Mr. SMOOT. The Senator from California [Mr. JOHNSON] objected.

Mr. HARRISON. I ask unanimous consent that, with the exception of the lumber and oil amendments and the amendment to be offered by the Senator from Nebraska [Mr. NORRIS], each Senator be limited to not more than 10 minutes on any amendment offered.

Mr. SMOOT. I hope that request will be granted.

The VICE PRESIDENT. Is there objection?

Mr. PITTMAN. Mr. President, I regret that I have to object.

The VICE PRESIDENT. Objection is made.

Mr. HARRISON. I will inquire of the Senator from Nevada is there some other exception he desires to have made? If so, let us make that exception.

Mr. SMOOT. Does the Senator from Nevada want to make an exception of the silver amendment?

Mr. PITTMAN. Yes.

Mr. HARRISON. Very well, I will include silver in the exceptions.

The VICE PRESIDENT. Is there objection?

Mr. NYE. I inquire if the proposed agreement includes all amendments that may be proposed.

Mr. SMOOT. It includes them all outside of the ones excepted.

Mr. NYE. What are the ones excepted?

Mr. HARRISON. The amendments excepted are those relating to lumber, oil, silver, and the amendment to be offered by the Senator from Nebraska [Mr. NORRIS].

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Secretary will state the pending amendment.

The CHIEF CLERK. On page 252, after line 21, in the amendment heretofore adopted as in Committee of the Whole, the Senator from South Carolina proposes to insert the following:

> Imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina to the amendment made as in Committee of the Whole.

Mr. HALE. Mr. President, may the amendment be stated again?

The VICE PRESIDENT. The amendment will be restated; and the Senate will please be in order, so that it will not be necessary to state amendments twice.

The Chief Clerk restated the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina [Mr. BLEASE] to the amendment made as in Committee of the Whole.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a pair with the Senator from Connecticut [Mr. WALCOTT]; but he informed me that on this amendment he would vote as I shall vote. Therefore I am at liberty to vote. I vote "yea."

Mr. GOULD (when his name was called). I have a general pair with the Senator from Utah [Mr. KING], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. JOHNSON (when his name was called). Upon this question I am paired with the Senator from South Dakota [Mr. NORBECK]; but inasmuch as both of us would vote in like fashion, I cast my vote "yea."

Mr. OVERMAN (when his name was called). I again announce my general pair with the senior Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. THOMAS of Idaho (when his name was called). On this question I have a pair with the Senator from Iowa [Mr. BROOKHART]. If he were present he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and will vote. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I transfer my pair with the Senator from Massachusetts [Mr. GILLETT] to the Senator from South Dakota [Mr. NORBECK] and will vote. I vote "yea."

Mr. LA FOLLETTE. I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. He is paired with the junior Senator from Tennessee [Mr. BROCK]. If the senior Senator from Minnesota were present he would vote "yea."

Mr. BINGHAM. Mr. President, I think there is some misunderstanding about the vote of my colleague [Mr. WALCOTT]. He had a pair with the Senator from South Carolina [Mr. BLEASE]. I understand that in view of the fact that this amendment is offered by the Senator from South Carolina, my colleague released him from the pair. If my colleague were present he would vote "nay," but the Senator from South Carolina is released from the pair.

Mr. BLEASE. My understanding was that the Senator would vote as I have voted on this particular amendment. I may have misunderstood him, but that was my understanding.

Mr. THOMAS of Idaho. I transfer my pair to the junior Senator from Connecticut [Mr. WALCOTT] and will vote. I vote "nay."

Mr. HARRISON (after having voted in the affirmative). Has the senior Senator from Oregon [Mr. MCNARY] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. HARRISON. I have a pair with the senior Senator from Oregon and therefore withdraw my vote. If at liberty to vote, I should vote "yea."

Mr. KEAN (after having voted in the negative). I desire to change my vote from "nay" to "yea."

Mr. FESS. I desire to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 42, nays 37, as follows:

YEAS—42

Allen	Cutting	Johnson	Steck
Ashurst	Dill	Kean	Stephens
Barkley	Frazier	Kendrick	Swanson
Black	George	La Follette	Thomas, Okla.
Blaine	Glass	McMaster	Trammell
Blease	Glenn	Norris	Tydings
Borah	Harris	Nye	Walsh, Mass.
Bratton	Hawes	Overman	Walsh, Mont.
Capper	Hayden	Schall	Wheeler
Caraway	Heflin	Sheppard	
Connally	Howell	Simmons	

NAYS—37

Baird	Grundy	Oddie	Sullivan
Bingham	Hale	Patterson	Thomas, Idaho
Broussard	Hatfield	Phipps	Townsend
Copeland	Hebert	Pine	Vandenberg
Couzens	Jones	Ransdell	Wagner
Dale	Keyes	Robinson, Ind.	Waterman
Fess	McCulloch	Robsion, Ky.	Watson
Goff	McKellar	Shortridge	
Goldsborough	Metcalf	Smoot	
Greene	Moses	Steiwer	

NOT VOTING—17

Brock	Gould	Norbeck	Smith
Brookhart	Harrison	Pittman	Walcott
Deneen	Hastings	Reed	
Fletcher	King	Robinson, Ark.	
Gillett	McNary	Shipstead	

So Mr. BLEASE'S amendment to the amendment made as in Committee of the Whole was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole as amended.

Mr. KEAN. Mr. President, I give notice that I shall move for a reconsideration of the vote.

The VICE PRESIDENT. The Senator enters his motion.

Mr. HARRISON. Mr. President, what was the motion made by the Senator from New Jersey?

The VICE PRESIDENT. The Senator entered a motion to reconsider.

Mr. KEAN. Not now, Mr. President.

Mr. HARRISON. I move——

The VICE PRESIDENT. The Chair stated that the motion had been entered. Let the Senate be in order. All Senators will please take their seats.

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair will not answer a parliamentary inquiry until the Senate is in order. [After a pause.] The Senator will State his parliamentary inquiry.

Mr. BLEASE. Did the Senator give notice of a motion or did he make a motion?

The VICE PRESIDENT. He entered his motion.

Mr. BLEASE. I move to lay the motion on the table.

Mr. KEAN. I said I would enter the motion at the proper time.

The VICE PRESIDENT. Then the motion has not been entered.

Mr. BLEASE. I move to reconsider the vote by which my amendment was agreed to, and move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion to lay on the table the motion to reconsider.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. JONES. The Senator from South Carolina could not make a motion to reconsider.

Mr. BLEASE. Yes, I could.

The VICE PRESIDENT. The Senator made the motion, and moved to lay that motion on the table. That motion is not debatable. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. TYDINGS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. TYDINGS. In order to set myself straight, I desire to propound this inquiry: If there is a motion to reconsider, followed by a motion immediately to lay that motion on the table, would not that have the parliamentary effect of killing everything that has just been done?

The VICE PRESIDENT. Only the reconsideration of the vote, that is all.

Mr. WALSH of Massachusetts. Mr. President, will not the Chair state the pending question?

Mr. LA FOLLETTE and Mr. JOHNSON addressed the Chair.

The VICE PRESIDENT. The pending question is on a motion to table a motion to reconsider.

Mr. LA FOLLETTE. Mr. President, may I suggest to the Senator from South Carolina that he withdraw his motion to lay the motion to reconsider on the table? There are many Senators who hesitate to vote to lay a motion to reconsider on the table——

The VICE PRESIDENT. The motion is not debatable.

Mr. LA FOLLETTE. I am asking the Senator if he will not withdraw his motion for the moment.

Mr. JOHNSON. Mr. President, I unite in that request.

The VICE PRESIDENT. The question is not debatable.

Mr. ASHURST. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). I again transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). I desire to announce that the senior Senator from Minnesota has a pair with the junior Senator from Tennessee [Mr. BROCK].

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and transfer as on the last vote, I vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. I transfer that pair to the junior Senator from Connecticut [Mr. WALCOTT] and vote. I vote "nay."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the senior Senator from Delaware [Mr. HASTINGS] and vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 27, nays 54, as follows:

YEAS—27

Allen	Connally	Kendrick	Stephens
Ashurst	George	McMaster	Swanson
Barkley	Glass	Norris	Thomas, Okla.
Blaine	Harris	Nye	Tydings
Blease	Harrison	Overman	Walsh, Mass.
Capper	Hawes	Schall	Walsh, Mont.
Caraway	Hayden	Simmons	

NAYS—54

Baird	Goff	McCulloch	Smoot
Bingham	Goldsborough	McKellar	Steck
Black	Greene	McNary	Steiwer
Borah	Grundy	Metcalf	Sullivan
Bratton	Hale	Moses	Thomas, Idaho
Broussard	Hatfield	Oddie	Townsend
Copeland	Hebert	Patterson	Trammell
Couzens	Heflin	Phipps	Vandenberg
Cutting	Howell	Pine	Wagner
Dale	Johnson	Ransdell	Waterman
Dill	Jones	Robinson, Ind.	Watson
Fess	Kean	Robsion, Ky.	Wheeler
Frazier	Keyes	Sheppard	
Glenn	La Follette	Shortridge	

NOT VOTING—15

Brock	Gillett	Norbeck	Shipstead
Brookhart	Gould	Pittman	Smith
Deneen	Hastings	Reed	Walcott
Fletcher	King	Robinson, Ark.	

So the Senate refused to lay the motion to reconsider on the table.

The VICE PRESIDENT. The question now is on reconsidering the vote whereby the amendment was agreed to.

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. HALE. Mr. President, that matter is debatable, is it not?

The VICE PRESIDENT. It is debatable.

Mr. BINGHAM. Mr. President, a situation has just arisen which I have never seen arise before, and I desire to ask the Chair whether, when a Senator gives notice of his intention to enter a motion to reconsider, and then another Senator, who was also in the majority, moves to reconsider, it does away with the right of the first-named Senator to offer his motion.

The VICE PRESIDENT. There can be only one motion made to reconsider.

Mr. BORAH. Mr. President, I was about to ask the question the Senator from Connecticut has propounded.

Mr. SWANSON. Mr. President, a Senator's intention to offer a motion to reconsider can not preclude another Senator from making the motion.

The VICE PRESIDENT. The Chair has ruled. The question is on the motion to reconsider.

Mr. HARRISON. I ask for the yeas and nays.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from South Carolina if he will not withdraw his motion, in view of the fact that the Senator from New Jersey had previously given notice of his intention to enter such a motion.

Mr. BLEASE. Mr. President, this amendment has been here since the 8th day of September. It has been whipped in and whipped out, and whipped around, as a Senator sitting near me suggests, until I am tired waiting for action on it. If the Senate wants to kill it, let it kill it, but I want to have it settled one way or the other, and I shall not withdraw my motion.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. May I ask the Chair whether the Senator from New Jersey voted with the prevailing or the losing side?

The VICE PRESIDENT. He voted with the prevailing side.

Mr. KEAN. I voted with the prevailing side.

The VICE PRESIDENT. The Chair has answered the question. The yeas and nays have been requested. Is there a second?

Mr. HALE. The motion is debatable, is it not?

The VICE PRESIDENT. The Chair has stated that it is debatable.

Mr. HALE. The Senator from New Jersey arose to address the Senate, and I yield to him.

Mr. KEAN. Mr. President——

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. KEAN. I yield.

Mr. FESS. Mr. President, I ask unanimous consent that debate upon the motion to reconsider be limited to 10 minutes for each Senator, and that no Senator be allowed to speak more than once.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEAN. Mr. President, in regard to this amendment, it seems to me that if the amendment is agreed to, we might have a similar amendment affecting beef, or anything that goes into public consumption; that the hospitals and public institutions might likewise demand that everything they bought should come

in free of duty. The corporations which make cement, and the corporations which make other articles, are the people of the United States who pay the taxes, and they are entitled, since they pay the taxes, to have their goods consumed by the people who spend their money. The cement companies pay taxes in almost every State in the Union.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Arizona?

Mr. KEAN. I yield.

Mr. HAYDEN. Would it not be perfectly natural for the State authorities to give preference to their taxpayers in the purchase of cement?

Mr. KEAN. I agree to that; surely.

Mr. HAYDEN. In that event, the enactment of this legislation would serve only one useful purpose—that is, if the producers of cement tried to extort too high a price from the State the State could have recourse to the necessary importations.

Mr. KEAN. The trouble with that is that the importers of cement will bring in their cement at a little lower price. The law in almost every State requires that the State or the public institutions buying any goods shall buy from the lowest bidder, whether his bid is one cent or one dollar, or any other amount, under the next highest bid.

Mr. HAYDEN. If the Senator will yield further, the almost universal specification is not that the contract shall go to the lowest bidder, but to the lowest and best bidder, which allows a certain amount of discretion. I know it is the almost universal rule for States and counties to give preference to their taxpayers in the purchase of goods. It seems to me there is very little danger——

Mr. KEAN. Mr. President, I yielded only for a question.

The VICE PRESIDENT. The Senator from New Jersey declines to yield further.

Mr. KEAN. In addition to that, there is not a country in the world that to-day is not urging its people to exclude foreign products and buy from their own citizens. England is doing it. Belgium is building 400 miles of cement road, specifying that no cement shall be used in those roads except cement that is made in Belgium. Japan is doing the same thing. Every other nation in the world except the United States is urging that all the products of the country shall be used in that country. This amendment is taking away the rights of the American people and the rights of the American workingman and trying to give them to somebody on the other side of the world. In other words, it is proposed to take bread out of the mouths of American workingmen and give it to foreigners.

Mr. OVERMAN. Mr. President, I would like to give the Senator from New Jersey [Mr. KEAN] an example of what recently occurred in my own State. We are building roads there—magnificent roads. The commissioner of highways asked for bids from the cement trusts here in this country, and they were excessively high. He tried to get them to reduce their bids, but could not do so. He told them then that he would have to purchase the cement from Belgium, which he finally did at a saving of several thousand dollars. After he had ordered the cement from Belgium the domestic cement people came to him and tried to get him to order from them by reducing their bids. That is an example of what happened in my State, and it is what will happen in other States if we leave it to a Cement Trust here to make these high bids to municipalities.

Mr. McMASTER. Mr. President, I want to add just a word to the testimony given by the Senator from North Carolina [Mr. OVERMAN]. The other day the Senator from West Virginia [Mr. HATFIELD] stated that the cement industry of West Virginia was being crushed by foreign competition. Within five days after the Senator had pleaded for the cement industry of West Virginia, the State of West Virginia set a certain day for the letting of contracts for public buildings, and the day before those contracts were to be let the cement companies of West Virginia raised the price of cement. The authorities of West Virginia protested against the unwarranted action of the Cement Trust in arbitrarily raising the price of cement one day before the State was to enter into contracts for public buildings.

Mr. BARKLEY. Mr. President, confirming what the Senator from South Dakota just stated, the building which was to be constructed in West Virginia, as I understand it, was an addition to the penitentiary. The cement makers got together and raised the price 30 cents a barrel. As a result of that action the present auditor of the State of West Virginia within the last two weeks has recommended that West Virginia build a cement plant of its own in order to circumvent any such action as that in the future.

Mr. HATFIELD. Mr. President, the Senator from South Dakota [Mr. McMASTER] put words in my mouth which I did not utter. I did not say that the foreign cement industry was crushing the cement industry of West Virginia. The Senator asked me the question whether or not the cement industry in West Virginia would be helped by the adoption of a tariff on cement. I replied that it would indirectly, not necessarily, because West Virginia would be able to ship her cement out of the State and thus have a larger market, but because the cement industry generally throughout the country would be better off if we sold more domestic cement for use in the construction of our roads and to our own people, instead of having it shipped in from Europe and sold to our domestic consumers.

So far as West Virginia is concerned, so far as her rates are concerned, the increase in the rate that was made on cement by the American producers was made effective last fall and not, as the Senator from Kentucky [Mr. BARKLEY] stated, only a few weeks ago or just before the contracts were to be let.

For the information of the Senator from Kentucky, who deals with American industries rather loosely in so far as tariff efficiency goes, I wish to say that the State of West Virginia has expended more than $100,000,000 on her roads. She is letting contracts to-day and to-morrow and possibly next week, and when she does it she will be able to take care of her own purchases, and it will not be necessary for the Senator from Kentucky to deal with the economic phase of the industries of West Virginia.

Mr. BARKLEY. Mr. President, I am not attempting to deal with the industries of West Virginia, certainly not so long as they have such an able representative here as my friend from that State who has just spoken.

The VICE PRESIDENT. The Chair will have to remind Senators that under the unanimous-consent agreement entered into each Senator is limited to one speech on the pending question.

Mr. BARKLEY. I thought I was asking the Senator from West Virginia a question. I did not know he had yielded the floor.

Mr. HALE. Mr. President, I do not know what proportion of the cement that comes into this country is used by counties, parishes, cities, towns, municipalities, or political subdivisions of the Government, but I imagine it is a very considerable majority of the whole amount of cement that is used in this country. Obviously, if the duty is taken off or is changed according to the terms of the amendment of the Senator from South Carolina [Mr. BLEASE], the whole purpose of a duty on cement will fail.

One of the arguments that was made against a duty on cement was that the farmer uses cement and that he would be better off if cement were left on the free list. The only person apparently who is not exempted by the proposed amendment of the Senator from South Carolina is the farmer. He will have to pay a higher price for his cement if, as the proponents of the proposition state, the price of cement will be raised by the duty. I do not think the price of cement will be raised at all by the duty as far as the country at large is concerned. It will undoubtedly affect us on the eastern and western coasts of the country.

Mr. McMASTER Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I yield.

Mr. McMASTER. If the duty on cement will not raise the price, why does the Senator from Maine object to it, because the local companies will be able to furnish it at the regular price?

Mr. HALE. I have said that the country at large would not be affected, but on the seaboard undoubtedly it would affect the price of cement.

I do not want to weary the Senate, but I have already brought up the case of the cement works which we have in Maine that can not compete with European cement which is brought into this country. There is no advantage in my going into that question again. We have come up against an insurmountable obstacle. The company operates now at a loss, and will continue to operate at a loss, if indeed it operates at all, unless a duty is put on cement. Obviously, as I said, if the amendment of the Senator from South Carolina prevails, we will get little benefit out of the duty. I hope very much that the amendment will be reconsidered and defeated.

Mr. VANDENBERG. Mr. President, may I have the attention of the Senator from South Carolina?

Mr. BLEASE. Certainly.

Mr. VANDENBERG. I want to ask a question of interpretation. I want to inquire whether under the language of the amendment it would not be possible for a private importer to import cement, stating that it is for sale to a municipality, though not having the actual sale in hand?

Mr. BLEASE. I understand that the party who orders the cement must show beforehand that he is the agent of the city, municipality, or other political subdivision.

Mr. VANDENBERG. Then may I ask the Senator why it would not still accomplish the very purpose he has in mind if the words "or for sale to" be stricken out, so there can be no possible question about it? His amendment then would still apply to all imports by and for the use of a city, and so forth.

Mr. BLEASE. I will state to the Senator that I can not do that now under the parliamentary situation. My idea is to let the amendment go to conference and let it be straightened out there if there is any objection to it in its present form.

Mr. VANDENBERG. Under the parliamentary practice the Senator can perfect his amendment.

Mr. BLEASE. Not now on a motion to reconsider.

Mr. COPELAND. Mr. President, to my mind this is the most amazing proposal we have heard in this body. Here we are striving to build up American institutions. We make large appropriations for the American merchant marine. We are all the time waving the Stars and Stripes. Yet here we propose to bring into the United States for sale the product of European factories, and for sale to whom? To divisions of the Government. I am amazed to think that the proposal should be countenanced for a moment.

If there is any State in the Union that would profit more by the adoption of this proposal than mine I do not know where it is. If there is another city which would profit more by the adoption of this amendment than mine, I do not know where that city is to be found. But in New York State and New York City we are too patriotic to desire to have cement brought in and sold to us at any cheaper price than the humble American citizen has to pay for it.

It is the Atlantic seaboard that will be largely affected by this sort of thing. I came here and pleaded with the Senate to place a duty upon cement in order that the cement factories in the Hudson River Valley might operate and in order that men working there might continue to be employed. To adopt this amendment would be to destroy the entire purpose of the bill. I plead with Senators not to do it. If Senators care at all for the welfare of labor in this country they will vote for such tariffs as will make it possible to operate our factories.

When I made my first talk in the Senate on the matter of cement I stated that it had been told to me that the Commerce Building here in the city of Washington was being erected and in it cement from abroad was being used. I was very glad, indeed, to receive an indignant protest from the Secretary of Commerce denying that that was the fact. Every division of government in this country should be ashamed to buy this product or any other product at less money than must be paid for it by the most humble citizen. I plead with Senators not to vote for the change.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. I yield.

Mr. McMASTER. I want to call the attention of the Senator from New York to the fact that in the city of New York, where they have lived under free trade, of course, in reference to cement for more than 10 years, out of every 250 barrels of cement consumed in the city of New York, all of it is produced by American manufacturers except only one barrel which is imported. That is to say, the American manufacturer sells in the city of New York 250 barrels of cement for every foreign barrel of cement that is sold there.

Mr. COPELAND. I assume that my genial friend the Senator from South Dakota considers that an argument. We have brought into this country——

Mr. McMASTER. Mr. President——

Mr. COPELAND. I must decline to yield. Let the Senator reply in his own time. There were brought into the United States last year 3,000,000 barrels of foreign cement; but if only one barrel had come in, the very fact that in my city they had to face the possibility of the competition of foreign cement, forced the American manufacturers to meet the foreign price.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. Now I yield to everybody.

The VICE PRESIDENT. Does the Senator yield the floor?

Mr. COPELAND. No; not as yet.

The VICE PRESIDENT. The Senator can not yield to everybody unless he yields the floor.

Mr. COPELAND. I beg pardon of the Chair.

Mr. BARKLEY. Mr. President, I should like to ask the Senator if he is correct in the statement that last year we imported 3,000,000 barrels of cement? My recollection is that we only imported 1,700,000 barrels of cement in the entire United States last year.

Mr. COPELAND. Very well; let us say we imported only 1,700,000 barrels. I say the importations amounted to 3,000,000 barrels, but I do not care as to that. As I said a moment ago, whether the importations were millions of barrels or one barrel, the fact that we have potential competition from Europe means that the American manufacturer must bring his price down to a level which makes it possible for him to sell and to prevent the contract going to a foreign manufacturer.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. Those 1,700,000 barrels of cement imported were about 700,000 barrels less than were imported the year before. The price of the American product was lowered and raised at the whim of the manufacturers of cement, because they lowered it 20 cents a barrel in August and raised it 20 cents a barrel in December, while imports were declining.

Mr. COPELAND. Mr. President, there is no argument that can be used which would change the opinion of the Senator from Kentucky, and I am not going to seek to do it. I know, however, from personal observation that factories within rifle shot of where I live are not operating, and that there have been brought into New York millions of barrels of cement. If the Senate has any desire at all to relieve unemployment—and we have heard great speeches on the subject in the Senate—it should vote to maintain the rate now in the bill or some other tariff rate. I plead with the Senate to maintain the rate upon cement which has been determined by the Senate.

Mr. COUZENS. Mr. President, I wish to point out the viciousness of this proposal. In most cases the States have laws and municipalities operate under charters requiring contracts to be let to the lowest bidder. Those laws and charters do not, for patriotic purposes, permit public officials to select the home product if the imported product is quoted at a lower price. So, if this amendment shall be adopted, the foreign bidders or importers who may submit lower bids than those of the domestic producers, will secure the business under the provisions of the State laws and under the provisions of municipal charters. That will result in the taxpayers, the very workers themselves, paying taxes for public improvements and at the same time aiding foreign labor.

In other words, the unemployed and the workers who ordinarily produce this product, would be required to go down in their pockets and pay foreigners, because, by reason of such importations coming in free, they could submit the lowest bid, and public officials would be required, under the law, to accept the lowest bid. It seems absurd to me to ask the taxpayers themselves to go down in their pockets to pay for the maintenance of foreign industries. In the case of private purchasers the situation is somewhat different, as the Senator from New York has said; but the law gives to municipalities and States the privilege, in fact, it almost imposes the obligation upon them, under the requirement as to awarding contracts to the lowest bidders, to purchase the foreign product, thus making the citizens of the communities pay out of their pockets for the maintenance of foreign industries.

Mr. HAYDEN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Arizona?

Mr. COUZENS. I yield.

Mr. HAYDEN. Is it not true that under most of the State statutes in asking bids for supplies for public works the officials are authorized to accept the lowest and best bid; that they reserve the right to reject any and all bids; and, therefore, there is a certain amount of discretion permitted as to what is the best bid?

Mr. COUZENS. I desire to point out to the Senator that he is entirely wrong. It is true that if a bid is made by an incompetent bidder, one who is not able to carry out the provisions of the contract, the officials may reject the bid, but if a perfectly legitimate and responsible bidder makes the lowest bid, and the public official fails to accept that bid, I have known of cases where the taxpayers have gone into court to mandamus the official to follow the charter or follow the law and compel him to accept the lowest bid. I know of no case where a responsible bidder submitting the lowest bid is not required to be awarded the contract.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. COUZENS. I yield.

Mr. PHIPPS. Mr. President, is it not the fact that under the amendment of the Senator from South Carolina contracts

for work to be done with the money now being appropriated by the Federal Government for the purposes of public buildings, and with the money being appropriated as Federal aid to State highway systems, which are using large quantities of cement, would all be open to bidders who use foreign cement, under the manner in which the bidders are now awarded contracts for construction of Federal buildings; and in the construction of Federal highways would not that cement come in free?

Mr. COUZENS. Whether or not it would come in free, the amendment leaves it open to come in free——

Mr. PHIPPS. That is true.

Mr. COUZENS. And if the Federal Government is required to let contracts to the lowest bidders, no matter where they come from as long as they are responsible bidders.

Mr. PHIPPS. In other words, the money that the Federal Government is now appropriating for Federal buildings and for Federal highways may be spent, in large measure, for the purchase of foreign cement, whereas our own cement factories along the sea coast and along the Canadian border in many cases are closed down for lack of business.

Mr. COUZENS. I assume the Senator is making a speech, and I am in accord with the views of the Senator.

Mr. PHIPPS. I thought the Senator would be in accord with me. I merely wanted to make that point.

Mr. COUZENS. Mr. President, I should like to state that in a recent case I protested to the Treasury Department that in the construction of Federal buildings in the North and in other sections, cheap labor of all kinds is being brought in, thus depressing the local labor market; that, though thousands are unemployed in various districts, other workers are brought in to erect Federal buildings. My response from the Treasury Department and from the President was to the effect that under the law they were required to award the contracts to the lowest bidder. If that is true—and it is undoubtedly true—then the Federal Government as well as municipalities and State governments are required to let contracts to the lowest bidders, regardless of whether the bidder brings in foreign cement or domestic cement. This is a very unusual procedure. It is stated to me by persons who ought to know that this is the first time in the history of tariff legislation that such a proposal has been submitted and considered.

Mr. BRATTON. Mr. President, if I may have the attention of the Senator from South Carolina, I desire to say that I am sure what the Senator has in mind is to exempt from the duty cement which is actually used by States and municipal subdivisions thereof in the construction of highways?

Mr. BLEASE. Yes.

Mr. BRATTON. I join the Senator from Michigan in the expression of some apprehension that this amendment goes beyond that and will authorize an importer to bring in cement duty free upon the mere assertion that it is for sale to a State or a municipal subdivision. That might result in bringing in vast quantities of cement duty free that never would actually be used in the construction of highways.

I believe we all agree that what the Senator from South Carolina has in mind is to exempt a certain class of cement from duty, namely, that which is actually used in highway construction. Accordingly, I am inclined to believe that, notwithstanding the parliamentary situation, the Senate would give unanimous consent to eliminate from the amendment, if the Senator from South Carolina shares the view I have attempted to express, the words "or for sale to." After those words were stricken out, the amendment would read:

> Imported by or for the use of a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

I appeal to the Senator to ask unanimous consent to strike those words from his amendment now, and then let us vote upon the motion to reconsider, with those words stricken out.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. BRATTON. I yield.

Mr. COUZENS. I would have to object to that procedure, because if this amendment is going through I want it to go through in just as "rotten" a form as possible.

Mr. BRATTON. If the Senator from Michigan entertains that philosophy in writing tariff legislation, I am wasting words in discussing a unanimous agreement.

Mr. ROBSION of Kentucky. Mr. President, I rise to express my disapproval of this amendment by the Senator from South Carolina. It was only a few weeks ago that there was so much distress on account of unemployment and depression in the business world that President Hoover called together the captains of industry and the leaders of labor as well as many of those directing the business activities of the Federal Government, in the hope that the situation might be relieved. At that time I was a Member of the House of Representatives, and the Committee on Roads of that body, upon the urge of the President, proposed to increased the Federal contribution in aid for the construction of roads from $75,000,000 a year to $125,000,000 a year for the next three years. Furthermore, a building bill was immediately introduced and passed in the House of Representatives adding several hundred million dollars to the Federal building program.

It seems to me, however, that if we now permit Belgian cement to come in free of duty, and shut down our own cement mills, factories, and other industries, we will nullify these two measures for roads and public buildings on the part of Congress to aid unemployment and business in this country, and stimulate business in Belgium and other foreign countries.

What will it profit us if we spend $125,000,000 a year of Federal money in building roads, and the cement is to be furnished by the cheap labor of some foreign country, and thereby shut down and close our own cement factories and mills? And what will it profit us, in our effort to stimulate business and furnish employment to labor in this country, if we use the millions and millions of dollars proposed to be expended in building public buildings if we get the material from foreign countries instead of from our own?

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. ROBSION of Kentucky. I yield to the Senator.

Mr. McMASTER. I desire to point out the absurdity of the statement made by the Senator from Kentucky to the effect that——

Mr. ROBSION of Kentucky. It may be absurd to the Senator from South Dakota, but——

Mr. McMASTER. May I ask a question now?

The PRESIDING OFFICER. Does the Senator yield?

Mr. ROBSION of Kentucky. I do.

Mr. McMASTER. The Senator states that if we had free trade, $125,000,000 or $150,000,000 would be used in the purchase of foreign cement. For the past 10 years we have had free cement; and never in any one year, under the conditions of free cement competing with American cement, have the American people spent more than $3,000,000 for foreign cement.

Mr. ROBSION of Kentucky. My statements may appear absurd to the distinguished Senator from South Dakota, because he and I view this matter from an entirely different standpoint. I am interested first in American cement mills and factories and American workers in these cement factories, rather than in the cement mills and the cement workers in Belgium or in any other country in the world. Of course, not all of this sum will be spent for cement.

Who is going to pay the taxes from which this $125,000,000 will go into our public highways? Who is going to pay the millions necessary to erect the public buildings of this country? That money must come out of the pockets of the American cement industries, American cement workers, and the other industries and workers of this country.

Mr. President, what is there about cement that is different from cotton, meat, wool, corn, wheat, coal, potatoes, butter, or any other product of this country that is bought by the Federal, State, and municipal governments. No doubt the other day the Senator from South Dakota voted for a tariff on long-staple cotton, and voted for tariffs on wool, meat, butter, corn, wheat, eggs, and other products. It must not be forgotten that the Government uses the long-staple cotton and these other products to carry on its business. Why not put an amendment to the 7-cents-a-pound tariff on long-staple cotton and these other products, and let them come in free when they are to be used or bought by the governments, State or Federal.

The Government uses corn. It uses wheat. It uses rye. It uses straw. It uses every product from the farm. In the case of all these duties on farm products, why not insert an amendment saying that all corn, all wheat, all meat, and all of other products produced on the farm shall be free of duty because they are going to be used by the Government and for governmental agencies and purposes? I favor the tariffs on all these farm products, even if bought and used by the Government or State.

Mr. McMASTER. Mr. President——

Mr. ROBSION of Kentucky. Why, Mr. President and Members of the Senate, this amendment is absolutely wrong in principle. We not only are going to force our taxpayers to raise this $125,000,000 for Federal aid for roads and these hundreds of millions of dollars for our public buildings, but we must not



forget that we spend a billion dollars a year for roads in this country, and that we will spend hundreds of millions of dollars for municipal and State buildings. If we adopt this amendment, the glad tidings will go across the sea that it is foreign cement, made in foreign mills and foreign factories by cheap foreign labor, that will be used to build the municipal buildings, the county buildings, the State buildings, the Federal buildings, and the Federal roads of this country. The 14,000,000 barrels of cement that have been coming in will be only a slight and insignificant matter compared to the amount that will come in under an invitation like this from the Congress of the United States. No contractor in this country could compete in bidding for our public works. Our mills and workers would be idle. They would pay the bills and stand by and see our roads and buildings built and erected from foreign materials.

I am opposed to it in principle. If this is right, then let us include every article on which there is a tariff when that article is used by the Government or by any State or municipality. Let each and every article be placed upon the same footing as the tariff on cement is placed. When we do that we will be consistent, and we will help to destroy American industry, and add to the unemployment in this country. I want to see the products and materials from American factories, mines, farms, mills, and workers used to build our roads and public buildings.

This cement proposition does not affect my own State of Kentucky, because this Belgian cement never can reach Kentucky. It can not reach Tennessee. It can not reach Georgia. The railroad rates are too high. It can only reach a few States of this Union, and those are along the Atlantic coast. Their Representatives and their Senators say they need and want this protection. It can not get to the Senator's State in South Dakota. It can not affect his State.

If they need it and want it, and it is going to benefit them, let us help them have it; and let their public buildings, let their highways, let their bridges be built of cement made by their own people, in their own factories, rather than have these materials furnished by the pauper labor of Europe.

Our own people and taxpayers pay the bills for the construction of our roads and public buildings, and they are entitled to have these built with American products. If the Federal Government discriminates against our own industries and workers, we may expect greater depression in business and more unemployment. So long as I am a Member of this body I shall always stand firm for our own industries and our own workers, whether it be the farm, the mine, the forest, the factory, or the mill.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

DIPLOMATIC IMMUNITY FROM TRAFFIC LAWS

Mr. McKELLAR. Mr. President, I send to the clerk's desk and ask to have read a very short bill.

Mr. BLEASE. Mr. President, I object.

The PRESIDING OFFICER. The Senator can read it.

Mr. McKELLAR. I will ask to have the bill sent back to me, please. It is as follows:

A bill (S. 2964) to amend the traffic laws of Washington, D. C.

Be it enacted, etc., That in the execution of the traffic laws in Washington, D. C., no immunity shall be given to violators of the traffic laws because the offender or alleged offender is a part of or connected with foreign legations.

Mr. President, in this connection I hope the Senator from South Carolina will save time by permitting the publication in the RECORD, without reading, of an article published on the front page of the Washington Post this morning, entitled "Police Gather Accident Data in Envoy Case." I ask that it be published in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post of Wednesday, March 19, 1930]

POLICE GATHER ACCIDENT DATA IN ENVOY CASE—TWO EYEWITNESSES AVER COMMANDER POLICH IGNORED LIGHT—LIFE OF HAMMOND HANGS IN BALANCE—DIPLOMATIC IMMUNITY TO HALT ANY ATTEMPTS AT RECOVERY—MAN BORROWED CAR TO MEET HIS BRIDE—ATTACHÉ, IN STATEMENT, SAYS HE IS NOT RESPONSIBLE FOR SMASH-UP

While the life of Paul Edward Hammond, 22-year old Southern Railway clerk, hung in a balance at Emergency Hospital last night, Capt. William G. Stott, of the third precinct, was gathering data for a special report to Maj. Henry G. Pratt from eyewitnesses who claim to have seen Commander Juan Polich, Chilean naval attaché, pass a red light while going at an excessive rate of speed and crash into the youth's car at Connecticut Avenue and N Street.

Hammond, who has a skull fracture, severe lacerations of the scalp and one ear, a ruptured kidney, and internal injuries, was in a partial coma last night. At other times he was delirious, according to attendants at the hospital.

The testimony of Lonnie Beal, of 2019 N Street NW., was added to that of W. S. Shaw, of 1511 Twenty-second Street NW., last night for inclusion in the police report, which may find its way into the hands of the State Department.

STATEMENT OF BEAL

"Dewey Spivey [another witness of the same address] and I were sitting in a parked car on Connecticut Avenue," Mr. Beal said last night, "when we saw a new sedan come up the avenue at an excessive rate of speed. It crossed Eighteenth Street while the light was red.

"Dewey said to me, 'My God, look at that car go,' and just then we heard the crash. I did not see the roadster until after the wreck. We ran up to the scene of the accident and saw the boy who was hurt lying in the street. The man who was driving the car that hit him was examining the damage done to his fender and wheel.

"I looked at the roadster, which had been turned around by the other car, and found that it was in second gear. Just then somebody came along and took the injured fellow to the hospital."

SHAW GIVES TESTIMONY

A similar account of the accident was given by Shaw, who was driving up Connecticut Avenue when Commander Polich passed him. Mr. Shaw said he saw the roadster cross the street-car tracks going east on N Street and that it was proceeding at the rate of about 10 miles an hour.

The obstacle of diplomatic immunity yesterday stood in the way not only of any move that Hammond's wife, who is a bride of only a month, might make but also balked action on the part of John R. Hightman, of 7103 Georgia Avenue, owner of the car driven by the youth, for damages, which amounted to $200.

Quigley and Hammers, attorneys, who were consulted by Mr. Hightman, whose son, Alfred, had lent the car to Hammond, advised him that nothing could be done and that "the only thing that can be done to stop this sort of thing is agitation in the newspapers."

According to young Hightman, Mr. Hammond had borrowed the car from him in front of the United States Daily, 2201 M Street, at 7.15 o'clock. The collision occurred exactly 15 minutes later. Mr. Hammond was on his way to Union Station to meet his wife.

Commander Polich, who issued a statement yesterday denying any responsibility for the accident and asserting that he was driving at a moderate rate of speed, yesterday inquired as to the condition of Mr. Hammond. A representative of the Chilean Embassy called on Mr. Hightman. He said that he regretted the incident, but that any publicity in the newspapers would do no good.

The recent agitation in the Senate over the arrest of a minor employee of the Turkish Legation led to the publication of a report by Maj. Henry G. Pratt, superintendent of police, which revealed that 37 representatives of foreign embassies or legations had been stopped by District policemen and warned "for operating automobiles in the District under the influence of liquor or other traffic violations from July 1, 1916, to June 20, 1929."

SECOND POLICH CRASH

Records yesterday also revealed that Commander Polich had another automobile accident on the night of December 26 at the intersection of Woodley Road and Woodley Place. While rounding a curve his car skidded, he said at the time, and struck an electric-light pole, shattering his windshield. He told police that he lost control of his auto.

Mrs. Polich sustained cuts on the face from flying glass and was treated by a neighborhood physician. The naval attaché said he was driving at a low rate of speed.

Commander Polich's version of the Monday night accident, as given in a written statement, follows:

THE POLICH VERSION

"I was coming north on Connecticut Avenue and was stopped at the intersection of Connecticut Avenue with Rhode Island Avenue and M Street by a red light. When the light changed to green I started off and passed this light and the green light at the intersection of Eighteenth Street. At N Street, where the accident occurred, I had my car in second gear and was making about 20 miles an hour when we collided. My left front fender hit the right front fender of the other car. The force of the collision jostled me away from the controls and before I could regain them my car had lodged against a tree on the sidewalk on Connecticut Avenue. I immediately got out of the car and ran over and lifted Mr. Hammond up, felt his pulse and the beat of his heart, and to see what I could do for him. Immediately we were surrounded by a number of people and Mr. Hammond was taken in some one's car to the hospital, I remaining at the scene of the accident.

"I regret exceedingly that Mr. Hammond has been so seriously injured. Although I feel that the accident was not due to any fault of mine, I shall be very glad to do what I can to assist Mr. Hammond

and his wife. For this purpose I visited the hospital last night and this morning, and I shall visit his family immediately to express my deep regret and also to offer them whatever assistance I can possibly render."

Mr. McKELLAR. I also ask that an editorial on the sixth page of this morning's Post, entitled "Diplomats in Traffic," be published in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post of Wednesday, March 19, 1930]

DIPLOMATS IN TRAFFIC

Another automobile collision has occurred in Washington, in which a car driven by a diplomatic attaché has inflicted a serious if not fatal injury upon a citizen. Witnesses allege that the attaché's car was driven at excessive speed, and the nature of the accident tends to support this testimony. The attaché remained on the spot, gave such assistance as he could, and rendered a full report to the police.

The incident may result in exculpating the attaché from all blame, but it serves nevertheless to draw attention to the habitual recklessness of many members of the diplomatic corps, especially young bloods who take delight in violating the traffic rules and then escaping the penalty by invoking their diplomatic immunity. They are a danger to themselves and to all traffic. Citizens who have suffered from the aggressions of these fledgling diplomats are losing their patience, having found that there is no legal method for holding them to account. The crowd that gathered about the latest accident was in anything but a kindly mood when it was stated by witnesses that the diplomat in question had passed by a red light and was breaking the speed limit.

One or two heads of missions have solved this problem by making it an ironclad rule that any violation of traffic laws by their subordinates shall be punished by recall of the offender. The diplomatic corps could well afford, for the sake of general good feeling and public safety, to adopt this rule. The courtesy extended to the corps calls for scrupulous observance of the street rules that protect the public.

Mr. McKELLAR. Mr. President, in this connection I desire to say that a day or two ago a very sad and unfortunate accident occurred, where a representative of a foreign legation ran past a red light and ran into a young man, and that young man is at the hospital not only dangerously injured but the papers say that he is likely to die.

Of course, we are delighted to have these foreign legations come here. We want to treat them with every courtesy and respect; but I do not think their members ought to be allowed to disregard our laws—traffic laws or laws of any other kind—and endanger human life on the streets or anywhere else. They ought to be treated, and they ought themselves to ask to be treated, precisely like American citizens in this great Capital City. They ought not to have any superior treatment, and they ought not to have any inferior treatment. They ought to be treated precisely as American citizens are treated in this city.

The PRESIDING OFFICER. Without objection, the bill will be received and referred to the Committee on the District of Columbia.

The bill (S. 3964) to amend the traffic laws of Washington, D. C., was read twice by its title and referred to the Committee on the District of Columbia.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment of the Senator from South Carolina [Mr. BLEASE] was agreed to.

Mr. FRAZIER. Mr. President, I was quite interested in the argument of the Senator from Kentucky [Mr. ROBSION]. Judging from the statements that have been made here in the discussion on cement, as I recall, the argument was made over and over again that if a duty was placed upon cement it would not raise the price of cement here in the United States; and in that view of the case, why should foreign cement be used in building public works, even if this amendment is finally adopted, as I hope it will be?

Mr. President, I am very anxious, of course, to see our home products used in the construction of public works; but I am not willing to see an exorbitant price charged the Government by any corporation just because it is an American corporation. In my estimation, the fact that the products are being used in Government work is no reason why an American corporation or an American company should charge an exorbitant price and make an exorbitant profit out of it. If this amendment is adopted, I am satisfied that that can not be done.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. FRAZIER. Yes; I yield.

Mr. McMASTER. I should like to have the Senator's comment upon this statement, taken from the United States Daily under date of March 11, 1930:

State-owned cement plants were suggested by the State auditor, Edgar C. Lawson, March 8, in a letter to the State board of control, following a charge by the board's secretary, Bonner H. Hill, that the Portland Cement Association has increased the price of cement 25 cents a bag on the eve of the letting of a contract for the construction of the State capitol's main wing.

In other words, if this duty is placed upon cement for public-building purposes on the eve of letting contracts for roads and for public buildings, it simply means that the Cement Trust will be in a position to raise the price of cement 25 cents a bag and to gouge the public. This amendment is offered for the purpose of preventing the Cement Trust from gouging the public.

Mr. FRAZIER. Mr. President, I think the Senator from South Dakota is correct in that statement. The general public pay for public works by taxation; and, in my estimation, it is nothing short of highway robbery to have any corporation or firm charge an exorbitant price just because it is Government money that pays for the work, whether it be cement, or labor, or what not.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield to the Senator from Michigan.

Mr. COUZENS. I should like to ask the Senator if he would be perfectly willing to have all farm products that are used by hospitals, insane asylums, and all other public institutions on the free list?

Mr. FRAZIER. Mr. President, that is an entirely different proposition.

Mr. COUZENS. Not at all.

Mr. FRAZIER. But I want to say right now that no farmer gets any more for food products that go into a Government hospital than he does for those used in a private home.

Mr. COUZENS. Neither do the cement people.

Mr. FRAZIER. Somebody who handles farm products may get an exorbitant profit, and I condemn him for so doing; but it is not the farmer that gets it.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. FRAZIER. I yield.

Mr. McMASTER. In other words, I will say to the Senator from North Dakota that farm-owned products and products that are sold from the farm are not trust controlled; and there is a vast difference between selling farm products and selling cement, whose prices are controlled by a cement trust.

Mr. COUZENS. Of course, I deny that; and the Senator does not prove it, and has not proved it up to date.

Mr. GOFF. Mr. President——

Mr. FRAZIER. Mr. President, I do not think the Senator from Michigan will contend that farm products as sold by the farmers are trust controlled by any means.

Mr. COUZENS. Neither is the cement industry trust controlled.

Mr. FRAZIER. Judging from statements which have been made here as to the actual operations of those companies in setting prices, it would look as if they were in very close connection, at least, and practically trust controlled.

Mr. COUZENS. Oh, yes; Senators can say anything. They can charge anything on the floor of the Senate, because they are immune, but they submit no proof.

Mr. GOFF. Mr. President, I regret exceedingly that the Senator from South Dakota has left the Chamber. He made the statement, which was corroborated by the Senator from Kentucky, that the price of cement had been unduly and monopolistically raised in the State of West Virginia. As stated by the Senator from Michigan [Mr. COUZENS] a moment ago, Senators making these statements submit no proof. They do not, possibly, think that proof is necessary in order to reach the susceptible feelings of those who agree with them.

Since these statements were uttered on the floor I have made an investigation of this subject, and I stand here to say that the prices of cement in the State of West Virginia have not been unduly raised in the slightest or remotest degree.

I understand, from talking just a few moments ago with the vice president of the Alpha Cement Co., in the State of West Virginia, that during the month of August last there was a competitive war in that State between four cement companies, his company included; that as the result of that competition the price of cement in August last was reduced by from 20 to 25 cents a barrel; and that in the months of September, October, and November last efforts were made to restore the price of

cement as it had been reduced by this undue although necessary competition.

I have made inquiries as to what caused such competition, and I am informed that it was due to the fact that there was at that time no demand for cement, and that in order to keep their plants running it was necessary that the surplus stock and products on hand be converted into money that they might defray the necessary and pressing overhead expenses of the plants, and that in the third week of November last a restoration of prices took place—not that they raised the prices, but they restored the prices to where they justifiably and inherently were before this unexpected and undue competition reduced them.

Mr. McMASTER. Mr. President, will the Senator yield to me?

Mr. GOFF. I yield.

Mr. McMASTER. The Senator states that in August certain competitive companies lowered the price of cement.

Mr. GOFF. Exactly.

Mr. McMASTER. All of the companies in the East during the month of August, running up as far as Boston, New York, Philadelphia, and all along the Atlantic seaboard, decreased the price of cement. Some of us think it was for the purpose of influencing Congress. That might not have been the case. But if it was done for the purposes the Senator states, because there had been a slowing up of the building program, I call attention to the fact that the slowing up of the building program continued on until November, and it is worse to-day than it was in November. Yet, in spite of that, the Cement Trust in the East raised the price arbitrarily from 20 to 30 cents a barrel in the face of the fact that the building program was on the decline.

Mr. GOFF. Mr. President, I understand I am limited to 10 minutes in this debate, and I must refuse to yield to the Senator from South Dakota any further during the time allotted me.

I deny that there is any cement trust operating in the State of West Virginia. I do not know as to other States, but my best information is that there is no cement trust existing anywhere in the United States to-day.

I further make this statement, that no cement manufactured in the State of West Virginia is brought into competition with cement in the Eastern States, because the high price of rail transportation prohibits its moving from the State of West Virginia to any of the New England States.

Reference has been made to a statement issued by the auditor of West Virginia, and I am informed that the auditor of the State of West Virginia did make such a suggestion. It would seem from the facts submitted and the facts obtainable that he was not doing that as the result of any unjustifiable raise in price, but that if he did do it he did it because of the restoration of the price to the normal level necessary to keep these plants as going concerns and to pay the wages which they have always paid to the labor employed in them.

The auditor suggests that the State should own the plants, and I am informed by the vice president of the Portland Cement Co. that yesterday they wrote the State of West Virginia offering to sell its plant to the State upon such terms as might represent its real and its inherent value, and that the letter should have been received by the Governor of West Virginia this morning.

Therefore, Mr. President, I want to say, without any qualification or without the slightest hesitation or reservation, that there has been no unjust increase in the price of cement in the State of West Virginia that is not justified by the necessary operating expense and the employment of American labor at the rate of wages paid according to our economic standards.

I add that when the price was reduced solely as a result of this competitive war in August last, and it was so reduced in order that the accumulated surplus or surpluses might be converted into money necessary to continue and insure those plants as going concerns.

Mr. President, I have not the slightest hesitation in saying that this proposal should be defeated.

Mr. HARRISON and Mr. BRATTON asked for the yeas and nays.

The yeas and nays were ordered.

Mr. FRAZIER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FRAZIER. Is the vote as to whether or not we will reconsider?

The PRESIDING OFFICER. It is; an affirmative vote is a vote to reconsider.

Mr. BRATTON. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Is the motion to reconsider directed to the vote on the amendment of the Senator from South Carolina?

The PRESIDING OFFICER. The question is on reconsidering the vote by which the amendment of the Senator from South Carolina was agreed to.

Mr. BRATTON. Are we voting now upon the whole subject of a duty on cement, as affected by the amendment of the Senator from South Carolina?

The PRESIDING OFFICER. No; the vote is on reconsidering the vote by which the Senate agreed to the amendment of the Senator from South Carolina.

Mr. BRATTON. A further parliamentary inquiry. Does the motion to reconsider involve merely the amendment of the Senator from South Carolina, excepting cement used in the construction of highways, or does it involve the whole subject of a duty upon cement, with the exemption carried in the amendment of the Senator from South Carolina?

Mr. BLEASE. Mr. President, if the Chair will permit me, I think I can explain the matter for the information of the Senate.

I offered my amendment, which was adopted. The Senator from New Jersey gave notice that he was going to move to reconsider the vote. I immediately made a motion to reconsider, and that is what we are voting on, and nothing else.

Mr. BARKLEY. Mr. President, the amendment adopted to put a tariff of 6 cents on cement was not adopted as in Committee of the Whole, it was adopted on the motion of the Senator from New Jersey after the bill was reported to the Senate. It was an amendment offered and agreed to in the Senate after the bill was in the Senate. The amendment of the Senator from South Carolina is voted on as an independent amendment, the same as the other amendment was voted on as an independent amendment. It does not seem to me that this vote involves the question of a tariff on cement.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment offered by the Senator from South Carolina was agreed to. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOULD (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Connecticut [Mr. WALCOTT] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. DENEEN]. I have been unable to get a transfer and therefore withhold my vote. If permitted to vote, I would vote "nay."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). I desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is paired with the junior Senator from Tennessee [Mr. BROCK]. If the senior Senator from Minnesota were present, he would vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and vote "yea."

The roll call was concluded.

The PRESIDING OFFICER (Mr. FESS). The Chair desires to announce that the Senator from Pennsylvania [Mr. REED] has a general pair with the Senator from Arkansas [Mr. ROBINSON].

Mr. JOHNSON. I announce the unavoidable absence of the Senator from South Dakota [Mr. NORBECK] and the fact that were he present he would vote "nay."

The result was announced—yeas 38, nays 43, as follows:

YEAS—38

Baird	Greene	McNary	Shortridge
Bingham	Grundy	Metcalf	Smoot
Broussard	Hale	Moses	Steiwer
Copeland	Hatfield	Oddie	Sullivan
Couzens	Hebert	Patterson	Townsend
Dale	Jones	Phipps	Vandenberg
Fess	Kean	Pine	Waterman
Goff	Keyes	Ransdell	Watson
Goldsborough	McCulloch	Robinson, Ind.	
Gould	McKellar	Robsion, Ky.	

NAYS—43

Allen	Capper	Glass	Johnson
Ashurst	Caraway	Glenn	Kendrick
Barkley	Connally	Harris	La Follette
Black	Cutting	Harrison	McMaster
Blaine	Dill	Hawes	Norris
Blease	Fletcher	Hayden	Nye
Borah	Frazier	Heflin	Schall
Bratton	George	Howell	Sheppard

Simmons	Swanson	Tydings	Walsh, Mont.
Steck	Thomas, Okla.	Wagner	Wheeler
Stephens	Trammell	Walsh, Mass.	

NOT VOTING—15

Brock	Hastings	Pittman	Smith
Brookhart	King	Reed	Thomas, Idaho
Deneen	Norbeck	Robinson, Ark.	Walcott
Gillett	Overman	Shipstead	

So the Senate refused to reconsider the vote by which Mr. BLEASE's amendment was agreed to.

The PRESIDING OFFICER. The Chair will state that unanimous consent was given for a reconsideration of the vote by which this particular amendment was agreed to. Therefore the question now is on concurring in the amendment made as in Committee of the Whole as amended by the amendment of the Senator from South Carolina.

The amendment as amended was concurred in.

Mr. SMOOT. Mr. President, the Senator from Washington [Mr. DILL] objected to the unanimous-consent request which I submitted at the beginning of the session to-day. He advises me now that he has no objection to proceeding as I suggested then in the consideration of the bill. Therefore I again ask unanimous consent that in considering individual amendments we begin with Schedule 1, and then proceed to the remaining schedules in their order until the bill is finished.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I am perfectly willing to agree to that if we could have an agreement to take up the lumber amendment at 11 o'clock to-morrow morning.

Mr. SMOOT. I have no objection to that if there is a general agreement to it.

Mr. NORRIS. Mr. President, I want to suggest to the Senator from Utah that the only objection I have to following the course he proposes is that no one can tell what amendments may be agreed to. It may be that after we pass a schedule some amendment will be agreed to in a subsequent schedule which will make it necessary to go back to the previous schedule.

Mr. SMOOT. We can have a unanimous-consent agreement to cover such a case.

Mr. NORRIS. What is the proposed unanimous-consent agreement?

The PRESIDING OFFICER. Will the Senator from Utah repeat his unanimous-consent request for the benefit of the clerks at the desk?

Mr. SMOOT. My request is that in the further consideration of the bill individual amendments shall be offered and considered beginning with Schedule 1, then proceeding to the remaining schedules in their order until the bill is completed. That is my unanimous-consent request. If it is agreed to, then I shall ask further unanimous consent that——

Mr. NORRIS. The Senator can not proceed on that theory, because if we agree to the first arrangement, then any one Senator could object to the other. The Senator from Utah should combine the two proposals.

Mr. SMOOT. Then I will couple with my previous request the further request that in any schedule under consideration, if there is a change in rate which would require the transfer of an article to the free list, it shall be done at the time of the determination of the Senate on that particular article by its vote.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. Yes; I will not agree to that. It does not cover my objection.

Mr. SMOOT. Just what does the Senator want?

Mr. NORRIS. It may not be a free-list proposition; there may be nothing to be covered; but it is liable to happen that we will get into difficulty by our inability to go back and change something which may be made necessary by later action. Why does not the Senator commence at the beginning and let us go ahead?

Mr. COUZENS. I demand the regular order.

Mr. SMOOT. Very well; let us have the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. COPELAND. Mr. President, I desire to give notice of my intention to ask for a reconsideration of paragraph 1537, paragraph 1556, and paragraph 1812. Those were considered on day before yesterday—Monday.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. McMASTER. Mr. President, I ask unanimous consent to reconsider the vote by which the report of the committee of conference was adopted on House bill 9979, the deficiency appropriation bill.

Mr. JONES. Mr. President, it is very urgent that this bill shall be gotten through just as soon as possible. Other matters can be taken up when the regular Interior Department appropriation bill is before us, especially the matters which I know the Senator from South Dakota has in mind. Therefore I shall have to object to his unanimous-consent request.

Mr. McMASTER. I desire to enter a motion to that effect, and I shall ask to have it taken up at the earliest opportunity this afternoon.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, pursuant to notice served on last night and again this morning, at this time I desire to call up the oil amendment. Before asking that the amendment be read, Mr. President, I ask that I be accorded the courtesy of not being interrupted during the course of what I shall have to say. I realize that if I should yield twice I perhaps might lose the floor, and, not desiring to take more time than is necessary, I respectfully ask that I may be permitted to proceed without interruption.

At this time, Mr. President, I ask unanimous consent to file at the close of my remarks some exhibits, which I shall furnish to the reporter at the proper time.

The PRESIDING OFFICER. Without objection, the request will be granted.

Mr. SMOOT. They are not photographs, are they, I will ask the Senator?

Mr. THOMAS of Oklahoma. They come within the rule, being merely ordinary exhibits in support of what I shall have to say.

(The exhibits referred to will be found at the conclusion of the remarks of Mr. THOMAS of Oklahoma.)

The PRESIDING OFFICER. Does the Senator from Oklahoma ask that his amendment be read?

Mr. THOMAS of Oklahoma. At this time, I ask that the Chair lay before the Senate the amendment which I submitted on yesterday.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Oklahoma.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. CONNALLY. I desire to make the point that there is no quorum present.

Mr. THOMAS of Oklahoma. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Smoot
Ashurst	Glass	McCulloch	Steck
Baird	Glenn	McKellar	Steiwer
Barkley	Goff	McMaster	Stephens
Bingham	Goldsborough	McNary	Sullivan
Black	Gould	Metcalf	Swanson
Blaine	Greene	Moses	Thomas, Idaho
Blease	Grundy	Norris	Thomas, Okla.
Borah	Hale	Nye	Townsend
Bratton	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Capper	Hatfield	Patterson	Vandenberg
Caraway	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Copeland	Hebert	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Robinson, Ind.	Waterman
Dale	Johnson	Robsion, Ky.	Watson
Dill	Jones	Schall	Wheeler
Fess	Kean	Sheppard	
Fletcher	Kendrick	Shortridge	
Frazier	Keyes	Simmons	

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, I ask that the Chair lay before the Senate the amendment which I have offered.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. On page 35, after line 2, it is proposed to insert the following:

PAR. 99. (a) Crude petroleum and fuel petroleum, $1 per barrel of 42 gallons.

(b) Petroleum products: Kerosene, benzine, naphtha, gasoline, paraffin, paraffin oil, and all other distillates, derivatives, or refined products of petroleum, 50 per cent ad valorem. The ad valorem rate provided in this subparagraph shall be based upon the American selling price (as defined in subdivision (f), as amended, of section 402, Title IV) of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States, then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d), as amended, of

section 402, Title IV. For the purposes of this subparagraph any petroleum product provided for herein shall be considered similar to or competitive with any imported petroleum product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That all funds derived from the tariffs upon petroleum and the refined products of petroleum as provided by this paragraph shall be covered into a special fund for appropriation and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder: *And provided further*, That the United States Tariff Commission is hereby authorized and directed to make an investigation of the entire petroleum industry; to prepare and file a report of such investigation and to prepare and submit recommendations as in this act provided, to the end that the tariff rates provided in this paragraph may be increased or decreased as the facts developed may warrant and justify.

On page 265, strike out lines 3 to 6, inclusive, being paragraph 1734.

Mr. THOMAS of Oklahoma. Mr. President, as I proceed, I may have something to say relative to some of the activities of the so-called lobby committee, and I respectfully request that the members of such committee be advised of the statement I have just made.

Mr. President, the amendment just read embodies a request for a tariff on oil. More than that, it not only embodies a request for a tariff on oil but it involves a contest of oil against oil, a contest of domestic oil against foreign oil, a contest of independent oil against Standard oil, and a contest of American oil against British oil. Every Senator upon this floor, when he comes to vote upon this question, must vote for oil; at that time he will have his chance of voting for American oil or for British oil, for independent oil or for Standard oil, for domestic oil or foreign oil.

This amendment, Mr. President, suggests another question which is as vitally important, in my opinion, as is the amendment itself, as read from the desk. In this contest the independent oil producers to-day stand shoulder to shoulder with the corner grocery man, who sees a chain coming to ensnare and to destroy his business. The independent oil producers stand shoulder to shoulder with the many other independent businesses of America, which feel themselves being crushed in the near future by the processes of the new industrial revolution. So, Mr. President, this amendment is more than a contest of American oil against British oil, and against other foreign oil; it is a contest between the oil men of this Republic and those who control the millions, and likewise those who control the billions.

Mr. President, the proposal just read was considered on but one day.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. For what purpose?

Mr. CONNALLY. To make a point of no quorum.

Mr. THOMAS of Oklahoma. Mr. President, I care not as to the number of Senators who may be present. I am speaking to a larger audience.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. THOMAS of Oklahoma. Mr. President, the proposal just read at the desk was considered on but one day, and owing to the importance of the issues raised and the circumstances under which the amendment was voted on, I have sought this opportunity of again bringing the matter before the Senate.

The proposal now before the Senate provides, first, that petroleum and the refined products thereof shall be transferred from the free to the dutiable list; second, that a tariff of $1 per barrel shall be levied on petroleum and a tariff of 50 per cent ad valorem shall be levied on the refined products of petroleum; third, the funds derived from the tariffs thus levied and collected shall be covered into a special fund for appropriation, and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder; and, fourth, that the United States Tariff Commission is authorized and directed to make an investigation of the entire petroleum industry; to prepare and file a report of such investigation and to prepare and submit recommendations as in the act provided, to the end that the tariff rates provided in the paragraph may be increased or decreased as the facts developed may warrant and justify.

Mr. President, this issue here now raised is not alone whether this amendment should be agreed to; not alone whether the gigantic oil combines and mergers, some of them of foreign origin and foreign capital, should be taxed; not alone whether hundreds of thousands of American citizens should be helped, but the issue has assumed a larger and more important aspect, and we now have the question of whether citizens of the United States shall be denied the right to come to their own Capital, to confer with those in authority and to present petitions for redress of grievances.

In addition to an economic issue over a proposal to tax foreign oil, produced and transported, in the main, by foreign companies, imported free into the United States in competition with domestic oil produced by American labor, we have a constitutional question. Section 2 of Article IV of the Constitution proposes to guarantee that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

The first amendment to the Constitution provides that Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances.

The fourth amendment provides that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. President, if citizens themselves, exercising their right to petition their Government, a right guaranteed by the first amendment, are to have their rooms raided, their papers and effects seized, and they themselves summoned and tried on the charge of lobbying, then the citizens will, through fear, cease to come to the Nation's Capital and, to the extent they are thus intimidated, the right of petition will be thereby abridged and denied.

On the day preceding the consideration of the petroleum amendment, Wirt Franklin, representing hundreds of thousands of oil-field workers, a citizen of Oklahoma, an upright, honorable gentleman, a credit to any State, in any country, was haled before the lobby investigating committee and, before his examination was concluded, one member of the committee, in a speech on this floor, condemned him as an undesirable lobbyist.

Mr. SMOOT. Mr. President, will the Senator yield there?

Mr. THOMAS of Oklahoma. I yield.

Mr. SMOOT. I was asked to suggest the absence of a quorum, but I will leave it entirely with the Senator whether or not I shall do so. I will not do so if the Senator objects.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. THOMAS of Oklahoma. Mr. President, because I am to make some remarks attacking some of the activities of one of our committees I now yield for that purpose.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Simmons
Ashurst	Glass	McCulloch	Smoot
Baird	Glenn	McKellar	Steck
Barkley	Goff	McMaster	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Blease	Grundy	Norbeck	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Bratton	Harris	Nye	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hatfield	Overman	Tydings
Caraway	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pine	Walcott
Couzens	Heflin	Pittman	Walsh, Mass.
Cutting	Howell	Ransdell	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Kendrick	Sheppard	
Frazier	Keyes	Shortridge	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, in what I am about to say I am not condemning the lobby committee. The lobby committee has done much good work. What I am about to say is a condemnation of some of the activities of the lobby committee, which I now proceed to point out.

Permit me to suggest that the resolution creating the Lobby Investigating Committee limited the powers of such committee to inquiries into the activities "of lobby associations and lobbyists." I deny that the Senate ever conferred on this committee powers to investigate private citizens who may come to Washington to petition the Congress for redress of grievances. I deny that the Senate has such powers to confer; and when any committee assumes and then begins to exercise such powers, no office, no place of business, no home, and no person is secure.

Mr. President, if the speech made here by the Senator from Wisconsin is the report of the lobby investigating committee,

then the citizens of the 19 oil-producing States, here to present a petition to the Congress, stand convicted and branded as ruthless, subtle, brazen, slimy, nefarious, and damnable lobbyists. Yet I hope the heavy physical effort of a member of the committee, the Senator from Wisconsin, which caused the galleries to smile, made before the first witness was half through testifying, will not be permitted to become and stand as the report of this committee.

Mr. President, the lobby investigating committee has rendered much valuable service, yet I do not approve of some of the activities of this committee. I do not approve of the action wherein one member of the committee brought before the Senate private letters and telegrams forcibly taken from the private rooms of citizens and made public here before the same were presented to the committee. I do not approve of the action of the committee in summoning and trying citizens on a charge of lobbying; of raiding the private rooms of citizens, seizing private papers and effects, and making public only selected letters and telegrams so secured without affording the accused a fair chance to explain his or their activities and to make a statement in his or their defense.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. WALSH of Montana. Upon what information does the Senator tell the Senate that rooms were raided and private papers seized?

Mr. THOMAS of Oklahoma. I will come to that in the course of what I shall have to say later.

Mr. WALSH of Montana. I desire to say at this point, Mr. President, so that there shall be no misunderstanding about it, that no papers were seized anywhere; nor did the committee——

Mr. THOMAS of Oklahoma. Mr. President, I refuse to yield for the statement just being made. I have here the affidavit of the citizen in charge of the rooms when the raid was made.

In support of my statement just made, and before I pass from it, I desire to call the attention of the Senate and the country to the latest decision upon this question.

Mr. WALSH of Montana. Mr. President, will the Senator suffer another interruption?

Mr. THOMAS of Oklahoma. For a question.

Mr. WALSH of Montana. I want to say—and another member of the committee is here—that this is the first information any member of the committee had of any raid on anything.

Mr. THOMAS of Oklahoma. Mr. President, from this time on I refuse to yield, because I shall cover these statements in my speech proper; but, by way of dissertation, let me say that I have here on my desk three books of clippings taken from the press of the Nation, one book for each State; and on page after page the press of the Nation have stated and told the people of this Republic that a raid was made, and I will refer to that later.

In that particular relation I now desire to call the attention of the Senate to the decision of the Supreme Court of the United States in the latest case upon this question, that of Sinclair against The United States. Mr. Justice Butler rendered the decision, on behalf of the Supreme Court. In the body of his opinion we find the following language:

> It has always been recognized in this country, and it is well to remember, that few, if any, of the rights of the people guarded by fundamental law are of greater importance to their happiness and safety than the right to be exempt from all unauthorized, arbitrary, or unreasonable inquiries and disclosures in respect of their personal and private affairs. In order to illustrate the purpose of the courts well to uphold the right of privacy, we quote from some of their decisions.
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> In Kilbourn *v.* Thompson (103 U. S. 168), this court, speaking through Mr. Justice Miller, said (p. 190): "* * * we are sure that no person can be punished for contumacy as a witness before either House unless his testimony is required in a matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizen." * * *
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> In re Pacific Railway Commission (Circuit Court, N. D. Calif.; 32 Fed. 241) Mr. Justice Field, announcing the opinion of the court, said (p. 250): "Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault but exemption of his private affairs, books, and papers from the inspection and scrutiny of others. Without the enjoyment of this right, all other rights would lose half their value." And the learned justice, referring to Kilbourn *v.* Thompson, supra, said (p. 253): "This case will stand for all time as a bulwark against the invasion of the right of the citizen to protection in his private affairs against the unlimited scrutiny of investigation by a congressional committee." And see concurring opinions of Circuit Judge Sawyer (p. 259 at p. 263) and of District Judge Sabin (p. 268 at p. 269).
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> In Interstate Commerce Commission *v.* Brimson (154 U. S. 447) Mr. Justice Harlan, speaking for the court, said (p. 478): "We do not overlook these constitutional limitations which, for the protection of personal rights, must necessarily attend all investigations conducted under the authority of Congress. Neither branch of the legislative department, still less any merely administrative body, established by Congress possesses, or can be invested with, a general power of making inquiry into the private affairs of the citizen. * * * We said in Boyd *v.* United States (116 U. S. 616,630)—and it can not be too often repeated—that the principles that embody the essence of constitutional liberty and security forbid all invasions on the part of the Government and its employees of the sanctity of a man's home and the privacies of his life."
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> Harriman *v.* Interstate Commerce Commission (211 U. S. 407), illustrates the unwillingness of this court to construe an act of Congress to authorize any examination of witnesses in respect of their personal affairs. And see United States *v.* Louisville & Nashville R. R. (236 U. S. 318, 335).
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> In Federal Trade Commission *v.* American Tobacco Co. (264 U. S. 298), this court said (pp. 305–306): "Anyone who respects the spirit as well as the letter of the fourth amendment would be loath to believe that Congress intended to authorize one of its subordinate agencies to sweep all our traditions into the fire (Interstate Commerce Commission *v.* Brimson (154 U. S. 447, 479), and to direct fishing expeditions into private papers on the possibility that they may disclose evidence of crime."

Mr. President, there is no law against lobbying. It is not a crime to lobby. The Supreme Court says that no one has the authority to go on a fishing expedition, to search the homes of citizens to try to get evidence of a crime. What would that tribunal say if the question were presented to it of a fishing expedition into the private homes of citizens to acquire information which, if found, would constitute no crime? The Supreme Court said further:

> We do not discuss the question whether it could do so if it tried, as nothing short of the most explicit language would induce us to attribute to Congress that intent. * * * It is contrary to the first principles of justice to allow a search through all the respondents' records, relevant or irrelevant, in the hope that something will turn up.

After the petroleum amendment had been considered and passed upon on Friday and after the attack upon the accused, made here by the Senator from Wisconsin, a recessed session of the committee was held and at that time Mr. Franklin requested the committee to permit him to make a statement, which request was refused. Mr. President, in order that no possible injustice may be done, and in order that the Senate and the country may know the facts, I desire to call attention to the record of the proceedings had before the committee.

When the committee was called to order, the following proceedings were had:

> Mr. FRANKLIN. Mr. Chairman and gentlemen of the committee, since I was summoned and have testified here, matters and things have transpired so that I would crave your permission to make a statement in my own behalf and in connection with matters relating to this investigation.
>
> Senator CARAWAY. We have a rule, Mr. Franklin, wise or unwise, that we do not take those, but I will say this much, that you may include that statement at the end of your testimony for the record, and if there is anything connected with the questions that come up from time to time you may explain those, but we have uniformly forbidden the reading of statements to the committee. * * * It may be included in the record.
>
> Mr. FRANKLIN. I think I have the constitutional right in this committee or at any other place to make a statement of my position.
>
> Senator CARAWAY. We are not arguing about that, Mr. Franklin. We have a rule that we have uniformly adhered to.
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> * * * * * * * *
>
> Senator BLAINE. Now you have a statement you want to leave with the committee. Would you let me take that statement, the statement that you had out on the table when you appeared this morning and wanted to read it?
>
> Mr. FRANKLIN. Will it be made a part of the record in the case? If it is not to be made a part of the record, I do not wish to hand it in.
>
> Senator BLAINE. I want to look it over.
>
> Senator WALSH of Montana. The chairman announced that it would be made a part of the record.
>
> Senator BLAINE. I just suggested to the chairman that we have not been permitting those to be made part of the record, but we have permitted them to be filed with the committee.

Mr. FRANKLIN. I do not care to file it unless it is made a part of the record.

Senator BLAINE. Then I think we ought to examine it before we determine whether it will be made part of the record. Let me go over it. I want to examine you on it.

Mr. FRANKLIN. Well, this is my statement.

Senator BLAINE. Is there any reason why you should not be cross-examined on it, or examined on it?

Mr. FRANKLIN. No reason, except it is my statement and if it is to be made a part of the record I would be glad to have you examine me on it as long as you desire; but if it is not going to be part of the record, I do not offer it.

Senator CARAWAY. I have always understood that every written statement that anyone wanted to make would be made a part of the record. You have no objection to it, have you?

Senator BLAINE. I do not know. It is a very simple matter for some one to make a statement and have it made a part of the record, and without examination it may be misleading.

Mr. FRANKLIN. I offered to read it and it was excluded.

Senator BLAINE. I did not know that any statement had been permitted to go into the record but might be put in the files.

Senator CARAWAY. Every statement.

Senator WALSH of Montana. Yes; Mr. GRUNDY's statement was filed.

Senator CARAWAY. Yes; he filed two, and Mr. Burgess filed a statement.

Senator BLAINE. If it is to be filed I want to see the statement first. If it is to be a part of the testimony in this case, Mr. Franklin, I desire to go over the statement and examine you on it.

Mr. FRANKLIN. And then admit it or exclude it, as you desire, afterwards?

Senator BLAINE. The committee will decide what it is going to do.

Senator CARAWAY. Let us decide that first, Senator BLAINE. I think in fairness to the witness he ought to know what the decision of the committee is.

Senator BLAINE. I have no objection, but I do not want a written statement filed with the committee without the opportunity to examine the contents of the paper.

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Senator WALSH of Montana. The position taken by Senator BLAINE is perfectly correct. There may be something in that statement that ought not to go into the record, Mr. Franklin. Do you care to have the statement made a part of the record? If so, of course you will have to submit it to the committee to determine whether it is a proper thing to go in the record.

* * * * * * *

Mr. FRANKLIN. However, I want it distinctly understood that I do not offer this unless it is to be made a part of the record.

Senator CARAWAY. Well, that is just what we were discussing this second, Mr. Franklin.

* * * * * * *

Senator CARAWAY. You understand you can submit it to the committee and if they decide it should go into the record then it will go into the record, and if they decide it should not, it will be returned to you and not made public at all.

Is that what you understood? In other words, I made a declaration that it be made a part of the record. The committee wants to reverse that statement of the chairman and, therefore, the committee has a right to do it, and that is what we have been consulting about, and the committee decided to reverse the statement of the chairman about it.

Mr. FRANKLIN. I do not think I will offer it unless it is going to be made a part of the record, unless I am assured about it in advance.

Senator CARAWAY. All right.

* * * * * *

Mr. President, I was present at that hearing and there stated that I would send the rejected statement to the Senate. This statement is as follows:

STATEMENT OF WIRT FRANKLIN OFFERED BEFORE THE SENATE LOBBY INVESTIGATING COMMITTEE MARCH 4, 1930

Mr. Chairman and gentlemen of the committee, since I was summoned by your committee to appear, and did appear last Friday morning, to be interrogated by you with reference to my activities in laying before Congress the condition of the oil industry in the United States, developments with reference to this matter have been of such a nature and of so serious an import that I have decided to ask permission of your investigating committee to make a statement setting forth clearly the reasons which actuated us in presenting to Congress the request for relief from the intolerable conditions now prevailing in the domestic oil industry, and to refute the charges, insinuations, and innuendo which have been hurled at me and my associates on the floor of the Senate by a member of this committee.

Gentlemen, may I have the privilege of making such a statement?

When on January 28, 1930, the independent oil producers, refiners, and marketers met in convention at Tulsa, Okla., for the purpose of seeking a remedy to the condition of ruin with which the immediate future confronted them, and there decided by unanimous action of some fifteen hundred delegates assembled from the various oil producing States, that our hope of redress lay in presenting the merits of our cause to the Congress of the United States—the only power on earth which could relieve our distressful conditions—we were of the opinion that the bill of rights and the Constitution of the United States were still effective and might be relied upon, at least to the extent of allowing us the right and privilege of petitioning Congress for a redress of our wrongs.

Being of this opinion and having thus decided to do, over 200 of the delegates there assembled from the various States volunteered to come to Washington to submit the merits of our cause to Congress, and at the same time voluntary contributions were made by the men there assembled to be applied toward the actual and necessary expenses of such an undertaking. We had previously been advised by both Senator PINE and Senator THOMAS of Oklahoma that this was the proper method of procedure.

Accordingly, the delegates returned to their respective homes with the understanding that they should reach Washington by February 3. Where a sufficient number came from any one locality or State, special cars were obtained, and these cars assembled at St. Louis, Mo., into a special train, which arrived in Washington on the morning of February 3, said train carrying 225 men engaged in the oil and allied industries. The newspapers having published the object of our trip, we were met in Washington by men from the eastern oil-producing States, and from time to time additional delegations of business men and men allied with the oil industry have come to Washington to present the problem to Congress as it affected the States and the localities from which they came.

Upon our arrival here most of our number established headquarters at the Mayflower Hotel and were met there by Senators and Representatives from a number of the oil-producing States, who arranged for us a meeting in the caucus room of the House Office Building on the morning of February 4, to which meeting Members of both the House and Senate generally were invited. Many of them attended. As president of the Independent Petroleum Association of America, I made a full and complete exposition of the domestic oil industry of the United States and presented the reasons, facts, and figures showing that a tariff on oil should be included in the pending tariff bill to protect the great domestic oil industry from utter demoralization and ruin and to prevent the gradual choking to the point of strangulation of the independent oil producers of the United States, which, if allowed to proceed, would result in the creation of a gigantic oil monopoly in the United States, similar to that existing in all other parts of the world.

It was pointed out that this tariff on oil was not only necessary for the preservation of this great industry, but in the interest of the general consuming public and all other industries and businesses. The domestic industry has grown to such proportions and its purchases of material and supplies are of such magnitude that anything which tends to destroy that industry will injure and seriously affect not only the oil-producing States, but the entire country, including the farmers and landowners who, as the owners of royalty interests, receive one-eighth of the entire production of oil.

It was made plain at this first meeting and so stated in unequivocal terms that the men engaged in this great industry had come in person to lay their cause before Congress; that they had employed no lobbyists; that they had hired no attorneys and that they would not do so; that we were submitting our cause to Congress upon its merits and its merits alone; that the facts and conditions of the industry were sufficient in themselves to warrant relief from the intolerable conditions which exist; and on that basis and that basis alone have we presented our cause to Congress and the Members thereof, resting secure in the belief that our rights as American citizens under the Constitution guaranteed to us the privilege of so doing.

Regardless of the serious charges, insinuations, and calumny, which I now assert are without foundation in truth and in fact and are unsupported by any competent evidence, we intend to continue the presentation of our just and righteous cause until truth and justice shall prevail. We do not intend to sit supinely by without asserting our rights until monopoly of this—one of the greatest American industries—shall securely fasten its tentacles about the industry, destroying the rights and property of millions of American citizens and taking toll, as it will eventually, from the entire American consuming public.

When your committee made known its desire to investigate our activities through your attorney, Mr. Holland, appearing at our headquarters in the Mayflower Hotel and making a demand that he be allowed to search through our files, I was absent at the time, but Mr. Russell Brown, who was present, conscious of the high plane upon which we had conducted the presentation of our claims, permitted Mr. Holland, without delay or interference of any kind, to go through our entire files, which contained copies of telegrams and letters sent and received by many members of our delegation, many, if not most, of which I had not seen or read. The following morning, at Mr. Holland's request, I brought these entire files to the committee and little thought or dreamed that some of them would be perverted, misconstrued, and stretched by the imagination of any member of this com-

mittee to give them a meaning entirely different from their true import.

I believed then that it was the purpose of the committee to arrive at the truth, to be impartial in its judgment, and to report to the Senate, if at all, only after they had made a full and complete investigation in a spirit of fairness. I am still of the belief that this committee, when it has completed its investigation, will in all fairness exonerate us from any charge of wrongdoing and will uphold and defend the constitutional right of any body of American citizens to petition Congress for a redress of their wrongs. If I have said or shall say anything in criticism of what has occurred, I trust your honorable committee and the Members thereof will realize that it is done in the spirit of developing truth.

Now, if the committee will bear with me I would call attention to specific instances where statements made on the Senate floor by a member of your committee do not conform to the record as made in the hearing before your body last Friday morning.

I am still reading from Mr. Franklin's statement, the one which he offered to the committee, the one which was rejected by the committee. I continue reading:

He said: "* * *. It developed in the testimony that the conduct of the business in the headquarters of this lobby is costing all the way from $1,200 to $1,500 a day. * * *." That statement was made in spite of the fact that I had testified that our expenses were running about $200 per day to pay for stenographers, our hotel rooms, and the food we ate, and in face of the fact that the committee had in its possession all bills and statements from which could have been ascertained the exact daily expense.

He stated: "* * *. In the letters that were sent out containing requests for these telegrams from their constituents, they attached a dollar bill or remitted a dollar that might be used to pay for the telegrams. * * *." I had been asked about this particular matter before the committee, and had stated that while this matter had been recommended in a telegram received by us at our headquarters, that it had not been done. Was this a deliberate misstatement?

This Senator stated on the Senate floor, as shown by the CONGRESSIONAL RECORD: "* * *. Mr. President, they were even willing to trade in the President of the United States on this deal. They proposed to carry to him a rumor that they said was prevalent in the mid-continent oil region, that he was a large stockholder in petroleum-producing companies in South America, to extract from him a denial and then use that denial to advance their cause. * * *."

I assert, without fear of contradiction, that this statement is unsupported by any evidence whatever, being a product of the fertile imagination of him who uttered it. He assumed to derive the same from a telegram to me, sent by Mr. F. E. Tucker, executive secretary of the Independent Petroleum Association of America, from Ardmore, Okla. Mr. Tucker, than whom the President of the United States has no greater admirer in the Nation, sent that confidential telegram to me in solicitude for the President's welfare, upon learning that certain newspapers had published the rumor concerning the President. I talked to Mr. Tucker that night over the telephone and told him that the rumor should not be dignified by notice of any kind, and the telegram was placed in our confidential files. In referring to this matter, the Senator uses the following language: "* * * They had a subtle, slimy method, designed to extract some information from the President and from the chairman of the Committee on Foreign Relations, so that they might use it to advance their cause. * * *."

From this instance and others to which I have referred, I am willing to let your committee and the Senate judge who is given to the use of "subtle, slimy methods." Furthermore, from an examination of the transcript of these proceedings before the committee, it appears that this confidential telegram from Mr. Tucker, seized and thus made use of, has not been introduced into or made a part of the record before the committee. It occurs to me that if honor were lacking, common decency would have prevented the use thus made of a confidential communication.

I stated in my testimony before the committee last Friday that from time to time business men were arriving from the oil-producing States, remaining a day or two and returning home and some of these sent telegrams and wrote letters suggesting certain lines to be pursued in securing support for the tariff on oil. The Senator, in presenting the matter on the Senate floor, took the strange position that every suggestion made by anyone, whether a member of our organization or not, had been carried out, although in my direct examination by the chairman of your committee and on cross-examination by the other members thereof, I explained the actual facts frankly and openly and I can see no reason or excuse for the Senator in any instance misconstruing and adding to these telegrams and letters in such a manner as to give them a very different meaning from what they actually had. I take it that suggestions made by various individuals, but which were not followed up or carried out, have no real bearing on the merits of this investigation.

I would now like to refer to the letter written by Charles Flint to Mr. Brown which was found in our files and concerning which I testified at the hearing that I had not seen, nor even heard it read until it was read to me in the committee hearing, and that it contained nothing which was acted upon by our organization, but when received was simply put into the files. If it has tended to besmirch or injure any United States Senator, the fault lies not with any of our organization, but with the Senator from Wisconsin who brought it to light and made it public. As a matter of fact, there is nothing in the letter which discloses anything other than a desire on the part of Mr. Flint to impress upon our organization that he was really an effective worker for our cause and had seen several Senators in our behalf. It is a perfectly innocent letter, except in the hands of some one with an unfair motive and a nature willful enough to carry it out.

The Senator said: "* * * They have attempted to besmirch Senators, * * *." I wish to enter a categorical denial of this statement. It is without foundation in fact; it is not supported by any evidence, and I wish to add that if any Senators have been besmirched, it has not been done by me or any member of our organization, but by the Senator himself.

In conclusion, I wish to say that all we have attempted to do is to lay before Congress and the Members thereof in public meetings, openly and frankly, and in meetings with various groups of Senators and Members of the House, and in meetings held with the Senators in their offices, all the facts, figures, statistical information, and the present conditions affecting the petroleum industry in the United States, on which we have relied and still rely to gain the support of Senators and House Members for a tariff on oil to protect us from a flood of imported oil and the shutting in of hundreds of thousands of American oil wells, the ultimate result of which would be to throw out of employment nearly a million workmen engaged in the most typically American industry, with all the suffering and woe which that would bring to the families of these American citizens, and the commercial and industrial interests, not only of the 19 oil-producing States, but to the entire country at large. I would remind you gentlemen that the population of the oil States is in excess of 60,000,000 inhabitants, and that this matter can not be lightly cast aside.

Contrary to charges made, no undue influences were used by any of our group, no intimidation or coercion has ever been suggested, and the sole procedure followed has been the presentation of easily verified facts. This has been one step in the struggle of some 9,000 independent oil producers and hundreds of thousands of land and royalty owners in this country which they have taken in defense of their very existence, against three gigantic groups—the Royal Dutch Shell group, the Gulf (or Mellon) group, and the Standard Oil group, which are seeking to control and monopolize the oil industry of the United States as they now control and monopolize the same throughout the rest of the world.

Gentlemen, we have nothing to fear, and we will not be intimidated. We have done no wrong, and we here and now insist that your committee complete its investigation and make its report to the United States Senate, giving the true and just analysis of our presentation of the merits of our cause. We have been absolutely open and frank at all times. We have concealed nothing. We have done nothing of which we are ashamed. If it is a crime for a great body of the American people to petition Congress for the redress of wrongs, if when doing so American citizens are to be slandered, maligned, and have their good names drawn through the slime and filth of the imaginings of any man, then God help the United States of America!

WIRT FRANKLIN.

Mr. President, let me now pass to another phase of this new, strange, and unusual senatorial activity.

I am making no attack upon the Senate of the United States. I have the most profound respect for this body of which I am an humble member. No position on earth, elective or appointive, is comparable to membership upon this floor. The membership alone, perhaps, is unimportant but the opportunity for service is unlimited. That which appeals to me most is the opportunity afforded for helping those who can not help themselves. The billion dollar real and legal citizens do not need representation here, but the people, unacquainted with their rights, and too often unable to protect them if they knew, must have representation in the Senate if they are to meet the challenge of concentrated wealth now exemplified by Nation and world-wide industrial and financial organizations.

Mr. President, the United States Senate is great, not because of some of the activities in which it is engaged but in spite of such activities. The Senate is great, not because of some of the speeches made here but in spite of such speeches. The Senate is great because this historic chamber is an open forum for debate. Here Senators may cross forensic swords. Here Senators may give and must take. Here all propositions are subjected to analysis, dissection, and exposure. Here Senators can call each other "jackasses" with impunity. Here Senators may even make jackasses of themselves. But, Mr. President, so long as membership in this body remains open to the citizens without

unnecessary restrictions, open to the bench and bar, to doctor and teacher, to banker and worker, to farmer and industrialist, with free speech and a free press, with these galleries open to the public, the safety of the Republic is secure.

Now, back to the first battle in this war of oil. At the last moment, on the very eve of battle, a contest known to be unequal, a contest between the "ragged Continentals," fighting for their homes and families, and the powerful British group, led by the Royal Shell, flanked on the right by the Standard and on the left by the Gulf, all well remember what happened here. I do not charge that the Senator from Wisconsin was the general in high command of this five-billion-dollar industrial monopoly. I do not charge that he was even a member of their board of strategy. But, Mr. President, what was their strategy?

Just before the presentation of the issue, the lobby committee laid down a barrage and then, when night had fallen, the Senator from Wisconsin let loose the poison gas.

What of this gas?

The Senator from Wisconsin, apparently knowing nothing about the merits of the petroleum amendment, and having no arguments to urge against it, like an unprepared attorney without either law or evidence to sustain his cause, turned his attention to the sponsors of the amendment and attacked them as being a "most nefarious and damnable lobby."

Let me call attention to some of the weighty arguments used by the Senator from Wisconsin against the proposal. He made certain charges against this delegation of citizens from some 20 States. I now digress to call attention, Mr. President, to the map of the United States which I caused to be hung on the wall. The portions marked in red represent the oil-producing States, the States which had members upon the delegation. It was the delegation from that representative section of the United States against which this attack was leveled. The States referred to are Texas, Colorado, California, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Montana, New Mexico, New York, Ohio, Pennsylvania, Tennessee, West Virginia, Wyoming, and Oklahoma. The Senator from Wisconsin charged the delegation with having interviewed every Member of the Senate, with having called upon the Senators at their offices and even with having called Senators from the Senate Chamber where they might be interviewed.

He charged these citizens with being "cocksure of everything"—a serious charge, Mr. President, when "cocksureness" is so scarce and, at the same time, so much in use and demand upon this floor.

He accused these citizens from the States I have indicated of so far forgetting the proprieties as even to go over to the House side and there interview and associate with mere Members of the House of Representatives.

He charged upon this floor that some of these citizens played golf with Senators. Mr. President, I do not—I can not believe that so serious a charge as this can possibly be true. I can not believe that any Member of this honorable body has fallen so low as to have dared to play golf with mere citizens. If this rumor persists, the situation calls for action, and I suggest that an investigation be ordered and, if it should be found that Senators actually played golf with citizens, then of course our duty is plain. Charges against the guilty should be filed immediately alleging conduct unbecoming a Senator and tending to disgrace the senatorial toga.

Mr. President, it was charged here by the distinguished Senator from Wisconsin that these citizens, delegates from those States, your constituents and mine, even dared to attend dinners where Senators were present. Again, Mr. President, why condemn these oil-field workers, unschooled in the maze of senatorial etiquette, for accepting invitations and daring to be seated at the same table or even in the same room with Senators? Why not condemn the host or hostess for permitting common clay to touch the sacred senatorial toga.

During the course of his remarks, the distinguished Senator from Nebraska interrupted to point out that some of these citizens were actually in the Senate gallery and that some of them appeared to be somewhat amused at the remarks being made by the Senator from Wisconsin. No doubt they were amused. No doubt they appeared to smile and I suggest my wonderment that they did not even laugh out loud.

Mr. President, some of the citizens referred to were in the Senate gallery at my invitation, and others were there with cards issued by my office. No seat in the Senate gallery is too sacred to be occupied by the humblest citizen of Oklahoma.

At this point, I pause to inquire what rights have the people left in this Republic?

What are the people for?

If we should take the viewpoint expressed by the Senator from Wisconsin we would be forced to the conclusion that about the only rights the people have in times of peace are to work to earn money to pay taxes to support Senators to raid their private rooms, to investigate their activities when they dare to come to Washington in the exercise of their constitutional right to petition the Government for redress of grievances.

What are the people for?

In times of war—to enlist, to fight, to furnish cannon fodder, to subject themselves to deadly gases and germs of disease, and when calamity, disaster, and oppression come, to stay at home and suffer in silence.

What are the people for?

In campaign times—to work, to organize, to contribute to senatorial campaign funds, to make promises, to trade votes that Senators may not lose their togas.

Mr. President, I do not subscribe to such a doctrine. The citizens of the States are the sovereigns of the Nation, and, when they so cease to be, the Nation, as we know it now, will be no more.

Mr. President, in this defense of the rights of citizens have I gone too far? Have I been either unreasonable or unfair in interpreting the things which have been done here and the things which have been said here?

The press of the country is presumed to carry the news and to reflect and interpret what transpires in the Senate of the United States. Let me call attention to one or two news items appearing in the public press of recent date.

On the morning of the very day the Senate passed upon the petroleum amendment, a local paper, widely read, carried a front-page story under a heavy black-faced line. I exhibit the paper. On the front page, in bold terms, I read:

Lobby committee's help summoned.

Mr. President, who summoned into action the lobby committee? Who called out the reserves?

This same signed newspaper story answers the question. In the body of the story, under another black-faced line, we find the following:

COALITION WORKS STRENUOUSLY

The coalition, faced suddenly with the threat of the apparent combination, had worked laboriously throughout the day to tighten its lines and earlier had sought to postpone the vote until to-day with a view to having the Caraway lobby committee go into the matter.

The Evening Sun of Baltimore likewise carried a first-page story under a bold heading. I have the paper here. On the front page, the first column, under bold headlines, I read:

Good strategy seen in exposé of oil lobbying. Held most successful political maneuver in late years.

The signed story contains the following:

The most dazzlingly successful political maneuver of recent years was the surprise raid by the Caraway lobby committee on the headquarters of the Independent Oil Producers' Association late Thursday afternoon. * * *

At 4 o'clock Thursday afternoon, John Holland, investigator for the Caraway lobby committee, made his surprise raid on the oil headquarters located in the Mayflower Hotel.

Labor, a paper published here, the political and economic bible of thousands of workers of the country, said that the independent oil men "might have won if the lobby investigating committee had not intervened."

On the same day the fight was waged the Oklahoma City Times carried a front-page story under a heavy headline as follows:

Probe timed just as Senate debate starts.

In the story we read the following:

Late Thursday a subpœna was served on Franklin to appear Friday morning. Simultaneously, an investigator from the Senate committee appeared without warning and took possession of all of the letters, telegrams, and receipts in the office. No, this isn't Russia.

Mr. President, in these troubled times how significant that word Russia. Russia! Russia, embracing one-sixth of the earth's surface and containing one-third of the world's cultivated lands; Russia, containing vast quantities of timber, coal, ores, precious stones, and oil, and, next to the United States, the richest nation in the world; Russia, containing 150,000,000 of unhappy, dejected, and downtrodden human beings, until yesterday, was governed by a ruthless, ruling dynasty, wearing the Russian toga.

Only yesterday, when imperial Russia was in her glory, no mere citizen would have dared approach a Russian senator; no mere citizen had the opportunity of occupying the Russian

parliamentary galleries, and no mere citizen ever had the opportunity of even seeing Russian senators at play. Their only chance to look upon their mighty senators was upon state occasions or perchance when one should choose to drive or stroll, and then the peasants and workers, with cap in hand, stood aside and bowed in holy reverence and awe as the powerful and mighty senator swished by.

Mr. President, what of Russia to-day?

The Czar of all the Russias is gone. His Winter Palace, adjacent to and connected with the Hermitage, now known as the Palace of Arts, is one of the famous art galleries of the world, ranking with the Louvre in Paris, the National in London, the Prado in Madrid, and the world-famous gallery at Milan.

The Summer Palace of the former Czar at Tsarskoye Selo, now devoid of royalty, is preserved exactly as it was on that fateful night when Czar Nicholas and his family started on their last long ride.

The former private parks, closed to all but Russian royalty, in which Russian senators, safe from even the approach of mere citizens, played croquet, are now public recreation grounds. Only recently, I saw in one of these transformed public parks in Moscow, 175,000 Russian people, and not a single Russian senator was there.

The Russian palaces and villas where Russian senators used to dine, safe and secure from the touch and even the sight of Russian citizens, have been converted into schools, hospitals, and sanatoriums.

In traveling throughout Russia I met not a single Russian senator. Their togas are in the museums, but the senators are gone.

Mr. President, what has become of those austere, haughty, and mighty Russian senators?

Divested of their royal robes, those of them now so unfortunate as to be alive, are scattered through the world—some of them to-day are working for Amos 'n' Andy driving fresh air taxicabs on the Champs Élysées in Paris.

Mr. President, before I leave this phase of this discussion, permit me to suggest a word of warning to the people of the country.

Republicans of the Senate! If the Democratic Party were in power, if the Democratic Party controlled this Senate, if such majority party should set up here a committee to spy upon the citizens, to raid their homes, to indict and try them for exercising the right to petition their Government for redress of grievances, if such committee, so organized and operating, should proceed to act as a board of strategy to promote or defeat suggested legislation which the leaders of the Democratic Party favored or opposed—if such a proposal should be suggested, would you support the policy?

Democrats of the Senate! If the Republican Party were in power, if the Republican Party controlled this Senate, if such majority party should set up here such a committee, would you support such a proposal?

Progressives of the Senate! If a coalition of the Democratic and Republican Parties were in power, if such coalition controlled this Senate, if such coalition majority should set up here such a committee, would you support such a proposal?

In the next few days, perhaps, Senators here will be called upon to pass upon this question.

Mr. President, I make no defense of the questionable or professional lobbyist. I am speaking in defense of a delegation of honorable American citizens who came to Washington, exercising their constitutional right to petition this Congress for redress of grievances. I am speaking in defense of the constitutional right of any citizen of any State, of any race, of any party, with or without financial or political standing, to come to his Nation's Capital, and to call at the office of any official, Senator, or President, or any agent who serves the public. I am speaking in defense of their right to do this in the open, man to man, eye to eye, with head erect, and unafraid. I protest against a policy which would compel citizens, if they come, to appear at the back door, cap in hand, to beg for the crumbs which may fall from the table of monopoly.

Mr. President, I pointed a moment ago to a map upon the wall showing the States whose delegates are here asking Congress to consider an amendment for a tariff on oil. Who opposes this proposal?

The Standard Oil group opposes it. The Standard Oil group is known as the Rockefeller group. It is a $5,000,000,000 group.

The Gulf Oil Co. opposes this proposal. The Gulf Oil Co. is reputed to be the personal property of the Mellon family, well represented here; and they oppose this proposal.

The Dutch Shell group, a foreign corporation owned by the Government of Great Britain, is here opposing this proposal.

Mr. President, the Standard Oil group, a $5,000,000,000 group; the Gulf Oil group, a billion-dollar group; the Dutch Shell group, another billion-dollar group! So in presenting this request for consideration we are opposed by concentrated wealth in the gigantic sum of some $7,000,000,000.

The main opponent here is the Dutch Shell group. The Dutch Shell group is the greatest producer of oil in the world. I read from the Wall Street Journal of date Saturday morning, January 11, 1930. Under the heading Royal Dutch Record Output, in black headlines, I read as follows:

RETAINS POSITION AS LARGEST PRODUCER

The group's production averaged 527,000,000 barrels daily for the entire year, and with this yield it undoubtedly retained its position as the largest producer of oil.

Mr. President, the Dutch Shell group is a British corporation. It is owned by the British Government—at least, I have authority to that effect. In support of my statement I call your attention to the following dialogue taking place between the senior Senator from Indiana [Mr. WATSON] and the late lamented Henry Cabot Lodge:

Mr. WATSON of Indiana. The Senator says that England controls the Royal Dutch Shell group. Does he mean by that the Government of England or citizens of England?

Mr. LODGE. The Government.

Mr. WATSON of Indiana. The Government itself?

Mr. LODGE. The Government has 60 per cent of the stock of the Royal Dutch and 40 per cent of the Shell, I think. It may be the reverse, but it controls both. Of course, the Royal Shell is an English corporation. In the Royal Dutch the Government has the absolute control of 60 per cent; at least, that is the report in response to the inquiry of our Government.

Mr. WATSON. Mr. President, will the Senator yield for just a question?

Mr. THOMAS of Oklahoma. I yield.

Mr. WATSON. The Senator has said that the Standard Oil Co. was present, that the Royal Dutch Shell and the Gulf Oil were present. His expression was, "They were here." Does the Senator mean to say that there were actually representatives of those oil companies here at the time working against the passage of his amendment for a tariff on oil?

Mr. THOMAS of Oklahoma. Mr. President, I think I made that clear. The Gulf Oil Co. is a Mellon-owned company. Mr. Mellon is the Secretary of the Treasury. I contend that he is here, very, very much here.

The Dutch Shell group is a foreign company, and I now shall proceed to show that the Dutch Shell group is here, very much here.

Mr. WATSON. I wanted to say that if they had representatives here, I was just wondering why they had not been invited before this lobby committee.

Mr. THOMAS of Oklahoma. I will answer the question.

Mr. WATSON. Very well.

Mr. WALSH of Montana rose.

Mr. THOMAS of Oklahoma. I will not yield. They were here, and I will take care of the matter thoroughly. The Dutch Shell was here. The agent of the Dutch Shell Co. was investigated. I am just about to come to that investigation.

Mr. President, the Dutch Shell group is here. They have always been here, very much here. The lobbyist of the Dutch Shell group was before the committee. Here is a copy of the testimony taken before that committee. I now shall refer to that investigation. The lobbyist testifying said:

My name is John H. Carroll; my legal and voting residence, Unionville, Putnam County, Mo. I have an office here in Washington in the Transportation Building and have had since 1917, and I am a practicing lawyer.

Reading from page 1262, it appears that the Senator from Montana [Mr. WALSH] asked Mr. Carroll the following questions:

What particular department have you appeared before?

Colonel Carroll answered:

Well, I have been in the Interior Department a great deal. I represent the Royal Dutch and Shell companies and all their subsidiaries in the United States.

I want to read that again, not for the record but for the Senate.

I represent the Royal Dutch and Shell companies and all their subsidiaries in the United States.

That is from the lobbyist's own testimony.

Diverting for a moment, I have had placed upon the wall a chart giving the name of this lobbyist, his apartment number,

and the location of his hotel, a list of the companies he himself in this investigation acknowledged that he represented, and a list of the salaries he admitted he is now receiving.

Senators will notice, in looking at that chart, that he represents the Great Northern Railway, but no one inquired as to how much salary he was getting for that service; at least, I did not find it in the record. He testified he was representing the United States Sugar Co., but no one inquired how much salary he was receiving for such service.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALSH of Montana. I am astonished at what the Senator says. I have a very distinct recollection of Colonel Carroll telling us what salary he got from the Great Northern Railway Co. and the Burlington.

Mr. THOMAS of Oklahoma. Mr. President, he admitted he received from the Northern Pacific and the Chicago, Burlington & Quincy Railroads, $20,000 a year, but as to what he received from the Great Northern Railway Co. he was silent. I will refer to his testimony as I proceed.

It appears from page 1271 that Senator ROBINSON of Indiana asked this question of this witness:

Colonel, what is the Dutch Shell Co.?

The answer was:

Well, it is a Dutch-Holland controlled concern. They own large property in this country. The Shell Co. of California and the Roxanna Corporation of St. Louis.

On page 1272 we find further questions and answers. Senator ROBINSON of Indiana asked Colonel Carroll this question:

What service in the last five years have you rendered for them, generally?

Speaking about the Dutch Shell companies, Colonel Carroll answered:

Well, it has been—there is a great amount of detail in bringing expert labor and all that. We have everyday trips to the State Department, which is done by my assistant. I don't do that.

Senator ROBINSON of Indiana. To the State Department?

Colonel CARROLL. Yes; to get passports to bring in labor, expert labor.

Senator ROBINSON of Indiana. Do they bring in labor from foreign countries?

The answer was:

Various countries. They bring in under the labor act, experts.

Not only does Colonel Carroll admit that he represents the Dutch Shell Co., but he states positively that his main representation is in bringing to the United States labor from foreign lands to compete with American labor here in the United States of America.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WATSON. I have been for the Senator's amendment, and am now for a tariff on oil, and think it ought to be passed, and intend to help him pass it; but I believe in being fair to everybody. Has Colonel Carroll, to his knowledge, ever appealed to any Senator about a tariff on oil?

Mr. THOMAS of Oklahoma. I am coming to that in just a moment.

Mr. WATSON. I want to say just this, I have known him very intimately for a great many years——

Mr. THOMAS of Oklahoma. Mr. President, I refuse to yield further. I am not reflecting on Colonel Carroll. I am simply giving the record. It is all a matter of record. Colonel Carroll is engaged in a legal occupation. No one questions his right to represent these companies, and get all the salary he can, and before I am through, I will convince some of those present, at least, that he is earning some of the salaries he admits he is receiving.

The junior Senator from Indiana [Mr. ROBINSON] asked him this question:

Colonel, what is the capital of the Dutch Shell Co.?

Colonel CARROLL. I don't know exactly. I think it is close to a billion dollars.

Senator ROBINSON of Indiana. Do you know what their investment is in this country?

Colonel CARROLL. Well, it is in the neighborhood, I think, of $500,000,000. It is very hard to say. The head of the concern is Gen. Avery Andrews, who is chairman of the board of these American concerns, and we report to him, and I suppose he reports to The Hague.

Senator ROBINSON of Indiana. You have been representing them here at Washington for the past 10 years, I understood you to say.

Colonel CARROLL. Yes; I think so.

Senator ROBINSON of Indiana. How much do they pay you, Colonel?

Colonel CARROLL. $25,000 a year.

Senator ROBINSON of Indiana. Is that a retainer or a specific salary?

Colonel CARROLL. That is paid every month.

By looking at this chart Senators will see that Colonel Carroll represents the United Fruit Co. He is getting $15,000 a year for representing that company.

When the tariff bill was first brought before the country the farm organizations of the United States made a demand for a tariff on bananas. That demand was pressed, and the evidence shows that 60,000,000 bunches of bananas come into the United States each year. The farm organizations asked for a tariff of 75 cents a bunch on 60,000,000 bunches of bananas. Make the multiplication and it will be found that the United Fruit Co. and other importers would have been taxed the sum of $45,000,000 a year as a tax upon bananas alone.

They did not want that to happen. These fruit companies did not want to pay a tax on bananas. They have an investment of $200,000,000 in their importing companies. To whom did they go to see that that did not happen? To what agent, what lobbyist, in the United States or in the world, did this $200,000,000 concern go to employ services to defeat the tariff upon bananas?

They sent for Colonel Carroll. He went to Boston. He made a contract that for $15,000 a year he would try to defeat a tariff upon bananas; and now we are here, in the closing days of this tariff discussion, and we have no tariff upon bananas.

Did Colonel Carroll earn his money? I do not know how he did it. He did not do it by approaching Senators in their offices. He did not do it by buttonholing Senators. No; he says that is ancient. He does not buttonhole Senators. Years ago he lobbied for railroads down in Missouri, and in that ancient way of lobbying they actually went to Senators and lobbied with them, saw them in the lobbies, on the streets, on the sidewalks, even called them from the Senate Chamber. That form of lobbying was so repulsive to Colonel Carroll that he left Missouri, left the town where he had to buttonhole legislators, the capital of Missouri. He does not work in that way now. I will show Senators in a little while, perhaps, how he does work.

Here is the testimony in support of the statement made:

Senator ROBINSON of Indiana. They employed you to help prevent the Government from levying a tax on bananas?

Colonel CARROLL. Yes; and to do such other business as might be brought up.

Senator ROBINSON of Indiana. And for that they pay you $15,000 a year?

Colonel CARROLL. A year; yes, sir.

Mr. President, I find on page 1280 that Senator CARAWAY asked Colonel Carroll some questions. The colonel had just condemned Jefferson City, Mo., because 28 years ago he had to lobby in the ancient way of buttonholing senators, and calling on them at their offices, and calling them out of the senate chamber. He condemned that system of lobbying. I have read his answer. He testified as follows:

Senator ROBINSON of Indiana. Was that while the legislature was in session?

Colonel CARROLL. It certainly was. There would be no occasion to be there otherwise. I am really telling you now, if you want to know, that I am ashamed of ever having gone to Jefferson City on that business, and 28 years ago I notified the president of the Chicago, Burlington & Quincy Railroad that I would never go to the damned town again, and I have never gone there. Pardon me.

Senator CARAWAY. May I ask a question. Why were you ashamed? Was it the character of the work?

Colonel CARROLL. Well, it was the character of lobbying around, buttonholing fellows.

Mr. President, I have given some indication of the activities of Colonel Carroll. He lobbies in a modern way. He does not buttonhole Senators. He does not call upon them at their offices. He does not call them from the Senate Chamber.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. ROBINSON of Indiana. I merely wish to suggest to the Senator, before he leaves the question of the compensation of Colonel Carroll, that as I remember it we asked him if the total amount received per year was $153,800 or some such figure as appears on the Senator's chart, and as I remember his answer he replied that he thought it was considerably more than that.

Mr. THOMAS of Oklahoma. Yes; I have his answer. He answered the question by stating that he paid an income tax of $25,000 and left the committee to infer what his salary was.

Mr. President, Colonel Carroll was investigated and he so impressed the committee—no; the committee so impressed him—that he congratulated the committee.

How does Colonel Carroll lobby? He tells us one way in which he does not lobby, but keeps secret the rules he follows.

There is at this moment in the gallery a man by the name of Barlow. Mr. Barlow is an American citizen. He is old. Years ago he went to Cuba, and after a lifetime of hard work he secured a tract of land in the city of Habana embracing something like 70 acres. He had a hard time to get this land. He had lawsuits over it and the Cuban courts sustained his position. After he had fought for his title through the Cuban courts the Cuban Government for some reason refused to sustain and execute the decree of the Cuban courts. This American citizen appealed to the powers that be at Washington for aid and for help. After a long time he secured a favorable reception at the hands of the Foreign Relations Committee of this body, the committee presided over by the distinguished Senator from Idaho [Mr. BORAH]. The matter was discussed by the Foreign Relations Committee. I am not a member of that committee and am only telling now what I have been advised. Members can correct me if I make a misstatement.

After Barlow, an American citizen having a decree for property in Cuba, failed to get his land and appealed to the American Government and was forced to come to Congress and appeal to the committee here; after the committee heard his cause, the Foreign Relations Committee appointed a subcommittee to go down and call upon the Secretary of State in the interest of this American citizen. They went. As a result of their going, so I am advised, the State Department appointed an Undersecretary, Mr. Reuben Clark, to investigate the Barlow claim. Mr. Clark investigated the claim of Mr. Barlow, and, on the 22d day of last May, not a year ago, the State Department sent a message to the American ambassador in Cuba, Mr. Judah, directing Mr. Judah to take steps to protect the interests of Mr. Barlow in his Cuban title to his Cuban land. Remember that date, Senators—the 22d of last May.

When that order went out somebody did something. Look at this chart on the wall! Mr. Carroll admits that he is the attorney for the Cuban Embassy, for which he draws $10,000 a year. Between the 22d day of May last and the 1st day of June—eight days—some one got in touch with Mr. Carroll. On the 1st day of June he drew the first monthly installment of a salary of $54,000 a year to represent the interests antagonistic to Mr. Barlow. Instead of the American ambassador to Cuba, Mr. Judah, following the instructions of the State Department, Mr. Judah, accompanied by the former ambassador, Mr. Crowder, appeared in Washington, and, on the 4th day of June, they had a conference with the Secretary of State. Twelve days had expired since that notice went out, but in 12 days' time Carroll was employed. In 12 days' time a conference was held. In 12 days' time the American ambassador, instead of following the instructions of the American Government, came to Washington and had a conference with the Secretary of State. When the 4th day of last June had come and gone Barlow's claim was forgotten and lies dormant at this hour.

How was that done? It was not done by buttonholing Senators. It was not done by the ancient way of lobbying—man to man, face to face, eye to eye. I know of no way it could be done excepting by the modern way, as Colonel Carroll performs and operates. And what is that modern way? I can not explain it. I can venture only two suggestions. One of them is lobby telepathy and the second is radio mesmerism, and there are people in the world who make perfect receivers for just that kind of lobbying.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. THOMAS of Oklahoma. For what purpose?

Mr. SMOOT. Just for a question.

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SMOOT. The $54,000 that Mr. Carroll received does not include the amount that is paid for the fight with reference to a duty on sugar. That is separate and distinct, is it not?

Mr. THOMAS of Oklahoma. He said he represented the United States Sugar Co., but he did not tell how much of a salary they paid. It would be in addition to the $153,800.

Mr. SMOOT. I have not any doubt about that, and he makes them pay well for it, too.

Mr. DILL. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. DILL. I wonder if the Senator could give us any enlightenment upon his suggestion as to radio mesmerism and lobby telepathy. I do not just understand what he means by that.

Mr. THOMAS of Oklahoma. I suggest that we refer that to the lobbying committee. [Laughter.]

Mr. President, a man who represents the Dutch Shell Co. is entitled to be called "colonel." The men who manage that company are knighted. They are entitled to be called "sirs." Mr. Carroll is a colonel. He is not a lobbyist. Colonel Carroll is a parliamentary solicitor.

Shortly after Machado was elected President of Cuba Colonel Carroll took his private car, went down to Cuba, and brought the Cuban President to Washington in state. He does not travel as ancient lobbyists traveled. He travels like modern lobbyists, in a private car, furnished him by the president of one of the railroads. He went down and got the President of Cuba and brought him to the United States and entertained him while he was here and took him back home. That is the modern way of lobbying—I presume.

Mr. President, I am sorry the distinguished Senator from Nebraska [Mr. NORRIS] is not here. I am not responsible for his absence. I make no criticism because he is gone. Just after the committee had made a report upon the activities of Colonel Carroll, the Senator from Nebraska [Mr. NORRIS] sought an opportunity to make some observations upon the floor of the Senate, in the course of which he said:

Mr. NORRIS. For instance, in the report just made it is shown on page 4 that a couple of lobbyists employed another one. They employed Col. John H. Carroll. So far as I know, Colonel Carroll is a very high-class man, an able lawyer.

Mr. CARAWAY. Mr. President, will the Senator permit an interruption?

Mr. NORRIS. Yes.

Mr. CARAWAY. He has not tried a lawsuit in half a century.

Then the Senator from Nebraska proceeded to quote from the report submitted by the lobby committee, as follows:

Says the committee: "It did not appear after diligent questioning that Colonel Carroll had done anything or was in a situation to do anything in return for this liberal income, $153,000 per annum."

Mr. BLAINE. Oh, yes, he was.

Mr. NORRIS. It does not appear on the surface, but the Senator from Wisconsin says he was in a position to do something. Perhaps he was, but not that has been here shown.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BLAINE. I want to call the Senator's attention to the fact that the testimony shows that Colonel Carroll got $45,000 from the railroads and at his advanced years he became the escort of Queen Marie when she made her tour of the United States.

Mr. NORRIS. Anyway, Mr. President, the report shows that there is no evidence here of his doing anything for these large sums of money, and we must assume, therefore, that if he does do something, and he has been on the witness stand, it is something that will not stand the light of day.

(At this point Mr. NORRIS entered the Chamber).

Mr. THOMAS of Oklahoma. Again quoting the Senator from Nebraska [Mr. NORRIS]:

Mr. President, all of this ought to be nauseating and a stench in the nostrils of a patriotic people.

Mr. President, I suggest to some of those upon the floor that their company is quite as bad as that of some of us who have been accused of associating with citizens here petitioning the Congress for a redress of wrongs and a redress of grievances.

Mr. President, let me now return to another phase and I shall soon conclude. I said a while ago that the United States, and the world for that matter, is now going through an economic revolution. We are. Only a few days ago the public press carried a story that there was about to be a bank merger in New York City which, if consummated, would form a bank with practically $3,000,000,000 in capital and resources. Two or three years ago we heard of a billion-dollar bank and America was shocked to think that such a gigantic sum could possibly come under the domain and management of one institution. But on the 15th of this month, only a few days ago, the news was spread that a merger was about to be completed which would bring into existence a $3,000,000,000 bank. On the 18th a bulletin was flashed that the merger had been completed and that the new bank was in operation. What kind of a bank is that, Mr. President? I wonder whose bank that is? Let me call atten-

tion to a story in the Washington Post of date March 18. I read:

Reports have it that Winthrop W. Aldrich, brother-in-law of John D. Rockefeller, jr., and president of the Equitable, a "Rockefeller" bank, will become president of the enlarged Chase, while Albert H. Wiggin and Charles S. McCain, chairman and president of the Chase, will become chairman of the executive committee and chairman of the board. George B. Silzer, former Governor of New Jersey, president of the Interstate, is expected to retire.

Mr. President, if this news story is to be believed, we find that this newly merged bank is to take care of the constantly growing profits of the Standard Oil Co., one of the groups fighting the independents upon this floor.

On the same page where we find this story about the merger of banks we find this headline:

Huge firm to link baking companies.

And in the body of the story we find that there has been formed a gigantic organization, with a capital of $50,000,000, to operate a chain of bakeries, and to control, if they can, the baking business of the Nation. On the same day we find on another page the following:

DEPARTMENT STORES PROFITS DEPEND ON SIZE AND TURNOVER

Small department stores should merge, Fisher says.

Then, to-day I pick up a local newspaper, and I find a full-page advertisement with the headline—

Turning the light of truth on false and misleading statements in recent cigarette advertising.

Mr. President, we have in this Republic to-day not only a fight of oil against oil, independent oil against Standard Oil, American oil against British oil, but we have here a fight to the death between the cigarette-manufacturing companies of the Nation. When the fight is over there will be one tobacco company, one cigarette company; the present companies will be merged; and we will not then see the cheap prices for cigarettes which now obtain. When the monopoly shall have become complete the price of cigarettes will soar; and I suggest now that smokers of cigarettes lay in their supply before the battle is over.

Mr. President, what are we coming to? I was surprised at some of the votes against this amendment the other night. I may say that I was sorely grieved. For many years I have followed certain Senators upon this floor in thought and action. Then, when a question was presented here of the little man against the big, the independent against the monopoly, I was sorely vexed to find some of those to whom I heretofore looked for leadership voting against the small, the weak, and the independent, and in favor of monopoly.

Here is what is happening, Mr. President. I exhibit to the Senate a statement from a newspaper, "The New York Daily Investment News," and across the page in big headlines we see these words:

America joins steel entente. World-wide control of prices is assured.

Let me read one or two paragraphs from this signed article:

World-wide control of export sales and export prices on steel products has become assured through an agreement which has been entered into by most of the leading American steel producers.

Further—

Under this arrangement the bulk of the American business goes to the United States Steel Products Co., the export subsidiary of the United States Steel Corporation.

And further—

Each American company now gets its regular quota of export business, and the competitive price situation that formerly existed has been restricted to a large extent.

The international agreement now being entered into provides that each member country be given a global quota covering its sales in both domestic and export markets, and a percentage is established between domestic and export sales. The agreement provides further that each group of steel products shall be controlled by a committee composed of two members from each country.

The agreement also contains a clause which protects the domestic market of each member country from incursion on the part of other members.

Then follows, under the black-faced headline "Will have price body" this statement:

Special committees will meet periodically and will fix minimum export prices.

Presumably the international agreement will be of great value to the American industry, which has suffered considerably in recent years from low-price foreign competition, especially at seaboard points. Not infrequently the American steel mills have met the low foreign prices in special cases, thereby undermining the domestic-steel price structure at the expense of profits.

If the international agreement works out as it is expected to, such foreign competition in the United States will be minimized so that it will not be a factor in influencing domestic prices.

Mr. President, I exhibit these newspaper stories as evidencing the growth of world-wide monopolies which are soon to dominate not only this country but the world. The fight has now begun against the independent oil producers, and if the larger units in the oil business can reduce the prices and force the independent operators out of business, so that they will not have local competition, then it will not be long until I will be able to exhibit upon this floor, if I shall then be here, another newspaper story to the effect that a gigantic oil monopoly has divided up the world; and when that time comes what will be the price of gasoline and oil refined products to the consumers of the United States?

Mr. President, let me say that in the former presentation of this question but two arguments were used against the amendment submitted at that time. One was advanced by the distinguished Senator from New York [Mr. COPELAND], who stated that, if the amendment should be adopted, it would not be long until American oil would be gone and American consumers would be forced to rely upon foreign oil or else to go without. I want to answer that argument briefly. I have authority which I think the Senator will accept and which I think the country will accept. I refer to the report of the Standard Oil Co. (Inc.) of New Jersey for the year ending December 31, 1928. It is the report submitted by Mr. Teagle, the president of that company, to his stockholders. Therefore, I have confidence that the report can be relied upon. What does Mr. Teagle say to his stockholders about the resources of oil and as to how long the American people may expect to have an oil supply for their requirements? Let Mr. Teagle answer. I will read one paragraph from the conclusion of the report, as follows:

The record of 1928 is more encouraging in the promise of further progress that it has held out than in the material results actually attained. There is ground for optimism in the clearer understanding which the industry now has of the shortcomings of a system of haphazard production and in the realization that the large reserves of oil above ground, the increasing percentage of the light products obtained from crude and the greater surety of finding new production where geophysical devices can be employed—

Here take notice—

have placed the industry in the position where it can deliver petroleum products for essential uses indefinitely.

The president of a billion and a half dollar corporation operating in America tells his stockholders that his company is now able to produce gasoline and oil products for the people of America—for how long? Indefinitely. I submit that in answer to the argument of the Senator from New York.

Then, Mr. President, the distinguished Senator from Maryland [Mr. TYDINGS] made an argument—and it has been copied since then by those who oppose this amendment—that if the amendment were adopted an added tax burden would be placed upon the people of the United States in the gigantic sum of $900,000,000. That is a terrific sum. But, Mr. President, let me argue by analogy. The United States produces about the same amount of wheat in bushels that it produces of oil in barrels. It annually produces about 900,000,000 bushels of wheat and about 900,000,000 barrels of oil. If a dollar tax per barrel upon oil would increase the consumer's price $900,000,000, why has not the tax of 42 cents a bushel on wheat increased the cost of wheat products some $378,000,000?

Mr. President, wheat makes bread and bread is the staff of life; it is the one commodity which the poorest man must have; and yet Congress has placed a tariff duty of 42 cents a bushel on wheat thus raising the cost of bread to the consumers in the sum of almost $400,000,000. I am not condemning this tariff duty on wheat; but when we come here and ask for a tariff on oil to protect the oil producers, to protect the oil drillers, and to protect the farmers who have oil beneath their land, we are met with the argument that such a tariff will raise the price of oil products to the consumer some $900,000,000.

Mr. President, those who favor the 42 cent tax on wheat will deny that the price of wheat has been raised. They want that 42-cent tariff rate to be effective, and in order to make that tariff rate effective we have worked for eight years, and have created a Federal Farm Board; we have also authorized an appropriation of $500,000,000, and have actually appropriated $250,000,000, but even yet the price of wheat has not been preceptibly increased.

Mr. President, if the wheat Senators here—and I do not speak disparagingly; my State grows wheat; I should be proud to be called a wheat Senator—could, by a simple amendment, make the tariff of 42 cents a bushel on wheat effective, would they not be standing here sponsoring it? I should be standing here sponsoring it, and when my name was called I should vote "yea."

We have passed, as I say, a bill creating a Federal Farm Board to try to make that tariff effective. We have authorized the appropriation of $500,000,000 to make it effective. We have appropriated $250,000,000 to make it effective. We have not stopped there. We have placed in this tariff bill what is known as a debenture to try to force the price of wheat up, so that the tariff of 42 cents will be effective; and yet, when I come here pleading the cause from the same identical States and almost the same class of people, it is condemned.

Mr. President, had it not been for these oil leases and the small royalties the farmers of my State have received in the past few years, they would not now own the farms upon which they hope to harvest a crop of wheat next year, for which they expect to secure a reasonable price.

I call the attention of the Senate to the profits being made by the companies that are opposing this tariff.

The Humble Oil Co., a subsidiary of the Standard Oil Co., on March 3 submitted a report, showing that that company's net for the year 1929 was $32,535,080.

The Standard Oil Co. of Indiana—another Standard subsidiary—shows in its report for 1929 that its net earnings were $78,499,754.

Then the entire Standard group made a report, and that report shows that the Standard group made in 1929 the sum of $269,645,927—the largest in history, and comparing with $218,740,335 in 1928.

I have had prepared a chart—it is not hanging where many of you can see it—showing the profits of the Dutch Shell. The Dutch Shell is a holding company, owned by the British Government. It has many, many subsidiaries. It has one subsidiary known as the Venezuelan Oil Concessions. In 1927 that one subsidiary made 55½ per cent net. In addition to that it paid the holding company 15 per cent net, making the total net return upon its invested capital for that year 70½ per cent.

The Apex Oil Fields Co. made that year 80 per cent net.

The Standard Oil Co. has one subsidiary down in that section of the world—the Lago. In 1927 it earned $8,000,000 on a working capital of $3,500,000.

The authority to which I am referring states that the shares in some of the British and American oil companies increased in value some 600 per cent from 1924 to 1927.

Mr. President, I am speaking about the Shell Co. I have here a few advertisements taken from local papers. I submit them only as an incident. It is not an argument. They have a right to advertise. They are advertising. They are fighting now for a place here in Washington. Here is a copy of one of their advertisements, and here is a copy of another. They are appearing in local papers daily. You notice on the front page, in the advertisement, that it says:

> Now comes Shell to Washington. Change to Shell, and feel the difference.

Mr. President, this Shell gasoline is made from sour oil from Venezuela; and, while I have not bought any of their gasoline, I am told that this advertisement should be changed, and instead of advertising "change to Shell and feel the difference," it should be, "change to Shell and smell the difference."

Mr. President, I have already talked too long. This is not a contest over this amendment. The world will go on if this amendment fails.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. THOMAS of Oklahoma. I yield.

Mr. SHEPPARD. Is it not a fact that when, about three years ago, the price of crude oil was a dollar a barrel more than it is to-day, the price of gasoline was lower than it is now?

Mr. THOMAS of Oklahoma. Mr. President, answering that inquiry, let me say that for 10 years the price of oil has been constantly going down, down, and the price of gasoline has been going up, up. As oil goes down, it meets gasoline coming up.

Mr. President, what is the inevitable result? There can be but one. Are the business men of America, the refiners on the Atlantic seaboard and in the seaboard towns, such poor business men that they will pay more for oil from the interior than they will pay for that shipped in from Venezuela? Of course, they will not. Every barrel of oil, every gallon of gasoline that can be produced in Venezuela, on the island of Aruba, will be brought to America and sold here because they can sell it cheaper than we can produce it in America, and this will bring about one result: The price of American oil will go down, go down, until it meets the price of the foreign article, and that is 75 cents a barrel.

That is what we foresee. That is what we are appealing to the Senate to prevent; and, Mr. President, this is not alone an issue, oil against oil. I said a moment ago that no Senator upon this floor can escape voting for oil on this amendment. You have your choice. You can either vote for American oil or you can vote for foreign oil. You can vote for independent oil or you can vote for Standard oil. You can vote for domestic oil or you can vote for British oil.

I will not brand any Senator. I could not if I would. There are two groups here—one the American group, the other the foreign group. When you come to vote, you take your choice. You then line up with the crowd you wish to join.

Mr. President, in conclusion let me say that in my opinion this vote and this issue will have a wide effect and a wide portent in this country. These oil men stand shoulder to shoulder with the corner groceryman. They stand shoulder to shoulder with the independent filling-station proprietor. They stand shoulder to shoulder even with the hot-dog vendor, because only a few days ago I saw in the public press where the big oil companies of the Northeast are now putting in their own hotels, their own refreshment stands, at which they will sell hot dogs and their own cold drinks along with their refined-oil product.

Mr. President, this issue may not be important; this amendment may not be important, but the principle here enunciated, and the issues that will come from it, will dominate the public life of America for the next decade.

Mr. President and Senators, choose ye this day which group ye will serve.

Mr. PITTMAN. Mr. President, I have an amendment to offer to this amendment, which I send to the desk and ask to have stated.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Simmons
Ashurst	Glass	McCulloch	Smoot
Baird	Glenn	McKellar	Steck
Barkley	Goff	McMaster	Stelwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Blease	Grundy	Norbeck	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Bratton	Harris	Nye	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hatfield	Overman	Tydings
Caraway	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pine	Walcott
Couzens	Heflin	Pittman	Walsh, Mass.
Cutting	Howell	Ransdell	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Kendrick	Sheppard	
Frazier	Keyes	Shortridge	

The PRESIDING OFFICER (Mr. NYE in the chair). Eighty-six Senators have answered to their names. A quorum is present.

The clerk will read the amendment offered by the Senator from Nevada to the amendment of the Senator from Oklahoma.

The CHIEF CLERK. The Senator from Nevada offers the following amendment to the amendment offered by the Senator from Oklahoma: Strike out the semicolon in line 16, page 2, and all the further provisos, line 16 to 23, inclusive, and in lieu thereof to insert:

> That the United States Tariff Commission is hereby authorized and directed to investigate the domestic and foreign costs of production of petroleum and petroleum products; to prepare and file reports of such investigations, and to prepare and submit recommendations concerning duties thereon as in this act provided; to keep a continuous file of the posted price of crude petroleum and the retail price of gasoline; and to make findings as to the average posted market price of crude petroleum at the place of production, and also the retail price of gasoline at service stations at such principal markets for such gasoline as said Tariff Commission may select: *And provided further*, That no duty shall be collected or charged on crude petroleum or fuel petroleum during such periods as the average posted market price, as found by said Tariff Commission, of Texas and Oklahoma crude petroleum of a gravity at 36° B., taken at a temperature of 60° F., shall be in excess of $2 per barrel at place of production: *And provided further*, That no duty shall be collected or charged upon the petroleum products set forth in subparagraph (b) hereof during such periods as the average retail service station price, as found by said Tariff Com-

mission, of standard unmixed gasoline in New York City, New York State, shall be in excess of 20 cents per gallon, exclusive of any gasoline tax collected from the purchaser.

Mr. PITTMAN. Mr. President, I am frank to say that I do not believe this amendment will be entirely effective as to oil. I do not believe it will have any effect whatever on gasoline. However, I have felt that there should be a check on the effect of this duty in the event it should be effective.

I do not think it will have any effect on the price of gasoline, for this reason, that should the price of oil reach $2 a barrel, it will not be as high as it was when gasoline was selling for 18 cents, in 1926. In other words, if a profit could be made on gasoline when oil was $2.20 a barrel, there could be a profit made now when it is $2 a barrel.

I may also state that the danger I see in the oil situation now is the danger of monopoly. I do not think there is any question at all but that we all realize now that there are three great companies in the United States which dominate the price both of oil and of gasoline. There is no competition in gasoline prices to-day at all. There are local flurries of 2 or 3 cents where there are fights for distribution in various cities.

There is competition at the present time in the price of crude oil, because if there were not, the price of crude oil would not average $1.20 a barrel, it would not average a price to-day that is every day putting about 3 per cent of the oil wells of this country out of business.

Where does that competition come from? It comes from the so-called independent oil producers of this country, who are competing with these big oil companies. Is it of interest that we should assist these independent oil companies in maintaining this competition?

The evidence shows that the independents are daily going out of business, and at the rate at which they are now ceasing to exist, two years from now there will not be any of them.

Let us look back several years. What was the price in the country at that time of the character of oil of which I have been speaking? It was about $2.75 a barrel. Why was that? Because at that time the independent oil producers of this country had really not come into existence. The beginning of their activities was the discovery of a great many new fields in California, Oklahoma, and Texas, many of them called "town-lot wells," which fell into the hands rapidly of a number of independents. When those independents commenced to produce about 30 or 40 per cent of the oil of this country, then the oil of this country dropped in price steadily from $2.75 a barrel to the price it brings to-day.

It has been testified before us, and I must accept that testimony, that oil must bring $1.75 in order that the average well in this country may continue to produce, and the average price of this grade of oil about which we are talking, $1.21 a barrel. There is no question, if that be true, that there is a steady loss, which will mean the extinction or the absorption of these independents.

We have the report of the Geological Survey, I think, at least, it is approved by them, that there are 300,000 oil wells in this country that are producing less than two barrels of oil each per day. No such well can exist, in my opinion, with oil bringing less than $1.75 a barrel, and if it did bring less than that, such a well would be operated totally without profit.

What is the result? We must look to the future. There should be cheap oil, if that is desired, for two years, and then what will be the result? When these 300,000 wells have been run out of business, and all of their property absorbed, oil will go back to $2.75 a barrel, the price before the independents started. It will probably have to go to three or four dollars a barrel if the price of oil is to be stabilized, and there are only two ways in which that can be done, either by sustaining the competition or by Government price fixing, either through the States, or in some other way. I deplore any attempt such as the latter, and therefore I am willing, even if it means a tax upon the people of this country of 50 cents a barrel for crude oil, that they should endure that tax, rather than see the extinction of these independents, and see oil go to from $2.75 up to $3.50 a barrel after that period of time.

I believe the stabilization of the price of oil, and the stabilization of the price of gasoline, through sustained competition between these three big companies, is the most desirable thing we can accomplish along this line.

Figures will be offered to show what the increased price of gasoline will tax the people of this country. I say that under this amendment, this tariff becomes inoperative when the grade of oil produced in Texas or Oklahoma reaches $2 a barrel. If it does become inoperative, and has not any effect on the price, then the price of oil will not go above $2 a barrel.

Why should that raise the price of gasoline? In 1926, when the price of oil was $2.20 a barrel, the price of gasoline was only 18 cents. You can figure theoretically that if the price of oil goes above 15 cents a barrel the price of gasoline will go up proportionately, but, as a matter of fact, that is not the history of the two industries, and as far as gasoline is concerned, if the competition in gasoline has any effect at all—and I do not believe it has—then this duty, under the amendment I propose, ceases to be operative, if the price goes to 20 cents a gallon in New York City, where gasoline is sold cheaper than at any other place in the United States.

I have gone further than that. I have provided that the Tariff Commission itself shall report the average price of gasoline, so that if the price of gasoline in the West, in the central part of the country, or in the portions of the country most remote from the producing wells should be raised, they should strike the average, and if the average price, including probably 24 cents in Kentucky or some other remote place, went above 20 cents, then the duty should cease to exist at all, and there should be free trade from the outside.

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Oklahoma?

Mr. PITTMAN. I yield.

Mr. THOMAS of Oklahoma. Do I understand that if the Senator's amendment should be adopted there will not be ordered a general investigation of the oil industry, but only an investigation as to the cost of production and distribution of gasoline products?

Mr. PITTMAN. That is all.

Mr. THOMAS of Oklahoma. One further question.

Mr. PITTMAN. I want to answer that question further. That is true, for the reason that I do not believe the functions of the Tariff Commission go to the extent to which those of the Federal Trade Commission extend. Nor do I think they have the facilities to conduct such an investigation. I think the Senator from Oklahoma should prepare a comprehensive resolution for an investigation of the oil situation by one of our committees—either the Committee on Interstate Commerce or the Public Lands Committee or some other committee—to get at the charges which the Senator from Oklahoma has made. I do not believe he is right in asking that the investigation be made by the Tariff Commission, because I think it is beyond their function, I do not think they have the equipment to carry it out, and I do not think any result will be brought about by that character of investigation.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield further?

Mr. PITTMAN. I yield.

Mr. THOMAS of Oklahoma. If the Senator will permit me, there will be no recourse for the independents if his amendment fails but to ask for a real investigation of the oil industry, to the end that publicity may be brought to bear upon this situation.

Am I right in interpreting the amendment to mean that, if it should be adopted, at any time oil of the gravity mentioned is selling in the market for $2 a barrel, the tariff provision of a dollar a barrel is to become inoperative?

Mr. PITTMAN. That is right.

Mr. THOMAS of Oklahoma. Third, am I right in this interpretation of the amendment, that if at any time gasoline sells in New York City at 20 cents, the tariff upon gasoline shall become inoperative?

Mr. PITTMAN. I have changed that, and now provide that the Tariff Commission shall select key points in the United States, and shall daily report the average price of gasoline throughout the United States, and when that is reported by the Tariff Commission as being above 20 cents the tariff shall be inoperative.

Mr. THOMAS of Oklahoma. Then the force of the amendment, if adopted, would be that oil itself would not rise above $2 a barrel and that gasoline in New York City should not rise above 20 cents a gallon.

Mr. PITTMAN. That is correct.

Mr. THOMAS of Oklahoma. If the Senator will yield, and if I may have the consent of the Senate, I will ask for a modification of my amendment; in other words, I will accept the amendment of the Senator from Nevada.

The VICE PRESIDENT. The Senator has a right to perfect his amendment.

Mr. THOMAS of Oklahoma. I ask that my amendment be modified to include the language suggested in the amendment submitted by the Senator from Nevada.

The VICE PRESIDENT. The Senator from Oklahoma modifies his amendment as stated. The question now is on agreeing to the amendment as modified.

Mr. WALSH of Montana. Mr. President, a very considerable share of the interesting address of the Senator from

Oklahoma [Mr. THOMAS] was devoted to an attack upon the lobby committee, so called. The charges made against it are of such a grave character as that they ought to have some immediate notice. In the absence of the chairman of the committee [Mr. CARAWAY] I undertake to reply briefly to some of the accusations made against the conduct of the committee.

They might be summarized, first, as a charge that the committee has invaded the privacy of homes for the purpose of securing evidence; in the second place, that raids have been conducted against offices and other places of business and papers forcibly seized; third, that quiet and inoffensive citizens coming to the capital for the purpose simply of presenting to Congress their views about public matters have been maligned and villified; and finally, that while the committee was diligent in inquiring into the activities of those seeking a duty upon oil, it, with a lack of impartiality, paid no attention to those forces opposed to a duty upon oil.

Mr. President, there have been no homes invaded nor have any documents or papers of any kind been taken from any homes. Neither has any raid been made upon any office nor have any papers or other documents been forcibly seized, nor have any papers passed into the possession of the committee except such as have been voluntarily surrendered to the committee by those in whose possession they were found.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. WATSON. I was much interested, while the Senator from Montana was out of the Chamber during the remarks of the Senator from Oklahoma, in two statements read by him from newspapers to the effect that a man by the name of Holland had gone into the office——

Mr. WALSH of Montana. Mr. Holland is now sitting at my side.

Mr. WATSON. Whoever he is, I do not happen to know him. The statement was that he had gone into the office of one of these gentlemen and had, without right and without any subpœna, taken certain papers and brought them to the committee. I was wondering whether or not that is so.

Mr. WALSH of Montana. Mr. Holland informs the committee that his custom has invariably been to go to the occupant of the office, the person in charge, and ask leave to examine such documents as they had relating to the matters under inquiry and to take copies of the same, and frequently they have been turned over to him. That has been the procedure of the committee.

Mr. WATSON. Was that the procedure in the particular instance cited by the Senator from Oklahoma?

Mr. WALSH of Montana. The Senator can, I think, give no proof whatever of any seizure of any papers whatever anywhere.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I yield to the Senator, although he would not yield to me.

Mr. THOMAS of Oklahoma. I will not insist.

Mr. WALSH of Montana. Oh, no; I am perfectly willing to yield.

Mr. THOMAS of Oklahoma. I hold in my hand now a clipping of February 28 and the Senator can see the headlines:

Spectacular Senate raid of lobby headquarters aids in tariff fight.

I have a book of newspaper clippings of this kind for each day which I shall be glad to submit to the committee, and if they want to go into the matter, I submit they could probably get some valuable information from the boys in the press gallery.

Mr. WALSH of Montana. This is the first information that any member of the Senate committee has had concerning any raid, and I undertake to say that there is absolutely nothing to it at all. But we will not be required to rest upon newspaper accounts concerning this matter. Now that the matter has been mooted upon the floor of the Senate the facts about the matter will be established by indubitable proof.

But, Mr. President, reference has been made to the remarks of the learned judge writing the opinion in the case against Sinclair about the sanctity of the home and of the right of privacy to private papers guaranteed by the amendment to the Constitution. We heard a lot about that in the inquiry which resulted in that decision eventually by the Supreme Court of the United States. The welkin rang with eloquent denunciations of the invasion of homes and of the right of privacy, and so forth. But it will be remembered that after the learned Justice had commented upon that appeal to the court he added, "But the matter before us does not concern the private papers of the party in whose possession they were found. They relate to the public business. They relate to the disposition of the oil reserves of the Government." Accordingly it was held that the committee was entirely within its rights in prosecuting the inquiry which it did.

So here, Mr. President, why talk about the private papers of some one which passed into the possession of the lobby committee or about inoffensive citizens who came to the Capital for the purpose of presenting their cause? What are the facts about the matter? These men came here some 200 strong in a private car from the Southwest, assembling at the city of St. Louis, whence they came here in a body. They established themselves here in the city of Washington at expensive headquarters, with a large force, involving an expenditure of some $1,500 a day.

Mr. PINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Montana yield to the junior Senator from Oklahoma?

Mr. WALSH of Montana. I yield.

Mr. PINE. What does the Senator mean by "a private car"?

Mr WALSH of Montana. Did I say "car"?

Mr. PINE. The Senator said "a private car."

Mr. WALSH of Montana. Special train. They came in a special train.

Mr. PINE. That was because so many of them were coming together at the same time.

Mr. WALSH of Montana. I suppose so, and they found it convenient.

Mr. PINE. Is there any evidence that it cost any more or that they expended more money because they came together in a special train?

Mr. WALSH of Montana. No; I do not think there was. They came here 200 strong in a special train and established headquarters here with a large force, as I said, of clerks and assistants and at an expense of practically $1,500 a day, the total expenditure up to the time the committee went into the matter being something like $50,000.

Mr. PINE. Will the Senator please produce the evidence that their expenses amounted to $1,500 a day here in Washington?

Mr. WALSH of Montana. The committee has not made a report, but it will be accurate in that respect.

Mr. PINE. I understood that my colleague [Mr. THOMAS of Oklahoma] denied that they expended anything like $1,500 a day.

Mr. WALSH of Montana. We will supply the proof so it will be available.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BLAINE. I call the Senator's attention to a telegram on page 8010 of the transcript.

Mr. WALSH of Montana. It is before me now.

Mr. BLAINE. I should be glad if the Senator would read it.

Mr. WALSH of Montana. I shall be glad to read it. This is a telegram from Mr. Cromwell and Mr. Franklin, connected with the organization, as follows:

FEBRUARY 15, 1930.

ROBERT C. SHARP,

President Independent Oil & Gas Co., Tulsa, Okla.:

Am afraid Waite favors your company join our association fight for oil tariff. We have nearly won in Senate. Some more friends are needed to carry through two weeks to get Senate amendment. Telegrams, stenographic publicity, headquarters expenses cash twelve to fifteen hundred dollars daily, and another special train necessary March 1. Will you please send Fred Tucker, Ardmore, Okla., association secretary, your company check for $5,000? Ramsey Bros., Slick Phillips Petroleum, us, and others have so contributed. Also wire Goebel and Jones Bros., Kansas City, to communicate with Missouri Senators and Representatives to vote for oil tariff. Stanley Draper, charge our headquarters here, requests you send your Charles Hopkins here for week or 10 days. We greatly need him.

JOE I. CROMWELL.
WIRT FRANKLIN.

Mr. PINE. Does the Senator think it is fair to assume that they expended $1,500 because they mentioned that amount in a telegram soliciting subscriptions, when, as a matter of fact, the committee have the paid bills showing the fact that they did not expend anything like that amount of money?

Mr. WALSH of Montana. We have those; yes. This is what Mr. Franklin said, that they are now expending $1,200 to $1,500 a day.

Mr. PINE. What are the facts as shown by the bills that were paid?



Mr. WALSH of Montana. Those are in the committee's record. I have not them before me just now. However, that is a matter of no great consequence.

But what did they do? Did they merely present their cause to the Congress? Did they merely wait upon Senators and present their cause to individual Senators, as well as issuing to them generally statements presenting their views about the matter? Nobody that I know of questions the absolute right of any citizen of the United States to come here, either in his own capacity or in a representative capacity, to present to the Congress of the United States any views he may have concerning any legislation. Nobody questions that right. Nobody doubts that right. Nobody endeavors to condemn it in any manner whatever. That is not the question. The lobby committee is not called upon to inquire into that kind of thing. It is called upon to inquire into organizations which establish themselves here having some kind of organization for the purpose of carrying on the work of influencing legislation in this body.

What did this organization do? Their activities are fairly well disclosed in a letter found in the record of the hearings of the committee at page 7982. I think that this letter will perhaps give the Senate a somewhat accurate idea of the character of the activities in which this organization was engaged. It is a letter addressed to Mr. Franklin. I read as follows:

Mr. WIRT FRANKLIN,

Washington, D. C.

DEAR MR. FRANKLIN: I thank you for the literature you are sending out showing the price of gasoline to the consumer when crude oil brings a reasonable price and when it is sold at a very low price. I think this is the nut we have to crack, because the old Democratic doctrine is that the ultimate consumer pays the tariff, and it is hard to convince people who have had that idea in their mind a long time.

We must convince the people in Wisconsin, Minnesota, and Oregon, and States like those, that they will not pay any more money for gasoline when the tariff is put on the oil than they do under the free-trade policy.

I am writing a letter to-day to Senator HAWES, of Missouri, calling his attention to that one particular point, and also to the fact that it is not only the present condition that we are up against that makes the problem so serious, but the fact that foreign oil will deluge this country if we do not shut the door against it.

Mr. A. A. Hammer has just been in my office and told me that he spent four years as a pioneer geologist in South America, and that he could convince anyone that there was so much oil in South America and Mexico that if it is allowed to come in free it will paralyze the oil industry in this country within a short time.

I am writing Senator RANSDELL, of Louisiana; Senator DENEEN, of Illinois; Senator MCNARY, of Oregon; and Senator FLETCHER, of Florida; a short 1-page letter along the same line, and also thanking Senator FESS, of Ohio, for his loyalty, as I know we can depend upon him. He was the first Senator I saw, and while he did not feel hopeful he assured me that he was with us and would support the tariff.

I wrote Joe Danciger in Fort Worth yesterday that I believed the most effective work could be done by putting some one in charge of each doubtful State and working through newspapers and other avenues of publicity in an educational campaign, and also having people who were convinced that we were right to send messages by letter or wire to their own Senators. These Senators know that they must go home for reelection and it is the home fires that we must keep burning.

I want to congratulate you on turning down any idea of running for governor or any other political office so that people will know that you are doing this work for no other reason except to maintain an industry in Oklahoma that we need. You know that we have a lot of people in Oklahoma who think that if a man gets some prominence that the first thing he wants is an office, and it is hard to do the best work under such conditions.

After this is all over and the fight has been won then it will be the time to consider political matters. When I started on the trip to Washington I did not realize there was so much at stake, but I can see now that it is the biggest problem we have for Oklahoma. It may not be the only way to solve the problem, but it is the best way to begin to solve it, for if we do not shut the door against foreign oil we are through.

After we have shut out foreign oil then we can do other things among ourselves. Give my best regards to Cromwell and Brown, for I know they are with us to the limit.

With best personal regards, I am yours truly,

A. C. TRUMBO.

That, Mr. President, gives you a kind of general idea as to what was being released and issued to the press associations and then sent out to the newspapers. It was proposed that they send a man into every one of the doubtful States to develop sentiment in those States, and to have telegrams and other messages sent to Senators from those States, in order to get them properly lined up. Mr. Franklin, who appears to be a very honorable gentleman, was entirely frank about the matter, said that he expected in that way to arouse public sentiment at home that would be reflected back, and thus influence the action of Senators; but you will observe, Mr. President, that the thought that was in mind was that Senators would desire to be reelected, and that they would have that desire in mind in the action that they might take, and, therefore, their action, in order to save their own skins, politically, would doubtless be influenced by the letters and telegrams that came to them from home.

That is not all, Mr. President, but, in addition to that, there was evidence before the committee that this lobbying organization undertook actually to trade for votes. Reference has been made to it upon the floor here, and the evidence leaves scarcely room for doubt to the ordinary mind that a straight deal was made between the Senators from the State of Colorado, who were intensely interested in a duty on sugar, that they were to vote for the duty on oil and that the Senators from Oklahoma were to vote for a duty on sugar. Whether that was the case or not, that was the work in which they were engaged; and Mr. Franklin was perfectly frank in saying that, of course, they were engaged in trading votes, for he understood that was the way in which tariff bills were always framed.

Mr. PINE. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I yield.

Mr. PINE. In order to disabuse the mind of the Senator from Montana I will say that, so far as I was concerned, no trade was made.

Mr. WALSH of Montana. I am perfectly willing to take the word of the Senator from Oklahoma upon that, but I am telling what was developed with respect to the activities of these gentlemen concerning the interrogation of whom the lobby committee is taken to task on the floor by the Senator's colleague [Mr. THOMAS of Oklahoma].

Mr. PINE. Did not Mr. Franklin testify when he was on the stand before the Lobby Committee that their expenditures did not amount to more than $300 per day?

Mr. WALSH of Montana. I must say that I have not the figures in mind. I had in mind his letter when I spoke. I shall be very glad before we get through, however, to give the actual figures of the expense incurred by the organization.

Mr. PINE. I think we should have the facts and not conclusions drawn from telegrams and letters that passed during that period of time. Those men, of course, were enthusiastic; they were probably overstating their effectiveness; they were making these statements, no doubt, to influence Mr. Franklin and members of the committee. I attended many of the hearings, and I think the committee felt——

Mr. WALSH of Montana. Let me remark that the telegram with respect to that is Mr. Franklin's own telegram.

Mr. PINE. But did not Mr. Franklin testify that he had not signed that telegram?

Mr. WALSH of Montana. I do not think he so testified; but he testified that he did not sign many telegrams that went out over his name.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Montana yield to me?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I yield.

Mr. THOMAS of Oklahoma. Mr. President, let me say to the Senator from Montana that on this proposition I want to join with my colleague from Oklahoma in denying that I made any trade. I go further and state that I have not interviewed any Senator upon this subject especially. I have called a few from the Chamber to meet delegations, and I took one delegate to see the Senator from Connecticut [Mr. BINGHAM]. There are quite a number of Senators around me, and I should be very glad to have some or all of them stand and say whether I have approached them upon this proposition and discussed the question with them.

Mr. WALSH of Montana. Mr. President, bear in mind that I am making no attack upon the Senator from Oklahoma. He has attacked the lobby committee, and, although he would not allow me to interrogate him when he was making the charges, I shall ask him now to state, if he can, succinctly, what complaint he has to make against the lobby committee?

Mr. THOMAS of Oklahoma. I will be very glad to do so. The first complaint I make is against the raiding of the rooms of private citizens.

Mr. WALSH of Montana. Very well; that is a matter of disputed fact; all right.

Mr. THOMAS of Oklahoma. The second complaint I make is the refusal to receive and make a part of the record the statement of a man who was before the committee seeking to make that statement.

Mr. WALSH of Montana. I shall advert to that.

Mr. THOMAS of Oklahoma. And the third complaint is that one member of the committee should bring upon this floor evidence thus seized and make it public before it was presented to the lobby committee.

Mr. WALSH of Montana. Before it was presented to the lobby committee?

Mr. THOMAS of Oklahoma. Yes, sir.

Mr. WALSH of Montana. That is an accusation against some particular member of the committee, in which I am not concerned; it does not affect me at all.

Mr. THOMAS of Oklahoma. I admit that is correct.

Mr. WALSH of Montana. I do not take any responsibility for what individual members of the committee may do; but the assault was not made upon individual members of the committee.

Now, we understand that the charge against the committee is, first, for raiding offices; and, second, for not allowing Mr. Franklin to read his statement. That is the sum and substance of the charge against the lobby committee.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I yield.

Mr. THOMAS of Oklahoma. In making my presentation of the subject here I specifically mentioned the person to whom I alluded, and that was the Senator from Wisconsin [Mr. BLAINE], as to using material secured from private rooms without having first presented it to the committee. I did not charge that against the committee then, and I do not now charge it against the committee.

Mr. WALSH of Montana. I presume I am accurate in saying that the two charges against the committee are, first, raiding rooms, and second, not allowing Mr. Franklin to make a statement. But the more grave charge, not now recited by the Senator from Oklahoma, is a charge, by inference and innuendo, that the committee, while they were diligent in the search for evidence of activities in favor of a duty on oil, were altogether neglectful of investigating the activities of those who were opposed to the duty on oil.

With respect to the statement of Mr. Franklin. Some time earlier in the proceedings of the committee Mr. GRUNDY, who has since become a Senator, appeared before the committee and wanted to read a statement which he had prepared. It can be very readily understood by Members of the Senate that at an inquiry of this character witnesses will appear who want to make the committee a forum from which they can reach the public in support of their particular cause. The committee is not concerned with either the rights or the wrongs of any particular matter before the Senate; it is concerned only in endeavoring to find out what activities have been carried on for the purpose of promoting or defeating legislation—not about the merits of legislation at all. Yet it is always a task to prevent a witness from using the opportunity to expatiate upon the merits of his particular cause.

Mr. PINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH of Montana. I will yield in a moment. So when Mr. GRUNDY came before the committee and wanted to read a paper, I am sure the chairman of the committee felt that it would probably have little reference whatever to the activities of Mr. GRUNDY, but would rather be a defense of his views of the public policy of a tariff or no tariff or of a high tariff or a low tariff. So Mr. GRUNDY was given permission not to read it, but to let it go into the record without reading. I now yield to the Senator from Oklahoma.

Mr. PINE. If the purpose of the investigation was as stated by the Senator, then why was this preliminary or premature report made?

Mr. WALSH of Montana. To what premature report does the Senator refer?

Mr. PINE. The report made by a member of the committee at the critical time when this question was up for decision.

Mr. WALSH of Montana. The committee has made no report, but any member of the committee has a perfect right to make use of any testimony before the committee, just as any Member of the Senate would have the right to make use of it. He could use it in a speech which he might make here at any time. There is nothing extraordinary about that. When we were conducting some investigations here, which have become somewhat historic, no one waited until the committee had made a report, but when testimony was adduced that was of a sensational character it was a common thing for Members of the Senate to rise and say, "I am informed that before the committee on yesterday testimony to the following effect was given." What is wrong about that? What reason is there for criticism of it?

Mr. PINE. It is a misuse of incomplete information.

Mr. WALSH of Montana. I can not agree with the Senator; I can not agree with the Senator that it is wrong to use that any more than it is to use what a Senator may read in a newspaper. We read from the newspapers that certain things have taken place. Why should we not read testimony that is given before a committee?

Mr. PINE. Is it proper for the power of the committee to be employed by an individual Senator to secure information for use in defeating legislation?

Mr. WALSH of Montana. Mr. President, the testimony taken is put down in writing; it is available to any Senator at any time; and it is printed just as fast as it can be printed.

Now, let me proceed. Mr. Franklin came here and wanted to read a paper after he had been subject to examination. The chairman told him that a rule had been adopted that papers could not be read, and suggested that he could have leave to incorporate it in the record. The statement has since been read, and, as expected, it was, to a very large extent, if not exclusively, an argument in favor of the cause that Mr. Franklin represented. The Senator from Wisconsin [Mr. BLAINE], however, insisted that he should have the right to examine the paper before it should go in the record. Technically, I have no doubt in the world that the Senator from Wisconsin was correct about the matter. I would have been perfectly willing to take the chance of it being entirely proper to go into the record, and so stated; but the Senator from Wisconsin asked that before it should go into the record he should have a right to see it.

Why is not that right? How do we know but that it might contain scandalous matter of some kind or other, and that it ought not to go into the record or be published to all the world? Of course, it did not have that kind of matter; but, as a matter of strict legal right, why has not a member of the committee a right to see a paper which some one wants to insert in the record before it goes into the record?

A Senator offers something for the RECORD here; and another Senator rises in his place and says, "Reserving the right to object, I should like to look at the paper." What is wrong about that?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I do.

Mr. NORRIS. I should like to suggest to the Senator from Montana that if this witness or any other witness had asked permission of the lobby committee to put something in the record, and they had let him put it in without examination, and it had afterward developed that it was improper, that it was slanderous or libelous on some person or for any other reason was improper, the committee would have been condemned all over the country for letting it go in. It would have been insisted that the committee should have examined the evidence before permitting it to go in.

Mr. WALSH of Montana. I say, Mr. President, that personally I was quite willing to take the chances upon there being nothing improper in the article, and quite willing that it should go in the record, but the Senator from Wisconsin said, "I want to see it before it goes into the record," and I defy anybody to offer a substantial reason why he should not have an opportunity to see it if he desired to do so before giving his assent to its going into the record.

The other suggestion of impropriety upon the part of the committee is as to its action being entirely lacking in impartiality.

After Mr. Franklin was examined, he was particularly interrogated by at least two members of the committee as to whether he had any knowledge whatever of any organization or any individuals who were actively engaged in endeavoring to defeat the duty on oil, and he told us that he was utterly unable to give us any information on the subject. He had no knowledge of anyone who was engaged in opposition to their work, and that was not exceptional or peculiar. That course has been pursued with practically everybody who has come before the committee. After interrogating them concerning their activities in support of their contention, we have invariably asked them,

"Can you give the committee any information about anyone who is really in opposition to you, carrying on propaganda such as you are carrying on against the contention which you make in this matter?"

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH of Montana. I yield to the Senator.

Mr. ALLEN. If information had been before the committee showing that there were those who were lobbying here to defeat this amendment, is it the belief of the Senator that the Senator from Wisconsin would have brought that information to this body?

Mr. WALSH of Montana. Of course, the Senator from Wisconsin must answer for himself. I am simply endeavoring to give the Senate an idea about what the committee has been doing, for the purpose at the present time of refuting the contention, made only by inference, that the committee has not been active in endeavoring to secure testimony to submit to the Senate concerning those who have been opposing the duty on oil.

Mr. ALLEN. But the Senator does not regard the presentation which the Senator from Wisconsin made of the fragmentary report as having arisen through any other cause than his opposition to the measure for an oil tariff, does he?

Mr. WALSH of Montana. Why, it is perfectly well known that the Senator from Wisconsin [Mr. BLAINE] is opposed to the proposed duty on oil; and he was making use of such material as was available to him to support his views.

Mr. ALLEN. Would it be too strong to say that he was seeking for that sort of material?

Mr. WALSH of Montana. Of course, he was seeking for that sort of material. He was seeking for material to establish the activities of those urging a duty upon oil.

Mr. ALLEN. In effect, was he not using the lobby committee to lobby against the measure?

Mr. WALSH of Montana. The Senator will have to take up that matter with the Senator from Wisconsin. Let me ask the Senator from Kansas, however, a question. When information came to the committee of the appearance in this city of a delegation of 200 people coming by a special train from the Southwest—St. Louis—for the purpose of urging the imposition of a duty on oil, and information came to them that this delegation had established themselves with an organization at the Mayflower Hotel in this city and were at that time engaged in endeavoring to influence the Senate to impose such a duty, what would the Senator from Kansas have had the committee on lobby do?

Mr. ALLEN. Knowing of the situation as I did, I should have considered that these men were entirely within their rights. Other great organizations had come here in exactly the same way, and had played their game in the open, as this organization did.

Mr. WALSH of Montana. Would the Senator from Kansas have felt that the lobby committee, commanded by the Senate to investigate the activities of lobbyists here, should have closed its eyes to this situation and not have called these men before it?

Mr. ALLEN. Upon the very small amount of actual material that was secured, I should say that it would have been just as well to have ignored the obvious situation.

Mr. WALSH of Montana. Whether it would have been just as well or not, does the Senator say we should not have called them?

Mr. ALLEN. I am waiting for the full report. So far as any disclosures at present indicate, I should say that it would have been a more just and dignified thing.

Mr. WALSH of Montana. To have let it go?

Mr. ALLEN. Yes; since it was obvious as to why they were here, and what they were doing.

Mr. WALSH of Montana. And if the Senator were on the other side of the question, would he say so likewise?

Mr. ALLEN. I am inclined to think I should say so in any event concerning this matter.

Mr. WALSH of Montana. This is a diversion, Mr. President. I read from the record at page 8056. My recollection is that it was I myself who put the original question to Mr. Franklin as to whether he had any information that he could give to the committee concerning activities of anybody in opposition to the duty on oil; but I read, from page 8056, an inquiry addressed to him by the Senator from Wisconsin [Mr. BLAINE], as follows:

Senator BLAINE. Mr. Franklin, do you know of any independent oil men who have been here during the last month or two opposing a tariff on oil?

Mr. FRANKLIN. No, sir; I do not.

Senator BLAINE. Do you know of any oil producer or anyone connected with oil, either through association, corporation, or otherwise, who has been here in Washington opposing a tariff on oil?

Mr. FRANKLIN. No; I don't know of any oil producer who has been here opposing it.

Mr. President, I imagine probably this well-equipped organization, with headquarters down in the Mayflower Hotel, with their clerks and aides and such other means as they had to inform themselves about what was going on, would in all probability have known about the existence of an opposing organization here in the city of Washington if any existed. They told us they had no information about the matter at all; they could not give us any information that would require us to call before the committee anybody who was engaged in opposition.

I continue:

Senator BLAINE. Do you know of any Senator who has been approached by anyone interested in oil, in any way opposing a tariff on oil?

Mr. FRANKLIN. No; I have stated heretofore that the opposition would be secretive and clandestine, and I still think it. I have reason to believe that they are here, but I haven't any espionage system. I can't keep up with them.

Senator BLAINE. Give us the grounds of your belief. There is some reason why you believe that. Now, give the committee the benefit of whatever is in your mind.

Mr. FRANKLIN. I asked them in our hearing before the Committee on Ways and Means to appear in the open.

Senator BLAINE. Asked who?

Mr. FRANKLIN. The representatives of those companies.

Senator BLAINE. Who was he?

Mr. FRANKLIN. I said representatives.

Senator BLAINE. Well, who were they? You asked the representatives?

Mr. FRANKLIN. I made a statement in the open hearing.

Senator BLAINE. Oh, you just challenged them before the committee?

Mr. FRANKLIN. Yes.

Senator BLAINE. You don't mean you notified them?

Mr. FRANKLIN. No.

Senator BLAINE. Who were those representatives you had in mind when you challenged them before the committee to present the case before the committee?

Mr. FRANKLIN. I was not acquainted with them. I was told they had representatives in the room.

Senator BLAINE. Who told you that?

Mr. FRANKLIN. I don't remember who told me that.

Senator BLAINE. I am trying to figure out whether there is a bogey man in this, or a real, active, subtle though it may be, as you claim, influence in connection with tariff on oil. Now, can you give us any information concerning any such influence, hearsay or otherwise?

Mr. FRANKLIN. Well, I know positively that the Mellon interests are opposed to a tariff on oil. Their representatives have said so. They haven't appeared in the open.

Senator BLAINE. Now, that is interesting. Give us some fact that we can get hold of?

Mr. FRANKLIN. I don't know that they have approached any Senator. I am not watching the Senators or having them watched.

Senator BLAINE. Who spoke for the Mellon interests?

Mr. FRANKLIN. No one.

Senator BLAINE. How did you get the idea that they were opposed to it?

Mr. FRANKLIN. I got it from Henry McGraw in Tulsa, their vice president and general manager.

Senator BLAINE. What did he say?

Mr. FRANKLIN. He said they were positively opposed to a tariff on oil. Every Mellon man you run into is opposed to it.

Senator WALSH of Montana. That will be valuable to us, Mr. Franklin. You have given us one——

Senator BLAINE. Give us his name?

Mr. FRANKLIN. Henry McGraw.

Senator BLAINE. Of what location?

Mr. FRANKLIN. Tulsa. He is vice president and general manager of the Gipsy Oil Co.

Senator WALSH of Montana. That is one of the subsidiaries of the Gulf Oil Co.?

Mr. FRANKLIN. That is one of the subsidiaries of the Gulf. Furthermore, that company has not cooperated in any other movement looking to the stabilization of the oil industry.

Senator WALSH of Montana. Just exactly what do you mean by that?

Mr. FRANKLIN. I mean the President's curtailment and conservation program. They do not attend the meetings. They send no representatives. While they are a large company——

Senator WALSH of Montana. Now, that is the one you spoke of to conserve oil and limit the production?

Mr. FRANKLIN. They sent no representatives to those meetings. They have held off and have not cooperated in the movement.

Senator CARAWAY. Have they acquiesced in the agreement?

Mr. FRANKLIN. When the order of the corporation commission was made—that is the way it is done in Oklahoma—they have not violated it, but they have never attended any of the meetings.

Senator WALSH of Montana. To secure the necessary order?

Mr. FRANKLIN. To secure it.

Senator WALSH of Montana. Is there any other representative of the Gulf interests that you can tell us about?

Mr. FRANKLIN. No, sir; he is the head of the Gulf interests in Oklahoma, Henry McGraw is, and he is a very fine man.

Senator WALSH of Montana. Did they attend the Colorado Springs meeting?

Mr. FRANKLIN. They did not. They had no representative there.

Senator CARAWAY. Did the Standard Oil of any of the States?

Mr. FRANKLIN. I think the Gulf interests was the only large interest that was not in attendance at the Colorado Springs conference.

Senator WALSH of Montana. Senator BLAINE asked you a little while ago about people who were antagonizing you in your efforts to secure a duty on oil, and you have given us the case of the Gulf. Have you any information about the activity on the part of any of these large organizations or others in opposition to your efforts?

Mr. FRANKLIN. They have never appeared in the open, so I don't know.

Mr. President, I ask the Senator from Oklahoma whether, in the light of this testimony, he thinks it quite fair to apprise the country that the members of this committee, being against a duty on oil, prosecuted diligently inquiries into the activities of those favoring the duty on oil, but, by reason of their preference in the matter or their views in the matter, did not interrogate the representatives of these three great companies?

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WALSH of Montana. I yield.

Mr. BROUSSARD. Along that line, inasmuch as the Senator is a member of the lobby committee, I understand that Mr. Carroll was called before the lobby committee to investigate the sugar lobby, and I wish to ask the Senator why it was that when the lobby committee found that Mr. Carroll represented the United States Sugar Co. it was not found out how much he was paid for that?

Mr. WALSH of Montana. I can not tell the Senator. The efforts of Colonel Carroll seemed quite absurd to the entire committee. I do not know how either the Great Northern or the United States Sugar was left out.

Mr. BROUSSARD. But you were investigating sugar lobbies?

Mr. WALSH of Montana. Oh, yes.

Mr. BROUSSARD. You overlooked the only thing that was pertinent to the investigation.

Mr. WALSH of Montana. I do not think so. I do not think so at all. On the contrary, the Cuba company was the head of the sugar lobby.

Mr. BROUSSARD. Oh, Mr. Lakin was. He gets $54,000—the Lakin interest.

Mr. WALSH of Montana. He represented the Cuba company, and they were paying Lakin $10,000 a year. That is small.

Mr. BROUSSARD. It seems strange that while you were investigating the sugar lobby and you got Mr. Carroll there, and he stated he represented the United States Sugar Co., you did not find out how much he was getting.

Mr. PINE. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. PINE. Did the committee get the records from Mr. Carroll's office?

Mr. WALSH of Montana. What is that?

Mr. PINE. Did the committee send out and get all the records from John H. Carroll's office?

Mr. WALSH of Montana. I do not think we did.

Mr. PINE. Why did it not?

Mr. WALSH of Montana. I do not know just why we did not. We went into the sugar lobby pretty extensively. I will state that the committee felt—I am sure the Senator from Indiana [Mr. ROBINSON], who is here, will confirm me—that we went into that to the limit, that it had become tedious and tiresome.

Mr. PINE. Does the committee now know what Mr. Carroll does for the money he receives?

Mr. WALSH of Montana. The committee has reported that it is a profound mystery to them why anybody should ever pay Colonel Carroll a dollar for anything. Our report is on file to that effect.

Let me remark that Colonel Carroll is an old gentleman, a very amiable and agreeable old gentleman, something over 75 years of age, in feeble health. He is almost blind of one eye. He has not tried a lawsuit since he was a youth. He was a lobbyist for the Burlington road before the legislature of the State of Missouri from a time when the memory of man runneth not to the contrary. About 1919 he came here to Washington, and we could not find out what he does for anybody to earn a dollar of this money—he was prodded and prodded and prodded, and the committee quit without knowing what he does or how he gets it.

Mr. PINE. And quit without getting his records?

Mr. WALSH of Montana. Yes. We were unable to find that Colonel Carroll had done a thing or was able to do a thing. Why should we go to his records?

Mr. BORAH. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BORAH. It ought to be said, in behalf of Colonel Carroll, that he did not attempt to conceal anything. Of course, he could not explain why he was in their service, but that he was in their service and what he was paid and his entire relationship with them he was perfectly willing to state.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. He was proud of it.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. I yield.

Mr. THOMAS of Oklahoma. The record shows that Colonel Carroll did not try to conceal anything. The record likewise shows that he did not tell anything. He promised to fill the record with reports and there is not a single report here. I suggest to the committee that they make a raid upon the colonel's apartment. It will be interesting if they do.

Mr. WALSH of Montana. Of course, Mr. President, we all understand this insolent insinuation against the committee which is repeated now. I resent it. The Senator has been told by at least one member of the committee that the committee never made a raid on anybody. If he does not care to accept my statement about the matter, he is at liberty to disregard it.

Mr. THOMAS of Oklahoma. Mr. President, I was not present when the raid was made and naturally——

Mr. WALSH of Montana. Again the insinuation.

Mr. THOMAS of Oklahoma. I do not know what order was given to the raider, as I shall denominate him, but I have the record here that a raid was made. I will leave the committee to offset that record.

Mr. WALSH of Montana. To offset which record?

Mr. THOMAS of Oklahoma. The record in the public press throughout the United States.

Mr. WALSH of Montana. Mr. President, I do not care to prosecute this matter further. The committee is quite content, I am sure, with the character of the investigation it has conducted—at least so far as the oil lobby is concerned. I dare say that the heat exhibited by the Senator from Oklahoma arises rather from the revelations than from the conduct of the committee.

Mr. ROBINSON of Indiana. Mr. President, I think in most matters suggested so far I am in accord with my colleague on the so-called lobby committee who has just spoken. There are one or two matters, however, with reference to which I am in disagreement.

Let me suggest that I voted against a tariff on petroleum because I have firm convictions on that question. I expect, if the question comes up again, to vote the same way.

I always felt myself—though I think I failed to register a protest at the time, and thereby perhaps might have been derelict in my duty—that the statement presented to the committee by Mr. Franklin should have been incorporated in the RECORD. I think the statement of any witness before that committee should be permitted to go in the record.

In the first place, the proceedings are ex parte from beginning to end. Any witness before a subcommittee of the Senate is at a tremendous disadvantage. There are certain rules of evidence which throw a safeguard around an American citizen when he is in a court of law or equity, but there is no such safeguard to protect a witness before a Senate investigating committee. Wherever such a committee is composed completely or partly, even, of lawyers, it does seem to me that those members of the bar, who back in their respective States and perhaps before the United States Supreme Court are officers of the court, should see that the citizen's rights are protected in any examination which may be conducted.

My experience in this body throughout the years I have been a Member of the Senate has shown that directly the contrary is the rule. Rules of evidence might as well never have been written or formulated. A witness comes before this investigating committee, in this instance composed exclusively of lawyers, and no rules of evidence are followed.

It has been suggested that a witness should not be permitted to incorporate in the record a statement of his side of the case. Why? I submit that members of the subcommittee manage to get their side of the case before the public, even to the extent of lecturing witnesses, and in some cases insulting witnesses

with language thoroughly abusive and which would not under any circumstances be permitted in a court of law or of equity.

This, I submit, is all wrong; and where comes the safeguard for the American citizen? If I understand our theory of government, it differs principally from the old monarchical system in this: That public officials, prior to the advent of the American Constitution, were responsible to the crown, but according to the philosophy of our Constitution and our Government the American public official is responsible to the American citizen, who is the sovereign. Not in a crown rests the sovereignty in this country, but in the citizen who is himself sovereign. Therefore, we are but servants of the people. How ridiculous it is to summon a sovereign citizen before a committee and then for the servant of the citizen deliberately to insult the sovereign power of the Republic.

This, I submit, is wrong; and where, I ask the junior Senator from Oklahoma, is the safeguard? How may it be prevented? It seems to me only in this body itself. This body, in a sense, when it desires to do so, can exercise supreme power. I think the Supreme Court has so held. In other words, the Senate, acting through a majority, may commit any excess, it may commit acts of tyranny, and there is no relief save from the body itself.

"Raids." I do not know that that is the proper term, but it is common knowledge to every Member here that subcommittees of the Senate do send investigators into private offices and even into private homes, if they desire to do so, to gather private papers, private documents, from the citizen, when there is no evidence, indeed, no suspicion of crime, but just to go on what we sometimes call in the practice of the law "a fishing expedition," hoping there may be something found to blacken the record of some individual or some concern.

What rights, in that situation, has the citizen himself? What protection has he? None, Mr. President, save the protection which comes through the exercise of a sound discretion by a majority of the Members of this body; that is all. The Senate should be as much concerned as the courts to see that the constitutional safeguards of the citizen are always scrupulously observed.

Mr. President, I hold no brief for any lobbyist. I hold no brief for anyone connected with the oil lobby on either side. I made up my own mind on this question without regard to any lobby. Certainly I am not prejudiced in favor of the oil lobby that was investigated so recently and about which the Senators from Oklahoma complain. That is evidenced quickly and easily by the fact I voted against a tariff on oil and expect to do so again.

But, Mr. President, I say to you, sir, that Senators should not forget that they themselves are servants of the people and not masters. I say it is an abuse of discretion, in my judgment, on the part even of an individual Senator to stand on this floor and point out a man in the gallery and denounce him there as if he had no right to be there and as if he were but a dog.

The Senate collectively is all powerful. The individual Senator may not be so to any great degree, but a majority of the Senate could destroy the Government if it would. It could resort to tyranny such as has destroyed governments in the years gone by. I think this discussion on the floor this afternoon is well worth while. It seems to me high time that we should stop, look, and listen, and that in the future we should have some regard for the rights of the sovereign citizen of the American Republic.

Mr. NORRIS. Mr. President, I listened to the Senator from Indiana and I wondered if I was in the Senate or whether I was down in the courthouse where Doheny is being tried and where his defense is a condemnation of the United States Senate and its committees. I have not heard anything like the expressions of the Senator from Indiana since I read the condemnation of Mr. Hogan, the attorney for Doheny and Fall, in denouncing the Senate, in denouncing its committee for going into the homes and the offices of Sinclair and Doheny and Fall and Stewart and those other thieves and robbers and debauchers of public officials. How they denounced us! How they particularly condemned these "smelling committees," these committees that are reaching out trying to get some evidence. They caught Fall, they caught Doheny, they caught Sinclair, by those means—this ungodly, disreputable organization known as the United States Senate.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; after a while—and it has been condemned from the beginning of any of the disclosures that have brought about a disclosure of the facts which were involved in the greatest debauchery of public officials that has ever been known in the history of the United States. We have been condemned down there in court and in the newspapers just as the Senator from Indiana now says, because, it is said, we are creeping out trying to get some evidence, trying to get hold of some man's letters and telegrams. It is the same old story.

If I am correctly informed, the Senator from Michigan [Mr. VANDENBERG], who sits in front of me at this moment, deserves censure and condemnation because he brought before a subcommittee of the Senate a man who had publicly made a statement which subsequent investigation showed was wrong and false, and for which he apologized before the committee and took it all back. He will reassert it to-morrow, when he will be able to say, "You are condemned by your own Members. Your own Members condemn all this action."

Fault has been found from the very beginning with every step that was ever taken which resulted in the exposure of the steal of Elk Hills, of the steal of the public domain of the United States, of the robbery from the Navy Department of the oil wells which we thought we had preserved for a time of danger. Every step was criticized. Every single letter that was produced was said to have been obtained through the violation of some private right, and the men who were engaged in the investigation, the men who had had to take the ridicule and the condemnation, have been individually selected for public ridicule and denunciation. The Senate as a body and as a whole incidentally has come in for most of those denunciations.

What about this man Franklin? Does anybody deny that the letters and the telegrams are genuine?

Mr. PINE. Mr. President——

Mr. NORRIS. Does anyone at all deny it?

Mr. PINE. I deny that he signed them.

Mr. NORRIS. That does not make them not genuine because he did not sign them. He has not repudiated a single one of them. Letters go out of my office that I do not sign, but they go out under my orders; and that is the way it was with those telegrams and those letters.

Mr. CARAWAY. He said he assumed full responsibility for what was done.

Mr. NORRIS. It is a silly thing for grown men to say otherwise in regard to these letters and telegrams. They are undisputed, but the way they were obtained is criticized. Perhaps it was wrong. As far as the evidence here adduced shows, they were obtained in a perfectly legitimate and honorable way; but because there has been found in some newspaper something to the contrary the committee is condemned.

Why, Mr. President, if the sentiments expressed by Senators on the floor of the Senate this afternoon in regard to investigating is going to become the policy of this body, we might just as well quit. The next man that comes before a Senate committee and tells a lie and makes a misrepresentation or misstatement must, according to the viewpoint of some Senators, be let alone. We must not inquire into his private opinions. We must not pursue him. We will be doing wrong if we do that. The sovereign citizen coming before a committee of the Senate——

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. NORRIS. The sovereign citizen at the beginning of these investigations was Mr. Sinclair and was Mr. Doheny, who is on trial to-day for bribing a public official, and all through from the beginning to the end everywhere has come, on the part of those who want to clear Sinclair and Doheny, a condemnation of the United States Senate.

I yield to the Senator from Montana.

Mr. WALSH of Montana. I am just advised that the fact of the matter is that so far as the papers of the oil lobby are concerned they were all brought to the office of Mr. Holland by Mr. Franklin or somebody under his direction.

Mr. NORRIS. Why should we get so technical? Objection is made because a Senator read some of those letters or telegrams to the Senate, as it is claimed, before they were actually presented to the committee. Does that change the substance of them? Is that a denial of their truth if that is done? Is there any charge here that those members of the lobby committee have violated a law or have, as a matter of fact, done anything wrong in obtaining this evidence which these people produced? It is their own evidence against themselves.

A committee of investigation is not a court. Every lawyer knows that. The rules of evidence which apply in court, where a man is on trial or a case is on trial, do not apply to a committee of investigation any more than they do to a grand-jury investigation.

Mr. ROBINSON of Indiana. Should they be any less fair?

Mr. NORRIS. Certainly not.

Mr. ROBINSON of Indiana. Should not the Senate be just as fair as the court?

Mr. NORRIS. Certainly; and what has the Senator to say about any question asked Franklin that was unfair? If he had anything to say, he ought to have said it at the time.

Mr. ROBINSON of Indiana. If the Senator will read the record of the lobby committee, he will find that I did.

Mr. NORRIS. Assuming that the Senator himself was right, are we going to judge a committee by every technicality? Are we going to condemn evidence that is produced because we do not agree with every step a majority of the committee took? We can not get half a dozen men to agree on any procedure if they proceed very long. There will be some disagreement.

Mr. PINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. PINE. The committee condemned Franklin for what the other members of his organization did and then, as I understand the Senator from Montana [Mr. WALSH], he refuses to be bound by what a member of his lobby committee did here on the floor of the Senate. It seems to me that what is good for one should be good for the other.

Mr. NORRIS. Yes; it is. But the Senator in my judgment does not use the ordinary good sense and judgment which he exercises on all other occasions when he says that because a member of the committee used evidence here on the floor of the Senate that had not yet been read to the committee, therefore the committee is responsible, if a man who is running a big office force is likewise responsible for letters and telegrams that go out of that office. There is no analogy. We have all the facts before us, I think. Every man can judge for himself. I find no fault with the Senator if he wants to criticize any other Senator because he read evidence to the Senate before it was read to the committee. But the evidence is here, the evidence has been read, and the Senator had a right to read it.

I have listened to testimony before the Committee on Agriculture and Forestry many times and I have come right from the committee to the floor of the Senate and listened to Senators who were not members of the committee use as a text something that had happened in evidence that day before the committee. They had made speeches on it and nobody thought of criticizing them for it. I call to mind some very remarkable incidents of that kind, one when the Senator who sits right by my side, not a member of the committee, made one of his eloquent speeches the same day the evidence was developed in the committee, and did it before the committee reported, and before the committee had taken any action. Nobody criticized him. Everybody knew that he was within his rights when he did it and that he had a right to do it.

Any other Member of the Senate could have made the same speech the Senator from Wisconsin [Mr. BLAINE] made if he had heard the evidence and seen the telegrams. I have known some of them to do it. I would not have felt that I was out of place if I had made the same speech and read the telegrams. I do not think it was wrong. But let us assume for the moment that it was wrong. Every man has the right to believe that it was wrong. The Senators from Oklahoma, in what I believe to be the narrow-minded view they take of this matter, have a perfect right to believe it was wrong and to say so. No one criticizes them for doing so, but it does not follow that everybody else must believe as they believe. It does not follow that everybody who does not agree with them must be condemned.

The junior Senator from Oklahoma [Mr. THOMAS] started out by announcing that he was going to criticize Members of the Senate and then announcing that no one should be permitted to interrupt him. I left the Chamber. I did not know he was going to say anything about me, but I was informed afterwards that he did. I concede his right to say, "I shall not be interrupted," and I am not one of the Senators who would violate the rule in that respect. I listened to him quote a speech that I had made. I have made lots of foolish speeches, but that was a speech of which I am proud, and I was delighted to have the Senator read from it.

I told the truth. I did not know why he was reading it, but he was reading it when I came in. I do not know what his idea was; I could not ask him without being discourteous and violating a rule of the Senate, because he had said he did not want to be interrupted.

Mr. BLAINE and Mr. CARAWAY addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from Wisconsin.

Mr. BLAINE. The Senator from Montana [Mr. WALSH] met the issues that have been raised by the junior Senator from Oklahoma [Mr. THOMAS]. I will not retrace the steps taken by the Senator from Montana except to emphasize one or two points.

The senior Senator from Oklahoma [Mr. PINE] made a declaration to the effect that Mr. Franklin knew nothing about the telegram which stated it was costing his headquarters from $1,200 to $1,500 daily.

Mr. PINE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. BLAINE. I yield.

Mr. PINE. I think the Senator from Wisconsin is mistaken about my having said that. I said that a telegram was sent out soliciting money, and I think I said that Mr. Franklin did not sign it.

Mr. BLAINE. Mr. President, on page 8011 the question was asked:

> You sent that telegram, Mr. Franklin?

That is the telegram dated February 15, 1930, in which it was stated that the headquarters was costing from $1,200 to $1,500 daily. The question was asked:

> You sent that telegram, Mr. Franklin?

Mr. Franklin replied:

> Yes, sir; I sent that.

Of course, Franklin knew about those telegrams, and he knew about the letters; he knew the entire scheme that was set afoot when these newly made millionaires came to Washington to "put over" a tariff on oil.

Mr. PINE. Mr. President, will the Senator from Wisconsin yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. BLAINE. I yield.

Mr. PINE. Does the Senator now know what the actual cost of the headquarters was?

Mr. BLAINE. Mr. President, it is more important to know that Mr. Franklin came to town with a scheme to trade the votes of Senators for sugar for votes for oil.

Mr. PINE. Will the Senator answer my question?

Mr. BLAINE. Ah, Mr. President, the cost to the American people when that deal is consummated, if it shall be consummated, will be so great that the amounts that have been spent by all lobbyists in this city will sink into insignificance.

Mr. PINE. Will the Senator answer my question?

Mr. BLAINE. Mr. President, the Senator from Montana [Mr. WALSH] has answered the question, and the only purpose the Senator from Oklahoma can have in asking the question again is to attempt to becloud the issue with respect to this trade of votes for oil for votes for sugar.

Mr. PINE. Mr. President, will the Senator from Wisconsin yield?

Mr. BLAINE. I yield.

Mr. PINE. Will the facts becloud the issue? I asked the Senator if he knew what the facts were with respect to the expenditure of money, the cost of the headquarters?

Mr. WALSH of Montana. Mr. President, I have the record before me with respect to that matter, and if the Senator from Wisconsin will pardon me I shall be glad to put it in.

Mr. BLAINE. I will be glad to have the Senator from Montana do so.

Mr. WALSH of Montana. We endeavored to ascertain the expenses of the main office of this organization in Ardmore, Okla. We did not find out what their expenses there were, but this testimony was given to the committee:

> Senator CARAWAY. How much was raised for the expense of your office here, Mr. Franklin?
>
> Mr. FRANKLIN. Well sir, I can not answer that definitely, but I would be very glad to send you a certified statement from the office at Ardmore, because the money that is coming has largely been sent in since we have left Oklahoma. I would judge that we have raised somewhere in the neighborhood of $50,000.
>
> Senator CARAWAY. Has that much been expended here in the office?
>
> Mr. FRANKLIN. No, sir.
>
> Senator CARAWAY. What are your daily expenses?
>
> Mr. FRANKLIN. Oh, they will probably average $200 a day. That includes our hotel bill and the food we eat.
>
> Senator CARAWAY. Does that include any entertainment expenses?
>
> Mr. FRANKLIN. Well, we have had no entertaining expense, except, I think, we gave a little dinner to the Oklahoma Congressmen, our own folks.

That is the state of the record on the matter. They raised $50,000 for their operations.

Mr. PINE. But the evidence is that their expenses were from $200 to $300 a day.

Mr. WALSH of Montana. The evidence is that their hotel bill was $200 a day.

Mr. PINE. Is there not evidence to the effect that that was practically the only expense they had?

Mr. WALSH of Montana. Not at all; because we saw an enormous bill for telegrams, running at one time, my recollection is, to $300, or something like that.

Mr. BLAINE. Mr. President, the examination of Mr. Franklin discloses beyond any doubt whatever that when he arrived on the scene the scheme was put on foot to trade votes for sugar and votes for oil. I am not going to repeat the testimony which I presented on the floor of the Senate before the vote on the oil amendment was taken as in Committee of the Whole, but I want to call the attention of the Senate to the fact that the junior Senator from Oklahoma [Mr. THOMAS], with all his charges, with all his insinuations, in not one single breath did he dispute or attempt to deny that a trade was in process on oil and sugar.

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. BLAINE. I decline to yield to the junior Senator from Oklahoma, because he was so very emphatic during the delivery of his remarks that he would not yield, and he has delivered a very lengthy address, which was well prepared, completely written out, and he read it well. I am not criticizing him for that, but I am saying now that in the course of those remarks he made his petty criticism of the committee and the manner in which it conducted the investigation; he raised the question as to the truth and veracity of my statement that from twelve to fifteen hundred dollars a day were expended by the oil organization; he referred to other trivial matters, but not one single denial came from him of the only important question in this whole debate, and that is the proposed trade in votes.

Mr. WATSON. Mr. President, will the Senator from Wisconsin yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BLAINE. I will yield for a question, but not for a speech.

Mr. WATSON. I am going to ask the question. The Senator has emphatically stated that trades were made. Of course, I saw a statement in the newspapers about trades, and all that sort of thing, but does the Senator know the name of any Senator who traded a vote for oil for a vote for sugar?

Mr. BLAINE. Mr. President, the Senator evidently did not listen to my remarks very closely on Friday, the last day of February, and he evidently does not understand my remarks to-day. I said that when Mr. Franklin came to the city of Washington he set on foot a plan, a scheme, for a trade of oil votes for sugar votes. Whether or not that plan is going to be carried out and consummated will be determined by the final roll call.

Mr. WATSON. No; now——

Mr. BLAINE. Yes, indeed, Senator.

Mr. WATSON. Let me ask the Senator this question: Does the Senator know of any Senator who agreed to swap his vote in consummation of a deal of that kind? Both Oklahoma Senators have denied it emphatically.

Mr. BLAINE. Let me say to the Senator that those Senators, if there are such, who have entered into such a deal did not take me into their confidence at the time they made the exchange.

Mr. WATSON. Then, what right has the Senator to say that the Senator who now votes for a tariff on oil has been traded off by somebody; that Mr. Franklin traded him off when he came here?

Mr. BLAINE. Let me say that Mr. Franklin said so.

Mr. WATSON. Did Mr. Franklin say that every man who voted for oil agreed to swap his vote for a vote for sugar or lumber or steel?

Mr. BLAINE. No; he did not say anything of the kind.

Mr. WATSON. I thought not.

Mr. WALSH of Montana. Will the Senator from Wisconsin permit an interruption from me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. BLAINE. I yield.

Mr. WALSH of Montana. The information which the committee has on the subject in brief is given in the record. I read from the record, at page 7914, and, if the Senator will pardon me, the introductory part is somewhat lengthy, but the subsequent testimony would not be understood without it:

Mr. John T. Adams telegraphed Mr. Franklin:

"Bonfils, editor Denver Post, tells me he heartily favors it—

That is, the duty—

"He has wired WATERMAN. Mayor Denver has wired both Senators. Other close friends Senators have also wired. We have not ceased efforts by any means. Any success attend you. Continued regards.

"JOHN T. ADAMS."

You can not tell us anything more about Mr. Adams except he is a lawyer in Denver, Colo.?

Mr. FRANKLIN. Yes; I can tell you that he is one of the judges of the Colorado Supreme Court. I would like to further explain, Senator, that I have a summer home out in Colorado in the district from which Judge Adams was elected and that for the last five years he has visited me at my cabin and we fish together for rainbow trout. Last summer after the Colorado conference he came there and spent a week with me.

Senator WALSH of Montana. It looks from the telegram that you were still fishing, Mr. Franklin.

Mr. FRANKLIN. He became very much interested in this tariff matter from Colorado's standpoint, so much so that he accompanied me and several others to Debeck, Colo., to look over the oil-shale deposits of Colorado, where the Colorado Bureau of Mines said that after survey and measurement there were 80,000,000,000 barrels of recoverable oil in that one deposit. We started up a retort at Debeck and made oil from the shales on that occasion. Judge Adams's interest in the matter is from the standpoint of developing Colorado's resources. Colorado's oil shales can never be developed as long as the oil is imported from South America, and he is just as much interested in this in behalf of Colorado as I am in behalf of Oklahoma.

Senator WALSH of Montana. Do you know how successful the efforts were to bring PHIPPS and WATERMAN into line?

Mr. FRANKLIN. Well, I have understood that they would be for a tariff on oil. I could not guarantee them at all, and I know they have a right to change their minds.

Senator WALSH of Montana. Another telegram from Mr. Adams, under date of February 19:

WIRT FRANKLIN,

Mayflower Hotel, Washington, D. C.:

WATERMAN much interested in your proposition, but his support not absolutely assured. He wires that Oklahoma Senators should see value of sugar tariff in which Colorado and West are vitally interested. Follow this up.

JOHN T. ADAMS.

Do you know whether the Oklahoma Senators did become able to see the value of the sugar tariff?

Mr. FRANKLIN. Well, sir, I talked to them about it. I tried to make them see the value of a sugar tariff. I did everything I could to make them see it. I don't know whether they have seen it or not.

Senator WALSH of Montana. Another telegram from Adams to Winbourne:

MAYFLOWER HOTEL,

Washington, D. C.

Must stress necessity of all your people recognizing importance of WATERMAN'S suggestion about sugar tariff. Believe if you do he will become aggressively active. See WATERMAN. Use our names, if desired. Wire progress.

ADAMS AND WINBOURN.

Do you know whether WATERMAN did become aggressively active?

Mr. FRANKLIN. No; I do not. I did see Mr. WATERMAN, though, after getting that telegram.

Senator WALSH of Montana. This telegram from you states—it is a telegram to John T. Adams:

"JOHN T. ADAMS,

"*State Capitol, Denver, Colo.:*

"Yours received. Saw WATERMAN yesterday and again to-day, and believe have matters satisfactorily arranged here for support of both PHIPPS and WATERMAN for oil tariff, but nevertheless suggest that all support possible be given them from Colorado. Secured 2 votes for his cause, which will help Colorado."

Where did you get those two votes?

Mr. FRANKLIN. I talked to the Oklahoma Senators about it.

Senator WALSH of Montana. And they had agreed to vote for——

Mr. FRANKLIN. They said they would support sugar; yes, sir. That is, they would support it up to a certain limit. They would not go beyond a certain limit.

Senator WALSH of Montana. Do you know how they did vote on the sugar tariff before?

Mr. FRANKLIN. No, sir; I don't believe I do.

Senator WALSH of Montana. Who is Earl Callaway?

Mr. FRANKLIN. He is one of our delegation—a Texas oil man from Amarillo, Tex.

Senator WALSH of Montana. I have a telegram under date of February 14, 1930:

"D. R. MEYER,

"*Amarillo, Tex.:*

"It is very essential that we have good man here from Colorado to stay until fight is over. Neither Senator from Colorado will support tariff. Can't we bring some pressure to bear?"

Mr. FRANKLIN. Who is that from?

Senator WALSH of Montana. This is from Earl Callaway to D. R. Meyer, of date February 14. Your telegram, however, is under date of February 21. By that time they had signified their purpose to vote?

Mr. FRANKLIN. Well, I do not know anything about this Callaway telegram.

That is the information there is in the record, in answer to the inquiry addressed to the Senator from Wisconsin.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. BLAINE. If the Senator from Colorado desires to make a statement in this connection, I prefer that he make it in his own time.

Mr. PHIPPS. But I appeal to the Senator, for the reason that he has yielded to the Senator from Montana to read into the RECORD statements which I should be permitted to answer at this moment.

Mr. WALSH of Montana. Mr. President, I think the Senator from Colorado ought to be permitted to do so; and I appeal to the Senator from Wisconsin to allow the Senator from Colorado to make any statement he cares to make.

Mr. PHIPPS. I am always very brief and to the point in my remarks.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. Does the Senator yield?

Mr. PHIPPS. If the Senator refuses to yield, I will speak in my own time.

Mr. BLAINE. If the Senator desires to discuss the telegram, as it has reference to himself, I will yield to him at this time if I do not thereby yield the floor.

Mr. PHIPPS. Mr. President, will the Senator lose the floor if he permits me to make a short statement in response to what has been read into the RECORD?

The VICE PRESIDENT. The Chair would hold that the Senator would not, the first time.

Mr. PHIPPS. I thank the Senator.

Mr. President, Mr. Winbourn is attorney general of Colorado. I understand that he was in Washington perhaps for several days. As far as I know, he did not call at my office. I did not see him.

I had a telegram from Hon. John T. Adams, a judge of our Superior Court of Colorado, inquiring as to my attitude with reference to a duty on oil. I replied that I was favorable to the duty. I am a protectionist, always have been, and am proud of it. I believe that a duty on oil is essential, and would be of aid to my State, just as I believe a duty on sugar is essential. No one ever approached me with the slightest intimation that if I would favorably consider a duty on any particular product, he in turn would be inclined to favor a duty on some of the products of Colorado.

I believe I had a telegram from the mayor of Denver, although I am not certain. I believe I did have. I had telegrams or letters from several people, because our State is producing oil. There was nothing out of the ordinary in any of these communications that I have received with reference to a tariff on oil or a tariff on anything else; and the question of trade never entered my head.

I have talked to Senators here in the interest of sugar. I tried to state to them our situation. I have talked to some of them as to our situation with regard to the depressed price of silver, but never with any thought in my own mind that I should be asked to make a trade, or to consider favorably the products of other States by reason of securing support for products of my own State.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him?

Mr. PHIPPS. Certainly.

Mr. CARAWAY. I appreciate the Senator's position; and that is the thing that I have most condemned about lobbyists. They have not hesitated to use anybody's name and suggest any kind of an arrangement as if it had been carried out. Nobody's reputation is safe as long as people believe they can come here and finance a campaign and get results by it. They are not respecters of anybody's reputation. The Senator from Vermont [Mr. DALE] was tremendously outraged at a statement one of them made about him, and I do not blame him.

I understand that there has been some criticism of the committee. I was not here. I am not defending my own mannerisms. I think possibly I said more of the unkind things than anybody else. I assume entire responsibility for them, here or anywhere else. If anybody does not like them, I am not asking any immunity from them. I said to the Senator from Oklahoma what I thought about his statement. He is at liberty to repeat it; and I have this to say about it:

I have regretted that it was necessary that people's names should be dragged into this matter. What I wanted to do was to make lobbying odious. Men who are perfectly willing to get together and put their money with somebody else's money and try to control government, whether it is legislative or executive, are devoid of the fine sense of honor that men ought to have. There is no difference between the man who comes here with his money and wants to buy legislation, whether he does it or not, and Sinclair or Doheny—not a bit.

Mr. PHIPPS. Mr. President, I do not know that the Senator from Arkansas is addressing his remarks to me. I hope not, because I have not said——

Mr. CARAWAY. I just wanted to say that in behalf of the committee. I said I sympathized with the Senator's position.

Mr. PHIPPS. I am in agreement with the Senator as to going beyond what is right and fair in trying to secure consideration, through the tariff, of different articles of produce; but I think I can distinguish between the man who is a producer or a dealer, who comes here to make his own statement, and the man who sits here and makes a profession of taking in money as an employee to advocate anything he is asked to advocate.

Mr. CARAWAY. So can I. The right of petition is guaranteed, and everybody recognizes it, and everybody is glad it exists.

In many respects, I approve the methods of the oil people. I did not approve a statement that they were investigating some Senator to find out if he did not have an investment in Standard Oil, in order to put a blackmailing clamp on him. I did not approve the method of wanting to trade.

Mr. PHIPPS. Mr. President, may I ask the Senator——

Mr. CARAWAY. Pardon me; I was not criticizing the Senator. I said to the committee, and I said to Mr. Franklin, "I appreciate your right, and I admire the way you have come yourself to speak for yourself"; but some other matters I did not approve. I did not approve the idea of wanting to trade.

Mr. PHIPPS. Mr. President, as far as I recall, no member of the Oklahoma delegation called on me directly or sent word to me indirectly; but I think I could distinguish between that committee coming here to state their own case and people who are regularly employed for the purpose of trying to influence legislation.

Mr. CARAWAY. Oh, I can, too; but the Senator does not approve the very system that was involved in those telegrams——

Mr. PHIPPS. Absolutely not.

Mr. CARAWAY. Auctioning the Senator off without his knowledge. It is absolutely reprehensible.

Mr. PHIPPS. If they tried to, it did not reach me.

Mr. CARAWAY. They reached the Senator's feelings very strongly.

Mr. PHIPPS. Oh, I am merely putting my answer in the RECORD.

Mr. WALSH of Montana. Mr. President——

Mr. BLAINE. I yield to the Senator from Montana.

Mr. WALSH of Montana. In line with the statement made by the Senator from Colorado and that made by the Senator from Arkansas that these lobbyists are continually misrepresenting the situation, I want to read from the record here. I read before this telegram under date of February 14. Now, note the date—February 14, 1930. This is from the offices of Mr. Franklin, here in the city, to D. R. Meyer, Amarillo, Tex.:

It is very essential that we have good man here from Colorado to stay until fight is over. Neither Senator from Colorado will support tariff.

That is, the tariff on oil.

Can't we bring some pressure to bear?

That is the 14th.

Mr. PHIPPS. What is the date of that telegram, please?

Mr. WALSH of Montana. February 14.

Mr. PHIPPS. I thank the Senator.

Mr. WALSH of Montana. Now, I read on page 7919:

Senator WALSH of Montana. Pardon me, Mr. Franklin. You did, however, two days later, send the telegram to which your attention has just been called from Mr. Callaway to Mr. Meyer is dated February 14. I now call your attention to your telegram to Judge Adams, of date February 16, 1930, as follows:

"Justice JOHN T. ADAMS,

"Supreme Court Chambers, Denver, Colo.:

"We have large delegation from all oil-producing States, arrived here February 3, and presented to Congress necessity for tariff. Have made headway and believe have excellent chance of securing inclusion oil tariff in pending bill before Senate. Attorney General Winbourn was here first week, but apparently unable to secure support Colorado Senators."

That is the 16th. On the same date there is a telegram from Mr. Franklin to Mr. Winbourn:

WASHINGTON, D. C., *February 16, 1930.*

Attorney General WINBOURN,
State Capitol, Denver:

Have wired Justice John T. Adams to secure as many prominent Coloradians as possible to urge your Senators to give us support. Suggest you confer with him without delay and you two together work out plan to secure your Senators' adherence to oil tariff without delay. Have progressed steadily, gaining new strength every day, and believe will win fight before Senate. We must have support of States to be benefited.

WIRT FRANKLIN,
Mayflower Hotel.

Do you know whether these two gentlemen did work out some plan?

Mr. FRANKLIN. Well, from the succeeding telegrams there which you have read it appears that they got together and did what they could in the matter in the interest of their own State as well as the United States generally.

And the vote, as taken on February 28, 1930, shows that the two Senators from Colorado voted for the duty on oil.

Mr. PHIPPS. Of course we voted for it. We never thought of doing anything else.

Mr. WALSH of Montana. The closing story is told at page 7922 of the record, as follows:

WIRT FRANKLIN,
Mayflower Hotel, Washington, D. C.:

Court hearing oral argument to-day, but attorney general and I discussed your project this afternoon and are in full accord. Are considering best line of immediate action and will advise you later. When do you leave? Can you return via Denver? You could help materially. Regards.

Were you later advised as to what was considered by them to be the best line of action to bring the two Senators from Colorado into line?

Mr. FRANKLIN. No, sir; except it might have referred to the suggestion to help Colorado get on the sugar tariff, too. That is the only way I could interpret that.

Mr. Franklin's idea about the matter is very clearly set out in his statement of what he thought was the best way to reach that result. Here is his testimony:

Senator CARAWAY. There has been no suggestion that groups get together and trade—you vote for my proposition and I will vote for yours?

Mr. FRANKLIN. Oh, yes. I have heard that suggestion.

Senator CARAWAY. Has it been made in your office?

Mr. FRANKLIN. Well, I don't know that you would call it trading.

Senator CARAWAY. Well, we both know what trading is, you know.

Mr. FRANKLIN. Well, there has been a suggestion that perhaps if Senators wanted one item on the tariff list protected, it might help to unite forces. I have heard that. I have understood all my life that that is the way a tariff bill was made.

Mr. WATERMAN. Mr. President, will the Senator yield to me a moment? I just want to make a brief statement.

Mr. BLAINE. I yield.

Mr. WATERMAN. I do not care to interrupt the Senator at this time, but in my own time I shall have something to say about the matters which appeared to be developed on the face of this record.

I thank the Senator from Wisconsin for yielding to me.

Mr. BLAINE. Mr. President, I understand the junior Senator from Kansas took exception to the fact that I made some remarks in the Senate before the vote on oil was taken, and as a basis for those remarks used the material which had been produced before the committee investigating the subject of lobbying.

The material I used on that occasion was material either introduced in evidence or material that was before the committee, in its possession, and delivered to the committee voluntarily by Mr. Franklin.

Those who would criticize because I chose at that time to drag these ugly facts out into the open I assume would have had the committee take the testimony and put it under lock and key until the vote was taken. The information that was divulged before the committee, and which I, in turn, presented to the Senate of the United States, in my own right, as a Member of this body, was information valuable then, not after the vote was taken.

I presume, from his rather keen criticism, that the junior Senator from Kansas would have much preferred to have had that testimony stated a week after the vote was taken.

Mr. ALLEN. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield.

Mr. ALLEN. I think I had better make a little clearer to the Senator what I meant, if he will permit.

My objection was to the fact that you subpœnaed this man in the hope of getting some half truths, or some suspicious circumstances, and that, having gotten them, you hurried over here with a pettifogging presentation of some material which was not convincing, but which you sought to make convincing by facts misleading and misrepresenting.

Mr. BLAINE. Mr. President, I understood the Senator very well. He has not enlightened me one bit by his recent remarks. I did not subpœna Mr. Franklin. The trouble with the Senator from Kansas is that he takes himself too seriously.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BLAINE. He would like to set himself up as the judge of what other Senators should do.

Now, Mr. President, I do ask the Senator not to interrupt me again with a speech. I will yield for a question.

Mr. ALLEN. Very well.

Mr. BLAINE. He chooses to make himself a great shining example of exemplary conduct.

Mr. ALLEN. I do think I can help some——

Mr. BLAINE. If a Senator so chooses, that is his responsibility, but I decline to accept his standard. I think it is a wrong standard; I think it is a bad standard. If the Senator proposed to have this testimony suppressed, such conduct would be nothing short of betrayal of our Government. If that is what the Senator means——

Mr. ALLEN. Mr. President——

Mr. BLAINE. Does he mean that a Senator who had that information should have suppressed it until it was too late?

Mr. ALLEN. Mr. President, I have been asked——

Mr. BLAINE. If that is what he means, Mr. President, that is not a standard that should be set as an example for legislators in this country.

Mr. ALLEN. Mr. President, does the Senator yield?

Mr. BLAINE. For a question.

Mr. ALLEN. But the Senator has asked me four questions. Does he yield for me to answer?

Mr. BLAINE. No; I have not asked the Senator any question that he can not answer in his own time.

Mr. ALLEN. The——

Mr. BLAINE. Mr. President, I decline to yield. The Senator will have full opportunity to reply when I get through.

Mr. ALLEN. Very well.

Mr. BLAINE. Mr. President, the information contained in my remarks was material information to which the Senate of the United States was entitled before the vote on oil was taken. I make no apology for having dragged out these ugly facts onto the floor of the Senate before it was too late. The time to act was before the vote was taken. If that be pettifogging, then the Senator from Kansas may make the most of it.

Oh, what a delightful situation it would have been if this committee, investigating lobbying, had taken the testimony, permitted the reporter to transcribe it, had filed that testimony away, and then, at some time in the future, had it printed, long after it could serve any useful purpose. That is what the Senator from Kansas, if I understand his proposition, in his criticism of the Senator from Wisconsin, would have liked to have had done.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER (Mr. WALCOTT in the chair). Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BLAINE. I yield for a question.

Mr. ALLEN. This is merely to clear up a misapprehension in the Senator's mind. My contention is that you had no facts, that you brought no facts here, that you came here with a lot of half truths and insinuations with the purpose of casting reflection which was not justified.

Mr. BLAINE. Mr. President, the Senator from Kansas just listened a few moments ago to the reading of the record by the senior Senator from Montana [Mr. WALSH]. Is the Senator from Kansas deaf? Can he not understand plain language? Does he not understand the questions that were asked and the answers made? The Senator from Montana just read the questions and the answers thereto, and those questions and answers had been made before I made my remarks upon this question some time ago.

Does the Senator claim that those questions and answers were pettifogging? I placed those facts before the Senate.

Mr. ALLEN. I claim that they are not significant. I claim they are the confused remarks of a witness who was not in the proper state of mental composure to realize what he said.

Mr. BLAINE. Mr. President, I decline to yield for any such flimsy excuses as the Senator from Kansas is attempting to offer.

Mr. ALLEN. The man was under duress every moment.

Mr. BLAINE. I decline to yield.

Mr. ALLEN. Very well.

Mr. BLAINE. The Senator from Kansas has stated for the third time that when I brought these facts to the Senate it was pettifogging, even insinuating that those facts were not even before the committee, when the Senator from Kansas knew, or ought to have known, that the facts as read from the record by the senior Senator from Montana came from testimony under oath before the committee in the forenoon of the day on which we voted on the question of a tariff rate on oil.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield.

Mr. CARAWAY. I know that Franklin would not appreciate the Senator's defense of him, because Franklin is a man of great ability. I understand he was a lawyer of some distinction, and then become an oil producer, and I think he is one of the ablest men I ever saw. But the telegrams came from the attorney general and a member of the Supreme Court of Colorado. They were not confused. They were introduced before the committee. Of course, it is the Senator from Kansas who has gotten confused.

Mr. BLAINE. No; but when oil—the magic word—becomes of interest you may expect confusion of mind, and sometimes of purpose. So I am not blaming the Senator from Kansas for his failure to understand this situation. He can not help it.

Mr. CARAWAY. Mr. President, if the Senator will yield——

Mr. BLAINE. I am sorry for the Senator from Kansas.

Mr. CARAWAY. I was going to say that the Senator from Kansas actually has painted a mental picture of himself, and I hope the Senator will say nothing more about it.

Mr. BLAINE. I think I will follow the Senator's advice.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. BLAINE. I yield.

Mr. NORRIS. Will the Senator permit me to state what it seems to me is perfectly plain some Senators think the lobby committee ought to have done? They should have asked Mr. Franklin to come before the committee, and then they should have said, in substance, "Now, Mr. Franklin, we are investigating the oil lobby. We would like to have your telegrams and your letters and your statement, but you are under no compulsion to give them if you do not want to. We invite you to give us this evidence, but if you would not like to give it to us, you are excused."

Mr. BLAINE. Mr. President, in conclusion, I want to state that the remarks I made on the occasion heretofore I made, as I have stated, in my own right, as a Member of this body, upon the records and facts that were before the committee of which I am a member. I do not withdraw one single word I expressed on the former occasion. I do not qualify a single statement. What I said then was true, what I said then was a part of the record of the committee. I stand upon that to-day. The Senator from Oklahoma was unable successfully to challenge a single statement of fact.

Mr. President, I have here two telegrams, one from the speaker of the House of Representatives and the other from the secretary of the Senate of the State of Texas, in reply to telegrams which I sent to them asking whether or not the Texas Legislature had passed or approved any memorial favoring a tariff on oil. I ask that the two telegrams be read at the desk.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The telegrams were read, as follows:

AUSTIN, TEX., *March 5, 1930.*

Hon. JOHN J. BLAINE,
United States Senate, Washington, D. C.:

Vote on oil tariff memorial in senate, yeas 8, nays 15. No record vote in committee.

BOB BARKER, *Secretary.*

AUSTIN, TEX., *March 5, 1930.*

JOHN J. BLAINE,
United States Senate:

Simple resolution relating to tariff on oil killed in committee on federal relations by vote of 5 to 1. It never reached floor of assembly.

W. S. BARRON,
Speaker House of Representatives.

Mr. WALSH of Massachusetts. Mr. President, at the request of the senior Senator from Maryland [Mr. TYDINGS], I desire to offer for the RECORD an important and impressive table showing the cost to the American people of a tariff tax of $1 a barrel upon oil, if effective. The table shows that the total cost to the American public would be $900,000,000. The table also shows how much of that cost would be allotted to each of the several States. As I said, I am offering this in behalf of the Senator from Maryland [Mr. TYDINGS], who is temporarily detained from the Chamber at this time. This table shows that this tax, if effective, will cost the people of Massachusetts $34,668,000 and of Maryland $13,040,000.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to follows.

The consumption of oil in 1928 was about 900,000,000 barrels. A tax of $1 a barrel, if effective, would cost the American people about $900,000,000 per year. The following table shows the cost by States in round numbers:

Alabama	$21,132,000
Arizona	3,006,000
Arkansas	15,700,000
California	30,834,000
Colorado	8,451,000
Connecticut	12,420,000
Delaware	2,069,000
District of Columbia	3,933,000
Florida	8,712,000
Georgia	25,650,000
Idaho	3,879,000
Illinois	57,365,000
Indiana	26,370,000
Iowa	21,636,000
Kansas	15,921,000
Kentucky	21,740,000
Louisiana	16,180,000
Maine	6,910,000
Maryland	13,040,000
Massachusetts	34,668,000
Michigan	33,012,000
Minnesota	21,483,000
Mississippi	16,110,000
Missouri	30,630,000
Montana	4,930,000
Nebraska	11,664,000
Nevada	690,000
New Hampshire	3,980,000
New Jersey	28,395,000
New Mexico	3,240,000
New York	93,465,000
North Carolina	23,031,000
North Dakota	5,910,000
Ohio	51,831,000
Oklahoma	18,250,000
Oregon	7,047,000
Pennsylvania	78,480,000
Rhode Island	5,430,000
South Carolina	15,147,000
South Dakota	5,724,000
Tennessee	21,033,000
Texas	39,967,000
Utah	4,040,000
Vermont	3,168,000
Virginia	20,781,000
Washington	12,200,000
West Virginia	13,167,000
Wisconsin	23,688,000
Wyoming	1,746,000

Mr. WATERMAN. Mr. President, when this storm first broke, when the tariff on oil was first considered, if happened that I was not in the Chamber. I ascertained what took place by reading the RECORD a day or two thereafter, when the speech of the Senator from Wisconsin [Mr. BLAINE] was printed in the Appendix of the RECORD of a subsequent date.

I personally know Judge Adams, of the Supreme Court of the State of Colorado, and have known him for many years. I will vouch for him as a reputable citizen and a reputable judge. He was reputable enough to be elected by the people of my State to the high position which he holds with distinction. Mr. Winbourn, to whom reference is made, was elected two years ago as the attorney general of the State of Colorado. He is also a reputable citizen, a reputable lawyer, and a reputable official of that State.

I have always understood that Judge Adams was somewhat interested in the oil question because it was believed that in the San Luis Valley, where he had lived for many years, the underlying strata contains much oil. He may be financially interested in it; I do not know personally.

It was urged to-day that Mr. Winbourn was here in Washington. I did not see him. I was not in the city of Washington at any time while he was present here, so I did not confer with him about this or any other subject whatever. I never have conferred with Judge Adams with reference to the situation.

I frankly say that I never was opposed to a tariff upon oil, and I have never expressed myself as opposed to it. I had nothing to trade. Nobody offered to trade with me for something that I did not have nor for that which I did have.

Mr. Franklin, whose name has been bandied about here, so far as I know, is a reputable gentleman. I know that he is a man of ability and of experience, because I have discovered it from my conversations with him. He was here seeking votes to support a tariff upon oil. He was frank enough to tell me that that was his purpose. He talked about the question; he talked about the advisability of having a tariff upon oil and its probable

effect upon the industry in this country if a tariff was put upon oil. Nothing objectionable ever escaped the lips of Mr. Franklin in my presence.

I have never talked with the junior Senator from Oklahoma [Mr. THOMAS] about the question. I did briefly talk with the senior Senator from Oklahoma [Mr. PINE] at one time for a few moments just before the first vote was taken upon the matter. There was nothing developed in that conversation which was discreditable to him, and I did not suppose there was anything developed that was discreditable to me as a Senator.

I have stated upon the floor of the Senate, and I have stated in the presence of Senators elsewhere that, by the eternal, I will not vote for a tariff upon the products of another State if the Senators from that State vote against protecting the industries of my State, and I stand upon that platform.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WATERMAN. I yield.

Mr. FESS. I listened to the reading of the telegrams from Judge Adams. I take it that he knew that the Colorado Senators believe in a protective tariff. I do not know what his opinion was about the position of the Senators from Oklahoma, but I have been trying to see whether the interpretation which has been placed upon those telegrams can be justified, that Judge Adams is urging that a trade be entered into. I do not see that that is the only interpretation that could be placed upon a telegram of that kind. If I were wiring to some representative in the Senate on a matter of interest to me and if I knew that there were other States interested in a protective tariff on a different article, and if I should say, "Here are people interested in protecting articles in their own States," I can not see that it carries with it something sordid on the basis of a bargain. I have believed in protecting sugar and have so voted. I believe in a protection on oil and have so voted. But certainly I would not be subject to criticism if for any reason I had decided not to vote for a tariff on oil but should vote for a tariff on sugar. Because I should assume that position I should not be subject to the charge of a barter or subject to the charge of prejudice in the matter of voting. I can not understand, if all the evidence we have is such as was read from Judge Adams's telegrams, what basis there is for the charge that oil is being traded for sugar and sugar for oil.

Mr. WATERMAN. So far as I know there is no basis for it. The Senators from Colorado ordinarily are not noisy. They try to attend to their own business and make up their own minds with reference to what they will do upon any subject before the Senate. But any man who knows the senior Senator from Colorado [Mr. PHIPPS], as the people of Colorado know him, and who knows me, as they have known me for 40 years, knows that in season and out of season I am a high-protective man, in favor of protecting every industry in this country no matter in what State it may be. Any of the people who know either of us know that they do not have to trade with us in order to get our votes for the protection of any living industry in this country. It is unnecessary to approach us in that way. No one has ever approached me with any such branch in his hand.

The conversations I have had with Mr. Franklin were full, fair, and frank. I tried to ascertain from him what good a tariff would do him if it were put upon oil. He explained to me how and why, which was perfectly legitimate, I am sure. I have assumed that it was perfectly legitimate for Senators to talk among themselves with reference to the matter and to reach an agreement with reference to these things. We do it here continuously. We agree upon the floor of the Senate upon amendments to pending bills where there is a compromise between conflicting ideas.

Is there anything vicious about it? The very Capital of the United States is located here upon the banks of the Potomac as the result of a compromise and a trade between Alexander Hamilton and Thomas Jefferson. The Constitution of the United States itself was a compromise from start to finish and a trade from start to finish. Everybody knows that one side of the people of this country were contending that the sovereignty of the States must be protected by the Constitution. The others were contending that the people of the different States must likewise be protected. Out of that blazing furnace of discussion came the great covenant of the Constitution of the United States, the result of trades and compromises of which we and all of us are proud.

So I am frank to say that, by the eternal, whenever a proposition comes up on the floor of the Senate with reference to a tariff upon any article, if any Senator votes against a tariff upon articles produced in my State which are not produced in his State, I will not vote for a tariff upon the articles produced in his State. We might as well understand that now as any other time.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. WATERMAN. Certainly.

Mr. CARAWAY. Of course, the Senator has a perfect right to defend his own course, but he said a moment ago that he was in favor of a high tariff on every American industry.

Mr. WATERMAN. I am.

Mr. CARAWAY. But the Senator would go back on his announced doctrine. If some other Senator did not vote for a tariff on an article produced in his State, he would punish the whole people.

Mr. WATERMAN. I would punish the people of that State for it, but not the whole people.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. WATERMAN. I yield.

Mr. GLASS. I may have a very defective sense of discrimination, but I am unable to see the difference between a doctrine of that sort and a plain trading of votes.

Mr. WATERMAN. I do not care what the Senator may call it. I think I have seen the Senator vote for protection for articles produced in his State and vote against protection for practically every article produced in every other State.

Mr. GLASS. Oh, no; the Senator has not seen that, and he can not ascribe to me any motive of retaliation for any vote which I have cast.

Mr. WATERMAN. I do not care whether it is retaliation or what it is; the fact exists on the floor of the Senate.

Mr. GLASS. The fact exists in my mind that I can not discriminate a doctrine of that sort from the plain trading of votes.

Mr. WATERMAN. I shall practice it so long as I sit here.

Mr. GLASS. That is the Senator's privilege.

Mr. WATERMAN. And the most can be made of it.

So, I say, Mr. President, that there was no trade so far as I am concerned. I was not opposed to a tariff on oil. I had nothing to give for a vote on sugar. I have been somewhat active around the Chamber and elsewhere in attempting to procure tariff rates on articles produced in my State; I have likewise been somewhat busy in attempting to secure adequate tariff rates upon articles produced in other States which are not produced in my own.

I have been trying to spread the blanket of protection fairly over all the industries of this country; and I say again that when any Senator from any State votes exclusively for the protection of articles produced in his own State and then votes against the protection of articles produced in my State, I will not give him any vote for the protection of the articles produced in his State. We might as well understand that now, gentlemen.

Mr. President, I had not intended to be drawn into this discussion, but we may as well have an understanding. My name has been bandied around here as a trader and a horse jockey and all that. I have stood it until I became out of patience with it. I think the whole thing is merely a tempest in a teapot; that it was conceived and started and brought here and put over for the purpose of killing not only a tariff on oil but a tariff rate on many other articles produced by various industries. That is what I believe about it.

So, Mr. President, my record is entirely open; my record is full and fair before the Senate. I think Senators will understand where I stand and what I propose to do and what I shall do. It may as well be understood now that the people of my State are interested in a tariff upon oil. I have had many communications from them; I have never answered whether I would vote for it or whether I would not, and, as a matter of fact, I do not very often make such declarations in connection with anything, but when I come to vote I have reached a conclusion which has been derived from such information as I could gather here and there, and I have voted in accordance with my conscience. There is no trade; there is no sale; there is no bargain; there is no consideration passing from any Senator here to me nor from me to any other Senator in connection with any vote which has been cast or shall be cast.

Mr. CARAWAY. Mr. President, the Senator from Colorado [Mr. WATERMAN] makes himself perfectly clear that while his predilection is to vote for protection, if a Senator from some other State will not vote to protect articles produced in his State, he will not vote to protect the articles produced in the other Senator's State. I take it that the converse is necessarily true, that if a Senator will agree to vote on articles produced in Colorado the Senator from that State will vote for protection on articles produced in the other Senator's State.

Mr. WATERMAN. I will say that I probably will.

Mr. CARAWAY. I should say that was a trade. The Senator from Ohio [Mr. FESS], whom I have always looked upon

as the public censor of the Senate, it seems, can not understand and does not resent, though I resent, the sending of telegrams offering to trade and saying in effect, "I think we can make this contact." At one time I thought that the Senator had obtained a very dignified place in the educational world, and I necessarily imagined that he understood the English language; but I am perfectly willing to say that I was mistaken about that.

The peculiar thing about this whole matter, Mr. President, is that anybody should feel resentful at there being disclosed what is really transpiring or what people say they are bringing about. If it is honorable, nobody should care; but if anyone is engaged in a dishonorable practice, no honorable man ought to defend it.

Mr. PINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. CARAWAY. I yield.

Mr. PINE. I will say there is no objection to the facts, but it is the misconstruction of the facts to which we object.

Mr. CARAWAY. The Senator ought to realize that here are 96 Senators, and if they are all so feeble-minded that they can not read a telegram for themselves and know what it means, then God save the States from which they come. It is not a question of interpretation to which any one objects, but it is the fact itself about which Senators complain.

Now to show, Mr. President, a rather unreasonable situation, I agreed with Mr. Franklin that a tariff ought to be levied on oil. I do not indorse the doctrine my friend here on my right [Mr. WATERMAN] enunciates, that he is for a protective duty on any article produced in my State if I am for a protective duty on everything produced in his State, but otherwise he is against imposing a protective duty on anything produced in my State unless I am for protecting everything produced in his State. If that is the way this tariff bill is to be written, if the merits of various proposals are to be disregarded, the American people then will have no protection against exorbitant rates. Because my observation has led me to the conclusion that ordinarily Senators are too much inclined to appraise the needs of their own State above what other people who are disinterested may set upon them. But if the rule is to be that the interests of my State are to be slaughtered unless I myself am willing to lay aside my judgment as to rates which ought to be written into this bill on articles produced in other States, this new manner of writing tariff bills is going to be a revelation to the American people, and I shall be very much surprised if they do not resent that way of legislating.

Now, I want to say a word about the so-called lobby committee. I am chairman of that committee, but not from my own solicitation. If the chairman of the Judiciary Committee were present, and if other members of that committee were present, they would bear me out in the statement that I asked that some other Senator be given that place.

The Senator from Indiana [Mr. ROBINSON] never complained about the manners of that committee, and any danger its activities might involve to the public interest, until the gentleman who was before the committee to-day first appeared as a witness some days ago. Then, for the first time, we commenced to hear about a Democratic committee, and about its being unfair.

The witness to whom I referred is the only witness as to the treatment by the committee he has protested there was a violation of his rights. In that committee the rule has prevailed, as every member of the committee knows, that if any member wanted to subpœna—not subpœna, because we have issued but three subpœnas—but if a member wanted a witness invited to come he had only to indicate his desire. We left it to each Senator's honor to say what he thought ought to be investigated about a matter under consideration before the committee. And then when that question was disposed of if it was desired by any member of the committee to inquire into something else the committee were willing that that should be done. It has been a harmonious committee until recently, when one member of the committee complained because he objected to the unearthing of certain things with reference to a witness who was then and is now before the committee, and that is all. That is the first time and the only time he has objected to either manner or substance of the commitee's activities.

I do not object to criticism of the committee. I have said—and I want to repeat—that we have used whatever methods we thought were necessary to ascertain the facts; but I should like to have those Senators who complain about the committee to remember that there has been but one witness who appeared before the committee since it was organized who was not friendly to the activities that were being investigated. The former secretary of a Senator, Mr. Russell, of Utah, had a grievance against the Senator from Utah [Mr. KING]. But none of us, so far as I am aware, knew this until he appeared before the committee. We have never invited and have never encouraged or permitted anybody who had a grievance to come before the committee. There are stacks of letters in my office, as well as telegrams, from people wanting to come before the committee, but when it was ascertained that they had some personal grievance invariably they have been denied the opportunity to testify.

As to every organization that has been investigated, witnesses have been selected for that organization, and every man who has been before the committee has been asked if there was anyone he wanted to testify, and if he has named a witness we have procured that witness for him, so that every phase of the case is gone into.

We have investigated the American Tariff League, for instance, and every witness was either a member of that organization or somebody whom the organization wanted called. While the committee was investigating those seeking a higher tariff, it was suggested by the Senator from Indiana that we ought to go into the activities of those who wanted lower tariff, and every witness wanted was brought here. Those witnesses were turned over to the Senator from Indiana to inquire into their activities. He wrote the report dealing with that phase of the subject.

The committee's action has been unanimous on every matter, and the only complaint, as I have said, that has arisen in the committee has been over the examination of the gentleman who was before the committee to-day.

Mr. President, there has been complaint—and with this observation I am through—about the bad manners of the committee. That is largely due to my mannerisms. I am not defending my manners, Mr. President, but I would not advise anybody else to copy them. Sometimes I myself have felt, after a hearing was over, rather regretful for some of the things I have said. The truth is I always regret an unkindness done or said. I have no ill will against any living being. I am willing however, I repeat, to assume the responsibility for everything I have said or the committee has done. I have not objected to any witness incorporating anything in the record that he desired as a statement, except one thing.

When the junior Senator from Pennsylvania [Mr. GRUNDY] was before the committee, and enunciated his famous doctrine that the Senators from "backward States" should not vote when tax measures were being voted on or refunds were being voted to corporations who had paid money to the Government, he registered with the committee a solemn promise that he was going to submit to us a list of Senators, common and preferred; and I then insisted that he live up to it. He brought in a statement at one time and handed it to me, after he had given it to the newspapers, in which he undertook to rehash his theory about the mistakes of the fathers, but did not give us the list of Senators. I refused the statement. I excused him, however, for not complying. I knew it was embarrassing, and I was perfectly willing to let it go although I was willing to be classed as one of those common Senators who very much offended his sense of what the fathers ought to have done.

I thought then that it was a pleasantry, and I think so still. I really doubt very seriously if the Senator from Pennsylvania would rewrite the Constitution; and, facetiously, I said that if Pennsylvania had been given all the Senators that the Senator from Pennsylvania thought it ought to have, the high cost of electing a Senator in Pennsylvania would have been prohibitive.

If Pennsylvania had been awarded 57 Senators—and I think that is the number that the Senator from Pennsylvania thought its great industrial wealth entitled it—knowing how much it cost to nominate and elect a Senator in Pennsylvania, I doubt if the great wealth of the Senator and the State at large could have supported the election of that many Senators.

I said that I thought the Senator from Pennsylvania was indulging in a facetious vein. I loved to hear him talk. I did not have to agree with him, and I do not; but I realized that he was not going to be with us long, and I was willing to accord him the opportunity of expressing anything he felt with reference to that subject.

I did not hear the speeches of criticism of the committee, and I am glad I did not. I did hear the speech of the Senator from Indiana [Mr. ROBINSON]; and I rather think if I were the Senator from Indiana that I would have objected in the committee, instead of going on the floor to denounce the committee.

Personally, I do not want anybody to feel any obligation to defend my course of conduct on that committee. I should feel humiliated if anyone felt that he ought to do it. I shall do that for myself if it becomes necessary; but I do not feel that it is necessary.

Mr. PINE. Mr. President, in the State of Oklahoma we have a group or socialists. That group in 1924 supported La Follette and WHEELER. They have a paper down there that is known as the Oklahoma Weekly Leader. It is edited by Oscar Ameringer and Dan Hogan, who have keen minds, and know how to express themselves.

I have an editorial from that paper which appeared in the issue of March 6, 1930. I send it to the desk and ask that it be read.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? I do not know what the editorial says. Does the Senator indorse what it says?

Mr. PINE. I do.

Mr. CARAWAY. The Senator makes it personal?

Mr. PINE. I do.

Mr. CARAWAY. All right.

The VICE PRESIDENT. Without objection, the editorial will be read.

The Chief Clerk read as follows:

[From the Oklahoma Weekly Leader of Friday, March 6, 1930]

THE PROGRESSIVES BLUNDER

In voting with the Standard Oil Senate Republican group against the tariff on crude oil, the Progressive contingent, led by Senators BLAINE, LA FOLLETTE, NORRIS, and WHEELER indulged in some loose thinking and jumped at conclusions in a manner savoring of Old Guard psychology.

Their arguments were the generally sound arguments of the free-trade advocates. But their application of these arguments to the proposed tariff on crude oil shows how far present Progressives have drifted from the keen reasoning and probing leadership that characterized the attitude of the senior La Follette. In the name of a great principle, Senator BLAINE denounced the lobby of the oil independents in terms formerly reserved by the senior La Follette for the Standard monopolists. The elder Wisconsin statesman set forth all too convincingly that the price of gasoline had no relation to the price of crude; that the oil monopoly charged what the traffic would bear, save when engaged in driving an independent operator to the wall. To hear Senator BLAINE contend that a tariff on oil would raise the price of gasoline, in the face of recognized monopolistic control and the enormous margin between the cost of producing gasoline and its price of sale, is laughable. The Wirt Franklin lobby is the first encouraging sign since the great La Follette inquiry of a stand by the independents against the refining monopoly.

The trite argument of Senator BLAINE for conserving our supply by encouraging the import of cheap crude could only be founded on ignorance of the fact that true conservation is best served by keeping the price at a point where it will be possible to pump the vast number of small oil wells that must be abandoned and lost forever once the load of foreign crude forces the price too low for their profitable operation.

The price of crude throughout the mid-continent area bears directly upon the farmer himself, and an oil tariff to him is as vital farm relief as the measures taken to protect the price of cotton, corn, and wheat. Southwestern cooperatives are pooling their royalty rights, as they pool cotton and wheat, through a movement which promises salvation in direct proportion as oil may be saved from the same deflation that has crushed agriculture.

If Senator BLAINE is so concerned for the gasoline consumer, let him direct an intelligent inquiry into the forces that fix gasoline prices, not launch invectives at the independent producers, whose interests are identical with those of the small landowner.

Free importation of crude oil under a high-tariff governmental policy has the same earmarks of discrimination as characterize the failure to apply export debentures for agricultural commodities. The arguments of the free trader fall flat when applied to one commodity, especially when applied to that commodity by progressives who are supposedly rational, and who gladly espoused the export debenture proposal to maintain the prices of agricultural commodities. The export debenture would have affected consumer prices. The crude-oil tariff would not.

Mr. WHEELER. Mr. President, I thought there was a rule against putting in the RECORD or reading any article which was libelous against a Member of the Senate. If I am not mistaken, this article is libelous, in that it charges me and others with Old Guard psychology.

The VICE PRESIDENT. The rule relates to debate. The Chair, however, will take advantage of this opportunity to state that hereafter Senators must observe the rule in reference to characterizing the conduct of other Senators in their debate, and hereafter the Chair will call to order any Senator who violates Rule XIX.

Mr. BLAINE. Mr. President, I ask to have read by the clerk a copy of a letter addressed by myself to Mr. John A. Simpson, of Oklahoma City, Okla.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

MARCH 10, 1930.

Mr. JOHN A. SIMPSON,
President Farmers' Educational and Cooperative Union,
Oklahoma City, Okla.

DEAR MR. SIMPSON: I am in receipt of your telegrams and letter of recent date.

"Oil" seems to be a magic word. Nations go to war for oil. Oil has corrupted officers of the Government in high places. Now, you propose to tax a natural resource on the plea of "farm relief."

"Farm relief" has been a slogan upon the banner of every sordid interest that has been seeking special favors and the privilege to pick the farmers' pockets. Indeed, "farm relief" has been so thoroughly exploited by the same sordid, selfish interests that the farmer will be relieved of everything, except the right to toil, that others may profit.

No, Mr. Simpson, I am not engaged in the prevalent pastime of handing gold bricks to the farmers.

Oil, sugar, cement, lumber—all to be taxed in the name of "farm relief." Oh, the crimes that are being committed in that name!

And Standard Oil is a silent partner in the game that is being played here. And for whose benefit? The new crop of multi-millionaires have banded themselves together, as so-called independent petroleum producers, to pull the chestnuts out of the fire for Standard Oil.

If it were not for the tragedy of the situation it would cause serious men to laugh.

Yours very truly,

JOHN J. BLAINE.

Mr. FESS. Mr. President, there has been a lot of confusion about the votes when we have taken an item off the free list and put it on the dutiable list. We have followed the practice of having two votes—first when we put on the duty, and second when we took the item off the free list. Also, when we have taken an article off the dutiable list and put it on the free list we have been following the practice of having two votes.

There are many Members of the Senate who think that one vote ought automatically to operate on the second proposition. For example, if we put oil upon the dutiable list, the practice heretofore would be that we would then vote to take it off the free list. It seems to me that that opens up unlimited debate.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. FESS. Yes; I yield.

Mr. THOMAS of Oklahoma. My amendment provides, first, that oil shall be transferred to the dutiable list, and the last line or two provides that the lines in the present bill that put oil on the free list shall be stricken from the bill. Anyone could ask that the amendment be divided; but if the whole thing carries, the whole thing is taken care of.

Mr. FESS. But after talking with the Senator from Utah it was agreed that a unanimous-consent request should be presented.

Mr. SMOOT. I hope the Senate will agree to this unanimous-consent request.

Mr. LA FOLLETTE. Mr. President, the Senator from Nebraska [Mr. NORRIS] objected to that this morning when the Senator from Utah asked it.

Mr. FESS. This has not as yet been presented. I will withdraw it for the present.

Mr. LA FOLLETTE. I suggest the Senator wait until the Senator from Nebraska returns.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Oklahoma [Mr. THOMAS] as modified.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Hastings	McCulloch
Ashurst	Cutting	Hatfield	McMaster
Baird	Dale	Hawes	McNary
Barkley	Fess	Hayden	Metcalf
Black	Fletcher	Hebert	Moses
Blaine	Frazier	Heflin	Norbeck
Blease	George	Howell	Norris
Borah	Glass	Johnson	Nye
Bratton	Glenn	Jones	Oddie
Broussard	Goff	Kean	Overman
Capper	Goldsborough	Kendrick	Phipps
Connally	Hale	Keyes	Pine
Copeland	Harris	La Follette	Pittman

Ransdell	Simmons	Thomas, Okla.	Walsh, Mass.
Robinson, Ind.	Smoot	Townsend	Walsh, Mont.
Robsion, Ky.	Steck	Trammell	Waterman
Schall	Steiwer	Vandenberg	Watson
Sheppard	Swanson	Wagner	Wheeler
Shortridge	Thomas, Idaho	Walcott	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Oklahoma as modified. The yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CUTTING (when his name was called). On this question I have a pair with the senior Senator from Minnesota [Mr. SHIPSTEAD]. If the senior Senator from Minnesota were present, he would vote "nay"; and if I were permitted to vote I would vote "yea."

Mr. GLASS (when his name was called). I have a nontransferable pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his absence I am unable to vote. If permitted to vote, I would vote "nay."

Mr. MCNARY (when his name was called). On this vote I am paired with the senior Senator from Mississippi [Mr. HARRISON]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. DENEEN] to the Senator from Massachusetts [Mr. GILLETT] and vote "nay."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. If he were present and permitted to vote, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). On this vote I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR], who I understand, if present, would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I am unable to secure a transfer. I understand that if the Senator from South Carolina were present he would vote "nay." If I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. GLENN. I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I understand that if present he would vote "nay," and if I were permitted to vote, I would vote "yea."

Mr. CARAWAY. I have a pair with the senior Senator from Vermont [Mr. GREENE]. I do not know how he would vote if present, and being unable to get a transfer, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WAGNER. I have a pair with the Senator from Missouri [Mr. PATTERSON] who would vote "yea" if present. The Senator from Kentucky [Mr. ROBSION] has a pair with the Senator from Washington [Mr. DILL], who would vote "nay" if present. I transfer my pair to Mr. ROBSION'S pair, allowing Mr. ROBSION and myself to vote, and leaving Mr. DILL and Mr. PATTERSON to stand paired. I vote "nay."

Mr. FESS. I desire to announce the following pairs:

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Tennessee [Mr. BROCK]; and

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Maryland [Mr. TYDINGS].

If present, the Senator from Wyoming [Mr. SULLIVAN] and the Senator from Pennsylvania [Mr. GRUNDY] would vote "yea," and the Senator from Tennessee [Mr. BROCK] and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

I also desire to announce the following general pairs:

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 29, nays 38, as follows:

YEAS—29

Allen	Goldsborough	McCulloch	Sheppard
Baird	Hastings	Moses	Shortridge
Bratton	Hatfield	Oddie	Steiwer
Broussard	Hebert	Phipps	Thomas, Okla.
Capper	Johnson	Pine	Waterman
Connally	Jones	Pittman	
Fess	Kean	Ransdell	
Goff	Kendrick	Robsion, Ky.	

NAYS—38

Ashurst	Couzens	Hayden	Norbeck
Barkley	Fletcher	Heflin	Norris
Black	Frazier	Howell	Nye
Blaine	George	Keyes	Overman
Blease	Hale	La Follette	Robinson, Ind.
Borah	Harris	McMaster	Schall
Copeland	Hawes	Metcalf	Simmons
Smoot	Trammell	Walcott	Wheeler
Steck	Vandenberg	Walsh, Mass.	
Swanson	Wagner	Walsh, Mont.	

NOT VOTING—29

Bingham	Gillett	McKellar	Sullivan
Brock	Glass	McNary	Thomas, Idaho
Brookhart	Glenn	Patterson	Townsend
Caraway	Gould	Reed	Tydings
Cutting	Greene	Robinson, Ark.	Watson
Dale	Grundy	Shipstead	
Deneen	Harrison	Smith	
Dill	King	Stephens	

So the amendment of Mr. THOMAS of Oklahoma, as modified, was rejected.

Mr. LA FOLLETTE subsequently said: I ask unanimous consent that there may be inserted in the RECORD following the vote on the oil amendment of the Senator from Oklahoma [Mr. THOMAS] taken this evening, the vote on the same amendment taken in Committee of the Whole on February 28, 1930.

There being no objection the vote was ordered to be inserted in the RECORD, as follows:

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. VANDENBERG (when Mr. COUZENS'S name was called). My colleague the senior Senator from Michigan [Mr. COUZENS] is necessarily absent from the Chamber. If present, he would vote "nay."

Mr. GEORGE (when his name was called). I have a pair with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Michigan [Mr. COUZENS] and vote "nay."

Mr. GLENN (when his name was called). On this question I have a special pair with the junior Senator from New York [Mr. WAGNER], who is necessarily absent. If he were present, I understand he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. NORRIS (when Mr. HOWELL'S name was called). I desire to announce that my colleague [Mr. HOWELL] is necessarily absent from the Chamber. If he were present, on this question he would vote "nay."

Mr. MCKELLAR (when his name was called). Making the same announcement as on the previous vote with reference to my pair with the Senator from Delaware [Mr. TOWNSEND] and its transfer to the junior Senator from Nebraska [Mr. HOWELL], I vote "nay."

Mr. ODDIE (when his name was called). On this question I have a pair with the senior Senator from North Carolina [Mr. SIMMONS]. If he were present, I understand he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent. If he were present, he would vote "nay."

The roll call was concluded.

Mr. FESS. On this question I desire to announce that the Senator from Idaho [Mr. THOMAS] is paired with the Senator from Montana [Mr. WHEELER].

The Senator from Wyoming [Mr. SULLIVAN] is paired with the Senator from Maryland [Mr. TYDINGS];

The Senator from New Hampshire [Mr. MOSES] is paired with the Senator from Vermont [Mr. GREENE];

The Senator from Rhode Island [Mr. HEBERT] is paired with the Senator from Massachusetts [Mr. GILLETT]; and

The Senator from Wyoming [Mr. KENDRICK] is paired with the Senator from Minnesota [Mr. SHIPSTEAD].

If present, the Senator from Idaho [Mr. THOMAS], the Senator from Wyoming [Mr. SULLIVAN], the Senator from New Hampshire [Mr. MOSES], the Senator from Rhode Island [Mr. HEBERT], and the Senator from Wyoming [Mr. KENDRICK] would vote "yea," and the Senator from Montana [Mr. WHEELER], the Senator from Maryland [Mr. TYDINGS], the Senator from Vermont [Mr. GREENE], the Senator from Massachusetts [Mr. GILLETT], and the Senator from Minnesota [Mr. SHIPSTEAD] would vote "nay."

I also wish to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Ohio [Mr. MCCULLOCH] with the Senator from Iowa [Mr. BROOKHART]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference meeting in London, England.

The result was announced—yeas 27, nays 39, as follows:

Yeas, 27: Messrs. Allen, Baird, Bratton, Broussard, Capper, Caraway, Connally, Cutting, Fess, Goff, Goldsborough, Grundy, Hastings, Hatfield, Johnson, Jones, Kean, Patterson, Pine, Ransdell, Robsion of Kentucky, Sheppard, Shortridge, Steiwer, Thomas of Oklahoma, Waterman, and Watson.

Nays, 39: Messrs. Ashurst, Barkley, Black, Blaine, Borah, Brock, Copeland, Dale, Dill, Fletcher, Frazier, George, Hale, Harris, Harrison, Hawes, Hayden, Heflin, Keyes, La Follette, McKellar, McMaster, Metcalf, Norbeck, Norris, Nye, Pittman, Robinson of Indiana, Schall, Smith, Smoot, Steck, Stephens, Swanson, Trammell, Vandenberg, Walcott, Walsh of Massachusetts, and Walsh of Montana.

Not voting, 30: Messrs. Bingham, Blease, Brookhart, Couzens, Deneen, Gillett, Glass, Glenn, Gould, Greene, Hebert, Howell, Kendrick, King, McCulloch, McNary, Moses, Oddie, Overman, Phipps, Reed, Robinson of Arkansas, Shipstead, Simmons, Sullivan, Thomas of Idaho, Townsend, Tydings, Wagner, and Wheeler.

So the amendment of Mr. THOMAS of Oklahoma was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 19, 27, 49, and 50 to the said bill and concurred therein, and that the House insisted upon its disagreement to the amendments of the Senate numbered 23, 46, and 47.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1930, and June 30, 1931, and for other purposes, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 19, 1930.

Resolved, That the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) entitled, "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

IN THE HOUSE OF REPRESENTATIVES,
March 19, 1930.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 19, 27, 49, and 50 to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and concur therein.

That the House insists upon its disagreement to the amendments of the Senate Nos. 23, 46, and 47.

Mr. JONES. Mr. President, the Senator from South Dakota [Mr. MCMASTER] has entered a motion to reconsider the vote by which the conference report was agreed to. I am not disposed to take advantage of any technical objection that I might raise and therefore I am ready to have the matter disposed of so we can get the bill through as quickly as possible.

Mr. McMASTER. The object of making the motion for a reconsideration involves an item of $1,100,000 appropriated for educational purposes for the Indian children. We are asking for a reconsideration not for the purpose of increasing the appropriation, but for the purpose of a redistribution of the appropriation itself in order that we may maintain decent food standards and clothing standards for the Indian children of the country.

On June 18, 1929, the President of the United States, I am informed, appointed a commission composed of Dr. Marshall C. Guthrie, medical director of the Indian Bureau,; Dr. Edith Hawley, of the Bureau of Home Economics of the Department of Agriculture; Dr. Frances Rothert, of the Childrens' Bureau; and Dr. E. Blanche Sterling, of the United States Public Health Service. This commission, after its investigation, declared that a minimum health subsistence ration for Indian children in boarding schools would cost 39.1 cents a day wholesale. This figure was pared down by the Indian Bureau to 37.8 cents a day, and President Hoover, in December, asked Congress for appropriations to provide food immediately for every Indian boarding school in the amount of 37.8 cents a day. President Hoover in December asked the Congress for an appropriation to provide food immediately for the Indian children based upon that figure. He also recommended that the clothing appropriation should be increased from the amount of $22 per capita per year to $44 per capita per year.

The Senate Appropriations Committee recommended for food for these children the sum of $480,000. That would have maintained the standard recommended by the President's commission. The conference committee pared that amount down to $195,000. The Senate Appropriations Committee recommended $200,000 for clothing, and the conference committee pared that amount down to $50,000. That is a great reduction from the recommendations made by the President's commission which was appointed for the purpose of investigating this question. I can not see any reason why these amounts should be pared down and then the sums appropriated for equipment and livestock. The appropriation for equipment and livestock was increased from $350,000 to $565,000, taking that additional sum from the food and clothing that should go to these Indian children.

The case is so clear that it seems to me the Senate ought to reconsider the vote by which the report was adopted and give to these Indian children the food and clothing to which they are entitled in the amount which was recommended by the President's commission.

Mr. JONES. Mr. President, the conferees have agreed upon the identical item which the House approved, and that is in the amount of $1,100,000. In the House the money was not distributed. The Senate Appropriations Committee reported a distribution of $1,100,000 and in the conference I think we have made a very good distribution under all the circumstances. We want to get the bill through as quickly as possible. There are some important developments that will have to stop unless we do.

This is a deficiency bill. We will have the general Interior Department appropriation bill before us shortly that takes care of the Indians. If an adequate provision has not been made in this bill we can make it in that bill. The appropriation in this bill continues over not only through the rest of this fiscal year but during the next fiscal year. We can supplement that and take care of conditions that may be necessary in the Interior Department appropriation bill.

Let me call attention to the amount which has been distributed. Of the $1,100,000 there is $435,000 for subsistence; that is, there is $195,000 in one item, $40,000 in another, and $50,000 in another. The amount for dairy herds has been increased to $150,000 and that is the same as subsistence. As a matter of fact, that is where we have taken care of the children in that way. Out of the total amount of $1,100,000, the amount of $435,000 is distributed for subsistence.

Mr. McMASTER. Mr. President, will the Senator inform the Senate why the Senate Appropriations Committee in compliance with the President's recommendation appropriated $480,000 for food for children and why that amount was cut to $195,000 in conference?

Mr. JONES. It is not cut to $195,000. It is practically placed at $435,000, just as I have stated.

Furthermore, it must be realized that in conference there must be concessions on both sides. Concessions were made on both sides in this case. I think we have made a pretty liberal distribution of the $1,100,000 under all the circumstances. As I said, if that does not take care of the future, it can be dealt with in the regular 1931 appropriation bill for the Interior Department.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. Certainly.

Mr. COPELAND. Is it true that from this sum which we set aside for food and clothing a very large sum was taken out for equipment and livestock, about $215,000? The thing I have in mind is a diversion of funds which we thought in the Committee on Appropriations we were voting for the food of these children and for their clothing. Was that reduced in a way to put it into some material things rather than the life and welfare of these youngsters?

Mr. JONES. Quite the contrary to the last suggestion of the Senator with reference to the welfare of the children. There is a difference of opinion among the individuals as to what is most important for us to do now, whether it is to furnish a very largely increased amount for clothing and for subsistence, or whether a smaller amount should go for equipment for the

various schools throughout the country that will relieve the children from a great deal of hard labor and hard work and give them more time and furnish more facilities for their education. There is a difference of opinion with reference to the relative merits of the propositions. We have secured a large increase for subsistence; we have secured a considerable amount for equipment and furniture. There is very poor furniture in many of the Indian schools throughout the country. They ought to have reasonably good furniture. There is very poor equipment in many of the schools. Much of the time of many of the children is taken up in really hard work which they ought to have for educational purposes. This will be taken care of by the equipment, the up-to-date machinery, especially along the lines of laundry equipment and things like that.

I will say frankly to the Senator that my personal opinion was that they could do a great deal of this work, and that it would really be better for them to do it, and that the first consideration should be food and nourishment. There is a very considerable increase for that purpose, and if it is not sufficient, as I believe it is not for the future, it can be taken care of in the regular Interior Department appropriation bill that deals regularly in 1931 with this very matter. This is a deficiency bill that ordinarily would carry the appropriations along to June, 1930.

Mr. SWANSON. Mr. President, this is simply a bill to take care of them until the regular appropriation is made?

Mr. JONES. That is really what is expected, but we continue on into the next year whatever is not used in this year.

Mr. SWANSON. The deficiency bill makes an appropriation to take care of the immediate situation, and after it is made it can be extended and continued until the next year, as I understand is done in this bill. In the general legislation, if we think they need more, we can give it to them at that time.

Mr. McMASTER. Mr. President, will the Senator from Washington yield further?

Mr. JONES. Certainly.

Mr. McMASTER. The statement to the effect that this is an emergency appropriation just to cover the present emergency——

Mr. JONES. I think I said it is a deficiency measure.

Mr. McMASTER. Very well; but I want to explain the situation. The $480,000 for food is not in the sense of an emergency except in that it is an increase of the standards of food for these children during the balance of this fiscal year and the next fiscal year. That is the object of the increased appropriation. The conference committee have taken the $480,000, which the Senate Appropriations Committee recommended for that purpose in order to elevate the food and clothing to a proper standard, and have deducted $215,000 from the food requirements and from the clothing requirements and added it to the item for equipment. That is what has been done. It is an unfair thing to do. These children ought to receive the standards of food and the standards of clothing that were recommended by the commission appointed by the President. It would only take a short time to correct the situation.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. JONES. Certainly.

Mr. BRATTON. I understand it is contemplated to add to the dairy herds for the various schools. Is that catalogued as equipment and would they be purchased out of the $215,000 shifted from food and clothing to equipment?

Mr. JONES. That is taken out of the $585,000 which is estimated by the department for equipment, furniture, and dairy herds. Out of that it was figured by the department that there would be about $94,000 for dairy herds. We have increased that to $150,000.

Mr. SWANSON. As I understand, the only contention is that the conference committee did not allow enough for food and clothing?

Mr. JONES. I suppose that is the complaint.

Mr. SWANSON. The sum of $250,000 would certainly take care of all demands for food and clothing until the regular appropriation bill can be passed relating to the Interior Department.

Mr. JONES. With reference to clothing, the Senate provided $100,000.

Mr. McMASTER. No; $200,000, and that met the requirements of the recommendations of the President's commission.

Mr. JONES. I do not know whether it met the requirements of the President's commission or not. The amount in the distribution as provided in the House was $30,000. That has been increased to $50,000 for clothing. This is the reason for it. This is the season of the year where generally on these reservations they do not need very expensive clothing, they do not need winter clothing or anything of that kind, and it was thought that $50,000 would be sufficient, at least as a deficiency measure, until the regular appropriation takes effect and is made available.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. HAYDEN. If anyone can complain about the reduction in the amount allotted for clothing, I can. It was on my motion that the item was increased to $200,000 by vote of the Senate. The conferees reduced the amount to $50,000; but the chairman assures us—and I must take his word for it, because it sounds so sane and so logical and so reasonable—that $50,000 is sufficient to take care of the immediate clothing needs of the Indians; that the regular Indian appropriation will come along a little later, and if more money shall be needed for clothing it can be provided for in that measure. So, for my part, I am willing to vote to approve the conference report and let this deficiency bill become a law.

Mr. McMASTER. Then the Senator is willing to decrease the standards of food for the Indian children?

Mr. HAYDEN. Not at all. Let us finish up with the clothing item first. The clothing item was $200,000 as passed by the Senate. This bill appropriates $50,000. If, upon investigation, it shall be determined by the Committee on Appropriations that more money is needed, the committee will amend the Interior Department appropriation bill and provide in that bill for the necessary amount, so that no Indian child will be without clothing next winter. We can take care of the clothing question completely.

Now as to the food item. I think one of the finest things there is in this measure is the $150,000 for the purchase of dairy cattle. Nothing is better for the Indian children than fresh milk, and we propose to purchase for every Indian boarding school, where it is possible, as many fine dairy cows as may be needed, which will furnish the children with fresh milk.

There was no such provision at all as that in the President's Budget estimate; it is a new idea sponsored by Representative CRAMTON in the House, and I think is one of the best proposals that have been made. Nothing can be better for the Indian children than fresh milk. We have provided for a dairy herd for every one of those schools. So when it is said that we have deducted from the food item, it certainly ought to be admitted that there has been added $150,000.

Mr. McMASTER. As to the food increase represented by the dairy herd that is going to be purchased—and there can not be any great number purchased in 60 days—it will increase the value of the food allowance to these children by 2 cents a day; and we will not, in this appropriation bill, come anywhere near the requirement of an allowance of 37½ cents a day for the Indian children.

Mr. HAYDEN. Mr. President, if the Senator will allow me, I will say that the entire matter can be threshed out when we come to consider the Interior Department appropriation bill, and, therefore, I do not feel justified in voting against the adoption of the conference report.

Mr. JONES. Mr. President, I do not feel that we have provided as much money as may be necessary in this deficiency bill; I know that we have not brought the per capita amount for the children up to where, in my judgment, it ought to be, but we have increased it over what it is now, and we have made a considerable increase, though not, as I have said, all that should be made; but, as has been said, that can all be taken care of, and I have no doubt will be taken care of, for the next fiscal year in the regular appropriation bill.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, what is known as the Hoover standard of feeding would cost 37.8 cents a day.

Mr. JONES. That is correct.

Mr. COPELAND. And when we voted this money downstairs we thought that we were giving these youngsters 37.8 cents a day. These children are now fed, these wards of the Government, at 20 cents a day. That is outrageous.

Mr. JONES. It is 27 cents a day, in practice.

Mr. COPELAND. Very well; 27 cents a day; that is just a little less outrageous. We had provided by our appropriation that for the 80 days that remain before the fiscal year ends, for the balance of the year, the Indian children would have 37.8 cents a day for food. That has been cut down now to $195,000 from the amount we had proposed of $480,000, which will give these youngsters——

Mr. JONES. There are $150,000 which will go to this item.

Mr. COPELAND. Very well. That will give it to them for 47 days, during which they can have the full allowance, but for the rest of the time they will have nothing more than what they have at present.



Mr. JONES. That may be taken care of in the regular appropriation bill for the next fiscal year. Let me say to the Senator we have not done everything that some of us would like to have done, but the Senator knows that in conference between the two Houses there have to be concessions made, and we were more easily led, probably, to make some concessions because of the fact that the regular Interior Department appropriation bill will come up in two or three months and that will take care of the situation for the next fiscal year.

Mr. COPELAND. The Senate committee added $1,370,000, was it not?

Mr. JONES. No; it was $270,000.

Mr. COPELAND. We added it for a specific purpose.

Mr. JONES. Yes.

Mr. COPELAND. And we added it to increase these welfare items; that is what we did it for. In conference that money has been taken away, but provision has been made for dairy herds, of which the Senator from Arizona has spoken—and I approve of that; that is all right——

Mr. JONES. And then there is the labor-saving machinery.

Mr. COPELAND. Yes, machinery; and rosewood caskets.

Mr. JONES. I want to say the testimony before the committee shows that they need furniture, and they need it very badly. They have to have reasonable accommodations of that kind. As I have said also, a considerable portion of the appropriation is to furnish them with labor-saving machinery.

There is a very decided difference of opinion as to what should be done along this line. Personally, I think the Indian children should do a little more work than others perhaps think they should do. This is all I care to say in reference to the matter.

Mr. SWANSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield.

Mr. SWANSON. Is the question on agreeing to the conference report or on a motion to reconsider the whole bill?

Mr. JONES. The question now is, as I understand it, on the motion to reconsider the adoption of the conference report as to the whole bill. Then, there will come up again the question of sending the bill back to conference.

The PRESIDENT pro tempore. Just a moment. Is the Senator from Washington referring to the motion entered by the Senator from South Dakota earlier in the day?

Mr. JONES. Yes.

The PRESIDENT pro tempore. That motion has no standing before the Senate.

Mr. JONES. I said I did not propose to make any objection to the motion.

The PRESIDENT pro tempore. Whether the Senator from Washington makes any technical objection or not, it is the business of the Chair to enforce the rule, and under Rule XIII the motion of the Senator from South Dakota can not be entertained, because it does not carry a certain feature which the rule makes necessary. In the meantime the papers have come back to the Senate in perfectly regular order, and, therefore, the only thing that can be done is for a motion to adopt the conference report as presented or for a motion to be entered that the Senate insist upon its amendments and ask for a further conference with the House.

Mr. McMASTER. That is the motion I make at the present time.

The PRESIDENT pro tempore. That motion is now made by the Senator from South Dakota and may be regarded as pending.

Mr. JONES. May I ask what the effect of that motion is? As I understand, we have adopted the conference report; the House has agreed to the conference report, and the only difference at issue between the two Houses is the three amendments I have indicated.

The PRESIDENT pro tempore. The Chair understands that perfectly.

Mr. JONES. The Senator moves that the Senate insist upon its amendments and ask for a further conference. That is exactly what I was going to do.

Mr. SWANSON. Mr. President, I understand that if a motion to agree to the conference report shall be agreed to, that settles the matter. As to the amendments still in disagreement, then a motion could be made to insist on those amendments, and ask for a further conference with the House.

The PRESIDENT pro tempore. That is correct.

Mr. JONES. And the Chair to appoint the conferees on the part of the Senate.

Mr. SWANSON. Yes.

Mr. FRAZIER. Mr. President, in the original Budget sent from the Indian Bureau and approved by the Budget Bureau, as I understand, was an item for dairy cows, and there was an item in the so-called President's recommendation for dairy cows.

Mr. JONES. I think there was an item of $94,000.

Mr. FRAZIER. Of $94,000, which was increased by the Senate on this bill, and that is all very well, but the situation is this, Mr. President——

Mr. HAYDEN. Mr. President, the Senator is mistaken. If he will look at the Budget estimate he will find that there was nothing estimated for dairy cows, but that in the House bill there was $94,000 for that purpose originally.

Mr. FRAZIER. In the estimate that was made by Mr. Rhoads, Commissioner of Indian Affairs, there was included $94,000 in his recommendation to the House committee.

Mr. HAYDEN. Yes; but the Senator is speaking of the Budget estimate submitted by the President. That Budget estimate was absolutely silent on the subject of cows. A proposal to buy dairy cattle was raised afterwards by the Commissioner of Indian Affairs before the House committee. If the Senator will look at the Budget he will find that I am correct.

Mr. FRAZIER. As I recall the statement of the commissioner himself, it was that the President sent an estimate for dairy cows and that the amount approved by the President was $94,000.

Mr. HAYDEN. I have taken the trouble to look at the Budget, and it is not there.

Mr. FRAZIER. I have not the report of the committee before me, but that can be settled afterwards. At any rate, Mr. President, the situation is this: At the present time the Indian children at the boarding schools are being fed on 20 cents a day; not 27 cents a day, as the Senator from Washington stated a moment ago, but 20 cents a day.

Mr. JONES. There must be, then, a conflict in the testimony by those in authority, because some of the officials of the department said 27 cents and a fraction.

Mr. FRAZIER. That was what they expected in the future under the new bill, but at the present time it is only 20 cents a day. As the Senator from New York has said, if this appropriation goes through, adding $195,000 to what is now available, it will carry them for the 47 of the 80 days remaining of this school year, and for the remainder of the 80 days, or 33 days, they would have to fall back on 20 cents a day. The regular appropriation is for 1931, and that will not go into effect until after the school year is closed.

Mr. JONES. A great many of the schools will close before the 1st of July and the children will go home.

Mr. FRAZIER. They will close about the middle of June, but that is 80 days away.

Mr. HAYDEN. Mr. President, if the Senator from North Dakota will yield, he realizes, of course, that Congress appropriates money for the support and maintenance of the Indian schools in a lump sum for each boarding school and that if the money is expended for food it can not be expended for furniture or for some other purpose. If, upon the other hand, Congress should appropriate money for furniture or fixtures and that money is made immediately available, as it is in this bill, that would release an equivalent amount of their regular appropriation for food. So it does not necessarily follow that because the food allowance has been decreased below the Budget estimate and the amount for furniture equipment has been increased that the food allowance is reduced by that amount, because by appropriating for the furniture school funds that they normally would have for that purpose are released for food.

In other words, if the lump sum appropriated to each school is for maintenance, it can be shifted from one purpose to the other very readily.

Mr. FRAZIER. But the Comptroller General, as I understand, is very particular about the allocation of funds, and when there is a specific appropriation, such as there is in this bill, it has got to be expended for the purpose specified.

Mr. HAYDEN. I understand that, but there is available in each Indian boarding school now a lump sum for the support of that school, which is divided into food, and clothing, and furniture, and so on. If a part of this money is used for any one of those purposes, it automatically makes available other money for food, so that it does not paint a true picture to say the figures that are contained in this particular item in this deficiency bill tell the whole story, because that is not so.

Mr. FRAZIER. Mr. President, the way the appropriation is carried in the Interior Department bill, as figured out by the Indian Department, as I recall, the best they can do, according

to their own statement, will only give them 32 and a fraction cents a day for the school year for 1931 under that bill. That is below the minimum that has been recommended by the food expert.

Mr. JONES. May I suggest to the Senator that that bill has not been acted upon by the Senate committee as yet, but has just passed the House?

Mr. FRAZIER. I appreciate that.

Mr. JONES. And the Senate committee, of course, can do whatever it thinks proper.

Mr. FRAZIER. I want to serve notice that, whether or not we get any more on this deficiency bill, several members of the Committee on Indian Affairs are going to take that matter up when the Interior Department bill shall come before the Committee on Appropriations and urge larger appropriations for 1931. For the rest of this year, however, we are going to be away short of what we should have if the matter is to be allowed to stand as it is. There is no escape from it. I can not see any possible chance of bringing the food allowance up to 37.8 cents per day, the minimum that was agreed upon by this board of experts; and that, in my estimation, is altogether too low.

Mr. FLETCHER. Mr. President, as I understand, the question now before us is whether or not the items in disagreement shall go back to the conference committee for further conference; and this is one of the items in disagreement.

Mr. FRAZIER. No; this food-supply proposition is not in disagreement between the two Houses. Both Houses have approved it.

Mr. WALSH of Massachusetts. But I do understand that there are three items that are in disagreement, and that the chairman of the committee recommends to the Senate that we send the bill back to conference for further discussion about those items.

Mr. JONES. Yes. Porto Rico, the Boston building, and the Denver building are in disagreement; and the motion now is to insist upon our amendments and ask for a further conference, and that the Chair appoint the conferees.

Mr. BRATTON. Is the Porto Rican amendment the hurricane relief amendment?

Mr. JONES. Yes.

Mr. WALSH of Massachusetts. I am very much pleased to hear it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota. Of course, there is some question about the paternity of the motion; but the Chair is attributing it to the Senator from South Dakota.

Mr. JONES. That is all right.

The PRESIDENT pro tempore. The Chair will hold that the Senator from South Dakota will have priority in making it.

Mr. SWANSON. His motion was to disagree.

The PRESIDENT pro tempore. The motion, as the Chair understands it, is that the Senate insist upon its disagreement and ask for a further conference with the House, the Chair to appoint the conferees.

Mr. SWANSON. But have we adopted the conference report?

The PRESIDENT pro tempore. That was adopted before; and the Senator from South Dakota having failed in entering his motion to demand the return of the papers, we can not consider it here.

Mr. McMASTER. I did make that notation when I made the motion. First, I asked unanimous consent for those two purposes—one to reconsider the motion and the other to recall the papers from the House.

Mr. JONES. And I objected. The request was objected to and no further request was made.

Mr. McMASTER. Then I entered a motion to that effect.

Mr. JONES. Yes; the Senator entered a motion to reconsider—that is all.

The PRESIDENT pro tempore. The present occupant of the Chair was not presiding when the motion was entered; but the memorandum which the Chair finds here now does not contain the motion or the request. It is on that memorandum alone that the Chair has held as he has.

Mr. HAYDEN. Mr. President, a parliamentary inquiry: Could the mere giving of notice by one Senator that he intended to demand the return of the papers and to move for a reconsideration result in having the papers brought back from the House? The Senate would have to act on it, would it not?

The PRESIDENT pro tempore. The rule is entirely mandatory that there must be a motion for a request for the return of the papers, and that motion must be acted upon immediately. The language of the rule is:

> Shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Mr. HAYDEN. And the Senate did not act upon it.

The PRESIDENT pro tempore. According to the memorandum which the present occupant of the chair finds, they did not.

Mr. McMASTER. I now move that they do.

Mr. FLETCHER. It is too late now.

The PRESIDENT pro tempore. That can not be done, because, in proper order, the House has now returned the bill to the Senate and discharged its conferees.

Mr. McMASTER. When were the conferees discharged?

The PRESIDENT pro tempore. As soon as they sent the conference report over here.

Mr. JONES. This afternoon.

Mr. McMASTER. This afternoon? After a motion had been entered to take care of that matter, then, the Senate disposed of a conference report in that manner?

Mr. JONES. The request for the papers was not acted upon by the Senate. It was not submitted to the Senate.

The PRESIDENT pro tempore. The papers were not then in the possession of the Senate; and there having been no motion to request the return of the papers and an immediate vote upon that motion, the present occupant of the chair is compelled to hold that the motion which the Senator from South Dakota wishes to make can not be entertained.

The question is on agreeing to the motion which the Chair understood the Senator from South Dakota to make, but which the Senator from Washington claimed as his; namely, that the Senate insist upon its amendments to the three items in disagreement and request a further conference with the House, the Chair to appoint the conferees.

Mr. McMASTER. Does that include the Indian school items?

Mr. JONES. No; they have been agreed to by both Houses.

Mr. McMASTER. I move to amend that motion by including the Indian school items.

Mr. HAYDEN. I make the point of order that that can not be done.

Mr. JONES. That can not be included.

The PRESIDENT pro tempore. The Senator from Arizona will state his point of order.

Mr. HAYDEN. The point of order is that the House and the Senate both having approved the conference report upon these Indian items, they are no longer in dispute between the two bodies, and that it is not in order to make the motion tendered by the Senator from South Dakota.

The PRESIDENT pro tempore. The Chair holds the point of order to be well taken.

Mr. McMASTER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McMASTER. Do I understand that when a conference report has been adopted, within three days no motion can be made to reconsider the adoption of that report?

The PRESIDENT pro tempore. No; but when the motion is made it must be accompanied with a mandatory motion to request the return of the papers, and the vote must be had on that immediately.

Mr. McMASTER. My first request to-day was for unanimous consent that the Senate reconsider that matter, and that the papers be recalled from the House; and the unanimous consent was objected to by the Senator from Washington. Then I immediately entered a motion to that effect, covering both of those subjects.

The PRESIDENT pro tempore. Let the Chair propound an inquiry to the Senator from South Dakota. Who was occupying the chair at that time?

Mr. HAYDEN. The Vice President.

Mr. McMASTER. I think the Vice President was occupying the chair.

The PRESIDENT pro tempore. Whoever was occupying the chair at that moment left no memorandum here covering the motion of the Senator.

Mr. McMASTER. It was the duty of the clerk to have left a memorandum. The Chair does not leave a memorandum to that effect.

Mr. JONES. The motion to have the papers brought back should have been submitted at once.

Mr. SWANSON. And voted on immediately.

Mr. JONES. And voted on.

Mr. SWANSON. It was not submitted. We can not wait until the House takes action.

The PRESIDENT pro tempore. The present occupant of the Chair holds that the motion can not be entertained. The only motion that can be entertained now is for the Senate to recede from its amendments, or to insist upon its amendments and ask a further conference; and the latter motion has been made, and is now pending.

Mr. McMASTER. Mr. President, I will say this much. I knew that there probably would be some technical difficulties in connection with this matter. I went to our parliamentarian and had him go fully over the situation, and I followed his instructions to the letter. Now, I find that I have been jockeyed out of the whole deal in some way.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the President pro tempore appointed as conferees on the part of the Senate at the further conference with the House of Representatives Mr. JONES, Mr. HALE, Mr. PHIPPS, Mr. OVERMAN, and Mr. GLASS.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. PINE. Mr. President, I offer the amendment which I send to the desk.

I may say that this amendment is identical in language with the Thomas amendment as modified by the Pittman amendment, except that it provides for a duty of 50 cents per barrel on crude or fuel oil, and 25 per cent ad valorem on oil products. That is the only change in the amendment.

Mr. GOFF. Mr. President, does the amendment now offered by the senior Senator from Oklahoma make any provision as to the disposition of the tariff which may be imposed on oil?

Mr. PINE. It goes into a special fund, and is appropriated for expenditure on the roads, the same as in the other amendment.

Mr. GOFF. And that is the same provision that was included in the original amendment offered by the junior Senator from Oklahoma [Mr. THOMAS]?

Mr. PINE. It is the same provision.

I desire to say that it costs 18 cents per barrel to produce oil in Venezuela. It costs $1.70 per barrel to produce oil in the States of Oklahoma and Texas. The difference is $1.52 per barrel. In this amendment we ask for a tariff of 50 cents per barrel.

This Government has adopted the policy of protection. The independent producers ask for a rate equal to one-third of the difference in the cost of producing oil in the United States and Venezuela.

There has been considerable confusion in regard to what is involved in this matter. We have found the friends of the people here voting for a monopoly. The letter that was read here by the Senator from Wisconsin [Mr. BLAINE], directed to John Simpson, of Oklahoma, was in response to a telegram from John Simpson to the Senator from Wisconsin. In that telegram Mr. Simpson expressed his surprise that the Senator from Wisconsin should be found working in the interest of monopoly. John Simpson is the president of the Farmers' Union of the State of Oklahoma, and he has been president of that organization for 14 years.

These independent producers are entitled to a tariff of $1 per barrel on their oil. Common honesty demands it.

I ask for the yeas and nays on this amendment.

Mr. PINE's amendment was, on page 35, after line 2, to insert the following:

PAR. 99. (a) Crude petroleum, and fuel petroleum, 50 cents per barrel of 42 gallons.

(b) Petroleum products: Kerosene, benzine, naphtha, gasoline, paraffin, paraffin oil, and all other distillates, derivatives, or refined products of petroleum, 25 per cent ad valorem. The ad valorem rate provided in this subparagraph shall be based upon the American selling price (as defined in subdivision (f), as amended, of section 402, title 4) of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States, then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d), as amended, of section 402, title 4. For the purposes of this subparagraph any petroleum product provided for herein shall be considered similar to or competitive with any imported petroleum product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That all funds derived from the tariffs upon petroleum and the refined products of petroleum as provided by this paragraph shall be covered into a special fund for appropriation, and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder: *And provided further*, That the United States Tariff Commission is hereby authorized and directed to investigate the domestic and foreign costs of production of petroleum and petroleum products; to prepare and file reports of such investigations, and to prepare and submit recommendations concerning duties thereon as in this act provided; to keep a continuous file of the posted price of crude petroleum and the retail price of gasoline; and to make findings as to the average posted market price of crude petroleum at the place of production, and also of the retail price of gasoline at service stations at such principal markets for such gasoline as said Tariff Commission may select: *And provided further*, That no duty shall be collected or charged on crude petroleum or fuel petroleum during such periods as the average posted market price, as found by said Tariff Commission, of Texas and Oklahoma crude petroleum of a gravity of 36° B., taken at a temperature of 60° F., shall be in excess of $1.50 per barrel at place of production: *And provided further*, That no duty shall be collected or charged upon the petroleum products set forth in subparagraph (b) hereof during such periods as the average retail service-station price, as found by said Tariff Commission, of standard unmixed gasoline in New York City, N. Y., shall be in excess of 20 cents per gallon, exclusive of any gasoline tax collected from the purchasers.

On page 265, strike out lines 3 to 6, inclusive, being paragraph 1734.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma [Mr. PINE]. On that amendment the yeas and nays have been demanded. Is the demand seconded?

Mr. BARKLEY. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Goff	McCulloch	Smoot
Ashurst	Goldsborough	McMaster	Steck
Baird	Hale	McNary	Steiwer
Barkley	Harris	Metcalf	Stephens
Black	Harrison	Moses	Sullivan
Blaine	Hatfield	Norbeck	Swanson
Borah	Hawes	Norris	Thomas, Idaho
Bratton	Hayden	Nye	Thomas, Okla.
Broussard	Hebert	Oddie	Townsend
Capper	Heflin	Pine	Trammell
Connally	Howell	Pittman	Vandenberg
Copeland	Johnson	Ransdell	Walcott
Dill	Jones	Robinson, Ind.	Walsh, Mass.
Fess	Kean	Schall	Walsh, Mont.
Fletcher	Kendrick	Sheppard	Waterman
Frazier	Keyes	Shortridge	Watson
George	La Follette	Simmons	Wheeler

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment proposed by the senior Senator from Oklahoma [Mr. PINE].

Mr. PITTMAN. As I understand the amendment now offered by the Senator from Oklahoma, it is to reduce the tariff 50 cents a barrel. Is that correct?

Mr. PINE. That is correct.

Mr. PITTMAN. But it still carries the limitation of $2?

Mr. PINE. Yes.

Mr. PITTMAN. I think, in order to make it conform, the $2 should be changed to $1.50; that is, that whenever the price reaches $1.50 a barrel, the duty shall be removed. I therefore offer an amendment to change the "$2" to "$1.50."

Mr. PINE. I accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. VANDENBERG (when Mr. COUZENS's name was called). My colleague the senior Senator from Michigan [Mr. COUZENS] is unavoidably absent. If present, he would vote "nay."

Mr. DILL (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. ROBSION]. I withhold my vote.

Mr. FESS (when his name was called). On this vote I have a pair with the senior Senator from North Carolina [Mr. SIMMONS]. Were he present he would vote "nay"; and if I were permitted to vote, I would vote "yea."

Mr. FESS (when Mr. ROBSION's name was called). I have been requested to announce that the Senator from Kentucky [Mr. ROBSION] is paired with the Senator from Washington [Mr. DILL]. If the Senator from Kentucky were present, he would vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is paired with the junior Senator from New Mexico [Mr. CUTTING]. If the senior Senator from Minnesota [Mr. SHIPSTEAD] were present, he would vote "nay," and the junior Senator from New Mexico [Mr. CUTTING], if present and voting, would vote "yea."

Mr. STEPHENS (when his name was called). On this vote I have a pair with the junior Senator from Illinois [Mr. GLENN]. Therefore, I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. Being unable to secure a transfer, I withhold my vote. If the Senator from Tennessee were present and voting, he would vote "nay"; and if I were permitted to vote, I would vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Iowa [Mr. BROOKHART]. If he were present, he would vote "nay"; and if I were permitted to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). On this vote I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. I understand that if he were present he would vote "nay," and if I were permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I am unable to secure a transfer, and therefore can not vote. I am told that if the senior Senator from South Carolina were present he would vote "nay." If I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON].

The senior Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS].

I also desire to announce the following pairs on this question:

The Senator from Delaware [Mr. HASTINGS] with the Senator from Massachusetts [Mr. GILLETT];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER]; and

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Maryland [Mr. TYDINGS].

If present and voting, the Senator from Delaware [Mr. HASTINGS], the Senator from Missouri [Mr. PATTERSON], and the Senator from Pennsylvania [Mr. GRUNDY] would vote "yea," and the Senator from Massachusetts [Mr. GILLETT], the Senator from New York [Mr. WAGNER], and the Senator from Maryland [Mr. TYDINGS] would vote "nay."

Mr. GEORGE (after having voted in the negative). Upon this question I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the junior Senator from South Carolina [Mr. BLEASE], and allow my vote to stand.

Mr. CARAWAY. Making the same statement with reference to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

The result was announced—yeas 28, nays 32, as follows:

YEAS—28

Allen	Goldsborough	Kendrick	Pittman
Baird	Hale	Keyes	Ransdell
Bratton	Hatfield	McCulloch	Sheppard
Broussard	Hebert	McNary	Shortridge
Capper	Johnson	Moses	Steiwer
Connally	Jones	Oddie	Thomas, Okla.
Goff	Kean	Pine	Waterman

NAYS—32

Ashurst	George	McMaster	Steck
Barkley	Harris	Metcalf	Swanson
Black	Harrison	Norbeck	Trammell
Blaine	Hawes	Norris	Vandenberg
Borah	Hayden	Nye	Walcott
Copeland	Heflin	Robinson, Ind.	Walsh, Mass.
Fletcher	Howell	Schall	Walsh, Mont.
Frazier	La Follette	Smoot	Wheeler

NOT VOTING—36

Bingham	Dill	King	Simmons
Blease	Fess	McKellar	Smith
Brock	Gillett	Overman	Stephens
Brookhart	Glass	Patterson	Sullivan
Caraway	Glenn	Phipps	Thomas, Idaho
Couzens	Gould	Reed	Townsend
Cutting	Greene	Robinson, Ark.	Tydings
Dale	Grundy	Robsion, Ky.	Wagner
Deneen	Hastings	Shipstead	Watson

So Mr. PINE'S amendment as modified was rejected.

Mr. PITTMAN. Mr. President, I do not know whether we are to take up the bill by schedules or not.

Mr. SMOOT. The Senate has refused to do that.

The VICE PRESIDENT. The Senate refused to enter into an agreement proposing that course, but the Chair suggests that it would be well to follow that plan.

Mr. PITTMAN. I desire to offer an amendment. I shall not take over 10 minutes in discussing it. If I can have 10 minutes, I will submit the matter to the Senate.

The VICE PRESIDENT. Let the amendment be reported.

The LEGISLATIVE CLERK. On page 116, line 2, the Senator from Nevada proposes to insert the following:

PAR. 394½. Silver-bearing ores and mattes of all kinds, 30 cents per ounce on the silver contained therein: *Provided*, That on all importations of silver-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

PAR. —. Silver bullion or base bullion, silver dross, reclaimed silver, scrap silver, all alloys or combinations of silver not specially provided for, 30 cents per ounce on the silver contained therein: *Provided*, That this paragraph shall not apply to minted coins of the United States, or circulating minted coins of a foreign Government in the possession of an individual not in excess of $100 in exchange value.

PAR. —. Silver-bearing ores, mattes, base bullion, silver dross, reclaimed silver, scrap silver, and all alloys or combinations of silver imported into the United States for the purpose of processing, refining, or minting for export to a foreign country and not for use, sale, or disposition within the United States or any of its possessions, may be imported for such purpose free of duty upon the execution of a bond given in double the amount of the estimated duties that would be charged upon such silver contents so imported if for use, sale, or disposition in the United States, conditioned that such silver contents will not be used, sold, or otherwise disposed of in the United States prior to export therefrom, and upon further compliance with such regulations and guaranties as the Secretary of the Treasury may by regulations require.

Mr. FESS. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. FESS. I ask unanimous consent that debate on this amendment be limited to not more than 10 minutes and that no Senator be allowed to speak more than once.

Mr. SMOOT. I submitted a similar request, and it was objected to.

The VICE PRESIDENT. The Chair will state that there is already existing a unanimous-consent agreement limiting debate, and the item of silver was excepted.

Mr. PITTMAN. I objected to that. I think I can explain the amendment in 15 minutes, unless the time is taken up by questions. That was the only reason why I objected, as I said before.

Mr. FESS. May I submit the request, that after the address of the Senator from Nevada, no Senator shall be permitted to speak longer than 10 minutes or more than once.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I object.

Mr. PITTMAN. I will agree myself not to speak more than 15 minutes. Is that the request?

The VICE PRESIDENT. Objection was made by the Senator from Washington to the request of the Senator from Ohio. The Senator from Nevada will proceed.

Mr. PITTMAN. Mr. President, while this is a long amendment, it is long by reason of the fact that it is not intended to charge any duty whatever on the importations of silver-bearing ores or silver bullion or silver in any other form that comes into this country for the purpose of smelting, refining, or minting, and export. It is provided in such case that a bond shall be given. In other words, it is the exact language that is used in the provision which applies a tariff duty on zinc and lead. I do not intend that the smelters or the refiners or the mints shall be in any way affected or influenced by this duty.

We produce in this country 58,000,000 ounces of silver a year, in round numbers. We consume 40,000,000 ounces. We imported from Mexico last year 77,000,000 ounces of silver. We imported from South America 18,000,000 ounces of silver. The wages in Mexico are $1.21 a day for miners, and that is generally for a 10-hour day. According to the labor reports the average wages of miners engaged in the silver mines of the United States are $4.79 a day. There is a measure of the difference in the cost of production between Mexico and South America on the one hand and the United States on the other hand.

Let us take one other measure. Silver in 1913 was worth 60 cents an ounce. Silver to-day is 40 cents an ounce; so silver

has dropped 33⅓ per cent in its price since 1913. According to the index number the average of every commodity has increased at the present time 35½ per cent. If it is placed on the basis of the wages, then the wages in this country are almost four times what they are in Mexico. If it is on the basis of maintaining standards, then the standard is that we will have to add 80 per cent to the price of silver now to put it on a parity with the rest of the commodities in this country. In other words, farm products to-day are over 40 per cent above what they were in 1913, while the average of all products is 35½ per cent above 1913 prices.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. BORAH. In view of the fact that the price of silver is a world price, that the price of silver is fixed practically every day in London, I am at a loss to understand how the duty which the Senator from Nevada proposes to impose will help the silver producers in this country.

Mr. PITTMAN. I must say to the Senator that there is some ground for that doubt, but it will prevent dumping. It is to a certain extent like wheat, where the world price is fixed in Liverpool. We have attempted through the debenture to cure that deplorable condition. In the case of silver we have a domestic market for 75 per cent of our production. The Senator recollects that several years ago we started in to try to organize an export association, the same as we have for copper to-day. We found it exceedingly difficult to do that by reason of the fact that silver from Mexico was coming into this country free of duty, undisturbed and unimpeded. It was coming in from South America and from Canada. Finally we gave up the idea that we could put our hands on the silver and control it in any way. For instance, the Guggenheim association, the American Smelting & Refining Co., and other subsidiaries, produced very little silver in the United States, but they produce enormous amounts in Mexico, and yet they were to be in the silver association. When the silver ore was brought across the line into their smelters and became silver and got into their hands it lost its identity, its earmark, and instead of having, as we would under this duty, 20,000,000 ounces of exportable silver annually, we would have had 134,000,000 ounces of exportable silver annually.

There are several thousand miners in the United States producing silver ore—and when I say "silver ore" I mean ore that is chiefly valuable for silver, because lead and silver are mixed. While there are several thousand miners engaged in that occupation, it is not as difficult to get those men together as it is to get the farmers together in a cooperative association. What I hope and what the mine operators' associations through the West hope is that we can prevent the dumping of this cheap silver into the United States from Mexico and South America, and now from India, and thus we can help our domestic producers. The dumping of silver from India is the most serious thing we have now to face, and that has come up, I may say, so suddenly that the people do not understand it. India dumped 55,000,000 ounces of silver on the world in 1928. How much she dumped in 1929 we have no record of yet, but I think it has been fully as much. The whole world production of silver is only 256,000,000 ounces, so it can be readily understood what it means when there is dumped on the market in addition to the ordinary production 55,000,000 ounces more. The rupee is the circulating medium in India. They use silver almost exclusively for money. Great Britain is determined that they shall not use silver for money.

Great Britain has demonetized silver. They have not only demonetized silver, not as we do in the United States and in Mexico and other places, but they are destroying silver. Every time a silver rupee comes into a bank in India it is immediately sent to the mint and melted up and the silver shipped out of the country. It is dumped on the market of the world without regard to price, because Great Britain would rather throw that silver into the sea than to have it remain in India.

Her only hope of divorcing the people of India from their old money, which they have used from the beginning of time, is to get silver out of the country. Before the war, as we all know, they taught India to accept paper money and certificates redeemable in silver on presentation. The war came on and they were unable to redeem, and they came near having a revolution. Great Britain came here and got a law passed to allow us to melt up our standard silver dollars to give her 200,000,000 ounces of silver to prevent a revolution in India. She does not want that to happen again. She does not believe she can control India until she gets rid of the silver in India. She is putting it on the world without regard to the effect on the market.

It is having a very destructive effect in China and Mexico and South America, as it is having on us. In our country it is simply breaking the miners. In China it is breaking everybody, as it is in Mexico and in South America. I have articles here stating that the depreciation in the price of wheat and the price of cotton is due largely to the condition with reference to silver in India and China. That situation is not denied. Our own commerce reports refer to it. China buys with silver, and with nothing else. With the price of silver cut in two, the purchasing price of China is cut in two. Not only that but the commodities in China have risen by comparison with the fall of silver. They have not the money to buy their own food. Their purchase of wheat and cotton is bound to be 50 per cent less than it was before that depression in silver. It takes two silver dollars, and they use silver dollars in China, to buy as much wheat to-day as one dollar would buy a year ago. It takes two silver dollars to buy as much cotton to-day as one dollar would buy a year ago. India is in the same condition. India can not buy and South America can not buy. That is the effect on the world. The effect of it is limited.

Mr. BORAH. Mr. President——

Mr. PITTMAN. I yield.

Mr. BORAH. Assuming for the sake of the argument that the duty would have some effect on the price of silver, upon whom would fall the result of that duty and who would be affected by the higher price?

Mr. PITTMAN. Two classes of people, in a large measure. About one-fourth of the extra cost at the present time would fall upon the moving-picture industry. It would probably increase the cost to the moving-picture industry, because the moving-picture industry is increasing in extent. The other would fall upon the purchasers of silverware. It would be in proportion divided between the purchasers of silverware among those who purchase sterling silver and those who purchase plate. The amount of silver used in a plated spoon or plated knife or plated fork is almost negligible in the total cost of the article. With the exception of the cheap plated ware, which, of course, we all buy, the amount falling upon the consumer would be extremely limited.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield further to the Senator from Idaho?

Mr. PITTMAN. I yield.

Mr. BORAH. The Senator refers to the moving-picture industry. I should like to know what use they make of silver?

Mr. PITTMAN. They use it in developing their photographic plates. It would cost them about $3,000,000 a year extra if the price of silver was 70 cents an ounce instead of 40 cents an ounce. The total expenditures of the moving-picture industry, as we all know, are up in the billions of dollars. This is a picture of the situation: Silver has been a commodity ever since 1873; everyone knows that. It is treated that way by the Secretary of the Treasury; it is treated that way by the Secretary of Commerce. Our Government buys foreign silver. It gets it where it can buy it cheapest; it gets silver anywhere. It is paying but 40 cents an ounce to-day and making it into dimes and putting them in circulation at a rate of $1.38 cents an ounce. The profit goes into the Treasury.

The Government would lose nothing and only a few classes would lose anything by a tariff on silver, even if the producers got the full benefit of it; but suppose the producers got the full benefit of it, would they be in any different condition from the other industries in this country? Take the farmer. The farmer to-day is suffering, and we have been doing everything on earth we could to relieve that suffering. Still the products of the farmer, on the average, are up at this time 35½ per cent above what they were in 1913. Yet the silver miners, with the price of their product 33⅓ per cent lower than it was in 1913, have to pay an average of 35½ per cent more for everything they use than they did in 1913. That is not a theory; it is a fact.

What is the result? The result is that three mines in my own home—big mines—have been compelled to close down by reason of the low price of silver. In the State of the Senator from Idaho, as he will realize, if he has been reading the newspapers, two or three large lead-silver mines have been closed down during the last few weeks. In Utah several important mines have closed down in the last week; and one district in Colorado, which is purely a silver-mining district, where silver mines were working a month ago, two or three of them, employing thousands of men, have closed down. The Senator from Colorado has a telegram, as I have, and he will put it in the RECORD, saying that there is not a silver mine in that district working to-day.

Take the Associated Press reports of yesterday, and what do they say about Utah? That the mines there have cut the wages of the men in the lead and silver mines of Utah 25 cents a day, and in the smelters 25 cents a day, in the hope that they may be able to operate.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I yield.

Mr. WALSH of Montana. In view of the extraordinary drop in the price of silver in recent months, it is not at all surprising that the industry should be in the deplorable state mentioned by the Senator from Nevada. The industry is suffering, perhaps, as severely as any in the United States at the present time. What troubles me about the matter, however, is, when we produce 60,000,000 ounces in this country and consume in the arts and in subsidiary coinage only 40,000,000 ounces annually, exporting 33⅓ per cent of our entire production, and 50 per cent of our consumption, how a duty can possibly increase the price of silver?

Mr. PITTMAN. As I said while the Senator was out, there may be ground for doubt as to whether it would do all that is desired, but the record discloses the fact that since 1926 the production of silver in this country has been steadily decreasing. As a matter of fact, it has been decreasing for longer than that. Let me refer to the decrease in silver production in Montana since 1926. In 1926 Montana produced 11,974,257 ounces of silver; in 1928 it produced 10,681,675 ounces.

Mr. WALSH of Montana. Mr. President, let me remark, as the Senator doubtless knows, that there are practically no more silver mines in Montana; that is, the mines primarily producing silver were obliged to close down years ago by reason of the depressed price of silver, and there is no mine in the State of Montana to-day operating on account of silver production that I know anything about. Silver is merely a by-product of the copper-mining industry.

Mr. PITTMAN. I think the Senator is in error there. There may not be what is called a pure-silver mine in Montana, but there are mines that carry lead with silver as a by-product, and there are mines that carry copper with silver as a by-product.

Mr. WALSH of Montana. Let me say to the Senator that there are no lead mines in Montana.

Mr. PITTMAN. Ore must produce a total value of minerals of over $8 or $9 a ton, as a general thing, in order to make it pay.

Mr. WALSH of Montana. I should say that is so. There is, of course, silver in copper ores, but the copper is the dominant mineral; and the same thing is true of zinc ores; but I am speaking about mines operating primarily on account of silver content; so that the figures the Senator has given merely indicate a slight decrease in the silver carried in the copper and zinc ores.

Mr. PITTMAN. I think the Senator will ascertain by looking at the record—and if I had time I would show it to him—that the production of silver in Montana from 1926 to 1928 has decreased about 5 per cent; but throughout the western section of the country the production has decreased in greater proportion in the States where there are more silver mines, for many of those mines have ceased operations, while in the Senator's State the large copper mines are operating, although numerous small copper properties sometimes operate and sometimes they do not.

Mr. WALSH of Montana. Let me say——

Mr. PITTMAN. When silver is down to 60 cents an ounce the silver mines may do a little work, but when silver is down to 40 cents none of them work at any time; and silver production has decreased all over the country by 10 per cent in the last 10 years.

I will state what I am getting at. I want to answer the Senator's question as to what good will a tariff really do. We are making a tariff bill; I hardly suppose we will frame another one for 7 or 8 years; I hope it will be 20 years; but, at any rate, it will be a long time before we engage in framing another tariff law, but we have got to look to the future. Now, what of the future? We see a steady curve of decrease in the production of silver in the United States. No one knows of any big new mines; at least, I have not heard of any.

We see an increasing demand for silver, the moving-picture industry, with its great expansion being the heaviest individual consumer of silver; and it is going to increase its consumption. The time will come, according to that curve, in three or four years when the consumption and production will be about equal; but in the meantime there are corporations in this country engaged in the manufacture of steel articles, in the manufacture of cotton goods, in the manufacture of woolen goods which they produce themselves more than is consumed in this country, and their surplus is taken up by export. They sell that exported surplus of goods cheaper than they sell at home. That is admitted, and they justify it on the ground of mass production.

Now, we will assume that we can organize a silver association; that we have one-fourth of our silver production to export; that all of the silver miners put their silver into that export association, as has been done in the case of copper. What will be the result? It will meet the market, and, instead of selling silver by the day, as it is now sold, through London, and having the London brokers fix the price every morning, we will have an export association that will take that 25,000,000 ounces of silver, place it in a bank and borrow money on it, which can then be loaned to the miners who put it in pro rata. Thus that silver can be carried until the seasonal demand in India and China comes. To-day they do not do that; to-day they do exactly as the farmer does; they have no cooperation, no marketing system; they all dump their silver on the market at the same time, and the profit is made by the brokers in London.

China undoubtedly is now asking the four powers to permit her to place an embargo upon the importation of silver into China, because it has already bankrupted China; it has taken away her purchasing power; but China can not do that without the consent of certain powers. India not only dumped 55,000,000 ounces in the market in 1929, of which we have a record, but is dumping it now upon the markets of the world in order to get it out of India, and she has placed a duty of 10 cents an ounce to keep it from ever coming back in. That is the situation we are facing.

Mr. SWANSON. Mr. President, I should like to ask the Senator a few questions. The only vote I cast on the tariff bill when it was considered as in Committee of the Whole with which I have not been satisfied was the vote I cast on the silver amendment. I look on silver now as absolutely a commodity; it is no longer money; it is like wheat, corn, oats, iron, and other things.

As the Senator has said, a few weeks ago, India prohibited the importation of silver, and proposes to dump her silver in all parts of the world. Our market is accessible to India, and I have no doubt the vast reservoir of silver in India will be dumped here, so that the price of silver may go to 30 cents an ounce or even less. China has not done that as yet, but at any time China may do it. That is the situation. I will ask the Senator how much silver we get from Mexico?

Mr. PITTMAN. We got 77,000,000 ounces from Mexico in 1928.

Mr. SWANSON. How much do we export?

Mr. PITTMAN. We export about 109,000,000 ounces.

Mr. SWANSON. With that much coming in from Mexico and Latin America——

Mr. PITTMAN. Let me give the total that comes in. The total imports into this country are 114,000,000 ounces.

Mr. SWANSON. How much do we produce?

Mr. PITTMAN. We get 77,000,000 ounces from Mexico, 18,000,000 ounces from South America, and the rest of it from miscellaneous countries. After we consume, say, 40,000,000 ounces of silver, we then have left about 60,000,000 ounces of the silver thus brought in here. That 60,000,000 ounces sent out, together with the 50,000,000 ounces which we have, makes about 109,000,000 ounces exported.

Mr. SWANSON. At the time I cast that vote I thought of the question that night, and I saw what India had done. As I have said, silver is an absolute commodity; it is liable to taxation even from a Democratic standpoint for revenue. The people who buy silver plate ought certainly to be able to pay a tariff on it, for they are rich enough to buy, and the moving-picture industry, certainly to a large extent, is engaged in a business for the leisure class. Inasmuch as silver has become a commodity, if there is any imported, as the Senator says there is, from a revenue standpoint I do not see why it should not pay a tariff like any other commodity.

Mr. WALSH of Montana. Mr. President, the Senator overlooked the fact that we actually ourselves export 33⅓ per cent of our production.

Mr. SWANSON. We can not impose a tariff, of course, on anything we export, but if what the Senator from Nevada says is so, and 114,000,000 ounces come in here, and we put a tax on it, we would certainly collect revenue, would we not?

Mr. PITTMAN. Yes; we would collect revenue.

Mr. SWANSON. How can the Senator from Montana argue, then, that we would not collect that revenue?

Mr. WALSH of Montana. I have not so argued. I was speaking about how we were going to improve the situation of the silver producer.

Mr. SWANSON. I am talking about prices.

Mr. WALSH of Montana. Of course, if the Senator is arguing in favor of a duty on silver as a revenue measure, I have nothing to say about that. That was not what I was talking about. I was talking about the situation of the silver producer.

Mr. SWANSON. I should like to see his condition improved. I should like, also, to see the condition of other people improved.

Mr. WALSH of Montana. So should I.

Mr. SWANSON. But if silver is, as everybody admits, a mere commodity like wheat, corn, oats, tobacco, lead, steel, and everything else, I am considering it simply from a revenue standpoint. If there is none imported, if we do not get any revenue from it, I am willing to let it alone; but if 119,000,000 ounces are imported, I do not see why we should not get a revenue from it, to be frank about the matter.

The vote I cast on this subject in Committee of the Whole is the only vote I cast in committee with which I have not been satisfied, and I have tried to review every vote I have cast. When I saw, however, that India was dumping silver here, that China will dump it here, and that this is the dumping ground of silver from all over the world, and it is coming in here, if we put silver down to 30 cents, why should not the Government collect some revenue from it?

That is the way I look at the matter; and if that is not true, I should like to have it corrected.

Mr. PITTMAN. Mr. President, I thoroughly agree with the Senator from Virginia. There is no doubt but that manufactured silver is a luxury in a large sense. At least 90 per cent of the silver that is manufactured is a luxury, anyway. It is a luxury going into millions and millions of dollars of the expense of the profitable moving-picture industry and the silver-plated ware. Of course, under the theory, there is no reason for it.

Some Senators have said to me that they have always voted for free silver, from the time of Bryan up to the present time. There is a whole lot of difference between the free silver under Bryan, which meant the free coinage of silver, and the free entry of silver into the United States.

For instance, let me call your attention to this statement by Mr. Herbert M. Bratter, of the Finance and Investment Division of the Department of Commerce. In discussing silver, he says:

> The person interested in what silver will do in the future must keep in mind that silver is a commodity, and that its price moves in sympathy with general commodity prices.

I have here the statements of other writers along the same line.

Mr. Benjamin White, in the annual review number of the Engineering and Mining Journal, says:

> Previous to 1873, an artificial premium was placed upon the metal by an agreement of the great powers to mint it at a certain ratio to gold. When this was abrogated, the premium dropped until the average price in the decade before the war fell to about 26d., as against that of 62d.

Then it became a commodity. Of course it is a commodity. The same rules of tariff that apply to any other commodity apply to this commodity; and we find, as I say, that 117,000,000 ounces are imported into this country free of duty. We find to-day that the Mexican Congress is doing everything on earth it can do to protect its miners. What is it doing?

The great Wachuca mine has been so hard put that it has turned its mine over to the miners down there. It could not afford to pay them $1.21 a day, and it turned over the mine to them and said, "Pay us 2 per cent of the gross profits." The Mexican Congress now have had suggested to them that they pass an act to buy silver at a price at which they can afford to work the mines and store the silver. In other words, the government is to give a bonus to the silver miners of Mexico.

We find to-day that the Chinese Government, to protect its credit and its buying power, is requesting the other governments to permit it to put a high tariff or an embargo on silver. In other words, every country is attempting to protect itself against the destruction that Great Britain is bringing upon it by dumping the silver of India on the world.

That is the situation, and we find nothing to do. We are asked, "What good will it do?" Maybe it will not do any good, but what else have Senators to suggest? Are they willing to stand here and do nothing? While other countries are putting duties on silver, shall we stand here and do nothing? Our mines are closing down everywhere—we know that—in every State. The lead mines are closing down. The silver mines of Utah have made a reduction of 25 cents a day with the consent of the miners. They had to do that or close down. Practically every mining property in Tonopah, Nev., is closed down on account of it. We must do something. All I have asked the Senate is not to give us what every other commodity has, which would be 80 per cent if I got it, but one-half as high a duty as the average commodity of this country has.

That is all I have to say.

Mr. SMOOT. Mr. President, I do not intend to detain the Senate long.

This question has bothered me a great deal. I have tried in my own mind to arrive at a solution of the question whether a tariff would be the proper thing to bring about the desired result.

I recognize that the mining industry is at a standstill, and particularly the silver mines of the country. The representatives of every mine in the State of Utah, together with the Mining Congress officials, have telegraphed to me and written to me to support this duty on silver. I confess that I do not know whether or not it would do any good to the silver industry in the long run; and if it were not for one thing, and one thing only, I should vote against it as I did before. That is this:

England is forcing India to a gold standard. As those silver coins come out of circulation they are melted and exported all over the world; but America is the principal place to which they are sent.

I have always thought in the past that I would rather have silver, not as a commodity, but the same as gold, for the purpose of making a circulating medium. That day, it seems to me, is past. The question which arises in my mind now is this: Is it actually past, or is the present condition of silver in this country brought about by the conditions existing in the world to-day?

Of course if China were in a financial condition to go upon a gold basis to-day, it would virtually force all of the silver of the world into the United States. That is being done as far as India is concerned. India and China are the two great nations that have consumed silver in the past. So, in casting my vote as I am going to cast it to-day for a duty upon silver, I want the Senate to understand that I do it with a great deal of apprehension. I admit that under existing conditions to-day perhaps it will be of a slight advantage; but it will be only slight.

If conditions in the world are not changed; and if China and India still are purchasers of silver and use it for a circulating medium, I believe then that the action taken, if a duty is placed upon silver, would necessarily be repealed, or it would be a disadvantage to the miners; but under the present conditions the situation is a serious one. The miners think a duty is going to help them. They think the imposition of this duty will at least keep up sufficient production in the United States to take care of our needs.

Therefore, before casting my vote, I wanted to say that much in explanation of it. I repeat that I vote, as I shall vote, with a great deal of apprehension.

Mr. DILL. Mr. President, I do not want to take the time of the Senate to discuss this subject further than to say that when the question came up previously, I voted against a tariff on silver, and I did so without having full information. I have made some little study of the matter since that time; and while I have considerable doubt as to whether it will do any good, I do not see how it will do any harm. Since the silver producers think it will help them, and since they demand it, and the tariff bill places a tariff on everything else, I feel that it is my duty to vote for a tariff on silver, and see what the result will be.

For that reason I intend to change my vote. I should not take the trouble to make this announcement if it were not for the fact that I am afraid somebody will charge that I have been "silvered" in some way or other for switching my vote in this case. It has gotten so in the Senate that a man can not change his mind without having his integrity of purpose impugned, or being charged with having made a trade somewhere. If he happens honestly to change his mind, he has to get up and explain it, or some charge will be made against him.

Mr. TRAMMELL. Mr. President, will the Senator permit a question?

Mr. DILL. Yes.

Mr. TRAMMELL. I desire to ask the Senator if he does not think he has misstated the proposition. It is all right for some people to change their minds, and there is no criticism, and they are exalted as patriots; but some other people may, under different circumstances, vote differently, and they are charged with entering into some trade or something of the kind.

So I think the Senator rather misstated the situation. I know Senators here who change their minds when they get ready, and vote differently under different circumstances, and they are patted on the back as great patriots.

Mr. DILL. They pat themselves on the back.

Mr. TRAMMELL. Yes; that is it. They say they are patriots, and admit it.

Mr. DILL. There are certain items in this bill which editors and some others look upon as being rather holy, and if a man changes his mind on those he must be a scoundrel.

Mr. TRAMMELL. Oh, yes.

Mr. DILL. But on some other subject that is not so holy to these particular people it is a glorious thing if he changes his mind.

Mr. TRAMMELL. As an illustration of that, I refused to vote for a duty of $2.24 per hundred on sugar, thinking that was too high. Later, under different circumstances, the rate on sugar having been reduced to $2 per hundred, I voted for it. I had stated all along that I was willing to vote for $2 per hundred on sugar, but that I was not willing to vote for $2.24 per hundred on sugar; so when we had the proposition of $2 per hundred on sugar I voted for it, and yet they say, "He changed his vote!"

I did not change my vote at all. I voted for $2 on sugar when I had previously refused to vote for $2.24. It just depends upon who does a thing of that kind.

There is practically not a man in the Senate who at some time has not refused to vote for a higher duty and at a subsequent time has voted for a lower duty upon the same item; and yet nobody accuses him of changing his mind. So, as I say, the Senator rather misstated the proposition.

Of course, it does not worry me, so far as I am concerned, to have people say that, if they will just relate the facts. All I want is to have them relate the facts.

Somebody referred to Thomas Jefferson here the other day. Some Senator quoted from him. Thomas Jefferson, in commenting on the press—and I feel friendly to the press in a general way—said there ought to be some reforms, and that they ought to arrange about four columns in the papers—one for the truth, one for possibilities, one for probabilities, and one for lies. He started off by saying there would not be very much in the first column, the truthful column. That was his appraisal of the press.

All I ask is that the press state the truth. If some member of the press or some Member of the Senate desires to criticize some one else, let him tell the truth and the facts. In my own instance, let him say that Senator TRAMMELL declined to vote for a rate of 2.24 cents on sugar, but when the rate was later reduced to 2 cents, he voted for that. Then the public can pass on the question of whether I changed my position or not.

Mr. GOFF. Mr. President, I desire to say that I intend to support the amendment of the Senator from Nevada. When this matter was before the Senate some weeks ago I voted for the tariff on silver as then proposed by the Senator from Nevada, and I intend to do so to-night, and I intend to do so because I think the mining of silver is one of the great industries of the United States, which not only needs protection, but deserves protection in every sense of the word.

I want to say that, regardless of what people may say or think about the change in one's vote, or the change in one's mind, that is purely immaterial if the person so voting is consistent in his stand.

I do not criticize those who advocate free trade. It is their political philosophy, their economic creed, and it is their standard of legislation. I am a protectionist, and I have always voted for protection, and I intend always to vote for protection for the industries of this country. I do not intend to vote for any excessive protection, and neither do I intend to vote for a protection that is entirely too low.

I am not in sympathy with the people who stand in the Senate for protection to American industries and who then turn about and vote against protection because they say "My State does not want it. My industries do not need it." If you are going to measure your vote in this body by what the wishes and desires of your State may be, then you are merely an opportunist, and I do not think anyone can be a free-trade opportunist or a protectionist opportunist and merit the respect of his constituents, either friends or foes.

The Senator from Nevada said the mines are closed. That is true, and I want to say to the Senator, and I want to say to the other Members of this body now present, that the coal mines in the coal-producing States of this Nation are closing, and the oil wells are closing. Yet men who believe in the doctrine of protection have stood here upon this floor to-night and have voted against giving protection to coal and security to oil.

Mr. President, I want to register, just as far as such a registration will go, and just as emphatically as it can be made, that I am against such a policy of protection, and I do not believe that the men who so vote and who so advocate protection are true protectionists in any sense of the word. They are political opportunists and in any aspect economic expeditionists.

Therefore, as I have said, in the few words which I have uttered, I intend to vote for a protection on silver.

Mr. WALSH of Montana. Mr. President, the people of the West interested in silver ought to be particularly grateful to the distinguished Senator from West Virginia for his consideration of their interests. He votes for a duty on a product on which the duty can not possibly make any difference in the price, but when he comes to a product of which we consume very much more than we produce, like manganese, he is found voting on the other side.

Mr. ODDIE. Mr. President, I am not going into any discussion of this item. I will be very brief.

I commend my colleague for the able manner in which he has presented this very important question. I intend to support the amendment, and I hope it will carry. I am very familiar with the depressed condition of the silver-mining industry and of the benefits we all hope and believe will come to that industry from the adoption of this amendment. Not alone to the silver-mining industry, but to the industries of copper, lead, zinc, and gold, and the mining of other metals, because silver is a by-product in the mining of many of the metals I have mentioned.

The matter has been presented very thoroughly and ably by my colleague, and I hope the amendment will be agreed to.

Mr. FESS. Mr. President, I have not had the occasion, in the consideration of this tariff bill, to change a vote at any time. I usually make up my mind after listening to the discussion.

When this question came up before I had not looked into the silver situation, and I voted against the proposal offered by the Senator from Nevada. I have listened to his argument to-night, and I think he has made a good case, and this is one place where I am going to change my vote, and I shall vote for the amendment.

Mr. GOFF. Mr. President, I wish to say to my friend the Senator from Montana that I thank him sincerely for the compliment which he paid me. I wish to return that compliment by saying that when the distinguished Senator from Nevada testified as to the needs and the demands of protection I felt, in view of his argument and the able manner in which he stated it, that it was the best evidence of which the nature of the case admitted. For that reason, I was not at all impressed or affected by the criticism, even in a complimentary vein, of the Senator from Montana.

I want to remind him that, possibly, tomorrow, or, at least, before we finish the consideration of this bill, I shall give the distinguished Senator from Montana the opportunity to express himself, show his consistency, on the question of a tariff on white arsenic, and we will then see whether or not his vote is the same as mine upon the question of the protection to a great industry in his State.

Mr. WALSH of Montana. Mr. President, I appreciate also the kindness of the senior Senator from Ohio, who is very glad to vote for a duty on a product of my State which everybody concedes will do no good, at least for the present, but, high protectionist that he is, devotee of that principle, declines to give us a duty on manganese, which would do some good.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Kendrick	Shortridge
Ashurst	George	Keyes	Smoot
Baird	Glass	La Follette	Steck
Barkley	Goff	McCulloch	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Hale	Metcalf	Sullivan
Borah	Harris	Moses	Swanson
Bratton	Harrison	Norbeck	Thomas, Idaho
Broussard	Hastings	Norris	Thomas, Okla.
Capper	Hatfield	Nye	Townsend
Caraway	Hawes	Oddie	Trammell
Connally	Hayden	Phipps	Vandenberg
Copeland	Hebert	Pine	Walsh, Mass.
Cutting	Heflin	Pittman	Walsh, Mont.
Dale	Howell	Ransdell	Waterman
Dill	Johnson	Robinson, Ind.	Watson
Fess	Jones	Schall	Wheeler
Fletcher	Kean	Sheppard	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE. Mr. President, it is not my desire to take up any time in the discussion of this amendment, but I asked for a yea and nay vote on it, and the Senate refused to second the demand. I think it is rather an unusual procedure, when a Senator asks for a record vote upon an amendment, that it should not be accorded. All that I ask is that there shall be a record vote. I do not want to take up any time of the Senate, but I ask that the Senate go on record on this amendment. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote, I shall have to withhold my vote. Were I permitted to vote, I would vote "yea."

Mr. GLASS (when his name was called). I have a nontransferable pair with the senior Senator from Connecticut [Mr. BINGHAM]. In his absence, I withhold my vote. If I could vote, I would vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I understand that if he were present he would vote as I shall vote. I vote "yea."

Mr. STEPHENS (when his name was called). On this vote I am paired with the Senator from Illinois [Mr. GLENN]. I transfer that pair to the senior Senator from Tennessee [Mr. MCKELLAR] and vote "yea."

Mr. SULLIVAN (when his name was called). I have a general pair with the Senator from Tennessee [Mr. BROCK]. If I were permitted to vote, I would vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the Senator from Iowa [Mr. BROOKHART]. I understand that he would vote as I shall vote. I vote "yea."

Mr. TOWNSEND (when his name was called). On this vote I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. If he were present and permitted to vote, I understand he would vote as I shall vote. Therefore I vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "yea."

The roll call was concluded.

Mr. DILL. I have a pair with the Senator from Kentucky [Mr. ROBSION]. I transfer that pair to the junior Senator from Iowa [Mr. BROOKHART] and vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from South Carolina [Mr. BLEASE].

The result was announced—yeas 55, nays 12, as follows:

YEAS—55

Allen	Goff	Kean	Shortridge
Ashurst	Goldsborough	Kendrick	Smoot
Baird	Hale	Keyes	Steck
Barkley	Harris	McCulloch	Steiwer
Borah	Harrison	McNary	Stephens
Bratton	Hastings	Metcalf	Swanson
Broussard	Hatfield	Moses	Thomas, Idaho
Capper	Hawes	Norbeck	Thomas, Okla.
Copeland	Hayden	Oddie	Townsend
Cutting	Hebert	Phipps	Trammell
Dale	Heflin	Pine	Waterman
Dill	Howell	Pittman	Watson
Fess	Johnson	Ransdell	Wheeler
Fletcher	Jones	Sheppard	

NAYS—12

Black	Frazier	Norris	Vandenberg
Blaine	George	Nye	Walsh, Mass.
Connally	La Follette	Schall	Walsh, Mont.

NOT VOTING—29

Bingham	Glass	Overman	Smith
Blease	Glenn	Patterson	Sullivan
Brock	Gould	Reed	Tydings
Brookhart	Greene	Robinson, Ark.	Wagner
Caraway	Grundy	Robinson, Ind.	Walcott
Couzens	King	Robsion, Ky.	
Deneen	McKellar	Shipstead	
Gillett	McMaster	Simmons	

So Mr. PITTMAN'S amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, this matter was passed upon in Committee of the Whole on February 18 and the amendment was defeated by a vote of 36 to 32. I ask unanimous consent that that roll call may be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. BLEASE. I have a pair with the Senator from Maryland [Mr. GOLDSBOROUGH]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WATSON (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oklahoma [Mr. PINE] and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING].

I also desire to announce that the Senators from Maryland [Mr. GOLDSBOROUGH and Mr. TYDINGS] are detained from the Senate on departmental business.

Mr. MCNARY. On this amendment I have a pair with the Senator from Mississippi [Mr. HARRISON], which I transfer to the Senator from South Dakota [Mr. MCMASTER], and will vote. I vote "nay."

Mr. SHEPPARD. I desire to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from North Carolina [Mr. SIMMONS], the Senator from Texas [Mr. CONNALLY], and the Senator from Kentucky [Mr. BARKLEY] are necessarily detained on official business.

I also desire to announce the general pair of the Senator from Maryland [Mr. TYDINGS] and the Senator from California [Mr. JOHNSON].

The result was announced—yeas 32, nays 36, as follows:

Yeas, 32: Ashurst, Baird, Bratton, Brookhart, Broussard, Fletcher, Goff, Grundy, Harris, Hastings, Hatfield, Hawes, Hayden, Howell, Jones, Kendrick, McKellar, Norbeck, Oddie, Patterson, Phipps, Pittman, Ransdell, Sheppard, Shortridge, Steiwer, Stephens, Sullivan, Thomas of Idaho, Townsend, Trammell, and Waterman.

Nays, 36: Allen, Bingham, Black, Blaine, Capper, Couzens, Cutting, Dale, Deneen, Dill, Fess, Frazier, George, Gillett, Glass, Glenn, Greene, Hale, Hebert, Kean, Keyes, La Follette, McCulloch, McNary, Metcalf, Nye, Robinson of Indiana, Robsion of Kentucky, Schall, Smoot, Swanson, Vandenberg, Wagner, Walsh of Massachusetts, Walsh of Montana, and Watson.

Not voting, 28: Barkley, Blease, Borah, Brock, Caraway, Connally, Copeland, Goldsborough, Gould, Harrison, Heflin, Johnson, King, McMaster, Moses, Norris, Overman, Pine, Reed, Robinson of Arkansas, Shipstead, Simmons, Smith, Steck, Thomas of Oklahoma, Tydings, Walcott, and Wheeler.

So Mr. PITTMAN'S amendment was rejected.

Mr. SMOOT. Mr. President, in view of the adoption of the amendment of the Senator from Nevada [Mr. PITTMAN], other amendments will be required in paragraphs 1735, 1638, and I think one other paragraph. I want to give notice now that in the morning I shall prepare the necessary amendments to conform with the action just taken, and ask the Senate then to agree to those amendments.

Mr. HEBERT. Mr. President, I have an amendment pending, which I am prepared to take up at this time.

The VICE PRESIDENT. The amendment offered by the Senator from Rhode Island will be stated.

The CHIEF CLERK. On page 223, after line 14, insert the following:

(b) In addition to the foregoing, there shall be paid the following duties:

(1) On laces, 3 inches or less in width, and on laces suitable for conversion into laces 3 inches or less in width, one-half of 1 cent per yard for each one-half inch, or fraction thereof, in width;

(2) On nets and netting, having 50 holes or less per square inch, three-fourths of 1 cent per square yard; having more than 50 but not more than 100 holes per square inch, 1¼ cents per square yard; having more than 100 but not more than 150 holes per square inch, 1⅞ cents per square yard; having more than 150 but not more than 200 holes per square inch, 2½ cents per square yard; having more than 200 but not more than 250 holes per square inch, 3¾ cents per square yard; having more than 250 but not more than 300 holes per square inch, 5 cents per square yard; having more than 300 but not more than 350 holes per square inch, 6¼ cents per square yard; having more than 350 but not more than 400 holes per square inch, 7½ cents per square yard; having more than 400 but not more than 450 holes per square inch, 8¾ cents per square yard; having more than 450 holes per square inch, 10 cents per square yard.

Mr. HEBERT. Mr. President, this amendment was introduced while the bill was in Committee of the Whole. I was not able to secure consideration at the time when this paragraph was under consideration. Later on I attempted to bring it before the Senate, but it was ruled out of order at that

time. This is the first opportunity I have had to obtain the consideration of the amendment.

Mr. BARKLEY. Mr. President, there is so much confusion in the Chamber that some of us did not understand the paragraph to which the Senator's amendment relates.

Mr. HEBERT. It applies to paragraph 1529, on page 223, after line 14.

Mr. BARKLEY. The Senator is going to explain his reason for offering the amendment?

Mr. HEBERT. Yes; I am about to do so. I am going to ask indulgence of the Senate to make a statement in explanation of the amendment. I may say at the outset that it is one of great importance to many people in my State.

This amendment proposes specific duties in addition to those provided in the pending bill. The duty now provided in the bill amounts to 90 per cent ad valorem upon the various laces enumerated in paragraph 1529. The additional specific duties would amount to 1 cent per yard for each half inch or fraction thereof on laces 3 inches or less in width, and with a gradual increase upon greater widths and widths containing more holes per square inch, up to a maximum of 10 cents per square yard on laces having more than 450 holes per square inch.

LACE INDUSTRY IN THE UNITED STATES

The lace industry was first established in the United States in 1909, a short time after the passage of the tariff bill of that year, which exempted lace machinery from any import duties, in the hope that the industry might be fostered and encouraged in this country. As a result of this legislation, a considerable number of plants were established at that time and it is estimated that approximately 95 per cent of the machinery for the manufacture of laces now operated in the United States was imported then. It may be added that all lace machinery now in use by the manufacturers of these laces in the United States is imported from abroad.

The industry had its inception in the State of Rhode Island, where at the present time nearly one-half of the total productive capacity is to be found; other mills being located in the States of New Jersey, Pennsylvania, New York, Connecticut, Ohio, and Illinois. The number of lace machines, as the looms upon which laces are manufactured are known, and the States where located, are as follows:

Rhode Island	258
New Jersey	70
Pennsylvania	78
New York	80
Connecticut	70
Ohio	31
Illinois	29
Total	616

As compared with the total equipment of lace factories in the United States, the following figures will show the equipment in foreign countries.

Location of lace and lace-braiding machines in European countries in 1924

Country	Nottingham lace-curtain machines	Levers and levers go-through machines	Bobbinet machines	Lace-braiding machines
France	25	3,946	400	2,500
Great Britain	802	2,000	2,500	200
Germany	157	160	314	4,000
Other European countries	187		30	300
Total	1,171	6,106	3,244	7,000

PROGRESS OF THE INDUSTRY

At the time of the establishment of the industry in the United States it was hoped that the surplus skilled labor theretofore employed in the textile mills of New England and in other parts of the country might be given employment in this new activity, and, in view of the large quantities of laces of this kind then being imported in the United States, that a sufficient market would be found for the products of these mills. In the course of time, however, it became apparent that on account of the great difference in labor costs in the United States and in foreign countries, particularly in France and England, our manufacturers were unable to compete with importations from abroad, and representations for an increase in tariff duties upon imports of laces were made to Congress. A number of increases in duties have been accorded to our manufacturers of laces from time to time, but the provision in the pending tariff bill is the same as the duty carried in the existing law; but even this is, in view of existing conditions in the industry, clearly insufficient to enable us to compete successfully, as the figures and the experience which I shall present will conclusively demonstrate.

CAPITAL INVESTED

It is estimated that approximately $25,000,000 is invested in the industry in the United States at the present time. There are employed in these mills now some 8,000 operatives, though at full capacity they could provide employment for not less than 15,000.

While the actual production for the year 1927, the last year available to me, had a value of $11,500,000, yet the potential annual output of the American lace factories is estimated to be in the neighborhood of $35,000,000.

I have prepared, and I ask to have inserted in the RECORD at this point in my remarks, a schedule of actual production of American laces as shown by the reports of the United States Bureau of the Census, for each of the years 1914 to 1927, divided into classes of products.

The VICE PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Annual American production

(From figures of the U. S. Bureau of Census)

	1914	1919	1921	1923	1925	1927
Cotton levers laces	3,681,042	6,607,546	3,988,120	8,029,404	6,547,830	6,262,931
Silk laces, nets, veilings, etc	1,328,933	5,825,359	2,844,902	2,592,812	1,325,617	570,120
All other cotton nets and laces	2,902,857	5,922,185	6,630,662	4,307,825	4,189,027	3,457,185
All other products	685,742	1,085,336	141,554	198,671	982,773	1,171,810
Total	8,598,574	19,440,426	13,605,238	15,428,712	13,045,247	11,562,046

Mr. HEBERT. I have also prepared a schedule, which I ask to have inserted in the RECORD, showing the imports of these laces, taken from figures of the United States Tariff Commission for each of the years 1923 to 1928, divided into classes.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Annual importation of laces

(From figures of the U. S. Tariff Commission, plus duty and landing charges)

NOTE.—In the absence of a unit basis of comparison of domestic production and importation of laces, importations have been figured on the basis of landed value to make these more nearly comparable on a dollar basis.

	1923	1924	1925	1926	1927	1928
Machinemade laces	21,301,352	25,690,998	17,526,774	12,172,278	11,641,238	11,303,460
Nets, nettings, veils, veilings	4,857,570	3,836,072	3,404,224	3,371,734	3,871,498	5,505,256
Burnt-out laces, etc	3,413,144	3,152,962	1,810,800	2,437,142	2,557,060	2,022,598
Handmade laces	4,821,722	4,655,838	3,554,508	2,383,806	2,733,140	1,613,224
Total	34,402,788	37,335,870	26,296,306	20,363,960	20,802,936	20,444,518

Mr. HEBERT. Mr. President, in this latter schedule, in the absence of a unit value for comparison of domestic production and imports, the value of importations has been figured on a basis which will make them fairly comparable to domestic production on a dollar basis.

It is found that the value of the average annual importations is $26,607,730, and that the value of the average annual domestic production is $13,611,707.

From these figures it is clear that the American lace manufacturer with his present equipment is capable of supplying practically all the requirements of the American market, whereas under present conditions, because of insufficient protection, he is limited to operating at approximately but 35 per cent of his capacity, and as a result the countries of Europe supply our market to the extent of twice the value of domestic production.

COMPARISON OF AMERICAN AND FOREIGN METHODS OF MANUFACTURE

The lace machines operated in America are identical with those in use in France and England, our principal competitors, although it may be said that in the main, the machines in use in America are more modern. At any rate, American plants are operated much more efficiently than those of Europe, having much larger individual units. The average American plant consists of from 18 to 20 lace machines, whereas European plants, particularly those in France, consist mostly of from 2 to 6 machine units. Every other process of manufacture both here and abroad is identical, so that the only essential difference in costs is found in the items of labor and yarns.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Massachusetts?

Mr. HEBERT. I yield.

Mr. WALSH of Massachusetts. I do not want to interrupt the admirable speech the Senator is making on this subject, but I should like to make some inquiries about the present duty.

The VICE PRESIDENT. The Chair feels that it is his duty to call the attention of the Senator from Rhode Island to the fact that he only has one minute remaining.

Mr. WALSH of Massachusetts. In my time I should like to ask the questions.

Mr. HEBERT. Very well.

Mr. WALSH of Massachusetts. First, I ask unanimous consent that the Senator from Rhode Island may have his time extended for 10 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. WALSH of Massachusetts. I inquire of the Senator from Rhode Island what is the present duty upon the laces described in the amendment offered by him?

Mr. HEBERT. The present rate is 75 per cent.

Mr. WALSH of Massachusetts. And the Senator seeks to make a separate classification of the particular laces referred to in his amendment?

Mr. HEBERT. Yes; and to provide specific duties upon certain narrow laces.

Mr. WALSH of Massachusetts. Exactly, and the purpose of the amendment is to increase the duty on the narrower and finer laces?

Mr. HEBERT. Not necessarily on the finer laces, but on the narrower laces, the staple laces, so called.

Mr. WALSH of Massachusetts. What will the duties represent in ad valorem terms?

Mr. HEBERT. One hundred and twenty-seven per cent, Mr. President.

Mr. WALSH of Massachusetts. Is that the average?

Mr. HEBERT. The average; yes.

Mr. WALSH of Massachusetts. I suppose some of the narrower laces described would have a lower duty and some a higher duty than 127 per cent?

Mr. HEBERT. Yes; that is true.

Mr. WALSH of Massachusetts. But the average is 127 per cent?

Mr. HEBERT. It is 127 per cent.

Mr. WALSH of Massachusetts. Will the Senator give us the story of the importations of these laces?

Mr. HEBERT. Yes; I have those figures here.

Mr. GEORGE. Before the Senator does that may I ask him if the amendment is to paragraph 1529?

Mr. HEBERT. It is paragraph 1529, page 223.

Mr. WALSH of Massachusetts. It comes in at the end of paragraph 1529 on page 223, and the Senator proposes to add a separate subdivision.

Mr. GEORGE. I know, but the duty under that paragraph is 90 per cent ad valorem.

Mr. HEBERT. Mr. President, that is the duty that is provided in the pending bill, but I understood the Senator from Massachusetts to ask me what the duty is under existing law.

Mr. GEORGE. The duty under existing law is 75 per cent ad valorem, and under the pending bill it is 90 per cent ad valorem.

Mr. HEBERT. That is true.

Mr. WALSH of Massachusetts. My question was with reference to the present duty. The Senator may not disturb himself at this moment but may give the record of imports later on in the course of his address, if it is more convenient for him to do so.

Mr. HEBERT. I have the figures here, Mr. President. In 1923, according to the figures of the United States Tariff Commission, the imports were $34,402,788; in 1924 they were $37,335,870; in 1925 they were $26,206,306; in 1926 they were $20,363,960; in 1927, $20,802,936; and in 1928, $20,444,518.

Mr. WALSH of Massachusetts. How do those figures compare with the domestic production?

Mr. HEBERT. They are about 35 per cent of the domestic production.

Mr. WALSH of Massachusetts. That is, the imports constitute about 35 per cent of the domestic production?

Mr. HEBERT. The imports constitute about 70 per cent of the consumption of this country.

Mr. WALSH of Massachusetts. What is the condition of the industry in Rhode Island?

Mr. HEBERT. I hesitate to attempt a description of the existing conditions of the industry, so bad is it, and so bad has it been for some time.

Mr. WALSH of Massachusetts. Are these laces manufactured in factories of separate units where nothing else is made except laces?

Mr. HEBERT. Nothing else is manufactured in these factories; they are essentially lace factories.

Mr. WALSH of Massachusetts. They are not textile mills that make a variety of cotton textiles, but they make solely these laces?

Mr. HEBERT. Not in the State of Rhode Island. There are some mills in other States which have a diversity of production; some mills, I understand, in the State of Pennsylvania produce stockings and other knit goods, but that is not true of the factories in Rhode Island.

Mr. WALSH of Massachusetts. That is an exceptional condition in the textile business?

Mr. HEBERT. It is; it is not the usual condition.

Mr. WALSH of Massachusetts. I thank the Senator for the information; and I now ask that the time consumed in my questions be taken out of my time and that the Senator be given his 10 minutes.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I yield.

Mr. BARKLEY. From what source does the Senator quote the figures as to the domestic production of these laces?

Mr. HEBERT. From the census figures, Mr. President.

Mr. BARKLEY. And what were they given by the Senator as being? What was the domestic production?

Mr. HEBERT. In the year 1927, the last year for which the figures are available, the domestic production had a value of $11,552,000.

Mr. BARKLEY. I find from the Tariff Summary some difficulty in separating the value of these domestic products. The summary gives the total amount of laces produced in the United States for 1923 as $309,000,000.

Mr. HEBERT. Mr. President, those figures have nothing to do with the laces that are included in my amendment; they cover other products altogether. The laces that would come within the purview of my amendment are what are known as Levers laces and Barmen laces, and are wholly unlike most of the laces that are included in the figures just quoted by the Senator.

Mr. BARKLEY. The Tariff Commission does not separate Levers laces in the table of domestic production, so that I am unable to find from this report the domestic production of that type of laces; and I was interested to know from what source the Senator obtained the figures.

Mr. HEBERT. Mr. President, the figures which I have quoted were taken from the census figures, but after analyzing and separating the different classes of laces, so as to bring in this group the laces which are included in the amendment which is now pending.

Mr. BARKLEY. Was that analysis or that separation made by the Census Bureau or by somebody else?

Mr. HEBERT. The analysis, as I understand, was furnished by an association of lace manufacturers, and was then checked up by the Tariff Commission, which has been making an extended investigation of the lace industry in this country since 1923.

Mr. BARKLEY. If I understand the Senator's amendment, notwithstanding the fact that the present bill increases the tariff on these articles from 75 per cent to 90 per cent ad valorem, the Senator seeks now to add on to that 90 per cent the specific rate which he provides and which will raise the total ad valorem equivalent to 127 per cent.

Mr. HEBERT. On the average that is what it would do.

Mr. President, I should like to answer all inquiries, but I realize that it is being taken out of my time, and I should like to complete my statement.

It is to be noted that a large percentage of the finer cotton and metal yarns used in the industry in this country are not produced here, and therefore they must be imported, and as they bear a duty of approximately 35 per cent, this added cost is reflected in the prices which obtain for our production.

COMPARATIVE WAGES IN THE UNITED STATES AND EUROPE

Ninety per cent of the lace-machine operatives in this country have been trained abroad. The training of these operatives is a slow process, and those now in the country have shown a reluctance to assist in the training of American operatives, with the result that replacements have to be made from abroad. Therefore, so far as the operation of the machines in the industry is concerned, there is no difference in point of efficiency between the United States and France and England. There is a difference, however, and one that is very marked, in the salaries and wages paid to those operatives. For example, lace weavers in this country receive a weekly wage of approximately $55, whereas the same workman in the mills in France is paid $14 per week. The warpers in the United States receive a weekly wage of $42, as compared with $9 paid to like operatives in France. And brass-bobbin winders in this country are paid $30 per week, but those employed in this particular work in France receive a weekly wage of $7.50. The slip winders in this country receive a weekly wage of $22.50, as compared with a weekly wage of $7 paid to the like operatives in France. A summary of these wages shows that the average paid to American workers is $39.88 per week, and those paid to French operatives is $9.38 per week.

CLASSIFICATION OF LACES

There are three major classes of laces produced in the United States—novelty laces, staple laces, and nets.

NOVELTY LACES

Novelty laces are usually manufactured of silk, metal, or rayon yarns, or more frequently in combinations of all of these, and range in width from 9 to 54 inches. As their name implies, they are transitory items, some styles being in demand for but a few weeks and then they disappear from the market. In these the American manufacturer has an advantage over his foreign competitor, because of his closer proximity to the market and his ability to supply the demand more readily than can the manufacturer located abroad. However, because of domestic competition the American manufacturer has not received that profit to which he should be entitled, and at any rate his margin on these novelties has been much less relatively than that of the French makers. However, with but a fraction of the American market available to the American producer and with the repeated change and intermittent demand for this type of laces, no American manufacturer has been able to operate successfully in the past.

STAPLE LACES

This class of laces constitutes the greatest range and provides the most substantial income to the American manufacturer. They range in width from one-half inch to 9 inches and are manufactured principally of finer cotton yarns. Also they entail more labor in proportion to yarn value than novelty laces. Notwithstanding the American industry was established to produce this very class of laces, yet because of competition from abroad, it has been unable to compete in its own home market. The United States Tariff Commission began an investigation of this item of manufacture in 1923. No conclusion has yet been reached, though the results of this investigation up to the present point show conclusively the need of further protection to the American manufacturer.

In this category are included Valenciennes laces which form the bulk of the European production and of the American importations of Levers laces. As already stated, they range in width from one-half inch to 9 inches, but in the main they do not exceed 4 inches in width. They are made in sets of edgings and insertions for trimming of underwear and dresses, and are of two main types—diamond mesh or French Val, and round-hole mesh or German Val. There is, however, a small production of filet laces made with a square-hole mesh. One of the most largely produced patterns is the "fish-eye Val" made with a "fish-eye" shaped figure and a diamond mesh. Some Vals are made with Maltese or Cluny effects.

NETS

Nets constitute another staple branch of the industry. They are manufactured of cotton, silk, and other rayon yarns. The history of this part of the industry in the United States is deplorable, so far as the financial results to the manufacturers are concerned, as the cost computations, which I shall present later in my remarks and ask to have inserted in the RECORD, will show.

LACE INDUSTRY AND INCOME-TAX RETURNS

If the American lace industry is to continue as a part of our industrial structure, it is absolutely essential that further protection be afforded to so-called staple laces. Otherwise, its disappearance as one of our activities is already decreed.

An examination of the income-tax returns of 31 concerns transacting business in the United States in the years 1926, 1927, and 1928 discloses the following facts:

Of 31 concerns filing income-tax returns in 1926, 18 show aggregate losses from operations of $679,089.01, and 6 show aggregate profits of $370,955.34. Consolidating these profits and losses, the results show a net loss from operations upon a volume of sales for the year of $23,981,000 amounting to $308,134.

In the year 1927 of 31 concerns reporting, 15 show aggregate losses of $324,164.23, and 13 show aggregate profits of $383,182.14. Again consolidating the profits and losses for that year and applying them to the gross sales of $22,698,000, the results show a net profit from operations of $59,017.91.

In 1928 of 27 concerns filing income-tax returns, 12 of them showed losses aggregating $369,565.42, and 15 reported aggregate profits of $743,451.14. Consolidating these profits and losses and applying them to the gross sales of the year, amounting to $23,084,000, we find a net return from operations for that year of $373,885.72, or approximately 0.017 per cent.

While it might be assumed that there has been some improvement in the situation as viewed from the returns to which I have just made reference, yet this is not so in fact, because the concerns which have shown a profit are found to have diversified their activities, and they are not limited to the production of laces alone. For instance, one concern which showed losses in each of the years 1926 and 1927 and a profit in 1928 had diversified its productions so that in the latter year it produced in addition to laces, hosiery, underwear, rugs, and other articles. Another of these concerns which has shown very moderate profits for each of the years to which reference has been made also produces knit goods. Still another one of these manufacturers of laces which showed losses in 1926 and 1927, and a small profit in 1928, derived much of that profit from real-estate operations in the latter year.

I shall now give a brief review of the history of the lace mills of the United States and the results of their operations as disclosed from their income-tax returns principally and supplemented by reports to their stockholders. I do not propose to refer to these by name lest in doing so their credit be wholly destroyed or their standing seriously affected. I have the facts in detail, however, and if any Senator is interested to know more about them I shall gladly place them at his disposal that he may make a further examination.

The first manufacturing concern on my list is domiciled in Rhode Island. It was one of the first to be established, and has been in operation for 20 years. It has never paid a dividend to its stockholders.

Another concern, also domiciled in Rhode Island, has never been successful and has been supported by outside capital.

The concern whose name follows on my list, also domiciled in Rhode Island, is a consolidation of two defunct concerns. After this consolidation the corporation failed, with liabilities of over a quarter of a million dollars.

Again, another concern which operates 25 machines, was saved from financial difficulties in 1924 by the acquisition of additional capital; but an examination of its income-tax returns for the years 1926, 1927, and 1928 shows losses aggregating approximately $75,000.

Of the five concerns domiciled in New Jersey and operating 70 machines, one failed about a year ago; one made some profits during the war, but since then has been losing on an average

between $75,000 and $100,000 per year; and the others are family operated mills.

Of the three plants domiciled in Pennsylvania, the lace-manufacturing equipment in one has been for sale for quite a while, and that part of its business has been unsuccessful for years. One has failed three times and has recently reorganized, and the other has never been successful since its inception.

Of the 6 plants domiciled in the State of New York and operating 80 machines 2 have shown profits for each of the three years under observation, though 1 imports as well as manufactures laces. Two have shown profits one year and losses for the other two years; and the others have shown consistent losses for each of the years under observation.

Of the four plants domiciled in the State of Connecticut, one shows small profits for 2 years and losses for the next; whereas the others show losses for 2 years and profits for the remaining 1 year of the period under observation. It is to be noted, however, that those which have shown any profits have been engaged in other lines of activity; and from the general condition of the lace industry in this country it may be said, with no small degree of assurance, that the profits derived in any one year probably came from sources other than the manufacture of laces.

I ask that there may be included at this point in my remarks certain cost comparisons on laces.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FOREIGN AND DOMESTIC COST COMPARISON OF LACES

(As submitted, with samples, to the Committee on Ways and Means)

EXHIBIT NO. 1.—TWO-THIRDS-INCH WIDE, 12-POINT VALENCIENNES LACE (STAPLE)

Foreign sample 10181: Cost in France per meter November 13, 1928, centimes, 12; plus 25 per cent, 3; centimes net, 15; exchange at 3.93, $0.5895; add 10 per cent expenses plus 90 per cent duty, $0.5895; total, 1.1790; to convert meters to dozens by 11, 12.969:

Landed cost (including foreign manufacturers' profit) per dozen yards	$0.1269
Suggested specific duty	.12
Total	.2469
Domestic sample 5073: Cost of production at the mill, $0.1816 per dozen yards; plus 25 per cent for selling, administrative expenses, and profit, $0.0454; total	.2270

EXHIBIT NO. 2.—1-INCH WIDE, 12-POINT VALENCIENNES LACE (STAPLE)

Foreign sample 10183: Cost in France per meter Nov. 13, 1928, centimes 18; plus 25 per cent, 4.5; centimes net, 22.5; exchange at 3.93, $0.88425; add 10 per cent expenses plus 90 per cent duty, $0.88425; total, 1.76850; to convert meters to dozens by 11, $0.19453:

Landed cost (including foreign manufacturers' profit), per dozen yards	.1945
Suggested specific duty	.12
Total	.3145
Domestic sample 5042: Cost of production at the mill, $0.268 per dozen yards plus 25 per cent for selling; administrative expense and profit, $0.067. Total	.335

EXHIBIT NO. 3.—ONE AND ONE-HALF-INCH WIDE, 12-POINT VAL. LACE (STAPLE)

Foreign sample 10184: Cost in France per meter Nov. 13, 1928, centimes, 24; plus 25 per cent, 6; centimes net, 30; exchange at 3.93, 1.1790; add 10 per cent expenses plus 90 per cent duty, 1.1790; total, 2.3580; to convert meters to dozens by 11, 25.938:

Landed cost (including foreign manufacturers' profit), per dozen yards	.2593
Suggested specific duty	.18
Total	.4393
Domestic sample 5081: Cost of production at the mill, $0.329 per dozen yards plus 25 per cent selling, administrative expenses, and profit, $0.082. Total	.411

EXHIBIT NO. 4.—1-INCH METAL LACE (STAPLE)

Foreign sample 09712: Cost in France, 0.47; exchange at 3.93; 90 per cent duty plus 10 per cent for expenses:

Landed cost (including foreign manufacturers' profit), per yard	.03½
Suggested specific duty	.01
Total	.04½
Domestic sample 18678: Cost of production at the mill, $0.0420, plus 25 per cent selling, administrative expenses, and profit, $0.0105. Total	.0525

EXHIBIT NO. 5.—1-INCH SILK CHANTILLY LACE (STAPLE)

Foreign sample 1762/1486: Cost in France per meter, Jan. 26, 1929, francs, 0.37½, less 10 per cent exchange at 3.93, $0.01328; add 10 per cent expenses plus 90 per cent duty, $0.01328:

Landed cost (including foreign manufacturers' profit), per yard	.0241
Suggested specific duty	.01
Total	.0341
Domestic sample 16854: Cost of production at the mill, $0.03 per yard plus 25 per cent selling, administrative expenses, and profits, $0.0075. Total	.0375

EXHIBIT NO. 6.—THREE-FOURTHS-INCH METAL LACE (STAPLE)

Foreign samples 09717 and 09711: Cost in France, francs, 0.31; exchange at 3.93; 90 per cent duty plus 10 per cent for expenses:

Landed cost (including manufacturers' profit) per yard	$0.0225
Suggested specific duty	.01
Total	.0325
Domestic sample 18672: Cost of production at the mill, $0.03220; plus 25 per cent selling, administrative expenses and profit, $0.008. Total	.04

EXHIBIT NO. 7.—SEVEN-EIGHTH-INCH CHANTILLY LACE (STAPLE)

Foreign sample 1762/3017: Cost in France January 26, 1929, 0.44 francs per meter, less 10 per cent; exchange at 3.93; $0.0155; add 10 per cent expenses plus 90 per cent duty, $0.0155; landed cost per meter, $0.0310:

Landed cost—per yard	.0282
Suggested specific duty	.01
Total	.0382
Foreign sample 824/6781: Cost in France, 0.85 franc less 40/5 per cent; exchange at 3.93, $0.0190; add 10 per cent expenses plus 90 per cent duty, $0.0190; total $0.0380:	
Landed cost (including foreign manufacturers' profit) per yard	.0345
Suggested specific duty	.01
Total	.0445
Domestic sample 17980: Cost of production at the mill, $0.051 net per yard; plus 25 per cent selling, administrative expenses, and profits, $0.01275. Total	.06375

EXHIBIT NO. 8.—3-INCH COTTON BINCH LACE (STAPLE)

Foreign sample 1762/1539: Cost in France per meter Jan. 26, 1929, 1.35 francs less 10 per cent; exchange at 3.93, $0.0530; add 10 per cent expenses plus 90 per cent duty, $0.0530; landed cost per meter, $0.1060:

Landed cost (including foreign manufacturers' profit) per yard	.0954
Suggested specific duty	.03
Total	.1254
Domestic sample 19250: Cost of production at the mill, $0.115; plus 25 per cent selling, administrative expenses, and profit, $0.0287. Total	.1437

EXHIBIT NO. 9.—COTTON BOBBINET (NET)

Landed cost (including foreign manufacturers' profit, 90 per cent duty and 10 per cent expenses) per square yard	.20½
Suggested specific duty	.03¾
Total	.24¼
Domestic sample 9126: Cost of production at the mill, $0.225 per yard, plus 25 per cent selling, administrative expenses, and profit, $0.056 per yard. Total	.281

EXHIBIT NO. 10.—SILK NET, 72 INCHES WIDE (NET)

Foreign sample: Exactly identical quality, imported December, 1928. Landed cost (including foreign manufacturers' profit, 90 per cent duty and 10 per cent expenses) per yard	.64
Suggested specific duty	.10
Total	.74
Domestic sample 2122: Cost of production at the mill, $0.68 net; plus 25 per cent selling, administrative expenses, and profit, $0.17. Total	.85

EXHIBIT NO. 11.—36-INCH METAL ALL-OVER (NOVELTY)

Foreign sample 1782/414/7945: Cost in France, 13.90 francs, less 10 and 5 per cent; exchange at 3.93, $0.4664; add 10 per cent expenses plus 90 per cent duty, $0.4664; landed cost per meter, $0.9328:

Landed cost (including foreign manufacturers' profit) per yard	.8480
No specific duty.	
Total	.8480
Domestic sample pattern 19772: Cost of production at the mill, $1.06 per yard; plus 25 per cent selling, administrative expenses, and profit, $0.265. Total	1.325

EXHIBIT NO. 12.—36-INCH ESPRIT NET (NOVELTY)

Foreign sample 1915/1016/9536: Cost in France, August, 1928, 10.90 francs; exchange at 3.93, $0.4283; add 10 per cent expenses plus 90 per cent duty, $0.4283; landed cost per meter, $0.8566:

Landed cost (including foreign manufacturers' profit) per yard	$0.78
No specific duty.	
Total	.78
Domestic sample pattern 12648; cost of production at the mill, $1.03 net, net; plus 25 per cent selling, administrative expenses, and profit, $0.26. Total	1.29

EXHIBIT NO. 13—40-INCH ESPRIT NET (NOVELTY)

Foreign sample 1762/438/129: Cost in France, February 23, 1928, 8.90 francs less 10/5 per cent; exchange at 3.93, $0.2990; add 10 per cent expenses plus 90 per cent duty, $0.2990; landed cost per meter, $0.5980:

Landed cost (including foreign manufacturers' cost) per yard	.5442
No specific duty.	
Total	.5442
Domestic sample pattern 13508: Cost of production at the mill, $0.76 net, net; plus 25 per cent selling, administrative expenses, and profit, $0.19. Total	.95

EXHIBIT NO. 14.—36-INCH ESPRIT NET (NOVELTY)

Foreign sample 56580: Cost in France, May 5, 1928, 12.95 francs, less 10 and 5 per cent; exchange at 3.93, $0.4350; add 10 per cent expenses plus 90 per cent duty, $0.4350; landed cost per meter, $0.87:	
Landed cost (including foreign manufacturers' profit) per yard	$0.7817
No specific duty.	
Total	.7817
Domestic sample 19682: Cost of production at the mill, $0.93 net, net; plus 25 per cent selling, administrative expenses, and profit, $0.23. Total	1.16

EXHIBIT NO. 15.—36-INCH BOHEMIAN FLOUNCING (NOVELTY)

Foreign sample 1763/317/5078: Cost in France per meter, 14.20 francs, less 10/5/2 per cent; exchange at 3.93, $0.4660; add 10 per cent expenses plus 90 per cent duty, $0.4660; landed cost per meter, $0.9320:	
Landed cost (including foreign manufacturers' profit) per yard	.8481
No specific duty.	
Total	.8481
Domestic sample 20483: Cost of production at the mill, $0.98; plus 25 per cent selling, administrative expenses, and profit, $0.2450. Total	1.225

EXHIBIT NO. 16.—36-INCH CHANTILLY LACE FLOUNCING (NOVELTY)

Foreign sample 434/1105: Cost in France per meter, April 11, 1928, 11.45 francs, less 10/5 per cent; exchange at 3.93, $0.3851; add 10 per cent expenses plus 90 per cent duty, $0.3851; landed cost per meter, $0.7702:	
Landed cost (including foreign manufacturers' profit), per yard	.71
No specific duty.	
Total	.71
Domestic sample 20663: Cost as of April, 1929, $0.82 per yard; plus 25 per cent selling, administrative expenses, and profit, $0.205. Total	1.025

Mr. HEBERT. It so happens, Mr. President, that some of the larger mills engaged in this industry in the State of Rhode Island are domiciled in that part of the State where I have lived all my life. I am familiar with their problems. I remember very distinctly when they were organized and their stock-subscription books were opened. It was confidently believed at that time that the lace industry was destined to become a factor in the manufacturing life in our community, which up to that time had been concentrated almost exclusively in the production of cotton textiles. It is sad to relate, after the experience of the years, that many of the mill operatives in my community invested their meager savings in the stock of some of these factories, hoping, as they had every reason to hope, that they would be successful, would be an asset to the community, and would at least give some measure of return upon the investment.

I think I am safe in saying that none of those mills have paid but very meager if any dividends to their stockholders upon their investment for the entire period of approximately 20 years since their organization.

The management of these manufacturing plants is competent, and there is no reason why their mills should not be successful if they could find a market for their products at a reasonable price. For 20 years I have heard it repeated again and again that the reason why they can not operate at full capacity and why they can not earn anything for their stockholders is because of the ruinous competition from abroad, and that they will never be successful unless the American market is made available to them by the imposition of such rates of duty as will at least equalize their costs of production with those abroad.

Congress can do no single act in the consideration of the pending bill which would operate so favorably to any industry as to adopt the amendment which I have proposed. Not only would the passage of my amendment bring about some degree of success to the plants domiciled in Rhode Island but it would provide help to the industry in all the States, and this protection is as much needed in other States as it is by the concerns domiciled in Rhode Island.

Under present conditions, with the depression in the textile industry in New England, the people there who are dependent on lace manufacturing for a livelihood would welcome any assistance that can come to them through the medium of this added protection.

If there is one item in the pending bill which will be of benefit to an industry in the State of Rhode Island, I do not hesitate to say that the provision which I propose will be, and I sincerely hope that it may receive the favorable consideration of the Senate.

Mr. WALSH of Montana. Mr. President, I desire to ask the Senator from Rhode Island if the matters which he has been presenting were presented to the committees of either House?

Mr. HEBERT. Mr. President, I did not present them. I assume that they were presented. In fact, I am informed that representations were made to the Ways and Means Committee of the House, and as a result of those representations the increase was made from 75 per cent in the existing law to 90 per cent in the pending bill.

Mr. WALSH of Montana. The matter, then, was not considered by the Finance Committee of the Senate at all?

Mr. HEBERT. I am not advised whether the matter was considered by the Finance Committee. I do know that the Finance Committee left the 90 per cent rate in the bill.

Mr. WALSH of Montana. Does the Senator know whether there were any hearings before the Finance Committee?

Mr. HEBERT. I think not, Mr. President.

Mr. WALSH of Montana. It seems to me, in view of the complicated nature of the questions involved in the amendment, that the opportunity to present it to the Senate in an understandable way at this time is rather meager.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. HEBERT. I do.

The VICE PRESIDENT. The Senator has one minute left.

Mr. SMOOT. May I say to the Senator from Montana that wherever a witness upon any particular item in the bill had been heard by the Ways and Means Committee, we announced that we very much preferred not to hear him; and that is why their statements are not in the hearings before the Finance Committee.

Mr. BARKLEY. Mr. President, I find from examining the copy of the hearings before me that not only was this matter presented exhaustively to the Ways and and Means Committee, which raised the rate from 75 per cent to 90 per cent, but it was also exhaustively presented to the subcommittee of the Committee on Finance, for it takes up over 100 pages of the hearings.

Mr. SMOOT. It may have been presented before the subcommittee; but I was speaking of the full committee.

Mr. BARKLEY. Of course nobody was heard before the full committee. That might be said of the metals schedule and all the others. There was a full hearing of more than 100 pages before the subcommittee to which this schedule was referred, and that subcommittee made no report to the full committee recommending an increase; and, so far as we know, the majority members of the Finance Committee unanimously refused to increase the rate above 90 per cent.

Mr. SMOOT. I am not talking about that. This subcommittee may have heard a repetition of what was said before the House committee, but I know that was the request made by many of the subcommittees.

Mr. BARKLEY. Oh, yes; the subcommittees all requested witnesses not to repeat what they had said before the Ways and Means Committee, and each one of the witnesses said he was not going to, and then proceeded to do it.

Mr. President, I was not in charge of this schedule; I was not on the subcommittee that did have charge of it; but I am not willing to let the matter come to a vote without just a word, at least.

The question of lace is largely a question of fashion. When women want to wear lace goods, both the domestic manufacturer and the importer are prosperous. When they do not desire to wear lace all the tariffs in the world could not make either the importer or the domestic manufacturer prosperous, either in the manufacturing or in the distribution of lace.

The rate of duty in the present law, as we have already heard, is 75 per cent, which is no mean duty; and the House has raised it to 90 per cent. I regard a 90 per cent ad valorem duty on any commodity as a rather exorbitant duty, except under very special circumstances; but, in addition to that 90 per cent, the Senator from Rhode Island now seeks to incorporate in the bill amendments which will raise the duty to an average of 127 per cent.

Of course, if the average is 127 per cent we may safely assume that some of the higher duties will range in the neighborhood of 150 or 175 or even as high as 200 per cent; and I seriously question whether any industry that can not survive without 150 or 200 per cent ad valorem duty ought to have artificial life injected into it by the levy of these high and indefensible rates of duty. It means that every article that any woman in America would purchase that would normally be worth $1 would cost her $3, or if it normally were worth $10 it would cost her $30, because of this tariff which the Senator from Rhode Island seeks to impose.

Mr. HEBERT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. BARKLEY. I do.

Mr. HEBERT. I may say, for the information of the Senator, that the laces that are subject to the provisions of this amendment would never go into the making of a gown for a woman. They are all narrow laces. The widest one would be somewhere in the neighborhood of 4 inches.

Mr. BARKLEY. They might not go into it, but they might go onto it.

Mr. HEBERT. They range from half an inch to about 4 inches. They are the staple narrow laces. They range in price from less than half a cent a yard to 4 or 5 cents per yard.

Mr. BARKLEY. I do not regard a 4-inch-wide lace as being an extremely narrow lace. It strikes me that it is rather a healthy looking piece of lace.

In view of the fact that this lace now bears a duty of 90 per cent and in view of the fact that we have no reliable information here, in addition to what was submitted to the two committees, justifying this increase from 90 to 127 per cent, I do not see how the Senate can adopt the amendment providing for the increase, unless they are obsessed with the idea that they ought to increase every tariff where an increase is requested.

Mr. SMOOT and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Kentucky yield, and to whom?

Mr. BARKLEY. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I desire to correct the statement made by the Senator from Rhode Island. The present law is 90 per cent, not 75 per cent. Laces, lace window curtains, burnt-out laces, and so forth, carry a rate of 90 per cent ad valorem. Embroideries not specifically provided for, ornamented with beads, and so forth, have a duty of 75 per cent; but laces carry a rate of 90 per cent, the same as in the House bill.

Mr. BARKLEY. There was some confusion as to the present rate. Some of them are dutiable at 75 per cent, and some of them are dutiable at 90 per cent.

Mr. SMOOT. Not the laces—the embroideries.

Mr. BARKLEY. Under this paragraph that the Senator is seeking to amend, some of them bear a 75 per cent rate, and some of them 90 per cent.

Mr. SMOOT. But the Senator's amendment does not apply to that, because he says specifically in his amendment that it refers to the narrow laces.

Mr. BARKLEY. That makes the case still worse. If, after presenting the matter to the Ways and Means Committee, they could not get the increase, I think that is prima facie evidence that they do not need it or are not entitled to it; and when they go through the sifter of the Finance Committee with the same evidence and a reiteration of it and can not get the Finance Committee to recommend an increase, I think they have still fewer legs to stand on.

Mr. SMOOT. All I wanted to do was to have the RECORD straight.

Mr. BARKLEY. We are asked here, without any report from the Finance Committee of the Senate or the Ways and Means Committee of the House, without any reliable information except that which has been gathered or collated or separated or segregated by some manufacturers' association, to take this action. Of course, I understand that the Senator from Rhode Island himself is compelled to rely upon the accuracy of that information. There has been no investigation by the Tariff Commission. There has been submitted no impartial information upon which we may intelligently vote for an increase in the duty on these laces.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

The VICE PRESIDENT. The Senator has three minutes remaining.

Mr. HEBERT. I stated in the course of my argument that the Tariff Commission have been engaged in an investigation of this industry since 1923. They have not yet announced their findings.

Mr. BARKLEY. That is correct.

Mr. HEBERT. I think I am safe in saying, however, that they find that in order to equalize the cost of production between Europe and the United States, the duty must be on the average 127 per cent, as my amendment provides. I think I am safe in saying that that will be the figure of the Tariff Commission.

Mr. BARKLEY. I presume that upon that basis if the Tariff Commission were about to recommend or find that 500 per cent was necessary to absorb the difference in the cost of manufacture of laces in the United States and Europe, the Senator would advocate a duty of 500 per cent on these articles.

That raises the whole question as to how far we may go above 100 per cent, how far we may go above doubling the value of any article, with justice to the American people, in order to make it possible for somebody to manufacture the article in the United States.

Mr. HEBERT. Mr. President, the Senator asks me how far I would go to protect an American industry. I will say to him that there is no limit to which I would not go to protect an American industry and American workingmen.

Mr. BARKLEY. I am satisfied of that, from the Senator's position.

What I said was that if it took 500 per cent ad valorem, which would be, of course, in the nature of an embargo, which would compel the American woman to buy lace made in the United States and pay five or ten times as much for it as for the lace imported, he would be in favor of that sort of tax. I am not. I am willing to go any reasonable distance, and I think when we have gone to 100 per cent, we have gone about as far as reason dictates.

Mr. BLAINE. Mr. President, I wanted to ask the Senator from Kentucky a question, but the Chair announced he had only three minutes left, so I am going to ask him the question in my time.

I want to inquire whether the Senator from Kentucky knows of any other article or commodity in the cotton schedule which carries a rate of duty of almost 100 per cent?

Mr. BARKLEY. I do not; and I think I am safe in saying there is no such article. There is no such article in the woolen schedule. The rayon schedule, which we debated at such length on two occasions, carries no such rate, except in the event of the possible lowering of the price of rayon, when the minimum of 40 cents a pound might amount to more than 100 per cent. There is no case in any of these textile schedules or items which provides for a combination of rates that amounts to more than 100 per cent, as I now recall.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. I want to pursue the inquiry just a little farther and ask the chairman of the Committee on Finance if there is any commodity or article in the cotton schedule which carries a rate as high as nearly 100 per cent ad valorem?

Mr. SMOOT. There are rates in the present law of 90 per cent on some of the very items we are discussing.

Mr. BLAINE. Not over 90 per cent?

Mr. SMOOT. Not that I recall.

Mr. BLAINE. I thank the Senator.

Mr. COPELAND. Mr. President, I want to ask the Senator from Kentucky what is the rate on these articles?

Mr. BARKLEY. The rate in the act of 1922 on these particular articles is 90 per cent. The Senator from Rhode Island said a while ago that it was 75 per cent, but he is mistaken. The testimony before the Finance Committee shows that the present rate is 90 per cent. The producers went before the Ways and Means Committee and sought an increase, which was refused by that committee and by the House. They also appeared before the subcommittee of the Finance Committee having charge of this schedule and asked for an increase, and the subcommittee denied the increase, and the full committee denied it.

Here on the floor of the Senate, without any additional information, without any report from any source justifying it, we are asked to increase this rate from 90 per cent to 127 per cent.

Mr. COPELAND. It covers only part of the laces?

Mr. BARKLEY. It covers only part of the laces provided for in section 1529. It covers only those in subsection (a), which, of course, form a considerable category within themselves.

If the Senator will read the different sorts of laces enumerated from the middle of page 222 to the middle of page 223, and then reflect that this amendment adds to the duties provided in that subsection the specific duties provided in the amendment, he will find that the amendment covers a considerable field of laces, although not all the laces mentioned in paragraph 1529.

Mr. COPELAND. Is the Senator familiar with all these types—flouncings, all-overs, rufflings, flutings, and so forth?

Mr. BARKLEY. I have only a superficial acquaintance with flouncings.

Mr. COPELAND. As a matter of fact, these are all more or less luxuries, are they not?

Mr. BARKLEY. The Senator will have to ask the women about that. They may regard an article of wearing apparel which contains lace as a luxury, and they may regard it as a necessity. It probably would depend a good deal on the ques-

tion of the style. If it is out of style, it is no longer a necessity, probably not even a luxury, and that is the whole trouble with not only the lace industry, but the embroidery industry. Women no longer wear embroidered articles, and in order to relieve that situation, many embroidery factories have gone to making other articles in order to keep their machinery in operation and their men employed. No sort of tariff on the things they have been compelled to abandon by a change in style will help them, and that is the situation, very largely, that pertains to the lace industry.

Mr. COPELAND. Is it the argument of the Senator that they must go out of business or do something else?

Mr. BARKLEY. That is what they think.

Mr. COPELAND. I did not follow the argument of the Senator from Rhode Island closely.

Mr. BARKLEY. Probably the Senator would not admit that, but it is a fact that where machinery has been employed, and factories have been operated, to make a certain type of wearing apparel, and, by the decree of some fashion maker, that article is no longer stylish, of course, the machinery must become idle, or they must find something else to make which would appeal to those who have been wearing the article previously made.

Mr. COPELAND. Let us assume that the Senator's position is correct, and that these concerns will go out of business if there is not anything for them to do. Then, of course, when the articles are in style, the foreign product will come along with no American competition, and our women certainly will be at the mercy of the foreign manufacturer.

Mr. BARKLEY. That is purely speculative.

Mr. COPELAND. Most of our tariffs are that way; are they not?

Mr. BARKLEY. I will say to the Senator that I would not think it would be sound economics or sound legislation to place a prohibitive tariff or an exorbitant tariff on an article which had gone out of style, and which the American producer had been compelled to abandon, in order to protect a thing which is no longer in use. If the American people will not wear a thing, they can not be compelled to wear it by increasing the tariff on it. The increase in the tariff would not keep their machines busy producing something which the American women would not wear.

Mr. COPELAND. The Senator knows that fashion makers are all the time changing the fashions in order that they may sell new garments.

Mr. BARKLEY. Yes.

Mr. COPELAND. So it would seem to me that it would be good American policy to maintain our institutions if we can.

Mr. BARKLEY. I agree with that; but when they can not be maintained because the people will not wear what they make, how can we remedy that by making it more expensive to wear what they make?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. HEBERT].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Mr. President, I want to make a brief statement. The highest duty imposed under the cotton schedule is in paragraph 920, Nottingham lace-curtain machine products, and the equivalent ad valorem rate based on the imports of 1928, under the Senate bill as it now stands, is 60 per cent ad valorem.

The highest duty in Schedule 10, flax, hemp, jute, which includes the linens, of course, is 73.25 per cent ad valorem.

The highest ad valorem equivalent, based upon the imports of 1928, in the wool schedule, is under paragraph 1109, cloth, heavy-weight fabrics of wool, where the rate is 84.10 per cent.

The highest rate under the silk schedule is 65 per cent ad valorem. That rate is imposed upon manufactures of silk not specifically provided for.

The highest rate under the rayon schedule is 72.46 per cent ad valorem, and that is the rate on knit fabrics and knit goods of rayon, falling under paragraph 1309.

The present duty upon these laces is 90 per cent, and under the scale of rates proposed by the Senator from Rhode Island the average would amount to 127 per cent.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CAPPER (when his name was called). On this question I am paired with the Senator from New Mexico [Mr. BRATTON], who is necessarily absent. If I were permitted to vote, I would vote "yea."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. If I were at liberty to vote, I would vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. STECK]. He being absent and I not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. STEPHENS (when his name was called). I am paired on this vote with the junior Senator from Illinois [Mr. GLENN]. Therefore I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. If permitted to vote, I would vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Iowa [Mr. BROOKHART]. If permitted to vote, I should vote "yea."

Mr. TOWNSEND (when his name was called). On this vote I have a pair with the Senator from Tennessee [Mr. MCKELLAR]. If free to vote, I would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am unable to obtain a transfer and therefore withhold my vote. I am told that if the Senator from South Carolina were present he would vote "nay." If I were privileged to vote, I would vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Vermont [Mr. GREENE] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING];

The Senator from Kentucky [Mr. ROBSION] with the Senator from Washington [Mr. DILL];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON].

Mr. SHEPPARD. I desire to announce that the Senator from Louisiana [Mr. RANSDELL] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The roll call resulted—yeas 26, nays 20, as follows:

YEAS—26

Allen	Grundy	Kendrick	Shortridge
Baird	Hale	Keyes	Smoot
Copeland	Hastings	McCulloch	Steiwer
Dale	Hatfield	Oddie	Vandenberg
Fess	Hebert	Phipps	Walcott
Goff	Jones	Pine	
Goldsborough	Kean	Robinson, Ind.	

NAYS—20

Barkley	Fletcher	Howell	Schall
Black	Frazier	La Follette	Sheppard
Blaine	George	Norbeck	Swanson
Connally	Harris	Norris	Walsh, Mont.
Cutting	Heflin	Nye	Wheeler

NOT VOTING—50

Ashurst	Gillett	Metcalf	Stephens
Bingham	Glass	Moses	Sullivan
Blease	Glenn	Overman	Thomas, Idaho
Borah	Gould	Patterson	Thomas, Okla.
Bratton	Greene	Pittman	Townsend
Brock	Harrison	Ransdell	Trammell
Brookhart	Hawes	Reed	Tydings
Broussard	Hayden	Robinson, Ark.	Wagner
Capper	Johnson	Robsion, Ky.	Walsh, Mass.
Caraway	King	Shipstead	Waterman
Couzens	McKellar	Simmons	Watson
Deneen	McMaster	Smith	
Dill	McNary	Steck	

The VICE PRESIDENT. On this question the yeas are 26 and the nays are 20, with the following Senators present who are paired, thus constituting a quorum: Senators WATSON, THOMAS of Idaho, SULLIVAN, CAPPER, METCALF, TOWNSEND, STEPHENS, and MOSES. So the amendment is agreed to.

Mr. WALSH of Montana. Mr. President, did the Chair state that there were 26 yeas and 20 nays, and the other Senators were paired, making a quorum?

The VICE PRESIDENT. That was the statement of the Chair.

Mr. JONES. Mr. President, I desire to offer the following amendment and have it read, printed, and lie on the table. It relates to lumber.

The VICE PRESIDENT. The amendment will be printed and lie on the table, and the clerk will read, as requested.

The Chief Clerk read as follows:



On page 118, after line 3, insert the following paragraph:

"PAR. —. Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch; railroad ties, and telephone, telegraph, trolley, and electric-light poles of any wood; all the foregoing, $1.50 per thousand feet, board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving."

Mr. JONES. I desire to state that I hope, when the amendment comes up to-morrow, that we may reach an agreement with reference to a limitation of debate.

Mr. HEBERT. Mr. President, I desire, at the request of another Senator, to enter a motion to reconsider the vote whereby the Senate concurred in the amendment made in Committee of the Whole to paragraph 1530, the vote rejecting the amendment proposed by the Senator from Nevada [Mr. ODDIE] as a substitute therefor, relating to hides.

The VICE PRESIDENT. The motion will be entered.

Mr. GEORGE. Mr. President, I inquire when the vote was taken on paragraph 1530?

The VICE PRESIDENT. On last Monday.

Mr. GEORGE. I want to make a very brief statement. As I recollect it, upon the lace schedule upon which we have just voted there was a full hearing before the House Ways and Means Committee. There was likewise a full hearing before a subcommittee of the Senate Finance Committee. I want to call the attention of the country to the fact that, as I understood the vote, every member constituting the majority of that committee voted for the rate which has just been inserted by the amendment offered by the Senator from Rhode Island.

Mr. BARKLEY. And that in spite of the fact, so far as we know and so far as the record shows, that there was no justification for the increase which was proposed.

Mr. GEORGE. That is the basis of my statement, that upon the showing made, full and complete, the entire majority membership of the Finance Committee, so far as we know, certainly a majority of the majority, then voted against increasing the rate above 90 per cent ad valorem, but to-night all the members of the majority of that committee who were present and were voting, as I understood the vote, voted for an average ad valorem rate upon laces of 127 per cent.

Mr. SMOOT. Mr. President, I want to say to the Senator from Georgia that those laces are the narrow laces, not to exceed 3 inches in width, and they are also classified by the number of holes to the square inch. That makes a difference.

Mr. GEORGE. They were narrow laces when the showing was made before the Ways and Means Committee and the Finance Committee, and they contain the same number of holes now that they did then.

Mr. WALSH of Montana. Mr. President, I also desire that the RECORD should show that quite a number of Senators, apprehending probably that a further vote would not be taken to-night, it now being 5 minutes after 10 o'clock, left the Chamber and were not present when the last vote was taken. Among them are the Senator from Oklahoma [Mr. THOMAS], the Senator from South Carolina [Mr. BLEASE], the Senator from Missouri [Mr. HAWES], the Senator from Arizona [Mr. HAYDEN], the Senator from Nevada [Mr. PITTMAN], and the Senator from Florida [Mr. TRAMMELL], all on the Democratic side of the Chamber.

Mr. SMOOT. And I suppose they all had pairs.

Mr. WALSH of Montana. Those I named were not paired, I understand.

MARY J. JEFFRESS

Mr. WATSON submitted the following resolution (S. Res. 241), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary J. Jeffress, daughter of Ollie Jeffress, late a laborer under the supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOMINATIONS REFERRED

The VICE PRESIDENT laid before the Senate nominations of officers in the Diplomatic and Foreign Service and in the Coast Guard, which were referred to the appropriate committees.

RELIEF OF MRS. MERCEDES MARTINEZ VIUDA DE SANCHEZ, A DOMINICAN SUBJECT (H. DOC. NO. 320)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report regarding the request of Mrs. Mercedes Martinez Viuda de Sanchez, widow of Emeterio Sanchez, for an award which will enable her to be provided with the necessities of life.

I recommend in accordance with the suggestion of the Acting Secretary of State that the Congress, as an act of grace and without reference to the legal liability of the United States in the matter, authorize an appropriation for $500, to be paid to Mrs. Sanchez as a recognition of the meritorious services rendered by her deceased husband in rescuing certain American seamen and to relieve to a certain extent her present financial condition.

HERBERT HOOVER.

THE WHITE HOUSE, *March 19, 1930.*

RECESS

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 8 minutes p. m.) took a recess until to-morrow, Thursday, March 20, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 19 (legislative day of January 6), 1930

SECRETARY IN THE DIPLOMATIC SERVICE

Edward J. Sparks, of New York, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

COAST GUARD

The following-named officers to be lieutenants (junior grade) (temporary) in the Coast Guard of the United States, to take effect from date of oath:

Ensign (temporary) Roland E. Simpson.
Ensign (temporary) Lester C. Griese.
Ensign (temporary) Herbert F. Walsh.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 19, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, justice and judgment are the habitations of Thy throne; mercy and truth shall go before Thy face. In Thy name may we rejoice, for Thou art our defense and the Holy One of Israel is our King! Be pleased to remember all in authority; may their trusts be administered in the fear of God and with true hearts. We not only pray for our own country but for the lands of the whole earth. So extend our vision that we shall take into our sympathy the welfare of every nation. Bestow upon them the blessings of peace, education, and true religion to inspire them and lead them to discharge their duties toward God and toward their fellow men. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

STAR-SPANGLED BANNER

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I shall not object to a 3-minute address at this time. We have some important legislation which we desire to finish up this week. I shall object to any more unanimous-consent requests to address the House until we have finished the bus bill.

The SPEAKER. Without objection, the gentleman from Maryland is recognized for three minutes.

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I have obtained this time in order to read to the House a clipping which I cut from the Washington Post of this morning:

KIN OF FRANCIS SCOTT KEY HEARS PERSHING LAUD SONG—GRANDDAUGHTER OF COMPOSER OF "STAR-SPANGLED BANNER" TELLS RADIO AUDIENCE OF CIRCUMSTANCES SURROUNDING NATIONAL ANTHEM'S WRITING

Bristling with pride, and controlling her emotions with difficulty, the granddaughter of Francis Scott Key sat by the side of Gen. John J.

Pershing last night as the commander of the American Expeditionary Forces in the World War broadcast an address on The National Anthem over the coast-to-coast hook up of the National Broadcasting Co. Prior to General Pershing's remarks, Mrs. Arthur Tilghman Brice, 70, told the radio audience something of her grandfather's experiences on the night that he wrote The Star-Spangled Banner.

"Young America," she said, "as the granddaughter of the man who gave this country its national anthem, I extend you patriotic greetings. It is my earnest prayer that you will all grow up to be good, law-abiding citizens who will appreciate the wonderful blessings of this great country of ours, the land of the free and the home of the brave."

With eloquence born of simplicity, Mrs. Brice recounted tales that her mother had told her of the emotions that swayed the great composer during the bombardment of Fort McHenry at Baltimore, and the bloody dawn that found "Old Glory" still above the ramparts.

General Pershing, the last speaker in a series of talks on the flag, exhorted young America to observe strictly the outward forms of honor and devotion to the national emblem. "The Star-Spangled Banner is a battle epic, a song of victory, a thanksgiving prayer, and a patriotic expression," he said.

"The flag is a supreme symbol of that lofty patriotism without which the Republic could not long endure. No one is too young to learn the responsibilities of citizens who live under its protection, and none too old to fulfill the obligation it imposes."

The program was opened and closed with music by the Marine Band, under the direction of Capt. Taylor Branson.

I have read this article from the Post, in order to call particular attention to the expression of Gen. John J. Pershing, commander of the American Expeditionary Forces in the World War. I call particular attention to his expression—

The Star-Spangled Banner is a battle epic, a song of victory, a thanksgiving prayer, and a patriotic expression.

This, coming from the man who commanded 2,000,000 men in France, should answer the criticisms of those who have had no contact with the soldier boys of our country.

I have also read it to call attention to the expression of Mrs. Arthur Tilghman Brice, the elderly granddaughter of Francis Scott Key, composer of the anthem. It must be remembered that 5,000,000 patriotic people of the United States have indorsed my bill to have Congress adopt the Star-Spangled Banner as our national anthem, and that 150 patriotic organizations, 26 governors of our various States, and numerous business organizations have likewise asked for this enactment.

I sincerely trust, Mr. Speaker, that we shall soon be able to have the House act upon this measure. [Applause.]

UNEMPLOYMENT AND MERGERS GO HAND IN HAND

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the railroad merger.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker, in this age of labor-saving machinery we are hearing much about the unemployment problem. During recent years many men have been thrown out of work because machinery has been perfected which could do the work formerly accomplished by man power, and for this reason fewer men are needed to-day in industrial enterprises, and still there is a greater production of goods than was possible before labor-saving machinery took the place of labor.

This change has been going on for many years; but for the fact that new industries, such as the automobile industry, have come into existence to create work for men thrown out of other lines of employment this country would be facing a crisis.

Then, during recent years, it has become fashionable to have chain stores, chain banks, and mergers of rival business enterprises. We see this taking place all about us. The little merchant is fast becoming an institution of the past, and the chain store is crowding him out of the local communities. The country and smaller city banks are likewise affected and, with the mergers and consolidations of banking institutions, and the creation of holding companies for the control of our credit are fast passing from the localities where banking is done, and are becoming concentrated and centralized in limited places.

American industrial development has always been based upon the principle of competition. Communities have grown up where they have conducted their own affairs, free from the domination of distant influences. All of this is now threatened by the merger, combination, and consolidation theory which is taking place all over this country.

The merger idea now appears to have become popular among the captains of finance, who are interested in the transportation systems of this country. The Interstate Commerce Commission some time ago announced a general plan for consolidation of the railroads in the United States into 21 systems. I do not now intend to talk about this great general plan that has been proposed. I do, however, want to call attention to a decision of the Interstate Commerce Commission which was made on February 11, 1930, and with which the people of my district are greatly concerned.

This decision permits the consolidation of the Great Northern and Northern Pacific Railway companies under one head. The people who planned this "merger" have organized a Delaware corporation and, if their plans are worked out successfully, my constituents in St. Paul will eventually find two great transportation systems which have important terminals in the city of St. Paul controlled entirely by a foreign corporation. The control of the State of Minnesota over these great railroads will be lost, and the welfare of my people in the transportation problem will become a matter of secondary consideration, while the great eastern bankers will have to have their way about things so that dividends may be paid.

There are many objections to this proposed merger. My principal objection to it, however, is the fact that it enables two competing roads to merge and consolidate, and in this way work to the detriment of the people of St. Paul. If this merger is permitted to be accomplished, those two railroads will then become one in the city of St. Paul. If this merger is perfected, they will be in position to attempt to accomplish their work with a smaller number of men than are employed at the present time. Railroad employees will be thrown out of employment. Their families will suffer. Thousands of men are now employed in the city of St. Paul by these two great competing roads. Not only will these men be thrown out of employment and be forced to seek work elsewhere, to sell their homes at a sacrifice, and to remove their families among strangers and start in to fight the battles of life over again; but, more important than this, the community will suffer because the merchants and business enterprises of St. Paul will find themselves seriously affected by this strange change which will take place. These railroad employees live in St. Paul, spend their money in St. Paul, and the business life of the city is dependent upon them for its existence.

Everyone in this city, moreover, is seriously concerned with this proposed merger because, if this merger is effected, the various communities will suffer from an impairment of service. "Competition is the life of trade" is an old phrase. It is sound. It is just as true to-day as it was years ago.

It is important to remember that where there is no competition not only passenger but freight business will be handled just as the operating road cares to handle it, and as time goes on the splendid service which the people of St. Paul are now receiving from the railroad companies will be diminished and impaired. If there is no competition, there is no object to arrange proper and effective train schedules for passenger service. If there is no competition, there is no object in handling freight rapidly and in the best interests of the shipper. I do not believe that there is any matter which more seriously concerns us now than this proposed merger because of its effect on service to the public by our transportation companies.

If this merger were really in the interests of the shippers of the Northwest, I should not oppose it; but the economies that will be effected by eliminating a great many employees will in fact be at the expense of good service to the public, both in freight and passenger schedules.

It is assumed that these two railroads now competing are being run efficiently and are well managed. If they are not, then the solution is to reorganize each of them and see that they are managed efficiently.

If they are properly run, then reductions to effect additional economies can be only at the expense of the present schedules and service, which have been demonstrated to be essential.

It is not the operating overhead of these two railroads that is preventing reduction of freight rates, for under existing competing conditions these roads have made application for lowered rates. It was denied by the Interstate Commerce Commission under pressure of eastern interests, and had nothing to do with local hauling costs.

The argument for the merger that it would result in lower transportation costs to the Northwest is camouflage and not justified.

So, rather than benefit by the merger, St. Paul and the Northwest would suffer doubly; first, by poorer service resulting from lack of competition, and, second, from a substantial increase in unemployment. This merger distinctly is not only not in the public interest but very much opposed to it.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Coinage, Weights, and Measures.

DISCONTINUANCE OF COINAGE OF $2.50 GOLD PIECES

Mr. PERKINS. Mr. Speaker, I call up the bill, H. R. 9894, to discontinue the coinage of the $2.50 gold pieces, which is on the Union Calendar, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Jersey calls up the bill H. R. 9894, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the two and one-half dollar gold piece shall not be coined or issued by the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE OF SILVER 50-CENT PIECES IN COMMEMORATION OF GADSDEN PURCHASE

Mr. PERKINS. Mr. Speaker, I call up the bill H. R. 2029, to authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden purchase, on the House Calendar.

The SPEAKER. The gentleman from New Jersey calls up the bill H. R. 2029, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in commemoration of the seventy-fifth anniversary of the acquisition by the United States of that certain territory bounded on the north in part by the Gila River, on the east in part by the Rio Grande, on the south by the Republic of Mexico, and on the west by the Colorado River, and known as the Gadsden Purchase, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the Director of the Mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Gadsden Purchase Coin Committee in such numbers and at such times as they shall request upon payment by such committee to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

Mr. PERKINS. Mr. Speaker, the purpose of this bill is to authorize the Treasury to coin 10,000 50-cent silver pieces in commemoration of the seventy-fifth anniversary of the Gadsden purchase. The Gadsden purchase was an event of international importance. There can be no loss to the Treasury because the entire 10,000 50-cent pieces have been subscribed for, and a guaranty made to the Treasury that there will be no loss by reason of the minting of the coins. There is no opposition except the usual opposition on the part of the Treasury Department, which does not like to have the coinage system used to commemorate occasions of this kind.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE FOUNDING OF THE MASSACHUSETTS BAY COLONY

Mr. PERKINS. Mr. Speaker, I call up the bill H. R. 6846, to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the Massachusetts Bay Colony.

The SPEAKER. The gentleman from New Jersey calls up the bill H. R. 6846, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the founding of the Massachusetts Bay Colony and constitutional government authority is hereby granted for the coining at the mints of the United States of 500,000 silver 50-cent pieces of such design as the Director of the Mint, with the approval of the Secretary of the Treasury, may select; but the United States shall not be subject to the expense of making the models or master dies or other preparations for this coinage.

SEC. 2. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage authorized by this act.

SEC. 3. The coins authorized by this act shall be issued only to an authorized agent of the Massachusetts Bay Tercentenary (Inc.) upon payment by such corporation of the face value of such coins.

Mr. PERKINS. Mr. Speaker, this bill is similar to the bill just passed. It authorizes the coinage of 500,000 50-cent silver pieces to commemorate the founding of the Massachusetts Bay Colony in 1630, an event of great importance to our country. The opposition is similar to the opposition mentioned with reference to the last bill. The founding of the Massachusetts Bay Colony is being celebrated throughout New England by 103 cities and by the State of Massachusetts and is of such a character as to justify its commemoration in our coinage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDMUNDO VALDEZ MURILLO

Mr. RANSLEY. Mr. Speaker, owing to an emergency, I ask unanimous consent to take from the Speaker's table and consider at this time Senate Joint Resolution 69, authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Edmundo Valdez Murillo, a citizen of Ecuador.

The SPEAKER. The Chair understands that it will be necessary to have these bills passed before the middle of next month?

Mr. RANSLEY. That is true, Mr. Speaker.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Edmundo Valdez Murillo to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Edmundo Valdez Murillo shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Edmundo Valdez Murillo shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further*, That in the case of said Edmundo Valdez Murillo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the consideration of the Senate joint resolution?

There was no objection.

The resolution was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

VICENTE MEJIA AND ANTONIO INESTROZA

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate Joint Resolution 72.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Joint Resolution 72

Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two citizens of Honduras, namely, Vicente Mejia and Antonio Inestroza

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Vicente Mejia and Antonio Inestroza to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that these Honduran subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give

their utmost efforts to accomplish the courses in the various departments of instruction, and that these Honduran subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further*, That in the case of said Vicente Mejia and Antonio Inestroza the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GODOFREDO ARRIETA A., JR.

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate Joint Resolution 100.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate Joint Resolution 100

Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Godofredo Arrieta A., jr., a citizen of Salvador

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Godofredo Arrieta A., jr., to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Godofredo Arrieta A., jr., shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Godofredo Arrieta A., jr., shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the case of said Godofredo Arrieta A., jr., the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

SEÑOR GUILLERMO GOMEZ

Mr. RANSLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate Joint Resolution 107.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate Joint Resolution 107

Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Senor Guillermo Gomez, a citizen of Colombia.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Senor Guillermo Gomez to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Senor Guillermo Gomez shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Senor Guillermo Gomez shall not be admitted to the academy until he shall have passed the mental and physical examination prescribed for candidates from the United States and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the case of said Senor Guillermo Gomez the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

NATIONAL DISABLED SOLDIERS' LEAGUE (INC.)

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from New York [Mr. FISH] for 10 minutes.

Mr. FISH. Mr. Speaker and Members of the House, five years ago the House of Representatives authorized an investigation of the National Disabled Soldiers' League (Inc.), and the Speaker appointed a committee, of which I had the honor of being chairman, to investigate this organization. The committee found that the so-called National Disabled Soldiers' League was not national in any sense. It had only about four or five members, but had raised $295,000 through a pencil-selling campaign, which funds we located in various banks of the country, of which only about $2,500 went to aid the disabled veterans.

We helped to secure a fraud order against the National Disabled Soldiers' League (Inc.) from the Post Office Department.

The commander of the organization, Mr. John T. Nolan, is now in jail in the District of Columbia for passing fraudulent checks. The secretary or adjutant of that organization was one Kenneth D. Murphy.

Under the by-laws of the said organization the membership was confined to disabled veterans of the World War. Mr. Murphy was not a veteran of the World War. He never served in any capacity in the World War. He enlisted in the National Guard of the State of New York a few years after the war and fell off a horse and broke his leg. Nevertheless, he posed as a veteran of the World War and was adjutant of the National Disabled Soldiers' League, which raised $295,000.

I refer to it at the present time for the reason that he was chairman of the organization that arranged for a pontifical requiem mass in honor of the late Marshal Foch. Marshal Foch would have turned over in his grave if he had known that Kenneth D. Murphy was chairman of the Marshal Ferdinand Foch Memorial Committee that had arranged the ceremony in his honor. I do not know of any more contemptible member of the human race than a man who will exploit and commercialize disabled veterans for his own selfish purposes.

This individual was the same one who a year or so ago became an honorary member of a post of the Veterans of Foreign Wars in New York City and went up to my district and made an investigation of the Castle Point Hospital, one of the best Veterans' Bureau hospitals in the country, and came back and gave out a report of dreadful conditions prevailing there, and stated to the New York Times that he was the commander of the local post of the Veterans of Foreign Wars, which organization repudiated him immediately. Next, Mr. Murphy appears as chairman of the Marshal Ferdinand Foch Memorial Committee, purporting to include Cabinet members and Members of the Senate and the House—who may or may not have given their names to Mr. Murphy for the Foch memorial mass—but, as a matter of fact, that organization was dissolved some weeks ago, as I learned through correspondence with officials in New York. Mr. Murphy, disregarding the fact that the Marshal Ferdinand Foch Memorial Committee had been dissolved, came down here to Washington and arranged for this pontifical mass. I think it is only fair to the bona fide organization—the Foch National Memorial—with headquarters at the Hotel Plaza, New York City, with Mrs. Agnes P. Hardman as president, which is trying to raise money for a Foch memorial, to have the facts placed in the CONGRESSIONAL RECORD about Mr. Murphy and his contemptible record in trying to undermine the confidence of the American people toward deserving disabled veterans by raising money fraudulently.

Of course, the Catholic Church is not to blame in the matter at all. When they saw an organization on paper including the names of Senators and Congressmen and Cabinet officers, there is no reason why they should not have authorized the holding of the proposed mass in Washington.

I ask unanimous consent, Mr. Speaker, to incorporate in the RECORD a letter from Archbishop Curley, of Baltimore, explaining how he agreed in the first instance to hold this mass, which was arranged for to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

The letter is as follows:

ARCHBISHOP'S HOUSE,
Baltimore, Md., March 18, 1930.

The Hon. HAMILTON FISH, JR.,
House of Representatives, Washington, D. C.

MY DEAR MR. FISH: I hope that you will not consider it presumption on my part if I give you the facts in the Foch memorial affair as I know them.

(1) About a month ago Monsignor Buckey, pastor of St. Matthew's Church, sent me an invitation to be present at an anniversary requiem mass to be celebrated for Marshal Foch.

(2) I took it for granted at once that arrangements for this service had been made with Monsignor Buckey by the French Embassy as was

done on a previous occasion. I replied to Monsignor Buckey, not only accepting his invitation to be present but, furthermore, agreed to celebrate the mass to signify my regard for the memory of the great French soldier, and at the same time to show my esteem for my good friend the French ambassador.

(3) I had never heard of this man Murphy, nor had I ever heard of any Foch Memorial Committee. About Murphy and his activities, I knew absolutely nothing. In order to correct a statement that appeared in one of the Washington papers, I want it distinctly understood that Murphy never came to me to make arrangements for the mass.

(4) In his letter to me Monsignor Buckey made no mention whatsoever of Murphy. About the first week of March Father Hurney, pastor of the Immaculate Conception Church, Washington, D. C., informed me that arrangements for the mass had been made by this man Murphy, and that on information which he had received from Congressman ROYAL JOHNSON, he had come to the conclusion that there was something irregular about the whole affair. It was sufficient for me to know that the French Embassy was not interested at the time, and at once I called up Monsignor Buckey and ordered him to cancel the celebration once and for all. There was no question of postponing it. It was an emphatic cancellation of the whole business. Even at that time, I had little or no information about any French memorial committee and none whatsoever of Mr. Murphy.

(5) Yesterday I received a long wire from a man named Doctor Blakey, of Jersey City, demanding a reason for my action. Of course I sent him no reply. This morning I received the inclosed copy of a meeting of the Marshal Foch Memorial Committee. As you will see from its perusal, the New York-New Jersey committee was dissolved on February 1, 1930. It states, as you will see, "that conditions have arisen which make it necessary and imperative to dissolve said committee." What those conditions were, of course, I do not know.

(6) When Murphy discovered on Sunday, March 16, that his arrangements with Monsignor Buckey had been canceled by me, he came to see me at Bethesda, where I was administering confirmation. I had no conversation with Murphy beyond telling him that my cancellation order would not be revoked. That was the first and last time I saw Murphy.

(7) Last evening three women came to see me from New York requesting me to recall my order. One of them stated that she was assistant chairman of the committee and the other that she was Murphy's mother. They informed me that they were going to take the matter up with the French Embassy to-day, and furthermore, that they were going to raise $100,000 in a national drive to erect a monument in Washington to General Foch. I gave them the information that I gave Murphy, namely, that I was not interested in their civic activities, but I would not allow the church to be used in any way in connection with their work.

It was rather an unpleasant thing for me to have to take the action I took, but there was nothing else for me to do in the premises.

With sentiments of highest esteem, I remain yours sincerely,

MICHAEL J. CURLEY,
Archbishop of Baltimore.

P. S.—You may make whatever use you wish of this letter.

Mr. FISH. Mr. Speaker, I am speaking as a veteran of the World War who desires to help protect the interests of the disabled veterans in the United States, and who desires to do everything he can to prevent public opinion from being alienated, which is being alienated all the time by these imposters, frauds, and swindlers like Murphy, of New Jersey, who go around and get well-known American citizens to serve on their committees simply to raise money to put in their own pockets.

Mr. DALLINGER. Will the gentleman yield?

Mr. FISH. I yield.

Mr. DALLINGER. Is this service going to be held?

Mr. FISH. The service has been canceled. It has not been postponed indefinitely, but it has been canceled by the archbishop.

It is only fair to the bona fide organization in New York to have it go in the RECORD that Mr. Murphy has no connection at all with the Foch National Memorial (Inc.) in New York City, which is about to raise money for that purpose. Kenneth D. Murphy, in my opinion, was an imposter and a swindler when he was connected with the National Disabled Soldiers' League, and has since then been connected with other fraudulent activities. From copies of contracts I have in my possession he worked his rackets on a basis of 50 per cent, taking 50 per cent of all the money raised for his associate or friend, Mr. Stewart Kelly, whose office is in New York.

I hope that in the future Members of the House and Senate who permit the use of their names for these fake veteran organizations will take the trouble to find out something about them.

The Disabled American Veterans, of which Maj. Thomas Kirby is legislative chairman, has done excellent work in following up the record and activities of such men as John T. Nolan and Kenneth D. Murphy. Major Kirby has rendered great public service in protecting the public from such imposters as Kenneth D. Murphy.

Mr. UNDERHILL. Will the gentleman yield?

Mr. FISH. I yield.

Mr. UNDERHILL. The gentleman's committee had this matter under consideration some two years or more ago, and at that time it was hoped that this man could be put behind the bars where he belonged. Will the gentleman state how he happened to escape?

Mr. FISH. I am glad the gentleman asked me that question. When we investigated, we found the National Disabled Soldiers' League to be a fraudulent organization but a very clever organization. Mr. Murphy is a very shrewd young man. They burned all of their papers, destroyed all of their checks and receipts and everything else, so that we were not able to get sufficient information to go to the Department of Justice and have them indicted and put in jail. Since then, however, Commander Nolan has been sent to jail.

Mrs. NORTON. You say the commander is in jail. Which commander?

Mr. FISH. Commander Nolan, of the National Disabled Soldiers' League, is in jail.

Mrs. NORTON. Is Commander Nolan in jail for anything he did in connection with the league?

Mr. FISH. He is in jail for passing numerous bad checks, using the name of the National Disabled Soldiers' League on the checks—checks made out to the order of the National Disabled Soldiers' League.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for three more minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mrs. NORTON. Will the gentleman yield?

Mr. FISH. I yield.

Mrs. NORTON. When hearings were held two years ago and you found that this man—Kenneth D. Murphy—was dishonest, is it not true that his case was presented to the district attorney in New York and that it was thrown out because of insufficient evidence?

Mr. FISH. Well, I do not know whether it was presented to the district attorney in New York or not, but I know that our committee made a thorough examination and we were unanimous that this man Kenneth D. Murphy was a fraud and an imposter, and I am surprised that the lady from New Jersey is attempting to defend such a man who has been commercializing disabled soldiers and undermining the sympathy of the public for the disabled soldiers for the past five years and discrediting the legitimate service organizations, such as the American Legion, Disabled American Veterans, and the Veterans of Foreign Wars.

Mrs. NORTON. The gentleman from New York is presuming a great deal when he attempts to say that I am defending the gentleman, from wherever he comes. I am doing nothing of the kind. I am simply asking a question. It has been my understanding that this case was brought up before four different district attorneys of New York County and that every one of those district attorneys threw out the case because of insufficient evidence.

Mr. FISH. I will say to the lady from New Jersey that I do not know that it ever had been presented to any district attorney in New York City.

Mrs. NORTON. I have been told this was done.

Mr. FISH. I will say to the lady from New Jersey that I called her secretary two weeks ago and gave her secretary the record of Kenneth D. Murphy and suggested that she speak to the lady from New Jersey and ask her to withdraw from the Foch committee, which Murphy was sponsoring.

Mrs. NORTON. I will say to the gentleman that I received the message, but I have never considered that any man should be found guilty on the unsupported evidence of any one particular man. I believe this was a question the court should have decided.

Mr. FISH. A committee of Congress found that this man never served in the war; that he was going around raising money masquerading as a veteran of the World War, was proved to be an imposter, and was using this money for his own selfish and personal purposes.

Mr. Speaker, because of the questions which the lady from New Jersey has just raised, I ask unanimous consent to include in my remarks a letter from Samuel Joseph Reed, a former

friend of Mr. Murphy, who gives Mr. Murphy's entire record, and I think that will be a complete answer to the lady from New Jersey after she reads the record.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a letter. Is there objection?

There was no objection.

The letter is as follows:

NEW YORK CITY, *March 5, 1930.*

Congressman HAMILTON FISH, Jr.,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I have recently learned that my name has been connected again with K. D. Murphy, who has made a practice of getting other people into all kinds of trouble. This would appear to be his hobby. The following data may prove of interest to you.

The writer met Murphy during the time I was a member of the National Disabled Soldiers' League and also an officer (inactive) since I left Washington in 1923. My reason for leaving was that I had paid bills for the organization, being reimbursed only about 50 per cent of the amount due me. I even lent money to one of the officers, i. e., McCann, who still owes me $50.

I did not see either Murphy or Nolan till the convention during June, 1923.

I left them in Boston. That was the last time I saw them till January, 1924. I met Murphy on the street and he asked me what I was doing. I told him I was out of work and needed a job. He said: "I can give you a job at $20 a week until you get something better." The job consisted of opening the mail bags. I was there about three weeks. During this time Mrs. Murphy, the mother of Kenneth D. Murphy, seemed to have charge of the office. Nolan came on from Washington and gave orders to let me go, that they could not afford the additional expense (although since I have found out he could afford to pay Mrs. Murphy and her daughter each $35 weekly and the stenographer the same).

I left. The next time I heard of the organization and saw one of their letterheads I noticed my name was still carried as an officer of the organization. I then sent a typewritten resignation, requesting them to please accept same, and stating that I was about to enter a monastery. In my letter of resignation I complimented them on the good work they were performing, as I had been led to believe.

The next time I knew anything about them was when I had come down from Graymoor to New York to make arrangements to enter the Franciscan Monastery at Washington, D. C. I happened to run into Murphy on Broadway and he asked me how I was. I told him of my plans for transfer to Washington and in the meantime I was trying to get the training board to pay my tuition (which they refused). He then told me that the Legion was using politics, trying to stop the good work they were doing. I told him that if such were the case I felt sorry for him. I always had faith in him, thinking he was above reproach (but since I had a congressional report on the hearings of the investigation and read of his service record, etc).

The next thing I knew, I received a long-distance telephone call from Washington. Murphy on the wire, stating my name was being dragged through the mud by the committee, and that he knew I was interested in my vocation—hence thought it best for me to come to Washington to testify before the committee as to my connection with the organization. I did not know what was going on until I arrived in Washington and was told of the investigation of the pencil campaign. Not knowing anything about it, I told the organization's lawyer, Siegal, I believed it useless for me to be there. He said, "Oh, no; you are just the man we want." For what reason he said that I do not know to this day unless it might have been politics.

I returned to New York to complete my arrangements to go to Washington and remained there until September, 1925; and during this time on different occasions Mr. McInery, who was assigned to the Veterans' Bureau, was there to see me, which I appreciated. On his last visit I told him I was about to leave, and asked if he knew anything of the organization, explaining to him the moneys due me by the organization—which he advised me to cross off my books and forget, or words to that effect.

It was in the winter of 1927 that I received a letter forwarded to me from different addresses. It was from Murphy, saying he was in the hospital in very bad condition; and as an act of charity I felt it my duty to visit him. During the time I had known Murphy I had been led to believe he was in the federalized National Guard and was about to go overseas when he was hurt, and not receiving any assistance from the Veterans' Bureau this made me feel all the more sorry for him. This was also the impression he had made on everyone with whom he came in contact.

The next time I saw him was in the subway. He told me of his domestic troubles, and said he did not know what to do. I invited him to stay at my apartment, as I was getting a home together for my mother. There was plenty of room and he was welcome to stay until such time as things were better at home. My mother eventually refused to come to New York, so I gave up the apartment.

During the time Murphy had lived with me I had helped him financially as well as giving him his living. I later learned that while he was accepting my hospitality he had stolen money from me, for which I had blamed the superintendent, said money being for rent. While I was at work during the day he made the place a rendezvous of the apartment, bringing in immoral women.

This information came to me from neighbors.

I next saw him on Decoration Day, May 30, 1928, in the parade, and met a friend who served with me overseas, a member of the Veterans of Foreign Wars. He invited me to join his post, which I did. After joining, Murphy approached me on the subject of honorary membership, which was submitted to the post and approved, the name of the post being Pvt. Moe Wolf, No. 113, address being 115 West One hundred and twenty-fifth Street. After his admittance to the post he informed me that the politicians he had met during the campaign of November, 1928, had offered to assist him, also the veterans he knew, such as distributing Christmas baskets, etc. I gave this information to the post, who were very much pleased. Before the next meeting he told me that the politicians had "fallen down" and would be unable to get the Christmas baskets. He then suggested raising money for a building fund, Murphy submitting a contract to the post, signed by himself and officers of same, on the basis of 50 per cent. He then suggested the post have headquarters downtown somewhere. The first thing I knew letterheads were delivered at my house, naming me as chairman of the peace good-will committee. I told Murphy I would rather have him send the mail some place else. On his urging I agreed to permit the mail to come to my address, and suggested that returns be turned over immediately on arrival to the treasurer of the organization.

One Sunday the members of the post were on their way to the hospital at Castle Point to visit my friend who was a patient there. When we arrived it was suggested to take notes as to the condition of the hospital, as there was so much complaint, and in order to see if said charges were true. As I stated in the letter which was sent to you, only three wards were such as stated, but not the whole hospital as was charged. Hearing the papers had already some information, I called up and stated that only the three wards were justified in the complaint and that the rest of the building seemed to be in good condition.

When I returned home from work that day the reporter of the New York Times came to my house. I stated the same to the reporter as contained in your letter of December, 1928. I asked Murphy what he had done, and in reply he entered the room, telling the reporter his story. In the meantime I had to step out and answer the phone. On my return the reporter was getting ready to leave and Murphy gave him his card, which stated "Commander Murphy." I asked him why he did this. His reply was it was an old name card he had left from the organization. I told him it was wrong. That's how it came about in the papers he was called "Commander Murphy." One day I got a hold of him and had him come along with me, wanting him to retract the statement as to the conditions at the hospital, also explaining about the article referring to commander. The Times informed me it was too late; that they had already received different phone calls stating "Commander Murphy speaking," and the story was verified by the reporter. As far as they were concerned, it was closed. I did my best trying to rectify the thing, but it couldn't be done. Just another bit of trouble he succeeded in getting me into. I may state whatever I did was in the interests of disabled comrades. If I had made mistakes, I would have been willing to rectify same.

The next time I heard of him was through Mrs. Agnes P. Hardman, whom I had the pleasure of meeting during the campaign of 1928. She had called me on the phone and asked if I was going to attend a meeting. This was in October, 1929. I told her "No," as I did not know what it was for. She replied, "Commander Murphy has called a meeting of the Marshal Foch Memorial Committee, and you are on the committee." I told her it was news to me, but consented just to find out what Murphy was up to. There was only one meeting of the committee and that was at Lieut. Thomas Denny, jr.'s, home. I consented making Lieutenant Denny treasurer, but refused to sign a contract giving a Mr. Stewart J. Kelly 50 per cent of the profits. This Kelly maintains an office at 55 West Forty-second Street, room 430. On different occasions I went there for the sole purpose of seeing what was going on. Murphy had a desk in his office and was arranging all veteran affairs for this Kelly. It has been said recently that Murphy received 50 per cent from Kelly on all affairs secured from veterans' organizations. I understand now why he has pretended to be so anxious to do something for veterans. After getting this information I reported it to the liaison officer of the Veterans of Foreign Wars at the Veterans' Bureau and told the story. He stated he did not want anything to do with it, but advised me to take up the matter with the department of public welfare, which I did. Also went to the Department of Justice. Before going I was advised to see a Mr. Leslie, and repeated the same story to him, informing him that the department of public welfare was working on the case. He advised me to wait until the local authorities were finished and let him know. On the advice of the commissioner of public welfare, we, the committee, were to have a meeting and to

abolish the said organization, even if we didn't give Murphy permission to use our names. This was done, and said copy of the minutes were forwarded to you, as I understand.

Murphy on hearing this called me on the phone and informed me he was going through with the erecting of the alleged monument and that the unveiling was to take place with Nolan present and himself, Murphy, to unveil this monument as national officers of the National Disabled Soldiers' League. He then told me it was still easy to raise money on the name of the organization. I told him that if he did not refrain I would swear out a warrant for his arrest. Mrs. Hardman informed me on different occasions that Murphy has made appointments with people over the phone and using my name. It was only through the kindness of Mrs. Hardman that I have found out a great deal about Murphy.

Since I have been discharged from the Army and hospitals and also since leaving the monastery I have always worked very hard for my living and never did approve of commercializing the name of the disabled veterans. Not knowing the damage that Murphy has caused me, I may say again it was through the kindness of Mrs. Hardman I found things out. I owe her many thanks. Whatever you may think of me in the future, please do not connect my name with such a damnable skunk, who is not fit to be called an American citizen.

I may state that the work I did with the organization in 1921 and 1922 was in the interests of disabled comrades and has been undone by parasites. Such men who commercialize the names of ex-service men should be driven out of existence, and if I can be of any assistance in doing so please be free to call on me. They have not only hurt the name of the disabled soldiers but are hindering the good work that is being done by the Veterans of Foreign Wars, Disabled American Veterans, and American Legion.

If the occasion ever occurs when you are in New York City, I will be pleased to see you in person.

Sincerely yours,

SAMUEL JOSEPH REED.

ATHLETIC RELATIONS BETWEEN MILITARY AND NAVAL SERVICE SCHOOLS

Mr. FISH. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this time a different matter. It has to do with a resolution that passed the New York State Assembly asking for the resumption of football relations between West Point and Annapolis. It is very brief, and I hope permission will be granted to have it placed in the RECORD.

When we try to bring about agreements between foreign nations for limitations of naval armament we at least ought to remember that charity begins at home and that we should make an effort to settle this childish, puerile disagreement between the Military and Naval Academies. I have reason to believe it will be settled in a short time satisfactorily to all concerned and that a football game will be played between these two great service academies next fall.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I think this can be settled without having this put in the RECORD. I object.

NATIONAL DISABLED SOLDIERS' LEAGUE (INC.)

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to reply to the gentleman from New York [Mr. FISH] for three minutes.

The SPEAKER. Is there objection to the request of the lady from New Jersey?

There was no objection.

Mrs. NORTON. Mr. Speaker and Members of the House, I am sorry to have been drawn into this discussion, and I think it is due to the House to explain exactly why I have been drawn into it.

I introduced the bill in commemoration of Marshal Foch because the names of the Marshal Foch Memorial Committee contained some very substantial names from my district in New Jersey.

I was interested in such a bill, as Marshal Foch was one of the outstanding figures of the World War, in charge of all the allied armies, and his great deeds merit such recognition. Monuments have been erected to other heroes, and I considered it a very worthy cause.

I did not have any knowledge of the alleged activities of Mr. Kenneth Murphy in connection with the Disabled Soldiers' League, which Mr. FISH says was investigated; but I do believe that if any of the persons so engaged were guilty of criminal practices that it should have been the duty of the proper officials of this Government to seek indictments and prosecution of such offenders. However, regardless of who Mr. Murphy is or what he has done, I do know that many very representative Americans of unimpeachable character are deeply interested in the proposition that adequate recognition in the form of a memorial at Washington be given to the great generalissimo of the allied armies.

And I am in hearty agreement with their views, and I believe that the gentleman from New York [Mr. FISH], as a former officer, who served indirectly under Marshal Foch, will give us his aid in seeing that a fitting memorial, erected here in Washington, will be a constant reminder to generations to come that America is not ungrateful and deeply cherishes the memory of a man who at an hour when the fate of the world trembled in the balance was selected by the governments of all allied nations to lead their armed forces to victory.

ADDRESS OF HON. ANTHONY J. GRIFFIN

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in to-day's RECORD by inserting a speech delivered by my colleague Hon. ANTHONY J. GRIFFIN on Sunday, March 16, 1930, in New York City.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting some remarks delivered by his colleague Mr. GRIFFIN. Is there objection?

There was no objection.

The speech is as follows:

IRELAND—ITS PRESENT AND FUTURE

Mr. Toastmaster, there lingers in my memory a flash of opinion spontaneously recorded by Lindbergh. When he had nearly reached his journey's end he got a glimpse of Ireland, and it seemed, he said, the most beautiful spot he had ever seen.

A recent visit confirms his estimate of its entrancing beauty. From Mallin Head and Giants Causeway to Glengariff and the Cove of Cork, the country abounds in a diversity of the beautiful and the picturesque. No scene in the islands of the West Indies seemed more beautiful and inspiring than the turquoise waters of the Atlantic lapping its rugged shores.

Struck by the beauty of the scenery, the question often arose: What perversity in human nature could tempt people to leave scenes so enchanting? At Cairndonagh I asked the question of an old man—an ex-soldier. He shook his head sadly and replied: "Yes, it is beautiful indeed, but there is nothing to do."

In the old days it used to be political and religious persecution. To-day it is economic stress and want of work. At every station, on the road from Dublin to Limerick, Killarney and Cork there was invariably a little family group bidding farewell to some strapping youth or bright colleen. The gentle courage of the old folks, through tear-dimmed eyes, trying to look brave and the half gasped "Good byes" of the children striking out on a great adventure stretched the heartstrings and severely tested the self-mastery of one's emotions.

No gathering of the Friends of Erin upon this anniversary fulfills its mission or justifies the celebration of this day unless we pause to meditate upon the amazing achievement of that saintly scholar who converted a pagan people to Christianity in one generation. Think of it! He was unquestionably the greatest missionary in all history.

Granting this, is there not yet some meed of praise due to the noble character of the people on whom the kindly teachings of the humble Nazarene made so deep an impression?

If they were a cruel race, the doctrine of brotherly love would have fallen on deaf ears.

If they were an inhospitable people, the admonitions to be kind to the stranger, to feed the hungry, to nurse the weak, would have been entirely incomprehensible.

If they were a lustful people, the idea of virtue and respect for womanhood could never have been grasped. And, finally, if they had been a selfish and arrogant people, they would never have understood the simplicity, the democracy, and the spirit of self-sacrifice of Christ's teachings.

Therefore, in paying our tribute to the wonderful character of St. Patrick, let it not be forgotten that the seed of his teaching fell on a soil that was fertile and into hearts that were ready to blossom.

It is no exaggeration to say, and history will bear me out, that the persistent, unconquerable loyalty of the Irish people to the teachings of Christianity is the basic cause of their undoing as a nation. They were always truer to God than to Mammon—their Christian simplicity and want of guile made them the victims of greed and treachery—two wicked traits of an enemy which they could never comprehend. With this great people their yea meant yea; their nay meant nay. Whatever the inducement, they kept their word and were ever true to their faith.

Their very first quarrel with their Saxon neighbors was to uphold the honor of womanhood and defend the sanctity of the home.

Throughout their history the Irish, as a race, never temporized with vice or made a compromise with injustice. The tears, the toils, and the vicissitudes of 700 years of oppression are, after all, the supreme test of their devotion to the teachings of Christ and the grandest tribute to their glory as a civilized people.

Throughout her sad history Ireland has ever been the land of dreams. Even in her deepest sorrow she has steadfastly held to those noble ideals of life and ethics which have made her heroes admired and her womanhood beloved throughout the world.

The imagination, the sense of humor, and the religious fervor of the people are echoed and reechoed in every theme in the literature, the art, and the music of Irish culture.

No tyranny could ever still the harp or paralyze the tongue of the muses. Throughout the long struggle for liberty the arts flourished—in fact, seemed to be stimulated by the very shackles that bound them.

They had the God-given gifts of endurance, devotion, and fidelity and were blessed with the patience to bide their time. They could be coaxed, but never driven. They could die, but never be conquered. Their banners were often trampled in the dust or drenched with the blood of heroes, but never did they fail to rise again, to wave again, back into battle again, to give heart to their children, and hurl a deathless challenge to their foes.

"God moves in a mysterious way His wonders to perform," and as good men are often tried by trouble to bring out their virtues, so it might be that God in His wisdom has consented to the long travail of the Irish race for the ultimate benefit of mankind, for has it not scattered this virile people all over the globe? And not the least or the last to share in the benefits of this enforced migration has been our own beloved land.

No matter where they have drifted, you will never find the Irish blood false to the ideals of liberty. Their own oppression for long generations has inspired them with an instinctive horror of tyranny, so that throughout history you will always find Irishmen fighting on the side of the oppressed, shoulder to shoulder with those who are struggling to establish liberty or maintain freedom of conscience.

Our American Revolution is a startling revelation of this. There were 56 signers of our Declaration of Independence. Thirteen of these, or nearly one-fourth, were either of Irish birth or of Irish descent (paternal or maternal), and it is claimed that upward of one-third of the Continental Army were of Irish birth or origin.

It is universally admitted that the agitation for liberty in the Colonies was kept alive by the Irish, the Scotch, the German, and the Dutch immigrants—a fact which makes the so-called racial origins law seem so ridiculous to-day.

Perhaps a bare majority of the Colonists were of English origin; but where they were not out-and-out Tories the bulk of that nationality were certainly not very warm adherents of American independence.

But I will not dwell on old sores. Nations, no more than individuals, can long endure on hate. It is an evil thing to encourage, and if we ever are to hope for a world without war we must encourage the spirit of Christian forgiveness.

Ireland has now achieved a measure of independence. She has taken her place among the nations of the world. She is represented by her ambassadors at foreign capitals, and she has the largest measure of autonomy ever enjoyed since the invasion of Henry II.

Still it can not be claimed that Ireland has attained her ultimate destiny. The cutting off of Ulster was a cruel blow to the dreams of Wolfe Tone, of Grattan, of Robert Emmet, and Daniel O'Connell. Nevertheless, it is only a political experiment that will for some time have to be endured.

What the new nation needs to-day is peace—and he is no friend of Erin, who will, at a safe distance of 3,000 miles, encourage discord or foment further trouble.

The present government is doing nobly. It has the confidence of the bulk of the people. It is running true to form in that it respects the minority.

While the Ulster government has gerrymandered the districts so that no Catholic can be elected to office and expelled them by the thousand in certain localities, the Dublin government has never been tempted to indulge in un-Christian reprisals. The districts in the south of Ireland have been so justly apportioned that one-half of the seats in the Irish Senate are held by Protestants.

Due praise must be accorded to British fair play, for in the act of 1922, establishing the Irish Free State and giving constitutions to both sections, there is a just provision securing to minorities in both areas the benefits of proportionate representation. The Dublin government has conscienciously adhered to this guaranty, while Ulster has dishonestly evaded it.

This is a situation which is in the lap of the gods and it is the hope of all true friends of Ireland that a better policy will bring about in time the recognition of the justice of the original contract.

It is purely a question of keeping faith. Sooner or later the great truth of history will be recognized—that magnanimity and justice are paramount requisites of nations as well as of individuals. The words of Daniel O'Connell are recalled: "No political change is worth the spilling of one drop of blood." We may not all agree with that, but it shows that he was true to his Christian teaching. There is one thing with which we will agree, and that is that nothing is politically right which is morally wrong.

The state of Ireland to-day calls for peace. With peace she will prosper. With justice and Christian charity as her guiding stars, the two sections will eventually be restored to mutual confidence, and soon will follow, as the day the night, a reunited Erin which will reestablish her art, her culture, her industry, and her ancient glory.

The prophecy of John Boyle O'Reilly will yet be fulfilled:

"All thy life has been a symbol
We can only read a part;
God will flood thee yet with sunshine
For the woes that drench thy heart."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On March 15, 1930:

H. J. Res. 223. Joint resolution to provide for the expenses of participation by the United States in the International Conference for the Codification of International Law in 1930.

On March 17, 1930:

H. R. 4767. An act to authorize sale of iron pier in Delaware Bay near Lewes, Del.;

H. R. 7971. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on Tennessee Highway No. 9 near the town of Bridgeport in Cocke County, Tenn.;

H. R. 8287. An act granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States route No. 50; and

H. R. 9180. An act to legalize a bridge across the Roanoke River at or near Weldon, N. C.

CONFERENCE REPORT—FIRST DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on H. R. 9979, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the bill H. R. 9979 and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 25, 26, 35, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 22, 24, 30, 31, 32, 33, 36, 38, 39, 40, 41, 42, 43, 44, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 82, 83, 84, and 85, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The unexpended balance of the appropriation for miscellaneous items, exclusive of labor, contingent fund of the Senate for the fiscal year 1929, is reappropriated and made available for the fiscal year 1930."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the numerals "1930" and insert in lieu thereof "1929"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "to be immediately available"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In the matter inserted by said amendment strike out the following: "fiscal year 1930"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum of $7,000,000 named in said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Relief of the State of Alabama: For carrying out the provisions of the act entitled 'An act for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929,' approved March 12, 1930, $1,660,000, to remain available until June 30, 1931."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Support of Indian schools: For support and education of Indian pupils in reservation and nonreservation Indian schools, as follows: For additional subsistence, $195,000; for subsistence of pupils retained in boarding schools during summer months, $40,000; for noonday lunches in day schools, $50,000; for additional clothing, $50,000; for additional personnel for enlarged program of study, $200,000; for equipment, $175,000; for furniture, $240,000; for livestock, $150,000; in all, fiscal years 1930 and 1931, $1,100,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Travel expenses: For an additional amount for travel and miscellaneous expenses, office of the Fourth Assistant Postmaster General, fiscal years 1930 and 1931, $1,000."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$65,112.82; Department of the Interior, $254,632.59; Navy Department, $584,050.54; Post Office Department, $44,518.34; Treasury Department, $8,060.65; War Department, $1,253,512.23; in all, $2,456,447.31"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 63 of the matter inserted by said amendment strike out "$2.68" and insert in lieu thereof "268"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 19, 23, 27, 46, 47, 49, and 50.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

W. L. JONES,
FREDERICK HALE,
L. C. PHIPPS,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1 to 11, inclusive, relating to expenses of the Senate: Appropriates the customary year's salary to the beneficiaries of three deceased Senators; strikes out the paragraph proposing an amendment of the "legislative pay act of 1929"; appropriates $3,000 for stationery, $5,000 for folding speeches and pamphlets, and $25,000 for miscellaneous items of the contingent fund; reappropriates the unexpended balance of the appropriation for miscellaneous items for the fiscal year 1929 and makes it available for the fiscal year 1930; appropriates $25,000 for Senate kitchens and restaurants; and provides an additional amount of $4,611.66 for reporting debates of the Senate on account of the special session of the present Congress; all as proposed by the Senate.

On Nos. 12, 13, 14, and 15, relating to the House of Representatives: Appropriates the customary year's salary to the beneficiaries of two members of the House who died after the bill had passed the House and grants $750 for payment to Frank M. Ramey for expenses incurred in the contested-election case of Major against Ramey.

On No. 16: Appropriates $74.50 for payment of stenographic reporting services rendered to the Joint Committee on Printing.

On Nos. 17 and 18, relating to the office of the Architect of the Capitol: Appropriates $2,378 for the installation of traffic lights on the Capitol Grounds and $60,000 for maintenance and operation of the Senate Office Building.

On No. 20: Appropriates $100,000,000, as proposed by the Senate, to be added to the revolving fund authorized for use of the Federal Farm Board.

On No. 21: Appropriates $20,500, as proposed by the Senate, for expenses of the George Washington Bicentennial Commission.

On No. 22: Makes a transfer of $5,000, as proposed by the Senate, to enable the National Advisory Committee for Aeronautics to carry on necessary printing and binding.

On No. 24: Appropriates $76,793, as proposed by the Senate, instead of $55,460, as proposed by the House for general expenses under the Office of Public Buildings and Parks to provide rental of space for the office of Superintendent of Prisons.

On No. 25: Strikes out the appropriation of $3,500, inserted by the Senate, for certain improvements in connection with the National Museum.

On No. 26: Strikes out the appropriation of $13,000, inserted by the Senate, for additional equipment and expenses of schools for crippled children in the District of Columbia.

On No. 28: Appropriates $6,000,000, instead of $7,000,000, as proposed by the Senate, for seed grain loans under the act approved March 3, 1930.

On No. 29: Appropriates $1,660,000 for relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929 in accordance with the act approved March 12, 1930. The appropriation is made by reference to the law instead of incorporating the law in the appropriation bill as proposed by the Senate.

On Nos. 30, 31, and 32, relating to the Department of Commerce: Appropriates $174.98, as proposed by the Senate, instead of $99.98, as proposed by the House, for damage claims under the Lighthouse Service and appropriates $65,666.67 for salaries in the Patent Office, as proposed by the Senate, instead of $70,000, as proposed by the House.

On Nos. 33, 34, and 35, relating to the Bureau of Indian Affairs: Appropriates for the maintenance and operation of irrigation systems on the Fort Peck Reservation, Mont., in the language proposed by the Senate, instead of in the phraseology proposed by the House, the amount remaining the same and the change being solely in the interest of clarity of expression; appropriates $1,100,000, as proposed by the House, instead of $1,370,000, as proposed by the Senate, for support of Indian schools, the amount of $1,100,000 to be segregated as follows: Subsistence, $195,000; subsistence in boarding schools in summer months, $40,000; noonday lunches in day schools, $50,000; clothing, $50,000; personnel for enlarged study program, $200,000; equipment, $175,000; furniture, $240,000; and livestock, $150,000; and strikes out the legislation providing for the use of $2,000 of the tribal funds of the Fort Berthold Indians in North Dakota for attorneys and other expenses.

On No. 36: Appropriates $275,000, as proposed by the Senate, instead of $175,000, as proposed by the House, for cooperative and general investigations under the Bureau of Reclamation.

On No. 37: Appropriates $1,000, as proposed by the Senate, for travel and miscellaneous expenses, office of the Fourth Assistant Postmaster General.

On Nos. 38, 39, 40, 41, 42, and 43, relating to the Department of State: Appropriates $6,600, as proposed by the Senate, for additional expenses of the International Joint Commission, United States and Great Britain; appropriates $150,000 additional, as proposed by the Senate, for expenses of the naval

conference at London as authorized by law and treaty; appropriates $50,000, as proposed by the Senate, for expenses of the inquiry into conditions in Haiti authorized by the public resolution approved February 6, 1930; appropriates $50,000, as proposed by the Senate, for the surveys in connection with an inter-American highway authorized by the public resolution approved March 4, 1929; appropriates $4,000, as proposed by the Senate, for expenses of the Inter-American Congress of Rectors, Deans, and Educators, authorized by the public resolution approved February 19, 1930; and appropriates $15,000, as proposed by the Senate, for expenses of delegates to the Fourth World's Poultry Congress, authorized by the public resolution approved March 10, 1930.

On Nos. 44, 45, 48, 51, 52, 53, 54, 55, and 56, relating to the Treasury Department: Transfers, as proposed by the Senate, sums aggregating $380,000 from the appropriation for "fuel" to the appropriation for "pay and allowances" for the Coast Guard and strikes out the proposal, inserted by the Senate, to designate the station assignments of motor boats to be acquired under an appropriation in the bill; increases, as proposed by the Senate, the limit of cost of the public building at Lynchburg, Va., so as to provide for the enlargement of the site; appropriates $5,000 for the construction of two silos at the leper hospital at Carville, La.; appropriates $9,000 for two silos and a bridge at the tuberculosis sanitarium at Fort Stanton, N. Mex.; provides $30,000 for repairs at the New York quarantine station; and appropriates $64,400 and $7,035 for additional clerical and technical personnel in the Office of the Supervising Architect in connection with the public-building program.

On No. 57: Appropriates $12,000,000, as proposed by the Senate, for additional work in connection with the improvement, maintenance, and preservation of rivers and harbors.

On Nos. 58, 59, 60, 61, 62, 63, and 64, relating to damage claims: Appropriates $55,306.74, as proposed by the Senate, instead of $44,500.56, as proposed by the House, for the payment of damage claims settled by the departments and establishments under the act of December 28, 1923, to cover claims certified to Congress after the bill had passed the House.

On Nos. 65 to 77, inclusive: Appropriates for judgments of United States Courts in the amounts proposed by the Senate in order to cover judgments certified to Congress after the bill had passed the House.

On Nos. 78, 79, and 80, relating to judgments of the Court of Claims: Appropriates $2,456,447.31, as proposed by the Senate, instead of $2,096,368.89, as proposed by the House, in order to cover judgments certified to Congress after the bill had passed the House and eliminates the proviso inserted by the Senate directing how the judgment in favor of the Iowa Tribe of Indians shall be distributed to the members of such tribe.

On Nos. 81, 82, and 83, relating to audited claims: Appropriates for audited claims allowed by the General Accounting Office in the amounts provided by the Senate amendments to cover claims certified to Congress after the bill had passed the House and modified to correct an error in one of the submitted amounts.

On Nos. 84 and 85: Correct section numbers of the bill.

The managers on the part of the House have agreed to recommend that the House concur in Senate amendment No. 19, providing an additional cataloguer under the Joint Committee on Printing for indexing the CONGRESSIONAL RECORD, and Senate amendment No. 27, appropriating $100,000 and making available certain other funds to satisfy a condemnation award for a school-building site in the District of Columbia.

A general disagreement is reported on the following Senate amendments:

On No. 23, appropriating $3,000,000 for the Porto Rican Hurricane Relief Commission.

On No. 46, increasing the limit of cost of the Boston, Mass., public building from $6,000,000 to $6,750,000.

On No. 47, increasing the limit of cost of the Denver, Colo., public building from $1,060,000 to $1,235,000.

On Nos. 49 and 50, changing the arrangement of the limit of cost for the public-building project at Richmond, Va.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, ladies, and gentlemen of the House, I wish very briefly to call your attention to what this first deficiency bill contains. The amount of the bill as passed by the House was $48,241,562.73. The amount of the bill as passed by the Senate was $173,834,414.96. The amount added was $125,592,852.23.

After the bill passed the Senate there was a conference, and this is the result of the conference: The House agreed to items totaling $121,206,127.23. The Senate has receded from $1,286,725. The items in disagreement amount to $3,100,000.

The bill contains many items based upon Budget estimates transmitted to the Senate after the bill had passed the House, including judgments, audited claims, damage claims, and items based upon new laws. While the amount agreed to by the House in conference, namely, $121,206,127.23, seems to be very large, it is composed of the following principal items: The Federal Farm Board, additional to revolving fund for loans, $100,000,000. Seed-grain loans in 15 States, $6,000,000. Alabama, restoration of Federal-aid roads, destroyed by floods in 1929, $1,660,000. Rivers and harbors work, $12,000,000.

The principal items brought back in disagreement are the Porto Rican hurricane relief item of $3,000,000. Increasing the limit of cost of the Boston public building from $6,000,000 to $6,750,000. Increasing the limit of cost of the Denver public building from $1,060,000 to $1,235,000. These are the principal items in dispute, and there are some others which I do not think are controversial.

I have stated the result of the conference, upon which there was very little disagreement so far as the items contained in the report are concerned.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. SNELL. I wish the gentleman would explain No. 21, which appropriates $20,500, as proposed by the Senate, for the expenses of the George Washington Bicentennial Commission.

Mr. WOOD. I will say to the gentleman that in 1924 an act passed this House anticipating the observance of this bicentennial. There was a commission appointed at that time, which served for a considerable length of time and then lapsed. On the 21st day of February, 1930, a bill passed both branches of the Congress, and was signed by the President, authorizing this appropriation and authorizing many other appropriations to be connected with this bicentennial.

Mr. SNELL. Could the gentleman inform the House as to how much money has already been appropriated for this celebration and what the commission intends to ask for in the future?

Mr. WOOD. I will say that, as far as the future is concerned, there are several items in this bill. There is one item of $157,975, which is to be used for the completion of the plans, and so forth. Then there is an item of $3,000.

Mr. SNELL. What does the $157,000 provide for?

Mr. WOOD. It is to carry out the provisions of this paragraph in the act approved February 21, 1930, as follows:

That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington established by the joint resolution entitled "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," approved December 2, 1924 (hereinafter referred to as the "commission"), is authorized and directed to prepare, as a congressional memorial to George Washington, a definitive edition of all his essential writings, public and private (excluding the diaries), including personal letters from the original manuscripts or first prints, and the general orders, at a cost not to exceed $56,000 for preparation of the manuscript. Such definitive edition shall be printed and bound at the Government Printing Office and shall be in about the same form as the already published diaries of George Washington and shall consist of 25 volumes, more or less. There shall be 3,000 sets of such edition, 2,000 of which shall be sold by the Superintendent of Documents at a cost equal to the total cost under this section of preparing the manuscript and printing and binding the entire edition. The commission shall, upon issue of the final volume, distribute the remaining 1,000 sets as follows: Two each to the President, the library of the Senate, and the library of the House of Representatives; 25 to the Library of Congress; one to each member of the Cabinet; one each to the Vice President and the Speaker of the House of Representatives; one to each Senator, Representative in Congress, Delegate, and Resident Commissioner; one each to the Secretary of the Senate and the Clerk of the House of Representatives; and one to each member and officer of the commission. The remaining sets shall be distributed as the commission directs including such number of sets as may be necessary for foreign exchange. The "usual number" for congressional distribution and for depository libraries shall not be printed. To carry out the purpose of this paragraph there is authorized to be appropriated the sum of $157,975, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. SNELL. A short time ago we appropriated $400,000 to take care of this entire proposition, as I remember. Is that correct?

Mr. WOOD. I do not recall how much was appropriated. There was an authorization contained in the bill of 1924, but how much was expended by the commission then appointed I am not able to state.

Mr. SNELL. It seems to me the House should have some information as to the ultimate amount to be used in this celebration.

Mr. WOOD. In the act which was approved February 21, 1930, there is this provision:

SEC. 2. (a) The commission is authorized and directed to—

(1) Prepare, print, bind, and distribute 100,000 copies of a pamphlet entitled "Honor to George Washington," at a cost not to exceed $3,000; 100,000 copies of a pamphlet entitled "Reading about George Washington," at a cost not to exceed $10,000; and 2,000 copies of a pamphlet entitled "Directions for Celebration and Pageants," at a cost not to exceed $4,000;

(2) Prepare 120,000 photolithographic copies of the best approved original portrait of George Washington, and deliver in tubes, ready for mailing, 200 copies to each Senator, Representative in Congress, Delegate, and Resident Commissioner, at a cost not to exceed $7,000;

(3) Prepare, print, bind, and distribute a George Washington atlas, at a cost not to exceed $12,000; and

(4) Collaborate with the Library of Congress, State historical societies, authorities concerned with State history, and the National Geographic Society in the preparation of a George Washington map, showing places he visited or of which he was an inhabitant, which map shall bear the names of members of the commission, and shall be issued in a number of the National Geographic Magazine in an edition of about 1,300,000 copies, at a cost to the commission not to exceed $7,000.

Mr. SNELL. Have all of these things been appropriated for or are they to be cared for in the future?

Mr. WOOD. In the deficiency bill the only amount that has been appropriated or is attempted to be appropriated is the $20,500 I have already referred to.

Mr. SNELL. What is that for?

Mr. WOOD. As I understand it is to permit Colonel Grant and our colleague, Mr. BLOOM, to begin the commencement of a program to carry out this celebration.

Mr. SNELL. Does not the gentleman think that before we make any more appropriations in a piecemeal way like this we should have some definite plan to place before the House, and that we should know something about what the cost of this celebration is going to be?

Mr. WOOD. I think the gentleman is absolutely correct, and I take it for granted that the two gentlemen who have been selected to have charge of the preparation and arrangement of the program, entertainment, pageant, or whatever the arrangements may be, by the time of the next deficiency bill or by the time of the next general appropriation bill will be able to give us some definite idea of the cost.

Mr. SNELL. That is, a complete estimate of the entire program, so that we will not be continually called on to make appropriations of $20,000 or $40,000 or $100,000 and will know exactly what the appropriations are for.

Mr. WOOD. I hope that will be done.

Mr. SNELL. I hope the chairman of the Committee on Appropriations will insist upon that before recommending any further appropriation.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. HOWARD. I understood a little item of $15,000 was inserted by the Senate in an amendment for the construction of an economics building at the Government Indian school at Genoa, Nebr., but I can not find the item here. Does the gentleman know about that?

Mr. WOOD. No; I do not know anything about that. I do not think that was in the bill as it came to us. Perhaps it got lost in the Senate somewhere. [Laughter.]

Mr. HOWARD. Would the gentleman permit me to insert it now?

Mr. WOOD. No; we can not do that. This house is built.

Mr. HOWARD. Yes. [Laughter.]

Mr. WRIGHT. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. WRIGHT. I notice from the report that the conferees reduced the appropriation of $7,000,000 for fertilizer, seed, and farm loans.

Mr. WOOD. Yes.

Mr. WRIGHT. The discussion about that matter on the floor of the Senate seemed to indicate that the temper of the Senate was that if more funds were needed for this purpose they were willing to appropriate them. May I inquire what is the attitude of the chairman of the Appropriations Committee of the House about that?

Mr. WOOD. I would say to the gentleman that the attitude of the conferees upon that appropriation was this: The season is now so well advanced that in all probability before proper arrangements can be made whereby the Department of Agriculture can make these loans, it will be too late for many of them. By reason of past experience with respect to what has to be done, we know that they have to get up the proper form of mortgage and the form of the application and all that sort of thing and before that time arrives it will be too late to make many loans that otherwise might be made.

Then there is this further thought. Many of these States do not need this money and will never ask for a dollar of it, I hope.

Mr. WRIGHT. In that connection, the bill as originally passed by the Senate was for $6,000,000, and as I recall, the Committee on Agriculture of the House first determined to recommend $6,000,000, but later other States were included and an additional $1,000,000 was added to the amount carried in the bill.

Mr. WOOD. Yes.

Mr. WRIGHT. In the administration of this fund would not the gentleman think that the $6,000,000 originally authorized ought to be used in the territory which was first included in the legislation?

Mr. WOOD. I hope there will not any of it be used in Indiana.

Mr. LARSEN. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. LARSEN. I would say to the gentleman that the bill which was passed in the House last year was approved by the President on March 4. This is only March 19. After the bill passed last year it was necessary to set up all the machinery, draw forms, and do everything necessary for the distribution of the five and a half million dollars in the six States involved. All that machinery is now set up. The forms for application have already been drawn, as well as the form of the mortgage, which the gentleman referred to a moment ago; and not only that, but the force necessary for handling of the loan has been assembled. I was in the office at Columbia, S. C., less than 10 days ago, and I saw the force then. There is no further organization work to be done. Everything is ready to function at this time, and not only would it be possible to lend out the $7,000,000 that is actually needed, but $20,000,000 could be quickly loaned with the machinery already set up.

Mr. ABERNETHY. That is true with reference to the six original States; but now additional States have been added, and that causes the trouble.

Mr. LARSEN. But these added States create no troublesome situation. I was informed in the office at Columbia, S. C., where Mr. Lynch is in charge, that Mr. L. E. White, an administrative agent of the department handling the fund, is in Washington City, where he will be for a month, and is now engaged in setting up the machinery in the State of the gentleman from Indiana and other States that have been included.

Mr. WOOD. I was not here at the time the bill was passed, but as I understand, they provided originally for these loans to be made in some six Southern States.

Mr. LARSEN. That was the original bill.

Mr. WOOD. Yes; as it came from the Senate. There was $1,000,000 added on this side, and a number of Representatives from other States thought that while the getting was good they would get in, without any consideration by the proper committee and without any reference to the needs or demands of those several added States. I am only expressing an individual opinion when I say I do not believe in this character of legislation. I do not believe it is for the welfare of this country. If some great holocaust had overtaken these people, if they were in dire distress, then we should be called upon to meet it, but is this Government going to become so paternalistic that every time a small flood or a little too much rain or a little disaster overtakes us, we are going to appeal to the Government? If this be true, the day is not far distant when paternalism will be the rule of the hour, and I am opposed to that.

Mr. LARSEN. The gentleman remembers that Indiana made a special appeal before the Committee on Agriculture. Does the gentleman state at this time that the appeal made by the gentleman from Indiana in behalf of his State was not justified?

Mr. WOOD. I wish to say I do not think there is a farmer in the State of Indiana, though he has suffered by reason of the floods, but what can supply in his own neighborhood and through his own community interests all that is necessary to provide him with seed and fertilizer.

Mr. LARSEN. In other words, there are local sources of credit?

Mr. WOOD. Yes.

Mr. LARSEN. The gentleman was in Florida at the time the matter was before the House. There was a very distressing situation detailed as to the State of Missouri, especially in eight or nine counties. Is the gentleman prepared to speak on that and does the gentleman know whether that appeal was well founded or not?

Mr. WOOD. I know absolutely nothing about the condition out there.

Mr. LARSEN. The statement before the House at that time was to the effect the distress was great and that there were no local sources of credit.

Mr. WOOD. As I say, I am only expressing my opinion; but I think it is about time we stopped appealing to the Government every time there is some little loss or disaster in one of our communities.

Mr. LARSEN. I very much regret that the Senate has already agreed to the six millions appropriation and thereby surrendered the chance of aiding House Members in obtaining the amount necessary to meet the demands of a distressed situation. Was it because of the attitude of the gentleman from Indiana that the appropriation was reduced from $7,000,000 to $6,000,000?

Mr. WOOD. I thought possibly that we might save a million dollars to the Treasury of the United States. We have been advised that we are pretty nearly to the bottom of the flour barrel now.

Mr. LARSEN. If the gentleman thought that $7,000,000 was necessary, would he be in favor of it?

Mr. WOOD. It would have to be a very strong case.

Mr. TUCKER. May I ask the gentleman a question?

Mr. WOOD. I yield.

Mr. TUCKER. I understood the gentleman to say that the item of $100,000,000 for the Farm Board has not been agreed upon by the conferees.

Mr. WOOD. Oh, yes; that has been agreed upon, and is in this report.

Mr. TUCKER. That I suppose will be used for speculation in grain, as has been done, will it not?

Mr. WOOD. I do not know. I asked a gentleman the other day what was the difference between the operations of this board and the wish of Congress for a general investigation of that same thing in another line.

Mr. TUCKER. Does the gentleman recall the language of the President when we met here a year ago for the purpose of farm relief and the tariff bill, when he said in his message:

> No governmental agency should engage in buying and selling and price fixing of a product, for such course can only mean bureaucracy and domination.

I believe it is perfectly well understood that the chairman of the board is doing exactly that thing and has done it with the $150,000,000 that he has had at his disposal. In other words, are we going to add fuel to the flame and give $100,000,000 more for the purposes which the President has asked us not to do?

Mr. WOOD. We are giving $100,000,000 in this bill toward carrying out the direction of Congress heretofore made.

Mr. LAGUARDIA. If the gentleman will yield, I put in the RECORD of last Monday a letter that I wrote to the chairman of the Farm Board and his reply, which will give the gentleman all that information.

Mr. WOOD. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from Indiana moves the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

Mr. ELLIOTT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Indiana makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and seventy Members present, not a quorum.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 15]

Andrew	Bacon	Bell	Boylan
Arentz	Bankhead	Blackburn	Britten
Auf der Heide	Beck	Bolton	Browne
Brunner	Edwards	Kunz	Quayle
Buckbee	Esterly	Lambertson	Sabath
Carley	Freeman	Lampert	Sirovich
Carter, Wyo.	Gambrill	Lanham	Spearing
Chase	Garber, Va.	Lee, Tex.	Sproul, Kans.
Christgau	Gasque	Leech	Steagall
Clark, N. C.	Graham	Lindsay	Stedman
Clarke, N. Y.	Griffin	Luce	Stevenson
Cooke	Hartley	McCormack, Mass.	Strong, Pa.
Culkin	Hickey	McCormick, Ill.	Sullivan, N. Y.
Cullen	Houston, Del.	McDuffie	Sumners, Tex.
Curry	Hudson	McSwain	Tilson
Dempsey	Hudspeth	Manlove	Turpin
De Priest	Hull, William E.	Mansfield	Underwood
Dickinson	Igoe	Michaelson	Vestal
Dominick	James	Mouser	Walker
Douglas, Ariz.	Johnson, Ill.	Nelson, Mo.	White
Doutrich	Johnson, Wash.	Nelson, Wis.	Woodrum, Va.
Doyle	Jonas, N. C.	O'Connell, N. Y.	Wurzbach
Drane	Kahn	Oliver, N. Y.	Yates
Drewry	Kiess	Owen	Zihlman

The SPEAKER. Three hundred and thirty-two Members have answered to their names. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. SANDERS of New York. Mr. Speaker, I ask unanimous consent that the Committee on the Post Office and Post Roads may sit during the sessions of the House for the next two weeks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MOUNT VERNON MEMORIAL HIGHWAY

Mr. DOWELL. Mr. Speaker, I present a conference report on the bill (S. 3168) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," by adding thereto two new sections, to be numbered sections 8 and 9, for printing under the rule.

FIRST DEFICIENCY APPROPRIATION BILL

The SPEAKER. The Clerk will report the first amendment in disagreement:

The Clerk read as follows:

Page 8 of the bill, line 17, insert the following:

"The appropriation, 'Public printing and binding, Government Printing Office, 1930,' is hereby made available for the employment of an additional cataloguer from March 1 to June 30, 1930, both dates inclusive, to index the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing at the rate of $2,100 per annum."

Mr. WOOD. Mr. Speaker, I move to recede and concur in Senate amendment No. 19. This amendment was inserted by the Senate to provide for an assistant cataloguer for the Joint Committee on Printing. Inasmuch as it is new matter, we brought it back to the House.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur in Senate amendment No. 19.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 23: Page 13 of the bill, after line 15 on page 13, insert:

PORTO RICAN HURRICANE RELIEF COMMISSION

For the purpose of making loans to individual coffee planters, coconut planters, fruit growers, and other agriculturists in the island of Porto Rico, $1,000,000; for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor on and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, $2,000,000; in all, $3,000,000, fiscal year 1930, to remain available until expended, in accordance with the provisions of Public Resolution No. 74, approved December 21, 1928, and Public Resolution No. 33, approved January 22, 1930.

Mr. WOOD. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendment No. 23.

Mr. McFADDEN. Mr. Speaker, I move to recede and concur in Senate amendment No. 23.

The SPEAKER. The gentleman from Pennsylvania moves to recede and concur in Senate amendment No. 23.

Mr. McFADDEN. Mr. Speaker, I would like to say a word about this.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania.

Mr. McFADDEN. Mr. Speaker, this amendment is recommended by the President of the United States, by the Secretary of War, by the Secretary of the Treasury, and by the Governor of Porto Rico. It is a relief measure and tends to completely rehabilitate Porto Rico. Some objection has been made to it upon the ground that it is to relieve the labor situation. This will be done to some extent, indirectly, but when you consider that the damage done by the hurricane to Porto Rico amounted to $100,000,000, and that Congress has really only appropriated $4,000,000, including this provision, for which it will not be reimbursed, I think in consideration of that great damage this appropriation is only right and proper. In that connection I might say that I am more or less familiar with Porto Rico, having traversed the island pretty thoroughly, and I am familiar with conditions there through contact with friends who have at heart the best interest of Porto Rico. The damage is set forth fully in the hearings, particularly in the statement made by the Secretary of War and the Secretary of the Treasury. The Secretary of the Treasury was personally down in the islands, and made a very careful examination. He motored all over the island and unhesitatingly recommends this particular appropriation.

As I say, some objections have been raised on account of the fact that some of this money might be used to relieve unemployment; but that is not the sole purpose. The treasury of the island is practically bankrupt, and the Federal farm-loan banks down there have loaned money freely to the farmers. The farmers are embarrassed on account of the lack of funds to keep up their interest and taxes. I want to read a few extracts from one of the sources of my information down there:

> The rehabilitation commission sent representatives to Porto Rico that were here but a few days until they realized that the amount appropriated was not sufficient to take care of the volume of legitimate applications for rehabilitation purposes. It was necessary, therefore, for them to restrict the purposes for which said loans could be made. A farmer could borrow no money to repay a temporary loan which he had secured, although the temporary loan had been used for the purpose of rehabilitation. Neither could he use any portion of the loan to repair his residence on the farm that had been damaged by the storm. Thus you will see that while the loans made by the commission were helpful they were not sufficient for the purposes intended. That is the plain reason why it is necessary for the request to be made of the Congress at this time for additional funds. The pending bill provides for an additional $1,000,000, to be used for loan purposes, and for $2,000,000 in public improvements.

Most of the money mentioned is to be used to rehabilitate country schools and roads. The main arteries have been pretty well taken care of but in the rural districts, in the mountains, where the Porto Ricans grow coffee and have diversified agriculture, the money should be used to rehabilitate schools and roads that have been completely demolished.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. CRAMTON. Is it not a fact that these country roads that we are to build are to be new roads; that actually they have never had any roads in that particular section? It is not a case of repairing the result of serious damage to roads but it is a case of building some new roads.

Mr. McFADDEN. The Secretary of the Treasury says in his report that he traveled some 300 miles over the island, and that it is a case of rehabilitating these roads; that several of these roads have been completely destroyed. It may be that there are to be some new roads to connect up these main roads. From my own observation I know that these rural schools should be replaced. The native Porto Ricans live in the rural districts, away from the cities. They are the people who are to receive most of the help from this particular appropriation.

Mr. TUCKER. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. TUCKER. I understand the gentleman to say that the sole purpose of this appropriation is not to relieve unemployment.

Mr. McFADDEN. No; it is to be used to rehabilitate the farm country. It will result indirectly in relieving unemployment, as all improvements do.

Mr. TUCKER. Then, I understand that this appropriation has for its object the partial relief of unemployment.

Mr. McFADDEN. As an indirect result only.

Mr. TUCKER. Does the gentleman realize that we have a little unemployment in this country?

Mr. McFADDEN. I do; yes.

Mr. TUCKER. Is an amendment to be offered to take care of that unemployment?

Mr. McFADDEN. No. Mr. Speaker, I want now to read another extract from this letter, which is from a man who is, I think, the best-posted man on the island of Porto Rico. He was here in Washington a few weeks ago and I discussed this matter with him. He went back and made a careful study and has reported to me. He says:

> In view of the needs of the farmers to use other funds than the loans from the rehabilitation commission to restore their farms, and in view of the extremely low coffee crop last year, many of our farmers have been unable to pay current taxes. The result has been that the insular treasury has not collected normal taxes, and the indications are that by the end of June of this fiscal year the receipts will be $1,800,000 below the budget. That is to say, that the insular treasury has not forced the lands of the farmers to sale for taxes but has been standing by and carrying their full share of that burden. If the amount originally requested in December, 1928, had been granted the rehabilitation commission could have extended the purposes for which portions of loans might be so used. With reason they might have regarded the payment of taxes as a legitimate item of rehabilitation, because, certainly, the farmers must continue to own their farms and not be dispossessed of them on account of failure to pay taxes, if they are to restore them. In that event, the insular treasury would be in much better condition to take care of public works, which includes, largely, repairing roads so that the farmers may be able to transport their products to market.

Now, if we do not appropriate this amount of money it will undo practically all that we have done by previous appropriations, because if these people do not receive additional help they will lose control of their farms through inability to keep up their payments, which will interfere with their ability to rehabilitate themselves. I hope the Members of the House will sustain my motion to recede and concur in the amendment.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Porto Rico [Mr. DAVILA].

The SPEAKER pro tempore. The gentleman from Porto Rico is recognized for five minutes.

Mr. DAVILA. Mr. Speaker and Members of the House, I had the opportunity to address the House last Monday in connection with this appropriation of $3,000,000 for Porto Rico. But in view of the insistent opposition of the conferees to agree to the amendment of the Senate, I wish to explain the matter further.

The original appropriation passed by the Senate one year ago was $12,000,000. It was reduced by the House to $8,000,000—six millions for loans to the farmers and $2,000,000 for repair and rebuilding of schoolhouses and roads. Now, with this additional $3,000,000 the total appropriation will be $11,000,000, $1,000,000 less than what the original appropriation called for. Of this additional fund $2,000,000 are intended for the rebuilding and repair of schoolhouses and roads and $1,000,000 for loans.

This appropriation is very badly needed in Porto Rico. It is not, as the gentleman from Michigan [Mr. CRAMTON] has suggested, for the building of new roads and new schools. It is for the repair of roads, principally.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. LINTHICUM. May I ask if Porto Rico gets any of the road funds that we are appropriating for in here?

Mr. DAVILA. Not a cent.

The Secretary of the Treasury, Mr. Mellon, visited the island during the holidays, and he has personal information about conditions there. I would like to read his whole statement, because it is very interesting; but I will just read an extract from it. He says:

> The roads in those parts of the island where the coffee grows are very bad in some places, and when I was there they seemed almost impassable.

That is the case to-day. We have made very little progress since the time Secretary Mellon was in Porto Rico. I think this statement should be enough to satisfy the House that this money is not for the purpose of building new roads and new schoolhouses.

This appropriation was recommended by the Porto Rican Hurricane Relief Commission, composed of the Secretary of War, the Secretary of the Treasury, and the Secretary of Agriculture, and then by the Budget Bureau, and then by the President of the United States by special message to Congress. The Congress has unanimously authorized this appropriation.

Are you going to vote, Members of the House, against your own act? You authorized this appropriation. To vote against it now would be a reversal of your former attitude. I hope you will be consistent with your former action. It was not supposed that the Congress was going to do a useless thing. The purpose was the rehabilitation of Porto Rico. If you vote against this appropriation now, there is no use in asking the authority of Congress for any appropriation. I hope that the Members of the House have had time to read the letter of

Governor Roosevelt, which I had incorporated in the RECORD day before yesterday. The opposition to this item is based on the statement of Major Eager before the subcommittee of the House Committee on Appropriations, that this money was intended for the relief of unemployment. But we have now before us the statements of the Governor of Porto Rico, the Secretary of War, and the Secretary of the Treasury, who say that the primary consideration is the repair of the roads and rebuilding and repair of schoolhouses destroyed by the hurricane. In short, this appropriation is intended to continue the general plan of rehabilitation, which can not be completed without this additional fund. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Porto Rico has expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS. Mr. Speaker and Members of the House, I ask your attention for a moment while I present my reasons for opposing this amendment. It is well known by my friends in the House that I have been opposed consistently to all authorization bills which have been passed for the purpose of making seed loans. I voted against them consistently, both for the Northwest and for the South. I signed the conference report for $6,000,000 for a seed loan, not as expressing my individual view but because I was a conferee and I was trying to carry out the wishes of the House, and therefore deemed it to be my duty to sign the conference report.

Another authorization bill has been passed making a second authorization for Porto Rico. There were no hearings had on that authorization resolution when it was before a committee of the House. It was first sought to bring it up by unanimous consent without action by the committee. The next day it was brought up by unanimous consent, having been reported by the committee without hearings.

Now, this establishes an entirely new policy, gentlemen, and if we are going to establish such a policy then I predict that there will be many appropriations for much larger amounts by this House in the future for similar purposes.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. GARBER of Oklahoma. Will the gentleman state whether the Committee on Agriculture reported the bill without a hearing?

Mr. BYRNS. No. This came from the Committee on Insular Affairs.

Now, what are the facts? A destructive hurricane occurred in Porto Rico in January, 1928, more than two years ago. Last year Congress authorized and there has been appropriated $8,150,000 for the relief of Porto Rico, $2,000,000 to be used for the building of schools and the repair of roads and $6,000,000 to be used for the purpose of loans to the farmers of Porto Rico. There are about one and one-half million people on the island of Porto Rico. The $6,000,000 has been practically all loaned. The gentleman from Pennsylvania, who evidently had not read the hearings, said it would be returned, but I submit to the gentleman that if he will read the hearings he will come to the conclusion that very little, if any, of it will ever be returned.

Mr. DAVILA. Will the gentleman yield?

Mr. BYRNS. No. I have not time now. I will yield in a moment.

Now, why will it not be returned? This money has been loaned on junior mortgages, as they have been called. Some are second mortgages, some are third mortgages. Very few of them are first mortgages on the land. And you know these mortgages are of no value.

Most of the other $2,000,000 has been used for the purpose of building schools. Both the gentlemen who preceded me said that this is a question of schools and education. I want to read to you just what Major Eager said to show this is not a school proposition. It is a dirt-road proposition, not for the main highways into San Juan, but for the repair of dirt roads out on the island of Porto Rico, as will be shown by the hearings.

What does Major Eager say? He says that the school building program has been practically completed. They have built 735 buildings in Porto Rico out of money heretofore appropriated—some of them concrete and all of them much better buildings than existed there before the hurricane occurred.

Now, how does this second proposition come up? I submit if you will read the hearings you will come to the unquestioned conclusion that it did not arise as the result of any idea of the commission. It came from one gentleman, according to Major Eager, and I will read you the testimony to show you who that was.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. WOOD. I yield five additional minutes to the gentleman from Tennessee.

Mr. BYRNS. The chairman asked Major Eager this question:

> Can you tell us how much of this additional $2,000,000 is going to be for schools and how much for roads?

Major Eager is the officer in charge, who represented the commission before the subcommittee. Major Eager said:

> I could not tell you exactly, but a very small amount—and possibly hardly any at all—will be for schools. The bulk of it is going into roads, the repair of roads, and also it has been Senator BINGHAM'S idea, in bringing this matter up, that a very large proportion of the expenditures would go for labor rather than for material, since the basic idea of the whole matter is that it is a relief measure rather than a measure to try to improve everything in Porto Rico.
>
> The CHAIRMAN. Out of the first $2,000,000 you have spent more on the schoolhouses than on the roads?
>
> Major EAGER. Yes. I might read from this memorandum as to how this matter came up. [Reading:]
>
> "Last December Senator BINGHAM, in a letter to the chairman of the Porto Rican Hurricane Relief Commission, stated he had read carefully the annual report of the commission and had noted that it had been necessary for the commission to spend more than anticipated in rebuilding the schoolhouses, and consequently the amount available for roads, especially municipal roads, was apparently considerably curtailed. Senator BINGHAM in his letter added that from what he could hear regarding the suffering in Porto Rico, it might be wise to appropriate additional funds to give employment to some of the unemployed, and suggested that he would like to receive the commission's recommendations in this regard."

As a matter of fact, Major Eager said the whole basis and the primary purpose of this additional appropriation is to provide for unemployment in Porto Rico. I submit to you gentlemen, representing your constituencies as you do, that we have unemployment in this country. Nobody has asked for money to be appropriated for the relief of their unemployment. If you are going to establish that policy, then I submit it ought not to be devoted alone to Porto Rico, but it ought to be given to the unemployed throughout America. Can you vote this additional sum for Porto Rico alone after appropriating more than $8,000,000 for the million and a half people in Porto Rico?

Its commerce is suffering, no doubt. Commerce is suffering in this country. Its labor is unemployed, no doubt, but labor is unemployed in this country. I submit, in all justice and in all fairness, and in the interest of the Treasury, which the President has warned you will require the imposition of an additional tax of 40 per cent if appropriations are not curtailed, that this amendment should not be adopted or concurred in, and I hope the House will not concur in it.

We have already adopted the policy of loaning money. Now, we are asked to adopt a policy of appropriating out of the Treasury, as a pure gratuity, millions of dollars for the purpose of building dirt roads, as Secretary Mellon said, with the primary purpose of providing for unemployment. It is not for the purpose of building concrete roads or repairing roads of a durable nature, but for the repairing of dirt roads. The policy is wrong. I hope that the House will not set this precedent. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOOD. I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, this House is the last body in the world to vote down this amendment in view of the record established by this House. We have a long list of appropriations made for relief of every nature and description—north, south, east, and west. A few days ago we had a bill in which we appropriated some $7,000,000. They were just a few votes short, so a few States were added to the bill and it passed the House.

The gentleman from Tennessee [Mr. BYRNS] referred to Porto Rico as though it were a foreign country. I submit to the gentleman that Porto Rico is just as much a part of the United States as any State in the Union.

Mr. BYRNS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BYRNS. The gentleman appreciates the fact that this amendment is not similar to the amendments to which he refers. I will say to the gentleman, in the interest of consistency, that a proposition was made to agree to $1,000,000 for loans, even though they will never be returned, but it was the $2,000,000 to which I referred.

Mr. LAGUARDIA. In reply to that I will state that I much prefer the frankness of this appropriation than the camouflage

of some of the appropriations we have made, calling it a loan, when we know we will never get back a cent. At least this is frank legislation.

The gentleman from Tennessee referred to the unemployment situation. I want to say that this has a direct bearing on the unemployment situation. We have now in New York City a very critical condition and unless we can take care of the people of Porto Rico in Porto Rico they will come to the United States and make worse the conditions which exist here to-day.

I can not for the life of me see how anyone, in view of the record and precedents established by this House, can now consistently object to this paltry appropriation, which means nothing to the United States but means the very existence and the salvation of the people of Porto Rico.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. Inasmuch as there is no precedent for a direct appropriation to provide employment, is it the thought of the gentleman from New York that if this precedent is established for Porto Rico he will be able to secure a liberal appropriation to provide employment in New York?

Mr. LAGUARDIA. I will say this to the gentleman from Michigan, that the unemployment situation in 1930 is not what it was 40 years ago, and that American labor will simply refuse to go hungry. When we have unemployment it affects the retailers, it affects the wholesalers, it affects the farmers, it affects the banks, it affects industry, and it will affect the whole country, and when we arrive at such a condition we will have to do something very constructive and something very material to relieve the situation, and the people will not be satisfied with speeches of good will on the floor of the House.

Mr. McFADDEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McFADDEN. I also call the gentleman's attention to the fact that this policy on the part of the Government is now being carried out in the United States, namely, to erect public buildings for the purpose of taking care of the unemployment situation.

Mr. LAGUARDIA. That is true. The President of the United States made an appeal for employment, and in answer to his appeal we are building roads and we are going on with construction work in every department of Government. I do not think it is fair to economize now on $3,000,000, which, as I have said, means the very existence and salvation of Porto Rico.

Mr. CRAMTON. It is one thing to make an appropriation which incidentally provides employment and quite another thing to enter upon a policy of making appropriations directly to provide employment.

Mr. LAGUARDIA. No; I do not think there is, I will say to the gentleman, because this will aid the Commonwealth of the Island of Porto Rico, which is a part of the United States. It is for the building of schoolhouses which were destroyed and it is for the repair of roads which were damaged. No; the gentleman can not make that distinction at all.

I appeal to the membership of this House. I appeal to the delegations from every State which has in one way or another benefited by this House when they had a crisis in their State to do the same for Porto Rico.

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, I wish to call to the attention of the House the exact situation with reference to this Porto Rican item. We originally authorized a loan of $6,000,000 to the farmers of Porto Rico. We authorized the giving to Porto Rico the sum of $2,000,000 for the purpose of rebuilding their roads and their schoolhouses. Now, we have kept the faith. Having kept the faith they are coming back and asking us for $3,000,000 more.

I wish to say to you ladies and gentlemen that this whole thing may be denominated a gratuity. As already stated to you by the gentleman from Tennessee, with very, very few exceptions, and in small amounts, the money that has been loaned over there has been loaned upon security which the United States can not foreclose. There are mortgages heaped upon mortgages, and we are taking our chances of eventually getting something back. How many men in the United States would loan their own money upon a farm which had a second and third mortgage on it and expect to ever get anything back? That is the situation in Porto Rico. So do not let us delude ourselves into the thought that we are ever going to have any considerable portion of this $6,000,000 returned.

As I say, we have already advanced $5,000,000 for these loans, and the independent offices bill which passed this House a few days ago, and is now pending in the Senate, carries an additional $1,000,000. We have already given them $2,000,000 with which to rebuild their schoolhouses and their roads, and they have rebuilt their schoolhouses and repaired the roads for which we gave the $2,000,000. They now have far better schoolhouses than they ever had in all the existence of Porto Rico, for the Government of the United States builds better than they build in Porto Rico.

According to the testimony of the representative of the War Department who had this expenditure in charge, the schools have been completed and this money is for the purpose of giving employment to the unemployed, and in order to give such employment they are going to have them work upon little by-ways leading to these main trunklines going from one end of the island to the other.

So I say I believe we have done our full part by Porto Rico. It occurs to me that our generosity in this respect has exceeded our better judgment, and, as has already been stated upon the floor here by the gentleman from Tennessee [Mr. BYRNS], we have unemployment in the United States, we have had devastations in the United States, we have, if you please, many opportunities to give at home, and charity should begin at home.

I hope this Congress, mindful of the duty that we are here to perform, mindful of the guardianship of the Treasury of the United States, mindful of the interests of our own people and of our own industries, will not give away $3,000,000 more.

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. RAMSEYER. Do I understand we have heretofore appropriated $8,000,000 for Porto Rican relief, $2,000,000 for schools and roads, and $6,000,000 to be loaned to the farmers, and that $5,000,000 of the $6,000,000 has already been loaned?

Mr. WOOD. We authorized $8,000,000, $6,000,000 of which was for loans to farmers and $2,000,000 was for building roads and schoolhouses. We have given the $2,000,000, which was an outright gift, and we have also advanced $5,000,000, and the last $1,000,000 is included in the independent offices appropriation bill, making in full the $8,000,000.

Mr. RAMSEYER. The Senate amendment proposes $3,000,000, additional. What is the attitude of the House committee? Are they against all of it, or do they propose to agree to a part of it? That has not been explained.

Mr. WOOD. No; the whole business is in disagreement. This is the way this $3,000,000 item occurs in this bill. The $1,000,000 I have told you about that we are still to advance to Porto Rico is in the independent offices appropriation bill.

Mr. RAMSEYER. And that is for loans to the farmers of Porto Rico?

Mr. WOOD. Yes. Now this $3,000,000, $2,000,000 of which is supposed to be for the purpose of building roads and schoolhouses, all of which have been built, and $1,000,000 is for additional loans. This is an independent item put on the deficiency bill by the Senate, and is in addition to the former appropriation of $8,000,000.

Mr. RAMSEYER. Are the conferees on the part of the House agreeing to any part of the $3,000,000 which is carried in the Senate amendment?

Mr. WOOD. We are not.

Mr. RAMSEYER. You are opposed to all of it; is that it?

Mr. WOOD. Yes.

Mr. DAVILA rose.

The SPEAKER pro tempore (Mr. SNELL). For what purpose does the gentleman rise?

Mr. DAVILA. I would like the gentleman to yield me five minutes, because I want to explain some things that have been said here.

Mr. WOOD. I yield the gentleman two minutes.

Mr. DAVILA. Mr. Speaker, it has been stated here by the gentleman from Tennessee [Mr. BYRNS] and the gentleman from Indiana [Mr. WOOD] that the money loaned to the farmers will not be repaid. This is merely the expression of an opinion. Congress should base legislation on actual facts and not on mental speculation which may prove at the end to be without justification. The people of Porto Rico have always paid what they owed, and I wish to assure you that this money will be repaid.

Now, the gentleman from Indiana [Mr. WOOD] says that charity begins at home. Whose home, may I ask? If you are trying to differentiate between the rights and privileges to be enjoyed by American citizens in Porto Rico and American citizens in the mainland, then you are affording the people of Porto Rico reasons for being dissatisfied. Porto Rico is a part of the United States, and if charity begins at home, then you should help Porto Rico in the same way you are helping other communities in the United States.

There should be no discrimination whatever.

Mr. WOOD. Mr. Speaker, I move the previous question on the motion of the gentleman from Pennsylvania.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania [Mr. MCFADDEN] to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 26, noes 155.

So the motion was rejected.

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Indiana to further insist on the disagreement of the House to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 27: Page 20, after line 7, insert:

"Buildings and grounds: For an additional amount for the purchase of additional school building and playground sites authorized to be acquired in the 5-year school-building program act, $100,000, which shall be available for expenditure without limitation as to price based on assessed value: *Provided*, That the part of the appropriation of $517,000 for the purchase of school building and playground sites, contained in the District of Columbia appropriation act for the fiscal year 1930, which may be expended without limitation as to price based on assessed value, is hereby increased from $165,000 to $295,000."

Mr. WOOD. Mr. Speaker, I move to recede and concur in the Senate amendment. I will state that this item is for the payment of an additional amount made necessary by reason of condemnation proceedings on a school site.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 75, line 8, strike out the figures "$6,000,000" and insert "$6,750,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment, and I yield three minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Speaker, I offer a preferential motion that the House recede and concur in the Senate amendment.

Mr. CRAMTON. Mr. Speaker, the gentleman from Indiana does not lose his control of the time?

The SPEAKER pro tempore. No; the gentleman from New Hampshire is recognized for three minutes.

Mr. WASON. Mr. Speaker, the President of the United States some time ago called the attention of Congress to the advisability of speeding up the public-building program for the purpose of furnishing employment to our people. Unemployment in New England was included in the above statement.

If this post-office building is constructed of granite, it will mean employment of many skilled men in quarries and of men who finish the granite blocks for construction of this building who are now idle or working on part time. The old post-office building is constructed of granite. Many large business blocks in the city of Boston, privately owned, are constructed of granite. The United States buildings in Boston, including the customhouse, are constructed of granite. The people of Boston and New England favor granite construction wherever it is possible, because it is more durable and less hazardous from climatic destruction.

I believe, and almost know, that the citizenship of Boston and the Commonwealth of Massachusetts favor granite construction of this Government building. I ask you, my colleagues, to seriously heed their request and respect their wishes. While legally the building belongs to the United States, in fact it is their building to take care of United States Government activities in their midst, surrounded by their business establishments and their homes.

New England is the home of the early immigrants and settlers of this Nation. I beg of you to carefully consider their wishes in this matter. It is the appeal of the fathers of by-gone days to us, their descendants, which urge you to remember and respect. [Applause.]

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, it is planned to build, and already the site has been cleared for this purpose—it is planned to build in the heart of Boston a Federal building to house the post office, the Federal courts, and other Federal activities not now accommodated in the customhouse.

Should the figures stay at $6,000,000 the building, which is to be 21 stories in height, will have a granite facing up about 50 feet, leaving more than 300 feet to be faced with Indiana limestone. We, who are to live with that building, are asking that the whole structure be of granite, for these reasons:

First. The paramount reason springs from the fact that the business depression is affecting New England more than any other section of the country. The delay in the passage of the tariff bill has added to our troubles. Our bigger industries are particularly afflicted and a large number of our people are out of employment.

In accordance with the policy of the administration to meet this emergency as far as possible by the expenditure of public funds for public construction, it is humane that our people in need of employment shall have this additional help, which, it is estimated, will furnish work for a thousand men through a year and so relieve the needs of their families and aid all those with whom they do business.

Shading into the first reason is the second reason—the economic reason—much of the same nature, in that the expenditure of money for public buildings stimulates industry in every direction, with effect that spreads throughout the land.

Thirdly, there is what I admit to be a sentimental reason, in that we of New England wish our monumental edifices erected by the Nation to be built of that material which has been the pride of New England from its earliest days—granite. We yield to other parts of the country if they have similar desires. Let them embody the spirit of their localities in the nature of their buildings. [Applause.]

Next comes the practical reason. We live on a bleak coast. We thrive on the east wind, but the east wind brings to us the damp and the fog and the salt air which attack every kind of building material. They will enter through the pores of limestone, and then, situated as we are on the coast, where the weather fluctuates from day to day—now freezing, now thawing—inevitably the result is that the softer materials will not endure. We have our own soft stones of one kind and another, but never will we use them if we can help it for those structures that are to last through the generations. We want the thing that endures, and that is granite. [Applause.]

There is, next, what I shall call the artistic or esthetic reason. The suggestion may fittingly come, you will say, from that part of the country, and I shall not disclaim the impeachment. Yet in every corner of the land there should never be forgetfulness of the double purpose of great public buildings—the intent to inspire the people with a sense of respect for government and at the same time to arouse a desire for that which is beautiful. Are we to be answered with the demand that economy shall prevail?

Go outside of this very Capitol Building, view the center of it, made of Virginia sandstone, see the paint falling off, and then compare it with the marble of the two wings. Do you think that is the best lesson to teach the countless visitors that come to Washington? Go down and look at the Washington Monument. See where the line of cleavage is between the old work and the new, the blemish that always attracts the eye. It is the flaw in the jewel. To the onlooker it grievously lessens the value of that glorious shaft. In my own Commonwealth we have a statehouse, the front of which we acclaim for its architectural beauty. It is famed as "the Bulfinch front." Through misjudgment more recent builders have added to the original structure wings of different materials, that will always lack in harmony. Always will there be the regret that there is not the unity which ought to characterize every great public building.

I have consulted in this matter with two experts in architecture, one a man of long experience and now engaged in teaching architecture, the other the editor of an architectural journal. Each threw up his hands in abhorrence at the idea of putting two kinds of stone in the main walls of such a building as this is to be. One said jocosely that it is like the meringue on top of a lemon pie. You propose to confront the eye of the connoisseur with that incongruity—yes; to disturb as well many a man without training. I myself never had architectural training, but there is some instinct in me which rebels against the theory that for the sake of saving a few dollars you should erect a building which will never fully satisfy even the untrained instinct.

Mr. Speaker, we want this building a thing of beauty, a thing of massive grandeur, a thing which by its unified mass shall impress the people with the majesty and dignity of the American Government, and for this, in addition to the other reasons, we ask that you grant the plea of those who must live with this building. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, ladies and gentlemen of the House, I understand that through his spirit of fairness, the chairman has apportioned 40 minutes to those who are urging





granite and 20 minutes to those who are defending the committee action. Inasmuch as I have so little time I ask that I be not interrupted until I have completed my statement.

First, as to this matter of taste on which many of us are always inclined to follow the gentleman from Massachusetts [Mr. LUCE]. Mr. Wetmore, the Supervising Architect, in the hearings, said that there is nothing inartistic about a combined granite and limestone building; that many buildings are built that way. He says:

It is a matter of taste. Now, the architects in our office who are working on this particular building prefer the design that they have to one of all granite; but the building would look more substantial if it was of granite.

So far as the artistic is concerned, there are many buildings that combine the two stones.

It is to be understood that the issue here is whether this office building in Boston, 21 stories high, shall be entirely of granite, or shall be as the House originally voted, three stories of granite and the balance of limestone. For fear that, after hearing my friend from Massachusetts [Mr. LUCE], you may conclude that limestone is a most unworthy stone, let us remember that the entire building program that we are carrying on now in the Mall in the Capital of the Nation, to challenge the attention of the world, is of limestone.

There is a difference of $750,000 whether you use granite or limestone in this building. My friends from New England very naturally are in favor of granite, because the granite will be produced in New England, and the labor will be there. But if limestone is to be used, that is not to be imported from abroad. The men who quarry the limestone will need the labor as much as the men who quarry the granite, and they, like those in New England, will be residents of the United States. I see no distinction there. Some will suggest, perhaps, or think it anyway, that my colleague from Indiana is interested in limestone because they quarry that in Indiana. I am sure my friend would have the same right that my friend from New Hampshire [Mr. WASON] has to favor granite or my friend from Massachusetts [Mr. LUCE] has to favor granite, but I know enough about WILL WOOD to know that that is not what actuates him. His duty is to protect the Treasury, and he is trying to do it. Furthermore, limestone does not come from his district. It may come from his State, and if it does it will come from a district represented by a gentleman on the minority side of the House [Mr. GREENWOOD].

Mr. DUNBAR rose.

Mr. CRAMTON. I guess my friend [Mr. DUNBAR] wants to remind me that some of it is in his district. However, the question is, Shall we add another $750,000 to the appropriation for this post office? The House added $1,750,000 as I remember it to enlarge the structure, and having secured that, then these gentlemen have gone to the Senate to get another three-quarters of a million dollars to make it all of granite.

Let us remember the condition of the Treasury. Let us remember the industrial conditions that may easily adversely affect the condition of the Treasury. We must continue to do as we are doing this afternoon and consider the effect on the Treasury of these additional appropriations.

Another reason why I oppose this additional $750,000 is that the old system was changed on the theory that these programs would be arranged, not just on the score of local pride, but in accordance with the needs of the public service. The old "pork barrel" building bills were arranged to meet local pride. We have adopted a different system with these appropriations based on needs of the service. Under the new system these appropriations were not to be based on local pride but on the needs of the public service. The efficiency of the service would be promoted and accomplished by an appropriation of $6,000,000, but they are not satisfied with that. They must come in for $750,000 additional on the score of local pride. That was not the idea in the present public-building program. It violates the principle of the existing legislation.

Other Members have the same right as the Members from Massachusetts to speak in behalf of their own districts. If I were to speak of my own district, it would but express the situation that is found in scores of other districts. As authorized by the law to-day, the program does not permit the expenditure of five cents on any post-office building in any community having less than $40,000 per annum in postal receipts. Here we are trying to get buildings for towns of five or six thousand population, but they can not now be considered—the great cities must be first cared for. Adding $750,000 to Boston defers seven $100,000 buildings elsewhere. The new legislation that passed the House and is pending in the Senate will bring it down eventually to offices with receipts of $25,000 per annum—if we do not keep adding large amounts to the items now on the program.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I regret I can not yield.

This is a policy which this House has got to determine, whether we shall adhere to a sound and economic building program or whether we are going to go in for local pride throughout the country. If you increase this item, you must increase others, so that they, too, can have marble or granite instead of limestone. Every time you approve such an increase a number of towns and districts represented in this House are going to have their buildings postponed and be compelled to wait a long time before their real need for public buildings can be supplied. It is natural to have sympathy with my friends from New England, but whether it is for New England or Indiana or anywhere else I think our first consideration must be given to the Treasury, without any $750,000 contributions to local pride. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. NELSON].

The SPEAKER. The gentleman from Maine is recognized for five minutes.

Mr. NELSON of Maine. Mr. Speaker and Members of the House, my duty to the unemployed granite cutters of Maine and my own sense of justice compel me to speak at least a word here this morning. The principle involved in this discussion is a far broader one than just what Boston is to have for a post office. It concerns not only Boston and the Commonwealth of Massachusetts but all New England, and most vitally affects the State which I represent.

The granite business is one of the oldest in my section of the country. In it millions of dollars are invested and upon it thousands of people are dependent for their livelihood. Of late the industry has been going through a lean period. Business is depressed and unemployment in the industry serious. Our people had been looking forward with hope to the inauguration of the great Federal building program which promised to stimulate business in all parts of the country and to help relieve unemployment everywhere, when they learned, with consternation, that it was proposed to come up among the granite hills of New England and erect, amongst the dignified and beautiful granite municipal buildings of Boston, a post office of limestone from half way across the continent, leaving the idle stonecutters of New England, represented by those of Quincy and Milford and Rockport, to stand around with their hands in their pockets and watch the Federal Government stimulate one of our basic industries with blows and relieve unemployment in New England by sending its pay rolls out into the Middle West.

Nationally, the decision made here to-day marks a crisis in the granite industry of the entire country. It means either a revival of the business or a serious threat to its future. So far as New England is concerned, if the subcontract for the exterior finish of this building goes to Indiana instead of to some New England State or States, it will be a severe economic blow to many a New England community and a severe political blow to many a New England Congressman.

I do not feel that we of New England are selfish in asking that the material for this building come from our own section rather than from the one State that is already assured of furnishing the material for the entire governmental building program of the city of Washington. I do not feel that we of New England are provincial. We have consistently voted for the appropriation of hundreds of millions of dollars for the welfare of the West, including those for flood relief, Boulder Dam, and farm relief. In the latter case we have received much adverse criticism from some constituents, but we still believe that what is best for the country as a whole is best for its individual sections. We have sought to do justice to the West. That is all that we ask for New England.

Our people are deeply concerned in this matter. They feel that the proposed action is a good deal like pushing a man off his own doorstep; that it is fundamentally wrong and antagonistic to the sentiment and to the material well-being of our people. [Applause.]

Mr. WOOD. I yield three minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Speaker, it seems to me that New England is asking very little in requesting this additional $750,000 appropriation for our own granite. Boston rates a granite post office. Judge Wetmore, the Supervising Architect of the Treasury, stated before the Senate Appropriations Committee:

Well, I will say that if this building had been authorized under the old system, when we made estimates separately for buildings, it would undoubtedly have been estimated a granite building.

The first granite that was ever quarried in the United States was quarried in Massachusetts. We now quarry more granite than any other State in the Union. We have the oldest building of granite in the United States in Boston, Kings Chapel, which was built in 1749 of bowlders from Braintree, which at that time were split by fire. That is still standing and is in fine condition. Every public building in Boston, with but one exception, is built of granite.

This year we celebrate the three hundredth anniversary of the birth of free government in Massachusetts Bay Colony, the birth of free government in this country, and that is the heritage that Massachusetts has given to the United States. I hope you will all come and help us celebrate that anniversary of the birth of free government. We shall give you a very cordial welcome. It will be very humiliating to us if we have to tell the visitors to Massachusetts that we sent to Indiana, over a thousand miles away, for limestone to build our post office, when we have in our own State and in other parts of New England the most beautiful granite in the world.

We have in my own district at Chelmsford, granite, a very beautiful light or white granite, and the people of Lowell have just built a bank of that material.

If you have any doubt as to which is the better stone—limestone or granite—I refer you to two letters that I have just received in answer to some questions I asked—one from the Geological Survey and one from the Bureau of Standards. Here is the letter from the Geological Survey and my questions, also one paragraph from the Bureau of Standards letter.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, March 18, 1930.

Hon. EDITH NOURSE ROGERS,
House of Representatives.

MY DEAR MRS. ROGERS: In reply to your letter of March 17, I am pleased to send you herewith answers to your questions relative to the durability of granite and limestone. These answers have been prepared by G. F. Loughlin, geologist in charge of stone investigations.

Very cordially yours,

JULIAN D. SEARS, *Acting Director.*

LIST OF QUESTIONS ABOUT GRANITE AND LIMESTONE

1. Have you any information relative to the durability and weathering of granite in buildings in climate similar to that of Boston?

2. Would granite be as liable to stain and unsightly discoloration as limestone?

3. Which stone, granite or limestone, will withstand the action of frost the longer?

4. Would the effects of frost action on limestone in a climate similar to Boston be serious in 50 years? Granite?

5. Is granite more durable than limestone?

6. Is limestone as uniform in quality as granite as to weathering or discoloration in such a structure as the Boston post office?

7. Will carving and delicate ornament retain its detail in limestone as long as in granite?

8. Is there any evidence of chemical corrosion in granite buildings? In limestone?

9. Which stone is easier to clean, granite or limestone, and which will stay clean longer?

10. Will soot and oil in the atmosphere be more detrimental to limestone or granite in a building?

ANSWERS TO QUESTIONS REGARDING GRANITE AND LIMESTONE SUBMITTED BY EDITH NOURSE ROGERS, MEMBER OF CONGRESS, MARCH 17, 1930

1. A study of building stones used in Boston was made by the undersigned in 1903 and has been renewed at intervals since then. In granite buildings erected at such early dates as 1805 (State prison, Charlestown), 1825 (Bunker Hill Monument), and 1847 (customhouse) the granite shows no perceptible evidence of weathering, in spite of the fact that the granite was cut from bowlders and superficial parts of ledges that have been exposed to weathering for thousands of years. In all other respects the durability of the granites is satisfactory.

In a few old buildings, where soft granite was used, excessive hammering used in obsolete methods of finishing has caused a thin shattered skin to yield to frost action, but after that shattered skin was removed no further change has taken place in 25 years or more (e. g., city hall, erected in 1865, first studied by the writer in 1903 and last seen by him in 1927).

2. Granite would not be as liable to stain and discoloration as limestone. Both the high porosity and the chemical composition render the limestones most commonly used for building stone much more subject to stain and discoloration, both from salts derived by seepage from cement, mortar, backing, etc., and from copper or bronze.

3. Granite will withstand the action of frost much longer than the limestones commonly used for building, especially in a humid climate.

4. This question can not be adequately answered merely by "yes" or "no." Some limestone where most exposed to frost action in a climate like Boston's would show very conspicuous effects of freezing within a period of 50 years, but the better grades where similarly exposed might show only minor effects. Granite will show no effects of frost action in 50 years, or even a much longer time.

5. Granite is the most durable of all the ordinary building stones, and will retain its surface details long after limestone has been markedly corroded.

6. There is more likely to be marked variation in limestone than in granite as regards weathering and discoloration in such a structure as the Boston post office.

7. Carving and delicate ornament will not retain their detail nearly as long in limestone as in granite.

8. There is no evidence of chemical corrosion in granite buildings, but plenty of evidence of chemical corrosion in limestone buildings.

9. So far as I know there may be little or no difference in the ease of cleaning either granite or limestone, and the period that each will stay clean depends upon local conditions. Sooty dust will fall with equal readiness upon each stone, and its degree of retention will depend upon the roughness and porosity of surface. Corrosion of limestone surfaces by rain water tends to remove in some places, but in others dust continues to collect and retains moisture, thus acting as a poultice and giving moisture a longer opportunity to corrode the limestone. The immunity of granite to such corrosion eliminates both of these possibilities.

If stains are due to seepage of moisture through limestone, the stains will reappear so long as material causing the stain continues to be supplied from mortar or backing.

Cleaning by sand blast does not injure granite surfaces but bruises softer stone like limestone and renders it just so much more subject to corrosion by rain water and to frost action. Steam cleaning is probably satisfactory on both stones, although any slight tendency to corrosion by moisture condensing from the steam will be more effective on limestone than on granite. Acid or alkali preparations for cleaning are not to be recommended on either stone, but on the whole are less likely to bring out subsequent stains on granite than on limestone.

10. Soot and oil will mar the appearance of any stone but, as stated in the third paragraph above, is more detrimental to limestone than to granite.

Respectfully submitted,

G. F. LOUGHLIN,
Geologist in Charge of Stone Investigations,
United States Geological Survey.

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS.
Washington, March 18, 1930.

Hon. EDITH NOURSE ROGERS,
House Office Building, Washington, D. C.

Subject: Granite and limestone for building purposes.

MY DEAR CONGRESSWOMAN: First. Answering your letter of March 17 concerning the weathering qualities of granite in Boston and vicinity it may be said that the old buildings and monuments of this material in Boston afford the best information available on the subject. Old King's Chapel was erected in 1749 of granite bowlders which are said to have been split by means of fire. This is probably the oldest stone building in this country, and it has withstood the rigorous climate of Boston remarkably well. A considerable number of old granite structures may be cited in Boston, such as the customhouse, Bunker Hill Monument, post office, Massachusetts General Hospital, Quincy Market, etc. From present appearances it may be judged that any of these structures will stand for several centuries.

I have also the following statement:

RE GRANITE VERSUS LIMESTONE

P. 453: Stones for building and decoration, by late Dr. George P. Merrill, curator of geology, United States National Museum.

Life of various kinds of building stone in New York City. "Life" being understood to mean the number of years that the stones have been found to last without discoloration or disintegration to the extent of necessitating repairs.

(From Report Tenth Census, 1880, vol. 10, p. 391)

	Life in years
Coarse brownstone	5 to 15
Fine laminated brownstone	20 to 50
Compact brownstone	100 to 200
Bluestone (sandstone), untried, probably centuries.	
Nova Scotia sandstone, untried, perhaps	50 to 200
Ohio sandstone (best silicious variety), perhaps from one to many centuries.	
Coarse fossiliferous limestone	20 to 40
Fine oolitic (French) limestone	30 to 40
Marble, coarse, dolomitic	40
Marble, fine, dolomitic	60 to 80
Marble, fine	50 to 100
Granite	75 to 200
Gneiss, 50 years to many centuries.	

Both point to the fact that the ordinary life of limestone is about 50 years. That is the best selected limestone. The life

of granite is centuries. It has already been pointed out by Congressman LUCE that in our climate limestone can not stand up as well as it can in other climates, and you know from the buildings we have already built of granite that granite withstands centuries without decay. [Applause.]

The SPEAKER. The time of the lady from Massachusetts has expired.

Mr. WOOD. I yield three minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker and gentlemen, we have a building program that was adopted at the last Congress. I supported the program, together with my colleague from Indiana [Mr. ELLIOTT]. Certain authorizations have been made to build public buildings throughout all parts of the United States. To increase the authorization or appropriation on any one project now means to cut down the prospect of building public buildings in many States under that former authorization.

To increase this appropriation by $750,000 will mean to take $75,000 each from 10 public buildings in other parts of the United States.

Of course the unemployment situation is bad everywhere, but it does not relieve that situation generally to furnish more employment in New England. We have unemployment in Indiana, and at these 10 places where these public buildings will be built there is unemployment to be taken care of.

Of course granite is a great building material, but it is very expensive, and it is an expense that is not needed. The engineers and chemists of our Government have determined that Indiana limestone is the premier building material. So confident are they of the permanent qualities of this stone that they have accepted it and adopted it for the public-building program in the Capital City in the triangle. That should be sufficient recommendation to this House.

Something has been said about the quality of Indiana limestone. Indiana limestone is 97 per cent pure carbonate of lime with a small proportion of silica, magnesia, and oxide of iron. It is a perfect resistant to corrosive gases and acids contained in city smoke-laden air. It is a most valuable quality for permanence.

The pyramids of Egypt, the temples of Karnak, St. Paul's Cathedral in England, were built of limestone, but the English limestone is a poor second to Indiana limestone. The great cathedral of Mount St. Albans, which the specifications say is to stand 10,000 years, is built of Indiana limestone.

On North Sixteenth Street the great Scottish Rite Temple is being built of Indiana limestone. The Grand Central Terminal Station in New York City is built of Indiana limestone. The engineers report that it is thirty-five times as strong as necessary to bear the load. [Applause.]

Mr. WOOD. I yield three minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker and ladies and gentlemen, if all the buildings that are being constructed as enumerated by the gentleman who has just taken his seat are to be built of Indiana limestone it would seem only the part of fairness that they leave a few crumbs for us and erect the Boston building of granite.

Mr. BRIGHAM. Will the gentleman yield for a question?

Mr. KNUTSON. I yield.

Mr. BRIGHAM. Is the State of Indiana the only source of supply of the limestone used so extensively in the building program of the Government?

Mr. KNUTSON. It is. According to the Bureau of Mines, it is the only State in the Union that furnishes limestone suitable for building, and before I finish I will be able to explain the activities of the limestone bloc.

Mr. BRIGHAM. Then the only relief to the stone industry from the great building program we have authorized, aggregating hundreds of millions of dollars, will accrue to the quarry industry of one State, and even though depression and widespread unemployment exists in the quarry industries of the other States of the Union which are being taxed to provide the money to carry out this program, no relief may be expected if the policy advocated by the Appropriations Committee of the House is adopted?

Mr. KNUTSON. Absolutely none.

Mr. Speaker, in a recent issue of the Boston Record I encountered an editorial which spoke of the Indiana "limestone bloc" in the House, and it credited its creation to that astute and master salesman, the chairman of the House Appropriations Committee.

In reading the hearings had on the deficiency appropriation bill, one is struck with admiration by the determined efforts of the gentleman from Indiana, who appears in the rôle of supersalesman for Indiana limestone, and he apparently acts on the precept of the old lady in the Hoosier Schoolmaster who believed in "gittin' plenty while the gittin' was good." So far as Indiana limestone is concerned, Mr. Speaker, the "gittin'" never was better. The majority leader in another body is a Hoosier, as are the chairman of the Appropriations and Public Buildings and Grounds Committees of the House.

No wonder that so many Government buildings are being built of Indiana limestone. With that combination, they could sell soapstone and get away with it.

In his zealous efforts in behalf of Indiana limestone, the adroit chairman of the Appropriations Committee denominates the Indiana stone "neolithic," which I had always supposed referred to the "stone age." He probably employs the term because his methods savor of that period. [Laughter.]

The hearings disclose that the gentleman from Indiana sought to make a disparaging comparison between the Treasury Building, which is built of granite, and the Treasury Annex Building, the material of which comes from the gentleman's beloved home State. He fails to take note of the fact that the Treasury Building was erected immediately following the Civil War, whereas the annex was completed in 1919. In other words, the granite building is more than 50 years older and is to-day a monument to the enduring qualities of granite, the "rock of ages."

Ladies and gentlemen of the House, I am perfectly willing that the great State of Indiana shall have its fair share of any business that may accrue from the forthcoming public-building program, but I am not willing that the gentleman from Indiana shall recline his manly form full length in the trough to the exclusion of all other sections of the country. The granite interests are willing to go into any sort of legitimate competition to get its share of the business, but it does object most strenuously to playing the game with a "cold deck." [Applause and laughter.]

INDIANA'S MISTAKE—SHE WOULD FORCE US TO USE HER LIMESTONE ON OUR POST OFFICE—WE WANT GRANITE

That New England's campaign for the use of granite in the construction of Boston's new Federal building is a long distance from victory is indicated by dispatches from Washington.

A group of Congressmen known to their colleagues as the Indiana limestone bloc are opposed to an all-granite facing.

If they can, these gentleman will compel us to take limestone.

Strategically, our friends from the Hoosier State occupy a strong position. WILL R. WOOD, a veteran of their delegation, is chairman of the House Appropriations Committee, and, as such, exercises a good deal of power.

We are both surprised and pained to read that Congressman WOOD is "violently opposed" to an all-granite post office for Boston.

As one of the officers of the Republican National Congressional Committee, Chairman WOOD has been a frequent visitor to this section. He has been looked upon as one of New England's friends at the Capital.

Congressman WOOD ought to realize, and the men of the "limestone bloc" should concede, that it is proper and reasonable for New England to prefer its native granite to a cheaper stone from far away.

Granite is found in each of the six States. Millions of dollars are invested in our quarries and cutting plants. Thousands of workmen, with the members of their families, are dependent upon an industry which, throughout the generations, has contributed to the prosperity of this section.

This fourth largest postal district of the United States wants—demands—a post office built of New England granite!

And if Indiana persists in her opposition to that preference, Indiana, in our opinion, will make a serious mistake.

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, the gentleman from Michigan has emphasized two points in opposing the increase in appropriation which is desired by New England and by the granite industry generally. He has indicated in the first place that he considers the increase requested excessive. My answer is that we are dealing with a $6,000,000 building and that we are asking only for an increase in the maximum limit of cost amounting to approximately 12 per cent. Having in mind the definite purpose of the administration to relieve prevailing unemployment through the Federal building program, it does not seem to me that it can be justly maintained that an increase of 12 per cent in respect to the outstanding building in the whole of New England is excessive.

In the second place, the gentleman from Michigan suggests that if the desired increase is allowed some of us may lose some of the smaller buildings we might otherwise ultimately obtain under the building program. I submit with all deference to the gentleman from Michigan that this argument, however true in theory, is entirely without value from the prac-

tical standpoint. I am assured by the Treasury Department that the desired increase, if allowed, will be so reflected, if at all, only when the total funds authorized for the general program have been definitely appropriated. The total funds authorized for this purpose, if the Elliott bill is passed by the Senate, will amount to $363,000,000, to be expended, pursuant to annual appropriation, over a further period of from 8 to 10 years.

I have only time for a word from the standpoint of the granite industry of America—an industry operating in 38 States of the Union, represented in New England by some 500 separate concerns, and affording a means of livelihood for upward of 40,000 American families.

That industry has placed its hopes and its faith in the Federal building program and in the announced program of the administration for the relief of unemployment. It has been confident that the Federal Government would accord it its full share of construction, its full share of unemployment relief.

What, in fact, has happened? Building after building outside New England has been awarded in large measure to limestone, a material believed to be inferior to granite, largely supplied by a single organization within a single State. Under present conditions, I am advised that this organization in this State may well obtain $100,000,000 worth of business under the Federal program.

Now it is suggested that the most important Federal building in all New England, in the capital of Massachusetts and in the heart of the New England granite industry, shall be similarly constructed—1 story of granite, 20 stories of Indiana limestone. The suggestion has provoked a storm of protest in New England. The Governor of Massachusetts, the Massachusetts House of Representatives, the mayor of Boston, chambers of commerce, labor organizations, and newspapers throughout New England have united in a concerted and earnest appeal for an all-granite Federal building in Boston.

The Boston postal district is the fourth in America, serving some 2,000,000 of people in an area of about 270 square miles, and doing an annual business of over $18,000,000. The new Federal building, 21 stories in height, will accommodate not only the post office but the Federal courts of the district, 10 major Federal departments, and various independent offices, such as the Veterans' Bureau, the Interstate Commerce Commission, the Shipping Board, and the Civil Service Commission.

Under the regulations of the Treasury Department heretofore in force, as the Supervising Architect has testified, a building of this importance in this locality would clearly call for an all-granite construction. The old post office was made of granite. Most of our public buildings in Boston are made of granite. The customhouse, which will tower over the new building a stone's throw away, is made of granite. Even under the present Federal program granite buildings will be found at Duluth, at New York, and elsewhere. I believe that the new building in Boston should be made of granite.

The granite industry has no desire to ask the unreasonable. It does believe it is entitled to its fair share of Federal construction, to its fair share of unemployment relief under the program of the administration. It believes that it is entitled, with other industry, to a steadying hand at this time of depression. It believes that it is entitled to particular consideration in respect to this great Federal building which is to be erected in Boston—the most important piece of construction in all New England under the Federal program.

Mr. WOOD. Mr. Speaker, I yield five minutes to my coconspirator, the gentleman from Indiana [Mr. ELLIOTT]. [Applause.]

Mr. ELLIOTT. Mr. Speaker, ladies and gentlemen of the House of Representatives, I knew there was a lot of hard work for the chairman of the Committee on Public Buildings and Grounds of the House of Representatives to do, but I never knew before I heard the speech of the gentleman from Minnesota that there was anything disgraceful about it. I want you gentlemen to understand that I am not interested in the fight between granite, marble, and limestone. Personally, I represent that vast body in here who are thankful to get brick in their districts. [Applause.]

A lot has been said to-day about the limestone industry getting the most of the money for these public buildings. The Treasury Department informs me that the amount of money that is given to the granite industry and to the marble industry for inside decorations in these buildings is as great, if not greater, than the money that is going to the limestone industry. [Applause.]

Every building in the country of any character whatsoever gets a granite base. All of these buildings, unless it be some inconsiderable building, get marble decorations on the inside. However, the vast majority of the people of this country are going to be well satisfied to get a combination of a granite foundation, a brick superstructure, and some marble decorations on the inside. [Applause.]

My principal interest in this matter is this: I have endeavored to bring to you folks a building program that would not only build decent buildings in the great cities of this country but which would enable the patriotic citizens in little county-seat towns to have a chance to look at something that Uncle Sam had put there, recognizing that they were a part of this Republic. [Applause.]

We have authorized at this time $248,000,000 for public buildings outside of the District of Columbia, which has been allocated by the Treasury and Post Office Departments to various cities throughout the country. If this additional appropriation is added to-day you will be trespassing upon allocations that have been made to some other places in the United States, because there is no other way to do it. The $248,000,000 is all that has been authorized at this time and it has all been allocated.

The building that has been designed by the Treasury Department for the city of Boston is a magnificent affair. The average fellow could walk along the streets of Boston and look up at that building, with its 300 feet of limestone above the foundation, as they say, and he would never know but what it was all granite, and so far as that is concerned it would stay there so long that even the oldest old-timer in Boston would not be there when it got to be an old building.

I think the amendment carrying the $750,000 should be cut out in the interest of the rest of the country. [Applause].

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker and Members of the House, knowing the interest that all of us have in the public building projects, I have taken the time to run through hurriedly the increases that are provided in this bill over the original authorizations provided when the Elliott bill was first reported, and I find the very interesting information that 15 projects are listed here with total increases of $3,996,000, which would construct practically 40 new buildings in various parts of the country of the value of $100,000 per building. My conclusion is that by reason of the fact that we only have a stated sum authorized, if these allowances are granted and we give $3,820,000 more to the buildings already authorized, this means that 38 of the smaller cities of the United States, under the terms of the authorization, must do without public buildings.

Mr. FORT. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. FORT. Have the balance of the increases been passed by the conferees?

Mr. KETCHAM. I think not all of them have been approved by the conferees.

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I want to say in connection with this matter of the Boston building that I consider the chairman of the Appropriations Committee, Mr. WOOD, has acted with eminent fairness. He was willing that there should be two extra conferees added, knowing that at least one of those conferees was favorable to the New England interests, and I therefore deprecate very much any statement on this floor that his position is inspired by the fact that he himself is a citizen of Indiana. [Applause.] He is too big a man to take any such position, and the advocates of this motion from our State certainly do not consider that is the position he is assuming. He is sincere in his opposition to the appropriation exactly as we are sincere in our efforts in its behalf. Whether he favors or opposes an appropriation no selfish motive is involved.

In relation to the increase that has previously been made, I may say that this was not at the solicitation of the citizens of Boston or of New England, but was for the convenience of the department and the interests that will use the building. The gentleman from Michigan [Mr. CRAMTON] would lead you to think that New England asked for this additional $1,250,000 in order to change the building from a 10-story to a 21-story building, but this was done by the department, and not by those interested in this additional appropriation now under consideration.

I also call attention to the fact that in the city of Springfield, Mass., limestone was used in the municipal group, and in conversation with the mayor of Springfield on Monday of this week he informed me that limestone is not a satisfactory material in our New England climate. The buildings in Springfield are showing the disintegration of the stone.

Therefore I concur most heartily in what my colleague [Mr. LUCE] has said in reference to the need of a harder stone than Indiana limestone in a building to be located where the new Government building will be in Boston.

Let me read to you two communications. We have had innumerable communications from the various interests in behalf of the labor that is involved in this extra $750,000, but I am only going to call attention now to two communications.

BOSTON, MASS., *March 19, 1930.*

Representative ALLEN T. TREADWAY,
House of Representatives:

This commission, deeply interested in bettering employment in Massachusetts, respectfully urges your support of appropriation to provide granite for Federal buildings here, thus affording work for 1,000 men for one year.

MASSACHUSETTS INDUSTRIAL COMMISSION,
By L. M. LAMB, *Executive Secretary.*

This is an official State organization.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication from the Governor of Massachusetts in support of this appropriation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The communication referred to is as follows:

BOSTON, MASS., *March 19, 1930.*

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN TREADWAY: Please use your utmost endeavors to have the appropriation for the Boston post office increased three-quarters of a million dollars, so that the building may be constructed of granite, which, in our opinion, is the proper material to use for post offices in this district. Granite will wear enough longer and look enough better to warrant the increased expenditure, which means it is fully as economical for the Government and at the same time will permit the building to be made of local material and furnish work for at least a thousand New England workmen.

Sincerely yours,

FRANK G. ALLEN, *Governor.*

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, my colleague and myself represent one of the great granite and marble producing States of the country. The impression should not go abroad that New England is the only section interested in the erection of public buildings of granite, for 31 of the States produce it, notably North Carolina, South Carolina, Georgia, and Minnesota, with productions running in value into millions of dollars annually.

In my State whole communities and thousands of people are dependent upon the prosperity of the granite and marble industry. Throughout the country many, many thousands are dependent upon the prosperity of the granite industry alone. I voice the earnest hope of these thousands of laborers and their families that the industry may have greater recognition in the great public-building program than originally contemplated.

The gentleman from New Hampshire [Mr. WASON] and the gentleman from Maine [Mr. NELSON] have called attention to the fact that President Hoover has recommended a great public building program as a help to business conditions, by taking up the slack of unemployment. In that connection work should be provided for as many different classes of laborers in as many different sections as possible. It does not help the unemployment situation to provide opportunities for one group alone. So something more than an addition to this item of appropriation is before us. The policy of help generally to the laborers of the Nation is involved in the proposition to give work to the employees of the granite industry.

Mr. WYANT. Will the gentleman yield?

Mr. GIBSON. I am very sorry, but I have not the time.

For this building program an appropriation for the use of a reasonable amount of marble and granite should be made. In the construction of the Boston post-office building granite should be used, granite that comes from our hills, rather than limestone that must be transported more than a thousand miles from Indiana. The motion of the gentleman from New Hampshire [Mr. WASON] should prevail.

The gentleman from Massachusetts [Mr. LUCE] has well stated the adaptability of granite for the purposes intended in the Boston construction. Let me say in addition, and generally, that it is an ideal building material and is one of the basic natural resources of New England. An abundant supply can be obtained in each of the States that belong to that group and near to where it would be used. There well-developed quarries and well-equipped cutting plants would furnish employment to thousands of wage earners and contribute materially to the welfare of New England as a whole.

It is argued that granite would cost so much that some cities and towns would lose post-office buildings, because there would not be enough in the building fund to go around. Congress can take care of such a situation if it arises. In any event, the people of the country should not let cost be the sole determining factor in a permanent building program.

The whole matter of building material, aside from the cheapest in price, is up to Congress. The position taken by the Treasury Department is well set forth in the following letter to Senator GREENE, of Vermont, from the Secretary. I am quoting this not in any critical way but to set forth the policy of the department:

TREASURY DEPARTMENT,
Washington, January 28, 1930.

Hon. FRANK L. GREENE,
United States Senate.

MY DEAR SENATOR: I have your letter of January 23, which also bears the signatures of Senator DALE and other members of the Vermont delegation, stating that this delegation is unanimously of the opinion that granite and marble should, so far as possible, be used in constructing Federal buildings under the public-building program, on account of the merits of these materials as well as on account of the desirability of stimulating these industries.

As you know, granite and marble are considerably more expensive than other stones commonly used in construction work. Buildings can therefore be faced with these materials only where the limits of cost established by Congress are sufficiently high. Limited amounts of granite or marble are, nevertheless, used in nearly all buildings of importance constructed by this department. In the case of the proposed new Boston post office, if the limit of cost is increased by Congress to $6,000,000, it will be possible to face the building with granite up to the level of the second floor.

It is contrary to the policy of this department to specify materials from particular localities to the exclusion of other similar materials of equal merit. However, in the case of buildings to be constructed in New England, it would seem that local producers of granite or marble should, due to more favorable freight rates, have a decided advantage in competition with outside producers.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The Union Station, the Congressional Library, the city post office, the Treasury Department Building, the National Museum, and many other notable public buildings here in the Nation's Capital are built of granite. They speak for themselves. They are monuments of beauty and durability. They prove the fact that granite is an ideal building material to stand the test of time. [Applause.]

Mr. WOOD. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. Mr. Speaker and Members of the House, one can not present in two minutes the claim that the Boston post office should be built of limestone instead of granite. Two-thirds of the time has been awarded to those who favor granite instead of those who favor limestone. The chairman of the committee, from Indiana, has taken no part in advocating that the product of his State be used in the building of the Boston post office.

One gentleman who has presented the claims for granite here to-day has assumed that there is some superior quality associated with granite aside from its tensile strength and monetary value over limestone. The gentleman from Massachusetts stated, among other things, that granite was emblematical of more culture, education, and esthetic attainments than limestone. I wonder if he had in view when he so stated the old verse which I learned some time ago:

Here is to good old Boston town,
The land of the bean and cod;
Where the Cabots speak only to the Lowells
And the Lowells only to God.

[Laughter and applause.]

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. DOUGLASS].

Mr. DOUGLASS of Massachusetts. Mr. Speaker, ladies and gentlemen of the House, if I were a Congressman from Indiana, that produces limestone, if I were a Congressman from a State that produces marble, I should deem it my bounden duty to stand before the House and advocate in the interest of what-

ever State I represented that the native product should be used in that State's public buildings. [Applause.]

And so, my friends, while I have not the honor to represent Indiana, I do have the honor to represent the great State of Massachusetts, where is to be built in my district—which, praise Heaven, is a Democratic district—a Federal building. [Applause.]

I may first state that from boyhood I have looked at that old granite post office in Boston, one of the finest Federal buildings in all the country—I was born almost within a stone's throw of the recently demolished fortress-appearing granite structure—I have stood before that building and looked at that massive edifice representing the power, dignity, and majesty of the United States Government, and here to-day in pleading for the retention of granite in the new building I am pleading again that that native product, New England granite, as imperishable as bronze, shall be used in that proposed imposing building of 21 stories, which will be the outstanding Federal structure in New England, and house the fourth largest post office district in the United States in size and in postal revenue.

I see no parallel case to the present that would call for increasing the appropriation for other post offices as has been suggested. I stand here as the Congressman for that district for the rights of my State about to have built under National Government auspices, a structure of native granite that will comport with the dignity, power, and majesty of our great Government, and at the same time prevent the practical extinction of the heretofore very substantial granite industry of New England. [Applause.]

Mr. WOOD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. WOOD. I wish the Speaker would notify me when I have used eight and three-quarters minutes.

Mr. Speaker, and gentlemen of the House, I certainly have tried to be fair in this matter, and I thank the gentleman from Massachusetts [Mr. TREADWAY] for expressing the thought that I have been. I have given two-thirds of the time to the proponents of this amendment. I wanted them to have an opportunity to tell the things they want and what would be essential to their convenience. I want to say to you that I have had no purpose throughout the consideration of this question, and I have no purpose now, but to do exact justice to the people of the United States.

I am opposed to this appropriation for the reasons already stated by others. If it is allowed, we are going to give to the city of Boston not only all its needs, for its needs have been weighed twice, and we have given the full measure of those needs, but in addition $750,000 more, and for what purpose? For the purpose of their own local pride. Local pride is a fine thing, but it should never be used to the detriment of your neighbor. If this policy is to be adopted, we are going to lessen the possibilities of building post offices throughout this country. If this one amendment be adopted, we are going to make it impossible at least to build seven $100,000 post offices in the United States. I have no fight to make against the city of Boston; I have no fight to make against anyone, but I do have to buckle up my back to resist the supplications and applications that are coming to me constantly to use my influence as chairman of this committee to get post offices here, there, and yonder.

As has been stated, under the program as it now stands, no town that does not have receipts amounting to $40,000 a year has a look-in. There are many cities in the United States that are falling a little below that point, that are entitled to as much consideration as the city of Boston, the city of Chicago, the city of Washington, the city of New York, or any other great city. Take these smaller cities, for instance, and the only evidence of government they can hope to have is a post office. It is the only evidence of the United States Government that in all probability they will ever have. You can hardly turn around in Boston, or in New York, or Chicago, or Philadelphia, or in many of the other great cities, that you will not see a monument built by the United States Government out of the United States Treasury; but in these little towns throughout the United States where the population is sparse, where the cities are small, there is not now a single evidence of the United States Government.

Mr. STOBBS. Mr. Speaker, will the gentleman yield?

Mr. WOOD. No; I have not the time to yield. There are many things that are objectionable about this proposition. For the first time during all of the consideration of this building program do we have this spectacle of people coming here and asking us to legislate the plans and specifications of a building. I have thought that is a part and parcel of the business of the Post Office and of the Treasury Department. We are asked to supersede them. We are taking away from them, if we adopt this proposal, the duties that we assigned them under the original building bill, and taking on ourselves to decide whether the building shall be built of marble, of stone, of granite, or of brick. This would be a bad policy. If we adopt it, it will live to haunt us, as it ought to.

I think the program that we have adopted for the purpose of trying to equalize the expenditure of money in the building of post offices throughout the United States is working well, and that we should stick to it, and if we do, then some of us who would like to get a brick post office may eventually get it, provided we do not spend these large sums of money in addition to the needs already satisfied. It has frequently happened that the Treasury Department has found after they have made an estimate and survey that they have not allocated enough for the reason that they have not provided for sufficient space. It frequently happens that they find that they have not obtained enough ground. In those cases, without exception as far as I know, building for the future as we should build in building these post offices, we have allowed additional sums, but we have never allowed up to this hour, and this committee will never allow unless it be by the sanction of this House, an increase, voluntarily or otherwise, after we have supplied all the needs of a given post office. There is more to it than just giving to Boston $750,000. This program will continue for five years, and if this precedent is established to-day, be mindful of what may happen to us during the carrying out of the rest of the program. We had better leave the building proposition to the Treasury and the Post Office Departments, and leave to them the determination of these necessities. They are qualified to do that thing and if we did not think they are qualified to do it, they would be roundly condemned. Let us not depart from the policy that we have been pursuing thus far and that is working fairly well.

I hope that within these five years, within which it was announced the program should be completed, we will have so completed it that every section of the country entitled under the regulation to a post office may have it as a monument to the greatest Government that God ever gave men and women. Be a little mindful of the step that we are going to take to-day. I have sympathy with Boston as I have sympathy with every other section of the country where there is unemployment. There is unemployment everywhere, and if it were confined to Boston alone there might be something in the argument put forth here to-day, but it is not peculiar to Boston. I do say, however, that it might be well for gentlemen in Boston who are proud of their city to go down in their own pockets and contribute a little something themselves to the beautification of that building. [Applause.] That has been done in other places. I could mention a half dozen cases throughout the country, some in the South and some in the North, where the citizens themselves in order that they might have a little better-appearing building or a little more ground about it, have raised the money themselves, actuated by their own civic pride. It occurs to me that there is no well-founded argument for us to deviate and go far afield of the program, far afield of the purposes, and far afield of the manner in which we have been administering this building program throughout the United States.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New Hampshire to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. STOBBS) there were—ayes 96, noes 170.

Mr. STOBBS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-nine Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion was rejected.

The SPEAKER. The question now is on the motion of the gentleman from Indiana to further insist on the disagreement of the House to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 47: On page 75, line 14, insert the following: "Denver, Colo., customhouse, etc.: The limit of cost fixed in the act of March 5, 1928, is hereby increased from $1,060,000 to $1,235,000, and appropriations heretofore made are hereby made available for the acquisition of additional land and toward the construction of said building."

Mr. WOOD. Mr. Speaker, I move to insist on the disagreement of the House to this amendment.

The SPEAKER. The gentleman from Indiana moves that the House insist on its disagreement to this amendment.

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Colorado [Mr. EATON].

The SPEAKER. The gentleman from Colorado is recognized for 10 minutes.

Mr. EATON of Colorado. Mr. Speaker, I move that the House recede and concur in the Senate amendment increasing the limit of the Denver, Colo., building from $1,060,000 to $1,235,000.

Mr. Speaker, I would like to have the attention of those who are actually interested, because this is a different situation in many respects from that of the other public buildings discussed here to-day. In the first place, this building is a customhouse and not a post office; it is also an office building. In the second place, this project has been in operation for about nine years. In the third place, for the last four months I, as a new Congressman from Colorado, with three other men from Colorado who know all the ropes, two of whom are on the Committee on Appropriations, have followed every step in regard to the approval of the site and the material and the plans and specifications and the contract and the letting of the contract in every single detail.

As I understand it, the only reason why we were turned down at the last minute is because the figures and the recommendations did not come in until the deficiency bill had been passed by the House.

As a matter of fact, the approval of the Budget and the ratification by the President were secured the very afternoon this bill was passed in the House.

By the last published directory of the United States Government offices and officials you will see that in Denver there are more than 2,400 officials and employees of the United States, operating 51 departments under 181 officials and their immediate subordinates. Understand, these are not all Colorado citizens. They are employees of the Government and come from all over the United States under civil service and other distributions.

Of these there are 1,006 working in the post office and running in and out of Denver in the Railway Mail Service.

Two hundred and eighty-one officials and employees of 25 departments fill the rest of the Denver post office and the United States courts building, which was built of Colorado yule marble, and is situated at Eighteenth and Stout Streets, just two blocks from the very center of the city of Denver.

At the United States mint the number of officers and employees is 72.

At the Fitzsimons General Hospital the number of officers and employees is 351.

In the old customhouse less than 30,000 square feet of floor space is furnished for and used by 307 officers and employees of 12 departments.

These buildings at Denver are all owned by the United States Government, and furnish the offices and places of employees for 2,017 persons in 41 departments of the Government.

In 15 office and other buildings of Denver, 384 officers and employees of 15 different departments are crowded into and do their work in 172 rooms of less than 57,000 square feet of floor space.

The proposed new customhouse and office building is to furnish proper office and other facilities for the 27 departments and 691 employees who are now crowded into the old customhouse and 15 other buildings, for which, I am told, the Government pays over $100,000 annual rent.

There is a salvage value in this old customhouse of half a million dollars.

Nine years ago the inadequacy of the Government-owned buildings was so apparent that a movement was then commenced by the Government to acquire property and erect a suitable building to take care of the Government's business in the Rocky Mountain region.

A suitable building site of an entire city block was diagonally across the street from the present post office, upon which there was an old high-school building. My Republican predecessor, the late William N. Vaile, and our Colorado Senators commenced negotiations with the school board for this property, and then it was found that a special act of Congress was necessary to clear the title to the site. This was done during Mr. Vaile's lifetime. Then ensued the usual period of competition with offers of other properties, during which time the school board was prevailed upon to place a price on this block which would be an inducement for the Government to provide a suitable office building in keeping with the magnificient post-office building, which was built of Colorado yule marble, across the corner, a number of years ago. The Denver post office, with the possible exception of some of the buildings in Washington, is the most beautiful structure owned by the United States. It is so conceded and made famous by artists and architects.

And when the gentleman from Indiana [Mr. WOOD] mentions the fact that this is a matter of local pride, I am glad to admit that it is indeed a matter of local pride, not only in the State of Colorado but in the entire Rocky Mountain region; pride in the fact that there is in the State of Colorado a marble so white and pure that it will outlive all the ravages of time.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. EATON of Colorado. Yes.

Mr. BRIGHAM. How far is this quarry from Denver?

Mr. EATON of Colorado. About 230 miles.

Mr. BRIGHAM. What is the condition of the quarry there?

Mr. EATON of Colorado. As a quarry town it is almost destitute.

Mr. BRIGHAM. And you need this contract to provide against unemployment?

Mr. EATON of Colorado. We certainly do.

To facilitate the purchase of a site, an original estimate of $2,000,000 was made as the cost of the entire project, and during the years the negotiations continued, this was cut in half as an estimate, in round figures, to $1,000,000. A portion of the property was purchased, then preliminary plans were commenced. Later an additional parcel of the land was obtained and an additional $60,000 added to the estimate. Mr. Vaile died almost three years ago, and since that date plans have been prepared, specifications made, bids received, and a contract let for the erection of the building, with a rider upon the contract that work shall not be started on the outside walls for 90 days, or until this question of obtaining the additional funds is settled by a sufficient appropriation.

Never has the Committee on Appropriations or the subcommittee on the deficiency bill or anyone connected with the Committee on Appropriations ever heard or given either to me or any other Representative of the State of Colorado an opportunity to present this matter except the chairman of that committee. I wish to have proper consideration given to these facts.

Let me remind you that this building site is just three blocks from the very center of Denver; compared with Washington property it is in practically the position of Fifteenth and H Streets. When I tell you that the price of this entire block is only $450 per front foot you will understand how much value the Government has been given by the people of Denver by its school board. In any other direction three blocks from the center of the city of Denver you can not buy an entire city block for a million dollars, and you would have to pay in addition thereto the value of the structures upon it.

As a matter of appraisement by your own people, the additional value we have given you is more than $250,000 and up to $350,000, which the city of Denver has given you in the site.

I have heard on this floor from time to time the question asked, "Have you a definite plan or something definite?" I am following that indication. Each one of these details has been taken care of, and yet when we come here they say, "The bill is just about to be passed," and they will not listen. We get the approval of the Budget, but the committee now says "No." We get the ratification of the President, but the committee says "No."

The Denver proposition is not a matter of mere estimates to-day. The contract price is fixed. The price of the balance of the site is covered by a firm option of $100,000. The additional amount for the marble facing has been fixed at $75,000.

The amount that was added by the Senate to this item was just $175,000, raising the figures in the bill as passed by the House from $1,060,000 to $1,235,000. (Item 47.)

One of the reasons for this situation coming up at this time was the delay in obtaining a definite price upon the Colorado Yule marble so that there would be an actual, instead of an estimated, cost to be considered with and attached to the contract for the erection of this building.

The bids were opened January 7, 1930. It is surprising to me, and I think it is surprising to you, that it is possible to erect a building in Denver as large as this one for $841,900, whether the exterior is of marble or any other stone, or brick.

This building will be five stories high, with basement and subbasement. It will contain a total of 212 rooms, of which 145 will be office rooms, 5 drafting rooms, and 62 other rooms will be used for other purposes. Its area is 228 by 156 feet. Its floor area is 132,300 square feet.

Since the date the bids were advertised for last November, until the day this bill passed the House, I was present at interview after interview for the purpose of getting the final word authorizing this building to be made of Colorado yule marble, which is the most beautiful, lustrous, white marble that can be found any place in the world.

The quarries are in western Colorado. In our city of Denver the building of the State Historical Society, an office building, is of this marble. So is the United States post office, as I have already reminded you. So is the Colorado National Bank, the Federal reserve bank, and other large buildings. Right here in Washington, any morning, take a look from the other side of the Potomac toward Washington, or go down through the park and see the Lincoln Memorial. You do not have to be told that it is of marble. Its daily appearance is sufficient answer to every story of filth, grime, or dirt which attaches to and covers up the outside of any building material. You do not have to make any guess about the Lincoln Memorial. Even the guard speaks with pride when you ask what kind of marble it is; he answers, "Colorado yule."

The final selection of the Colorado yule marble for that majestic memorial is credited to the late ex-President and Chief Justice Taft, who was the chairman of the committee which built that monument. My colleague, Mr. TAYLOR, Representative from the fourth congressional district of Colorado, was present at that meeting. As you all know, he has been very ill for a number of months, but he is here to-day for the second time during this session to tell you about the Colorado yule marble and the selection of it for the Lincoln Memorial, as well as for our United States post office in Denver. And it is this same marble that the people of the entire Rocky Mountain region would be pleased to see in this new customhouse, and which all the Representatives of Colorado have requested.

It is this same marble that is used in the erection of the beautiful Denver post office and United States courts building, which is now known throughout the world for its architectural beauty and majestic colonnade.

When I came back here last fall I talked with the Colorado and other members of the Appropriations Committee and House. I wanted to know what was necessary to get proper consideration of a sufficient amount for the erection of this building. The records were examined and I was shown that $1,060,000 was included in a table upon which the committee was working. Everyone without exception advised that it was best to let all questions of appropriation wait until the bids were opened, and then if any additional funds were required, I would have a definite figure to submit to the proper subcommittee. On this floor I have heard the gentleman from California [Mr. BARBOUR] time and again ask the question if an estimate of the cost of a building was based upon a definite plan for building, and actual estimate based thereon. It seemed to me to be proper practice to do this.

And so it was done. As soon as the bids were received, it then took a month's time to obtain a firm bid upon Colorado yule marble due to the absence of different people from Washington. The firm option for the additional price of the land was received in a shorter time.

In the meantime I was asked to and did attend a conference with the committee of Cabinet officers, who are the last word in the present building program. After presentation of the situation, much as I have outlined it here, they approved this Denver customhouse to be erected of Colorado yule marble and set in this city block. A few days afterward I attended a meeting at the office of the Budget commission, where the entire matter was again presented, and the Senators from my State and I were examined at length on details.

Within a day or two I was informed that the Budget commissioner had approved the additional amount of $175,000 and that this approval had been ratified by the President.

As stated before, this information came on the very day that the deficiency bill was up for final passage in the House, and therefore too late to be presented to the subcommittee for inclusion in the bill before us.

Now, here are two or three other things I want to make plain:

This new Denver customhouse presents several situations that are different from those connected with any other proposed building.

In the first place, this building is a real necessity to put under one roof 691 officers and employees of 27 different Federal activities who are scattered all over the business district of Denver.

Second. The Government is getting over half a million dollars' worth of land for $360,000, due to the generosity of the people of Denver. This item alone more than compensates for the amount requested.

We have done that for the purpose of having our building material recognized, for we know it costs a little more money than some of the other building materials.

While, of course, this subject comes up here as if it were a request for more money, in reality it is just our report of what is the real, actual cost of the kind and type of building which the United States needs and wants at Denver, of the very building and site specified and approved by all Federal officials who pass upon such subjects, including the Budget and the President, and of the savings we have been able to make on construction figures, and of the liberality of the local people. These actual figures and the designation of Colorado yule marble have been ratified, approved, and passed upon favorably, without a dissenting vote by anyone except the conference committee on this bill. And I am informed that there was only 1 voice and 2 votes out of the 10 against this appropriation.

Third. The Government can erect a 5-story building 228 feet by 156 feet with marble facing upon a whole block, just three blocks from the very center of the city of Denver, at a cost of only $841,900. Can you imagine any kind of a building of that size, marble or otherwise, being erected at any other place in the entire United States than out there at the foot of the Rocky Mountains at such a low cost? And at a total cost for a 212-room office building and building site for only $1,235,000?

Fourth. Please remember that the labor and industries which will benefit from the erection of this building are 1,800 miles from Washington, and that a large part of the additional cost for marble is a labor cost.

Fifth. If it is a mere question of dollars and cents, let me tell you further: The salvage value of the old customhouse is half a million dollars or more. While these negotiations have been pending a request was made by responsible people to purchase the old customhouse, but probably for the same reasons that there have been other delays, those in authority would not consider either a sale at the present time for future delivery after the completion of the new building or a price as a minimum in advertised sale. As a matter of the dollars and cents, the Government is getting this building and site at an outside cost of less than $750,000 in money expended, with an additional value of $250,000 more thrown in as a bonus.

Therefore I ask again that you support my motion that the House recede from its position and concur in the Senate amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD. Mr. Speaker, I wish to say in answer to the gentlemen who have spoken in behalf of Colorado that it would be a very great pleasure, indeed, for me to accede to their desires. Personally it would have been a very great pleasure if I could have acceded to the desires of the New England people, whose item we have just considered. Exactly the same principle is involved in this item that was involved in the item with reference to the Boston public building. It is not so much a question about the $75,000 that is involved, and I will say that in this item $175,000 is involved, $100,000 being an increase put in by the Senate for the purpose of purchasing additional ground. Whether they made a sufficient showing for additional ground I do not know, for I did not read the hearings. But they were so insistent upon the $75,000 for the marble that there was no use of trying to talk about a compromise and giving them the $100,000 increase for their ground. However, as I have stated, the same principle is involved that was involved in the Boston proposition, and the Boston proposition having been defeated we would place ourselves in a very ludicrous position if we allowed this.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. EATON of Colorado. May I call the gentleman's attention to the fact that there was no showing by the Boston people that they had given $250,000 in money or value or anything, having in mind the very proposition of local pride or local material.

Mr. WOOD. Well, I do not know what the Boston people might have done about that, but even if they did, we are here to-day setting a principle and adopting a policy for the future.

If we have said to Boston that this Congress is against that city having $750,000 more than is needed for the construction of the building in that city, and have refused to permit that appropriation to go to them, how could we explain to anybody the position we would occupy when the same proposition is involved and when the same example would be set if we adopted this proposal, the only difference between the two propositions being a difference in amount.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. ALLGOOD. If they would take off one or two stories of the building, they could stay within their appropriation and could use their marble, could they not?

Mr. WOOD. Yes; they could do that.

Mr. EATON of Colorado. May I say to the gentleman that the plans and specifications have been completed and the contract let, so that those things can not be changed.

Mr. WOOD. I do not wish to take any further time, but I wish to say we should not undo what we have already done. I dare say that two-thirds of the votes in the negative were cast not because they had anything against Boston or against Boston having the kind of a building it wanted, but they voted as they did for the reason that they did not care to set a precedent and establish a principle that would live to haunt us throughout this entire proposition. So having defeated the other item, by the same logic we should defeat this item. Not to do so would make us the laughing stock of the country.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Colorado to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. EATON of Colorado) there were—ayes 11, noes 39.

So the motion was rejected.

The SPEAKER. The question now recurs on the motion of the gentleman from Indiana to further insist on the House disagreement to the Senate amendment.

The motion was agreed to.

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the Boston post-office building.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRIGHAM. Mr. Speaker, in asking for the allowance of this item we can appeal to the sense of fair play and to good business judgment of the Members of this House.

Last autumn following the crash in the stock market we entered a period of depression in this country, which has been attended with unemployment and consequent hardship. The President acted promptly to relieve the situation and called into council the leaders in agriculture, industry, and transportation. As a measure to shorten the period of depression and to create employment for those who are out of work a policy was adopted which contemplated that the industries of the country would make necessary improvements and that the Governments—Federal, State, and local—would undertake an enlarged program of public improvements. This House acted promptly, and on the 16th of December passed an authorization bill providing for $230,000,000 in addition to sums already authorized to increase the public-buildings program.

Some of us who come from regions where the marble and granite industries are very important and have been developed with large investments of capital have looked forward to some business to come to these industries from this enlarged building program of the Federal Government but it seems practically none has come nor will come if the arguments of the chairman of the House Appropriations Committee should prevail here.

This enlarged program will result in great prosperity for one stone industry located in one State because the greater part of the hundreds of millions of dollars we have appropriated for new buildings will flow into that one industry in that one State, and that one alone. We shall build all our new public buildings where stone is used of limestone and for the sole reason that it is a few dollars cheaper.

We are asking members of the House to concur in the Senate amendment to increase the limit of cost of the Boston post office and also to concur in the next item for the Denver post office so granite and marble can be used in the construction of these buildings and some relief be given to the unemployment conditions in these two industries.

I would appeal further to the good business judgment of the House that first cost alone should not be the only consideration. Attention should be paid to durability as well as to cheapness. In going through New England you have seen that our best buildings are made of marble and granite materials which have stood the test of exposure to our severe climate for more than 100 years. In asking for this extra appropriation to use stone of local origin we are asking the Federal Government to use materials which we have used and are using in our best buildings, materials which will be in keeping with the buildings which surround them and will endure for centuries.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. WOOD. Mr. Speaker, in this next item there are two sets of figures involved. I refer to amendments Nos. 49 and 50, and I ask unanimous consent that the two items may be considered together.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the two items referred to be considered together. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments in disagreement.

The Clerk read as follows:

Page 79, line 10, strike out the figures "$550,000" and insert in lieu thereof the figures "$900,000."

Page 79, line 15, strike out the figures "$950,000" and insert in lieu thereof the figures "$600,000."

Mr. WOOD. Mr. Speaker, I move to recede and concur in the Senate amendments. I desire to say that an additional amount is not involved. Nine hundred and fifty thousand dollars was appropriated for the construction of a new parcel-post building and $650,000 was appropriated for an addition to the old Federal building. The Senate, on the motion of Senator SWANSON, took $300,000 off of the appropriation that was made for the parcel-post building and added it to the Federal building, so no additional amount of money is involved. However, the supervising architect is not clear with reference to the possibility of building the parcel-post building within the amount that remains. The gentlemen who are interested think it can be done, and Mr. Wetmore does not say it can not be done. They are of the further opinion that there may be a reduction, and should be a reduction, in the amount for the erection of the Federal building. They asked for bids, and the lowest bid they received was about $300,000 above the amount of the allocation for the erection of that building.

So it is perfectly patent that it is going to take more money to complete this building, and we are hopeful it will not take more money to build the other one.

Mr. MONTAGUE. I understood the gentleman to move to recede and concur in the Senate amendment?

Mr. WOOD. Yes.

Mr. MONTAGUE. That meets my purposes and I thank the gentleman for his argument. I can assure the gentleman that so far as I am individually concerned I shall do my very best to keep the total appropriations within the amounts named in the pending measure.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. O'CONNOR of Louisiana. I understand there are about 20 cities in the United States asking through their Representatives to have an appropriation made to cover the expense of sand-blasting the outside of Federal public buildings in these 20 cities. I have a very pressing request from the city of New Orleans to have something done with reference to sand-blasting the old New Orleans customhouse, one of the oldest buildings, I suppose, on the continent, which has become very unsightly as a result of the years having passed bringing stains and all that sort of thing. Age, wind, and weather, and the grime and dust of many days suggest that the old buildings need a cleaning. I want to ask the gentleman if there is any hope of an appropriation being made that will permit the Treasury Department to clean all of these buildings throughout the country, and I make this request for the purpose of conveying the information his reply will give to my constituents who have been very pressing with reference to the matter.

Mr. WOOD. I will say to the gentleman that the Treasury Department has never brought that matter to the attention of the Committee on Appropriations, and there never has been any estimate submitted for such work. The Treasury Department will have to move first in the matter.

Mr. STAFFORD. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. STAFFORD. Is there any authorization of law permitting the Treasury Department to sand-blast and clean the exterior of these public buildings?

Mr. WOOD. None that I know of.

Mr. STAFFORD. There has been sand-blasting done on the exterior of some of the public buildings in Washington—the old Post Office Building and the Land Office Building, on F Street. Was special authorization of law provided for that work?

Mr. WOOD. I do not think there is any special authorization, and I do not know that that is required. They may do it out of their maintenance fund. I do not know of any provision of law that authorizes it otherwise.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. COCHRAN of Missouri. I may say to the gentleman that the same question has arisen with reference to sand-blasting the Federal building in St. Louis, and the answer received from

the Supervising Architect has been that it is aganist the policy of the Treasury Department to sand-blast public buildings of that character, because it opens the pores in the stone, and in the end is detrimental to the stone and shortens the life of the building.

Mr. O'CONNOR of Louisiana. I may say, before the gentleman takes his seat, I was informed through the office to which the gentleman from Missouri [Mr. COCHRAN] refers, they did not have an appropriation even to paint the inside of the Federal buildings throughout the country, and this is certainly very poor economy, because the extreme of economy is the extreme of extravagance. The interior of the buildings, in the interest of economy, I think, ought to be painted now and then, and the outside, because, to use a now trite expression but a good one nevertheless, cleanliness is next to godliness.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur in the Senate amendment.

The motion was agreed to.

ANDREW JACKSON

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an address I delivered on Andrew Jackson Lodge, No. 120, A. F. & A. M., Alexandria, Va., Va., last Saturday evening.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an address delivered by me before Andrew Jackson Lodge, No. 120, A. F. and A. M., Alexandria, Va., on the evening of March 15, 1930. This lodge was organized and named for Andrew Jackson in 1854. This lodge meets in the same hall as Alexandria-Washington Lodge, No. 22, of which George Washington was a member and a master. This lodge room, in which the address was delivered, contains the famous collection of Washington Masonic and other relics, portraits, and so forth, known as "The Washingtonia"; the lodge has a standing offer of $100,000 for its Williams's Portrait of Washington.

The address is as follows:

Your lodge is named for the most colorful, the most picturesque, the most dynamic figure in American history.

Commonwealth builder, soldier, jurist, statesman, diplomat, President, he was preeminent in them all.

I esteem it an honor to be invited by your historic lodge to talk to you in this hallowed hall and amidst these sacred relics, on this, the one hundred and sixty-third anniversary of the birth of that great American, Andrew Jackson.

PRESENTATION OF PICTURE AND CHECK OF ANDREW JACKSON

When your committee called and invited me to address you on this occasion, they admired a picture of General Andrew Jackson in my office, which had been presented to me by Mrs. Bettie M. Donelson, a grand niece of General Jackson, and president of the Andrew Jackson Society; and they expressed a wish for a similar picture to hang in this lodge room. Thereupon, I wrote Mrs. Donelson inquiring whether she could send me another copy of the picture for presentation to your lodge. I received a prompt reply from her, advising that she was sending the picture, and inclosing a message to you in part as follows:

"I appreciate your desire for the picture, since it increases interest in and respect for the benefactor of my father, Major Andrew Jackson Donelson, who was reared and educated by General Jackson as his ward and nephew, was on his staff in Florida, his private secretary during his two presidential administrations, his confidential friend and counselor until the old hero's death."

Mrs. Donelson also sent to me for presentation to your lodge a check for $50 given by General Jackson to her father, the check being entirely in the handwriting of Andrew Jackson. Mrs. Donelson facetiously suggests that, if the lodge is ever in need of funds, you can recash the check, i. e., can sell it.

Wherefore, upon behalf of Mrs. Bettie M. Donelson, grandniece of the great hero whose memory we are to-night commemorating, I take pleasure in presenting to Andrew Jackson Lodge, No. 120, this picture of Maj. Gen. Andrew Jackson and this check.

JACKSON'S ANCESTRY

Andrew Jackson's ancestry on both sides ran back to the old kings of Scotland; however, this royal blood in his veins did not prevent him from having a contempt for all things pertaining to royalty; he was always a democrat in thought and action, not only politically, but in the broadest sense of the term.

His ancestors for several generations resided in Carrickfergus, county of Antrim, on the northern coast of Ireland, to which place some of his early ancestors had moved from Scotland. His father, likewise named Andrew Jackson, and wife, Elizabeth Hutchinson, and two small sons, Hugh and Robert, migrated to America in 1765, landing at Charleston, S. C. They went by stagecoach about 160 miles northwest to Waxhaw settlement, on the North Carolina and South Carolina borders. Many of their relatives and countrymen had previously settled there. They went several miles farther, made a clearing in the virgin forest and built a log house, on the banks of Twelve Mile Creek, a branch of the Catawba River.

JACKSON'S BIRTH

Two years after he settled in his frontier home Andrew Jackson, the elder, passed away, a victim of overwork and pneumonia. Betty Jackson did not have the heart to return to their little home in the wilderness with her two small boys, and daily expecting the birth of a third child. She put her boys and her meager personal belongings in a single wagon and started to the home of her sister, Jane Hutchinson Crawford, 12 miles away, near the old Waxhaw Church in South Carolina. She was taken ill before reaching her destination and stopped at the cabin of another sister, Peggy Hutchinson McKemey, just over on the North Carolina side, where Andrew Jackson was born on the night of March 15, 1767.

Ever since Andrew Jackson rose to fame there has been a controversy among historians, and many debates in Congress, as to whether he was born in North Carolina or South Carolina, each of those States having claimed his birthplace. Regardless of whether he was born in the one State or the other, what is more important, as soon as he reached the age of discretion, he displayed the good judgment to move to Tennessee, which appreciated and honored him in a manner seldom if ever equaled.

JACKSON'S BOYHOOD

After three weeks spent in the McKemey home, Betty Jackson, with her three little sons, proceeded to the home of her sister, Jane Hutchinson Crawford, and her husband, James Crawford, where they lived for 10 or 12 years.

Frontier life was hard at best. It was especially so for this penniless widow and three small children. However, Betty Jackson was ambitious, energetic, and thrifty, and did the best she could for her boys. Andrew Jackson received meager training in the crude schools of Waxhaw settlement. The educational opportunities in pioneer settlements of that day were scant, indeed, especially for a poor boy who had to assist a widowed mother to keep the wolf from the door.

By 1780 the Revolutionary War was raging in the Carolinas, which were pretty well under the domination of the British and the hated Tories. Andrew's oldest brother Hugh had joined Colonel Davie's famous regiment the year previous and had given his life for American freedom.

The relentless British commander, Tarleton, and his dragoons descended upon the peaceful Waxhaw settlement and massacred a large number and ravaged the homes of the settlers. Betty Jackson and her sons, Andrew and Robert, ministered to the wounded.

British troops soon returned to demand a promise from everyone to take no part in the war thereafter. The Jacksons and Crawfords, not desiring to make such a promise, took refuge in the hills.

REVOLUTIONARY SERVICE

Thereafter Andrew and Robert Jackson frequently accompanied bands of patriots who would attack and harass the British troops. After one heated engagement these boys of tender years spent the night in a forest alone, and early next morning repaired to the home of a cousin for food. A Tory informed the dragoons, who surrounded the house and captured Robert and Andrew. The redcoats proceeded to wreck everything in the home, and a browbeating Hessian officer ordered Andrew to clean his boots. Andy refused. "Sir, I am a prisoner of war, and claim to be treated as such," he said. The officer's sword descended upon Andrew's head, when he parried the blow with his left hand, receiving a deep gash, the ugly scar of which he carried to his grave. The brutal officer next turned on Robert and ordered him to clean his boots. Robert likewise refused. The officer struck Robert upon the head with full force, cutting a deep gash. The boys were then thrown in a crowded prison, where they and the other prisoners were cruelly treated, were furnished no beds or medical attention, and given but a scant supply of miserable food. Smallpox broke out among the prisoners and, being unchecked by medical attention, spread rapidly. Both Robert and Andrew fell victims to this dread disease. In addition Robert's wound, having never been dressed, had become infected.

JACKSON'S MOTHER

In the meantime the mother worked tirelessly to effect the release of her sons and finally succeeded in arranging for an exchange of prisoners. Betty Jackson carried her disease-racked and emaciated boys back home and labored day and night to save them. Her efforts were of no avail as to Robert. In two days she buried him in the Waxhaw churchyard beside his father. Andrew hovered between life and death for weeks—in a state of delirium. He finally began to improve under the faithful ministrations of his devoted mother, although he was an invalid for many months.

The following summer a cry for help came from the prison ships at Charleston. Many of the prisoners were the kindred and neighbors of Betty Jackson. Andrew now on the road to recovery, she went with other Waxhaw women on this mission of mercy. After a tiresome and perilous journey of 160 miles they reached their destination. In a

few weeks Betty Jackson joined her husband and two sons, a victim of the ship fever which she contracted while ministering to the sick and wounded men on the British prison ship. She was buried in an unmarked grave in an open field. Years later Andrew Jackson instituted a special inquiry to locate the spot where his heroic mother was buried, but to no avail.

We catch but a fleeting glimpse of his mother, but enough that we can easily surmise the source of Andrew Jackson's devotion to duty, his fidelity to purpose, his superb courage, his patriotism, and many other traits that characterized him. Betty Jackson's nobility of character left a deep impress on her illustrious son, who often spoke of her in terms of tenderness and reverence.

Reverting to our narrative, we thus find Jackson facing the world alone at the age of 14.

What hardships, what cruelties, what suffering, what sorrows, what nerve-racking, soul-stirring experiences have been crowded into that short span of years for Andrew Jackson!

TEACHES SCHOOL, STUDIES LAW

However, Jackson was never known to give up. He never surrendered to obstacles, however great. After his mother's death he worked for six months in a saddler's shop, but this gave no outlet for his ambitions. Besides, it was not in Andrew Jackson's make-up "to play second fiddle." He was a born leader and was never satisfied to follow or to take orders from others. He next taught a "field school" in the Waxhaws for two years. He then studied law in the office of Spence McCay, a lawyer of Salisbury, N. C. According to reports he spent a portion of his time in horse racing, cock fighting, card playing, and rollicking. Despite these diversions, he applied himself assiduously to the law books and was an apt student. He completed his preparations for admission to the bar in the office of Col. Spence Stokes.

In the spring of 1787, at the age of 20 years, young Jackson obtained his law license.

Even at this age he bore unmistakable evidences of leadership. Tall, erect, graceful, dashing, with a strong personality, supreme courage, and a high sense of justice, he was a recognized leader of the young men among whom he moved. He was likewise very popular with the ladies, toward whom he was always courteous and chivalrous.

APPOINTED PUBLIC PROSECUTOR—GOES TO NASHVILLE

In 1788, John McNairy, a friend of Jackson, was appointed judge of the Superior Court for the Western District of North Carolina, which embraced that vast wilderness between the Alleghenies and the Mississippi River, which later became the State of Tennessee. The office of solicitor or public prosecutor, was offered to Jackson, and he accepted. The courts for this district were to be held at Jonesboro and Nashville.

The judicial party, Judge McNairy, Solicitor Jackson, and a few lawyers made the long and hazardous trip to Jonesboro. After remaining there for several weeks, they, together with a crowd of emigrants, made the long and dangerous trip to Nashville, through trackless forests infested with hostile Indians. By common consent young Jackson took command of the party. About the time of their arrival in Nashville news reached there that a majority of the States had adopted the Federal Constitution.

At this time Nashville was a rather important frontier settlement. That country, embracing what later became the State of Tennessee, was inhabitated by various tribes of Indians, including the Cherokees, Choctaws, Shawnees, Chickasaws, and Creeks. There had been many clashes between the white settlers and the Indians with the result that much hostility existed. From the year 1780 to 1794 the Indians killed an average of one white person in every 10 days within 5 miles of Nashville. In 1787, the year before Jackson's arrival, 33 white men had been slain by the Indians within the immediate vicinity of Nashville. Of course, conditions were still more perilous in sections more sparsely settled by the whites.

Jackson applied himself assiduously to his duties as public prosecutor, and also built up a large private law practice. He made a reputation as an able, fearless, and successful prosecutor and general practitioner.

APPOINTED FEDERAL ATTORNEY GENERAL

On May 26, 1790, Congress organized the country between the Ohio River and the present States of Alabama and Mississippi and bounded on the west by the Mississippi River, as "the Territory of the United States southwest of the Ohio River." John McNairy was continued in office as Territorial judge and Andrew Jackson was appointed Federal attorney general of the Mero district.

RACHEL DONELSON

Eight years before Jackson's arrival at Nashville a company of settlers, led by Col. John Donelson, a Virginia surveyor, had arrived there. Rather than hazard the dangers and hardships of traveling through the wilderness, this company had made the trip by water in flatboats, floating down the River Holston to the Tennessee, down the Tennessee to the Ohio, up the Ohio to the Cumberland, and up the Cumberland to Nashville, a distance of more than 2,000 miles. I shall not take time to narrate the hardships endured on this perilous 4-month voyage.

In this party was the daughter of Colonel Donelson, black-eyed, black-haired, vivacious Rachel. At an early age she married Lewis Robards, of Kentucky. All did not go well with them. While handsome, Robards was overbearing and brutal. They separated, Robards returning to Kentucky. After a time word came direct from him that he had obtained a divorce from Rachel. This news was accepted as the truth by everybody. Andrew Jackson and Rachel Donelson Robards fell in love with each other and were in time married—in November, 1791; Jackson was then 24 years of age and Rachel 4 years younger. After they had been happily married for two years it developed that, while proceedings had been instituted, yet Robards had not obtained a decree of divorce at the time Jackson and Rachel were married, although a final decree had subsequently been entered. While Andrew Jackson and Rachel had undoubtedly married in perfect good faith, yet, upon receipt of this news, they were promptly remarried. However, the fact that they had lived together as man and wife for a time prior to an actual divorce between Robards and Rachel furnished a sweet morsel for the enemies of Jackson, and this circumstance played a conspicuous part in the subsequent lives of both Andrew Jackson and his wife.

In passing it may be of interest to note that Col. John Donelson had been killed by the Indians prior to Jackson's arrival at Nashville.

The greatest tragedy in the life of Old Hickory was that his beloved wife, the sweet, pious Rachel, than whom a more chaste woman never lived, should be cruelly and unjustly branded with the scarlet letter. However, the good women and men of Nashville understood and Rachel Jackson was invariably received and welcomed into the very best circles without question. There was only an intermittent remark by some enemy or scandal monger, until the circumstance referred to was revived during Jackson's candidacy for the Presidency, to which reference will later be made.

MEMBER OF CONSTITUTIONAL CONVENTION

The Territorial legislature ordered the census to be taken in 1795, when it developed that the Territory contained 77,262 inhabitants, more than the 60,000 inhabitants required for admission of the Territory into the Union as a State. Governor Blount called a constitutional convention to assemble January 11, 1796, at Knoxville, "for the purpose of forming a constitution or permanent form of government," the Territorial governor and the inhabitants proceeding upon the basis that they were entitled to statehood, although Congress had not enacted legislation providing for the admission of the Territory to statehood. Andrew Jackson was one of the five delegates from Davidson County elected to this convention.

The convention completed its labors, leaving to the assembly, which it created, the task of putting the new State government into operation, and fixed March 28, 1796, as the time when the Territorial government should expire. It declared, moreover, that if Congress should fail to admit Tennessee to statehood, the Commonwealth would continue to exist as an independent State.

This defiant attitude was not received with entire favor by President Washington or the Federalists. However, Thomas Jefferson, after studying this constitution, praised it as the most republican one of all the State constitutions.

At any rate, after considerable debate, Congress admitted the State of Tennessee into the Union on June 1, 1796.

JACKSON FIRST MEMBER UNITED STATES HOUSE OF REPRESENTATIVES FROM TENNESSEE

Tennessee was entitled to but one Representative in the House of Representatives, and Andrew Jackson was elected to this post in the fall of 1796. In the latter part of October he bade Rachel good-bye and set off on horseback for Philadelphia, a distance of 800 miles, and served in Congress until the 3d of March following. During this brief period he manifested that deep conviction and independence of spirit which always characterized him. He also succeeded in obtaining the passage of two measures of particular interest to Tennesseeans, which increased his popularity at home. Upon his return home he was enthusiastically received at Nashville, as his service at the National Capital had in every way been satisfactory to his constituents.

UNITED STATES SENATOR

On November 22, 1797, Jackson was elected United States Senator by the Legislature of Tennessee. However, senatorial work and Philadelphia life were distasteful to Jackson. He longed for his devoted wife, his beloved Tennessee, and the great outdoors. In April, 1798, he took leave of the Senate, returned home, and resigned from the Senate in June.

JUDGE OF STATE SUPREME COURT

Jackson was now 31 years of age. Having divested himself of public office, he made up his mind to devote the rest of his life to managing his plantation and keeping a general store; but without any suggestion from him, the legislature elected him a judge of the State supreme court. He reluctantly accepted the office and served in that capacity for six years. Jackson was not very learned in the law, but he had a profound sense of justice, and consequently made a splendid judge. He maintained the dignity and the authority of the position at all times.

MAJOR GENERAL OF TENNESSEE MILITIA

In 1801 Jackson was elected major general of Tennessee Militia. This was an important office in that day, as the Indian menace in Tennessee was serious.

In 1804 Jackson resigned from the supreme court.

JACKSON NOT AN OFFICE SEEKER

It could not be said that Jackson was politically ambitious. I do not recall that he ever sought any office save one, and he failed to obtain that. When Jefferson was President, Jackson applied to him for appointment as Governor of the Territory of Louisiana, but Jefferson turned him down. This was in 1803, soon after the purchase of the Territory of Louisiana. It is singular that the founder of the Democratic Party and the greatest exponent of Democratic principles should have denied a relatively unimportant appointment to that other great Democrat, who subsequently, more than any man in the history of this Republic, injected breathing, throbbing life into the principles enunciated by Jefferson.

HOME LIFE

Jackson spent the next few years at The Hermitage, devoting his time and efforts to his plantations and stores. He was a progressive, successful planter. He had as many as 150 slaves at a time; he was very kind to them and they loved him. His name signed to paper made it good as legal tender anywhere in Tennessee.

Andrew and Rachel Jackson were not blessed with any children of their own. However, he adopted a son of one of Mrs. Jackson's brothers and named him Andrew Jackson, jr. Another nephew of Mrs. Jackson was named Andrew Jackson Donelson. Jackson would fondle and play with these boys by the hour. He was very hospitable and frequently had other children, relatives, and friends in his home.

Having heard so much of his turbulent, fiery spirit, even of him being a man-killer, visitors to The Hermitage and later the White House marveled at the extraordinary patience of General Jackson in his home. He was never even cross with the children, his wife, or the servants. Relentless and ruthless as he was toward his adversaries, Jackson was tender, gentle, and affectionate in his own home. Tempestuous as was his life elsewhere there was always peace and quietude around his own fireside. However much his grim and austere demeanor may have held others in awe the members of his own household regarded him with tenderest affection and treated him with utmost familiarity.

However, this peaceful and happy existence at The Hermitage was not to continue indefinitely. Jackson was born under a star that presaged action. To be precise, he was born under the sign of the planet Mars—the God of War.

WAR OF 1812

War clouds were rapidly gathering, due to the controversies between the United States and Great Britain. War was declared on June 12, 1812. Led by Henry Clay and John C. Calhoun, the war fever ran high in the West and South. New England was decidedly hostile to the war. To quote the language of David Karsner in his biography of Andrew Jackson, "Daniel Webster led a strong antiwar contingent which skated mighty close to the brink of sedition." He succeeded in defeating the conscription bill in Congress, leaving this country entirely dependent upon volunteers. The standing Army of the United States consisted of about 7,000 men. The American Navy consisted of a dozen fighting ships, while England possessed nearly a thousand.

New England remained hostile to the war and refused to send their quota of soldiers to the front. As late as 1814 a convention representing five New England States was held at Hartford and expressed its opposition to the war in which we were then engaged.

Within a few days after the declaration of war General Jackson, through Governor Blount, tendered to President Madison his services and those of the 2,500 militiamen under his command. The offer was promptly accepted, but no funds for the equipment and support of the command were furnished by the Federal Government. However, Jackson proceeded with preparations, advising the soldiers that they should furnish their own arms, ammunition, and campaign equipment, for which it was confidently expected that the Government would later compensate them. On January 7, 1813, two months after President Madison had requested Tennessee to move the army to the Gulf, Jackson's army started for that point, the cavalry going through the country and the infantry on boats down the Cumberland into the Mississippi. General Wilkinson, who was in command at New Orleans, sent a courier informing Jackson to halt his troops at Natchez, as neither quarters nor provisions were ready for them at New Orleans. On February 6 Jackson received orders from the War Department to dismiss his troops and deliver to Wilkinson all articles of public property in his possession, "as the cause of embodying and marching to New Orleans the corps under your command has ceased to exist."

Jackson's soldiers had no Government property, had not received a penny of pay, were 500 miles from home, many of them sick, and the order was that they be dismissed—without means of transport back to their homes. Jackson very properly ignored the order from the War Department, resolving to personally conduct his men back to their homes. He purchased supplies in Natchez for the march homeward, giving the merchants drafts for the amounts, advising them that if the Government failed to honor the drafts, he would make them good out of his own pocket. One hundred and fifty of his men were sick as they commenced the long, cold, arduous march of 500 miles through the wilderness to Tennessee. Means for the transportation of the sick were very meager, and General Jackson himself gave up his three mounts to the sick men, and marched afoot with his ragged army, although then 46 years old. Jackson's conduct toward his men during this trying ordeal won him their everlasting affection and reverence, and they bestowed upon him the affectionate nickname, "Old Hickory." On May 22, 1813, his army was dismissed. However, as will be later seen, this mistreatment of Jackson by the War Department did not cool his ardor or dampen his patriotism.

Affairs had been going badly for American arms, with the single exception of the notable victory of Commodore Perry on Lake Erie.

CONQUERS CREEK INDIANS

Incited, armed, and aided by the British, the Creek Indians were overrunning the southern country, marauding, pillaging, burning, and butchering the whites and friendly Indians. They had massacred the garrison and inmates of Fort Mims, on August 30, 1813. The Governor of Tennessee and others repaired to The Hermitage to consult General Jackson, who was in bed from serious wounds recently received in an altercation with the Bentons. His wife propped Jackson up in bed for the council of war. He assured the governor and committee that he would lead the army if he had to be borne on a stretcher. Governor Blount called for 3,500 volunteers and selected Andrew Jackson to lead them. Jackson at once assumed direction of the movement for defense, calling the volunteers to assemble at Camp Blount, Fayetteville, Tenn., on October 4; he arranged for supplies of food and ammunition and looked after other details. The army assembled at the time and place appointed, Jackson conducted a vigorous campaign against the Creek Indians, completely routing them in five important battles, and effecting a binding treaty of peace. This was one of the bloodiest and most important wars ever waged against the Indians on this continent. It had an electrifying effect throughout the Nation and did much to improve American morale, and to lessen British arrogance.

Many have felt that one of Jackson's faults was that he was too relentless toward the Indians. If he was, he viewed it as a matter of military strategy and necessity. As evidence of the personal side of his nature an incident is given. In the battle at Tallushatchee all of the Indian warriors were killed. An Indian papoose was found on the battle field. Jackson asked first one squaw and then another to care for the infant, but each refused. Whereupon Jackson took charge of the papoose, tenderly cared for it temporarily, sent him to Huntsville to be cared for until the end of the war, and then took him to The Hermitage where he became the playmate of little Andy. General Jackson reared and educated him, and this body reposes in the garden of The Hermitage.

Camp Blount was used as a place of rendezvous during this campaign, and when the Creek War was ended the army was there discharged from further service. Camp Blount is in the district which I have the honor to represent.

MAJOR GENERAL OF UNITED STATES ARMY

After he had conquered the Creek Indians Andrew Jackson was appointed major general of the United States Army. Having learned that the Spaniards were harboring Creek Indians and also allowing the British to occupy the town and forts at Pensacola, Jackson came to the conclusion that the British had designs on Pensacola or New Orleans. He again called for volunteers. General Coffee raised about 2,500 cavalrymen and occupied Camp Blount, and moved from there on October 5, 1814, and marched to Fort Montgomery, near Mobile, where he joined General Jackson's army.

General Jackson took command and marched to Pensacola, where he conquered the Spaniards, blew up the Spanish forts, and drove the British out of town. After this Jackson and his army marched to New Orleans for the defense of that city.

BATTLE OF NEW ORLEANS

General Jackson with his army arrived in New Orleans December 2, 1814. The people of New Orleans were disappointed in the appearance of General Jackson. They expected to see a robust, pompous general arrayed in all the gay panoply of war. Instead they beheld a spare, gaunt frontiersman, his garb simple and badly worn from the campaigns through which he had passed. However, they were glad to welcome any defender, and gave a banquet, at which local orators indulged in much fervent patriotic appeal. Jackson replied in a brief, simple talk, but to the point. He declared that he had come to protect the city and to drive the enemy into the sea, or perish in the attempt. He called upon all citizens to bury their differences and rally to the defense of their country. He made it clear that his word would be law and must be respected and obeyed.

The facts relating to the Battle of New Orleans are so well known that I shall but briefly describe them. However, such a description would be incomplete without reference to the conditions leading up to that famous victory. During the first two years of the War of 1812

the British victories over our Armies had not only been complete but disastrous and humiliating—we had not won a single land battle.

The enemy had captured and burned the city of Baltimore and in turn had captured and partially burned the National Capital. Our President and the seat of government had been driven from Washington. The martial spirit of the Nation seemed to have been largely broken; our morale was at a low ebb. England was in a state of glorification. Many sections of our country were demanding peace at any price. The President had sent a commission of five notable men to Europe to seek peace. They had been haughtily received, and the British demanded most unreasonable terms, including a cession of that territory now comprising the great Middle West. These were the conditions when Andrew Jackson was commissioned a major general and authorized to appoint his subordinate officers and mobilize an army, but the Federal Government provided no means with which to do it. It is with pride that I point to the fact that the old Volunteer State of Tennessee met the emergency, and through its legislature appropriated $300,000 for the equipment and expenses of an army to be raised by Jackson. So far as I am aware, this is the only instance since the establishment of our Government that a State has made an appropriation for the national defense. Whereupon, General Jackson quickly mobilized an army of 5,300 men at Fayetteville, Tenn.

Jackson had about 6,000 troops at New Orleans, sturdy frontiersmen, wearing coonskin caps, hunting shirts, and armed chiefly with squirrel rifles. He was confronted by General Pakenham, with over 12,000 trained and seasoned British troops, who had fought under Wellington and many of whom later covered themselves with glory at Waterloo in combat with Napoleon's legions; many of whom had recently participated in the capture of Baltimore and Washington. Jackson began attacking the British at night on December 23, 1814, and kept it up until the final, decisive battle on January 8, 1815, when he and his troops won their miraculous victory, killing and wounding a large number of British troops and driving the remainder in disorder from the field. The deadly aim of the Tennessee frontiersmen was evidenced by the fact that General Pakenham was killed; Gibbs, who succeeded him, was killed; and many other high officers in the British ranks met a similar fate. The most remarkable feature of this wonderful victory was that the Americans sustained a loss of only 8 killed and 13 wounded. This most marvelous and glorious victory ever won by American arms was acclaimed with wildest joy throughout the Nation from President Madison down to the humblest citizen. Jackson was the great national hero. His name was on every tongue. As expressed by Bowers, this victory had "brilliantly avenged the humiliations of an unhappy war."

While it is true that this great victory was won after the signing of the treaty at Ghent, yet in the light of subsequent events we know that it was one of the most important and far-reaching events in our history; among other things it assured to us the preservation and possession of the Louisiana Purchase, comprising 14 of our great States.

DECLINES APPOINTMENT AS SECRETARY OF WAR

Upon his election in 1816, President Monroe tendered to Jackson the position of Secretary of War, but he promptly declined it.

GOVERNOR OF FLORIDA

However, December 26, 1817, General Jackson entered upon his second Florida campaign. In February, 1819, Spain ceded Florida to the United States. In 1821 President Monroe appointed Jackson Governor of Florida, which he reluctantly accepted. He resigned as major general in the Army and on July 17, 1821, took possession of Florida as governor, it becoming a Territory of the United States. In October following, Jackson resigned as Governor of Florida.

AGAIN UNITED STATES SENATOR

However, Old Hickory is to again be pulled from his peaceful lair at The Hermitage. In October, 1823, without solicitation on his part, he was elected United States Senator by the Tennessee Legislature. He resigned from this position in October, 1825.

FIRST RACE FOR PRESIDENT

On July 20, 1822, Jackson had been placed in nomination for the Presidency by the Legislature of Tennessee. On March 4, 1824, he was nominated for President by the Philadelphia convention. In the ensuing election Jackson received a plurality of both the popular and electoral votes for President over his three opponents, Adams, Clay, and Crawford, but, not having received a majority of all the electoral votes, the election was thrown into the House of Representatives, which elected John Quincy Adams.

ELECTED PRESIDENT

In October, 1825, the Tennessee Legislature again placed Jackson in nomination for the Presidency.

He was again nominated as the Democratic standard bearer for the Presidency in 1828. After the most bitter and scurrilous campaign this country has ever known he was triumphantly elected. In view of the powerful interests arrayed against him and the character of the campaign waged against him, he achieved a remarkable victory, securing 178 electoral votes, while John Quincy Adams received but 83. It is needless to state that he had the loyal support of the masses of the people.

OVERWHELMINGLY REELECTED PRESIDENT

The popularity of his first administration was attested by the fact that he was triumphantly reelected in 1832, receiving 219 electoral votes against 67 for all of his opponents.

JACKSON THE MASON

General Jackson had been grand master of the Masonic fraternity of Tennessee. During his first term as President the head of his Cabinet was Secretary of State Edward Livingston, who was the highest-ranking Mason in America. In 1832 William Work was nominated for President by the anti-Masons and Henry Clay was nominated by the Whigs. The anti-Masons and Whigs worked in close cooperation and with complete understanding. During the campaign ex-President John Quincy Adams made a bitter attack on Masonry and Edward Livingston. It is needless to relate that Jackson went on record against this anti-Mason hysteria and that the Masons rallied to Jackson's banner. The campaign against Jackson in 1832 was quite as bitter and scurrilous as that waged against him in 1828, but with even more disastrous results to the opposition. In discussing this campaign in his admirable work, the Party Battles of the Jackson Period, Claude G. Bowers says in part:

"Thus the Whigs used every weapon that came into their hands—money, subsidized and bought papers, the hostility of Masonry, the hate of the nullifiers, the fear of Van Buren, intimidation, coercion, and slander. And something comparatively new to politics—the cartoon—soon became a feature of the fight. Here the Democrats were at a disadvantage and the pictorial editorials that have come down to us are largely anti-Jackson. Here we find the President pictured as a raving maniac, as Don Quixote tilting at the pillars of the splendid marble bank building in Philadelphia, as a burglar attempting to force the bank doors with a battering ram, while the most popular cartoon among the friends of Clay pictured Jackson receiving a crown from Van Buren and a scepter from the devil."

When Jackson entered the White House he had about $5,000 in money. After his eight years' distinguished and triumphant service as Chief Executive he left Washington for The Hermitage with $90 in money, with Rachel's picture and her Bible, from which he had read every night. The Presidency had cost him all of his savings, and he was in debt. He once more settled down to the quiet life of a farmer and spent the rest of his days. He paid all of his debts, for he was a good farmer, but died comparatively a poor man.

I am discussing rather the personal side of Andrew Jackson. Time forbids a detailed narrative of his many and valuable achievements while an occupant of the White House.

MOST POPULAR AMERICAN—ACHIEVEMENTS

When Jackson entered the White House he was the most popular of all Americans. After eight years of the most bitter and turbulent administrations in the Nation's history he retired to private life stronger than ever in the affections of the people. Throughout his presidential career he was constantly harassed by a hostile Senate; he had pitted against him those able and astute statesmen, Clay, Webster, and Calhoun. The battle between the hostile Senate on the one hand and President Jackson on the other raged with unremitting fury and bitterness. Jackson asked no quarter and gave none. He always came out victor. He was invincible. He never lost the confidence and support of the people.

From his quiet retreat at The Hermitage, which by the way is quite as attractive and interesting as Mount Vernon, Jackson caused the nomination and his influence effected the election of his two successors in the presidential chair, Van Buren and Polk. For a quarter of a century he controlled the political destinies of this Nation and for a century his achievements and influence have colored the affairs of our country.

In accepting upon behalf of the United States the splendid bronze statue of Andrew Jackson presented by the State of Tennessee, to be placed in Statuary Hall, President Coolidge said of him:

"History accords him one of the high positions among the great names of our country. He gave to the nationalist spirit through loyalty to the Union a new strength which was decisive for many years. His management of our foreign affairs was such as to secure a wholesome respect for our Government and the rights of its citizens. He left the Treasury without obligations and with a surplus. Coming up from the people, he demonstrated that there is sufficient substance in self-government to solve important public questions and rise superior to a perplexing crisis. Like a true pioneer, he broke through all the restraints and impediments into which he was born and, leaving behind the provincialisms and prejudices of his day, pushed out toward a larger freedom and a sounder Government, carrying the country with him."

As before shown, Jackson's scholastic training was very meager; but he had such a splendid natural intellect and acquired such an excellent education in the school of experience, by keen observation and intelligent reading, that one of his biographers expressed his opinion

that Jackson was the finest letter writer this country had produced, and the late Congressman James D. Richardson, who compiled the Messages and Papers of the Presidents, gave it as his mature judgment that Jackson's state papers were the greatest of all our Presidents. Jackson was not cultured; he did not have a literary education. He did not know the difference between a ballad and a sonnet, and probably cared less. He made mistakes in orthography, but, after all, spelled better than the Father of Our Country; even as late a President and as learned a scholar as Theodore Roosevelt indulged in phonetic spelling. Yet Jackson's head was chuck-full of wisdom such as is seldom possessed even by perfect grammarians and spellers. His superior intelligence, his iron will, his dauntless courage overcame all deficiencies of scholastic training; and the latter are overlooked except by those puny, contemptible minds which grovel on the floor looking for specks.

By sheer force of intellect, unadulterated patriotism, indomitable will, and invincible courage, he displayed qualities of extraordinary versatility. By his thirty-third birthday he had served as public prosecutor, Federal attorney general, Representative in Congress, United States Senator, supreme court judge, and major general. He had sought none of these offices, and resigned from all of them before his terms expired.

Like all great men of positive character and fearless action, he had many bitter foes and was the victim of much unjust slander. Only recently we are getting histories and biographies which do justice to Andrew Jackson and his great achievements; even some of the recent writers still give currency to slanders which have long since been thoroughly discredited.

Jackson is now generally recognized as having been truly a great President. He so impressed himself upon the history of our country that we speak of the "Jackson period." One of his greatest contributions was to make our Government responsive to the will of the people. As has been aptly said, Jefferson enunciated the principles of a government of the people and for the people, and Jackson completed the process by making it a government of the people, for the people, and by the people.

To again quote that trenchant biographer, Claude G. Bowers:

"Andrew Jackson was the organizer of democracy. He found the masses helpless and futile in the midst of their tools, and he taught them how to use them. He mobilized the scattered forces of ordinary men; vitalized them with energy, fired them with his faith, and made sharpshooters of them, every one. He made the trapper in the wilderness, the worker on the wharf, the toiler in the factory, and the farmer in the field realize that the Government is his Government in days of peace as well as when he is solemnly reminded of it in days of battle.

"When they reminded him that these men of the masses were untrained in government, he answered that in a democracy it was high time to train them. When the timid cringed at the thought of these crude folk being awakened to a realization of their civic power, he consoled himself with the reflection that they were the same crude folk who battled behind him at New Orleans. He knew that men good enough to die for the Republic are good enough to have a voice in the determination of its destiny; and he knew that a nation that will exact a life and withhold a civic right is not fit to live."

Without previous training, Jackson demonstrated his ability to cope with every situation in any field of endeavor. He even demonstrated the fact that he was a diplomat and capable of successfully coping with grave international problems. When he became President many old and vexatious questions with foreign countries were pending, all of which he soon satisfactorily adjusted, and when he retired from the Presidency he did not bequeath to his successor a single pending controversy with a foreign nation.

His sterling party service has furnished us the descriptive term, "Jacksonian Democracy," and Democrats throughout the Nation assemble on "Jackson Day," to pay him homage.

It was Jackson who established the custom of party platforms, his purpose being to take the people into the counsel and confidence of party leaders.

CHARACTER SKETCH

Andrew Jackson had many faults, it is true, but absolutely none that compromised honor, integrity, justice, or patriotism. Generally his faults were merely the excesses of the very virtues which made him great.

His sensitive, high-strung nature, his impetuous will, his readiness to resent an insult, his determination to redress a wrong, his utter fearlessness naturally led him into paths that more phlegmatic and timid souls would dare not tread. However, a remarkable feature of Jackson's complex nature was that he was always calm and collected in every crisis.

Jackson was not sly or subtle. He never resorted to artifice, deceit, or even tact. He was blunt and straightforward. He always spoke in unmistakable terms. He never equivocated. He never "trimmed his sails." He always struck straight from the shoulder.

No obstacle discouraged, no danger deterred Andrew Jackson. Both his moral and physical courage was supreme under all circumstances. He feared no mortal man; he feared no aggregation of men. No power, no influence could turn him away from the path of duty as he saw it. His lion heart never quailed; his iron will never wavered. He was superlatively a real man.

Commodore Elliott brought from Palestine, in the U. S. S. *Constitution*, a magnificent sarcophagus believed to have contained the body of the Roman emperor, Alexander Severus. A short time before Jackson's death the commodore wrote to him telling about the sarcophagus, saying, "I pray you to live on in fear of the Lord, dying the death of a Roman soldier; an emperor's coffin awaits you."

General Jackson promptly replied as follows:

"I must decline accepting the honor intended to be bestowed. I can not consent that my mortal body shall be laid in a repository prepared for an emperor or a king. My republican feelings and principles forbid it; the simplicity of our system of government forbids it. True virtue can not exist where pomp and parade are the governing passions; it can only dwell with the people—the great laboring and producing classes that form the bone and sinew of our confederacy. I have prepared an humble depository for my mortal body beside that wherein lies my beloved wife."

Jackson spent the last 17 years of his life without his beloved Rachel, who passed away shortly after his first triumphant election to the Presidency. Rachel had pined away with a broken heart as a result of cruel slanders before mentioned, which were revived and embellished in that campaign.

A short time before his death, General Jackson's pastor went to his bedside and said:

"General, the doctor informs me that you have but a short time to live. You must remember that if you expect forgiveness you yourself must forgive all your enemies."

The old fellow turned his eyes to the wall where hung Rachel's portrait, with trembling fingers pointed to it, and said:

"I forgive them all—except her traducers."

For many years before his death General Jackson was afflicted with tuberculosis, and finally dropsy developed. He suffered the most excruciating agony, but he never flinched nor complained.

THE END

During his last hours Jackson manifested his greatness and patriotism when he said:

"May my enemies find peace; may the liberties of my country endure forever."

The end came on Sunday, June 8, 1845. The members of his household, and even his faithful slaves, were admitted into his presence. General Jackson heard them sobbing and said: "Do not cry, dear children, we all will meet in heaven—all—white and black." And then in a voice so weak that it was scarcely audible, he uttered his last words: "Heaven will be no heaven to me if I do not meet my wife there."

The Grim Reaper mercifully ended his sufferings and sent his proud spirit to join his Rachel. His mortal body was laid to rest beside that of his beloved wife in the garden of The Hermitage.

In the graphic words of Gerald W. Johnson:

"The wilderness which had slain his father yielded to Andrew Jackson. The war which destroyed his mother and his brothers he survived. The wild frontier to which they dispatched him on a dangerous mission he subdued. The enemies that rose against him he struck down. He swept the red man beyond the great river. He swept the British into the sea. The country thundered his acclaim and showered honors upon him. It gave him the Presidency, and he made the Presidency such a power as it never had been before. The immigrant linen draper's son touched the height of human glory and his renown echoed throughout the world."

As his handsome bronze statue graces the National Hall of Fame, so his character and achievements place Andrew Jackson among the immortals.

The message from Mrs. Donelson to the lodge, referred to in the foregoing address, is as follows:

NASHVILLE, TENN., *March 8, 1930.*

Hon. E. L. DAVIS.

DEAR SIR: I am just in receipt of yours of the 6th and hasten to reply since the time is short to the 15th, the birthday of our great hero.

The message I send to the lodge:

ANDREW JACKSON, THE GUARDIAN

I appreciate your desire for the picture, since it increases interest in and respect for the benefactor of my father, Maj. Andrew Jackson Donelson, who was reared and educated by General Jackson as his ward and nephew, was on his staff in Florida, his private secretary during his two presidential administrations, his confidential friend, and counselor until the old hero's death.

There never was such a guardian as General Jackson. Major Donelson lived with him all his life. General Jackson sent him to West Point, where he made the 4-year course in three, graduating second in his class (the first student from Tennessee), to University of Tennessee next, then next to Lexington, without one cent of expense for clothes, tuition, etc.; built him a fine home on Donelson's 2,000 acres, adjoining Hermitage; helped to furnish it with all its rich silver, etc.; so increased

his estate as to almost equal his own, and at his death apologized for not leaving any more of his worldly goods save his handsomest gold sword presented to him by Tennessee. Can such a guardian be equaled? Thus I have devoted my life to the preservation of his home, and have succeeded in getting a bill passed in the last legislature to perpetuate his noble character and deeds. Rather than a holiday it calls for a "Jackson Day" in all Tennessee schools on January 8.

Sincerely,

BETTIE M. DONELSON.

Andrew Jackson's check and Mrs. Donelson's comment thereon are copied, as follows:

Mr. John Sommerville, Cashier of the Branch Bank of the State of Tennessee at Nashville will please pay to Capt. A. J. Donelson Fifty Dollars in U. States notes & charge the same to his friend

ANDREW JACKSON

JULY 19, 1827.

P. S.—If convenient in a $50 U. S. note. A. J.

Mr. DAVIS. I am inclosing a check for you to present to the Andrew Jackson Lodge. I choose this one because it is made out in its entirety by General Jackson. I gave one recently to the Masonic lodge at St. Louis; they framed it and seemed appreciative of same. Thus hope the Virginia people will, too.

I gave one to John Trotwood Moore and he had it mounted on glass, for a paper weight, and presented it to John W. Davis while a candidate for President of the United States when in Nashville. Tell the lodge members if they are ever in need of funds, can recash the check, i. e., can sell it.

BETTIE M. DONELSON.

RESTORATION OF THE FRIGATE "CONSTITUTION"

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Union Calendar the joint resolution (H. J. Res. 264) making an appropriation to complete the restoration of the frigate *Constitution*, and to consider the same at this time.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, to remain available until June 30, 1931, for completing the repair, equipment, and restoration of the frigate *Constitution*, as authorized by the act approved March 4, 1925 (43 Stat. L. 1278).

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object. What is the nature of the emergency that we should follow this unusual procedure to take $300,000 of the taxpayers' money out of the Federal Treasury?

Mr. FRENCH. If the gentleman will withhold his objection——

Mr. SCHAFER of Wisconsin. I reserve it.

Mr. FRENCH. I think he will be agreeable to the program. The act of Congress of March 4, 1925, provided for the restoration, equipment, and repair of the old frigate, the *Constitution*. It was also provided in the act that the Navy Department might receive public contributions for the work.

Up to this time the Government has received something more than $600,000 to carry forward the work and, apparently, we are at the end practically of our opportunity for public receipts.

The work has been progressing and is practically two-thirds completed. May I say that the work is of a peculiar character, because it is work that is being performed upon an old wooden type of ship, a ship that originally was authorized by the Congress in 1794. In order to assemble the force to carry on this work it was necessary to comb, you might say, the New England States to obtain workmen who are familiar with construction work of this kind. The force has been assembled, it has been carrying forward the work until now the funds collected have been well nigh exhausted. All the members of the committee felt that the balance of the funds should be appropriated by the Federal Government.

More small contributions will be made from now on, and to the extent that they are made they will reduce the amount carried in the appropriation.

If we do not make the appropriation now—if we permit the matter to drag along until it may be carried in the regular appropriation bill, or if we pass this resolution some weeks hence—it will mean expense through the disassembling of the force now gathered together. In the interest of economy the members of the committee are unanimous in the thought that the work ought to go forward at this time.

Mr. OLIVER of Alabama. Mr. Speaker, I think the gentlemen will be interested in this fact: That the Congress did encourage the donation by the act to which the gentleman from Idaho has referred, and that a very large part of the donation came from school children.

Mr. FRENCH. The school children of the country have contributed more than $150,000 in what has been called penny contributions.

Mr. SCHAFER of Wisconsin. Was the work let on a contract and did they not know what the cost would be?

Mr. FRENCH. No; the work is being done in the Government navy yard.

Mr. SCHAFER of Wisconsin. One further question: We have heard the same old swan song raised here by the distinguished gentleman from Alabama about Congress encouraging the collection of these contributions. I believe that if you go back to the debates you will find that Congress was told that if the bill passed there would be no expense to the Treasury. Having railroaded the bill through Congress, telling the Congress there would be no expense to the Federal Treasury, they now refer back to the passage of the act and say that Congress is responsible and should appropriate. I would like to ask whether the Bureau of the Budget has approved this appropriation?

Mr. FRENCH. This matter has not come from the Bureau of the Budget. We are lifting this out of the consideration of many items that the Naval Appropriations Subcommittee is handling because of its emergent character. It is in the interest of economy that we do so.

Mr. SCHAFER of Wisconsin. I believe in economy. However, it would be better economy, if we have $300,000 extra kicking around the Treasury, to appropriate it for the erection of much-needed Federal buildings, such as post offices and additions to the national homes and Veterans' Bureau hospitals.

Mr. UNDERHILL. Will the gentleman yield? These men who have been at work on the *Constitution* have been drawn from every section of the country—from Wisconsin, from Washington, from Oregon, from Maine. For the last two weeks they have been held in Charleston or Boston without pay on a furlough in the hopes that Congress might supplement the efforts of the people of the United States, largely school children, in raising a fund to preserve this great naval relic.

Congress took action, in the first place, on the universal demand from all over the country that the *Constitution*, which will forever live in song and story, as a representation of the valor of American seamanship, which put the American Navy on a plane second to no other nation in the world—that the *Constitution*, about which Oliver Wendell Holmes wrote when it was at one time threatened with destruction:

Tear her tattered ensign down.

And the people of the United States at that time rose up and saved the *Constitution*.

Now she is a relic of the past, she is a naval museum; an effort is made to supplement the voluntary donations of the public by an appropriation of the Nation.

The United States Government is not going to let this old hulk remain as it is.

Mr. SCHAFER of Wisconsin. This might have interested the Governor of Massachusetts, who is a wealthy gentleman.

Mr. UNDERHILL. The duty of the Governor of Massachusetts is no less and no more than the duty of the Governor of Wisconsin or any other State when it comes to a question of great national interest. Are you going to let this vessel remain without a mast, without a spar, without a rope, without a sail? It is a disgrace to the American public, a disgrace to the American Government. Surely the gentleman is not going to let these skilled workmen, some ninety-odd, the only men in the United States and perhaps in the world who are competent to work on this old type of vessel, be dispersed and sent back to their homes? If the gentleman is going to refuse to let this go through by unanimous consent, these men will not remain in the navy yard any longer.

They have to pay their living expenses while there, and they will be compelled to go back to their homes in Wisconsin and Washington and in Oregon and other States.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. CRAMTON. Then, is it not a fact, since we all know that ultimately Congress will do this thing, that the only ones who will be affected by the objection now will be those men who are up there at their own expense, waiting for a resumption of the work.

Mr. UNDERHILL. Those are the only ones.

Mr. FRENCH. More than that, the fund itself will necessarily suffer, whether a public fund or a Government appropriation, through having to reassemble those who can carry forward the work.

Mr. SCHAFER of Wisconsin. Mr. Speaker, this bill should have the approval of the Director of the Budget. There are

many people suffering in this country to-day by reason of the failure of appropriations. Veterans' hospitals have not been completed, and in the National Home for Disabled Volunteer Soldiers, 11 of them scattered throughout the country, many of the men who fought during the Nation's wars, who are sick and disabled, can not receive care because of failure of the building program. Until such time as the Director of the Budget approves this $300,000 expenditure I shall oppose it. I am not going to let the policy of economy enter into consideration, whereby we will be denied appropriations for national military homes, and hospitals for the Veterans' Bureau because of insufficient funds through taking this $300,000 out of the Treasury of the United States.

Mr. UNDERHILL. This is not going to take a dollar from the veterans, it is not going to take a dollar from the hospitals, and in no way, shape, or manner is it going to affect other appropriations.

Mr. SCHAFER of Wisconsin. It certainly will. When the appropriation estimates for new buildings for national homes and hospitals comes before the Director of the Budget he considers the financial condition of the Treasury, and when reductions or deductions are made, they are made due to the balancing of the account, based on the financial condition of the Treasury. The Director of the Budget will ultimately pass on these necessary appropriations for hospital buildings, and so forth. We should also pass on the appropriation of $300,000 contained in this bill.

Mr. UNDERHILL. Is the gentleman going to hold him superior to the Congress of the United States?

Mr. SCHAFER of Wisconsin. Since the Congress under the law has created the Director of the Budget, and since under the law created by Congress the appropriation estimates necessarily go through the Director of the Budget, and since he will have a great deal to say about recommending appropriations for national home and veteran bureau hospital additions, I believe it is only fair that the Congress should ask the Director of the Budget for his opinion about this $300,000 appropriation.

Mr. UNDERHILL. If he has made one error, if he has been unfair about some things, does the gentleman wish to take a similar position on this matter.

Mr. SCHAFER of Wisconsin. I am not talking about his being unfair, but a matter of policy, and there is no reason why the Committee on Appropriations should not have asked the Director of the Budget whether he approves this legislation which the gentleman from Idaho is asking to take up out of order under unanimous consent. I appreciate that there may be a great deal of merit in the proposition, but I believe a day or so will not interfere, and if the Director of the Budget within the next day or so approves of this appropriation, I shall not interpose an objection. Until the matter has been presented to him I shall object, and I do object.

The SPEAKER. Objection is heard.

MRS. MERCEDES MARTINEZ VIUDA DE SANCHEZ (H. DOC. NO. 320)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report regarding the request of Mrs. Mercedes Martinez Viuda de Sanchez, widow of Emeterio Sanchez, for an award which will enable her to be provided with the necessities of life.

I recommend in accordance with the suggestion of the Acting Secretary of State that the Congress, as an act of grace and without reference to the legal liability of the United States in the matter, authorize an appropriation for $500, to be paid to Mrs. Sanchez as a recognition of the meritorious services rendered by her deceased husband in rescuing certain American seamen, and to relieve to a certain extent her present financial condition.

HERBERT HOOVER.

THE WHITE HOUSE, *March 19, 1930.*

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. CHASE, at the request of Mr. KURTZ, indefinitely, on account of illness in his family.

GANGSTERS

Mr. BLACK. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker and gentlemen of the House, the press of the country within the last few days has been filled with stories concerning the whereabouts of a notorious gangster and criminal. Some people are prone to idealize this convict. What does it signify that so much space is taken up in the public press about a low character. It tends to point out the national significance and proportion of the gangster problem, and should make the Congress pause to think what we should do to help put down the organized criminal element. It is time society joined forces to break down the merged forces of the underworld. It is time we tried to do something to exterminate these cattle. I suggest that it would be wise for the Attorney General to invite to a conference in the city of Washington the enforcement officers of the large cities, State, and county, together with the Federal supervising agents and district attorneys from the large cities, so that they can form a cooperative movement to break up the gangs that are threatening the peace and security of this country.

They can arrive at a clearing house of information. For instance, the Department of Justice might have some information concerning a group of gangsters, and the district attorney of my city might have further information concerning them, and the district attorney of Chicago might have more information. The complete information might work out as a mosaic charge as a means of enforcing the criminal laws of one jurisdiction. The gangster resorts to all kinds of inhuman acts in order to terrorize the people. He commits arson, he commits robbery, he commits murder.

These people should not be held up as being anything romantic. The leaders of these gangs are nothing but cowardly arch criminals. They employ assassins and outlaws to execute their plans. There should be some means of effecting the extermination of these people. These gang leaders are responsible for the murders committed here and elsewhere. They do not seem to fear such a thing as capital punishment. It is time for a parade of these murder mobs to the electric chairs. There should be an end to this lawlessness and anarchy in the various cities of the country. I do not think that there is any law-enforcement officer who alone could take up the challenge of these lawless gangs. The way to do it is to build up a structure of cooperation between the faithful law officers throughout the country, so that these people can be done away with and no longer terrorize decent people and the Government of the United States. It is a serious problem, particularly in our big cities, and we need unified cooperation to solve it. [Applause.]

HYDRAULIC LABORATORY

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to speak for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. At the conclusion of my remarks I will ask unanimous consent to extend my remarks on the bill I have introduced and which was reported by the Committee on Rivers and Harbors, the purpose of which is to establish a hydraulic laboratory in the Bureau of Standards. I wish every Member would read the extension which I will put in the RECORD in regard to this great hydraulic laboratory project. In that extension I have endeavored to convey to my fellow Members a wealth of information which was supplied by the civil engineers of the United States at the hearing before the Committee on Rivers and Harbors. I hope that some method will be adopted to bring this bill before the House on account of its importance. The President of the United States, then Secretary of Commerce, indorsed unqualifiedly and enthusiastically a similar bill considered during the Seventieth Congress by the Committee on Rivers and Harbors, and I understand from the chairman of that committee that, as President, Mr. Hoover has not changed his viewpoint in regard to the blessings that will flow from this bill if enacted into law.

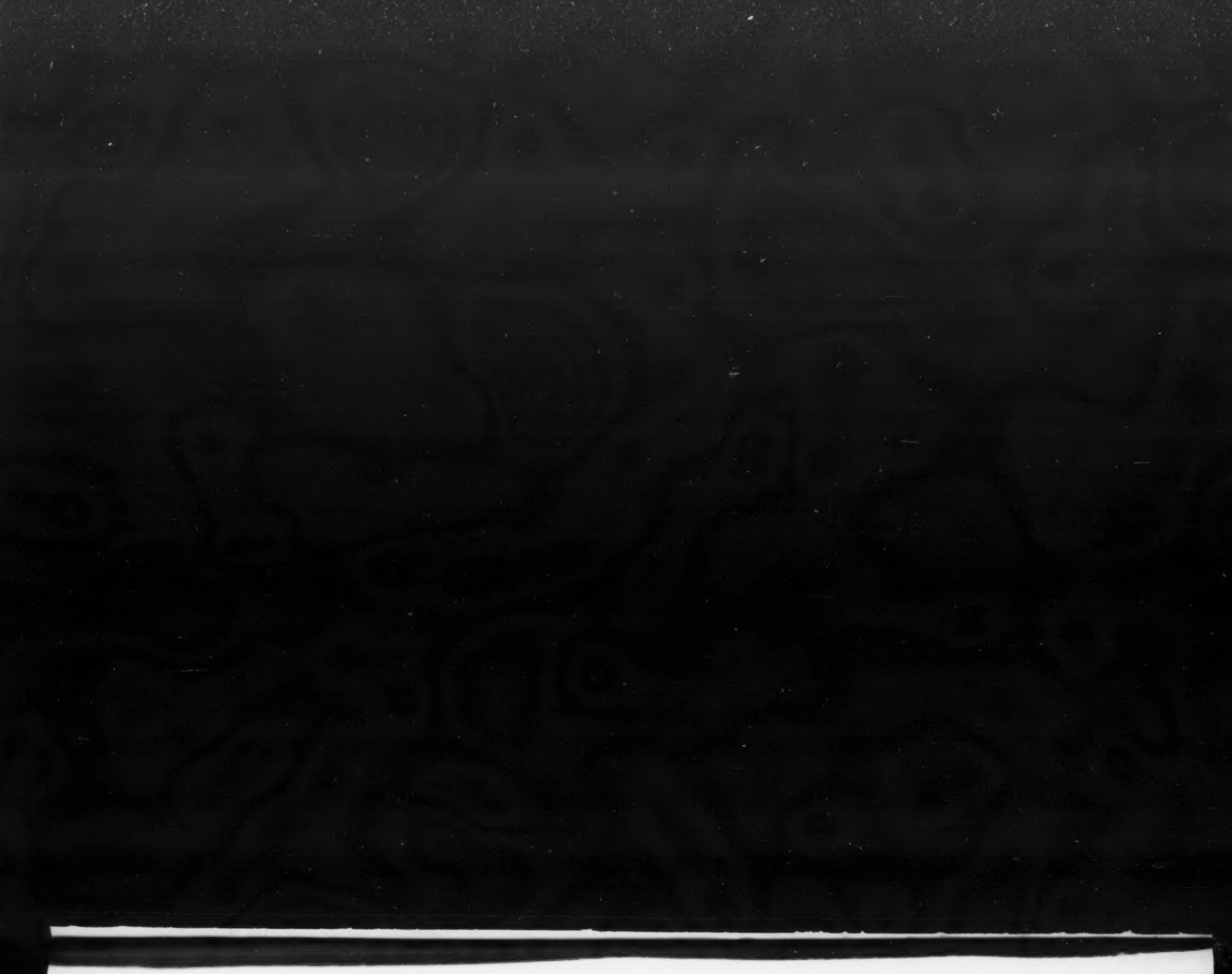
Mr. Speaker, I ask unanimous consent to extend my remarks as indicated.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the Committee on Rivers and Harbors hearings on the bill to create a hydraulic laboratory in the Bureau of Standards and the Senate committee hearings on the same subject should be made a single public document and sent to every library, high school, college, and university in the United States. Those hearings contain a wealth of information in regard to hydraulics that ought to be made available to the engineering profession and to students in our higher educational institutions. Most of that information has never appeared before in print.

The House committee in its endeavor to investigate the proposition from every imaginable slant and angle were carried into





hitherto unknown seas. Explorations were made that will be of the greatest value to students of hydraulics and add immeasurably to the knowledge of a subject which ranges over such a vast field. No bill in recent years has aroused such intense interest among the members of any profession as the proposed hydraulic laboratory in the Bureau of Standards has created in the membership of the engineering councils, associations, and societies of this country. The American Engineering Council, the membership of which is made up of 24 engineering and allied technical professions of the United States, numbering 43,000 engineers, have unqualifiedly indorsed the bill.

Representatives from that council in conjunction with eminent engineers from many parts of the United States have appeared before the Committee on Rivers and Harbors and have submitted testimony showing the desirability and need for establishing a national hydraulic laboratory under the Bureau of Standards. They hold that a national hydraulic research laboratory is needed not only for the purpose of conducting experiments for river and harbor projects but also for the purpose of conducting scientific hydraulic experiments for any citizen who submits a plausible problem and is willing to pay for the work involved in conducting the experiments. They further hold that such a laboratory is needed for the purpose of aiding in the solution of hydraulic problems of such Federal agencies as the Geological Survey, Federal Power Commission, Reclamation Service, and others.

The council maintain that the hydraulic laboratory should be under the direction and control of the Bureau of Standards, because through the years it has developed a scientific attitude and technique for the handling of such problems that may be undertaken in such laboratories; and has on its staff men trained in the several sciences, knowledge of which would be required of the staff of such a laboratory if it is to function with efficiency and effectiveness. They do not desire to take from the Corps of Engineers any authority to conduct whatever researches it may deem necessary in prosecuting its work of flood control.

Nor do I wish in any way to dim the glory or blur the prestige of the Army Engineers, whose great services to the Nation reflect magnificently the discipline, courage, loyalty, patriotism, intellectuality, and training imparted and developed by the Military Academy at West Point, which sent them out into the world to overcome obstacles and to conquer the forces of nature in order that civilization might blaze along the way that destiny evidently marked for it. No one has a greater esteem, affection, and loyalty to Annapolis and West Point than myself. Our country could not separate itself from the history of those two great institutions without dimming its own glory. May they last and go out only when the Republic itself expires, which we all hope is in the never to be. If they are jealous of their accomplishments, their privileges, and the trust confined to them, we should be proud of them for that attitude. A man who is careless of his rights can not be expected to protect the rights of others. While those who jealously guard what they deem to be a sacred trust can be depended upon to fight upon land and sea for the maintenance of the Republic from which flow our rights and privileges and to which we all owe the solemn duty of so living our lives that the Nation will be stronger and farther along the road of a mighty civilization on the day we go westward forever than on the day through the miracle of birth we became a part of our country's life.

But I can not blind my eyes to the fact that a national hydraulic laboratory such as is planned by H. R. 8299 will prove a great auxiliary to the force of Army engineers in solving the as yet unconquered difficulties and problems involved in flood control and related hydraulic subjects. The hydraulic laboratory would not be an antagonistic or hostile body but a friendly agency whose findings would be persuasive and not arbitrarily binding upon the Army engineers. The reports of the Army engineers show that that great body of men have written into the history of our country some of its most brilliant chapters; not flamboyantly but with the steady courage of men whose education at our great Military Academy has fitted them to fight and do noble things in every field to which they may be assigned. But with all the deference that we may show to men whose careers we admire and whose exploits we proudly acknowledge, we can not but see that there are many new things that may come into the life of the world through the aid and assistance of the civil engineers that will "broaden the vision and make golden the hearthstone where we with loved ones dwell." We can not ignore the fact that the engineering profession as a whole is largely responsible for the civilization which we enjoy, though many of its victims, for it has its victims, in accordance with the law of compensation, assert that it will not be an unmixed blessing until its benefits are more wisely distributed so that those who are doomed to play the part of hewers of wood and drawers of water may become in some measure its beneficiaries and enjoy its opulence in a small way with those who by birth and fortune are in control of the great movement.

Mr. Speaker, I repeat, a wealth of information has been brought to light and may be discovered by reading these hearings on H. R. 8299 held by the Committee on Rivers and Harbors during the Seventieth Congress. We have acquired more information than we originally sought and are perhaps building more wisely than we know. Those who went in search of the Golden Fleece brought back something more valuable than the mythical raiment. They brought back knowledge as a result of their romantic journey. Even the obvious becomes tinted with an appealing color when brought to light into such a trip as the committee has made in search of truth.

Transportation, the foundation of the world order, takes on a new interest when we trace our highways, over which move millions of automobiles, and our railways, that carry such a stupendous commerce, to the path through the wilderness made by animals in quest of water with which to slake their thirst. The Brooklyn Bridge is seen in a new perspective when we see its genesis in the tree trunk thrown across the stream as a dam. The wonder grows as we see the dug and hollowed tree developing by the magical touch of the engineering wand into the leviathan that races through the storm and the night across the broad expanse of the Atlantic or the Pacific. From Franklin's kite and key have evolved the electrical titanic that light and rule the world to-day. The fabulous stories of the Arabian Nights pale into insignificance when contrasted with the actual accomplishments and intellectual triumphs of the great engineers of the world. Let us have the hydraulic laboratory. It will be the scientific university of the United States and will radiate that knowledge and wisdom which will enlighten the world. And God said: "Let there be light and there was light," should be our inspiration. The future beckons to us to establish this beacon. Build the laboratory; unshackle knowledge; untie the hands of inquiry. Give wisdom winged feet so that the glories of the coming day may be hastened.

The virtue, the wisdom, the necessity of proposed legislation may be seen frequently from the high character of its indorsement. Read them. I am sure they will impress upon the Congress and our countrymen the importance of this proposed measure, whose far-reaching consequences no man can fathom, as its ramifications may lead to the knowledge as yet locked securely in the undiscovered caverns and bowels of the earth, and carry us to those heights which will give us a clearer view of that celestial splendor which the lighthouses of astronomy of to-day but obscurely and darkly disclose.

I hope that the following remarks will be read from Maine to California, as they convey of themselves the basis of a liberal education. "Ye shall know the truth and the truth will make you free." I can make this statement, vain as it might imply I am, with great modesty, for I am but singing a song and telling a story imparted to me by those who appeared before the committee, notable among them being B. R. Van Leer, assistant secretary of the American Engineering Council. Ye who have a curiosity to know how man conquers the forces of nature and makes them render him service such as will be given to a great part of the golden West by the construction of Boulder Dam, read and you will see that man has indeed put all things under his feet.

Hydraulics, although one of the most ancient of the branches of engineering, is not an exact science. The correct solution of every hydraulic problem is dependent upon the correct use of coefficients which have been obtained through experimentation, and most of these experiments have been performed in hydraulic laboratories. The vast bulk of our experimental knowledge of hydraulics has been supplied by hydraulic laboratories which were a part of some educational institution, although in recent years corporations manufacturing hydraulic machinery have found it necessary to build hydraulic laboratories for their own particular needs. The 63 institutions which attempt in some way or other to carry on hydraulic laboratory experimentation in the United States are as follows:

Allis-Chalmers Co., Milwaukee, Wis.
Armour Institute of Technology, Chicago, Ill.
Associated Factory Mutual Fire Insurance Co.'s, Boston, Mass.
Brooklyn Polytechnic Institute, Brooklyn, N. Y.
Brown University, Providence, R. I.
Bureau of Standards, Washington, D. C.
California Institute of Technology, Pasadena, Calif.
California, University of, Berkeley, Calif.
Carnegie Institute of Technology, Pittsburgh, Pa.
Case School of Applied Science, Cleveland, Ohio.

Cochrane Meter Testing Laboratory, Philadelphia, Pa.
Colorado College, Colorado Springs, Colo.
Colorado Experiment Station, Fort Collins, Colo.
Columbia University, New York City.
Cornell University (Sibley College of Mechanical Engineering), Ithaca, N. Y.
Cramp, William & Sons, Ship & Engine Building Co. See I. P. Morris Hydraulic Laboratory.
Dartmouth College (Thayer School of Engineering), Hanover, N. H.
Harrison Safety Boiler Works. See Cochrane Meter Testing Laboratory.
Harvard Engineering School, Cambridge, Mass.
Holyoke Water Power Co., Holyoke, Mass.
Horton Hydrological Laboratory, Voorheesville, N. Y.
Illinois, University of, Urbana, Ill.
Iowa State University, Iowa City, Iowa.
Johns Hopkins University, Baltimore, Md.
Lafayette College, Easton, Pa.
Lehigh University, Bethlehem, Pa.
Leland Stanford University, Stanford University, Calif.
Lowell Locks & Canals, Lowell, Mass.
Mason Laboratory. See Yale University.
Massachusetts Institute of Technology, Cambridge, Mass.
Michigan, University of, Ann Arbor, Mich.
Midwest Engine Co., Anderson, Ind.
Minnesota, University of, Minneapolis, Minn.
Morris, I. P., Hydraulic Laboratory, Philadelphia, Pa.
National Board of Fire Underwriters, Chicago, Ill.
Naval Academy. See United States Naval Academy.
North Carolina, University of, Chapel Hill, N. C.
Ohio State University, Columbus, Ohio.
Pennsylvania State College, State College, Pa.
Pennsylvania, University of, Philadelphia, Pa.
Pittsburgh, University of, Hydraulic Laboratory, Pittsburgh, Pa.
Polytechnic Institute of Brooklyn. See Brooklyn Polytechnic Institute.
Princeton University, Princeton, N. J.
Proprietors of the locks and canals on Merrimac River, Lowell, Mass. See Lowell Locks and Canals.
Purdue University, Lafayette, Ind.
Rensselaer Polytechnic Institute, Troy, N. Y.
Rochester, University of, Rochester, N. Y.
Rose Polytechnic Institute, Terre Haute, Ind.
Sheffield Scientific School. See Yale University.
Sibley College. See Cornell University.
Smith, S. Morgan Co., York, Pa.
Stanford University. See Leland Stanford University.
Stevens Institute of Technology, Hoboken, N. J.
Syracuse University, Syracuse, N. Y.
Texas, University of, Austin, Tex.
Thayer School of Engineering. See Dartmouth College.
Throop College of Technology. See California Institute of Technology.
United States Naval Academy, Annapolis, Md.
Washington University, St. Louis, Mo.
Winchester Hall. See Yale University.
Wisconsin, University of, Madison, Wis.
Worcester Polytechnic Institute, Worcester, Mass.
Yale University, New Haven, Conn.

Many of these have performed notable work and some are in the forefront of scientific advances along hydraulic lines.

As an outstanding example of the present work carried on by these laboratories the work of the laboratory at the State University of Iowa for 1929 may be cited. Report of this work was prepared by Mr. Floyd A. Nagler, professor of hydraulic engineering. It is as follows:

This past year (1929) has witnessed the completion of the new river laboratory of the University of Iowa, and the demand for its facilities has been so great that the projects which have been under investigation in the laboratory during the past year seem worthy of mention. Throughout the year it has been necessary to carefully schedule all experimental projects in order to avoid interference, and on some days the laboratory has been operated continuously for 24 hours when graduate students and others have been forced to perform their investigations during night hours because of lack of space and water during the daytime.

(1) The laboratory opened in April, 1929, with the United States Bureau of Public Roads continuing investigations started during the previous year on the flow of water around bridge piers of various shapes. This work was conducted in the large testing canal, using as much as 200 cubic feet per second of water in the 10-foot canal. The water was made to flow around piers of various shapes, which were larger than any used by previous investigators. These could be lowered or raised out of the water at will in measuring the backwater effect.

(2) A study of the effect of cut-off channels across bends in the Des Moines River at Ottumwa was undertaken in the river model flume upon its completion in March. This investigation was conducted for the city of Ottumwa by the Bureau of Public Roads in cooperation with the State University of Iowa. A model of a section of the river approximately 10 miles long was constructed to a scale of 1 foot=800 feet, and the beneficial effects which were produced by straightening the river channel were accurately measured at various points along the stream.

(3) The next investigation to come into the laboratory was undertaken by the Management and Engineering Corporation of Chicago in order to determine remedial measures needed for the protection of the power dam on the Upper Iowa River at Decorah. Serious erosion had taken place below the dam during the 1929 spring flood, and in the past a great amount of money had been expended in the maintenance of the structure. A model of this dam on a scale of 1 foot equals 25 feet was constructed on the second floor of the laboratory. The experiments determined the type of abutment and toe which would eliminate the present difficulty, and the construction recommended was started during the fall of 1929, immediately following the investigation.

(4) In August a problem was brought to the laboratory by Robert E. Horton, consulting engineer of Albany, N. Y., from a power development in Richmond, Va. This involved the accurate calibration of head gates, duplicating those which had been installed in former years at an old mill, in order to determine the amount of present water rights. The amount of water used by these gates involved the determination of orifice coefficients under rather unusual conditions on a full-scale model of the gates which was installed in the river canal.

(5) In August the Management and Engineering Corporation of Chicago brought another problem to the laboratory involving the design of a dam which is now under construction at Lebanon, Mo., on the Niangua River. In a model flume made of glass a type of stepped apron was developed which appeared to effectively prevent damaging erosion below the dam. The model was built to a scale of 1 foot equals 25 feet.

(6) The question of the amount of flood water which flowed over single and double track railway embankments was brought to the laboratory by the United States Bureau of Public Roads from Texas. A full scale model of a single and double track railway with embankments was constructed across the 10-foot canal and discharge coefficients determined for various conditions and depths of flow.

(7) In September, a problem involving the solution of a flood-control situation at Milan, Ill., was solved in the laboratory for the United States District Engineer, Rock Island, Ill. A model of the critical location along Mill Creek, the Illinois-Mississippi River Canal, and Rock River was constructed to a scale of 1 foot=80 feet. The inadequacy of certain structures was determined, and a type of flood-relief spillway was developed which allowed the waters of Mill Creek to pass through the Illinois and Mississippi River Canal into the Rock River with the minimum deposition of sediment in the canal.

(8) In September, the Management and Engineering Corporation of Chicago undertook another investigation on a laboratory model of their power plant on the Kickapoo River at Gays Mills, Wis., in order to determine measures that might be undertaken to prevent the continual silting of the river bed upstream from the power-house intake during periods of high water. The first model was constructed on a scale of 1 foot=40 feet.

(9) The last problem to be undertaken in the large river canal was the determination of the obstruction of pile trestle bents to the flow of water. This investigation was conducted in cooperation with the United States Bureau of Public Roads on full and reduced scale models of standard bridge trestles. This problem arose in connection with the construction of a Texas flood way.

(10) In November the St. Paul office of the United States Engineer Department began investigations on the hydraulic characteristics of the $3,000,000 navigation dam now under construction on the Mississippi River at Hastings, Minn. A model of the entire dam to a scale of 1 foot equals 100 feet was constructed in the river model flume, and other larger models of special sections of the dam were investigated in the glass model flume. This investigation resulted in the development of a superior type of stilling bay and making certain modifications in the apron of the dam already under construction.

Aside from the above projects, graduate students were also engaged in the study of more academic problems involving the pressure and velocity distribution at conduit outlets, the velocity and pressure adjustments at sudden expansions in conduits, and the mixing of streams of different velocities. The laboratory also had under its supervision for the fifth consecutive year the detailed hydrologic investigation of the rainfall and run-off characteristics of a small watershed of 3 square miles at Iowa City.

Work along these lines has also been engaged in extensively in foreign countries and a complete description of the laboratories and their contributions to experimental research will be found in the book edited by John R. Freeman, published by the American Society of Mechanical Engineers (1929), entitled "Hydraulic Laboratory Practice." (Each member of the Rivers and Harbors Committee was given a copy of this book.)

The modern problems which the hydraulic engineer has been called upon to solve require more accurate information than is now available. Even in the case of a simple phenomena of friction flow in hydraulic pipes some 10 or 12 different formulæ with different coefficients are found in current use.

A complete treatise and description of these formulæ is found in the 1929 edition of King's Handbook on Hydraulics, McGraw-Hill Publishing Co. There is considerable discrepancy in computing the head loss due to friction in pipes from these formulæ, and this discrepancy can not be attributed to carelessness and incompetency on the part of the men who have obtained the experimental data upon which the formulæ were based. Therefore there is great need for additional knowledge, even upon this old, comparatively simple problem.

Many of the hydraulic laboratories mentioned above are and will continue to make available contributions to experimental research in hydraulics. However, the development has reached such a state that the cost of equipment and the actual work of carrying on the experiments are of such a nature that the institutions have not funds with which to conduct the more expensive work. The leading hydraulic engineers and those in charge of the hydraulic laboratories have indorsed the need of a national hydraulic laboratory. This is borne out by the following list of distinguished engineers who have indorsed the proposal for a national hydraulic research laboratory:

L. P. Alford, vice president Ronald Press Co., New York City.

L. E. Ayres, hydraulic and electrical engineer (Ayres, Lewis, Norris & May), Ann Arbor, Mich.

J. B. Babcock, professor railway engineering, Massachusetts Institute of Technology, Cambridge.

Morris Bien, former assistant director, United States Reclamation Service, Washington, D. C.

C. E. Billin, secretary Engineers' Club of Philadelphia, Pa.

B. L. Brown, consulting engineer, Merchants' Laclede Building, St. Louis, Mo.

George K. Burgess, Director Bureau of Standards, Washington, D. C.

G. C. Dillman, deputy commissioner chief engineer State highway, department, Lansing, Mich.

A. B. Domonoske, head School of Mechanical Engineering, Stanford University, California.

Gano Dunn, president J. G. White Engineering Corporation, New York City.

H. F. Dunham, civil and hydraulic engineer, 32 West Fortieth Street, New York City.

W. F. Durand, professor emeritus, M. E., Stanford University, California.

Hubert Engels, professor of hydraulic engineering, Technische Hochschule, Dresden, Germany.

A. D. Flinn, secretary Engineering Foundation, 29 West Thirty-ninth Street, New York City.

John R. Freeman, consulting engineer and president Manufacturers' Mutual Fire Insurance Co., Providence, R. I.

J. D. Galloway, consulting engineer First National Bank Building, San Francisco, Calif.

B. F. Groat, consulting engineer, 137 Audubon Road, Boston, Mass.

N. C. Grover, chief hydraulic engineer, United States Geological Survey, Washington, D. C.

C. E. Grunsky, consulting engineer (C. E. Grunsky Co.), 57 Post Street, San Francisco, Calif.

J. L. Hamilton, chief engineer Century Electric Co., 1806 Pine Street, St. Louis, Mo.

J. L. Harrington, consulting engineer (Harrington & Cortelyou), 1004 Baltimore Avenue, Kansas City, Mo.

Hon. Herbert Hoover.

H. E. Howe, editor, Industrial and Engineering Chemistry, Washington, D. C.

E. C. Hutchinson, editor, Power, Tenth Avenue at Thirty-sixth, New York City.

R. D. Johnson, hydraulic engineer, 67 Wall Street, New York City.

D. S. Kimball, dean College of Engineering, Cornell University, Ithaca, N. Y.

R. A. Kingsland, former president, Engineers Club of San Francisco, Calif.

W. H. Kirkbride, engineer, M. of W., S. P. Co., 65 Market Street, San Francisco, Calif.

Morris Knowles, president and chief engineer Morris Knowles (Inc.), Westinghouse Building, Pittsburgh, Pa.

O. H. Koch, consulting engineer. (Koch & Fowler), Central Bank Building, Dallas, Tex.

Walter G. Lineberger, former member Rivers and Harbors Committee, House of Representatives.

F. H. Low, McGraw Hill Publishing Co., Chicago, Ill.

W. T. Lyle, professor, civil engineering, Washington and Lee University, Lexington, Va.

F. E. Matthes, geologist, United States Geological Survey, Washington, D. C.

Elwood Mead, Director United States Bureau of Reclamation, Washington, D. C.

Thaddeus Merriman, chief engineer Board of Water Supply, city of New York.

John Millis, colonel, United States Army, 3250 Euclid Avenue, Cleveland, Ohio.

L. F. Moody, construction engineer, Cramp Morris Industrials (Inc.), Philadelphia, Pa.

Arthur E. Morgan, president Antioch College, Yellow Springs, Ohio.

H. B. Muckleston, construction engineer, 901 Rogers Building, Vancouver, British Columbia, Canada.

A. W. Newton, chief engineer Chicago, Burlington & Quincy Railroad Co., 547 West Jackson Boulevard, Chicago, Ill.

M. P. O'Brien, assistant professor, mechanical engineering, University of California, Berkeley, Calif.

Farley Osgood, consulting engineer, 31 Nassau Street, New York City.

M. M. O'Shaughnessy, city engineer, San Francisco, Calif.

Charles J. Peck, former president, Detroit Engineering Society, Michigan.

W. B. Powell, treasurer Consolidated Packaging Machinery Corporation, 1400 Western Avenue, Buffalo, N. Y.

G. W. Pracy, superintendent Spring Valley Water Co., San Francisco, Calif.

Hon. JOSEPH E. RANSDELL, Louisiana.

Calvin W. Rice, secretary American Society of Mechanical Engineers, 29 West Thirty-ninth Street, New York City.

A. T. Safford, engineer, Proprietors of Locks and Canals; construction hydraulic engineer, Lowell, Mass.

Thorndike Saville, professor of hydraulics and sanitary engineering, University of North Carolina; chief hydraulic engineer North Carolina department of conservation and development, Chapel Hill, N. C.

G. T. Seabury, secretary American Society of Civil Engineers, 33 West Thirty-ninth Street, New York City.

F. C. Shenehon, construction engineer, Metropolitan Bank Building, Minneapolis, Minn.

L. K. Sherman, president Randolph-Perkins Co., 33 South Clark Street, Chicago, Ill.

S. W. Stratton, president Massachusetts Institute of Technology, Cambridge.

F. H. Stephenson, engineer, water system, department of water supply, Detroit, Mich.

Francis Lee Stuart, consulting engineer, 949 Broadway, New York City.

T. U. Taylor, dean of engineering, University of Texas, Austin.

Max Toltz, consulting engineer, Builders Exchange Building, St. Paul, Minn.

Calvert, Townley, assistant to president, Westinghouse Electric & Manufacturing Co., New York City.

K. T. Treschow, secretary Engineers' Society of Western Pennsylvania, Pittsburgh, Pa.

L. W. Wallace, executive secretary, American Engineering Council, Washington, D. C.

G. S. Williams, consulting engineer, Cornwell Building, Ann Arbor, Mich.

James R. Withrow, head of department of chemical engineering, Ohio State University, Columbus.

Dennistoun Wood, engineering tests, Southern Pacific Railroad Co., San Francisco, Calif.

The organized elements of the engineering profession are supporting the movement to secure a national hydraulic research laboratory. This is borne out by the indorsement of the project by the following engineering societies:

American Engineering Council; American Institute of Chemical Engineers; American Institute of Consulting Engineers; American Institute of Electrical Engineers; American Society of Agricultural Engineers; American Society of Civil Engineers; American Society of Mechanical Engineers; Detroit Engineering Society; Duluth Engineers' Club; Engineers and Architects Club of Louisville; Engineering Society of New York; Engineers' Club of Cincinnati; Engineers' Club of Columbus; Engineers' Club of Philadelphia; Engineers' Club of St. Louis; Engineers' Club of San Francisco; Engineers' Society of Milwaukee; Engineers' Society of St. Paul; Grand Rapids Engineers' Club; Indiana Engineering Society; Iowa Engineering Society; Kansas Engineering Society; Little Rock Engineers' Club; Michigan Engineering Society; Mohawk Valley Engineers' Club; New Orleans Chapter, American Association of Engineers; Society of Industrial Engineers; Technical Club of Dallas; Topeka Engineers' Club; Vermont Society of Engineers; Washington Society of Engineers; Western Society of Engineers.

Many of the university hydraulic laboratories were established and are operated primarily for the purpose of giving instruction, and research is only a minor and secondary consideration. Practically all of them are so crowded with work that there is little time available for research.

The hydraulic problems of to-day entail the expenditure of large sums of money even when they are performed with models and there is practically no hope for financial remuneration for these experiments because they apply to projects under the control of National, State, or municipal governments. There is not the spur of private gain that comes from carrying on research and making discoveries as in the case of other lines of endeavor. There are four national governmental agencies which are greatly concerned with hydraulic problems. These are the War Department, through its Corps of Engineers; Interior Department, through the Bureau of Reclamation and water branch of the United States Geological Survey; Department of Agriculture, through its engineering branch, Bureau of Public Roads; and the Department of Commerce, through the Bureau of Standards. All of these departments have testified through their representatives of the need of a national hydraulic research laboratory. One of the most recent statements of the need for a national hydraulic laboratory is that prepared by Mr. R. F. Watter, chief engineer, who will have charge of the construction of the Boulder Canyon Dam project. His statement is as follows:

The Bureau of Reclamation respectfully urges the passage of the bill providing for the construction of a national hydraulic laboratory in the Bureau of Standards at Washington, because of the great value the work done at the laboratory would be to the Government in reducing the cost of the works constructed by the Bureau of Reclamation and by other organizations of the Federal Government as well as because of its great economic value to other interests.

The Bureau of Reclamation has charge of the construction of most of the irrigation work carried on by the Federal Government. Up to June 30, 1929, it had constructed over 16,000 miles of irrigation ditches and drains, nearly 100 dams, reservoirs having a capacity of nearly 13,000,000 acre-feet, many miles of tunnels and pipe lines, 35 electric power plants, and nearly 150,000 canal structures. In securing the most efficient design of these works the bureau has been handicapped by the lack of an adequate laboratory.

The design of hydraulic structures until recent years has been almost entirely a matter of trial and error. New structures have been largely copies of successful ones already built, with perhaps a few new features. If the new features were successful they were copied in succeeding structures; if not, they were taken out and a new trial made. This is a very expensive method of design, but nevertheless, progress has been made. The application of the hydraulic laboratory to the solution of design problems during recent years has greatly accelerated the evolution of hydraulic structures and reduced the number of expensive mistakes. Hydraulic science has been almost entirely built on experimental evidence. The observation of the actual physical phenomena has preceded the development of the laws controlling them. For many years hydraulic science was confined to the development of the elementary principles of hydraulics, and laboratories were used to determine the coefficients for the fundamental laws.

Many of the problems of hydraulics, however, are so complicated that they can not be solved by simple applications of elementary laws. It gradually came to be realized that experiments on small models would give results comparable with those on full-sized structures, and in recent years this has developed into a wonderful tool for the use of the engineer. No longer must the engineer slavishly follow the precedents of past structures, making only minor changes in order to avoid the risk of a serious failure. In the laboratory he can try out his ideas and know that they will work before the expensive work of construction is undertaken. As a result of this method of analysis great strides are being made in the hydraulic engineering field comparable with the remarkable development made in the field of the radio and airplane, as the result of the application of similar research methods.

The Bureau of Reclamation has many problems on which it would like to make tests by hydraulic laboratory methods. For some of these no hydraulic laboratory in the country is suitable; but a properly equipped laboratory in Washington, such as that proposed, would be ideal for the purpose. The great dam on the Colorado River popularly known as the Boulder Dam, will be designed and constructed by this bureau. It will be the highest dam in the world, and its design involves many problems, which will require careful investigation, as there are no other similar structures to be guided by. One of the features which will require extensive hydraulic laboratory studies is the spillway. It is expected that this will be of what is known as the shaft type. These spillways are like large funnels with long discharge tubes, the water spilling from the reservoir over the rim of the funnel falling down into the tubes. The rim of the funnels will probably be about 150 feet in diameter and the shaft, or tubes, 50 feet in diameter. In these tubes the water will fall about 525 feet, and the energy which will have to be absorbed in case they are ever used to their capacity will be about seven times the total power in the falls at Niagara.

The serious consequences of a mistake in handling this water will be readily appreciated. Every effort must be made to solve the problem correctly. An hydraulic laboratory is the only means of obtaining a reliable solution and therefore an hydraulic laboratory study must be made. Since the laboratory at the Bureau of Standards has not been approved, and no other suitable laboratory exists, it will be necessary for the Bureau of Reclamation to construct a temporary laboratory large enough to work out this and the many other complicated hydraulic problems involved in the design of the immense Boulder Dam. When the experiments for this one project are finished, so large and complete a laboratory will not be needed for the sole use of the Bureau of Reclamation. Moreover, for this special work, the bureau will have to select from its personnel such men as it can spare for the work at a time when there is more than enough for every man to do in the preparation of plans for the gigantic task of building the great dam and canal, and hire such additional help as can be secured on a short-time engagement. If the laboratory in the Bureau of Standards were in existence, this work could be done there, in a building that was already fully equipped and staffed with a complete quota of highly skilled laboratory men. In connection with the Boulder Dam project there are a number of other hydraulic laboratory studies which must be made in order to insure safety. Among these are a study of the effect on the water levels at the power house of the high velocity flow from the spillway tunnels and of the discharge from the gates which deliver the surplus water from the grent reservoir. Another problem on which laboratory studies would aid is the design of the intake dam for the All-American Canal to prevent the floods flowing over it from scouring the bottom below and endangering the structure.

There are many other hydraulic studies which the Bureau of Reclamation would like to undertake but which have so far been prevented by lack of funds. Among these are the following:

A determination of the rating curve and necessary losses on a control section weir for measuring the flow in irrigation canals.

A study of the losses and disturbances caused by curves in both open and closed channels of various designs.

A study of the losses due to bridge piers and abutments, check bents and abutments, and headworks, piers, and abutments.

Establishing the rating curve and determining the necessary loss through outflow control gates of different types.

Determining the flow of water over dams, including the shape of the nappe and the effect of the velocity of approach.

A study of the flow in spillway channels parallel to the crest, including a determination of the surface curve, the air content, and the area necessary for letting the air under the nappe.

A study of chutes to determine the effect of the angle of entrance to the basin, the effect of basin length, and of baffles.

An investigation of the hydraulic jump, to determine the conditions under which it will take place and the most feasible methods of controlling its occurence.

The determination of nonsilting and nonscouring velocities in irrigation canals.

The determination of the effect of turbidity and silt content on friction losses in conduits.

The determination of the hydraulic principles involved in the design of siphon spillways.

A study of disturbances below transitions or other structures and determination of methods of controlling such disturbances.

A study of problems of entrained air in closed conduits.

Another benefit which the Bureau of Reclamation hopes to receive from the establishment of the proposed laboratory is the availability of the results of experiments carried on for other parties. Under present conditions the results of much of the experimental hydraulic work that is carried on is never published, not because of any desire to keep the results secret but because the experiments have served their purpose and the sponsors would derive no benefit from the publication of the results which would justify the necessary expenditure. The results of such investigations become available to the bureau only if the engineers in charge of the work undertake on their own time to prepare an article describing them for some engineering society. Many experiments which would be valuable to the bureau are no doubt performed of which it never hears. If only a part of these experiments were performed by the Bureau of Standards, the results would be available for the use of our organization and material reductions would be made possible in the cost of Government works.

A number of arguments have been advanced against the proposed laboratory; none of these seems to have any justification in fact. Most of them result from an entirely erroneous idea of the function and methods of a hydraulic laboratory. Some seem to think that a model of a whole river or irrigation system would be built, and when water was turned on all the problems of the system could be solved. This is not the case. A laboratory is used to solve a particular problem at a particular locality. It has a particular function, and if used outside of that field it will not give successful results, but within that field it is indispensable; nothing else can take its place. No laboratory could solve all the problems of a river improvement or an irrigation system, but it could solve many of the problems of both; and because it will not solve them all is not a justification of not using it on those problems which it will solve.

The argument has been advanced that the laboratory should be near to the work under construction. This argument is in direct conflict with the experience of this bureau. Take, for example, the proposed experimental work for the design of the Boulder Dam. This work will have to be undertaken in the near future, possibly before there is even a railroad to the dam site. It is obvious that no one would install a laboratory in a remote, inaccessible desert district, such as that surrounding the Boulder Dam site, where there would be dozens of drawbacks, in order that the experimenters might go out occasionally and see the site of the work to get information which they could more easily and accurately obtain from looking at a topographic map. It is highly probable that the experimental work for this dam will be completed before the construction work is well started.

It is obviously true that if a well-equipped laboratory with a highly trained staff of engineers could be made available near at hand at the same cost as one at a distant point, the former would be better. If that result can not be obtained, however, and it is necessary to choose between a makeshift laboratory with unskilled observers on the ground and a well-equipped one with highly trained men at a distance, there can be no question which is preferable. The expenses of travel and the disadvantages of distance are of small moment as compared with the advantages of good equipment and skilled personnel, and there can be no doubt that a complete laboratory in Washington, with a staff of highly trained scientists, would be much preferable to having work done locally.

A hydraulic laboratory study is required for the Boulder Dam design. Since the proposed laboratory has not been approved, no adequate facilities are available. Does this bureau expect to build a laboratory at the site of the work? No, indeed! Does it expect to build one in Denver, where the design office is located and where nearly all of the planning is being done? No; it expects to build a temporary laboratory on one of the Federal irrigation projects, far from both the site of the work and the Denver office, at a point with only a single advantage: That there is an ample supply of water available and therefore a laboratory can be set up at an expense within the reach of the bureau. If it is advantageous to build a laboratory at a remote point, far away from the site of the work and the planning organization, because a part of the facilities for the laboratory are available there, how much more advantageous it would be to have a laboratory fully equipped with apparatus and instruments, staffed with a group of skilled men, and surrounded by specialists in every field of science, even if it were as far from the scene of action as Washington, D. C.

The arguments in favor of a laboratory near the site of the work where one can see the local conditions, apply with equal force to the design of the structures such as dams, power houses, etc., locally. It is the experience of the bureau, however, that this advantage is not as great as that of having a centralized designing office where a force of specialists can work, each man in his own particular field, and thus bring out a plan, every detail of which is designed by men of wide experience in the working out of that detail. When this organization was first established much of the design was done locally, but experience has taught that a central organization is better, in spite of the disadvantage of not being near to the work. As a result of this experience, practically all the design work on the great Boulder Dam project will be carried on in the office of the Bureau of Reclamation in Denver, over a thousand miles by railroad away from the Boulder Dam. That the advantage of a central designing office is not confined to this bureau is shown by the fact that practically all of the large engineering organizations working on widely scattered work have central designing offices where all their plans are worked out. So great is the advantage of this system that large construction projects in foreign countries are frequently designed entirely in this country, largely by men who never see the site of the work.

The impression seems to be held by some that parties desiring the solution of hydraulic problems would bring their problems to the laboratory and turn them over to the Bureau of Standards and let them work out the problem and bring in a complete engineering design for the construction of the proposition under investigation. We do not believe that a hydraulic laboratory has any such function. It is expected that the work for the Bureau of Reclamation will be done in constant touch with its own engineers, who will supply the viewpoint of the designer and constructor of engineering works, while the men of the Bureau of Standards will supply the expert knowledge of hydraulics and the action of flowing water. This will not involve a subordination of the Bureau of Standards men to the direction of the Bureau of Reclamation, or vice versa, but rather a cooperation of the two groups to bring out results which are sound both from the hydraulic, the structural design, and the construction standpoints.

The Bureau of Standards is already cooperating with this bureau in its work on the Boulder Dam. This structure, which will be nearly twice as high as any dam now in existence, will contain over three times the volume of concrete in the immense Muscle Shoals Dam and power house. On account of the great height of the Boulder Dam and the vast volume of water stored in the reservoir formed by it, the concrete used in its construction must be sound beyond the shadow of a doubt. In securing such a material, the Bureau of Standards is cooperating with the Bureau of Reclamation in conducting the necessary concrete experiments and tests. The problem is not simply being turned over to them with instructions to tell us what kind of concrete to use. They are supplying the testing facilities and the knowledge of laboratory technique and cement, and the engineers of this bureau are supplying the engineering viewpoint and showing its bearing on the problem. Between the two organizations a better solution will undoubtedly be arrived at than either one alone could evolve with its personnel and equipment. Similar cooperation between the Bureau of Standards and the Bureau of Reclamation, in solving concrete problems for other important dams, has frequently been made in the past, and the results have always been satisfactory.

The impression seems to be held by some that the men who would have charge of the hydraulic laboratory proposed in the bill would not be experienced in the construction of engineering works and, therefore, would not get the best results. It is the belief of this bureau that such is not the case. In the early stages of engineering the knowledge regarding it was so limited that one man could cover the whole field.

That time has long since passed. Just as one would not hire a criminal lawyer to draw up for him a highly technical paper involving corporation law, or engage a specialist in digestive disorders to perform a delicate operation on his eye, so one would not engage a construction specialist to perform his hydraulic experiments. That does not mean that the hydraulic experiments should be carried on without the advice which the construction man might give, especially on how the designs of the structures might be modified to improve the construction conditions, but with very rare exceptions it would be equally as fatal to the best results to turn a laboratory job over to the construction man as to turn a construction job over to a laboratory man. The proper form of organization is to have one group of skilled specialists to design the works and another group of men experienced in construction to build them, with executives over these groups with broad knowledge of both to coordinate the two points of view and bring the experience of each group to bear on the work of the other in so far as it is pertinent. This is the form of organization into which the Bureau of Reclamation has evolved. For the proper performance of the work of this bureau on the Boulder Canyon and its other projects it will be necessary to have hydraulic experimental work done. If the proposed laboratory is not built, the bureau will have to build temporary laboratories and staff them with the best men which it can secure for work under such conditions. For these positions men with experience in experimental hydraulic work will be secured, if possible; not experienced construction men. These laboratory men will have the general direction and advice of the skilled specialists of the Bureau of Reclamation and also of the experienced construction men on points which may bear on their side of the work. This work will, therefore, be carried on, in case no national laboratory is established, in the same general manner as it would be carried with the proposed laboratory. The only difference will be that, unless the proposed bill is passed, the bureau will not have the advantage of so complete a laboratory or so skilled a personnel, which is a much greater disadvantage than not having the laboratory near at hand.

To recapitulate: As the result of its wide experience with hydraulic engineering work, the Bureau of Reclamation is convinced that laboratory work should be done by laboratory specialists, and to combine such work with work of a construction organization would be fatal to good results; that such work done under the conditions outlined in the proposed bill will produce a much better result than can be secured with an equal expenditure for locally constructed hydraulic laboratories.

The Bureau of Reclamation does not fear that work undertaken at the proposed laboratory would be used in criticism of plans it may make or works it may construct. If the experimental work is carried out under the Bureau of Standards the results of the studies will be correctly reported. The Bureau of Reclamation always welcomes constructive criticism of its work. If experiments made by any persons, corporations, or other divisions of the Federal Government show where the Bureau of Reclamation can improve its plans, the Bureau of Reclamation is anxious that the results of such experiments be made available.

For the reasons herein stated, the Bureau of Reclamation again respectfully urges the passage of the bill for a national hydraulic laboratory.

There is hardly a man, woman, or child in the United States who is not concerned with the increase in knowledge of hydraulics. Industry desires additional fundamental knowledge upon this subject. This demand comes from such industrial corporations as pump manufacturers, hydraulic turbine manufacturers, water-works supply manufacturers, hydraulic instrument manufacturers, hydroelectric power and utility companies. All of these will be benefited by any additional light which will be thrown upon their problems by researches to be carried on in the National Hydraulic Research Laboratory.

THE VALUE OF UNITY

There is great value in having the efforts of the Federal Government along hydraulic research lines unified. Not that the various governmental agencies named above will cease their efforts to increase their knowledge and carry on experiments of their own in the field. This should and will continue, but there will be one central agency which will act as a storehouse of knowledge upon the subject of experimental researches. Here every governmental agency interested may go and ascertain the very latest upon the subject of hydraulics, and the hundreds of special problems which are adaptable to a laboratory study may be brought to a specially trained and qualified personnel for assistance.

There is definite evidence that (see Ways to National Prosperity, by C. E. Grunsky, W. Neale, New York, 1929) many of our leaders are convinced that to expend money from the National Treasury for scientific research is a great boon to the country. It provides work for men and these workers are not placed in competition with those already producing. Instead it offers an additional means for securing further information, further discoveries which will lighten the burdens of the human race and lift our civilization.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 205. Joint resolution to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930.

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 3579. An act authorizing a per capita payment to the Shoshone and Arapahoe Indians.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, Thursday, March 20, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 20, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To consider proposals concerning legislation on Muscle Shoals.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

EXECUTIVE COMMUNICATIONS, ETC.

373. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 3246. A bill to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio; without amendment (Rept. No. 932). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 10416. A bill to provide better facilities for the enforcement of the customs and immigration laws; without amendment (Rept. No. 933). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 10652. A bill to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations; without amendment (Rept. No. 934). Referred to the Committee of the Whole House on the state of the Union.

Mr. CLARKE of New York: Committee on Agriculture. H. R. 10877. A bill authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; without amendment (Rept. No. 939). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on Roads. H. R. 7585. A bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; without amendment (Rept. No. 940). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. S. 3371. An act to amend section 88 of the Judicial Code, as amended; without amendment (Rept. No. 941). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 5410. A bill authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests of the Rocky Mountains, and for other purposes; with amendment (Rept. No. 942). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10879. A bill directing the Secretary of the Interior to investigate reimbursable charges against Indian tribes, and for other purposes; without amendment (Rept. No. 943). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 3764. A bill for the relief of Ruban W. Riley; with amendment (Rept. No. 935). Referred to the Committee of the Whole House.

Mr. HARE: Committee on the Public Lands. H. R. 9198. A bill to remove cloud as to title of lands at Fort Lyttleton, S. C.; without amendment (Rept. No. 937). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Public Lands. H. R. 10174. A bill authorizing the sale of a certain tract of land in the State of Oregon to the Klamath irrigation district; with amendment (Rept. No. 938). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 3022. A bill to provide for the advancement on the retired list of the Navy of George Dewey Hilding; without amendment (Rept. No. 944). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 3610. A bill for the relief of William Geravis Hill; with amendment (Rept. No. 945). Referred to the Committee of the Whole House.

Mr. LINTHICUM: Committee on Foreign Affairs. H. R. 10865. A bill to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor; without amendment (Rept. No. 946). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 10931) to amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating per-

sonnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy; to the Committee on Naval Affairs.

By Mr. SCHNEIDER: A bill (H. R. 10932) for the relief of homeless and destitute Chippewa Indians in Forest, Langlade, and Oneida Counties, Wis.; to the Committee on Indian Affairs.

By Mr. GREEN: A bill (H. R. 10933) authorizing and directing the Secretary of Agriculture to establish and maintain a naval-stores station in Florida; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 10934) to amend the act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes," approved April 17, 1917; to the Committee on the District of Columbia.

By Mr. HILL of Alabama: A bill (H. R. 10935) to provide for students' collections in the libraries for the blind and authorizing appropriations therefor; to the Committee on Education.

By Mr. PURNELL: A bill (H. R. 10936) to incorporate the National Society—Army of the Philippines as a body corporate and politic of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BLACK: A resolution (H. Res. 189) to investigate the Narcotic Bureau; to the Committee on Rules.

By Mr. WOOD: Joint resolution (H. J. Res. 274) making an appropriation for participation by the United States in the International Conference for the Codification of International Law to be held at The Hague in 1930; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 10937) for the relief of William G. Leach; to the Committee on Claims.

By Mr. CLAGUE: A bill (H. R. 10938) for the relief of Harry W. Ward; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 10939) for the relief of Mary A. Ford; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 10940) for the relief of Thomas F. McVeigh; to the Committee on Military Affairs.

By Mr. DALLINGER: A bill (H. R. 10941) for the relief of Joseph B. Lynch; to the Committee on Naval Affairs.

By Mr. EVANS of California: A bill (H. R. 10942) for the relief of Joe Andrews Co.; to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 10943) granting an increase of pension to Arienia Wester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10944) granting a pension to Mary Booher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10945) granting a pension to Nancy Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting a pension to Moses Wilson; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 10947) granting a pension to Ada E. Milroy; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 10948) granting an increase of pension to Rozella J. Lloyd; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 10949) granting an increase of pension to Minnie B. Sherman; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 10950) granting an increase of pension to Cora B. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10951) granting an increase of pension to Eve M. Dibert; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 10952) granting an increase of pension to Sarvitha J. Raborn; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 10953) for the relief of Robert B. Duffey; to the Committee on Military Affairs.

Also, a bill (H. R. 10954) for the relief of Mabel Williams; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 10955) granting an increase of pension to Clara Crandall; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 10956) granting a pension to Emily J. Foust; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10957) granting an increase of pension to Mary E. Paige; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 10958) granting an increase of pension to Mary S. Weekley; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10959) granting an increase of pension to Ella E. Tasker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5845. By Mr. ALLEN: Petition of 24 residents of Industry, Ill., urging support of the Stalker House Joint Resolution 20, providing for an amendment to the United States Constitution to cut out the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of Congressmen; to the Committee on the Judiciary.

5846. By Mr. BAIRD: Petition of Bellevue Aerie, No. 490, Fraternal Order of Eagles, in favor of Senate bill 3257; to the Committee on Labor.

5847. By Mr. BLOOM: Petition of citizens of New York (not members or the United Spanish War Veterans or allied organizations), to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5848. By Mr. BOYLAN: Letter from the president of the Visugraphic Pictures (Inc.), New York City, protesting against the Hudson bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

5849. By Mr. BURTNESS: Petition of Acacia Lodge, No. 4, Ancient Free and Accepted Masons, of Grand Forks, N. Dak., urging the passage of legislation for the creation of a Federal department of education; to the Committee on Education.

5850. By Mr. CRAMTON: Petition signed by Duncan Battel and 81 other residents of the county of Tuscola, Mich., urging the rate of 3 cents on beans as recently passed by the Senate in the pending tariff bill; to the Committee on Ways and Means.

5851. Also, petition of Akron Grange, Tuscola County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5852. By Mr. GARBER of Oklahoma: Petition of Oklahoma Retail Merchants' Furniture Association, Oklahoma City, Okla., making protest against Ransdell Senate resolution raising import duty on African palm fiber to 4 cents per pound; to the Committee on Ways and Means.

5853. Also, petition of Muskogee Mill & Elevator Co., Muskogee, Okla., urging support of Strong bill, H. R. 5634; to the Committee on Banking and Currency.

5854. Also, petition of J. C. Wolke, Fitzsimons General Hospital, Denver, Colo., urging Rankin bill, H. R. 7825, be released from committee for consideration; to the Committee on World War Veterans' Legislation.

5855. Also, petition of Brazos River conservation and reclamation district, Austin, Tex., in support of flood control; to the Committee on Flood Control.

5856. Also, petition of president, Eagle Motor Tours (Inc.), Boston, Mass., urging change in House bill 10288; to the Committee on Interstate and Foreign Commerce.

5857. Also, petition of members of Otoe and Missouri Tribe of Indians, Red Rock, Okla., requesting Government appropriation be made to repair Indian farmer's residence, etc.; to the Committee on Indian Affairs.

5858. Also, petition of Rev. W. Voogden, protesting against suggested duty on crude beeswax; to the Committee on Ways and Means.

5859. By Mr. HOCH: Petition of sundry citizens of Olpe, Kans., and vicinity, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5860. By Mr. HOOPER: Petition of Samuel Milbourn and 58 other residents of Eaton County, Mich., for increase of pensions of Spanish War veterans; to the Committee on Pensions.

5861. By Mr. HUDSON: Petition of members of the Sixteenth Engineers' Post, No. 582, Veterans of Foreign Wars of the United States, Detroit, Mich., urging that House bill 7389 be enacted to immediately pay the face value of the adjusted-compensation certificates; to the Committee on Ways and Means.

5862. Also, petition of the Baptist Ministers' Conference of Chicago, Ill., urging the early and favorable consideration of House bill 9986, which bill would establish Federal supervision of the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5863. By Mr. KURTZ: Petition of citizens of Altoona, Blair County, Pa., urging speedy action and favorable consideration of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5864. Also, petition of citizens of Hollidaysburg, Pa., and vicinity, urging speedy consideration and passage of Senate bill 476 and House bill 2562, to the Committee on Pensions.

5865. By Mrs. LANGLEY: Petition of John W. Ross, Elzy Hart, B. F. Collins, and 59 other citizens of Letcher County, urging the speedy consideration and early passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5866. By Mr. LINDSAY: Petition of the United Retail Grocers' Association, Brooklyn, N. Y., expressing itself as unanimously in favor of House bill 11, known as the price maintenance bill. This organization further declares that it will benefit individual storekeepers and eliminate ruinous competition; to the Committee on Interstate and Foreign Commerce.

5867. By Mr. McKEOWN: Petition of James W. McCutcheon and other citizens of Pontotoc County, Okla., urging immediate action on House bill 2562 providing for increased rates of pension for veterans of Spanish War period; to the Committee on Pensions.

5868. By Mr. MOORE of Ohio: Petition of the First National Bank of Chesterhill, Ohio; the First National Bank of McConnelsville, Ohio; and the Malta National Bank of Malta, Ohio, favoring the amendment of the Federal reserve bank act in order that a more equitable distribution of the Federal reserve banks may be secured; to the Committee on Banking and Currency.

5869. By Mr. NIEDRINGHAUS: Petition of Jesse H. Cox and 115 registered voters of St. Louis County, Mo., urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the Spanish-American War; to the Committee on Pensions.

5870. By Mr. OLIVER, of Alabama: Petition of citizens of Sumter County, sixth district, Ala., favoring Senate bill 476 and House bill 2562, granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5871. By Mr. QUAYLE: Petition of the Fourteenth New York Infantry Post, No. 857, American Legion, Brooklyn, N. Y., favoring the passage of the Rankin bill, (H. R. 7825); to the Committee on World War Veterans' Legislation.

5872. Also, petition of the United Retail Grocers' Association of Brooklyn, N. Y., favoring the passage of House bill 11, the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

5873. Also, petition of National Bridge Works, Long Island City, N. Y., favoring the passage of the Capper-Kelly bill, H. R. 11; to the Committee on Interstate and Foreign Commerce.

5874. By Mr. ROWBOTTOM: Petition of Charles H. Schimmell and others, of Evansville, Ind., that Congress enact into law at this session legislation providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5875. By Mr. SEGER: Memorial of W. H. Gould and eight other residents of Clifton, N. J., urging further restriction of immigration; to the Committee on Immigration and Naturalization.

5876. By Mr. SELVIG: Petition of Warren Women's Club of Warren, Minn., unanimously in favor of Federal supervision of motion pictures to establish higher standards in that industry; to the Committee on Interstate and Foreign Commerce.

5877. Also, petition of city of St. Paul, Minn., urging favorable consideration of House bill 8976, to give veterans of Indian wars benefit of Indian pension act; to the Committee on Pensions.

5878. By Mr. SPEAKS: Petition signed by 36 citizens of Columbus, Ohio, urging passage of House bill 2562, proposing increased allowances for veterans of the Spanish War; to the Committee on Pensions.

5879. By Mr. SWING: Petition of Daniel A. Oldhem and 62 citizens of Elsinore, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5880. By Mr. WALKER: Petition of 70 citizens of Mercer County, Ky., urging Congress to pass Senate bill 476 and House bill 2562, providing for increased pension for Spanish War veterans; to the Committee on Pensions.

5881. By Mr. WHITLEY: Petition of citizens of Rochester, N. Y., indorsing House Concurrent Resolution 20, protesting against religious persecution in Soviet Russia; to the Committee on Foreign Affairs.

5882. Also, petition of citizens of Rochester, N. Y., urging passage of legislation to prohibit vivisection of dogs in the District of Columbia; to the Committee on the District of Columbia.

5883. Also, petition of citizens of Rochester, N. Y., urging passage of House bill 7884 to prohibit vivisection of dogs in the District of Columbia; to the Committee on the District of Columbia.

5884. Also, petition of citizens of Rochester, N. Y., indorsing House bill 7884 to prohibit vivisection of dogs in the District of Columbia; to the Committee on the District of Columbia.

5885. Also, petition of citizens of Rochester, N. Y., urging passage of House bill 7884 to prohibit vivisection of dogs in the District of Columbia; to the Committee on the District of Columbia.

5886. Also, petition of citizens of Rochester, N. Y., indorsing House bill 7884, to prohibit vivisection of dogs in the District of Columbia; to the Committee on the District of Columbia.

5887. Also, petition of citizens of Rochester, N. Y., urging passage of House bill 2562, to provide increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

5888. By Mr. WOLFENDEN: Petition signed by residents of Phoenixville, Pa., urging the passage of House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5889. By Mr. WOLVERTON of West Virginia: Petition of the Lewis County (W. Va.) Woman's Christian Temperance Union, urging, through resolutions adopted in a county meeting held at Weston, signed by Daisy Reger, president, and Margaret Jackson, secretary, Congress to enact a law providing for the Federal supervision of motion pictures to insure higher standards of pictures before production; to the Committee on Interstate and Foreign Commerce.

5890. By Mr. YON: Petition of Mrs. P. F. Robbins, Mrs. W. A. Erwin, Mrs. T. E. Hendrix, Mrs. E. G. Hernandez, Mrs. S. E. Lallan, Miss Wilbern Fallow, and others, of Pensacola, Escambia County, Fla., urging the passage of the Robsion-Capper free public school bill; to the Committee on Education.